

NAME: Johannesburg Urban Forest Alliance
RESIDENT AT: 3 Rose Street, Melrose Estate
DATE: October 13, 2017



City Transformation and Spatial Planning
City of Johannesburg: Development Planning
e-mail: COJLandUseSchemeComments@joburg.org.za

COMMENTS ON THE CITY OF JOHANNESBURG'S DRAFT LAND USE SCHEME, 2017

Dear Sir or Madam,

The Johannesburg Urban Forest Alliance was established in July 2017, representing resident, heritage and environmental associations from across the city¹. The purpose of the Alliance is to help preserve and expand the city's urban forest.

While the Alliance acknowledges the importance of reducing spatial inequalities, and of integrating the city as a whole, we also believe that it is important that our green infrastructure be properly incorporated into the Land Use Scheme.

Johannesburg has one of the world's largest urban forests. According to a recent survey by Treepedia, an initiative supported by the Massachusetts Institute of Technology (MIT), and the World Economic Forum (WEF), our city ranks sixth in the world in terms of tree coverage, with almost a quarter of the city covered in trees. It should be noted that the Council's own Spatial Development Framework (SDF) says the following²:

A key defining characteristic of the City of Johannesburg is its remarkable urban forest, underpinned by an extensive wetland system. There are six million trees in Johannesburg - 1.2 million within the parks and on the pavements, and 4.8 million in private gardens throughout the suburbs. This system provides valuable ecosystem services, including air quality and storm water regulation, and should be protected.

Johannesburg's new Land Use Scheme represents a unique opportunity to align our city with international best practice on tree preservation, and to meet the objectives of both the SDF - which enjoins *all regions to achieve a tree canopy of at least 25% of land areas by 2030*³ - and the Council's Growth and Development Strategy (Joburg 2040), which aims to create a *green, sustainable and liveable city*.

¹ Organisations that are supportive of the Alliance include the Albert's Farm Conservancy; the Atholl Area Residents and Ratepayers Association; the Birdhaven Ratepayers Association; the Craigpark Residents Association; the Endangered Wildlife Trust; the Gardens Conservancy; the Greater Kyalami Conservancy; iHlathi, the Melrose-Birdhaven Conservancy; I love Illovo; the Johannesburg Heritage Foundation; the Kensington Heritage Trust; the Lower Houghton Heritage Trust; the Melrose Ratepayers Association; the Modderfontein Heritage Society; the Norwood Orchards Residents Association; the Rosebank Action Group; the Saxonwold and Parkwood Residents Association and the Zoo Lake Users Committee.

² City of Johannesburg, Spatial Development Framework, June 2016. Section 5.5.5.

³ City of Johannesburg, Spatial Development Framework, June 2016. Section 8.2.3.

In fact, the Land Use Scheme can become a key tool in fostering a lower carbon city, in the face of global climate change⁴. The SDF is quite clear in this regard⁵:

*The natural environment is an essential element in the structuring of the future city. It is the environment around which all planning, development and land use decisions should be made. The natural structure should be seen as an irreplaceable city asset that provides valuable ecosystem services and not merely as unused land available for development. Protecting these areas is not done for the sake of conservation alone, but to make surrounding developed parts of the city more sustainable, liveable and valuable (socially, financially and in terms of green infrastructure). **As such, the protection of the City's natural assets must be a starting point for all development.***

At present, however, there is no proper protection for trees in the Land Use Scheme - there is one reference to trees in *Section 38: Site Development Plans*, but not in *Section 48: Environmental Considerations*.

Section 38 currently asks for the following in sub-section 8, but does not compel owners to preserve 'mature vegetation':

Unless the Council requires less information, a Site Development Plan shall show at least the following:

- l. Landscaping including existing, mature vegetation on the site or erf;
- o. Open spaces and landscaping of the site shall include but not be limited to:
 - (i) All landscaping and existing mature vegetation.
 - (ii) A minimum of 10% of the site shall be landscaped.
 - (iii) A minimum of 1 **tree** per 3 parking bays shall be provided.
 - (iv) All hydrological features including such as, but not limited to, pans, ponds, dams, drainage features and wetlands.
 - (v) Natural environmental features such as, but not limited to, special geological formations and grassland.

Furthermore, *Section 25: Consolidation and subdivision of erven* urges owners to preserve 'mature vegetation' in sub-section 2, but does not compel them to do so either:

In considering an application for its approval for consolidation and/or subdivision as contemplated in sub-clause (1), the Council shall, in addition to any other relevant factors, have regard to:

- c. Where the major vegetation and/or prominent natural features are positioned on the erf or site that the owner retains such as far as possible.

Lastly, trees are not mentioned in *Section 47: Heritage* - even though it has been established that trees, and the wider heritage context, fall under the protection of the National Heritage Resources Act⁶.

⁴ Verna Nel, Can the South African Land Use Management System be an Effective Tool in Creating Low(er) Carbon Cities, 45th Congress of International Society of City and Regional Planners, 2009.

⁵ City of Johannesburg, Spatial Development Framework, June 2016. Section 2.4.1.

⁶ In the Matter before the Provincial Heritage Resources Authority of Gauteng Appeals Committee, Application for Demolition in Terms of Section 34 of the National Heritage Resources Act 25 of 1999, Erf 99 Melrose, Reference Number B631/15, November 2016.

The Johannesburg Urban Forest Alliance is therefore recommending the following provisions to *Section 2: Management of Land Development Rights, Part IV: Land Development Requirements*.

These provisions meet the General Purpose of the Land Use Scheme:

- d. Minimal impact on public health, the environment and natural resources;
- e. Guarantee the right to sustainable cities, understood as the right to [...] environmental management;

TREE PRESERVATION REQUIREMENTS

1. No street tree may be felled, killed, moved, or damaged (save for *bona fide* pruning) unless authorised by City Parks & Zoo under its *Street Tree Management Policy*.

2. No indigenous tree, or any other tree on a private erf, that is more than 6 m in height, or more than 500 mm in diameter, or more than 10 years old, moved, or damaged (save for *bona fide* pruning), without consent from the Council's Environmental Management Department⁷.

3. The consent from the Environmental Management Department is to be informed by a policy to be determined by Council, in line with the protection of the City's natural assets under the Spatial Development Framework⁸.

4. The restrictions in (2) do not apply to trees that are listed as *Invasive Species / Prohibited Alien Species* in the *Alien and Invasive Species Regulations*, under the *National Environmental Management Amendment Act*.

5. All land development applications are to be accompanied by a site-specific tree audit, which indicates the location, size, and species of trees; whether any trees are diseased, or about to die; and whether any trees can be moved. The audit is to be undertaken by a certified arborist, at the owner's expense.

6. If trees are to be felled, and cannot be relocated at the owner's expense, their value should be determined according to their lifetime benefits, in line with a policy to be determined by the City of Johannesburg⁹. The owner is to replace the equivalent benefits in the form of trees on site, and in other areas, as determined by Council.

5. If trees are felled, killed, moved or damaged (save for *bona fide* pruning), in contravention of the above, fines are to be levied on the owner and / or perpetrator, according to the lifetime benefits of each tree, in line with a policy to be determined by the City of Johannesburg¹⁰, but at no less than R10,000 per tree, to be adjusted for inflation.

In addition, the Johannesburg Urban Forest Alliance is recommending the introduction of of a Tree By-law to underpin the above provisions in the Land Use Scheme. The Tree By-Law adopted by the City of Vancouver in Canada has been attached for reference. Vancouver not only has one of the world's largest tree canopies, but has also developed a 'Greenest City Action Plan' in 2010 in concertation with its residents¹¹.

⁷ Please see attachment for reference: City of Vancouver, Protection of Tree By-Laws, 2015.

⁸ Ibid.

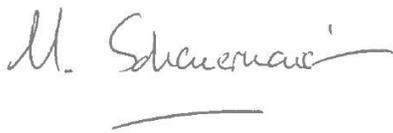
⁹ Several methodologies are available. The most comprehensive is i-Tree, which measures the annual benefits of each tree, according to their energy conservation value, storm water impact, air quality contribution, CO2 reduction and aesthetic value.

¹⁰ Please see attachment for reference: City of Vancouver, Protection of Tree By-Laws, 2015.

¹¹ Please see vancouver.ca/green-vancouver/greenest-city-action-plan.aspx

Our vision for Johannesburg is that of a **World Class Green African City**. We look forward to having our provisions included in the revised Land Use Scheme, and remain available for further questions.

Sincerely,



SIGNATURE

Johannesburg Urban Forest Alliance
3 Rose Street, Melrose Estate
johannesburg.forest@gmail.com
+27 83 459 3828



