



Reference: 19_025

Mr Michael Lennon
Chair
State Planning Commission
GPO Box 1815
Adelaide SA 5001

Eastwood Office

205 Greenhill Road
Eastwood SA 5063

Tel 08 8273 9100
Fax 08 8271 9585

ABN 91 779 541 621

www.amlrnrm.sa.gov.au

Dear Mr Lennon

Re: Draft Planning and Design Code Phase 2 (Rural Areas)

Thank you for providing the Adelaide and Mt Lofty Ranges (AMLR) Natural Resources Management Board (the Board) the opportunity to comment on the draft Planning and Design Code Phase 2 (Rural Areas).

Under the *Natural Resources Management Act 2004* the Board is responsible for ensuring that policies developed under the *Planning, Development and Infrastructure Act 2016* (PDI Act) are consistent with the NRM Act and the region's NRM Plan. The Board recognises that the South Australian Planning and Design Code, as a designated instrument under the PDI Act, will play a significant role in supporting and regulating planning and development in South Australia.

The Board notes that the Code will not be in operation in the AMLR region until Phase 3 (Urban Areas) is implemented in July 2020. However, Phases 1 and 2 provide useful insights into how the Code will operate.

The Board supports:

- The Code providing a more consistent, clearer, simpler and more equitable planning process.
- The concept of the Code as an integrated tool that provides information up-front to those seeking to develop, rather than requiring a series of approval steps. The Board congratulates the Commission and the Department of Planning, Transport and Infrastructure (DPTI) on working with the Department for Environment and Water (DEW) to ensure that there are multiple natural resource related overlays (eg native vegetation, water resources etc) in the Code that enables these matters to be considered up-front when planning, rather than being perceived as another obstacle after development approval.
- The work that has gone into developing a consistent Conservation Zone that provides for a more consistent treatment of conservation parks across the state.
- The Code embedding water sensitive and green infrastructure design principles for new developments.

The Board notes that information relating to some environmental legislation (e.g. the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the *National Parks and Wildlife Act 1972*) are not reflected in the overlays or the SA Planning Atlas. We continue to encourage DPTI to consider including this information in the SA Planning Atlas where it will not be a legal impediment, but can inform and educate users about potential regulatory barriers up-front rather than environmental assets being perceived as 'blocking' development after development approval has occurred.

The Board acknowledges that the timeframes for this reform have been challenging and that Generation 1 of the Planning and Design Code is largely a policy-neutral conversion and consolidation of existing policies into the new framework. Whilst disappointed that the opportunity to progress the improvement of policies and design rules during Generation 1 is limited, we support the proposal that there will be a Generation 2 reform process for the Code that will move the planning system closer towards best practice. We look forward to working with the Commission and DPTI in the implementation of Generation 1 of the reforms to avoid potential inadvertent adverse outcomes to natural resources from the speedy transition, and in the development of Generation 2 of the Code, particularly to enhance environmental sustainability, and climate change mitigation and adaptation considerations in planning and design.

Finally, the Board understands that the Code does not set the strategic long-term vision and plan for how and where development occurs across the state. Instead, this will remain the work of the Regional Plans. Many current environmental and land management issues are legacies of planning decisions that have been made in the past, including around water courses, beaches, native vegetation and fire. The Board has conducted regional and subregional planning with communities, and we hope that this information can be fed into the work that will be undertaken in the development and amendment of Regional Plans to ensure natural resources and landscape values can be maintained through good planning. Furthermore, we encourage the positive work in the *30 Year Plan for Greater Adelaide*, in having complimentary themes and recognising that there can be mutually beneficial outcomes for food production and biodiversity, to be strengthened in future plans.

The Board will provide further detailed comments on Phase 3 of the draft Code before the consultation period closes in February 2020. Should you require further information about the Board's comments, please contact Ms Alison Campbell, Senior NRM Policy Officer on 8226 8551.

Yours sincerely



Felicity Ann Lewis
PRESIDING MEMBER

Date: 26/11/19