28 February 2020

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

Dear Mr Lennon,

Re: Draft Planning and Design Code

The South East Natural Resources Management Board (the Board) welcomes the opportunity to provide comment on the draft Planning and Design Code. The Board notes that consultation for Phases 1 and 2 have concluded and that Phase 3 relates to urban areas. However, as Phase 3 is the final phase we see this as an opportunity to speak more broadly to the code and not specifically about the urban code. The Board recognises that Generation One of the reform is about consolidation rather than wholesale change. We look forward to being a part of the consultation for Generation Two which proposes to comprehensively reform the Planning and Design Code. Specifically of interest is enhancements around environmental sustainability, particularly around water practices, and climate change mitigation considerations in planning and design.

Under the Natural Resources Management Act 2004 (transitioning into the Landscape South Australia Act 2019), the Board works together with the community to manage the environment in a way that achieves a balance between our collective needs and the needs of the environment. The Board is responsible for Regional Planning in regards to Natural Resources and delivers a diverse range of programs and projects in the region. In addition the Board is responsible for the development for Water Allocation Plans which set out the rules for managing the take and use of prescribed water resources to ensure sustainability.

Broadly speaking the Board supports the principles and objectives of the Planning and Design Code reform and acknowledges the challenges that have occurred in regards to timeframes. We also acknowledge the work that has occurred with the Department for Environment and Water to get Natural Resource layers into the new Planning and Design Code. Change such as Native Vegetation approvals being
combined into planning approvals so that Native Vegetation sits at the forefront of applications is a welcome change. Environmental Assessments are often perceived as being the blocker after assessments have occurred rather than an integral part of the process, these changes may help address these perceptions.

The Board is aware that errors and anomalies have transferred in the draft code for public viewing. The Board respects that many of these errors are likely in process to be rectified. However, the Board would like to stress the importance of addressing these issues while the code remains in draft to prevent perverse environmental outcomes from development that could occur if the code is made live.

Some specific points the Board wishes to raise are as follows:

- Natural Resources South East has a range of spatial layers available through programs such as EnvMaps. It is unclear from the consultation whether these layers will either be incorporated or referred to in the revised Planning and Design Code. These spatial layers are currently derived from policy such as Water Allocation Plans or NRM Plans. There are key examples where direct conflict between these policies and the Planning and Design Code could occur if alignment is not made during development.

- Forest Reserves are not part of the State Significant Native Vegetation Areas Overlay. We would recommend they be added as they are large tenure Native Vegetation in the South East.

- It is unclear how threatened ecological communities are identified in the proposed overlays and how the code will allow for assessments of threatened species (flora and fauna) and communities. An example of a threatened ecological community in the South East is Karst Rising Springs. Refer to LMS Record 1170.

- Policies relating to Water Affecting Activities such as dams are outlined in Part 4 of the South East Natural Resources Management Regional Plan. Some areas are not eligible for further dam development and it is unclear how this is accounted for in the overlays and proposed code.

The Board recognises there are mechanisms to update data through future amendments but is cautious as to what outcomes might occur while sufficient data remains lacking in the code.

Should you require further information about the Board’s comments, please contact Liz Perkins, Manager Planning and Evaluation on [redacted]

Regards,

Kerry DeGaris
South East Natural Resources Management Board