Natural Resources and Environment | Policy Discussion Paper

Thank you for the opportunity to comment on the Natural Resources and Environment Policy Discussion Paper. The EPA’s response focuses around the themes:

- Sustainable and liveable urban environments (Theme #1)
- Water Security and Quality (Theme #2)
- Coastal Environments (Theme #4)
- Environment Protection and Public Health (Theme #6)

The EPA is disappointed that the Site Contamination Planning Framework (SCPF) is not mentioned in the discussion paper. The SCPF is a vital policy response to a public health issue. It is an expectation that the SCPF would be implemented via the Planning, Development and Infrastructure Regulations at the same time as Generation 1 of the Planning and Design Code is switched on.

Specific comments and responses to discussion questions, where relevant, are discussed below.

1. Sustainable and liveable urban environments

1.1. Green infrastructure and water sensitive urban design

Discussion Question - Should existing WSUD and GI Policies also apply to regional areas and for all development scales and types?

Yes. The water quality impacts from urban development in the Adelaide region to both downstream coastal environments and urban waterways are well documented in the Adelaide Coastal Waters Study 2007 and the Aquatic ecosystem condition reports. Impacts from other regional towns and cities is also observed particularly in near shore environments. Groundwater resources, particularly in the south east of the state, may also be impacted by urban development. Many of these impacts are from small diffuse sources that cumulatively have significant environmental impact observed over large areas. For these reasons the EPA supports a catchment to the coast approach to water sensitive urban design (WSUD).

WSUD and green infrastructure have multiple benefits including greening and cooling urban areas and enabling walkability, reducing pollutant loads released into waterways, reducing stormwater volume and peak flows and, therefore, flood risk and minimising the need for infrastructure upgrades. The urban form is considered an important part of integrated urban water management including green infrastructure.
To meet the objectives of environmental protection and ensure consistency, measureable performance targets that provide equity across all development types and assist in ensuing a minimum implementation standard are required. The EPA supports the measureable performance targets for WSUD outlined in ‘Water sensitive urban design, Creating more liveable and water sensitive cities in South Australia’, Department of Environment and Natural Resources 2013.

There is a strong rationale for WSUD and green infrastructure policies to apply to any township whether it is a large city, regional township or smaller urban centre. With the tools\(^1\) currently being developed, offering a range of assessment options suitable for all scales of development, WSUD and green infrastructure must be applied at all scales and types of development to ensure consistency and minimise cumulative impacts. The performance objectives provide a minimum standard but are not prescriptive in how this must be achieved allowing site specific flexibility.

**Discussion question** - Should the Code introduce incentives for developments that can incorporate passive solar design (siting) techniques, green infrastructure and WSUD?

Yes. Incentive and offset schemes can allow for flexibility and appropriate regional solutions through the developer contributing financially to regional solutions. They can be considered part of the suite of useful tools to meet requirements. While there is in-principle support for incentives, this is dependent on the robustness of the scheme and form part of a suite of tools that allows for innovative and best practice stormwater management implementation on a catchment and/or regional basis.

1.3. Waste management

**Discussion question** – How do we plan for current waste removal practices and technologies and provide flexibility for innovative future solutions?

The Planning and Design Code represents (part of) the planning rules for a point-in-time assessment of a development. Waste management policies should be integrated with design and must be fit-for-purpose at the time of assessment, particularly in higher density and mixed use developments, which have less room for retrofitting. Design quality policies should reference the *South Australian Better Practice Guide Waste Management for Residential and Mixed Use Development*, prepared by Zero Waste SA in consultation with Renewal SA and the Property Council of Australia. This approach is consistent with the EPA’s comment on the Design Quality State Planning Policy. Any future waste management solutions can be incorporated into the planning rules in subsequent generations of the Code.

2. Water security and quality

2.1. Mount Lofty Ranges Water Protection Area (MLRWPA)

The EPA is supportive of a MLRWPA Overlay to provide policy consistency across the relevant councils utilising the EPA’s ‘Hierarchy of acceptable effects’. The EPA would also support policy that recognizes the different environmental impacts from different types of horticulture, noting that intensive annual cultivation leads to greater soil disturbance and more intense levels of nutrient and pesticide application than perennial horticulture.

Similarly, the cumulative environmental impacts from many small diffuse pollution sources in stormwater runoff, may significantly impact water protection areas. As outlined under Sustainable and liveable environments theme (above), there is a need to ensure that best practice stormwater management including WSUD and green infrastructure policies are applied at every scale consistently, in all areas and townships in the MLRWPA.

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\(^1\) It is noted that Water Sensitive SA (WSSA) is developing MUSIC (Model for Urban Stormwater Improvement Conceptualisation) modelling guidelines for SA and this will ensure the modelling will be consistently applied and improve efficiency by having SA criteria set. It is also recognised that at the smaller scale simplified assessment tools may be appropriate such as the deemed to satisfy solutions and **Insite Water Integrated water management and stormwater assessment tool** currently being developed by WSSA.
2.2. Other Water Protection Areas

The EPA understands these areas relate to prescribed water resources under the *Natural Resources Management Act 2004* not prescribed water protection areas under the *Environment Protection Act 1993*. The EPA suggests using another term to describe these Overlays to avoid policy confusion.

2.3 River Murray

The EPA supports a regional approach to River Murray policy. Page 21 of the discussion paper states, "The River Murray has been recognised as an integral water supply catchment in the draft State Planning Policies and will trigger a referral to the appropriate agency through an overlay (where appropriate)". Item 2F on page 31 states that an overlay which aligns with the River Murray Water Protection Area would be part of the Generation 2 and beyond of the Code. If this is the case then how will referrals be triggered in Generation 1 of the Code?

In addition, item 2D refers to a working group with eight relevant councils the EPA, DEW, PIRSA and SATC. The EPA has not be invited to attend any such group to work on River Murray policies, apart from an initial meeting.

**Discussion question - Should we use the 1956 flood data as an indicator of risk in the future?**

The Department for Environment and Water (DEW) is the flood hazard leader. Refer to the DEW release of *River Murray flood mitigation planning: Assessment of flood consequences*, and *Flood mapping of the River Murray floodplain in South Australia* for authoritative flood consequence and likelihood analysis for various river flow scenarios including the 1956 flood level (341,000 ML/day flow). It is noteworthy that significant property damage can occur even at flows well below the 1956 flood level (eg. over 400 shacks are inundated at a flow of 100,000 ML/day – 10% Annual Exceedance Probability - a flow recently observed in December 2016).

4. Coastal environments

**Discussion question – What level of development (including accommodation) is appropriate for a Coastal Conservation Zone?**

The EPA is interested in the proposal to create Coastal Area Overlays given our role in dredging, port facilities and aquaculture, in particular, and our strong applied marine sciences function.

In determining suitable land uses and/or level of development within an Overlay area or a Coastal Conservation Zone, the EPA recommends a multi-criteria approach rather than focusing primarily on climate change adaptation. For example, recent EPA studies have shown high levels of nutrients in the near shore environment around coastal townships relying on on-site wastewater systems on Yorke Peninsula. Wastewater management should also be a focus for coastal zones and/or overlays.

The EPA supports reviewing the aquaculture policy issues referenced at item 4G of the discussion paper, "Review aquaculture zoning, especially policy for waste water and buffer widths, and for appropriately located on-shore support facilities", including suitable boat launching facilities to support marine activity.

6. Environment Protection and Public Health

6.1 Site contamination

The *Site Contamination Planning Framework* represents the agreed DPTI/EPA solution to when and how site contamination will be assessed through the planning system. Variation regulations under the *Development Regulations 2008* have been drafted by Parliamentary Counsel following Minister for Planning approval, and therefore these are transition ready. The trigger to investigate potential site contamination is linked to the concept of 'change of use of land', which remains a key concept under s.4 of the PDI Act. Performance assessed policy that compliments the regulations could be incorporated into
the Planning and Design Code. A Practice Direction and/or Practice Guidelines could be developed to assist with assessing site contamination where a referral is not triggered.

6.2. Interface including noise and air emissions

Discussion question - Should cumulative noise impact assessments be undertaken as part of the development assessment process?

Taking into account off-site noise sources would be problematic for an individual development assessment and would be more appropriate at the planning policy level.

When a development application is referred to the EPA, our noise assessment (where relevant) is based on the Environment Protection (Noise) Policy 2007 (Noise Policy). The Noise Policy is based on achieving an amenity level for a zone based on land use. For example, mixed use zones have a higher allowable noise level than a single use residential zone. For a new noise source in a mixed use zone (or any other zone), the Noise Policy requires new development to target a goal of emitting at least 5dB(A) less than the compliance standard to take into effect cumulative noise impacts arising from the site. Offsite noise (referred to as ambient noise and background noise level in the Noise Policy) is considered in certain circumstances under the Noise Policy.

Discussion question - How can policy effectively address the interface between land uses on zones promoting mixed land uses?

The EPA has published an ‘Interface between land uses position statement’. This position statement could become a Practice Guideline under the new planning system.

For further information on this matter, please contact James Cother on [redacted] or [redacted].

Yours sincerely

[Signature]

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