



Ref: O2019-1129

### **RE: Response to Phase 2 consultation for the draft Planning and Design Code**

The Murraylands Riverland Local Government Association (MRLGA) is grateful for the opportunity to provide comment on the draft Planning and Design Code, particularly as it relates to the River Murray Flood Plain and its impacts on environmentally sensitive economic development. The MRLGA makes this submission as an Association and on behalf of the Murray River Alliance (MRA) which is an informal collaboration with Regional Development Australia Murraylands and Riverland and the South Australian Murray Darling Basin Natural Resource Management Board.

The MRLGA is a small organisation established under section 43 of the *Local Government Act 1999*. The objectives of the organisation include but are not limited to:

- speaking with one voice on what matters to the communities of the Constituent Councils
- building partnerships with those who can contribute to stronger and more sustainable communities, and
- undertaking projects that benefit the region and its communities.

The Murraylands and Riverland region covers an area of 36,000 square kilometres and includes eight Local Government jurisdictions; Berri Barmera Council (BBC), Coorong District Council (CDC), District Council of Karoonda East Murray (DCKEM), District Council of Loxton Waikerie (DCLW), Mid Murray Council (MMC), Rural City of Murray Bridge (RCMB), Renmark Paringa Council (RPC) and Southern Mallee District Council (SMDC). Together these Local Government Areas form the Constituent Councils of the MRLGA.

Those councils that will contend with the implementation of draft Planning and Design Code first include: BBC, CDC, DCKEM, DCLW, RPC and SMDC. Only SMDC does not have the River Murray Flood Plain within its jurisdiction.

To help coordinate the region's response and to identify potential impacts to River Murray Planning Policy as imposed by the draft Planning and Design Code, the Association (via MRA) engaged URPS to undertake a review. The review used current development plan policy as a lens to highlight areas of difference with the draft SA Government Planning and Design Code.

The review highlights that the draft Planning and Design Code is an improvement to planning policy in the state; it simplifies the process and, on that basis alone, it is likely to improve economic development outcomes. That said, the review also recommends key amendments which are summarised as follows:

- In areas identified as being subject to flooding, reinstate a policy which permits the replacement of existing detached dwellings.
- In the first instance, use 1956 flood mapping rather than relying on the wider Murray Protection Area to trigger flooding management policies.
- Existing townships (including Renmark), urban areas and Caravan Parks (e.g. Paisley, Loxton, Waikerie, Renmark and Berri etc), within the flood levee protection area should be excluded from the flood mapping.
- In the medium term, consider a fine-tuned flood risk management approach whereby development applications which for all other reasons are compliant and are:
  - Above 1956 Flood Level – green light (permitted)
  - Between 1956 and 1974 Flood Levels – amber light (considered possible but with design or development restrictions to mitigate against risk)
  - Below 1974 Flood Level – red light (considered not possible without detailed justification).
- Give greater attention to and create consistency regarding climate change related policies.
- Address errors and/or omissions relating to subzones for dwellings, shack settlement and visitor experience to avoid unnecessary referrals and public notification triggers in the Conservation Zone.
- Implement a regional monitoring and evaluation framework to respond quickly to possible policy faults and/or short comings.

Greater detail on these proposed amendments is contained within the UPRS report which is attached for your attention.

The MRLGA commends the report to you and looks forward to a favourable response to the issues and key amendments it raises.

Yours sincerely,



Tim Smythe  
Chief Executive Officer  
Murraylands and Riverland  
Local Government Association.



**Murray River Alliance**  
2018-0317  
30 October 2019

## **Murray River Corridor Policies: Transitioning to the Code:**

**Submission in Response to the  
Release of the Draft Planning and  
Design Code.**



URPS

# Murray River Corridor Policies: Submission in Response to the Release of the Draft Planning and Design Code.

30 October 2019

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3	24 October 2019	GM	GM	Consideration of Councils' comments

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# 1.0 Introduction

## 1.1 Background

In 2018, URPS was engaged by Regional Development Australia Murraylands and Riverland (RDAMR) and Murray River Alliance SA (MRA) to undertake a review and provide strategic advice on how current Development Plan policy for the Murray River “corridor” should be transitioned into the initial version of the Planning and Design Code (Code). In addition, this advice considered what broader amendments might be considered in any future review of the Code.

This culminated in the preparation of the *Murray River Corridor Policies: Transitioning to the Code* report dated 20 December 2018 (previous report).

## 1.2 Code Engagement and Implementation

The Planning and Design Code is being consulted and implemented in two phases depending on the location and characteristics of the Council in question. Since the release of the initial report the timing for community engagement and Code implementation has become clear.

The following summarises the implementation of the Code across the original study area Councils:

### Phase 2 Councils (Rural Areas) – Implementation April 2020:

- Berri Barmera Council
- Coorong District Council
- District Council of Karoonda East Murray
- District Council of Loxton Waikerie
- Renmark Paringa Council

### Phase 3 Councils (Urban Areas) – Implementation July 2020:

- Alexandrina Council
- Mid Murray Council
- Rural City of Murray Bridge

Councils located within Phase 2 implementation have until late November 2019 to make submission, whilst Phase 3 Councils will have until late February 2020 to make submission. These periods align with the implementation schedule noted above.

## 1.3 Purpose of this Paper

This paper represents the “Murray River Alliance SA (MRA)” submission to the draft Planning and Design Code for Phases 2 and 3. Noting that the MRA may provide an updated submission associated with Phase 3 only. This submission should be considered by the Department of Planning, Transport and Infrastructure (DPTI) in addition to other submissions being prepared by local governments and allied associations.



## 1.4 Scope of Work – Stage 2

Stage 2 of the River Murray Corridor Policies Project builds upon the original report and provides a comparison between current Development Plan policy, draft Planning and Design Code policy, and highlights areas of difference between those policy amendments highlighted initially and the policy as released by DPTI. This information provides an opportunity for the provision of both collective and individual submissions to the DPTI and State Planning Commission (SPC).

## 1.5 The Study Area

The study area associated with Stage 2 encompasses policies for the following zones that abut the Murray River:

- River Murray Flood Zone (within Berri-Barmera, Coorong District, Karoonda East Murray, Land not within a Council area (Riverland), Loxton, Waikerie, Murray Bridge and Renmark Paringa Council Development Plans.
- River Murray Fringe Zone (within Berri-Barmera, Coorong District, Karoonda East Murray, Land not within a Council area (Riverland), Loxton Waikerie, Murray Bridge and Renmark Paringa Council Development Plans.
- River Murray Zone (within the Mid Murray Council Development Plan).
- Conservation Zone (within the Alexandrina Council, Development Plan).



## 2.0 Policy Comparison

### 2.1 Identified Issues

In preparing the initial report, a collection of current River Murray policy issues were identified. This arose from a range of sources and previous work and provided a snapshot of the consistent issues/areas of contention which have resulted from various policy amendments along the River over time.

In addition to the identification of issues, a series of possible solutions were made for consideration of the DPTI in preparing the draft and final Code which would assist in achieving consistency and addressing policy conflict.

### 2.2 Proposed Policy – Planning and Design Code

The following tables include a comparison between the issues raised in the initial report and the resulting policy approach implemented via the release of the Draft Code (Table 1) and additional matters raised throughout the process and the Codes proposed response (Table 2).



Table 1: Issues Comparison				
Topic	Issue	Options for Possible Solutions	P&D Code Policy Proposal	Required Action
<p><b>Identification of Areas Prone to Flooding</b></p>	<p>Many types of development are restricted from developing/expanding into the area identified as subject to flooding.</p> <p>While there is a need to promote appropriate economic activity, policy makers also must be cognisant of the need to manage environmental and heritage (both First Peoples and European) impacts.</p>	<p>Within a risk matrix framework (e.g. consideration of likelihood and consequence) of proposed developments, consider increasing the list of envisaged land uses and minimising the current list of non-complying developments. These recommendations can then be incorporated within the Code.</p> <p>Potential exceptions to non-complying land uses identified in the 2013 <i>Land Use Study and Development Plan Review for the Lower Murray Flood Plain</i> included (subject to conditions):</p> <ul style="list-style-type: none"> <li>• Horticulture;</li> <li>• Caravan park, motel and tourist accommodation;</li> <li>• Some forms of shops;</li> <li>• Some forms of industries;</li> <li>• Land based aquaculture;</li> <li>• Commercial forestry.</li> </ul> <p>With or without conditions, consider processes that minimise referrals and/or permit appropriately designed buildings in these areas.</p> <p>Changes to assessment approaches should be based on appropriate investigations to ensure unintended environmental consequences are minimised.</p>	<p>The Code proposes a new zone structure which is to be affected by the River Murray Flood Plain Overlay discussed below.</p> <p>The primary zone affecting the river channel and backwaters is the Conservation Zone which is a consolidation of those areas currently zoned River Murray Flood Zone, parts of the River Murray Zone or Conservation Zone under current Development Plans.</p> <p><u>Proposed Conservation Zone</u> The Conservation Zone is intended to conserve and enhance the natural environment and limit development. In many cases, the current policy allows for the replacement of a detached dwelling in the River Murray Flood Zone and certain Policy Areas within the River Murray Zone. The proposed Conservation Zone removes this exception and represents a significant shift in the policy approach applied in these specific circumstances.</p> <p><u>Proposed Rural Zone</u> Areas currently zoned River Murray Fringe Zone have been absorbed into a range of other zones, primarily the Rural Zone. These areas will be subject to the River Murray Flood Plain Overlay. A review of the Rural Zone confirms that a range of additional land uses are identified as Deemed-to-Satisfy, irrespective of the Overlay, subject to compliance with the Code. These include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Horticulture</li> <li>• Tourist Accommodation</li> <li>• Shop</li> </ul>	<ul style="list-style-type: none"> <li>• Seek the reinstated of policy which permits the replacement of existing detached dwellings in-line with current policy controls. This could be via a modified Dwelling Subzone.</li> <li>• There is a “Rural Shack Settlement Zone”. This Zone should be considered for application over shack areas.</li> <li>• Dwellings in Rural Shack Settlement Zone / shack areas should be performance assessed.</li> </ul>



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Topic	Issue	Options for Possible Solutions	P&D Code Policy Proposal	Required Action
	<p>Many Development Plans use the 1956 Flood Level/line as the extent of flooding. It is understood that some Development Plans do not accurately reflect the actual 1956 flood level event.</p> <p>The “River Murray Flood Plain Area” of the “River Murray Protection Area” established under the <i>River Murray Act 2003</i> is wider in extent than the 1956 flood plain of the Murray River. This means that referrals pursuant to Schedule 8 of the Development Regulations mean that some development applications on land located outside of the 1956 flood level are still referred to the Minister for the River Murray. While the referral may be justified, it adds a level of complexity to interpreting “the flood plain” for applicants and planning authorities.</p> <p>The SPC “Natural Resources and Environment: Policy Discussion Paper” (Aug 2018) identifies the following questions:</p> <p>a) Should we instead use the 1956 flood data as an indicator of risk in the future?</p> <p>b) Should sheds be made an exemption from the requirement to refer notice under the <i>River Murray Act 2003</i>.</p>	<p>In collaboration with the Department for Environment and Water and DPTI update Development Plan / Code maps to reflect the accurate boundary of the 1956 Flood Level.</p> <p>Where practical, consider the pros and cons of:</p> <ul style="list-style-type: none"> <li>• Creating greater consistency with the 1956 Flood Level with the River Murray Protection Area;</li> <li>• Minimise referrals of certain development on sites located outside of the 1956 Flood Level but within the River Murray Flood Plain Area.</li> </ul> <p>In collaboration with the Department for Environment and Water and DPTI review if the 1956 Flood Level is an appropriate level to be concerned about flooding (e.g. Councils have typically considered avoiding development within parts of the 1:100 ARI flood level). Consideration of a risk management framework for certain forms of development based on previous flood levels as follows:</p> <ul style="list-style-type: none"> <li>• Above 1956 Flood Level – green light</li> <li>• Between 1956 and 1974 Flood Levels – amber light</li> <li>• Below 1974 Flood Level – red light.</li> </ul>	<p>In addition, the majority, if not all, of the previous the River Murray Fringe Zone is subject to the provisions of the Limited Land Division Overlay. This Overlay restricts the creation of new allotments and is largely consistent with the current policy approach.</p> <p><u>Flood Mapping</u></p> <p>The draft Code has sought to standardise the application of planning policies across the State. In doing so, a single <b>River Murray Flood Plain Overlay</b> has been applied for the length of the Murray River which identifies areas subject to flooding and the application of the Overlay.</p> <p>It is noted that the extent shown as being subject to the provisions of the Overlay match that of the ‘River Murray Protection Area’ as delineated in the <i>River Murray Act 2003</i> and associated <i>River Murray Regulations, 2017</i>. This boundary differs from the identified 1956 Flood Plain Boundary which is either shown as in existing Development Constraint Maps or identified via zoning and policy area controls. It is highlighted that the 1956 Flood Level is not delineated in the new Code, however plays a crucial role in properly assessing site constraints and to avoid inappropriate developments occurring in potentially hazardous areas. It is noted however that Overlay content specifically references the flood level when providing guidance on DTS provisions.</p> <p>The result of this broader Overlay application is a ‘trigger’ of the policies contained in the Overlay for a greater number of zones and proposed land uses. This is particularly evident in the Riverland Councils.</p> <p><u>Hazard Exposure</u></p> <p>As noted, the Code does not attempt to identify the actual 1956 Flood Plain Area, rather opting to utilise the River Murray Protection Area. It is understood that current mapping may not accurately identify the extent of a 100-year ARI event and is a somewhat</p>	<ul style="list-style-type: none"> <li>• Seek clarity from DPTI on the rationale for the use of the River Murray Protection Area as opposed to current 1956 flood mapping contained in Development Plans.</li> <li>• Seek reinstatement of the 1956 flood level (e.g. demarcation of the extent) within the overlay as an additional element. This will provide clarity and remove reliance on mapping held by individual Council’s.</li> <li>• The areas of Renmark and other townships, urban areas and caravan parks within the flood levee protection area should be excluded from the flood mapping.</li> <li>• Work with DPTI and DEW to determine both the accuracy and currency of 1956 flood plain mapping and to introduce elements of exposure and vulnerability. In doing so, consider the inclusion of new mapping to address identified flood risk arising from the 1974 flood. This will provide greater understanding of flood characteristics and potentially</li> </ul>



Table 1: Issues Comparison				
Topic	Issue	Options for Possible Solutions	P&D Code Policy Proposal	Required Action
			<p>rudimentary test which does not seek to delineate exposure, which is recognised to vary significantly across the flood plain.</p> <p><u>Restricted Development</u> The Conservation Zone includes a “Visitor Experience Subzone”. The Conservation Zone lists “Tourist Accommodation” as restricted development in the Subzone. Councils’ preference is that Tourist Accommodation should be listed as a performance assessed development.</p> <p><u>Referrals</u> There is little change to legislative requirement for referral to the Prescribed Body where an application is located within the River Murray Floodplain Area (as defined in the <i>River Murray Act, 2003</i>). It is noted that most exceptions to referral as currently prescribed in the <i>Development Regulations, 2008</i> carry through to the Code; however there appears to be a softening of language to provide greater levels of discretion to the relevant authority to determine a development to be ‘minor in nature’. It is important to note that, given the wider application of the Overlay over areas which were previously not identified as being subject to referral, there is a risk that development within additional areas will prompt referral.</p>	<p>delineate between areas of risk, in turn facilitating development across the flood plain.</p> <p>Remove “Tourist Accommodation in the Visitor Experience Subzone” from the Conservation Zone’s restricted development classification.</p>
<b>River Murray Fringe Zone</b>	<p>The Fringe Zone is contained within the Berri Barmera, Coorong District, Karoonda East Murray, Land not within a Council area (Riverland), Loxton Waikerie, Murray Bridge and Renmark Paringa Councils Development Plans.</p> <p>At this stage, it appears that there are minimal differences between the policies contained in the Fringe Zone and the River Murray Flood Zone. The additional zone may not serve any practical</p>	<p>Consider, incorporating the Fringe Zone into an updated River Murray Flood Zone, or where appropriate, into neighbouring Primary Production Zone.</p> <p>In addition to the consideration of a merged zone, it may be appropriate to prepare an “Overlay” in association with the new Code. At this preliminary stage, it is considered that both an overlay or merged zone can be effective.</p>	<p>As described above, those areas currently zoned River Murray Fringe have been rezoned Rural Zone. In addition, the provisions of the River Murray Flood Plain Overlay apply.</p>	<p>The draft Code has addressed a number of the initial issues identified.</p>

**Table 1: Issues Comparison**

Topic	Issue	Options for Possible Solutions	P&D Code Policy Proposal	Required Action
	purposes.	Another option, identified in the 2013 <i>Land Use Study and Development Plan Review for the Lower Murray Flood Plain</i> , was to remove some forms of development from the non-complying list to allow on merit assessments, and to provide a consistent list of exceptions.		
<b>Conservation Zone</b>	<p>The Conservation Zone is contained within the Alexandrina Council Development Plan. The zone provisions are based on those for the Conservation Zone in the SAPPL, with an extensive number of local additions. Objectives for the Zone include:</p> <ul style="list-style-type: none"> <li>• The conservation and enhancement of the natural environment and natural ecological processes for their historic, scientific, landscape, faunal habitat biodiversity and cultural values.</li> <li>• Provision of opportunities for the public to experience and appreciate the significance of the native vegetation and original remnant natural habitat of the area through low impact recreational activities and interpretive facilities.</li> <li>• The maintenance of the water quality of Lake Alexandrina, the Murray River and associated waterways.</li> </ul> <p>This compares with Objectives for the River Murray Flood Zone which include:</p> <ul style="list-style-type: none"> <li>• Buildings and structures excluded from the zone where they are likely to impede or be damaged by floodwaters and/or fluctuating pool levels of the River Murray.</li> <li>• The conservation and improvement of water quality that sustains the</li> </ul>	Options include consider reviewing boundary of the Conservation Zone with the objective to retain the Zone and/or incorporating the Conservation Zone into an updated River Murray Zone / Overlay, or where appropriate, into neighbouring Primary Production Zone with associated policy. For instance, appropriately designed and implemented primary production can be undertaken in the Conservation Zone.	Land currently zoned Conservation in the Coorong, Lower Lakes and Murray Mouth remains zoned as such under the proposed Code.	The draft Code has addressed a number of the initial issues identified.



Table 1: Issues Comparison				
Topic	Issue	Options for Possible Solutions	P&D Code Policy Proposal	Required Action
	<p>natural environment and natural ecological processes associated with the Murray River in areas as defined by the <i>River Murray Act, 2003</i>.</p> <ul style="list-style-type: none"> <li>Conservation of the natural features of the river environment.</li> </ul>			
<b>River Murray Zone</b>	<p>The River Murray Zone is contained within the Mid Murray Council Development Plan and contains the following Policy Areas and Precincts:</p> <ul style="list-style-type: none"> <li>Conservation Policy Area</li> <li>Flood Plan Policy Area</li> <li>Primary Production Policy Area</li> <li>Recreation and Tourism Policy Area</li> <li>River Settlement Policy Area</li> <li>Shack Settlement Policy Area</li> <li>Cadell (Horticulture) Policy Area                             <ul style="list-style-type: none"> <li>Cadell Basin Area (Horticulture) Precinct 1</li> <li>Rim Area (Rural Living) Precinct 2</li> <li>Settlement Precinct 3.</li> </ul> </li> </ul> <p>A number of policies within the River Murray Zone, which are considered to provide better policy guidance and development outcomes, are not replicated in other Development Plans along the River.</p>	<p>There is potential to rationalise some of these policy areas by either:</p> <ul style="list-style-type: none"> <li>Consolidating them into zone policies (e.g. combination of Flood Zone / Primary Production Zone)</li> <li>Creating a new Zone (e.g. Settlement Zone or similar)</li> </ul> <p>It is noted, Mid-Murray Council is keen to ensure the Shack Settlement Policy Area (or some similar zone/overlay) should be retained given the large number of sites (e.g. over 2000 <b>shack sites</b>) in the MMC area.</p> <p>Policies within the River Murray Zone, relating to:</p> <ul style="list-style-type: none"> <li>River structures (jetties/pontoons);</li> <li>Moorings;</li> <li>Retaining walls;</li> <li>Dwelling/shack design;</li> <li>Underfloor clearance heights;</li> <li>Benchmark for acceptable practice for waste disposal in the floodplain</li> </ul> <p>should be considered for inclusion in the Code to apply generally for such development along the River.</p>	<p>The Code consolidates all existing River Murray zoning across Mid-Murray Council into one of the following:</p> <ul style="list-style-type: none"> <li>Conservation Zone (River Murray Zone, Floodplain Policy Area &amp; Conservation Policy Area)</li> <li>Rural Zone (River Murray Zone - Primary Production Policy Area)</li> <li>Rural Shack Settlement Zone (River Murray Zone - Shack Settlement Policy Area)</li> <li>Rural Settlement Zone (River Murray Zone – River Settlement Policy Area)</li> </ul> <p>Current non-complying controls relating to dwellings contained in the River Murray Zone, Floodplain Policy Area (e.g. replacement dwelling only) carry through to the Conservation Zone via the Dwelling Subzone. This subzone allows for the consideration of a replacement dwelling.</p> <p>The introduction of the River Murray Flood Plain Overlay has included number of policies to guide the design and siting of retaining walls, floating pontoons and jetties. This is further emphasised via guiding figures and diagrams, similar to those contained in the Mid Murray Council Development Plan currently .</p>	<p>The draft Code has addressed a number of the initial issues identified.</p>



Table 1: Issues Comparison				
Topic	Issue	Options for Possible Solutions	P&D Code Policy Proposal	Required Action
Land Uses	It is understood that the release of the new Code will be accompanied with new land used definitions <sup>1</sup> . However, in the meantime, the industry will continue to use land use definitions contained in the Development Regulations and commonly accepted dictionary definitions.	<p>Within a risk managing context (that is, consider consequences and likelihood before necessary listing developments as non-complying (or Restricted in the new system), it is recommended to:</p> <ul style="list-style-type: none"> <li>• Reduce the number of non-complying development applications;</li> <li>• Potentially increase the quality of planning policies that can be used to assess on-merit application;</li> <li>• Increase the list of envisaged land uses in planning policy (this in itself does not mean that the land use must / will be approved – it still needs to comply with a range of policy).</li> </ul> <p>Local council and DPTI planners continue to collaboratively address these issues in the new Code and aim to minimise inconsistencies.</p>	<p>Part 7 of the Code is dedicated to ‘Land Use Definitions’ and replaces the current definitions list contained in Schedule 1 of the <i>Development Regulations 2008</i>. This list includes the land use term definition and those activities which are included or excluded from the respective definition.</p> <p>A review of the Code confirms that all land uses occurring within the Conservation Zone will be either Performance Assessed (roughly translating to Merit in the current system), except for very few land uses identified as Restricted. Where a land use is not specifically identified as belonging to a specific assessment pathway the ‘default’ will be Performance Assessed.</p> <p>The Performance Assessed pathway is supported by a substantial suite of general policies which will apply in addition to the Zone controls.</p>	<p>Given the shift of a number of developments from non-complying to performance assessed, it highlights the importance of having comprehensive policy guidance on what forms of development are appropriate and how they should be designed etc.</p> <p>Mid Murray in particular have comprehensive policy on retaining walls, jetties, mooring facilities etc. which should to be replicated and complemented with other policies relating to tourism and farming / horticulture.</p>
Emerging Land Uses.	<p>There are a number of emerging land uses that are becoming more prominent within the region. Once of these land uses appears to be solar renewable energy facilities.</p> <p>Although there are a number of State level renewable policies, they are generally (but not exclusively) focussed on guiding the development of wind turbines. Additional policy guidance is need to guide the development of solar facilities.</p>	<p>Increase policy guidance for a range of emerging land uses, in particular solar facilities.</p>	<p>In July 2019, the State Commission Assessment Panel (SCAP) released its discussion paper titled <i>Discussion Paper on Proposed Changes to Renewable Energy Policy in the Planning and Design Code</i>. In this Paper the SCAP recognised the evolving nature of renewable energy facilities, the largely mixed technology approach and the lack of policy around facilities other than wind farms (e.g. solar and battery storage).</p> <p>Part 7 of the Code provides a new definition for ‘Renewable Energy Facility’ which broadens the current approach which is wind farm focussed to include development in the form of:</p> <ul style="list-style-type: none"> <li>• Battery storage facility</li> </ul>	<p>The draft Code has addressed a number of the initial issues identified.</p> <p>Seek greater clarity if renewable energy facilities, particularly solar facilities in a flood prone area are appropriate.</p>

<sup>1</sup> Refer to [https://www.saplanningportal.sa.gov.au/\\_\\_data/assets/pdf\\_file/0007/435787/Introduction\\_to\\_Technical\\_Discussion\\_Paper\\_-\\_Future\\_land\\_use\\_definitions\\_and\\_classes.pdf](https://www.saplanningportal.sa.gov.au/__data/assets/pdf_file/0007/435787/Introduction_to_Technical_Discussion_Paper_-_Future_land_use_definitions_and_classes.pdf)



Table 1: Issues Comparison				
Topic	Issue	Options for Possible Solutions	P&D Code Policy Proposal	Required Action
	Greater focus needs to be placed with respect to understanding local implications of climate change.		<ul style="list-style-type: none"> <li>Pumped hydro</li> <li>Solar power facility</li> <li>Wave power generator</li> <li>Wind farm</li> </ul> <p>This new approach is supported by the introduction of new General Code Content in the form of 'Infrastructure and Renewable Energy Facility'.</p>	
<b>Monitor and Evaluation</b>	Having regard to the fact there will be several generations of the Code, this framework provides an important opportunity for Council's and DPTI to monitor the impacts of the Code and respond.	<p>Establish a framework within Council / DPTI to regularly monitor and evaluate the practical implications of policies contained within the New Code and incorporate updates in the second generation.</p> <p>There may be an opportunity to log issues in a common Council database/webpage that are discussed at regular regional planning meetings</p>	<p>There has been little information released about 1) the opportunity for Councils to seek amendment to the Code and 2) the process to amend the Code following its implementation.</p> <p>It would be advantageous for:</p> <ul style="list-style-type: none"> <li>issues/areas of concern that are raised via the draft Code consultation process to be recorded</li> <li>new issues which arise following implementation to be recorded and reported to DPTI</li> <li>Actively pursue key amendments via the Regional Planning/Joint Planning Board process which align with the region's future direction.</li> </ul>	<ul style="list-style-type: none"> <li>Record Code issues/areas of concern and actively engage with DPTI to seek regular and timely updates.</li> </ul>

In addition to the above, a number of additional matters were raised post the preparation of the Stage 1 report. These are addressed below in Table 2.

Topic	Issue	P&D Code Policy Proposal	Required Action
<b>Acknowledgement of existing Settlements</b>	Current Development Plan policy does not acknowledge Blanchetown and Murbko as Settlements in their own right.	The Code replaces the existing Murray River Zone (Shack Settlement Policy Area) at Murbko and Blanchetown with the Rural Shack Settlement Zone.	Nil
<b>Acid Sulphate Soils</b>	Question basis for the inclusion of new mapping of Acid Sulphate Soils, noting that there is no information to explain this inclusion within the Code.	The Code proposes the inclusion of the 'Hazards (Acid Sulfate Soils) Overlay. This overlay is intended to provide policy control to those activities.	<ul style="list-style-type: none"> <li>Confirm with DPTI the basis of mapping and review frequency.</li> </ul>



Topic	Issue	P&D Code Policy Proposal	Required Action
		It is assumed that the information used to inform the Overlay is based on previous work undertaken in approx. 2009 by Department of Environment and Water (DEW) in the form of 'Acid Sulfate Soil Potential'. This study was based on an interpretation of soil landscape map units which were classified according to the proportion of area susceptible to the development of acid sulfate soils. It would appear from reviewing this initial map that the Code only identifies area with a susceptibility of 30% or greater.	<ul style="list-style-type: none"> <li>Seek clarity for a review of the currency and accuracy of this mapping.</li> </ul>
<b>Australian Height Datum (AHD) Policy</b>	A number of Development Plans along the Murray River corridor reference Australian Height Datum (AHD) as a benchmark for minimum the siting of new development.	The use of AHD information is absent in the Code which may lead to unintended circumstances / consequences, particularly in the absence of other guiding policy such as the inclusion of the 1956 flood level.	<ul style="list-style-type: none"> <li>For those Council's where a known minimum AHD has been determined, request DPTI to insert a 'Technical and Numeric Variation' Overlay to insert these levels.</li> </ul>
<b>Proliferation of pumps</b>	How can planning authorities control the proliferation of pumps.	The Flood Resilience policy in the River Murray Flood Overlay is supported, however, there is concern how a planning authority can appropriately manage the proliferation of pumps under DTS 7.3.	<ul style="list-style-type: none"> <li>Seek clarification from DPTI.</li> </ul>
<b>Townships and urban areas within the River Murray Flood Overlay Area</b>	Minor deemed to satisfy developments from being tripped in performance assessed	The Code includes townships and urban areas within the River Murray Flood Overlay Area. These townships and urban areas should be excluded to avoid minor deemed to satisfy developments from being tripped in performance assessed.	<ul style="list-style-type: none"> <li>Request DPTI to exclude the River Murray Flood Overlay Area from townships and urban areas.</li> </ul>
<b>Conservation Zone</b>	Inconsistency of approach.	For instance, a petrol filling station is performance assessed and a dwelling is restricted? Why is a petrol; filling station performance based?  Further, policy should be riverine reference based, not just coastal based.	<ul style="list-style-type: none"> <li>Request DPTI to address inconsistencies.</li> <li>Request DPTI to update Conservation Zone policies to also have regard to riverine environments.</li> </ul>
<b>Climate Change</b>	Insufficient policy direction.	There are many examples through Phase Two of improvements from Phase One and good approaches to mitigating climate impacts. However, there is still inadequate reference to the consideration of risks now and into the future, given the projected increasing frequency and intensity of extreme weather events. The Coastal Overlay refers to current and future hazards which is commended however this is not the case for all other hazards.  The Draft Phase One PDC included Performance Outcomes relating to Environmental Protection or Hazard Risk Minimisation. It is understood the intent is that these issues be managed through the overlays including those relating to native vegetation and water (for environmental protection) and hazards including bushfire and flood	Reinstate the hazard risk minimisation Performance Outcome for all zones where personal or public safety may be an issue and add a reference to future hazards. E.g. "Habitable buildings designed and sited to manage the risks of natural hazards on personal and public safety and property."



Topic	Issue	P&D Code Policy Proposal	Required Action
			Recommend a consistent approach to identifying the impact of climate change on future risks be applied to all bushfire and flood hazard overlays."



## 3.0 Conclusions

This paper represents the “Murray River Alliance SA (MRA)” submission to the draft Planning and Design Code for Phases 2 and 3. Noting that the MRA may provide an updated submission associated with Phase 3 only. This submission should be considered by DPTI in addition to other submissions being prepared by local governments and allied associations.

The draft Code has adopted several of the policy recommendations associated with the Stage 1 report and has certainly reduced the number of non-complying (now referred to as “Restricted” developments). However, DPTI should be encouraged to address the following issues in the draft Code:

- In areas identified as being subject to flooding, seek the reinstatement of policy which permits the replacement of existing detached dwellings in-line with current policy controls. This could be via a modified Dwelling Subzone (or via the Rural Shack Settlement Zone in shack areas which have not already been included in this zone).
- Seek clarity from DPTI on the rationale for the use of the River Murray Protection Area as opposed to current 1956 flood mapping contained in Development Plans.
- Seek the reinstatement of the 1956 flood level (e.g. demarcation of the extent) within the overlay as an additional element. This will provide clarity and remove reliance on mapping held by individual Council’s.
- Existing townships a (including Renmark), urban areas and Caravan Parks (e.g. Paisley, Loxton, Waikerie, Renmark and Berri etc), within the flood levee protection area should be excluded from the flood mapping.
- Work with DPTI and DEW to determine both the accuracy and currency of 1956 flood plain mapping and to introduce elements of exposure and vulnerability. In doing so, consider the inclusion of new mapping to address identified flood risk arising from the 1974 flood. This will provide greater understanding of flood characteristics and potentially delineate between areas of risk, in turn facilitating appropriate development across the flood plain.
- With respect to the inclusion of the ‘Hazards (Acid Sulfate Soils) Overlay, seek clarity for a review of the currency and accuracy of this mapping.
- For those Council’s where a known minimum AHD has been determined, request DPTI to reinsert a ‘Technical and Numeric Variation’ Overlay to insert these levels.
- Request DPTI to address inconsistencies in policy. For instance, with the Conservation Zone a petrol filling station is performance assessed and a dwelling is restricted? Why is a petrol filling station performance based?
- Request DPTI to update Conservation Zone policies to also have regard to riverine environments.



- Continue to monitor and evaluate Code issues/areas of concern and actively engage DPTI to undertake regular and timely updates.
- Provide greater policy framework relating to adapting to climate change.