



**Government of South Australia**

**Kangaroo Island Natural Resources  
Management Board**

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**Submission: Draft Planning and Design Code for South Australia: Phase Two**

On behalf of the Kangaroo Island Natural Resources Management Board (the Board) I'd like to thank you for the opportunity to provide comment on the Draft *Planning and Design Code: Phase Two councils (rural areas)*.

If you require further information about this submission, please contact Damian Miley on [REDACTED] or email: [REDACTED]

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A. Heinrich'.

for Andrew Heinrich

**Presiding Member**

Kangaroo Island Natural Resources Management Board

Enc: Submission from the KI NRM Board

Cc:

## **Submission from the Kangaroo Island NRM Board in respect of consultation on Phase Two of the Planning and Design Code for South Australia**

### General Comments

The Kangaroo Island NRM Board ['KI NRMB'] applauds many of the proposed changes to the South Australian planning process that will result in a single, consistent approach to zoning and policy development throughout the state.

However we have concerns about the loss of some of the planning initiatives that have been adopted over time by regional councils. These include enhancements to the SA Planning Policy Library by the Kangaroo Island Council in its Development Plan (consolidated 17 September 2015) ['KIDP']. We will allude to some of these enhancements in our submission.

We encourage the use of Regional Planning, Subzoning and/or Technical and Numerical Variation Overlays (as appropriate) to permit KI Council to continue to implement key, proven regional planning initiatives.

We also support the move to make the Code digital, with the intention of streamlining process, thereby reducing delays and costs. This is provided that Councils continue to provide sufficient support to stakeholders, especially those in the regions who have limited access to or understanding of digital processes, to enable them to access and use the Code.

### Urban-centric Terminology

Some changes in terminology under the Code are Adelaide-focused and unfortunate:

- The Zoning for rural townships will be 'Suburban Neighbourhood' (previously 'Residential'). 'Sub-urban' presupposes the existence of an urban centre, and in these case there is none.
- Use of this title outside of Adelaide and its satellite cities is erroneous. The Board recommends the use of 'residential' be retained to describe residential zones.
- The current 'Coastal Settlement' Zone will translate to 'Rural Shack Settlement'. The change to 'Rural Shack' Settlement is not supported by the Board. Coastal living zone would be a more appropriate term.

### Consistent Zoning for National and Conservation Parks

Recognising that "under the current planning system parks are zoned many different things in Development Plans", the KI NRMB is very pleased that the Code enables a consistent approach to park zoning such that "all of our parks will be included in a Conservation Zone".

We therefore find it regrettable that online maps have been made available under consultation to "view the proposed zonings" that show Kangaroo Island's parks with their existing zonings albeit under Code labelling, i.e. in large part as 'Rural'. The proposed zoning shift to 'Conservation' has not been reproduced in these online maps. This has caused unnecessary confusion within the local community and we have raised this matter with our departmental contact.

### Performance-Assessed Development in Conservation Zones

The KI NRMB notes with concern that Tourism Accommodation in the Conservation Zone is restricted, subject to:

- In an area proclaimed under the *National Parks and Wildlife Act 1972* and is contemplated by the relevant 'management plan' prepared in accordance with that Act.
- In an area proclaimed under the *Wilderness Protection Act 1992* and is contemplated by the relevant 'plan of management' prepared in accordance with that Act.

The use of the term "contemplated" invites subjective and contestable opinions.

In order to meet the Code's Drafting Principle: to be "clearly worded, concise and easily understood, and provid[ing] consistency in interpretation and application", we believe that provision (or not) for Tourism Accommodation should be clearly stated in management plans.

### Native Vegetation Approvals

The KI NRMB agrees that the integration of planning and native vegetation approvals through the application of Native Vegetation and State Significant Native Vegetation Overlays should deliver a clearer and more streamlined assessment process.

Too often native vegetation assessment is perceived by developers and landowners as an unforeseen and unwelcome bureaucratic imposition subsequent to the planning approvals process. This move will bring awareness of the issue to the core of the planning approval process.

### Commercial Forestry and Biodiversity Carbon Plantings

There has been strong and reasonable resistance on Kangaroo Island to the enlargement of the considerable area of good agricultural land turned over to commercial forestry in the 1990's. The following therefore appears as an additional Principle of Development Control in the KIDP:

Forestry plantations (including for carbon sequestration) should not:

- (a) adversely impact on sustainable water limits at the catchment, sub-catchment and property level
- (b) unreasonably impact on the water needs of downstream users
- (c) exacerbate the over-abundance of native species. Management plans should be in place and enacted to manage populations of both native species and feral species
- (d) be established on land with high capability for farming and horticulture
- (e) increase the total area used for forestry.

The KI NRMB believes that this principle, augmented by an objective measure for “high capability for farming and horticulture”, should continue to control development on the Island.

However, the KI NRMB also believes that a distinction should be made within South Australia’s planning regime between (a) large-scale commercial forestry plantings and (b) local biodiverse plantings that deliver not only valuable ecosystem services and other farming advantages (windbreaks, etc) but also the opportunity for landowners to earn some additional long-term income from carbon sequestration.

Currently the state’s planning regime works with the following definition of Commercial Forestry:

forest plantation where the forest vegetation is grown or maintained so that it can be harvested or used for commercial purposes (including through the commercial exploitation of the carbon absorption capacity of the forest vegetation)

We note that under the Code, the state Forestry policy module is being updated to include “the use of commercial forestry plantations for carbon sequestration”. We believe this is an opportune moment to amend this definition and include a further definition for biodiverse plantings which do not constitute genuine commercial forestry.

We suggest that the definition of Commercial Forestry could be narrowed along the lines: single or limited species plantings using non indigenous or non-locally provenanced species planted in a regular linear planting design, for the primary purpose of commercial-scale harvesting or carbon sequestration. Biodiverse Plantings could be defined in terms of being multi species plantings using locally provenanced species planted in a random or scattered manner approximately reflecting natural distribution, for the primary purpose of one or more of: the provision of ecosystem services to agriculture and the wider community, biodiversity conservation, or carbon sequestration.

Biodiverse Plantings could be limited such that native vegetation constitutes no more than 30% of a property in the Primary Production Zone, except where:

- plantings are for the primary purpose of biodiversity conservation of threatened or endangered species whose existing habitat is demonstrably under represented and can be shown to have occurred on the property,
- land additional to the 30% can be objectively demonstrated to not have high capability for farming and horticulture.

The conditions (a) to (c) noted above as applying to commercial forestry on Kangaroo Island might also be requirements for Biodiverse Plantings exceeding the 30% limit.

This would permit landowners to grow appropriate stands of native plants on other than prime agricultural land in order to sequester carbon as well as deliver agricultural benefits, without triggering a change of land use and the consequent requirement for planning approvals.

## Protection of Threatened Species and other Planning Enhancements

The KIDP includes the following, in respect of protecting one particular threatened species:

Development [in American River] needs to be carefully sited and respect the scenic and conservation significance of the Pelican Lagoon Conservation Park, American River Aquatic Reserve and areas of Drooping Sheoak; an important habitat for the Island's endangered Glossy Black Cockatoo. The scale and intensity of development should be low scale with minimal impacts. ... Land that accommodates large stands of Drooping Sheoak should not be fragmented by development or land division.

The KI NRMB runs an effective, long-term program for Glossy Black conservation; we are grateful for KI Council's planning support and trust that that support will be able to be sustained under the new planning regime.

Further examples of good and sensible enhancements of the State Principles of Development Controls in the KIDP that the KI NRMB believes should continue to guide development on Kangaroo Island include:

- Landscaping should include the planting of locally indigenous species.
- Development should preserve and enable the management of sites of heritage, cultural, scientific, environmental or educational importance.
- Buildings and structures to accommodate tourists and associated activities should have a minimum setback of 100 metres from [roads etc] unless it can be demonstrated that a lesser setback would assist in avoiding areas of high value remnant native vegetation.
- Marine aquaculture development should:
  - be ecologically sustainable,
  - not significantly obstruct or adversely affect areas of outstanding visual, environmental, commercial or tourism value,
  - be sited, designed, constructed and managed to minimise interference and obstruction to the natural processes of the coastal and marine environment.
- Land-based aquaculture ponds should be sited and designed to :
  - prevent any overflow that would enable the species being farmed to enter any watercourse, drainage line or other water body,
  - minimise the need for intake and discharge pipes to traverse sensitive coastal or riparian environments,
  - Development should ensure that pipe inlet and outlets are located to minimise the potential risk of disease transmission.