

EPA 248-169

Mr Tim Anderson  
Chairperson - State Planning Commission  
Department of Planning, Transport and Infrastructure  
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Dear Mr Anderson

### **Draft State Planning Policies Public Consultation Version - September 2018**

Thank you for the opportunity to comment on the Draft State Planning Policies (SPPs). The Environment Protection Authority (EPA) is pleased to see many of its high-level interests identified throughout the SPPs. Such policy integration has been possible because the EPA has a clear public articulation of its role, goal and interest under the current planning system.

The EPA encourages the State Planning Commission to express a clear and bold vision statement for the SPPs to drive a sense of purpose for the new planning system.

Key EPA comments are documented below with detailed comments around policy gaps, refinements and improvements outlined in the attachment.

#### ***Glossary***

Definitions steer the application of policy. There are many terms used throughout the document that are not defined and could be open to interpretation. For example in 'SPP 9: Employment Lands', Policy 2 refers to '*state-significant operations and industries*'. For instance are EPA licensed facilities considered state-significant? If a stated purpose of the SPPs is to provide '*the community and investors with greater confidence and clarity*' then increasing the range of items that are defined is critical. A list of words and terms that are undefined and would benefit from a definition are provided in Attachment 1. Ideally, the EPA recommends consideration of the use of standardisation of language and definitions from the SPPs through the Planning and Design Code and development assessment.

#### ***Managing competing state policies***

Resolving high-level policy conflicts should be one of the primary purposes of the SPP exercise.

Policy uncertainty is evident around the theme of transport (and similar terms) in particular. 'SPP 1: Integrated Planning', Policy 1 refers to protecting 'transport routes', whilst Policy 7 refers to mixed use development around 'strategic transit corridors'. 'SPP 2: Design Quality', Policy 7 refers to 'transit corridors' and 'SPP 6: Housing Supply and Diversity' refers to 'corridor catchments'. 'SPP 9: Employment Lands', Policy 5 mentions 'freight networks' and 'SPP 10: Key Resources', Policy 3 refers to 'strategic transport corridors', with 'SPP 11' dealing exclusively with 'strategic transport infrastructure'.

It is possible that 'strategic transit corridors' are also 'freight networks', and with the increasing freight task (as quoted in SPP 11) it is possible that future occupants of mixed-used developments could be exposed to air quality and noise impacts whilst hindering the future growth of freight movement.

To add further confusion the *'Integrated Movement Systems Policy Discussion Paper'* (August 2018) refers to 'strategic transport facilities' and 'major transport corridors' under the theme of 'Capitalising on strategic transport infrastructure'. These terms need to be defined and/or rationalised to provide policy certainty and conflicting policy resolved.

The EPA continues to advocate for a strategic and proactive consideration of environmental issues (such as air quality and noise, wastewater and stormwater) on the urban or regional scale, rather than through reactive building design responses.

### ***Design Quality***

The Principles of Good Design incorporate 'Sustainability' although there is no matching policy contained with the Design Quality section of the SPPs.

'SPP 2: Design Quality' can be strengthened by design policy that considers acoustic privacy and the need for clean air. By way of jurisdictional comparison, Sydney has a long history of apartment design with the recent *Better Apartments* program strengthening sections on 'Acoustic privacy' and 'Noise and pollution' in the Apartment Design Guide.

Design quality policies should also reference the need for building and streetscape design to accommodate future waste collection and management needs (this is particularly relevant in higher density residential and commercial areas). The *South Australia 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 is a useful resource and should be referenced in a design quality policy.

### ***Waste infrastructure***

Waste infrastructure (including resource recovery, treatment and disposal facilities) should unequivocally be recognised as comprising both 'infrastructure' and a 'service' and should be incorporated into new definitions for those terms.

### ***Scenario testing***

The EPA understands that the release of the draft SPPs represents a start of the conversation about planning policies for the state (State Planning Commission Media Release, *'SA's Future: Let's talk about it!'*, 16 July 2018). The EPA recommends the Commission engage in scenario planning to test how plausible events could alter the state's trajectory and potentially impact on SPPs objectives (such as the prospect of future 50 degree Celsius South Australian summers coupled with a rapidly ageing population and higher densities around hard-surfaced 'strategic transit corridors').

For further information on this matter, please contact Kym Pryde on [REDACTED] or

Yours sincerely



Kathryn Bellette

**DIRECTOR, STRATEGY AND ASSESSMENT**

**ENVIRONMENT PROTECTION AUTHORITY**

Date:

21/9/18

## Attachment 1:

### EPA comments on the Draft State Planning Policies for South Australia (Sept 2018)

#	State Planning Policy reference	EPA comment	Recommended change (deletions strike-out / inclusions underlined)
A.	<b>Glossary</b>	<p>Most transport related terms are undefined. This contributes to policy uncertainty.</p> <p>To consider <b>waste management</b> as suitably catered for, the key improvement the EPA recommends is greater clarity of language, noting:</p> <ul style="list-style-type: none"> <li>The various SPPs use several terms repeatedly and without definition within the consultation draft, namely: <b>infrastructure, services, facilities, green infrastructure and green technologies and industries, essential infrastructure and employment lands.</b></li> <li>The scope of meaning of these terms as used and whether any weight should be placed on the use of one particular term vs multiple terms in any provision is essential in determining whether the document caters appropriately for sound waste management (as well as other forms of infrastructure and services).</li> </ul> <p>Waste should be unequivocally recognised as comprising both infrastructure and a service.</p> <p>‘Sustainability’ should be defined given its frequent use throughout.</p>	<p>Define (and/or rationalise) these terms within the Glossary:</p> <ol style="list-style-type: none"> <li>infrastructure (should include waste infrastructure)</li> <li>services (should include waste management)</li> <li>facilities</li> <li>green infrastructure</li> <li>green technologies and industries</li> <li>essential infrastructure</li> <li>state-significant operations and industries, and</li> <li>employment lands</li> <li>sustainability</li> <li>transport routes</li> <li>strategic transit corridors</li> <li>transit corridors</li> <li>corridor catchments</li> <li>freight networks</li> <li>strategic transport corridors, and</li> <li>strategic transport infrastructure.</li> </ol>
1.	<b>Messaging</b>  <i>“Previously, the State had a range of disparate state agency policy positions that were not well defined in relation to the planning system.” (pg. 3)</i>	<p>The statement is erroneous and does not reflect the policy reality.</p> <p>The EPA has clearly articulated its <a href="#">role, goal and interest</a> at every level of the planning system. The EPA has also published <a href="#">overarching position statements</a> that describe the EPA’s position on key environmental issues for each stage of the EPA’s involvement in the planning system.</p> <p>The EPA has also prepared a series of position statements and guidelines on particular issues.</p>	Remove/correct erroneous statement.

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2.	<b>How to apply the SPPs – Statutory referrals</b>	The EPA has recently responded to DPTI on Tranche #1 of recommended development application referrals under the PDI Act. It would be useful to point out where in the SPPs other agencies legislation applies.	Note the EPA's has provided a detailed response to DPTI on statutory development application referrals (dated 14 September 2018).
3.	<b>Managing competing state policies</b>	<p>The document states that <i>"In some circumstances the SPPs may compete or even be in conflict"</i>.</p> <p>This admission is surprising in the context of the previously mentioned messaging (i.e. that state agencies have disparate policies) and the intent of the SPPs to <i>"give our planning system a rigorous foundation, providing the community and investors with greater confidence and clarity"</i>.</p> <p>Resolving land use conflicts should be one of the primary purposes of the SPPs under an overarching vision statement for the state of South Australia. The EPA are thought leaders in the field of land use interfaces and have published an <a href="#"><u>Interface between land uses position statement</u></a>.</p>	Resolve competing state policies for example in the area of transport as mentioned in the EPA's letter.
4.	<b>SPP 1: Integrated Planning</b>	<p>It is stated in the opening paragraph that, <i>'Integrated planning brings together all dimensions of a policy question (economic, social and environmental) and balances these in an open and transparent way'</i>. Whilst this statement is generally supported, explicit references to the 'environment' are absent in the subsequent eight policies (other than the Environment and Food Production Area which is already legislated).</p> <p>What does 'policy question' mean?</p> <p>The depiction/description of settlement types on page 21 should include drinking water supply catchments, National Parks, watercourses etc. to better represent the environmental dimension of integrated planning.</p>	<p><b>Objective:</b> Changes as per below: 'Integrated planning is an essential approach for liveability, growth, <del>and</del> economic development, <u>and protection of the environment</u>, maximising the benefits and positive long-term impacts of development and infrastructure investment'.</p> <p><b>Policy 3</b> Reword to provide policy clarity. Is this policy seeking to provide 'adequate land' on the fringe for housing and employment growth over a 10 year period or is it seeking to provide for infill within existing metropolitan and country township areas?</p> <p><b>New policy</b> Insert a policy on incorporation of environmental protection.</p> <p><b>Non-statutory guidance note -Related SPPs:</b> suggest all SPPs relate to integrated planning.</p>

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			<p><b>Related legislation and instruments:</b> there are numerous Acts and instruments that interact with the planning system; add a reference to the <i>Environment Protection Act 1993</i>.</p>
5.	<p><b>SPP 2: Design Quality</b></p>	<p><b>Principles of good design</b>  <i>‘Sustainability - Good design is sustainable because it is environmentally responsible and supports long-term economic productivity, health and wellbeing’.</i></p> <p>Whilst this statement is supported, there is no matching policy.</p> <p>Design quality policies should also reference the need for building and streetscape design to accommodate future waste collection and management needs (this is particularly relevant in higher density residential and commercial areas). The <a href="#">South Australia Better Practice Guide Waste Management for Residential and Mixed Use Development</a>, prepared by Zero Waste SA in consultation with Renewal SA and the Property Council of Australia should be referenced.</p>	<p><b>Policy 2</b>  ‘Promote best practice in access and inclusion planning in the design of buildings and places by applying the principles of ...Environmentally Sustainable Design, Water Sensitive Urban Design <u>and Better Practice Guide for Waste Management in Residential and Mixed Use Developments</u></p> <p><b>New policies</b>  Insert a policy to guide sustainable design and environmental protection, including protection of the natural environment, protection from noise and air emissions, and protection from potential hazards such as site contamination.</p>
6.	<p><b>SPP 4: Biodiversity</b></p>	<p>In recognition of the ‘Principles of Good Planning’, SPP 4 should aim to prevent biodiversity loss, rather than just mitigate.</p> <p>In addition, forward looking land use planning should be playing a more proactive role in the creation of biodiversity corridors in addition to the protection of existing biodiversity.</p>	<p><b>Policy 2</b>  ‘<del>Minimise Prevent</del> the loss of biodiversity, <del>where possible,...</del>’</p> <p><b>New Policies:</b>  Insert a proactive, progressive policy encouraging the creation of biodiversity corridors integrated with water sensitive urban design, and (where appropriate) infrastructure corridors:</p> <p><u>‘Through integrated plans identify new biodiversity corridors and utilise opportunities for integration with water sensitive urban design and infrastructure’.</u></p> <p><b>Non-statutory Guidance Notes – Related Policies</b>  Insert:</p> <ul style="list-style-type: none"> <li>○ Water Security and Quality</li> <li>○ Primary Industry</li> </ul>

#	State Planning Policy reference	EPA comment	Recommended change (deletions strike-out / inclusions underlined)
7.	<b>SPP 5: Climate Change</b>	<p>The policies contained in ‘The role of planning’ box on page 30 should be incorporated as policies in order that they can be adopted in Regional Plans and the Planning and Design Code.</p> <p>Due to the potential for climate change to have an impact on water security and quality it is recommended that this issue be addressed through a policy inclusion.</p>	<p><b>Policy 5</b>  ‘Support <del>Facilitate</del> green technologies and industries that reduce reliance on carbon-based energy supplies <u>and, directly or indirectly, reduce our greenhouse gas emissions</u>’.</p> <p><b>New policy</b>  Insert a policy addressing the impacts of climate change on water security and quality.</p> <p><b>Non-statutory Guidance Notes – Related Policies</b>  Insert:</p> <ul style="list-style-type: none"> <li>○ Water Security and Quality</li> <li>○ Coastal Environments</li> <li>○ Natural Hazards</li> <li>○ Primary Industry</li> </ul>
8.	<b>SPP 8: Primary Industry</b>	<p>The only reference to the potential environmental impacts of primary production is in the third dot point of the introduction: <i>‘Enabling business growth, adaptation, innovation and diversification that is ecologically and socially sustainable’.</i></p>	<p>The use of the word ‘ecologically’ is probably a bit narrow. It would be better to use the word, ‘environmentally’.</p> <p><b>Policies</b>  Insert a policy addressing the potential environmental issues associated with primary production.</p>
9.	<b>SPP 9: Employment Lands</b>	<p>Whilst the EPA generally supports the Employment Lands policies, several policies would benefit from further clarity.</p> <p>Policy 1 refers to <i>‘state-significant operations and industries’</i> although this term is not defined. Are facilities licensed by the EPA considered state-significant operations and industries?</p> <p>The introduction refers to ‘waste management’ although there are no specific policies in relation to this important sector. This needs to be rectified noting that the EPA have observed a number of landfill proposals in country regions of the state in recent years that have been refused by relevant planning authorities because such proposals have been seen by country councils to be <i>seriously at variance</i> with relevant development plan policies (i.e. they have been proposed in Primary Production Zones).</p>	<p><b>Glossary</b>  Define <i>state-significant operations and industries</i>.</p> <p><b>Policy 7</b>  ‘Support sustainable tourism where the social, cultural and natural values underpinning the tourism developments are protected <del>to maximise economic growth</del> <u>in line with sustainability principles</u>’.</p> <p><b>New Policy</b>  ‘<u>Protect and provide an appropriate supply of land for waste and resource recovery infrastructure and other related green industries to maximise sound resource use, economic growth and to service our communities</u>’</p>

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10.	<b>SPP 10: Key Resources</b>	<p>If this SPP is dealing just with energy and mineral resources it would benefit from policy clarity and titled Energy and Mineral Resources. The <a href="#">Identification of strategic mineral resource areas in South Australia</a> (September 2015) is a valuable land use planning document and should be referenced. This document also includes definitions for <i>extractive minerals</i> (such as sand, gravel and clay) and <i>minerals</i>.</p> <p>There is no mention of the potential environmental impacts of the mineral and energy industries.</p>	<p>Suggest changing the name to Energy and Mineral Resources.</p> <p><b>Policies</b> Insert a policy addressing the potential environmental issues associated with the energy and extractive and mineral industries.</p> <p><b>Non-statutory Guidance Notes – Related Policies</b> Insert:</p> <ul style="list-style-type: none"> <li>○ <u>Biodiversity</u></li> <li>○ <u>Water Security and Quality</u></li> </ul>
11.	<b>SPP 11: Strategic Transport Infrastructure</b>	<p>This SPP could be strengthened through a dedicated future port policy.</p> <p>In recognition of the EPA licensing / referral role for railway operations, aerodromes, ports etc. the <i>Environment Protection Act 1993</i> should be referenced in the related legislation and instruments section.</p>	<p><b>New Policy</b> Identify suitable locations for future sea port facilities to provide certainty for infrastructure investment, communities and environment protection.</p> <p><b>Non-statutory Guidance Notes – Related Legislation and Instruments</b> Insert:</p> <ul style="list-style-type: none"> <li>○ <u>Environment Protection Act 1993</u></li> </ul>
12.	<b>SPP 12: Energy</b>	<p>Suggest changing name to Energy Infrastructure.</p> <p><b>Policies 1, 2 and 3</b> could be strengthened by the recommended changes.</p> <p><b>Policy 5</b> states: <i>‘Ensure <b>renewable</b> energy technologies support a stable energy market and continued supply and do not adversely affect the amenity of regional communities’.</i></p> <p>The policy introduces bias against renewable energy.</p> <p>The EPA understands that a certificate (in relation to the security and stability of the State’s power system) from the Technical Regulator is required for any electricity generating plant with a generating capacity of more than 5 MW, not just renewables.</p> <p>More significantly, conventional gas and diesel powered energy generation release toxic pollutants such as oxides of nitrogen,</p>	<p>Suggest changing name to Energy Infrastructure.</p> <p><b>Policy 1:</b> ‘Support the development of energy assets and infrastructure which are able to <del>manage</del> <u>minimise</u> their impact on surrounding land uses, and the natural and built environment’.</p> <p><b>Policy 2:</b> ‘Support and promote <del>alternative</del> renewable sources of energy supply, <u>such as solar and wind</u>, at the neighbourhood level’.</p> <p><b>Policy 3:</b> ‘<del>Facilitate access to</del> <u>Provide for</u> strategic energy infrastructure corridors to support the interconnection between South Australia and the National Electricity Market’.</p> <p><b>Policy 5:</b> Remove the reference to renewable: ‘Ensure <del>renewable</del> energy technologies support a stable energy market and continued supply and do not adversely affect the amenity of regional communities’.</p>

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		<p>polychlorinated dioxins and furans, with large-scale facilities featuring in the <a href="#">National Pollutant Inventory</a> Top 10 emitters for these substances nationally.</p>	
13.	<b>SPP 14: Water Security and Quality</b>	<p>The Mount Lofty Ranges Watershed is an old term with no legal basis under the <i>Environment Protection Act 1993</i>.</p>	<p><b>Policy 2:</b> Change as below.            Prioritise the protection of water supply catchments including:            a. <del>The Mount Lofty Ranges Watershed</del>            a. <u>Water Protection Areas (WPAs) proclaimed under the <i>Environment Protection Act 1993</i>, including the Mount Lofty Ranges, South East and River Murray WPAs</u>            b. The River Murray Protection Area under the <i>River Murray Act 2003</i>            c. Prescribed water resources and wells under the <i>Natural Resources Management Act 2004</i>.</p> <p><b>Policy 4:</b>            ‘Ensure our water supply, stormwater and wastewater infrastructure meets the needs of a growing population and economy while balancing <u>the need for environmental outcomes protection</u>’.</p>
14.	<b>SPP 16: Emissions and hazardous activities</b>	<p>Waste depots are essential infrastructure.</p> <p>This section would benefit from the discussion of radiation in the main body of the Introduction to give context to Policy #1. The EPA’s <a href="#">Radiation position statement</a> will assist with the regulatory context.</p> <p>The introductions states:            ‘<i>Land use interface risks can be avoided or mitigated through ensuring:</i></p> <ul style="list-style-type: none"> <li>• <i>appropriate separation between emission sources and/or hazardous activities and sensitive land uses</i></li> <li>• <i>suitably zoned land with required infrastructure is available for a range of industrial and infrastructure uses.</i>’</li> </ul> <p>There are three principles that generally apply when managing air and noise emissions. Creating an appropriate separation between land uses is often believed to be the primary method of managing an interface between land uses, but consideration should also be</p>	<p><b>Introduction:</b>            Remove waste depts. In paragraph 2 on page 64 as waste depots should be essential infrastructure.</p> <p>‘Protecting communities and the environment from exposure to industrial <u>emissions and</u> hazards and site contamination is fundamental to the creation of healthy cities and regions’</p> <p>...‘Land use planning has an important role to play in supporting industrial clusters and protecting communities from harmful emissions <u>via separation</u>’.</p> <p>...‘With the increasing focus on urban renewal and reinvigoration of existing urban areas it is critical that site contamination issues are identified and addressed <u>from the outset to safeguard communities and the environment</u> <del>ensure the health and safety of our communities</del>’.</p>



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		<p>given to controlling emissions at the source and receiver as required.</p> <ul style="list-style-type: none"> <li>• Control at source</li> <li>• Separation of source and receiver</li> <li>• Control at receiver</li> </ul>	<p><b>Objective</b>  ‘Communities and the environment are protected from risks associated with emissions, hazardous activities and site contamination, whilst industrial development <del>remains viable</del> <u>is progressive and strong.</u>’</p> <p><b>Policy 1</b>  ‘Ensure our communities and the environment are protected from risks associated with <u>industrial emissions and hazards (including radiation)</u> <del>and radiation activities</del> while ensuring that industrial and infrastructure development remains <del>viable</del> <u>strong</u> through:</p> <ol style="list-style-type: none"> <li>a. Ensuring appropriate zoning <del>and mixed uses are compatible</del></li> <li>b. Avoiding establishing incompatible land use interfaces <u>between industrial sites and sensitive land uses</u> through encroachment on industrial sites by maintaining adequate separation distances</li> <li>c. Incorporating <del>engineering controls into building design</del> <u>appropriate policy responses to control or minimise emissions at the source, and at the receiver in circumstances where emissions or impacts are unavoidable.</u></li> </ol> <p><b>Policy 2</b>  ‘Ensure risks posed by known or potential <u>site</u> contamination <del>of sites is adequately</del> <u>are appropriately</u> assessed and managed to enable the <del>appropriate</del> development and safe use of land’.</p>