Mr Michael Lennon  
Chairperson  
State Planning Commission  
GPO Box 1815  
ADELAIDE SA 5001  

28 November 2019  

Dear Mr Lennon,  

Submission on Phase 2 – SA Planning and Design Code  

I'm writing on behalf of Friends of Dudley Peninsula Parks to express our serious concerns over many aspects of the proposed SA Planning and Design Code and the way the process is being undertaken. We thoroughly support the detailed points that are included in the Friends of Parks SA submission.  

The scale of the proposed changes in the given timeframe is clearly too ambitious – combining state-wide Council policies into one and moving to a digital platform is a significant challenge, which requires much more time for consultation and implementation. The Code’s thousands of pages are riddled with omissions (including the State Heritage Register), errors and jargon and it is therefore incomprehensible to most people. The local consultation was very poor and tokenistic – there was no formal presentation to clearly explain the colossal changes, just a few hours (when most people were working) when people could drop in and ask questions - when most people don’t know where to begin!  

The online portal and mapping tool with parent zones, sub-zones and overlays is extremely confusing and difficult to navigate, making the idea of the planning process moving to the new ePlanning system very alarming. We do not have confidence that the implemented system will be reliable, given the current issues. Many regional people don’t have good internet access or the skills and time required to battle through a digital labyrinth. Given the importance of the subject, this will certainly result in extreme levels of stress and criticism of the government.  

When viewing the online maps we were shocked to see that large swathes of our most ecologically pristine National and Conservation Parks on Kangaroo Island had been zoned “Rural” instead of “Conservation”. They include: two areas of Flinders Chase National Park, Seal Bay Conservation Park, Dudley Conservation Park, Lesueur Conservation Park and Simpson Conservation Park (see attached maps). On contacting DPTI, I was informed that, “It is acknowledged that the standard business rules that we used to apply certain zones may not be appropriate in all circumstances, and we look to identify where this might not be appropriate through the consultation process. If you believe these areas should have a different zone applied, please lodge a submission detailing your concerns.”  

Why is it up to the public to highlight the fundamental flaws regarding the application of the business rules? And what more subtle errors are hiding within this extraordinarily complex Code? No doubt cunning developers with inappropriate plans will be quick to take advantage of these errors or omissions. We are gravely concerned that the new Code will erode the vital protections our environment and built heritage currently have.
It must be confirmed that **ALL** land currently set aside for conservation (eg National Parks, Conservation Parks, Wilderness Protection Areas, Coastal Conservation Zones, private Heritage properties, Reserves etc) remain clearly zoned “Conservation”.

It is our understanding that the highest level of protection, the *Wilderness Protection Act, 1992*, is not included in the proposed Code, which is extremely concerning. Protections rightly awarded to our most highly prized public natural assets should not be watered down in the Planning Code. Quite the opposite! Science tells us we are facing a climate and extinction emergency, and the new Planning Code should be seen as an opportunity to increase protection of our vulnerable ecological communities.

The Kangaroo Island community is already fighting (at great personal and financial cost) to stop inappropriately sited and scaled commercial developments on the headlands of Flinders Chase National Park, which are against the Park’s Management Plan and received no community consultation or thorough independent Environmental Impact Statement. The new Planning Code must reflect the community’s desire for Parks to be maintained as areas set aside for conservation and precedence given to **public** use and enjoyment, as per the objectives of the *National Parks and Wildlife Act, 1972*. Proposed code-assessed and impact-assessed tourist developments must adhere to existing Park Management Plans, provide public notification, extensive consultation (including thorough independent Environmental Impact Statements) and rights of appeal granted to all stakeholders, which includes the entire community of Park users.

A comprehensive biodiversity overlay should be applied in every zone, taking into consideration **all** individual species (animals, invertebrates and vegetation, including significant trees and threatened species), ecological communities and water resources. Our social, environmental and economic values are all underpinned by the vital Ecosystem Services they provide and must be taken into account at a broad scale so that they are not ‘chipped away’.

Streamlining, simplification and efficiency may be desirable aspirations but this rushed and radically altered ‘once in a generation’ planning reform reduces unique regional planning nuances (developed through years of local consultation) and undermines the community’s confidence that the new planning policy will serve them well and protect our State’s built and natural heritage.

We urge you to defer the implementation of the Code so that errors and omissions can be fixed and it can be peer reviewed and risk assessed. Councils and communities must then be genuinely consulted and given much clearer, accurate, locally focused documentation and reasonable time to respond (as per the Community Engagement Charter).

Yours sincerely,

Janine Mackintosh
President
Friends of Dudley Peninsula Parks
Western Kangaroo Island

Dudley Peninsula, Kangaroo Island