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SPC



# Native Vegetation Council

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Mr Tim Anderson  
Chair - State Planning Commission  
GPO Box 1815,  
Adelaide SA 5001

Dear Mr Anderson

Thank you for providing the Native Vegetation Council (NVC) with the opportunity to comment on the draft State Planning Policies (SPP) for South Australia under the new *Planning, Development and Infrastructure Act 2016* (PDI Act). The NVC also thanks representatives of the Department of Planning, Transport and Infrastructure and the State Planning Commission for coming to discuss this with the NVC on 29 August 2018.

The NVC is pleased that Biodiversity has been included as a mandatory State Planning Policy. This recognises that the protection and enhancement of the States biodiversity is of critical importance for the long-term health and prosperity for all South Australians. It also recognises the critical role the land use planning system plays in protecting and managing our native vegetation and associated biodiversity values into the future.

The NVC is generally pleased with the content of the draft Biodiversity SPP, particularly regarding the references to protection and management of native vegetation and biodiversity. However, the NVC is of the opinion that there are a range of areas that could be further strengthened. This particularly relates to the Objective and Policies in the Biodiversity SPP. The NVC considers that the Policies should clearly articulate and reflect following matters:

- Development should aim to result in an overall environmental improvement through maintaining and enhancing landscapes scale ecological functions and services.
- Developments should not result in unacceptable impacts on biodiversity. Any development application needs to clearly consider the scale of any possible impacts on native vegetation and biodiversity, actions taken to avoid and minimise those impacts, and resultant residual impacts. If the residual impacts (having regard to the social and environmental benefit of the project) remain unacceptable, then the development should not proceed.
- Where the impacts of development on biodiversity are unavoidable, they should be offset through complimentary actions to mitigate the effect of those impacts.
- Areas of high biodiversity or conservation value should be identified and protected from developments that do not directly maintain or improve those values.

- Development applications should be generational in nature – that means they should consider and manage the full impacts of proposed development, both the immediate and direct impacts, indirect and future impacts. This should include potential impacts on adjoining land use, including the ability to manage and restore landscapes into the future.
- The land use planning system should provide for landscape scale connectivity and opportunities for migration of fauna, flora and vegetation communities to adapt to the effects of climate change.

The NVC would also like to make the following general comments in relations to the SPP and the broader planning reforms.

The Biodiversity SPP should align with and seek to further the Objects of biodiversity related legislation such as the *Native Vegetation Act 1991* and *National Parks and Wildlife Act 1972*.

The development of the planning portal should allow for broad scale (regional) strategical assessments in relation to possible and proposed developments in order to identify locations that present the fewest environmental constraints, such as the presence of native vegetation, in order to avoid incompatible or environmentally detrimental land uses.

Finally, the NVC has long held concerns regarding the lack of integration and coordination between the *Development Act 1996* and *Native Vegetation Act 1991* and the relevant agencies. This has resulted on occasions, with matters approved under the Development Act which have significant impacts on native vegetation. The NVC currently has no mandatory role in the decision making process, but are subsequently often obliged to approve the clearance of native vegetation as a result of development approvals. This can result in the NVC approving outcomes that would otherwise not be considered acceptable under the Native Vegetation Act and/or are at odds with the obligations of the NVC. A key contributing factor to this situation has been the lack of an effective referral under *Development Regulation 2008* to the NVC. The NVC welcomes the current opportunity to address this shortcoming by ensuring that an effective and meaningful referral mechanism is established under the new planning framework. This of course must be underpinned by strong and trusted working relationships between agencies – which the NVC look forward to proactively supporting.

The NVC also welcomes any further opportunities to be involved, including through the development of referrals and the Planning and Design Code (the Code). It is of high importance that these matters clearly consider and protect native vegetation as it is of material consequence to extent of native vegetation into the future and the health and condition of the environment for the State of South Australia.

Yours sincerely



Emily Jenke  
Presiding Member  
**NATIVE VEGETATION COUNCIL**