

**Submission on Phase 2 of the proposed new South Planning Act, specifically in relation to the to accommodation development in Conservation Crown land and other Conservation land eg Parks that come under NPW, Wilderness Acts and other high conservation areas such as Native Forest Reserves**

1. We don't think that any Minister or Government should have the automatic power to fast track any accommodation (or other) developments in SA's Protected Area System and the New Planning Laws should encompass that. There should always be an opportunity for Public consultation and submissions. We are concerned at the potential conflict of interplay between the various Acts, such as the Planning Act, NPW and Wilderness Acts, Coastal Protection Act and EPA Acts. There is also a lot of contradiction between Government Policies, such as on Tourism, especially eco tourism, "Healthy Parks, Healthy People "and the various Conservation Acts and DEW policies such as "No more species loss". This is one reason that totally inappropriate activities and developments (including accommodation) has now been allowed to occur in some high conservation value and biodiverse Conservation and National Parks".

2. We agree with the principle that in the new Planning Act there should be a Conservation overlay under the authority of DEW to go with the overlays for fire risk, native vegetation clearance ,other Environmental assessments eg under EPA Act etc. This is because many of these Acts have been changed over the years to favour developments and activities of various kinds at the expense of native vegetation and conservation and biodiversity protection. eg the introduction of the Off- set scheme under the Native Vegetation Act.

3. However, we do not agree with the outline we were provided with by DEW that suggests the parameters and process that would occur for this overlay. Their outline puts the primacy on Management Plans and the objectives of the NPW Act. We do not disagree in principle with that. Unfortunately in reality their proposal does not take into account the contradictions within one of the Objectives in the Act and the rest of the Objectives nor the reality that Management Plans are usually not specific enough and many have not been revised in some years.

Their conservation code overlay parameters state only that management plans that specifically state that accommodation (and other activities and developments) are not permitted will be "not assessed" ie not allowed, with no appeal. Their categories ignore the reality that currently, at a quick audit, management plans rarely stipulate in great detail what is or isn't permitted in each Park, including in relation to higher impact activities and accommodation and other developments. Many Management Plans have not been revised for some years and some newer or smaller parks in the Protected Area System eg in the Southern Flinders do not yet have Management Plans. Some Management Plans that have been revised in more recent years are even less specific in what is or isn't permitted in Parks. DEW has not been given sufficient resources to make Management Plans keep up with changes in Governments' Policies on eco tourism etc. Management Plans of Conservation Areas, Conservation Parks and National parks should be revised so that they specify what types of activities and developments will be allowed in each Park. It seems that only through such a process that will there be the opportunity, which is legislated in the NPW Act, for the Public to comment on whether they agree or disagree with what is specified in the

Management Plan. For this not to happen undermines the intention of the NPW Act. There appears to be no intention to have in the new Planning Act a similar opportunity for wide Public consultation as usually happens for Management Plans. The Planning Pathways do not guarantee this right for Public comment. This is not acceptable and makes it much less transparent and fair than the current Planning Act.

The above situation has led us to the conclusion that the DEW proposals for assessment under the conservation overlay are totally inadequate. Our proposal as outlined below would help to improve the primacy of biodiversity, ecological system, water quality, and generally all native flora and fauna protection in the those areas that come under the various "Conservation Acts" outlined in the first paragraph.

Instead of the DEW conservation overlay process we suggest the following:-

**Have 2 sub categories within the Conservation Overlay as below:-**

**A. High Conservation Area** which marks (with an overlay) all Conservation Parks, Conservation Areas and National Parks, Wilderness Areas, Coastal Reserves, Native Forest Reserves and Conservation zones in other "parks". In this high conservation area then **more** accommodation developments than currently in these parks are **not permitted**. ( ie "not assessed")There should be no right of appeal against that by anyone.

NB that would get over the problem of Management Plans and the Objectives of the Act not being specific enough. The alternative is that all M Plans in those high value conservation areas, which have proposals under the Planning Act to increase the range of activities currently in that Park or introduce a new development, eg accommodation must commence a Management Plan review that states specifically what is or isn't permitted in parks and which does not contradict the intentions of Acts such as the NPW Act . No approvals under the Planning Act should be possible before that process is concluded. This would include the normal chance and adequate time for Public submissions and comment. This would need a lot of resources and be time consuming.

**B Management Plan Assessed category. Also with an overlay.**

Any developments in other Parks eg Recreation Parks, Regional Parks should come under the Impact Assessed Restricted Pathway. There should be an overlay to show where these areas exist and where existing conservation zones are and it could be called "Management Plan dependent" sub code. Under this sub- category any currently marked conservation zone should not be permitted to have accommodation developments. Proposals for accommodation in other zones should be referred first to DEW as the authority. If a specific area is not mentioned in that park's management plan for accommodation development including a detailed statement of what type and size of development etc then a Management Plan Amendment should be instigated. If there is no Management Plan then a Management Plan must be written. Both of these situations should include the parameters and area of the proposed development. Going through the Management Plan process is the only way that the Public and stakeholders can have adequate time to make submissions in support or against elements of the Management Plan, including the proposed development.

Once the Management Plan Process has been completed, including the statement of reasons given by DEW to the people who have made submissions, then there should be one of 2 pathways.

a) if the Management Plan isn't amended successfully to allow the specific development then the development will be deemed "**not assessed**" and the application can continue no further with no rights of appeal

b) If the Management Plan is amended successfully to potentially allow the proposed accommodation development then the proposal should take the Impact assessed-restricted pathway in the Planning Act and should still have to go to the authorities who administer the EPA Act, Native Vegetation Clearance and the Coastal protection Act. At that stage the highest level of assessment must be applied to the developer for consideration by these authorities, which should include sufficient time allowed (minimum 3 months) for Public to Comment on (not just be notified as this is unfair, undemocratic and gives too much right to the developer). The authorities should give reasons for their decision to recommend or not recommend the development and the conditions applied to the development. As under the previous Planning Act, there then should be rights of appeal by all parties who made a submission eg to Environment and Land court, but it should be under the mediation process. However, if this appeal process is deemed too time consuming, then no parties should have right of appeal

### **Other Reasons for the suggested changes to the DEW suggested conservation overlay assessment.**

1. We have concerns about the Native Vegetation overlay and specifically the process which is to use a "risk based approach" based on the "level of clearance proposed". This starts with an unacceptable premise that any clearance of native vegetation is considered (see point 2 below). The premise should be that native vegetation clearance for accommodation developments on any land, but particularly in the protected Area System should not be permitted in an application.

2. The new proposed conservation code overlay contains vague words or words that can have different meanings. this includes the following words

- "contemplate" . It should be "specify"

"quality" nature based tourism. What does quality mean? How is it assessed and monitored?

"ecologically sustainable". This needs to be clearly defined.

There are others as well.

3) There needs to be special requirements for accommodation developments on any Land in the Protected Area System. Even those Parks predominantly used for recreation are in the Protected System usually because they have some existing important remnant native vegetation plants or associations and/or because it gives the possibility of increasing the amount of native flora and fauna by regeneration and replanting. This adds to the lack of such vegetation on the Adelaide Plains and also in the Mount Lofty Ranges and in many Regional areas. Mental health experts are highlighting the importance of green spaces and vegetation for their benefit to people and the increasing provision of the need to provide spaces for Nature Play for children needs space for adequate parking as well, as they are very popular. Currently with the increasing population of Adelaide and the smaller size of blocks and less immediate

neighbourhood parks this function is becoming more critical. As well they are important for keeping our cities cooler and improving air quality.

4. It would help Regional farmers/towns more if a private developer wanting to build accommodation leased or bought private land near Protected Area land rather than being allowed to excise Public land within the Park for private gain.

## **Conclusion**

In conclusion, the Agency Referral section for the Impact assessed - restricted Planning Pathway under the new Act is totally inadequate for protecting our Publicly owned and funded and maintained Protected Area system. The suggested DEW assessment process for the Conservation Code overlay is not adequate enough. We suggest a much better alternative. Our proposals are based on our knowledge about the significance and vulnerability eg due to Climate Change and droughts, loss of habitat from overclearing and feral weeds, animals and human impacts on our native flora and fauna and biodiversity. Our group has been volunteering in the local Conservation Park for 30 years, to protect its conservation values as have many other volunteer groups in other parks. Together they have saved SA Governments several million dollars, which should have been provided for by the Government, not volunteers. The Government has a chance to help the State's supposed Green and Clean Image which they like to espouse by getting these Planning Law Changes and the conservation overlay in particular, strong enough to protect the conservation values of the Protected Area System and the enormous public benefit it already gives South Australians. Eco-Tourism Accommodation developments in parks are unnecessary, as they can occur outside Parks and the risk is too high that unacceptable impacts on the conservation values of these parks will occur.

This submission has been prepared by and endorsed by the Friends of Kaiserstuhl Conservation Park

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