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Chair  
State Planning Commission  
Mr Michael Lennon  
Level 5, 50 Flinders St, Adelaide  
**By Email**

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Dear Mr Lennon

**Re: Draft Planning and Design Code Phase Three (Urban Areas) and the Renewable Energy Discussion Policy Paper**

Thank you for the opportunity for the South Australia Murray-Darling Basin (SAMDB) Natural Resource Management Board (the Board) to comment on the draft Planning and Design Code Phase 3 (the code). The Board provided an initial response to the Renewable Energy Discussion Policy Paper in July 2019, with a commitment to respond more fully after the Code release. A response to Phase 2 of the code for regional areas was provided in November 2019.

Natural Resource Management (NRM) Boards play an important role in the planning system, through regional plans to guide investment in projects and communities, and provision of advice on development application referrals to the Boards. Boards have a requirement to review and have input to development plans in their regions, and ensuring that they promote the objects of the *Natural Resource Management Act 2004*. This role will continue under the new *Landscapes South Australia Act 2019*, which boards are working to transition to at present. Murraylands and Riverland Landscape Board will replace the current SAMDB Board from July 2020.

In general, the Board supports the planning reform and the significant work completed by the Commission to date. However there is concern that the early consultation on the discussion papers, which was in depth and of high value, has not yet translated to improvements in state planning policy. At present there seems to be limited connection between the State Planning Policies and the Code Policy, and much of the detail from the discussion paper is not apparent. The Board recommends that areas of action from the What We have Heard reports are clearly identified as being Generation 2 or 3 reform, including where that reform will sit in the new code.

The regional councils in our area have been diligent in responding to the commission on each phase of the code, particularly regarding zoning and spatial mapping. The Board looks to these stakeholders to identify these important details, while maintaining an oversight of key issues. Our planning staff involvement in agency and local government planning and resilience groups provides a good understanding of the different responses.

**General comments**

The Board recommends the Commission refer to our previous comments on Phase 2 of the Code, as provided by letter submission, dated November 2019. Many of these comments are relevant across both phase 2 and 3 of the code.

Phase 3 of the code is relevant to selected councils within the Board's current region, these being Adelaide Hills, Alexandrina, Barossa, Mid Murray, Mount Barker, Murray Bridge, Onkaparinga and Victor Harbor. Of these, only Mid Murray and Murray Bridge councils will remain in the new Landscape SA Murraylands and Rangelands region.

- The zoning of all protected areas as conservation remains of key importance, in protecting areas of significant native vegetation and the habitats and species they support. Re-

consideration of the term 'contemplation' with regard to tourism developments in parks is equally important.

- Recent referrals from our regional councils have highlighted the need for planning policy to require that developments consider the impacts of climate change over the life of the development. This would support the State Planning Policy on Climate Change and ideally address development resilience to hazards. Future improvement of the flood overlay will also better address long term climate change impacts, and is supported.
- The consideration of native vegetation impacted by development will be considerably improved by the revised approval pathway for native vegetation clearance, which is welcomed. However, the remaining vegetation would benefit from enhancement and improvement and therefore this should also be incorporated into planning controls. Remaining vegetation is often fragmented and degraded by development impacts.

### **Renewable Energy Policy Discussion Paper**

The increase in solar energy developments in many areas involves the loss of valued agricultural land. As discussed in our previous submission, the development of guidelines or design principles which require renewable energy developments to avoid or minimise impacts on productive land, or land which will require a large amount of native vegetation clearance, is requested. The potential for agriphotovoltaics, where solar farms can co-exist with agricultural production or grazing, should be an important consideration.

There is concern around the use of the term 'significant landscapes', particularly with regard to the statement on p12 of the Renewable Energy Policy Discussion paper: "*Solar farms are best located in areas with soil not capable of supporting high productivity agricultural activities and landscapes that are not of significance.*" If a significant landscape is determined by whether it is in the Significant Landscape Protection Overlay, this overlay is not extensive enough to confer sufficient protection to our wide ranging agricultural landscapes. The land currently included in this overlay layer is a transfer from existing zoning in regional development plans and is not considered to be consistent or complete. It would therefore not be a good point of reference as to whether a solar farm development was located in a 'significant landscape.'

Impacts on birds and bat species are often under-represented in application submissions, and often only considered in detail if the presence of an *Environment Protection and Biodiversity Conservation Act* listed species or community requires a higher level of assessment. The impacts of wind farms in particular on these animals has been extensively studied and there is some excellent guidance on the level of assessment required. The current code policy could be expanded to better protect these animals from a growing development pressure.

With regard to pumped hydro electric schemes, which involve circulation of water, there is a growing body of evidence that acknowledges that groundwater can and often does possess ecosystem values. It is therefore recommended that the code acknowledge that the use of groundwater needs to consider any potential impacts on these ecosystems. Activities which could affect these ecosystems include pumped hydro above sensitive systems; the use of sea water which could leak and impact sensitive ground water systems or surface systems, and the use of polluted water from underground mines impacting surface water systems.

Should you require further information on any aspects of the submission please contact Eilidh Wilson, Senior NRM Policy Officer on [REDACTED].

Yours sincerely



Dianne Davidson

**Presiding Member**

**South Australian Murray-Darling Basin Natural Resources Management Board**