



25 February 2020

Hon Stephan Knoll MP
Minister for Planning
GPO Box 1533
Adelaide SA 5001

Email: ministerknoll@sa.gov.au
CC: saplanningcommission@sa.gov.au
CC: DPTI.PlanningEngagement@sa.gov.au

Dear Minister,

Re: Resilient Hills & Coasts Submission on Phase Three of the draft Planning and Design Code

Resilient Hills & Coasts is one of eleven Regional Climate Partnerships across the State, established in 2014 as part of the South Australian Government's push to prepare our communities for a changing climate. Our region covers the Adelaide Hills, Fleurieu Peninsula and Kangaroo Island. We are a partnership between six Councils (Adelaide Hills, Alexandrina, Kangaroo Island, Mount Barker, Victor Harbor and Yankalilla), the Southern & Hills Local Government Association, two Natural Resources Management Boards (Adelaide & Mount Lofty Ranges and Kangaroo Island) and the South Australian Government.

Our goal is to strengthen the resilience of our communities, economies and natural and built environments. To build resilient communities, we must integrate climate-readiness into all aspects of where we build and what we build. Climate ready development will minimise community vulnerability during extreme events, while providing improved liveability, affordability and health and wellbeing for households every day.

We strongly agree with the State Planning Commission that the housing stock and urban infrastructure we build now must perform well and be fit-for-purpose throughout its life. We agree that what we put in place now must support community liveability, sustainability and prosperity well into the future. In our region, that means development must support a hotter, drier climate, and mitigate risks and liabilities from more intense and frequent hazards like extreme heat, bushfires, coastal erosion and flooding.

Resilient Hills & Coasts commends the State Planning Commission on its efforts in the Generation 1 Code towards delivering the State Planning Policies. Specifically, we commend:

- Strengthened greening and canopy cover provisions in the Code, including minimum requirements for deep root zones, soft landscaping space, and site permeability.
- Improved Water Sensitive Urban Design provisions.
- Greater coordination of hazard mapping across South Australia, and promoting the weight of hazard-related policy in decision-making through the use of Overlays.

We wish to submit the following comments on the draft Code:

Natural Hazards

- **When the system goes live, all available flood mapping must be included in the flood overlay, even if it is not currently in a Development Plan.** Currently, Councils without flood mapping in their Development Plan use a combination of planning policy and off-plan maps to assess and manage flood risk. If there is no applicable flood policy because the Flood Overlay does not apply, then planning decisions will not be made on the best available information. **Leaving available flood maps out of the new system is highly likely to subject people and property to flood risk, and state and local governments (decision-makers) to legal liability risks.** These real risks outweigh any risk of negative community perception. The proposed use of the Water Resources Overlay as an interim solution has been patchily applied and does not address flood risks. Councils in our region have offered to provide flood maps for inclusion in the Overlays, and the 1956 River Murray Flood area also needs to be added.
- **Bushfire policy needs to be updated to align with the State Bushfire Coordination Committee's Fire Management Zone Standard & Guidance for Use (14 February 2020 update).** For example, Code concept plan illustrations are ambiguous and do not reflect the Zone Standard for Asset Protection Zones.
- Planning has been identified as an important aspect of the *Independent review into South Australia's 2019/20 bushfire season*. **The bushfire review's findings should be factored into Generation 2 Code at the latest.** Our partners support inclusion of best available bushfire hazard maps in Overlays.
- There is a current grey area in the planning system, where approvals in high risk bushfire zones can have the effect of compelling action (vegetation clearance) on land owned by another party (via s105F notices). To overcome this, **the onus of managing all bushfire management impacts of the development on surrounding native vegetation (asset protection zones, buffer zones, turning circles etc) should be placed on the applicant, accommodated on the land parcel being developed, and assessed as part of the development approval.**
- To mitigate physical and financial risks to people and property, and legal liability risks to decision-makers, development assessment must be based on the best available hazard information. In the changing climate, hazard maps will need to be updated regularly, with the capacity to include projected changes (eg. coastal erosion over the expected lifespan of the development). Therefore, **there needs to be an identified and resourced mechanism for updating hazard maps as they become available** (which may not align with Code policy updates). This should include coastal hazard maps, with consideration given to transitioning the coastal referral Overlay to a hazard-based one.
- **Urban heat mapping should be added as an Overlay, with accompanying policy, in Generation 2.** There should be a resourced and centrally coordinated process for filling knowledge gaps on urban heat outside of metropolitan Adelaide, and for keeping this hazard information updated.
- **Code amendments from private interests must be put on hold until comprehensive hazard mapping overlays and detailed Regional Plans are in place,** with appropriate future growth and/or targeted high-density infill areas mapped out. Opening up private Code amendments without due consideration of hazards could expose decision-makers to significant legal liability risks.

Cooling and Greening

- The Code's emphasis on urban infill and easier removal of trees is unlikely to be compatible with delivery of the State Planning Policies and canopy cover targets laid out in the 30 Year Plan for Greater Adelaide. More than half of all urban canopy is in front and backyards, and there is insufficient space in the public realm to replace lost canopy (due to services, driveway crossovers etc). An important factor to consider is that when mature trees with hollows are lost, they take a century to replace. Therefore, **greening objectives should be strengthened, incentives added to prevent clearance (for example, Land Tax discounts for retaining trees and garden), and monitoring and enforcement mechanisms and resourcing added.**
- **Good WSUD policies need to be consistently applied in every zone, without exceptions, to ensure the same outcomes are met across all developed areas.** For example, WSUD performance outcomes should apply to group dwellings, residential flat building, battle-axe dwellings and other land uses.
- State Planning Policy 4.1 (ensuring significant habitat protection) is not reflected in the Code. **A Critical Habitat Overlay should be developed and integrated into the Code to ensure protection of critical habitat for threatened species and ecological communities listed at state and national level.** Biodiversity should also be included as a Desired Outcome and Performance Outcome.

Energy Infrastructure and Energy Efficiency

- Across both the Planning and Design Code and National Construction Code, **energy efficiency measures need to be strengthened to mitigate greenhouse gas emissions and urban heat, and to positively impact occupant wellbeing and cost of living.** For example, higher energy efficiency ratings (like Green Star) need to be mandatory, along with the installation of solar panels, the highest rating of insulation, adequate eaves, use of lighter colours or thermal reflective surfaces, and appropriate alignment of housing blocks in new developments. Such policies should include quantitative minimum requirements rather than guidelines.
- **Solar power facilities should only be developed on already cleared land or on buildings.** Allowing substantial vegetation clearance for solar generation defeats the purpose. Development on agricultural land should also be avoided, to mitigate adverse impacts to food security.

At the end of the reform process, we want to see a planning system that goes as far as reasonably practicable to encourage climate-ready, resilient communities.

We express our support for submissions made by our regional partners, as well as those made by other Regional Climate Partnerships.

This submission was prepared by the Resilient Hills & Coasts Steering Committee and does not replace or constitute individual partner submissions.

Regards,

Jen St Jack

Resilient Hills & Coasts Regional Coordinator

On behalf of the Resilient Hills & Coasts Steering Committee