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Thursday 27 February 2020

Re: Comments on the draft Planning and Design Code (primarily focused on Phase 3 councils (Urban Areas))

To whom it may concern,

The Nature Conservation Society of South Australia (NCSSA) appreciates the opportunity to comment on the draft Planning and Design Code Phase 3 councils (Urban Areas, hereafter the Code).

As South Australia's primary nature conservation advocacy organisation, since 1962, NCSSA has been a strong advocate for the protection of native vegetation and biodiversity in South Australia with particular attention being paid to nationally and state listed threatened plants, animals and ecological communities and the management of protected areas.

This submission complements the submission we made on Phase 2 Councils (Rural Areas), dated 29 November 2019. A summary of our comments that also apply to Phase 3 are included at **Attachment A**.

Nature conservation issues specific to the urban environment which are of concern to NCSSA include:

- **Tree canopy in the urban environment**

Trees are critical to a healthy, liveable urban environment. They provide a range of benefits including providing shade in our warming climate, they contribute to amenity and they help to sustain biodiversity and habitat. Protecting existing tree canopy in the urban environment is therefore critical, which NCSSA understands is primarily achieved in the current system by controls on removing Significant and Regulated Trees. In our submission on Phase 2, we expressed our concern regarding the proposed Regulated Tree Overlay, which we support in principle but which appears to weaken the protection regime for large trees compared to the current system.

We acknowledge the State Planning Commission's Update Report¹ that has subsequently been released, confirming that current lists of Significant Trees and Regulated Trees from Development Plans will be transitioned into the new Code where they currently exist in Development Plans, and the reassurance that current assessment processes and their underlying policy intent will be transitioned to the new system.

We remain concerned, however, about how the increasing rate of infill housing in established neighbourhoods will result in the loss of vegetation and tree canopy when existing housing is replaced with denser building forms. Given the current commitment in the 30 Year Plan for Greater Adelaide for a

¹ https://www.saplanningportal.sa.gov.au/_data/assets/pdf_file/0007/613654/Planning_and_Design_Code_-_Phase_3_Update_Report.pdf

20% increase in urban green cover by 2045², there will need to be significant efforts made with respect to retention of existing trees and the planting of new trees, particularly on private land as NCSSA understands there is inadequate public open space available to meet the target.

We therefore restate our support for policies for encouraging more 'green infrastructure' in new developments. Specifically, in relation to Design in Urban Areas, the outcomes sought that we support are:

- development facing a street provides a well landscaped area that contains a deep soil space to accommodate a tree of a species and size adequate to provide shade, contribute to tree canopy targets and soften the appearance of buildings (PO 10.1);
 - deep soil zones provided to retain existing vegetation or provide areas that can accommodate new deep root vegetation, including tall trees with large canopies to provide shade and soften the appearance of multi storey buildings (PO 10.2);
 - deep soil zones provided with access to natural light to assist in maintaining vegetation health (PO 10.3).
 - unless separated by a public road or reserve, development sites adjacent to any zone that has a primary purpose of accommodating low rise residential development incorporate a deep soil zone along the common boundary, to enable medium to large trees to be retained or established to assist in screening new buildings of 3 or more storeys in height (PO 10.4).
- **Water Sensitive Urban Design and Biodiversity Sensitive Urban Design**

As stated in our submission on Phase 2, we support Water Sensitive Urban Design policies such as for residential development design that captures and reuses stormwater, particularly where this has benefits for stream health and biodiversity, as has been demonstrated by the Little Stringybark Creek project in outer Melbourne³.

NCSSA also supports the pursuit of Biodiversity Sensitive Urban Design (BSUD, as described in Garrad et al. 2008 and Parris et al. 2008). This is an emerging field of thinking and research that seeks to incorporate existing ecological knowledge into a framework that can be used by planners. Pursuing BSUD includes actively constructing ecological features that will benefit biodiversity, such as green walls and roofs, as well as design that encourages local community to care for, value and engage with areas of high biodiversity and other green spaces. BSUD will also be a focus for the Green Adelaide Landscape Board, which is in the process of being established⁴.

Please note that NCSSA has also submitted comments on the Discussion Paper on Proposed Changes to Renewable Energy Policy in the Planning and Design Code today, focussing on our concern that under current settings, the proliferation of solar farms in South Australia is resulting in excessive clearance of native vegetation. We also wish to take this opportunity to restate our support for the new proposed Native Vegetation and State Significant Native Vegetation Overlays (subject to the suggested changes at **Attachment A**) and we acknowledge that the Update Report commits to correcting the Conservation Zone mapping⁵, a key concern raised in Phase 2 consultation.

² https://livingadelaide.sa.gov.au/_data/assets/pdf_file/0003/319809/The_30-Year_Plan_for_Greater_Adelaide.pdf

³ <https://urbanstreams.net/lsc/index.htm>

⁴ <https://www.environment.sa.gov.au/topics/green-adelaide>

⁵ https://www.saplanningportal.sa.gov.au/_data/assets/pdf_file/0007/613654/Planning_and_Design_Code_-_Phase_3_Update_Report.pdf

NCSSA acknowledges that the Minister for Planning is acting to delay the implementation of the new Code by extending the date from 1 July 2020. Whilst we believe this is prudent, further consultation with the community will still be needed due to the numerous changes and corrections that will need to be made once the current consultation period closes.

If you would like to clarify or discuss this submission please contact me on (08) 7127 4633 or via email at julia.peacock@ncssa.asn.au.

Yours sincerely,

A handwritten signature in blue ink that reads "Julia Peacock". The signature is written in a cursive style and is placed on a light yellow rectangular background.

Julia Peacock
Nature Advocate

References:

Garrard GE, Williams NSG, Mata L, Thomas J, & Bekessy SA (2018), Biodiversity Sensitive Urban Design, Conservation Letters, 11(2) 1-10.

Parris KM, Amati M, Bekessy SA, Dagenais D, Fryd O, Hahs A, Hes D, Imberger SJ, Livesley SJ, Marshall AJ, Rhodes JR, Threlfall CG, Tingley R, van der Ree R, Walsh CJ, Wilkerson ML, Williams NSG (2018), The seven lamps of planning for biodiversity in the city, Cities, <https://doi.org/10.1016/j.cities.2018.06.007>

Summary of NCSSA's specific suggested amendments to all Phases of the Code, where relevant:

Summary of changes sought to Conservation Zone:

- Change the assessment of proposed Tourist Accommodation from the 'performance assessed' pathway to the 'restricted' pathway for the Conservation Zone,
- For assessing potential development in Conservation Zone areas declared under the *National Parks and Wildlife Act 1972* and *Wilderness Protection Act 1992* through the 'restricted' pathway, amend the wording from development 'contemplated' to 'specifically authorised' in the relevant plan, and apply a 'public good' test in the assessment process,
- Create a Wilderness Protection Subzone for the fourteen areas currently proclaimed under the *Wilderness Protection Act 1992* with policy that mirrors the provisions of that Act, i.e. that prohibits roads, tracks, buildings or structures except those that are specifically authorised by the plan of management,
- Expand the categories of tenures in the Conservation Zone to include Native Forest Reserves managed for conservation, Crown Land reserved for conservation and private reserves included in Australia's National Reserve System,
- Correctly include all relevant areas in the Conservation Zone for Phases 2 and 3 prior to finalisation,
- Correctly include all relevant areas in the Conservation Zone in the Phase 1 (Outback) area as a priority since this Phase is already operational.

Summary of changes sought to Rural Zone:

- Policy for Zone and/or relevant overlays ensures solar farms are sited and designed to avoid adverse impact on native vegetation specifically and biodiversity more generally. For example, PO 9.1 relating to Renewable Energy Facilities in the Rural Zone could be expanded to "Renewable Energy Facilities and ancillary development minimises significant fragmentation or displacement of existing primary production *and avoids native vegetation clearance and impacts on biodiversity more generally.*"

Summary of changes sought to Native Vegetation Overlay (NVO):

- Amend Desired Outcome 1: to 'Protect, retain and restore areas of native vegetation, *habitat and the significant biodiversity associated with and present in areas of native vegetation*',
- Redraft PO 1.3 and DTS 1.3 to clarify and harmonise, ensuring that the purpose is to separate inappropriately intensive land uses from the boundaries of all native vegetation areas, not just those included in the State Significant Native Vegetation Overlay (SSNVO),
- Include a definition of 'minor' clearance that ensures an objective test is applicable for determining what is 'minor' clearance in PO2.1 for land division. Also, clarify why the term used in PO2.1 is 'minor' and not 'low level clearance' as used in SSNVO DTS / DPF 1.1.

Summary of changes sought to State Significant Native Vegetation Overlay (SSNVO):

- Reconsider name of SSNVO, suggest change to 'Reserves and Heritage Agreement Native Vegetation Overlay', since the overlay is spatially derived from tenure and administrative categories, not a biodiversity inventory of state significance,
- Include all reserves containing native vegetation, including Game Reserves, Recreation Parks and Regional Reserves, where applicable, as well as areas we suggest adding to the Conservation Zone ie. Native Forest Reserves, Crown Land dedicated as Conservation Reserve and private conservation areas in our national Reserve System.

Summary of change sought to better implement SSP4 - Biodiversity:

- Develop and implement a Critical Habitat Overlay that includes likely critical habitat for threatened species and ecological communities listed nationally and at the state level.

Summary of change sought to Regulated Tree Overlay:

- Redraft PO 1.2 to 'Regulated and significant trees should be preserved, particularly if they are indigenous to the locality, important habitat for native fauna, part of a wildlife corridor of a remnant area of native vegetation and/or are important to biodiversity of the local area'

Summary of change sought to Infrastructure and Renewable Energy Facilities general provisions:

- Redraft DO 1 to add '*... is environmentally and culturally sensitive (particularly by avoiding native vegetation clearance and impacts on biodiversity more generally)...*'.