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State Planning Commission
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Thursday 27 February 2020

Re: Comments on the Discussion Paper on the Proposed Changes to Renewable Energy Policy in the Planning and Design Code

To whom it may concern,

The Nature Conservation Society of South Australia (NCSSA) appreciates the opportunity to provide comment on the State Planning Commission's Discussion Paper on Proposed Changes to Renewable Energy Policy in the Planning and Design Code, released in July 2019.

About NCSSA

NCSSA is a voluntary, community-based conservation organisation and, since 1962, we have 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.

General response to Discussion Paper

NCSSA agrees with the Commission's Discussion Paper that renewable energy is a crucial part of efforts to reduce global carbon emissions, which in turn will reduce the likelihood of dangerous climate change. We also agree that South Australia's existing planning policies need to be updated to keep pace with the changing nature of our energy infrastructure and that they need to provide improved guidance regarding the intensity, location and impacts of energy-related developments.

Key issue – clearance of native vegetation for solar farms

At the same time as supporting a transition to renewable energy, NCSSA is alarmed that clearance for solar farms is now the **leading cause of loss of our remnant native vegetation**, responsible for nearly **40% of the area approved for clearance** since 2014¹, an area of over 5,600ha. A specific example is the Bungala Solar Farm, mentioned on page 7 of the Discussion Paper, for which 500ha of native vegetation was approved to be cleared.

¹ From a total of 14,631ha, which excludes 104,300ha of native vegetation that was not cleared but rather impacted by two applications for grazing and new watering points

Historically, high levels of native vegetation clearance have occurred in South Australia, particularly in the higher-rainfall southern parts of the state where only 26% of the original vegetation remains. In recognition of the environmental issues caused by excessive native vegetation clearance, including soil salinity and loss of wildlife, legislation was introduced in 1983 to end broad-scale vegetation clearance. Despite this protection, however, there is still ongoing, incremental clearing of our remaining native vegetation taking place. Together with the legacy of historical clearance, and in the absence of large-scale restoration of habitat, ongoing clearance will result in the extinction of more plants and animals into the future².

NCSSA is therefore concerned that clearance of native vegetation for renewable energy infrastructure, particularly solar farms, is creating the perverse environmental outcome of accelerating species extinction. South Australia has enough cleared, marginal land to accommodate vast amounts of solar electricity generation, but we need strong planning controls and appropriate approval processes to guide such development, including regarding the location of substations and transmission links. Legislation is in place to protect our remaining native vegetation (the *Native Vegetation Act 1992* and associated regulations), and as a minimum, the planning system should facilitate its effective implementation.

Spatial considerations – Zones and Overlays

NCSSA agrees with the Discussion Paper that ‘Zones need to identify whether renewable energy facilities are encouraged or not’.

The draft Planning and Design Code envisages Renewable Energy Facilities for the Conservation Zone where these are a “small scale facility associated with the interpretation and appreciation of natural and cultural heritage such a public amenities, camping grounds, remote shelters or huts” (PO 1.2). NCSSA is satisfied that this Performance Outcome qualifies the meaning of “small scale”, since we understand that in other contexts “small scale” ground-mounted solar systems can cover a relatively large area. Large scale renewable energy facilities in the Conservation Zone are not supported by NCSSA.

The Discussion Paper suggests a 500m setback for solar farms conservation areas (which are to be included in the Conservation Zone). Whilst NCSSA supports setbacks from conservation areas to enable activities like fire breaks, pest control and dust minimization to occur within the solar farm site rather than on adjoining land, **initial site selection that avoids native vegetation clearance** (including vegetation **not protected** in a conservation area) is most critical for achieving a positive overall outcome for our vegetation and wildlife.

To this end, and as outlined in our submission on Phase 2 of the Planning Code (dated 29 November 2019), NCSSA supports the introduction of the Native Vegetation Overlay and the State Significant Native Vegetation Overlay (with some qualifications and suggested improvements, reiterated from our earlier submission at **Attachment A**). We believe these Overlays will lead to a more co-ordinated implementation of current legislative settings for protecting native vegetation under the *Native Vegetation Act 1992* and associated regulations.

² <https://www.epa.sa.gov.au/soe-2018/land/pressures-on-our-land>

However, certain types of renewable energy projects will still be exempt from referrals for direction from the Native Vegetation Council (which oversees the *Native Vegetation Act 1992*), including “Crown sponsored” and “Major” projects. It is therefore imperative that the Planning Code include policy for all areas where renewable energy facilities are encouraged that seeks to avoid vegetation clearance.

Specifically, and as outlined in our submission on Phase 2 of the Planning Code, we believe the Rural Zone could accommodate both small and large scale solar (where only small scale is currently envisaged), provided proposals do not involve clearance of native vegetation. We therefore advocate for policy for the Rural Zone and/or relevant overlays that 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.*”

Approval processes

NCSSA understands the desire to avoid “lengthy or restrictive development approval processes” for renewable energy projects as described in the Discussion Paper, however, it is appropriate that approvals for proposals that involve native vegetation clearance continue to be required. This extends even to small systems, since an approval process is needed to ensure scattered trees and isolated patches of native vegetation, which provide important habitat, are not targeted for removal within primary production landscapes.

Additional wildlife considerations

NCSSA supports consideration of wildlife corridors and habitat refuges in solar power facilities, particularly where they cover extensive areas and/or a fenced in a manner that would restrict the movement of animals like wombats.

Windfarms

This submission has focused on solar farms due to their impact on native vegetation through clearance, however, we note that windfarms can also impact on the natural environment where they involve clearance and/or are sited on rocky outcrops which may be important habitat for species such as the Pygmy Blue-tongue Lizard. They can also result in bird strikes, so we advocate for these issues to be addressed when considering their appropriate placement.

If you would like to clarify or discuss any of the points raised 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 Advocat

Attachment A

Selected changes sought by NCSSA to the draft Planning and Design Code (Phase 2) that relate to renewable energy and the two proposed native vegetation overlays:

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 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*)...’.