

Tourism accommodation development in parks and the new Planning and Design Code

What is the Planning and Design Code?

The Code is the cornerstone of South Australia's new planning system and will become the state's single source of all planning zones and rules for assessing development applications. It will replace all 72 Development Plans by 1 July 2020. The Code aims to make the development application process quicker, simpler and more equitable, giving people greater access to planning information that is consistent and clear, and available online 24/7.

Consultation on the Planning and Design Code

Consultation on the code has been split into three parts – Outback Areas (Phase 1), Rural Areas (Phase 2) and Urban Areas (Phase 3).

Consultation on Phase 1 was completed on 29 March 2019. This part of the Code became operation on 1 July 2019.

Consultation on Phase 2 is currently in progress. Feedback on Phase 2 is required by 29 November 2019. This part of the Code will become operational in April 2020.

Consultation on Phase 3 is also underway. Feedback on Phase 3 must be submitted by 28 February 2020. This part of the Code will become operational in July 2020.

Zoning for parks and reserves

Under the current planning system, Development Plans apply several different zones to the parks and reserves under the National Parks and Wildlife Act and Wilderness Protection Act. Additionally, this zoning has not kept pace with the boundaries of the parks and reserves. This has created complexity and inconsistency in application and assessment of development applications.

The first generation of the Planning and Design Code aims to apply consistent zoning to these parks and reserves. The Conservation Zone forming part of the draft Code currently on public consultation is the Zone that will primarily be used to this end. Spatial application of this Zone will be refined through the Code transition and implementation process to ensure that the Zone suitably reflects the proclaimed boundaries of parks and reserves.

Tourism development in parks

South Australia has set a goal to achieve a \$12.8 billion visitor economy by 2030. Nature-based tourism is a significant driver of visitation and currently contributes \$1.4b to the State's economy.

South Australia's standout nature experiences such as Cleland Wildlife Park, Wilpena Pound Resort, Seal Bay and the Neptune Islands are a major catalyst for visitor expenditure growth. Government recognises that there are significant opportunities to drive further growth in visitor expenditure by creating more standout experiences. This may require the development of tourism infrastructure (such as accommodation) in partnership with the private sector.

Ecologically sensitive and thoroughly planned tourism developments can help to create employment and contribute to South Australia's regional economies. New experiences in parks can also help to engage more people in nature, building stronger community support for the long term conservation and management of the State's parks.

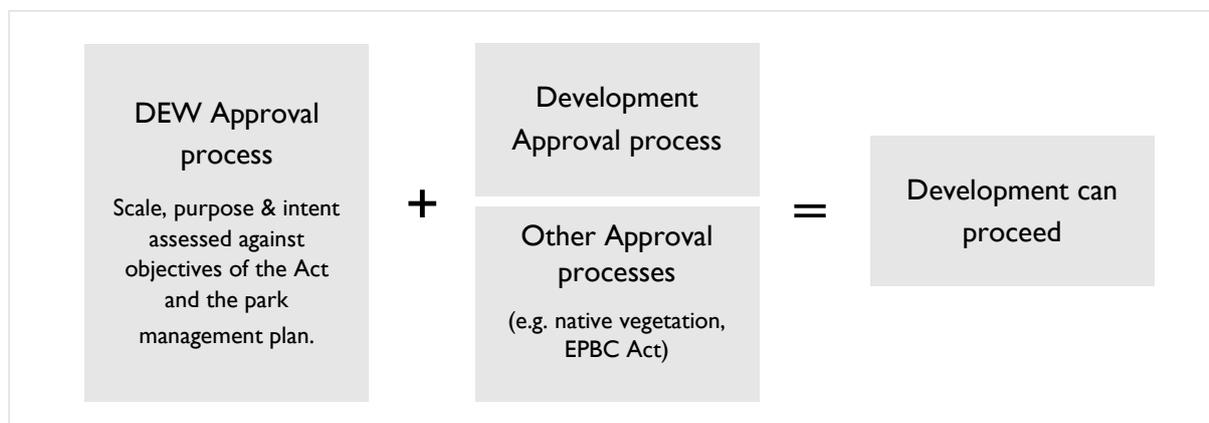
Authorising tourism development in parks

National parks, conservation parks, recreation parks, game reserves and regional reserves are managed in accordance with the *National Parks and Wildlife Act 1972*. Wilderness protection areas and zones are managed in accordance with the *Wilderness Protection Act 1992*. In addition, parks are managed in accordance with park management plans when these have been adopted.

As guided by the legislation and park management plans, the Department for Environment and Water undertakes tourism development activities in parks such as trail construction to provide safe and sustainable access to parks. Development by the Crown does not require development approval. However, DEW also authorises others to undertake tourism activities that may include development. All commercial tourism activities in parks requires support from DEW. Those activities that entail development, also require development approval under the *Development Act 1993* (current for regional and metropolitan areas), or under the *Planning, Development and Infrastructure Act 2016* (current for outback).

Therefore it is important that DEW approvals under the *National Parks Act 1972* and the *Wilderness Protection Act 1992* take place in concert with the development approval process (See Figure 1 below).

Figure 1



Issues for discussion

What is proposed?	Why is this proposed?
<p>1. In the final Code, all parks will be within the 'Conservation zone'.</p>	<p>Under the current planning system several different zones applied to development in national parks. Over the years, this has created complexity and inconsistency in the assessment of development applications in parks.</p> <p>The new Planning and Design Code will address this problem by applying the Conservation zone to all parks proclaimed under the <i>National Parks Act 1972</i> and the <i>Wilderness Protection Act 1992</i>.</p> <p>(Note: The mapping in Phase 1 and the mapping that is currently out for consultation (Phase 2&3) does not depict parks as being in the Conservation zone. This matter will be resolved in the final Code).</p>
<p>2. In the final Code, tourist accommodation development within the Conservation zone that has not been 'contemplated' in a park management plan will be 'Restricted'</p>	<p>This will ensure that any tourist accommodation development application for parks that has not been 'contemplated' in the park management plan will follow the 'Restricted' assessment pathway.</p> <p>This assessment pathway includes public consultation and third party appeal rights.</p>
<p>3. In the final Code, tourist accommodation development within the Conservation zone that has been 'contemplated' in a park management plan will be 'Performance assessed'.</p>	<p>This exclusion would be applied when a future tourism accommodation development has outlined in an adopted park management.</p> <p>This will ensure that all tourism accommodation developments that have been contemplated in parks will follow the 'Performance assessed' pathway.</p> <p>The 'Performance assessed' pathway is likely to include the opportunity for public consultation.</p>
<p>For discussion:</p> <p>4. A definition of 'contemplated' is required to ensure that exemptions to the 'Restricted' pathway (see 3 above) are consistently applied.</p>	<p>For discussion:</p> <p>A park management plan could 'contemplate' tourism accommodation by including the following:</p> <ul style="list-style-type: none"> • An explanation of how the tourism accommodation would further the objectives of the Act. • A spatially defined zone established under the National Parks and Wildlife Act. • A description of scale and purpose of tourism accommodation within this zone.



Appendix I Pathways for the assessment of tourism accommodation development in parks

There are three categories of development established in the new planning framework:

1. Accepted.
2. Code assessed (Deemed-to-satisfy or performance assessed).
3. Impact assessed (Restricted or impact-assessed).

Each of these categories will also have a series of potential assessment pathways that will define the relevant authority and set public notification requirements. The key similarities and differences between the 'Performance assessed' and 'Restricted' categories are summarised below.

Category	Meaning	Assigned by	Relevant Authority (Planning)	Notification	Agency referral	Assessment tool	Appeal rights
Code assessed - performance assessed	Planning assessment on merit	Planning & Design Code	Assessment panel, assessment manager or accredited professional as prescribed.	Notification required, unless a form of development exempted from notification by the Code. Notification of adjacent land owners/occupiers and members of the public by notice placed on the relevant land.	Only for certain development in specified locations (e.g. bushfire affected) or for specific land uses (activities of major environmental significance), as prescribed in the Regulations.	Planning & Design Code	Applicant appeal of decision. Relevant authority appeal of a deemed consent.
Impact assessed - restricted	Planning assessment on impact	Planning & Design Code	The Commission (or its delegate).	Notification required. Notification to adjacent land owners/occupiers, others affected to a significant degree, any other person of a prescribed class, and the public generally by notice placed on the relevant land.	Only for certain development in specified locations (e.g. bushfire affected) or for specific land uses (activities of major environmental significance), as prescribed in the Regulations.	Planning & Design Code (but not bound by the Code).	Applicant appeal of decision. Relevant authority appeal of a deemed consent. Third party appeal.