

Consultation Template Submission Form

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Collector: Web Link PROD (Web Link)
Started: Wednesday, November 06, 2019 3:49:05 PM
Last Modified: Wednesday, November 06, 2019 3:53:54 PM
Time Spent: 00:04:48
IP Address: [REDACTED]

Page 1: Planning and Design Code for South Australia

Q1 Which part of the Planning and Design Code would you like to make a submission about?(Please click the circle to select which part of the Code you wish to comment on. You can also see which council areas are included in the rural and urban code via the links below.)

My submission relates to Rural code. (click here for council areas)

Page 2: Planning and Design Code for South Australia Personal Details

Q2 Please provide your contact details below (Name, Postcode & Email are mandatory) Please be advised that your submission will be made publicly available on the SA Planning Portal.

Name	Cheryle Pedler
Company	Country Planning Officers Group
Address	PO Box 409 Loxton SA 5333
Your Council Area	Riverland, Mallee, Mid North, Spencer Gulf
State	SA
Postcode	5333
Country	Australia
Email Address	[REDACTED]

Page 3: Planning and Design Code for South Australia

Q3 Which sector do you associate yourself with? **Local Government**

Page 4: Planning and Design Code for South Australia

Q4 Please upload your PDF template for submission here (pdf only)

PDCode_Lennon_final.pdf (202KB)

Page 5: Planning and Design Code for South Australia

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Q5 Please enter your general feedback here

This submission is lodged on behalf of the Country Planning Officers Group, representing professional planners across SA.



*President Cheryle Pedler – District Council of Loxton Waikerie
Vice President Gabby Swearse – Northern Areas Council
Secretary Sonya Jones – Wakefield Regional Council*

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Mr Michael Lennon
Chairperson, State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

6 November 2019

Dear Mr Lennon,

Consultation submission – SA Planning and Design Code

The Country Planning Officers Group is a network of professional planners representing Local Government across northern and central South Australia, with support from State Government agencies and the private sector. We refer to the SA Planning and Design Code (the “Code”), recently released for public consultation.

Consultation period

The broader introduction of the *Planning, Development and Infrastructure Act 2016* is a once in a generation event, with the core element being land use policy transition, replacing current Development Plans with the Code. Despite this, Phase Two Councils have been offered a limited timeframe for their response to the Code. This does not provide reasonable opportunity for these Councils to respond, for the following reasons:

1. Limited staffing – many Phase 2 Council have few (if any) planning staff to undertake the analysis required of an extensive document of approximately 1,800 pages
2. Each Council’s responses need to be endorsed by the Elected Members, with meetings often held mid-month. This considerably reduces the available eight week timeframe.

Whilst we appreciate that the draft Code is written to be ultimately a tool of the Planning Portal, the layout of the document in the public engagement phase makes it difficult to navigate and make recommendation for change in the timeframe provided.

We express our disappointment in the timeframe and the seeming lack of understanding of or respect for those Councils in Phase Two.

Further, we are concerned that the public engagement process undertaken to date within Phase Two Council areas means that the general community has been poorly served – the engagement has been tokenistic, and at odds with the Community Engagement Charter. Reports are that attendance at public engagement sessions has been extremely low and in areas not suited to encourage residents to attend. Whilst Councils are generally able to assist in promoting these sessions, as the Code is a State Government document it is the SCAP’s responsibility to properly inform the public. We feel that sufficient time has not be provided to promote attendance or engagement by the public.

Code implementation date

Phase Two Councils are scheduled to be transitioned from Development Plans to the Code on 1 April 2020. We recommend that Phase Two and Phase Three Councils are transitioned at the same time, on 1 July 2020.

We request the longer timeframe to allow for a full and thorough audit of the draft Code, prior to implementation, to ensure correct mapping and consistent terminology is used and any errors and

inconsistencies in policy are removed. This is especially important given that the Code amendment process is not yet set down, and would result in a monetary and resourcing cost to Councils where an initial audit may have removed the necessity for the amendment. We are concerned that there may be a lengthy period where the community is not served well by a perceived lack of care and attention.

SA Planning Portal

From information provided by DPTI and the Commission, the Planning Portal (the "Portal") is intended to manage Development Application processes and provide succinct and up to date information for applicants and developers. However, we understand that there will be no ability for the Portal to manage inspections or to provide for Essential Safety Provisions and Certificates of Occupancy. This will necessitate Councils maintaining current software packages or running ghost systems to manage these important components of the application process.

We are also concerned about the time given to Councils and other users to be trained and become familiar with the Portal. The resource impact of this task and the education required for users is immense, and will need to be balanced with other tasks. This is particularly a concern if training is only offered in Adelaide, as this places further time and cost pressures on regional Councils with limited resources. The Portal is not yet completed and no training or education is available for users. This is a further reason for delaying the implementation of the Code for Phase Two Councils to July 1 2020.

We request that the Commission provide the ability to manage these components via the Portal, noting that Councils are ultimately responsible for the cost. The Portal must be applicable and suitable to meet the needs of all its users.

It is also not yet clear what suite of documents will be available. There will be a need for template documents, including but not limited to requests for further information, public notification, Decision Notification Forms and assessment checklists and reports. These must be easily understood by the general community, and written in a manner to encourage interaction and response. We are also concerned that the Portal will not interact with or provide information in the format required by the Courts, should an appeal be lodged. Councils will need time to review this documentation and to provide feedback on this content, before it is used in a live scenario.

Planning policy

Councils across the State have spent significant time and resources in the past, in consultation with their communities, in developing policy that suits local needs. Whilst we support a common approach, and applaud the opportunity to streamline assessment, the Code presents as metro focused with a one size fits all approach that results in policy gaps and loss of local content for rural and regional communities.

Naming conventions

We are concerned about naming conventions for zones under the Code. The reference to Residential focussed zones as Neighbourhood Zones is confusing. The Suburban Neighbourhood Zone mistreats rural communities, which are not suburbs of metropolitan Adelaide and have no correlation to urban form in regional areas. Developers are keen for descriptive terms which clearly define the intended character of an area. We urge a return to former naming conventions or a review of the new names to prevent confusion and recognise rural and regional communities.

Overlays

Inappropriate use of the Native Vegetation and River Murray Water Protection Area overlays results in Accepted Development becoming Performance Assessed. This is and at odds with the intent of the simplification of the planning system.

Inappropriate development

It is clear that some zones encourage a diversification of uses to the detriment of the former District Centre and Town Centre Zones. These centre type zones are critical to the hierarchy of townships. Supporting commercial and retail development outside of town centres without an assessment of

the demand and need for, and the impact of policy change will likely result in poorer uptake of shop front space, and underutilised and inactive town centres.

In the Rural Zone, we are generally concerned about the strength of policy to refuse inappropriate development. In particular, the lack of direct policy to address inappropriate land division and dwellings may result in the fragmentation of primary production land, reducing viability for primary producers and impacting their activities. We urge the reinstatement of land division minimum allotment sizes, allotment date and size criteria to establish dwellings, or indeed to excise existing dwellings where existing policy supports this approach.

General Neighbourhood Zone

The minimum allotment size of 200-300 square metres and minimal front setbacks are inappropriate in many rural communities, and does not consider infrastructure requirements to service waste water and storm water requirements. We urge the conversion of General Neighbourhood Zone to Suburban Neighbourhood Zone in townships served by Community Wastewater Management Scheme, and lower density provisions for areas which rely upon on site disposal of waste water.

Conservation Zone

The Conservation Zone is envisaged to provide protection for areas of significant environmental value, and yet the only Restricted Development is for dwellings, land division and tourist accommodation, each with exceptions. Indeed, large scale renewable energy facilities are envisaged and may occur, without appropriate policy frameworks for assessment. Please also see our comments below about renewable energy facilities.

Public Notification

We request a practical approach to the need for on-site signage for public notification purposes, particularly in remote areas and where development occurs adjacent high speed roads.

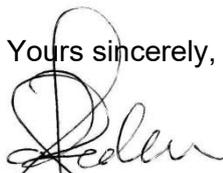
Renewable Energy Facilities

We are disappointed that the Renewable Energy Discussion Paper consultation is occurring concurrently with the consultation on the Code. Rural areas are often the preferred locations for developers of renewable energy facilities, and the implementation of the Code on April 1 2020 without due consideration of the feedback provided to the Discussion Paper (which closes at the end of February 2020) is a poor outcome for rural Councils, who may well be left with little policy to guide development of this nature. This is a further reason for delaying the implementation of the Code in Phase Two Councils until 1 July 2020.

We urge the Commission to approach and gain support from the Minister to delay implementation of the Code for Phase Two Councils. We also request and encourage a robust review of the Code, and an extended time for access to the Portal prior to implementation of the Code, to allow for a smoother and educated transition to full implementation of our new planning system.

We welcome your response to our concerns and ask that you contact me if you have any queries, or if we can be of assistance to you.

Yours sincerely,



Cheryl Pedler
President – Country Planning Officers Group
