

RECEIVED

20 Sep 2018

DPTI

# State Planning Policies for South Australia

**Submission**

**September 2018**

# Table of contents

<b>Introduction .....</b>	<b>3</b>
<b>LGA Comment.....</b>	<b>3</b>
A clear vision for the State .....	4
Recommendation.....	4
Clarity of thinking and understanding .....	4
Recommendations.....	4
Are relatable across the State .....	5
Recommendation.....	5
Enable flexibility, innovation and adaptability .....	5
Numbering.....	5
Recommendation.....	5
Urban Infill .....	5
Waste management and recycling .....	5
Recommendation.....	6
Responding to Submissions.....	6
Recommendation.....	6
Detailed Comments.....	6

## Introduction

The Local Government Association of South Australia (LGA) welcomes the opportunity to provide a response on the draft State Planning Policies (SPPs) for South Australia.

The LGA is a membership association representing the State's 68 councils. The LGA's mission is to provide leadership support, representation and advocacy on behalf of South Australian councils, for the benefit of the community.

The LGA has consulted with local government on the development of this submission and held a briefing session with local government planning representatives to assist in the development of the submission.

The LGA appreciates the opportunity to provide comment on this important document which seeks to set out the planning and land use implementation framework for the State.

## LGA Comment

The LGA understands that Section 158 (2) of the *Planning Development and Infrastructure Act 2016* (the PDI Act) establishes that the Commission 'may prepare state planning policies which set out the State's overarching goals or requirements for the planning system.'

The LGA also acknowledges that Sections 59-62 of the PDI Act provide for the following five SPPs:

1. Integrated Planning;
2. Climate Change;
3. Design Quality;
4. Adaptive Re-use; and
5. Biodiversity.

A further ten SPP's have also been prepared in accordance with Section 63 of the Act:

1. Housing Supply and Diversity;
2. Cultural Heritage;
3. Primary Industry;
4. Employment Lands;
5. Key Resources;
6. Strategic Transport and Infrastructure;
7. Energy;
8. Coastal Environments;
9. Water Security and Quality;
10. Natural Hazards; and
11. Emissions and Hazardous Activities.

These policies establish the foundation on which regional plans and the Planning and Design Code will be built upon, and represent the highest level of policy in the planning system.

The LGA acknowledges the importance of the SPPs and considers it important that they:

1. Outline a clear 'vision' for the State;
2. Provide clarity of thinking and understanding;
3. Are relatable across the State; and
4. Are flexible and enable innovation and aspirational.

The LGA provides the following specific comments in relation to the SPPs.

## A clear vision for the State

To assist in providing context and to provide an overall understanding as to what the SPPs as a collective are seeking to achieve, there should be an overarching 'Policy Statement or Vision'. Currently there are sixteen high level policy statements that provide no clear overall direction. This has the potential to create confusion at the regional plan level due to the inherent conflict and tensions that exist between the policies.

### Recommendation

**Provide a high level "Vision" for the whole State sitting above the Objectives.**

## Clarity of thinking and understanding

The consultation paper notes that the SPPs do not give more weight to any particular state interest over another, noting that regional and local context must always be considered when integrating state policies at these levels. It also notes that resolving potential conflicts and tensions should be undertaken *"efficiently, transparently and must involve consultation with the community"*

While each SPP provides a direction in relation to each individual policy area, it is considered that as a collective there are inherent conflicts and tensions between the individual policies. The LGA is concerned that the responsibility will be left to Joint Planning Boards and local government to resolve tensions and conflicts that arise between the SPPs with both government agencies and the community during the development of the regional plans and other instruments. Greater certainty is required about the State Government's expectations of how conflicting or competing policy interests at the State level should be dealt with at the regional or local level.

The Expert Panel on Planning Reform identified that SA has a range of disparate state agency policy positions that are not well related to the planning system, and it is understood that the SPPs seek to address this. However, while it is understood that there is not a weighting of the policies, there is an unevenness in respect to the content of the policies, which has the potential to result in a weighting occurring. For example, the SPP relating to Employment Lands has 10 policy directions, while Cultural Heritage has only 2. This imbalance could, in practice, suggest that greater emphasis should be placed on economic development in the development of regional or local policies.

It would also be beneficial for the Objectives to be stated as positives directives rather than as neutral or passive statements (as currently written).

## Recommendations

**Improve the balance of policy content within each of the SPPs.**

**Objectives to be stated as positive directives rather than as neutral or passive statements.**

## Relatable across the State

As the foundation for planning policy across the State, the State Planning Policies should be written to enable usability throughout South Australia. Currently it is considered that there is a strong metropolitan Adelaide or urban approach to many of the policies and others are highly specific. For example, within State Planning Policy 3, Adaptive Re-use, Policy 5, speaks specifically about the conversion and adaption of existing commercial buildings in the City of Adelaide for residential or mixed use. This policy is applicable within regional towns and other areas of metropolitan Adelaide.

### Recommendation

**Review the language to enable the policies to be applied if applicable across the State.**

## Enable flexibility, innovation and adaptability

Several of the policies relating to adaptive re-use, affordability and the distribution of land-use seek to provide greater flexibility in the policy framework in the interest of reducing red tape and encouraging economic growth and development outcomes. Enabling flexibility, innovation and adaptability in the planning system is supported as it enables aspiration and innovation.

## Numbering

The State Planning Policy document refers to the 16 key issues as “policies” but also refers to the sub points as “policies”. It can be confusing to distinguish between the two.

### Recommendation

**That the sub points be labelled as Policy 1.1, 1.2 etc.**

## Urban Infill

Although a range of the policies touch on urban infill matters, a specific SPP relating to urban infill is warranted given it is of significant concern to specific parts of our community, as well as more broadly across the metropolitan area and some regional centres. The strategic imperative for this is that one of the targets specified is 85% of all new housing in metropolitan Adelaide will be built in established areas by 2045, which will result in the intensification of infill development. The policy should also address issues relating to design, carparking, stormwater and open space.

## Waste management and recycling

Waste management and recycling are key State level priorities, particularly given the China Sword Policy and the increasing densities of metropolitan Adelaide. Clear waste management and recycling policy is absent from a State level in the SPPs. Waste management in medium-high density development is presenting an increasing problem for local government and communities,

as land division, increased driveway crossovers and urban infill compete with space for traditional mobile garbage bins. Alternatively, privately serviced waste management solutions are increasingly required in lieu of the traditional council kerbside bin collection, as it is not practical to have bins at the kerbside or because internal access roads are too narrow to service. It is recommended that the Housing Supply and Diversity Policies recognise that medium-high density development must be adequately provisioned by services such as waste collection.

Waste reduction and management is an integral feature of sustainable communities and will become an increasing issue for South Australians, particularly in areas with increasing densities.

### **Recommendation**

**That consideration be given to including infill development and waste reduction as additional SPPs linked to all levels of commercial, residential and industrial operations.**

## **Responding to Submissions**

Noting that the SPPs are the first statutory document to undergo public consultation based on the Community Engagement Charter, it would be anticipated that issues raised in the submissions will be clearly responded to, highlighting the concerns that have been raised, how they have been addressed, or why they have not been addressed.

### **Recommendation**

**That a detailed response to issues raised on the SPPs consultation be made publicly available, including detailed information about how the feedback provided has been taken into account in finalising the SPPs.**

## **Detailed Comments**

Detailed comments on each of the State Planning Policies are provided in the following table.

## State Planning Policy 1 – Integrated Planning

### General Comments

- The intent of strategic zoning and coordinated development is supported.
- The approach on page 21 of a graded scale for what is expected (i.e. densities, transport options, and land use types) for the different land categories is supported.

The policy could be more inclusive by including townships or regional centres on pg 21.

- The p. 21 reference to '*medium density*' in middle suburbs and master planned communities is too arbitrary, especially for established suburbs that have a low density character.
  - Rewrite '*low or medium density*'
- The policies are aimed at a metropolitan Adelaide frame of reference - it's questionable if they can be applied to larger regional towns or regional centres.
- There are conflicts when selected policies are read in isolation. For example:
  - *Allow for the future expansion and intensification of strategic transport infrastructure and service provision (corridors and nodes) for passenger and freight movements.* (SPP 11 - Strategic Transport Infrastructure)
  - *Promote residential and mixed-use development in centres and corridor catchments to achieve the densities required to support the economic viability of these locations and the public transport services.* (Housing Supply & Diversity, Policy 4)
  - *Ensure our communities and the environment are protected from risks associated with emissions and radiation activities while ensuring that industrial and infrastructure development remains viable through (a) Ensuring appropriate zoning and mixed uses are compatible* (Emissions and Hazardous Activities Policy 1)

The first Policy is seeking 'intensification' of main road infrastructure (with a view to accommodating increased traffic levels). The second Policy is seeking densification, which suggests that larger numbers of people (living at higher densities) will be exposed to pollution that emanates from increased vehicular traffic. This in turn conflicts with the third Policy, which seeks for communities to be protected from emissions.

**Comments related to specific policies**

- Policy 1 to '*Plan growth in areas of the state that are connected to, integrated with...existing and proposed transport routes*' is too broad. Some parts of the state (close to existing transport routes) may not be well suited for further growth.
  - Consider deleting the Policy, or making it more tailored.
- Policy 6 to '*Enable the regeneration and renewal of neighbourhoods to provide diverse, high quality and affordable housing supported by infrastructure, services and facilities*' is likewise too arbitrary. The Policy suggests that all neighbourhoods should be regenerated.
  - Rewrite to '*Enable the regeneration and renewal of selected neighbourhoods (informed by Regional Planning) to provide...*'
- Policy 7 to '*Support housing choice and mixed-use development around activity centres, public transport nodes and strategic transit corridors with reduced carparking...*' could be too subjective. The remainder of the policy seeks to encourage active transport, but this may be unrealistic in areas that can only realistically be accessed by a car. The policy overlooks areas that are well served by public transport, but nonetheless experiencing an undersupply of parking.
  - Remove reference to "...with reduced carparking..."
- Policy 8 to '*Support metropolitan Adelaide as a predominantly low to medium rise city, with high-rise focused in the CBD...According to the 30-Year Plan, low-to-medium rise is defined as 1-6 storeys, which may be too intensive for large sections of suburban Adelaide.*

**State Planning Policy 2 – Design Quality****General Comments**

- There is potential for this Policy to be strengthened to ensure this objective is met. Better understanding of the concept of “design” as a process as distinct from an outcome (which the title implies) may need to be reinforced, particularly with regard to the applicability of well-designed strategic and spatial planning across the state to achieve key state government outcomes on behalf of its current and future community, *in addition* to the design quality for individual buildings, streetscapes and open spaces.
- The statutory and non-statutory components of the document could be more accurately identified in the table at the start of the document. The “Principles of Good Design” and the “Targets” are stated as statutory components in the body of the text, but this is not transferred to the explanatory table. Further information could be provided on how this policy is to be measured and how design policies will be incorporated into the Planning and Design Code.
- Principles of good design could be amended, as follows:

- 'Context' heading also needs reference to positively contributing to 'Desired Character' so that evolving areas also receive appropriate design responses;
  - 'Inclusivity' heading should be amended to refer to integration of public and private realms to promote street activation, enhance quality views and passive surveillance;
  - 'Durability' heading should also include 'Responsive' to cover issues of 'fit-for-purpose' and 'adaptable'; and
  - 'Performance' heading is duplicating others and could be removed.
- There is a need to more clearly outline the distinction between 'design consideration' that should be relevant to all assessed developments and where 'design review' will be needed. Complex developments should be defined.
  - The term 'high quality' design should be defined or better guided.
  - Further information is required on the proposed link of design quality with Regional Plans. It is currently worded at a higher level involving only the spatial application of density, open space, people priority areas and character areas.
  - Greater focus should be provided on 'functionality', 'sustainability', 'accessibility', 'safety' & 'healthy living'. There is no reference to 'Appearance' (street activation, building form, façade, character elements, materials and service facilities), 'Site Considerations' (eg overlooking/overshadowing) & 'Acoustic performance'. 'Affordable Housing' is also not mentioned, it is important to understand what is expected in terms of design outcomes for affordable housing (eg cost v quality design considerations). These issues are particularly relevant within a more compact urban form.
  - There is currently a lack of reference to development of neighbourhoods that reflect local identity and builds local character (a point of difference from the 30 Year Plan).

#### **Comments related to specific policies**

- Policy 1 - It is suggested that the scope of this Policy be clarified: does the term "plans" refer to state level planning, local government planning, individual development proposals etc.?
  - Replace the word "encourage" with "require"
- Policy 2 - Crime prevention through environmental design, environmentally sustainable design and Water Sensitive Urban Design are of high importance, however should be located in a separate policies as they do not necessarily achieve the goal of access and inclusion planning. Should be "ensure" rather than simply "promote" best practice in access and inclusion planning in the design of

buildings and places.

- Policy 3 - Support and suggest “crime prevention through environmental design” could be referred to here instead of Policy 2, or by re-writing Policies 2 and 3. Is there sufficient regard in SPPs to support safety in and/of buildings – is this necessary in addition to BCA?
- Policy 4 - Enable early and meaningful local government input/referrals on state assessed developments. How will design referrals work in P&D Code and Development Assessment in future? The early referral to local government can manage risk, particularly when interface with public realm is involved. There is a need to reconsider whether a financial value of development should be the trigger for determining the assessment body and when a design review should occur.
- Policy 7 - Performance based outcomes are supported. The scope of the Policy should be extended beyond the City of Adelaide.
- Policies 7 and 8 could be combined and apply to all development.
- Policy 8 – This policy should include heritage, low scale density development is the location of many heritage places.

Additional policy recommendations

- Additional policies relating to heritage sensitive design and desired future character design.

### **State Planning Policy 3 – Adaptive re-use**

#### **General Comments**

- Supportive of the idea of adaptive reuse to encourage the retention of buildings (both heritage and non-heritage). The policies would help to address dormant or vacant buildings. Providing more flexibility will encourage some owners to upgrade and lease a building where there are currently excessive constraints preventing them from doing so.
- Supportive of some flexibility – subject to status of heritage being clearly articulated and potential external impacts on the locality and adjacent properties considered.
- The rationale and scope of the policy could be made clearer– is it about embedded energy (sustainability), dormant streetscapes, and/or flexibility in contemporary design standards?
- Reuse is supported, but to have a policy focus on this rather than heritage/built form protection framework may result in an imbalance.
- Identification of vacant or dormant buildings that contribute to the built and natural environment appears to be prioritised over identification and policy protection of Historic Conservation Zones.

- The policy refers to removing barriers and being flexible in adaptive reuse (without compromising health and safety of occupants) and also Policy 6 states “Provide a range of planning and development incentives and bonus schemes to streamline decision-making processes, provide dispensation on prescriptive requirements”. It is assumed that this is referring to flexible planning requirements and flexible building consent requirements.
  - With respect to flexible planning requirements, while this is supported to a certain extent, it is still important to consider the practical implications of issues such as accepting little to no car parking and the potential impacts on surrounding properties.
  - With respect to flexible BRC requirements – it is assumed this will be dealt with through Minister’s Specifications outlining acceptable performance assessed outcomes? Can further information be provided on this?
- The non-statutory guidance notes state that Regional Plans should “identify buildings that contribute to the built and natural environment and/or character of an area and that have experienced continued dormant use or are vacant”. Does this imply there will be an overlay or register of buildings which are targeted for adaptive reuse and will these be the only buildings where the adaptive reuse policies can apply? If so, this will result in ‘winners’ and ‘losers’ rather than providing consistent Policy. Those with ‘identified’ properties will have relaxed policies - perhaps reduced car parking requirements and less stringent disability access requirements - while those without identified properties will need to comply with the standard requirements.
- Alternatively, if the policies do not identify specific buildings, but instead allow for more flexible policies when certain criteria apply, careful consideration will need to be given to these criteria. For example, if one of the criteria was that the building had been vacant for a particular period of time, say 2 years or more, would this incentivise owners to leave their properties vacant in order to have relaxed planning and building requirements? While many building owners wouldn’t choose this due to lost rental income, in a poor economic environment and where building refurbishment costs are high, could this worsen the problem rather than improve it?
- Clarification is required on the following points:
  - The policy refers to working “in conjunction with other initiatives and incentives to unlock these opportunities” (incentivising adaptive reuse) It is not clear what initiatives might be referred to?
  - Similarly, Policy 2 states “Sponsor models of adaptive reuse that allow flexible access to public spaces and infrastructure”. What type of sponsorship and whose money? What is the context for accessing public spaces and infrastructure?
- The barriers to implementing the policies may include:
  - Whether the Policy is applied selectively to certain buildings; and

- Reliance on external documents/regulations (outside of the Code) such as Minister's Specifications and third parties such as external sponsor models and initiatives.

### State Planning Policy 4 - Biodiversity

#### General Comments

- Supportive of the high level intent to preserve biodiversity, particularly the acknowledgement of cumulative impacts on the environment.
- The policy appears to have a bias towards semi-urban/rural areas with little recognition of biodiversity systems which exist in urban areas e.g. parklands, HFZ, creek systems, reserves, coastal areas. The policy also provides no context of densities of urban areas, retention of gardens, requirement for tree planting and landscaping – the policy could be improved by providing a focus on greening of urban areas to enhance biodiversity, this should be closely linked with the greening of Adelaide under the new Landscape Act provisions to be introduced in 2019.
- The target regarding urban green cover should be clearly addressed in the biodiversity policies and include clear policy for greening of developments.
- There should be reference and recognition of the amenity benefits of biodiversity in urban areas, the importance of a green canopy (particularly in urban areas) and the role this plays in climate change mitigation etc and to importance of individual trees and recognition that they are an intergenerational asset and have a measurable value to the community.
- Page 29 indicates that there will be a suite of zones that support the protection of areas of biodiversity value. It is unclear as to the policy approach to those areas which don't meet the requirement for a designated zone? For example, inner metro areas where there is a push for infill? Is there a risk that smaller areas of biodiversity will miss out and be lost?
- It is understood that the policy will be geared towards spatially recognised areas (such as through zones or overlays). However, it is important to include broader biodiversity policies to protect smaller scale areas of biodiversity.
- Guidance notes appear largely focused towards semi-urban/rural areas and refer to the protection of areas of biodiversity value – there is no reference to the Schedule of Significant Trees (many of which are indigenous species) listed in some Development Plans.
- Guidance notes should make reference to the Planning and Design Code promoting policies that protect and establish green canopy areas and corridors and individual trees of significance

### Comments related to specific policies

- Policy 2 refers to minimising loss of biodiversity, “where possible”. The use of the term “where possible” undermines the intent of the policy and could be used as an “out clause” in cases where there is a competing and opposing interest at stake e.g. economic outcome. .
- Policy 2(a)(b)(c) refers to the avoidance of “impacts” on biodiversity. The term “impact” should be defined.

### State Planning Policy 5 – Climate Change

#### General Comments

- The policy should include a clear statement of intent to integrate climate adaptation in development. The policy also needs to address the identification of the effects on vulnerable members of the community and the specific adaptation measures that will be put in place.
- The policies and non-statutory guidance notes are primarily urban orientated. The significance to rural areas and food production areas needs to be included for example primary production, fisheries and arable land.
- Support the development of climate-smart buildings (Principle 3) – currently climate-smart design can ‘lose out’ to other priorities.
- Support avoiding hazard-prone areas, or mitigation measures where avoiding hazard prone areas can’t be avoided (e.g. where development already exists in a floodplain).
- An additional policy is needed to recognise the need for the impacts of climate change to be understood at smaller regional and local scales i.e. Use science and analysis to understand localised impacts and adaptation responses - as climate change impacts are not geographically uniform.
- In the Planning & Design Code commentary there needs to be mention of policies that:
  - address consideration of natural ecosystem impacts e.g. ecological adaptation corridors and retreat areas;
  - facilitate the phased relocation of assets and infrastructure away from high risk areas;
  - recognise the importance of land division design in setting the foundations for built form and opportunities for climate sensitive design (before getting to building code solutions); and
  - ensuring that design quality policies are used in the P&D Code as a tool to mitigate risks to people and property.
- It is recommended that definitions or different language are used to make the policies more accessible to the broader community in relation

to “green infrastructure”, “green technologies” and “carbon sequestration”.

#### **Comments related to specific policies**

- Policy 1 - A “compact” urban form will only deliver a carbon efficient living environment if it well designed and thoughtfully planned. A poorly designed compact urban form can result in a less carbon efficient living environment. It is suggested that the word ‘compact’ be removed so that the policy applies to all urban form.
- Policy 2 - “Ensure the design of public places increases climate change resilience and future liveability” – this is supported but unsure how it will this be put into effect? Public works often don’t require planning consent, and therefore won’t be assessed against the Code. Also the public realm should not be relied on too heavily in lieu of appropriate requirements for private land. The non-statutory guidance notes states that “*Policies should... improve and increase land in the public realm*”. It is unclear how policies can require an increase in public land, and the LGA recommends that this be clarified.
- Policy 7 - “*Ensure decision-making considers the impacts of climate change using the best available information on climate risk which is regularly reviewed and updated.*” – is the decision making referred to just at the Development Assessment stage or at the Regional Plan level, or all areas?
- Policy 8 - “Support development that does not contribute to increasing our vulnerability or exacerbating the impacts of climate change and which makes the fullest possible contribution to mitigation” – this policy is quite broad.

#### **State Planning Policy 6 – Housing Supply and Diversity**

##### **General Comments**

- The link between housing and growth targets, emerging trends and life cycle changes is beneficial.
- The concept of ‘Adaptable’ & ‘Affordable’ housing and ‘Healthy Neighbourhoods’ to meet emerging trends is supported.
- The concept of residential growth in centres to encourage centre vibrancy and as an alternative to corridor and residential infill development to cater for specific housing typology and medium density living is supported.
- In relation to the Planning and Design Code, there is emphasis toward small lot and aged care accommodation without looking at the merit of other housing options (e.g. laneway & accessory housing).

##### **Comments related to specific policies**

- Policy 5 - “*To provide a permissive and enabling policy environment for housing and residential zones...*” This broad policy statement

needs to be accompanied by precise policy that clearly identifies desired future development whilst allowing for housing choice and quality design outcomes that reflects local character.

- Policy 6 - The focus should be beyond the Adelaide City (for a variety of household types) as inner suburban areas are dealing with similar issues and taking excess demand from the City.
- Policy 7 - Providing incentives (for affordable housing) through planning policy have historically had limited impact and drawn community opposition. The 15% affordable housing requirement for larger developments in significant development areas is already in use. Support for smaller housing and living arrangements will also promote more affordable outcomes.

### **State Planning Policy 7 – Cultural Heritage**

#### **General Comments**

- Objective refers to conservation of “heritage areas”. Clarification is needed about what areas this include? There are no corresponding policies which address the conservation of heritage areas.
- The language of this objective also reflects a static historical lens and not the living cultural lens of contemporary cultural heritage understandings. A living heritage approach would unlock opportunities to work with First Nations peoples to not only conserve but to plan, share, celebrate and enhance places of living cultural heritage.
- There is no reference to the importance of built heritage, and the status of existing Historic Conservation Zones and contributory items remains unclear. It is recommended that either built heritage is specifically referenced, or a separate policy relating to ‘Built Heritage’ be included.
- Guidance notes make reference to the P & D Code incorporating existing state and local heritage items – there is no reference to existing Historic Conservation Zones or contributory items. Many members of the community are looking for certainty about how these areas/places will be captured in the new policy framework.
- The policy should address adjacent heritage, development responding to context.
- A statement should be included the protection of cultural landscapes – not as individual heritage places but rather as significant landscapes i.e. the Barossa.
- Policy content should be included about promoting cultural vitality and expression. The policy addresses *conservation* of cultural heritage, but viable creative and cultural industries need policy settings that promote the importance of these to city vibrancy and cultural expression.

An example of this is the venues that provide live music in areas designated for mixed-use development. These venues can be vulnerable to noise complaints from sensitive land uses that encroach on them over time. Acoustic design in mixed use precincts is critical.

There are example of other places in Australia that are doing good planning work for entertainment precincts that SA can learn from eg Brisbane and Canberra:

- <https://www.brisbane.qld.gov.au/planning-building/planning-guidelines-tools/other-plans-projects/valley-specialentertainment-precinct/about-valley-special-entertainment-precinct>
- <https://www.yoursay.act.gov.au/urban-sounds>
- The Policy could more explicitly set out to recognise and protect the Aboriginal cultural heritage of all 39 South Australian traditional language groups, lands and sites/areas of significance.
- It is recommended that First Nations Peoples be engaged to undertake cultural mapping to understand cultural heritage sites and areas of significance

#### **Comments related to specific policies**

- Policy 1 refers to historically significant places – which are these?
- Policy 1 includes the term ‘use’ it should also include the following terms ‘*retention, conservation, adaptation*’

#### **Additional policy suggestions**

- Consideration should be given to including policies relating to fostering links to tourism.

### **State Planning Policy 8 – Primary Production**

#### **General Comments**

- The policy appropriately recognises the fundamental importance of Primary Industry with respect to the State’s prosperity, and highlights the value of associated industries, including tourism and service as well the infrastructure that supports the industry.
- The introduction acknowledges the increased demands and community and legislative expectations, and highlights the volatility of markets in which the sector operates. This highlights the need for policy that is flexible to allow farmers to respond to such market changes and to change crops without potentially needing a development application.

- The introduction also acknowledges the challenge is different for each segment of the agricultural sector and as such a tailored planning framework must consider this context.
- The objective is concise and clear and it is considered that the four suggested policies promote the most relevant principles of good planning for the primary industry sector.
- It is considered that the policy does not acknowledge government agency cooperation as a key to achieving growth, adaption and evolution in primary production sector, which is paramount and needs to be captured. As there are numerous instruments at play in this instance, it is considered that adjusting the planning framework in isolation will do little to cause significant and meaningful changes in this space. For example in the Adelaide Hills Council, watershed restrictions place burdens on land use intensification or diversification from other government agencies. Reform across State departments may be required to resolve these potential 'policy conflicts' and this can be driven by the 'integrated delivery' mantra and promoted in the Policy.

#### **Comments related to specific policies**

- Policy 1 suggests that key primary production assets be identified. This has largely been achieved in the Greater Metro Adelaide context through the Environment and Food Protection Areas (EFPA's), however it is unclear whether it is the intention for something similar to be achieved at each regional level.
- Policy 1 identifies the important of future primary industry development which is supported. However, the policy or the non-statutory guidance notes could be strengthened through the inclusion of more clearly identified list of key existing assets (i.e. EFPAs or PIRSA's Priority Primary Production Areas) and strategic primary industry opportunities across the state.

#### **Additional policy recommendations**

- As primary industry is a key supplier of the material and resources consumed in the Greater Metro Adelaide Region, it is considered that the emerging field of 'Urban Metabolism Analysis' (as a way to analyse the flows of material and energy consumption within cities) be introduced as a 'long term focus' initiative. Innovation in this space is predicted to drive life cycle analysis and circular economy development, which would have latent opportunities for primary industry and associated value chains within our regions. This policy or the 'Our Productive Economy' introduction could introduce these thinking tools.
- It is suggested that a focus on Primary Industry renewal/sustainability be recommended for both Regional Plans and the Code Guidance Notes.
- It is suggested that a distinction be drawn between small scale and large scale industry operations. For example small producers are often

burdened by the same regulatory framework as large scale producers, and this creates an imbalance that should be addressed. The 'Our Productive Economy' opening statement introduces this as 'planning processes proportional to the complexity of development' and this should be further pinned down as an additional policy.

- An additional Policy should be inserted to clearly deal with the ability to value add to agricultural produce and thereby allow farmers to generate additional on farm income and thereby remain viable. The approach of 'multiple land use scenarios' and 'diversification' have been introduced in the proposed policy but it would be advantageous to see a direct policy dealing with this issue.
- The right to farm should also be captured in the policy i.e. to ensure that any identified agricultural asset should not be impeded for farming activities as a result of proximity to a non-farming use such as residential development. It is considered that 4 be amended to pick up this issue.

### **State Planning Policy 9 – Employment Lands**

#### **General Comments**

- The policy recognises that it is important to provide a range of employment options and recognises the need to reserve land in order to facilitate these different employment options (e.g. land accommodating industrial activities, innovative technologies, different types of retailing etc). However, the objective itself is not clear on the definition of "employment lands". The meaning and implementation of this policy could be strengthened by including a useful definition.
- The policy is clear about the desired primacy of the Adelaide CBD which is supported, however, as Metropolitan Adelaide, which sprawls to the north and south there is a need to be clearer about how these areas will be serviced. There cannot be a reliance only on the CBD. Regional Centres have traditionally been important for clustering of commercial and employment activity and efficient use of transport infrastructure (particularly to the north and south of the CBD), as well as an efficient, effective focus for government investment of services and infrastructure, yet there is no reference to activity centres other than the CBD.
- The policy recognises that employment land should be "protected from encroachment by incompatible development" (objective and policy 2). There is increasing pressure for land to be made available for residential development, but it is important to reserve land for commercial activities through appropriate zoning. It is not appropriate to allow an area (particularly an inner metro area) to be dominated by residential development as this will force most commercial activities to relocate to outer-suburban areas. The outward migration of local service activities such as motor repair stations, local food production and packaging etc to outer areas removes the 'local' from local services.
- Outward migration of commercial areas often increases the commute times for employees, making these employment opportunities less accessible. It also makes it more difficult to connect the service/product with the customer. This issue is acknowledged by Policy 1 which

supports “*opportunities for employment that are connected to, and integrated with, housing, infrastructure, transport and essential services*”.

- Notwithstanding the need for employment lands to be local and accessible, it is also important to ensure there is sufficient buffer between sensitive land uses and higher impacting development – again, this can be achieved through appropriate zoning and is supported by the Objective, Principles 2, 5 & 10 which seek protection from encroachment of incompatible development. Councils are dealing with increasing volumes of local nuisance matters, which would be worsened if the separation between sensitive and impacting developments was reduced.

### **Comments related to specific policies**

- Policies 1, 9 and the non-statutory guidance notes for regional plans identify that some areas are appropriate for mixed use precincts. This is supported in appropriate areas and with the *appropriate mix of land uses*.
- While all of the policies are supported in isolation, when read together, the policies could be interpreted as conflicting with one another. Some policies support the separation of employment and living, while others encourage mixed use. For example:
  - Objective: “Employment lands are protected from encroachment by incompatible development and are supported by appropriate transport systems and infrastructure.”
  - Policy 1 “Enable opportunities for employment that are connected to, and integrated with, housing, infrastructure, transport and essential services.”

A clearer message is needed, explaining when it may be appropriate to separate land uses and when it may be appropriate to have mixed precincts – for example, mixed precincts include ‘professional’ employment opportunities that don’t have notable external impacts, whereas higher impacting activities should be separated from residential zones (not by large distances so as to be inaccessible, but a sufficient buffer so residents are not directly impacted).

- Policy 1 - The need to connect industrial lands to good public transport should be emphasised, and this policy could be improved by an increased emphasis on connection with social infrastructure generally, not just housing infrastructure.
- Policy 2 - This wording could inadvertently be read negatively in relation to potential entrepreneurial endeavours and innovative ideas.
- Policy 4 - This policy may apply to the creative industries that are otherwise missing from the policy. Land use flexibility also needs to consider interface issues and ensure good policy settings that enable creative and emerging industries to find appropriate space to and to grow.

- Policy 5 - Is there potential for this policy to also contemplate/address changing markets to 24/7 operation in a digital world?
- Policy 7 - Opportunities for local Aboriginal people to develop tourism offerings that enable custodianship and ensure meaningful community outcomes should be included.
- Policy 8 - Could include reference to 'state/national level sport and recreation facilities'. Sport and recreation infrastructure in located within metropolitan Adelaide could be 'destination' facilities that attract intra and interstate visitation and are well serviced by public transport. Include reference to educational, cultural, tourism and Aboriginal cultural hub for 39 South Australian language groups.
- Policy 9 - This could support locating key worker housing in the CBD and in hubs which are connected to the CBD via integrated transport.
- Policy 10 - It is noted that there may also be new high-tech industries that don't require whole precincts.

### State Planning Policy 10 – Key Resources

#### General Comments

- There is inconsistent use of the terms mineral and energy resources. At times linking them and at others separating them. Perhaps review this approach (Example see Polices 1, 2 and 3.).
- Suggested rewording of paragraph 1 could be *“The mineral and energy resources sectors will continue to fuel economic development, support the sustainability and growth of communities, and provide an income stream to help fund, for example, infrastructure and support construction affordability.”*
- Under the heading “Policies” and 2 - *“Plan for and implement development in the vicinity of undeveloped energy resources, energy resources operations and associated infrastructure to ensure their ongoing safe and efficient operation”* There is a need to define “vicinity”
- On Page 47 and the section “Related SPP’s” perhaps include other SPP’s “Primary Industry” and “Emissions and Hazardous Activities”, “Adaptive Reuse” or “Water Security and Quality”.
- Mention could be included of the potential for multiple uses of land for example a pastoral property could also be used for mining activity, tourism and agriculture.
- The policy drivers in this section focus only on transportation of resources could also include on shore processing.
- There is a need to ensure that legacy issues relating to mining closures are reduced through adequate rehabilitation with productive new land use or *biodiversity based* post mining outcomes.

## State Planning Policy 11 – Strategic Transport Infrastructure

### General Comment

- The primary intent of the policy to identify, protect and plan transport networks and infrastructure, in a way which is integrated with land development policies, is supported.
- The supporting text recognises that *“planning should consider complementary land use and road functions”* and Policy 5 seeks to *“minimise negative transport-related impacts on communities and environment”*. Appropriate separation of sensitive uses from transport-related impacts (such as noise and pollution) is supported, however, there is tension between this priority and the focus on high growth in corridor areas as encouraged by SPPs such as Integrated Planning and Housing Supply and Diversity. Ways of managing this conflict may include identification of heavy transport routes as opposed to high transport routes and focusing sensitive land uses on the latter, as well as design policies in all assessment pathways which noise attenuation and other protective measures. This is acknowledged in the non-statutory guidance notes. It is recommended that this be specifically included in a policy.
- The non-statutory guidance notes state *“the future location of transport corridors should be identified clearly through an Overlay”*. This is supported. It is recommended that road widening, the designation of roads as arterial/secondary arterial/collector roads and a clear definition of what constitutes a ‘corridor’ are included in Overlays in the Planning and Design Code.
- It is recommended that policies are provided in the Planning and Design Code relating to appropriate vehicle access for sites with a frontage to an arterial road. Ordinarily, the transport division requires development on an arterial road to have a single shared driveway access for the site, however this is difficult to negotiate if the driveway would conflict with street infrastructure such as street trees.

### Comments related to specific policies

- Policy 3 seeks *“equitable contribution towards the provision of transport infrastructure and services to support land and property development”*. Clarification on what is intended by the term “equitable contribution” is sought.
- Policy 6 uses words of enable and encourage alternative modes of transport. Consider stronger wording around this and ensure that new and upgraded residential and business areas (particularly in the City and larger regional centres) are provided with alternative modes of transport and reduce the dependence on personal motor vehicle ownership.

### Additional policy recommendation

- It is recommended that an additional policy be included which identifies the importance of ‘first mile-last mile infrastructure’.

### State Planning Policy 12 - Energy

#### Additional policy recommendations

- Include an additional policy which encourages the development of solar farms and batteries to provide power for individual townships and industry thereby reducing dependence on the national grid.
- Include an additional policy which ensures domestic roof top solar investment and effectiveness is not unduly impacted by development.
- Include an additional policy relating to distributed energy generation, storage and electric vehicle transition in urban areas and encourage good design that supports and manages the transition to embedded renewable electricity generation, energy storage and electric vehicles as an integrated component of planning.

### State Planning Policy 13 – Coastal Environments

#### General Comments

- The policy is seeking the protection and enhancement of the coastal environment and ensuring development is not at risk of coastal hazards (including, coastal flooding, erosion, inundation, dune drift and acid sulphate soils), this intent is supported.
- This is a field of significant scientific endeavour and expertise and the appropriateness of development should be informed by this expertise as part of the development of policies, their spatial application and the assessment of development.
- Under the Non-Statutory Guidance notes in the Regional Plans and Planning & Design Code commentaries, coastal retreat areas should also be identified and locally identified hazards should be included.
- Mapping and the use of overlays will be important.

#### Comments related to specific policies

- Policy 1 - reword to ensure development is not at risk from current and future coastal hazards (including coastal flooding, erosion, inundation, dune drift, acid sulphate soils), mangrove and wetland generated mosquito and midge hazards consistent with the hierarchy of avoid, accommodate and adapt.
- Policy 2 - reword to encourage development outcomes that meet social, economic and environmental needs of communities in coastal areas with the protection of the environment.
- Policy 4 - reword to *“Locate development in areas that are not subject to coastal hazards unless the development requires a coastal*

*location and suitable hazard mitigation strategies are in place, taking into account projected sea level rise, coastal retreat, biodiversity needs and other risks including insect borne nuisance and disease”.*

#### **Additional policy recommendations**

- There are additional policies that should be addressed, including:
  - Stormwater flooding associated with high tides and storm surges;
  - Stormwater flows and quality and their impacts on receiving waters;
  - Coastal and ecological processes; and
  - Policies for transitional arrangements in risk areas eg title arrangement / transportable demountable housing.

#### **State Planning Policy 14 – Water Quality and Security**

##### **General Comments**

- It is considered that the policy objective has quite a narrow focus, and it is recommended that it include aspects of efficiency and diversification to expand the aspirational reach of the policy.
- The policy recognises water as one of our most valuable assets and its role in supporting premium food and wine industries, this is supported.
- Diversification of water supplies is seen as a positive, given Metropolitan Adelaide’s reliance on the Mt Lofty Ranges Watershed Area (60%).
- Key improvements in stormwater capture and re-use, particularly in the urban context are supported, as they will have positive benefits for water supply catchments.
- An integrated approach to water resource management is supported, and the policies are generally supported. Particularly recognising land use planning’s role in leveraging synergies between flood mitigation, water quality and urban amenity is considered an appropriate approach in this instance.
- It is suggested that the conflict between traditional water protection measures and development in Watershed Areas be acknowledged and addressed in this policy. This conflict is most evident where primary producers tend to be discouraged from undertaking value adding opportunities due to the non-complying triggers for development in the Watershed Area. Emerging technologies can assist in ensuring

water quality is maintained and the policy could acknowledge this more fluently. As such it is considered paramount that the planning framework move away from a criteria/land use based approach, to a more performance based approach, to ensure protection of water quality whilst allowing for innovation and value adding activities within the water supply catchments. The policy could capture this via an additional policy statement.

- One particular conflict that should be addressed at the policy level is urban infill vs efficient stormwater management, clearer direction is required as this issue becomes increasingly challenging as impervious surface areas increase with infill development.
- There should be reference to the status/promotion of stormwater and waste water capture and reuse mechanisms at local and neighbourhood level, such as detention/ retention tanks and the recycling of grey water
- There is a potential conflict with P.6 Housing Supply and Diversity which promotes infill leading to more non-pervious areas, greater run-off & resultant impacts on quality and quantity of water discharged

#### **Comments related to specific policies**

- Policy 1 refers to “... *the protection & security of states water supply to support a healthy environment, vibrant communities & a strong economy*” – this policy aims to be “all-encompassing” but will be difficult to achieve without strong connection and links to most of the other SPPs
- Policy 4 refers to the provision of land use policy which aims to “... and improve urban amenity” - it is unclear how this is to be achieved in existing established and built up areas.

#### **Additional policy recommendations**

- The guidance notes make reference to the Planning and Design Code promoting water sensitive urban design this should also be promoted in the policies. Water Sensitive Urban Design (WSUD) is playing an important role in water use efficiencies and emphasises not only into new development, but also in retrofitting existing development should be considered. WSUD is critical when undertaking infill development to ensure water quality & decrease flood risk downstream.
- It is considered that the policy should acknowledge water’s role in amenity contribution as well as biodiversity.
- It is considered that reference should be directly made in the policy to Managed Aquifer Recharge and its inherent links with good WSUD practice, as explored in the Natural Resources and Environment Policy Discussion Paper.

#### **State Planning Policy 15 – Natural Hazards**

### **General Comments**

- The introduction acknowledges that climate change will likely cause extreme weather events including extreme heat, storm and flooding.
- The intent of the policy is sound, however, the introductory paragraphs require rewrite for clarity.
- The proposed policies should ensure consistency with other SPPs, particular with respect to the hazard risk hierarchy.
- Acknowledgment that land use planning plays a critical role in mitigating the risks associated with natural hazards.
- The objectives and policies successfully identify the risks and provide high level strategies to minimise exposure.

### **Additional Policy Recommendations**

- Bushfire protection should be captured in a specific policy statement, in order to give emphasis to this significant hazard. This could also include mention about the need for development, located to minimise the threat and impact of bushfires on life and property, to also protect natural and rural character.
- A policy to restrict encroachment of urban or township development into high risk hazard areas.

### **State Planning Policy 16- Emissions and Hazards Activities**

- The recognition of hazardous activities (as a result of industrial development), as opposed to merely natural hazards is supported.
- Explicit reference to '*adequate separation distances*' is supported as it gives a clear suggestion of a spatial/GIS approach to resolve such issues.
- The introductory text (for this section) refers to industrial hazards, suggest also including vehicular emissions (from main roads/freight routes) as well.
- Consideration should be given to how the issue of site contamination will be managed through the ePlanning portal. Currently, potential site contamination is identified by the Council based on property history and notifications from authorities such as the EPA. A private practitioner, developer or home owner using the centralised ePlanning system will not likely have access to this level of information.



148 Frome St  
Adelaide SA 5000

GPO Box 2693  
Adelaide SA 5001

T (08) 8224 2000

F (08) 8232 6336

E [lgasa@lga.sa.gov.au](mailto:lgasa@lga.sa.gov.au)

**[www.lga.sa.gov.au](http://www.lga.sa.gov.au)**