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SOUTH AUSTRALIA'S PLANNING SYSTEM REFORM

Draft State Planning Policies

The State Planning Commission (SPC) released on the 16 July 2018 for statutory consultation (minimum 8 weeks – originally 7 September 2018) another key instrument in the framework of the new planning system:

http://www.saplanningportal.sa.gov.au/planning_reforms/new_planning_tools/state_planning_policies

This latest paper outlines:

- Introduction;
- Role of State Planning Policies (SPP's) in the Planning System;
- How to Apply SPP's to Instruments and Frameworks;
- How to Interpret SPP's
- Managing Competing SPP's;
- Our Population (snapshot and changes);
- Principles of Good Planning (PDI Act);
- Targets from *30-Year Plan for Greater Adelaide*;
- Legislated SPP's;
 - *Integrated Planning*
 - *Design Quality*
 - *Adaptive Reuse*
 - *Biodiversity*
 - *Climate Change*
- Ministerial SPP's under 4 themes (containing 11 SPP's);
 - *Our People and Neighbourhoods*
 - *Our Productive Economy*
 - *Our Infrastructure and Movement Systems*
 - *Our Resilient Communities and Environment*

The State Planning Commission (SPC) and Department of Planning, Transport and Infrastructure (DPTI) have extended the time for feedback until **21 September 2018**.

Draft State Planning Policies Outline and Council Comments

A brief outline of key elements of the draft State Planning Policies (SPP's) are provided below, together with critical comments for SPC and DPTI review. This outline and the comments would be best read alongside the released information for improved understanding.

Introduction

The SPP's are a key element of the new system framework, and provide the highest order and a single policy framework, of the State priorities for the land use planning and development policy instruments. They do not address all matters but reflect State interests, and are critical to understand as they will influence the allowed scope of local policy.

It is evident there is a varied evolution and importance in the policies, with some well-developed and overly detailed at times and others of a high level and/or inferior scope, ie Cultural Heritage. While not an entirely reliable indicator, but by way of illustration, the average number of Policies (in addition to singular Objective) per the 16 Policies is 6 (ranging up to 10) and the average words per Policy is 171 (ranging up to 283). This compares to the lowest for Cultural Heritage of 2 and 49 respectively (with next lowest 3 and 83).

Role of SPP's in Planning System

The SPP's in themselves have no direct statutory development assessment effect. The SPP's will have effect through influencing and guiding the content of the future policy in the planning instruments that must reflect and align with the SPP's, eg Regional Plans and Planning and Design Code (P+D Code).

Where the SPP's have a spatial application they will be defined by an Overlay in the P+D Code. Overlays take precedence over other policy in the P+D Code.

How to Apply SPP's to Instruments and Frameworks

To support the SPP's, and matters-of-state interest, there will be a system of statutory referrals to state agencies for 'power of direction' on development applications.

The matters to be referred are yet to be determined but will evolve in due course and be specified in the legislation. This will be critical to the operation of the system, providing for direction over local interests. However, where not referred, the local planning authority will need to deal with the issue alone, presumably without the benefit of possibly highly relevant specialist advice (unlike current situation of advice for regard).

Clear and careful definition of referrals, and specialist advice, must be carefully considered and take into account local needs and capacity to assist the ultimate proper and efficient assessment of development applications.

How to Interpret SPP's

The consultation paper includes supporting non-statutory context and guidance notes to the statutory SPP's Objectives and Principles. While useful at this stage, in reality and into the future the statutory SPP's Objectives and Principles need to be self-explanatory, self-contained and sufficient in them-selves to stand-alone.

Managing Competing SPP's

By the scope and nature of the SPP's there will be inherent conflicts, eg *Housing Supply and Diversity* versus *Cultural Heritage, Biodiversity, Natural Hazards* and *Emissions and Hazardous Activities*.

This is recognised and “*The process of resolving potential conflicts and tensions should be undertaken as efficiently and transparently as possible and must involve consultation with the local community. In some circumstances, the SPPs may compete or even be in conflict. To resolve these, specific regional and local circumstances need to be considered.*”

The SPP’s carry equal weight, apply in their entirety and need integration in the local context, but there are no guiding principles offered on how, what and who resolves the conflicts.

To ensure the efficient, transparent and effective balancing of the inherent tensions in the particular circumstances a clear process and comprehensive principles for this should be provided as part of the policies, either as an additional Policy or as an essential element of achieving *Integrated Planning*.

Our Population

Useful snapshot of current population, changes and trends.

The *Smaller Households* graphic lacks clarity, given it provides no progressive change over time, unlike all the other graphics. It would be more instructive if it did so.

Principles of Good Planning

The *Principles of Good Planning* are a quote from the *Planning, Development and Infrastructure Act* (PDI Act) and guide all planning instruments, including the SPP’s.

The SPP’s reflect the *Principles of Good Planning* but in some respects add little detail.

Our Targets

The *Targets* are from the *30-Year Plan for Greater Adelaide*. They form a useful reminder.

Target 5 and 6 (A Green Liveable City and Greater Housing Choice) illustrate the inherent tensions that need clear and careful reconciliation in planning instruments.

The SPP’s reflect the Targets but provide no clarity on how to reconcile their inherent tensions.

Legislated SPP’s

The PDI Act prescribes 5 SPP’s that must be created and that are particularly relevant to the P+D Code, including:

- *Integrated Planning*
- *Design Quality*
- *Adaptive Reuse*
- *Biodiversity*
- *Climate Change*

In the section’s introductory summary diagram on page 18, the *Design Quality* SPP refers to “... *universal design* ...” to “... *promote best practice in access and inclusion planning*”. This is unclear terminology and appears to fail to address the scope and purpose of ‘Design Quality’. Better wording is required and a definition included in the glossary for “universal design” that encompasses its proper scope, including the concepts of ‘good design’, ‘contextual design’, ‘adaptable design’ and ‘sustainable design’.

1 - Integrated Planning

The context indicates change to some neighbourhoods could be significant, but limited to some that suit (while complementing valued characteristics, which seems contrary to them significantly changing) and others will experience little change.

The diagram on page 21, while an attempt at simple expression, misrepresents the key and valued characteristics of areas. All suburbs will legitimately encompass a range of densities from very low to medium, in varying proportions perhaps relative to their location, and not only “medium-high density” in inner suburbs for example.

The diagram (page 21) should be clarified and better represent the nature of areas, potentially including examples. Further, the glossary should contain definitions of residential density, from very low to high, to clarifying their true meaning. Inclusion of building rise, from low to high, may also be useful clarification.

The Objectives and Policies have a growth focus for metropolitan Adelaide and neighbourhoods; beyond protected rural, environmental and landscape areas; and lack nuance in their detail for variety as illustrated by comments on diagram (page 21) above.

If a separate SPP for balancing Competing SPP's is not added, a clear and reasoned process and principles for their reconciliation could be included under this heading – given such balancing of tensions in policies is by definition ‘Integrated Planning’.

2 - Design Quality

The opening context refers to function but fails to address the other key elements of form, fit, local resources/materials and local climate (and change).

It also highlights the important focus to “... facilitate development within neighbourhoods that responds to local identity and protects the attributes our community's value”.

While the following SPP addresses Adaptive Reuse of existing buildings, adaptable building design in new buildings is not addressed.

The resource, energy and water efficiency of development is also not addressed.

Policy 1, and others, use weak wording, eg “encourage” rather than positive action to ‘require’. Outcomes will not be achieved unless policy is rigorous.

The Policies should be refined and expanded to address ‘good design’, ‘contextual design’, ‘adaptable design’ and ‘sustainable design’ concepts and principles, and include comprehensive definitions in the glossary for full clarity.

Sustainable Design and a focus for increased green canopy with all new development is essential to address general Green Canopy decline and Significant/Regulated Trees disregard. Refer to Biodiversity SPP.

3 - Adaptive Reuse

Adapative re-use of existing buildings is laudable and a positive focus for a range of reasons, including examples for commercial re-purposing/viability or alternative flexible residential options, eg units/communal living within a large house/building.

Policies contain weak wording, eg ‘encourage’ and ‘inspire’, to sponsor models of adaptive re-use, with no clarification of whom or how this may occur.

Performance-based and flexible assessment relative to circumstances to achieve desired outcomes is supported. Appropriate long-term and good design outcomes should not be lost.

However, ‘incentives and bonus schemes’ are viewed with caution, unless the minimum policy, design and function requirements and quality are not compromised. A potential alternative approach should be justified by the circumstances and create a better overall outcome, not an inferior one. The desired outcomes of ‘incentives and bonus schemes’

should be clarified to ensure better, not inferior, and at least minimum outcomes are achieved in all cases.

4 - Biodiversity

The context, policies and notes infer a relationship to a natural environment, whereas urban areas critically also require and have such areas, albeit in limited pockets in watercourses and parks but also the cumulative vegetation and habitats in 'backyards' that form the 'urban forest' and contribute to the discrete component of 'urban biodiversity'.

In Unley over the last 40 years, but particularly the last 10 to 20 years, tree canopy has been on a notable declining trend, from 34% to 28%¹. Public realm opportunities have and are being maximised, but the primary issue is the majority private realm (representing 80% of the area) and its serious decline from 34% to 22%. Conversely, building cover has increased from 36 to 46%.

There needs to be a major shift and priority on arresting and improving Green (Tree) Canopy in the private realm and within all development, which starts with State recognition and a priority for development policy around 'significant and regulated trees' and new 'green canopy'.

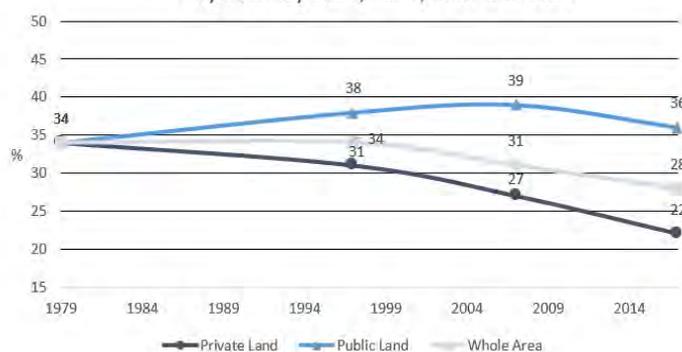
Recognition should be given to the importance and contribution of the 'urban forest', formed by natural pockets, open-space and backyards across the metropolitan area, and support provided to maintain more of existing assets and better development design policy to increase provision as a direct link to Target 5 in *The 30-Year Plan for Greater Adelaide*.

5 - Climate Change

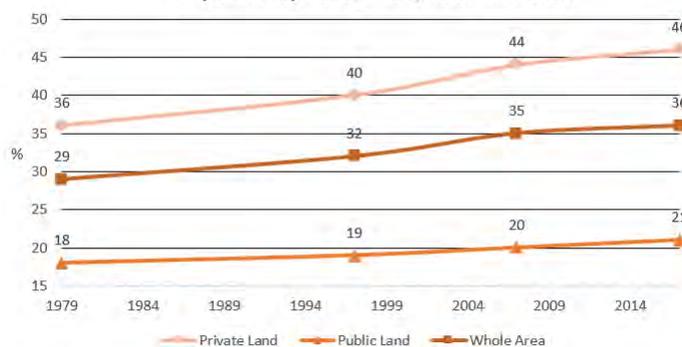
Climate Change and a rigorous development response is key to future sustainability.

Some poor wording is some-times used that limits building design as 'green' solution whereas the broader development arrangement, the spaces around buildings and trees/landscaping all contribute to 'green' initiatives. There should be equal focus on efforts to reduce climate change; less resources, energy efficiency, low emissions etc; as well as mitigation to address comfortable and healthy living and good passive design; particularly for the vulnerable, less mobile, transport dis-advantaged, low-income etc, in an increasingly hostile environment.

Canopy Cover Change across Land Tenure, City of Unley 1979, 1997, 2007 and 2017



Building Cover Change across Land Tenure, City of Unley 1979, 1997, 2007 and 2017



¹ Martinez and Bachar, *City of Unley Tree Canopy Cover Change, 1979 – 2017*, i-Tree Canopy Analysis. Unpublished Report, 2018

Unclear and jargon words are over-used, eg ‘climate-ready’, ‘climate-smart’, ‘green infrastructure’, ‘urban greening’, ‘tree canopy enhancement’ (eg versus ‘increased tree canopy’) without definition in the glossary.

‘Green Canopy’ and ‘Significant/Regulated Trees’ protection and increased provision is key to amenity, biodiversity, micro-climate cooling and broader mitigation. Greater recognition and priority should be re-balanced in their favour and better addressed in development policy.

Plain language and/or definitions in the glossary should be included.

Ministerial SPP’s

The PDI Act allows for a further 11 SPP’s under 4 themes identified by the Minister to contribute the achievement of the State’s vision:

- *Our People and Neighbourhoods*
- *Our Productive Economy*
- *Our Infrastructure and Movement Systems*
- *Our Resilient Communities and Environment*

If gaps are identified over time into the future, the Minister may add additional SPP’s.

Any future additional, and/or changes to, SPP’s should entail a comprehensive, open and transparent process and effective community engagement to ensure a justified outcome considering the consequential local implications of the over-riding direction by SPP’s.

Some of the SPP’s headings, and objectives, are not clear on their full scope.

Our People and Neighbourhoods

6 - Housing Supply and Diversity

There is a biased focus on residential growth, diversity and affordability with a lack of balanced recognition of the broader, and likely major, outcome of maintenance of the lower density options and community desired character of neighbourhoods, or key parts.

Further, there is no mention of the importance of ‘good design’ and ‘green canopy (and trees)’ in the desired and future function, form, amenity, health and value of neighbourhoods. The primary quote for the SPP reinforces the value of trees, particularly as density increases, but not mentioned in the policies.

A universal diversity and density change is not appropriate or applicable everywhere. Across neighbourhoods and city’s/township’s etc a spectrum of spatial zoning is applicable to reflect the respective desired and appropriate heritage, character, infill and growth opportunities.

Zone	Heritage Conservation	Character Attributes	Residential (sub-) urban	Regeneration, Centres and Corridors
Development	Hidden	Hidden	Infill	Growth
Type	Accessory Dwellings / Small House	Accessory Dwellings / Small House	Traditional forms (DD, SDD)	Apartments (RFB)

Permissive and enabling policy and incentives need careful consideration. The inference is if the desired diversity, affordability or design quality is not adopted and just normal development pursued there is a lesser standard and outcome acceptable. An effective minimum standard should be maintained at all times, and any flexibility should not

compromise the fundamental aims, eg function, character, height, form, amenity etc and be in balance with value-added quality and direct local community benefit.

There is an evident lack of a comprehensive policy for retail and mixed use Activity Centres and Corridors, with only a passing mention in *Our People and Neighbourhoods* SPP, requiring an additional specific SPP. The State should provide a clear and firm position for an orderly structure, scope and scale regarding Activity Centres and mixed-use Corridors to affirm their consolidation and limitation, avoiding a wide spread adhoc 'anything everywhere' approach.

7 - Cultural Heritage

There is an acknowledgement of a varied evolution, and the apparent importance of some policies, with well-developed and overly detailed ones and others of a high level and/or inadequate scope.

It is particularly evident with Cultural Heritage there appears to be disappointing lack of regard, importance and comprehensive appreciation for heritage by the State, when it is a long-standing and well supported priority by the community.

While not an entirely reliable indicator, but by way of illustration, the average number of Policies (in addition to singular Objective) per the 16 Policies is 6 (ranging up to 10) and the average words per Policy is 171 (ranging up to 283). This compares to the lowest for Cultural Heritage of 2 and 49 respectively (with next lowest 3 and 83).

The scope of the policies only refer to 'use' of places and indigenous heritage.

As a minimum there is a need to add a series of policies, that support the Objective, to address:

- Confirmation of explicit State support for cultural heritage, and due respect and regard for the critical importance of maintaining a proper range and depth of items, places and areas of such invaluable state and local community identity;
- Recognition of the importance of conserving built heritage, and other items of heritage (landscapes, artefacts, shipwrecks etc), and that its benefits should be celebrated and valued as our collective cultural heritage;
- Continuing to identify, conserve, respect design integrity, adapt etc State and local built heritage 'places' and 'areas' of value, ie Historic Conservation Zones and Contributory Items, and their contribution to the living history, legacy, culture and story of the state and local communities evolution and distinct identity;
- Strategically the majority of areas desired character and heritage be respected and the focus of change confined to suitable, obsolete and logical areas, avoiding indiscriminate inefficient adhoc infill or incompatible intensive change;
- Recognition of the complementary value of saving embedded energy/resources, skilled employment, unique distinction and tourism attraction of the story of evolution in neighbourhoods, main streets and townships etc;
- The ill-founded aversion that the protection of key areas of historical legacy, and our unique character and community identity, is not contrary to sensitive and diverse development, and in fact provides the foundation, uniqueness and difference for celebrating the authentic essence of the state and local identities. Once lost, our unique story and identity is lost.

Related legislation must include the PDI Act given its key role in local heritage places and areas.

Our Productive Economy

8 - *Primary Industry* – not applicable.

9 - *Employment Lands*

The introduction acknowledges retailing is changing. Simply more land, for large format outlets or other, without rigorous and orderly planning leads to potential dispersal and undermining of established centres structure, equity and fair competition. The protection of employment lands should address the diversity of centres and types, and focus on the desired consolidation and re-activation of activity centres, main streets, corridors and support for walkable neighbourhoods.

The Objective focuses on protecting 'Employment Lands', whereas the Policies (6, 7, 8 & 9) relate to a diverse range and mix of retail, entertainment, service and tourism hubs. The term 'Employment Lands' should be more clearly defined, in Policy and/or glossary, and extended to include the full range or preferably an additional SPP included to address a clear and firm position for an orderly structure, range and scale of Activity Centres and Corridors.

Policy 6 refers to competition and provision of additional land but this should be only where warranted. Policy should be expanded to include the opportunity for consolidation and densification of development within existing areas.

10 - *Key Resources* – not applicable.

Our Infrastructure and Movement Systems

11- *Strategic Transport Infrastructure*

Planning and protection of strategic access and movement is appreciated. However, the SPP is biased towards land use conforming to these needs whereas there are existing and desired mixed use (including residential) land use corridors and centres, eg main street and corridor vitalisation, where a better balanced priority between 'place' and 'link' is required.

The Objective and Policies 2, 7 and 9 fail to recognise potential priority in certain locations and circumstances for land use 'place' and balance with movement 'link' priority.

While not mentioned or listed, like airports examples, the Strategic Transport Routes already identified in *The 30-Year Plan for Greater Adelaide* and the *Integrated Transport and Land Use Plan* should be recognised, albeit reviewed based upon 'link and place' methodology.

12 - *Energy*

Protection of essential energy network and alternative generation opportunities is appropriately addressed.

Our Resilient Communities and Environment

13 - *Coastal Environment* – not applicable.

14 - *Water Security and Quality*

The Objective aims to protect water supply but should also address the other side of the equation for the efficient management of available water (rain, stormwater etc).

In the Policies, eg 4, there could be more emphasis regarding low use and efficient development and landscapes, reducing water loss to environment through better stormwater management and WSUD. Development and design needs to address our water scarcity and variability issues, for both potable and non-potable water sources.

15 - Natural Hazards

A concise and effective capture of essential elements.

Extreme heat events are recognised, but the general increased heat and its mitigation warrants further emphasis on the key importance of 'green infrastructure'.

Addressing current 'tree canopy' loss in private realm from development, and the appreciation of trees within development, requires particular emphasis and improvement. This starts with State recognition and a priority for development policy in the SPP's.

Increased 'green infrastructure' and provision for trees will aid stormwater management, reduced initiatives and water retention in the environment.

16 - Emissions and Hazardous Activities

The focus, in Introduction and Objective, is on industrial development, but critical emissions arise from a range of activities that need recognition, eg agriculture, entertainment, transport.

Separation appears a primary tool, but it is unclear if this is outside the sites by receiving development or more fairly created inside the subject sites.

Site remediation ideally is 'cost-effective', but equally there must be a minimum standard.

Current focus for residential development in mixed-use development along urban public transport and main road corridors creates a conflict between heavy vehicles or high vehicle volumes emissions and long-term living amenity and health. There should be a State priority for establishing standards of avoidance or necessary management where appropriate that can lead to provision of clear and transparent agency guidance on warrants for suitable (or not) locations and minimum design standards (clearance and/or mitigation).

Glossary

A comprehensive glossary of definitions should be provided for key terms, eg universal design and technical planning parameters, eg development density, building rise.

Key Issues Summary

The SPP's are the ultimate expression of State interests and priorities, and consequently are a fundamental and important guide to development policy, ie Planning and Design Code.

The draft SPP's afford a reasonable scope and outline of State interest and priority, but some key Policies and elements are considered to be missing or lacking.

The key issues include:

- Clear definition of State Agency referrals, and specialist advice, must be carefully considered and take into account local needs and capacity to assist the ultimate proper and efficient assessment of development applications;
- Supporting non-statutory context and guidance notes are useful, but the statutory SPP's Objectives and Principles need to be self-explanatory and self-contained;
- The inherent tensions between SPP's need a clear process and comprehensive principles for their efficient, transparent and effective balancing, either as an additional Policy or one as an essential element of achieving *Integrated Planning*;
- The SPP's reflect The 30-Year Greater Adelaide Targets but provide no clarity on how to reconcile their inherent tensions;
- The desired outcomes of 'incentives and bonus schemes' should be clarified to ensure better, not inferior, and at least minimum outcomes are achieved in all cases;

- Any future additional, and/or changes to, SPP's must entail a comprehensive, open and transparent process and effective community engagement to ensure a justified outcome considering the consequential local implications of the over-riding direction by SPP's;
- 'Green Canopy' and 'Significant/Regulated Trees' protection and increased provision is key to micro-climate cooling and broader *Climate Change* mitigation and their recognition and priority should be re-balanced and better addressed in development policy;
- Addressing *Biodiversity* and improving Green (Tree) Canopy in the private realm and within all development needs to be a major priority, which starts with State recognition in SPP and a priority within development policy around 'significant and regulated trees' and increased new 'green canopy';
- In *Our People and Neighbourhoods* there is a biased focus on residential growth, diversity and affordability with a lack of balanced recognition of the broader, and likely major, outcome of maintenance of the lower density options and community desired character of neighbourhoods and importance of 'good design' and 'green canopy (and trees)' in their desired and future function, form, amenity, health and value;
- Retail and mixed use Activity Centres and Corridors only has a passing mention in *Our People and Neighbourhoods* SPP. The State should provide an additional specific SPP with a clear and firm position for an orderly structure, scope and scale to affirm their consolidation and limitation, avoidance of wide spread adhoc approach.
- *Cultural Heritage* has a disappointing lack of regard, importance and comprehensive appreciation for heritage, when it is a long-standing and well supported priority by the community;
- *Strategic Transport Infrastructure* fails to fully recognise the potential priority in certain locations and circumstances for land use 'place' and an appropriate balance of the movement 'link' priority;
- *Water Security and Quality* could have more emphasis regarding low water use and efficient development and landscapes, thereby reducing water loss to environment through better stormwater management and WSUD;
- *Emissions and Hazardous Activities* focus on industrial development, but critical emissions arise from a range of activities that need recognition, eg agriculture, entertainment, transport corridors etc, and impacts on living amenity and health, eg standards for avoidance or necessary management (clearance and/or mitigation) of suitable (or not) transport corridor locations for high density residential;
- A comprehensive *Glossary* of definitions should be provided for key terms, eg 'universal design', 'good design', 'contextual design', 'adaptable design', 'sustainable design' etc and technical planning parameters, eg development density, building rise, for full clarity.

Consultation on this paper ends on **21 September 2018**.

It is trusted these comments will be given due consideration.

Yours Sincerely



Peter Tsokas
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