

South Australia Planning, Development and Infrastructure ACT 2016

Representation on Application

Organisation:

First name:

Last name:

Email: *

Consultation Document Submissions

Part 2 - Zones and Sub Zones > City Main Street Zone > Assessment Provisions (AP) > Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

- Support
- Oppose
- Amend

Your Feedback

PO 2.10

High rise built form on the northern side of Rundle Mall, Rundle Street, Hindley Street and Gouger Street incorporating slender tower elements, spaces between buildings or other design techniques that enable natural sunlight access to the southern footpath.

This PO is a new impediment and very subjective. Is natural sunlight to be provided all year around at all times of day? There are many narrow allotments along the northern side of these streets, whereby any setbacks or gaps between buildings would render them unviable to develop and therefore this performance outcome is effectively restricting building heights, despite building heights not being limited in this zone.

Part 3 - Overlays > State Significant Native Vegetation Areas Overlay

- Support
- Oppose
- Amend

Your Feedback

This Overlay has significant encroachment beyond its intended areas into adjacent allotments.

Part 3 - Overlays > State Heritage Place Overlay > Procedural Matters (PM) - Referrals

- Support
- Oppose
- Amend

Your Feedback

We are concerned that the increased number of referral pathways, coupled with increased 'power' of 'Direction' for certain State Agencies, will result in longer and protracted assessment periods, more onerous Agency requirements and reduced certainty and confidence for the development industry.

State Agencies should be consulted (where directly relevant) and provide their expert assessment as 'Advice', for consideration and inclusion by the Relevant Authority. The Relevant Authority can then make a 'balanced' decision taking into consideration all factors of the application, including the advice of the relevant Referral Agencies. The 'power' of 'Direction' raises the profile and emphasises single issues above all other planning considerations resulting in a partisan, rather than objective determination.

The rationale that Referral Agencies will be more accountable when applying the 'power' of 'Direction' (particularly with respect to defending decisions in the ER&D Court) is unsubstantiated noting that a Relevant Authority comprising professional, experienced and accredited professionals will be making a determination based upon all information available in support of the application, and should remain accountable for their decision, irrespective of the advice provided by a Referral Agency.

If a Referral Agency provides a 'Direction' that is unreasonable, the Relevant Authority must accept it in providing its determination. The only mechanism available for applicants is to seek appeal to the ER&D Court. It is plausible that an applicant may need to seek appeal on the Direction given by multiple Referral Agencies, thus increasing the time, cost and effort. The unbalanced power/resources of Referral Agencies versus applicants could make appeals uneconomic or success unlikely (no matter the unreasonableness of the 'Direction') and serve to reinforce a Referral Agencies power in making further unreasonable 'Directions'.
