



# FRASER ELLIS MP

MEMBER FOR NARUNGGGA



5 September 2022

Submission: The Planning System Implementation Review

Attention: Expert Panel

Via E: [DTI.PlanningReview@sa.gov.au](mailto:DTI.PlanningReview@sa.gov.au)

I appreciate this opportunity to contribute to the review into the implementation of the new planning system in SA that was activated some two years ago, described at the time as the biggest modernisation of the system in 20 years with its substantial amendments to the Planning, Development and Infrastructure Act 2016 and launch of a centralised Design Code with 24/7 electronic platform.

I am aware the intent of the new Code and Plan SA portal was to provide one clear set of planning guidelines for the State, consolidating 72 existing individual council Development Plans into one single source of planning policy for assessing development applications; the end goal ultimately to speed up approval processes and save users time and money.

Whilst it is never easy to implement such significant change, constituents advise that disappointingly, the new system has not provided the faster turnaround times that were anticipated across the board, and from councils within the Narungga electorate, opinion of the new Code and portal appear decidedly mixed.

It is noteworthy the introduction of the new Planning code coincided with the COVID-19 pandemic and the roll out of subsequent (and successful) government building stimulus incentives to retain/create jobs in the building industry that increased workloads of council planning staff. In the case of the Copper Coast Council, the substantial increase in development applications lodged at a time of adjusting to the new assessment system reportedly necessitated employment of at least one additional town planner and the engagement of the services of a planning consultancy.

Additionally in relation to impacts on local councils, I also question the appropriateness of State Government charging local councils an annual fee to use the new mandatory system, especially given that individual applicants are additionally charged various lodgement fees along the process path. Quoting a constituent lodging a plan in the new system, fees include an "electronic lodgement fee of \$180; an "Impact Assessed (Restricted)" fee of \$830; and a "Public Notification fee" of \$255).

Constituents have also raised with me concerns that the new system is now run by a "faceless" State-wide portal, replacing approachable members of their local council whom they felt (due to knowing the area being assessed) were more invested in ensuring





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appropriate development occurred, and allowable construction of buildings was in keeping with specific region characteristics, heritage, and attractions.

I have heard laments from constituents who report hearing from council staff, “sorry, we don’t make planning decisions anymore, the State Government does, so take your issue up with them.”

An issue of particular concern has been the proliferation of large solar farms “popping up” over the electorate and on land viewed as inappropriate. I raised this issue with the previous Marshall Government and since, again, with the Malinauskas Government, and am pleased that since its phased introduction the Code has provided some rules to guide such development (setbacks/perimeter landscaping). However, I believe more can be done to better plan for placement of renewable energy developments, including consideration of implementing a dedicated zoning/overlay.

In response to my most recent contact with Minister for Planning Hon Nick Champion MP, I appreciated being advised my correspondence on this topic has been forwarded to the State Planning Commission for further consideration.

Constituents have reiterated that prescribed setbacks and regulations for solar farms allowable within rural zones are not adequate to conserve the amenity of Rural Living precincts for those who live and have substantially invested in property within such zones.

I cite a solar farm application of September 2021 for Martinga Road, Kadina, on 17.5 hectares of grazing/cropping land that received significant opposition from multiple homeowners who lived directly opposite the development of 192 rows of solar panels along a 300-metre frontage.

Despite twice being refused by Copper Coast Council’s independent assessment panel, the development was ultimately approved on appeal through the ERD court.

It is my understanding that larger-scale solar farms within a Rural Zone are now performance assessed. In my view, more discerning location of such solar farms is required and should be placed far from township immediate fringes and housing precincts.

Noting that some improvements to system teething problems have occurred since the beginning of the Code roll out, for consideration I provide the below summary of additional feedback received by the Narungga electorate office since the new system implementation:





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1. Lamenting loss of capacity for constituents to physically lodge a development application at a local council as they could previously
2. Overzealous requirement for expensive site contamination assessments for rural land change of use. *(I note that following feedback from key stakeholders, the State Planning Commission approved changes to Practice Direction 14 to improve the function and consistency of the Site Contamination Assessment Scheme that came into effect in June 2022. Thus, pleasingly this concern has been addressed with subsequent sensible amendments.)*
3. The new system has not made the planning process quicker, simpler, and more equitable. One example: a constituent (supported by engaged Planning Consultant) lodged an application to Plan SA on 25/1/22 for an Impact Assessed Development to build a single storey dwelling and 2 rainwater tanks on Rural Zone land; seven months later (as at 1/9/22) a Planning Consent decision is still pending. Whilst a three- or four-month process for a non-complying application was anticipated, the constituent is disappointed it has been seven months (so far) within a streamlined system projected to provide quicker turnaround times. The constituent reports the below timeframes summary: (and additionally advises fees charged for assessment have totalled \$1265, with more expected when building consent processes begin):
  - 2/2/22 verification of application initialized, and fee paid (\$180)
  - 5/4/22 second fee paid (\$830)
  - 28/3/22 request for information, response duly provided
  - 29/4/22 first public notification period (fee paid \$255)
  - 17/5/22 referral to Copper Coast Council; application supported; response received
  - 24/6/22 request for information, response provided
  - 19/7/22 second public notification (due to omitting neighbours)
  - 1/9/22 – portal states awaiting Planning Consent assessment (with Building Consent processes to then start if planning consent is granted)
4. Difficulty navigating the electronic platform and not easy to get help resulting in having to pay a planning consultant to assist. Too many overlays, zones, sub-zones
5. New developments now occur with too limited public notification
6. Property owners within the Rural Zone (former Rural Living) reporting difficulty in obtaining shed approvals for sheds larger than double garage size. Consideration sought for the fact the reason buyers purchase the 1- or 2-hectare rural blocks is the attractive alternative lifestyle larger allotments offer, which includes having room for larger equipment and storage sheds.







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Additionally, rainwater storage sought on rural blocks (that may or not have access to SA water supply) require sufficient total roof area of sheds/dwellings in order for the required volume of rainwater to be collected for household use. Hence it is crucial that rural landowners lodge applications for sheds of adequate size for this rainwater collection.

Capacity for a simple process to review such decisions would be beneficial to landowners.

7. A “One size fit all” system is believed to be threatening heritage and character of architecture and built environment in regional locations, and councils seek to have their views, experience and knowledge of their “patch” of SA valued.

I noted recently the decision by Copper Coast, Yorke Peninsula and Barunga West Councils to not form a Joint Planning Board that would have enabled them to formally assist in the preparation of the Regional Plan for their designated Planning Zone – the Yorke Peninsula and Mid North. However, I understand this decision was made after notification that under the Act only the Minister had the power to amend any such Regional Plan in the future, with the consent of local councils within the planning zone not required. Thus, the regional plan for Yorke Peninsula and Mid North is now being prepared by State Government and whilst it is understood consultation will occur with councils and the LGA, I fervently hope that the local knowledge of council staff/planners and elected members who choose to participate in this process will be duly valued and considered.

Yours sincerely

Fraser Ellis MP  
Member for Narungga

