DTI:Planning Review

From: [redacted]
Sent: Wednesday, 14 December 2022 1:07 PM
To: DTI:Planning Review
Subject: Planning System Implementation Review

The following submission is made for consideration by the Review Panel.

1. Planning Development and Infrastructure Act 2016

- Section 7, as it relates to the EFPA, is too restrictive and requires review and clarification. Blamket prohibitions prevent proposals with extraordinary circumstances to be assessed on their merits, despite the claim that the objective of the legislation is to protect valuable agricultural land, but not at the cost of all development opportunities.
- The definition of residential development needs to be simplified and the legislation needs to clearly state/acknowledge that the restrictions only relate to land division proposals which seek to create allotments for new/additional dwellings, as is stated on the Plan SA website. The provisions are being interpreted differently, including by Commission staff, when assessing development applications.
- The Section 7 provisions are far too restrictive and lack the flexibility that is required when considering/assessing proposals with extraordinary circumstances. Example 1 – Where a land division proposal relates to land which exhibits more than one existing lawful dwelling. If a proposal does not affect the chaaracter, use, productivity and/or appreance of land, and there is no potential for any additional dwelling, what is to be achieved by not allowing the land division? Generally, the "Limited Land Division" also applies, which simply adds another unreasonable hurdle. There is a 6,500m² allotment at Back Valley which has not been farmed for 74+ years and exhibits two lawfully existing dwellings but cannot be divided (according to the State Planning Commission), despite no change to the use, productivity and/or appearance of the land. Example 2 – A farmer lives on his property all of his life (70+ years) but has to cease farming for health reasons. The farmer would like to continue living in his family home but needs to sell the remainder of his property so as to pay down debt. The house can be divided from the remainder of the farm land but the "farm land" allotment cannot have a house, hence its value is reduced considerably, thereby severely impacting upon the farmer's financial situation. The loss of 1.0 hectare or les of farming land under these circumstances is considered to reasonable given the years of toil by the farmer.
- The EFPA incorporates land which is clearly not valuable agricultural land (e.g. most of the land on the northern side of Hindmarsh Island). The zonings and EFPA provisions need to be applied so as to reflect the true capabilities of land, rather than impose blanket development prohibitions based on the perceived use/productivity of the land because of its topographic features and/or rural location.
- The provisions relating to the review of the EFPA boundaries are ridiculously restrictive in nature and afford little scope for change. Example – Land at Middleton which was erroneously re-zoned from Rural Fringe to Primary Production by Alexandrina in 2014 was not excluded from the EFPA (under the 2021 review) , despite Alexandrina Council making a submission which acknowledged its error and its previous attempts to rectify the situation over the past 8+ years (including submissions to previous Ministers and previos Greater Adelaide Plan reviews). The land in question has no agricultural productivity potential, is covered by existing mining leases, was earmarked for future urban development for 40+ years, and also exhibits a civil works/transport depot – yet the "system" did not allow a change to the EFPA boundary because the restrictive assessment criteria.

2. P & D Code

- The Code is cumbersome and many provisions contained therein are too subjective and/or are open to individual interpretation. Example – Provisions which speak against impacts of development (dwellings) on the streetscape are used by some assessment planners in an attempt to achieve design changes to the proposed built form, based on their personal prefernces.
- There needs to clarification that the Code is not a statutory document but is simply an assessment guide. Compliance with Performance Outcomes and/or Designated Performance Features is not mandatory. If it is the intent that compliance with all provisions of the Code is mandatory, the Cide should clarify this for the benefit of all concerned.

3. Plan SA Portal

- The portal does not allow application information to be easily corrected or additional info/amended/superceded documents to be readily uploaded.
- The system does not recognise some land. Example – The Portal will not provide any information about Lot 7 O'Halloran Street, Currency Creek (which incorporates approximately 300 existing smaller allotments rather than recognise the existing individual allotments). No P & D Code provisions are available and there is no secondary source for such information.

The above are only a number of issues that we have encountered but time prevents me from preparing a more comprehensive submission.

I trust the information provided herein will be of some assistance.

Should you require any additional information or wish to discuss the matters raised herein, please do not hesitate to contact me on

Regards.

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