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RECEIVED

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DPTI



Sally Smith  
General Manager, Planning and Development  
Department for Planning Transport and Infrastructure

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## **RE: NATURAL RESOURCES & ENVIRONMENT POLICY PAPER**

Dear Sally,

Thank you for providing the UDIA (SA) with the opportunity to comment on the Natural Resources and Environment policy discussion paper as part of the current planning reforms consultation process. The UDIA is a member-based organisation representing the urban development sector. Our members include developers, planners, surveyors, architects and many other representatives across the South Australian property industry.

Many of our members have a good understanding of the nuances in the current planning system. They recognise the importance of having sound policies around the environment and natural resources so that an appropriate balance can be struck between protecting what we have and allowing for growth and development going forward.

While we acknowledge that a tension has traditionally existed between the development sector and environmental advocates, the UDIA sees its role as a conduit to assist in communication between the public sector and the private sector in how we work through planning challenges around environmental matters. Our hope for the planning reform suite generally is that more collaborative, flexible and coordinated urban development can begin to occur, and the rigid and often obstructive application of the system will not continue.

Many elements of the policy paper have value in any forward thinking, innovative and modern society seeking to be sustainable, climate resilient and liveable. We seek to gain clarity around some points raised and also to provide caution on other points that have raised alarm bells within our membership.

In particular, the UDIA seeks to raise concern with the broader policy ambitions that may indirectly limit consumer choice by favouring the use of particular materials, technologies or design use. We would also like to point out the obvious contradiction in encouraging greater 'soft landscape measures' and use of solar panels with the State government agenda to increase infill development.

The UDIA acknowledges a balance needs to be struck, so we seek further information on how the policies will manage such competing developmental outcomes. We are seriously concerned that implementing such ambitious environmental standards will result in housing becoming less affordable as building and material cost increase.

Other than the lack of reference to housing affordability, the UDIA also notes that the efficient use of the Open Space Contribution Scheme is missing from this paper. We query why this is the case, as the stated purpose of Open Space grants are to "assist in the preservation, enhancement and enjoyment of natural and cultural open spaces and promote unstructured recreation opportunities to help communities make better use of existing green space".

We would argue there is clearly some mutual policy crossover here, and we would call for the role and operation of the Scheme to be reviewed in light of the statements made within the discussion paper, as was called for in our UDIA Grow-Reform-Build advocacy platform earlier this year.

The UDIA response to the questions raised in the policy discussion paper are as follows:

1. The UDIA believes that different WSUD and GI policy considerations should apply for regional developments. The reality is that affordability issues will arise as some WSUD policies impact overall costs, therefore some incentives or dispensations should apply. Generally, being prescriptive when applying policy is not ideal to apply to all development scales and types.  
*Note 1: 1D should be considered in earlier Generations as the use of offsite solutions for infill development are appropriate given the likelihood of continued focus on inner metropolitan growth.*  
*Note 2: Mechanism is necessary to address the coordinated delivery of infrastructure that crosses different council borders.*
2. Given this theme seeks greater energy efficiency broadly, this should be broadened to consider more than just solar panels. Solar panels as we know them are not the only type of PV technology or energy innovation coming into the market. The UDIA believes the use of energy efficient design is a good thing, however a fine balancing act must be struck between sustainable design and financial viability of developments.

3. Incentives may be useful however again a balance must be struck, and the Code should not force an unreasonable standard upon the development sector. The reality is that development cannot occur if it is not commercially feasible.
4. This question is incredibly broad, and as such the UDIA believes it is too difficult to definitively answer it. Most relevant to this is the question of how the Government will achieve its current infill agenda and preserve existing rights. How do you balance energy efficiency outcome?  
*Note 1: Solar and battery technologies will only increase, and this should be considered. Further, the ability to address carbon reduction collectively should be contemplated by planning policies.*
5. While there is no easy solution, the UDIA notes most waste removal issues seem to occur in inner city infill developments. We believe that any solution needs adequate flexibility built in so councils can respond and adapt creatively.  
*Note 1: Industry is aware of many innovative solutions, e.g. vacuum technology. Therefore, we would encourage the government to seek out advice from waste management providers for ideas by drawing on overseas and interstate examples and ensure the policy allows for a range of these to be employed on a case-by-case basis.*
6. The UDIA believes that dams should not be considered but notes the prime reason is simply that there isn't the expertise available in planning system to be able to assess them.
7. Given that flood patterns seem to change frequently, it is not appropriate to rely on evidence from that period. Our built environment has also altered significantly so applying old data again is not accurate.
8. The UDIA believes that if sheds are made to be exempt, this needs to be consistent in the Code, and can also be applied with all other potentially obstructing structures.
9. No, the UDIA believes that native vegetation and biodiversity should be protected by existing legislation. Aiming to encapsulate it under the Code will only increase confusion as to which takes precedence and may open up more unnecessary layers of red tape and regulation.
10. The UDIA does not believe planning policy can or should seek to assess the cumulative impact of development on biodiversity, there are far too many variables and seeking to do so would detract from the intent of the reforms which is to boost the efficiency of the planning system.
11. The UDIA believes it is not the responsibility of a planning system to encourage behaviours of individual citizens on their own property. A planning system should only prevent and penalise acts that pollute, destroy or cause risk to people and the environment.

12. The UDIA believes this is overstepping the mark. By increasing additional criteria on approvals, this will unnecessarily increase costs and time.  
*Note 1: In addition, it is unlikely this can be applied consistently as some councils already won't allow developers to alter the verge without putting in application, e.g. Mitcham Council*
13. This question was too broad to give a definitive answer, each development in a coastal conservation zone must be assessed individually on a merit basis, and design will be highly relevant.
14. Current planning policy adequately addresses the risk of new development on climate change impacts. For example, developments that have occurred in Port Adelaide or along the LeFevre Peninsula. Anything with coastal in its Development Plan triggers risk assessment, so we believe policy is capturing the risk already.
15. The UDIA members raised the point that councils need to share the information in the first instance, as this often isn't the case. The Code should seek to include flood mapping in future development plans as it is currently difficult to access information. This will only increase certainty relating to decision-making.
16. Determining which climate change projections to use is simply beyond our scope, the UDIA would recommend the Government seek advice from climate change experts. We further query the question on emissions scenarios and time-frames as this topic is too broad and can be approached differently according to many different information sources. On the issue of climate change however, the UDIA believes it is not the role of the planning system to address climate change in and of itself, but to reduce any negative externalities that arise from its effect.
17. Again, this is not a question industry can truly answer. However, we are aware that in Queensland, for example, rural land had altered significantly, and projections used to determine flood risk categories were out. Therefore, we would recommend that up-to-date regular mapping may be able to track this.  
*Note 1: We note that bushfires are not mentioned as a natural hazard, however the UDIA believes they are worth including. Regardless, the bushfire risk categorization seems to be suitable.*  
*Note 2: The UDIA would be interested to know what the different clearance distance policies are, and how they work between different council areas. After the Code is developed, will they be consistent or how will they interact?*
18. Cumulative noise impact assessments should not be used in development assessment processes as this will seriously impact the likely success of many applications. Individually, noise and air quality are already considered, and as

such, affordability will be impacted if there is a cumulative assessment process.

19. The UDIA does not believe that policy can or should address the interface between different land uses. People and businesses buy land and property where they choose to, therefore there is no role for Government to control how they interact beyond what is already regulated (e.g. anything noise, air or other kinds of pollution or poor behaviour).

*Note 1: Use of generators will increase in the future, and noise issues currently rely on EPA separation distance guidelines. From an industry perspective this is generally not effective, so there is huge room for policy to address this, as well as a need for compliance at other end as well as ongoing maintenance costs.*

The UDIA looks forward to working with DPTI on the future iterations of this policy and again appreciates the opportunity to respond. We eagerly await the release of the Planning and Design Code as the mechanism containing the detail as to how these policies will be measurably implemented.

Yours sincerely,

Pat Gerace  
**CHIEF EXECUTIVE**