



Reference: AF11/868 SW

7 May 2015

MEMBERS

NOTICE is hereby given that the Strategic Planning and Development Policy Committee will meet in the following Meeting Room on the day, date and time as follows:

Strategic Planning and Development Policy Committee
(Conference Room - Level 1):

Tuesday, 12th May 2015 following the Operational Services Committee Meeting
(which commences at 7:30 a.m.)

An agenda for the meeting is enclosed herewith.

Mark MCSHANE
CHIEF EXECUTIVE OFFICER

STRATEGIC PLANNING AND DEVELOPMENT POLICY COMMITTEE
Meeting to be held on Tuesday, 12th May 2015 following the Operational Services Committee
Meeting (which commences at 7:30 a.m.)

AGENDA

1. GOVERNANCE - Committees - Strategic Planning and Development Policy Committee - Terms of Reference - Ref. AF14/283
2. STRATEGIC PLANNING AND DEVELOPMENT POLICY REPORT NO. 3/2015 - Government Relations - Consultation - South Australia's Expert Panel on Planning Reform - Ref. AF13/248
3. STRATEGIC PLANNING AND DEVELOPMENT POLICY REPORT NO. 4/2015 - Development Control - Regulating - Local Heritage and Lakes Zone Development Plan Amendment (DPA) - Ref. AF11/290

STRATEGIC PLANNING AND DEVELOPMENT POLICY COMMITTEE

Meeting to be held in the Conference Room, Operational Services Area, Level One of Civic Centre, 10 Watson Terrace, Mount Gambier, on Tuesday, 12th May 2015 following the Operational Services Committee Meeting (which commences at 7:30 a.m.)

AGENDA

PRESENT: Cr I Von Stanke (Presiding Member)
Crs C Greco, D Mutton, P Richardson and F Morello

APOLOGIES: moved the apology received from be
accepted.
seconded

COUNCIL OFFICERS: Director - Operational Services, Daryl Sexton
Engineering Manager, Daryl Morgan
Manager Strategic Projects, Tracy Tzioutziouklaris
Team Leader - Administration (Operational Services), Sally Wilson

COUNCIL MEMBERS
AS OBSERVERS:

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

MINUTES: moved the minutes of the previous meeting held on
Tuesday, 10th February 2015 be taken as read and confirmed.
seconded

QUESTIONS: (a) With Notice - nil submitted.
(b) Without Notice -

1. GOVERNANCE - Committees - Strategic Planning and Development Policy Committee - Terms of Reference - Ref. AF14/283

Goal: Governance
Strategic Objective: (i) *Establish measures for Council's performance and continually compare against community expectations.*
(ii) *Engage with national, state, regional and local forums and partnerships to provide solutions and options to continually improve Council's service delivery and performance.*

The Manager - Strategic Projects reported:

- (a) The Strategic Planning and Development Policy Committee at its meeting in February, 2015 determined:
- “(a) *The report be received.*
- (b) *The Terms of Reference for the Strategic Planning and Development Policy Committee be reviewed and formalised by the Administration and presented to the Strategic Planning and Development Policy Committee for consideration at the next scheduled meeting.”;*

Strategic Planning and Development Policy Committee Agenda for 12th May 2015 Cont'd...

- (b) the Terms of Reference have now been reviewed and formalised and are attached for Members perusal and information.

moved it be recommended:

- (a) The report be received.
- (b) The Terms of Reference be endorsed and adopted by the Strategic Planning and Development Policy Committee.

seconded

2. STRATEGIC PLANNING AND DEVELOPMENT POLICY REPORT NO. 3/2015 - Government Relations - Consultation - South Australia's Expert Panel on Planning Reform - Ref. AF13/248

Goal: *Building Communities*

- Strategic Objective:*
- (i) *Strive for an increase in services and facilities to ensure the community has equitable access and that the identified needs of the community are met*
 - (ii) *Encourage the development of community facilities and infrastructure, community events and active and safe community spaces through direct support, seeking funding, facilitation etc*

Goal: *Securing Economic Prosperity*

- Strategic Objective:*
- (i) *Foster the expansion of commerce and industry in a sustainable manner, considering industry, employment and climate change impacts, and enhance our positioning as the major centre for the region*
 - (ii) *Provide infrastructure and facilities that contribute to Mount Gambier being able to enhance its economic base and quality of life*
 - (iii) *Develop and implement a dynamic planning process to meet emerging economic, social and environmental conditions*
 - (iii) *Seek continuous improvement in long term master land use planning to guide sustainable development and activities*

Goal: *Diversity*

- Strategic Objective:*
- (i) *Engage with Federal and State Governments and other agencies to provide resources to meet the needs of diverse groups in our community*
 - (ii) *Consider the needs of all community groups in developing projects, services and infrastructure (public or privately owned)*

Goal: *Environment*

- Strategic Objective:*
- (i) *Support initiatives that value and preserve our unique environment and contribute to environmental sustainability*
 - (ii) *Support the preservation and enhancement of the City's unique natural and built heritage for future generations*

moved it be recommended:

- (a) Strategic Planning and Development Policy Committee Report No. 3/2015 be received;

- (b) receive and note the South Australian Government's response on the proposed planning reforms entitled 'Transforming our Planning System: Response of the South Australia Government to the final report and recommendations of the Expert Panel on Planning Reform' (March 2015).

seconded

3. STRATEGIC PLANNING AND DEVELOPMENT POLICY REPORT NO. 4/2015 - Development Control - Regulating - Local Heritage and Lakes Zone Development Plan Amendment (DPA) - Ref. AF11/290

Goal: *Building Communities*

Strategic Objective:

- (i) *Strive for an increase in services and facilities to ensure the community has equitable access and that the identified needs of the community are met*
- (ii) *Encourage the development of community facilities and infrastructure, community events and active and safe community spaces through direct support, seeking funding, facilitation etc*

Goal: *Securing Economic Prosperity*

Strategic Objective:

- (i) *Foster the expansion of commerce and industry in a sustainable manner, considering industry, employment and climate change impacts, and enhance our positioning as the major centre for the region*
- (ii) *Provide infrastructure and facilities that contribute to Mount Gambier being able to enhance its economic base and quality of life*
- (iii) *Develop and implement a dynamic planning process to meet emerging economic, social and environmental conditions*
- (iv) *Seek continuous improvement in long term master land use planning to guide sustainable development and activities*

Goal: *Environment*

Strategic Objective:

- (i) *Plan and implement infrastructure to protect and enhance the natural built environment, including in response to climate change influences*
- (ii) *Support initiatives that value and preserve our unique environment and contribute to environmental sustainability*
- (iii) *Support the preservation and enhancement of the City's unique natural and built heritage for future generations*

moved it be recommended:

- (a) Strategic Planning and Development Policy Report No. 4/2015 be received;
- (b) Council acknowledges the public and agency comments received in relation to the Local Heritage and Lakes Zone Development Plan Amendment as contained in Appendix 1;
- (c) Jenson Planning and Design as the project Consultants who prepared the DPA on behalf of Council be requested to incorporate the proposed alterations into the Local Heritage and Lakes Zone Development Plan Amendment as identified within the summary of submissions tables;

Strategic Planning and Development Policy Committee Agenda for 12th May 2015 Cont'd...

- (d) Council prepare the Summary of Consultations and Proposed Amendment report as required by the Development Act upon the completion of the proposed amendments to the Local Heritage and Lakes Zone Development Plan Amendment;
- (e) Council certify that:
 - 1. it has complied with the requirements of section 25 of the Development Act 1993 and that the amendment or amendments are in a correct and appropriate form; and
 - 2. the amendment (as altered) -
 - (i) accord with the Planning Strategy, on the basis that each relevant provision of the Planning Strategy that relates to the amendment or amendments has been specifically identified and addressed, including by an assessment of the impacts of each policy reflected in the amendment or amendments against the Planning Strategy, and on the basis that any policy which does not fully or in part accord with the Planning Strategy has been specifically identified and an explanation setting out the reason or reasons for the departure from the Planning Strategy has been included in the report of the Council; and
 - (ii) accord with the other parts of the Development Plan (being those parts not affected by the amendment or amendments); and
 - (iii) complement the policies in the Development Plans for adjoining areas; and
 - (iv) satisfy the other matters (if any) prescribed under section 25(14)(b)(ii) of the Development Act 1993; and
 - 3. that the report by the Council sets out a comprehensive statement of the reasons for any failure to complying with any time set for any relevant step under section 25 of the Act; and
 - 4. that the following person or persons have provided professional advice to the Council for the purposes of section 25(13)(a) of the Act, namely Mr Alan Rumsby of URPS (formerly Nolan Rumsby) and Mr Frank McIntrye, Planning and Development Consultants and Tracy Tzioutziouklaris, Strategic Project Officer, City of Mount Gambier.
- (f) Upon the satisfactory amendment of the Local Heritage and Lakes Zone Development Plan Amendment, the DPA be finalised and submitted to the Minister for Planning for authorisation;
- (g) the Manager Strategic Projects be authorised to make any necessary minor amendments to the DPA prior to approval, as directed by the Department of Planning, Transport and Infrastructure and Local Government staff or the Minister for Planning.

seconded

MOTIONS WITHOUT NOTICE -

The meeting closed at _____ a.m.
AF11/868
SW



The Strategic Planning and Development Policy Committee

TERMS OF REFERENCE

A Committee of Council Established pursuant to the provisions of
Section 101A of the Development Act 1993 and administered
pursuant to the provisions of the Local Government Act 1999 and
Regulations.

Terms of Reference for the conduct of the business of the Council
Committee were approved and adopted by the City of Mount Gambier at its
meeting held on

Strategic Planning and Development Policy Committee

The functions of the Strategic Planning and Development Policy Committee are:

- To Provide advice to Council in relation to the extent to which Council's strategic planning and development policies accord with the planning strategy.
- To assist Council in undertaking strategic planning and monitoring directed at achieving:
 - (i) orderly and efficient development within City of Mount Gambier Council area;
 - (ii) high levels of integration of transport and land use planning;
 - (iii) relevant targets set out in the planning strategy within the City of Mount Gambier Council area;
 - (iv) the implementation of affordable housing policies set out in the planning strategy within the area of Council;
 - (v) other outcomes of a prescribed kind (if any).
- To provide advice to Council (or to act as its delegate) in relation to strategic planning and development policy issues when Council is preparing:
 - (i) A Strategic Directions Report; or
 - (ii) A Development Plan Amendment proposal.
- Other functions (other than functions relating to development assessment or compliance) assigned to the committee by Council.

Strategic Planning and Development Policy Committee

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1. NAME

The name of the Council Committee shall be the Strategic Planning and Development Policy Committee (in these Terms of Reference referred to as “the Committee”).

2. INTERPRETATION

For the purpose of these Terms of Reference, unless inconsistent with the subject matter or context: -

2.1 Definition

2.1.1 “Committee” means the Committee of Council established pursuant to 3.0.

2.1.2 “Committee Member” means the person appointed by resolution of Council.

2.1.3 “Commencement Date” means the date on which the Committee is established and becomes operative pursuant to 3.2.

2.1.4 “Council” means the City of Mount Gambier.

2.1.5 “Presiding Member of the Committee of Council” means the person appointed to that position pursuant to 5.3.

2.1.6 “Observers” means those persons attending any meeting of the Committee of Council, but not having a vote on any matter to be determined by the Committee and not having been appointed as Members.

2.1.7 “Singular” includes a reference to the “plural”.

2.2 Defined Terms

Any words, phrases or terms used in these Terms of Reference that are defined in either the Development Act and/or Local Government Act shall have the same meaning as are given in the Acts.

2.3 Local Government Act

The Local Government Act shall apply to the operation of this Committee and these Terms of Reference shall be interpreted accordingly.

2.4 Notices

All communication to be given to the Committee shall be addressed to: -

Presiding Member
Strategic Planning and Development Policy Committee
PO Box 56
MOUNT GAMBIER SA 5290
Email: city@mountgambier.sa.gov.au

3. ESTABLISHMENT

- 3.1 The Strategic Planning and Development Policy Committee is established pursuant to the provisions of Section 101A of the Development Act 1993 and administered pursuant to the provisions of the Local Government Act 1999 and Regulations.

4. OBJECTIVES

- 4.1 The Committee is created for the purposes of:

- To Provide advice to Council in relation to the extent to which Council's strategic planning and development policies accord with the planning strategy.
- To assist Council in undertaking strategic planning and monitoring directed at achieving:
 - (i) orderly and efficient development within City of Mount Gambier Council area;
 - (ii) high levels of integration of transport and land use planning;
 - (iii) relevant targets set out in the planning strategy within the City of Mount Gambier Council area;
 - (iv) the implementation of affordable housing policies set out in the planning strategy within the area of Council;
 - (v) other outcomes of a prescribed kind (if any).
- To provide advice to Council (or to act as its delegate) in relation to strategic planning and development policy issues when Council is preparing:
 - (i) A Strategic Directions Report; or
 - (ii) A Development Plan Amendment proposal.
- Other functions (other than functions relating to development assessment or compliance) assigned to the committee by Council.

5. MEMBERSHIP

- 5.1 Membership will be as determined by resolution of Council.
- 5.2 The Strategic Planning and Development Policy Committee be comprised of the same Members as the Operational Services Committee.
- 5.2 The Mayor has Ex-Officio membership on this Committee.
- 5.3 The Council reserves the right from time to time to remove any Member of the Committee and appoint another Member in their stead. All Members hold office at the pleasure of the Council.
- 5.5.1 The Committee will appoint a Presiding Member.

6. CASUAL VACANCIES AND REPLACEMENT REPRESENTATIVES

- 6.1 The Council may replace any Member on the Committee or fill any casual vacancies, by notifying the Committee the identity of the person proposed to replace the representative or fill the casual vacancy.

7. NO PROXY

- 7.1 The appointment of a person as proxy for any Member on the Committee is not permissible.

8. RESIGNATION OF REPRESENTATIVES

- 8.1 Any Committee Member may resign from the Committee, but such resignation shall not be effective until the Presiding Member has received written notice to that effect.

9. QUORUM

- 9.1.1 At all Meetings of the Committee a quorum must be present.
- 9.2 A quorum will be determined by dividing by 2 the number of Members formally appointed to the Committee ignoring any fraction and adding 1 (excluding Mayor as ex-officio).

10 MEETINGS OF THE COMMITTEE

- 10.1 The Committee shall meet after the Operational Services Committee as necessary.
- 10.2 The CEO or his appointee shall give notice to each Committee Member at least five clear days prior to any meeting.

- 10.3 The CEO or his appointee must, at the request of the Presiding Member or three other Members, call a special meeting of the Committee.
- 10.4 All notices of meetings shall be issued under the hand of the CEO or his appointee.
- 10.5 No business shall be transacted at any meeting of the Committee unless a quorum of Members is present.
- 10.6 Each Member of the Committee including the Presiding Member present at any meeting of the Committee must vote on any matter requiring determination and all decisions shall be decided on a simple majority of votes cast.
- 10.7 Each Member of the Committee including the Presiding Member present at any meeting of the Committee shall have one deliberate vote only.

11 PROCEDURES AT MEETINGS

The procedure to be observed in relation to the conduct of meetings of the Committee is in accordance with Local Government (Procedures at Meetings) Regulations 2000.

12 LIABILITY OF THE COMMITTEE

- 12.1 A liability incurred by the Committee rests against Council.
- 12.2 No liability attaches to a Member of the Committee for an honest act or omission by that Member of the Committee in the performance or discharge, or purported performance or discharge, of the Member's or the Committee's functions or duties.

13 MINUTES OF THE COMMITTEE

13.1 Administration

- 13.1.1 The CEO or his appointee must cause minutes to be kept of the proceedings of the Committee.
- 13.1.2 Minutes of the Committee shall be available to all Members of the Committee, Council and the public.
- 13.1.3 The Minutes of the proceedings of a meeting must include:
 - 13.1.3.1 the names of the Members present and the time at which they entered or left the meeting;
 - 13.1.3.2 the names of observers or visitors to any meetings;
 - 13.1.3.3 every motion or amendment and the names of the mover and seconder;

- 13.1.3.4 any disclosure of interest declared by a Member;
- 13.1.3.5 whether the motion or amendment is carried, lost or lapsed;
- 13.1.3.6 Minutes of the Committee Meeting shall be distributed within 5 days of the meeting;
- 13.1.3.7 Minutes of the Committee Meeting shall be submitted for confirmation at the next meeting of the Committee and if confirmed, shall be signed by the Presiding Member or other person presiding at the subsequent meeting.

14 AMENDMENTS TO THESE TERMS OF REFERENCE

- 14.1 It will be lawful for the Council by resolution to revoke, vary or add to any of the provisions of these Terms of Reference at its own discretion within the parameters of the Local Government Act, the Development Act and other relevant legislation.
- 14.2 Notwithstanding 14.1 hereof before the Council resolves to revoke, vary or add to any of the provisions of these Terms of Reference the opinion of the Committee shall be obtained.

15 INTERPRETATION OF THESE TERMS OF REFERENCE

- 15.1 Should there be any dispute as to the definition and/or interpretation of these Terms of Reference, or any part thereof or any irregularities whatsoever, then the Council shall determine the dispute and the decision of the Council shall be final and binding.

16 WINDING UP

- 16.1 The Council is unable to cease the operation of the Committee unless it's functions are transferred to another Committee of Council. Council is unable to transfer the functions of this committee until Council seeks and obtains an exemption from the Minister for Planning.

STRATEGIC PLANNING AND DEVELOPMENT POLICY

REPORT NO. 3/2015

SUBJECT: GOVERNMENT RELATIONS - Consultation - South Australia's Expert Panel on Planning Reform - Ref. AF13/248

- Goal: *Building Communities*
Strategic Objective:
- (i) *Strive for an increase in services and facilities to ensure the community has equitable access and that the identified needs of the community are met*
 - (ii) *Encourage the development of community facilities and infrastructure, community events and active and safe community spaces through direct support, seeking funding, facilitation etc*
- Goal: *Securing Economic Prosperity*
Strategic Objective:
- (i) *Foster the expansion of commerce and industry in a sustainable manner, considering industry, employment and climate change impacts, and enhance our positioning as the major centre for the region*
 - (ii) *Provide infrastructure and facilities that contribute to Mount Gambier being able to enhance its economic base and quality of life*
 - (ii) *Develop and implement a dynamic planning process to meet emerging economic, social and environmental conditions*
 - (iii) *Seek continuous improvement in long term master land use planning to guide sustainable development and activities*
- Goal: *Diversity*
Strategic Objective:
- (i) *Engage with Federal and State Governments and other agencies to provide resources to meet the needs of diverse groups in our community*
 - (ii) *Consider the needs of all community groups in developing projects, services and infrastructure (public or privately owned)*
- Goal: *Environment*
Strategic Objective:
- (i) *Support initiatives that value and preserve our unique environment and contribute to environmental sustainability*
 - (ii) *Support the preservation and enhancement of the City's unique natural and built heritage for future generations*

INTRODUCTION

The purpose of this Report is to provide Council with the opportunity to receive and consider the State Government's response to the final report and recommendations of the Expert Panel on Planning Reform (March 2015).

BACKGROUND

South Australia's Expert Panel on Planning Reform was launched by Minister Rau in February 2013. The Expert Panel has been given a very wide remit to review the State's Planning System. It will focus on the 20 year old planning legislation (The Development Act 1993), but will also look at all legislation that interacts with planning, and any other factors that have an impact on the Planning System.

In July to September 2013 the Expert Panel consulted widely to assist its determination of key questions for reform and engaged with Elected Members across South Australia's 68 Council's to discuss the potential direction of the Expert Panel's work.

Strategic Planning and Development Policy Report No. 3/2015 Cont'd...

The City of Mount Gambier was represented by Cr Ian Von Stanke and Cr Des Mutton at a briefing/workshop held on Tuesday 6th August, 2013. At this session support was provided to Cr Von Stanke and Cr Mutton by the Director - Operational Services and Strategic Project Officer.

Council's Building and Planning Officers also attended a regional workshop facilitated by the Expert Panel on Tuesday 17th September, 2013.

From the extensive consultation the Expert Panel on Planning Reform released two reports. The second report of the Expert Panel on Planning Reform was released in mid 2014, and was entitled 'South Australia's Expert Panel - Our Ideas for Reform on Planning Reform'. The report contained some 27 reform ideas, and was on consultation until late September 2014.

The Expert Panel on Planning Reform handed its final report and recommendations to the Minister for Planning on 12 December 2014. The final report contained 22 reform proposals. A memo to Council Members was sent out with the Expert Panel report attached on 9th January 2015 for the Members further information. The Local Government Association of SA (LGA) conducted a regional workshop on the final report in Naracoorte on 23 January 2015.

A Members informal workshop was held on 2nd February 2015 to discuss the Expert Panels final Report.

In March 2015, the South Australian Government released its response to the final report and recommendations of the Expert Panel on Planning Reform. The Government has provided a response to all of the 22 reform proposals contained in the final report. The Government has supported some of the reforms; supported some in principle; supported some in part; supported some subject to further investigation; and noted some that will require further investigation.

A Bill is proposed to be prepared for introduction to Parliament in July 2015. The legislation is likely to be commenced in stages, over the course of 2016-2017. A detailed transition plan will be developed to phase in elements over a 3 year period following commencement.

It should be noted that the proposed planning reforms also relate to the South East Local Government Association (SELGA) Regional Planning Alliance Project - Discussion Paper (10th November 2014) which was viewed by Members on 9th January 2015. Further work is to be undertaken in relation to this Discussion Paper.

The LGA has recently established an LGA Planning Reform Technical Advisory Group.

The Group will be the 'core' group providing advice to the LGA Board on the implementation of the proposed planning reforms by the State Government (i.e. strategy and policy; development assessment; culture and practice; processes and timelines; cost and resource impacts; performance standards etc). The role of the Group will include considering the Governments response to the planning reforms from a practitioner's perspective; to identify further research and data collection that will be required to further support Local Government positions; and to consider, negotiate and shape the draft new legislation.

The District Councils Director of Environmental Services has been appointed to this Technical Advisory Group, together with representatives from the LGA, the Adelaide City Council, the City of Port Lincoln, the City of Charles Sturt, the District Council of Mallala, and the City of Playford. The Group will work closely with the Department of Planning, Transport and Infrastructure (DPTI), and will also have the ability to bring in other technical specialists as required.

The South Australian Government's response on the proposed planning reforms entitled 'Transforming our Planning System: Response of the State Government to the final report and

Strategic Planning and Development Policy Report No. 3/2015 Cont'd...

recommendations of the Expert Panel on Planning Reform' has been attached for the Members further information.

DISCUSSION

The basis of this report is to further reinforce this Council's experiences to the Expert Panel on Planning Reform and specifically introduce the Members to the State Governments response to the Expert Panels final report.

RECOMMENDATION

- (a) Strategic Planning and Development Policy Committee Report No. 3/2015 be received;
- (b) receive and note the South Australian Government's response on the proposed planning reforms entitled 'Transforming our Planning System: Response of the South Australia Government to the final report and recommendations of the Expert Panel on Planning Reform' (March 2015).



Simon WISEMAN
SENIOR PLANNER

sighted:



Mark McSHANE
CHIEF EXECUTIVE OFFICER

5 May 2015
SW

Attachment: Response of the State Government to the final report and recommendations of the Expert Panel on Planning Reform

(Refer Item of Strategic Planning and Development Policy Committee Minutes)

The Hon John Rau MP



**Government
of South Australia**

9371114

13 April 2015

Mayor Andrew Lee
City of Mount Gambier
PO Box 56
MOUNT GAMBIER SA 5290

Deputy Premier
Attorney-General
Minister for Justice Reform
Minister for Planning
Minister for Housing and Urban
Development
Minister for Industrial Relations
Minister for Child Protection
Reform
45 Pirie Street
ADELAIDE SA 5000
GPO Box 464
ADELAIDE SA 5001
Te 08 8207 1723
Fax 08 8207 1736

Dear Mayor Lee

Government Response to the Expert Panel's recommendations for planning reform in South Australia

The State Government is committed to renewing urban environments, promoting economic growth and improving the lifestyle of all South Australians. Planning reform is key to this vision.

After almost two years of consultation, *The Planning System We Want* was delivered to the Government on 12 December 2014.

The Expert Panel's report contained 22 recommendations that have the potential to change the way we live in South Australia and help ensure that South Australia's planning system continues to be one of the best in the nation.

The Government has released its response to the Expert Panel's report which outlines a framework for implementing the recommendations, in whole or in part, and identifies where further investigation is required.

There will be further avenues for consultation and engagement as new planning legislation is developed.

The Government's response can be accessed online at www.dpti.sa.gov.au/planning/planning_reform

A copy of the response is enclosed.

Yours sincerely

A handwritten signature in black ink, appearing to read "John Rau".

John Rau
Deputy Premier
Minister for Planning

Transforming our Planning System:
**Response of the
South Australian
Government**
to the final report
and recommendations of the
Expert Panel on Planning Reform

March 2015



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Minister's foreword



Over recent years, the South Australian Government has been focussed on building and improving our State and our city.

South Australians are now seeing our skyline transform.

The recommendations of the final report of the Expert Panel on Planning Reform are radical.

The Expert Panel has engaged widely with the community, councils, industry groups, professionals and Government agencies. *The Planning System We Want* is the result of a 2 year process during which over 2,500 South Australians participated. This has uncovered a genuine appetite for change.

The Expert Panel's package of reforms is comprehensive and wide-ranging. I applaud the Expert Panel's willingness to explore new and radical ideas. Some of the more complex reforms will require time and resources to deliver. These will be addressed through the budget process. Implementation of all of the reforms is likely to require 3–5 years.

In assessing the Expert Panel's recommendations, we have adopted the view that reform must be outcome orientated. The test we have applied to each of the Expert Panel's recommendations has been: how will this benefit the State, its people and our economy?

South Australia already has a planning system that is highly regarded. By reforming the system, we believe we can boost the competitiveness of investment in our State and contribute to the ongoing prosperity of our people. This reform is an engine of economic growth.

John Rau MP

Deputy Premier
Minister for Planning

March 2015

Introduction and context

In February 2013 the Government appointed an Expert Panel on Planning Reform ('Expert Panel') to undertake a review of the planning legislation.

Under its terms of reference the Expert Panel was required to—

- review all relevant legislation, governance and administrative arrangements related to planning, urban design and urban renewal
- review the role and operation of all other legislation that impacts on the planning system
- consult widely with the community, industry, councils and parliamentarians
- undertake research and consider interstate and international planning systems
- provide a final report by December 2014 and such other interim reports as it considers appropriate.

Over a two year period, the Expert Panel researched and analysed land-use and planning systems interstate and overseas, undertook consultation with over 2,500 participants, held 127 workshops, round-tables and other sessions, received 145 written submissions and published three public reports and research materials totalling 794 pages.

This effort culminated in the Expert Panel's final report, *The Planning System We Want*, which was presented to the Government on 12 December 2014. All of the Expert Panel's published materials are available from www.thinkdesigndeliver.sa.gov.au.

The Expert Panel's final report sets out 22 recommendations (incorporating 149 sub-recommendations) that have the potential to transform the way planning is conducted in this State. Preliminary analysis identifies significant potential economic benefits, dependent on implementation. While positive, more detailed regulatory impact analysis will be required as legislation is drafted.

The Minister for Planning released the report in December 2014 and provided an opportunity for councils, industry and members of the public to provide further comments to the Government by 13 February 2015, ahead of this formal Government response. A total of 68 comments were received.

This document summarises the Government's response to each of the recommendations and outlines a framework for implementing them.

Why do we need change

As South Australia continues to grow, it is vital to ensure that our cities, regions and communities develop in ways which best adapt to, support, and further this growth. This can be achieved through, among other things, providing certainty and removing unnecessary delays in South Australia's planning system.

Anyone needing to use the planning system in South Australia, whether it is because they are seeking to extend their home, convert a disused office building for their retail business, or build a multipurpose facility, must presently navigate up to 23,000 pages of planning rules, across 500 residential zones, and some 2,500 combinations of zones, overlays and spatial layers.

This complexity creates undue delays, uncertainties, and inconsistencies, resulting in undesirable outcomes such as—

- lengthy approval timeframes for comparatively minor matters, adding to the cost of housing and frustrating the building industry – the reforms will enable streamlined assessment of minor low-risk matters, cutting weeks or even months off approval times for new dwellings and reducing costs to families and builders
- excessive compliance costs arising from unnecessarily varied and inconsistent zoning rules – the reforms will mean that the same type of development is assessed against a much more consistent set of rules, regardless of the location
- a focus on prescriptive requirements rather than performance that discourages innovation and detracts from design quality – the reforms will focus on outcomes while emphasising quality design as the key to how those outcomes are achieved
- inflexible planning rules that make it difficult to assess new and innovative development formats – the reforms will enable zoning rules to be updated more quickly, thereby enabling planning to keep pace with economic changes and ensuring that South Australian families do not miss out on services and facilities that can be readily developed in other States
- difficulty in coordinating infrastructure planning with zoning changes – the reforms will ensure that land use change is not approved unless, or until, infrastructure can be provided and funded to support that change

- inconsistency in where and how urban expansion occurs – the reforms will establish transparent and accountable processes for setting boundaries to urban growth so that urban sprawl can be contained and our valuable farmland is protected
- difficulty in coordinating heritage management across State and local jurisdictions – the reforms will achieve closer integration of heritage listing and management regimes as an integral part of the planning system so that our important built heritage can be preserved for future generations
- urban renewal processes that are too often piecemeal and ad-hoc – the reforms will strengthen mechanisms for achieving integrated precinct-wide renewal, including design quality, community engagement and infrastructure coordination and funding.

Now is the time to transform our planning system to address these delays, uncertainties, and inconsistencies.

Our proposed transformation of the planning system, as set out in this document, will not only address the issues arising from our present system, but will also drive greater economic growth in South Australia by unlocking investment and jobs. It has been estimated that every million dollars invested in construction in South Australia generates \$2.9 million, and 37 jobs in the economy as a whole. The new planning system will unlock these economic benefits by facilitating quality development that meets communities' expectations.

We recognise that our communities are increasingly informed and rightly expect to be better engaged with the planning system. Such expectations will be met through digital solutions to the administration of planning, together with making sure that communities are consulted at the very beginning of the process in meaningful and useful ways in relation to the setting of new planning policies and directions.

South Australia must embrace this opportunity to transform our planning system so that it can drive economic growth for the State. The Government's response to recommendations of the Expert Panel in their final report, *The Planning System We Want*, will shift the focus of the planning system from process and assessment, to outcomes and leadership, and from risk aversion to awareness and risk management, while making sure our communities are engaged at the very beginning – when policies and directions are set.

The Government's approach

Form of the legislation

The majority of the reforms will be delivered through the enactment of new planning legislation.

The new legislation will replace both the *Development Act 1993* and the *Urban Renewal Act 1995*. The Government will also seek to integrate transport and infrastructure laws as part of this new Act. This will complement the proposed review of the *Road Traffic Act 1961* and *Motor Vehicles Act 1959*, both over 50 years old, and the Premier's vision to create a carbon neutral city with driverless technology.

Further legislation on discrete topics, including consequential amendments to and repeal of other laws, will follow once passage of the new legislation has been secured. Where consequential changes to other laws are needed, these are identified in the Government's response to each reform.

Staged delivery

A number of the reforms are complex and will require a staged approach and sustained effort to implement.

Many of the reforms will require legislative change in the first instance, but will then require further implementation steps before legislation can commence - and further action afterwards. The legislation will be drafted with in-built transitional arrangements that enable progressive delivery of reform elements over a 3–5 year period.

Staging implications are noted in the Government's response to each reform as required. An indicative set of delivery stages is set out further in this response.

Reforms requiring further work

Some reforms are acceptable in principle, but may require further work or investigation to identify how they would work, the benefits and costs involved or whether there are alternatives that would better address the issues they attempt to resolve.

Moreover, while the majority of reforms relate directly to the planning system and will be addressed by the planning portfolio, many will require multi-agency cooperation and some will be addressed by other portfolios.

The Government's response to each recommendation identifies when reforms require further work or cross-portfolio input or carriage. A more detailed summary at the end of this response identifies key projects, lead agencies and portfolio Ministers.

Links with other reform initiatives

In a number of cases, reforms, or elements of reforms, will be best considered in the context of other Government initiatives. For example, suggested reforms to infrastructure funding include recommendations that touch upon taxation policy, budget and public debt issues and may be best addressed through the Government's tax reform agenda.

These are identified, as appropriate, in the Government's response to each reform.

Budget implications

The reform legislation will be drafted to be budget neutral or positive when implemented. Indeed, in some cases, we expect the legislation will result in administrative efficiencies.

Allocation of resources to support implementation of the reforms over a 3–5 year period will emerge through the normal budget process.

Continued operation of the current system

The Government does not consider it would be responsible or feasible to suspend short term initiatives that may have significant economic, social or environmental benefits pending implementation of the legislation.

Passage of the legislation through Parliament and subsequent implementation will take a few years. It is not possible for the current planning system to remain static during this time. We will continue to work on planning initiatives and work with the community, councils, agencies and industry during this time, using the current system until the new one becomes operational.

The Government also expects to continue fine-tuning the existing system as appropriate during this period.

Delivery framework

Whole-of-Government coordination

Prior to the establishment of the inaugural planning commission (or like body), the Department of Planning, Transport and Infrastructure (the Department) will coordinate other relevant agencies to commence delivery of the reforms. Indicative lead portfolios have been identified for each reform.

Liaison with communities

The Government will provide avenues for consultation and engagement as it develops the new planning legislation, during parliamentary debate and to inform implementation. A reference group will be convened on a similar basis to that managed by the Expert Panel for this and other planning initiatives.

Recognising the integral role of local government, the Department will also meet regularly with the Local Government Association, as the local government sector's peak body, throughout the reform process.

Expert peer review

The Government will seek feedback from appropriately skilled professionals and practitioners during the drafting of the legislation. This will help ensure the legislation is well drafted to meet its intention.

Parliamentary process

The Government aims to introduce legislation to Parliament in July 2015. The winter sitting break will provide an opportunity for members of the public, business and councils to provide further comment.

The Government will maintain an open line of communication with all interested parties through this process.

Targeted timeline

Stage 1

Formalisation of the Government response

January–February

Members of the public had a further opportunity to provide comment on the report, informing the Government's response.

Key dates

12 December 2014	release of report
13 February 2015	deadline for public comments

Stage 2

Release of the Government response and legislative drafting

March–June

Following Cabinet approval, legislation will be drafted. Consultation will continue during drafting.

Key dates

March 2015	release of Government response
March–June 2015	drafting of legislation

Stage 3

Parliamentary process

July–onwards

Bill targeted for introduction to Parliament in July 2015. Debate on the legislation will commence in September after consultation over the winter break and is expected to be completed by the end of 2015.

Key dates

July 2015	bill introduced to Parliament—with feedback sought during the winter break
September 2015	parliamentary debate proceeds on bill

Stage 4

Staged implementation

2016–2018

Legislation will likely be commenced in stages, over the course of 2016–2017. A detailed transition plan will be developed to phase in elements over a 3 year period following commencement.

Response to the recommendations ---

Each reform contains many elements. Because of this, for each reform a general response with further detail is provided in the narrative. The following table indicates the intended meaning of each general response.

Response	Intended meaning
The Government supports this reform	The Government agrees with all of the reform elements suggested by the Expert Panel, subject only to resolution of matters of detail.
The Government supports the reform in principle	The Government agrees with the reform with generally minor modifications as highlighted in the narrative.
The Government supports this reform in part	The Government agrees only with parts of the reform or with substantial modifications.
The Government supports this reform in principle/part and will undertake further investigation	The Government generally agrees with the reform, or parts of the reform, but further investigation needs to be undertaken on matters identified in the narrative before implementation can be commenced.
The Government notes this reform and will undertake further investigation	Further investigation is required before the Government can confirm its position on this reform.

Objectives

The Government supports the Expert Panel’s suggested statutory objectives.

In drafting the legislation, the Government will seek to implement, at least in part, the objectives.

We will focus on ensuring balanced economic outcomes while also recognising and protecting our State’s natural resources. Additional consideration will be given to cumulative and climate change impacts and intergenerational needs and aspirations.

All persons involved in the administration of the planning system will be required to consider, and seek to further, these objectives. Importantly, the objectives will also focus on the need for wider culture change across the planning system.

Next steps	The planning legislation will build upon the Expert Panel’s suggested objectives.
Timeframe	A bill will be prepared for introduction to Parliament with a July 2015 target.
Relevant portfolio/s	Minister for Planning.

Establish a State planning commission

The Government supports this reform in principle.

The Government agrees that the establishment of a planning commission (or like body), with functions and powers specified by legislation, will enhance the effectiveness of the planning system, improve the ability of the Government-of-the-day to deliver its planning agenda and help build community and business confidence.

The Government agrees with the Expert Panel that the commission (or like body) should—

- be the Government's principal planning advisory body
- include members of the highest standing and calibre with a mix of appropriate skills and expertise such as planning or design, economics, law, policy or environmental management
- remain accountable to the Minister, with delegated decision-making powers
- drive delivery of State priorities with a role in coordinating infrastructure
- act transparently and on evidence-based policy principles
- work to lift planning performance and system culture.

The commission (or like body) will remain subject to the direction of the Minister. The Minister will retain overall 'ownership' of the planning system and remain responsible to Cabinet and Parliament for planning policies and decisions.

The specific details of structure, roles and functions - as well as the formal name of the new body - will be determined as part of the draft legislation.

Next steps

The planning legislation will provide for the establishment of the commission (or like body), its functions and powers, structure and membership and formal name.

Further work

Once the legislation has passed, the Government will proceed to make appointments to the new commission (or like body).

Timeframe

A bill is targeted for introduction to Parliament in July 2015.

Relevant portfolio/s

Minister for Planning.

Create a network of regional planning boards across the State

The Government supports this reform in part and will undertake further investigation.

The Government agrees that the concept of regionalisation has many attractions - many of which extend well beyond planning.

The Government has noted the recommendations of the Local Government Association's Local Excellence Expert Panel suggesting the need for a regionalised approach to local government operations, and the recent agreement of the Premier's State/Local Government Forum to investigate models to achieve this.

Country regions

The Government agrees with the Expert Panel that an integrated approach will enhance outcomes in the State's country regions where there is an appetite to embrace this reform. Not only could this help deliver better planning outcomes, but also improve the work of the Government in relation to environmental and natural resource management, economic development and infrastructure provision.

We are aware that some country councils already cooperate regionally and are moving towards regional governance models. We see merit in capitalising on this by piloting regionalisation for those country councils who are ready and willing to try it. This will reveal useful information that can inform further initiatives in time.

To enable this, the planning legislation will include enabling provisions designed to facilitate and encourage regional collaboration on planning issues. These provisions will support the pilots and, more generally, promote collaborative approaches on planning issues.

The pilots themselves will be supported by the Premier's State/Local Government Forum. Once the outcomes of the pilots are known, the Government will consider the potential for wider roll-out of regionalisation in country areas.

Next steps

The legislation will provide mechanisms to facilitate planning collaboration. Wider powers to deliver regional governance models will be considered following the outcome of pilot studies.

Further work

The Government will initiate discussions with country councils interested in being involved in a regional governance pilot.

Timeframe

A bill is targeted for introduction to Parliament in July 2015. The initial legislation will provide for regional collaboration on planning issues, with broader issues to be considered in 2016.

Relevant portfolio/s

Minister for Local Government (lead); Premier; Minister for Planning; Minister for Sustainability, Environment and Conservation.

Metropolitan councils and wider local government reform

While there are benefits in piloting regionalisation models in country South Australia, in metropolitan Adelaide the situation is more complex - as the Expert Panel itself acknowledges.

The Expert Panel suggested a model of 3–5 regional planning boards in the metropolitan area plus a similar number of regional development assessment panels. The intent of this was to address a number of issues in the delivery of planning functions that arise from the fact that council boundaries in the city are highly variable. For example, population of city councils ranges from fewer than 8,000 residents to more than 150,000. In the city itself, we have a major council with limited connections to the wider inner suburban area.

At this stage, the Government's view is that a layer of regional boards in the metropolitan area is unlikely to have significant benefits relative to the costs and risks of duplicated effort.

A conversation with councils and communities about how local government can be improved and reformed is needed. Dialogue in relation to these issues has already commenced through the Premier's State/Local Government Forum.

Next steps

The Government will continue the conversation with councils that the Premier has already initiated about how local government can be improved and reformed.

Timeframe

Consideration of wider legislative reforms will occur in 2016.

Relevant portfolio/s

Minister for Local Government (lead);
Premier.

Legislate to create a charter of citizen participation

The Government supports this reform in principle.

The Government believes the charter will be a ground-breaking initiative in community engagement and will be a significant building block in the new planning system. It will put the State at the forefront of regulatory reform by providing a clear and proactive framework for public participation and is consistent with our *Better Together* principles of engagement.

It is crucial that we put more effort into building early consensus among members of the community and other interested parties about planning policies and directions. We agree with the Expert Panel that too much effort is currently focussed on the 'downstream' aspects of the planning system (such as the assessment of applications). This present focus is unhelpful to all interested parties. In particular, communities are not engaged strongly enough or early enough in the planning process. This leads to delays, conflict and frustration, which are all, under the right planning system, avoidable costs to investors and communities. We agree with the Expert Panel that the charter should—

- be a stand-alone instrument, flexible in its application and regularly reviewed
- be supported by legislation
- set out the nature and extent of expected participation in different types of planning processes with clear minimum standards
- replace prescriptive consultation requirements currently specified in legislation
- act as a guide for decision-makers rather than as a legally enforceable instrument
- be rolled out in a staged manner, with progressive improvements over time.

The charter will set principles about when and how communities should be engaged in various types of planning processes and decisions. Planning authorities will be required to determine and implement detailed consultation mechanisms to achieve the principles and expectations of the charter.

The charter will provide a framework for members of local communities to have input into the formulation of local planning policy long before any specific conflict or frustration arises. It will specify outcomes without being prescriptive about how these outcomes should be achieved. The charter will be delivered administratively and will not be a basis for subsequent challenges to decisions.

The Government agrees that the charter should include mandatory outcomes while specifying adaptable compliance provisions that are designed to reduce costs, delays and duplication - particularly for local government. Importantly, the charter should focus more effort on upfront engagement with citizens about policies and plans, with less consultation on individual projects on a site-by-site basis, thereby avoiding the problems that currently present themselves at the assessment stage.

We intend to lead the way and ensure planning initiatives we undertake in this term of Government live up to the expectations that will be embedded in the charter. The content of the charter will be developed following passage of the legislation, aiming to come into full effect in 2016.

Next steps

The planning legislation will provide for the development of the charter and how the charter applies to councils and Government agencies. It will include statutory principles, a requirement for the charter to be regularly reviewed and place obligations on councils and Government agencies to act consistently with the charter.

Further work

The charter, and supporting guidelines and procedures, will be developed following passage of the legislation.

Timeframe

A bill is targeted for introduction to Parliament in July 2015.

Relevant portfolio/s

Minister for Planning.

Engage Parliament in the development of planning policies

The Government supports this reform.

Parliament is responsible for the scrutiny of subordinate legislation. Under our current planning system this includes scrutiny of development plan amendments.

There is an opportunity to use Parliament better in shaping long-term planning directions. Earlier engagement with Parliament on planning policies and strategies will enhance the input of elected representatives, improve transparency and provide greater certainty for investors and communities.

We agree with the Expert Panel, and the current Parliamentary Committee, that the existing scrutiny process is cumbersome and ineffective.

To address this, we will—

- explore options for early engagement on key categories of planning instruments with the Parliamentary Committee
- investigate giving Parliament the ability to scrutinise strategic and policy instruments, instead of development plan amendments
- review the parliamentary committee structure to better align with the new legislation.

Next steps

The planning legislation will provide for the engagement of Parliament, including parliamentary scrutiny.

Further work

A review of parliamentary committees will be separately undertaken and may result in amendments to the *Parliamentary Committees Act 1991*.

Timeframe

A bill is targeted for introduction to Parliament in July 2015. The review of committees is anticipated to commence later in 2015.

Relevant portfolio/s

Minister for Planning (lead); Premier.

Create in legislation a new framework for State directions

The Government supports this reform.

The Government agrees there is a need to simplify the way in which the State Government sets policy directions that are intended to be effected through the spatial planning system.

The Expert Panel's proposal for State directions will facilitate a clear line of sight from state-wide Government priorities and policies to on-ground decisions and actions. This will help resolve persistent issues such as integration of natural resource management and affordable housing policies into the planning system. In time, it may enable the simplification and rationalisation of other statutory and non-statutory policy documents.

The Government considers it important that State directions are short, succinct and provide certainty. It is also important that they contain clear and measurable targets that are seen to have longevity. Because of this we will examine ways that the preparation of directions could involve Parliament, such as through upfront engagement with the relevant parliamentary committee. Additionally, we expect that the planning commission (or like body) will have a role in providing expert advice to the Minister on draft State directions.

Generally, State directions will not be disallowable. However, the Government proposes to provide for the urban growth boundary of metropolitan Adelaide to be treated as a special class of State direction subject to statutory criteria, evaluation by an independent body and requiring parliamentary consent for amendment.

Next steps

The planning legislation will provide for the making of State directions; consequential changes to other statutes will also be identified.

Further work

Preparation of the initial suite of State directions will follow passage of the legislation.

Timeframe

A bill is targeted for introduction to Parliament in July 2015.

Relevant portfolio/s

Minister for Planning; other Ministers as required.

Reshape planning documents on a regional basis

The Government supports this reform in principle.

It makes sense for each region to have a single framework that comprehensively integrates land use, economic development, infrastructure and environmental management policies. New broad-based regional governance models (see Reform 2) will be used to develop and deliver these.

This will improve linkages between portfolios, reduce duplication and policy conflict and provide a better basis for meeting the needs of local communities. This will build upon the approach the Government has already taken through the regional volumes of the Planning Strategy, which are consistent with the State Government administrative regions.

While recognising the potential of reshaping development plans in a similar way, the Government believes that the benefits of this may be better realised through the application of e-planning to the whole system. The conversion of existing paper-based zoning into a searchable online database will ultimately render the statutory concept of separate 'development plans' moot. Of course, councils will still be able to produce extracts from the database that will effectively be their local plan.

Initially, this reform may be best progressed through the planning legislation and confined to planning and infrastructure issues. Further discussion is required to determine the viability of other forms of strategic plans being incorporated at a regional scale. A timeframe for transition will be desirable, with flexibility to continue with current documents until new ones are able to be settled.

Next steps

The planning legislation will provide for regional strategic plans and an e-planning portal. Over time, this will replace the existing Planning Strategy and development plans while preserving the ability of local councils to access their own local version.

Further work

The Government will consider whether, and to what degree, other regional-scale plans could be progressively incorporated in the regional strategic plan in future, dependent in part on the scope of broad-based regional governance models.

Timeframe

A bill is targeted for introduction to Parliament in July 2015.

Relevant portfolio/s

Minister for Planning (lead); other Ministers as required.

Establish a single State-wide menu of planning rules

The Government supports this reform.

It is clear that the planning system is straining under the burden of voluminous, complex and highly variable planning rules across the State.

Development plans account for over 22,000 pages of regulatory documentation, with more than 2,500 combinations of zones, policy areas, overlays and other spatial layers. The Government agrees this is unacceptable and is a barrier to investment.

At the same time, design is poorly articulated in the way planning rules are expressed. Zoning approaches will be further evaluated with the goal of reflecting design considerations and outcomes into the way we plan for our communities.

The Government agrees with the Expert Panel's recommendation for a single State-wide code that—

- provides a 'menu' of zoning rules for application locally across the State
- reduces unnecessary variation, inconsistency and complexity
- has an emphasis on built form and high quality design, potentially through form-based approaches where appropriate—across the spectrum of urban, rural and natural landscapes
- includes design standards and guidelines as appropriate and is capable of linking to third party documents as appropriate
- integrates standards that includes landscaping, vegetation and tree plantings
- is seamlessly linked to local plans online through an e-planning system (see also Reform 20)
- is developed with strong input from councils, communities and industry
- provides for local variation subject to clear parameters and justification.

The Government agrees that the code should be developed and adopted in a staged fashion. The details of this should be a matter for the Minister, advised by the planning commission (or like body), in discussion with councils and agencies, over time. The Parliamentary Committee will also be consulted during the development of the code.

Next steps

The planning legislation will provide heads of power for making the code, supporting design standards and guidelines, including consultation requirements. Statutory principles (rather than prescriptive requirements) will guide the intended content of the code. The legislation will mandate the adoption of the code in local plans and set out a process for staged roll-out.

Further work

Initial versions of the planning code, design standards and guidelines will be prepared following passage of the legislation. A staging plan will be determined in consultation with local government.

Timeframe

A bill is targeted for introduction to Parliament in July 2015.

Relevant portfolio/s

Minister for Planning.

Place heritage on renewed foundations

The Government supports this reform in principle and will undertake further investigation.

The Government agrees with the Expert Panel that the current arrangements for heritage protection and management are fragmented, inconsistent, out-of-date and result in poor decision-making. It is clear that heritage controls are in need of a ‘reset’.

The Expert Panel’s proposals would see a significant recasting of what we mean by ‘heritage’ - taking it beyond place-based concerns to link more broadly with cultural policy. To facilitate this, the Government intends to take a two-step approach.

Heritage reforms in the planning system

The Government agrees with the Expert Panel that State and local heritage listings should be brought under one umbrella. In particular, we note that there has been a proliferation of quasi-heritage terms in the planning system, such as contributory items, that need to be rationalised. We also agree that new terminology will help to cement this consolidation.

We propose to merge State and local heritage listing processes into a single framework.

The new legislation will—

- provide a single set of criteria for place-based heritage assessment
- replace existing heritage terminology with a new term (to be determined during the drafting process) and a refreshed set of value-based criteria
- set out a process to migrate existing State and local listings for inclusion on the new register with refinements as identified
- allow land owners to contract accredited heritage professionals to provide actionable advice on the management of their properties
- enable a code of practice that sets out how listed items/ places may be developed, altered or adaptively reused
- substitute contributory items and historic conservation zones and areas with new mechanisms.

Consideration will also be given to the appropriate administrative arrangements underpinning the management of the new system.

Next steps

The planning legislation will incorporate new criteria to assess heritage significance and merge State and local heritage listing processes. The legislation will provide for existing listings to be audited under a single assessment process.

Further work

Existing State and heritage listings will be migrated across, with such refinements as are necessary, to the new register. Timing of this will need to be determined subject to budget considerations.

Timeframe

A bill is targeted for introduction to Parliament in July 2015.

Relevant portfolio/s

Minister for Planning (lead); Minister for Sustainability, Environment and Conservation.

Wider heritage reforms - rethinking what we mean by 'heritage'

A number of the Expert Panel's reforms point to the need for further dialogue. It is clear that the concept of 'heritage' is in need of a refresh. The Government agrees heritage should be much more closely linked with cultural policy.

In 2015 we will proceed with a wider discussion paper that canvasses ways in which heritage can be repositioned more broadly. The paper will discuss—

- the tangible and intangible nature of 'heritage'
- how heritage should align with cultural policies, practices and institutions
- options for a heritage or cultural lottery and endowment fund
- financial subsidies and other options for supporting place-based heritage.

Next steps

The discussion paper will canvass options for a wider view of heritage, funding options for heritage and links between heritage and wider cultural policy.

Timeframe

The discussion paper will be released in the second half of 2015. Further reforms may result in future years.

Relevant portfolio/s

Minister for Sustainability, Environment and Conservation (lead); Minister for Planning; Minister for the Arts.

Make changing plans easy, quick and transparent

The Government supports this reform in part.

Local zoning plans are the foundation of the day-to-day administration of the planning system, and as such they must be up-to-date and relevant at all times. There is no doubt, based on the evidence presented by the Expert Panel, that current arrangements are resulting in unacceptable delays.

The Government agrees with the Expert Panel that a range of measures are necessary to address these problems, and we note that a number of the Expert Panel's other recommendations for reform will contribute to simpler, more straightforward processes. Specifically, the Government agrees that—

- statements of intent should be short initiation documents
- there should be the ability to approve a rezoning program
- private land owners, Government agencies and infrastructure providers should be able to initiate a rezoning.

However, the Government believes that interim operation criteria should be clarified by policy rather than in legislation. Moreover, the Government considers that the Minister must remain the primary decision-maker for any changes to development plans, including zoning changes. Although this will be on the advice of the planning commission (or like body), the decision should rest with the Minister.

The Government will also consider further models for area-wide zoning changes based on approval of a master plan or a development site or area, building upon a precinct planning approach (see Reform 16).

Next steps

The planning legislation will include relevant provisions governing rezoning processes.

Further work

The Government will consider ways in which interim operation could be tightened following further reinvestigation.

Timeframe

A bill is targeted for introduction to Parliament in July 2015.

Relevant portfolio/s

Minister for Planning.

Adopt clear, simple development pathways

The Government supports this reform in part.

The Government agrees that the current pathways for development assessment are not efficient or effective. In particular, we echo the concerns raised by the Expert Panel that over 90 per cent of developments are subject to a full merit assessment process.

The Government supports each of the Expert Panel's reforms, including—

- new, simple assessment pathways - including standard ('as of right') and performance-based assessment
- the ability for an 'outline' consent process to enable staged and negotiated assessment, and incorporate design review where appropriate and link to environmental assessment processes under other statutes
- the need for a significant increase in the proportion of development not requiring assessment or requiring only standard assessment
- linking notification rights directly to assessment pathways and the cost-effective use of on-site notices as an alternative to postal notification in urban areas
- the opportunity for revised environment impact assessment to be incorporated as part of the performance-based pathway
- incorporating other statutory consents (e.g. site contamination clearance), where appropriate, into a single assessment process (see also Reform 19).

Combined with other reforms, the Government believes these changes will ensure that development assessment is simpler, quicker, user-friendly, efficient and transparent. A significant reduction in merit-based assessment will lead to savings in time for applicants, and resources for tax-payers and rate-payers. Existing indemnity provisions will be improved to prevent potential court challenges based on minor flaws in the assessment process.

The Government is cautious about the Expert Panel's proposal for a 'prohibited' category. Experience indicates there is a high risk that it could be overused and become an impediment to change. However, it could be beneficial to manage a limited range of highly sensitive environmental issues. We will consider this issue further through the legislative drafting process.

Next steps

The planning legislation will incorporate the proposed new pathways (other than prohibited), the option for an 'outline' consent process and measures relating to notification rights. Incorporation of other statutory consents will be enabled, but may be subject to consequential amendments and further policy consideration (see also Reform 19).

Further work

Procedural aspects of the outline consent process will be included in regulation after passage of the legislation has been secured.

Timeframe

A bill is targeted for introduction to Parliament in July 2015.

Relevant portfolio/s

Minister for Planning.

Take the next steps towards independent professional assessment

The Government supports this reform in part and will undertake further investigation.

The Government agrees that there is a need for assessment processes to be substantially reformed.

We believe it is critical that communities and investors are each able to have confidence that development will be assessed impartially and dispassionately. It is clear that the current hybrid arrangements do not always achieve this.

To address this, the Expert Panel has proposed that the assessment system be professionalised and regionalised. We propose to address these issues in a two-step approach.

Professionalising the assessment process

The Government agrees that the development assessment task has now evolved to the point where it must be seen as a professional process requiring technical expertise and input. Because of this, we agree that—

- the next steps in evolution of development assessment panels should now take place - with elected representatives no longer having a direct role
- members of assessment bodies should be accredited professionals with expertise relevant to development assessment such as planning, engineering, environmental science, architecture and urban design
- a system of professional accreditation, including regular training and auditing, should be established (see also Reform 22)
- private certification should be expanded to include a wider range of standard assessment functions, subject to stricter auditing and oversight
- assessment bodies should be able to co-opt specialist members as necessary.

The Government notes the Expert Panel's concern to ensure the integrity of the assessment process and that it has consulted with the Independent Commissioner Against Corruption in relation to its suggested changes. Importantly, the Government believes that the rights of all elected representatives to advocate for their communities in relation to any matters subject to assessment should be protected.

We recognise that a staged approach will be required for each of these elements. The details of this will be determined, in dialogue with the local government sector.

Next steps

The planning legislation will provide for the composition of assessment panels, the accreditation and auditing of professionals and the how and when private certification is to be permitted.

Further work

The Government will work with local government and professional groups to establish suitable co-regulatory models for professional accreditation, training and auditing and a step-change approach to implementation.

Timeframe

A bill is targeted for introduction to Parliament in July 2015.

Relevant portfolio/s

Minister for Planning.

Regionalisation of assessment panels

The Government agrees that there is potential for assessment panels to be organised on a regional geographic basis. The Government agrees that this approach has merit.

However, we note that this reform is closely linked with the Expert Panel's proposal for regional planning boards. We also note that the Expert Panel has suggested that regional panels will take on many of the existing functions of the Development Assessment Commission.

Clearly, a staged approach is desirable. We propose that, in the first instance—

- existing council assessment panels continue for an interim period
- the planning commission (or like body) establish its own regional and/or specialist panels for matters currently handled by the Development Assessment Commission
- councils be encouraged to establish regional panels, with the ability to negotiate for matters currently handled centrally to be delegated
- further roll-out of regional panels should be dependent upon the outcomes of the wider regionalisation agenda.

Next steps

The planning legislation will allow for council panels to continue for an interim period, allow the planning commission (or like body) to establish assessment panels, and include incentives for councils to regionalise their assessment panels.

Further work

Further consideration of regionalisation of assessment panels will follow evaluation of the pilots. Legislation will be crafted in a way that enables further changes to be adopted without need for further statutory amendment, perhaps by regulation.

Timeframe

A bill targeted for introduction to Parliament in July 2015.

Relevant portfolio/s

Minister for Planning.

Clarify the approval pathways for projects of State significance

The Government notes this reform and will undertake further investigation.

Efficient and meaningful assessment of major projects is of great importance to attracting investment to our State. It is clear that the current mismatch of different laws and processes is unsatisfactory.

The Government agrees that any project that has economic, social and/or environmental impact that is not contemplated within the regular planning rules should be subject to comprehensive evaluation.

The Government agrees that—

- the State should retain a power to call in major projects, with the option for advice from the planning commission (or like body) in specified circumstances
- the evaluation of major projects should use a sliding scale that factors in benefits, risks and impact
- there is an opportunity to align state environmental impact assessment processes with federal laws - including potential for strategic impact assessment
- the proposed 'performance-based assessment' pathway will help to clarify the triggers for an environmental impact assessment.

However, in relation to judicial review of major project decisions, we note this is a complex issue. The question will be whether the benefits of allowing judicial review outweigh any perceived disadvantages. One potential benefit that is well known is the ability to secure federal accreditation for environmental assessment. We will consider this issue further during the legislative drafting process.

There are also aspects in relation to mining which warrant further consideration. Mining is a major growth sector and an export earner for the State. The Government will carefully consider the Expert Panel's recommendation that there should be greater integration between mining and planning. It is clear that there are a number of reasons why this should be pursued - including to better manage multiple and sequential land uses consistent with the nationally agreed *Multiple Land Use Framework* and to better link mining approvals to approvals for mine-related infrastructure - but we are cautious to rush this process without first understanding the issues that the Expert Panel's consultation has raised.

A solution that we will consider is a single stand-alone 'Major Projects Act' that brings together the relevant portfolio interests and provides a single doorway to Government for complex projects.

Next steps

The planning legislation will include call in powers for major projects and use the performance-based assessment pathway to clarify the triggers for environmental impact assessment.

Further work

The Government will review the interaction between mining, planning and environment laws and consider the potential for a separate 'Major Projects Act'.

Timeframe

A bill is targeted for introduction to Parliament in July 2015. The wider review of mining, planning and environment laws will commence later in 2015.

Relevant portfolio/s

Minister for Planning (lead); Minister for Mineral Resources; Minister for Sustainability, Environment and Conservation.

Streamline the assessment of essential infrastructure

The Government supports this reform in principle.

To ensure that our cities and towns can grow and change, essential infrastructure must be cost-effective, meet changing demand, and offer improved services to communities.

The Government therefore agrees with the Expert Panel that the planning legislation should—

- link infrastructure planning with regional strategic plans, allowing for infrastructure corridors and growth area infrastructure requirements to be identified as early as possible
- provide for streamlined assessment of essential infrastructure, with clear criteria and subject to control by the planning commission (or like body)
- ensure essential infrastructure meets the community expectations for high quality design
- improve the assessment process for public infrastructure and development undertaken by Government agencies.

The Government considers it important that this reform closely links with the infrastructure funding framework proposed by the Expert Panel in Reform 17. The Government agrees that assessment pathways should generally be determined by the class of development (rather than the applicant), but is cautious about removing the Crown development pathway altogether so will investigate this further.

Next steps

The planning legislation will include heads of power providing for the assessment of essential infrastructure and limiting the ability to use the Crown development pathway.

Further work

The Government will give further consideration to the potential repeal of the Crown development pathway.

Timeframe

A bill is targeted for introduction to Parliament in July 2015.

Relevant portfolio/s

Minister for Planning.

Make the appeals process more accessible and accountable

The Government supports this reform in principle.

Access to speedy, efficient dispute handling and compliance mechanisms is crucial to ensuring confidence in the planning system and access to justice.

As such, the Government will move to implement the recommendation for a desktop review of a planning decision as an option for applicants. This process will be of particular importance for resolving procedural disputes as they arise, rather than at the end of a decision-making process as part of a pre-trial conference or court proceedings. Whilst the Expert Panel has recommended only a re-consideration of matters without the need for further evidence to be heard, we will also explore the possibility of a re-hearing by an appropriate body or official based on additional information or evidence.

The Government will further consider the potential to integrate the Environment, Resources and Development Court with the South Australian Civil and Administrative Tribunal. We also support the suggestion that the discretion to award costs should be wider (as it is for the South Australian Civil and Administrative Tribunal) to address commercially motivated appeals.

Next steps	The new planning legislation will provide for review and dispute processes.
Further work	Integration of the Environment, Resources and Development Court into the South Australian Civil and Administrative Tribunal will be considered separate from the initial planning legislation.
Timeframe	A bill is targeted for introduction to Parliament in July 2015.
Relevant portfolio/s	Minister for Planning.

Provide new and effective enforcement options

The Government supports this reform in part.

Community confidence in planning demands compliance and enforcement measures to be credible and robust.

We are of the view that rectifying planning breaches should be the default goal of any planning compliance strategy. Only if remedial action is not possible or has not occurred should penalties come into play.

We agree with the Expert Panel's suggestions for a range of measures that will improve the compliance and enforcement framework in the planning system. In particular, we agree that—

- there should be a range of easy-to-use administrative tools to address non-compliance such as enforceable undertakings and improvement notices
- there should be a range of alternatives to monetary penalties drawn from best practice in other regulatory regimes, such as adverse publicity orders
- monetary penalties should include a sliding scale, including regard for profits
- civil damages should be available as an alternative to criminal sanctions
- the State should provide greater guidance for targeted system-wide enforcement and improve linkages to occupational licensing laws.

In addition, we will consider the merits of an enforceable duty of care on builders and professionals whose actions may lead to non-compliance. We will look closely at models in consumer, workplace safety and road safety laws that could be adapted to the planning system.

We are cautious about allowing expiation notices to be available for planning breaches. Generally expiation notices are only suitable where there is a deterrent aspect required. In the case of planning breaches, remedial action or civil compensation may be a better way of resolving many minor breaches. We will investigate this further as part of the legislative drafting process.

Next steps

The planning legislation will include provisions providing for a more comprehensive suite of enforcement options and compliance-enhancing sanctions.

Timeframe

A bill is targeted for introduction to Parliament in July 2015.

Relevant portfolio/s

Minister for Planning.

Reinforce and expand precinct planning

The Government supports this reform.

The Government agrees that there is a need to support precinct-based neighbourhood regeneration in ways that conventional zoning is unable to cater for. The precinct scale offers a suitable way to provide vehicles for private investment, capture value for wider community benefit, leverage public realm improvements and integrate regulatory functions at a precinct scale.

The Expert Panel's suggestions are therefore all supported, including—

- opening precinct development opportunities to private sector parties on an application basis
- creating more scalable precinct development processes to suit small-scale redevelopment opportunities
- simplifying more cumbersome aspects of the currently legislated process
- streetscape guidelines and incentive schemes to leverage public benefits from private investment.

We will examine, as part of this reform, expansion of incentives such as building upgrade finance and streetscape contribution schemes and the potential for a roll-out of an 'improvement district' model for South Australia. We will also revisit the question of the vesting of assets and infrastructure in public authorities at the conclusion of a precinct project.

We see an opportunity for precinct planning to cater for a range of important environmental issues, such as climate change adaptation and mitigation, green infrastructure, carbon neutrality and water sensitive design.

We also see that there is scope to enable master plans for a development site or area to carry greater development entitlements once approved.

Next steps	The planning legislation will include provisions relating to precinct planning, incentives and improvement districts.
Further work	The Government will work with the local government sector to develop a viable improvement district model for the State.
Timeframe	A bill is targeted for introduction to Parliament in July 2015.
Relevant portfolio/s	Minister for Planning.

17 Settle and deliver an infrastructure funding framework

The Government supports this reform.

The concept of infrastructure should be understood in its broadest sense, both economic and social, incorporating essential services, public realm and environmental works.

The task of coordination and delivery of infrastructure has become more complex over recent decades, with increasing numbers of private sector providers, and is likely to be more so in years to come as urban renewal increases. Whatever tools are used to fund infrastructure, it is critical that there is an emphasis on careful evaluation to prevent avoidable impacts on affordability.

The Government agrees with the Expert Panel that there is a pressing need for a single statutory framework that brings together planning, prioritisation, coordination, funding and delivery of infrastructure under one umbrella that is integrated with zoning and assessment decisions. In our view, it is imperative that this legislation—

- is fully integrated with the planning legislation
- minimises punitive upfront imposts that drive up the price of housing for first home buyers and deter new development
- spreads the cost burden of new infrastructure by using cost-effective and equitable funding models such as long-term value capture or improvement levies and tax increment financing
- provides a standardised framework for augmentation charging
- links with the State budget process, taxation and finance frameworks
- is integrated with existing pricing regulation of essential services.

We agree that the legislation should seek to spread costs for infrastructure fairly over time using innovative funding techniques. Generally speaking, the Government does not support infrastructure charging that seeks to recover the full cost of a long-lived asset solely from the first users of that asset. Delivering an infrastructure funding framework consistent with the above will respond directly to the work of the Economic Development Board. More broadly, it should dovetail with the Government's wider taxation reform agenda.

Next steps

Heads of power for infrastructure funding will be included in the planning legislation.

Further work

The Government will look at improvement levies and infrastructure bonds as part of its taxation review.

Timeframe

A bill is targeted for introduction to Parliament in July 2015.

Relevant portfolio/s

Minister for Planning (lead); Minister for Transport and Infrastructure; Treasurer.

Integrate open space and public realm in the planning system

The Government supports this reform in principle and will undertake further investigation.

Public realm and open space are important components of how places are developed and communities are shaped. Currently, the planning system and other statutes do not provide for these matters adequately, in particular where development occurs on private property.

We therefore agree that—

- there needs to be a comprehensive review of the existing open space scheme, including broadening it to cover streetscapes, urban vegetation and other forms of green infrastructure
- fragmented laws dealing with the public realm, trees, parks and streetscapes need to be rationalised and modernised
- public space planning should be an integral part of regional strategic plans
- consideration should be given to ‘green infrastructure’ approaches with a focus on improved management of urban vegetation and significant trees
- financial contributions should be better related to demand for public space, including improvements to existing public realm assets.

A review of the use of open space levy funds to ensure that funds are spent in areas where the highest need exists will be undertaken. As part of this review, we will consider the potential of green infrastructure, water sensitive design and other urban sustainability initiatives.

Additionally, further investigation is required to determine ongoing responsibility and maintenance needs of open space once developed.

Next steps

The planning legislation will include provisions for strategic planning and coordination of parks, open space and public realm. It will also include heads of power for streetscape contribution schemes.

Further work

The existing open space levy will be reviewed with a view to setting more suitable thresholds for costs.

Timeframe

A bill is targeted for introduction to Parliament in July 2015. The Government will release a wider scoping paper on ‘green infrastructure’ in the first half of 2015.

Relevant portfolio/s

Minister for Planning (lead); Minister for Sustainability, Environment and Conservation.

Aim for seamless legislative interfaces

The Government supports this reform in principle and will undertake further investigation.

The statute books are constantly changing. The Government recognises that there is a need to reduce duplication and conflict between the planning system and related legislative regimes.

We agree that the referral system, which is used to link up related approval laws, needs to be fine-tuned. However, it is equally clear that some laws, closely connected with planning, themselves need to be modernised. It is also clear that formal and informal referrals have proliferated as a substitute for good policy.

Cross-statutory linkages

The Government agrees that the referral system needs to be substantially revised. Specifically, we agree that—

- the statute books should be audited to identify and remove duplication of planning processes and to remove unnecessary referrals
- many licences and permits under other laws could be dealt with through effective policy or as part of the development assessment process
- referrals should be subject to tighter criteria, timeframes and processes
- e-planning should be used to drive more effective referrals.

Implementation of this reform will be complex and requires multi-agency collaboration to ensure successful delivery. Initially an audit of the statute books is required to identify duplication and inconsistencies with planning laws.

This will be used to determine which licences and permits are duplicating planning processes, inform what approvals could be transferred into the planning system and what referrals should remain in place. Duplicated licences and permits will be repealed at a later stage and will require consequential legislative amendment.

Next steps

The planning legislation will cater for referral processes and enable other statutory consents to be granted, subject to conditions, through the development assessment system where appropriate. Consequential amendments to other laws may be required.

Further work

A review of existing referrals and laws that overlap with or duplicate planning will be conducted.

Timeframe

A bill is targeted for introduction to Parliament in July 2015. Review of existing referrals and other statutory permits will continue beyond this date.

Relevant portfolio/s

Minister for Planning (lead); other Ministers as required.

Further legislative reviews

The Government agrees with the Expert Panel that there is a pressing need for review and consolidation of environment and infrastructure laws, both of which intersect closely with the planning system. We also believe there may be benefits in a wider review of legislation relating to land titling and spatial information.

We will consider making reforms to infrastructure legislation in implementing the recommendations of the Expert Panel. Specifically, we note that the Expert Panel has recommended that a single infrastructure statute would be desirable for the State.

Review and consolidation of environment and land laws will both require longer-term processes and commitment. We will give further consideration to how these initiatives can be progressed in a timely fashion.

Next steps

Legislation relating to infrastructure will be considered at the same time as other planning legislation.

Further work

Further consideration will be given to reviewing environment and land laws in due course.

Timeframe

Infrastructure legislation will be prepared for consideration by Parliament in 2015.

Relevant portfolio/s

Minister for Transport and Infrastructure (lead on infrastructure and land titling); Minister for Sustainability, Environment and Conservation (lead on environment); Minister for Planning.

Establish an online planning system

The Government supports this reform.

It is clear that the planning system could benefit through the establishment of a comprehensive digital framework that provides opportunities for online information and transactions.

The Government agrees with the Expert Panel that a fully digital approach to the planning system will result in significant cost savings to applicants, councils, agencies, taxpayers and ratepayers. It will also provide better access to information for communities. We also note that there will be substantial upfront costs required to establish the new online system.

Establishment of a single planning portal, with links to council and agency websites, will represent a major investment drawcard for the State. In time, the Government foresees such a portal could include land-related data and transaction capability for related issues, such as e-conveyancing or environmental permits.

To deliver the e-planning portal, the Government agrees that the legislation should—

- mandate a 'digital first' approach in line with Government policy
- provide an equitable, fair and sustainable cost recovery model
- enable planning processes and transactions to be conducted online
- ensure data is searchable according to the needs of users
- provide for a cooperative approach between councils and agencies in a staged development of the e-planning approach.

The planning portal will be designed in alignment with the Government's 'digital first' policy and linked with wider e-government initiatives.

Next steps

The planning legislation will incorporate heads of power to support e-planning's staged roll-out, including a negotiated cost-sharing schedule to be developed in discussion with councils and agencies.

Further work

Development of the software architecture to support e-planning will be driven by the Government. Initial funding commitments will be outlined by Government as part of the budget process.

Timeframe

A bill is targeted for introduction to Parliament in July 2015. Details of staging and funding models will be developed in 2016.

Relevant portfolio/s

Minister for Planning (lead); Minister for the Public Sector.

Adopt a rigorous performance monitoring approach

The Government supports this reform in principle.

The health of the system must be paramount if planning is to realise its wider role as an enabler of economic and social outcomes.

The Government agrees with the Expert Panel that, for communities and business to have confidence in the planning system, there must be a rigorous framework for auditing performance and monitoring trends - and acting to address problems and issues as they arise. We believe primary responsibility for performance monitoring should remain with the Minister, rather than the planning commission (or like body) although the commission (or like body) should advise the Minister as necessary.

The Government agrees that the legislation should—

- provide for measurable targets to be set and performance against them audited using the e-planning system
- ensure that there is ongoing monitoring, and periodic evaluation, of relevant trends and data
- allow arm's-length reporting to Government and Parliament through the planning commission (or like body)
- provide for intervention where necessary in cases of underperformance.

Monitoring and reporting requirements, including the need to report annually to Cabinet, will be built into the new legislation, along with powers being provided to the planning commission (or like body) to address cases of under-performance by planning bodies.

In addition, we recognise the benefit of linking discretionary grant funding to performance and will investigate this further. The Government will advance this through further discussion with the local government sector.

Next steps

The planning legislation will provide for the setting of targets, auditing of performance, monitoring of trends, annual reporting and powers of intervention as appropriate.

Timeframe

A bill is targeted for introduction to Parliament in July 2015; consequential changes to local government legislation may be desirable.

Relevant portfolio/s

Minister for Planning (lead); Minister for Local Government.

Pursue culture change and improved practice

The Government supports this reform in part.

Good culture and practice are crucial components for a successful and effective planning system. The Government agrees with the Expert Panel that the current statutory framework provides limited tools to enable this to occur.

To address this we propose that the legislation should—

- include a strong ‘customer guarantee’ or code that promotes professional excellence across the system (additional to the charter of citizen participation)
- provide for statutorily-recognised practice directions to guide staff and users
- require professionals to be accredited, where appropriate using existing occupational frameworks under other laws
- include an enhanced complaints-handling mechanism
- provide ‘good faith’ indemnities for planning staff to provide advice to users and facilitate development outcomes consistent with the broader statutory objectives to ensure economic outcomes for the State
- incorporate values in the statutory objects that reinforce the importance of a facilitative culture across the planning system.

Next steps

The planning legislation will provide for a customer service guarantee and supporting standards, practice directions, professional accreditation linked to other occupational laws and an enhanced complaints-handling mechanism.

Timeframe

A bill is targeted for introduction to Parliament in July 2015; consequential amendments to occupational licensing laws may be desirable.

Relevant portfolio/s

Minister for Planning (lead); Minister for Consumer and Business Services.

Summary –

Government response to Expert Panel's recommended reforms

Reform 1	Establish a State planning commission	The Government supports this reform in principle
Reform 2	Create a network of regional planning boards across the State	The Government supports this reform in part and will undertake further investigation
Reform 3	Legislate to create a charter of citizen participation	The Government supports this reform in principle
Reform 4	Engage Parliament in the development of planning policies	The Government supports this reform
Reform 5	Create in legislation a new framework for State directions	The Government supports this reform
Reform 6	Reshape planning documents on a regional basis	The Government supports this reform in principle
Reform 7	Establish a single State-wide menu of planning rules	The Government supports this reform
Reform 8	Place heritage on renewed foundations	The Government supports this reform in principle and will undertake further investigation
Reform 9	Make changing plans easy, quick and transparent	The Government supports this reform in part
Reform 10	Adopt clear, simple development pathways	The Government supports this reform in part
Reform 11	Take the next steps towards independent professional assessment	The Government supports this reform in part and will undertake further investigation

Reform 12	Clarify the approval pathways for projects of State significance	The Government notes this reform and will undertake further investigation
Reform 13	Streamline the assessment of essential infrastructure	The Government supports this reform in principle
Reform 14	Make the appeals process more accessible and accountable	The Government supports this reform in principle
Reform 15	Provide new and effective enforcement options	The Government supports this reform in part
Reform 16	Reinforce and expand precinct planning	The Government supports this reform
Reform 17	Settle and deliver an infrastructure funding framework	The Government supports this reform
Reform 18	Integrate open space and public realm in the planning system	The Government supports this reform in principle and will undertake further investigation
Reform 19	Aim for seamless legislative interfaces	The Government supports this reform in principle and will undertake further investigation
Reform 20	Establish an online planning system	The Government supports this reform
Reform 21	Adopt a rigorous performance monitoring approach	The Government supports this reform in principle
Reform 22	Pursue culture change and improved practice	The Government supports this reform in part

STRATEGIC PLANNING AND DEVELOPMENT POLICY

REPORT NO. 4/2015

SUBJECT: DEVELOPMENT CONTROL - Regulating - Local Heritage and Lakes Zone
Development Plan Amendment (DPA) - Ref. AF11/290

- Goal: *Building Communities*
- Strategic Objective:
- (i) *Strive for an increase in services and facilities to ensure the community has equitable access and that the identified needs of the community are met*
 - (ii) *Encourage the development of community facilities and infrastructure, community events and active and safe community spaces through direct support, seeking funding, facilitation etc*
- Goal: *Securing Economic Prosperity*
- Strategic Objective:
- (i) *Foster the expansion of commerce and industry in a sustainable manner, considering industry, employment and climate change impacts, and enhance our positioning as the major centre for the region*
 - (ii) *Provide infrastructure and facilities that contribute to Mount Gambier being able to enhance its economic base and quality of life*
 - (iii) *Develop and implement a dynamic planning process to meet emerging economic, social and environmental conditions*
 - (iv) *Seek continuous improvement in long term master land use planning to guide sustainable development and activities*
- Goal: *Environment*
- Strategic Objective:
- (i) *Plan and implement infrastructure to protect and enhance the natural built environment, including in response to climate change influences*
 - (ii) *Support initiatives that value and preserve our unique environment and contribute to environmental sustainability*
 - (iii) *Support the preservation and enhancement of the City's unique natural and built heritage for future generations*

INTRODUCTION

The Local Heritage and Lakes Zone Development Plan Amendment commenced Public Consultation on Thursday 5th March, 2015. Advertisements were placed in the Border Watch, the Government Gazette, on Council's website and within the Weekly Affairs column in the Border Watch. Radio interviews were also scheduled throughout the public consultation period.

In addition, all property owners directly affected by the proposed policy changes were directly in writing of the proposed DPA. Relevant Government Agencies were also invited to make a submission on the draft Development Plan Amendment.

The Public Consultation process ended on Friday 1st May, 2015 with a total of nine (9) submissions received by Council (7 from Government Agencies and 2 Public submissions). No one requested to be heard at the Public Hearing which can now be cancelled.

DISCUSSION

Council now needs to formally consider how it wishes to respond to the issues raised within the submissions.

A summary of all of the submissions and a copy of the submissions are attached to this report.

Strategic Planning and Development Policy Report No. 4/2015 Cont'd...

If Council agrees to proceed with the DAP, the Summary of Consultation and Proposed Amendments (SCPA) report will be prepared and the draft Development Plan Amendment will be finalized. This information will then be forwarded to the Minister for Planning for Approval.

In response to all of the submission received, the recommendations as contained within the submission summaries be undertaken and incorporated into the Local Heritage and Lakes Zone Development Plan Amendment.

An approval package can then forwarded to the Minister for Planning for approval.

Members attention is drawn to the submission received from the Department of Planning, Transport and Infrastructure. In particular the requirement to recognise the Deed of Agreement for the transfer of the rail land to Council within the Development Plan. The scope of this Development Plan Amendment was to review and update existing policies within the Development Plan that specifically relate to heritage. Council is concerned that incorporating the Conditions of the Deed of Agreement into the Development Plan is unrelated to the Intent of the Development Plan Amendment.

Council is also a signatory to the Deed of Agreement with the State Government in regard to the future development of the railway area. This Deed of Agreement is registered on the Title. It is considered inappropriate to incorporate the Conditions of the Deed of Agreement into the Development Plan.

During the finalisation of the DPA, it is not uncommon for 'minor' issues to be raised by the Department of Planning and Local Government staff after the DPA is submitted for approval. Whilst major policy changes are not envisaged, should any such changes arise these would be referred to Council for consideration. Excluding major policy changes, it is suggested that the Manager - Strategic Projects Officer be authorised to negotiate and make any required changes to the DPA.

CONCLUSION

No major complex issues were identified as part of the public consultation process. The recommendations as contained within the submission summaries be undertaken and incorporated into the Local Heritage and Lakes Zone Development Plan Amendment.

Upon the amendment of the Local Heritage and Lakes Zone Development Plan Amendment in accordance with the advice as contained within this report, the DPA be forwarded to the Minister for Planning for authorisation and incorporation into the Development Plan.

RECOMMENDATION

- (a) Strategic Planning and Development Policy Report No. 4/2015 be received;
- (b) Council acknowledges the public and agency comments received in relation to the Local Heritage and Lakes Zone Development Plan Amendment as contained in Appendix 1;
- (c) Jenson Planning and Design as the project Consultants who prepared the DPA on behalf of Council be requested to incorporate the proposed alterations into the Local Heritage and Lakes Zone Development Plan Amendment as identified within the summary of submissions tables;
- (d) Council prepare the Summary of Consultations and Proposed Amendment report as required by the Development Act upon the completion of the proposed amendments to the Local Heritage and Lakes Zone Development Plan Amendment;

Strategic Planning and Development Policy Report No. 4/2015 Cont'd...

(e) Council certify that:

1. it has complied with the requirements of section 25 of the Development Act 1993 and that the amendment or amendments are in a correct and appropriate form; and
 2. the amendment (as altered) -
 - (i) accord with the Planning Strategy, on the basis that each relevant provision of the Planning Strategy that relates to the amendment or amendments has been specifically identified and addressed, including by an assessment of the impacts of each policy reflected in the amendment or amendments against the Planning Strategy, and on the basis that any policy which does not fully or in part accord with the Planning Strategy has been specifically identified and an explanation setting out the reason or reasons for the departure from the Planning Strategy has been included in the report of the Council; and
 - (ii) accord with the other parts of the Development Plan (being those parts not affected by the amendment or amendments); and
 - (iii) complement the policies in the Development Plans for adjoining areas; and
 - (iv) satisfy the other matters (if any) prescribed under section 25(14)(b)(ii) of the Development Act 1993; and
 3. that the report by the Council sets out a comprehensive statement of the reasons for any failure to complying with any time set for any relevant step under section 25 of the Act; and
 4. that the following person or persons have provided professional advice to the Council for the purposes of section 25(13)(a) of the Act, namely Mr Alan Rumsby of URPS (formerly Nolan Rumsby) and Mr Frank McIntyre, Planning and Development Consultants and Tracy Tzioutziouklaris, Strategic Project Officer, City of Mount Gambier.
- (f) Upon the satisfactory amendment of the Local Heritage and Lakes Zone Development Plan Amendment, the DPA be finalised and submitted to the Minister for Planning for authorization.
- (g) The Manager Strategic Projects be authorised to make any necessary minor amendments to the DPA prior to approval, as directed by the Department of Planning, Transport and Infrastructure and Local Government staff or the Minister for Planning.

sighted:



Tracy TZIOUTZIOUKLARIS
MANAGER STRATEGIC PROJECTS



Mark McSHANE
CHIEF EXECUTIVE OFFICER

5 May 2015
SW

Appendix 1: Summary of submissions
Appendix 2: Copies of submissions

(Refer Item of Strategic Planning and Development Policy Committee Minutes)

Appendix 1

City of Mount Gambier

Local Heritage and Lakes Zone Development Plan Amendment

Agency Submissions Summary

No.	Name and Address	Response Summary	Comments	Recommendations
1.	Mr Martin Carter Senior Economic Officer Strategic Economics and Policy Coordination Department of State Development	Have no significant policy issues of concern to the agency and have no further comment.	No changes to the policy direction were recommended.	No action required.
2.	Mr David Lake Manager Planning and Special Projects Corporate and Government Relations South Australian Tourism Commission	Supports the proposed amendments as it will help to ensure the protection/enhancement of significant tourism attractions in the city..	No changes to the policy direction were recommended.	No action required.
3.	Mr Richard Stranger Director, Planning and Transaction Services Renewal SA	Supports planning policy protecting historically important built form and places that are based on well founded criteria. It is important to ensure that the extent of heritage conservation is balanced against other key planning concerns promoting the well being of people, households and the community, such as the significant need for well-located, affordable housing	No changes to the policy direction were recommended.	No further action required.

		and choice.		
4.	Mr Peter Iliescu Engineer, Treatment & Network Planning SA Water	Do not support the inclusion of the listing of the water tower located at 7a Keegan Drive if it will impact on its future operation and maintenance. Recommend an additional policy to recognising public water supply as an important land use. Seeks continued recognition on the primary public water supply as an important function within Precinct 1 – The Blue Lake. Public Water Supply to be included as a form of recognised development within this area.	Support all suggested amendments and inclusions. The listing of the water tower located at 7a Keegan Drive will only impact on an application to demolish the water tower. The listing should not impact on the tower in relation to its future operation or use, maintenance or the possible decommissioning.	Incorporate the recommended policy changes as requested. The listing of the water tower as a place of Local heritage to be retained.
5.	Mr Geoffrey Bradford Senior Planning Officer Environment Protection Authority	Have no comment to make about this Development Plan Amendment as it wholly relates to heritage related issues.	No changes to the policy direction were recommended.	No action required.
6.	Mr Tim Bond Manager, Planning & Evaluation Natural Resources, South East	Attachment D – Cave Gardens have identified the planting of tree species that have been declared under the Natural Resources Management Act to prohibit their sale state wide.	Acer negundo 'Variegatum', Salix caprea and Crataegus monogyna be removed and/or excluded from the list on Table MtG(C)/7. As declared plants under	Incorporate the recommended policy changes as requested.

		<p>These species being Acer negundo 'Variegatum', Salix caprea, Crataegus sinacia, Crataegus monogyna and Cystisus Scoparius.</p> <p>Within the Lakes Zone is should be desirable to plant locally indigenous vegetation not only if suitability of size and aesthetics but also to provide habitat for native fauna.</p> <p>Exotic plantings to avoid any known weed species.</p> <p>Exotic plantings that are known weedy species should not be protected and retained but progressively removed and replaced with more suitable species.</p>	<p>the NRM Act Crataegus sinacia and Cystisus Scoparius be removed and/or excluded from the list on Table MtG(C)/7.</p> <p>When additional landscape plantings are planned within the Lakes Zone consideration should be given to native plants that supply good habitat suitable for native fauna.</p> <p>Exotic plants that are known weedy species should not be planted within the Lakes Zone.</p> <p>Remnant exotic plant species within the Lakes Zone that are known weedy species not be protected and retained under the plan.</p>	
7.	Mr Stuart Moseley General Manager – Information and Strategy Development Division Department of Planning, Transport and Infrastructure	<p>The Round House has been significantly damaged by fire, the listing should be reconsidered. There is no objection to the listing of the Railway turntable.</p> <p>Within the Desired Character Statement for</p>	<p>Support all suggested amendments and inclusions apart from the following.</p> <p>Council has previously been involved in discussions and negotiations regarding the</p>	<p>Incorporate the recommended policy changes as requested apart from the inclusion of the Conditions of the Deed of Agreement.</p> <p>Council has already agreed to the Conditions</p>

		<p>the Railway Historic Conservation Area to that development within this area should ensure the preservation of the easement designated for any future railway track and no further crossing points are created.</p> <p>Concern is raised in relation to the quality of information provided to justify individual listings for Local Heritage Places. The Department can assist Council with practical approaches and share lessons from previous heritage reviews that may be of assistance.</p> <p>Technical Issue – Amendment Instruction 16 should have been inserted into the City Centre Zone.</p> <p>The Department recommends that the DPA be submitted for approval no later than 3 August, 2015.</p>	<p>identification and listing of additional Local Heritage Places. Council remains of the opinion that the issue of listing additional Local Heritage Places had been resolved prior to finalising the DPA for Public Consultation and Interim Authorisation.</p> <p>The scope of this Development Plan Amendment was to review and update existing policies within the Development Plan that specifically relate to heritage. Council is concerned that incorporating the Conditions of the Deed of Agreement into the Development Plan is unrelated to the Intent of the Development Plan Amendment.</p> <p>Council is also a signatory to the Deed of Agreement with the State Government in regard to the future development of the railway area. This Deed of Agreement is registered on the Title. Council is of the</p>	<p>of the Deed of Agreement with the State Government and considers the inclusion of this requirement into the Development Plan to be unwarranted and unnecessary.</p>
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			opinion that it would be inappropriate to incorporate the Conditions of the Deed of Agreement into the Development Plan.	
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City of Mount Gambier

Local Heritage and Lakes Zone Development Plan Amendment

Public Submissions Summary

No.	Name and Address	Response Summary	Comments	Recommendations
1	Lynne Lowe City of Mount Gambier Heritage Advisory Group	<p>Question as to why John Street and Suttontown Road areas have not been included as Historic Conservation Areas.</p> <p>Attachment D – Rubekonig to be spelt Rubenkonig</p> <p>Attachment E – Reference to the Former Mount Gambier Hospital should be removed as it has been demolished.</p> <p>Local Heritage Places – 191 Commercial Street East is now Pangula Manamurno, 13 & 15 Hart Street should be Local Heritage Places</p> <p>Question re Lacepede Street, Railway Turntable and Roundhouse.</p>	<p>Council determined to not include John Street as a Historic Conservation Area as the character of the area has been significantly diminished due to recent redevelopments.</p> <p>The Sutton Town Road area was not included in Council's 2007 Heritage Survey Review or further investigations as part of this Development Plan Amendment.</p> <p>Rubekonig to be Rubenkonig.</p> <p>Reference to the former Mount Gambier Hospital to be removed from Attachment E.</p> <p>Council is not undertaking any further investigations into Local Heritage listed properties.</p> <p>The Roundhouse has been destroyed by a fire but the Turntable still exists.</p>	<p>Rubekonig to be Rubenkonig.</p> <p>Attachment E reference to the former Mount Gambier Hospital to be removed.</p> <p>Reference to the Roundhouse be removed from the Local Heritage Places Table as the building has been destroyed by fire.</p>

2	Richard Woods SE Heritage Adviser	<p>Suggested numerous minor amendments to the wording of Desired Character Statements and Principles of Development Control.</p> <p>In particular identified that 'chimneys' are an important design element on Local Heritage listed places.</p> <p>Recommended that the Lutheran Manse forms and integral part of the local heritage place and should be included on the listing.</p>	<p>All proposed amendments are supported.</p> <p>The Lutheran Manse to be incorporated into the listing of the local heritage place at 11 Edward Street.</p>	<p>Undertake amendments as contained within this submission.</p>
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City of Mount Gambier

Appendix 2

City of Mount Gambier Local Heritage and Lakes Zone Development Plan Amendment

Submissions Received

Agency Submissions

1. Strategic Economics and Policy Coordination
Department of State Development
2. South Australian Tourism Commission
3. Renewal SA
4. SA Water
5. EPA
6. Natural Resources SA
7. Department of Planning, Transport and Infrastructure

Public Submissions

1. Lynne Lowe, City of Mount Gambier Heritage Advisory Group
2. Richard Woods, South East Heritage Adviser

**Indicates those who wish to appear at the public hearing

Tracy Tzioutziouklaris

From: Carter, Martin (DSD) <Martin.Carter@sa.gov.au>
Sent: Wednesday, 22 April 2015 4:46 PM
To: City Emails
Subject: Local Heritage and Lakes Zone Development Plan Amendment (DPA) - Agency Consultation

Good Afternoon

Thank you for your letter dated 2 March 2015 and the opportunity to provide comment on the above DPA currently being proposed by Council.

The relevant divisions of the Department of State Development have reviewed the DPA and have identified no significant policy issues of concern to the agency, and therefore we have no further comment at this time.

Regards...Martin

Martin Carter
Senior Economic Officer

Strategic Economics and Policy Coordination
Department of State Development

T +61 (8) 303 2283

www.statedevelopment.sa.gov.au

[Twitter.com/StateDevSA](https://twitter.com/StateDevSA)



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Tracy Tzioutziouklaris

From: Lake, David (SATC) <David.Lake@tourism.sa.com>
Sent: Wednesday, 22 April 2015 4:48 PM
To: Tracy Tzioutziouklaris
Subject: Mount Gambier Local Heritage and Lakes Zone DPA

Hi Tracy how are you going?

Thanks for sending the above DPA through for comment.

On behalf of SATC I have no specific comments to make and I'm happy to support the DPA, particularly as it will help to ensure the protection/enhancement of significant tourism attractions in the City.

Trust all is well.

David Lake
Manager Planning and Special Projects
Corporate and Government Relations



South Australian Tourism Commission
Level 3 121-125 King William Street
Adelaide South Australia 5000
GPO Box 1972 Adelaide SA 5001

M 0423 293 761
T 08 8463 4551
www.southaustralia.com



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GOOD PLANETS ARE HARD TO FIND, THINK BEFORE YOU PRINT

14 April 2015

Ms. Tracy Tzioutziouklaris
Manager, Strategic Projects
City of Mount Gambier
PO Box 56
Mount Gambier



SA 5290

Renewal SA
1000 Adelaide Road
Adelaide SA 5000
Phone: 08 8344 1234
Fax: 08 8344 1235
Email: info@renewal.sa.gov.au
Web: www.renewal.sa.gov.au

Dear Ms Tzioutziouklaris

Local Heritage and Lakes Zone DPA

Thank you for the opportunity to comment on this DPA. Renewal SA (RSA) has recently become responsible for much of the South Australian Housing Trust's (SAHT) asset planning and understands from Council that there will be no additions of SAHT properties to the heritage list or as contributory items as a result of this DPA.

Comments

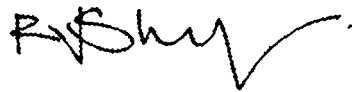
RSA supports planning policy protecting historically important built form and places that are based on well-founded criteria (e.g. State and Local Heritage Places). It is important, however, to ensure that the extent of heritage conservation is balanced against other key planning concerns promoting the well-being of people, households and the community --such as the significant need for well-located, affordable housing and choice (often with smaller site sizes, energy efficient construction and without costly, mandated design features).

Within historic conservation policy areas/zones, greater demolition and design policy flexibility could be considered for properties that are not listed as State or Local Heritage Places. This usually includes the majority of dwellings within historic conservation areas, and such an approach would recognise their lesser historic significance, while protecting their longstanding use rights and greater design flexibility.

A related heritage issue highlighted by the Expert Panel on Planning Reform in its final report is that *'The confusion between heritage and character must be*

addressed. The rise of various quasi-heritage terms, such as 'contributory items' and 'historic conservation zones', shows how these issues may be confused and can lead to the use of terminology not sanctioned by statute'. Difficulties with heritage / planning controls is not assisted by the fact that there are no statutory criteria to guide creating Historic Conservation Zones or Policy Areas or listing items as contributory items within such Zones and Policy Areas.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R. Stranger', with a stylized flourish at the end.

Richard Stranger
Director, Planning and Transaction Services
Richard.Stranger@sa.gov.au
www.renewalsa.sa.gov.au

Tracy Tzioutziouklaris

From: Iliescu, Peter <Peter.Iliescu@sawater.com.au>
Sent: Wednesday, 29 April 2015 5:02 PM
To: City Emails
Cc: Feronas, Paul; Hayde, Patrick; Wilkins, Andrew; Vial, Hayley; Field, Peter; Day, Peter; Jones, Phillip; Ashman, Glyn; Hage, Tara
Subject: SA Water's Comments - Local Heritage and Lakes Zone DPA
Attachments: SAW Comments DPA 201503 Mt Gambier.pdf

Good Afternoon,

Please find attached SA Water's letter containing comments on the above DPA.
Thank you for the opportunity to comment.

Regards,

Peter Iliescu
Engineer, Treatment & Network Planning
SA Water
Ph 08 7424 1130
Fax 08 7003 1130
www.sawater.com.au
250 Victoria Square, Adelaide 5000
GPO Box 1751, Adelaide SA 5001

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29 April 2015

SAW Ref: 03/04046

SA Water House
250 Victoria Square / Tarntanyangga
Adelaide South Australia 5000
GPO Box 1751
Adelaide South Australia 500
Telephone +61 8 1300 650 950
ABN 69 336 525 019

Mr Mark McShane
Chief Executive Officer
City of Mount Gambier
PO Box 56
MOUNT GAMBIER SA 5290

Dear Mark,

**Re: City of Mount Gambier – Local Heritage and Lakes Zone Development Plan
Amendment (DPA)**

I refer to the letter dated 2 March 2015 received from your office seeking our comments on the above DPA.

We note that critical water infrastructure, namely the water tower located at 7a Keegan Drive Mount Gambier, is proposed to be included in the list of local heritage places. SA Water does not support the inclusion of its infrastructure in the Register of State/Local Heritage if it impacts on its future operation and maintenance.

We note the update to the Lakes Zone and the definition of Precinct 1 - Blue Lake. Whilst we support the revised Objectives for the Lakes Zone, we recommend the further inclusion of an objective that supports the continued provision of public water supply from this area. This objective exists in the current version of the development plan therefore we recommend the retention of this objective for the Lakes Zone, recognising public water supply as an important land use.

Further to the above, 'Precinct 1 - The Blue Lake' area provides the primary public water source to the township of Mount Gambier therefore we seek continued recognition in the DPA of this important function. SA Water supports the limited development opportunities identified for the lake perimeter, as set out in the character statement for Precinct 1.

However, we recommend that such development should be designed to protect the Blue Lake and its surrounds from contamination risks that could threaten the public water supply system.



We also recommend that public water supply be included as a form of envisaged development in the 'Precinct 1 - The Blue Lake'.

In addition to the above, our general comments in respect to new developments or redevelopments are provided below.

SA Water Planning

- SA Water undertakes water security and infrastructure planning that considers the longer term strategic direction for a system. That planning seeks to develop a framework that ensures resources and infrastructure are managed efficiently and have the capacity to meet customer requirements into the future. The information contained in the DPA document regarding future re-zoning and land development will be incorporated in SA Water's planning process.

Protection of Source Water

- Development/s shall have no deleterious effects on the quality or quantity of source water, or the natural environments that rely on this water. In particular, the following conditions shall apply:
 - Landfill shall be outside of Water Protection Zones;
 - Landfill area to include leachate collection facilities;
 - Effluent disposal systems (including leach drains) to be designed and located to prevent contamination of groundwater; and
 - Industry to be located in appropriate areas, with safeguards to ensure wastewater can be satisfactorily treated or removed from the site
- Development shall avoid or minimise erosion.
- Development shall not dam, interfere or obstruct a watercourse
- The Natural Resources Management Act 2004 includes wide ranging powers over source water quantity issues. The Department of Environment, Water and Natural Resources should be consulted, if in doubt, over compliance with this Act. Source water quality issues are addressed by the Environment Protection Authority through the Environment Protection Act 1993.

Provision of Infrastructure

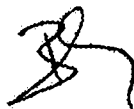
- All applications for connections needing an extension to SA Water's water/wastewater networks will be assessed on their individual commercial merits. Where more than one development is involved, one option may be for SA Water to establish an augmentation charge for that area which will also be assessed on commercial merits

Trade Waste Discharge Agreements

- Any proposed industrial or commercial developments that are connected to SA Water's wastewater infrastructure will be required to seek authorisation to permit the discharge of trade waste to the wastewater network. Industrial and large dischargers may be liable for quality and quantity loading charges. The link to SA Water's Trade Waste Overview website page is attached for your information: [Trade Waste Overview](#)

Thank you for the opportunity to comment on the Council's Local Heritage and Lakes Zone DPA. Please contact Peter Iliescu, Engineer, Treatment and Network Planning on telephone (08) 7424 1130 in the first instance should you have further queries regarding the above matter.

Yours sincerely



per Paul Feronas
Senior Manager, Treatment and Network Planning
250 Victoria Square, Adelaide, 5000
Ph 08 7424 1881
Fax 08 7003 1881
Email paul.feronas@sawater.com.au



Tracy Tzioutziouklaris

From: Bradford, Geoffrey (EPA) <Geoffrey.Bradford@epa.sa.gov.au>
Sent: Wednesday, 29 April 2015 11:02 AM
To: City Emails
Cc: Chrystal, Melissa (EPA)
Subject: Local Heritage and Lakes Zone Development Plan Amendment
Attachments: Mount Gambier Local Heritage and Lakes DPA_EPA Response_March 2015.pdf

Dear Mr McShane,

Thank you for the opportunity to comment on the City of Mount Gambier Local Heritage and Lakes Zone Development Plan Amendment.

The EPA's response is attached for your consideration.

Regards,

Geoff

Geoffrey Bradford

Senior Planning Officer (Policy and Projects)
Work Phone (08) 8204 9821 Work Fax (08) 8124 4673

Environment Protection Authority
GPO Box 2607, Adelaide, S.A. 5001, AUSTRALIA



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EPA 05 22328

Mr Mark McShane, Chief Executive Officer
City of Mount Gambier
PO Box 56
MOUNT GAMBIER SA 5290

Dear Mr McShane

**CITY OF MOUNT GAMBIER LOCAL HERITAGE AND LAKES ZONE DEVELOPMENT PLAN
AMENDMENT – FOR AGENCY AND PUBLIC CONSULTATION**

Thank you for providing the Environment Protection Authority (EPA) with the opportunity to comment on the City of Mount Gambier's *Local Heritage and Lakes Zone Development Plan Amendment* (DPA).

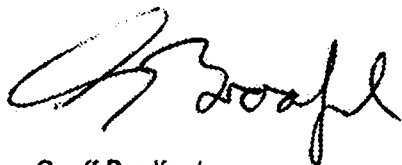
The EPA's environmental interest, by virtue of the *Environment Protection Act 1993*, falls into the fields of water quality (including wastewater and stormwater management), waste management, site contamination, air and noise impacts that may result from land use interfaces, and protection from radiation. The EPA is interested in the potential environmental and human health impacts that could result from any changes to the Development Plan and subsequent development.

It is noted the DPA proposes to update, rationalise and clarify policies within the Development Plan as they relate to heritage, including the review of local heritage places and contributory items, the boundaries of Historic (Conservation) Policy Areas, introduction of relevant policy from the Heritage Places module of the South Australian Planning Policy Library, and associated mapping amendments.

As the DPA wholly relates to heritage related issues, the EPA has no comment to make about this DPA.

The EPA does not wish to address the Public Meeting on 12 May 2015. For further information on this matter, please contact Melissa Chrystal on telephone (08) 8204 1318 or by email at melissa.chrystal@epa.sa.gov.au

Yours sincerely



Geoff Bradford
SENIOR PLANNING OFFICER (POLICY AND PROJECTS)
SCIENCE, ASSESSMENT AND PLANNING
ENVIRONMENT PROTECTION AUTHORITY

Date: 29 April 2015

Tracy Tzioutziouklaris

From: Newport, Janette (DEWNR) <Janette.Newport@sa.gov.au>
Sent: Friday, 1 May 2015 1:06 PM
To: City Emails
Cc: Bond, Tim (DEWNR)
Subject: Response to City of Mount Gambier Local Heritage and Lakes Zone Dev Plan Amendment .docx [DLM=For-Official-Use-Only]
Attachments: Response to City of Mount Gambier Local Heritage and Lakes Zone Dev Plan Amendment .docx

For Official Use Only

To Whom it May Concern

Please find attached Natural Resources South East's response to the City of Mount Gambier, Local Heritage and Lakes Zone Development Plan Amendment.

Please do not hesitate to contact me if you require further information,

Yours sincerely,

Jan Newport

Senior Project Officer

Natural Resources South East

P (08) 8735 1244

11 Helen Street (PO Box 1046)

Mount Gambier SA 5290

naturalresources.sa.gov.au/southeast



Natural Resources
South East



Government of
South Australia

Ensuring that healthy and productive natural resources sustain our wellbeing and economy.



**Natural Resources
South East**

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Ph: +61 8 8735 1177
Fax: +61 8 8735 1135
www.environment.sa.gov.au

Date: 1st May 2015

Mr Mark McShane
Chief Executive Officer
City of Mount Gambier
PO Box 56
MOUNT GAMBIER SA 5290

Email: city@mountgambier.sa.gov.au

Dear Mr McShane

**Re: City of Mount Gambier, Local Heritage and Lakes Zone development Plan Amendment
– Agency Consultation**

The following recommendations are made concerning the issues identified associated with the Development Plan Amendment.

The amendment proposes making the following changes:

1. Updating and replacing some existing heritage related policies
2. Consolidating all local heritage areas into one historic conservation area
3. Realignment of the Lakes Zone Boundary with the Mount Gambier Volcanic Complex State Heritage Area boundary including the introduction of a character statement
4. Rezoning of the Mount Gambier Gardens Cemetery and Tenison College from the Lakes Zone to the Community Zone
5. Updating the Cave Gardens State Heritage Policy Area including a more detailed character statement
6. Listing an additional 14 buildings as Local Heritage Places and consolidating the two existing Local Heritage Tables into one
7. Making the listing of existing Local Heritage Places clearer.

The following issues were identified:

1. Attachment D – Cave Gardens

Principles of Development Control – Section 3

"The historic character of the Garden should principally adhere to the 1920s-1930s style used in the redesign of the garden in 1925, used in South Australia during this period, and to the design philosophy articulated by William Denham Robinson. This style should be applied to the following elements:

- (a) plantings of species in common use in the 1920s to 1930s in South Australia as indicated in Table MtG(C)/7 with modern varieties and cultivars avoided"

Table MtG(C)/7 Schedule of Suitable Planting for Cave Gardens lists 2 species of trees *Acer negundo* 'Variegatum' and *Salix caprea* both of which are identified elsewhere in the State as pest plant species and have therefore been declared under the Natural Resources Management Act 2004 (NRM Act) to prohibit their sale state wide. It is desirable that these species not be used for any new plantings in Cave Gardens.

In addition the table also lists 2 genus of trees *Crataegus sp.* and *Cytisus sp.* that include individual species that are declared under the NRM Act.

- *Crataegus sinacia* is declared in the SE region prohibiting its movement and sale and requiring that it be controlled by landholders if present on their property. This species should not be used for any new plantings in Cave Gardens and if present should be removed.
- *Crataegus monogyna* is declared state wide prohibiting its movement and sale. It is desirable that this species not be used for any new plantings in Cave Gardens.
- *Cytisus scoparius* is declared in the SE region prohibiting its movement and sale and requiring that it be controlled by landholders if present on their property. This species should not be used for any new plantings in Cave Gardens and if present should be removed.

2. Attachment E – Lakes Zone

Desired Character

"Mature vegetation is important in establishing the character of the zone and will be maintained, together additional landscaping, generally comprising a mixture of locally indigenous vegetation or selective exotic plantings consistent with historical species planted, depending on the appropriate landscape character of the precinct within the zone, as identified by the Crater Lakes (Volcanic Complex) Conservation Management Plan."

Where additional landscaping planting is planned within this zone then it is desirable that:

- Locally indigenous vegetation be selected on the basis not only of its suitability of size and aesthetics but consideration also be given to its suitability to provide habitat for native fauna species.
- Exotic plantings avoid any known weedy species.

The Australian Government web site *Weeds in Australia* supplies a reference list of known weedy species. <http://www.environment.gov.au/cgi-bin/biodiversity/invasive/weeds/weedspeciesindex.pl?id=701&startLetter=A&IndexBy=science>

3. Attachment E – Lakes Zone

Principles of Development Control – Section 8

"Remnant native vegetation and introduced exotic plantings that have historic and cultural significance should be protected and retained intact".

Introduced exotic plantings that are known weedy species should not be protected and retained but progressively removed and replaced with more suitable species.

Recommendations

Issue 1. Table MtG(C)/7

That Table MtG(C)/7 'Schedule of Suitable Planting for Cave Gardens' be amended in the following manner.

As declared plants under the NRM Act which are prohibited from movement and sale within the state it is desirable that *Acer negundo* 'Variegatum', *Salix caprea* and *Crataegus monogyna* be removed and/or excluded from the list on Table MtG(C)/7 'Schedule of Suitable Planting for Cave Gardens'.

As declared plants under the NRM Act which are prohibited from movement and sale and are subject to control provisions within the SE region *Crataegus sinacia* and *Cytisus scoparius* should be excluded from the list on Table MtG(C)/7 'Schedule of Suitable Planting for Cave Gardens'.

Issue 2. Lakes Zone

Desired Character

That when additional landscape plantings are planned within the Lakes Zone using native plant species that consideration also be given to those species that supply good habitat suitable for native fauna.

That when additional landscape plantings are planned within the Lakes Zone using exotic plant species that known weedy species not be used. A weedy species reference list is available at <http://www.environment.gov.au/cgi-bin/biodiversity/invasive/weeds/weedspeciesindex.pl?id=701&startLetter=A&IndexBy=sciname>.

Issue 3. Lakes Zone

Principles of Development Control – Section 8

That remnant exotic plant species within the Lakes Zone that are known weedy species not be protected and retained under the plan.

Thank you for the opportunity to provide comment on the City of Mount Gambier, Local Heritage and Lakes Zone Development Plan Amendment.

Yours sincerely,



Tim Bond
MANAGER, PLANNING AND EVALUATION
NATURAL RESOURCES, SOUTH EAST

Tracy Tzioutziouklaris

From: Coad, Abi (DPTI) <Abi.Coad@sa.gov.au>
Sent: Friday, 1 May 2015 2:38 PM
To: Tracy Tzioutziouklaris
Subject: DPTI comments on Heritage DPA
Attachments: DOCS_AND_FILES-#9488477-v1-Mt_Gambier_-_Local_Heritage_and_Lakes_Zone_DP....pdf

Hello Tracy,

Please find attached a copy of DPTI comments on the Heritage and Lakes Zone DPA. Hard copy will follow in the post.

Any queries please let me know

regards

Abi Coad
Chief Project Officer
Information and Strategy
Department of Planning, Transport and Infrastructure
T 7109 7039 (97039) • E abi.coad@sa.gov.au
Level 3 Roma Mitchell House, 136 North Terrace Adelaide SA 5000 • PO Box 1815 Adelaide SA 5001 • DX
171 • www.dpti.sa.gov.au

Tuesday, Wednesday and Friday



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Government of South Australia

Department of Planning,
Transport and Infrastructure

Development Division

Roma Mitchell House
136 North Terrace
Adelaide SA 5000

GPO Box 1815
Adelaide SA 5001

Telephone: 08 7109 7007
ABN 92 366 288 135

<http://www.dpti.sa.gov.au>

In reply please quote
#9390282
Enquiries to **Abi Coad**
Telephone **7109 7039**

Mr Mark McShane
Chief Executive Officer
City of Mount Gambier
PO Box 56
MOUNT GAMBIER SA 5290

Attention: Tracy Tzioutziouklaris

mark
Dear Mr McShane

**CITY OF MOUNT GAMBIER – LOCAL HERITAGE AND LAKES ZONE
DEVELOPMENT PLAN AMENDMENT**

Thank you for providing the Department of Planning, Transport and Infrastructure (the Department) with an opportunity to comment on the Local Heritage and Lakes Zone Development Plan Amendment (DPA).

The relevant sections within the Department have been consulted and our agency comments are provided below.

Round House, Lacepede St

The Round House on Lacepede St was significantly damaged by fire in October 2014 (after the Minister approved the DPA for interim operation). As such the Department requests that Council reconsider listing the Round House due to the structural damage that has occurred. There is no objection to the listing of the Railway turntable.

Desired Character Statement – Historic Conservation Area – Railway

The Department is aware that a Deed of Agreement exists between the Council and the Minister for Transport in regard to the future development of the railway area. Accordingly the Department requests that Council consider amending the Desired Character Statement for the Historic Conservation Area (as it relates to the railway area) to the effect that development in the area should ensure the preservation of the easement designated for any future railway track and no further crossing points are

created. The Department can provide assistance on proposed amendments if required.

Assistance for Review of Local Heritage Places

The next process for the DPA is the review by the independent Local Heritage Advisory Committee (LHAC). In reviewing other recent heritage DPAs, the Minister for Planning, LHAC and the Development Policy Advisory Committee (DPAC) have expressed concerns with the process through which Local Heritage Places are listed. In particular, concern has been raised in relation to the quality of information provided to justify individual listings against the relevant Development Act 1993 criteria. This is particularly concerning given Local Heritage listing has the potential to impact on strategic development outcomes.

The Department can assist Council with practical approaches and share lessons from previous heritage reviews that may be of assistance. The Department are able to meet and discuss this further with Council staff.

Technical Comment

It is noted that Amendment instruction 16 should have been inserted into the City Centre Zone not the Commercial Zone as the former Railway Policy Area was in the City Centre Zone. The Investigations for the DPA indicated that this was intended, however there appears to have been an error in where the instruction was located in the Amendment Instructions.

DPA Process

Please note that before the DPA can be approved, the following steps are managed through the Department:

- preparation of documentation for the Local Heritage Advisory Committee (LHAC) and invitations for objectors to appear before LHAC
- LHAC hearing, inspections and consideration
- Development Policy Advisory Committee (DPAC) consideration of LHAC advice and preparation of advice for the Minister
- Minister's consideration of DPAC and Departmental advice and consulting Council on any proposed amendments to the DPA
- Council consideration of the Minister's proposed amendment (if required)
- Preparation of the final DPA and documentation for the Minister.

This is a thorough process that takes time. To that end the Department recommends that the DPA be submitted for approval no later than 3 August 2015. Council is encouraged to liaise closely with the Department to ensure that the DPA is submitted with sufficient time to process the DPA prior to interim operation lapsing on 5 March

2016. The Department cannot give assurances that the DPA will not lapse if it is lodged after 3 August 2015.

It is requested that Council's response to the Department's submission be included in the summary of agency submissions. Should changes suggested by the Department not be incorporated into the DPA, Council is requested to contact Abi Coad.

Please note that there may be instances where discrepancies arise between the views of one government agency and another on certain issues. In such instances, please contact the Department so it can assist Council in resolving these issues (once all agency submissions have been received).

Following the consultation period, Council is required to consider submissions made and determine whether Council wishes to proceed with the DPA, and if so any changes that are proposed.

As noted in the Statement of Intent, government agencies must be provided with a summary of their submission and Council's response. In this regard, a copy of the relevant excerpt from the submission summary table would be appropriate. Further, if Council intends to make the agency's comments publicly available, Council should seek each agency's approval in writing, prior to release.

Approval Package

Information on the documents that are required to be submitted at the final approval stage can be found at the following web address:

www.sa.gov.au/planning/practitionersguide

The information can then be accessed by referring to the *Practitioners Guide to Preparing Heritage Development Plan Amendments* PDF document and by accessing the *templates and guides* hyperlink.

With respect to the documentation required for LHAC, Council is reminded that it will need to include information for all of the proposed Local Heritage Places for which an objection was received. The Department can provide further guidance and examples to assist Council in the preparation of this information.

Please also note that, prior to submitting the final approval package to the Minister, you should submit all maps in Adobe Illustrator format and a copy of the Amendment Instructions to Ray Nash, Implementation Unit. Authorised PDF maps will be returned to Council to submit as part of the approval package to the Minister.

Council is also required to ensure that the Local Member of Parliament has been consulted on the DPA. If the Local MP changes following consultation, a copy of the approval DPA should be forward to the current MP for comment, prior to lodging the final approval package.

Hand-over meeting

The Department encourages Council and/or Consultant to arrange a meeting with the relevant Planning Officer to discuss and hand over the approval package. This will ensure all documentation is included in the package and provides Council the opportunity to discuss the key issues arising out of the process.

If you have any questions on this matter, please contact Abi Coad by phone on 7109 7039 or email at abi.coad@sa.gov.au.

Yours sincerely



Stuart Moseley
**GENERAL MANAGER – INFORMATION AND STRATEGY
DEVELOPMENT DIVISION
DEPARTMENT OF PLANNING, TRANSPORT AND INFRASTRUCTURE**

01 / 05 / 2015

Local Heritage and Lakes Zone Development Plan Amendment
Comments drafted from the notes of Lynne Lowe of the City of Mount Gambier
Heritage Advisory Group

Question as to why the John Street and Suttontown areas have not been included.

Attachment D Cave Gardens and Environs State Heritage Area Policy Area 12

Last paragraph before the Desired Character Rubekonig is to be correctly spelled as Rubenkonig.

Attachment E Lakes Zone

Third to last paragraph in the Desired Character, The reference to the Former Mount Gambier Hospital should be removed as this building has now been demolished.

Table of Local Heritage Places

191 Commercial Street West – South Eastern District Education Office is now used by Pangula Manamurno

13-15 Hart Street should be included.as Local Heritage Places

Lacepede Street, Railway Turntable and Roundhouse

Figures MtG(HP)/1 and MtG(HP)/3 need to be updated to show the correct Council boundaries

Tracy Tzioutziouklaris
Manager – Strategic Projects

23rd April, 2015

24/4/15

Ms Tracy Tzuotzuoklaris
City of Mt Gambier

Dear Tracy,

Re: Mt Gambier Heritage DPA consultation comments

In my role as SE Heritage Adviser, I have reviewed the interim heritage development plan and make the following comments / recommendations.

Council Wide

Heritage

Page 25

PDC 2 add the words: Development of a State or local heritage place should retain *or restore the original design features of* those elements contributing to its heritage value, which may include (but not be limited to):

Reason: to ensure that reconstructed elements, in particular verandahs, are appropriate to the character of the place.

PDC 2 (e) Add the words: Outbuildings, *stone front fences and* walls.

Reason: Original stone front fences that match the dwelling are unique and important to Mt Gambier's heritage character.

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PDC 2 (h) add the words: Architectural ~~treatments~~ *detailing including roof form, roof cladding, eaves, verandahs, canopies, chimneys, doors and windows.*

PDC 2 insert an additional subclause after (h): *Verandah form and detailing consistent with the period and style of the building.*

PDC 3 add the following sentence: *Ensure that original stonework is finished with limewash or flat paint finishes and that painted gloss or low sheen paint finish, rendered or texture coated finishes are not used.*

Reason: To provide owners and developers with greater clarity and certainty regarding appropriate external finishes.

PDC 7 add the words: The introduction of advertisements and signage to a State or local heritage place should:

- (a) be placed on discrete elements of its architecture such as parapets and wall panels, below the canopy *or verandah* or within fascias and infill end panels and windows;
- (c) not project beyond the silhouette or skyline, *parapet or verandah* of the heritage place;
- (f) not be ~~externally~~ *internally* illuminated;

P26 PDC8 add the words: The division of land adjacent to or containing a State or local heritage place should occur only where it will:

- (e) enable the State or local heritage place to have a curtilage of a size sufficient to protect its setting, *and to enable its continued use or adaptive re-use.*

POLICY AREA Fig MtG H(C)/3

Adjust the boundary to exclude the commercial building directly to the north of the LH place on the corner of Wehl Street South and James Street.

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Historic Conservation Area

DESIRED CHARACTER STATEMENT Amend as follows:

Fences, particularly those constructed of Mount Gambier stone, *dolomite, scoria, basalt or flint are* ~~is also~~ an important element of historic character within the policy area, not only due to the structures themselves, but also by maintaining views to the historic buildings themselves. Portions of the policy area, due to topography, contain ~~large numbers of limestone~~ retaining walls, ~~usually of limestone or scoria construction and~~ *which* will be retained and conserved as part of any development. Original fences will be maintained and conserved with care taken to matching materials, colours and finishes for repair work. *Side fences forward of the dwelling will maintain oblique streetscape views of the building facades.* New fences will be developed in a manner sympathetic to the style, colours and materials of the associated dwelling and will have regard to the height, style and materials identified within Table MtG(C)/9.

Bay Road

The Bay Road area, as shown on *Figure MtGH(C)/3* encompasses one of Mount Gambier's oldest residential areas and contains many dwellings identified as local heritage places. The area is characterised by large single storey houses on generous sized allotments averaging 1400 square metres in area, and generally not less than twenty metres in width. As a result of the allotment configuration, houses are provided with extensive street and side boundary set-backs usually with well maintained, mature gardens that contribute to a pleasant, open streetscape, *which will be maintained.*

Building construction varies but generally comprises dolomite or limestone walling with quoins; *hipped and* gabled (~~delete comma~~) galvanised iron roofs; and *generous verandahs treatments.*

Wehl Street South

The Wehl Street South area, as shown on Figure MtGH(C)/3 contains a significant number of early dwellings ranging from the 1860's through to the mid 1920's, including the Wehl Street Public School. The policy area is also characterised by wide roads with large, deep allotments, although east-west roads are generally narrow with buildings set close to the street. Dwelling styles are diverse, with larger residences predominantly along Wehl Street South and smaller stone or timber-clad workman's cottages close to the railway line. Street set-backs in this area vary considerably, and combined with clusters of historical housing, produce an interesting streetscape. Side setbacks are on some cases small and development will ensure that side setbacks are maintained and not result in boundary to boundary development. Significant opportunities exist, especially along Bertha Street, to establish an avenue of large deciduous street trees that would complement the character of the area.

Within the Commercial and City Centre Zones or where dwellings change to a commercial use, the residential streetscape character will be retained. Signage will be inobtrusive, front fences and garden landscaping will be retained or re-established. Carparking will be located at the rear of buildings.

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Railway

The Railway area, as shown on Figure MtGH(C)/3, is notable for the expansive, open nature of the railyards and the remnant buildings and structures associated with its use as a passenger and goods terminal. The commercial and industrial buildings along Margaret Street form a strong industrial streetscape fronting the railway yards. Some of the buildings within the area are derelict and will require substantial upgrading to return them to a standard where they can be reused. ~~Many of the buildings fronting the railyards have no legal road access except via Margaret Street. This could be rectified by the provision of public roads within the railway precinct.~~

Vansittart Park

The Vansittart Park area, as shown on Figures MtGH(C)/2 and 3, is strongly influenced by the well maintained, well spaced, villa, federation and bungalow style dwellings dating from the 1880's to the 1920's which will be retained and reinforced through sympathetic development. The area is also influenced by its proximity to the expansive, well landscaped Vansittart Park and the topography of the area that adds further interest. Streets are not excessively wide by comparison to other areas of Mount Gambier. Opportunities for infill development are rare and will result from the redevelopment of properties that do not contribute to the historic character of the area, rather than the amalgamation of land existing at the rear of allotments.

Page 33

PDC2 Add the words: Places such as land, buildings, structures, fences and landscape elements that contribute to the historic character of the area identified on Figures MtGH(C)/1 to 3 and more specifically identified in the respective Table MtG(C)/6, should be retained and conserved.

PDC 3 Amend as follows: Development of a contributory item should:

(b) retain its present integrity or restore its original design features *including roof form, roof cladding, eaves, verandahs, canopies, chimneys, doors and windows.*

Add subclauses:

(f) Ensure that original stonework is finished with limewash or flat paint finishes and that painted gloss or low sheen paint finish, rendered or texture coated finishes are not used.

(g) Ensure that roof cladding and colours are compatible with the desired character, and that black, blue, white or zincalume are not used.

PDC8 Add the words: New residential development should include landscaped front gardens *and front fences* ~~areas~~ that complement the desired character.

Page 24

PDC12 Amend / insert sub-clause as follows: Garages, *sheds* and carports should:

(a) be sited at least one metre behind the main face of the dwelling;

(b) where visible from the street *should not dominate the façade and*

(i) be single of car width; or

(ii) where in the form of a double garage, comprise two single doors.

(c) have a roof pitch, verge overhangs and eaves to match the dwelling.

(d) have a roof span not more than 6 metres.

(e) have walling of face stone or corrugated steel cladding.

PDC 13 Amend as follows: *Front fences and fences forward of the dwelling* ~~Fencing~~ should:

(a) reflect and conserve the traditional period, style and form of the associated building;

(b) be of a style and height consistent with the "Fencing Standards and Guidelines in Historic (Conservation) Policy Areas" found in Table MtG(C)/9;

(c) for corner sites:

(i) return along the secondary street frontage at the same height up to the alignment of the main face of the building;

(ii) be constructed of traditional materials such as rendered masonry, stone and timber to a height no greater than 1.8 metres for the remaining section of side fence on the secondary street frontage.

PDC 18 Clarify syntax as follows: The site coverage of buildings within the Historic (Conservation) Policy Area resulting from the erection of, alteration of, or addition to a building, should be compatible with the site coverage of *those* buildings in the locality (, Delete comma) which contribute significantly to the historic character of the area.

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PDC 19 Add subclause as follows: Where possible, development within the portion of the zone in the Railway area of the Historic (Conservation) Policy Area as shown on Figures MtGH(C)/1 to 3 should reinforce the existing character of the area by:

- (a) maintaining the open nature of the railyard;
- (b) retaining the railway track where possible;

INSERT SUB-CLAUSE:

(c) retaining or re-using railway elements including ballast, railway iron fences, telegraph poles, platforms and structures.

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TABLE MtG(C)/5 Schedule of Local Heritage Places

Add text as highlighted in red

26-32 Bay Road MOUNT GAMBIER	Jubilee Hall and part Sunday School External form, materials and detailing of the remaining section of the 1866 Sunday School and 1915/51 Hall including pitched roof forms, face stone walls, square stone tower, arched windows and doors, <i>lych gate, Italian cypress and stone fence.</i>
65 Bay Road MOUNT GAMBIER	House External form, original materials and architectural detail of 1912 residence including face stone & dressed stone walls & window & door dressings <i>and stone chimneys</i> , timber window & door joinery, return verandah form, timber detailing & original cast iron trim, over-sailing gable eaves with strapped gable infill. Later side & rear additions & roof tiling are not included in listing. Large multi-trunked mature tree in front garden is notable.
89 Bay Road MOUNT GAMBIER	House External form, original materials and architectural detail of circa 1907 residence including face dolomite & dressed limestone walls & window & door dressings <i>and stone chimneys</i> , timber window & door joinery, limestone element in gable end, slate steps & slate paved verandah, & convex verandah form (new verandah structure not included).

12 Canavan Road MOUNT GAMBIER	House and Fence External form, materials and detailing of 1937 house <i>including rock face & grey dolomite detailing to walls, stone chimneys & verandah, terracotta tiled roof, leadlight windows, & timber & rough render gable infills, & pink & grey rock face dolomite fence.</i>
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Has the fence at 12 Canavant Rd been demolished?

1&3 Colhurst Place MOUNT GAMBIER	House and Fence External form, original materials and architectural detail of circa 1878 residence <i>including two storey stone walls with raised limestone window & door dressings, arch headed window & door forms, slate entrance steps with stone balustrading, & two storey return verandah form with cast iron detailing. Cast iron & masonry front fence is included, and mature garden setting is notable.</i>
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The stone and cast iron fence extends to the vacant lots at the top of Colhurst Place. The vacant land should be added to the title reference.

78 Commercial Street East MOUNT GAMBIER	South Australian Hotel External form and materials of 1860s corner hotel building including face limestone detailing to windows & doors, chamfered corner configuration & parapet with limestone cornice <i>and chimneys</i> now painted. <i>Stable walls.</i> Note that these details extend into Compton Street. The later rear extension is not included.
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11 Edward Street MOUNT GAMBIER	St Martins Lutheran church External form, materials and detailing of 1862 Church, 1894 vestry and 1905 tower <i>including limestone walls & raised limestone window & arch dressings, buttressing, coping & castellation to tower. (Does not include link or manse.)</i>
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It is my view that the Lutheran Manse forms an integral part of the local heritage place and should be included in the listing.

112 Commercial Street East MOUNT GAMBIER	Federal Hotel External form of 1914 hotel including chamfered corner configuration. Significant detail includes raised quoining & window & door dressings and stone chimneys . Note all stonework now painted. Later verandah not included.
35-57 Ehret Street MOUNT GAMBIER	Housing Trust Houses External form and materials of original 1945 Housing Trust houses <i>including face limestone walls with raised banding now painted, simple open timber verandahs structure, limestone chimneys with terracotta edging, timber sash windows with horizontally divided panes, & cyclone mesh & galvanised pipe low fencing to all houses.</i>
22 Fairlie Street MOUNT GAMBIER	House External form and original materials of 1905 house including rock face dolomite & dressed limestone walls with detail to front gable end window dressing, castellated parapet over angled porch entrance and stone chimneys .

76 Commercial Street West MOUNT GAMBIER	Commercial Hotel External form and original materials of 1904 hotel and verandah <i>including limestone walls and stone chimneys, projecting bays with parapet, two storey bull-nose verandah & cast iron detailing.</i>
282 Commercial Street West MOUNT GAMBIER	House External form and materials of 1860's section of current house including dressed stone walls and chimneys , simple pitched roof form, stone verandah supports, & timber window joinery.
116 Crouch Street North MOUNT GAMBIER	House External form, original materials and details of the circa 1903 residence including symmetrically fronted limestone detail and chimneys & bull-nose verandah roof form.
93 Crouch Street South MOUNT GAMBIER	House External form and materials of circa 1870's residence including double gabled form with central entrance porch & raised limestone quoining & limestone walls and chimneys .
19 Doughty Street MOUNT GAMBIER	House External form, original materials and architectural detail of 1883 residence including dressed limestone walls and chimneys , small projecting segmental bay window, tall gable ended front elevation, & timber verandah structure with slate access steps. The Canary Island Date Palm (<i>Phoenix canariensis</i>) is notable.
23 Doughty Street MOUNT GAMBIER	House External form, original materials and architectural detail of 1860's and 1887 residence <i>including gable ended projecting bays, arch headed stone porches, timber window & door joinery, & dressed stone walls and chimney. Mature Cottonwood (<i>Populus deltoides</i>) and garden setting</i>
2 Eustace Street MOUNT GAMBIER	House External form, materials and architectural detail of 1915 residence <i>including dressed limestone walls and chimneys, rock face limestone, projecting window to front elevation, limestone balustrade wall to verandah & paired timber verandah posts with triangular bracketing.</i>
18 Eustace Street MOUNT GAMBIER	House External form and materials of 1909 residence <i>including dressed limestone walls and chimneys & window & door dressings & quoining, timber sash windows & entrance door with</i>

22 Fairlie Street MOUNT GAMBIER	House External form and original materials of 1905 house including rock face dolomite & dressed limestone walls and chimneys with detail to front gable end window dressing, castellated parapet over angled porch entrance.
24 Fairlie Street MOUNT GAMBIER	House External form and original materials of 1905 house including face dolomite front walls & dressed limestone chimneys, window & door dressings & quoining, & dressed limestone chimneys.

87 Gray Street MOUNT GAMBIER	House (Lambert Village) External form, original materials and architectural detail of earliest sections of circa 1862 residence including face limestone walls with dressed limestone windows and chimneys to the two storey section. The later additions to the side & elevation facing Elizabeth Street, & later roof tiles are not included.
101 Gray Street MOUNT GAMBIER	House (former Manse) External form, original materials and architectural detail of circa 1868 and 1889 elements of residence including face dolomite walls with dressed limestone window & door dressings & quoins and stone chimneys. The later stone balustrade to upper balcony area is not included.
49 Helen Street MOUNT GAMBIER	Former Private Hospital External form, materials and detailing of the 1915 former private hospital including plan and roof form, dressed limestone walls, and stone chimneys, door and window dressings, timber window, door and verandah joinery.
11 Herbert Street MOUNT GAMBIER	House, former Chapel External form and original materials of 1869 chapel including random coursed dolomite front elevation, lancet windows with limestone dressings, limestone dressings to pointed arch doorway, projecting limestone bell gablet to front elevation, diamond pane leadlight windows, & side elevations of limestone.
1 Jardine Street MOUNT GAMBIER	House External form, original materials and detailing of circa 1898 residence including face dressed limestone walls, & window & door dressings & quoins and stone chimneys eaves brackets & timber details to roof gable ends. Two mature flowering gums to the garden facing Jardine Street are also included in the listing.
7 Jardine Street MOUNT GAMBIER	House External form and detailing of circa 1920 residence including tapered front limestone columns to verandah, face grey dolomite walls & front roof gable, tiled roofing and cresting and stone chimneys.
22 Jardine Street MOUNT GAMBIER	House and Fence (Holstein) External form, original materials and architectural detail of 1909 residence including sawn limestone walls and stone chimneys, cast iron verandah elements & limestone fence pillars.
27 Jubilee Highway West MOUNT GAMBIER	House External form, original materials and architectural detail of circa 1868 residence including face dolomite walls with painted dressed limestone window & door dressings & quoins and stone chimneys, segmental bay windows, concave verandah roof form.
35 Jubilee Highway West MOUNT GAMBIER	House External form, original materials and architectural detail of circa 1890 residence including face dolomite walls with painted dressed limestone window & door dressings & quoins and stone chimneys, segmental bay window, cast iron verandah posts and trim.
6-10 Krummel Street MOUNT GAMBIER	Laundromat External form and original materials of former circa 1850's National Bank including limestone walls and stone chimneys, timber framed sash windows with multi-paned lights, small projecting entry bay to door, & attached projecting room (now converted to laundry). Later alterations are not included.
12 Kywong Court MOUNT GAMBIER	House External form, materials and detail of circa 1880's farmhouse including face limestone walls & door & window dressings and stone chimneys, projecting bay & verandah form (later infill to verandah is not included).

60 Penola Road MOUNT GAMBIER	House External form, materials and detailing of circa 1920's alterations to a 1904 construction including multi-gabled terracotta roof including second storey, rock face dolomite walls, substantial limestone verandah pillars and stone chimneys & timber & render gable end detailing.
44 Pick Avenue MOUNT GAMBIER	House External form, materials and detailing of the circa 1900 house including face stonework, raised stone dressings, stone chimneys and return verandah.
20 Powell Street MOUNT GAMBIER	House (Curatum) External form, original materials and architectural detail of circa 1898 residence including limestone walls, stone chimneys and detailing. Mature trees and garden setting
7 Queens Avenue MOUNT GAMBIER	House External form and original materials of circa 1890's house including dressed sawn limestone walls and chimneys with detailed quoining to windows & doors, & projecting bays to Queens Avenue & north facing elevation.

46-58 Wireless Road West MOUNT GAMBIER	House External form and materials of circa 1880's farmhouse including both sections of the residence, including symmetrically fronted limestone section and chimneys with cast iron verandah posts & trim, & adjacent limestone bow fronted section.
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If you have any queries please do not hesitate to contact me on 8232 9925.

Yours sincerely,


Richard Woods South East Heritage Adviser



Member
Australian
Institute of
Architects