

Future land use definitions and classes

What is being reviewed?

How we define the use of land in South Australia plays a vital role in helping to assess developments and is a key part of modernising our planning system for the 21st century.

The Government of South Australia has initiated a review of land use definitions and classes to support a variety of planning work to happen consistently across the state with efficiency, accuracy and certainty.

This will support the development of a suite of fresh land use definitions and classes to be included within the soon to be developed planning rules for our state – the Planning and Design Code.

Ensuring a clear, consistent and effective suite of definitions and land use classes will enable our planning system to be more responsive to development trends and priority issues affecting our state.

Feedback from practitioners who regularly use the planning system will be a valuable part of this review.

Have your say:

We are calling on planning practitioners and other regular users of the planning system to provide feedback on potential gaps, areas of conflict or opportunities for improvement within the current suite of land use definitions and classes in South Australia.

Some definitions under our current planning system may no longer be relevant in contemporary planning. Other definitions may simply need updating to reflect current language, while others may continue to perform well within contemporary planning. There may also be a need for completely new definitions for more recent and emerging land uses not catered for in our current system.

We are now seeking feedback in relation to five key questions:

1. **What land use definitions are working well?**
2. **What improvements could be made to better reflect today's policy and development trends?**
3. **What gaps or areas of conflict are there within our current definitions?**
4. **What land uses and development types might better function if grouped together?**
5. **How can we present the concept of land use classes in the Code and reduce the number of change of use applications?**

How your feedback will be used:

Listening to your feedback, we will develop a future suite of fresh land use definitions and classes which will be incorporated into the Planning and Design Code.

There will many future opportunities to have a say on the development of the Planning and Design Code, and more information about the Code's development is available on the [SA Planning Portal](#).

Contact:

Please answer the key questions and include any additional feedback or thoughts you have.

Simply email or post your comments to us at:

- DPTI.PlanningEngagement@sa.gov.au
- PO Box 1815, Adelaide SA 5001.

The closing date to have your say is Friday 20 April 2018. We would appreciate your response before then.

Introduction

Land use definitions in South Australia

Definitions of land use have existed since the first planning legislation in the 1960's. In fact, many of the definitions we use today date back from this time. Definitions are currently located within Schedule 1 of the Development Regulations, and are also throughout some development plans. The new *Planning, Development and Infrastructure Act 2016* enables definitions to be contained within our state's Planning and Design Code, making it easier for definitions to keep pace with contemporary policy approaches. It provides a great opportunity to consider the definitions that work well and those that could be improved.

In 2011, following a comprehensive review of case law and creating the South Australian Planning Policy Library (SAPPL), we published a [terminology list](#) to assist councils, planning professionals and consultants to help with policy drafting.

The SAPPL list, in addition to [Schedule 1 of the Development Regulations](#), will be a starting reference point for the review of definitions and terminology.

Land use classes in South Australia

Our new *legislation* enables us to consider the concept of land use classes, principally as a mechanism for eliminating minor applications for change of use. In particular, an application for a change of use will not be required if moving between uses within a land use class.

Purpose of review

The purpose of the review is to consider the role and application of land use definitions and classes in the following contexts:

- New planning assessment pathways and the consistent processing of applications
- Providing certainty around assessment of applications that would be automatically approved under certain criteria
- Moving towards a mixed use and performance based approach to planning assessment
- Grouping land uses with similar impacts and spatial requirements to streamline change in use
- Implementing a digital system based around precision and certainty, including the provision of information to users including applicants, authorities and investors.

Process for review

This review process involves two key topics:

Topic 1 – land use definitions

Initial feedback through a recent review of local council development plans across South Australia has drawn attention to a number of potential land use definition gaps, issues and anomalies. In this regard, we are now seeking feedback on the following questions:

1. What land use definitions are working well?

Tell us which definitions are holding their own in the development assessment space today. We intend to identify definitions that are consistently understood and applied, and should therefore continue to feature in land use definitions within our new planning system.

2. What improvements could be made to better reflect today’s policy and development trends?

Tell us what definitions should be added to better reflect today’s land use and development trends, as well as whether there are any land use types that could be included or excluded from certain definitions.

3. What gaps or areas of conflict are there within our current definitions?

The concept of arranging land uses into ‘activity groups’ is already used by a number of other states, principally as a mechanism to reduce unnecessary or duplicate policy content within zones.

For example, rather than listing a range of dwelling types as being ‘envisaged’ in a zone, the umbrella term of ‘residential’ could be used instead.

4. What land uses and development types might better function if grouped together?

Consider whether grouping land use definitions under common umbrella terms would be simpler and more efficient than multiple definitions for similar uses. Tell us your thoughts on why some land uses should or shouldn’t be grouped together.

Topic 2 – land use classes

The new system provides potential for the concept of ‘no change of use’ to be broadened through establishing land use classes. As explained in s4 (6), Planning, Development and Infrastructure Act 2016 - *‘a change of use specified in the Planning & Design Code will not be regarded as a change of use of land under this Act.’*

5. How can we present the concept of land use classes in the Code and reduce the number of change of use applications? i.e. shop to consulting room to office back to shop in a centre zone.

In thinking about this question consider:

- The benefits land use classes could bring to the new system
- The types of land use changes that do not require an application
- What the system should keep track of in relation to land use change.

Some examples of what we've heard

“ Dependent accommodation... there is increasing pressure for this development type but it is often interpreted as a second dwelling and subject to more onerous assessment procedures. What type of facilities should be shared with the main dwelling? ”

“ Shops vs restaurants vs bulky goods outlets... do they share similar impacts or should they be defined independently? ”

“ Supported accommodation... need to provide flexibility in housing types for the ageing. Retirement villages are currently assessed as 'group dwellings'. ”

“ Horticultural buildings... are currently undefined and cannot be considered 'farm buildings'. ”

“ Serviced apartments... not currently defined but is anticipated by policy. Potential problems converting serviced apartments to residential. ”

“ Tourist accommodation... problematic. Encompasses a variety of accommodation types of varying scale and impact. Influenced by tenure and length of stay. ”

“ Motel... the necessity to include an associated restaurant can be problematic where this element is intended to be operated independently from the motel. ”

“ Intensive animal keeping... need to review how intensive animal keeping is being determined. Consider emerging small-scale free range enterprise, options for thresholds etc. ”

“ Residential flat buildings... development involving more than one, two-storey residential flat building is being assessed as Category 3 – full public notification and third party appeal rights. ”

“ There is a need to define and apply policy to emerging energy resources such as 'battery storage', 'solar farms' and consumer facilities such as 'battery recharge points'. ”