

WHAT WE HAVE HEARD SUMMARY

FUTURE LAND USE DEFINITIONS AND CLASSES



This summary outlines the feedback we received on the technical discussion paper, *Future land use definitions and classes*.

During April-May 2018, planning practitioners and other regular users of the planning system were invited to tell us what was working well in the planning system in regards to current land use definitions, as well as what was not working well and if there were any gaps. They were also asked to assess the introduction of a new concept in the planning system: land use classes. Over 30 submissions were received from councils, government agencies, individuals and organisations.

How is this feedback being used?

This feedback is being used to inform updated land use definitions and support the introduction of land use classes, which for the first time will be housed in the new Planning and Design Code instead of within legislation. This will make it easier for definitions and classes to keep pace with contemporary planning practice.

What we have heard on land use definitions

Overall themes

The overall themes of the feedback received on land use definitions are outlined below:

- Good procedural definitions lead to good planning.
- Definitions need to be contemporary and responsive to emerging and future trends in land use.
- Revised definitions need to be unambiguous and written in plain English to limit misinterpretation and facilitate understanding among the broader public.
- Definitions need to be able to be applied to non-standard development applications.
- Case law needs to be considered in a number of areas.
- Clarification is required for mixed-use developments and the concept of ancillary and accessory use.
- Clarification is required on the role of definitions in a performance-based system where consultation and appeal rights are based on off-site impacts.
- Clarification is required on whether land use definitions should better align with building classifications.





Specific feedback

Specific feedback received on land use definitions is described below:

Residential development

- Residential land use definitions have not kept up with changes to residential housing options and need to better address emerging trends such as cluster housing; supported or self-contained urban garages; serviced apartments; group dwellings; vertical retirement villages; short term accommodation; caretaker's residences; ancillary dwellings; hammerhead allotments; and non-standard applications.
- There is a lack of clearly defined land use definitions for retirement living; aged care accommodation; and student accommodation.
- More emphasis is required on built form and functional use rather than dwelling type.

Commercial activities

- The current land use definition for petrol stations is out of date and not suitable for modern integrated service station complexes, resulting in inconsistencies in assessment approach and uncertainty in investment decisions. Consideration also needs to be given to battery-charging stations.
- There is a lot of confusion surrounding the assessment of development applications for 'places serving food'. The land use definitions for cafés, restaurants, takeaway outlets and 'drive-through' services need to be better defined.
- Land use definitions for 'bulky goods outlets' and 'service trade premises' need to be better differentiated and consideration needs to be given to the fact that businesses of this nature are becoming less specialised.
- Further guidance and clarification is needed on land use definitions for 'shops', particularly as this definition relates to personal service establishments.

Rural and primary production

- The definition of a 'farm building' needs to be broadened to include those buildings associated with horticulture and viticulture.
- The existing land use definition for intensive animal keeping needs to be revised to consider emerging trends in agriculture. In addition, a clearer land use definition for aquaculture and animal breeding is required.
- References to hand-feeding and 'area per horse' need to be reviewed in the current land use definition for horse-keeping.
- There is a lack of land use definitions for produce sales and value-adding, namely in the viticulture industry related to wineries, cellar doors, special events, wine stores. Further, horticultural and agricultural activities such as fertiliser generation, protein rendering and the manufacture of animal feed do not have sufficient land use definitions.

Tourism and tourist accommodation

- The term 'hotel and motel' is considered to be out-of-date and a new land use definition that encompasses the more modern types of tourist accommodation, including Airbnb outlets, needs to be considered.

Industrial

- Land use definitions for industrial sites are considered to be too broad and not sufficiently quantitative to be effective.

Community

- The existing land use definition for 'indoor recreation centres' is no longer appropriate for contemporary trends in recreational land use, such as training and fitness centres and yoga and pilates studios.



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What we have heard on land use classes

The concept of land use classes proposes that similar land uses be grouped together to form a 'class'. It is envisaged that a change from one land use to another land use within a land use class will not require development approval.

Feedback on the introduction of land use classes indicated that there was general support for them, particularly as an effective means of minimising the number of 'change of use' applications in the planning system and improving efficiencies.

Specific responses received on land use classes are described below:

- Land use classes will need to be clearly defined to be most effective, as land use change can cause different degrees of impact depending on local circumstances. For example, land use impacts could be more noticeable in sensitive areas (e.g. residential) versus other areas (activity centres). Land use classes could therefore be tailored to zones.
- An alternative approach to land use classes may be to define them by 'intensity of land use'. This would mean that land uses that have similar levels of impact on the surrounding environment become grouped together.
- Land use classes will need to be cognisant of building code classifications and any misalignment between the two will need to be addressed (e.g. changing a land use from a 'shop' to an 'office' may no longer require a 'change of use' application to be lodged in the planning system, but it will still require relevant building checks).



What will happen next?

The State Planning Commission will use the feedback received on land use definitions to prepare a draft schedule (list) of land use terms for use in the new Planning and Design Code.

The land use terms will go out for consultation with policy for the Code since they are integral to one another.

This initial review of land use definitions has been helpful in informing our high-level approach.

In the interim, further investigation will be undertaken specifically into land use classes to ensure that they are beneficial, sustainable and sensitive to other parts of the planning and building systems.

For further information visit:

www.saplanningportal.sa.gov.au

www.saplanningcommission.sa.gov.au

