



THE BICYCLE INSTITUTE OF SOUTH AUSTRALIA

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Diverse transport systems are healthy transport systems

17 October 2018

Rhiannon Hardy, Project Lead, Assessment Pathways
Department of Planning, Transport and Infrastructure
Level 5, 50 Flinders Street, Adelaide 5000
GPO Box 1815, Adelaide SA 5001

Dear Ms Hardy,

Assessment Pathways

I am writing on behalf of the Bicycle Institute, which has defended the rights of cyclists since its establishment as the Cyclists' Protection Association in 1974.

A recent planning application provides an example of the need for an organisation such as ours, and also suggests a weakness in the current planning assessment arrangements. Having read the Assessment Pathways Discussion Paper, we are not sure if this weakness will be remedied or not.

The application concerns the redevelopment of the Caroma site on Magill Road (155/M009/18). It is being assessed by the State Commission Assessment Panel. The developer's proposal includes installing a central lane on Magill Road, to allow right turn movements onto the site. To do this, it is proposed that the bike lane be removed, despite DPTI's Functional Hierarchy for South Australia's Land Transport Network identifying Magill Road as a "Major Cycling Route (metro)". It is also despite crashes involving cyclists being hit by right turners being the most common form of cyclist injury on Magill Road.

Clearly the existence or otherwise of a bike lane on an arterial road is a matter of concern for people cycling on that road. Yet when several people wrote to the Planning Assessment Panel about this, the response they received was as follows:

"...are you an adjacent resident to the proposed development site who was notified of the development by formal letter from the State Commission Assessment Panel?"

If so, could you please attach the response letter which was included with this formal notice. If you are not an adjacent resident who was notified through such means, due to the Category 2 nature of the development, this representation will be void."

We do not know if this approach was legal or not. It may well be that the officer responding on behalf the State Commission Assessment was mistaken in his or her understanding of the legislation. Certainly, the planning website states: "Other people not directly notified may still make representations but the Act allows SCAP the discretion as to whether they will be taken into account." We understand that this is compatible with the discretion contained in Section 38 (7) and Section 38 (10) (a) of the Development Act 1993. We are therefore concerned that the advice received indicates that this "discretion" amounts to not even looking at the representation made.

The discussion paper regarding assessment pathways does not appear to cover who has the right to be heard by an ab initio decision-making body (as opposed to the right to appeal to the Environment, Resources & Development Court). Or is it assumed (but not stated) that the right to comment is restricted to only those who are notified?

We are concerned to see that people who would obviously be affected by a decision have the right to express their views, whether or not they are an adjacent resident. Further, we would argue that a development such as the Caroma site would have impacts on people from further afield than the 60 metres proposed to be the limit for “adjacent resident”.

Clearly planning decisions involve some levels of discretion on the part of planning officers, and sometimes the decisions they make will be bad. What we will be looking for in the final regulations is an assurance that people who are not adjacent residents but who will clearly be affected by a decision are given the right to be heard.

The Caroma site also brought up the issue of bicycle parking, in that the proponent stated that this would be accommodated “inside the townhouses”, which is not an acceptable response. Currently, Development Plan provisions related to bicycle parking are poorly understood or enforced by traffic engineering assessors in terms of both amount and a form constituting compliance with requirements. Further, traffic engineering devices such as a continuous footpath treatment where an access street intersects with the main road would enhance both cyclist and pedestrian safety at these junctions – but is not a type of treatment well understood in South Australia. In fact, the access street will have such low traffic volumes that constructing it as a shared space environment would produce a high quality streetscape with enhanced safety.

We would therefore like to know how stakeholders can be assured that best practice, which may be innovative or emerging in South Australia, will be incorporated into the planning education and accreditation provisions.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Ian Radbone". The signature is fluid and cursive, with the first name "Ian" being particularly prominent.

Dr Ian Radbone

Bicycle Institute of South Australia