

State Government response to the Expert Panel on the Planning System Implementation Review

Strategic Alignment - Our Places

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City Planning, Development and Business Affairs Committee

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EXECUTIVE SUMMARY

The purpose of this report is to provide an overview of the State Government's response to the Planning System Implementation Review (PSIR) and the Expert Panel's Report.

An independent review of the *Planning, Development and Infrastructure Act 2016 (SA)* and the Planning and Design Code commenced in August 2022 by an Expert Panel to ensure planning decisions encourage a more liveable, competitive and sustainable long-term growth strategy for Greater Adelaide and the regions. The review was open to industry, community, state and local government to comment.

Council made a submission to the Expert Panel in January 2023 with 57 recommendations. The City of Adelaide's submission reflected Council and community feedback and recommended improvements to the Planning System under the themes of Live, Local and Lead ([Link 1](#)).

This report summarises the recommendations of the Expert Panel and the State Government's response, as it aligns with the Council's submission and implications for the City of Adelaide.

RECOMMENDATION

The following recommendation will be presented to Council on 14 May 2024 for consideration

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Notes the update on the State Government's response to the Expert Panel into the Planning System Implementation Review.
 2. Notes that Administration will continue to work with State Government Agency, Planning and Land Use Services, on the implementation of the recommendations of the Planning System Implementation Review.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	Strategic Alignment – Our Places Encourage bold, interesting and purposeful development that supports the changing needs of our community and city
Policy	At its meeting on 31 January 2023, Council endorsed its submission to the Expert Panel on the Planning System Implementation Review. The submission reflected both Council and community feedback and recommended improvements to the Planning System under the themes of Live, Local and Lead.
Consultation	Council Members have received updates on implementation of the Planning System Implementation Review via E-news.
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	The State Government’s response to the Expert Panel Report addresses some of the high-priority areas identified by the City of Adelaide for improvement to the State Government’s Planning System. Implementing the recommendations has the potential to improve the Planning System and development outcomes for the City of Adelaide.
23/24 Budget Allocation	Not as a result of this report
Proposed 24/25 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	The City of Adelaide will continue to follow up on the implementation of the recommendations supported by the State Government and advocate for further improvements to other high priority areas identified in Councils submission.
23/24 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

Background

1. At its meeting on January 2023 Council endorsed its submission to the Expert Panel on the State Government Planning System Implementation Review ([Link 1](#)).
2. The Expert Panel delivered its report to the State Government in March 2023 ([Link 2](#)), with the State Government releasing the Expert Panel Report and its response on 28 March 2024 ([Link 3](#)).

Expert Panel Report and Recommendations

3. The Expert Panel report contains 72 substantive recommendations. There is also reference to:
 - 3.1. 25 minor and operational recommendations
 - 3.2. 16 early recommendations made to the Minister for Planning (from January 2023 to September 2023).
4. The State Government has reported that of the above recommendations:
 - 4.1. 63 have been fully supported for implementation
 - 4.2. 13 are supported in principle
 - 4.3. 36 are supported in principle, but require further investigation
 - 4.4. 1 is not supported for implementation.
5. Highlights reported by the State Government relevant to the City of Adelaide are:
 - 5.1. Appeal rights for over-height developments in some circumstances
 - 5.2. Stronger tree protections
 - 5.3. Broader heritage protection with improved design guidelines
 - 5.4. More demolition controls
 - 5.5. Increased car parking provisions
 - 5.6. Improving incentives to encourage a greater provision of affordable housing.
6. A summary of the recommendations with an administrative comment is provided in [Link 4](#).
7. Administration supports most of the Expert Panel's recommendations, particularly those that will improve development assessment processes, information for community members, and public notification and appeal rights.
8. Where the State Government has supported the Expert Panel's recommendations subject to further investigations, the City of Adelaide will seek to work with the State Government to influence outcomes consistent with Council's submission.

Response to Council's Submission

9. Council's submission to the Expert Panel reflected both Council and community feedback and recommended improvements to the Planning System under the themes of Live, Local and Lead.
10. Of the 57 recommendations in Council's submission, four (4) were addressed prior to release of the Expert Panel report, 12 have been addressed by the State Government response, 17 have been partially addressed and 24 have not been addressed.
11. The four recommendations addressed prior to the release of the Expert Panel report, were:
 - 11.1. Reinstatement of definitions for adult entertainment premises and adult products in the Planning and Design Code by the State Government, and initiation of a related Code Amendment by the City of Adelaide.
 - 11.2. Agreement between the City of Adelaide and the State Government to deliver the Adaptive Reuse City Housing Initiative (ARCHI).
 - 11.3. Subscription alerts when Code Amendments are uploaded to the Planning Portal to allow time for meaningful engagement on proposed changes to the Planning and Design Code.
 - 11.4. Planning regulation changes that require applicants to obtain authorisation from their relevant Strata or Community Corporation body before applying for development approval.

12. Council's submission identified a number of high priority improvements. These are identified in the below, with the Expert Panel's response alongside.

Councils' High Priority Improvements	Expert Panel's Response
A review of catalyst site policies to manage the transition in height and scale of development particularly within or adjacent to residential areas. Improvements to policy guiding development at the interface between zone and/or site boundaries.	Review of catalyst site policy to address improvements to interface management and related policies.
Increasing the scope of public notification of development applications.	Increased education around public notification and a new category of notification for boundary development.
Broadening appeal rights beyond the developer only.	Appeal rights for over-height development are proposed (which may be relevant to the catalyst site policy review).
A review of Council Assessment Panels and the current range of authority (including the current \$10m threshold).	No recommendation has been made about extending the scope of Council's Assessment Panel, however, this issue is being progressed separately to enact Council's decision on 26 March 2024
Greater protections for vegetation and tree canopy.	Recommendations to protect and enhance vegetation and the urban tree canopy.
Improved policy to guide waste management.	No recommendations have been made by the Panel regarding waste management, however this is being addressed through the City of Adelaide's Code Amendment program.
Land use vs licensing assessment, particularly adult entertainment.	No recommendations have been made by the Panel regarding this, however this is being addressed through the City of Adelaide's Code Amendment program.

13. Other recommendations of the Expert Panel and State Government that align with the Council's submission include:
- 13.1. Local heritage transitioned from the *Planning, Development and Infrastructure Act, 2016 (SA)*, to the *Heritage Places Act 1993 (SA)* to align with State Heritage listing processes and support the requirement that replacement buildings be approved prior to demolition approval in character areas.
 - 13.2. Car Parking Offset Funds should be permitted to be used to build active transport facilities.
 - 13.3. Increasing the fees for the Urban Tree Canopy Offset Scheme to reflect the cost of local government planting and maintaining tree assets.
 - 13.4. Recommendations to support design innovation to enable tree retention and investigations into opportunities and mechanisms to encourage tree retention and planting on private land.
 - 13.5. Establishment of the Housing, Infrastructure Planning and Development Unit in the Department for Trade and Investment to establish and implement Infrastructure Schemes
14. A summary of Council's recommendations and the response from the State Government are included in [Link 5](#).

Next Steps

15. The State Government has estimated it will take approximately 18 months to implement the supported recommendations of the PSIR.
16. Administration has contacted the State Government to progress discussions on the review of catalyst site policy.
17. Administration will continue to work with the State Government seeking to actively progress outcomes arising from the Council's submission to the PSIR through available avenues, including:
 - 17.1. The City of Adelaide's Code Amendment Program

- 17.2. A pilot of the Local Design Review process
- 17.3. Advocacy and policy amendment based on the City of Adelaide's Housing Strategy – Investing in our Housing Future.
- 18. Updates on the implementation of the recommendations will be provided to Council Members via E-news.

DATA AND SUPPORTING INFORMATION

- Link 1** – City of Adelaide Submission to the Expert Panel for the Planning System Implementation Review
 - Link 2** – [Final report and recommendations 2023 - Expert Panel for the Planning System Implementation Review](#)
 - Link 3** – [Response of the South Australian Government to the Final Report and Recommendations of the Expert Panel for the Planning System Implementation Review](#)
 - Link 4** – Expert Panel Recommendations with the City of Adelaide comments
 - Link 5** – Summary of the City of Adelaide Submission and State Government's Response to Expert Panel's Report
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ATTACHMENTS

Nil

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