

# Planning System Implementation Review – Submission

Tuesday, 31 January 2023  
Council

Strategic Alignment - Enabling Priorities

Public

**Program Contact:**

Sarah Gilmour, Associate  
Director Park Lands, Policy &  
Sustainability

**Approving Officer:**

Ilia Houridis - Director City  
Shaping

## EXECUTIVE SUMMARY

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.

For the City of Adelaide, the review provides an opportunity to highlight key changes to improve the planning system within the Capital City context. It is acknowledged that the new planning system is approaching two years of operation and the introduction of a simplified, state-wide set of policies, e-lodgement, online processing of planning and building approvals under new legislation are important and effective initiatives.

Council's response highlights opportunities for the planning system to value and recognise the City of Adelaide's rich planning and architectural heritage, whilst unlocking 21<sup>st</sup> Century, climate-responsive development potential. Stimulating the city's economic growth in this way, with a critical focus on growing our visitor economy, residential growth and enabling business growth and investment attraction are key aspirations of both City of Adelaide and State Government policies.

Strategic improvements to the planning system are recommended in Council's response to better enable key planning and development outcomes in the City of Adelaide. Consistent with Council's strategic directions, this will strengthen the planning system's ability to enable our communities to thrive, to strengthen our economy, enable a dynamic city culture and enable environmental leadership.

The response from City of Adelaide reflects Council and community feedback and recommends improvements to the Planning System under the themes of Live, Local and Lead, detailed in the report below. These include:

1. *'A vision and identity for the capital city'* that encourages greater emphasis on design standards through the planning system; supports strong interface policies to minimise development conflicts; strengthens or improves catalyst site policies to better respond to development interface issues; and facilitates better approval process for non-envisaged land uses.
2. *'Effective community participation, appeals and notification'* that supports engagement on policy; improves localised and discretionary notification settings for developments; requires a test of external impacts to be applied to minor variations; provides greater opportunity and transparency in appeals; improves certainty for owners and strata groups over strata approvals; and encourages more positive outcomes in relation to liquor licensing applications.
3. *'One Act for heritage protection'* that promotes a single legislation to govern and protect State and Local Heritage; identifies a simpler nomination pathway to assess Local Heritage Places; fast-tracks Historic Area Statements updates; and provides better demolition controls in an Historic Area.
4. *'Options for additional local assessment'* whereby the current \$10m financial threshold is revisited to use local expertise in the planning development assessment process.
5. *'All applications to be assessed under the existing planning system'* so that major developments within the city, specifically the Adelaide Park Lands, are consistently assessed with other developments including engagement with communities.
6. *'Development tracking and integrated e-Planning'* that improves on the positives of the current system, such as automatic notifications, spatial analysis, and automatic withdrawal of non-compliance proposals.

7. *'Strategic investment aligned to growth and infrastructure plans'* that seeks to ensure contributions to local infrastructure; improves policies on waste management; avoids premature demolition of buildings; diverts car parking funds to active and sustainable transport infrastructure; and seeks sufficient EV charging infrastructure.
8. *'Pathway to a climate-ready future'* that invests in green infrastructure; enhances tree canopy coverage; and enables climate-ready policies.
9. *'A place for everyone'* that supports a State-based approach to mandate provision of social and affordable housing.

The deadline for Council submissions to the Expert Panel was extended to 30 January 2023, whilst community submissions closed on 16 December 2022. City of Adelaide notified and received confirmation from Planning and Land Use Services that Council's formal submission can be made following Council decision on 1 February 2023.

This report seeks Council's approval of the draft City of Adelaide submission to the Expert Panel as contained in **Attachment A** – Draft City of Adelaide Submission to the Planning System Implementation Review, Expert Panel Questions and Strategic Response, to enable submission to the Expert Panel by 1 February 2023.

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## RECOMMENDATION

### THAT COUNCIL

1. Approves the submission included as Attachment A to Item 10.1 on the Agenda for the meeting of Council held on 31 January 2023, noting it addresses key issues considered by Council and informed through engagement with the community, including, but not limited to appeal rights, public notification, heritage, vegetation and tree canopy, building heights at zone transitions and changes in land use.
  2. Authorises the Chief Executive Officer to amend, finalise and forward the submission to the Expert Panel's Planning System Implementation Review, included as Attachment A to Item 10.1 on the Agenda for the meeting of Council held on 31 January 2023.
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## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Enabling Priorities</b> 5.3 Build on effective advocacy and partnerships locally, nationally and globally
Policy	The State Government initiated the planning system implementation review process during the local government election period. Administration drafted a submission to the review which builds on policy positions of the City of Adelaide as well as a draft strategic response to the review that reflects priorities raised by Council Members and informed through engagement with the community ( <b>Attachment A</b> ).
Consultation	The State Government’s consultation process included workshops for State Government practitioners, building practitioners, planning practitioners and community. Sessions were provided for local government Mayors and Chief Executive Officers, which occurred during the local government election and caretaker period.  A workshop was held with Council on 6 December 2022 to guide preparation of a strategic response to the Expert Panel.  Administration wrote to the Expert Panel on 8 December 2022 seeking a community information session to be held in the City of Adelaide, a response to this request has not been received at the time of publishing this report.  The Council Assessment Panel discussed the State Planning review on 12 December 2022.  Council resolved on 13 December 2022 to undertake community consultation on the State Government review process. Consultation opened on 20 December 2022 and closed on 13 January 2023.  A further workshop was held on 24 January 2023 to refine Council’s submission to the Expert Panel based on Council Member feedback.
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	To highlight issues and opportunities with the design and operation of the State planning system, to improve outcomes for the City of Adelaide.
22/23 Budget Allocation	Not as a result of this report
Proposed 23/24 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	The state-wide planning system introduced in South Australia pursuant to the <i>Planning, Development and Infrastructure Act 2016 (SA)</i> will continue to govern the way planning policy and development assessment is undertaken by local government.
22/23 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

1. The Minister for Planning commissioned an independent review of South Australia's planning system on 5 August 2022. **Link 1** – [Planning System Implementation Review](#)
2. An independent Expert Panel was appointed by the State Government to identify opportunities to ensure planning decisions encourage a more liveable, competitive, affordable, and sustainable long-term growth strategy for Greater Adelaide and the regions.
3. The Expert Panel released three [discussion papers](#) (**Link 2**) on 17 October 2022 outlining the scope of the review and possible reform options titled:
  - 3.1. *Planning, Development and Infrastructure Act, 2016* – Reform Options
  - 3.2. Planning and Design Code – Reform Options
  - 3.3. e-planning system and the PlanSA website – Reform Options.
4. The Panel sought feedback from industry, community, State, and local government on the review. The State Government held a Mayors / Chief Executive Officer workshop as well as building practitioner and planning practitioner workshops during October and November 2022. Administration attended the Mayors / Chief Executive Officer workshop, and the Planning Practitioner workshops.
5. The State Government review process was open to the community for comment and community information sessions were held on 1, 8 and 13 December 2022, as follows:
  - 5.1. 1 December – 11.30am – 1.30pm – online community workshop
  - 5.2. 8 December 10am – 12pm – in person workshop – Parks Library, Angle Vale
  - 5.3. 13 December 5pm – 6.30pm – in person workshop – Fullarton Park Community Centre, Fullarton
  - 5.4. 13 December 7.30- 9.00pm – in person workshop – Don Pyatt Hall, Norwood.
6. Key community and industry groups were invited to provide deputations to the Panel at the Panel's discretion.
7. Much of the consultation for the State Government review coincided with the local government election and caretaker period.
8. The deadline for community submissions was 16 December 2022.
9. The deadline for local government submissions was extended to 30 January 2023.
10. City of Adelaide notified and received confirmation from Planning and Land Use Services that Council's formal submission be made following Council's decision by 1 February 2023.
11. Council received a deputation from a community member at its meeting held on 29 November 2022 requesting the Council seek an extension to the submission timeframe to the end of March 2023.
12. The timeframe for submission to the State Government review process was discussed by Council Members at a CEO briefing held on 6 December 2022. The Lord Mayor subsequently wrote to the chair of the Expert Panel and the Minister for Planning on 8 December 2022 seeking a further extension until 31 March 2023 and a community information session to be held in the City of Adelaide. The Minister for Planning provided a response dated 14 December 2022 declining the request for a further extension.
13. At its meeting held on 13 December 2022, Council resolved to undertake public consultation on the State Government review. The consultation was open from 20 December 2022 and closed on 13 January 2023. This report provides summary information on community participation in the consultation.

## Background

14. At its meeting on 25 July 2017, Council adopted guiding principles for submissions about the introduction of the planning system which are shown on page 4 of **Attachment A**.
15. City of Adelaide has actively participated in State Government processes to create the new State planning system. Submissions by City of Adelaide since the creation of the State Planning Commission in 2017 include:
  - 15.1. **Link 3** view [here](#) - Submission on the Community Engagement Charter – September 2017
  - 15.2. **Link 4** view [here](#) – Submission on the State Planning Policies – September 2018
  - 15.3. Submissions on Discussion Papers to inform the creation of the Planning and Design Code;

- 15.3.1 **Link 5** view [here](#) - Performance Indicators 17 October 2018
- 15.3.2 **Link 6** view [here](#) - Assessment Pathways – 16 October 2018
- 15.3.3 **Link 7** view [here](#) - Accredited Professionals Scheme Discussion Draft – 30 April 2018
- 15.3.4 **Link 8** view [here](#) - Accredited Professionals Draft Regulations 16 October 2018
- 15.3.5. **Link 9** view [here](#) - Natural Resources and Environment and Integrated Movement Systems 12 November 2018
- 15.3.6 **Link 10** view [here](#) - Productive Economy 21 February 2019
- 15.4. **Link 11** view [here](#) - Submission on the Draft Planning and Design Code – 28 February 2020
- 15.5. **Link 12** view [here](#) – Submission on Revised Draft Planning and Design Code - 13 November 2020
- 15.6. **Link 13** view [here](#) - Submission on the Ministerial Riverbank Code Amendment – 17 November 2021
- 15.7. **Link 14** view [here](#) - Submission on Ministerial Miscellaneous & Technical Enhancements Code Amendment 23 September 2022
- 16. On 3 August 2021 Council identified priorities for future amendments to the Planning and Design Code (**Link 15** view [here](#) - Council Report “Planning & Design Code – Update and Future Priorities – August 2021”).
- 17. The Planning System review is an opportunity to highlight priorities for reform within a Capital City context.
- 18. Council’s response identifies strategic and future-focussed pathways for improving planning and development outcomes aligned to City of Adelaide’s strategic plan outcomes.
- 19. Specific opportunities to improve effectiveness and efficiency in development assessment processing are identified, specifically in the context of the challenges and opportunities faced in a highly urban and unique Capital City environment.
- 20. Although the State Government’s current Planning System Implementation Review is not a Code Amendment process, it can influence future opportunities for policy improvements.
- 21. The City Plan is identified as the mechanism and framework to work with the State Government around future opportunities to strengthen the Planning and Design Code to reinforce the city as the physical and economic heart of the state.
- 22. A program of work on future planning system improvements, including potential Planning and Design Code Amendments will be brought to Council in 2023.

### **City of Adelaide Consultation**

- 23. The City of Adelaide prepared a survey to seek community feedback to inform its response to the Expert Panel. The survey was available on Council’s website, shared via social media and emailed directly to:
  - 23.1. 558 Plan SA applicants within the City of Adelaide who have interacted with the system
  - 23.2. 6,499 Residents and ratepayers registered on the City of Adelaide Your Say website
  - 23.3. 31,221 City of Adelaide LinkedIn followers
  - 23.4. 8,000 contacts through the AEDA City Business newsletter.
- 24. A total of 82 responses to the City of Adelaide consultation process were received (**Link 16** view [here](#)). A total of 10 submissions made by respondents to the Expert Panel were shared with the City of Adelaide.
- 25. Comments raised by the community reinforce and are consistent with City of Adelaide’s submission.
- 26. Key themes arising through the community submissions include:
  - 26.1. Public notification - respondents are most interested in having an ability to respond to multi-storey and residential developments, followed by adjacent development/commercial development. Respondents broadly support development applications and variations being more widely notified.
  - 26.2. Appeals - respondents are seeking broader appeal rights including as neighbour, community member and applicant. Respondents supported expanding rights of appeal for adjacent and nearby properties and concerned parties. One submission suggested the Environment, Resources and Development Court should have greater discretion to award costs in certain circumstances.
  - 26.3. Policy importance - respondents ranked the policy areas under review in the following order of importance: character, heritage, trees, infill development and car parking.

- 26.4. Planning system importance – respondents ranked aspects of the planning system under review in the following order of importance: impact assessed development, public notification and appeal rights, verification of development applications, local heritage, accredited professionals, website experience, deemed consents and infrastructure schemes.
27. Other comments arising from community submissions include (in no particular order):
- 27.1 Catalyst sites – request to revisit policies which provide concessions to policy parameters beyond what otherwise may have been envisaged in the Planning and Design Code, particularly where the development has impacts on character, amenity and building height/form.
  - 27.2. Certainty – creation and adherence to policy limits (specifically height and heritage value), clear rules for assessment of variations to development applications, and reduced frequency of Code Amendments.
  - 27.3. Open space and greening – preserving garden spaces in development and greater minimum provision requirements for multi-unit dwellings than for individual dwellings.
  - 27.4. Heritage – preservation of historical, architectural and character buildings and values; the need to acknowledge Aboriginal history; demolition of heritage as a serious issue that should be carefully assessed.
  - 27.5. Park Lands and public spaces – preservation of Park Lands and objection to rezoning for large scale development.
  - 27.6. Transparency and access – improved access to information, including policy, assessment information and development processes, by improvements to the online system and provision of hard copies.
  - 27.7. \$10M development assessment threshold – review of requirements for the State Commission Assessment Panel to assess development in the City of Adelaide above \$10M.
  - 27.8. Engagement – validation of submission and representor details.
  - 27.9. Website experience – simplification and mobile phone compatibility.
  - 27.10. Urban design – importance of city form, scale and design quality; re-introduction of ‘Desired Future Character Statements’.
  - 27.11. Verification - support for a simple, timely and accurate verification processes and simplification of verification language in the development assessment processing system (PlanSA website).
  - 27.12. Vision – a vision for the city (height and urban form) and long-term strategic land use planning.
  - 27.13. City vitality and liveability – impact of vacant sites and buildings; the need for balanced decision-making to resolve issues associated with liquor licensing and adult entertainment.
  - 27.14. Affordable Housing – ensure dwellings which are built as ‘affordable housing’ are utilised for such purpose.
  - 27.15. Sustainability and climate change – improved policy, building design and active travel options.
  - 27.16. Assessment Authorities – greater transparency in decision-making and for assessment authorities to be accountable for decisions.
28. The Council Assessment Panel considered the State Planning review on 12 December 2022 and raised the following three key areas for improvement:
- 28.1. Crown development being subject to the Development Assessment Processing system
  - 28.2. Local assessment for development over \$10 million, including increasing the threshold or removing the current threshold in favour of a ‘call-in’ option
  - 28.3. Review of accredited professional requirements for Council Assessment Panel members to incentivise membership.
29. City of Adelaide’s submission supports the accredited professional’s requirements for Council Assessment Panels.
30. Survey responses and copies of submissions to the Expert Panel contain valuable input which will inform future Code Amendment investigations by City of Adelaide.

### **Submission to the State Planning System**

31. Discussion papers developed by the Expert Panel raise areas for feedback and consideration based on the scope of the review. The discussion papers specifically seek new opportunities to improve the planning system, rather than re-submission of previous comments.

32. To inform a response, Administration gathered feedback from subject-matter experts across Council and attended Expert Panel workshops.
33. Administration has prepared a table of responses to the matters raised by the Expert Panel in their discussion papers (**Attachment A**).
34. Areas of the review which provide strategic alignment to outcomes sought by the City of Adelaide as raised by Council on 6 December 2022 and 24 January 2023 are summarised below. Key recommendations under each of these themes are detailed in **Attachment A**:

#### Live

- *'A vision and identity for the capital city'* that seeks improvements through the review that:
  - supports a strong city centre; encourages greater emphasis on design standards through the planning system;
  - supports strong interface policies to minimise development conflicts;
  - catalyst site policies are revised to better respond to development interface issues; and facilitates an improved approval process for non-envisaged land uses.
- *'One Act for heritage protection'* that promotes a single legislation to govern and protect State and Local Heritage; identifies a simpler nomination pathway to assess Local Heritage Places; fast-tracks Historic Area Statements updates; and provides better demolition controls in an Historic Area.
- *'A place for everyone'* that supports a State-based approach to mandate provision of social and affordable housing.

#### Local

- *'Consider options for additional local assessment'* that emphasises the necessity of local expertise in the planning development assessment process.
- *'All applications to be assessed under existing planning system'* so that major developments within the city, specifically the Adelaide Park Lands, are consistently assessed with other developments, including engagement with communities.
- *'Effective community participation, appeals and notification'* that supports meaningful engagement on policy; promotes localised and discretionary notification settings for developments; requires a test of external impacts to be applied to minor variations; provides greater opportunity and transparency in appeals process; creates better certainty for owners and strata groups over strata approvals; and encourages more positive outcomes in relation to liquor licensing applications.

#### Lead

- *'Development tracking and integrated e-Planning'* that enables abilities and functionalities, such as adoption of spatial analysis, automatic notifications, and automatic withdrawal of non-compliance proposals.
  - *'Strategic investment aligned to growth and infrastructure plans'* that seeks appropriate tools to ensure contributions to local infrastructure; improves policies on waste management; avoids premature demolition of buildings that reduces activations; diverts car parking funds to active and sustainable transport infrastructure; and seeks sufficient EV charging infrastructure.
  - *'Pathway to a climate-ready future'* that invests in green infrastructure; enhances tree canopy coverage; and enables climate-ready policies.
35. This report seeks a decision of Council on the draft City of Adelaide submission to the Expert Panel as contained in **Attachment A** – Draft City of Adelaide Submission to the Planning System Implementation Review, Expert Panel Questions and Strategic Response, to enable submission to the Expert Panel on 1 February 2023.

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## DATA AND SUPPORTING INFORMATION

**Link 1** – [Planning System Implementation Review](#)

**Link 2** – Full consultation report

- Link 3** - Submission on the Community Engagement Charter – September 2017
- Link 4** - Submission on the State Planning Policies – September 2018
- Link 5** - Performance Indicators 17 October 2018
- Link 6** - Assessment Pathways – 16 October 2018
- Link 7** - Accredited Professionals Scheme Discussion Draft – 30 April 2018
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- Link 13** - Submission on the Ministerial Riverbank Code Amendment – 17 November 2021
- Link 14** - Submission on Ministerial Miscellaneous & Technical Enhancements Code Amendment 23 September 2022
- Link 15** - Council Report “Planning & Design Code – Update and Future Priorities – August 2021
- Link 16** – Summary of Consultation on the State Government Planning Review – January 2023
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## ATTACHMENTS

**Attachment A** – City of Adelaide Submission to Planning System Implementation Review, Strategic Response and Expert Panel Questions