



CITY OF
ADELAIDE

Kaurna Country

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Reference: ACC2022/141050

xx February 2023

John Stimson
Chair, Expert Panel
GPO Box 1815
ADELAIDE SA 5001

Via email: DTI.PlanningReview@sa.gov.au

Dear Mr Stimson

Planning System Implementation Review

Thank you for the opportunity to contribute to the review of the implementation of the Planning System. City of Adelaide has actively participated in State Government processes to create the new State planning system and acknowledges the scale of the reform program undertaken by the State Government.

City of Adelaide's contribution to the current review by the Expert Panel incorporates feedback from the Council, key stakeholders, the broader community and administration. There was a high degree of consistency of the themes raised across the range of stakeholders.

There was recognition and support from stakeholders for components of the system which are working well to create efficiencies and transparency. The feedback has also identified areas for improvement and key challenges for ensuring a planning system that balances statewide consistency, strategic investment, growth and local planning priorities.

Of highest priority to Council are improvements to policy and mechanisms that include:

- Public notification – increasing the scope
- Appeal rights – broadening these rights beyond the developer only
- Local assessment of development – review of Council Assessment Panels current range of authority
- Interface between zone and/or site boundaries
- Catalyst sites – revise policies to better respond to development interface issues and facilitate an improved approval process for non-envisaged land uses
- Vegetation and tree canopy
- Waste management
- Land use vs licensing assessment, particularly adult entertainment.

The Council is progressing a City Plan which will provide the framework for engagement with the State Government around future opportunities to strengthen the Planning and Design Code and to reinforce the city as the physical and economic heart of the state.

We are also committed to working with the State Government on a future code amendment program and playing our role to implement improvements identified in the City of Adelaide's submission endorsed by Council at its meeting on 31 January 2023.

Furthermore, I would be pleased to continue the productive conversations with the Minister for Planning in the interests of ensuring the latest planning review provides greater certainty for existing city communities about where and how the city will grow, while simultaneously demonstrating opportunities for business growth and investment.

Yours sincerely

<name>

Position

Encl.

The City of Adelaide acknowledges the Kaurna people as the Traditional Owners of the Country where the city of Adelaide is situated, and pays its respect to Elders past, present and emerging.

Planning System Implementation Review

City of Adelaide Submission
January 2023



Acknowledgement of Country

The City of Adelaide acknowledges that we are located on the traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past, present and emerging.

We recognise and respect their cultural heritage, beliefs and relationship with the land. We also extend that respect to visitors of other Aboriginal Language Groups and other First Nations.





Figure 1: City of Adelaide’s principles for the planning system implementation

City of Adelaide’s position on implementation of the planning system adopted on 25 July 2017 is that it should be based on, and assessed against, the eleven guiding principles shown in Figure 1.

Introduction

During the March 2022 State Election, an election commitment was made to commission an independent review of the *Planning, Development and Infrastructure Act 2016 (SA)* and the Planning and Design Code to ensure planning decisions encourage a more liveable, competitive and sustainable long-term growth strategy for Greater Adelaide and the regions.

This paper highlights key opportunities to improve the planning system as it operates within the City of Adelaide. It should be read in conjunction with the detailed feedback table which responds to questions raised by the Expert Panel in each of the three discussion papers prepared for the Planning System Implementation Review.

Council has dealt with technical elements of the review in the response table, and has also summarised its key issues under the themes Live, Local and Lead.

The opportunities highlighted in this paper will strengthen the delivery of shared outcomes sought by both State Government and City of Adelaide, including but not limited to affordable housing, residential growth, investment attraction, a climate-ready city and a vibrant city centre.



Live

- A vision and identity for the capital city
- One Act for heritage protection
- A place for everyone



Local

- Consider options for additional local assessment
- All applications assessed under existing planning system
- Effective community participation, appeals and notification



Lead

- Development tracking and integrated e-Planning
- Strategic investment aligned to growth and infrastructure plans
- Pathway to a climate-ready future



1.1 A vision and identity for the capital city

Context

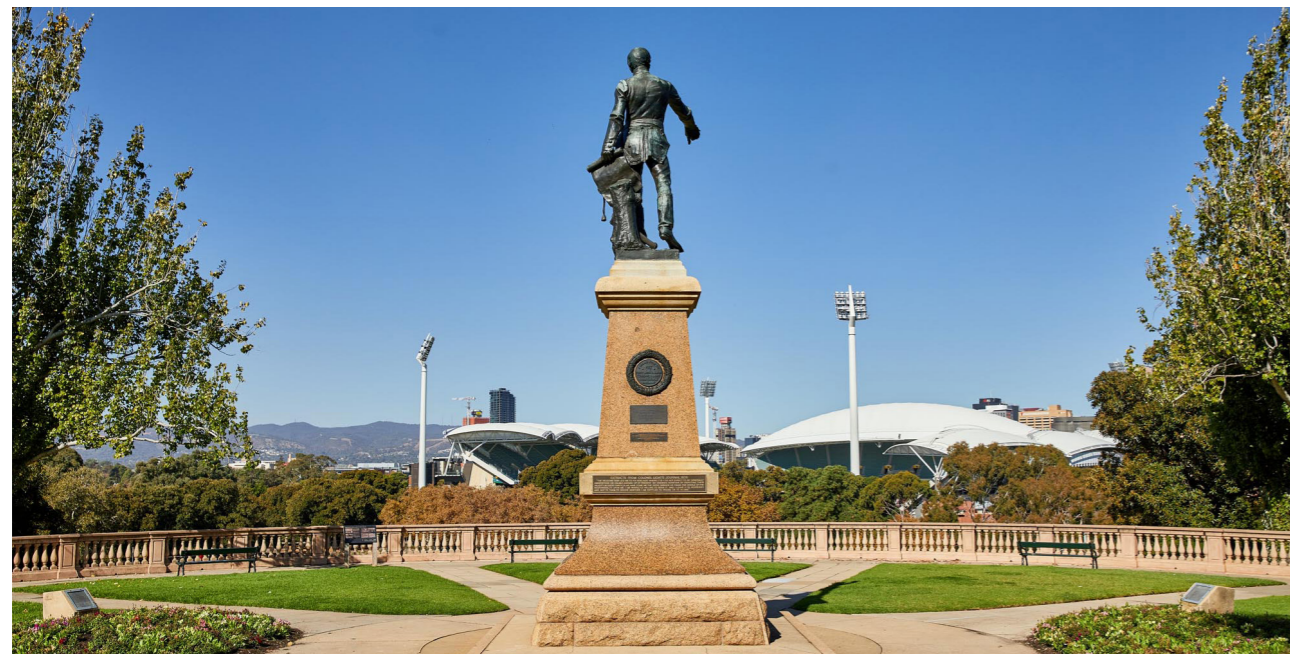
City of Adelaide's vision is to be the most liveable city in the world. A city where design is high-quality and front of mind.

City of Adelaide is developing a City Plan with the support of State Government. The City Plan is an opportunity to reinstate a vision to guide the future growth and development of the city. The City Plan, as an urban planning strategy, has the opportunity to be implemented as a statutory document into the planning system as a regional or sub-regional plan.

The City Plan will also provide the framework through which to engage 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.

With a focus on liveability the City Plan's objective is to create a city that is vibrant and thriving as an attractor for residents, students, businesses and investors.

The City Plan will provide certainty for existing city communities about where and how the city will grow over time, while simultaneously demonstrating opportunities for business growth and investment.



1.1 A vision and identity for the capital city

Opportunities and Challenges

Vision

City of Adelaide's vision and supporting statements were previously included in the preface to the Adelaide (City) Development Plan and provided a touchstone and policy context to help guide development assessment.

Incorporating a vision for the city in the Planning and Design Code to provide locally and spatially relevant policy within development assessments can support community confidence in planning and development.

Conversely there are policies and overlays within the Code which have been developed for a suburban context that are applied to the city. Given the city's role as a civic, commercial and residential location it is important that policies and overlays are specific to the capital city context.

Design Standards

The Planning, Development and Infrastructure Act 2016 (SA) and Regulations introduced new provisions relating to Design Standards, which interact with development assessment and management of land under the care and control of local government.

Design Standards can be used to pro-actively manage the interaction between the planning system and Council managed public land, such as footpaths and roadways.

Most development in the city is infill development. Design Standards or guidelines should be developed for medium-high scale development to promote design quality and improved connection with public realm, squares and Park Lands.





1.1 A vision and identity for the capital city

Good neighbours: Better manage height and design at the interface between existing and new development

City of Adelaide acknowledges the potential for residential growth of the city centre and evolution of building heights across the city. City of Adelaide supports a clear vision, design standards and stronger policy at zone interfaces to ensure the city can grow in a way that delivers high levels of amenity for existing and future residents. The 3D spatial model developed with the City Plan will be a valuable tool for this purpose.

Catalyst Sites

Catalyst site policies are designed to provide policy flexibility for large sites over 1,500sqm and apply in the city in the following locations:

- Business Neighbourhood Zone (Melbourne Street West Subzone)
- City Living Zone (East Terrace Subzone)
- City Main Street Zone (City High Street Subzone)
- Community Facilities Zone (St Andrews Hospital Precinct Subzone).

The premise of catalyst site policy is that design, setback and interfaces can be appropriately managed on larger sites. Policy improvements are needed to address community concerns so that new development is designed to reflect its context, for example multi-storey development immediately adjacent single or two storey development, built form not set back from the boundary and/or windows that look directly into neighbour's bathrooms.

The City of Adelaide is concerned that current catalyst site policies are insufficient to manage the transition in height and scale of development across the city. City of Adelaide cannot support catalyst sites in the city without stronger policy to achieve desired design quality.

Envisaged Land Use

Providing certainty of development and land use is a cornerstone of local planning.

The removal of City of Adelaide specific land-use definitions, including but not limited to adult entertainment premises, adult products and services premises, and licensed entertainment premises is continuing to be problematic.

As a result, issues with some forms of development and land use are difficult to resolve, and the City of Adelaide has a reduced ability to moderate potentially incompatible land uses and influence positive outcomes.

City of Adelaide supports amendment of zone provisions and/or new or amended subzones to provide communities and developers with greater certainty of land use outcome. Other changes could include inclusion of a non-envisaged land use list in the Planning and Design Code and/or opportunities for Assessment Authorities to provide early refusal of problematic development types in certain locations.





1.1 A vision and identity for the capital city

Case Study: Grenfell Street Bar/Club

Theme: Non-envisaged Land Use

Issue

- Council submitted feedback to State Government that removal of a definition for 'Prescribed Entertainment (Adult Entertainment)' within the Code was a concern. Council's feedback was not acted upon.
- In 2022 community members contacted Council with strong concerns about an Prescribed (Adult) Entertainment application lodged with Consumer and Business Services.

Result

- As the use is not defined in the Code, there is difficulty assessing its appropriateness from a planning perspective.
- The use falls under a 'licensed premise', which is often envisaged.
- Considered unlikely that Council would win if it declined support of the land use and was challenged on appeal.

Recommendation

- Reinstate a definition for Prescribed (Adult) Entertainment in the Code to allow for assessment.

Case Study: 5 Albert Lane, Adelaide

Theme: Zone Interfaces and Building Height Transition

Issue

- Proposal for a mixed-use building on a site currently used as an open lot car park at the interface between the City Living Zone (subject site) and the Capital City Zone
- Maximum height in this portion of the City Living Zone is 3 storeys / 11 metres. In the neighbouring Capital City Zone it is 22 metres. Proposal is for a 4 storey / 14.5 metre high building
- Council expressed concern regarding the scale of the proposal during assessment
- Neighbouring residents also expressed concern during the assessment process and public notification
- Council's Assessment Panel refused two versions of the proposal

Result

- Complicated assessment allowing for the interface between two zones, particularly when the zones have significantly varied height requirements
- An assessment needs to allow for a transition between the two zones and this often results in increased height, bulk and scale within low scale residential areas at the zone interface
- Difficult to explain to the public how this assessment process works when there are specific height requirements for each zone

Recommendation

- Consider height changes between zones that are more gradual, avoiding significant changes in height at a single point
- Improve interface policies to better guide the assessment of developments at the interface

1.1 A vision and identity for the capital city

Case Study: East End Residential Redevelopment (Garden East)

Theme: Vision and Identity

Issue

- Large scale redevelopment at former markets
- Consists of multiple (9) separate multi-storey residential apartments, pedestrian linkages and commercial/retail

Result

- Integration with existing commercial precinct
- Responsive to heritage and historic context

Outcome

- Use of City of Adelaide planning vision and statements of desired future character contributed to long-term positive liveability and vibrancy outcomes for the City of Adelaide, tourism and economic development.



Case Study: 217 East Terrace, Adelaide

Theme: Catalyst Site Policies

Issue

- Large scale development proposal located within a low-scale residential neighbourhood
- The development proposal however did not trigger use of the catalyst site policies

Result

- Existing zone policies were able to be used during design and assessment which resulted in a contextual design response which had regard to neighbouring properties

Outcome

- This example demonstrates the benefits of having sufficient policies to encourage positive design outcomes for larger site developments

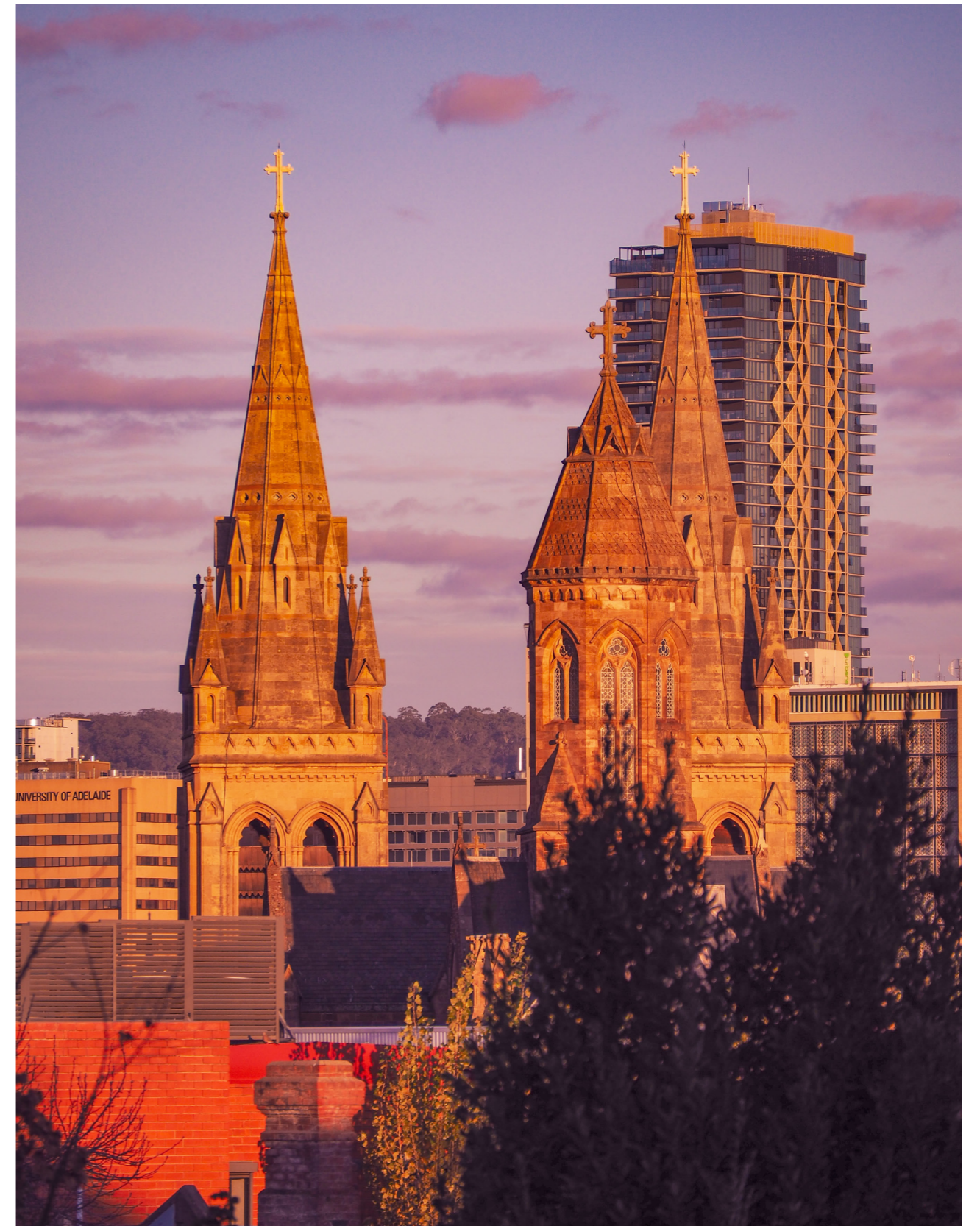




1.1 A vision and identity for the capital city

Recommendations

City of Adelaide supports:	
Vision for the city centre	A statutory plan for a strong city centre (City Plan) which is recognised in the planning system.
	Vision statements being included in Zones in the Planning and Design Code and recognised in Part 1 – Rules of Interpretation.
Design standards in the city	Resolving the introduction of appropriate Design Standards, and the interaction with the <i>Local Government Act 1999</i> to ensure positive outcomes for Council-managed public land, such as footpaths and roadways.
	Encouraging the planning system to place greater emphasis on achieving Universal Design outcomes across all development, as envisaged by the <i>Planning, Development and Infrastructure Act, 2016</i> .
	Pursue Local Design Review process within the City of Adelaide.
Zone Interfaces and Building Height transition	Prepare design standards or guidelines for medium-high scale development for inclusion in the Planning & Design Code in City of Adelaide.
	City of Adelaide supports stronger interface policies to minimise over-height development and commercial land-use encroachments into residential zones.
	Consider height changes between zones that are more gradual, avoiding significant changes in height at a single point.
	Improve interface policies to better guide the assessment of developments at the interface.
Catalyst site policies	Revise policies to better respond to development interface issues and facilitate an improved approval process for non-envisaged land uses.
Non-envisaged land use	Further consideration of a non-envisaged land use list in the Planning and Design Code and opportunities for early refusal of problematic development types in certain locations.
	Reinstate a definition for Prescribed (Adult) Entertainment in the Code to allow for assessment.





1.2 One Act for heritage protection

“Enable the full economic, tourism, cultural, community and sustainability potential of our built and cultural heritage to be realised.”

Heritage: Our Future. Heritage Strategy 2021 – 2036 and Action Plan, City of Adelaide

Context

The city’s heritage enriches the city’s heart and soul. It provides an anchor for people and communities. An acknowledgement of history provides our society with an understanding of the past and directions for the future. Appreciation of our heritage helps build strong, connected communities with access to rich cultural and social experiences.

City of Adelaide has a Position Paper on Heritage Reform to inform numerous stakeholders and community members of its position on the State Government’s heritage system. Some of Council’s position is repeated here for easy reference. Heritage is one of four Council-endorsed development policy improvement priorities (the others being sustainability, liveability and movement).

Council seeks a heritage system that:

- Enables the full economic, tourism, cultural, community and sustainability value of our built heritage to be realised
- Provides for consistent and transparent decision making based on merit and that meets community expectations
- Enables the appropriate conservation, adaptation, sensitive re-use and development of heritage assets.

Opportunities and Challenges

The identification of Heritage Places in South Australia is currently managed by separate State and Local Heritage listing processes which results in two authorities, two administrative systems and two sets of differing processes.

Places that do not achieve State Heritage listing follow a longer nomination pathway to be considered for Local Heritage listing which is complicated by the need for a Code Amendment process and differing standards of heritage expert assessment.

A single integrated system would provide the best platform for effective reform to enable consistency of approach, enhance opportunities for streamlining and administrative efficiencies.

The Planning, Development and Infrastructure Act 2016 (SA) includes provisions for designating an area as a heritage character or preservation zone. The legislation contemplates that in the future such designation would require 51% of relevant owners of allotments within a relevant area to support the designation (part (4) and part (5) of section 67).

City of Adelaide does not support the implementation of such provisions which would subject future Heritage Area Overlays to a popular vote rather than a planning decision based upon sound evidence, analysis, and consultation.

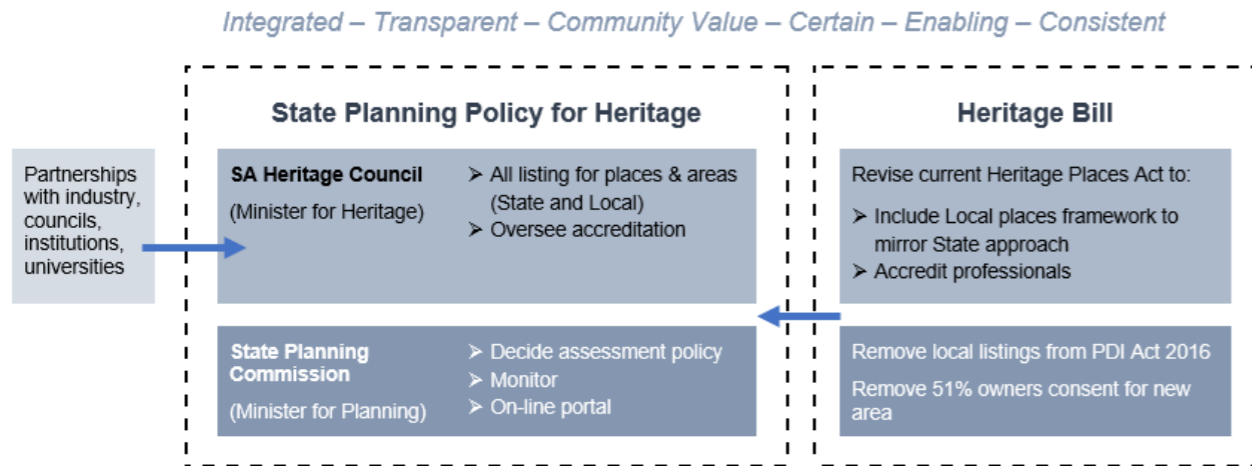
Table 1 - Existing Heritage Listing Processes

Local Heritage Listing Process (Council-led or Private) as set out in the <i>Planning, Development and Infrastructure Act (2016)</i>	State Heritage Listing Process as set out in the <i>Heritage Places Act 1993 (SA)</i>
<ol style="list-style-type: none"> 1. Proponent (Council/Private) and Minister reach agreement on a “Proposal to Initiate a Code Amendment” (Note: privately initiated Code Amendments are charged a significant fee). 2. Engagement Plan prepared in accordance with Community Engagement Charter. 3. Council or private proponent prepared a Code Amendment with expert advice to support listing considered against the Section 67 (1) criteria in the <i>Planning, Development and Infrastructure Act 2016</i> for destination of new local heritage places. (Note: The Section 67 (1) criteria are the same as the former Section 34(4) criteria in the <i>Development Act 1993(SA)</i>). 4. Early commencement of a Code Amendment may be requested, subject to providing written justification to the Department. 5. Engagement undertaken consistent with Engagement Plan. 6. Engagement outcomes are reviewed in accordance with the engagement plan. An Engagement Report is prepared which sets out how the proposed changes have responded to the engagement. 7. Proponents forward the updated Code Amendment and Engagement Report to the Minister. 8. The State Planning Commission will give the owner of the land (if an objection is received) reasonable opportunity to make a submission on the proposed designation of a local heritage place. 9. Minister considers proposal. 10. If approved by Minister, Code Amendment reviewed by ERD Committee. 11. The owners of a place designated as a Local Heritage Place may appeal to the ERD Court. 	<ol style="list-style-type: none"> 1. Nomination made by anyone. 2. State Heritage Council or its delegate considers the nomination criteria regarding the State Heritage criteria. 3. If considered of State significance, provisionally State listing. 4. The provisional listing is released for three months of consultation. 5. The State Heritage Council then determines whether to confirm the provisional listed. 6. The Minister can request the Council to remove a provisional entry if the Minister is of the opinion that its confirmation would be ‘contrary to the public interest’.



1.2 One Act for heritage protection

Table 2: Framework for Heritage Management in SA



Recommendations

City of Adelaide supports:

A single heritage statute	A single legislation to govern and protect State and Local Heritage, as described in City of Adelaide’s Position on Heritage Reform (June 2022). This can be enabled through adjustments to the <i>Heritage Places Act 1993 (SA)</i> and removal of Code Amendment local listing processes from the <i>Planning, Development and Infrastructure Act 2016 (SA)</i> .
A simpler pathway for Local Heritage protection	A simpler nomination pathway, that provides for Local Heritage Places to be assessed on heritage values by heritage experts.
Fast track updates to Historic Area Statements	Urgent update of City of Adelaide’s Historic Area Statements to provide greater context, description and guidance.
Demolition Control	Demolition in an Historic Area to follow performance assessed pathway and only once full Development Approval for a replacement building is granted.





1.3 A place for everyone



Context

Council’s Homelessness, Social Housing and Housing Affordability Policy identifies a role for Council to advocate to the State and Federal Governments for a national approach to mandatory inclusionary zoning for affordable housing, including a change in State-based planning legislation to enable its staged implementation.

City of Adelaide is committed to residential growth and has endorsed a residential housing and growth action plan that seeks to address housing challenges for all.

Opportunities and Challenges

The Planning and Design Code includes an Affordable Housing Overlay that applies across all zones in the city other than areas within the Historic Area Overlay or City Riverbank Zone.

Requirements to provide affordable housing are not mandatory and there are no requirements under the planning legislation for provision of social housing.

There is potential to unlock residential development in the city while reinforcing liveability through amendment of the Planning

and Design Code to strengthen policies to incorporate public realm, greening and public art in new residential developments, building sustainability, and incentivised policies for aging in place.

The U City development is just one example of what is already being achieved in the City of Adelaide by private and non-government organisations.

There is also significant opportunity for the City of Adelaide to partner with the State Government, community housing providers and the private sector to progress residential development in the City of Adelaide that delivers significant affordable, social and specialised housing in the city. This could be achieved through existing State Government programs delivered through SA Housing Authority and Renewal SA, such as the 1000 Homes Program, and new partnership arrangements.

Council seeks to work in collaboration with the State Government to identify ways to remove or address barriers to the repurposing of older and vacant buildings in the city and increase stimulation and delivery of adaptive reuse of existing building stock.

1.3 A place for everyone

Recommendations

City of Adelaide supports:

Social and Affordable Housing	Progression of a national approach to mandatory inclusionary zoning for affordable housing, including a change in State-based planning legislation to enable its staged implementation.
Housing Growth	A multi-faceted approach to housing growth with partnerships between Local and State Government, community housing providers and the private sector.
Adaptive Reuse	A State-local government partnership to incentivise adaptive building reuse in the city.
Residential Code Amendment	Amendment of the Planning and Design Code to strengthen policies that promote residential development and good design in the city.
Fees and Charges	Reform of State Government fees and charges applied to residential development in the city.

Local



2.1 Consider options for additional local assessment

Context

The planning system provides for development assessment pathways that seek to match the level of potential impacts or complexity of a proposed development with the assessment process. Combined with the introduction of the Accredited Professional Scheme, this provides suitable assurance for professional decision making. Changes to the composition, and skills-based expertise, of Council Assessment Panels provides further surety of professional assessment of larger developments.

Opportunities and Challenges

The current threshold for development over \$10m in the City of Adelaide to be assessed by the State Commission Assessment Panel contained in the Regulations is out of step with new checks and balances introduced by the planning system and there is potential to achieve quality development outcomes and assessment efficiencies by enabling more developments to be assessed by the City of Adelaide Assessment Manager and/or Council Assessment Panel.

Many city developments are over \$10m and would benefit from local assessment. Council members and the Council Assessment Panel suggest the \$10m trigger requiring State Commission Assessment Panel assessment should be reassessed. Developments assessed by the State Commission Assessment Panel are referred to the City of Adelaide Chief Executive Officer with a 15 day turnaround. This only allows approximately 5 days to receive detailed internal referrals, 5 days to collate comments including planning feedback and 5 days to allow for Chief Executive Officer sign off.

The State Commission Assessment Panel is not required to adopt Council comments (including recommended conditions and advice). Where sub-standard development outcomes occur, Council seeks to work with the applicant and residents to deliver an acceptable outcome. Council staff are unable to do this when SCAP is the 'relevant authority'.



2.1 Consider options for additional local assessment

Case Study: Penny Place Apartments

Theme: Local assessment of development over \$10m

Issue

- Apartment residents wanting to install external blinds in a recently constructed building
- Council raised concerns regarding a lack of shading to the proposed apartments at the assessment stage

Impact

- Council is now assessing individual development applications for the installation of external blinds
- It is difficult to ensure a coordinated approach for the building once a development has been completed, particularly where not all residents are in agreement



Case Study: Walker Corporation Festival Tower & Car Park

Theme: Local assessment of development over \$10m

Issue

- Council raised repeated concerns to the State Commission Assessment Panel regarding the proposed car park layout which were not adopted as part of approval

Impact

- The car park is difficult to access and prone to significant game day/event day delays



Recommendation

- City of Adelaide to be the relevant authority for more development applications in our jurisdiction to include locally valuable knowledge into development outcomes
- Consider increasing the financial threshold for State Commission Assessment Panel from \$10 million to \$50 million

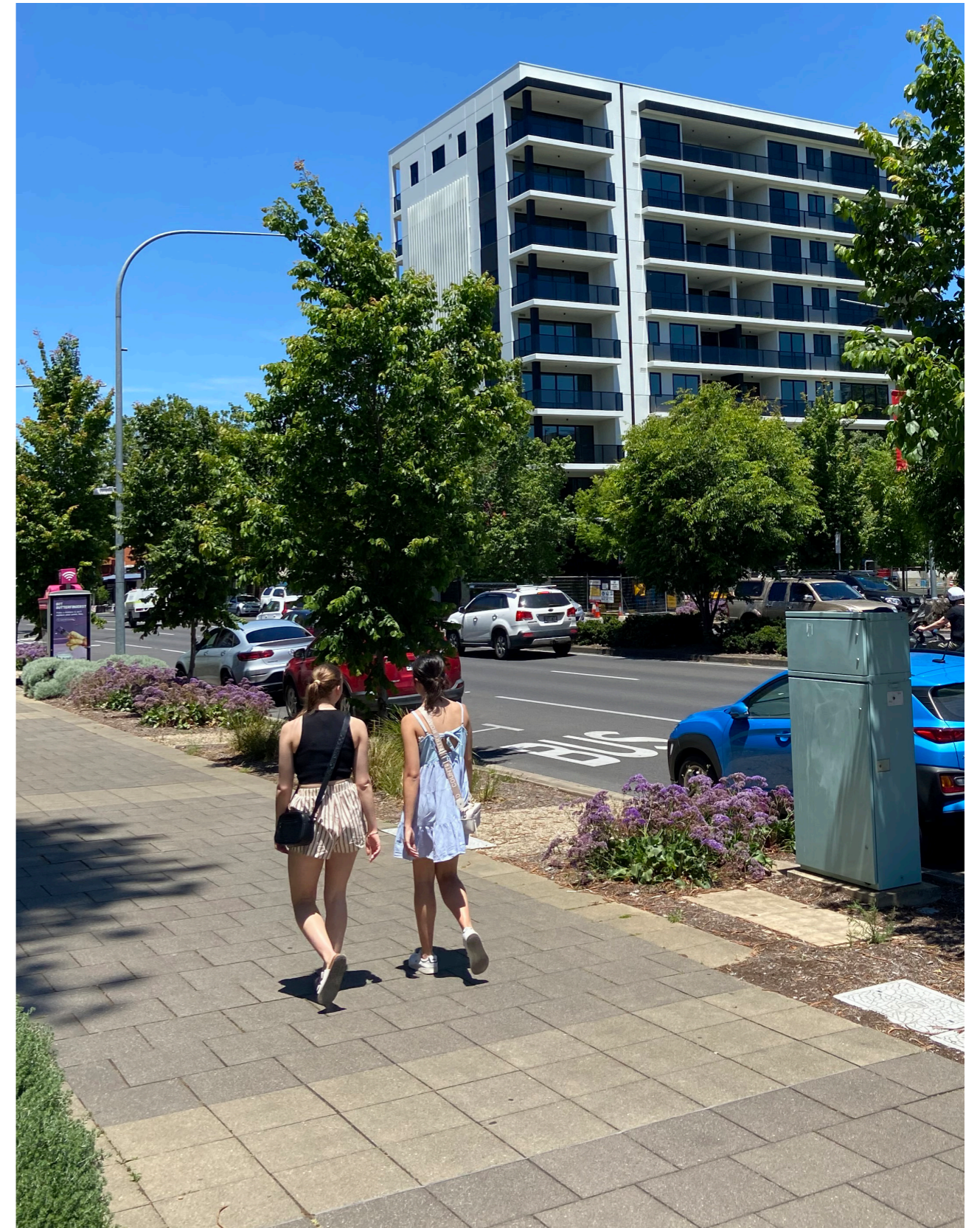
Local



2.1 Consider options for additional local assessment

Recommendations

City of Adelaide supports:	
Assessment based on local expertise	Performance assessed development applications to be undertaken by the relevant Council Assessment Panel or Assessment Manager (noting that both are required to be Accredited Professional planners).
Local assessment of major development in the city	Amendment of the <i>Planning, Development and Infrastructure (General) Regulations 2017 (SA)</i> to review the mechanism (currently \$10 million financial threshold) to enable Council to assess developments of significance to City of Adelaide.
Local assessment of development over \$10m	City of Adelaide to be the relevant authority for more development applications in our jurisdiction to include locally valuable knowledge into development outcomes. Consider increasing the financial threshold for State Commission Assessment Panel from \$10 million to \$50 million.



Local



2.2 All applications assessed under existing planning system

Context

The Nationally heritage-listed Park Lands are subject to development pressure, including from State Government.

City of Adelaide, Kadaltilla and State Government have existing commitments to value and protect the Park Lands, and the opportunity exists to strengthen the delivery of shared recreation, community health and environmental outcomes.

Challenges

The State Government's approach to major developments within the city, specifically the Adelaide Park Lands, must respect the planning system and the need for engagement with communities.

Fast-tracking specific legislation (such as for the new Women's and Children's Hospital site) undermines confidence in the planning system, Park Lands protection, heritage protection and engagement with local communities.

Council has raised concerns relating to development of the Park Lands, specifically in relation to the proposed new Women's and Children's Hospital site where new legislation has been created to by-pass the planning system.

Finding a way forward which utilises the strengths of the planning system during assessment of State Government initiatives will generate confidence in the system by all.

Recommendations

City of Adelaide supports:	
State Government	State Government to utilise the planning system to assess State Government-initiated major projects.
Major projects	Whole-of-government determinations should be made on major projects, including State Government projects which are currently only determined by the Planning Minister.
Planning System	The Planning System enables and encourages development to be located within the city to create activation, employment and economic opportunities.

2.2 All applications assessed under existing planning system

Case Study: SA Police, Angas Street, Adelaide

Theme: State Government to use the Planning System

Issue

- New State Government development in the city is sometimes proposed in the Park Lands when it could be better located within the city
- Planning policy and zoning encourages development within the city, and discourages it from occurring within the Park Lands

Impact

- SA Police headquarters in Angas Street are a positive example of government investment in an appropriate built form within the core of the city that promotes activation

Recommendation

- The Planning System enables and encourages development to be located within the city to create activation, employment and economic opportunities





2.3 Effective community participation, appeals and notification

Context

City of Adelaide seeks a planning system that balances the provision of greater certainty and streamlined processes for developers with effective community engagement and participation.

City of Adelaide supports localised and discretionary notification settings based on impact more aligned to the former categories of public notification.

Improvements to community participation settings will strengthen confidence in the system and enable constructive feedback to improve liveability and investment attraction to the city.

Opportunities and Challenges

Community Engagement and Notifications

The planning system aims to front-load community engagement at the policy setting stage.

The new planning system has removed the previous system's non-complying assessment pathway. Together with loss of local desired character (or vision) statements and introduction of the restricted impact assessed development assessment pathway (by the State), the ability for local communities to influence or discourage certain types of development is low.

There is community concern that the new planning system has reduced the level of notification to neighbours and affected properties. This reduces the opportunity to consider additional relevant information during assessment, which could improve development outcomes.

Variations

Opportunity exists to enable variation data and history to be more readily available in the planning system. Examples of processing variations as minor where there is potential community impact is evident in the system and creates concerns in communities about transparency and participation in the planning system.

The community seeks transparency and certainty in any improvements to how variations are handled by the planning system.

Appeals

Changes to community engagement and notification is not counter-balanced by third party appeal rights to representors of restricted developments (if financially able to fund an appeal).

Greater opportunity is needed for the public and Council to appeal development decisions, in particular:

- For performance assessed development the applicant is the only party with appeal

2.3 Effective community participation, appeals and notification

rights and there is opportunity to broaden appeal rights

- Councils should have the ability to appeal all decisions in its local area
- Even if appeal rights are broadened, it is recognised that some residents and property owners would have limited ability to pay for an appeal.

Clear communication of appeal processes is required to:

- Avoid applicants lodging a decision review against an incorrect authority (for example, a Council Assessment Panel when the appeal can only be against an Assessment Manager decision)
- Avoid judicial reviews occurring during the application process (because there is no right of appeal once a decision is made).

Joint Planning and Liquor Assessment

The *Planning, Development and Infrastructure Act 2016 (SA)* provides the opportunity for a joint planning assessment and liquor panel for liquor applications. It is understood that there has been no uptake of this across the State to date.

There is a high level of expectation from the community in the City of Adelaide that the planning system is proactive in this space. City of Adelaide supports amendments to the Planning and Design Code as it relates to licensing.

Strata/Development Approval Issues

City of Adelaide has experienced issues with applicants not seeking Strata owner approval before seeking development approval. The South Australian planning system currently does not require proof of ownership or strata approval when an application is lodged. Improvements could be made to bring South Australia in line with planning practice interstate.



2.3 Effective community participation, appeals and notification

Case Study: Wingfield Tower, 114 Waymouth Street, Adelaide

Theme: Effective community participation

Issue

- Minor variation by State Commission Assessment Panel for the addition of a rooftop bar open for public access

Impact

- As a minor variation, an assessment of hours of operation and noise impacts for nearby residential buildings was not undertaken

Recommendation

- Require a test for external impacts to be applied to minor variation requests to improve liveability outcomes for the city



Case Study: Mansions Apartments on Pulteney Street

Theme: Effective community participation

Issue

- Application lodged to undertake internal alterations for an apartment
- Proposal was considered to meet Code requirements and approved
- There is no requirement in the development assessment process for an applicant to notify a property owner/Strata corporation of a development application submitted
- Applicant did not notify Strata corporation and undertook the works without the required Strata approval

Impact

- The Strata corporation was aggrieved with Council for granting consent without their approval
- Numerous complaints were received at the Court case (Strata Corporation 12753 Inc v Ren [2022] SADC 134 11 November 2022).
- In November 2022 the Court ruled the landlord was not allowed to convert the Adelaide apartment into five

Recommendation

- Require notification to landlord/owners during the development assessment process to strengthen confidence in the planning system

Court rules landlord was not allowed to convert one-bedroom Adelaide apartment into five

By Eugene Boisvert
Posted Thu 17 Nov 2022 at 5:31am



2.3 Effective community participation, appeals and notification

Case Study: TPI Building, 318 South Terrace, Adelaide

Theme: Effective community participation

Issue

- Variations by State Commission Assessment Panel to resolve issues from non-compliant construction which moved a transformer to a visible location adjacent to the public realm on the boundary of the local heritage place

Impact

- Two exhaust flues were built at the front of the property
- A large electrical transformer box was built in a very visible location on the boundary of the local heritage place, prominent on the corner of South Terrace and Hutt Street
- Alteration to the rear windows and verandah form associated with Davaar House (Heritage Place), altered front fence and position, use of colorbond roof cladding and various internal alterations to the tower building
- Change in levels across the site resulting from car park location/levels above ground and associated hard and soft landscaping and paving (part retrospective)

Recommendation

- Require variations for retrospective (non-compliant) construction to be referred to Council for comment/review
- Require variations on heritage sites to be referred to Council (including minor variation requests)





2.3 Effective community participation, appeals and notification

Case Study: 200 East Terrace, Adelaide

Theme: Effective community participation

Issue

- Larger site in lower-scale residential context which triggered the use of the catalyst site policies
- Example of constructive use of notification and appeal process to achieve positive development outcomes

Impact

- Notifications resulted in feedback from local community in relation to height, overlooking, boundary interface and scale
- State Commission Assessment Panel refused original application
- Applicant appealed the decision, which resulted in modifications to the development, including reduction in height, built form stepped back from the boundaries to address overlooking concerns

Recommendation

- Notifying the local community provides opportunities for development decisions to respond to specific concerns, resulting in positive, long-term built form outcomes for the city, community and investors

2.3 Effective community participation, appeals and notification

Recommendations

City of Adelaide supports:

Allowing time for meaningful engagement on policy	Minimum consultation timeframes of eight weeks for complex Code Amendments to enable constructive feedback to inform development design as early as possible. Subscription alerts when Code Amendments are uploaded to PlanSA's Planning Portal.
Notification	Localised and discretionary notification settings for development in the City of Adelaide. Notifying the local community provides opportunities for development decisions to respond to specific concerns, resulting in positive, long-term built form outcomes for the city, community and investors
Variations	Require a test of external impacts to be applied to minor variation requests and on referral to Council. Require variations for retrospective (non-compliant) construction to be referred to Council for comment/review. Require variations on heritage sites to be referred to Council (including minor variation requests).
Greater opportunity for public and Council to appeal decisions	Consider extending appeal rights to more than only the applicant and provide Councils with right to appeal all decisions in its local area.
Transparency in appeals process	Clear explanation of the appeal processes and pathways and system improvements to add conditions from Environment, Resources and Development Court Orders to decisions.
Strata owner approval	Options for reform could include a Practice Direction, or alternatively amending the <i>Planning, Development and Infrastructure Regulations 2017 (SA)</i> to bring South Australia in line with other states and create certainty for owners and strata groups. Require notification to landlord/owners during the development assessment process to strengthen confidence in the planning system.
Reduced ability to positively resolve Liquor Licensing and Land Use Incompatibility	The <i>Planning, Development and Infrastructure Act 2016 (SA)</i> provides the opportunity for a joint planning assessment and liquor panel for liquor applications or amendments to the Planning and Design Code.

Lead



3.1 Development tracking and integrated e-Planning

Context

The planning system implementation deliberately sought to move toward a digital solution that improved efficiency for development applications and provided ability for more evidence-based decision making at a strategic and policy level.

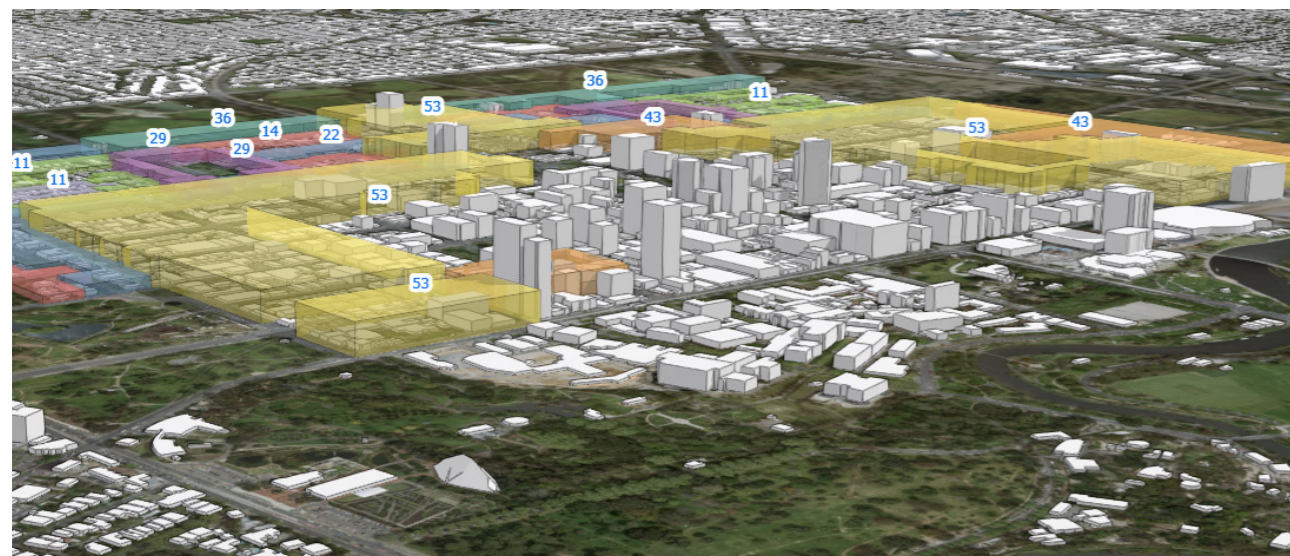
An advantage of the planning system is the ability of local government to access key reporting information via PowerBI, and realising the full potential of the e-system is a priority.

Opportunities and Challenges

Accuracy in the creation and use of policy is paramount and there is a need to resolve errors in the transition of policy, and in the application of policy to certain development types for some assessment pathways. Clearer and faster pathways for resolution are needed such as Council-led miscellaneous and technical Code Amendments.

Methods to maintain and grow the strategic importance of the planning system are needed to ensure new evidence and spatial planning tools continue to evolve and support high quality planning and design outcomes.

A strong digital platform will enable the City Plan to be created as a 3D visualisation of the interaction between built form, open space and managing height and density interactions in an inner-city context.



3.1 Development tracking and integrated e-Planning

Case Study: 382 Gilles Street, Adelaide Theme: 3D Mapping and Analysis

Issue

- The local context of some proposed developments can be difficult to visualise during Council Assessment Panel meetings
- A proposed addition to a residence on a small site requires additional visualisation to assist assessment

Impact

- A 3D model was prepared for this proposal and a video of the model was presented during the Council Assessment Panel meeting
- The 3D visualisation provides Panel Members with accessible and easy to understand spatial analysis

Recommendation

- Provision of 3D images of a proposed development can assist with better decision making



Lead



3.1 Development tracking and integrated e-Planning

Recommendations

City of Adelaide supports:

Spatial planning	State and local government agreements for data provision that enables spatial analysis - for example, to enable a City Plan through a strong digital platform and 3D functionality.
Digital tools	Development of mapping and map tools including changes to legislation to require 3D development models for large scale and constrained site developments to enable height and density interactions to be more readily considered during development assessment.
	Provision of 3D images of a proposed development can assist with better decision making.
	Enabling the Development Assessment Processing system to automatically withdraw proposals that have not passed verification after a certain time.
	Mobile-enabled building notification processes.
Miscellaneous and Technical Code Amendment	Initiation of a Miscellaneous and Technical Code Amendment for city-specific policy corrections.



Lead



3.2 Strategic investment aligned to growth and infrastructure plans

Context

The City of Adelaide has a strategic residential growth agenda and there is continued need for infrastructure schemes in the planning system to contemplate challenges associated with inner city development.

Opportunities and Challenges

Infrastructure

Current infrastructure schemes are one delivery tool to ensure infrastructure for local communities and the State. These schemes have not served the city population well and new tools to invest better in urban environments are needed.

Waste Policy

It is important to ensure appropriate waste management systems and on-site storage is included within developments.

Internal fit-out operations often do not trigger change of use and are accepted development.

The City of Adelaide experiences waste bins being stored in the public realm instead of on-site which can be especially problematic in a fine-grained mixed use urban environment.

Improved policies are needed to ensure shops (cafés and restaurants) which generate large volumes of waste consider waste storage and management, including deemed-to-satisfy change of use applications (shops/offices/consulting rooms).

Under the new planning system, the City of Adelaide will need to pursue this change via a relatively lengthy and costly Code Amendment process, despite having sufficient policies to address waste management during assessment under the previous planning system. This is an opportunity for the planning system to enable positive waste and recycling outcomes, consistent with broader state and City of Adelaide objectives.



3.2 Strategic investment aligned to growth and infrastructure plans

Case Study: Waste Management

Theme: Investing better in urban environments

Issue

- Most Development Applications for internal fit-outs fall into the 'accepted development' assessment pathway
- This occurs frequently for shops/cafés/restaurants which generate large volumes of waste
- 'Accepted development' must be granted Planning Consent
- Consequently, waste management is not assessed

Impact

- Numerous instances in City of Adelaide where waste storage areas do not appear on plans after an internal fit-out
- Community safety and amenity issues arise as bins are left in the public realm 24/7, with no internal space allocated

- Compliance issues are experienced as the business has invested in internal upgrades, and is operating within its approval

Recommendations

- Assessment pathway to default to 'code assessed' for shop alterations if no internal waste storage indicated on plans. Policy amendment is to ensure adequate design of waste solutions for the development type and pathway



Lead



3.2 Strategic investment aligned to growth and infrastructure plans

Vacant Sites and Demolition Control

The City of Adelaide is committed to thriving, activated and vibrant communities. Vacant sites and premature demolition of buildings can lead to reduced activity levels in the city centre which could be addressed through stronger policies for demolition control and incentives for development.

Car Parking

Council seeks to ensure that development provides an appropriate level of parking.

It is recognised that some locations and some land uses require less car parking than others.

Future-ready development, such as inclusion of electric vehicle (EV) charging facilities in residential flat buildings, will enhance the attractiveness of the city as a place to live and work. Policies relating to EV charging should reflect recent improvements to the National Construction Code.

Code Amendment Priorities

City of Adelaide has resolved to review and update policy to encourage and facilitate improved movement, liveability and sustainability outcomes, which will include consideration of parking for cars and other vehicles/modes of transport such as commercial vehicles, visitor parking for in-home care, mobility scooters and electric vehicles.



3.2 Strategic investment aligned to growth and infrastructure plans

Case Study: Lot 14, North Terrace, Adelaide

Theme: Vacant Sites and Demolition Control

Issue

- Premature demolition was avoided at the former hospital site on North Terrace (adjacent Botanic Gardens)
- Plans for redevelopment were approved prior to demolition of the site

Impact

- Heritage buildings were retained and repurposed for the innovation precinct
- The site provides activation of key city and Park Lands sites adjacent to the University Precinct

Recommendations

- Actively work with PlanSA to formulate policies that continue to encourage activation of sites, including discouraging premature demolition



Lead



3.2 Strategic investment aligned to growth and infrastructure plans

Recommendations

City of Adelaide supports:	
Developer contributions to local infrastructure	New tools to ensure infrastructure for local communities and consideration of developer contributions for local infrastructure (as per NSW).
Positive waste management outcomes in smaller developments	Improved policies to ensure shops (cafes and restaurants) which generate large volumes of waste consider waste storage and management.
	Assessment pathway to default to 'code assessed' for shop alterations if no internal waste storage indicated on plans. Policy amendment is to ensure adequate design of waste solutions for the development type and pathway.
Vacant sites	Policy to prevent premature demolition of buildings which can lead to vacant sites that reduce activity levels in the city.
	Actively work with PlanSA to formulate policies that continue to encourage activation of sites, including discouraging premature demolition.
Investment in multi-modal transport infrastructure	A "car parking" fund that can be used to fund active transport, electric vehicle infrastructure, separated bike lanes and footpaths.
EV charging infrastructure	Inclusion of a benchmark ratio for EV charging points in new developments.



Lead



3.3 Pathway to a climate-ready future

Context

City of Adelaide's Strategic Plan includes a strong focus on a climate-resilient future through climate action, greening, tree canopy, movement and sustainable development.

These objectives are consistent with broader State Government policies and an opportunity exists to enable the planning system to assist with delivery.

Opportunities and Challenges

Urban Tree Canopy

City of Adelaide is committed to increasing tree canopies and green infrastructure in city hot spots, public spaces and the Park Lands.

In the City of Adelaide, the Urban Tree Canopy Overlay applies within the City Living Zone, which covers a large proportion of the suburb of North Adelaide, but only approximately a quarter of the built-up areas within the suburb of Adelaide. The Urban Tree Canopy Offset Scheme is therefore limited in application in the city and only applies to new dwellings (which occur less frequently in well-established residential areas).

Stronger, evidence-based policy is needed to enable tree canopy to be increased and retained. Such policies could include requirements for space in which to plant new trees (for example providing sufficient root zones). Policy improvements should recognise trees and urban tree canopy as a long-term, appreciable asset that promotes health and wellbeing in the community.

The cost of removing trees is frequently less than the cost to the city for planting, establishing and maintaining trees in a highly urbanised environment. The economic and

societal cost of removing biodiversity, visual amenity, and microclimate services provided by trees are not accounted for in the cost of removal, which can act as a disincentive to retaining trees.

Open Space Fund

Council recognises the purpose of the Planning and Development Fund is to "support the purchase, planning and enhancement of public spaces throughout South Australia" and considers it is not appropriate to use the fund to pay for the implementation of the new planning system. The high cost and difficulty associated with the planning, design and delivery of quality public and green spaces in the City of Adelaide is recognised. Council is supportive of an independent review of the Planning and Development Fund.

Council appreciates the important open space and recreational opportunities the Park Lands provide to residents of the city, and acknowledges the growing use and enjoyment by residents of neighbouring Councils.

Overshadowing Solar Panels

Development that results in overshadowing of solar panels has both environmental and economic impacts.

The Planning and Design Code does not require consideration or notification of adjoining property owners for impacts on solar panels.

Policies are required to ensure the impacts of new developments and their potential to overshadow solar panels is considered.

City of Adelaide has resolved to review and update policy to encourage and facilitate sustainable development.

3.3 Pathway to a climate-ready future

Case Study: Trees

Theme: Investment in tree canopy

Opportunities to collect funds for removal/replacement of trees through the planning system do not adequately reimburse the loss of trees in the City of Adelaide which generally cost between \$2,000 and \$15,000 per tree for replacement.

If removal of Significant and Regulated trees is approved through development assessment, the cost for replacement as set by Regulation is \$150 per tree (two trees for a Regulated tree removal, or three trees for a Significant tree removal).

Where a new dwelling is proposed in the Urban Tree Canopy Overlay area, a certain number of trees must be planted, or payment must be made into a fund. The Urban Tree Canopy offset scheme requires a payment of between \$300 and \$1200 per tree being offset, with the fee calculated on the size of the tree to be offset.

Case Study: 83 Pirie Street, Adelaide

Theme: Climate ready policies

Issue

- City of Adelaide and State Government have shared ambitions to address climate change and encourage climate-ready development

Impact

- 83 Pirie Street is a recent example of A-Grade development achieving high environmental and climate-ready performance, including:
 - Platinum WELL pre-certification
 - 6-star Green Star Design Review certified rating
 - Targeting ongoing 6-star NABERS Indoor Environment and Waste ratings
 - 3-star Cleaning Accountability Framework certification
 - This all-electric building has electric car charging stations, natural light from its three street frontages and drought-resistant landscaping
 - 100 + bike racks and 100 + lockers, and showers as end of trip facilities

The Urban Tree Canopy Overlay applies within the City Living Zone in the City of Adelaide, which covers a large proportion of the suburb of North Adelaide, but only approximately a quarter of the built-up areas within the suburb of Adelaide. The Urban Tree Canopy Overlay is not spatially applied within the Adelaide Park Lands. The fund only applies to new dwellings, which occur infrequently in the established areas of North Adelaide.

Recommendations

Increase opportunity for tree planting by increasing the offset payment, spatial application and type of development the Urban Tree Canopy Overlay applies to.

Recommendations

- Identify opportunities to implement climate-ready policies via the Planning System



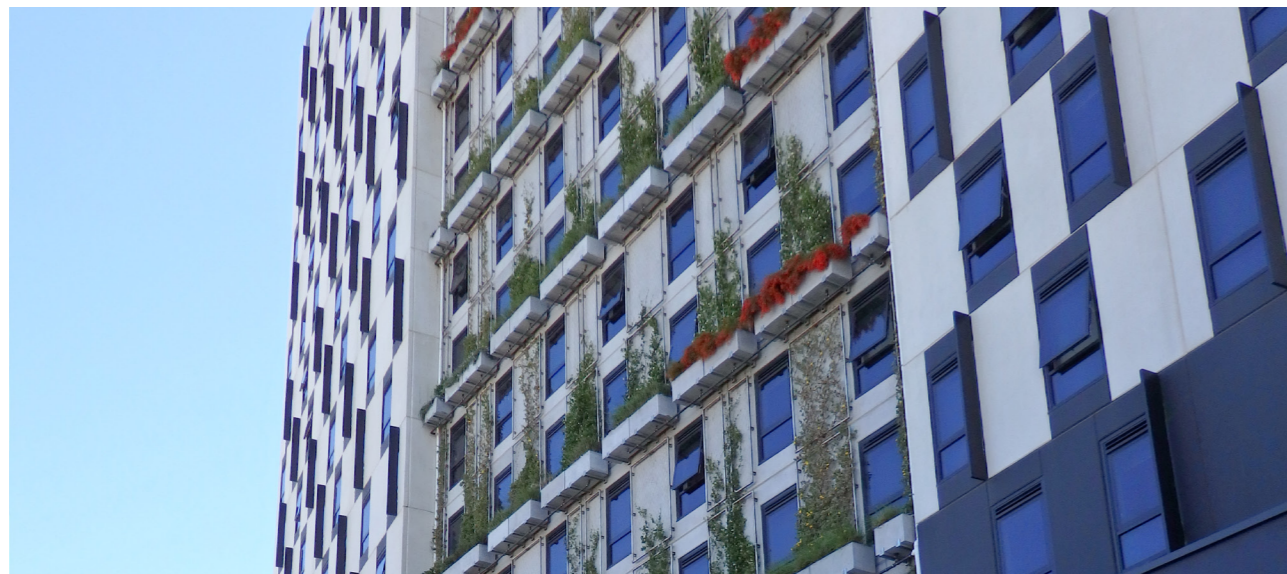
Lead



3.3 Pathway to a climate-ready future

Recommendations

City of Adelaide supports:	
Investment in greening	Use of the Planning and Development fund for investment in open space, public realm, pocket parks, tree canopy and the Adelaide Park Lands.
Investment in tree canopy	Increasing the application of the Urban Tree Canopy Overlay to the city (not just the City Living Zone) and the types of development that the overlay applies to.
	Increase opportunity for tree planting by increasing the offset payment, spatial application and type of development the Urban Tree Canopy Overlay applies to.
Climate-ready policies	Stronger, evidence-based policy is needed to enable tree canopy to be increased and retained. Such policies could include requirements for space in which to plant new trees (for example providing sufficient root zones).
	Enabling climate-ready policies, informed by whole of government and industry-led initiatives.
	Identify opportunities to implement climate-ready policies via the Planning System.



Community Voice

Community Survey

The City of Adelaide sought community feedback to inform its response to the Expert Panel. The survey was open from 20 December 2022 to 13 January 2023.

The survey referred to the Planning System Implementation Review community consultation, held 17 October to 16 December 2022, and gave direct links to the information provided.

The survey was sent to 558 Development Application applicants who had lodged applications in the City of Adelaide area since the introduction of the Planning & Design Code in March 2021.

The survey was also sent to 6,499 registered recipients on Your Say Adelaide. An item on the engagement survey was included in the Adelaide Economic Development Agency City Business newsletter on 22 December 2022 and in a post on the City of Adelaide LinkedIn page.

82 responses were received from a broad range of participants including residents, rate-payers, city workers and visitors, business owners, property developers and building designers.



Community Survey Summary

What we heard

Key themes arising from community consultation include:

- **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 broadly notified.
- **Appeals** – respondents are seeking broader appeal rights including as neighbour, community member and applicant. Respondents broadly support 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.
- **Policy importance** – respondents ranked the policy areas under review in the following order of importance: character, heritage, trees, infill development and car parking.
- **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.

Other comments arising from community submissions include (in no particular order):

- **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.
- **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.
- **Open space and greening** – preserving garden spaces in development and greater minimum open space provision requirements for multi-unit dwellings than for individual dwellings.
- **Heritage** – preservation of historical, architectural and character buildings and values; the need to acknowledge Aboriginal history; and demolition of heritage as a serious issue to be carefully assessed.
- **Park Lands and public spaces** – preservation of Park Lands and objection to rezoning for large scale development.
- **Transparency and access** – improved access to information, including policy, assessment information and development processes, via the online system and provision of hard copies.
- **\$10m development assessment threshold** – review of requirements for the State Commission Assessment Panel to assess development in the City of Adelaide above \$10 million.

Community Survey Summary

- **Engagement** – validation of submission and representor details.
- **Website experience** – simplification and mobile phone compatibility.
- **Urban design** – importance of city form, scale and design quality; re-introduction of 'Desired Future Character Statements'.
- **Verification** – support for a simple, timely and accurate verification processes and simplification of verification language in the development assessment processing system (PlanSA website).
- **Vision** – a vision for the city (height and urban form) and long-term strategic land use planning.
- **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.
- **Affordable Housing** – ensure dwellings which are built as 'affordable housing' are utilised for such purpose.
- **Sustainability and climate change** – improved policy, building design and active travel options.
- **Assessment Authorities** – greater transparency in decision-making and for assessment authorities to be accountable for decisions.



Recommendations



1.1 A vision and identity for the capital city

Recommendations

City of Adelaide supports:	
Vision for the city centre	A statutory plan for a strong city centre (City Plan) which is recognised in the planning system.
	Vision statements being included in Zones in the Planning and Design Code and recognised in Part 1 – Rules of Interpretation.
Design standards in the city	Resolving the introduction of appropriate Design Standards, and the interaction with the <i>Local Government Act 1999</i> to ensure positive outcomes for Council-managed public land, such as footpaths and roadways.
	Encouraging the planning system to place greater emphasis on achieving Universal Design outcomes across all development, as envisaged by the <i>Planning, Development and Infrastructure Act, 2016</i> .
	Pursue Local Design Review process within the City of Adelaide.
Zone Interfaces and Building Height transition	Prepare design standards or guidelines for medium-high scale development for inclusion in the Planning & Design Code in City of Adelaide.
	City of Adelaide supports stronger interface policies to minimise over-height development and commercial land-use encroachments into residential zones.
	Consider height changes between zones that are more gradual, avoiding significant changes in height at a single point.
	Improve interface policies to better guide the assessment of developments at the interface.
Catalyst site policies	Revise policies to better respond to development interface issues and facilitate an improved approval process for non-envisaged land uses.
Non-envisaged land use	Further consideration of a non-envisaged land use list in the Planning and Design Code and opportunities for early refusal of problematic development types in certain locations.
	Reinstate a definition for Prescribed (Adult) Entertainment in the Code to allow for assessment.

1.2 One Act for heritage protection

Recommendations

City of Adelaide supports:	
A single heritage statute	A single legislation to govern and protect State and Local Heritage, as described in City of Adelaide's Position on Heritage Reform (June 2022). This can be enabled through adjustments to the <i>Heritage Places Act 1993 (SA)</i> and removal of Code Amendment local listing processes from the <i>Planning, Development and Infrastructure Act 2016 (SA)</i> .
A simpler pathway for Local Heritage protection	A simpler nomination pathway, that provides for Local Heritage Places to be assessed on heritage values by heritage experts.
Fast track updates to Historic Area Statements	Urgent update of City of Adelaide's Historic Area Statements to provide greater context, description and guidance.
Demolition Control	Demolition in an Historic Area to follow performance assessed pathway and only once full Development Approval for a replacement building is granted.

1.3 A place for everyone

Recommendations

City of Adelaide supports:	
Social and Affordable Housing	Progression of a national approach to mandatory inclusionary zoning for affordable housing, including a change in State-based planning legislation to enable its staged implementation.
Housing Growth	A multi-faceted approach to housing growth with partnerships between Local and State Government, community housing providers and the private sector.
Adaptive Reuse	A State-local government partnership to incentivise adaptive building reuse in the city.
Residential Code Amendment	Amendment of the Planning and Design Code to strengthen policies that promote residential development and good design in the city.
Fees and Charges	Reform of State Government fees and charges applied to residential development in the city.

Recommendations



2.1 Consider options for additional local assessment

Recommendations

City of Adelaide supports:	
Assessment based on local expertise	Performance assessed development applications to be undertaken by the relevant Council Assessment Panel or Assessment Manager (noting that both are required to be Accredited Professional planners).
Local assessment of major development in the city	Amendment of the <i>Planning, Development and Infrastructure (General) Regulations 2017 (SA)</i> to review the mechanism (currently \$10 million financial threshold) to enable Council to assess developments of significance to City of Adelaide.
Local assessment of development over \$10m	City of Adelaide to be the relevant authority for more development applications in our jurisdiction to include locally valuable knowledge into development outcomes. Consider increasing the financial threshold for State Commission Assessment Panel from \$10 million to \$50 million.

2.2 All applications assessed under existing planning system

Recommendations

City of Adelaide supports:	
State Government	State Government to utilise the planning system to assess State Government-initiated major projects.
Major projects	Whole-of-government determinations should be made on major projects, including State Government projects which are currently only determined by the Planning Minister.
Planning System	The Planning System enables and encourages development to be located within the city to create activation, employment and economic opportunities.

2.3 Effective community participation, appeals and notification

Recommendations

City of Adelaide supports:	
Allowing time for meaningful engagement on policy	Minimum consultation timeframes of eight weeks for complex Code Amendments to enable constructive feedback to inform development design as early as possible.
	Subscription alerts when Code Amendments are uploaded to PlanSA's Planning Portal.
Notification	Localised and discretionary notification settings for development in the City of Adelaide. Notifying the local community provides opportunities for development decisions to respond to specific concerns, resulting in positive, long-term built form outcomes for the city, community and investors.
Variations	Require a test of external impacts to be applied to minor variation requests and on referral to Council.
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	Require variations on heritage sites to be referred to Council (including minor variation requests).
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Transparency in appeals process	Clear explanation of the appeal processes and pathways and system improvements to add conditions from Environment, Resources and Development Court Orders to decisions.
Strata owner approval	Options for reform could include a Practice Direction, or alternatively amending the <i>Planning, Development and Infrastructure Regulations 2017 (SA)</i> to bring South Australia in line with other states and create certainty for owners and strata groups.
	Require notification to landlord/owners during the development assessment process to strengthen confidence in the planning system.
Reduced ability to positively resolve Liquor Licensing and Land Use Incompatibility	The <i>Planning, Development and Infrastructure Act 2016 (SA)</i> provides the opportunity for a joint planning assessment and liquor panel for liquor applications or amendments to the Planning and Design Code.

Recommendations



3.1 Development tracking and integrated e-Planning

Recommendations

City of Adelaide supports:	
Spatial planning	State and local government agreements for data provision that enables spatial analysis - for example, to enable a City Plan through a strong digital platform and 3D functionality.
Digital tools	Development of mapping and map tools including changes to legislation to require 3D development models for large scale and constrained site developments to enable height and density interactions to be more readily considered during development assessment.
	Provision of 3D images of a proposed development can assist with better decision making.
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Miscellaneous and Technical Code Amendment	Mobile-enabled building notification processes.
Miscellaneous and Technical Code Amendment	Initiation of a Miscellaneous and Technical Code Amendment for city-specific policy corrections.

3.2 Strategic investment aligned to growth and infrastructure plans

Recommendations

City of Adelaide supports:	
Developer contributions to local infrastructure	New tools to ensure infrastructure for local communities and consideration of developer contributions for local infrastructure (as per NSW).
Positive waste management outcomes in smaller developments	Improved policies to ensure shops (cafes and restaurants) which generate large volumes of waste consider waste storage and management.
	Assessment pathway to default to 'code assessed' for shop alterations if no internal waste storage indicated on plans. Policy amendment is to ensure adequate design of waste solutions for the development type and pathway.

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	Actively work with PlanSA to formulate policies that continue to encourage activation of sites, including discouraging premature demolition.
Investment in multi-modal transport infrastructure	A "car parking" fund that can be used to fund active transport, electric vehicle infrastructure, separated bike lanes and footpaths.
EV charging infrastructure	Inclusion of a benchmark ratio for EV charging points in new developments.

3.3 Pathway to a climate-ready future

Recommendations

City of Adelaide supports:	
Investment in greening	Use of the Planning and Development fund for investment in open space, public realm, pocket parks, tree canopy and the Adelaide Park Lands.
Investment in tree canopy	Increasing the application of the Urban Tree Canopy Overlay to the city (not just the City Living Zone) and the types of development that the overlay applies to.
	Increase opportunity for tree planting by increasing the offset payment, spatial application and type of development the Urban Tree Canopy Overlay applies to.
	Stronger, evidence-based policy is needed to enable tree canopy to be increased and retained. Such policies could include requirements for space in which to plant new trees (for example providing sufficient root zones).
Climate-ready policies	Enabling climate-ready policies, informed by whole of government and industry-led initiatives.
	Identify opportunities to implement climate-ready policies via the Planning System.

**Adelaide.
Designed for Life.**



CITY OF
ADELAIDE

Planning System Implementation Review

City of Adelaide Submission to the Expert Panel – Expert Panel Questions Response Table
20 January 2023

The Expert Panel released three Discussion Papers in October 2022, seeking responses by 16 December 2022. Local Government received an extension until 30 January 2023 to submit feedback. This document provides feedback on 3 discussion papers. The first paper has a specific focus on potential opportunities to reform *the Planning, Development and Infrastructure Act, 2016*. Discussion Paper 2 focuses on opportunities to improve the Planning and Design Code, and Discussion Paper 3 focuses on e-planning and website improvement opportunities.

Discussion Paper 1 – *Planning, Development and Infrastructure Act 2016* Reform Options

- Scope of review:
 - Public Notification and Appeals
 - Accredited Professionals
 - Impact Assessed Development
 - Infrastructure Schemes
 - Local Heritage in the PDI Act
 - Deemed Consents
 - Verification of Development Applications

Discussion Paper 2 – Planning and Design Code Reform Options

- Scope of review:
 - Character and Heritage Policy
 - Tree Policy
 - Infill Policy
 - Car Parking Policy

Discussion Paper 3 – e-Planning System and the PlanSA website Reform Options

- Scope of review:
 - Early recommendations to the Minister for Planning
 - User Experience
 - Innovation

This document provides City of Adelaide responses to each of the questions raised in the discussion papers, including level of concern and urgency from City of Adelaide's perspective, and should be read in conjunction with the strategic response document.

DISCUSSION PAPER 1 – Planning, Development and Infrastructure Act, 2016 Reform Options – October 2022

Table 1 responds to the topics raised by the Expert Panel in “Discussion Paper 1 – Planning, Development and Infrastructure Act 2016 Reform Options” under the following scope set by the Expert Panel:

- Public Notification and Appeals
- Accredited Professionals
- Impact Assessed Development
- Infrastructure Schemes
- Local Heritage in the PDI Act
- Deemed Consents
- Verification of Development Applications.

This document provides feedback on 3 discussion papers. The first paper has a specific focus on potential opportunities to reform *the Planning, Development and Infrastructure Act, 2016*. Discussion Paper 2 focuses on opportunities to improve the Planning and Design Code, and Discussion Paper 3 focuses on e-planning and website improvement opportunities.

Table 1 – Response to “DISCUSSION PAPER 1 – Planning, Development and Infrastructure Act 2016 Reform Options – October 2022”

Expert Panel Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
Public Notification and Appeals				
<p>City of Adelaide Context</p> <p>Notification - The public notification settings in the City of Adelaide are generally working as intended under the new planning system, except for a small number of applications which appear to avoid notification triggers by proposing development just off the boundary, and some instances where low impact development is broadly notified.</p> <p>Appeals - There are very limited avenues for appeal in the new system. This creates certainty for those undertaking development, but does not enable development decisions to be challenged by adjoining owners or local community.</p>				
1. What type of applications are currently not notified that you think should be notified?	M	M	City of Adelaide has received applications for development located close to but not directly on the property boundary, potentially to avoid notification. This can result in compromised design/built form outcomes.	Clarify whether the existing system can allow for discretionary notification in line with community expectations.

Expert Panel Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
			<p>This has raised the question of whether the system provides for discretionary notification where development or built form outcomes would otherwise be compromised so as to avoid notification.</p> <p>There has been a shift in notification from residential areas in North Adelaide to residential areas in the southern portion of the CBD. This relates to a greater number of smaller sites in the CBD triggering notification through on boundary construction. However, more substantial developments on larger sites in North Adelaide are not triggering notification as there is no on boundary construction.</p> <p>Recommendation: Clarify whether the existing system allows for discretionary notification in line with community expectations.</p> <p>Recommendation: Identify opportunities for the planning system to allow for discretionary notification in line with community expectations.</p> <p>Recommendation: Review on boundary construction trigger. Is notification always necessary for single storey construction on a boundary for an inner city context?</p>	<p>City of Adelaide to consider approach to notification settings via Code Amendment.</p>
<p>2. What type of applications are currently notified that you think should not be notified?</p>	<p>M</p>	<p>M</p>	<p>Where development is anticipated in a zone, is in line with the zone policies, and offsite impacts are negligible, notification may not be necessary. However, notification is currently occurring due to Planning and Design Code wide notification triggers which are not tailored for use in the City of Adelaide context. For example:</p> <ul style="list-style-type: none"> • Single storey dwelling additions in the City Living Zone (southern CBD) are being notified because the notification trigger has not taken into consideration the fine-grain and small site context of the city. • Development directly fronting the main street in the City Main Street Zone triggered notification in relation to a small portion of on-boundary construction at the front of the site which was unlikely to impact residential properties at the rear of the site • In the Capital City Zone some forms of development require notification adjacent the City Living Zone. However, as the definition of 'adjacent' now includes properties within 60m of the development site, multiple properties unlikely to be 	<p>City of Adelaide to consider approach to notification settings via Code Amendment to ensure localised notification to those most affected by a proposed development.</p>

Expert Panel Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
			<p>impacted by the nature of the development (ie built form) are notified.</p> <ul style="list-style-type: none"> • It is acknowledged that if there are potential noise, odour or other external impacts the 60m catchment is appropriate. • Recommendation: Ensure notification settings are suitably flexible and appropriate to enable feedback from relevant adjoining properties and/or locality who may be impacted by a proposed development, and not “over-notify” in instances where there is little or no impact on adjoining property/locality. 	
<p>3. What, if any, difficulties have you experienced as a consequence of the notification requirements in the Code? Please advise the Panel of your experience and provide evidence to demonstrate how you were adversely affected.</p>	M	M	<p>Refer to examples provided above under Question 1 and Question 2 – Notification and Appeals.</p>	<p>Refer to recommendation provided under Question 1 and Question 2 – Notification and Appeals.</p>
<p>4. What, if any, difficulties have you experienced as a consequence of the pathways for appeal in the Code? Please advise the Panel of your experience and provide evidence to demonstrate how you were adversely affected.</p>	I	H	<p>City of Adelaide has observed that applicants and representors are unclear about how to access pathways for appeal. For example, some applicants have sought decision reviews against the Council Assessment Panel, however a decision review is only possible against Council’s designated “Assessment Manager”. As such, the City of Adelaide considers improvements could be made to how the appeal pathways are communicated to applicants.</p> <p>Council has also experienced legal challenges related to a deemed consent being submitted outside of the Development Assessment Processing (DAP) system even though the application was on hold at the applicant’s request. Seeking a deemed consent should not be able to occur without regard to the “hold” status of the application within the Development Assessment Processing system.</p> <p>The Development Assessment Processing (DAP) system also does not adequately integrate new/updated conditions arising</p>	<p>City of Adelaide recommends improvements to pathways for appeal, including:</p> <ul style="list-style-type: none"> • Introducing more opportunities for third-party appeals to enhance scrutiny of assessment decisions • Improving how decision review and appeal pathway options are communicated • Improving Development Assessment Processing system (DAP) to enable integration with appeals and ERD Court Orders

Expert Panel Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
			<p>from appeals via Court Orders from the Environment, Resources and Development Court (ERD Court).</p> <p>As the new system provides only limited avenues for appeal the City of Adelaide has observed this may be resulting in judicial reviews of process before any decision is made on an application. For example, applicants have challenged the assessor's determination of the "nature of development". This may be symptomatic of the absence of third-party appeal rights via the ERD Court after the decision is made.</p>	
<p>5. Is an alternative planning review mechanism required? If so, what might that mechanism be (i.e. merit or process driven) and what principles should be considered in establishing that process (i.e. cost)</p>	I	H	<p>City of Adelaide would support consideration of an alternative planning review mechanism, such as a Planning Appeal Tribunal if there is a demonstrated need to enable strengthened pathways for appeal and oversight of planning decisions by Assessment Managers, Council Assessment Panels, Regional Assessment Panels and/or State Commission Assessment Panel and the Minister for Planning.</p>	<p>City of Adelaide to provide comment on any proposal for an alternative Planning Review Mechanism, such as a Planning Tribunal.</p>
<p>Accredited Professionals</p> <p>The new planning system requires relevant authorities to have accreditation under the Accredited Professionals Scheme. This applies to both building and planning accreditation. Assessment Managers and Council Assessment Panel members are required to be accredited. The new system currently enables accredited builders to assess some planning consent applications.</p>				
<p>1. Is there an expectation that only planning certifiers assess applications for planning consent and only building certifiers assess applications for building consent?</p>	I	H	<p>City of Adelaide considers it is inappropriate for accredited builders to assess planning consent applications. There are examples in the City of Adelaide where building certifiers have incorrectly interpreted minor variations to planning consents.</p>	<p>City of Adelaide recommends that planning consents are undertaken by accredited planners, or planners under delegation from Assessment Managers.</p>
<p>2. What would be the advantages of only planning certifiers issuing planning</p>	I	H	<p>The advantage of only accredited planners issuing planning consent is that that professional standards are maintained which upholds confidence in the planning system by our community.</p>	<p>Refer to recommendation above.</p>

Expert Panel Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
consent? What would be the disadvantages?				
3. Would there be any adverse effects to Building Accredited Professionals if they were no longer permitted to assess applications for planning consent?	I	H	It is acknowledged that this could impact the available work for some building professionals. There is not expected to be adverse effects to building accredited professionals if they were not permitted to assess applications for planning consent, in the context of the City of Adelaide.	Refer to recommendation above.
Additional City of Adelaide Comment relating to Accredited Building Professional	I	H	<p>Private building certifiers who act as relevant authorities have, in some circumstances, approved documentation which is inadequate for inspection purposes.</p> <p>This presents significant inefficiencies for Council who are required to undertake mandatory inspections.</p> <p>City of Adelaide supports ongoing efforts by the Accreditation Authority to audit Accredited Building Professionals. This is critical to maintaining confidence in the planning system.</p>	Expert panel to encourage audits of building certifiers to address inadequacies in building documentation and increase confidence in the planning system.
<p>Impact Assessed Development</p> <p>Impact Assessed Development is an assessment pathway for the proper and orderly assessment of applications considered of a complexity or scale to warrant State Government oversight. Impact Assessed Developments are identified in the Planning and Design Code, the <i>Planning, Development and Infrastructure Regulations</i> or by declaration of the Minister for Planning.</p>				
1. What are the implications of the determination of an Impact Assessed (Declared) Development being subject to a whole-of Government process?	I	H	A process which is whole-of-government and not limited to only the Minister for Planning's portfolio may bring a broader understanding and insight to development decisions, and a greater appreciation of the role and benefits of the planning system across government. Impact Assessed Development is not common in the City of Adelaide however, greater transparency is a positive outcome.	Expert Panel to consider options for Impact Assessed (Declared) Development to be subject to a whole-of-government process.

Expert Panel Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
<p>Infrastructure Schemes</p> <p>Infrastructure schemes are intended to supplement existing arrangements for planning and delivery of infrastructure to support development, such as planning conditions, deeds and bonding arrangements. Other than three pilot schemes, it is understood no infrastructure schemes have been initiated.</p>				
<p>1. What do you see as barriers in establishing an infrastructure scheme under the PDI Act?</p>	M	M	<p>The complexities associated with the establishment of infrastructure schemes, as prescribed by the <i>Planning, Development and Infrastructure Act and Regulations</i>, and the fact that parts of the legislation have not yet been “switched on” are key barriers to establishing an infrastructure scheme. An absence of demonstrated successful case studies may also contribute to the lack of uptake of these schemes.</p>	<p>Expert Panel to consider amendments to the Infrastructure Scheme provisions of the PDI Act and Regulations to enable provision of infrastructure in the city.</p>
<p>2. What improvements would you like to see to the infrastructure scheme provisions in the PDI Act?</p>	M	M	<p>The City of Adelaide supports improvements to the requirements for infrastructure schemes in the <i>Planning, Development and Infrastructure Act and Regulations</i> to enable the provision of infrastructure to support strategic, precinct-scale infill growth, including physical, social and future-resilient infrastructure.</p>	<p>Expert Panel to consider opportunities/mechanisms to improve usability of infrastructure schemes.</p> <p>City of Adelaide will identify opportunities to utilise infrastructure schemes associated with development in a City of Adelaide context.</p>
<p>3. Are there alternative mechanisms to the infrastructure schemes that facilitate growth and development with well-coordinated and efficiently delivered essential infrastructure?</p>	M	M	<p>Whilst City of Adelaide does not contain “greenfield” redevelopment sites, there is potential for significant precinct-scale infill development which would also require infrastructure upgrades and/or new infrastructure. For example:</p> <ul style="list-style-type: none"> • Regional plans could include targets for service delivery and infrastructure (including monitoring these targets) and clearly identifying infrastructure needs. • Future Code Amendments could identify concept plans, including infrastructure upgrade potential. <p>Any changes to infrastructure scheme legislation should contemplate mechanisms that can apply within an inner-city context.</p>	<p>Expert Panel to consider opportunities for regional plans to include service delivery and infrastructure targets for precinct-scale infill redevelopment.</p> <p>City of Adelaide to identify opportunities to unlock sites for development.</p>

Expert Panel Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
<p>Local Heritage in the <i>Planning, Development and Infrastructure Act, 2016</i></p> <p>City of Adelaide has 1850 local heritage listings and 14 Historic Area Overlays, and seeks to protect, preserve and promote heritage, and support heritage conservation, including via professional support and financial incentives.</p>				
<p>1. What would be the implications of having the heritage process managed by heritage experts through the <i>Heritage Places Act</i> (rather than planners under the PDI Act)?</p>	I	H	<p>City of Adelaide considers the listing process for local heritage should be managed by heritage experts through the <i>Heritage Places Act 1993 (SA)</i></p> <ul style="list-style-type: none"> An integrated heritage assessment process, with a simpler nomination pathway, that provides for places to be assessed on heritage values by heritage experts, will provide the ability to evaluate the merit of a nomination and what heritage 'threshold' is achieved. Currently if a place does not satisfy State listing but meets the criteria for Local listing the listing can stall as Local listing requires a Code Amendment. For Local Heritage Places, individual nominations could be considered by heritage experts rather than requiring a Code Amendment process creating cost efficiencies. Council's position is described in more detail in City of Adelaide's Heritage Strategy 2021-2036: Heritage, Our Future. 	<p>Expert Panel to encourage State Government to fast-track the introduction of a single heritage statute to govern and protect State and Local heritage, as described in City of Adelaide's Position on Heritage Reform (June 2022). This can be enabled through adjustments to the <i>Heritage Places Act 1993 (SA)</i> and removal of Code Amendment local listing processes from the <i>Planning, Development and Infrastructure Act 2016 (SA)</i>.</p> <p>Expert Panel to encourage a simpler nomination pathway, that provides for Local Heritage Places to be assessed on heritage values by heritage experts.</p>
<p>2. What would be the implications of sections 67(4) and 67(5) of the PDI Act being commenced?</p>	I	H	<p>Sections 67(4) and 67(5) require over 51% of property owners to vote to have a new area of land included in the Planning and Design Code as an Historic Area. This part of the <i>Planning Development and Infrastructure Act 2016 (SA)</i> has not commenced.</p> <ul style="list-style-type: none"> If implemented, future Heritage Area Overlays would be subject to a popular vote rather than a planning decision based upon sound evidence, analysis, and consultation. City of Adelaide does not support the commencement of these sections. 	<p>City of Adelaide recommends repeal of sub-section 67(4) and (5) of the <i>Planning, Development and Infrastructure Act 2016 (SA)</i>.</p>

Expert Panel Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
Additional Comments	I	H	City of Adelaide's response to Table 2 – Planning and Design Code Reform Options, includes discussion and recommendation about the urgent need to update the Historic Area Statements.	<p>City of Adelaide welcomes correspondence from the State Planning Commission dated 19 October 2022 to enable Councils to review and update Historic Area Statements and intends to work with the Commission on improvements in the City of Adelaide.</p> <p>Demolition in an Historic Area to follow performance assessed pathway and only once full development approval for a replacement building is granted.</p>
<p>Deemed Consents</p> <p>The planning system provides a mechanism for applicants to issue a deemed consent notice to the relevant authority if a planning consent application has not been determined within the prescribed in the <i>Planning, Development and Infrastructure Act 2016 (SA)</i>.</p>				
1. Do you feel the deemed consent provisions under the PDI Act are effective?	I	H	<p>City of Adelaide works constructively with applicants to achieve positive development outcomes. Most applications assessed under the City of Adelaide's Assessment Manager and Council Assessment Panel are undertaken within the statutory timeframes.</p> <p>The deemed consent mechanism is not considered to be the most effective way of ensuring timely assessment decisions and quality outcomes.</p> <p>City of Adelaide has experienced the misapplication of the deemed consent process. For example, an application was on-hold at the applicant's request, and they subsequently issued a deemed consent notice.</p>	City of Adelaide recommends repeal of the PDI Act provisions related to "deemed planning consent".

Expert Panel Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
<p>2. Are you supportive of any of the proposed alternative options to deemed consent provided in this Discussion Paper? If not, why not? If yes, which alternative(s) do you consider would be most effective?</p>	I	H	<p>If deemed consents are maintained as a feature of the planning system, City of Adelaide supports a review of timeframes and processes to ensure that deemed consents can only be issued with regard to the current status of the application within the Development Assessment Processing system (i.e. should not be possible to request if an application is on hold at the request of the applicant).</p> <p>The interstate approach of deemed refusal could be considered by the Expert Panel as one option for resolving issues with deemed consent, as this will encourage applicants to work with relevant authorities to achieve better outcomes.</p>	<p>If deemed consents are maintained, City of Adelaide recommends addressing issues with the deemed consent provisions by reviewing the assessment timeframes and/or investigating an improved approach, such as “deemed refusal”.</p>
<p>Verification of Development Applications</p> <p>Applications received by Council must be verified within 5 days to confirm they are the correct relevant authority, determine the nature of development, identify the assessment pathway, ensure the correct level of documentation is provided, identify any required referrals and calculate the application fees. The assessment of the application can progress once the verification process is complete, and the fees are paid.</p>				
<p>1. What are the primary reasons for the delay in verification of an application?</p>	M	M	<p>There have been very few instances of the verification of applications by Council’s Assessment Manager taking longer than the statutory timeframe of 5 days.</p> <p>The verification process may appear to take longer for applicants who take longer to provide key documentation, or who have not yet paid the required fees.</p> <p>For more complex applications, the verification process also takes longer as this can include detailed consideration of the Planning and Design Code policies, relevant legislation, a site visit and/or discussion with referral bodies for clarification of referral triggers.</p> <p>Schedule 8 of the Regulations sets out the basic information that an applicant must provide, however this doesn’t include key information that is often necessary to determine the nature of development (e.g. hours of operation, number of employees, etc), Follow up conversations with the applicants are often required.</p>	<p>City of Adelaide recommends improvements to Schedule 8 to enable provision of key information to streamline verification timelines.</p>

Expert Panel Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
2. Should there be consequences on a relevant authority if it fails to verify an application within the prescribed timeframe?	M	M	<p>It is rare for the verification of applications to take longer than the statutory 5 days in the City of Adelaide. Consequences for failing to verify within the prescribed timeframe could be contemplated depending on the nature of the delay.</p> <p>However accurate verification is critical to ensure the effectiveness and efficiency of the subsequent assessment process. Where a relevant authority is genuinely seeking to verify an application and is working with the applicant to achieve this, then it would not be appropriate to penalise the relevant authority.</p> <p>Penalties could be contemplated in instances of persistent and systemic failure to verify applications within the statutory timeframe. However, understanding the cause(s) of delay in verification is essential to ensure penalties are only applied when necessary, and are designed to encourage relevant authorities to address the cause of the issue and not the symptoms.</p>	<p>Note: there are very few applications assessed by the City of Adelaide which have not been verified within the required timeframe.</p> <p>City of Adelaide recommends the Expert Panel should ensure any penalties for not meeting the verification timeline are designed to encourage the relevant authority to address the cause of the delay.</p>
3. Is there a particular type or class of application that seems to always take longer than the prescribed timeframe to verify?	M	M	<p>There have been very few instances of the verification of applications by Council's Assessment Manager taking longer than the statutory timeframe of 5 days.</p> <p>Development types that aren't specifically addressed within "Schedule 8 – Plans", and some undefined or ambiguous change-in-use applications can take longer to verify. For example, external alterations to a building are not defined in the Planning and Design Code.</p>	<p>City of Adelaide recommends improvements to Schedule 8 to enable provision of key information to streamline verification timelines.</p>
4. What would or could assist in ensuring that verification occurs within the prescribed timeframe?	M	M	<p>The following improvements could assist faster verification processes:</p> <ul style="list-style-type: none"> • More straight-forward submission process for applicants to avoid errors at submission stage, such as including a documentation checklist within the Development Assessment Processing system • Improve the scope of documentation required by Schedule 8 – Plans • Amend Regulation 31 to be more prescriptive about what information a relevant authority can request • Practice Direction. 	<p>City of Adelaide recommends improvements to Schedule 8 to enable provision of key information to streamline verification timelines, amending Regulation 31 and/or a Practice Direction.</p> <p>City of Adelaide recommends inclusion of a checklist for applicants within the Development Assessment Processing system.</p>

Expert Panel Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
5. Would there be advantages in amending the scope of Schedule 8 of the PDI Regulations?	M	M	<p>The scope of Schedule 8 of the Planning, Development and Infrastructure Regulations do not provide sufficient ability to request key information during verification.</p> <p>It would be beneficial to amend the scope of this schedule to include information that must be provided for a larger range of development types, and to address inconsistencies in requirements for dwelling additions compared with new builds and outbuildings etc.</p>	City of Adelaide recommends improvements to Schedule 8 to enable provision of key information to streamline verification timelines.
Additional <i>Planning, Development and Infrastructure Act 2016 (SA)</i> topics raised by City of Adelaide				
Strata owner approval before lodging application	I	H	<p>The current planning system does not require approval of strata corporations before a relevant authority assesses a development application. Concerns have been raised by the community.</p> <ul style="list-style-type: none"> • Recent issues have been experienced in the City of Adelaide associated with development approval occurring without prior strata management approval (refer to recent court case, <i>Strata Corporation 12753 Inc v Ren</i> [2022] SADC 134 11 November 2022). • Research indicates that strata corporation and landowner approval is required before lodging a development application in other States/jurisdictions in Australia. • Recommendation - Expert Panel to consider preparation of a Practice Direction, or alternatively amending the <i>PDI Regulations 2017 (SA)</i> to bring South Australia in line with other states and create certainty for owners and strata groups. 	City of Adelaide recommends the planning system should ensure landowner and/or strata corporation approval is demonstrated prior to assessment of development.

DISCUSSION PAPER 2 – Planning and Design Code Reform Options – October 2022

Table 2 responds to the topics raised by the Expert Panel in “Discussion Paper 2 – Planning and Design Code Reform Options” under the following scope set by the Expert Panel:

- Character and Heritage Policy
- Tree Policy
- Infill Policy
- Car Parking Policy

Table 2 – Response to “DISCUSSION PAPER 2 – Planning, Development and Infrastructure Act 2016 Reform Options – October 2022”

Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
<p>Character and Heritage Policy</p> <p>Council’s position on Heritage is described in more detail in City of Adelaide’s Heritage Strategy 2021-2036: Heritage: Our Future and City of Adelaide’s Position on Heritage Reform</p>				
<p>1. In relation to prong two (2) pertaining to character area statements, in the current system, what is and is not working, and are there gaps and/or deficiencies?</p>	<p>I</p>	<p>H</p>	<p>What is working?</p> <ul style="list-style-type: none"> • City of Adelaide supports the intent of the Historic Area Statements (HAS) to provide localised information for a specific area and seeks further inclusion of more localised and directive guiding policy. • Historic Area Statements work well for the assessment of development proposals in streets where there is sufficient detail about the specific important character features of the street in terms of setbacks, spaces around the buildings, building styles etc. <p>What is not working?</p> <ul style="list-style-type: none"> • The Historic Area Overlay (HAO) Policy Objectives are generic and do not provide localised guidance or direction that can be applied to the specific characteristics of the area. • The form of language used within the Historic Area Statement provides insufficient descriptive policy guidance. The use of language, in particular the failure to use verbs, fails to ensure 	<p>City of Adelaide welcomes correspondence from the State Planning Commission dated 19 October 2022 to enable Councils to review and update Historic Area Statements and intends to work with the Commission on improvements in the City of Adelaide.</p> <p>City of Adelaide will seek that greater context, description and guidance is included in the Planning and Design Code.</p>

Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
			<p>that the content is perceived as directive or a guiding tool for new development.</p> <ul style="list-style-type: none"> The Historic Area Statements do not provide guidance for roof pitches nor the continuation of roof form, however this guidance was previously provided in the Adelaide (City) Development Plan. <p>Gaps and Deficiencies</p> <ul style="list-style-type: none"> There is no clear guidance for present or future expectations for the areas. The Historic Area Overlay makes generic statements and does not provide design guidance or direction that can influence the desired design outcome sought for each area. The Historic Area Overlay policy fails to include specific Desired Character Statements for each historic area. The Historic Area Overlay statements were drafted to be consistent state-wide statements however, every Historic Area has distinctive character and should be identified and directed as such. <p>City of Adelaide considers the Historic Area Statements should:</p> <ul style="list-style-type: none"> Clarify which policy is applicable Provide a contextual basis for informing design Provide overall guidance about what is required for streets that are not individually listed (so that they cannot be interpreted as being less significant) Enable policy consideration to the settings and view of heritage places Include reference to maintaining setting and vistas which are important in maintaining the value of the heritage place as well as the surrounding character of the area as whole Include specific graphic tools to assist and guide the design of development proposals. Sketches and illustrations are important for providing visual examples of what is appropriate for different areas. 	

Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
2. Noting the Panel's recommendations to the Minister on prongs one (1) and two (2) of the Commission's proposal, are there additional approaches available for enhancing character areas?	I	H	<p>The Historic Area Statements for the City of Adelaide need to be reviewed as the policy content has not been updated since 2006. The following improvements are required:</p> <ul style="list-style-type: none"> • Use of appropriate language to provide clear design guidance suitable for different areas. • The inclusion of additional contextual information. The Historic Area Statements provide localised policy and more descriptive policy is required to guide the future desired character for each area. • Each Historic Area Statement should provide a descriptive localised paragraph on the desired character for that area. • Inclusion of further information in the Historic Area Statements, particularly for off-street parking, identifying original kerb and gutters as well as historic public realm features. • Further work is required to ensure each Historic Area Statement captures the key elements that contribute to the character of each street. • Reintroduce specific graphic tools to assist and guide the design of development proposals. 	Refer to recommendation for Question 1 - Character and Heritage Policy.
3. What are your views on introducing a development assessment pathway to only allow for demolition of a building in a Character Area (and Historic Area) once a replacement building has been approved?	I	H	<p>City of Adelaide considers the demolition of a building within an Historic Area should take the Performance Assessed Pathway to ensure the replacement building is consistent with the character and value of the area before it is demolished. Demolition should not be supported until <u>Development Approval</u> for a replacement building has been granted.</p> <p>Full Development Approval is necessary as it demonstrates the applicant's commitment to build the replacement building. This was a previous requirement within the former Development Plan, and it worked well for Historic Areas and more broadly for sites throughout the city. The 2006 policy framework significantly reduced the number of buildings being demolished without a replacement building.</p>	<p>City of Adelaide recommends:</p> <ul style="list-style-type: none"> • The demolition of a building within an Historic Area should take the performance assessed pathway and ensure the replacement building is consistent with the character and value of the area before it is demolished • Demolition is not supported until full Development Approval for a replacement building has been granted.

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4. What difficulties do you think this assessment pathway may pose?	I	H	<p>City of Adelaide recognises that the full development approval requirement does not guarantee a development will be completed; however, it does reduce speculative consents and facilitates the retention of the building while it is being planned and the building assessed for construction.</p> <p>Uncertain market conditions, cost escalation, risk of projects stalling and development ceasing after commencement still exist and it is acknowledged that it is not always possible for statutory controls to stop the possibility of work ceasing.</p>	Refer to recommendation in response to Question 3 – Character and Heritage Policy
5. How could those difficulties be overcome?	I	H	<p>City of Adelaide considers these difficulties could be overcome by:</p> <ul style="list-style-type: none"> • Including appropriate conditions of approval • Applicant entering into a legal agreement • Obtaining a Bond • For example, City of Sydney imposes a condition requiring the owner of a site to enter a Site Rectification Deed which is a legal obligation with Council providing for a bank guarantee authorising the release of funds for the re-instatement and improvement of a derelict site. Conditions may include: <ul style="list-style-type: none"> ○ Making the building safe and attractive at ground level ○ Excavation to be covered to allow the site to be landscaped and made attractive from any public vantage points ○ If building is constructed beyond ground floor, to allow hoardings to be removed and the ground floor development to be completed to a tenable stage ○ Call on bank guarantee to cover the cost. • Although economic provisions play an important role in development proceeding, it is important that regulatory processes also exist. 	<p>Refer to recommendation in Question 3 – Heritage and Character.</p> <p>Expert Panel to consider other opportunities such as site rectification deeds etc.</p>

Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
Tree Policy				
<u>Native Vegetation</u>				
1. What are the issues being experienced in the interface between the removal of regulated trees and native vegetation?	L	L	City of Adelaide notes that the <i>Native Vegetation Act 1991</i> does not apply within the City of Adelaide. As such, no issues have been identified in seeking development approval via the planning system.	Expert Panel to consult with City of Adelaide if it intends to recommend applying the <i>Native Vegetation Act 1991</i> within the City of Adelaide.
2. Are there any other issues connecting native vegetation and planning policy?	L	L	Biodiversity and native vegetation make an important contribution to enhanced greening and biodiversity in the City of Adelaide. Consideration could be given to how to ensure an appropriate level of recognition of locally significant biodiversity in the Adelaide Park Lands.	City of Adelaide to investigate appropriate mechanisms for recognising and protecting City of Adelaide's key biodiversity areas within the planning system.
<u>Tree Canopy</u>				
1. What are the implications of master planned/greenfield development areas also being required to ensure at least one (1) tree is planted per new dwelling, in addition to the existing provision of public reserves/parks? 2. If this policy was introduced, what are your thoughts relating to the potential requirement to plant a tree to the rear of a dwelling site as an option?	I	H	City of Adelaide's Strategic Plan seeks to achieve the following community outcomes "a climate ready organisation and community" and "enhanced greening and biodiversity". Encouraging urban tree canopy and greening outcomes across the Greater Metropolitan Region via the Planning and Design Code in master planned/greenfield development areas is consistent with Council's environmental leadership priorities, notwithstanding that City of Adelaide doesn't contain master planned/greenfield development areas <i>per se</i> . The location of a tree to provide shade and cooling may also benefit from considering the site context and solar orientation.	Expert Panel to ensure any tree planting policy in the planning system can function effectively to maintain and/or increase the extent of urban tree canopy.


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<p><u>Tree Protections</u></p> <p>Regulated and significant trees are defined under the <i>Planning, Development & Infrastructure Act 2016 (SA)</i>. Recent studies have compared South Australia's regulated and significant tree protection laws against those that exist interstate. The Expert Panel is considering whether to suggest changes to SA's tree protection laws with a view to protecting more trees.</p>				
<p>1. What are the implications of reducing the minimum circumference for regulated and significant tree protections?</p>	M	M	<p>City of Adelaide is supportive of reasonable changes to regulated and significant tree policies which are intended to reduce canopy loss.</p> <p>The City of Adelaide's seeks to retain and/or increase the amount of tree canopy, especially in areas where urban heat effect is most prevalent.</p> <p>Changes to the minimum circumference, height protection thresholds, crown spread protection and species-based tree protections would result in more trees having the opportunity to be protected. This may also increase the number of development applications for tree removal, which could have resourcing implications for assessment and compliance.</p>	<p>Expert Panel to ensure any changes to the regulated and significant tree protections are evidence-based and result in more effective protection of regulated and significant trees.</p>
<p>2. What are the implications of introducing a height protection threshold, to assist in meeting canopy targets?</p>	M	M	<p>Refer to comments in Q1 – Tree protections.</p>	<p>Refer to recommendation for Question 1 Tree Protections.</p>
<p>3. What are the implications of introducing a crown spread protection, to assist in meeting canopy targets?</p>	M	M	<p>Refer to comments in Q1 – Tree protections.</p> <p>In addition, there is potential to encourage more canopy and keep existing canopy (not regulated) by recognising spatial mapping of urban heat island in planning policy.</p>	<p>Refer to recommendation for Question 1 Tree Protections</p>
<p>4. What are the implications of introducing species-based tree protections?</p>	M	M	<p>Refer to comments in Q1 – Tree protections</p>	<p>Refer to recommendation for Question 1 Tree Protections</p>
<p>Additional Comments relating to significant and regulated trees</p>	I	H	<p>City of Adelaide considers there may be potential to introduce overlays requiring revegetation in areas which are very hot and do not have adequate tree canopy coverage.</p>	<p>City of Adelaide recommends investigations into application of science-based urban heat island overlay to prioritise retention of significant and</p>

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			<p>Urban heat island science/data could inform the spatial distribution of such an overlay. This could provide higher priority in development assessment to ameliorate urban heat in these locations. Hourly urban heat data is likely to be more valuable than day-night comparisons.</p> <p>City of Adelaide is custodian of the Adelaide Park Lands which is a significant State-level asset. Development in the city where tree canopy coverage is not achieved could be required to pay into a fund that increases tree canopy in the Park Lands.</p>	<p>regulated trees, and also encourages new trees in high priority locations.</p> <p>City of Adelaide supports use of the Planning and Development fund for investment in open space, public realm, pocket parks and increased tree canopy (including in the Adelaide Park Lands).</p>
<u>Distance from Development</u>				
<p>1. Currently you can remove a protected tree, excluding <i>Agonis flexuosa</i> (Willow Myrtle) or Eucalyptus (any tree of the genus) if it is within ten (10) metres of a dwelling or swimming pool. What are the implications of reducing this distance?</p>	M	M	<p>Tree protections should be evidence based and balanced with safety and structural considerations.</p>	<p>Expert Panel to ensure any changes to the regulated and significant tree protections are evidence-based and result in more effective protection of regulated and significant trees.</p>
<p>2. What are the implications of revising the circumstances when it would be permissible to permit a protected tree to be removed (i.e. not only when it is within the proximity of a major structure, and/or poses a threat to safety and/or infrastructure)?</p>	M	M	<p>Increasing circumstances in which protected trees can be removed, for reasons other than proximity to a major structure, safety etc. would likely increase the number of protected trees that are removed.</p> <p>Loss of tree canopy should be avoided where practicable. This is in line with City of Adelaide’s Strategic Plan’s community outcomes on achieving “a climate ready organisation and community” and “enhanced greening and biodiversity”.</p>	<p>Refer to recommendation associated with Question 1 – Distance from Development.</p>

Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
<p><u>Urban Tree Canopy Off Set Scheme</u></p> <p>In the City of Adelaide, the Urban Tree Canopy Overlay applies within the City Living Zone, which covers a large proportion of the suburb of North Adelaide, but only approximately a quarter of the built-up areas within the suburb of Adelaide.</p> <p>As a result, the Urban Tree Canopy Offset Scheme is limited in application in the city and only applies to new dwellings (which occur less frequently in the well-established residential areas of the City of Adelaide).</p> <p>City of Adelaide has not established a tree fund for these reasons. Expansion of the Urban Tree Canopy Overlay across the whole of the City of Adelaide should be considered.</p>				
<p>1. What are the implications of increasing the fee for payment into the Off-set scheme?</p>	<p>I</p>	<p>H</p>	<p><u>Fees</u></p> <p>The cost to the city for planting, establishing and maintaining trees in a highly urbanised environment is significantly greater than the cost of removing trees. The economic and societal value of biodiversity, visual amenity, and microclimate services provided by trees are not accounted for in the cost of removal.</p> <p>Any changes to the planning system related to the cost of removal or replacement of trees, and distribution of fees, should factor in the value of the trees in question, and the cost of replacement, including the time it may take a replacement tree to replicate the services previously provided by a mature tree.</p> <p>Increasing the fee for payment into the Off-set scheme would potentially provide additional funding for the City of Adelaide to establish new trees and landscaping in the city. It may also increase the likelihood of development being designed to retain and/or plant new trees.</p>	<p>Expert Panel to encourage increasing the offset payment, spatial application and type of development the Urban Tree Canopy Overlay applies to in order to increase opportunity for additional tree planting.</p>
<p>2. If the fee was increased, what are your thoughts about aligning the fee with the actual cost to a council of delivering (and maintaining) a tree, noting that this would result in differing costs in different locations?</p>	<p>I</p>	<p>H</p>	<p>City of Adelaide supports aligning the fee with the actual cost of delivering and maintaining a tree.</p>	<p>Refer to Recommendation in response to Question 1 – Urban Tree Canopy Offset Scheme</p>

Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
3. What are the implications of increasing the off-set fees for the removal or regulated or significant trees?	I	H	In addition to the comments provided in Question 1 – Urban Tree Canopy Off-set Scheme, City of Adelaide considers increasing the fees for removal of regulated or significant trees would result in more trees being retained, if the fee is set appropriately.	Refer to Recommendation in response to Question 1 – Urban Tree Canopy Offset Scheme
<u>Public Realm Tree Planting</u>				
1. Should the criteria within the Planning and Development Fund application assessment process give greater weighting to the provision of increased tree canopy?	I	H	City of Adelaide agrees that the criteria within the Planning and Development Fund should give greater weighting to the provision of increased tree canopy. It is also noted that there may be location, context, and equity considerations, such as the need to prioritise certain areas which are hotter than others, as measured via urban heat island mapping. Increased tree canopy is a key mechanism to address this.	Expert Panel to encourage greater weighting to the provision of increased tree canopy in assessment of applications to use the Planning and Development Fund.
<u>Additional Tree Policy matters</u>				
Use of Urban Tree Canopy Offset payment in lieu of tree planting.	I	H	<p>As stated in the Local Government Association’s October 2022 submission to the Expert Panel</p> <p><i>“A significant improvement to planning policy proposed in the early draft of the Code was the requirement for tree planting and provision of deep root zones within infill development/small lot housing. Unfortunately this policy has been significantly weakened due to the introduction of an Offset Fund for the planting of trees required by the policy.”</i></p> <p><i>“Clear rules and obligations are required to be placed on the Private Certifier and the applicant to ensure that payment into the offset scheme in lieu of a tree on the property is the last resort” ...and, “where a tree is unable to be located on a property in conjunction with a dwelling because of reactive soils, footing costs or setbacks and the applicant is required to pay into the offset scheme these applications should not be determined as a ‘Deemed to Satisfy’ application but should become a Performance Assessed Application” (LGA, October 2022, pp 28-29).</i></p>	<p>City of Adelaide recommends a review of the provisions of the Urban Tree Canopy Overlay to provide clarity of interpretation for applicants and planners that:</p> <ul style="list-style-type: none"> • Paying into the offset scheme is not “Deemed to Satisfy” Performance Outcome 1.1* of the Urban Tree Canopy, unless in demonstrated exceptional circumstances, such as reactive soils etc., and • Reference to “Residential development” in Desired Outcome 1 includes extensions to existing dwellings. <p>(*PO 1.1 - Trees are planted or retained to contribute to an urban tree canopy.)</p>

Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
Infill Policy				
<u>Design Guidelines</u>				
1. Do you think the existing design guidelines for infill development are sufficient? Why or why not?	M	H	<p>City of Adelaide considers the design guidelines for infill development lack the detail and guidance that was contained within the previous Development Plan.</p> <p>The Planning and Design Code does not contain adequate detail to enable good design outcomes and Council is now required to negotiate policy that was previously consulted and received Ministerial Approval through the Development Plan. The implementation of the Planning and Design Code has resulted in a loss of good planning policy with respect to high quality design.</p> <p>Specific issues are being experienced at the interface between the Capital City Zone and the City Living Zone, particularly in relation to lack of policies which support a positive transition between building heights. There are often significant differences in maximum building heights enabled by the Planning and Design Code. Additional policies are needed to guide and encourage more appropriate transitions, especially adjoining the City Living Zone.</p> <p>There is potential to introduce policy mechanisms to “space-out” high rise buildings in the City to protect views for occupants, neighbouring buildings and to enhance visual amenity throughout the City.</p> <p>The design impacts and management of infill development should be addressed more thoroughly in the Planning and Design Code. Some of the deficiencies of the Code are summarised as follows:</p> <ul style="list-style-type: none"> • Little regard is given to policies addressing design, neighbourhood character, and local context. • There are limited design standards for medium-high scale development which should be given greater interrogation. • Lack of illustrations to guide development applications. Illustrations that were useful in providing guidance for applications within the previous Development Plan are no longer included e.g. passive cross-ventilation, borrowed light, 	<p>City of Adelaide will seek to undertake a Code Amendment to improve design guidelines for infill development in the city context, including, but not limited to seeking improved interface policies with existing residential development.</p> <p>Stronger policy focus for catalyst sites to achieve desired better quality design and interface with the community of the City of Adelaide.</p>

Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
			<p>overlooking from windows and balconies, building setbacks, and building orientation.</p> <ul style="list-style-type: none"> Absence of policy within the Capital City Zone limiting the extent and dominance of garaging along the street frontage which negatively affects the activation and human scale of the street frontage.  <ul style="list-style-type: none"> Lack of policy regarding the integration of plant and mechanical equipment into the design of the building. Important policy is not activated for non-residential development e.g. Stormwater Management Overlay, Urban Tree Canopy Overlay. Existing catalyst site policy is sparse and should be improved to ensure it provides better guidance especially in relation to scale, height and amenity impacts on neighbouring lower-scale developments. The Stormwater Management Overlay or the equivalent should be applied to non-residential development. Urban Tree Canopy Overlay only applies to residential development. Consideration should be given to non-residential developments which tend to be larger generators of urban heat. An adapted equivalent should also apply to non-residential development. Insufficiently addresses the issue of 'Crime Prevention through Urban Design' and is a step backwards from the previous Development Plan policy. Due to the intensity of development in the city, safety, surveillance and security should be carefully 	

Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
			<p>considered within each planning application however the Planning and Design Code provides little direction in this area.</p> <ul style="list-style-type: none"> • Insufficient policy to guide good design outcomes and environmental performance such as: <ul style="list-style-type: none"> ○ Limited policy guidance regarding location of living spaces, private open space, communal open space, orientation of buildings. ○ Lack of policy to encourage the planting of indigenous species which is important in providing an environment suitable for our native species and enhancing biodiversity. ○ Fails to address decentralised energy generation and embedded networks. ○ Fails to address or encourage low carbon design and construction measures. ○ Fails to encourage wastewater and stormwater re-use or the minimisation of waste. • Absence of policy that guides and influences the design and presentation of multi-level car parks. As they are non-active in terms of their contribution to the streetscape it is important guiding policies are in place to influence the location, design and presentation of these buildings to the street. • Undercroft structures are uncharacteristic to the streetscapes of the city and therefore the policies should not apply in the city. • Fails to provide policy that encourages sleaved multi-level carparks. This ensures that street frontages remain active and attractive. • Earthworks and sloping land policies have no regard to impact on adjoining neighbours or streetscapes. • Fails to provide sufficient policy to address universal design to ensure accommodation is designed to be adaptable to allow one to age in place as well the basic requirement of ensuring the ground floor level of buildings is level with the footpath. 	

Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
<u>Design Guidelines</u>				
<p>2. Do you think there would be benefit in exploring alternative forms of infill development? If not, why not? If yes, what types of infill development do you think would be suitable in South Australia?</p>	M	H	<p>Infill policy design guidelines are not written nor apply within the City of Adelaide, however there are many opportunities for residential development in the city, including precinct-scale medium and high-density infill development.</p> <p>The Planning and Design Code does not appropriately capture all types of infill development. There is potential to improve the design guidelines to enable better policies in place to address a diversity of infill development</p> <p>Additional Design Standards or Guidelines could be developed for medium-high scale development. Further work is required on infill development for medium to high scale development focussing on key issues such as:</p> <ul style="list-style-type: none"> • Quality of development in terms of materials, articulation and design as well as existing streetscapes • Successfully resolving the interface with smaller-scale development is of particular importance within the City of Adelaide • Buildings facing secondary street boundaries • Local context • Adaptability • Specific method of reducing direct overlooking e.g. setback standards to achieve reasonable distances between buildings, orientation of windows, projecting sills, canopy projections etc. • The following policy from the previous Adelaide (City) Development Plan is an example of policy which has not been adequately transferred to the Planning and Design Code: 	<p>City of Adelaide encourages State Government to prepare design standards or guidelines for medium-high scale development in the context of the City of Adelaide.</p> <p>Also refer to recommendation Question 1 – Infill Development.</p>

Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
			<p>In the event that direct overlooking occurs from proposed upper level habitable room windows, external balconies, terraces, decks and roof gardens to habitable room windows and primary areas of private open space of adjacent dwellings, such direct overlooking should be minimised by:</p> <p>(a) setting buildings back from boundaries;</p> <p>(b) screening devices such as:</p> <p>(i) canopy projections above windows to minimise viewing down into rooms;</p> <p>(ii) horizontal projecting sills to restrict downward overlooking; or</p> <p>(iii) side window or balcony screens to restrict sideways/oblique overlooking;</p> <p>(c) orientating windows to avoid direct views; and</p> <p>(d) landscaping.</p> <p>Design Techniques (these are ONE WAY of meeting the above Principle)</p> <p>36.1 Direct views from upper level habitable room windows to the habitable room windows or useable private open space of an adjacent residential development restricted (assuming a viewing height of up to 1.6 metres above floor level) by:</p> <ul style="list-style-type: none"> • Encouraging a diversity of housing types within an infill development e.g. 1, 2 and 3 etc bedroom housing to cater for different household types. • Infill development which enables a mix of land uses in the one building. 	
<u>Strategic Planning</u>				
<ul style="list-style-type: none"> • What are the best mechanisms for ensuring good strategic alignment between regional plans and how the policies of the Code are applied spatially? 	M	H	<p>City of Adelaide considers the following mechanisms could be considered to ensure good strategic alignment between regional plans and spatial application of Code policies:</p> <ul style="list-style-type: none"> • Prioritising Code Amendments that have been proposed and engaged upon within a City Plan, and/or by other strategic decisions of Councils. • Consider reintroducing the equivalent of Section 30 Development Plan Reviews which occurred under the previous planning system within 12 months of a change to the Planning Strategy, or within 5 years of a previous Section 30 review. • Consider statutory recognition of sub-regional plans, and/or Council-specific (City) Plans as the local spatial realisation of the regional plan. 	<p>Expert Panel to consider formal recognition of City Plans within the planning system as a sub-regional plan.</p> <p>Expert Panel to consider introducing Local Planning and Design Code reviews by local governments within 12 months of the introduction of a regional plan, or within 5 years of the last Local Planning and Design Code review.</p>

Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
<ul style="list-style-type: none"> What should the different roles and responsibilities of State and local government and the private sector be in undertaking strategic planning? 	M	H	<p>City of Adelaide considers that metropolitan-wide strategic planning should be led by State Government, local government-scale strategic planning should be undertaken by local government.</p> <p>Both levels of government have the opportunity to utilise the private sector to assist with engagement/consultation, and key investigations/research as needed.</p> <p>Local government should lead the review of the effectiveness of planning policies within the local area and identify opportunities to improve delivery of agreed local and regional strategic outcomes via planning policy.</p>	Expert Panel to ensure the planning system enables local government to have a key role in influencing regional and local strategic planning.
Car Parking Policy				
<u>Code Policy</u>				
<p>1. What are the specific car parking challenges that you are experiencing in your locality? Is this street specific and if so, can you please advise what street and suburb.</p>	M	H	<p>City of Adelaide has a unique role as a Capital City, which includes providing key transportation connections. The car parking challenges experienced by the city vary depending on proximity to the CBD, noting that significant areas of the city are residential in nature and/or adjoining more localised Main Street retail areas. Key cultural, entertainment, sporting and recreational activities associated with the city and Park Lands also present unique transportation issues and opportunities, including but not limited to car parking.</p> <p>Development assessment staff have not experienced any specific challenges relating to car parking policies in the Planning and Design Code to date. Car parking policy settings in the Capital City Zone reflect the high level of access to tram, train, bus, cycle, walking and other transportation modes.</p> <p>Community feedback in relation to car parking is varied. There is strong support to reduce car dependency. Other feedback has highlighted concerns around lack of car parking associated with developments in the Capital City Zone</p> <p>The transition to the Planning and Design Code delayed policy updates of key Concept Plans, such as the Pedestrian Area Overlay. Council has identified this as a priority to be addressed via a Code Amendment. The <i>Planning, Development and Infrastructure Act, 2016 (SA)</i> also identifies Universal Design as a</p>	<p>Expert Panel to ensure any proposed changes to car parking policy includes collaboration with Council.</p> <p>City of Adelaide to pursue Code Amendment to update and improve transportation-related policies and respond to increasing demand for electric vehicle infrastructure.</p>

Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
			<p>priority issue however this has not translated effectively into the Planning and Design Code policies yet. The planning system could also be better integrated with Disability, Access and Inclusion Plans, and Council's Active Transport Plan (currently in development).</p> <p>There is emerging demand for electric vehicle facilities, both on-street and associated with residential flat buildings (apartments), which support our community to be climate-ready. Policy reviews to reflect emerging demand is required.</p>	
<p>2. Should car parking rates be spatially applied based on proximity to the CBD, employment centres and/or public transport corridors? If not, why not? If yes, how do you think this could be effectively applied?</p>	M	H	<p>City of Adelaide considers the current car parking requirements appear to work relatively well considering the Capital City context. Council intends to review the current policy settings via a future Code Amendment which will consider transportation policy.</p>	<p>Refer to response to Question 1 – Car Parking Policy.</p>
<p>3. Should the Code offer greater car parking rate dispensation based on proximity to public transport or employment centres? If not, why not? If yes, what level of dispensation do you think is appropriate?</p>	M	H	<p>The Planning and Design Code has zones which are specific to the City of Adelaide, and which provide car parking rate dispensation. For example, in the Capital City Zone there is no minimum requirement for car parking, whilst there are minimum requirements for bicycle parking e.g. in residential flat buildings (apartments). This does not prevent development from choosing to include car parking. Greater car parking rate dispensation for development could be contemplated in parts of the City Living Zone with proximity to public transport i.e. areas of mixed use in the City Living Zone close to King William Street in the southern part of the city.</p> <p>City of Adelaide considers that car parking policies in the Planning and Design Code should be considered within the overall context of a strategic transportation plan and regional and state-wide coordination of effective transportation options, including active transportation.</p>	<p>Expert Panel to have regard to effectiveness of existing City of Adelaide car parking policies.</p> <p>Expert Panel to advocate for preparation and appropriate inclusion of integrated transport management plans within the planning system.</p>

Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
4. What are the implications of reviewing carparking rates against contemporary data (2021 Census and ABS data), with a focus on only meeting average expected demand rather than peak demand?	L	L	City of Adelaide will consider car parking rates in the Planning and Design Code in a Capital City context when undertaking investigations to inform a future transportation Code Amendment	Refer to response to Question 1 – Car Parking Policy.
5. Is it still necessary for the Code to seek the provision of at least one (1) covered carpark when two (2) on-site car parks are required.	L	L	City of Adelaide does not consider it necessary to require at least one (1) covered carpark when two (2) on-site car parks are required.	Refer to response to Question 1 – Car Parking Policy.
<u>Design Guidelines</u>				
1. What are the implications of developing a design guideline or fact sheet related to off-street car parking?	M	H	<p>City of Adelaide considers that a design guideline or fact sheet would be of assistance to applicants. If such a design guideline is produced it should consider the context of the City of Adelaide. This may also be of assistance to local government areas who are experiencing increased demand for medium and high-density development.</p> <p>A design guideline could include information about off-street carparking options for residential flat buildings (apartments) to inform higher density off-street parking options, including provision for accessibility scooter parking, bicycle parking, car stacking devices, and EV charging infrastructure. The guidelines could also include advice on how to design development to encourage use of available active transport options.</p>	Expert Panel to include information about universal design, electric vehicle infrastructure and active transport in any new design guidelines or fact sheets relating to off-street car parking.

Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
			Inclusion of electric vehicle and active transport information in the design guideline will assist communities to cost-effectively transition to a climate-ready future, which is consistent with the City of Adelaide's strategic goals.	
<u>Electric Vehicles</u>				
1. EV charging stations are not specifically identified as a form of development in the PDI Act. Should this change, or should the installation of EV charging stations remain unregulated, thereby allowing installation in any location?	M	H	<p>City of Adelaide suggests consideration should be given to whether increased regulation of electric vehicle (EV) charging stations will assist faster transition to low carbon future to address climate change.</p> <p>The following information may assist the Expert Panel's considerations:</p> <ul style="list-style-type: none"> • City of Adelaide received legal advice confirming electric vehicle charging stations are development when changing an existing use i.e. the Tesla EV charging station at the bus station on Franklin Street was considered to change the existing bus station use. • Electric vehicle charging stations are not considered a change of use within existing multi-level car parks or for on-street car parks. 	Expert Panel to ensure any regulation of electric vehicle charging stations is consistent with enabling community to be climate-ready as rapidly as possible.
2. If EV charging stations became a form a development, there are currently no dedicated policies within the Code that seek to guide the design of residential or commercial car parking arrangements in relation to EV charging infrastructure. Should dedicated policies be developed to guide the design of EV charging infrastructure?	M	H	City of Adelaide considers there could be benefit in creating policies or guidelines to guide the design and/or selection of electric vehicle charging infrastructure for different development types, e.g. residential, apartments, commercial etc. These guidelines would need to be consistent with emerging National Construction Code policies relating to electric vehicle infrastructure provisioning and should recognise that technology is evolving rapidly.	City of Adelaide recommends any electric vehicle charging infrastructure policies prepared by State Government should enable community to be climate-ready as rapidly as possible and have regard to emerging National Construction Code policies.

Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
<u>Car Parking Offset Schemes</u>				
1. What are the implications of car parking funds being used for projects other than centrally located car parking in Activity Centres (such as a retail precinct)?	L	H	City of Adelaide does not currently have a car parking fund. Enabling car parking funds to be used for non-car parking projects, such as active transport or new bike lanes, could broaden their appeal and be of benefit to the community.	Refer to recommendation in Question 2 below.
2. What types of projects and/or initiatives would you support the car parking funds being used for, if not only for the establishment of centrally located car parking?	L	H	City of Adelaide acknowledges there could be potential for car parking funds to provide for a range of used for non-car parking projects which will benefit residents and encourage visitors to the city, such as implementing active transport plans, delivering active and sustainable transport infrastructure e.g. new bike lanes, micro-mobility initiatives, access and inclusion infrastructure, improving the end-to-end user experience of public transport, end-of-trip facilities etc.	City of Adelaide recommends car parking funds should be enabled to be used for range of active and sustainable transportation-related infrastructure
<u>Commission Prepared Design Standards</u>				
1. Do you think there would be benefit from the Commission preparing local road Design Standards?	I	H	<p>City of Adelaide has previously and consistently advocated for urgent consideration and resolution of the policy interaction between development and the public realm, such as public roads.</p> <p>Public realm matters need to be encapsulated appropriately in either the Planning and Design Code or specific City of Adelaide Design Standard. This issue was raised by City of Adelaide <i>prior to</i> implementation of the Planning and Design Code.</p> <p>As such, Design Standards need to be prepared in a way which is consistent and supportive of public realm interface considerations in the City of Adelaide context, including consideration of Council's existing Encroachment Policy and interaction with s221 of the <i>Local Government Act, 1999 (SA)</i>.</p> <p>In the City of Adelaide context, Council-issued permits issued under the <i>Local Government Act, 1999 (SA)</i> are important to effectively manage encroachments into the public realm and activities such as:</p>	City of Adelaide to collaborate with the State Government to ensure Design Standards include consideration of the City of Adelaide context including the interaction between public realm, infrastructure and encroachments.

Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
			<ul style="list-style-type: none"> • Road closures • Crane erection • Outdoor dining • Crossover changes • Ground anchors etc. <p>Unregulated use of public road and footpaths can sometimes lead to negative impacts upon:</p> <ul style="list-style-type: none"> • Use and enjoyment of the public realm • Public safety, public liability and indemnity • Maintenance and repair • Local trade • Occupiers of private land. <p>Successful creation of Design Standards in the City of Adelaide context will assist with resolving the conflicting legislative requirements associated with the use of the public realm as defined in the City of Adelaide's Encroachment Policy.</p>	

DISCUSSION PAPER 3 – e-Planning System and the PlanSA website Reform Options – 30 November 2022

Table 3 responds to the topics raised by the Expert Panel in “Discussion Paper 3 – e-Planning System and the PlanSA website Reform Options” under the following scope set by the Expert Panel:

- Early recommendations to the Minister for Planning
- User Experience
- Innovation

Table 3 – Response to “DISCUSSION PAPER 3 – e-Planning System and the PlanSA website Reform Options – October 2022”

Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
<p>Early Recommendations</p> <p>Discussion Paper 3 included recommendations already made by the Expert Panel to the Minister for Planning.</p>				
<p>Early Recommendations to the Minister for Planning by the Expert Panel</p>	<p>I</p>	<p>H</p>	<ul style="list-style-type: none"> • City of Adelaide is supportive of the Expert Panel’s early recommendations to the Minister for Planning on 11 October 2022 in relation to: <ul style="list-style-type: none"> - Subscription service improvements - Development application map - Builders database - Refined submission process - Conditions and notes by element type - Code rules as a checklist - Development Assessment Processing homepage. 	<p>City of Adelaide agrees with the early recommendations of the Expert Panel.</p>
<p>User Experience</p> <p>The new planning system operates in a new Planning Portal comprising a PlanSA website, an online-accessible “Planning and Design Code” and the South Australian Planning and Property Atlas (SAPPA). Development assessment is undertaken by planners and builders within the Development Assessment Processing (DAP) system. Applicants seek development approval via the on-line platform, pay fees on-line and receive correspondence via the DAP.</p> <p>Planning and building Accredited Professionals, including Council staff who act under delegation of an Assessment Manager, must use the DAP system to process applications and record actions and decisions. The system was created by and is maintained by State Government. Each Council is charged an annual levy to State Government to maintain this system which is proportionate to the value of development in that local government area.</p>				

Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
<u>Website Re-Design</u>				
1. Is the PlanSA website easy to use?	M	M	City of Adelaide does not have any specific concerns or recommendations at this stage in relation to the PlanSA website, however it is important to ensure any future changes ensure excellent user experience for community, industry and government.	City of Adelaide recommends that any future changes to the PlanSA website should ensure excellent user experience, including for community, industry and government.
2. What improvements to the PlanSA design would you make to enhance its usability?	M	M	Refer to comment above.	Refer to response to Question 1 – Website Redesign.
<u>Mobile Application for Submission of Building Notification and Inspections</u>				
3. Would submitting building notifications and inspections via a mobile device make these processes more efficient?	I	H	City of Adelaide encourages the creation of a mobile platform for builders to submit building notifications and inspection information to relevant authorities. It is considered this will make it simpler and faster for builders to provide notification information which will, in turn, enable Council to deliver key building compliance statutory functions.	City of Adelaide supports the creation of a mobile application for submitting building notification and inspections.
4. Where relevant, would you use a mobile submission function or are you more likely to continue to use a desktop?	I	H	Use of a mobile submission function would also be useful for City of Adelaide staff. Council staff are likely to use the mobile platform in addition to accessing the Development Assessment Processing system via desktop.	Refer to response to Question 3 – Mobile Application
<u>Online Submission Forms</u>				
5. Is there benefit to simplifying the submission process so that a PlanSA login is not required?	M	L	City of Adelaide is supportive of initiatives which simplify the interaction with the planning system. It is recognised that appropriate processes will need to be in place to ensure accountability for users of the system if a PlanSA login is not required for some users.	City of Adelaide recommends appropriate accountability processes should be in place if simplified application lodging processes are created by PlanSA.

Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
6. Does requiring the creation of a PlanSA login negatively impact user experience?	M	L	<p>The one-off investment of time to create a PlanSA login could be perceived as an obstacle for some users of the system, infrequent users of the system, and may deter some people from submitting development applications.</p> <p>City of Adelaide recognises that the system holds sensitive information and appropriate management and accountability checks and balances are necessary.</p>	Refer to response to Question 5 – Online Submission.
7. What challenges, if any, may result from an applicant not having a logon with PlanSA?	M	L	Not requiring a PlanSA login may increase the challenges associating with maintaining security and accountability of the Development Assessment Processing system and may also reduce the level of customer service that can be provided to applicants.	Refer to response to Question 5 – Online Submission.
<u>Increase Relevant Authority Data Management</u>				
8. What would be the advantages of increasing relevant authorities' data management capabilities?	M	M	City of Adelaide supports the ability of relevant authorities having greater ability to manage data within the Development Assessment Processing (DAP) system. This could mean less reliance on PlanSA staff to make simple changes to development applications in the DAP. City of Adelaide agrees this would need to be supported by a comprehensive application audit history to ensure system stability and integrity.	City of Adelaide recommends that any increased ability of relevant authorities to manage data in the DAP should be supported by a comprehensive application audit history to ensure system stability and integrity.
9. What concerns, if any, do you have about enabling relevant authorities to 'self-service' changes to development applications in the DAP?	M	M	City of Adelaide notes the Expert Panel's recognition that enabling relevant authorities to 'self-service' changes to development applications in the Development Assessment Processing (DAP) system would need to be supported by a comprehensive application audit history, to ensure system stability and integrity.	Refer to Recommendation for Question 8 – User Experience.
<u>Inspection Clocks</u>				
10. What are the advantages of introducing inspection clock functionality?	M	H	City of Adelaide is supportive of introducing inspection clock functionality because it would improve management, monitoring and reporting on inspection compliance.	Expert Panel to introduce inspection clock functionality to improve management, monitoring and reporting on inspection compliance.

Question	Urgency Immediate Medium Long term	Concern High Medium Low	City of Adelaide (CoA) comment	Next Steps
11. What concerns, if any, would you have about clock functionality linked to inspections?	M	H	City of Adelaide does not have any concerns with respect to clock functionality linked to inspections.	Refer to response to Question 10 – Inspection Clocks.
12. What, if any, impact would enabling clock functionality on inspections be likely to have on relevant authorities and builders?	M	H	City of Adelaide considers enabling clock functionality on inspections will help relevant authorities and builders to manage and track in sections and workload priorities.	Refer to response to Question 10 – Inspection Clocks.
<u>Collection of lodgement fee at submission</u>				
13. Would you be supportive of the lodgement fee being paid on application, with planning consent fees to follow verification?	I	M	City of Adelaide is supportive of lodgement fee being paid on application, with planning consent fees to follow verification.	Expert Panel to enable lodgement fee paid on application with consent fees to follow verification.
14. What challenges, if any, would arise as a consequence of 'locking in' the Code provisions at lodgement? How could those challenges be overcome?	I	M	There could be advantages of locking in the policy at lodgement however it is recognised that the assessment pathway could change following verification, and the applicable policy may need to be revised. A technical-fix may be needed to retrospectively and accurately apply Planning and Design Code policies if a new version of the Code has commenced in the intervening period.	Expert Panel to consider practical implications of locking in Code provisions at lodgement, in the event that the verification process identifies alternative assessment pathways and policy.
<u>Combined Verification and Assessment Processes</u>				
15. What are the current system obstacles that prevent relevant authorities from making decisions on DTS and Performance Assessed applications quickly?	M	M	Applications which follow a Deemed-to-Satisfy or Performance Assessed assessment pathway require initial planning assessment to determine whether they appropriately fit the criteria, in the context of the application and location. This is a key role to ensure the planning system is working effectively. For straight-forward applications it is not possible to complete the verification and then proceed directly to assessment in the system because fees must be paid first.	No recommendation.

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16. What would be the advantages of implementing a streamlined assessment process of this nature?	M	M	Enabling the Development Assessment Processing system to more easily combine verification and assessment processes to streamline assessments would be supported by the City of Adelaide. It would enable straight-forward applications to be assessed immediately after completing the verification process e.g. applications where all required documentation has been provided, no agency referrals and when public notification is not required.	Expert Panel to enable a combined verification and assessment process.
17. What, if any, impact would a streamlined assessment process have for non-council relevant authorities?	-	-	No comment.	No comment.
<u>Automatic Issue of Decision Notification Form</u>				
18. What are the advantages of the e-Planning system being able to automatically issue a Decision Notification Form?	L	L	City of Adelaide does not support automations at this stage. There are potentially too many errors in the system that need to be resolved before this could be pursued.	City of Adelaide does not recommend pursuing automatic issuing of decision notification forms at this stage.
19. What do you consider would be the key challenges of implementing an automatic system of this nature?	L	L	Refer to response for Question 18 – Automatic Issue of Decision Notification Form.	Refer to recommendation for Question 18 – automatic issue of Decision Notification Form.
20. If this was to be implemented, should there be any limitations attached to the functionality (i.e., a timeframe for payment of fees or the determination will lapse)?	L	L	Refer to response for Question 18 – Automatic Issue of Decision Notification Form.	Refer to recommendation for Question 18 – automatic issue of Decision Notification Form.
<u>Building Notification through PlanSA</u>				
21. Would you be supportive of mandating building notifications be submitted through PlanSA?	I	H	City of Adelaide strongly supports mandating building notifications to be submitted through PlanSA. All relevant people should be provided with a PlanSA login to enable notification via the Planning Portal. It might need	Expert Panel strongly encouraged to mandate building notifications to be submitted through PlanSA.

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			guidance built into the system for people who are unfamiliar with the Development Assessment Processing system.	
22. What challenges, if any, would arise as a consequence of removing the ability for building notifications to be received by telephone or in writing to a relevant council? How could those challenges be overcome?	I	H	<p>Council suggests that if the ability for building notifications to be received by telephone or in writing to Council is removed, the replacement notification system needs to be easy to use or it won't be used by builders.</p> <p>If the new system isn't used by builders there could be an increased failure to notify, especially if a back-up system for notification isn't provided.</p> <p>Barriers to using the portal need to be addressed in the design of the system. For example, a user-friendly mobile app for notification will be key to success.</p> <p>It is suggested that the notification system could be designed to send emails/texts to builders prompting them to notify at key stages. This could also include useful links embedded in the reminders to make it mobile-friendly to respond easily.</p> <p>It would be useful to have the ability to send a timely reminder to notify e.g. 1 week after development approval has been granted followed by reminders if needed. It would also be helpful to provide a text/email reminder that failure to notify of status could result in an expiation (e.g. fine).</p>	Expert Panel to ensure notification system is easy to use and consider inclusion of prompt texts/emails at key stages.
23. Would this amendment provide efficiencies to relevant authorities?	I	H	Council considers this amendment would assist in receiving key information which triggers mandatory inspections and resulting efficiencies for relevant authorities.	No recommendation.
<u>Remove Building Consent Verification</u>				
24. Would you be supportive of removing the requirement to verify an application for building consent?	L	L	City of Adelaide is not supportive of the proposal to remove the requirement for verifying an application for building consent. In circumstances where inadequate and incomplete documentation is provided, the verification stage enables this to be addressed early and quickly, which prevents more time-consuming issues later in the assessment process.	Expert Panel to discourage removal of requirement to verify an application for building consent.

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25. What challenges, if any, would arise as a consequence of removing building consent verification? How could those challenges be overcome?	L	L	<p>Removing the verification stage for building consents is likely to result in the need to address documentation shortfall at the Request for information (RFI) stage during the assessment.</p> <p>Early provision of correct documentation during the verification stage can save time for applicants, as well as for assessors. Removing the verification stage could result in circumstances where an applicant may invest a lot of time and money providing incorrect documentation.</p>	Refer to recommendation for Question 24 – Remove building consent verification.
<u>Concurrent Planning and Building Assessment</u>				
26. What would be the implications of enabling multiple consents to be assessed at the same time?	L	L	<p>Council considers that enabling planning and building consents could, in theory, work for simple applications. However, it is critically important to have an efficient work-flow process. Changes in documentation during planning assessment can have implications for building assessment, and take longer to assess in parallel for more complex applications.</p>	Expert Panel to recognise that enabling concurrent planning and building assessment could increase the time for assessment, especially for more complex applications.
Innovation				
<u>Automatic Assessment Checks for Deemed To Satisfy Applications</u>				
1. What do you consider would be the key benefits of implementing an automatic system of this nature?	L	L	City of Adelaide does not support automations at this stage. There are potentially too many errors in the system that need to be resolved before this could be pursued.	Expert Panel to not consider automatic assessment checks for Deemed-to-Satisfy applications at this stage.
2. What do you consider would be the key challenges of implementing an automatic system of this nature?	L	L	City of Adelaide does not support automations at this stage. There are potentially too many errors in the system that need to be resolved before this could be pursued.	Refer to recommendation for Question 1 – Automatic Assessment Checks for Deemed To Satisfy Applications.
3. Would you be supportive of the Government investing in developing this technology so that it may integrate with the e-Planning system?	L	L	City of Adelaide does not support automations at this stage. There are potentially too many errors in the system that need to be resolved before this could be pursued.	Refer to recommendation for Question 1 – Automatic Assessment Checks for Deemed To Satisfy Applications.

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<u>3D Modelling for Development Application Tracker and Public Notification</u>				
4. What do you consider would be the key benefits of the e-Planning system being able to display 3D models of proposed developments?	I	H	City of Adelaide supports enabling the e-Planning system displaying 3D models of proposed developments. This will assist development assessment and enable community to visualise proposed developments. It will also inform policy development and strategic planning.	Expert Panel encouraged to enable the e-planning system to display 3D models of proposed development.
5. Do you support requiring certain development applications to provide 3D modelling in the future? If not, why not? If yes, what types of applications would you support being required to provide 3D modelling?	I	H	City of Adelaide supports enabling the e-Planning system displaying 3D models of proposed developments. As a starting point, applications which are assessed by the State Commission Assessment Panel and/or referred to the Government Architect (currently developments over \$10m in the City of Adelaide) should be required to provide 3D modelling.	Refer to response to Question 4 – 3D Modelling for Development Application Tracker and Public Notification
6. Would you be supportive of the Government investing in developing this technology so that it may integrate with the e-Planning system?	I	H	City of Adelaide is supportive of the Government investing in developing this technology so it may integrate with the e-Planning system.	Refer to response to Question 4 – 3D Modelling for Development Application Tracker and Public Notification
<u>Augmented Reality Mobile Application</u>				
7. Would you be supportive of the Government investing in developing this technology so that it may integrate with the e-Planning system?	M	M	City of Adelaide is supportive of State Government investing in augmented reality mobile applications. This will assist development assessment and enable community to visualise proposed developments. It will also inform policy development and strategic planning.	Expert Panel encouraged to enable the e-planning system to integrate with Augmented Reality Mobile Application.
<u>Accessibility through Mobile Applications</u>				
8. Do you think there is benefit in the e-Planning system being mobile friendly, or do you think using it only on a computer is appropriate?	I	M	City of Adelaide is supportive of enabling the e-Planning system to be mobile-friendly.	Expert Panel encouraged to enable the e-Planning system being mobile friendly.

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9. Would you be supportive of the Government investing in developing this technology so that the PlanSA website and the e-Planning system is functional on mobile?	I	M	City of Adelaide is supportive of enabling the e-Planning system to be mobile-friendly.	Refer to response to Question 8 – Accessibility through Mobile Applications.
Additional City of Adelaide comments				
Development Assessment Processing System – plan storage capacity and automating the process of combining plans from applicants	M	M	<p>City of Adelaide considers it would be helpful for the Development Assessment Processing system to:</p> <ul style="list-style-type: none"> • Enable greater storage capacity of plans. • Automatically combine multiple documents received from an applicant. 	Expert Panel to suggest improvements to Development Assessment Processing system to enable greater storage capacity for plans and ability to automatically combine documents received from an applicant.
Streamline Payment of Compliance Fees	M	H	<p><u>Context</u></p> <p>When Council is the relevant authority for planning and building consent, the applicant receives two invoices from Council:</p> <ul style="list-style-type: none"> • Invoice 1 - Lodgement and planning assessment fees • Invoice 2 - Building assessment fee and compliance fee. <p>When a private building certifier is engaged to undertake the building assessment, the applicant receives three invoices:</p> <ul style="list-style-type: none"> • Invoice 1 – Lodgement and planning assessment fees (issued by Council) • Invoice 2 – Building assessment fee (issued by private building certifier) • Invoice 3 – Compliance Fee (issued by Council). <p><u>Issue</u></p> <p>Some applicants do not pay Invoice 3 – Compliance Fee for some time, despite follow up from Council. Development approval cannot be issued until the third invoice is paid. Applicants express concern they have not received final approval.</p>	Expert Panel to encourage improvements to the Development Assessment Processing system to ensure compliance fees are paid in a timely manner when building assessment is undertaken by a private building certifier.

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			<p><u>Suggestion</u></p> <p>Consider improving the customer experience by mandating the compliance fee to be charged at the building assessment stage, regardless of whether Council or a private building certifier is undertaking the building assessment.</p> <p>Alternatively, consider reducing administration time and avoid delays for applicants by automating reminder emails to applicants to ensure the compliance fee is paid and enable the Development Approval to be issued.</p>	
Streamline input of ABS building data	M	M	<p>At the building assessment stage, there is a requirement to enter information (e.g. roof type, building use etc.) to enable the Australian Bureau of Statistics (ABS) to collate information.</p> <ul style="list-style-type: none"> • If Council is undertaking the building assessment this is undertaken as required. • If a private building certifier is undertaking the building assessment, this information for ABS is not being entered as required. <p>The ABS information must be entered before development approval can be granted, so Council ends up undertaking this task instead of the private building certifier.</p> <p>It is suggested that it would increase efficiency and avoid delays by mandating that the ABS data is populated by the private building surveyor during the building assessment stage.</p>	Expert Panel to recommend mandating private building certifiers to input information required for Australian Bureau of Statistics at the building assessment stage.

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Sharing Access	M	M	<p>Council administration (and Plan SA) are frequently receiving requests from applicants and application contacts asking for access to the portal. This is because the application was lodged and managed on their behalf by another party (for example, an architect).</p> <p>The other party can formally share access with other contacts via a sharing code they are issued by email. However, the sharing action is frequently not undertaken by the main contact person and Council is contacted to assist.</p> <p>Unfortunately, Council does not have permissions to share access with other application contacts and is unable to assist.</p> <p>It is suggested that Councils should be provided with the ability to share access to an application to other contacts, on the condition that either:</p> <ul style="list-style-type: none"> • The person requesting access is on the contacts list for the application; or • That person has written permission from the other party to access the application. 	Expert Panel to recommend improvements to the Development Assessment Processing system to enable key application contacts to access application information.
Building Indemnity Insurance	I	H	<p>There is a requirement for Council to ensure receipt of a copy of Builders Indemnity Insurance (BII) from the applicant or builder prior to commencing approved domestic building work costing \$12,000 or more. This protects the owner or consumer and future owners.</p> <p>Council is also required to include the Building Indemnity Insurance as part of the data extracted about a property or land for a Section 7 search.</p> <p>The Development Assessment Processing system has a specific tab/section for uploading the Building Indemnity Insurance. Uploading this information in this specific location in the Development Assessment Processing system enables it to be accurately extracted as part of a Section 7 search. Unfortunately, this information is sometimes incorrectly uploaded to the system in the incorrect location, e.g. in the documents" section.</p>	Expert Panel to recommend improvements to the Development Assessment Processing system to ensure Building Indemnity Insurance information is uploaded correctly to improve the accuracy of Section 7 searches.

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			It is suggested the Development Assessment Processing system could be improved by the inclusion of a prompt which encourages the Building Indemnity Insurance information to be uploaded in the correct location and ensures the Section 7 extract includes this key information.	