



## **AGENDA**

**FOR POLICY AND PLANNING COMMITTEE MEETING TO BE HELD ON**

**15 APRIL 2019 AT 6:30 PM**

**IN THE COUNCIL CHAMBER, 12 JAMES STREET, SALISBURY**

### **MEMBERS**

Cr C Buchanan (Chairman)  
Mayor G Aldridge  
Cr M Blackmore  
Cr L Braun  
Cr B Brug  
Cr A Duncan (Deputy Chairman)  
Cr K Grenfell  
Cr N Henningsen  
Cr D Hood  
Cr P Jensen  
Cr S Ouk  
Cr D Proleta  
Cr S Reardon  
Cr G Reynolds  
Cr J Woodman

### **REQUIRED STAFF**

General Manager Business Excellence, Mr C Mansueto  
Chief Executive Officer, Mr J Harry  
General Manager City Development, Mr T Sutcliffe  
General Manager Community Development, Ms P Webb  
General Manager City Infrastructure, Mr J Devine  
Manager Communications and Customer Relations, Mr M Bennington  
Manager Governance, Mr M Petrovski  
Governance Support Officer, Ms K Boyd



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## **APOLOGIES**

## **LEAVE OF ABSENCE**

## **PRESENTATION OF MINUTES**

Presentation of the Minutes of the Policy and Planning Committee Meeting held on 18 March 2019.

## **REPORTS**

### *Administration*

- 1.0.1 Future Reports for the Policy and Planning Committee..... 7
- 1.0.2 Collective Bargaining for Better Electricity Prices ..... 11
- 1.0.3 Tourism and Visitor Sub Committee Independent Members..... 25

### *Community Development*

- 1.1.1 Minutes of the Strategic and International Partnerships Sub Committee meeting held on Monday 8 April 2019 ..... 33
- 1.1.2 Minutes of the Youth Council Sub Committee meeting held on Tuesday 9 April 2019..... 39

### *Urban Development*

- 1.3.1 Planning Reforms - Development Assessment Regulations, Planning and Design Code Phase One, and Privately Funded Development Plan Policy update. .... 45

## **OTHER BUSINESS**

## **CLOSE**





**MINUTES OF POLICY AND PLANNING COMMITTEE MEETING HELD IN THE  
COUNCIL CHAMBER, 12 JAMES STREET, SALISBURY ON**

**18 MARCH 2019**

**MEMBERS PRESENT**

Cr C Buchanan (Chairman)  
Mayor G Aldridge  
Cr M Blackmore  
Cr L Braun  
Cr A Duncan (Deputy Chairman)  
Cr K Grenfell  
Cr N Henningsen  
Cr D Hood  
Cr P Jensen  
Cr S Ouk  
Cr D Proleta  
Cr S Reardon  
Cr G Reynolds  
Cr J Woodman

**STAFF**

General Manager Business Excellence, Mr C Mansueto  
Chief Executive Officer, Mr J Harry  
General Manager City Development, Mr T Sutcliffe  
General Manager Community Development, Ms P Webb  
General Manager City Infrastructure, Mr J Devine  
Manager Governance, Mr M Petrovski  
Governance Support Officer, Ms K Boyd

The meeting commenced at 6.32 pm.

The Chairman welcomed the members, staff and the gallery to the meeting.

**APOLOGIES**

An apology was received from Cr B Brug.



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## LEAVE OF ABSENCE

Nil

## PRESENTATION OF MINUTES

Moved Cr K Grenfell

Seconded Cr L Braun

The Minutes of the Policy and Planning Committee Meeting held on 18 February 2019, be taken and read as confirmed.

**CARRIED**

## REPORTS

### *Administration*

#### **1.0.1 Future Reports for the Policy and Planning Committee**

Moved Cr J Woodman

Seconded Cr D Proleta

1. The information be received.

**CARRIED**

#### **1.0.2 Minutes of the Tourism and Visitor Sub Committee meeting held on Wednesday 13 March 2019**

Moved Cr K Grenfell

Seconded Cr M Blackmore

1. The information be noted.

**CARRIED**

#### **1.0.3 Tourism and Visitor Sub Committee Independent Members**

Moved Cr G Reynolds

Seconded Cr J Woodman

1. The information be received.
2. Mr Lindsay Virgo be appointed to the Tourism and Visitor Sub Committee for a term of two years.

**CARRIED**



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*Community Development*

**1.1.1 Salisbury Community Hub - Project and Construction Progress Report**

Moved Cr L Braun  
Seconded Mayor G Aldridge

1. That the report be received, and the current status of the Salisbury Community Hub project be noted.

**CARRIED**

**1.1.2 Salisbury Community Suicide Prevention Network - Every Life Matters – Update**

*Cr M Blackmore declared a perceived conflict of interest on the basis member of Every Life Matters. Cr Blackmore managed the conflict by remaining in the meeting and voting in the best interest of the community.*

*Cr J Woodman declared an actual conflict of interest on the basis of being an Executive Member of Every Life Matters. Cr J Woodman left the meeting at 6:36 pm.*

Moved Cr G Reynolds  
Seconded Cr C Buchanan

1. The information be received.
2. Council continue to support the Salisbury Community Suicide Prevention Network – Every life Matters, by providing staff assistance for a maximum of 3 days per month until the 2020 SCPN AGM (scheduled to take place min 4 months after the end of the financial year, on or before 31 October 2020).

**CARRIED**

*The majority of members present voted IN FAVOUR of the MOTION.  
Cr M Blackmore voted IN FAVOUR of the MOTION.  
Cr J Woodman returned to the meeting at 6:39 pm.*

*Corporate Plans*

**1.7.1 Elected Members Strategic Workshop - 16 and 17 February 2019**

Moved Mayor G Aldridge  
Seconded Cr K Grenfell

1. That Council note the summary of discussions held during the Elected Member Strategic Workshop held on Saturday, 16 and Sunday, 17 February 2019 at the Mawson Lakes Centre, contained in Attachment 1 to this report (Policy and Planning Item No.1.7.1 18/03/2019).

**CARRIED**



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## OTHER BUSINESS

### P&P-OB1 Abandoned Shopping Trolleys

Moved Cr L Braun

Seconded Cr K Grenfell

That:

1. Staff bring back a report examining the viability of introducing policy to regulate abandoned shopping trolleys.
2. The report to include the success of other Councils who have already implemented similar policies and various options that may be considered for Salisbury.

**CARRIED**

The meeting closed at 6.52 pm.

CHAIRMAN.....

DATE.....



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<b>ITEM</b>	1.0.1
	<b>POLICY AND PLANNING COMMITTEE</b>
<b>DATE</b>	15 April 2019
<b>HEADING</b>	Future Reports for the Policy and Planning Committee
<b>AUTHOR</b>	Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	This item details reports to be presented to the Policy and Planning Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

#### **RECOMMENDATION**

1. The information be received.

#### **ATTACHMENTS**

There are no attachments to this report.

#### **1. BACKGROUND**

- 1.1 Historically, a list of resolutions requiring a future report to Council has been presented to each committee for noting.

#### **2. CONSULTATION / COMMUNICATION**

- 2.1 Internal
  - 2.1.1 Report authors and General Managers.
- 2.2 External
  - 2.2.1 Nil.



### 3. REPORT

3.1 The table below outlines the reports to be presented to the Policy and Planning Committee as a result of a Council resolution.

Meeting Item	- Heading and Resolution	Officer
19/12/2016 P&P-OB1	<b>RAAF AP-3C Tailfin for Purposes of Display</b> That staff prepare a report working with Salisbury RSL to obtain an AP-3C Tailfin from RAAF for purposes of display within the Salisbury Council area, potentially as part of the Salisbury Oval Precinct upgrade. <b>Due:</b> June 2019	Adam Trottman
24/04/2017 1.3.1	<b>Salisbury, Mawson Lakes and Ingle Farm Car Parking Review</b> Salisbury City Centre Study Area: (d) Retain the current exemption from car park contribution for small business with a further review in two years. <b>Due:</b> June 2019	Peter Jansen
26/03/2018 6.4.2	<b>Budget Bids 2018/2019 -</b> Budget Bids requiring further clarification and or reports as detailed in paragraphs 3.4 and 3.5 be brought back to the relevant Committee meeting for further consideration, with these bids being:- - PSN000159 Mawson Lakes – Skate, Bike, Basketball Facility – Regional Facility West of the City and Rage Cage at Unity Park (to be considered in May as an element of the Game Plan) <b>Due:</b> June 2019	Adam Trottman
23/07/2018 MON1	<b>Basketball Court - Cascade Estate, Mawson Lakes</b> 1. That a report be brought forward, which investigates the appropriateness and feasibility of establishing a 'half court or full court' basketball court in the Cascade Estate at Mawson Lakes, and other suitable locations within the City of Salisbury. <b>Due:</b> April 2019 <b>Deferred</b> December 2019 <b>Reason</b> To be considered in time for 2020/21 budget bids but following endorsement of the Place Activation Strategy which will assist with prioritization of play spaces	Adam Trottman / Craig Johansen



28/05/2018	<b>Reconciliation Action Plan Status Report and Next Iteration Draft</b>	Julie Kalms
1.1.3	4. That Council investigate and report back by February 2019 on possible costs and suitable sites/venues for a tourism and cultural centre in Salisbury showcasing the culture and heritage of Indigenous people of the Northern Adelaide Plains.	
<b>Due:</b>	May 2019	
28/05/2018	<b>Cities Power Partnership Program</b>	Andrew Le Grand
1.2.1	1. That Council re-consider becoming a partner of the Cities Power Partnership program once the City of Salisbury's Energy Management Plan has been finalised and endorsed during 2018/19.	
<b>Due:</b>	May 2019	
25/06/2018	<b>Community Art Program</b>	Adam Trottman
1.1.3	4. Note that a further report regarding the Public Art Framework will be brought back to Council in February 2019.	
<b>Due:</b>	April 2019	
<b>Deferred to:</b>	May 2019	
<b>Reason:</b>	Pending the Informal Strategy presentation for the Public Art Framework in May	
25/06/2018	<b>Cultural Advisory Committee</b>	Adam Trottman
MWON2	That Staff provide a report to Council regarding the benefits and requirements for reforming the Cultural Advisory Committee (or similar) to provide advice and recommendations in regards to artworks to be undertaken by the City of Salisbury.	
<b>Due:</b>	April 2019	
<b>Deferred to:</b>	May 2019 to be considered as a part of the Public Art Framework in May	
<b>Reason:</b>	To be incorporated into the Community Arts Program report	
23/07/2018	<b>The Paddocks Masterplan</b>	Craig Johansen
1.5.1	3. That a scoping study of works be brought back to Council with an implementation plan for year three onward.	
<b>Due:</b>	April 2019	
<b>Deferred to:</b>	October 2019	
<b>Reason:</b>	Budget Bid for 2019/20 has been submitted. Scoping and scheduling of the work to be completed in future years will be prepared for this report to assist with 2020/21 onwards planning.	
25/02/2019	<b>Salisbury Community Hub - Civic Square Placemaking Lighting and Methodist Historical Cemetery Improvements</b>	Chantal Milton
1.3.1	3. That staff explore options and report back for reducing the annual maintenance costs for the cemetery.	
<b>Due:</b>	July 2019	



25/02/2019	<b>Mawson Lakes Indented Car Parking Bays and Trader Car Parking</b>	Peter Jansen
1.3.2	2. That staff provide information regarding permit parking in the further report on parking scenarios.	
<b>Due:</b>	April 2019	
<b>Deferred to:</b>	June 2019	
<b>Reason:</b>	To allow for internal briefing sessions with Elected Members and Key Stakeholders and to be incorporated into the report on the GTA parking study.	
25/03/2019	<b>Abandoned Shopping Trolleys</b>	John Darzanos
1.3.2	1. Staff bring back a report examining the viability of introducing policy to regulate abandoned shopping trolleys.	
	2. The report to include the success of other Councils who have already implemented similar policies and various options that may be considered for Salisbury.	
<b>Due:</b>	May 2019	
25/03/2019	<b>Motion on Notice – Civic Square</b>	Hiroe Terao / Michael Bennington
1.3.2	1. Council commence a four week Council social media and Council website campaign asking for a public response for a preferred name for the existing ‘Civic Square’ in Salisbury City Centre, from the following suggestions: <ul style="list-style-type: none"> <li>• Salisbury Plaza</li> <li>• John St Plaza</li> <li>• Hub Plaza</li> <li>• Civic Plaza</li> <li>• Salisbury Community Hub</li> </ul> 2. The administration consult with the Reconciliation Action Plan working group for a Kaurna language word to be included for naming the Square, and to be included on the list for a public response.	
	3. Public responses, including additional suggestions from the public, be compiled into a report and submitted for Council consideration at the June 2019 meeting.	
<b>Due:</b>	June 2019	

#### 4. CONCLUSION / PROPOSAL

- 4.1 Future reports for the Policy and Planning Committee have been reviewed and are presented to Council for noting.

#### CO-ORDINATION

Officer: EXEC GROUP  
Date: 08/04/2019



<b>ITEM</b>	1.0.2
	<b>POLICY AND PLANNING COMMITTEE</b>
<b>DATE</b>	15 April 2019
<b>HEADING</b>	Collective Bargaining for Better Electricity Prices
<b>AUTHOR</b>	Matt Harris, Manager Strategic Procurement, Business Excellence
<b>CITY PLAN LINKS</b>	3.1 Be an adaptive community that embraces change and opportunities. 4.4 Embed long term thinking, planning and innovation across the organisation.
<b>SUMMARY</b>	In lieu of a Collective Bargaining for Better Electricity Prices approach, Administration recommends a series of education communications which could result in a far greater benefit for the residents of the City of Salisbury.
<b>RECOMMENDATION</b>	<ol style="list-style-type: none"> <li>1. That the report is received.</li> <li>2. Residents are educated and informed on the consumption and demand of Electricity by multiple communication avenues outlined in this report.</li> </ol>
<b>ATTACHMENTS</b>	<p>This document should be read in conjunction with the following attachments:</p> <ol style="list-style-type: none"> <li>1. You have the Power and how to use it</li> <li>2. SAPN Meter Data – Customer Portal</li> </ol>
<b>1. BACKGROUND</b>	<p>1.1 At its meeting on 17 December 2018, Council resolved:</p> <p><i>That the Administration investigate and provide advice to Council on the prospect of creating a critical mass of residential properties that would enable collective bargaining to effect a better electricity price for the residents of the City of Salisbury.</i></p> <p style="text-align: right;"><i>Resolution Numbers: 0053/2018, 0054/2018</i></p> <p>1.2 A Regional Council, Port Pirie, was referred to at the Committee Meeting.</p> <p>1.3 Port Pirie Regional Council has undertaken a Community Solar Project, providing their residents with an option to purchase Solar and Battery products via their contracted supplier, Cool or Cosy. This is not an electricity supply offering.</p> <p>1.4 This arrangement relies on residents investing in solar and battery solutions and forms an agreement between the resident and Cool or Cosy, not the Council.</p>



- 1.5 In September 2017 the Polaris Centre held an 'EnergySmart Saver' workshop. The workshop was hosted by Jon Dee, Anchor Host and writer of Smart Money on Sky News. The workshop was a free event which showed households and businesses practical ways that they can reduce their energy use.

## **2. CONSULTATION / COMMUNICATION**

### **2.1 Internal**

- 2.1.1 City Infrastructure – Infrastructure Management
- 2.1.2 Business Excellence – Communications and Customer Relations

## **3. REPORT**

- 3.1 The City of Salisbury's current electricity supply contract is via the Local Government Association Procurement (LGAP) and consists of electricity supply for above 160 megawatt hour usage sites, below 160 megawatt usage sites and 12 and 24 hour unmetered (street lights).
- 3.2 Origin Energy is our current retailer. As a retailer they must:
- 3.2.1 comply with regulatory and licensing requirements;
  - 3.2.2 coordinate the meter reads and billing process;
  - 3.2.3 manages connections, disconnections and relocations; and
  - 3.2.4 manages accounts receivables, including default payments.
- 3.3 The City of Salisbury's current contract does not consider electricity supply residential offerings.
- 3.4 A critical mass electricity supply residential offering would be unlikely to result in a better electricity price for residents due to the specific requirements of each household. For example:
- 3.4.1 Demand;
  - 3.4.2 Solar or Solar / Battery;
  - 3.4.3 Peak / Off peak usage; and
  - 3.4.4 Current offerings including combined gas and electricity contracts, exit fees and discount structures.
- 3.5 A mass supply electricity offering would also only be able to influence the energy component of a resident's bill. For residential bills this component is only about 40% to 50% of the total bill. The balance of the residential bill consists of network and environmental charges, which are South Australian Power Network (SAPN) and Australian Energy Market Operator (AEMO) charges, these would not change with a group offering.
- 3.6 At this point in time Council is not in a position to enter the Electricity Supply and Distribution Market. Should Council desire to enter the business area, other than the risks mentioned below, it would require the creation of a new Business Unit with various resources to manage the business.



- 3.7 Consideration of a mass supply electricity offering may result in the following risks to Council:
- 3.7.1 Confusion by residents regarding who their electricity supplier is;
  - 3.7.2 Regulatory or Licensing breaches;
  - 3.7.3 Additional resourcing in administering billing, connections, disconnections and relocations;
  - 3.7.4 Negative cash flow due to overdue or defaulted accounts;
  - 3.7.5 Increased Call Centre queries or complaints during power outages, expensive bills and other minor electrical faults e.g. blown fuses; and
  - 3.7.6 Implications to Council's brand reputation due to electricity supply issues, price increases etc outside of Council's control.
- 3.8 There are already several existing mass supply electricity options, alternatives and references available to residents:
- 3.8.1 One Big Switch;
  - 3.8.2 Energy Made Easy;
  - 3.8.3 Powering Forward Energy;
  - 3.8.4 SA Government - Comparing retailers and contracts, and choosing an energy deal; and
  - 3.8.5 Community Power Network.
- 3.9 The Administration has identified the following summarized initiatives which, if implemented, are envisaged to return a greater benefit to the City of Salisbury residents with no risk to Council. Examples of these initiatives that can be provided to residents is contained in the attachment titled 'You have the Power and how to use it:'
- 3.9.1 Providing residents with a greater education on tariffs:
    - Single Tariff – a single “peak” price structure charged regardless of the time of day when power is consumed and usually in steps; and
    - Dual Tariff – a “peak” and “off peak” price structure charged depending on the time of day power is consumed. In South Australia, Peak time is 7am to 9pm Business Days (non-daylight savings times). Residents can review and tailor their consumption depending on their tariff structure.
  - 3.9.2 General savings measures as identified in the attachment titled 'You have the Power and how to use it.'
  - 3.9.3 Metering types, “old” (current spinning disc type) are consumption only and “new” known as “Smart” or “Interval Meter” is consumption and demand. It is important for residents to be aware of the pros and cons of each metering type.
  - 3.9.4 Reading and checking the bill. A crucial activity to ensure that you get what you have been billed for.



- 3.9.5 Solar and Battery Storage needs to be an individual and informed decision by each resident. There are many factors to consider before investing many thousands of dollars. These are outlined in the attachment titled “You have the Power and how to use it.”
- 3.9.6 A useful and free tool which is available to all residents is the ‘SAPN Meter Data – Customer Portal.’ This portal provides information on consumption and demand which is useful when checking your bill or considering a large Solar or Solar / Battery investment.
- 3.10 It is proposed that in conjunction with this report and the attachments a Communication’s strategy is implemented via several avenues:
- 3.10.1 A flyer / brochure to accompany the rates bill;
- 3.10.2 Social media i.e. The City of Salisbury’s Facebook page;
- 3.10.3 An article in the Salisbury Aware publication; and
- 3.10.4 Potentially approach the Local Government Association (LGA) to facilitate education and industry briefings.

#### **4. CONCLUSION / PROPOSAL**

- 4.1.1 In lieu of a Collective Bargaining for Better Electricity Prices approach, Administration recommends a series of education communications which could result in a far greater benefit for the residents of the City of Salisbury.
- 4.1.2 Residents are educated and informed on the consumption and demand of Electricity by multiple communication avenues outlined in this report.

#### **CO-ORDINATION**

Officer:	EXECUTIVE GROUP	GMBE	GMCI
Date:	08/04/2019	04/04/2019	04/04/2019





## Energy Use - Tips

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Unfortunately there are variables that affect the way you should use or save on energy, this document attempts to point out the main differences and how to take advantage and save money based on your circumstance.

There are two main considerations for effective cost savings on your energy bill:

1. Do you have solar?
2. What type of meter do you have?

Let's look at what you should consider if you **have a solar system**.

Remember solar only produces power when the sun is out, and the solar PV system does NOT store any electricity! So with this in mind you should:

Use your energy during the day

- Put the dishwasher on in the morning so it's ready when you come home.
- Run the washing machine and dryer during the day.
- Use your slow cooker so meals are ready when you get home.
- Instead of ironing at night while watching TV, iron on Saturday or Sunday morning, while watching TV.
- Don't iron the one piece you need today, iron in batches so you are not heating the iron for one item.

Keep night time usage to a minimum

- Security or sensor lights usually have higher wattage globes, consider LED for these, and turn the timer down to only what is needed.
- Try and charge smartphones, music players, tablets and laptops during the day and run them on battery at night.
- Use ceiling fans to cool bedrooms at night.
- If you're a little cold, use a blanket or jumper to keep warm rather than turning on the heater.
- Close off rooms that are not in use to control loss of energy to those areas





## Energy Use - Tips

If you don't have solar, there are still things you can do to reduce the bill. But these savings are dependent on the type of meter you have.

There are generally two types of meters, a **single tariff** or a **dual tariff**.

**Single Tariff** meters charge you a single "peak" price regardless of the time of day when you use the power.

For this tariff the energy retailers have a stepped system for charging your power use, they may vary a little from provider to provider from the example below, but they essentially look like this...

Next step kWh				37.66 c
Next step 1500 kWh			34.89 c	
Next step 700 kWh		30.75 c		
First step 300 kWh	30.23 c			

As this tariff does not "reward" you for afterhours (off peak) use, your main goal is to eliminate the top two, or even three, price steps of your usage.

Consider these General savings measures

- Change the lighting in your house to LED.
- Once you have powered down your computer (desktop or laptop) turn it off at the power point, also turn off your printer and monitor at the power point.
- You generally only use your toaster for a few minutes in the morning, but leave it on all day – turn it off at the power point after you use it.
- Does the coffee machine need to be on standby while you are at work? Turn it off at the power point.
- Turn off lights when they are not needed
- Keep your light fittings clean. Dirty globes or fixtures mean less light.
- Set air-conditioning to recirculate, this way your system does not need to work as hard to convert outside temperature air to the desired inside temperature.
- Do you really need that second fridge running over winter? Switch it off.
- Any second fridge or freezer that only has a few items in it, move the items and turn it off.
- If you're a little cold, use a blanket or jumper to keep warm rather than turning on the heater.
- Close off rooms that are not in use to control loss of energy to those areas.
- If you leave the back light on when you are out, try installing battery or solar powered sensor lights.





## Energy Use - Tips

If you do not have a solar system and your meter is a **dual tariff** meter:

**Dual Tariff** meters charge you a “peak” and “off peak” price depending on what time of day you use the power. If you have an “off peak” charge on your bill, then your meter is a dual tariff.

In South Australia, Peak Time is 7am - 9pm on Business Days, and Off Peak Time is all time other than Peak Times, **please note that these times are based on NON daylight savings times** so add one hour, between October and April! (8am to 10pm business days)

Because your rate could be half in off peak times, this is when you should be consuming your energy.

So unlike when you have solar, you want to keep your daytime usage to a minimum!

Use your energy during the night (remembering the off peak time frames):

- Put the dishwasher on at night before you go to bed so it's ready in the morning.
- Run the washing machine and dryer at night as well.
- Iron on the weekends, as these are all off peak times.
- But still iron in batches so you are not heating the iron for one item.
- Charge smartphones, music players, tablets and laptops over night
- Fill fridges before you leave / go to bed, rather than when you get in / get home.

General savings measures:

- Close off rooms that are not in use to control loss of energy to those areas
- Security or sensor lights usually have higher wattage globes, consider LED for these, and turn the timer down to only what is needed.
- Use ceiling fans to cool bedrooms at night
- If you're a little cold, use a blanket or jumper to keep warm rather than turning on the heater.
- Change the lighting in your house to LED.
- Once you have powered down your computer (desktop or laptop) turn it off at the power point, also turn off your printer and monitor at the power point.
- You generally only use your toaster for a few minutes in the morning, but leave it on all day – turn it off at the power point after you use it.
- Does the coffee machine need to be on standby while you are at work? Turn it off at the power point.
- Turn off lights when they are not needed
- Keep your light fittings clean. Dirty globes or fixtures mean less light.
- Set air-conditioning to recirculate, this way your system does not need to work as hard to convert outside temperature air to the desired inside temperature.
- Do you really need that second fridge running over winter? Switch it off.
- Any second fridge or freezer that only has a few items in it, move the items and turn it off.

Keep daytime usage to a minimum





## Energy Use - Tips

### Demand type metering:

The new so called “Smart Meter” or “Interval Meter” is a demand type meter.

This type of metering, or tariff uses both your consumption and your demand for billing purposes.

Just as a quick explanation, consumption is the energy you use to operate electronic equipment, it is measured in Watts (or kilowatts being 1000 watts) used every hour, hence kWh (kilowatt hours). Most of our “old” meters (you know the spinning disc type meter) could only measure consumption (kWh) – like water running through your water meter.

These newer meters also measure demand; demand is the instantaneous or continuous requirement that the network needs to supply, when you “turn on, and then operate” an electrical load (for example, if you were to turn on an air conditioner you would need to extract a large amount of energy from the system to get the thing running and then it would settle down to continuous use (like the petrol consumed when you take off at the traffic lights compared to when you are driving at a steady speed).

The things to consider when it comes to demand is that demand is “reset” each month, and has three demand periods;

- Summer Peak – 4pm to 9pm on workdays from November to the end of March.
- Shoulder Demand – 12 noon to 4pm on work days all year.
- Off Peak Demand – all other times outside, Summer and Shoulder times

Looking at your account, you should see your demand listed for each month, to this end SAPN will be transitioning all accounts to a monthly account (not sure if that means you will receive a bill monthly or that the quarterly bill will contain monthly information) to correctly and accurately reflect the demand components.

This means that the difficult thing to manage, as you can see, is demand, and you only need to turn any significant appliance (like air conditioner, washing machine, sports field lights, electric car, or a combination) on once for a few minutes to set the demand for the entire month!

Given the above, these are the things you need to keep in mind.

- Demand is only calculated based on Business or Work days (not applied (yet) for weekends or public holidays).
- Between November and March, on work days, if you turn on your appliance/s between 4pm and 9pm you set Summer Demand.
- Any work day during the year, if you turn on your appliance/s between 12 noon and 4pm (weekdays) you set Shoulder Demand.

So be mindful of the demand periods, look for slow ramping equipment, don’t turn on “everything” at once, and only use what is necessary in Summer Demand periods.





## Energy Use - Tips

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### Checking your Bill:

One of the simplest, but most important, things you can do is check and get to know your bill.

Estimated or Actual: you should always check that your bill has “actually” been read, an estimated reading could mean a big bill now, or worse, a big bill later! Make sure you note when your next reading will take place and ensure that the reader has clear and safe access to your meter.

Your tariff and your rate: Understanding the tariff you are on and what rates apply to that specific tariff, can help you understand the best way to organise your energy usage. Another thing that can be misleading is the rate. Understanding what part is retailer controlled and what is network related, allows you to know what can, and can’t, be negotiated with your retailer, and allows you to really see if the “discount” from one retailer is better than the flat rate from another. Once you are settled on a price, record it and make sure that you get it, and if it changes, ring and find out why. There can be different pricing based on the time of year (summer pricing) so make sure you understand if and when your pricing will change. Remember that the network (SAPN) publishes their new rates every July, so confirm with your retailer if these charges (increases or decreases) are reflected in your rate.

Check the read: It’s not difficult to go to your meter and check that the meter read on your bill is correct. There rarely is an error with a meter read but especially if you have had many estimated reads, or when you first move into a new place, it’s a good idea to just check the meter and record the reading for yourself (take a photo with your phone), you never know when you will need to prove that a reading is incorrect.





## Energy Use - Tips

### What about Solar, and what about Battery Storage?:

Generally, the decision to “Go Solar” is made too quickly, with decisions made to spend thousands only to save hundreds!

When deciding to install solar, batteries or both, make sure you understand what you want to achieve and that your business plan stacks up.

It is recommended is to install monitoring equipment years before you entertain this investment, so that you understand how YOU use energy and where and how this technology suits you.

And when you are ready for solar, you should consider the following:

#### Solar:

It's called a solar system because it is made up of a few parts.

**Solar Panels:** simply put, these are a collection of photovoltaic cells, two wafers of silicon (an ultra-thin layer of phosphorus-doped (N-type) silicon, on top of a thicker layer of boron-doped (P-type) silicon) placed together to form a panel. Particles of light, or photons, break electrons free from atoms, generating a flow of electricity. No moving parts, so there is very little that goes wrong with the panels themselves.

**Inverters:** the inverter converts the DC current produced by your solar panel into AC current for use in your home. This device has more parts and because it changes the current, can be prone to failure. There are two types of inverter the usual single inverter on the side of your house or micro inverters, which are connected behind each panel. Spend more money here; make sure you have an inverter fit for your purpose.

**Installation:** this is the workmanship, wires, switches, fuses, etc. All of this should and must comply with Australian standards, but there are some things you should also consider for your installation; ease of cleaning and maintenance of your new panels and more importantly of your existing roof and gutters. Also, ensure your installer uses D-Curve circuit breakers for your installation; D-Curve breakers allow for a faster ramp up and ramp down, as well as a better operating temperature range, this is particularly important with solar due to the sudden changes in cloud cover.

So, what else do I need to know?

- Solar panels do NOT store energy, and they only work when the whole panel is in direct sunlight!
- Panels are connected in strings (a group of panels connected together on a single circuit), a string only works if all the panels on that string are in direct sunlight, if one is in shade, none work!
- Creating appropriate strings are important if you have problems with shading, then consider using micro inverters for this type of situation.

Remember your panels are in sunlight, and generate an electrical current so they get HOT! Make sure that you clean between the panels and the roof, as birds' nests and rubbish can ignite!

Minimise how much energy you send back to the grid, by changing your habits so that you use the energy produced by your solar system.

February 19

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## Energy Use - Tips

### Battery:

This is relatively new to energy storage, even though we have been using batteries in our cars and phones for decades, our needs when it comes to our home is a different energy challenge.

Think of it like this, if your phone is flat at night you just plug it into a power point, what would you do if your home battery was flat? Would you use the grid power to charge it? If so, why did you spend all that money on a battery?

You need to think how you want the battery used and who gets priority to the solar energy, if you are home during the day (or say the fridge kicks in), do you use the solar energy for your use, or do you keep charging the battery?

So a good energy monitoring and management system is important, as is the ability to control this for your situation.

Now, what system to get?

### Lead Acid:

Lead Acid batteries are a tested technology; they have been used for decades in off-grid applications, they are cheap and readily available. Unfortunately they have a relatively short life, and have a lower "Depth of Discharge (DoD)" than other battery types.

### Lithium Ion:

The majority of home energy storage technology uses some sort of lithium ion chemical composition. These batteries are smaller and lighter, have a higher DoD and longer lifespan when compared with equivalent lead acid batteries. Unfortunately, they are also more expensive.

### Chemical Flow Battery (Zinc-Bromide):

A promising technology solution. Zinc-Bromide has a 100% DoD capacity on a daily basis and have no shelf life. They are very expensive at this stage, and need to be fully discharged every few days.

Remember that batteries only make sense if you have surplus solar generation, if you use all the solar you generate during the day, then why put in a battery, you will not be able to charge it!

You also need to consider the specifications of the battery. There are two parameters you need to consider, 1. The Capacity – this is represented in kWh (Kilowatt hour), 2. Power – this is the instantaneous capacity of the battery, which is represented in kW (Kilowatts).

If the specification quotes the capacity of 10kWh, this means you can run 5kW of appliances for two hours until the battery is depleted.

If the specification quotes the power as 5kW, then you can only place 5kW of load (appliances) on that battery

So based on the above, unless you have a very large battery it will not be able to supply your whole house! Most battery systems are about 3 - 5kW, and an air-conditioner is about 7kW, so you cannot put a battery on the same circuit as the air-conditioner, this means you will need to choose what things you want the battery to power, and make sure those items and no more are on the circuit supplied by the battery.

Look into the function and performance of the battery you are considering, for instance what do you want to happen when the power goes out? Did you want to still be able to use your battery in the home; do you want the battery to continue to charge (because the solar system is designed to turn





## Energy Use - Tips

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off when the power goes out)? Very few batteries offer these features, so check carefully if they are important to you.

These are all decisions you need to consider if you want a suitable solution, and each feature comes at a cost.

**Michael Pavlovich**

Technical Officer - Energy & Lighting Assets

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## SAPN Meter Data – Customer Portal

One of the “best kept” secrets, in the energy sector, is the free SA Power Networks Meter Data - Customer Portal.

You may not be aware that it is SA Power Networks (SAPN) who is responsible for reading your meter! They in turn, forward the read information, along with their network charges, to your retailer so that you can be charged.

There is a website where you can, register and login to see your usage and download your data!

All the information you need to create an account, is on your billing invoice, so have it handy when you are ready to register.

Go to site <https://customer.portal.sapownetworks.com.au/meterdata/>

Select register, and enter your details, read and accept the terms and conditions, then select the “register” button again.

You will then be taken through a series of pages where you will create a username and password.

You will then need to add your NMI to your account.

*The NMI is your National Meter Identifier, and even if your meter changes the NMI remains with the property. This is how things like solar and tariff is attached to your particular site within the database.*

Make sure you copy the information from your bill as it is shown, otherwise you may get a mismatch and the system will not be able to match your request with the database.

March 19

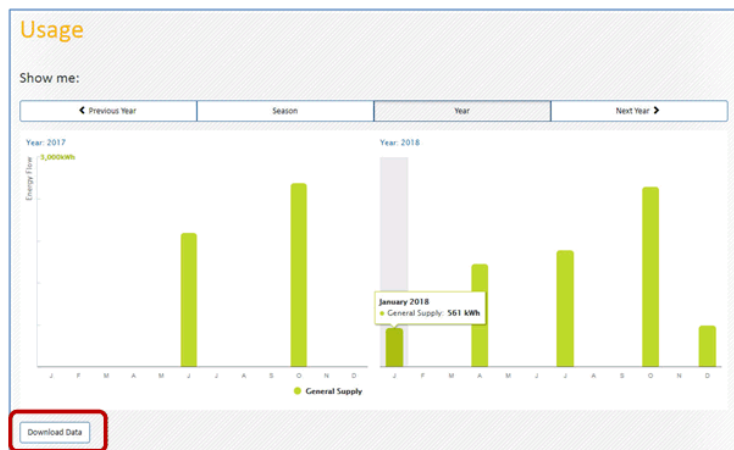
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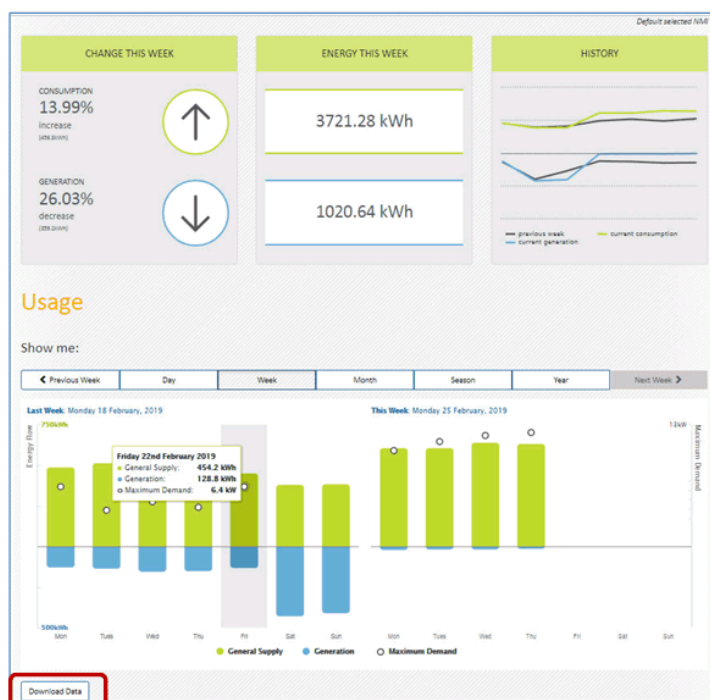


## SAPN Meter Data – Customer Portal

For most of us, you won't get more than the information on your bill, your consumption read at that time of year, but it does show you a comparison to a similar time last year and it does allow you to download the data SAPN are storing for your NMI.



But if you are being charged for demand, or have a new smart meter, this data could be helpful in verifying your bill.



March 19

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<b>ITEM</b>	1.0.3
	<b>POLICY AND PLANNING COMMITTEE</b>
<b>DATE</b>	15 April 2019
<b>HEADING</b>	Tourism and Visitor Sub Committee Independent Members
<b>AUTHOR</b>	Michael Bennington, Manager Communications & Customer Relations, Business Excellence
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	This report provides an update regarding the Tourism and Visitor Sub Committee's Independent Member selection process and seeks Policy and Planning Committee's recommendation for appointment.

### RECOMMENDATION

1. The information be received.
2. Mr David Waylen and Mr Jeff Pinney are appointed to the Tourism and Visitor Sub Committee for a term of two years.

### ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. David Waylen Nomination
2. Jeff Pinney Nomination

### 1. BACKGROUND

1.1 Council endorsed the establishment of the Tourism and Visitor Sub Committee at its meeting on 26 November 2018 (Resolution 0016/2018)

1.2 At the same meeting it was resolved:

1. *That Cr M Blackmore be appointed Chairperson for a period of two years.*
2. *That the Deputy Chair be appointed by the sub committee at its first meeting.*
3. *That the membership of the Tourism and Visitor Sub Committee be determined at the Policy and Planning Committee.*

*Resolution 0020/2018*

1.3 At the December 2018 meeting Council resolved:

1. *That expressions of interest are sought for members of the Tourism and Visitor Sub Committee for the following positions:*
  1. *Local Commercial Tourism Representative*
  2. *Local History Club Representative*



3. *Business Community Connected with the City of Salisbury Representative (x2)*
4. *Kaurna Representative from the RAP working group*
2. *That the Terms of Reference for the Tourism and Visitor Sub Committee be amended by removing the State Government representative from its membership noting that input from the State Government will be sought as required.*
3. *Elected Members appointed to the Tourism and Visitor Sub Committee will comprise:*
  - *Cr M Blackmore (Chairperson as resolved by Council 26/11/18)*
  - *Cr K Grenfell*
  - *Cr S Reardon*
  - *Cr J Woodman (Deputy Chair)*
  - *Cr D Proleta*
4. *The Mayor be appointed as an ex-officio member of the Tourism and Visitor Sub Committee.*
5. *That the Terms of Reference be amended to reflect five (5) Elected Members instead of four (4), and that the Policy and Planning Committee has appointed the Deputy Chair.*

*Resolution 0045/2018)*

- 1.4 The Terms of Reference for the Sub Committee have been amended and are attached to this report for information.

## **2. CONSULTATION / COMMUNICATION**

### **2.1 External**

- 2.1.1 Expressions of interest has been advertised

## **3. REPORT**

- 3.1 Expressions of interest have been sought for members of the Tourism and Visitor Sub Committee for the following positions:
  - 3.1.1 Local Commercial Tourism Representative
  - 3.1.2 Local History Club Representative
  - 3.1.3 Business Community Connected with the City of Salisbury Representative (x2)
- 3.2 The nomination process calling for expressions of interest to be members of the Tourism and Visitor Sub Committee was sent to Tourism and Visitor community groups within the City of Salisbury.
- 3.3 In March 2019 Council endorsed the appointment of Mr Lindsay Virgo to fill one of the two Business Community Connected with the City of Salisbury positions.
- 3.4 Nominations have been received by Mr David Waylen for one of the Business Community Connected with the City of Salisbury Representative positions and Mr Jeff Pinney for the local history club representative position.



- 3.5 The nominations are attached for review.
- 3.6 The nomination process will remain open until all positions have been filled.
- 3.7 The two remaining vacant positions are the Local Commercial Tourism Representative and a Kurna Representative from the RAP working group.
- 3.8 Staff will consult with the RAP working group to identify a Kurna Representative.

#### **4. CONCLUSION / PROPOSAL**

- 4.1 It is proposed that Mr David Waylen be appointed to one of the Business Community Connected with the City of Salisbury Representative positions for a period of two years.
- 4.2 It is proposed that Mr Jeff Pinney be appointed to the local history club representative position for a period of two years.

#### **CO-ORDINATION**

Officer: EXECUTIVE GROUP  
Date: 08/04/2019







# City of Salisbury Tourism and Visitor Sub Committee Nomination Form



Submission date: 13/03/2019 03:18 PM

Receipt number: 3

Related form version: 1

Question	Response
Name	David Waylen
Address	PO Box 971
Organisation / Club name	Salisbury Business Association Inc
Phone number	
1. How would you describe the current City of Salisbury tourism landscape?	
2. Please provide an outline of your understanding of the importance and role that tourism can play within the City of Salisbury.	
3. Please outline ways in which you facilitate and promote tourism and visitor opportunities for the City of Salisbury through your organisation.	
4. Please outline any skills or personal experience you have that will support the City of Salisbury's Tourism and Visitor Sub Committee.	

1 of 1







# City of Salisbury Tourism and Visitor Sub Committee Nomination Form



Submission date: 15/03/2019 05:01 PM

Receipt number: 4

Related form version: 1

Question	Response
Name	Jeff Pinney
Address	10 Sturton Road Edinburgh SA 5111
Organisation / Club name	Military Vehicle Preservation Society of South Australia(National Military Vehicle Museum)
Phone number	
1. How would you describe the current City of Salisbury tourism landscape?	There is room for improvement and Salisbury tourism sites need to interlink with one another to promote the regions attractions.
2. Please provide an outline of your understanding of the importance and role that tourism can play within the City of Salisbury.	As the Public relations Office and community events organizer for the National Military Vehicle Museum my understanding is that tourism within Salisbury brings in Commercial and tourism opportunities for small and large businesses and the regions educational needs.
3. Please outline ways in which you facilitate and promote tourism and visitor opportunities for the City of Salisbury through your organisation.	I promote the City of Salisbury at the National Military Vehicle Museum by conducting tours of the facility to local, interstate and overseas visitors, and I conduct regular events and camps at the museum site as well as lectures to military and by promoting the Salisbury Heritage to businesses and community groups.
4. Please outline any skills or personal experience you have that will support the City of Salisbury's Tourism and Visitor Sub Committee.	I have served the past 12 months on the City of Salisbury Sub Committee, I have been the Public Relations Officer for the Museum for over 4 years and I have now taken on the role of Marketing Officer.

1 of 1







<b>ITEM</b>	1.1.1
	<b>POLICY AND PLANNING COMMITTEE</b>
<b>HEADING</b>	Minutes of the Strategic and International Partnerships Sub Committee meeting held on Monday 8 April 2019
<b>AUTHOR</b>	Bronwyn Hatswell, PA to General Manager, Community Development
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	The minutes and recommendations of the Strategic and International Partnerships Sub Committee meeting held on Monday 8 April 2019 are presented for Policy and Planning Committee's consideration.
<b>RECOMMENDATION</b>	
1.	The information contained in the Strategic and International Partnerships Sub Committee Minutes of the meeting held on 8 April 2019 be received and noted and that the following recommendations contained therein be adopted by Council:
<b>SIPSC1</b>	<b>Future Reports for the Strategic and International Partnerships Sub Committee</b>
1.	The information be received.
<b>SIPSC2</b>	<b>Invitation from the Municipal Government of Linyi to visit Shandong in October 2019</b>
1.	That the invitation from the Linyi Municipal Government to send 2-3 people to the Shandong International Sister Cities Cooperation and Development Conference in Jinan on 15 & 16 October 2019 and attend the China (Linyi) Cooperation and Exchange Forum from 17 - 20 October 2019 be accepted.
2.	That the Mayor, Chairperson of the Strategic and International Partnerships Sub-Committee and the Chief Executive Officer be endorsed as Council's representatives.
3.	That the City of Salisbury cover the cost of international travel for attendance from the existing Sister Cities budget line.
4.	The CEO explore the opportunity of increasing the delegation with the Government of Linyi by 2, with representation of appropriate business associations based in South Australia.
5.	That subsequent to this visit, a report be presented to Council highlighting identified opportunities to build the economic elements of the Linyi relationship around technical and knowledge transfer and to develop a cultural component.



## **ATTACHMENTS**

This document should be read in conjunction with the following attachments:

1. Minutes Strategic and International Partnerships Sub Committee - 8 April 2019

## **CO-ORDINATION**

Officer:	GMCD	GMCiD
Date:	11/04//2019	10/04/2019





**MINUTES OF STRATEGIC AND INTERNATIONAL PARTNERSHIPS SUB  
COMMITTEE MEETING HELD IN COMMITTEE ROOMS, 12 JAMES STREET,  
SALISBURY ON**

**8 APRIL 2019**

**MEMBERS PRESENT**

Cr L Braun  
Cr P Jensen  
Cr N Henningsen  
Cr D Proleta (Deputy Chairman)  
Cr J Woodman (*from 6.45 pm*)

**OBSERVERS**

Cr C Buchanan

**STAFF**

Chief Executive Officer, Mr J Harry  
General Manager City Development, Mr T Sutcliffe  
Manager Economic Development & Urban Policy, Mr G Ratsch  
PA to General Manager Community Development, Mrs B Hatswell

The meeting commenced at 6.44 pm

The Chairman welcomed the members, staff and the gallery to the meeting.

**APOLOGIES**

Apologies were received from Cr G Reynolds and Mayor G Aldridge.

**LEAVE OF ABSENCE**

Nil



**PRESENTATION OF MINUTES**

Moved Cr P Jensen

Seconded Cr N Henningsen

The Minutes of the Strategic and International Partnerships Sub Committee Meeting held on 12 February 2019, be taken and read as confirmed.

**CARRIED**

**REPORTS****SIPSC1 Future Reports for the Strategic and International Partnerships Sub Committee**

Moved Cr N Henningsen

Seconded Cr P Jensen

1. The information be received.

**CARRIED**

**SIPSC2 Invitation from the Municipal Government of Linyi to visit Shandong in October 2019**

*Cr J Woodman entered the meeting at 06.45 pm.*

Moved Cr N Henningsen

Seconded Cr J Woodman

1. That the invitation from the Linyi Municipal Government to send 2-3 people to the Shandong International Sister Cities Cooperation and Development Conference in Jinan on 15 & 16 October 2019 and attend the China (Linyi) Cooperation and Exchange Forum from 17 - 20 October 2019 be accepted.
2. That the Mayor, Chairperson of the Strategic and International Partnerships Sub-Committee and the Chief Executive Officer be endorsed as Council's representatives.
3. That the City of Salisbury cover the cost of international travel for attendance from the existing Sister Cities budget line.
4. The CEO explore the opportunity of increasing the delegation with the Government of Linyi by 2, with representation of appropriate business associations based in South Australia.
5. That subsequent to this visit, a report be presented to Council highlighting identified opportunities to build the economic elements of the Linyi relationship around technical and knowledge transfer and to develop a cultural component.

**CARRIED**



**OTHER BUSINESS**

**OB1 Resignation from the Strategic and International Partnerships Sub Committee - Cr Lisa Braun**

Moved Cr P Jensen

Seconded Cr J Woodman

1. That Cr L Braun's resignation from the Strategic and International Partnerships Sub Committee be noted.
2. That the Policy and Planning Committee nominate an Elected Member to fill the vacant position on the Strategic and International Partnerships Sub Committee.

**CARRIED**

**CLOSE**

The meeting closed at 6.47 pm.

CHAIRMAN.....

DATE.....







**ITEM** 1.1.2

**POLICY AND PLANNING COMMITTEE**

**HEADING** Minutes of the Youth Council Sub Committee meeting held on Tuesday 9 April 2019

**AUTHOR** Bronwyn Hatswell, PA to General Manager, Community Development

**CITY PLAN LINKS** 4.3 Have robust processes that support consistent service delivery and informed decision making.

**SUMMARY** The minutes and recommendations of the Youth Council Sub Committee meeting held on Tuesday 9 April 2019 are presented for Policy and Planning Committee's consideration.

**RECOMMENDATION**

1. The information contained in the Youth Council Sub Committee Minutes of the meeting held on 9 April 2019 be received and noted and that the following recommendations contained therein be adopted by Council:

**YC1 Future Reports for the Youth Council Sub Committee**

1. The information be received.

**YC2 Youth Council Membership**

1. That the resignation of Akon Dhel as a Youth Member on Salisbury Youth Council be received and accepted.

**YC3 Youth Council Project Teams Update**

1. That the information be received and noted.

**YC4 Youth Programs and Events Update April 2019**

1. That the information be received and noted.

**OB1 Kaurna Acknowledgement**

1. That the Kaurna Acknowledgement be included in the Youth Council Sub Committee Agenda effective June 2019.

**ATTACHMENTS**

This document should be read in conjunction with the following attachments:

1. Minutes Youth Council Sub Committee - 9 April 2019

**CO-ORDINATION**

Officer: GMCD  
Date: 11/04/2019









**MINUTES OF YOUTH COUNCIL SUB COMMITTEE MEETING HELD IN THE JOHN HARVEY GALLERY, 12 JAMES STREET, SALISBURY ON**

**9 APRIL 2019**

**MEMBERS PRESENT**

Rebecca Etienne (Chairman)  
Mon-Maya Chamlagai (Deputy Chairman)  
Reem Daou  
Nicollette Nedelcev  
Tyler Rutka-Hudson  
Peta-Maree Hyde  
Rahmatullah Tawassoli  
Jared van der Zee  
Hayley Williams  
Stacey Williams  
James Wood  
Thomas Wood  
Cr G Reynolds  
Eric Ngirimana (Mentor)  
Damien Walker (Mentor)

**OBSERVERS**

Nil

**STAFF**

General Manager Community Development, Ms P Webb  
PA to General Manager Community Development, Mrs B Hatswell  
Community Planner Youth Participation, Ms J Brett

The meeting commenced at 6.00 pm

The Chairman welcomed the members, staff and the gallery to the meeting.

**APOLOGIES**

Apologies have been received from Mayor G Aldridge, M Anderson, L Hall, M Verdini, Cr M Blackmore and A O'Sullivan.



**LEAVE OF ABSENCE****PRESENTATION OF MINUTES**

Moved T Rutka-Hudson  
 Seconded T Wood

The Minutes of the Youth Council Sub Committee Meeting held on 12 February 2019, be taken and read as confirmed.

**CARRIED****REPORTS****YC1 Future Reports for the Youth Council Sub Committee**

Moved T Rutka-Hudson  
 Seconded E Ngirimana

1. The information be received.

**CARRIED****YC2 Youth Council Membership**

Moved E Ngirimana  
 Seconded T Rutka-Hudson

1. That the resignation of Akon Dhel as a Youth Member on Salisbury Youth Council be received and accepted.

**CARRIED****YC3 Youth Council Project Teams Update**

Moved M Chamlagai  
 Seconded N Nedelcev

1. That the information be received and noted.

**CARRIED**



**YC4 Youth Programs and Events Update April 2019**

Moved M Chamlagai  
Seconded N Nedelcev

1. That the information be received and noted.

**CARRIED**

*Cr G Reynolds left the meeting at 06:24 pm and did not return.*

**OTHER BUSINESS**

**OB1 Kaurna Acknowledgement**

Moved R Etienne  
Seconded R Daou

1. That the Kaurna Acknowledgement be included in the Youth Council Sub Committee Agenda effective June 2019.

**CARRIED**

**CLOSE**

The meeting closed at 6.30 pm.

CHAIRMAN.....

DATE.....







<b>ITEM</b>	1.3.1		
	<b>POLICY AND PLANNING COMMITTEE</b>		
<b>DATE</b>	15 April 2019		
<b>PREV REFS</b>	Policy and Planning Committee	1.3.2	10/12/2018
	Policy and Planning Committee	1.3.2	19/10/2015
	Policy and Planning Committee	1.3.2	20/04/2015
	Policy and Planning Committee	1.3.4	19/01/2015
	Policy and Planning Committee	1.3.3	20/06/2016
	Policy and Planning Committee	1.5.2	15 Sept 2014
<b>HEADING</b>	Planning Reforms - Development Assessment Regulations, Planning and Design Code Phase One, and Privately Funded Development Plan Policy update.		
<b>AUTHORS</b>	Chris Zafiropoulos, Manager Development Services, City Development Peter Jansen, Strategic Planner, City Development		
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.		
<b>SUMMARY</b>	<p>This report provides an update of the State Government's planning reform program and advice in relation to the most recent discussion papers and submissions made for Council's consideration.</p> <p>Submissions on technical matters were made on the Development Assessment Regulations, Practice Directions and Phase One of the Planning and Design Code.</p> <p>The <i>Planning, Development and Infrastructure Act 2016</i> includes provisions which will allow land owners to undertake the process to alter the Planning and Design Code for their sites subject to approval by the Minister. The details to undertake this process are still being developed in the Planning Reforms. The Privately Funded Development Plan Amendment policy should remain in place until further details are known of the new processes under the <i>Planning, Development and Infrastructure Act 2016</i>.</p>		



## ITEM 1.3.1

**RECOMMENDATION**

1. That the information in relation to the State Government's planning reform program be received and the submissions on the draft Development Assessment Regulations, Practice Directions and Phase one of the Planning and Design Code attached to this report be endorsed.

**ATTACHMENTS**

This document should be read in conjunction with the following attachments:

1. Guide to the Draft Assessment Regulations
2. Submission on Assessment Regulations
3. Community Guide to Planning and Design Code in the Outback
4. Submission on the Phase One Planning and Design Code in the Outback
5. Submission attachment on the Phase One of the Planning and Design Code in the Outback
6. Privately Funded DPA Policy 2015

**1. BACKGROUND**

- 1.1 The State Government is implementing a reform program that is changing the planning system across the state.
- 1.2 The changes have been introduced in stages following the passing of the Planning, Development and Infrastructure Act 2016 (PDI Act). The reform program is being implemented over five (5) years and is due to be completed by July 2020.
- 1.3 Council has been provided updates and made submissions on the reform program as the Department of Planning, Transport and Infrastructure (DPTI) has released the changes in stages. This report provides an update on the most recent stage of the reform, the draft Development Assessment Regulations and Practice Directions, and the *Planning and Design Code in the Outback*. A guide on the draft Assessment Regulations is provided in Attachment 1, and a Community Guide to the Planning and Design Code in the Outback in Attachment 3.
- 1.4 Council was provided with a presentation on the reform program and the draft Development Assessment Regulations and Practice Directions at the Informal Strategy meeting in March 2019.
- 1.5 Further information for Elected Members on these matters can be found at the Elected Members Portal, and at the SA Planning Portal on the Planning Reforms [https://www.saplanningportal.sa.gov.au/planning\\_reforms](https://www.saplanningportal.sa.gov.au/planning_reforms) and [https://www.saplanningportal.sa.gov.au/have\\_your\\_say#current\\_consultations](https://www.saplanningportal.sa.gov.au/have_your_say#current_consultations)
- 1.6 Information when relevant details under the Planning Reforms are known on the Privately Funded Plan Amendment Policy was sought by Council at its 24 April 2017 meeting (minute 1704/2017). This report provides an update. The existing Privately Funded Development Plan Amendment Policy is Attachment 6 in this report.



## 2. REPORT

### DRAFT ASSESSMENT REGULATIONS

- 2.1 The relatively complex nature of these regulations, combined with the release of the *Planning and Design Code for Outback Areas* has meant that staff were not able to review and brief Elected Members on this phase of the reform within the prescribed time for this consultation process. The submission to the Department of Planning, Transport and Infrastructure noted this timeframe and that the submission would be provided to Council for consideration at the first available meeting, following which any endorsed amendments to Council's submission will be provided to the Department. The submission is provided in Attachment 2.
- 2.2 The draft regulations carry over number of existing matters from the Development Regulations 2008. A number of matters are operational that staff will need to make adjustments to process to accommodate. The key matters that are considered to be of significance to Council are:
  - 2.2.1 Relevant Authority – Council Assessment Panels
  - 2.2.2 Timeframes and Deemed Consent
  - 2.2.3 Costs and Resources
  - 2.2.4 Public Notice Sign
  - 2.2.5 Designated flood areas
- 2.3 In addition, the draft Regulations provide the opportunity to improve address current processes to provide efficiencies for Council and other stakeholders. In particular:
  - 2.3.1 Essential Safety Provisions
  - 2.3.2 Significant / Regulated Trees on Public Land.

#### **Relevant Authority – Council Assessment Panels**

- 2.4 The draft regulations assign prescribed developments to relevant authorities. An analysis of the proposed delegations for Council Assessment Panels (CAPs) for the period 2017/18 has revealed that, compared to the current number of applications assessed by our Panel, there would have been a 1,100% increase in development applications assigned to the Salisbury Assessment Panel for determination in that period if the proposed provisions were in place. The CAP would have been assigned as the relevant authority for 105 applications compared to the nine applications the Panel actually assessed during this period. While the number of development applications considered by the Panel for this period was low (the Panel considers an average of 20 applications per year) and the Planning and Design Code may change the assessment pathways for some developments, this scale of increase is inconsistent with the intent of the reform program (faster / simpler development assessment).
- 2.5 This change has significant cost implications for Council and likely increased delays for applicants, notwithstanding that the application may be determined within the new prescribed timeframes.



- 2.6 While a CAP may delegate development applications to an Assessment Manager, there is the potential for Panels to take a conservative position on the extent of delegation based on the framework set by the regulations and a comparative analysis of the level of delegation granted by other similar Panels. Furthermore, a Panel will still have direct responsibility for delegated decisions and their consideration of delegations will be confined to statutory planning considerations. Council delegations are however based on broader considerations such as how delegations can better support economic objectives for investment in the city, which has been developed over a period of time.
- 2.7 Assessment Panels play an important role where the community participation has occurred and the development assessment decision-making process accordingly needs to have a higher level of transparency. It has been recommended that the regulations should only assign the Panel as the planning authority where a representor wishes to be heard in support of their representation. This is current common practice. It is acknowledged this may require legislative amendment, but this issue is too important not to address at the start of the new development system.
- 2.8 Further assignment of applications should be made concurrent with the implementation and/or amendment of the Code by a council. Councils may then take a considered approach to the nature of applications that should be assigned to the CAP. This is considered to be a more appropriate tailored approach for more complex development, rather than a relatively blunt regulatory mechanism that disadvantages those councils that have taken strategic policy decisions and have implemented best practice to realise optimal planning outcomes for their communities.
- 2.9 In this context the provisions are also inconsistent with the broader State Government agenda to reduce costs and time for business. Council subscribes to this agenda, as evidenced by being a signatory of the State Government's Small Business Friendly Council Charter. It is incongruous for the State Government to be introducing a framework which will add to the costs and time for business to engage with the planning system.

#### **Timeframes and Deemed Consent**

- 2.10 The timeframes prescribed in the regulations themselves are not considered to be problematic. Timeframes are acknowledged as an important indicator of the performance of the system but not the only measure. The concern is that mandated timeframes, combined with the new *deemed consent provisions*, (which require a relevant authority to approve a development if served with a notice from an applicant if the application is not assessed within the prescribed timeframe) will result in reduced opportunities for negotiated best practice outcomes and lead potentially to an increase in adversarial approaches. It is recommended that further consideration be given to an appropriate balance between speedy decisions and good planning and development outcomes. Examples of potentially undesirable implications have been provided to the department.



**Costs and Resources**

- 2.11 The draft regulations, should they be adopted in the current form, will impose additional cost burdens on councils, have resource implications for councils and will further increase costs and potentially be seen as cost shifting onto councils. It has been recommended that a review be undertaken on the overall costs for councils to implement and operate in the new system, and identify where costs can be reduced. It would be appropriate that the State Government's Business Impact Assessment framework be applied to determining the impact of the regulations upon Councils, which are collectively and individually significant businesses, and significant employers and contributors to the State economy. It has been further recommended that the SA Planning Commission engage with local government and industry sectors on the fee schedule to ensure that the fees enable fair and appropriate cost recovery that reflect the balance of private benefit and public benefit inherent in the planning system.

**Public Notice Sign**

- 2.12 The new public notification process involves the placement of a sign of the land of the development, in place of an advertisement in the paper. The regulations prescribe that a public notice sign must be erected by a Council if requested by an applicant but this does not apply to Minister or the State Commission Assessment Panel. It would seem appropriate to afford the same exemption to councils where they nominate a specific circumstance. Furthermore, the fee for this process should reflect the actual cost to Council.
- 2.13 Given the likelihood of actual or alleged removal of such signs during consultation periods, it would be appropriate for the Commission to provide guidance on the implication if a sign is removed for consistent practice across the state, and via the regulations to remove the prospect of procedural challenge should a sign not be erected on a property or be removed during the consultation period.

**Designated flood areas**

- 2.14 The draft regulations require that flood risk areas are identified by reference to ARI or AHD. The minimum requirements for plans in schedule 8 of the proposed draft regulations should include a requirement to reference ARI or AHD. This is particularly important given the draft regulations provide that relevant authorities are not able to request further information for prescribed developments. In addition, schedule 8 should also include requirements for rear of lot drainage systems that require engineer-designed systems with pumps to dispose of roof and stormwater from the land.
- 2.15 Furthermore, the City of Salisbury Development Plan does not currently contain flood information by reference to ARI or AHD and unless this information is incorporated into generation 1 of the Code, the absence of this information will create a real risk of development being approved without reference to the appropriate information to mitigate the flood risk. Council previously raised this issue with the Department. Technical Services have advised that existing mapping can be remodeled to the required standards.



### **Essential Safety Provisions**

- 2.16 Essential Safety Provisions (ESPs) are safety features that are required to be installed in certain prescribed buildings (for example, commercial buildings, industrial buildings, some apartment buildings, etc). The draft regulations and eplanning solution provides the opportunity to streamline the ESPs for all building owners in the state and relevant authorities who are required to have regard to this information in their assessment process. It has been recommended that the eplanning solution should record all data in one central location so that registered practitioners can access previously issued ESPs and note existing approved performance solutions when considering alterations and additions to buildings.
- 2.17 Furthermore, it has been recommended that the onus for ESP management should be placed on the building owner, and industry could drive the process through insurance renewal requirements and/or sale or lease of buildings, similar to the practice that applies to swimming pools and smoke detectors.

### **Significant / Regulated Trees on Public Land**

- 2.18 The removal of Significant and Regulated Trees on community land requires development approval. It has been recommended that significant and regulated trees on community land should be exempted development given there are generally no development pressures for the removal of such trees, and the Community Land Management Plans under the Local Government Act 1999, which include community consultation, are used to manage the landscape character of community land.
- 2.19 Furthermore, Council undertakes an extensive streetscape renewal program which aims to deliver an even distribution of street trees with a wide variety of species and age classes across the City. To achieve this aim, careful planning and selection of the streets is undertaken to provide a 50-year streetscapes lifecycle. The process involves extensive engagement with the affected communities. The statutory land use approval that follows this program for affected significant or regulated trees does not provide any substantial benefit to the process, and trees within such programs should be exempted.

## **PLANNING AND DESIGN CODE**

- 2.20 The Development Plans that are used by the separate Councils to assess development proposals are to be replaced as part of the Planning Reforms. A single new tool for assessment is to contain standardised policy. This will be the Planning and Design Code, and will eventually be an electronic based system rather than the current paper system.
- 2.21 The various Discussion Papers, technical papers, and reviews that have been on consultation have been used to inform the State Planning Commission in the preparation of the new Planning and Design Code. (PD Code)
- 2.22 The PD Code is being released in three phases. The First Phase is the Planning and Design Code in the Outback (land not within a Council area). The second phase will be in operational in late 2019 for regional council areas, and the third phase operational in mid-2020 for the metropolitan council areas.



- 2.23 Consultation has closed on the first Phase. A submission was made by the Administration even though it is not directly relevant to the City of Salisbury because of the potential effect on policies that may apply to the City in the later versions. The Submission is Attachment 4 and 5.
- 2.24 The submission comments provided are technical in nature and are based on how the proposed Code policies might apply in the metropolitan setting, and a need to ensure that policy that may not be appropriate for Salisbury Council is not entrenched. Comments reiterate that flexibility must exist to allow changes to the policies as written in the outback code version should it be necessary for translation to the metropolitan phase. The main comments relate to:
- 2.24.1 Airfield policy and how it will relate to significant airports, ensuring there is a consistency in approach in the Code for referrals, Federal Government standards such as noise levels and Airport Safeguarding Framework guidelines.
  - 2.24.2 Rural Routes and Railway Corridors policy and access point distances applicability in the metropolitan setting.
  - 2.24.3 Marine Parks policy is limiting in this version when the Barker Inlet, St Kilda Chapman Creek Aquatic Reserve and the Dolphin Sanctuary are taken into account relative to potential development that may occur and the Northern Connector infrastructure.
  - 2.24.4 Car parking references should include Australian Standards for disability access, on street parking design and capacity, and car park provision potential at street level design.
- 2.25 The intention of the SA Planning Commission is to use the three phases of the PD Code as a testing mechanism for each release in order to ensure the policies are robust by the time the metropolitan release occurs. A Practitioner testing system has been set up by the Planning Commission to assess relevant policies as far as practicable, to assist in identifying improvements.
- 2.26 Staff are identifying issues and liaising with DPTI contact officers on an ongoing basis to assist in preparing for the conversion from the Development Plan to the PD Code. The PD Code policies that are likely to apply to the metropolitan area are still being prepared by the SA Planning Commission and DPTI.
- 2.27 The Planning and Development Infrastructure Act requires the PD Code to be implemented across the State by July 2020. This will require the finalisation of the Code Library, selection of appropriate Code by Councils, and then a Code Amendment process and consultation and approval by the Minister for Planning of all 23 Greater Adelaide Council Development Plans.
- 2.28 As the Minister for Planning will undertake this process across the State, Council will not formally endorse the PD Code that affects Salisbury. Rather, Council will have the opportunity to make a submission during the consultation process. Elected Members will be kept informed of the next release of the PD Code and ancillary information, and will be briefed on the later Phase 3 Metropolitan Adelaide version of the PD Code. This is anticipated to be in the last quarter of 2019.



**PRIVATELY FUNDED DEVELOPMENT PLAN AMENDMENT POLICY UPDATE**

- 2.29 A Development Plan Amendment (DPA) is the legislated process under the current planning system to change planning policy in the Development Plan by a Council.
- 2.30 A DPA usually requires a number of background studies and investigations that incur a cost to Council. Under the current planning system all DPAs are required to be administered by a council or the Minister for Planning. However, there is no prohibition on the funding of a DPA by a third party.
- 2.31 DPAs require a lengthy process to be followed, are time and resource intensive, and need to satisfy many legislative requirements. The need for a particular DPA often arises outside of a Council committed program of DPAs which can be overcome by the use of consultants to undertake the studies and preparation provided it occurs in an open and transparent arrangement. The funding of the consultants can occur through the use of a Private Funding Agreement with the proponents, but the consultant and work is managed by Council staff.
- 2.32 The Council's current Policy is attachment 6.
- 2.33 An update report to Council on the policy in April 2017 resulted in a resolution (1704/2017) which sought that :
- 2.33.1 *A review of the Privately Funded Development Plan Amendment Policy be conducted when relevant details of the Planning Reforms under the Planning, Development and Infrastructure Act are known.*
- 2.34 Under the new PDI Act the DPA process becomes an amendment to a "Designated Instrument". The Designated Instrument includes the Planning and Design Code or a Design Standard.
- 2.35 With the approval of the Minister acting on the advice of the Commission, the PD Code or Design Standard can be altered by a person who has an interest in land affected by the PD Code or Design Standard. This will allow a proponent to undertake the necessary policy investigations and consultations and not involve Council.
- 2.36 The actual process is unknown at this stage. Staff have been advised by DPTI that information on the process should be available in the third quarter of 2019.
- 2.37 Until the PD Code is known and implemented for Salisbury, private land owners will not be able to apply to undertake Code Amendments as per the PDI Act.
- 2.38 In light of the information on timelines and the processes, the current Privately Funded DPA policy should continue to apply until more details are known.

**3. CONCLUSION / PROPOSAL**

- 3.1 The draft Assessment Regulations carry over a number of existing matters from the previous regulations. Key issues for Council are considered to be the Council Assessment Panels, impacts on timeframes for decision making, costs and resources, public notification on site signage for development applications, and designated flood areas.



- 3.2 The Phase One of the Planning and Design Code does not directly affect the City of Salisbury, but a submission was made on a number of zones and policies that may carry across to the metropolitan setting to ensure that entrenchment of policies that affect relevant areas does not occur.
- 3.3 Council's current Privately Funded Development Plan Amendment Policy should remain in place until further details are known of the process under the new Act. The new provisions allow for land owners to approach the Minister directly to undertake an Amendment to a Designated Instrument, and does not require Council involvement.

### **CO-ORDINATION**

Officer: EXECUTIVE GROUP  
Date: 08.04.19









STATE  
PLANNING  
COMMISSION

## GUIDE TO THE DRAFT DEVELOPMENT ASSESSMENT REGULATIONS & PRACTICE DIRECTIONS

January 2019



[saplanningportal.sa.gov.au](http://saplanningportal.sa.gov.au)



Government of South Australia  
Department of Planning,  
Transport and Infrastructure



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## Introduction

The [Planning, Development and Infrastructure Act 2016](#) (the Act) establishes a new assessment framework for development applications.

Draft [Planning, Development and Infrastructure \(General\) \(Development Assessment\) Variation Regulations 2019](#) (the draft Regulations) have been prepared for comment. The draft Regulations support the Act to prescribe further detail on the operation of the new development assessment framework, covering planning, building and land division assessment.

The Department of Planning, Transport and Infrastructure (the Department) has developed an engagement approach to support the drafting and implementation of the Regulations. To date, the engagement has involved the preparation of a discussion paper titled [Assessment Pathways: How will they work?](#) (the Discussion Paper), which was consulted with accompanying workshops, presentations and information sessions from August to October 2018. The Department has also established a series of working groups to assist in identifying the key issues and opportunities of the 'assessment pathways'. Following from these collaborative activities, the draft Regulations have been prepared and are now ready for consultation.

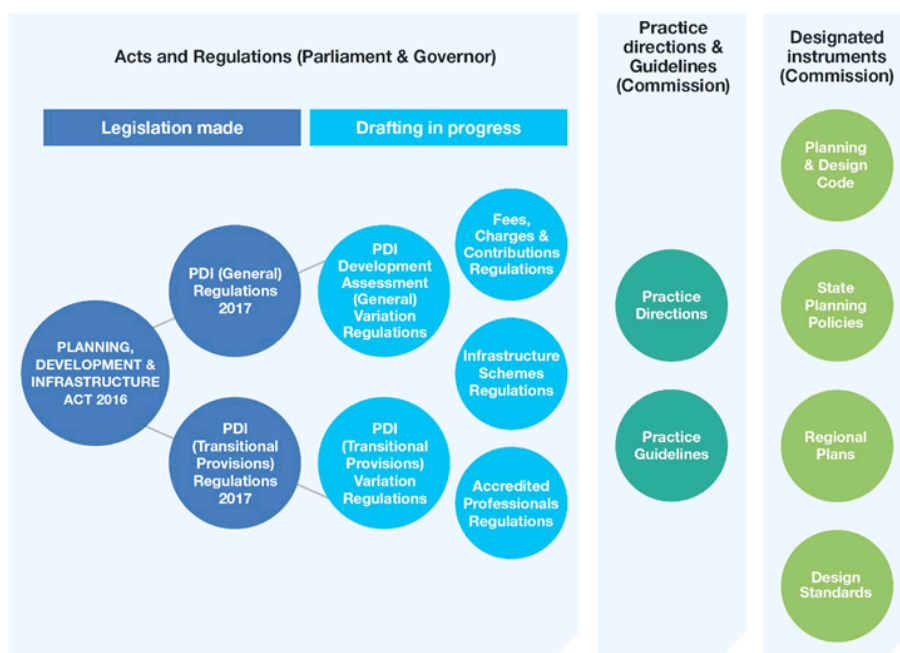
Feedback from engagement activities has not only informed the preparation of the draft Regulations, but also four draft practice directions<sup>1</sup> which support the development assessment framework.

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<sup>1</sup> The Act enables practice directions to be issued by the State Planning Commission to specify procedural requirements or steps in connection with any matter arising under the Act.



An overview of the regulatory framework established under the Act is illustrated in Figure 1, showing the series of regulations that will support the Act.



**Figure 1. Overview of the Act and supporting documents/legislation/instruments**

Although there is no statutory requirement to consult on regulations or practice directions, the State Planning Commission (the Commission) and the Department have elected to undertake engagement on these particular Regulations and practice directions to enhance understanding of the key elements of the new development assessment framework, and to seek feedback on any areas for improvement.

The four practice directions for consultation are:

1. [Notification of performance assessed development applications](#)  
This practice direction specifies the form of notices to be given to the public where a notice of a performance assessed development application is required. This includes posting letters to adjacent land owners/occupiers and placing a notice on the subject land.
2. [Restricted and impact assessed development](#)
  - a) Restricted development – This practice direction describes the circumstances under which the Commission would be prepared to assess restricted development and how the Commission would proceed with the assessment
  - b) Impact assessed development – This direction specifies what is required in relation to an Environmental Impact Statement (EIS): the requirements for assessing the level of impact, the information that must be provided by the proponent, the period of consultation, and the process for amending an EIS.



3. [Deemed planning consent – standard conditions](#)

This practice direction prescribes the standard conditions that apply to deemed planning consents.<sup>2</sup>

4. [Conditions](#)

This practice direction:

- provides clear direction about the type of conditions that may be validly imposed by a relevant authority, including the prohibition of certain conditions or classes of conditions
- specifies the conditions that must be imposed on the granting of a development authorisation for certain classes of development.

In relation to building assessment, a building working group was formed to seek feedback and advice on a range of issues to improve compliance and enforcement under the new Act and ensure the delivery of a safe and high performing built environment.

This group was comprised of council building officers, private certifiers, engineers and the Housing Industry Association who provided valuable feedback and input. These proposals have been considered by the Department and incorporated in the draft Regulations as appropriate.

**This Guide provides a summary of the key themes in the draft Regulations and practice directions, identifying how they have been shaped by feedback received from the development industry, planning/building practitioners and the community.**

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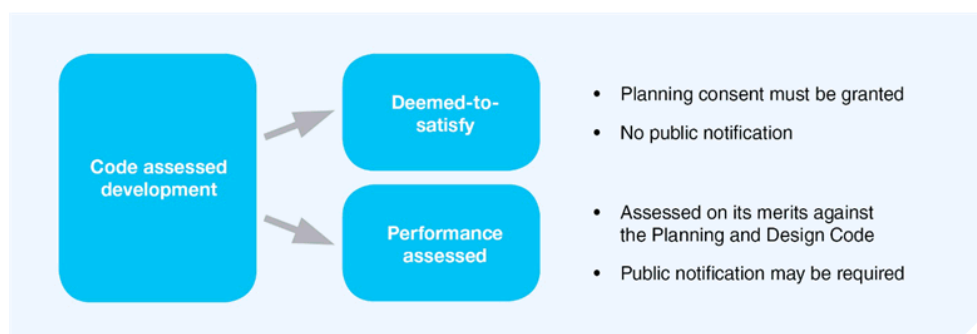
<sup>2</sup> A deemed planning consent notice can be served on the relevant authority by an applicant once the assessment timeframe has elapsed.



## Relevant authorities

### What we've heard

The Act establishes that assessment panels will be the relevant authority for code assessed applications for planning consent, except where the Regulations prescribe an assessment manager or accredited professional as the relevant authority.



**Figure 2. Pathways associated with code assessed development**

Respondents to the Discussion Paper made the following comments in relation to how code assessed development should be distributed between these relevant authorities:

- Concern was raised by the majority of submissions regarding the level of discretion required to assess performance assessed applications (as well as minor variations to deemed-to-satisfy criteria) and the incompatibility of this discretionary approach with private accredited professionals.
- Most respondents were of the view that accredited professionals should be the relevant authority for deemed-to-satisfy developments where clear assessment parameters can be employed.
- Some respondents identified that assessment managers should be the relevant authority for performance assessed applications, including in circumstances where public notification has been undertaken and no representations raising concerns have been received.
- Respondents identified a number of circumstances where assessment panels should be the relevant authority for performance assessed development, such as:
  - o Where representations raising concern with the proposed development have been received
  - o Medium/high rise residential development
  - o Large land divisions
  - o Developments over a certain value
  - o Developments of environmental significance
  - o Development involving the demolition of heritage items.



## What we've done

The intention of the planning reforms has been to ensure standard developments with minimal impacts follow a streamlined assessment process while more complex developments require a more involved assessment process focussed on design and impact.

Draft regulation 22 outlines cases where assessment managers and accredited professionals are the relevant authority while regulations 24 and 25 set out additional cases specific to assessment managers and accredited professionals.

The draft Regulations limit the role of **Level 4 accredited professionals** to deemed-to-satisfy developments (without any variations from the deemed-to-satisfy criteria). This is considered to uphold the aspirations of the new planning system as standard development types that meet prescriptive criteria should be able to be assessed by a range of private accredited planners thereby speeding up the assessment process via competitive options. Deemed-to-satisfy development is expected to encompass development where external impacts are low and there is no need for advice on more complex issues such as stormwater, waste management and traffic.

Where development falls slightly outside the deemed-to-satisfy criteria, a **Level 3 accredited professional** (with a greater level of experience than Level 4) would be able to assess minor variations to the deemed-to-satisfy criteria (as well as deemed-to-satisfy development able to be assessed by Level 4 accredited professionals).

Accredited professionals who are qualified **land surveyors** would also be able to assess land division applications for planning consent where such land division is deemed-to-satisfy (regulation 22(1)(d)).

Development that doesn't fall within the deemed-to-satisfy pathway would be assessed by the relevant assessment manager or assessment panel.

Draft regulation 22(1)(a)(ii) establishes **assessment panels** as the relevant authority for performance assessed development which is subject to public notification. Such development would involve a level of public interest that benefits from decision-making by a panel of experts instead of an individual (and that panel may choose to hear verbal representations). Assessment panels will also assess more complex forms of development that require a mixed specialist skillset that only they can provide. These include:

- Developments exceeding \$5 million
- Developments exceeding 3 storeys
- Land divisions creating more than 20 additional allotments
- Developments that have been referred to a Design Panel under section 121 of the Act
- Developments that propose demolition of a local or State heritage place
- Certain developments in the 'Hills Face' area of the Planning and Design Code
- Activities of environmental significance (Schedules 16 and 17 of the draft Regulations)

**Assessment managers** can act as the relevant authority for all remaining forms of performance assessed development where public notification isn't required. They are also prescribed as the relevant authority for the assessment of land division consent (under section 102(1)(c)&(d) of the Act) where the technical advice of council is needed to assess infrastructure impacts/demands. Assessment managers could also assess any proposed offset schemes or encroachments (under section 102(1)(e) or (f) of the Act).



Some feedback suggested that assessment managers could be a relevant authority for notified performance assessed applications where there are no representations or all representations are in favour; however this would be contrary to one of the principles identified in the Discussion Paper:

*'The relevant authority will be determined at the time of application lodgement.'*

The draft Regulations have been prepared to provide certainty in assessment approach, and for this reason, assessment panels have been proposed as authority for all notified performance assessed development. That being said, assessment panels could choose to establish delegations (similar to many panels' current delegations) which delegate applications without representations to assessment managers or council staff.



 <b>ACCREDITED PROFESSIONAL</b> <b>SURVEYOR</b>	 <b>ACCREDITED PROFESSIONAL</b> <b>PLANNING LEVEL 4</b>	 <b>ACCREDITED PROFESSIONAL</b> <b>PLANNING LEVEL 3</b>	 <b>ASSESSMENT MANAGER</b> <b>PLANNING LEVEL 1</b>	 <b>ASSESSMENT PANELS</b> <b>PLANNING LEVEL 2</b>
Deemed-to-satisfy land divisions (planning consent only)	Deemed-to-satisfy development	Deemed-to-satisfy development	Deemed-to-satisfy development	Notified performance assessed development
		Deemed-to-satisfy development with minor variations	Deemed-to-satisfy development with minor variations	Development exceeding \$5 million
			Performance assessed development not assigned to assessment panels	Buildings exceeding 3 storeys in height
			Land division consent	Land division creating more than 20 additional allotments
				Development which has been referred to a Design Panel
				Demolition of local or state heritage items
				Certain development in Hills Face area of the future Code
				Development involving acts/activities of environmental significance

Figure 3. Role of relevant planning authorities for code assessed development



In relation to **building consent**, draft regulation 25 establishes the particular level of accreditation required for a building certifier to assess particular types of development (which align with the accreditation scheme of the Australian Institute of Building Surveyors). Further, regulation 118 establishes that each council must appoint an accredited building professional to carry out inspections of building work under section 144 of the Act.



Legislation	Level and function			
New Development Assessment (General) Regulations 2019	NEW LEVELS			
	 BUILDING LEVEL 4	 BUILDING LEVEL 3	 BUILDING LEVEL 2	 BUILDING LEVEL 1
	BUILDING INSPECTOR	ASSISTANT BUILDING SURVEYOR	BUILDING SURVEYOR LIMITED	BUILDING SURVEYOR
	Undertake inspections.	Assess and provide consent for class 1 or 10 buildings not exceeding 2 storeys and a floor area not exceeding 500m <sup>2</sup> .	Assess and provide consent for buildings (all classes) not exceeding 3 storeys and a floor area not exceeding 2000m <sup>2</sup> .	Assess and provide consent for any class of development.  Planning consent for certain deemed-to-satisfy development, as determined by the Minister (similar to the current scope of 'Residential Code' development under the existing Regulations).
Outgoing Development Regulations 2008	OUTGOING LEVELS			
	N/A	Building Surveying Technician	Assistant Building Surveyor	Building Surveyor
	Not in outgoing regulations.	Assess class 1a or 10 buildings not exceeding 2 storeys.  Assess class 2 to 9 buildings not exceeding 1 story and not having a floor area exceeding 500m <sup>2</sup> .	Assess any class of buildings not exceeding 3 storeys and not having a floor area exceeding 2000m <sup>2</sup> .	Assess any development.  Building consent for any class of development if registered as a private certifier.  Planning consent for 'Residential Code' development.

Figure 4. Role of accredited building certifiers



Under section 99 of the Act, a **council** may act as a relevant authority for the granting of building rules consent. So while council officers need not necessarily be accredited to make decisions in respect to building consent, regulation 26 establishes that the council or the Commission must seek and consider the advice of an accredited professional in accordance with the above levels for each building consent application.



## Application Timeframes

### What we've heard

Submissions on the Discussion Paper observed the following in relation to decision timeframes:

- Decision timeframes under the *Development Act 1993* are generally appropriate and should be used as a guide for the new timeframes. However, increases to the timeframes could be considered to ensure a reasonable assessment time before a deemed planning consent notice could be served.
- Additional time should be added to the overall timeframe to account for periods of public notification, agency referrals and determination by an assessment panel.
- There needs to be a period of verification by the relevant authority before the 'clock' starts on an application to ensure the application has been categorised correctly, all base information has been provided, and the correct fees are charged.
- Timeframes should exclude public holidays and be prescribed in business days to avoid confusion.

### What we've done

#### *Overall assessment timeframe*

The time within which a decision must be made on an application (regulation 56) has been based on the timeframes prescribed in the *Development Act 1993* as well as baseline data on current assessment timeframes.

The draft Regulations have adopted the recommendations from submissions to base timeframes on business days, and provide additional time when notification, agency referral or a panel meeting is required.

The Department also heard queries regarding when the 'clock' starts for assessment. Given that all applications will be lodged on the SA planning portal and sent to the relevant authority for checking, the clock should not start until the authority has:

- checked all mandatory information has been submitted
- confirmed the application has been categorised correctly and that they are the relevant authority and agree to act as such (e.g. a private accredited professional may be on leave or not have the capacity to assess)
- received the relevant assessment fees.

Draft regulation 35 assigns a maximum period of **5 business days** for these checks to occur.

The application timeframes once the 'clock' starts are prescribed in proposed regulation 56 and illustrated on the chart at the end of this Guide.



## Application information requirements

### What we've heard

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Some respondents to the Discussion Paper believed the current information requirements for development applications (prescribed by Schedule 5 of the *Development Regulations 2008*) were sufficient. Others thought they should be expanded to apply to a variety of development types, including standardised information for commercial/industrial businesses, multi-level dwellings and changes of land use.

### What we've done

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#### *Baseline information for planning consent*

The baseline information required for lodgement has been expanded in the new 'Schedule 8 – Plans'.

In the current *Development Regulations 2008*, the base information for planning consent is prescribed for complying developments only, which means that merit applications technically have no minimum requirements for plans and rely instead on the authority's request for information or the relevant council's guidelines.

By outlining the baseline information for planning consent based on different forms of development, the draft Regulations will provide a more streamlined and consistent application process. This information will be automatically requested from the applicant when they lodge their application on the SA Planning Portal.

That being said, the Department understands that no two applications are the same and it would be inappropriate to require the exact details for every application. This is why relevant authorities can choose to waive information prescribed by Schedule 8 of the draft Regulations and must do so if the information is not directly relevant to the application (provided reasons for doing so are documented – see regulation 31).



The proposed Schedule 8 lists the basic information required for applicants seeking planning consent:

TYPE OF APPLICATION FOR PLANNING CONSENT	BASELINE INFORMATION FOR LODGEMENT
<p><b>Outbuildings, carports, garages, verandahs or pergolas</b></p> 	<p>+ Schedule of cladding colour</p> 
<p><b>Residential alterations/additions and new dwellings</b></p> 	<p>+ For new dwellings: declaration regarding potential contamination</p> 
<p><b>Non-residential development</b></p> 	<p>+ Descriptive information regarding proposed activities (e.g. hours of operation, number of employees/patrons, waste management, etc.)</p> 
<p><b>Swimming pools</b></p> 	<p>(showing dimensions, pool pump/equipment location and pool setbacks from boundaries)</p> 



TYPE OF APPLICATION FOR PLANNING CONSENT	BASELINE INFORMATION FOR LODGEMENT
<p><b>Retaining walls</b></p> 	<p>+ Schedule of wall materials</p> 
<p><b>Tree-damaging activity</b></p> 	<p>+ Tree species and trunk circumference</p> <p>+ For tree pruning, photographs of tree showing the proposed pruning points</p> 
<p><b>Advertising signs</b></p> 	<p>+ Sign material and form of illumination</p> 

Figure 5. Baseline information required to be lodged with applications for planning consent



*Requests for additional information*

The proposed regulation 36 prescribes that a relevant authority cannot request further information (exceeding the baseline information prescribed in Schedule 8) for deemed-to-satisfy applications where the development proposes residential development. However, the relevant authority can request information on one occasion for all other classes of deemed-to-satisfy development and in relation to any performance assessed development.

*Time to provide additional information*

Once the relevant authority receives an application, regulation 36(5) prescribes they will have **10 business days** in which to request information (as described above). This regulation ensures that any extra information needed is requested upfront thereby providing the applicant a complete understanding of what's required at the initial stages of the assessment process.

Draft regulation 37 allows a period of **60 business days** for an applicant to respond to a request from a relevant authority for further information. While an authority has the right to refuse an application if the requested information is not provided after this time, applicants can request an extension of time. If the extension of time is granted, any time in excess of **one year** taken by the applicant will be included in the time in which the relevant authority decides on the application (regulation 37(2)). In other words an application can remain on hold for a maximum of one year before the clock starts again and a decision needs to be made.

An application can be lapsed by the relevant authority **one year** from the date of lodgement (regulation 41), however the relevant authority must take reasonable steps to notify the applicant of the intent to lapse an application before doing so.

*Further requests*

Once the information is submitted to the authority, the authority may decide they cannot make a decision on the application due to some outstanding matter. Draft regulation 36(6) then allows them to make a further request for information, but only with the agreement of the applicant. If the applicant believes the additional request for information is unwarranted they can opt not to provide the requested information and wait until the assessment timeframe has expired. At this point they could serve a deemed planning consent notice. In such cases, the relevant authority can appeal a deemed planning consent to the Environment, Resources and Development Court if they are of the view that consent should not have been granted.



## Public notification

### What we've heard

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Responses to the Discussion Paper included the following views regarding public notification of development applications:

- Opposing views were raised about who should be responsible for placing a notice on the subject land (57% nominated the applicant; 43% nominated the relevant authority). All agreed that the cost of the sign should be borne by the applicant.
- Most respondents agreed that evidence of the sign should be recorded via a photograph. If the applicant is responsible for erecting the sign, a statutory declaration could also be an appropriate method of verification.
- To minimise the risk of interference with the sign, it was suggested that a penalty could be prescribed in the legislation.
- Local government representatives were generally of the view that the current 10 business day timeframe was reasonable for the public to respond to a publicly notified application. However, members of the community observed that a longer period was needed.
- Most respondents agreed that, for more complex applications, a longer timeframe should apply.
- Respondents observed that the period for notification should take into account any delays in postage and should not include public holidays.
- It was observed that assessment panels should have the discretion to hear persons notified of a development who wish to make verbal submissions.
- Concern was raised around the concept of comments on performance assessed development being limited to the performance assessed elements of the development only, and how the different elements eligible for comment should be clearly communicated to the public.
- Local government respondents advised there may be cases where an application is of a minor nature and shouldn't require notification. In those cases, an assessment manager should be able to determine that public notification isn't required.

### What we've done

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#### *Responsibility for notification*

Draft regulation 50 and the draft practice direction titled *Notification of Performance Assessed Development Applications* establishes that the applicant will be responsible for preparing and placing a notice on the land unless they (a) request the relevant authority to do so and (b) pay the relevant fee (to be prescribed in future regulations).

If the applicant accepts responsibility to place the notice on the land, the relevant authority will still confirm the location, the number of notices required and the notice content and must provide this information to the applicant at least 5 business days prior to the commencement of the notification.

The details surrounding notification of a performance assessed development application are contained in the practice direction, including a template of both the letter to adjacent land and the notice on the land.



*Period of notification*

Regulation 53(1) prescribes that a representation in relation to a performance assessed development must be made within **15 business days** of the day when all forms of notice have been given. For a restricted development, a longer period of **20 business days** applies. For impact assessed development, the period of consultation of an EIS is at the discretion of the Minister, however the practice direction titled *Restricted and Impact Assessed Development* prescribes a period of **30 business days**.

The period of notification commences from the day when letters to adjacent land owners/occupiers are expected to be received (allowing 3 business days for postage) or when the notice has been erected on the subject land (whichever is the later).

*Notice on land details*

The practice direction outlines that the notice on the development site must be:

- placed on or within a reasonable distance of the public road frontage for the premises, ensuring that it is visible to members of the public from the public road (as per the determination of the assessment manager)
- mounted at least 300mm above ground level
- made of weatherproof material (laminated print attached to fence, corflute print on star droppers, or other)
- at least A2 in size.

Following the conclusion of the public notification period, two time-stamped photographs of the sign – one at the beginning and one at the end of the notification period – are required to be uploaded to the application record to confirm the sign was present for the duration of the notification period, as well as written statement confirming that the notice was undertaken in accordance with the requirements of the legislation.

A maximum penalty of up to \$2500 and an expiation fee of \$500 are prescribed in regulation 50 for anyone found guilty of interfering with the sign during the notification period.

*Deemed-to-satisfy elements*

Both the letter and sign templates (which are attached to the practice direction) include an area for the relevant authority to highlight any deemed-to-satisfy elements of the proposal that are not subject to public notification, as well as standard text reminding representors that, under the Act, comments must be limited to the performance assessed elements of the application only.

*Availability of plans*

Regulation 52 requires the relevant authority to make copies of the application's plans available to the public for inspection without charge at their principal office during the public notification period. In addition, plans must be available to view on the SA planning portal.



*Minor nature – notification not required*

Part 5 of the practice direction allows the relevant authority to dispense with the need to undertake public notification for a performance assessed development if they are of the view that the application is of a minor nature and will not unreasonably impact on nearby land. This is a similar mechanism to Schedule 9 (Part 1 – 2 (g)) of the current *Development Regulations 2008*, which allows a relevant authority to determine an application to be Category 1 if it is of a minor nature.

*Applicant's response*

Regulation 54 prescribes that the applicant must provide a response to representations within 10 business days after the relevant authority forwards copies of the representations to them. However the relevant authority may permit an extension of time to provide a response if deemed appropriate.

*Verbal representations*

Draft regulation 53(5) prescribes that the relevant authority may, if it wishes, grant a person who has made a representation (and indicated an interest in appearing before the relevant authority) an opportunity to appear in person or by a representative.

In such cases, the applicant will also be provided an opportunity to respond in person to any verbal representation(s).

This provides a similar avenue for the relevant authority to hear verbal submissions as the Category 2 public notification process under the *Development Act 1993*.



## Assessing separate elements of development (in any order)

### What we've heard

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Section 102 of the Act allows elements of a development to be lodged separately with different authorities and in any order. There is however confusion around what comprises an 'element' of development as well as who will be checking for consistency between the consents for each element.

Some respondents also raised concerns about consents being able to be granted in any order and the potential for confusion after obtaining a building consent.

### What we've done

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#### *Elements of development*

It is the Department's understanding that the term 'element' relates to a component part of a development. For example, a dwelling, detached garage and swimming pool would each be separate 'elements'. In contrast, front setback, building height or building materials are not considered 'elements', and therefore cannot be separated for assessment purposes. Further, something that is related to the development cannot be assessed as a separate element (e.g. a car park associated with a shop is not a separate 'element' where the shop requires car parking and could not be properly assessed without the car park).

#### *Consents in any order*

Regulation 66 prescribes further procedures around how this will work in practice. Previously under the *Development Regulations 2008*, the responsibility to check for consistency lay with the building certifier. Now however all relevant assessing authorities must take into account any prior development authorisation that relates to the proposed development when deciding whether to grant authorisation.

The existence of any other related applications will be made clear through the SA planning portal application record.

For example, if an applicant chooses to apply for building consent at the same time as planning consent and the building consent is issued first, the building certifier would no longer need to undertake a consistency check. Rather, the relevant planning authority would need to take into account the building consent before issuing planning consent.

That being said, it is noted that it often makes good sense to apply for planning consent first to confirm that the overall concept and form of the proposal fits within the planning rules.

Advisory material will be included in the SA planning portal to communicate these issues and ensure the sequencing of consents provides the most efficient assessment pathway.



*Development approval*

While the various relevant authorities issuing consents need to take into account any prior related consent under regulation 66, the council will ultimately be responsible for ensuring that all elements of the development have been approved before issuing development approval under section 99(3) of the Act.



## Variations

### What we've heard

Respondents generally agreed that minor variations should be kept in the new planning system because it provides a practical method by which to approve these variations to a development post-decision.

However, respondents also observed that a fee should be required to cover the administrative costs and time required to process such minor variations. In doing so, the need for consistent documentation of the minor variation was also identified. Suggestions to achieve this included the generation of an amended decision notification form.

Some respondents were of the view that the development application number should be modified to keep track of any minor variations approved.

Submissions also raised the need for clear advice regarding what constitutes a 'minor variation'.

### What we've done

#### *Minor variations*

Draft regulation 71 provides a similar mechanism as regulation 47A of the *Development Regulations 2008*, which enables a relevant authority to accept a minor variation to a development authorisation without requiring the lodgement of a new application. However, the new regulation now specifies that:

- an administrative fee may be charged for a minor variation in accordance with the future *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019*
- the authority must endorse the notice that was given for the original authorisation by noting the date and nature of the minor variation (e.g. by issuing an amended Decision Notification Form)
- the plans subject to the minor variation shall be stamped or otherwise endorsed by the relevant authority.

It is intended that the ePlanning application tracking system will provide a function for a minor variation to be processed by the relevant authority, including the generation of a minor variation reference number.

#### *With whom is a variation application lodged?*

Regulation 71(1) prescribes that an application for variation shall be lodged with the relevant authority that originally issued the development authorisation. This ensures that any variations are assessed by the person/body who has knowledge of all considerations relevant to the assessment.

The exception to this is where an accredited professional was the relevant authority. This is because accredited professionals may operate as a sole person, not as part of an organisation or panel (as would be the case for all other relevant authorities), and may be on leave or have extenuating circumstances that make them unable to reassess a particular application.



*What is a minor variation?*

The Commission will publish a practice guideline to clarify what constitutes a minor variation. While the guideline will be based on the concept of a minor variation to deemed-to-satisfy criteria, the principles could also be applied to post-decision requests for variations on all application types.



## Exempt Development

### What we've heard

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Most of the respondents to the Discussion Paper were of the view that there is scope to increase the types of development that do not require any form of development approval ('exempt' development). This was based on the understanding that these developments will have negligible impacts and are standard, expected development commonly undertaken in its setting. Suggestions included children's cubby houses and tree houses, small verandas, aviaries, cat runs and wood fire pizza ovens.

### What we've done

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Schedule 4 of the draft Regulations lists some 94 types of buildings, works and activities that do not require development approval. Those exemptions include the following key changes from the current scope of exempt development under Schedule 3 of the *Development Regulations 2008*.



TYPE OF DEVELOPMENT	PROPOSED EXEMPTION	REASON
<b>Fence / retaining wall combinations</b> 	Fences on top of retaining walls.	Given that 1.0m high retaining walls can be constructed without needing approval, it makes sense to permit fences to be constructed on top of such structures to provide for a reasonable level of privacy between properties.
<b>Water tanks</b> 	All water tanks up to 15m <sup>2</sup> (or 60,000 litres maximum) in areas outside of Metropolitan Adelaide.	To enable appropriate bushfire protection measures to be undertaken without requiring approval.
<b>Tree houses</b> 	Tree houses of less than 5m <sup>2</sup> .	Small structures built for child recreation should not require approval.
<b>Woodfire pizza oven</b> 	Woodfire pizza ovens (and similar domestic masonry ovens) less than 2m in height.	Domestic kitchens are becoming increasing common, and result in minimal planning and building impacts (noting that such ovens would still need to meet the Environment Protection Authority's requirements regarding chimney/flue location and smoke impacts).






TYPE OF DEVELOPMENT	PROPOSED EXEMPTION	REASON
<p><b>Demolition</b></p> 	Demolition of certain single-storey buildings. However, this does not apply to partial demolition, where the building involves a party wall, or in relation to heritage places.	There are limited relevant assessment considerations in the planning or building rules when assessing demolition of an entire structure/building. Relevant considerations are covered by Safework SA legislation Work Health and Safety Regulations 2012 (SA).
<p><b>Advertising in the City of Adelaide</b></p> 	Remove separate provisions regarding advertising signs in the City of Adelaide. This means that, within the City of Adelaide, non-illuminated advertising signs could be displayed on the front facade of businesses (provided they are no higher than the verandah/fascia) without needing approval.	Consolidate the rules for advertising signs to achieve consistency across the state.
<p><b>Renewable energy infrastructure</b></p> 	Renewable energy infrastructure on existing council buildings.	Encourage energy saving methods associated with council and community buildings.

Figure 6. Summary of key changes to Schedule 4 – Exclusions from the definition of development in the draft Regulations compared to Schedule 3 of the *Development Regulations 2008*



## Exempt State Agency development

### What we've heard

Respondents to the Discussion Paper were generally of the view that the current scope of Schedule 14 under the *Development Regulations 2008* was appropriate to guide the types of state agency development that should not require approval.

### What we've done

Some minor changes have been proposed in Schedule 14 of the draft Regulations to align the types of developments able to be undertaken by state agencies with modern development standards.

The key changes are summarised in the below table:

PROPOSED CHANGES	REASON
Include telecommunications facilities where the facility is required to support emergency services communications.	As community expectations grow regarding direct notification of emergencies, there may be significant black spots that need to be addressed but don't fall within the exemptions for ordinary aerials and towers.
Continue to allow the construction of single storey outbuildings, classrooms associated with schools and other buildings, but specify that such buildings must accord with setback requirements prescribed in the Code, or if there are no setbacks prescribed, a minimum setback of 0.9 metres (currently 5 metres) is required.	Non-compliance with boundary setback generates a significant number of development applications with relatively minor impacts. It is more appropriate for boundary setback criteria to accord with the Code, or in the absence of criteria, be sited a minimum of 0.9 metres from a boundary. Retaining the provision relating to a maximum of one storey ensures an appropriate level of impact for development not requiring approval.
Allow all classrooms and learning areas to be exempt (subject to conditions), not just those of a temporary/transportable nature.	The impacts of a temporary/transportable classroom are similar to that of a permanent building. Such structures will still need to be certified for compliance with the Building Rules.
Remove reference to a maximum total of 150% floor area for building additions/alterations.	Floor area ratios are not necessarily an effective indicator of impact.
Introduce a new provision which allows the construction of playground structures and equipment without approval.	Playgrounds and similar structures are generally low impact and should be excluded from requiring approval where constructed by a state agency (they are currently exempt when constructed by a council).
Allow the construction of shade structures/sails not exceeding 5 metres in height.	Shade structures are relatively common and have limited impacts beyond the site, such that they should be excluded from requiring approval where constructed by a state agency.
Allow the construction of a beacon/antennae related to the provision of global navigation/positioning systems	Such infrastructure is likely to be increasingly developed in the future to enhance the accuracy of global navigation/positioning systems, and is unlikely to result in unreasonable amenity impacts.



## Development assessed by the Commission

Schedule 10 of the *Development Regulations 2008* prescribes cases where the Commission is the relevant authority. The draft Regulations prescribe such cases in Schedule 6.

Some of the key principles that were considered when reviewing the classes of development assessed by the Commission included:

1. Development that is likely to result in impacts or outcomes that are of **significance to the State** should be assessed by the Commission.
2. If the Commission maintains **specific expertise** relevant to the class of development that would assist the assessment process (compared to if the development were assessed by an assessment panel), the Commission should be the relevant authority.
3. Classes of development that are no longer commonly developed in South Australia such as commercial forestry but have been maintained through **historical legislation**, should no longer be prescribed to the Commission.
4. If a **pathway under the Act** provides for assessment by the Commission in any case (e.g. restricted development or 'call in' by the Minister), the Commission should not be prescribed as the relevant authority.
5. If the anticipated key assessment considerations for that class of development would be **dealt with through direction of an agency/body** under section 122 of the Act, the Commission should no longer be prescribed as the relevant authority.

The below table provides an overview of the proposed draft changes between proposed Schedule 6 of the draft Regulations and the current Schedule 10 of the *Development Regulations 2008*.

PROPOSED DRAFT CHANGES IN CLASSES OF DEVELOPMENT FOR WHICH THE COMMISSION WILL BE THE RELEVANT AUTHORITY		
PROPOSED CHANGE	REASON	PRINCIPLES
In relation to development undertaken by the <b>Urban Renewal Authority</b> , exclude the Commission from acting as the relevant authority for applications proposing the construction of dwellings following the approval of a land division on the relevant land for residential purposes.	<p>Large scale land division of government-owned land (or under contact to a third party) should continue to be assessed by the State Commission Assessment Panel (SCAP) to ensure a coordinated approach to development in renewing areas. However, if dwellings are not proposed at the same time as the land division, the assessment of the dwellings after the land division is approved should be assessed by the relevant council.</p> <p>Alternatively, such projects could be progressed through a precinct authority under the Urban Renewal Act, in which case the precinct authority would assess all applications within the precinct.</p>	1 2



PROPOSED CHANGE	REASON	PRINCIPLES
<b>Landfill depots</b> no longer assessed by the Commission.	Council assessment panels are equipped with assessing landfill depots, particularly as they have been operating for some time. These are also assessed by the Environment Protection Authority, providing another layer of assessment. In addition, major landfill depots may meet the criteria for declaration as 'impact assessed' by the Minister, which involves an Environmental Impact Statement (EIS) assessment in conjunction with the Commission.	3 4 5
Works in the <b>Metropolitan Hills Face Zone</b> no longer assessed by the Commission.	The Hills Face zones currently extend across multiple council areas. There is strong policy already in place and councils play a role in the assessment of a range of applications. The State's interest is limited to the creation of new allotments and this is likely to be assigned to the Commission as restricted development in the Code in any event.	1 4
<b>Commercial forestry</b> on over 20 hectares in prescribed areas no longer assessed by the Commission.	State interests in commercial forests are less relevant now than when this provision was first introduced. These developments should be assessed by a non-State authority as the primary considerations are environmental and will be addressed via a permit required under the <i>Natural Resources Management Act 2004</i> in any case.	3 5
Only development exceeding \$3 million in the <b>Port Adelaide Regional Centre Zone</b> assessed by the Commission.	The current situation captures all forms of development in specific policy areas in the Port Adelaide Regional Centre Zone, no matter how minor. By limiting the cases where the Commission is the relevant authority to developments over \$3 million, assessment of developments which are not of significance to the State can be done by the local authority.	1 2
The division of land in the <b>Mount Lofty Ranges Water Protection Area</b> no longer assessed by the Commission.	While the area represents the state's water catchment area, there is currently strong policy in place to determine land division applications, as well as referrals to the Environment Protection Authority in certain circumstances. The State's interest is limited to the creation of new allotments, and these should still be assigned to the Commission as restricted development in any case.	1 4 5



PROPOSED CHANGE	REASON	PRINCIPLES
Only development exceeding \$3 million in the Urban Core Zone of the <b>Bowden Urban Village</b> assessed the Commission.	The current provision currently captures all forms of development. Alignment with a trigger based on value similar to that in Port Adelaide is proposed. NB: land division will still be assessed by the Commission if lodged by the Urban Renewal Authority.	1 2 4
Only tourism development exceeding \$3 million in conservation zones on <b>Kangaroo Island</b> assessed the Commission.	Currently all forms of tourism development in these areas are assigned to the Commission, including small scale developments. The introduction of a cost trigger should ensure that only development of significance to the State is assessed by the Commission.	1 2



## ePlanning

### What we've heard

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A number of matters were raised by respondents in relation to ePlanning, including:

- Scope for error by applicants entering incorrect information to guide their proposal's categorisation and the relevant assessment authority
- The need for the system to automatically advise people who have lodged a representation about the application's outcome (i.e. withdrawn, approved, or split into elements).
- How sensitive material can be obscured from public view (e.g. floor plans).
- How relevant authorities' assessment reports, plans and decision notification forms can be made available to the public
- Alternative options for submitting applications should be available for applicants without reliable internet connection or the technology to prepare/copy electronic plans.

### What we've done

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Unlike the *Development Regulations 2008*, the draft Regulations allow for the transmission of documents via the SA planning portal and in electronic format. There will no longer be a need to provide multiple hard copies of plans, as plans will all be digitised.

Regulation 30 specifies that, while all applications must be lodged on the SA planning portal, an applicant can still elect to lodge an application in hard copy at the office of the relevant authority. It is anticipated that the future *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* will establish a separate fee structure to cover the administrative costs for an authority to lodge an application on the SA planning portal on the applicant's behalf (scanning plans, entering data into the portal, etc.). This will account for cases where applicants may not have access to a computer or reliable internet connection.

It is anticipated that while the SA planning portal will prompt information from an applicant when lodging an application to assist in its categorisation and allocation to the relevant authority, there will also be an option for the applicant to lodge their application without this information. In such cases, it is likely that the application will be automatically allocated to the assessment manager or assessment panel relevant to the location of the proposed development.

Regulation 35 allows an authority to re-allocate an application if they believe that the application has been sent to them erroneously or if they are unable to act as relevant authority for any reason.

The other matters raised are under active consideration by the Department's ePlanning team as they continue to work on building the SA planning portal's functionality.



## Building regulations

### What we've heard

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A 'Building Reform Working Group' (the Group), comprised of council officers, engineers and certifiers was formed during the consultation period to examine building related issues under the draft Regulations.

The Working Group provided a range of advice to the Department on the formation of the draft Regulations under the Act.

Proposals from the Working Group were divided into following themes:

- Accountability / integrity
- Owner builders
- Assessment
- During construction
- Pre-occupancy / approval phase
- Enforcement
- Essential Safety Provisions.

### What we've done

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Approximately 50 proposals were received from the Group and the Department is now keen to test some of these with a wider audience.

Key examples of changes included in the draft Regulations are set out in the below table. As a general rule, the focus has been on improving the draft Regulations to deliver a clear line of sight from the approval phase, through to construction and approval, with a view to improving compliance with the Building Rules. NB: no commentary is provided where current regulations have been largely carried over 'as is'.

A range of additional expiations have also been added throughout the draft Regulations to enable councils to more effectively ensure compliance without having to undertake cost-prohibitive legal action.



A range of other proposals suggested by the Group may be implemented via other means, such as new forms, practice guidelines and/or directions, or new Ministerial Building Standards.

DRAFT REGULATION	KEY CHANGE AND REASON
25(2) – Accredited Professionals	It is proposed that Accredited Professionals – Building Level 1 - may continue to grant planning consents, but only within the scope of the existing complying development known as “Residential Code”. The intention is to allow building certifiers with existing authority to determine ‘Residential Code’ applications to continue to hold those powers.
25(7) – Independent technical expert	The draft Regulations prescribe that independent technical experts must have engineering or other qualifications to the satisfaction of the relevant authority.
99 – Notifications during building work	<p>This regulation has been rewritten to support the development of new inspection policies under the Act. Notifications are still required for commencement, commencing a specified stage, installing a designated building product, and at the completion of building work.</p> <p>Current notifications in relation to swimming pools and roof framing will be incorporated into new inspection policies, along with any other new inspections required, subject to development of these policies. Once developed, this new notification and inspection system will be integrated with the ePlanning system.</p> <p>This regulation has also made it clearer that the name and details (including licence number) of the licensed building work contractor who will carry out the relevant work, and the name and details of the persons proposed to sign the Statement of Compliance (generally building work contractor again, and the owner), are required on the notice.</p>
100 – Essential Safety Provisions (ESPs)	<p>It is proposed that there will continue to be three Essential Safety Provision forms that will perform the same approximate functions as now: specification, installation, and maintenance. However, these will now be published on the SA planning portal in a form specified by the Department and approved by the Chief Executive, rather than in a schedule to the draft Regulations. This provides the flexibility to amend these forms as necessary.</p> <p>Current references to ‘within a reasonable time’ and ‘as soon as practicable’ have been replaced with ‘20 business days’ for notification of installation, and ‘within 60 business days after the end of each calendar year’, for notification of maintenance.</p> <p>An expiation fee of \$750 has also been added to penalise those who do not comply with Essential Safety Provision requirements, with a maximum penalty of \$10,000. The addition of this expiation is considered important to ensure councils have a mechanism to pursue owners who do not provide their annual Form 3s in a timely manner.</p>



DRAFT REGULATION	KEY CHANGE AND REASON
108 – Certificates of Occupancy	<p>The most significant change in this regulation (compared to regulation 83 under the <i>Development Regulations 2008</i>) is the requirement for a certificate of occupancy for class 1a buildings, which are single dwellings.</p> <p>This change has been included following feedback that owners and occupiers, upon completion of the construction of house, should be able to receive confirmation that their dwelling is suitable for occupation. This change is proposed to bring South Australia into alignment with other jurisdictions.</p> <p>In recognition that current building work undertaken against approved plans often does not include every element that is on the approved plans (for example stormwater connections, rainwater tanks, landscaping), there is an identified need to ensure that, following the 'statement of compliance' stage, proper evidence is provided to the owner/occupier confirming their house is ready for occupancy.</p> <p>As per other buildings classes (except class 10), the certificate of occupancy for class 1a buildings will be signed by the prescribed authority under Part 11 Division 4 of the Act, to again state that a building is suitable for occupancy. Once all work on the approved plans is complete, the owner will receive this certificate from the relevant authority. It is not anticipated that this change will incur any further impact on the builder.</p> <p>Also, rather than being in a schedule attached to the draft Regulations, the new certificate of occupancy will be published on the SA planning portal in a form prepared by the Department and approved by the Chief Executive.</p> <p>This provides the flexibility to amend the certificate to stay up to date with current demands (e.g. the current need for performance solutions to be documented).</p> <p>The Department is particularly interested in the views of the community, councils and industry in relation to this proposed change.</p>
109 – Statement of Compliance (and Schedule 12)	An expiation fee of \$750 has also been added to allow councils ensure compliance with the draft Regulations relating to these statements, with a maximum penalty of \$10,000.
118 -Authorised officers and inspections	This regulation requires each council to have at least one building-accredited professional appointed as an authorised officer to undertake inspections under the Act in accordance with any approved inspection policy for that council.



## What is not in these Regulations?

### **Impact Assessed development**

The draft Regulations do not currently prescribe any classes of development as 'impact assessed' development under section 108(1) of the Act. It is noted however that the Minister can declare specific development as being impact assessed development via Gazette notice, separate from the Regulations.

### **Accepted development**

While section 104 of the Act allows the draft Regulations to classify forms of 'accepted' development (i.e. where planning consent is not required), at this stage the Department anticipates that all accepted development will be prescribed in the Code to provide all information in a single source as part of the integrated ePlanning solution.

### **Fees, Charges and Contributions**

The Department is currently undertaking an investigation into the new fees, charges and contributions applicable under the Act. The outcome of these investigations will be translated into future regulations known as the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019*.

### **Schedule 9 – Referrals**

The referral agencies or authorities to be prescribed under section 122 of the Act will be prescribed in separate regulations at a later date when the Code is consulted on. This will allow for an important integrated approach because:

- a) While the referral bodies will be prescribed in the Regulations, they will link to overlays and associated policy in the Code, which will need to be considered together
- b) The Governor cannot prescribe a referral body (other than the Commission) unless:
  - i. The Governor is satisfied that provisions about the policies that the body will seek to apply have been included in the Code  
OR
  - ii. The Minister has indicated that he is satisfied that policy in the Code related to that referral body is not necessary or not appropriate.

### **Schedules 17 and 18 – Activities of environmental significance**

These activities are currently under review in conjunction with the Environment Protection Authority.

### **Swimming pools**

Separate swimming pool regulations will be drafted in the near future which provide revised swimming pool safety and upgrade requirements.



## Glossary of terms

**Act** means the Planning, Development and Infrastructure Act 2016

**Adjacent land** in relation to other land, means land that is no more than 60 metres from the other land.

**Building Rules** means:

- (a) the Building Code, as it applies under the Act (meaning an edition of the Building Code of Australia published by the Australian Building Codes Board in the National Construction Code series); and
- (b) any regulations under the Act that regulate the performance, standard or form of building work; and
- (c) without limiting paragraph (b), any regulations that relate to designated safety features; and
- (d) the Ministerial building standards published by the Minister under the Act;

**Code** means the Planning and Design Code

**Commission** means the State Planning Commission

**Department** means the Department of Planning, Transport and Infrastructure

**Minister** means the Minister for Planning

**Planning Rules** means:

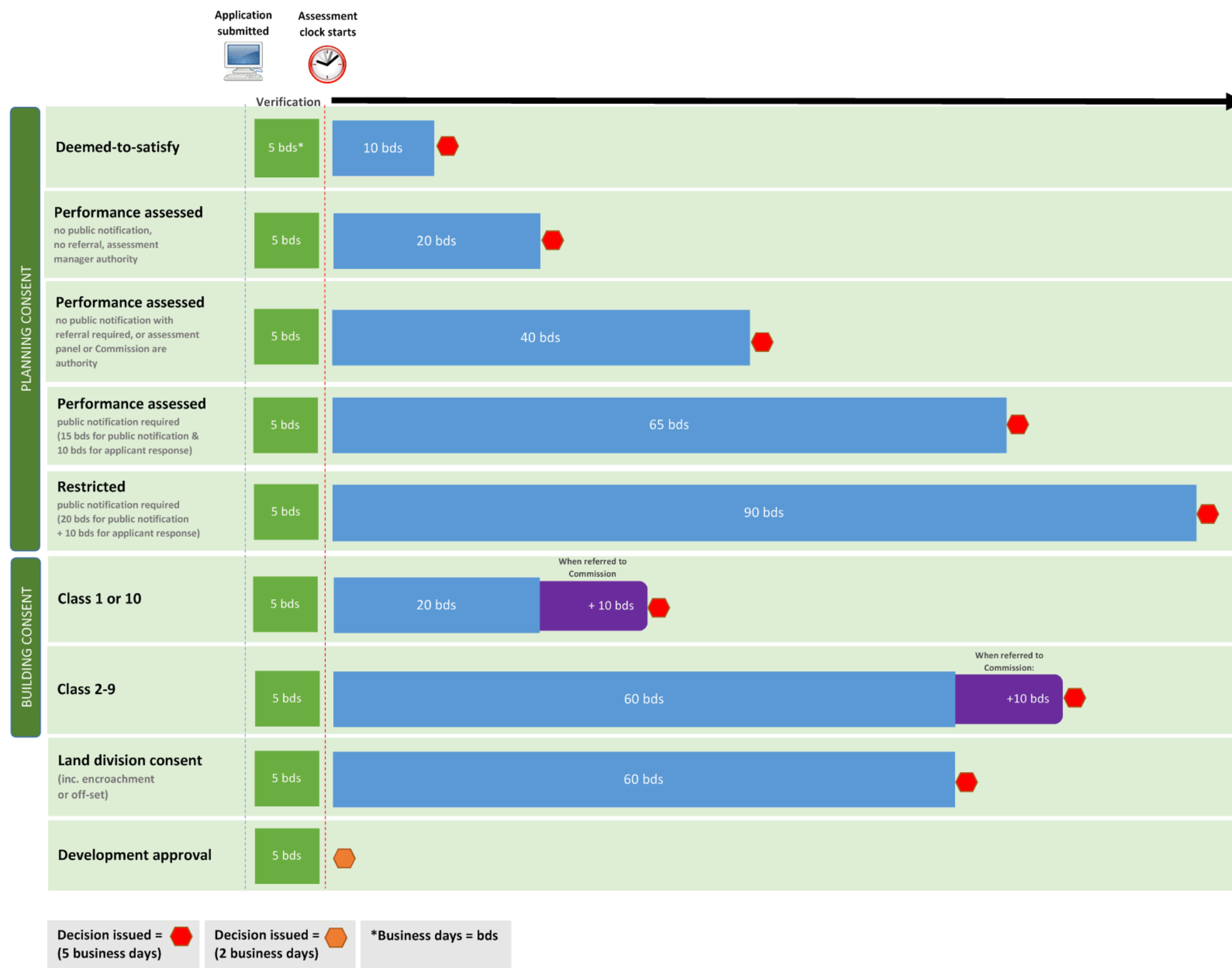
- (a) the Planning and Design Code; and
- (b) the design standards that apply under Part 5 Division 2 Subdivision 4 of the Act; and
- (c) any other instrument prescribed by the Regulations for the purposes of this definition;

**Regulations** means the 'Draft for comment' version of the Planning, Development and Infrastructure (General) (Development Assessment) Variation Regulations 2019 dated 11.12.2018

**Residential Code** means development that is complying development under clause 1(2) or (3), 2A, 2B or 2C of Schedule 4 of the Development Regulations 2008



## Proposed Development Assessment timeframes under the Draft Regulations









### HAVE YOUR SAY

The Department is committed to genuine collaboration with the community in the development of South Australia's new planning system.

Interested parties are invited to provide feedback on the regulations and practice directions discussed in this document until 1 March 2019.

Submissions can be lodged via:

- Email: [DPTI.PlanningEngagement@sa.gov.au](mailto:DPTI.PlanningEngagement@sa.gov.au)
- Post: PO Box 1815, Adelaide SA 5001

For details about future engagement activities and how to get involved, visit

[saplanningportal.sa.gov.au](http://saplanningportal.sa.gov.au)



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Department of Planning,  
Transport and Infrastructure









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1 March 2019

Contact: Chris Zafiroopoulos

Department of Planning, Transport and Infrastructure

By email: [dpti.planningengagement@sa.gov.au](mailto:dpti.planningengagement@sa.gov.au)

Dear Mr Sir / Madam

**Re: Draft Development Assessment Regulations & Practice Directions**

Thank you for the opportunity to make a submission on the Development Assessment Regulations and Practice Directions.

The relatively complex nature of these regulations, combined with the release of the Planning and Design Code for Outback Areas has meant that staff have not been able to review and brief the elected members of Council on this phase of the reform within the prescribed time for this consultation process. This information will be provided to Council for consideration at the first available meeting, following which any endorsed amendments to Council's submission will be provided to the Department.

Relevant Authority – Council Assessment Panels

The draft regulations assign prescribed developments to relevant authorities. An analysis of the proposed delegations for Council Assessment Panels (CAPs) for the period 2017/18 has revealed that, compared to the current number of applications assessed by our Panel, there would have been an 1100% increase in development applications assigned to the Salisbury Assessment Panel for determination in that period if the proposed provisions were in place. The CAP would have been assigned as the relevant authority for 105 applications compared to the nine applications the Panel actually assessed during this period. While the number of development applications considered by the Panel for this period was low (the Panel considers an average of 20 applications per year) and the Planning and Design Code may change the assessment pathways for some developments, this scale of increase is inconsistent with the intent of the reform program (faster / simpler development assessment).

This change has significant cost implications for Council and likely increased delays for applicants, notwithstanding that the application may be determined within the new prescribed timeframes.

While a CAP may delegate development applications to an Assessment Manager, there is the potential for Panels to take a conservative position on the extent of delegation based on the framework set by the regulations and a comparative analysis of the level of delegation granted by other similar Panels. Furthermore, a Panel will still have direct responsibility for delegated decisions and their consideration of delegations will be confined to statutory planning considerations. Council delegations are however based on broader considerations such as how delegations can better support economic policy objectives for investment in the city which has been developed over a period of time.

Assessment Panels play an important role where the community participation in the planning process needs to be highly visible. It is recommended that the regulations should only assign the



Panel as the planning authority where a representor wishes to be heard in support of their representation. This is current common practice. It is acknowledged this may require legislative amendment, but this issue is too important not to address at the start of the new development system.

Further assignment of applications should be made concurrent with the implementation and/or amendment of the Code by a council. Councils may then take a considered approach to the nature of applications that should be assigned to the CAP. This is considered to be a more appropriate tailored approach for more complex development, rather than a relatively blunt regulatory mechanism that disadvantages those councils that have taken strategic policy decisions and have implemented best practices to realise optimal planning outcomes for their communities.

In this context the provisions are also inconsistent with the broader State Government agenda to reduce costs and time for business. Council subscribes to this agenda, as evidenced by being a signatory of the State Government's Small Business Friendly Council Charter. It is incongruous for the State Government to be introducing a framework which will add to the costs and time for business to engage with the planning system.

#### Increased role Assessment Panels

Assessment panels have been given a greater role in the system such as being notifiable bodies (regulation 33), collecting fees (regulation 33(4)), delegating powers (section 100 of the PDI Act) and responsibility for oversight of staff for this function, deciding if representors may make verbal submission (regulation 53(5), hearing appeals against delegated decisions (section 202 of the PDI Act) and being responsible for building consents & advising relevant council of decisions (regulation 59). It appears that there may be some cost implications for the operation of Panels but this is uncertain at this stage. It is recommended that the Commission give consideration to where the Assessment Panels have been referenced in the draft regulations for administrative purposes and whether this should be reassigned to Council or the Assessment Manager. Furthermore, a publication on the role of Panels in the new system would assist to provide for clarity and consistency across the sector.

#### Timeframes

Timeframes are acknowledged as an important indicator of the performance of the system but not the only measure. Mandated timeframes, combined with the deemed consent provisions, will result in reduced opportunities for negotiated best practice outcomes and lead potentially to an increase in adversarial approaches. It is recommended that further consideration be given to an appropriate balance between speedy decisions and good planning and development outcomes. Examples of potentially undesirable implications include:

- A development may be deemed minor and thus be removed from the need for public notification but this decision must be made within the verification period. If not, the performance assessed elements will be subject to public notification and thus determination by the CAP. It is likely that relevant authorities will not be able to make a considered decision in this timeframe.
- Request for further information within 10 days for all developments does not recognise the varying complexity of development. Complex developments typically will require input from various disciplines within council and important matters may not be readily identified in this time for the specific development application. This may result in more encompassing requirements for information which would disadvantage both the relevant authority and applicant.



#### Costs and Resources

The draft regulations have introduced additional cost burdens on councils, have resource implications on councils which will further increase costs and potentially be seen as cost shifting onto councils. It is recommended that a review be undertaken on the on overall costs in the new system, and identify where costs can be reduced. It would be appropriate that the State Government's Business Impact Assessment framework be applied to determining the impact of the regulations upon Councils, which are collectively and individually significant businesses, and significant employers and contributors to the State economy. It is further recommended that the Commission engage with local government and industry sectors on the fee schedule to ensure that the fees enable fair and appropriate cost recovery that reflect the balance of private benefit and public benefit inherent in the planning system. Furthermore, the regulations should seek to simplify when and to whom applicants pay fees via the eplanning solution.

#### Development applications assessed by SCAP

The draft regulations prescribe that comments sought from the CEO of Council must be made to SCAP within 15 business days and these comments are constrained to prescribed matters. The absence of local planning knowledge risks the omission of important information and this should be included as a prescribed matter in the regulations. Furthermore, it would seem appropriate to be consistent in the regulations in respect to the time afforded to councils to provide comments to the Commission to match the time that is afforded to the Commission to provide comments to councils in regulation 82 (30 business days).

#### Public Notice Sign

It is noted that the regulations prescribe that a public notice sign must be erected by a Council if requested by an applicant but this does not apply to Minister or SCAP. It would seem appropriate to afford the same exemption to councils where they nominate a specific circumstance. Furthermore, the fee for this process should reflect the actual cost to Council.

Given the likelihood of actual or alleged removal of such signs during consultation periods, it would be appropriate for the Commission to provide guidance on the implication if a sign is removed for consistent practice across the state, and via the regulations to remove the prospect of procedural challenge should as sign not be erected on a property or be removed during the consultation period.

#### Designated flood definition and schedule 8-Plans

The draft regulations require that flood risk areas are identified by reference to ARI or AHD. The minimum requirements for plans in schedule 8 should include a requirement to reference ARI or AHD. This is particularly important given the draft regulations provide that relevant authorities are not able to request further information for prescribed developments. In addition, schedule 8 should also include requirements for rear of lot drainage systems that require engineer designed systems with pumps to dispose of roof and stormwater from the land.

Furthermore, the City of Salisbury Development Plan does to currently contain flood information by reference to ARI or AHD and unless this information is incorporated into generation 1 of the Code, the absence of this information will create a real risk of development being approved without reference to the appropriate information to mitigate the flood risk.

#### Essential Safety Provisions

The draft regulations and eplanning solution provides the opportunity to streamline the Essential Safety Provisions (ESPs) for all building owners in the state and relevant authorities who are required to have regard to this information in their assessment process. The eplanning solution



should record all data in one central location so that registered practitioners can access previously issued ESPs and note existing performance solutions.

The onus for ESP management should be placed on the building owner and industry could drive the process through insurance renewal requirements and/or sale or lease of buildings, similar to the practice that applies to swimming pools and smoke detectors.

#### Schedule 8-Plans

A certificate of title is the legal mechanism to verify a site and site specific conditions such as easements / rights of way. This should be a requirement for an applicant to supply, given they would have required it to prepare their proposal in any case. The eplanning solution provides the opportunity to streamline this with links to SAILIS.

The scale of elevations and site plans should be 1:200 and the elevations should be 1:100 with sections at 1:50 to ensure detail can be interpreted properly.

#### Construction Industry Training Fund

The draft regulations and eplanning solution provides the opportunity to streamline the development assessment process for all applicants with payments being made directly via the SA Planning Portal as a mandatory requirement. It is recommended that this opportunity be further advanced in the draft regulations and eplanning solution.

#### Exempt Development – 3 metre Fence and Retaining Walls

It is recommended that consideration be given to this exemption in areas with prescribed gradients only. It will generally result in poor development outcomes if this exemption applied to land that has a flat topography.

#### Exempt Development - Significant / Regulated Trees on Community Land / Streetscape Renewal Programs

It is recommended that significant and regulated trees on community land should be exempted development given there are generally no development pressures for the removal of such trees, and the Community Land Management Plans under the Local Government Act 1999, which include community consultation, are used to manage the landscape character of community land.

Council also undertakes an extensive streetscape renewal program. The program aims to deliver an even distribution of street trees with a wide variety of species and age classes across the City. To achieve this aim, careful planning and selection of the streets is undertaken to provide a 50-year streetscapes lifecycle. The process involves extensive engagement with the affected communities. The statutory land use approval that follows this program for affected significant or regulated trees does not provide any substantial benefit to the process, and trees within such programs should be exempted.

#### Exempt Development - Significant / Regulated Trees (Willow Myrtle)

Willow myrtles should be exempt. These trees are typically small in height but have multiple trunks that result in them being regulated or significant. They rarely add to the character of the area and are not notable. They often have severe structural failure risks or disease due to the nature of their trunk system which means removal is warranted. They should be in the list of trees that can be removed without approval.



Relevant Authority – Land Surveyor

The draft regulations and accredited professionals regulations have reintroduced that a Land Surveyor is an accredited professional for the assessment of land divisions that are deemed-to-satisfy developments. This reintroduction appears to be inconsistent with the response provided to the discussion paper by the Department, and the benefits of this assessment pathway is not readily apparent.

Application to Relevant Authority

The use of the term 'lodged' should not be used when the application is given to a relevant authority to lodge the development application on the eplanning solution. This should be changed to accurately reflect the status of the application, such as 'submitted'.

Notice of Decision

For consistent practice and understanding, the time in which notices of decisions are provided to other relevant authorities should be consistent in the regulations, and not be separately distinguished.

Various Requirements to Notify Other Parties / Provide Plans

The draft regulations provide various instances where relevant authorities must notify other authorities and/or provide plans. It is not clear if this will be via the SA Planning Portal in all instances, and this should be clarified and mandated to streamline the development assessment process. In addition, there should be no need to provide plans to another relevant authority given they will be kept on the eplanning system.

We look forward to receiving the Department's response to the issues raised in this submission. Please contact Mr Chris Zafiropoulos, Manager Development Services if you would like further information in relation to this submission.

Yours sincerely



**Terry Sutcliffe**  
General Manager, City Development

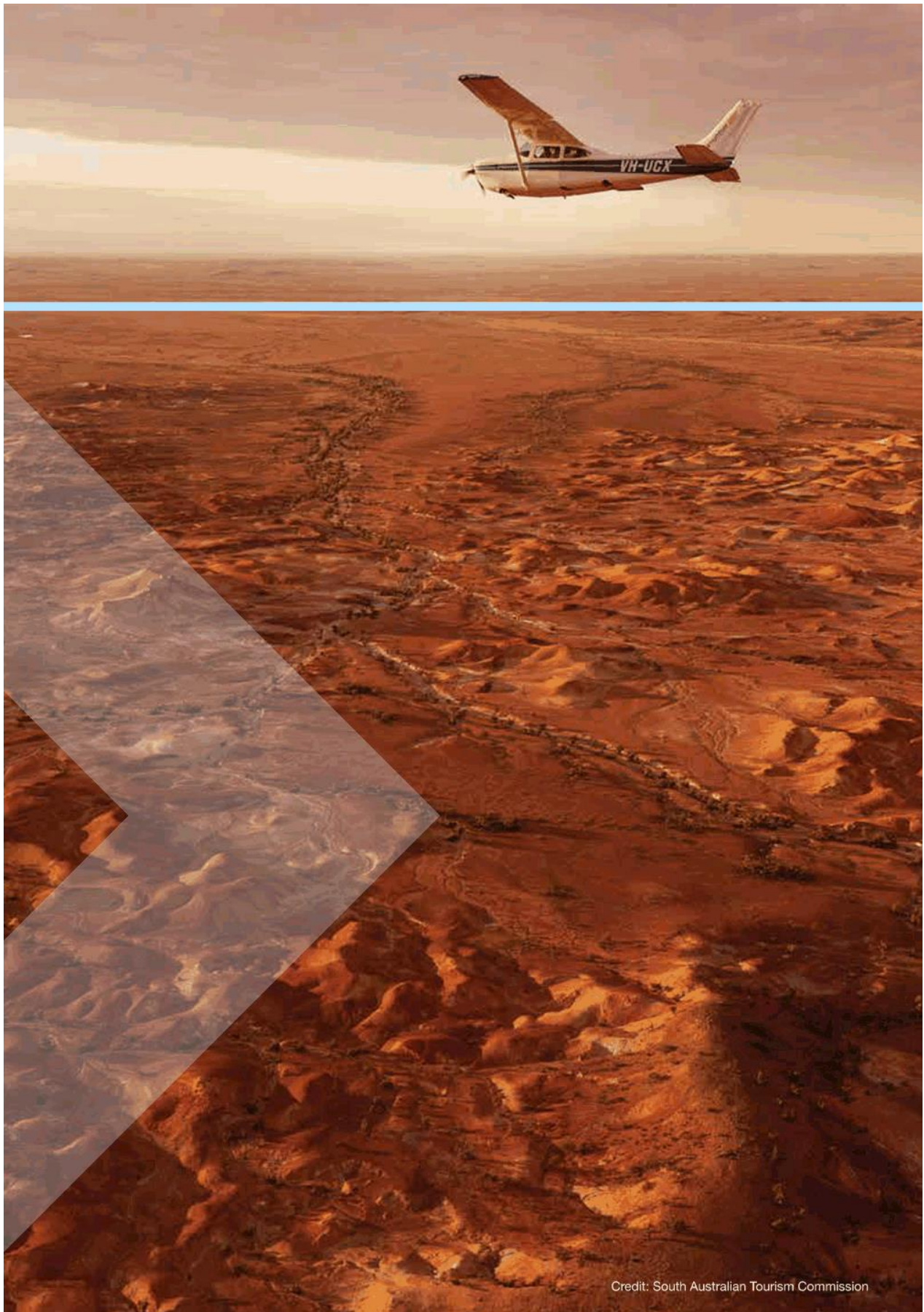












Credit: South Australian Tourism Commission





## GUIDE TO THE PLANNING AND DESIGN CODE IN THE OUTBACK

### What is the Planning and Design Code?

The Planning and Design Code (the Code) is the cornerstone of South Australia's new planning and design system. It replaces the 72 Development Plans that are currently in use with a single set of planning 'rules' for assessing development applications across the state.

The Code will help everyday South Australians navigate the planning system when building a house, developing a business, or progressing large commercial developments.

The Code aims to make the planning process quicker, smoother and easier to understand than ever before.

### How is the Code being implemented in the outback?

#### Public consultation

The draft Code for the outback regions of South Australia is available for public comment from 5 February to 5:00pm, Friday 29 March 2019. These are the regions that do not fall within a designated Local Government area, excluding the area addressed by the Land not within a Council Area (Metropolitan) Development Plan.

Feedback received during public consultation will be used to inform the Code.

#### Three-phase rollout strategy

The Code will be rolled out in three phases:

PHASE 1 Mid-2019	PHASE 2 Late-2019	PHASE 3 Mid-2020
Code introduced to the outback (land not within a council area)	Code introduced to regional council areas	Code introduced to metropolitan council areas

When the Code is introduced in the Outback in mid-2019, the rest of the State will continue to operate under the current planning legislation – *Development Act 1993*.

By July 2020, the Code will be in effect across the entire state and available to all South Australians via the SA Planning Portal.

#### Migration from old rules to new rules

The process of migrating current planning policies to the new Code has taken place according to the steps outlined below:

- Release of discussion papers**

To deliver the first Code, the State Planning Commission released a series of policy papers designed to stimulate thought and discussion on key policy matters. In addition, several technical papers were released that established the operational framework and content requirements for the Code.

The discussion papers identified where existing policy was likely to be transitioned to the new Code, as well as areas for further investigation that could be introduced in future generations of the Code.

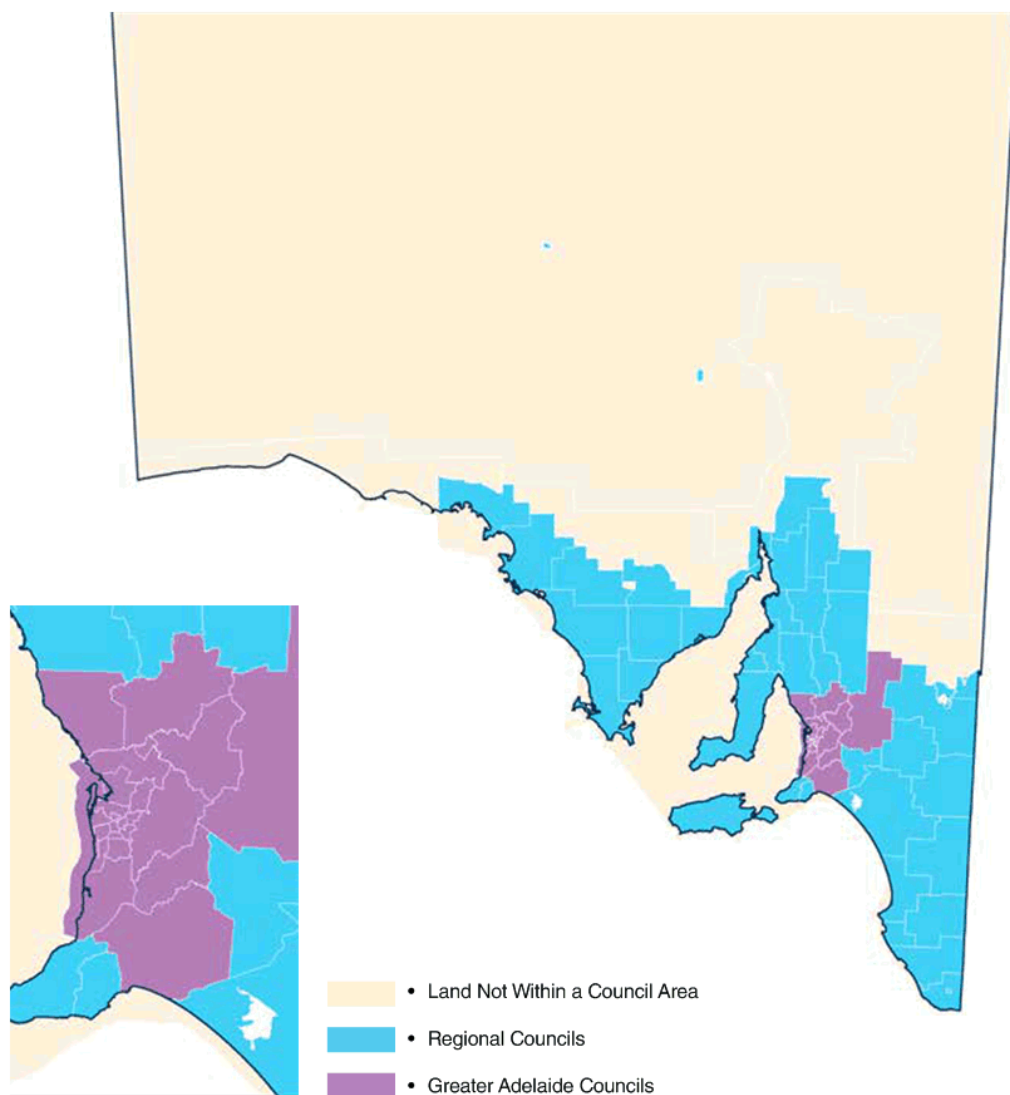
- Review of current policies**

A key investigation piece to inform the development of the Code (and its future iterations) was a review of the current South Australian Planning Policy Library (SAPPL) and Development Plans. The reviews identified strengths, weaknesses, opportunities and challenges that exist in SAPPL and Development Plan policies.

The reviews have also contributed to the preparation of the policy discussion papers and continue to support the development of the Code in the outback and in regional and metropolitan council areas.



### Where does the Planning and Design Code apply in South Australia?







### What does the Code mean for outback communities?

Most people living or building in outback South Australia will not notice too much difference to what they can or cannot build in their local area. However, some new ways of approaching development will be introduced.

#### A change in planning rules and policy

As a result of the Code being rolled-out in outback regions, some planning policies will change to better meet the needs of South Australia's rural communities.

This means that for the first time in more than 15 years, issues that are specific to the outback will be addressed by the planning system.

These benefits will be delivered in four main ways:

#### 1. Removal of outdated and duplicated planning policy

The Code will replace the three Development Plans that are currently operating across outback South Australia, namely:

- Land Not Within a Council Area (Coastal Waters)
- Land not within a council area (Eyre Peninsula, Far North, Riverland and Whyalla)
- Land not within a council area (Flinders)

This process will remove old policy, consolidate policy that works well and make planning policy more consistent, equitable and transparent.

#### 2. Expanded use of policy relating to building near airfields and associated buffer distances

Under the Code, policy and buffer distances will be spatially applied to an increased number of airfields. Currently, these policies apply to airfields that support commercial and military aviation, but under the new Code, they will also be applied to those airfields that are used by the Royal Flying Doctor Service.

Specific buffer distances will also be prescribed around important planning infrastructure, such as key rural and outback routes, railway crossings and water courses, to protect vital outback assets.

#### 3. Increased focus on hazard mitigation

Safety measures that have not previously been applied consistently in the outback will be implemented, including new and updated policy to mitigate the risk of bushfire and the impact of acid sulphate soils.

#### 4. Improved interface between different land uses

Under the Code, policy that addresses the interface between different and/or incompatible land uses will be updated and more consistently applied. This will prevent poor planning outcomes for the community and ensure that key types of infrastructure and land uses do not impinge on one another, e.g. industry kept at a safe distance from townships, phone towers not located near airfields, etc.

### What does the Code mean for development applications?

#### Before the Code becomes operational:

All development applications lodged in the outback prior to the Code becoming operational in mid-2019 will be assessed according to existing Development Plans, as prescribed under the current *Development Act 1993*.

#### After the Code becomes operational:

All development applications lodged in the outback after the Code becomes operational in mid-2019 will be assessed under the Code, as prescribed under the *Planning, Development and Infrastructure Act 2016*. The three Development Plans relevant to the outback will be revoked at this time.



### *A new planning framework*

The changes will be delivered via a new planning framework that comprises new and amended zones, overlays and general development modules.

The zones, overlays and general development modules included in the outback Code are described on the following pages.

**Zones** are areas that share common land uses and in which specific types of development are permitted.

Zones form the principle organising layer of the Code and will be applied consistently across the state. For example, a township zone for Andamooka can be expected to apply to similarly suited townships like Kimba.

Each zone will include an assessment table that describes the types of development that are permitted and how they will be assessed.

**Subzones** enable variation to policy within a zone; which may reflect local characteristics. Note: No subzones are included in the outback Code

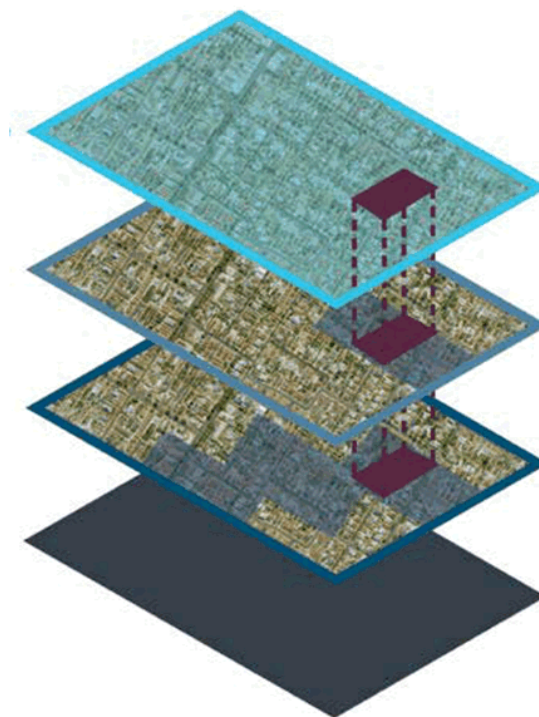
**Overlays** contain policies and maps that show the location and extent of special land features or sensitivities, such as heritage places or areas of high bushfire risk.

They may apply across one or more zones.

Overlays are intended to be applied in conjunction with the relevant zone. However, where policy in a zone is in conflict with the policy in an overlay, the overlay policy will take precedence.

**General development modules** contain guiding policies that outline the functional requirements of development, such as the need for car parking or wastewater management.

While zones determine what development can occur in an area, general development modules provide guidance as to *how* this development should occur.







### A paper-based Code to an online Code

The LNWCA Code will be available in paper-based form from mid-2019, before being moved onto the State's new ePlanning platform in late-2019.

This means that for communities in the outback, the interaction with the new Code will change over a six month period. The below sections describes what this will mean.

#### *Paper based Code (from mid-2019 to late-2019)*

The LNWCA Code will be operational from mid-2019, which means the three Development Plans operating in these areas are revoked and new legislation – The Planning, Development and Infrastructure Act 2016 – (and therefore the Code) will apply in these areas.

At this time, the Code will remain in paper-based form e.g. as a document accessible via the SA Planning Portal.

The various zones and overlays that form the LNWCA Code will be able to found via the State Planning Atlas, which will show at a property level, what zones and overlays apply.

Therefore you can search your property, find out what applies and then use the PDF Code to read and understand what this means in terms of what development is allowable, with or without an assessment.

If an assessment is required, applicants can then download a paper-based development application form to complete and send to the department via post or email.

The Department will then get in contact to arrange payment and progress the application.

During this period of time, we encourage the community to call either the Outback Community Authority or the Department for assistance in determining what development is allowable.

#### *An online Code (from late-2019)*

In late-2019, the LNWCA Code will be moved onto the State's new Online Code.

You will still be able to search the State Planning Atlas to see what zones and codes apply to your property. The difference at this point, is that instead of going to the Code document; you will visit the Online Code to find out what development is allowable.

In the Online Code you can search your property and it will automatically generate the information about what development is allowable, with or without an assessment.

If your proposed development requires an assessment, you will now be able to prepare, lodge, pay and track a development application online.

#### **Supporting the community to use the new ePlanning tools**

The Department recognises that moving from a paper-based system to an online system is a significant adjustment for the broader community.

For those living in the outback, you can access the ePlanning platform and its various tools with a simple internet connection.

If a connection is not possible, paper-based lodgement is still available to those living in these remote parts of South Australia.

More information on the new ePlanning platform and its various tools will be provided to the community to help them orientate the new planning system.



## Zones

A description of the zones that will apply to the outback is provided below.

### **Township zone**

*Consolidates several existing township zones and policy areas*

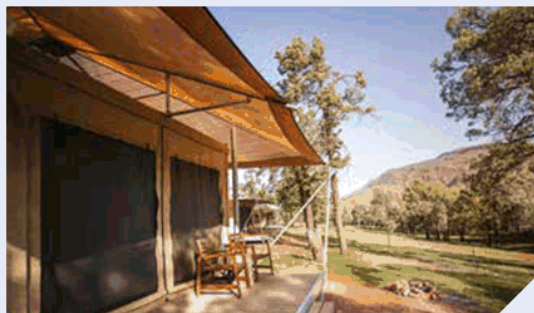
The township zone will cater for town centres comprising residential development and a range of non-residential land uses in the form of retail, commercial and tourist activities, linked together to serve the local community and visiting public. Development will be low to medium scale and mixed-use development is appropriate within the zone. Example: Andamooka



### **Tourism development zone**

*Consolidates two existing tourist accommodation zones*

The new tourism development zone will enable existing areas designated for tourist accommodation and related development to transition to the Code. In the outback it will apply to the Arkaroola and Wilpena tourism areas.



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### **Settlement zone**

*Consolidates several existing township and settlement zones*

The settlement zone will accommodate a range of low density residential, retail, community and recreation land uses within an identifiable village environment – often where service provision is constrained and does not support growth in population and service function. Example: Innamincka



### **Coastal waters zone**

*Replaces the existing aquaculture zone and the general development module on coastal waters*

The new coastal waters zone will seek the protection and enhancement of the natural marine environment while recognising important commercial, tourism, recreational and navigational uses. This zone will be spatially applied to the area up to three nautical miles from the shore.







### **Conservation zone**

*Consolidates four existing conservation zones*

The conservation zone will comprise conservation parks and reserves under state and federal ownership and will be expanded to include coastal conservation areas and parts of the River Murray flood plain. It will cater for a limited mix of development, including conservation and tourist signage, scientific monitoring facilities, small-scale recreational facilities and some contemplation of tourism facilities.



### **Remote areas zone**

*Consolidates several existing remote area zones and policy areas*

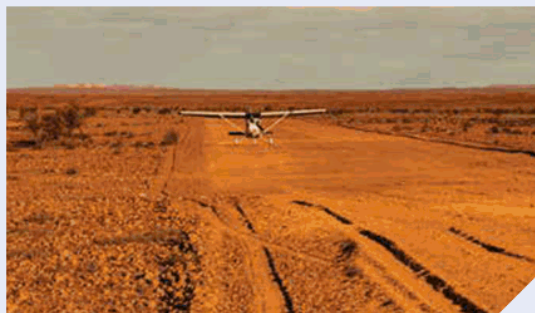
The remote areas zone will accommodate pastoral, grazing and farming activities; mining and petroleum exploration; tourism; facilities related to renewable energy, aerospace and defense; remote settlements; and Aboriginal lands. This zone will be applied to a large portion of the state's far north, as well as to the whole of Boston Island.



### **Local infrastructure (airfield) zone**

*Replaces the existing remote areas (airfield) policy area*

The new local infrastructure (airfield) zone is based on the existing airfield zone and will apply to a number of rural airports throughout Phase One. This zone is the first of a suite of local infrastructure zones that will accommodate a range of local infrastructure that benefits the community.





## Overlays

The overlays that will apply to the outback will include:

### **State heritage areas**

*Converts the existing general development module on heritage areas to an overlay*

The 'state heritage areas' overlay will apply to Beltana, Innaminka and Arckaringa Hills and will seek to ensure the ongoing conservation of these important areas.

### **State heritage places**

*Converts the existing general development module on heritage places to an overlay*

The 'state heritage places' overlay will protect more than 100 sites of historical importance in the outback, including the land immediately surrounding these sites.

### **Building near airfields**

*Converts the existing general development module on building near airfields to an overlay, but spatially applies to the area within 6km of an airfield.*

The 'building near airfields' overlay will support the safe and efficient operation of the airfields at Innamincka, Leigh Creek, Marla, Marree, Oodnadatta and William Creek, as well as all airfields that serve the Royal Flying Doctors Service.

### **Strategic transport**

*Converts the existing general development module on transportation to two individual overlays*

Two new 'strategic transport' overlays will safeguard main freight corridors and tourist roads and ensure that key railway crossings are not undermined by new development.



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### **Marine parks (managed use)**

*Consolidates and replaces the existing general managed use and habitat protection marine parks zones.*

The 'Marine Parks (Managed Use)' overlay is one of two new 'Special Legislative Schemes' overlays that seek to preserve South Australia's network of 19 marine parks proclaimed by the *Marine Parks Act 2007*. The Overlay will capture existing marine park zones and provide the general guidance required to consider development proposals in these areas, which will apply over the *Coastal Waters Zone*.

### **Marine parks (restricted use)**

*Consolidates and replaces the existing marine parks sanctuary restricted access marine parks zones*

The 'Marine Parks (Restricted Use)' Overlay is one of two new 'Special Legislative Schemes' Overlays that seek to preserve South Australia's network of 19 marine parks proclaimed by the *Marine Parks Act 2007*. The overlay will capture existing marine park zones and provide the general guidance required to consider development proposals in these areas, which will apply over the coastal waters zone. This overlay will provide tighter development controls than the marine parks (managed use) overlay.

### **Coastal areas**

*Consolidates and replaces three existing coastal zones*

The 'coastal areas' overlay covers development that traverses both land and water (e.g. jetties) and will support sustainable development in coastal areas.

### **Hazards**

*Converts the existing general development module on hazards to a suite of two overlays*

Two independent 'hazards' overlays will protect the environment and the community from the release of acid water (caused by the disturbance of acid sulphate soils) and bushfire.





### **Prescribed watercourses**

*Converts existing general development modules to an overlay*

The 'prescribed watercourses' overlay will seek to protect all natural and human-made water channels (above ground or subterranean) by ensuring that development that impacts these water channels is avoided or undertaken in a sustainable manner.

### **Prescribed wells areas**

*Introduced for the first time*

Similar to the 'prescribed watercourses' overlay, the 'prescribed wells areas' overlay seeks to guard against the over extraction of water from prescribed wells areas by ensuring that activities involving the taking of water are avoided or undertaken in a sustainable manner.

### **Ramsar wetlands**

*Replaces the general development module on Ramsar wetlands and habitat*

The 'Ramsar wetlands' overlay seeks the protection of wetlands deemed to be of international importance under the Ramsar Convention. It aims to minimise adverse impacts to the habitat and lifecycle of wetlands or any species dependent on a wetland.

### **Murray Darling Basin**

*Converts the existing referral trigger from the Development Regulations 2008 to an overlay*

The 'Murray Darling Basin' overlay seeks to protect the Murray Darling Basin by ensuring that activities involving the taking of water are undertaken in a sustainable manner.



### **River Murray floodplain**

*Replaces parts of the River Murray flood zone and the River Murray fringe zone*

The 'River Murray floodplain' overlay seeks to protect the floodplain from adverse development activities, ensure the protection of life and property against flood risk and uphold the intent of the *River Murray Act 2003*.

### **Historic shipwrecks**

*Converts the existing referral trigger from the development Regulations 2008 to an overlay*

The 'historic shipwrecks' overlay aims to protect historic shipwreck sites (registered and non-registered) by prescribing relevant buffer distances for development.

### **Significant landscape protection**

*Replaces the pastoral landscapes zone and the environmental class B zone*

The 'significant landscape protection' overlay seeks to conserve the natural and rural character and scenic and cultural qualities of significant landscapes in the outback. This overlay also seeks to preserve sites of state significance that fall under the *Arkaroola Protection Act 2012*.

### **Sloping land**

*Converts the existing general development module on sloping land and the existing general development module on natural resources to a single overlay*

The 'sloping land' overlay aims to guide development occurring on steep slopes or unstable soils by minimising the potential for erosion, land slippage and stormwater runoff and ensuring safe vehicular access to development in such areas.

### **Water resources**

*Converts water catchment policy within the existing general development module on natural resources to an overlay*

The 'water resources' overlay aims to protect the quality of water catchments, watercourses and public reservoirs which are of critical importance to the state.



### General development modules

The introduction of general development modules will better delineate between the 'what' and 'how' in the planning system.

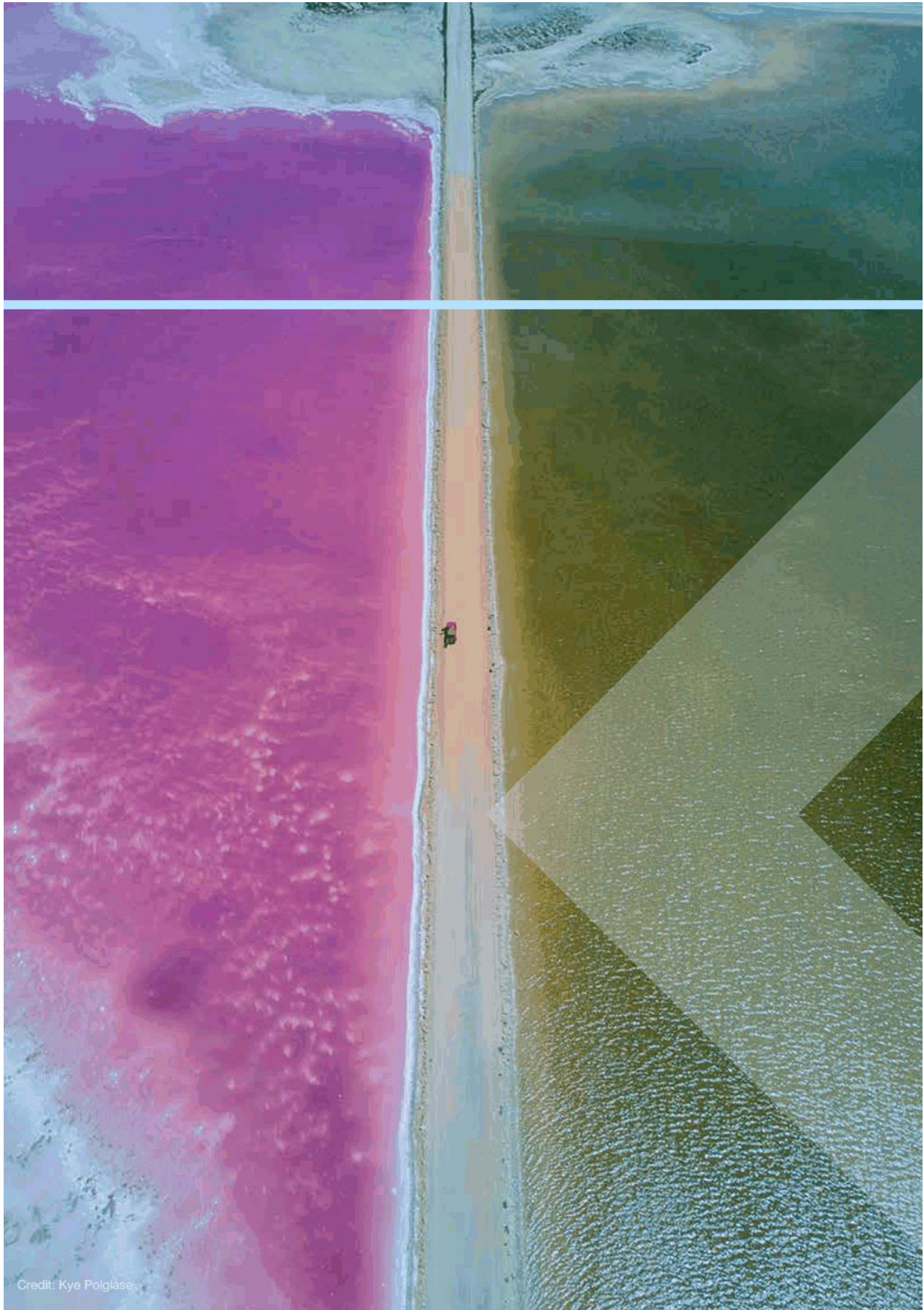
The general development modules that will apply to the outback will include:

- Advertisements
- Animal-keeping and horse-keeping
- Aquaculture
- Bulk-handling and storage facilities
- Clearance from overhead power lines
- Design and siting
- Forestry
- Infrastructure and renewable energy facilities
- Intensive animal-keeping and dairies
- Interface between land uses
- Land division
- Marinas and on-water structures
- Mineral extraction
- Open space and recreation
- Residential livability
- Site contamination
- Tourism development
- Transportation, access and parking
- Waste treatment and management facilities
- Workers' accommodation and settlements



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## HAVE YOUR SAY

The State Planning Commission is committed to genuine collaboration with the community in the development of South Australia's new planning system.

You can provide feedback on the draft Planning and Design Code for the outback until 5:00pm, Friday 29 March 2019.

Submissions can be lodged via the following means:

- SA Planning Portal: [www.saplanningportal.sa.gov.au/have\\_your\\_say](http://www.saplanningportal.sa.gov.au/have_your_say)
- Email: [DPTI.PlanningEngagement@sa.gov.au](mailto:DPTI.PlanningEngagement@sa.gov.au)
- Post: Department of Planning, Transport and Infrastructure, PO Box 1815, Adelaide SA 5001

Further information on the Planning and Design Code can be found on the SA Planning Portal ([www.saplanningportal.sa.gov.au](http://www.saplanningportal.sa.gov.au)).

**Disclaimer:** This guide has been prepared to provide information that may facilitate understanding of the relevant legislation and draft statutory documents that have been released for public consultation. The content of this guide is advisory only and may be subject to change. It does not necessarily represent the views of the South Australian Government and does not purport to accurately or entirely replicate the content of the relevant legislation. The Department of Planning, Transport and Infrastructure recommends that this guide be read in conjunction with the Planning, Development and Infrastructure Act 2016 and its accompanying draft regulations and practice directions.

[saplanningportal.sa.gov.au](http://saplanningportal.sa.gov.au)



Government of South Australia  
Department of Planning,  
Transport and Infrastructure





## Submission form:

### Planning and Design Code in the outback (land not within a council area)



This submission form is being used to collect feedback from practitioners and the community on the Planning and Design Code in the outback (land not within a council area). It will help us consolidate comments under specific themes so that we can more easily identify trends and consider feedback according to the zone, overlay or general module to which it applies. Your input will ensure that the new planning and development rules for the outback meet the planning needs of rural South Australians and address planning issues relevant to land outside of council boundaries.

#### Please send your completed submission form to:

Jason Bailey, Project Lead Planning and Design Code  
Department of Planning, Transport and Infrastructure  
Level 5, 50 Flinders Street, Adelaide 5000  
GPO Box 1815, Adelaide SA 5001  
Email: [DPTI.PlanningEngagement@sa.gov.au](mailto:DPTI.PlanningEngagement@sa.gov.au)

#### Section one: About you

**1. Are you a planning, design or building industry professional?**

- ☒ Yes  
☐ No

If yes, please choose the professional field that best describes you from the drop-down list below:

Planning

**2. Are you lodging this submission on behalf of yourself or an organisation?**

- ☐ Self  
☒ Organisation

If you are lodging a submission on behalf of an organisation, please provide the name of your organisation below:

City of Salisbury

**3. What council (or non-council) area do you typically reside in?**

n/a

**4. If you wish to receive a report on the feedback received during this consultation, please provide your name and email address.**

Name: Peter Jansen

Submission form: Planning and Design Code in the outback (land not within a council area)



## 1.3.1 Submission on the Phase One Planning and Design Code in the Outback

Email address: [pjansen@salisbury.sa.gov.au](mailto:pjansen@salisbury.sa.gov.au)

## Section two: Feedback on the Planning and Design Code in the outback

### 5. Please provide your feedback on any or all of the Code sections outlined below.

#### PART 1 – RULES OF INTERPRETATION

A legalistic wording which may not be appropriately written for the general public. It will not enhance the public understanding of the PD Code.

#### PART 2 - ZONES AND SUBZONES

[Click here to enter text.](#)

##### ***Coastal Waters Zone***

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The development activities of Marinas would appear to all become performance assessed. It is expected that there would be minor activities that should not require assessment or consultation. Later Phases of the PD Code should allow further consideration of the appropriateness of the classifications and exceptions for this Zone.

##### ***Conservation Zone***

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[Click here to enter text.](#)

##### ***Local Infrastructure (Airfield) Zone***

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This Zone would not be appropriate for Parafield Airport or the Edinburgh Defence Airport due to the limited content and recognition of the wider roles and functions of these two airports. The later Phases of the PD Code must include appropriate Zones or policy content, including recognition of flight paths, Australian Noise Exposure Forecasts or alternative noise models, Australian Standard AS 2021, and National Airport Safeguarding Framework Guidelines, and OLS and PANSOPS. While the proposed policy draft may be suitable for remote aerodromes in many locations, it will not transfer across to larger regional airports or Metropolitan and Defence Airports.

##### ***Remote Areas Zone***

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[Click here to enter text.](#)

##### ***Settlement Zone***

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The draft policy content in this Zone may not be appropriate for a Metropolitan Adelaide Phase eg setbacks and allotment sizes. It is unknown how and if this Zone may apply in a Metropolitan Adelaide setting, and there must be an ability to alter the Zone policy at later Phases of the Code releases.

##### ***Specific Use (Tourism Development) Zone***

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[Submission form: Planning and Design Code in the outback \(land not within a council area\)](#)



The draft policy content in this Zone may not be appropriate for a Metropolitan Adelaide Phase. Activities such as Interpretive Centres or accommodation of certain types may be appropriate. It is unknown how and if this Zone may apply in a Metropolitan Adelaide setting, and there must be an ability to alter the Zone policy at later phases of the Code releases.

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***Township Zone***

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The draft policy content in this Zone may not be appropriate for a Metropolitan Adelaide Phase. The DTS 1.2 and 1.3 refers to floor area limits, but there is no control on the total amount of retail or commercial in the Zone should it be deemed necessary. It is unknown how and if this Zone may apply in a Metropolitan Adelaide setting, and there must be an ability to alter the Zone policy at later phases of the Code releases.

**PART 3 - OVERLAYS**

[Click here to enter text.](#)

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***Building Near Airfields Overlay***

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The Overlay does not recognise or provide guidance for development considerations on all matters that are identified by the National Airport Safeguarding Framework. The draft Overlay would need enhancement to be appropriate for use in Metropolitan Adelaide or Regional areas contexts.

There are limited references to Object Limitation Surfaces and Bird Strike separation distance of 3km. However, the opportunity exists to link to the current 9 NASAF Guidelines which includes Australian Noise Exposure Forecasts, Public Safety Guidelines for civil and defence airports, and other details as identified in the various Guidelines. The Bird Strike separation distances consideration should also consider the land uses appropriate within the distances of 3km, 8km and 13km.

The Deemed to Satisfy Criteria should reference the various Guidelines including AS 2021. The DTS for this could include the identification that buildings, sites, or uses outside of the 20ANEF are appropriate, or as per the AS2021 tables. Further, the Referrals should include the various Federal Authorities and/or Airport managers.

The Overlay does not recognise the significant role that the airports, particularly the significant airports such as Parafield Airport and Edinburgh Defence Airfield have in the economy and regions and the wider impact on developed areas around the airports.

In light of the ePortal transition, it is considered entirely appropriate to provide maps, links and advices that are available for aviation facilities which will further enhance the availability of information for the general public that are affected by airport activities, or provide information for the consideration of future residents or businesses around airports. The opportunity must exist for mapping links to this information.

Should the proposed draft module be intended to be amended in later phases of the PD Code, it must be clearly identified that this will be the case, which then raises questions on how this version can be redrafted without further consultation with the communities currently affected.

[Submission form: Planning and Design Code in the outback \(land not within a council area\)](#)



## 1.3.1 Submission on the Phase One Planning and Design Code in the Outback

***Coastal Areas Overlay***

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There must be an ability to alter the policy at later phases of the Code releases.

***Hazards (Acid Sulfate Soils) Overlay***

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There must be an ability to alter the policy at later phases of the Code releases.

***Hazards (Bushfire Protection) Overlay***

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There must be an ability to alter the policy at later phases of the Code releases.

***Historic Shipwrecks Overlay***

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[Click here to enter text.](#)

***Key Outback and Rural Routes Overlay***

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Is it anticipated that the access point distance criteria identified in the DTS will be translated into a Metropolitan Routes Overlay, for example would these distances apply to Port Wakefield Road, Salisbury Highway and suchlike in the City of Salisbury area? It is difficult to know without detailed surveys as to whether the separation distances from other access points which includes driveways will be able to be achieved in the urban setting.

***Key Railway Corridors Overlay***

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Is it anticipated that the access points distance criteria identified in the DTS will apply to the Urban area? It is difficult to know if the distances will be able to be achieved in the urban setting.

***Marine Parks (Managed Use) Overlay***

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The Desired Outcomes are considered limiting when the Barker Inlet St Kilda Aquatic Reserve, St Kilda Chapman Creek Aquatic Reserve and the Adelaide Dolphin Sanctuary are taken into account relative to potential development (including Infrastructure) that may occur in places such as the Dry Creek Saltfields and St Kilda. It is unknown if this Overlay would apply in the indicated form would apply to the Urban area, and unknown how this Managed Use Overlay would apply in place of the Restricted Use Overlay.

***Marine Parks (Restricted Use) Overlay***

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It is unclear as to where and in what situation this Overlay would apply when compared to the Marine Parks Managed Use Overlay and therefore whether it is appropriate in the Urban area and the City of Salisbury.

***Murray-Darling Basin Overlay***

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[Click here to enter text.](#)

[Submission form: Planning and Design Code in the outback \(land not within a council area\)](#)



***Prescribed Watercourses Overlay***

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Click here to enter text.

***Prescribed Wells Area Overlay***

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Click here to enter text.

***Ramsar Wetlands Overlay***

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Click here to enter text.

***River Murray Flood Plain Overlay***

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It is expected that many policy elements within this Overlay would form the basis of an Overlay for metropolitan or regional watercourses flood areas, and if so, there must be an ability to alter the draft policy at later Phases of the Code releases.

***Significant Landscape Protection Overlay***

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Click here to enter text.

***Sloping Land Overlay***

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It is considered that a definition of Slope is necessary to overcome confusion of what are the minimum criteria for applicability of the Overlay, and would be required to meet PO 4.1 link to Overlay Maps – Sloping Land because it can't be shown in mapping if it isn't defined. PO 4.1 is also considered to not meet the specified drafting convention.

***State Heritage Area Overlay***

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Click here to enter text.

***State Heritage Place Overlay***

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Click here to enter text.

***Water Resources Overlay***

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The PO 1.3 should clarify that it does not include a designed artificial system that also acts as a detention or retention system as part of a land division or development, or as a component of a flood mitigation system.

**PART 4 - GENERAL MODULES**

Click here to enter text.

[Submission form: Planning and Design Code in the outback \(land not within a council area\)](#)



## 1.3.1 Submission on the Phase One Planning and Design Code in the Outback

***Advertisements***

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In DTS 5.4 the restriction on advertisements along, or adjacent to, a road having an 80km speed limit or more may be unnecessarily restrictive on Service Centres and businesses along existing arterial roads. It is read to apply to all advertisements that are painted on buildings set back on large allotments from the roads. New Service Centres along significant key new roads for example would be required to be assessed against this DTS.

***Animal Keeping and Horse Keeping***

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[Click here to enter text.](#)

***Aquaculture***

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[Click here to enter text.](#)

***Bulk Handling and Storage Facilities***

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[Click here to enter text.](#)

***Clearance from Overhead Powerlines***

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[Click here to enter text.](#)

***Design and Siting***

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[Click here to enter text.](#)

***Forestry***

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[Click here to enter text.](#)

***Infrastructure and Renewable Energy Facilities***

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PO 4.1 Hazard management refers to airfields. There is a NASAF Guideline D relating to Managing the risk of Wind Turbine Farms as Physical Obstacles to Air Navigation. It is suggested that this and other relevant Guidelines are identified in the Deemed to Satisfy criteria. PO 8.5 and its DTS 8.5 states No Commonwealth air safety or Defence requirement. This is incorrect. Guideline D of the NASAF contains explicit details of lighting and marking depending on the overall height of wind turbines and the process associated with airports. If this is not referenced, then planning authorities and authorising officers may not be aware of the requirements and be in conflict.

***Intensive Animal Keeping and Dairies***

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[Click here to enter text.](#)

***Interface between Land Uses***

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[Submission form: Planning and Design Code in the outback \(land not within a council area\)](#)



DTS 4.6 requires complying with a specified noise level. This identification is not consistent with the commentary in the Practitioners Guide for the Building Near Airfields Overlay which indicates that references in that overlay to AS2021 and ANEFs is not appropriate because it is specialised knowledge and requires payment for access. Clarification is required as to the consistency that is expected across the Code. PO 8.1 Electrical Interference should also have a reference to NASAF Guidelines. DTS 9.1 indicates a 40m wide buffer. It should clarify as to whether this is solely to be accomplished within the area of development, or is it a combined area across sites in different ownerships or zones or the like.

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***Land Division***

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PO 2.4 and 2.5 refers to Road Reserves. It may be necessary to define 'Road Reserve' in the Administrative Definitions to assist in a common understanding of the road vs pavement vs footpath issue. Open Space should include criteria of what makes an Open Space physical space eg size, purpose, quality, etc and what it doesn't include such as notional buffer strips.

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***Marinas and On-Water Structures***

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The deletion of references to the two Australian Standards should be reviewed as the identification of an AS allows the proponent to understand the extent of design requirements that underpin the developments.

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***Mineral Extraction***

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PO 1.1 reference to 'reclamation' should clarify whether it also includes betterment and to a level of quality.

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***Open Space and Recreation***

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PO 7.1 and 7.2 contain variations when referring to Open Space / Open Space Areas. PO 7.1 would apply to all buildings and carpark areas in open space areas designed ... to be unobtrusive. There may be time and situations when it is not necessary or desired to minimise the visual impact of a building.

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***Residential Liveability***

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PO 1.2 is ambiguously worded and should be simplified. PO 3.1 may result in a Communal Open Space area of lesser standard being provided to overcome an adequate Private Open Space allocation for occupants. DTS 5.4 would allow cupboard space to be included as storage space. This should be restricted to outside storage facilities.

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***Site Contamination***

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DTS 1.1 references another Act which seems inconsistent about other Acts or standards in other Zones and overlays.

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***Tourism Development***

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Submission form: [Planning and Design Code in the outback \(land not within a council area\)](#)



### 1.3.1 Submission on the Phase One Planning and Design Code in the Outback

The DO to reference impacts on existing residents or businesses. PO 2.6 references long term occupation of caravan and tourist parks. There should be a definition of long term occupation in the administration definitions.

#### ***Transport, Access and Parking***

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PO 4.1 is considered to warrant a reference in a DTS of the Australian Standards for disability access and parking spaces. Vehicle parking areas in PO 6 should include a reference to On Street parking design and capacity, and street level small carpark area provision to compensate for reduced parking opportunities through infill development pressures. This rate should be included in the Table 1 at a suggested rate of 1cps /20 dwellings.

#### ***Waste Treatment and Management Facilities***

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DTS 7.2 should consider referencing Airports and airfields because of hazards from wildlife management and aircraft safety. NASAF Guideline can advise on distances. Should the criteria in PO 8.3 be put in as DTS.

#### ***Workers Accommodation and Settlements***

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[Click here to enter text.](#)

### **PART 5 - MAPPING**

[Click here to enter text.](#)

### **PART 6 – LAND USE DEFINITIONS**

Agricultural building to include Greenhouses. Industry does not reference Extractive Industry. Retail Fuel Outlet does not include a weighting on whether fuel or food is the main item. Public Service Depot to be widened in scope to accommodate private service depots in light of the changing nature of business arrangements. Recreation Areas should recognise that some ovals are managed by Clubs on behalf of Councils or at least remove the potential for ambiguity. Could also include private owned areas as Recreation Areas. Wind Farm definition could be included in Renewable Energy Facility.

### **PART 7– ADMINISTRATIVE DEFINITIONS**

Asset protection zone references 'native' vegetation. Considered to be ambiguous as to what native refers to. Does it allow for introduced species?

### **PART 8 – REFERRALS TO OTHER AUTHORITIES OR AGENCIES**

the EPA Referral Category 'Other' references aerodromes and Helicopter landing Facilities. The descriptor 'conduct' is ambiguous. The trigger also does not refer to expansion of existing facilities. This trigger would apply to Parafield, Adelaide and Edinburgh Defence Base (and others) so that all activities on an airport which has greater than the triggers would be referred to EPA. The relevant Federal Referral Agencies must also be identified as Referral Agencies.

### **PART 9 — TABLE OF AMENDMENTS**

[Submission form: Planning and Design Code in the outback \(land not within a council area\)](#)



[Click here to enter text.](#)

### Section three: Evaluation of this engagement

Please tell us if you agree or disagree with the following statements:

1. I feel well-informed about the proposed Planning and Design Code for the outback (land not within a council area).

[Choose an item from the drop-down list.](#)

**If not, why not? What information was missing?**

[Click here to enter text.](#)

2. The information provided on the new Planning and Design Code for the outback was clear and understandable and enabled me to take an informed view.

[Choose an item from the drop-down list.](#)

**If not, what was unclear and how could we have made it easier to understand?**

[Click here to enter text.](#)

3. I understand how the Planning and Design Code may affect me and/or my community.

[Choose an item from the drop-down list.](#)

**If not, what further information would have been useful to better understand how you might be affected by the draft State Planning Policies?**

[Click here to enter text.](#)

4. I understand how my feedback will be used in the preparation of the final Planning and Design Code for the outback (land not within a council area).

[Choose an item from the drop-down list.](#)

**If not, tell us how we can better communicate with you about how your feedback will be used.**

[Click here to enter text.](#)

5. I feel that I have had a genuine and adequate opportunity to have my say on the proposed Planning and Design Code for the outback (land not within a council area).

[Choose an item from the drop-down list.](#)

**If not, please tell us how we can improve our engagement with the community and what further opportunities you would like to have input.**

[Submission form: Planning and Design Code in the outback \(land not within a council area\)](#)



### 1.3.1 Submission on the Phase One Planning and Design Code in the Outback

[Click here to enter text.](#)

6. **I would be willing to participate in future consultations related to the Planning and Design Code.**

[Choose an item from the drop-down list.](#)

**If not, please tell us what would prevent you from participating in future consultations related to planning policy.**

[Click here to enter text.](#)

[Submission form: Planning and Design Code in the outback \(land not within a council area\)](#)



City of Salisbury Development Assessment division comments on the Planning and Design Code in the Outback Phase 1 February 2019

Additional to the comments made in the submission template.

It is recommended that:

- Detailed testing take place of a range of developments to determine that the current assessment tables are robust and do not enable common development types to 'slip through the cracks'. This testing could be based on a range of past developments (ie. to replicate similar/common developments expected within the geographic area);
- The testing also needs to ensure that all relevant provisions that might apply to a given development are able to be applied. The individual listing of performance outcomes and deemed to satisfy requirements gives rise to possibility that some may be missed and thus cannot be applied during the assessment process;
- Envisaged forms of development for each Zone should be clearly defined within the Desired Outcomes. Development that is envisaged should not be subject to public notification;
- Further refinement of the definitions to define what is 'tourist accommodation' and 'outbuilding'. Also, 'supported accommodation' and 'temporary accommodation' are common terms throughout the Code but do not appear to be defined;
- The notification of performance assessed development is written to exclude all development from public notification other than. The effect of this is that some developments that are not contemplated might be precluded from notification, yet developments which are anticipated but exceed a particular threshold are picked up by notification. This does not make sense.

Detailed comments are provided below.

#### General Comments

- Inclusion of land use definitions and administrative definitions within the Code is a good idea;
- Support the structure of zone, subzone, overlay and general provisions, the idea of capturing many of the current general provisions as overlays makes sense where these apply spatially;
- Consideration should be given to linking the relevant assessment codes under the 'definitions' table in Part 6 – for example, a given form of development will be subject to assessment against certain provisions. This makes more sense than having to assign in each Zone which provisions apply. This is what happens in Queensland (codes are assigned according to form of development and this does not change across Zones, overlays obviously vary as these apply spatially).
- As a general document to review, it contains significant repetition and is not user friendly. But it is acknowledged the document is intended to be read electronically and a large portion of the document will not relate to individual development applications (ie. you will only see what is relevant to you);
- The assessment tables (Relevant provisions for Performance Assessed Development) appear to be overly prescriptive and assign the individual performance outcomes and deemed to satisfy requirements that apply. A simpler approach would be to assign individual Codes and Overlays rather than all provisions and then let the individual assessment determine which parts of a particular Code are relevant. If it does not apply, it need not be



assessed. The concern with listing individual provisions is that if one is not listed (ie. if it is missed), it cannot be applied, even though it may be relevant. How robust is the process that has been followed in terms of determining when something is relevant or not relevant? Key codes for example that might be relevant are site contamination, interface between land uses, transport access and parking. If these aren't listed they could not be applied despite being relevant.

- It is noted that if development types are not listed, then the development is assessed against all of the relevant provisions in the Code. There are a number of examples of what I consider to be common types of developments that have not been individually listed and thus will be assessed against all applicable codes, yet developments that are contemplated can only be assessed against the provisions that are assigned.
- The car parking rates for development types is less extensive than current Development Plans. What is the rationale for this?
- The Zones do not appear to list envisaged forms of development. The Zones list in tables the accepted, deemed to satisfy and performance assessed development but does not include a simple list of desired uses to spell out what is clearly appropriate/envisaged within a particular Zone. This is considered to be a shortcoming in the proposed Code as it reduces certainty;
- Question how the notification of performance assessed development has been determined? For example, refer to Settlement Zone, page 74 and Township Zone, page 126. It lists a development involving creation of four or more additional dwellings or allotments? Residential development is envisaged within the Zone. Development that is envisaged within a Zone should be excluded from public notification. Further, all envisaged development should have relevant provisions for performance assessed development (ie. not default to 'all other performance assessed development');
- Also listed in the notification of performance assessed development is *"any development that is identified as 'all other code assessed development'"*. This may result in all sorts of development being caught by public notification (and thus having to go to CAP). For example, a retaining wall, freestanding pergola may be subject to public notification as it does not appear to be contemplated throughout the Code. A simpler approach would be to list all forms of ancillary residential development and common developments that should be contemplated within a particular area/zone;
- The 'procedural matters' section is designed to excludes all development from notification except where.... This has potential to remove a range of uncommon/not envisaged forms of development from potential public notification but will prescribe possibly certain forms of envisaged development as subject to public notification. For example, refer to Specific Use (Tourism Development) Zone. It states performance assessed development is excluded from notification except. This does not make sense;

#### Detailed Comments

- Coastal Waters Zone for example, a marina is listed in the table 4 – relevant provisions for performance assessed development, it lists the 'general development policies', but has not referenced the broad range of modules that might apply, for example, matters of traffic and access, waste etc. There is concern that if the cross references are not comprehensive, then the proposal will not be able to be adequately assessed in terms of its range of full impacts. As stated earlier, the relevant codes could be prescribed against relevant definitions, irrespective of what Zone you are in;
- Under section 1.3 on page 2, the hierarchy does not suggest the Zone provisions will prevail over the General provisions. The Courts have generally taken the view the Zone provisions will be afforded more weight;



- In the Conservation Zone, conservation works, should these be contemplated/envisaged?
- The Airfield Zone, an aircraft hangar is not assigned as a form of development for purpose of 'deemed to satisfy' but should be as it should be an envisaged/contemplated development;
- Some forms of development which do not require Development Plan Consent (under current Schedule 1A) are listed in the Code. For example, internal building work and demolition. Is this necessary when these types of development will be excluded by Regulation?
- Ground mounted solar panels and wind generators are not envisaged/contemplated? In the outback, it is expected these will be a common form of development and should be contemplated or anticipated and relevant provisions provided to deal with these?
- In areas where on-site effluent disposal is required, development must be assessed in terms of ensuring building works do not encroach over a wastewater system and buildings where toilets required (ie. dwellings, dwelling additions), are connected to an approved on-site system. Some provisions appear to have missed this. For example, carport/outbuilding/verandah in the Remote Areas Zone, relevant provisions for deemed to satisfy and performance assessed development do not pick up the relevant provisions in the Infrastructure and Renewable Energy Facilities module, PO 11.5. How will this be assessed?
- In the Remote Areas Zone, should a 'store' (ie. a shed on an allotment) be separately listed as a form of development to which it should be assessed (ie. it is a common type of development);
- Also demolition is listed as a form of 'development type' but is proposed under the Regulations to be removed as a form of development and not require development authorisation;
- An 'outbuilding' does not appear to be defined. Would be helpful to pin down exactly what this means? Does this include a freestanding pergola, a shed, garage, a rumpus room etc.
- Tourist accommodation is used extensively throughout the document but is not defined? When is a building a tourist accommodation and not a dwelling. What is the difference? Case law has dealt with this extensive. Absence of a definition continues to cause confusion;
- 'Excavation and filling' is listed as a development type throughout the Code but it is not clear to me when this would apply noting that this is not usually a development type but rather an element of a broader development and it is not defined as development in its own right except within prescribed areas like floodplain and hills face. Perhaps it should be defined?
- Development type 'carport' 'outbuilding' 'verandah' are listed as a form of deemed to satisfy development in some areas. Why not simplify and state "ancillary residential development" that way it would include retaining walls, fences, rainwater tanks etc. A retaining wall does not appear to be a contemplated form of development in any Zone?
- Land division is a common form of development in many Zones. It should be given its own category as a development type, for example Remote Areas Zone, it is not assigned as a performance assessed development;
- Reference is made to 'supported accommodation' and 'temporary accommodation'. What does this mean, should it be defined?
- Where are the provisions in relation to native vegetation and stormwater (ie. many of the provisions in the current Natural Resources module are relevant and should be retained);









## Privately Funded Development Plan Amendments

Policy Type:	Policy		
Approved By:	Council	Decision No:	0030/2014
Approval Date:	15 December 2014	Last Reapproval Date:	
Review Date:	15 December 2016	Internal Reference No.:	
Department:	City Planning	Division:	Economic Development and Urban Policy
Function:	Privately Funded Development Plan Amendments	Responsible Officer:	Manager, Economic Development and Urban Policy

### A - PREAMBLE

A Development Plan Amendment (DPA) is the statutory process required to be undertaken when either the Council or the Minister for Planning seeks to amend land use zoning and/or the policies contained within a Development Plan.

The need to amend and update Council's Development Plan can arise due to several factors including:

- Direction from the State Government Planning Strategy
- Recommendations made through Council strategic reports and documents
- Recommendations made in a study that Council has undertaken
- A request from an Elected Member, Council, landowner or stakeholder
- The need to address an issue or improve a policy that is identified by staff or the Council Development Assessment Panel as being inadequate

An Council led amendment can only be initiated upon endorsement of a Statement of Intent (SOI) by Council, and agreement to the SOI by the Minister for Planning.

An up to date Development Plan is important in ensuring that the City grows in an orderly and economically, socially and environmentally sustainable manner. The City recognises the importance of its Development Plan being adaptable and responsive and the role it plays in enabling the objectives of its City Plan. Current and best practice planning policies also assist with ensuring that potential conflicts and impacts from development are minimised. High quality sustainable development improves the wellbeing, prosperity and general amenity of the City.

05/04/2019



Current State Government strategies identify the City of Salisbury as a location for significant infrastructure investment and future population and employment growth. To facilitate this growth it is likely that updates and improvements will be required to the Development Plan policy.

#### **B - SCOPE**

The *Development Act 1993* only authorises the Minister or a Council to prepare a DPA. There is, however, no prohibition in the Act on the funding of a DPA by a third party.

Privately Funded DPAs are one model that can be used to complement Council and State Government funded DPAs to ensure Council's Development Plan is capable of facilitating future development in an appropriate and sustainable manner. However, it is important to consider how these DPA's fit within the overall strategic objectives of the City and that they are prioritised accordingly given the resources available.

The DPA process is a statutory process undertaken pursuant to the provisions of the *Development Act 1993* and involves the Minister for Urban Development and Planning, various State authorities and community consultation. It is a lengthy process that can take anywhere from 6 to 18 months or more and there is no guarantee of Council or State Government support for the rezoning proposal. Applicants have no right of appeal.

#### **C – POLICY PURPOSE/OBJECTIVES**

- This policy applies when a third party seeks to prepare a DPA in a privately funded arrangement with Council
- Council will require the DPA to be peer reviewed by an independent Planning Consultant with the peer review costs to be borne by the third party funding the DPA
- A project management fee is payable by the proponent to Council for management of the DPA process.

This policy seeks to set out the requirements and process.

#### **D - DEFINITIONS**

1. DPA - Development Plan Amendment
2. Third Party - the party funding the preparation of the DPA (other than Council or the Minister for Urban Development and Planning)

#### **E - POLICY STATEMENT**

In order to determine whether or not Council should proceed with a Privately Funded DPA, the DPA proposal will be assessed against the following criteria:

- (a) The proposed policy change is consistent with the State Government's Planning Strategy for Metropolitan Adelaide (30 Year Plan for Greater Adelaide), the Housing and Employment Land Supply Program, and aligns with key directions for State Significant Areas (if applicable)
- (b) The proposed policy change is consistent with Council Strategic Documents such as the City

05/04/2019



Plan, Growth Action Plan and the like and any other proposed or current Development Plan Amendments

- (c) The proposed policy change has considerable social, economic and/or environmental merit
- (d) The zoning is outdated and not in alignment with the other policy directions of the State and Council resulting in appropriate development being restricted on the land which could otherwise occur having regard to these criteria.
- (e) The proposed policy change is identified in, or consistent with, recommendations in Council's Section 30 Development Plan Review or Strategic Directions Report. Alternatively, where the proposed policy change is not identified, or consistent with those documents, there are nevertheless compelling reasons for proceeding with a DPA.
- (f) Whether the proposed DPA can be appropriately project managed by Council staff, taking into consideration the timing of other priorities and projects within Council's policy program and the resources available.

In requesting Council's endorsement to proceed with a Privately Funded DPA a 'Statement of Justification' should be submitted by the third party which outlines the level of consistency with the above strategic criteria (a) through (e), and clearly outlines the policy outcome that is being sought.

Council will then make an assessment of the 'Statement of Justification', make necessary preliminary investigations and consultations with Government Agencies to understand policy positions of the Agencies and determine whether to proceed with the preparation and lodgement of the Statement of Intent which is required for the agreement of the Minister for Planning to begin the DPA. Council has the right to reject a proposed DPA.

The reasons for proceeding with, or rejecting, a proposed Privately Funded DPA will be recorded and communicated with the requesting party.

#### **Project Management and the Procurement Process**

1. A Privately Funded DPA will require a Peer Review.
2. The cost of the Peer Review will be borne by the third party funding the DPA, and paid into a fund as directed by Council.
3. If Council agrees to proceed with a Privately Funded DPA, the third party will engage a suitably qualified consultant who meets the requirements of the Development Act and Regulations to prepare the draft Statement of Intent and DPA.
4. Council will engage a suitably qualified and independent consultant who meets the requirements of the Development Act and Regulations to undertake a Peer Review of the draft DPA.
5. The Peer Review will:
  - a. Review the draft DPA against the Statement of Intent agreed by the Minister for Planning, and provide advice regarding the adequacy of policy content and general appropriateness

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of the DPA

- b. Review the Government Agency Consultation responses to the draft DPA and policy changes as a result of the Consultation; and
  - c. Review the Public Consultation responses to the draft DPA and policy changes as a result of the Consultation.
6. Selection of a consultant to undertake the peer review will be undertaken in accordance with Council's Procurement Policy. In selecting a consultant, the Council will enquire as to any current or prior relationship with the funding party which could affect, or be perceived to affect, the consultant's independence.
  7. The capacity for Council to process a Privately Funded DPA will be influenced by Council's other policy priorities, and projected timing will be estimated accordingly. It is acknowledged that some parts of the DPA process cannot be outsourced and management, policy oversight and processing will be required to be undertaken by Council staff, therefore DPAs will be managed according to Council priorities and subsequent timeframes.
  8. The consultant undertaking the peer review will report directly to Council staff.
  9. Council maintains ultimate control of the DPA, and key stages will be presented to Council for consideration, prior to being submitted to the Minister for Planning for agreement or endorsement.
  10. Council will indicate within the Statement of Intent, at the time of public consultation, and as part of the explanatory statement and statement of investigations, that it has received payment for preparation of the DPA but has sought independent advice.
  11. Preparation of the DPA will not commence until such time as a notice of agreement has been received from the Minister for Planning to the Statement of Intent.

#### **Payment and Legal Arrangements**

12. A legally binding Deed between Council and the third party funding the DPA will be prepared which will outline agreement and legal procedures. The Deed will be executed upon approval of the SOI by the Minister for Planning.
13. The legal agreement will contain details of the following:
  - a. The nature of the arrangements, including the project management fee to be paid, and the time when payment is to be made.
  - b. Defines in detail the nature of the DPA including the area to be covered, the purpose of the DPA and what the DPA investigations will encompass (the DPA principles)
  - c. Details the responsibilities of each of the parties in relation to preparation of the SOI, draft DPA, undertaking investigations, preparation of consultation materials etc.
  - d. An acknowledgment by the party funding the DPA that it is a Council document and as such may be amended at the direction of Council;

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- e. An acknowledgment by the third party that Council may choose to not proceed with the DPA at any stage;
- f. An acknowledgement by the third part that timing and processing of the DPA will be dependent upon the timing and priorities of other Council projects and the availability of staff resourcing;
- g. An acknowledgment by the third party and the Council that while the Council may initiate a DPA, ultimately the decision on its authorisation is a decision of the Minister for Planning, and not the Council, and that the Council has no control over this process;
- h. Details of what happens if the DPA is either not authorised by the Minister or authorised with amendments that do not suit the interest of the third party (essentially it should be agreed that the person funding the DPA must accept that scenario and still be responsible for the cost of the DPAs preparation);
- i. Agreement that the third party will fund any legal costs associated with preparation of the DPA, including legal review, legal proceedings or judicial review proceedings in relation to the DPA process;
- j. Acknowledgement that Council may require additional investigations to be undertaken, beyond those identified in the Statement of Intent, and may charge the third party for the cost of these additional investigations.
- k. Acknowledgement that the deed shall not in any way affect Council's standing as the relevant authority to assess applications for development approval in respect of land affected by a Privately Funded DPA.
- l. The third party will pay the full cost of the peer review, and the appropriate project management fee as determined (see below).

#### **Project Management Fee**

- 14. The third party will pay to Council a project management fee to cover a portion of the Council resourcing costs for management of the DPA process. The project management fee will be a fixed rate, based on the scope and complexity of the DPA and the estimated hours of input required of Council Staff. This will be determined by the General Manager City Development, once the SOI has been agreed by the Minister, and details incorporated into the Deed of Agreement.
- 15. The project management fee may be split into several payments, details of which will be incorporated into the Deed of Agreement, with the first payment payable upon SOI approval by the Minister. The DPA may not proceed until payment is received.

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**F - LEGISLATION**

- *Development Act 1993* (Sections 24 and 25)
- Local Government Act 1999

**G - ASSOCIATED PROCEDURES**

- Council Procurement Policy/Procedure

**Document Control**

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