

Transforming our Planning System

Response of the South Australian
Government to the Final Report
and Recommendations of the
Expert Panel for the Planning System
Implementation Review.



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Minister's Foreword



In 2013, the South Australian Government, led by then Premier Jay Weatherill AO, appointed an Expert Panel on Planning Reform to undertake a review of the State's planning legislation and system. After much consultation with industry and community, the resulting vision was laid down in 2015 with the release of *Transforming our Planning System: Response of the South Australian Government to the final report and recommendations of the Expert Panel on Planning Reform*. This report led to the complete transformation of the planning regime in South Australia.

This was the largest reform of our State's planning system since its inception. It realised the development of not only *the Planning, Development and Infrastructure Act 2016* and related regulations, but also our ground-breaking e-Planning platform –the first of its kind in Australia.

The vision was to deliver a single, State-wide planning scheme, development assessment program and spatial representation of planning policy. This vision became a reality and is known as PlanSA; offering unparalleled efficiencies and transparency to the planning system for the community and development industry. It is a system that sets South Australia ahead of all other planning jurisdictions in Australia.

The changes which occurred through the transition from the *Development Act 1993* were significant. As a result, South Australians saw a need to ensure the new laws were delivering on community expectations. Safeguarding design standards, the protection of character and heritage in our local communities and existing tree canopy, and an increase in the delivery of green open space was a paramount concern. There was also a desire to make certain the e-Planning system was operating as an efficient and user-friendly experience for consumers.

As our state population continues to grow, we must ensure a robust planning system that supports our decision makers to make the right decisions now for the long term. We recognise that we are in a housing crisis and that the planning system plays the central role in ensuring we can deliver the extra 300,000 homes that population predictions suggest will be required over the next 30 years. The ability to build these homes to meet the varying needs of South Australians across city, infill and greenfield sites must be prioritised.

We understand these challenges and we listened to our community. In response, the Malinauskas Government made an election commitment to review the *Planning, Development and Infrastructure Act 2016* and the Planning and Design Code. In honouring that commitment, we commissioned an independent Expert Panel in August 2022 to conduct the review.

This first external review of the new planning regime saw a total of 816 submissions, including 47 from councils, being received by the Expert Panel. The Panel also held 14 engagement events across nine weeks and conducted three days of deputations with industry and community stakeholders, meeting with a total of 23 organisations. This level of engagement is encouraging and indicative of the commitment of South Australians who strive for more liveable, desirable, and sustainable communities.

The Review while ultimately demonstrating the planning system is working well, has identified opportunities for improvement. These opportunities have come in the form of 113 recommendations. The recommendations are broad and aim to refine and fine-tune the system, to make what is already nation leading even better. This Government's implementation, in principle support, and further investigation of Panel recommendations, will ensure continued success in the evolution of our planning system.

I extend my thanks and appreciation to the Expert Panel – Presiding Member John Stimson, Cate Hart, Andrew McKeegan, and Lisa Teburea – for their tireless work in undertaking this Review and providing the Government with a roadmap of how we can further improve the planning system.

The Expert Panel's Review and Recommendations, together with this Government response, demonstrate our commitment to planning in South Australia and ensuring we have, and continue to have, a prosperous, resilient, and competitive State.

Nick Champion MP
Minister for Planning

March 2024

Introduction and Context

In February 2013, the Expert Panel on Planning Reform was appointed under the leadership of Brian Hayes KC to review the planning legislation and how it could be improved. Following that review, and the provision of 22 substantive recommendations, the then Government set out to overhaul the planning system in South Australia.

This culminated in the introduction of the PDI Act to replace the former *Development Act 1993* in 2016, the introduction of the Code in place of the 72 local government Development Plans, and the commencement of the e-Planning portal, being the online lodgement and assessment system that forms the centrepiece of the new regime.

The new planning system was gradually introduced and became fully operational in March 2021.

The introduction of the new planning regime has fundamentally changed planning in South Australia. Given the system is so different, as part of the State Election in March 2022, the Government made a commitment to commission an implementation review of the *Planning, Development and Infrastructure Act 2016* (PDI Act) and the Planning and Design Code (the Code). The Government considered it was appropriate for the new planning system to be reviewed early in its existence to ensure it is providing the best outcomes and operating as intended, enabling it to identify and remedy any shortfalls at the earliest opportunity.

The Government's election commitment included the establishment of an Expert Panel (Expert Panel) to oversee the Implementation Review Project. The scope for the Panel's work included review of the:

- PDI Act;
- Code (and related instruments) as it relates to infill policy, trees, character, heritage and car parking;
- e-Planning system to ensure that it is delivering an efficient and user-friendly process and platform; and
- PlanSA Portal to assess useability and access to information by the community.

The Panel was appointed by the Minister for Planning, the Hon. Nick Champion (the Minister), on 5 August 2022, and was conducted under the leadership of Presiding Member John Stimson, who was joined by Panel members Cate Hart, Andrew McKeegan and Lisa Teburea.

Over an eight-month period, the Expert Panel considered the planning regime and how it is operating. It also held 14 consultation workshops (both in person and online), received 23 deputations, received 816 public submissions, had 10 Expert Panel meetings, and published 3 discussion papers.

The Panel considered all the submissions received and has now produced a Final Report providing recommendations to enhance South Australia's planning system. The Panel's Final Report was provided to the Government on Thursday 6 April 2023. All the Expert Panel's published materials are available on its website, www.plan.sa.gov.au/planning_review.

The Expert Panel's Final Report contains 72 substantive recommendations, and a further 25 'minor and operational' recommendations, which are appended to the Report. The Panel also made 16 early recommendations to the Minister during its Review. Those early recommendations can be broken down as:

- two (2) recommendations on character and heritage matters, provided to the Minister on Tuesday 20 September 2022
- seven (7) recommendations on e-Planning and PlanSA, provided to the Minister on Tuesday 11 October 2022 and
- seven (7) recommendations on tree regulations, provided to the Minister on Monday 23 January 2023.

This document summarises the Government's response to each of the recommendations and outlines the next steps for implementing them.

The Government's Approach

Cross-Agency Collaboration

The Government has consulted with relevant and impacted Government agencies in formulating this response document. This was necessary due to the implications some of the recommendations will have on those agencies.

The Department for Trade and Investment will continue to coordinate with those relevant agencies in the delivery and implementation of the recommendations, to ensure appropriate whole-of-Government collaboration is achieved.

Implementation of Recommendations

The recommendations, when considered together, do not propose any wholesale change to the planning system as it currently exists. They can be considered more akin to 'fine tuning' what is already in place, to ensure it is working at its full capacity, and in the best interests of South Australians.

Where the Government has indicated its support for a recommendation made by the Expert Panel in this response, it will instruct the Department for Trade and Investment and/or the State Planning Commission to commence the implementation of the recommendation.

Due to the varying nature of the Panel's recommendations, the implementation may take the form of undertaking further investigations, preparing guidance material and Practice Directions, as well as the preparation of a Code Amendment/s, and/or draft Regulations. At this stage, the Government does not propose to progress a Bill to amend the PDI Act but may do so in future, if required.

However, some recommendations will require further work and consideration prior to determining whether to proceed with implementation. In most cases, the Panel itself has recognised this and has crafted its recommendation to recognise that further investigations need to be undertaken.

These investigations may include (but are not limited to) considering:

- resourcing implications associated with professional capacity in the workforce (i.e., planners and arborists);
- the costs and benefits of the recommendation; and
- whether there are alternative and/or more efficient ways of implementing the recommendation (or solving the issue proposed to be solved by the recommendation) than that which is proposed by the Panel.

The Government aims to facilitate the implementation and/or investigation of the supported recommendations in the next 18 months.

Staged Delivery

The implementation of the recommendations will impose a substantial work program on the Department for Trade and Investment, the State Planning Commission, and relevant Government agencies. The facilitation of the implementation will also demand a significant number of resources (both financial and personnel).

Consequently, the implementation of the recommendations will not happen quickly and will take some time. However, it is important that we take this time to ensure we achieve, as far as reasonably practicable, the vision of the Expert Panel.

Ongoing Consultation

The Government undertakes to publicly consult on any draft Regulations which result from the Expert Panel's recommendations. Any proposed Code Amendments will follow the Community Engagement Charter. However, the Government may also consider early commencement of Code Amendments where appropriate.

Recognising the integral role of local government, the Department for Trade and Investment will also meet regularly with the Local Government Association, as the local government sector's peak body, throughout the implementation process. This will be particularly important as any draft Regulations, Code Amendment/s, or other policy documentation is prepared.

Response to the Recommendations

Each of the Panel’s recommendations are identified as a headline, with the recommendation capturing the overall essence of the Panel’s commentary. In some cases, the headline forms the whole recommendation. However, in other instances, the recommendation contains several elements that are included in the contextual commentary associated with it.

The Government has considered each recommendation holistically and has provided a general response, together with a brief narrative as to its position. The following table indicates the intended meaning of each general response.

| Response | Intended Meaning |
|--|--|
| The Government supports this recommendation. | The Government agrees with all of the recommendation elements suggested by the Expert Panel, subject only to resolution of matters of detail. |
| The Government supports this recommendation in principle. | The Government agrees with the recommendation with generally minor modifications as highlighted in the narrative. |
| The Government supports this recommendation in principle and will undertake further investigation. | The Government generally agrees with the recommendation, but further investigation needs to be undertaken on matters identified in the narrative before implementation can be commenced. |
| The Government does not support this recommendation. | The Government does not agree with the recommendation and does not intend to implement it. |

Expert Panel Contextual Comments

The Panel prefaced its recommendations in the Report with a series of contextual comments and observations on matters affecting the planning system in South Australia. This commentary framed the balance of the Report and indicated the lens through which the Panel was approaching its Review and recommendations.

The Panel's contextual commentary included (but was not limited to) resourcing and enforcement, the culture of planning, diversity on Council Assessment Panels and the noticeable gaps in strategic planning being undertaken at a local government level.

In most cases, the Panel did not make specific recommendations on these matters, but rather, commentary intended to highlight matters raised with it throughout the public consultation process, the accuracy of those matters and how they are being addressed at a higher level, outside of the Panel's Review.

For example, this commentary included (but is not limited to):

- recognising the need for local government to actively participate in strategic planning both locally and through the Regional Plans being prepared by the State Planning Commission;
- quashing the widespread view there is no capacity for local government to influence the spatial application of the Code; and
- acknowledging the establishment of the Built Environment Education Liaison Group to address the skills shortage and limited tertiary education pathways for built environment professions (which is directly impacting relevant authorities' capacity to resource the planning system).

The Panel also noted in its contextual comments that through the application of Technical Numerical Variations, *'there is an opportunity for most zones to have important localised policy woven into them'*. This is acknowledged in light of local government seeking an ability to include additional local content in the Code.

The Panel advised there was no evidence provided to it to suggest poor planning decisions are being made as a direct consequence of the Code not including the degree of local content sought by councils.

However, the Government recognises the new planning system is still in its infancy, and many developments approved under the new regime are yet to be completed. On that basis, we agree more time needs to pass and more developments need to be completed, prior to determining whether additional local content is required in the Code.

Notwithstanding, in our view, the recommendations made by the Panel will go some way towards providing the additional guidance and direction sought by local government, specifically through the provision of enhanced character statements and design guidelines.

The Panel's commentary in this section also serves as a call to action for all levels of government, industry groups, key stakeholders, and community members to be part of a positive approach to planning and the opportunities that presents in building a sustainable and prosperous South Australia.

The Government acknowledges the commentary made by the Panel and supports and understands the sentiment behind it. We encourage all users of the planning system to consider the Panel's comments holistically and critically reflect upon the messages they have sought to convey.

Recommendations relating to the *Planning, Development and Infrastructure Act 2016*

The Expert Panel made a total of 29 recommendations relating to the *Planning, Development and Infrastructure Act 2016*. The recommendations also relate to and affect other legislative instruments, including various regulations and statutes outside of planning, including the *Heritage Places Act 1993*.

The recommendations made by the Panel are not in the form of wholesale change. Rather, they demonstrate deep consideration and operational understanding of the new planning system and the way it is intended to function.

On that basis, whilst the Panel has made significant recommendations on some aspects of the system (for example, appeal rights and public notification), the Government considers the recommendations are largely in the nature of operational 'tweaks' to enhance the overall management of the planning system.

Planning, Development and Infrastructure Act 2016

– Public Notification and Appeals

01

Proposed developments which exceed the maximum height identified in the Planning and Design Code (including any affordable housing incentive) should attract third-party appeal rights.

The Government supports this recommendation.

The Government understands that the community feels it has lost the capacity to fully partake in, and influence, the planning system, since the loss of third-party appeal rights in most circumstances. It therefore understands the basis for the Panel's recommendation and agrees the introduction of third-party appeal rights for over height developments is a sensible and reasonable compromise, noting over height development is one of the most contentious issues for the community.

The Panel has recommended third-party appeal rights be facilitated through assigning over height developments an Impact Assessed (Restricted) development assessment pathway in the Code. This is because Impact Assessed (Restricted) developments attract appeal rights.

The Government agrees this is a sensible option to enable the implementation of this recommendation. However, the Government does not intend to uniformly assign over-height developments to the Impact Assessed (Restricted) pathway across the State. Instead, to ensure growth is not constrained in time where the Nation is facing a housing and affordability crisis, the Government intends to retain the status quo (and therefore not offer third-party appeal rights) in areas which may include (but are not necessarily limited to):

- the Central Business District;
- strategic growth areas;
- areas where the State Planning Commission is the relevant authority; and/or
- areas where State Design Review applies, noting there is opportunity to achieve good design outcomes for over-height developments.

The assignment of over-height developments to Impact Assessed (Restricted) will require a Code Amendment, which will be subject to public consultation in accordance with the Community Engagement Charter when it is progressed.

02

Greater education needs to be provided on public notification and how to make a submission on a development application.

The Government supports this recommendation.

The Government agrees greater education needs to be provided about the operational intricacies of the new planning system to both the public, and local elected members. This is particularly considering the apparent knowledge gap that has been identified by the Panel. We concur with the Panel that local government councils are best placed to lead this work.

We also recommend the Department for Trade and Investment consider what gaps exist in the guidance material available on the PlanSA website and seek to fill those gaps at the earliest opportunity. As educating and informing the community about public notification is an issue faced in all planning jurisdictions, it may be beneficial to consider how other jurisdictions approach this issue.

Planning, Development and Infrastructure Act 2016

– Public Notification and Appeals

03 **Extend the public notification zone in rural areas outside of townships to align with separation zones identified by the Environment Protection Authority, based on proposed land use.**

The Government supports this recommendation in principle and will undertake further investigation.

The Government agrees and recognises there are unique complexities associated with public notification in rural settings. It agrees with the Panel there is opportunity to further refine the way public notification zones are calculated in rural areas outside of townships.

The Government also agrees there ought to be a consistent framework against which the notification zone is measured (rather than allowing assessing planners to make this subjective determination). We acknowledge the Panel’s recommendation suggests the separation zones identified by the Environment Protection Authority could be adopted for this purpose.

However, we consider it is necessary to undertake further investigation to ascertain if those separation zones are the most appropriate mechanism to use, what (if any) unintended consequences may arise through utilising them (i.e., the potential resourcing implications on local government) and whether there are any alternative frameworks that could be adapted for this purpose. As this is also an issue experienced across planning jurisdictions, it would be beneficial to understand how other jurisdictions manage it.

Notwithstanding our support for a further investigation into the merits of this recommendation, we also recognise that much of the angst caused between uses in rural areas relates to operational practices and not necessarily the initial change of use (which is captured by the planning system, and thus public notification). On this basis, there is also merit in consideration being given to how operational permitting and codes of practice (outside of the planning system) is managing these impacts.

04 **An additional ‘on boundary’ category of public notification should be created such that only directly affected neighbours are notified of on boundary developments by the Relevant Authority.**

The Government supports this recommendation in principle and will undertake further investigation.

The Government agrees there is merit in simplifying the public notification process for on boundary developments, particularly when the proposed development will not impact anyone other than the direct neighbour.

However, we also consider there is merit in undertaking a holistic assessment of public notification classes, which assessment should include when and how a notification is made, and who is responsible for making the decision to notify an application.

Planning, Development and Infrastructure Act 2016

– Accredited Professionals

05

Phase 1
The Accredited Professionals Scheme and associated Regulations should be amended to remove the ability for building professionals to issue planning consents.

Phase 2
Only Planning Accredited Professional Level 1 (Assessment Manager) practitioners may determine minor variations.

The Government supports this recommendation in principle and will undertake further investigation.

The Government understands and agrees with the basis for making this recommendation. It is appropriate that Accredited Professionals are only able to issue consents related to the profession in which they are skilled.

However, the Government also considers this recommendation requires further investigation prior to implementation, namely in respect of the resourcing implications that may arise. Whilst the Panel has, itself, recognised the implementation of this recommendation may negatively impact local government (and particularly regional councils), the extent of that impact is unknown. We consider it is imperative that we understand this information prior to determining whether to take action to implement this recommendation.

In circumstances where investigations demonstrate that impact is minimal or is otherwise able to be appropriately mitigated, the Government supports Phase 1 of this recommendation.

The Panel has tied Phase 2 of recommendation 5 to Phase 1. Phase 2 is, therefore, 'on hold'.

This was the intent of the Expert Panel which recommended an assessment of the effectiveness of Phase 1 should occur 12 months after its implementation, to ascertain whether the number of erroneous minor variations has reduced.

The Government agrees with the Panel's suggestion of Accredited Professional's being put 'on notice' of the potential for this recommendation to be implemented in the future, to encourage more conscientious decision making.

06

The Government, through Planning and Land Use Services, works with Assessment Managers to identify, and develop guidelines for minor variations which may be implemented by the State Planning Commission.

The Government supports this recommendation.

The Government understands minor variations are inconsistently applied and agrees there is benefit in further guidance material being provided on this matter. The Government understands Planning and Land Use Services is in the early stages of developing a Practice Direction on Minor Variations for this purpose.

We also agree Assessment Managers are likely best placed to work with Planning and Land Use Services to determine what the scope of a 'minor variation' should be. In this regard, we are advised that early engagement

has been undertaken with both local government and industry stakeholders in formulating the initial basis for the Practice Direction.

The Practice Direction, if endorsed and implemented by the State Planning Commission, is intended to ensure appropriate oversight and decision making occurs in classifying variations as minor. In particular, it is anticipated this will also ensure public notification cannot be avoided if a proposed minor variation would otherwise trigger public notification.

The Government is supportive of this approach and recognises it will achieve the intent of the Expert Panel's recommendation, being to provide additional guidance on the application of minor variations.

Planning, Development and Infrastructure Act 2016

– Accredited Professionals

07

The e-Planning system should require a Relevant Authority to record when a minor variation has occurred.

The Government supports this recommendation.

The Government agrees we need a better recording and monitoring system for minor variations. This is particularly in

recognition of the apparent misuse of minor variations, and how difficult their application is to audit.

This recommendation is connected to recommendation 5 in that it seeks to provide an additional layer of accountability to Accredited Professionals.

08

There should be automatic mutual recognition for related professional bodies.

The Government supports this recommendation in principle and will undertake further investigation.

The Government agrees this initiative will assist in diversifying the professional skill sets of Council Assessment

Panel members by removing barriers to accreditation. We are supportive of providing equivalency for related professional bodies for Planning Level 2 accreditation. Further investigation and consideration should be given to mandating relevant training and continuing professional development for professionals that seek accreditation through equivalency pathways (including how to undertake performance assessment against the Code).

09

Accredited Professionals must be audited more frequently than once in every five (5) years.

The Government supports this recommendation in principle and will undertake further investigation.

The Government agrees with the findings of the Expert Panel - the evidence indicates a need to audit Accredited Professionals more frequently than once in every five (5) years. The Panel has not made a recommendation as to how frequent these audits should occur. However, it has acknowledged increasing the frequency would require additional resources for the Planning and Land Use Services Audit team.

Accordingly, whilst the Government is supportive of this recommendation in principle, it considers additional investigation needs to be undertaken to ascertain what the appropriate frequency should be, how the additional audits will be resourced and what impact increased auditing would have on busy industry professionals.

In the interim, the Planning and Land Use Services Audit team should seek to provide additional educative materials to Accredited Professionals on matters they are systemically seeing arise through their audits and complaints processes.

Planning, Development and Infrastructure Act 2016 – Impact Assessed Development

10

Impact Assessed (Declared) development assessment is returned to a whole of Government process.

The Government does not support this recommendation.

The Government understands the basis for this recommendation. However, we consider the new Impact Assessed (Declared) development assessment process under the PDI Act is more rigorous than the former process under the Development Act, particularly as :

- the State Planning Commission, being the State's preminent independent planning body, is significantly involved in the process, consults state agencies where necessary (and relevant) and provides advice to the Minister (which is publicly available on the PlanSA website);

- it provides greater certainty for proponents spending a significant amount of money on the impact assessed process; and
- it reduces time delays, noting under the old system it could take months to obtain a decision through the Cabinet process.

In addition, if the Minister for Planning considers it is appropriate to present an Impact Assessed (Declared) development application to Cabinet prior to making a decision, there is no prohibition on this occurrence.

On this basis, the Government is content to retain the current Impact Assessed (Declared) decision making process and will not be implementing the Expert Panel's recommendation.

Planning, Development and Infrastructure Act 2016 – Infrastructure Schemes

11

A Government business unit should be established to manage and implement infrastructure schemes.

The Government supports this recommendation.

The intent of this recommendation was to encourage the establishment of a business unit to manage and implement infrastructure schemes. This recommendation was determined prior to the Government's announcement of its creation of the Housing Infrastructure Planning and Development Unit (HIPDU) in February 2023.

As acknowledged by the Panel, the HIPDU was established to coordinate the provision of infrastructure and utilities and to drive residential developments. It is anticipated the HIPDU will play an important role in the establishment of infrastructure schemes, as recommended by the Panel. The HIPDU has been established as an arm of the Department for Trade and Investment, and there are no plans to relocate it to a central Government agency at this stage.

However, in its Report, the Panel has also recommended the HIPDU undertake a suite of responsibilities related to infrastructure schemes and infrastructure more generally. All the responsibilities identified by the Panel are already considered within the remit of the HIPDU and have received a level of action since the unit was established. These responsibilities are consistent with the core of what the HIPDU was established to achieve and will continue to progress as the unit matures. As such, no further action is required to implement this recommendation at this time.

Planning, Development and Infrastructure Act 2016

– Local Heritage in the PDI Act

12 **Local heritage should be removed from the *Planning, Development and Infrastructure Act 2016* and incorporated into the *Heritage Places Act 1993*, thus aligning State and local heritage listing processes.**

The Government supports this recommendation in principle and will undertake further investigation.

As the Expert Panel identified in its recommendation, it is not the first review panel and/or body to have made this recommendation. It has been suggested by several different panels over time. The Government has previously supported and continues to support the implementation of this recommendation.

However, implementing this recommendation is no small feat and will require a significant amount of cross agency collaboration, noting local heritage will be taken from the planning legislation managed within the Department for Trade and Investment and moved to the heritage legislation

managed by the Department for Environment and Water. The Department for Environment and Water has provided its support for this recommendation. The Government is committed to seeing this transition come to fruition and will work towards consolidating local and State heritage into one integrated statute.

The Government also notes the Panel's view that, through the transition to the *Heritage Places Act 1993*, the role of Representative Buildings in the hierarchy of heritage and character should be considered. Representative Buildings are entirely separate from matters of heritage (noting they relate to the character of an area). On this basis, whilst we agree this work should be undertaken, it is not necessary for this investigation to occur through the transition of local heritage to the *Heritage Places Act 1993*. This work will necessitate a further, separate investigation.

13 **Section 67(4) and 67(5) of the *Planning, Development and Infrastructure Act 2016* should be repealed, or otherwise never turned on.**

The Government supports this recommendation in principle and will undertake further investigation.

As with Recommendation 12, the Panel is not the first panel or review body to have made this recommendation. The Government agrees with the Expert Panel's view that the inclusion of these provisions is unfavourable to character and heritage in our State. It is therefore supportive of this recommendation.

The implementation of this recommendation may necessarily occur as a consequential amendment to the PDI Act if and/or when the *Heritage Places Act 1993* is next revised, and Recommendation 12 is implemented.

Planning, Development and Infrastructure Act 2016 – Deemed Consents

14 **Increase the assessment timeframe associated with a Performance Assessed development applications to 30 business days for complex applications, thus increasing the time available before a Deemed Consent may be issued.**

The Government supports this recommendation in principle and will undertake further investigation.

The Government agrees it is appropriate to provide additional assessment time for more complex Performance Assessed development applications, and thus increase the time available before a deemed consent may be issued.

The Panel has recommended the determination of what may classify a development as being 'complex' is ascertained based on building class. This is a meritorious suggestion worthy of investigation. However, the Government considers it is also necessary to determine whether there are any other alternative, tangible, and measurable methods by which complexity could be determined. The Government intends to undertake further investigation on this matter, prior to committing to the implementation of this recommendation.

15 **The Deemed Consent provisions should apply to land division applications.**

The Government supports this recommendation in principle and will undertake further investigation.

The Government understands the Expert Panel's basis for recommending the deemed consent provisions should apply to land divisions. However, recognising the time it takes to negotiate assets that will be handed over to local government (for example, open space, local roads,

footpaths etc), the Government considers applying the deemed consent provisions to land division consents may have unintended consequences and may ultimately result in perverse outcomes.

We consider it would be appropriate to engage with the Local Government Association on this issue, and also explore whether the introduction of additional design standards for local infrastructure (like those recommended in Recommendation 52) would assist to ensure timely decisions are being made on land division consents.

Planning, Development and Infrastructure Act 2016

– Verification of Development Applications

16

The State Planning Commission should prepare a Practice Direction regarding verification.

The Government supports this recommendation.

The Government sees merit in the Commission preparing a Practice Direction on verification to ensure the process is abundantly clear. This should aid in resolving the current confusion around verification and will also provide certainty to the community as to what they should reasonably expect from this part of the development application process.

17

The requirements of Schedule 8 of the *Planning, Development and Infrastructure (General) Regulations 2017* should be reviewed to ensure that a Relevant Authority is provided with sufficient information to assess the nature of the application and assessment pathway, at the time of verification.

The Government supports this recommendation in principle and will undertake further investigation.

The Panel has recommended some of the matters this review should contemplate. We agree it is appropriate for those matters to form part of the overall consideration of Schedule 8.

The Government is supportive of a review of Schedule 8 being undertaken, particularly in recognition of the submissions the Expert Panel received from Relevant Authorities which struggle with the insufficient documentation provided with development applications.

The Government is also supportive of investigations being undertaken to incorporate an electronic verification checklist within the e-Planning portal, as contemplated by the Panel and called for in submissions.

18

Increase the verification timeframe to align with development application complexity.

The Government supports this recommendation in principle and will undertake further investigation.

recognition of the fact that more complex developments are likely to have more components which need to be considered in the verification process.

As with Recommendation 14, the Government sees merit in aligning the verification timeframes with the complexity of the proposed development. This is reasonable in

The Panel has again recommended that development complexity be ascertained based on building class. However, the Government considers further investigation needs to be undertaken to determine whether this is the most practical and appropriate mechanism by which to measure development application complexity.

Planning, Development and Infrastructure Act 2016

– Verification of Development Applications

19.1

If an application is verified in less time than the legislated verification timeframe allows, any additional time available to verify the application should be added to the associated development assessment timeframe.

19.2

If the legislated verification timeframe is exceeded, any additional time taken to verify the application should be deducted from the associated development assessment timeframe.

The Government supports these recommendations.

The Government agrees providing both an incentive and disincentive to verification is a good idea. This will ensure verification is undertaken in a timelier manner and will hopefully reduce (or remove) the occurrence of development assessments being commenced in the designated verification timeframe.

We also support automatic notifications being built into the system to ensure Assessment Managers (or other nominated personnel) are advised when a verification timeframe is nearing conclusion.

These recommendations will work in conjunction with Recommendations 14 and 18 to reframe how assessment timeframes are calculated and viewed by planning professionals.

20

Land division verification should be recentralised.

The Government supports this recommendation in principle and will undertake further investigation.

The Government understands the frustrations associated with the decentralisation of land division verification and supports this recommendation in principle. However, prior to implementing this recommendation, we consider more investigation needs to be undertaken as to the extent this issue is problematic and, if change is warranted, how a ‘recentralised’ verification process would be delivered and resourced, noting the former Electronic Land Division Lodgement Site (known as EDALA) is currently being replaced by the Development Application Processing system. There may also be opportunity to alleviate the issues associated with land division verification through the Practice Direction proposed by Recommendation 16.

Planning, Development and Infrastructure Act 2016

– Minor Variations to Development Approvals

21

The State Planning Commission investigate the cumulative impact of multiple minor variations and provide further guidance as to when a minor variation should and should not occur.

The Government supports this recommendation.

The Government agrees there would be benefit in more guidance being provided on this topic, noting this is an issue carried over from the last system and is (more likely than not) a national issue. We therefore support the Commission investigating the cumulative impact of multiple minor variations, as proposed by the Panel and recommend consideration be given to how other jurisdictions are managing this issue.

We also agree that the Commission's investigation should contemplate the interaction between minor variations and public notification, specifically when minor variations relate to a public notification trigger.

Following the Commission's undertaking of these investigations, it should prepare guidance material and provide advice to the Minister for Planning as to whether any additional legislative change is required to facilitate better outcomes in these scenarios.

22

Minor variations to a planning consent once Development Approval has been issued should only be assessed by the relevant council.

The Government supports this recommendation in principle.

The Government agrees local government councils are the most appropriate Relevant Authority to approve minor variations to planning consents when a Development Approval has been obtained. This arises on the basis the local council has no capacity to intervene in a minor variation issued by another Relevant Authority, irrespective of whether it considers the variation is not minor.

Recognising local government remains the relevant enforcement authority, it is appropriate for it to be appraised of, and have the capacity to determine, whether it considers a proposed minor variation is, in fact, minor.

In making this recommendation, the Panel has also recommended an assessment timeframe (with the capacity to enforce a deemed consent) be imposed on councils when determining minor variations. The Panel has recommended five business days would be suitable. The Government agrees this is, most likely, a reasonable timeframe to impose. However, in recognition of the resourcing constraints being experienced by local government, we consider it is premature to impose an additional timeframe for this purpose.

Accordingly, following the implementation of this recommendation and a period of operation, the Government will review how it is operating in practice and will consider whether a timeframe (with or without deemed consent) ought to be imposed.

Planning, Development and Infrastructure Act 2016 – Other

23 **The State Planning Commission should review the size and purpose of catalyst sites.**

The Government supports this recommendation.

The Government considers policy that supports the amalgamation of sites is positive, provided the appropriate policy is in place. On that basis, we agree there is benefit in reviewing the size and purpose of catalyst sites to ensure the policy is appropriate and operating as it is intended to. We also agree the prescription of additional

qualifying criteria for the creation of catalyst sites is worthy of consideration. We support the Panel's recommendation that the Commission work collaboratively with the City of Adelaide in undertaking this body of work.

Following the Commission's review, the Minister for Planning should be presented with the findings and recommendations, which should include advice as to whether any Code Amendment is required.

24 **Demolition of all dwellings should be recorded on the e-Planning portal.**

The Government supports this recommendation.

The Government agrees there is benefit in requiring demolitions to be recorded on the e-Planning portal and supports notification of intended demolitions being given to the relevant local council in advance.

Whilst the Government has no intent of over regulating demolitions (noting they do not require development consent in most circumstances), we see the value to local government and local communities in requiring demolitions to be recorded to ensure local government has the oversight it seeks.

Planning, Development and Infrastructure Act 2016

– Other

25

Local government and State government collaborate to review and redevelop the Local Design Review Scheme.

The Government supports this recommendation in principle and will undertake further investigation.

Given the success of the State Design Review program, the Government is surprised the Local Design Review (LDR) Scheme has not gained traction. The Government encourages local government to establish and implement LDR in their areas and reap the rewards of enhanced design.

Notwithstanding, the Government acknowledges the feedback received by the Panel, which opined the existing LDR Scheme is not being used in its current form, and recommended mandating both the establishment and use of LDR Panels. We note that the latter would require changes to the PDI Act, which the Panel did not consider appropriate to recommend at this time.

The Office for Design and Architecture SA prepared the existing LDR Scheme in collaboration with local

governments, relevant stakeholders, and the general public to meet the provisions in the PDI Act. In addition, guidance material is available that simplifies the process and reduces administration. While the Government notes the Panel’s recommendation, we are not currently convinced that redeveloping the existing LDR Scheme to meet the same provisions in the PDI Act will yield a different or better outcome.

The Government does see value in demonstrating and testing the existing LDR Scheme and is currently negotiating the commencement of a pilot program with local government.

In our view, it will be appropriate to critically reflect upon the workability of the existing LDR Scheme following the pilot program. Only at that time will we have sufficient understanding as to whether the existing LDR Scheme needs amending or redeveloping, or whether the provisions within the PDI Act could be improved to better support LDR in South Australia.

26

The State Planning Commission investigate implementing a land supply and demand monitoring program.

The Government supports this recommendation in principle and will undertake further investigation.

As the Panel identifies in its Report, the Government has recently committed to the implementation of the land supply dashboard to keep developers, councils, and agencies up to date on land availability and rezoning activity in South Australia. As such, the primary intention of this recommendation has been achieved and is in the process of being implemented.

However, the Panel has also made ‘sub-recommendations’ for the Government’s consideration, which included requiring:

1. the Environment Food Production Area (EFPA) to be reviewed more frequently than currently legislated (either through amending the legislation or the Commission undertaking more regular self-initiated reviews); and
2. any EFPA reviews to be undertaken (or able to be undertaken) on a sub-regional basis.

The Government supports these ‘sub-recommendations’ in principle and agrees that having greater awareness of State land supply trends, both overall and on a sub-regional basis, will be a positive improvement which will enable us to better prepare for the future. However, further investigation needs to be undertaken to determine how they ought to be implemented in practice.

Planning, Development and Infrastructure Act 2016

– Other

27

The State Planning Commission should review and amend the Community Engagement Charter to provide guidance on First Nations engagement.

The Government supports this recommendation.

First Nations engagement is both significant and important. We have exemplified this through establishing the Nation's first Voice to Parliament. It follows that we consider it is imperative that any review and amendment of the Community Engagement Charter considers and includes how policy makers will engage with First Nations moving forward.

Importantly, in 2023, the State Planning Commission completed its inaugural review of the Community Engagement Charter, which resulted in recommendations consistent with this Expert Panel recommendation. However, the Commission went beyond providing guidance on First Nations engagement as it also recommended the Charter and/or its supporting documentation recognise youth, disability, and non-English speaking cohorts.

The Government understands the State Planning Commission plans to initiate an amendment to the Community Engagement Charter in 2024 to implement the recommendations arising from the review. The Government

intends to request that the Commission also extends its consideration of the Charter and/or its supporting documentation to include recognition of businesses, workers, and employers. This will ensure impacted workforces are consulted on the preparation or amendment of designated instruments which affect them.

The Government is equally supportive of further engagement being undertaken with our First Nations people to understand how (or if) matters of cultural significance ought to be reflected in the Code. We consider this engagement should be undertaken through the State Planning Commission, following which it should prepare any necessary Code Amendment in consultation with the Minister for Planning.

Finally, the Government agrees any specific recognition of First Nations in the PDI Act (as sought by some members of the community through submissions to the Panel) ought to be referred to, and considered by, the Voice to Parliament in the future.

This recommendation aligns with the submission from, and is supported by, the Aboriginal Affairs and Reconciliation arm of the Attorney-General's Department.

28

The State Government should investigate and consider how planning is dealt with in out of council areas.

The Government supports this recommendation.

The Government agrees it is appropriate to conduct the recommended investigation to ascertain what the primary barriers to good planning outcomes are, and where improvements could be made to planning in out of council areas.

As the Commission is currently the Relevant Authority for development in out of council areas, it is best placed to lead these investigations and report back to the Government with its findings and recommendations.

However, we also note the primary issue identified by the Expert Panel relates to enforcement in out of council areas. The Commission has recently reviewed Practice Direction 7 – Out of Council Areas Inspection Policy to make it more flexible, thus enabling inspections to occur more easily. It will be necessary to determine the impact of the revised Practice Direction prior to undertaking the investigation into planning in out of council areas.

In the interim, it may be appropriate for the Commission to consider how it can support the Outback Communities Authority with planning matters.

Planning, Development and Infrastructure Act 2016

– Other

29

The State Government, through Planning and Land Use Services, should aid and guide those Relevant Authorities struggling to verify and assess development applications within the prescribed timeframes.

The Government supports this recommendation in principle and will undertake further investigation.

The Government acknowledges there are several Relevant Authorities that are struggling to verify and assess development applications in accordance with the legislation. This is demonstrated by the data included in the Panel's report. We are therefore supportive of this recommendation in principle. However, prior to implementing this 'assistance program', we consider further investigation needs to be undertaken to discuss potential solutions with the affected councils.

As the Panel has acknowledged, the State Government planning team in Planning and Land Use Services has a substantial work program and does not have unlimited resources. There are a number of smaller councils assessing less than 50 development applications per year. The Government will focus support in these areas first.

We also agree with the Panel that it is not appropriate for Planning and Land Use Services to become a training organisation. It is not its role. However, we agree there may be opportunity for it to facilitate 'bootcamps' (or similar) to aid in the continuous upskilling of the profession. The merits of this idea should be investigated, and further consideration given to the Department's capacity to deliver it.

Recommendations relating to the Planning and Design Code

The Expert Panel's Terms of Reference tasked it with reviewing the Code and specifically, character and heritage policy, tree policy, infill policy and car parking policy. This was intentional in recognition of these being policy areas of high interest to the community. However, the Panel was also permitted to consider other aspects of the Code during the Review.

The Panel determined to separate its recommendations on the Code by reference to its Terms of Reference and has made recommendations pertaining to each of these topics. It has also made recommendations relating to 'Other' matters arising from the Code, which were brought to its attention in the course of the public consultation.

It has made a total of 27 recommendations relevant to the Code.

Character and Heritage

The Panel made early recommendations to the Minister for Planning in relation to Character and Heritage matters. Its early recommendations were specifically in connection with the State Planning Commission's proposed 'three-pronged approach' to character and heritage reform, which was presented to the Minister for Planning in August 2022.

The Minister referred the proposal to the Panel for consideration and advice. The Commission's three 'prongs' were:

1. Elevate Character Areas to Historic Areas, by supporting and facilitating councils to undertake Code Amendments for this purpose (where appropriate justification exists);
2. Character Area Statement Updates, to address identified gaps or deficiencies in those statements, and which could include updating themes of importance and including additional design elements and illustrations; and
3. Tougher demolition controls in Character Areas, to introduce a development assessment pathway that only allows for demolition of a building in a Character Area (and Historic Area) once a replacement building has been approved.

In September 2022, the Panel determined it would support prongs one and two of the Commission's proposal but would reserve its view on proposed prong three (pertaining to demolition in character areas) until it had conducted public consultation. As can be seen in Recommendation 31, the Panel has ultimately determined to support 'prong three'.

The Government has endorsed the Commission's proposal and preparations have commenced for the implementation of prongs one and two.

The Expert Panel presented an additional six recommendations relating to Character and Heritage matters in its Final Report.

The Government acknowledges that the recommendations which follow must also be read in light of the Panel's earlier Recommendation 12 (which has been supported in principle by the Government) which would see local heritage form part of the *Heritage Act 1993*.

Planning and Design Code – Character and Heritage

30

The State Government, through Planning and Land Use Services, prepare a template set of design guidelines for character and historic areas.

The Government supports this recommendation in principle.

The Government agrees that preparing updated design guidelines would be beneficial, particularly in the manner proposed by the Expert Panel (being based on construction era).

We therefore support this recommendation in principle, as we consider there will be value in early cross-agency collaboration, including with the Heritage Branch of the Department for Environment and Water (noting Recommendation 12 above, regarding the potential for heritage matters to be consolidated under one statute), the Office for Design and Architecture SA and local government heritage advisors.

Planning and Design Code – Character

31

The Expert Panel supports the State Planning Commission’s proposal to require a replacement building to be approved prior to demolition being able to occur in Character Areas.

The Government supports this recommendation in principle and will undertake further investigation.

The intent of the Commission’s prong three is to provide comfort to communities and to assist in reducing the period land is left vacant following demolition in areas of State significance. However, as identified by the Expert Panel, the implementation of prong three would not require the approved development to be constructed.

Accordingly, prior to implementing prong three, we consider it is appropriate to implement and understand the impacts of prongs one and two. If prongs one and two do not have the desired outcome (being to provide higher quality replacement buildings in Character and Heritage areas), we may consider the future implementation of prong three.

The Government acknowledges the Expert Panel’s recommendation that ‘*significant community education is undertaken alongside the implementation*’. If it is necessary to implement prong three, we agree it will be important the State Planning Commission appropriately communicate the limitations of the policy to the community, at that time.

Notwithstanding, in the interim, the Government undertakes to investigate strengthening the Performance Outcomes in the Code as they relate to the demolition of character and heritage buildings (this is also related to Minor and Operational Recommendation 15).

32

The role of Representative Buildings should be reviewed.

The Government supports this recommendation in principle.

The Government acknowledges Representative Buildings are a contentious aspect of our planning system, and more specifically, of the character and heritage framework. Whilst Representative Buildings are not to be confused as a ‘third tier’ of heritage protection, in the absence of specific policy pertaining to them, it is currently unclear how Representative Buildings are intended to function in the Code.

To alleviate this confusion, rather than reviewing the role of Representative Buildings, we consider there would be benefit in the State Planning Commission preparing a Practice Guideline which identifies and explains how Representative Buildings are linked to the Character Statement for an area. This Practice Guideline should reinforce the fact Representative Buildings are not heritage and their inclusion in the Code is to demonstrate the type of character sought in the area.

Planning and Design Code – Heritage

33

To facilitate greater adaptive reuse of heritage places, the Planning and Design Code should include a broader range of possible land uses for heritage places than those listed in the relevant zone or subzone.

The Government supports this recommendation in principle and will undertake further investigation.

The Government agrees the Code should promote and enable a broad range of land uses for heritage places. However, prior to the implementation of this recommendation, further investigation will need to be undertaken as to how this can and should be achieved in practice. It may be appropriate for Planning and Land Use Services to work with the Heritage Branch of the Department for Environment and Water in the course of this investigation. Importantly, the Department for Environment

and Water has advised it supports this recommendation and agrees land use concessions will unlock the potential of many State Heritage Places, and will provide a much-needed incentive to property owners.

We also reiterate the comments of the Panel that facilitating adaptive reuse through land use policy in the planning system is but one hurdle the adaptive reuse of heritage places needs to cross. That is, the implementation of this recommendation will not result in any changes to the obligations imposed by the National Construction Code, albeit as amended by the Ministerial Building Standard 001 – Upgrading Health and Safety in Existing Buildings which provides concessions on building requirements when adaptively re-using a building.

34

The State Government resource the identification and assessment of heritage that is not within a council area.

The Government supports this recommendation in principle and will undertake further investigation.

As noted in Recommendation 28 above, the Government acknowledges a review of the way planning is undertaken in out of council areas needs to be investigated. In the Government's view, this necessarily includes contemplating how heritage is currently managed in those locations (if at all).

The Government considers it is imperative those investigations identified in Recommendation 28 be undertaken at first instance, prior to further consideration being given to how it can support the identification and assessment of heritage that is not within a council area. As recognised by the Panel, this is a matter of significance to the Government, noting both the importance of preserving all our State's great history, as well as promoting the beauty of our outback areas.

We note in circumstances where local heritage is moved into the *Heritage Places Act 1993*, this will be a matter for the Department for Environment and Water to investigate and consider further.

Planning and Design Code – Heritage

35

On the basis that local heritage is transitioned to the *Heritage Places Act 1993*, the places currently identified as local heritage should be reviewed to ensure they meet all relevant criteria.

The Government supports this recommendation in principle and will undertake further investigation.

The Government agrees there is merit in reviewing those places currently identified as local heritage to ensure they meet all relevant criteria. We also support reviewing the online local heritage register to ensure it is current and user friendly.

Given the number of local heritage places – approximately 7,250 – conducting an audit of each place against the relevant listing criteria will be an extensive, resource intensive exercise. We therefore agree with the Panel’s suggestion that any audit would be most appropriately conducted by local government with support from the Department for Environment and Water.

However, we note the Panel identified a likely outcome of its recommended review and audit would be some local heritage places would have their protection revoked. The Government is concerned about the appropriateness of removing the protection afforded to a place, noting the community and landowners may have an expectation of continued protection. In this regard, we consider advance consultation with the owners of local heritage places should be undertaken to wholly appraise them of this process, and that they should be afforded an opportunity to make a submission (potentially to demonstrate the heritage value of their property) during the review.

Trees

On 23 January 2023, the Panel provided the Minister for Planning with seven early recommendations on tree regulations. The Panel's recommendations are reproduced in its Final Report. The Minister has accepted the Panel's early recommendations. The implementation of the majority of the Panel's early tree recommendations will significantly revise South Australia's approach to tree canopy protection in South Australia.

The Expert Panel has made a further nine recommendations pertaining to tree matters. Importantly, it has included recommendations which would ordinarily be appropriately identified in the PDI Act section of its Report (and equally, this response), in the tree policy section. This was intentional, as it determined all tree related recommendations should be contained in the one location for ease of public consideration. The Government has responded to each recommendation in the order they appear in the Panel's Final Report.

Planning and Design Code – Tree Policy

36 **The State Government review and refine the intersection between the *Planning, Development and Infrastructure Act 2016* and *Native Vegetation Act 1991* to remove confusion within the community and development sector, to ensure native vegetation is retained.**

The Government supports this recommendation in principle and will undertake further investigation.

The Government agrees and understands the intersection between these two pieces of legislation is complicated and not easily understood by planning professionals and the community alike. We therefore support the preparation and provision of coordinated guidance material by Planning and Land Use Services and the Native Vegetation Branch of the Department for Environment and Water. This should be prepared as a matter of priority.

The Government also supports the review and refinement of the intersection between the legislation, in principle. However, this is a significant project which will require cross-agency collaboration, and legislative change.

On that basis, the Government considers further, coordinated investigation needs to be undertaken by

both the Department for Trade and Investment and the Department for Environment and Water. The investigation should contemplate, amongst other things:

- what options are available to the Government;
- modelling the impact of each option; and
- recommending a preferred course of action.

Following receipt of agency advice, the Government will then be in a position to consider how the legislation may be refined to make the relationship between planning and native vegetation abundantly clear.

The Department for Environment and Water has provided its support for this recommendation, recognising, and agreeing, that it is a critical but complex policy reform. It also notes (as the Panel did in its Report) that this would increase the overlap between the significant and regulated tree controls and the *Native Vegetation Act 1991*. As such, the implementation of Recommendation 36 should also include clarifying how the two legislative requirements will operate in townships.

37 **The Planning and Design Code policy should support design innovation to enable the retention of trees.**

The Government supports this recommendation.

The Government agrees the Planning and Design Code can do more to support innovative development design which results in the greater retention of trees. This would be a positive outcome for the State and for our suburbs.

We are therefore supportive of this recommendation and have requested the State Planning Commission investigate and progress amendments to the Code to incorporate this model of incentive policy.

Planning and Design Code – Tree Policy

38

Extend the application of the Urban Tree Canopy Overlay to all new allotments in the Master Planned Neighbourhood Zone.

The Government supports this recommendation.

The increase of our tree canopy in South Australia is a priority for this Government, so it is pleased to support this recommendation.

The basis for not previously extending the Urban Tree Canopy Overlay to new allotments in the Master Planned Neighbourhood Zone was reasonable at the time of preparing the Code. However, noting community expectations, the desire of purchasers and the overall

benefits greater greening provides, the Government considers this is a simple and obvious policy amendment that has the potential to make a substantial impact on our State tree canopy. This is particularly in recognition of the recent land release at Hackham and the anticipated land releases at Concordia, Dry Creek, and Sellicks Beach, which are likely to be included in the Master Planned Neighbourhood Zone.

We have therefore requested the State Planning Commission investigate and progress amendments to the Code for the purpose of extending the Overlay.

39

Extend the Urban Tree Canopy Overlay and the Regulated and Significant Tree Overlay to townships and address any anomalies in current township mapping for this purpose.

The Government supports this recommendation in principle and will undertake further investigation.

The Government agrees there is benefit in extending the tree Overlays into township settings and understands this is something the people in these communities want.

The Government supports this recommendation in principle, but notes further consideration needs to be given to whether the *Native Vegetation Act 1991* would continue to apply in these locations (if the Overlays were extended), as well as to how the policies would be resourced (i.e., recognising the arborist shortage). Investigation into these matters should be undertaken in conjunction with the work arising from recommendation 36.

We also recognise there are anomalies in current township maps which warrant revision. This is due to the expansion of many towns since the maps were last updated.

We have therefore requested the State Planning Commission to investigate and progress amendments to the Code for the purpose of extending the Overlays.

Planning and Design Code – Tree Policy

40

The Urban Tree Canopy Off-set Scheme fees are increased.

The Government supports this recommendation.

The Government agrees the current Off-set Scheme fees are insufficient and place an undue burden on local government, being the body responsible for planting and maintaining replacement trees. We therefore plan to revise the Off-set Scheme fees to better align with the actual costs borne by local government.

41

The Government investigate what additional and/or alternative penalties are available for tree damaging activity to disincentivise poor behaviour.

The Government supports this recommendation.

In addition, the Government is also considering amendments to the *Local Government Act 1999* in relation to tree damaging activity on public land.

The Government is supportive of an investigation being undertaken as to what additional and/or alternative penalties may be available for tree damaging activity. We see merit in the ideas posed by the Expert Panel and would like those matters to be explored further. Given the legal nature of penalties, the Government considers the Department for Trade and Investment, through Planning and Land Use Services, should seek advice from the Crown Solicitor's Office in the course of this investigation.

Separately, the Government notes the Panel's suggestion for consideration to be given to the automatic designation of all local governments for the purposes of section 225 of the PDI Act. We consider this idea should be contemplated in the abovementioned investigation, and advice provided at that time.

Planning and Design Code – Tree Policy

42

Investigations be undertaken to establish an independent arboriculture advisory body to provide advice on applications pertaining to significant trees.

The Government supports this recommendation.

The Government sees value in the Panel’s idea to establish an independent arboriculture advisory body and supports investigating the merits of this proposal.

Matters which the Government considers would need to be addressed in such an investigation include but are not limited to:

- Within which portfolio (being which Minister and Department) would this body sit?
- Would (or should) the advisory body be a mandatory referral body?
- How would this body be resourced and funded?
- How would the decisions of this body be adjudicated?

- What qualifications would be required to be appointed to the body? and
- Whether a State based registration of arborists is warranted, to ensure appropriate, reasonable, and well documented decisions are being made by these professionals (as the Expert Panel recommended be investigated).

In addition to the above, it is also relevant to acknowledge the significant lack of arborists we have in South Australia and the resourcing difficulties already being experienced in this industry. This will be a relevant consideration when determining whether to establish an arboriculture advisory body. To this end, the Government has recently requested the Environment, Resources and Development Committee, through its Inquiry into the Urban Forest, to consider the arborist community and ways we can better support arborists to manage their workload, including ways to increase the workforce.

43

Apply the tree regulations to all State Government projects.

The Government supports this recommendation in principle and will undertake further investigation.

The Government agrees the State Government should lead by example. The Minister for Planning has recently written to all Department Chief Executives encouraging this practice.

Despite this, the Government will need to undertake further investigation into the potential unintended consequences which may arise in connection with applying the tree regulations to all State Government projects.

In consulting with relevant Government agencies, the:

- Department for Education advised it rarely removes regulated trees and flagged its concern that removing the exemption applicable to it may place a school site at unnecessary risk; and
- Department for Infrastructure and Transport advised that having the ability to assess and approve impacts to regulated trees through PDI Act exemptions does not imply the desire to remove those trees, and that it applies its own rigorous process for assessing the need for impact to regulated and significant trees.

Planning and Design Code – Tree Policy

44

The Government investigate what opportunities and mechanisms are available to encourage tree retention and planting on private land.

The Government supports this recommendation.

As tree retention, planting and canopy are priorities of this Government, we are supportive of investigating what other opportunities and mechanisms are available to encourage retention and planting on private land. The Government agrees with the Panel that it should not always be left to different levels of government, or those undertaking development, to be responsible for tree planting, particularly when it contributes so greatly to our State.

The Panel acknowledged the work undertaken by the City of Unley in its Report, and the Government considers there is opportunity to collaborate with the Council to innovate, discuss and design additional opportunities within the bounds of the planning regime and existing Government grants.

Infill

Planning and Design Code – Infill Policy

45

General infill design guidelines should be prepared in conjunction with industry to demonstrate and promote different styles and types of infill development.

The Government supports this recommendation in principle and will undertake further investigation.

The Government agrees with this recommendation in principle and acknowledges the community sentiment expressed to the Panel supporting the preparation of infill design guidelines to improve the aesthetics of infill housing.

The preparation of these guidelines, particularly in the form recommended by the Panel, will be an extensive, resource intensive exercise. The Government therefore considers further investigations are required to determine appropriate infill typologies and locations, prior to commencing their preparation.

The Panel has recommended these guidelines be produced in conjunction with industry and we agree it is appropriate to consider varied views. The Government also considers collaboration with the Office for Design and Architecture SA will be important, noting their expertise and involvement in the preparation of the 2016 draft Residential Design Guidelines, referenced by the Expert Panel.

The Government also supports the Panel's suggestion that the State Planning Commission seek to update its *'Raising the Bar on Residential Infill in the Planning and Design Code'* brochure in the interim. Additionally, consideration could be given to transporting the brochure into a Practice Guideline pursuant to section 43 of the PDI Act.

46

The Planning and Design Code policy pertaining to strategic sites should be reviewed, and non-planning mechanisms should be investigated to assist with creating strategic sites.

The Government supports this recommendation in principle and will undertake further investigation.

The Government wants to encourage the creation of strategic sites, recognising the positive outcomes which generally result from their establishment. We are therefore supportive of reviewing the Code to ensure it is providing appropriate incentives (and equally, not posing any significant barriers) to the creation of strategic sites.

The Government is also open to considering what non-planning mechanisms may also be employed to encourage and assist with creating strategic sites. This will be a matter for additional consideration and investigation, specifically regarding the types of incentives that may be available and how they may be delivered.

Planning and Design Code – Infill Policy

47

The Planning and Design Code provisions pertaining to Private Open Space should be revised.

The Government supports this recommendation in principle and will undertake further investigation.

The Government agrees further clarity can be included in the Code in relation to how Private Open Space (POS) is calculated and distributed. We are also supportive, in principle, of the idea of an additional ‘category’ of POS being included in the Code. However, we consider it is appropriate to undertake a more detailed investigation as to how the implementation of this recommendation would impact affordability and infill development more generally.

48

The storage policy identified for apartments should apply to all forms of residential development.

The Government supports this recommendation.

The Government agrees and acknowledges it is common for residents to use their garages as storage for personal effects rather than vehicle parking, particularly in newer homes where insufficient storage space is provided.

As such, there is an apparent benefit to be derived from applying the storage policy to all forms of residential development. This may also, in turn, impact local communities by virtue of less vehicles being parked on the street.

However, prior to implementation, consideration must also be given to the potential impact the introduction of this policy may have on housing affordability (if any) and whether the abovementioned benefit outweighs the cost (which may ultimately be passed onto purchasers).

49

A basic landscaping plan should be provided for all infill developments to document how the soft landscaping requirements of the Planning and Design Code are to be adhered to.

The Government supports this recommendation in principle and will undertake further investigation.

The Government understands the intent of this recommendation is to support the soft landscaping policies in the Planning and Design Code and to support local government’s enforcement of those policies. However, there may be unintended consequences arising from a basic landscaping plan forming part of the suite of approved

plans. In addition, although the Panel has advised it would not anticipate the basic landscaping plan to be professionally prepared, the Government has concerns regarding how this will be delivered practically, and how Relevant Authorities will view this requirement.

On this basis, the Government considers further investigation needs to be undertaken regarding the potential impacts the implementation of this recommendation would have. This may include further consideration being given to whether the intent of this recommendation could be achieved in an alternative way.

Carparking

Planning and Design Code – Car Parking Policy

50

The minimum garage dimensions should be increased.

The Government supports this recommendation.

The Government understands the size of garages was a matter frequently raised with the Expert Panel and relates to the liveability of established and upcoming housing stock. The evidence included in the Panel's report regarding vehicle purchasing preferences was also enlightening.

It is recognised that the current minimum garage dimensions in the Planning and Design Code are based on the Australian Standard 2890.1:2004 – Parking Facilities – Off-street car parking (the Standard), which is currently being reviewed. We agree it is problematic many vehicles cannot be parked in garages due to the current minimum garage dimensions being incompatible with the size of popular vehicles. Accordingly, the Government will soon introduce a Bill to reform car parking in our planning system, which will include increasing the minimum garage dimensions.

51

The requirement to provide undercover car parking should be removed from the Planning and Design Code, but provision of space for a covered car park should still be made available behind the face of the dwelling.

The Government supports this recommendation.

The Government understands why the Expert Panel has made this recommendation and we are supportive of this idea, recognising the potential benefit removing this requirement may have on housing affordability.

In addition, we consider a further benefit of implementing this recommendation is the provision of greater consumer choice, and the ability to determine whether undercover car parking is a valuable or desired inclusion in a new build.

We are therefore supportive of this recommendation and will consider implementing it through the car parking reform Bill which will soon be progressed by the Government.

52

The State Planning Commission consider producing Local Road Design Standards for local roads.

The Government supports this recommendation in principle.

The State Planning Commission is currently in the process of preparing its first set of Design Standards for vehicle crossovers. The Government understands from the Commission that this has been a lengthy and complex process.

Accordingly, whilst the Government supports the Panel's recommendation in principle, we query whether there is an alternative mechanism the Commission may consider which would achieve the same (or similar) outcome. This could be in the form of guidance material. The Government encourages the Commission to turn its mind to this matter in the course of its consideration of whether to produce Local Road Design Standards.

Planning and Design Code – Car Parking Policy

53

Electric Vehicle charging stations should generally be an exempt form of development, but investigations should be undertaken to determine in which locations they will be considered development.

The Government supports this recommendation in principle and will undertake further investigation.

The Government is facilitating a number of actions to enable and encourage the use of Electric Vehicles in South Australia. Despite this, we acknowledge the planning implications that may arise through the increased appearance of Electric Vehicle infrastructure throughout the State. As recognised by the Panel, this may be particularly concerning in areas of State significance, such as heritage areas.

Accordingly, the Government is supportive of this recommendation in principle, but considers further investigations need to be undertaken as to the implications this recommendation may have, prior to endorsing its implementation.

Those investigations should consider the approach taken in other planning jurisdictions and should include detailed consultation with the Department for Infrastructure and Transport and the Department for Energy and Mining (noting the State energy targets and our focus on renewables), particularly if there are any proposed amendments to the planning regime which may make the installation and/or capacity for Electric Vehicles to operate in South Australia more difficult.

Preliminary cross-agency consultation confirms the:

- Department for Energy and Mining provides in principle support for this recommendation, subject to identifying ‘thresholds’ of Electric Vehicle infrastructure that could be excluded from the definition of development in appropriate locations, where the anticipated impacts are minimal; and
- Department for Infrastructure and Transport agrees there are opportunities to exempt Electric Vehicle charging facilities that have limited impacts to road uses. However, it considers any exemptions should have limitations in their application to ensure appropriate assessment of impact is undertaken.

54

Car Parking Off-set Funds should be permitted to be used to build active travel infrastructure.

The Government supports this recommendation.

The Government agrees with the sentiment of this recommendation and supports any initiatives which will enable active travel. In circumstances where building a physical car park is unrealistic, we agree it makes sense for the car parking contributions to be invested to encourage alternative modes of movement.

No car parking schemes have been established under the PDI Act. However, as identified by the Expert Panel,

those car parking off-set funds established under the *Development Act 1993* continue to operate under transitional arrangements. It is intended that those funds will eventually be transitioned into schemes under the PDI Act.

Accordingly, the Government supports this recommendation and will consider how it can provide guidance relating to the distribution of funds held in car parking off-set funds which continue to exist under transitional arrangements. This may include making additional provisions for car parking schemes through the car parking reform Bill which will soon be progressed by the Government.

Other

The Panel's recommendations relating to the Planning and Design Code largely fell within the policy topics set out by the Terms of Reference. This is unsurprising noting the topics it was requested to consider are those which are most contentious in our planning system.

However, the Panel also made two additional recommendations which related to the Code, but which were not comfortably positioned under any of the abovementioned policy headings.

Planning and Design Code – Other

55

The Affordable Housing Overlay should apply to all residential, neighbourhood and activity centre zones.

The Government supports this recommendation.

Making housing more affordable for South Australians is a key priority of this Government. Accordingly, the Government supports and endorses the recommendation to expand the Affordable Housing Overlay in the Code and ensure a greater portion of Greater Adelaide is subject to the affordable housing policies.

In addition, the Government agrees with the Panel that there is more work to be done in this space to ensure affordable housing is being provided and is not otherwise being avoided. The Government undertakes to investigate what mechanisms may be available to it to facilitate this goal, including considering available incentives, lowering the affordable housing threshold, and introducing an Affordable Housing Offset Scheme.

56

The State Planning Commission prepare guidance material which indicates the role of planning in managing climate change and identifying how climate change is already included in Planning and Design Code policy.

The Government supports this recommendation.

The Government is committed to minimising the impacts of climate change through our policy decisions, innovations and plans for the State. However, there is always room for more – especially more knowledge about how our planning regime already addresses these critical issues. This is particularly in circumstances where the Panel has identified a lack of understanding and rigour in how the general Code policies are being applied using a climate change lens.

The State Planning Commission has recently prepared guidance material which indicates the role of planning in managing climate change and identifying how climate change is already included in Code policy. This recommendation has therefore been fulfilled.

In addition, whilst the Department for Environment and Water was supportive of this recommendation (in recognition of its role in managing climate interests in South Australia), it was of the view that additional work needs to be undertaken to develop stronger climate smart and environmentally sustainable development planning policies and standards, consistent with the South Australian Government Climate Change Actions.

Recommendations relating to the e-Planning system and PlanSA Website

The e-Planning system and the associated PlanSA website are the first of their kind and are a hallmark of the South Australian planning regime.

On 11 October 2022, the Panel provided the Minister for Planning with seven early recommendations on e-Planning and PlanSA. The Minister accepted all those recommendations. At the time the Panel submitted its Report to the Minister, three of the seven recommendations had been fully implemented.

The Panel made a further fifteen recommendations on e-Planning and PlanSA matters in its Final Report.

e-Planning/PlanSA – Improvements Identified in Discussion Paper

57 **An independent user experience review of the PlanSA website is undertaken, following which the website interface is updated to be more user friendly and intuitive, acknowledging the various capabilities of users.**

The Government supports this recommendation.

The Government agrees the PlanSA website should be easy to navigate and understand, therefore ensuring

information about the planning system is accessible to all South Australians. As the system has now been in place for two years, it is timely for the recommended user experience review to occur. We consider the review should specifically contemplate the various capabilities of website users, acknowledging not all users are planning practitioners or have extensive digital literacy.

58 **Create a simplified online submission form which does not require an applicant to have a PlanSA account and login.**

The Government supports this recommendation.

The Government agrees the implementation of this recommendation will improve the user experience of infrequent users of the e-Planning system and may assist in simplifying the online development application process.

59 **Increase relevant authority data management within the Development Application Processing system.**

The Government supports this recommendation.

The Government agrees the implementation of this recommendation will provide substantial administrative benefit to Relevant Authorities. We also agree with the Panel that this will need to exist alongside an auditing program (or similar) to ensure it is not being used inappropriately.

60 **Build Inspection Clocks into the Development Application Processing system.**

The Government supports this recommendation.

The Government agrees, understands and supports the provision of inspection clocks on the e-Planning portal, noting it would assist local government councils with their building inspections and would improve their efficiencies.

e-Planning/PlanSA – Improvements Identified in Discussion Paper

61

A non-refundable lodgement fee should be paid at submission of a development application to ‘lock in’ the version of the Planning and Design Code to be used for assessment.

The Government supports this recommendation in principle.

The Government agrees reform is required in this area and provides in principle support for this recommendation.

As identified by the Expert Panel, the new development application process has resulted in a scenario whereby the relevant version of the Code is (more often than not) not ‘locked in’ on the same date the application is submitted. Whilst the wording of the relevant provisions of the PDI Act remains substantially the same as those which existed under the Development Act, the effect of verification being undertaken over the course of several days (or longer in

certain circumstances) may have the effect of an application missing out on the use of an earlier version of the Code. This may or may not be to the applicant’s advantage.

The Panel has identified the implementation of this recommendation would require legislative amendment. It would also likely result in an applicant needing to pay fees on two occasions – the first being when they submit the application for verification, and the second being following verification being undertaken. This can be overcome and is not a significant impediment to applicants, particularly as they will be provided with the certainty of knowing which version of the Code their application will be considered against. Accordingly, this will be considered for inclusion if an amendment Bill is progressed in the future.

62

Enable elective concurrent verification and assessment for Deemed-to-Satisfy development applications.

The Government supports this recommendation.

The Government supports this recommendation, recognising the efficiencies this would provide to Relevant Authorities. We are also supportive of this being optional, enabling Relevant Authorities to determine to undertake concurrent verification and assessment in appropriate circumstances.

As the Panel has identified, the implementation of this recommendation will necessarily be linked to the successful future implementation of Recommendation 61.

e-Planning/PlanSA – Improvements Identified in Discussion Paper

63

Investigate the implementation of automatic assessment Deemed-to-Satisfy development applications.

The Government supports this recommendation.

The Government supports this recommendation insofar as it is limited to investigating the possible implementation of automatic development assessments. There is value in further consideration being given to the availability of this technology, and its ability to be integrated into the e-Planning system.

It is imperative that any investigation that is undertaken specifically contemplates matters including but not limited to:

- how the quality of the decisions made by the technology will be controlled, and whether manual auditing will be required;
- the initial costs of implementation and any ongoing costs with making this technology available (including any auditing, if required);
- whether a pilot program should be undertaken (as suggested by the Panel) and if so, where and with whom that should occur; and
- what, if any, legislative amendment is required to enable automatic decision making.

Having a greater understanding of these matters will better prepare us to consider the possibility of introducing the technology into the planning system in the future.

64

Investigate the development of a mobile application to improve the mobile accessibility of the e-Planning system and PlanSA website.

The Government supports this recommendation.

The Government agrees there is merit in investigating the development of a mobile application to improve the mobile accessibility of the e-Planning system and PlanSA website.

We consider there is great administrative advantage to be gained for Relevant Authorities, particularly those with inspection and enforcement functions. It may also be of assistance in undertaking on-site development assessments.

The Government envisions the mobile application would not only be available on mobile telephone devices, but on all mobile devices, such as tablets.

Noting the (likely) large expense associated with developing a mobile application for this purpose, the Government sees value in understanding the projected costs, benefits and functions of the mobile application such that it may be appropriately resourced in future budgets if feasible.

e-Planning/PlanSA – Additional e-Planning Improvements Identified Through Public Consultation

65

Build into the e-Planning system an option for an assessing officer to record why a development moved from Deemed-to-Satisfy into Performance Assessed.

The Government supports this recommendation.

The Government agrees that it is appropriate for the e-Planning system to enable the recording of why a development became Performance Assessed rather than Deemed-to-Satisfy such that improvements (via a Code Amendment or otherwise) can be facilitated in future, where appropriate.

This is necessary as the new planning system is not resulting in as many 'straightforward' assessments (being Deemed-to-Satisfy assessments) as was initially anticipated. This is unduly burdening Relevant Authorities and needs to be resolved, particularly in light of the resourcing difficulties being experienced in the planning sector.

66

The online version of the Planning and Design Code should be reviewed by an editor and graphic designer.

The Government supports this recommendation in principle.

The Government understands the current layout of the Code makes it particularly difficult to navigate and understand. This arises because of differing font types, heading styles and lack of navigation markers which indicate where in the Code you are located at any one time. This is particularly challenging for practitioners and applicants alike, recognising the Code is over 5000 pages long.

The Government is therefore supportive of this recommendation and of the Code being reviewed to ensure it is as functional and easy to navigate as possible. However, further consideration needs to be given to the appropriateness of an editor and graphic designer amending a statutory document and whether this would be more suitably undertaken by a planner or lawyer.

e-Planning/PlanSA – Additional e-Planning Improvements Identified Through Public Consultation

67

PlanSA undertake further engagement with Relevant Authorities to develop a more flexible workflow within the e-Planning portal.

The Government supports this recommendation.

The Panel made this recommendation on the basis that many Relevant Authorities advised of the inflexible and convoluted workflow which exists with the e-Planning system. The Panel heard this results in challenges, which

in turn result in inefficiencies. In a time where resourcing is a key challenge in the planning industry, anything which makes workflows less efficient warrants review.

The Government is therefore supportive of PlanSA engaging with Relevant Authorities across all sectors to consider and determine what workflow improvements could and should be made to improve the overall user experience of the e-Planning system.

68

Document management capabilities should be introduced into the e-Planning portal.

The Government supports this recommendation in principle.

Relevant Authorities called for the Panel to make recommendations pertaining to document management capabilities within the e-Planning portal and specifically, the ability to easily upload email correspondence. The Panel has highlighted in its commentary that there are cyber security

concerns which arise in connection with this request. These are valid concerns held by PlanSA and must be considered.

On this basis, whilst the Government supports this recommendation in principle, we also agree with the Panel that these improvements should only be implemented if and when all cyber security risks associated with it are able to be mitigated.

69

Increase the file upload capacity of the e-Planning portal.

The Government supports this recommendation in principle.

As with Recommendation 68, the Government is supportive of the file upload capacity being increased to reduce the administrative burden placed on both Relevant Authorities and applicants alike. However, as highlighted by the Panel, there are also cyber security concerns with increasing the upload capacity.

The Government is therefore supportive of this recommendation in principle, albeit only in circumstances where any cyber security concerns associated with the increased upload capacity can be mitigated.

e-Planning/PlanSA – Additional e-Planning Improvements Identified Through Public Consultation

70

Referral agency advice should only be published on the public register following a decision being made for non-publicly notifiable development applications.

The Government supports this recommendation in principle.

The Government understands the impetus of this recommendation and, noting the example provided by the Panel, agrees there would be benefit in reconsidering at what stage in the development application process referral agency direction should be made publicly available.

The Government provides in principle support for the Panel's recommendation that referral agency direction should only be made publicly available following a decision being made for non-publicly notifiable development applications. This recommendation strikes an appropriate balance between the public right to be informed, whilst not prejudicing the applicant in circumstances where the application was not otherwise notifiable. Accordingly, this will be considered for inclusion if an amendment Bill is progressed in the future.

71

The e-Planning system be reviewed to ensure fees are being consistently applied and appropriately distributed.

The Government supports this recommendation.

The Government agrees it is appropriate to review how fees are distributed in the e-Planning system to ensure this practice is consistent. We agree there may be merit in preparing a Practice Direction for this purpose and would expect this to be considered in the review that is undertaken.

It is also reasonable for consideration to be given to how the system can be improved to reduce the administrative burden imposed on referral agencies as a consequence of fee distribution. This should specifically contemplate the ability for the e-Planning system to automatically distribute fees by sub-agency, to remove the need for agencies to manually distribute fees.

Minor and Operational Recommendations

At Appendix 8 to its Final Report, the Expert Panel included a table of recommendations it considered to be minor and operational in nature. These were recommendations which did not command a substantive recommendation within the body of the Final Report.

The Government has also considered and responded to each of these 'minor and operational' recommendations.

Part 5 – Other

72 All matters identified in the Minor and Operational Recommendations table be referred to the Department for further investigation and implementation, where appropriate.

The Government supports this recommendation in principle.

The Government supports the investigation of the Panel's Minor and Operational Recommendations but has also provided specific views on each of those recommendations as follows.

PDI Act/Regulations

| Reform | Recommendation | Comment |
|--------|---|---|
| 1 | Definitions within the PDI Act and Code should be reviewed and additional definitions included. | <p>The Government supports this recommendation in principle.</p> <p>The Government agrees there is value in continuing to review and consider what additional terms could and should be defined in the PDI Act and Code. For the Code, this can and will occur regularly through the biennial technical review.</p> |
| 2 | Development to State Heritage Places should not attract a referral in certain circumstances. | <p>The Government supports this recommendation in principle and will undertake further investigation.</p> <p>The Government agrees there are certain types of development which may not warrant a referral to the Minister responsible for the administration of the <i>Heritage Places Act 1993</i>. However, we are also cautious about making concessions on what ought to be the subject of referral. This is particularly in circumstances where the development may materially impact the State Heritage Place. Accordingly, we consider further investigation ought to be undertaken to ascertain the extent to which the referral could (or should) be removed and the advice of the Heritage Branch of the Department for Environment and Water should be sought.</p> |
| 3 | Consideration should be given to aligning the definition of 'contiguous land' in both the PDI Regulations and the <i>Real Property Act 1886</i> . | <p>The Government supports this recommendation in principle and will undertake further investigation.</p> <p>The Government recognises the concern raised by surveyors and the difficulty that the misaligned definitions pose. However, we also recognise the current situation is analogous to that which existed under the former <i>Development Regulations 2008</i>. On that basis, we consider additional information needs to be gathered to identify the extent of the issues this inconsistency is causing. The Government considers this investigation is most appropriately undertaken by the South Australian Law Reform Institute (SALRI) which is about undertake a holistic review of the <i>Real Property Act 1886</i>. We will request SALRI consider aligning the definition of 'contiguous land' in the course of its review.</p> |
| 4 | Schedule 4 should be reviewed. | <p>The Government supports this recommendation in principle.</p> <p>The Government agrees there is benefit in reviewing Schedule 4 of the PDI Regulations. However, the Panel appears to have recommended this review with the intended outcome being to provide greater flexibility in the application of Schedule 4. This would have the effect of reducing onerous assessment processes for developments that only fail to meet the Schedule 4 criteria in a minor or otherwise insignificant way. We support this being investigated as part of the review to be undertaken but would expect modelling to be prepared to identify and mitigate unintended outcomes which may result from such an amendment.</p> |

PDI Act/Regulations

| Reform | Recommendation | Comment |
|--------|---|---|
| 5 | A sliding scale for development application fees pertaining to heritage places should be introduced, together with an ability to waive application fees for State Heritage Places in certain circumstances. | <p>The Government supports this recommendation in principle.</p> <hr/> <p>The Government agrees it is appropriate to introduce a sliding scale for development application fees for heritage places. This will assist in encouraging and supporting the owners of State Heritage Places to maintain and appropriately develop their properties. The Panel has also recommended there should be an ability to waive application fees in certain circumstances. We are uncertain as to when this would or would not be appropriate and will instruct the Department for Trade and Investment and the Department for Environment and Water to work collaboratively to determine if and when this may be appropriate, and how that discretion may be applied practically. Advice and direction from the Heritage Branch of the Department for Environment and Water should also be sought on this matter.</p> |
| 6 | Investigate, consult, and determine whether reform is required to encompass civil design within the regulatory framework for land divisions. | <p>The Government supports this recommendation in principle and will undertake further investigation.</p> <hr/> <p>The Government understands the concern identified by the Panel in this recommendation. However, additional information needs to be gathered to understand the extent of this issue, and whether this is a widespread concern. This is particularly in recognition of the legislative amendments that would be required to incorporate civil design into the regulatory framework, as well as the ongoing resources that would be required at a local government level to manage this additional process. Accordingly, further consultation and investigation will be undertaken with the Local Government Association to explore the breadth of this problem, and if appropriate, this recommendation may be considered for inclusion if an amendment Bill is progressed in the future.</p> |
| 7 | Ensure all future design guidelines reference matters related to disability inclusion and access. | <p>The Government supports this recommendation.</p> <hr/> <p>Consistent with the Outcome Areas of Australia’s Disability Strategy 2021–2031 and the State Disability Inclusion Plan, the Government is committed to ensuring people with disability live in inclusive, accessible, and well-designed homes and communities. Specifically, the Government is introducing National Construction Code enhancements which will commence in South Australia in October 2024 and include a minimum set of accessible housing standards for residential buildings. Any future design guidelines will also consider the needs of people with disability, where appropriate.</p> |

PDI Act/Regulations

| Reform | Recommendation | Comment |
|--------|---|---|
| 8 | Preliminary Site Investigations for land contamination should be able to be a Reserve Matter. | <p>The Government supports this recommendation.</p> <hr/> <p>The Government agrees this should be possible and notes the State Planning Commission has recently updated Practice Direction 14 in relation to Reserve Matters on constrained sites.</p> |
| 9 | The interface between the PDI Act and the <i>Fences Act 1975</i> should be reviewed to resolve the duplication of consultation requirements. | <p>The Government supports this recommendation.</p> <hr/> <p>The Government agrees the interface between these pieces of legislation should be reviewed, particularly in relation to the duplication of public notification processes. The Government supports this recommendation and will instruct the Department for Trade and Investment to work with the Attorney-General's Department (being the agency responsible for the administration of the <i>Fences Act 1975</i>) to determine an appropriate way forward.</p> |
| 10 | The State Government undertake and fund LiDAR tree mapping at appropriate intervals. | <p>The Government supports this recommendation in principle and will undertake further investigation.</p> <hr/> <p>The Government agrees that LiDAR tree mapping should be undertaken at regular intervals to ensure we understand the extent of our tree canopy in South Australia. It is in the best interests of the State to ensure we have this understanding. However, consideration needs to be given to how we achieve long term funding for LiDAR tree mapping and further investigations need to be undertaken to ensure this can be realised.</p> |
| 11 | Payments made to local and State government in accordance with the PDI Act and/or PDI Regulations should be recognised and annually reported through Treasury management processes. | <p>The Government supports this recommendation in principle and will undertake further investigation.</p> <hr/> <p>The Government agrees that the use of public funds, particularly those contributed for a specific purpose (i.e. tree off-set schemes, car parking funds) should be transparent. We will investigate how this can best be achieved, but support, in principle, the introduction of a requirement to annually report on income and expenditure payments made under the PDI Act and/or PDI Regulations through a Treasury management process.</p> <p>Notwithstanding, we note a level of transparency is already provided for State managed funds through the annual Estimates process, whereby the Opposition may ask questions of the Government.</p> <p>The Government also encourages local government to be more transparent with the use of public funds collected or distributed to them for specific purposes (such as for street trees, footpaths, and other infrastructure) and to demonstrate to their ratepayers (and the applicants making the contributions) how and where those funds are being expended.</p> |

PDI Act/Regulations

| Reform | Recommendation | Comment |
|--------|---|--|
| 12 | The State Government investigate what mechanisms are available to it to provide copyright protection to local government, and in what circumstances those protections would be available. | <p>The Government supports this recommendation.</p> <hr/> <p>The Government agrees it is appropriate to investigate how copyright protection can be extended to local government. However, we also recognise given the <i>Copyright Act 1968</i> is Commonwealth legislation, the PDI Act cannot override its application. We will instruct the Department for Trade and Investment to work with the Attorney-General's Department to undertake this investigation and consider if, how and in what circumstances protection may be afforded.</p> |
| 13 | Outline consents should be commenced as soon as reasonably practicable. | <p>The Government supports this recommendation.</p> <hr/> <p>The Government agrees with this recommendation and understands the State Planning Commission has recently concluded public consultation on a draft Practice Direction for this purpose.</p> |
| 14 | The referral timeframes prescribed in the PDI Regulations should be reviewed to ensure they appropriately align. | <p>The Government supports this recommendation.</p> <hr/> <p>The Government agrees there is benefit in aligning referral timeframes, particularly those referral bodies which may regularly seek concurrence from one another (i.e., the Native Vegetation Branch of the Department for Environment and Water and the Country Fire Service). We support the review of the referral timeframes and for a regulatory amendment to be undertaken if appropriate.</p> |

Planning and Design Code

| Reform | Recommendation | Comment |
|--------|---|--|
| 15 | Refine Performance Outcome 6.1 in the Local Heritage Place Overlay to exclude deterioration due to neglect as a supporting factor for demolition, as in State Heritage Place Overlay. | <p>The Government supports this recommendation.</p> <hr/> <p>The Government considers this amendment is both sensible and appropriate and may assist in the greater protection of local heritage places. This recommendation supports this Government’s aim to provide additional protection to heritage in our State. Accordingly, in addition to advancing this recommendation, the Government considers it is also appropriate for the State Planning Commission to investigate whether Performance Outcomes in relevant Overlays of the Code can be strengthened to limit when demolition can occur and/or include additional pre-conditions to demolition.</p> |
| 16 | Planning and Land Use Services undertake a language and consistency check of the Planning and Design Code to ensure the same terms and expressions are used throughout. | <p>The Government supports this recommendation.</p> <hr/> <p>The Government agrees there would be benefit in undertaking a language and consistency check of the Code, particularly considering the comments made by the ERD Court in recent judgments. We also concur with the Panel that this review should incorporate, and consider more broadly, the rules of interpretation included in the Code, and whether there is appetite to make those rules more prescriptive for the benefit of Accredited Professionals.</p> |
| 17 | The Hills Face Zone be reviewed to consider minor boundary anomalies. | <p>The Government supports this recommendation in principle and will undertake further investigation.</p> <hr/> <p>The Government considers there may be merit in reviewing the Hills Face Zone but would expect this would not occur until the State Planning Commission has finalised the Greater Adelaide Regional Plan. This is because the outcomes of the Greater Adelaide Regional Plan may directly influence this matter. Notwithstanding, if a review of the Hills Face Zone is deemed appropriate, prior to doing so, we expect a strict definition of ‘anomaly’ would be determined to ensure only those true anomalies are considered. This definition should be determined by the State Planning Commission and presented to the Minister for Planning for endorsement, prior to any review being commenced. It is appropriate for the State Planning Commission to undertake this review and prepare a report for the Minister for Planning’s consideration.</p> |

Planning and Design Code

| Reform | Recommendation | Comment |
|--------|---|--|
| 18 | Investigate the application of specified car parking rates for major open spaces. | <p>The Government supports this recommendation.</p> <hr/> <p>The Government agrees there is benefit in considering the application of a car parking rate for major open spaces, particularly those which may be expected to attract significant public interest from both within, and outside of, a locality (i.e., due to the provision of recreation facilities). We consider it would be appropriate for this to be considered through the consultation on the Greater Adelaide Regional Plan, specifically consultation with local government.</p> |
| 19 | The Code should be reviewed to ensure requirements are reasonable and practical. | <p>The Government supports this recommendation.</p> <hr/> <p>The Government agrees it is timely to undertake a wholesale review of the Code to ensure the tangible requirements it imposes (i.e., the rainwater tank example provided by the Panel) are reasonable and practical in all circumstances. The aim of this review should be to ensure the Code is not imposing any unnecessary requirements or expenses on applicants. The Department for Trade and Investment should undertake this review, following which it should seek feedback from Relevant Authorities (prior to any Code Amendment process) as to any additional matters that may also be worthy of consideration.</p> |
| 20 | There should be a bi-annual Code Amendment which deals with minor matters. | <p>The Government supports this recommendation in principle and will undertake further investigation.</p> <hr/> <p>The Government agrees there may be benefit in undertaking a regular review of the Code, which is why there is a planned biennial Miscellaneous Technical Enhancement Code Amendment. The Government considers undertaking a bi-annual review would be administratively burdensome, particularly noting the average Code Amendment takes 57 weeks to facilitate.</p> <p>We also acknowledge and agree there is benefit in section 76 of the PDI Act being utilised on a more frequent basis to facilitate minor amendments to the Code. However, we consider in circumstances where section 76 is relied upon more frequently, there may also be benefit in clarifying what qualifies as a 'minor and operational amendment' for the purposes of the legislation. This would provide clarity to both policy makers and the community as to what is appropriate to be amended using section 76 (which may, as suggested by the Panel, include updates to definitions or grammatical errors). This will be considered for inclusion if an amendment Bill is progressed in the future.</p> |

E-Planning and PlanSA

| Reform | Recommendation | Comment |
|--------|---|--|
| 21 | A list of restricted development types applicable to a site must appear when you search a property address on the PlanSA website. | <p>The Government supports this recommendation.</p> <hr/> <p>The Government agrees with the Panel that the PlanSA website should provide all the relevant information pertaining to a property address, including the Restricted Development types associated with that location.</p> |
| 22 | Relevant Authorities should be required to upload evidence of applicant agreement prior to making an additional Request for Information. | <p>The Government supports this recommendation.</p> <hr/> <p>The Government agrees with the Panel that Relevant Authorities should not be able to make more than one Request for Information (RFI) in the absence of demonstrable agreement from the applicant. The intention of regulation 33 of the PDI Regulations was to reduce the number of RFIs being issued in the course of a development assessment, and to ensure unnecessary delays were not occasioned by numerous requests. On that basis, we do not consider it is unreasonable for evidence to be uploaded to the e-Planning portal to demonstrate a further RFI may be issued.</p> |
| 23 | A Development Approval should not be issued in the absence of the provision and assessment of wastewater systems and should be recorded on the e-Planning portal. | <p>The Government supports this recommendation in principle and will undertake further investigation.</p> <hr/> <p>The Government agrees the provision of wastewater information should not be able to be waived, and confirmation of its provision should be required by the e-Planning portal prior to any Development Approval being issued. However, prior to implementing this recommendation, we consider further investigation is required to ascertain the extent to which this is occurring and how the imposition of this requirement would work practically.</p> |
| 24 | The e-Planning portal should enable duplication of information. | <p>The Government supports this recommendation.</p> <hr/> <p>This is a basic improvement that will yield administrative advantages for applicants.</p> |
| 25 | Go-Zones should be mapped on the South Australian Property and Planning Atlas. | <p>The Government supports this recommendation in principle and will undertake further investigation.</p> <hr/> <p>The Government is supportive of this proposed improvement, particularly given its nexus with the Code policy provisions for affordable housing. As with all mapping updates to the South Australian Property and Planning Atlas, there are resourcing implications, and we consider further investigation is required to understand the resourcing required in its delivery.</p> |

Summary

Planning, Development and Infrastructure Act 2016 – Public Notification and Appeals

| Reform | Recommendation | Response |
|--------|---|--|
| 1 | Proposed developments which exceed the maximum height identified in the Code (including any affordable housing incentive) should attract third-party appeal rights. | The Government supports this recommendation. |
| 2 | Greater education needs to be provided on public notification and how to make a submission on a development application. | The Government supports this recommendation. |
| 3 | Extend the public notification zone in rural areas outside of townships to align with separation zones identified by the Environment Protection Authority, based on proposed land use. | The Government supports this recommendation in principle and will undertake further investigation. |
| 4 | An additional 'on boundary' category of public notification should be created such that only directly affected neighbours are notified of on boundary developments by the Relevant Authority. | The Government supports this recommendation in principle and will undertake further investigation. |

Planning, Development and Infrastructure Act 2016 – Accredited Professionals

| Reform | Recommendation | Response |
|--------|--|--|
| 5 | <p><i>Phase 1</i> The Accredited Professionals Scheme and associated Regulations should be amended to remove the ability for building professionals to issue planning consents.</p> <p><i>Phase 2</i> Only Planning Accredited Professional Level 1 (Assessment Manager) practitioners may determine minor variations.</p> | The Government supports this recommendation in principle and will undertake further investigation. |
| 6 | The Government, through Planning and Land Use Services, works with Assessment Managers to identify and develop guidelines for minor variations which may be implemented by the State Planning Commission. | The Government supports this recommendation. |
| 7 | The e-Planning system should require a Relevant Authority to record when a minor variation has occurred. | The Government supports this recommendation. |
| 8 | There should be automatic mutual recognition for related professional bodies. | The Government supports this recommendation in principle and will undertake further investigation. |
| 9 | Accredited Professionals must be audited more frequently than once in every five (5) years. | The Government supports this recommendation in principle and will undertake further investigation. |

Planning, Development and Infrastructure Act 2016 – Impact Assessed Development

| Reform | Recommendation | Response |
|--------|---|--|
| 10 | Impact Assessed (Declared) development assessment is returned to a whole of Government process. | The Government does not support this recommendation. |

Planning, Development and Infrastructure Act 2016 – Infrastructure Schemes

| Reform | Recommendation | Response |
|--------|--|--|
| 11 | A Government business unit should be established to manage and implement infrastructure schemes. | The Government supports this recommendation. |

Planning, Development and Infrastructure Act 2016 – Local Heritage in the PDI Act

| Reform | Recommendation | Response |
|--------|--|--|
| 12 | Local heritage should be removed from the <i>Planning, Development and Infrastructure Act 2016</i> and incorporated into the <i>Heritage Places Act 1993</i> , thus aligning State and local heritage listing processes. | The Government supports this recommendation in principle and will undertake further investigation. |
| 13 | Section 67(4) and 67(5) of the <i>Planning, Development and Infrastructure Act 2016</i> should be repealed, or otherwise never turned on. | The Government supports this recommendation in principle and will undertake further investigation. |

Planning, Development and Infrastructure Act 2016 – Deemed Consents

| Reform | Recommendation | Response |
|--------|---|--|
| 14 | Increase the assessment timeframe associated with a Performance Assessed development applications to 30 business days for complex applications, thus increasing the time available before a Deemed Consent may be issued. | The Government supports this recommendation in principle and will undertake further investigation. |
| 15 | The Deemed Consent provisions should apply to land division applications. | The Government supports this recommendation in principle and will undertake further investigation. |

Planning, Development and Infrastructure Act 2016 – Verification of Development Applications

| Reform | Recommendation | Response |
|--------|---|--|
| 16 | The State Planning Commission should prepare a Practice Direction regarding verification. | The Government supports this recommendation. |
| 17 | The requirements of Schedule 8 should be reviewed to ensure that a Relevant Authority is provided with sufficient information to assess the nature of the application and assessment pathway, at the time of verification. | The Government supports this recommendation in principle and will undertake further investigation. |
| 18 | Increase the verification timeframe to align with development application complexity. | The Government supports this recommendation in principle and will undertake further investigation. |
| 19 | If an application is verified in less time than the legislated verification timeframe allows, any additional time available to verify the application should be added to the associated development assessment timeframe. If the legislated verification timeframe is exceeded, any additional time taken to verify the application should be deducted from the associated development assessment timeframe. | The Government supports this recommendation. |
| 20 | Land division verification should be recentralised. | The Government supports this recommendation in principle and will undertake further investigation. |

Planning, Development and Infrastructure Act 2016 – Minor Variations to Development Approvals

| Reform | Recommendation | Response |
|--------|---|---|
| 21 | The State Planning Commission investigate the cumulative impact of multiple minor variations and provide further guidance as to when a minor variation should and should not occur. | The Government supports this recommendation. |
| 22 | Minor variations to a planning consent once Development Approval has been issued should only be assessed by the relevant council. | The Government supports this recommendation in principle. |

Planning, Development and Infrastructure Act 2016 – Other

| Reform | Recommendation | Response |
|--------|--|--|
| 23 | The State Planning Commission should review the size and purpose of catalyst sites. | The Government supports this recommendation. |
| 24 | Demolition of all dwellings should be recorded on the e-Planning portal. | The Government supports this recommendation. |
| 25 | Local government and State government collaborate to review and redevelop the Local Design Review Scheme. | The Government supports this recommendation in principle and will undertake further investigation. |
| 26 | The State Planning Commission investigate implementing a land supply and demand monitoring program. | The Government supports this recommendation in principle and will undertake further investigation. |
| 27 | The State Planning Commission should review and amend the Community Engagement Charter to provide guidance on First Nations engagement. | The Government supports this recommendation. |
| 28 | The State Government should investigate and consider how planning is dealt with in out of council areas. | The Government supports this recommendation. |
| 29 | The State Government, through Planning and Land Use Services, should aid and guide those Relevant Authorities struggling to verify and assess development applications within the prescribed timeframes. | The Government supports this recommendation in principle and will undertake further investigation. |

Planning and Design Code – Character and Heritage

| Reform | Recommendation | Response |
|--------|---|---|
| 30 | The State Government, through Planning and Land Use Services, prepare a template set of design guidelines for character and historic areas. | The Government supports this recommendation in principle. |

Planning and Design Code – Character

| Reform | Recommendation | Response |
|--------|---|--|
| 31 | The Expert Panel supports the State Planning Commission’s proposal to require a replacement building to be approved prior to demolition being able to occur in Character Areas. | The Government supports this recommendation in principle and will undertake further investigation. |
| 32 | The role of Representative Buildings should be reviewed. | The Government supports this recommendation in principle. |

Planning and Design Code – Heritage

| Reform | Recommendation | Response |
|--------|---|--|
| 33 | To facilitate greater adaptive reuse of heritage places, the Planning and Design Code should include a broader range of possible land uses for heritage places than those listed in the relevant zone or subzone. | The Government supports this recommendation in principle and will undertake further investigation. |
| 34 | The State Government resource the identification and assessment of heritage that is not within a council area. | The Government supports this recommendation in principle and will undertake further investigation. |
| 35 | On the basis that local heritage is transitioned to the <i>Heritage Places Act 1993</i> , the places currently identified as local heritage should be reviewed to ensure they meet all relevant criteria. | The Government supports this recommendation in principle and will undertake further investigation. |

Planning and Design Code – Tree Policy

| Reform | Recommendation | Response |
|--------|--|--|
| 36 | The State Government review and refine the intersection between the <i>Planning, Development and Infrastructure Act 2016</i> and <i>Native Vegetation Act 1991</i> to remove confusion within the community and development sector, to ensure native vegetation is retained. | The Government supports this recommendation in principle and will undertake further investigation. |
| 37 | The Planning and Design Code policy should support design innovation to enable the retention of trees. | The Government supports this recommendation. |
| 38 | Extend the application of the Urban Tree Canopy Overlay to all new allotments in the Master Planned Neighbourhood Zone. | The Government supports this recommendation. |
| 39 | Extend the Urban Tree Canopy Overlay and the Regulated and Significant Tree Overlay to townships and address any anomalies in current township mapping for this purpose. | The Government supports this recommendation in principle and will undertake further investigation. |
| 40 | The Urban Tree Canopy Off-set Scheme fees are increased. | The Government supports this recommendation. |
| 41 | The Government investigate what additional and/or alternative penalties are available for tree damaging activity to disincentivise poor behaviour. | The Government supports this recommendation. |
| 42 | Investigations be undertaken to establish an independent arboriculture advisory body to provide advice on applications pertaining to significant trees. | The Government supports this recommendation. |
| 43 | Apply the tree regulations to all State Government projects. | The Government supports this recommendation in principle and will undertake further investigation. |
| 44 | The Government investigate what opportunities and mechanisms are available to encourage tree retention and planting on private land. | The Government supports this recommendation. |

Planning and Design Code – Infill Policy

| Reform | Recommendation | Response |
|--------|---|--|
| 45 | General infill design guidelines should be prepared in conjunction with industry to demonstrate and promote different styles and types of infill development. | The Government supports this recommendation in principle and will undertake further investigation. |
| 46 | The Planning and Design Code policy pertaining to strategic sites should be reviewed, and non-planning mechanisms should be investigated to assist with creating strategic sites. | The Government supports this recommendation in principle and will undertake further investigation. |
| 47 | The Planning and Design Code provisions pertaining to Private Open Space are revised. | The Government supports this recommendation in principle and will undertake further investigation. |
| 48 | The storage policy identified for apartments should apply to all forms of residential development. | The Government supports this recommendation. |
| 49 | A basic landscaping plan be provided for all infill developments to document how the soft landscaping requirements of the Planning and Design Code are to be adhered to. | The Government supports this recommendation in principle and will undertake further investigation. |

Planning and Design Code – Car Park Policy

| Reform | Recommendation | Response |
|--------|--|--|
| 50 | The minimum garage dimensions should be increased. | The Government supports this recommendation. |
| 51 | The requirement to provide undercover car parking should be removed from the Planning and Design Code, but provision of space for a covered car park should still be made available behind the face of the dwelling. | The Government supports this recommendation. |
| 52 | The State Planning Commission consider producing Local Road Design Standards for local roads. | The Government supports this recommendation in principle. |
| 53 | Electric Vehicle charging stations should generally be an exempt form of development, but investigations should be undertaken to determine in which locations they will be considered development. | The Government supports this recommendation in principle and will undertake further investigation. |
| 54 | Car Parking Offset Funds should be permitted to be used to build active travel infrastructure. | The Government supports this recommendation. |

Planning and Design Code – Other

| Reform | Recommendation | Response |
|--------|--|--|
| 55 | The Affordable Housing Overlay should apply to all residential, neighbourhood and activity centre zones. | The Government supports this recommendation. |
| 56 | The State Planning Commission prepare guidance material which indicates the role of planning in managing climate change and identifying how climate change is already included in the Planning and Design Code policy. | The Government supports this recommendation. |

e-Planning/PlanSA – Improvements Identified in Discussion Paper

| Reform | Recommendation | Response |
|--------|--|---|
| 57 | An independent user experience review of the PlanSA website is undertaken, following which the website interface is updated to be more user friendly and intuitive, acknowledging the various capabilities of users. | The Government supports this recommendation. |
| 58 | Create a simplified online submission form which does not require an applicant to have a PlanSA account and login. | The Government supports this recommendation. |
| 59 | Increase relevant authority data management within the Development Application Processing system. | The Government supports this recommendation. |
| 60 | Build Inspection Clocks into the Development Application Processing system. | The Government supports this recommendation. |
| 61 | A non-refundable lodgement fee should be paid at submission of a development application to 'lock in' the version of the Planning and Design Code to be used for assessment. | The Government supports this recommendation in principle. |
| 62 | Enable elective concurrent verification and assessment for Deemed to Satisfy development applications. | The Government supports this recommendation. |
| 63 | Investigate the implementation of automatic assessment for Deemed to Satisfy development applications. | The Government supports this recommendation. |
| 64 | Investigate the development of a mobile application to improve the mobile accessibility of the e-Planning system and PlanSA website. | The Government supports this recommendation. |

e-Planning/PlanSA – Additional e-Planning Improvements Identified Through Public Consultation

| Reform | Recommendation | Response |
|--------|--|---|
| 65 | Build into the e-Planning system an option for an assessing officer to record why a development moved from Deemed-to-Satisfy into Performance Assessed. | The Government supports this recommendation. |
| 66 | The online version of the Code should be reviewed by an editor and graphic designer. | The Government supports this recommendation in principle. |
| 67 | PlanSA undertake further engagement with Relevant Authorities to develop a more flexible workflow within the e-Planning portal. | The Government supports this recommendation. |
| 68 | Document management capabilities should be introduced into the e-Planning portal. | The Government supports this recommendation in principle. |
| 69 | Increase the file upload capacity of the e-Planning portal. | The Government supports this recommendation in principle. |
| 70 | Referral agency advice should only be published on the public register following a decision being made on a development application for non-publicly notifiable development. | The Government supports this recommendation in principle. |
| 71 | The e-Planning system be reviewed to ensure fees are being consistently applied and appropriately distributed. | The Government supports this recommendation. |

Part 5 – Other

| Reform | Recommendation | Response |
|--------|---|--|
| 72 | All matters identified in the Minor and Operational Recommendations table be referred to the Department for Trade and Investment for further investigation and implementation, where appropriate. | The Government supports this recommendation. |

