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Expert Panel Planning System Implementation Review  
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## **RESILIENT EAST DEPUTATION AND PLANNING SYSTEM IMPLEMENTATION REVIEW**

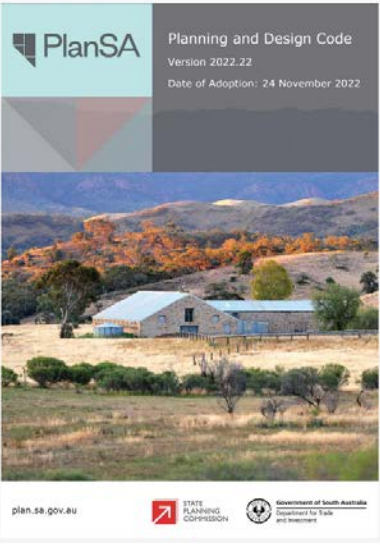
Dear Expert Panel Members,

Thank you for your time recently on 5th December 2022 when Ms Bec Taylor, Co-ordinator Resilient East and myself attended the Expert Panel to make a deputation as members of regional climate change partnerships. The following provides a summary of recommendations for change to the planning system and should be read in conjunction with the previous combined submission from Resilient East and Resilient South to the Expert Panel.

### **1 RESOURCED PROGRAM OF CODE POLICY IMPROVEMENT**

**Develop an agreed program and resourcing of how the State's Planning and Design Code will be progressively improved to embed the State Planning Policies.**

State Planning Policy 1: Integrated Planning
State Planning Policy 2: Design Quality
State Planning Policy 3: Adaptive Reuse
State Planning Policy 4: Biodiversity
State Planning Policy 5: Climate Change
State Planning Policy 6: Housing Supply and Diversity
State Planning Policy 7: Cultural Heritage
State Planning Policy 8: Primary Industry
State Planning Policy 9: Employment Lands
State Planning Policy 10: Mineral and Energy Resources
State Planning Policy 11: Strategic Transport Infrastructure
State Planning Policy 12: Energy
State Planning Policy 13: Coastal Environment
State Planning Policy 14: Water Security and Quality
State Planning Policy 15: Natural Hazards
State Planning Policy 16: Emissions and Hazardous Activities



The image shows a list of 16 State Planning Policies on the left, with a red arrow pointing from the list to the cover of the PlanSA Planning and Design Code on the right. The code cover includes the PlanSA logo, the title 'Planning and Design Code', the version 'Version 2022.22', and the date of adoption 'Date of Adoption: 24 November 2022'. The cover also features a photograph of a rural landscape with a blue-roofed building and a red arrow pointing from the list of policies to the code cover.

The State Planning Policies were developed, followed in 2018 by Discussion Papers prepared by the State Planning Commission to “*recommend policy directions for the Code, including...areas where further investigations or reform are necessary (Reform Gen 1 or Reform Gen 2 and beyond)*” (Natural Resources and Environment Policy Discussion Paper August 2018, pg 7).

Identified in the Natural Resources and Environment Policy Discussion Paper (and other Policy Discussion Papers) were future Code Policy improvements, many of which remain unclear as to their progression or resourcing.

The Discussion Paper identified the following priorities for policy enhancement, which was to occur following the initial transition to the Code. There doesn't appear to be any publicly-communicated document outlining how the Code will be made future-ready or how the previously identified actions in the Policy Discussion Papers will be progressed. For example:

Green Infrastructure and Water Sensitive Urban Design

*1C Develop new "Deemed to Satisfy" and "Performance Outcomes for WSUD and GI (Green Infrastructure). (pg 27)*

Energy Efficient Design

*1F There is an opportunity to better apply energy efficiency policies to non-residential buildings such as consulting rooms, offices, educational establishments, retail and community, where there is a high level of human use. (pg 28)*

Biodiversity

*3E Develop policies and maps of the environmental and character values associated with specific nature protection and complementary developed areas. (pg 32)*

Actions such as these remain as outstanding tasks, with clarity required as to the timing and scope for their progression. Policy actions outlined in the four Policy Discussion Papers need to be re-visited, together with an audit of the State Planning Policies, to inform a program of Code policy improvement, together with the allocation of appropriate resources to achieve this.

## **2. CONSISTENT AND ENHANCED APPLICATION OF WATER SENSITIVE URBAN DESIGN POLICY IN PLANNING AND DESIGN CODE**

**Water Sensitive Urban Design Policy is not applied to some landuses under the P& D Code and is applied inconsistently and without DTS/DPF criteria in urban areas.**

Previous submissions by Resilient East have drawn attention to the inconsistent application of WSUD policy, a reduced performance approach for urban areas, variable application across different locations and zones and the omission of water capture and water quality policy for some land uses.

Work is underway by PLUS, DEW and Green Adelaide to produce an optional and voluntary choice for applicants to incorporate Water Sensitive Urban Design in urban development. This voluntary guide will be ineffective if water management requirements are not called up by the Code. Getting the policy right in the Code should be prioritized over non-mandatory, external guideline documents.

Due to the inconsistent implementation, the Code sets a low or no requirement for some forms of development. For example, for a light industrial landuse in an Employment Zone (which encourages uses such as retail fuel outlet, motor repair station, warehouse) there is no policy able to be applied (as per Table 3) to require a Development Application to capture and store water or to apply any level of water quality treatment.

There is a need for an audit of the Planning and Design Code to examine how it addresses State Planning Policy 14: Water Security and Quality

## **3. INTRODUCE AN ESD TOOL FOR ASSESSMENT UNDER THE CODE**

**Develop an ESD assessment tool, called up in the P& D Code, requiring all development to demonstrate sustainability and climate resilient outcomes, bringing SA into line with other states (Vic/NSW).**

There is no policy guidance or quantifiable measures under the P & D Code to require applicants to demonstrate a minimum level of energy efficiency design, this is resulting in poor liveability and energy consumption outcomes for occupants and poor environmental outcomes. Development Assessment Planners, under the current Code, have no policy guidance to determine whether a development meets the Performance Outcomes.

Environmental	
PO 14.1 Development minimises detrimental micro-climatic impacts on adjacent land and buildings.	DTS/DPF 14.1 None are applicable.
PO 14.2 Development incorporates sustainable design techniques and features such as window orientation, eaves and shading structures, water harvesting and use, green walls and roof designs that enable the provision of rain water tanks (where they are not provided elsewhere on <u>site</u> ), green roofs and photovoltaic cells.	DTS/DPF 14.2 None are applicable.
PO 14.3 Development of 5 or more building levels, or 21m or more in height (as measured from natural ground level and excluding roof-mounted mechanical plant and equipment) is designed to minimise the impacts of wind through measures such as:  (a) a podium at the base of a tall tower and aligned with the street to deflect wind away from the street (b) substantial verandahs around a building to deflect downward travelling wind flows over pedestrian areas (c) the placement of buildings and use of setbacks to deflect the wind at ground level (d) avoiding tall shear elevations that create windy conditions at street level.	DTS/DPF 14.3 None are applicable.

Extract from Planning and Design Code – Design in Urban Areas

Requiring all development to undertake a level of performance-based assessment to quantify a Development Application’s sustainability and climate resilient outcomes would bring SA into line with other states (Vic/NSW).

With the introduction of 7 star energy efficiency for residential buildings under the National Construction Code in October 2023<sup>2</sup>, there is a timing imperative to address this outcome at the planning assessment stage to achieve better building layout, orientation and climate smart design.

Sustainability tools are urgently needed – performance-based sustainability assessment tools should apply to all types of development, including as parameters for Deemed to Satisfy (DTS) pathways and Designated Performance Feature (DPF) policy.

Areas covered by such a tool can include:

- building orientation,
- shade,
- water sensitive urban design features (WSUD),
- biodiverse sensitive urban design features (BSUD),
- tree canopy targets
- housing materials,
- energy performance, and
- landscaping (public and private realm).

The assessment tool, referenced in the Planning and Design Code, could be implemented by requiring an applicant to demonstrate the achievement of parameters of the tool, to be submitted with the Development Application.

This could be expanded into a “cooler suburbs” model for precinct or neighbourhood scale design where policy should require greater consideration at the subdivision or redevelopment stage, for building orientation, integrated stormwater capture and passive watering of integrated open space areas.

#### 4. STRENGTHEN TREE PROTECTION LAWS

**Strengthen tree protection laws, including off-sets to better protect mature trees and reflect their true economic, ecological and community value.**

Significant discussion has been provided on this area of reform in the Resilient East and Resilient South submission, which is supported.

## **5. USE IMPROVED SPATIAL SYSTEMS TO INFORM PLANNING AND DESIGN CODE**

**With significant advancements in spatial information, there should be greater utilisation of this information to inform the delivery of the planning system through Regional Plans and the Planning and Design Code.**

The planning system has the capability and policy instruments to better utilise important sustainability information such as critical habitat or biodiversity overlay, heat and tree canopy mapping, vulnerable communities analysis which should be used in the development of Regional Plans and enhancements to the Planning and Design Code.

## **6. DESIGN STANDARDS FOR PUBLIC REALM NEED TO PROTECT GREEN INFRASTRUCTURE ON COUNCIL LAND.**

**Ensure proposed Design Standards don't erode opportunities for green infrastructure on public land.**

Resilient East has recently conducted a workshop to explore what impact the State Planning Commission's first public realm Design Standard (Driveway Crossovers) will have on existing and future vegetation and WSUD infrastructure installed on Council land.

This has been raised with Planning and Land Use Services to ensure that the development of the Design Standard to remove Council control over verges and other public land, does not erode the ability to maximise green infrastructure on Council land.

Thank you for your consideration of the feedback provided in this submission to provide an increased focus on improving climate responsive planning and design as part of the Expert Panel's independent review of the planning system.

Yours sincerely,



Eleanor Walters  
**Resilient East Steering Group Member**