



CITY OF
TEA TREE GULLY
Naturally Better

Mr John Stimson
Presiding Member
Planning System Implementation Review
GPO Box 1815
Adelaide SA 5001
Via email: DTI.PlanningReview@sa.gov.au

25/01/2023
Our ref: D23/5102

Dear Mr Stimson

Expert Panel Review of Planning System Implementation – City of Tea Tree Gully Submission

Thank you for the opportunity to provide feedback on the Expert Panel Review of the Planning System Implementation released for public consultation from 25 August 2022 to 30 January 2023.

Council appreciates the extension of time granted to Local Government to provide a submission given the public consultation period was primarily undertaken during caretaker period.

At its meeting on 24 January 2023, Council considered the scope of the Expert Panel's review and the impacts that the implementation of the Planning System has had on the City of Tea Tree Gully. At that meeting Council endorsed the attached submission.

This submission provides a summary of key concerns that have been identified relating to Planning and Design Code (the Code) policy within our Council area since the implementation of the Planning and Design Code in March 2021. It builds on a body of work by Council with Jensen Plus which was previously undertaken in 2018 regarding policy recommendations for infill development to assist in the drafting of Code policy. This submission also identifies concerns that have arisen with the e-Planning solution, and the operation of the *Planning, Development and Infrastructure Act 2016*.

The City of Tea Tree Gully thanks the Expert Panel for the opportunity to provide a submission during their review, and look forward to working collaboratively with the Panel and PLUS to implement the recommendations outlined within this submission.

Should you have any questions regarding the content of Council's submission, please do not hesitate to contact Jessica Lewig, Strategic Urban Planner, on [REDACTED] or via email [REDACTED]

Yours sincerely

[REDACTED]

Ryan McMahon
Chief Executive Officer



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Expert Panel – Planning System Implementation Review

CITY OF TEA TREE GULLY SUBMISSION

Endorsed 24/01/2023

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1. Overview

The City of Tea Tree Gully welcomes the opportunity to provide a response to the Expert Panel's review of the Implementation of Planning Reforms.

The City of Tea Tree Gully has proactively participated at every opportunity to provide comment, feedback and advice to inform the development of the new planning system.

Council would like to flag some concerns regarding the public consultation and community engagement that has been undertaken as part of the Expert Panel's review. It is noted that consultation has been held during caretaker period. In particular, workshops for the CEO and Mayor were held during caretaker period (27 October 2022) but prior to the conclusion of Local Government elections. Further, planning practitioner workshops have not been held until the end of November (16-24 November) and community workshops not until the beginning of December (1-13 December). Given the 6-month timeframe the Expert Panel has had to undertake the review, the timing of workshops given the 16 December closing date for submissions was of concern. The subsequent notification on 1 December 2022 for the extension for submissions to 30 January 2023 came too late as the preparation of the submission and Council report were completed prior to this date to meet Council reporting and approval timeframes.

Council acknowledges that the new planning system seeks to achieve better outcomes for South Australia's economy, environment and communities. Outcomes such as more opportunities for South Australian's to shape their community, an easy to use e-planning system, a consistent and simplified development assessment process, and a focus on good design are all desirable outcomes. However it is considered that the new planning system has not achieved these original desired outcomes and intentions.

This submission provides a summary of key concerns that have been identified relating to Planning and Design Code (the Code) policy within our Council area since the implementation of the Planning and Design Code in March 2021. It builds on a body of work by Council with Jensen Plus which was previously undertaken in 2018 regarding policy recommendations for infill development to assist in the drafting of Code policy. This submission also identifies concerns that have arisen with the e-Planning solution, and the operation of the *Planning, Development and Infrastructure Act 2016*.

The City of Tea Tree Gully thanks the Expert Panel for the opportunity to provide a submission during their review, and look forward to working collaboratively with the Panel and PLUS to implement the recommendations outlined within this submission.

2. Previous research regarding Residential Infill Policy by City of Tea Tree Gully

From the early investigations into the Planning Reforms, the City of Tea Tree Gully has been keenly interested in how the Planning and Design Code might provide the opportunity to better manage the adverse impacts of urban infill on residential streetscapes, on neighbours and on those who live in infill housing.

Council was especially interested to understand what was working well, areas for improvement in design and policy, and what guidelines might be developed to inform the new Planning and Design Code in relation to infill housing in the City of Tea Tree Gully. As a result, Council staff worked with Jensen Plus in 2018 to develop a suite of policy recommendations to help inform the wording of Performance Outcomes in the Code. This work was informed by a range of research and investigations undertaken with the assistance of Council's Urban Design Advisory Service (provided by Jensen Plus) including:

- Auditing and evaluating completed development projects in the local area
- Tours of development projects within and outside of City of Tea Tree Gully
- Ongoing pre-lodgement advice and urban design referrals in relation to development projects
- Other established infill housing guidelines and codes (both local and interstate)
- Staff feedback / input at workshops
- Elected Member workshop outcomes (September 2018).

The project provided a library of policy solutions in a format compatible with the new Planning and Design Code. It was considered that the issues that were identified were not unique to Tea Tree Gully and would benefit many communities experiencing urban infill. A copy of our recommendations was provided to the (then) Department of Planning, Transport and Infrastructure to assist with the development of the Code or when updates to the Code occur.

A review of this body of work and the final policy of the Code has been undertaken recently to inform the Panel Review response. Whilst many of the recommendations have been partially incorporated in the current Code, it is considered that there is still scope for improvement on the existing policy relating to infill development. **Attachment 1** of this submission identifies the policy suggestions previously proposed by CTTG, the associated Code Policy which has been implemented in the current version of the Code, and further recommendations by CTTG to ensure the original intent is achieved. In summary, it is recommended that further consideration be given to the performance outcomes identified in **Attachment 1** in order to achieve better infill design outcomes.

The recommendations of this analysis are included within the body of this submission.

3. e-Planning Systems

3.1 Section 7 Searches and Form 1

It is considered that not all concerns relating to the e-Planning solution are specific to development assessment. There have been recurring issues that have been raised by CTTG staff and other Councils with PLUS relating to property searched (Form 1 or Section 7 Searches). The following is a summary of recurring issues that have been identified:

- Decisions Notification Forms are not linked to the correct properties. Frequently these documents are linked to parent title, and do not carry over to the child title if the land is divided. Once clearance under Section 138 of the *Planning, Development and Infrastructure Act 2016* has been issued, formal titles issued and SA Planning and Property Atlas (SAPPA) website has been updated, the linkages to any previous approvals are lost.
- When a Code Amendment is on consultation, this information is not included on the property extract (Section 7 extract) obtained from the Portal. Given the Portal contains this data and is mapped via the Code Amendment Consultation map viewer, it is unclear why this information cannot be linked to the property and included in the data extract.
- Details regarding Building Indemnity Insurance for PDI Act approvals are not included on the extract. Incomplete information is being provided on extract. There are frequent enquiries to obtain the following information which is not being extracted appropriately:
 - Name of person insured
 - Name of insurer
 - Limitations of the liability of the insurer (amount)
 - Name of builder
 - Builders license number
 - Date of issue of insurance
 - Description of insured building work
- When a development application on the subject property has been granted Planning Consent only, the Section 7 Extract does not identify that Building Consent and Development Approval are still required. This results in confusion for conveyancers and future property owners which are unsure whether full development approval has been granted.

It is noted that these issues are required to be raised individually each time they are identified, via email, to the PlanSA helpdesk, which is a labor intensive exercise for Council staff.

Recommendations:

- 1 A review be undertaken of the Section 7 Extract that is produced by the Portal to ensure compliance with legislative requirements, as well as addressing issues regarding missed information and linkages.

3.2 Line of Enquiry Tool

Whilst the Line of Enquiry tool is a useful tool for both customers and staff as it shows the kinds of development that may be envisaged for a property, and the planning rules for that property, there are some concerns regarding the accuracy of information that is provided when reviewing applicable policy that applies to specific properties. In particular:

- Restricted development is not listed. This provides an incomplete picture for an applicant when searching the kinds of development which may be envisaged on a property
- Incorrect linkages – the policy that is pulled through via the line of enquiry tool is not always the same as the policy that is included in the tables of the Code. This provides inconsistent and inaccurate advice for applicants

Recommendation:

- 1 The information produced by the line of enquiry tool is reviewed to ensure:
 - a) Restricted development is listed
 - b) Policy linkages are correct

3.3 Classification Tables and Linkages

As raised in Council’s submission on the Miscellaneous and Technical Enhancements Code Amendment, poor policy linkages in land use classification tables in the Code is a significant issue. In particular, the assessment of performance assessed development against all appropriate relevant provisions in the Code has been identified as a concern, given the Code only identifies specific policies from the zone, or general policies that the Commission has deemed relevant to assess against individual development types. Frequently there are missing linkages to relevant Code policy which therefore cannot be considered in the assessment of the application. These missing policy linkages are also of concern in the assessment of Deemed to Satisfy Development.

This has raised an important policy consideration as policy may be missed in the assessment process such as material finishes and articulation of facades, protection of regulated trees, tree planting and water sensitive design.

A thorough review of classification tables is considered an urgent matter.

Recommendations:

- 1 An urgent review of classification table linkages is undertaken. For example, provisions relating to the protection the Regulated Tree are not called up in the assessment of a development unless Tree Damaging Activity is selected as an element of development. Therefore, the consideration of a Tree Protection Zone may not necessarily be addressed as part of the development application. Linkages must be improved to ensure that protection of regulated tree provisions are called up for every built form application within the Regulated Tree Overlay, not just applications where Tree Damaging Activity has been identified by the applicant.

3.4 Portal Functionality

Concerns remain with the operation, efficiency and usability of the Planning Portal. Concerns highlighted with the planning portal include:

- inefficiencies the planning portal is causing within councils, particularly increased administration requirements and increased time verifying, assessing and determining basic applications.

- Enhancements being made to the Portal are effectively ‘tinkering’ at the edges rather than addressing some of the fundamental shortcomings.

The following is a summary of specific concerns that CTTG staff encounter on a regular basis relating to Portal functionality. Many of these issues have been raised with PlanSA via the Helpdesk, and whilst some have been added to enhancement projects, the priority of these enhancement projects is not always communicated to Council staff.

3.4.1 Nature of Development Descriptions

- Applicants are able to enter their own descriptions of the nature of development when lodging a development application.
- Frequently, this needs to be changed by the relevant authority to the true nature of development in line with definitions under the Planning and Design Code, however the detail the applicant has included in this description box is lost. This detail is often relevant to the assessment of the application, or includes information that is not otherwise shown on the submitted plans.

3.4.2 Navigating between screens

- No auto-save feature, therefore when the relevant authority or applicant navigates between screens, information previously entered is often lost.

3.4.3 Templates

- Templates generated by the portal (e.g. Request for Information letters, Decision Notification Templates, etc.) contain errors (grammatical and formatting) which need to be manually fixed by the relevant authority each time the template is generated.

3.4.4 Consents and staging of development applications

- There is not ability to add or modify the consents required once the application has been lodged e.g. an applicant may have identified that they require planning consent, but missed building consent.
- A new application is frequently required to be lodged, rather than having the ability to add the building consent requirement.
- The above concern also applies to staging of consents. It is unnecessarily difficult and, in some cases, impossible to modify the staging of a consent. Often a variation application is required to be lodged.

3.4.5 Requests for additional information (RFIs)

- RFIs cannot be closed off by the relevant authority if the applicant has not responded within the legislative timeframe, which means the assessment can not be finalised. The steps that have previously been provided by PLUS as a “work around” for this issue are unnecessarily complex.
- Extensions of time for applicants to respond to RFIs cannot be granted in the system when the extension of time is received within a few days of the expiry date
- Difficulty in managing responses to RFIs when the applicant has not responded holistically (i.e. only responded to some but not all of the required information)
- Applications sitting in wrong action tray due to outstanding RFI responses. This results in the relevant authority not being clear about the status of the application

3.4.6 Building Inspections

- Request the ability to be able to close off an inspection requirement based on evidence being presented (e.g. photos etc.) rather than having to confirm that a physical follow-up inspection has been undertaken.
- Recurring issue that certificates of occupancy are not being applied for commercial buildings. Request the system to prompt builders when a certificate of occupancy is required to be applied for.
- Building inspection notifications to be categorised by Building Class, to allow Building Inspectors to undertake inspections in order of priority and legislative requirement.

Recommendations:

- 1 Introduce auto-save feature within the Portal
- 2 Allow Relevant Authorities to create customized templates
- 3 Build in ability to add or remove consents for in progress applications without requiring the lodgment of a new or variation application
- 4 Build in ability to add or remove stages for in progress applications without requiring the lodgment of a new or variation application
- 5 Review of RFI process to ensure frequent and recurring glitches are rectified, rather than requiring work-arounds by the relevant authority.
- 6 Introduce the ability to close off an inspection with evidence provided, rather than requiring a follow-up inspection
- 7 Building inspection notifications to be categorized by Building Class
- 8 Prompt builder to lodge for Certificate of Occupancy.

4. Planning and Design Code Policy

4.1 Car Parking

4.1.1 Garage Dimensions

Whilst Code policies have provided increased support for reducing driveway widths and provision for on-street parking, the Code has not addressed the issue of the internal dimensions of garages.

It is noted in the *Discussion Paper -Planning and Design Code Reform Options* that the Expert Panel “does not consider that it is either reasonable or practical to increase the current requirement for two (2) off street car parks for homes of two (2) or more bedrooms”. The key issue may not necessarily be the number of car parking spaces that are provided, but the way these carparking spaces are used. On-street parking is being utilised in lieu of on-site carparking for the following reasons:

- Garages being used for storage as adequate storage provisions have not been made as part of the dwelling design
- Garage or visitor parking space not long enough to accommodate larger, more common vehicle styles such as SUVs

It is important that the policy recognises and responds to the function and dimensions of garage spaces particularly given the limited storage and utility spaces within dwelling and external areas. The internal dimensions of the garage should include the ability to walk past parked vehicles and open doors within garages to ensure they are suitable for their intended use.

Recommendations:

- 1 Minimum dimensions of garages to be increased to reflect the size of modern cars, in line with the LGA SA submission recommendations:
Single car spaces:
 - *Min 6m length*
 - *Min 3.5m width**Double car spaces:*
 - *Min 6m length*
 - *Min 6m width*
- 2 Fundamental issues that the dimensions of garages prescribed within the Code do not allow for parking and manoeuvrability of more common cars such as 4x4s and SUVs. Therefore car parking is occurring on streets, rather than utilising on site car parking. Carparking lengths should be 6m as recommended, rather than 5.4m to improve usability
- 3 Garage door should not exceed 50% of building frontage, rather than 50% of site frontage.
- 4 Concerns that it is difficult to undertake a DTS assessment to ensure that adequate on-street parking is retained, when dwellings can be assessed individually rather than as part of a holistic application. Design Standards recommended to be developed to address this issue

4.1.2 Storage and flow-on effects on carparking

There is a noticeably emerging issue regarding the need for increased storage in smaller dwellings and sites, and there is a need to allow flexibility in how and where storage is provided. As part of

Council's previous submission, a Performance Outcome was recommended which addressed storage requirements as follows: "Adequate storage for residents is provided in all dwellings".

As mentioned above, it is noted that this has been incorporated as Design in Urban Areas PO 28.4, however the associated DTS criteria is not called up in a DTS assessment, therefore the policy cannot be considered in a Deemed To Satisfy assessment. This frequently leads to storage concerns that result in garages being used for storage, with flow-on impacts on carparking. This highlights the importance of linkages in a Deemed To Satisfy or Performance Assessment.

Recommendations:

- 1 Linkages to be improved to ensure design In Urban Areas PO 28.4 and its associated DTS/DPF Criteria (relating to minimum storage requirements) are called up in the assessment of all new dwellings

4.1.3 Electric Vehicle Charging

Given the uptake of electric vehicle usage, adequate space should be provided on site for new dwellings for the charging of these vehicles. Currently, many electric vehicle users are having to charge their vehicles on the street using extension cords as there is inadequate space inside their garage. In order to future proof new dwellings for electric vehicle ownership, it is recommended that policy be included in the Code which require the provision of space for electric vehicle charging.

Recommendations:

- 1 Include policy which allows adequate space in garages for the provision of safe off-street charging of electric vehicles.

4.1.4 Design of Carparking spaces

Design requirements such as setbacks and driveway layouts can influence the design of development in a way that constrains the space available for off-street car parking. This can, in turn, impact the practicality and availability of on-street car parking. Council recommends undertaking a holistic review of the various design elements that influence the interaction between a property and the primary street to ensure that sufficient provision for off-street car parking exists, and also considers other intersecting elements of design, such as urban greening, building façade, driveway layouts and so on. This could lead to the development of a fact sheet or design guideline that builds on and/or updates the existing Commission fact sheet [Raising the Bar on Residential Infill in the Planning and Design Code](#). This may be appropriately included in any review of, or addition to, infill development guidelines.

The design of off-street car parking also has the capacity to impact associated policy areas including urban heat, urban greening and/or stormwater run-off from impervious surfaces. The Expert Panel has identified that there is scope to investigate means by which the planning system could include design solutions to support improved environmental performance such as permeable paving materials or creating more space for tree planting within larger car parking areas that service multiple dwellings. This approach is supported by Council.

Recommendations:

- 1 New PO and DTS criteria relating to carparking design developed per original recommendation (see attachment 1) as follows:

PO: Car parking requirements do not dominate designs including site layout.

PO: A variety of car parking arrangements are adopted across a site.

DTS/DPF: Where a development is accessed via a communal driveway, car parking is provided across a development site in the following formats:

- *Integrated under roofing of each dwelling.*
- *Located away from dwellings within enclosed or semi-enclosed clusters.*
- *Clusters open air parking spaces for visitors.*

DTS/DPF: Common car parking areas are screened from public view. Communal car parking areas are secure.

PO: Parking supports appropriate building orientation, form and relationship to neighbouring sites.

DTS/DPF: For corner sites or where access is available to a communal driveway, parking is provided and accessed from the secondary street frontage or communal driveway and not the primary frontage.

DTS/DPF: Single storey garages or carports are positioned between two or more storey dwelling forms.

4.2 Infill Development

4.2.1 Design Quality and variety

Councils and the community were told that the Code would significantly “lift the bar” in terms of the quality of design outcomes being achieved through the planning system. Therefore, good design and placemaking must be a central objective of the Code and must be enforceable in the assessment process. Good housing and urban design outcomes need to be an essential part of an acceptable living environment.

While the Code accommodates continued infill development in the metropolitan area, the design, impacts and management of infill development should be addressed more thoroughly in the Code, ideally with the guidance of a broader lens that considers the impacts of urban infill development within the existing locality. In the Code, infill development should be considered with regard to policies addressing design, neighbourhood character, and local context.

As raised in previous submissions by Council, infill development does not necessarily need to be provided only through narrow, typically detached, often abutting housing. There are a broad range of infill development outcomes and designs that are available for exploration and further

consideration in South Australia but are not being built. The City of Tea Tree Gully has previously undertaken work in this space to prepare a suite of different development typologies. One of the fundamental concerns is that the current policies in the Code have lost the ability for innovative design solutions that allow for well-designed infill development. As long as the Code makes one option (long, narrow allotments) easier to achieve than the others, this will be the default typology.

It is noted that the Expert Panel considers that there would be benefit in guidance material being prepared outlining what alternative or innovative options for infill development may be suitable for our neighbourhoods. Additionally, there exists the ability for the Code to be supported by 'advisory material in the form of planning or design manuals or guidelines' under section 66(5) of the PDI Act. It is recommended that more specific design guidelines be prepared in relation to infill development, and that these guidelines be designated as advisory material for the purposes of section 66(5), thus giving it greater force.

A better understanding is needed of the cumulative impacts of the current policies that encourage infill development, whether the areas that are identified for further infill development have the service and infrastructure capacity to sustain further development and the level of investment that is funded. These issues should be thoroughly considered and clearly articulated in a State Planning Policy on Infill Development to address the change in local character, the loss of the urban tree canopy, impact on carparking, stormwater and other council managed infrastructure and both public and private open space.

Recommendations:

- 1 Design in Urban Areas General Development policy linkages need to be improved to ensure that these are called up in every PO and DTS dwelling application
- 2 There are several Performance Outcomes contained within the Code relating to façade articulation, however these do not have correlating DTS provisions and are thus not linked for a DTS application. e.g Design in Urban Areas PO 1.1, 12.1, 12.2, 12.3 and 12.4. These PO need correlating DTS criteria to ensure they are called up in a DTS application
- 3 Increase in number of design features from 3 to 4 per original CTTG recommendation.
- 4 DTS criteria to be better aligned to original CTTG recommendations relating to design features
- 5 DTS Provisions required for Design in Urban Areas PO 9.1 relating to the design and appearance of retaining walls to ensure it can be considered in a DTS assessment.
- 6 It is recommended that more specific design guidelines be prepared in relation to infill development, and that these guidelines be designated as advisory material for the purposes of section 66(5), thus giving it greater force.

4.2.2 Density and Site Coverage

Council recognises that sustainable urban densities is key to healthy and vibrant communities. However, current policy should be reviewed to gain a greater understanding on cumulative impacts of infill development, particularly as it related to changes in local character, the loss of the urban tree canopy, on site and on street carparking, stormwater and other council managed infrastructure, and both public and private open space.

A key issue with development is that the increases in density (via smaller allotment sizes) has not always resulted in decreases in the size of dwellings. A such they appear large, bulky and provide

substantial site coverage across sites. Limiting building footprints will also enable adequate spaces to be provided for landscaping and suitable areas of private open space.

It is desirable that as density/height increases, building footprints reduce in relative terms to allow for green space and separation of buildings. Whilst smaller sites are likely to require a larger building footprint to achieve reasonable dwellings sizes, further testing is required to confirm that the right balance between desirable lot sizes and minimum dwelling floor areas does not facilitate excessively large dwellings.

Recommendations:

- 1 Further testing is required to confirm that right balance is achieved between lot sizes and desirable minimum dwelling floor areas which does not result in the construction of excessively large dwellings.
- 2 It is recommended that more specific design guidelines be prepared in relation to infill development and that these guidelines be designated as advisory material for the purposes of section 66(5), thus giving it greater force.
- 3 Include PO and DTS criteria relating to year-round comfort of private open space per original CTTG recommendations:
 - PO: Private open space is comfortable for occupants year round.*
 - DTS/DPF:*
 - A minimum of 6m², with a minimum dimension of 2m, of a neighbour's POS must have direct sunlight after determining the length of a shadow of a building.*
 - The principal private open space achieves northern orientation.*
 - At least 4m² of private outdoor space is covered to allow all-weather use.*
- 4 The following DTS criteria should be added in relation to separations between buildings per the CTTG original recommendations:
 - The minimum distance between opposing habitable rooms or balconies of adjacent dwellings is not less than 9 metres, unless direct line of sight is separated by fencing.*
 - Windows and balconies of dwellings on the same allotment are offset from each other.*
 - Buildings on the same allotment that do not have a direct street frontage are separated by*

4.2.3 Minimum allotment sizes and Localised Policy

Council acknowledges the intent of providing consistency with the application of the General Neighbourhood Zone across the vast majority of urban residential areas in the state. However, the loss of localised policy continues to be a concern for Council.

To this end, Council would like to flag that it is undertaking further investigations into the minimum allotment sizes that apply across its Council area which may result in a request to undertake a future Code Amendment that may seek to apply a Zone which allows larger minimum allotment sizes and allotment widths than envisaged by the General Neighbourhood Zone across specific locations.

Further, it is recommended that detailed Desired Character Statements be reintroduced for zones to provide clarity in relation to these outcomes sought. This would enable Councils the opportunity to include more localised policy within the Planning and Design Code to reflect local neighbourhoods and local character.

The Code omits local policy that has been developed by councils following robust investigations and in consultation with their communities over considerable time and at considerable expense. The

State-based approach as adopted in the Code removed this local policy, and in many instances, removed Structure Plans and Master Plans specifically developed for local and unique areas.

Recommendations:

- 1 The development of catalyst sites could benefit from good design guidelines. CTTG has previously undertaken work in this space to prepare a suite of different development typologies which could form the basis of these design guidelines
- 2 Reintroduce Structure Plans and Concept Plans that identify sites that would be suited for amalgamation or higher densities. Recommend using these Structure or Concept plans (which identify catalyst sites/ locations) to identify where design guidelines could apply.
- 3 It is recommended that detailed Desired Character Statements be reintroduced for zones

4.2.4 Bin storage and collection

A recurring issue within the City of Tea Tree Gully has been the lack of provision of bin storage areas behind the main façade of the dwelling. Due to provisions that allow for boundary builds or minimal side setbacks, there has historically been inadequate space being provided for bins to be stored behind the main façade of the dwelling, and space provided which allows for these bins to be brought safely and conveniently from the rear of the property to the front verge for bin collection. It is noted that the Code has included new provisions which aim to address these concerns, and it is recommended that these provisions remain and are strengthened.

Recommendations:

- 1 Retain and strengthen policy which requires:
 - a) Adequate storage space for bins to be provided behind the primary façade of the dwelling in urban areas
 - b) Safe and convenient thoroughfare for these bins to be deposited at the relevant bin collection point (e.g. verge, rear laneway etc.)

4.3 Cultural Heritage Impacts

Protecting areas of cultural and spiritual value is a shared responsibility of all tiers of government, developers and communities. Further work is required to include policies within the Planning and Design Code that consider non-European cultural and spiritual values, in particular that of our First Nations People.

Recommendations:

- 1 Introduce policies and linkages with other relevant legislation relating to protection of cultural heritage.

4.4 Climate Change and Energy Efficiency

The current Code does not have clear policy outcomes that promote energy efficient and carbon neutral buildings, apart from minimal standards of insulation and shading and tree planting. Further, those few policies that are included in the Code are not always appropriately linked within the

classification tables for applicable development and thus are unable to be considered as part of the development assessment process.

Land use planning plays an important role in climate change mitigation and adaptation. Upcoming amendments to the National Construction Code will see a requirement for new constructions to increase from a 6 star to 7-star rating. The Code should also be amended to require energy efficient and carbon neutral buildings and minimum energy star ratings, and these policies must be appropriately linked to appropriate development types, including infill residential development.

Recommendations:

- 1 The Code should be amended to require energy efficient and carbon neutral buildings and minimum energy star ratings, and these policies must be appropriately linked to appropriate development types, including infill residential development.
For example, the construction of “eaves of at least 450mm in depth to all facades” is one of 7 options that are able to be selected to satisfy DTS 20.2, of which only 3 are required to be satisfied. Therefore, it is not a mandatory requirement and can be satisfied with other design techniques. Recommend further consideration be given to weather protection of windows/doors to assist with energy efficiency of dwellings.

5. Planning Development and Infrastructure Act 2016

5.1 Infrastructure Schemes

Infrastructure Schemes are not serving the purpose they were intended for.

S162-184 of the PDI Act collectively deal with the establishment of infrastructure delivery schemes for basic and essential infrastructure. There are concerns that the processes and associated resource implications of such statutory schemes are complex and resource intensive. Further, no Regulations exist to support the development and administration of these schemes. Consequently, the traditional model of non-statutory infrastructure agreements tied to land by way of Land Management Agreement continues to be used.

Some concerns relating to Infrastructure Schemes include:

- Only legislation relating to Basic Infrastructure Schemes is currently operational under the PDI Act
- No ability for Basic Infrastructure Schemes to address social infrastructure needs
- Complex structure
- Uncertainty regarding the time required to implement the Scheme
- No infrastructure schemes have been initiated under the PDI Act, as the previous pilot projects have not progressed to Basic Infrastructure Schemes.

Recommendations:

- 1 Review of the functionality of Infrastructure Schemes

5.2 Public Notification

The differences in Public Notification requirements between the former Development Act and the PDI Act are substantial. One of the key concerns is that the changes in the definition of “adjacent land” result in more people being notified. In particular, more people are being notified for minor and envisaged kinds of development. However, it is also noted that these representors have less rights to appeal a decision, and no third-party appeal rights.

The process of Public Notification has also changed, in relation to the requirement for a sign on the land for certain kinds of development which are subject to public notification. There have been repeated concerns raised with PLUS regarding the management of applications where this sign on the land has not been there for the duration of the notification period. This can be due to the applicant electing to put up the sign themselves (rather than the relevant authority) and not doing so, or the sign being removed from the land without authorisation by third parties. In these instances, the Relevant Authority may determine that public notification be undertaken again in order to satisfy the legislative requirements, however the assessment clock does not stop. This re-notification is considered part of the assessment timeframe for the relevant authority, who then loses this time to undertake an assessment of the application. Clarity is required regarding the management of these applications where signage does not remain on the land for the duration of the public notification period.

Recommendations:

- 1 Updates to legislation and/or Practice Direction to provide more clarity regarding public notification requirements, process and procedures
- 2 Remove the ability for applicants to place the Public Notification sign on the land (i.e. require Relevant Authority to place sign, with relevant fee payable to Relevant Authority as per current process)

5.3 Assessment Timeframes

It is acknowledged that a relevant authority should deal with an application as expeditiously as possible and within the time prescribed by the Regulations.

However, it is considered that the assessment timeframes in the *Planning, Development and Infrastructure (General) Regulations 2019* (Regulations) do not consider the time required to undertake a thorough assessment of more complex applications, particularly those which are not subject to public notification.

Under the Regulations, the Relevant Authority only has 20 days to consider a performance assessed application which is not subject to notification. Within these 20 days, the Relevant Authority may need to undertake an initial assessment, request additional information, undertake internal referrals to other relevant departments for expert advice (e.g. stormwater, carparking, arboriculture etc.) which does not pause the assessment clock. Once all this advice and updated plans have been received, the Relevant Authority must then undertake a final assessment of the application against the numerous provisions of the Code that are considered relevant. In the case of All Other Code Assessed Development, this can be a particularly time consuming assessment. The 20 day timeframe is not considered adequate for the assessment of these complex applications, and does not allow sufficient time to negotiate with the developer to achieve a better design outcome.

Further, it is inconsistent that a performance assessed verandah or outbuilding has the same assessment timeframe as a performance assessed shopping centre, educational facility or complex residential flat building (when public notification is not required). AN urgent review of these timeframes is recommended in order to ensure that planning decisions are not being rushed through to meet the current timeframes in order to avoid being issued a deemed consent (more below).

Recommendations:

- 1 Timeframes for development assessment in the *Planning, Development and Infrastructure (General) Regulations 2019* be reconsidered or subject to flexibility, particularly relating to complex applications which require significant negotiations with developers to achieve positive planning outcomes.

5.4 Deemed Consents

Under section 125 of the PDI Act, where the relevant authority does not determine an application within the prescribed time, the applicant may give the relevant authority a deemed consent notice. Upon receipt by the relevant authority, planning consent will be taken to have been granted, subject to the standard conditions in Practice Direction 11. Alternatively, within 10 business days, the relevant authority may grant planning consent itself and impose its own conditions. To overturn a deemed planning consent, the relevant authority must apply to the ERD Court for an order quashing it.

There is strong concern about deemed consent provisions applying to performance assessed development. As mentioned above, the assessment timeframes in the Regulations and the deemed planning consent provisions in Section 125 result in reduced opportunities negotiations with the applicant to achieve the best possible planning outcomes.

Recommendations:

- 1 Repeal the concept of deemed consents.

6. Conclusion




Council thanks the Expert Panel for the opportunity to provide feedback during their inaugural review of the Planning Reforms Implementation. It is recommended that such a review of the planning system be undertaken regularly to identify any ongoing concerns or issues as they arise.

Council looks forward to receiving the recommendations of the Expert Panel, and requests that any changes be thoroughly tested by Councils and Relevant Authorities to ensure familiarisation with these amendments before they “go-live”.

Council remains committed to working with the State Planning Commission, the Expert Panel and Planning and Land Use Services to ensure ongoing improvements to the planning system that have regard to the best interests of our communities and achieve the objectives of the State Planning Policies.

7. Attachments

Attachment 1 - City of Tea Tree Gully Planning and Design Code Policy Review - Residential Infill 'Deemed-to-Satisfy' Policy Considerations

	No concerns, previous recommendations adopted
	Partially adopted, further consideration of recommendations warranted
	Not adopted, consideration should be given to including recommended policies into Code

1 Articulation and Architectural Interest					
	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)
1.1	<p>Development reduces the appearance of building bulk through articulation, the incorporation of a number of design features, and use of a variety of materials.</p>	<p>Each dwelling includes at least 4 of the following design features along each façade visible from the street or a communal space:</p> <ul style="list-style-type: none"> • Porch/portico projecting at least 1m from façade • Balcony projecting at least 1.8m from façade • Verandah projecting at least 1m from façade • Box window projecting at least 600mm from façade • Window awning or other features over / around a window a minimum 450mm in projection • Architectural fins or blades projecting a minimum 300mm • Habitable room window • Two or more primary materials (each comprising at least 40% of the front façade). 	<p>Design in Urban Areas PO 20.2 Dwelling elevations facing public streets and common driveways make a positive contribution to the streetscape and the appearance of common driveway areas.</p>	<p>Design in Urban Areas DTS 20.2 Each dwelling includes at least 3 of the following design features within the building elevation facing a primary street, and at least 2 of the following design features within the building elevation facing any other public road (other than a laneway) or a common driveway:</p> <ol style="list-style-type: none"> a) a minimum of 30% of the building wall is set back an additional 300mm from the building line b) a porch or portico projects at least 1m from the building wall c) a balcony projects from the building wall d) a verandah projects at least 1m from the building wall e) eaves of a minimum 400mm width extend along the width of the front elevation 	<p>Adopted with concerns No zone-specific policy.</p> <p>The Design in Urban Areas General Development provisions contain the design provisions, and are applied to specific development types depending on linkages.</p> <p>There are several additional Performance Outcomes contained within the Code relating to façade articulation, however these do not have correlating DTS provisions and are thus not linked for a DTS application. E.g.</p> <p><i>PO 1.1 Buildings reinforce corners through changes in setback, articulation, materials, colour and massing (including height, width, bulk, roof form and slope).</i></p> <p><i>PO 12.1 Buildings positively contribute to the character of the local</i></p>

		<p>And these features are contained within a road frontage articulation zone that extends up to 1m forward of the minimum required setback from the road frontage provided it does not exceed:</p> <ul style="list-style-type: none"> • 50% of the areas of the frontage zone for balconies and verandahs • 25% for all other design features 		<p>f) a minimum 30% of the width of the upper level projects forward from the lower level primary building line by at least 300mm</p> <p>g) a minimum of two different materials or finishes are incorporated on the walls of the front building elevation, with a maximum of 80% of the building elevation in a single material or finish</p>	<p>area by responding to local context.</p> <p>PO 12.2 Architectural detail at street level and a mixture of materials at lower building levels near the public interface are provided to reinforce a human scale.</p>
	Recommendation				<ol style="list-style-type: none"> 1. Given Design in Urban Areas General Development provisions contain the design provisions, and are applied to specific development types depending on linkages, these Linkages need to be improved to ensure that these are called up in every PO and DTS dwelling application 2. There are several additional Performance Outcomes contained within the Code relating to façade articulation, however these do not have correlating DTS provisions and are thus not linked for a DTS application. e.g Design in Urban Areas PO 1.1, 12.1, 12.2, 12.3 and 12.4. These PO need correlating DTS criteria to ensure they are called up in a DTS application 3. Increase in number of design features from 3 to 4 per original CTTG recommendation. 4. DTS criteria to be better aligned to original CTTG recommendations relating to design features
	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)
1.2	<i>Length, width and scale of buildings reduced through articulation of facades.</i>	<i>A minimum of 25% of front façade is setback an additional 300 mm.</i>	As above	As Above	<p>Adopted with concerns</p> <p>Whilst the Code adopts the recommendation of “a minimum of 25% of the façade is setback an additional</p>

		<p><i>The building includes changes in the line or materiality of the façade at least every 10 metres.</i></p>			<p>300mm.” this is one of 7 options that are able to be selected from to satisfy DTS 20.2, of which only 3 are required to be satisfied. Therefore, it is not a mandatory requirement and can be satisfied with other design techniques.</p> <p>There are several additional Performance Outcomes contained within the Code relating to façade articulation, however these do not have correlating DTS provisions and are thus not linked for a DTS application. E.g.</p> <p><i>PO 12.3 Buildings are designed to reduce visual mass by breaking up building elevations into distinct elements.</i></p> <p><i>PO 12.4 Boundary walls visible from public land include visually interesting treatments to break up large blank elevations.</i></p>
	<p>Recommendation</p>	<p>1. As above</p>			

2 Window Shading							
	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)		
2.1	Development provides sun/weather protection to windows, doors and openings	<p>All windows are protected by one or a combination of the following:</p> <ul style="list-style-type: none"> eaves of at least 450mm in depth to all facades and/or window hoods / awnings of at least 450mm depth and/or A deciduous tree of at least 6 metres at maturity and 1.5 metres height at planting is planted within 3 metres of a habitable window and/or A deciduous vine is planted on a pergola or arbour adjacent a habitable window and shades the window in summer. 	<p>Design in Urban Areas PO 20.2: Dwelling elevations facing public streets and common driveways make a positive contribution to the streetscape and the appearance of common driveway areas.</p> <p>Urban Tree Canopy Overlay PO 1.1: Trees are planted or retained to contribute to an urban tree canopy.</p>	<p>Design in Urban Areas DTS 20.2 Each dwelling includes at least 3 of the following design features within the building elevation facing a primary street, and at least 2 of the following design features within the building elevation facing any other public road (other than a laneway) or a common driveway:</p> <p>e) eaves of a minimum 400mm width extend along the width of the front elevation</p> <p>Urban Tree Canopy Overlay DTS 1.1: Tree planting is provided in accordance with the following:</p> <table border="1"> <tr> <td>Site size per dwelling (m2)</td> <td>Tree size* and number required per dwelling</td> </tr> </table>	Site size per dwelling (m2)	Tree size* and number required per dwelling	<p>Adopted, with concerns</p> <p>Whilst the Code adopts the recommendation of “eaves of at least 450mm in depth to all facades” this is one of 7 options that are able to be selected from to satisfy DTS 20.2, of which only 3 are required to be satisfied. Therefore, it is not a mandatory requirement and can be satisfied with other design techniques.</p> <p>Whilst there is a requirement to plant trees in the locations that the Overlay applies, there is no requirement for this to be near a habitable window. Other forms of planting, and awnings/window hoods are not mentioned.</p>
Site size per dwelling (m2)	Tree size* and number required per dwelling						

				<450	1 small tree	
				450-800	1 medium tree or 2 small trees	
				>800	1 large tree or 2 medium trees or 4 small trees	

Recommendations:

1. The construction of “eaves of at least 450mm in depth to all facades” is one of 7 options that are able to be selected from to satisfy DTS 20.2, of which only 3 are required to be satisfied. Therefore it is not a mandatory requirement and can be satisfied with other design techniques. Recommend further consideration given to weather protection of windows/doors per original suggestions to assist with energy efficiency of dwellings.

3 Provision for Landscaping and Canopy Cover

	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)
3.1	<i>Landscaping is established which contributes to establishing an attractive residential environment and streetscape, as well as supporting biodiversity</i>	<ul style="list-style-type: none"> • A minimum of 25% of the site area comprises landscaped areas. • Landscaped areas are distributed equally between dwellings and any communal areas on the site. • Landscape areas are distributed between front and rear of dwellings. 	Design in Urban Areas PO 22.1 Soft landscaping is incorporated into development to: <ol style="list-style-type: none"> a) minimise heat absorption and reflection b) contribute shade and shelter c) provide for stormwater infiltration and biodiversity 	Design in Urban Areas DTS 21.1 Residential development incorporates soft landscaping with a minimum dimension of 700mm provided in accordance with (a) and (b): <ol style="list-style-type: none"> a) a total area as determined by the following table: 	Adopted – apart from slight difference in perimeters.

- No less than 1 tree per street facing dwelling is provided along the street frontage(s) on the site.
- Where a communal driveway is proposed, a landscaped area of a minimum of 1 metre width is provided along the length of the driveway.

*Definition:
Landscaped areas are pervious areas that comprise a mix of trees, shrubs and groundcovers. To count as landscaped area, an area must have a minimum length of 1m and a minimum width of 1m. Landscaped areas do not include driveways, walkways, parking areas, services, meters, bin storage and letterbox areas.*

d) enhance the appearance of land and streetscapes.

Design in Urban Areas PO 34.2
Soft landscaping is provided between dwellings and common driveways to improve the outlook for occupants and appearance of common areas.

Dwelling site area (or average site area)	Minimum percentage of site
<150	10%
150-200	15%
>200-450	20%
>450	25%

b) at least 30% of any land between the primary street boundary and the primary building line.

Design in Urban Areas DTS 34.2 Other than where located directly in front of a garage or building entry, soft landscaping with a minimum dimension of 1m is provided between a dwelling and common driveway.

Recommendations:

Nil

	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)																
3.2	<p>A high standard of amenity and privacy for adjoining premises and for residents through planting of trees.</p>	<p>Development provides deep soil zones at the following areas and dimensions for the retention of existing vegetation or the planting of new deep root vegetation including tall trees with large canopies.</p> <p>Site <300m² - 10m² with min dimension of 1.5m and accommodate 1 small tree.</p> <p>300-1500m² site – 7% of site area, min dimension 3m and accommodate at least 2 small trees or 1 medium tree.</p> <p>1500m² + site – 7% of site area, min dimension 6m and accommodate at least:</p> <ul style="list-style-type: none"> • 1 large tree and 1 medium tree or 3 medium trees or 10 small trees. <p>Deep soil zones for trees achieve the following minimum areas:</p> <ul style="list-style-type: none"> • Small tree - 10m² • Medium trees - 30m² • Large trees – 60m² 	<p>Design in Urban Areas PO 13.1 Development facing a street provides a well landscaped area that contains a deep soil space to accommodate a tree of a species and size adequate to provide shade, contribute to tree canopy targets and soften the appearance of buildings.</p> <p>Design in Urban Areas PO 13.2 Deep soil zones are provided to retain existing vegetation or provide areas that can accommodate new deep root vegetation, including tall trees with large canopies to provide shade and soften the appearance of multi-storey buildings.</p>	<p>Design in Urban Areas DTS 13.1 Buildings provide a 4m by 4m deep soil space in front of the building that accommodates a medium to large tree, except where no building setback from front property boundaries is desired.</p> <p>Design in Urban Areas DTS 13.2 Multi-storey development provides deep soil zones and incorporates trees at not less than the following rates, except in a location or zone where full site coverage is desired.</p> <table border="1" data-bbox="1384 879 1762 1337"> <thead> <tr> <th>Site area</th> <th>Minimum deep soil area</th> <th>Minimum dimension</th> <th>Tree / deep soil zones</th> </tr> </thead> <tbody> <tr> <td><300 m²</td> <td>10 m²</td> <td>1.5m</td> <td>1 small tree / 10 m²</td> </tr> <tr> <td>300-1500 m²</td> <td>7% site area</td> <td>3m</td> <td>1 medium tree / 30 m²</td> </tr> <tr> <td>>1500 m²</td> <td>7% site area</td> <td>6m</td> <td>1 large or medium tree / 60 m²</td> </tr> </tbody> </table> <p>Tree size and site area definitions</p>	Site area	Minimum deep soil area	Minimum dimension	Tree / deep soil zones	<300 m ²	10 m ²	1.5m	1 small tree / 10 m ²	300-1500 m ²	7% site area	3m	1 medium tree / 30 m ²	>1500 m ²	7% site area	6m	1 large or medium tree / 60 m ²	<p>Adopted – apart from slight difference in parameters.</p> <p>However, these provisions only apply to Medium and High-Rise development, and are not linked to Deemed To Satisfy development in General Neighbourhood or Housing Diversity Neighbourhood Zones</p> <p>It is noted the Urban Tree Canopy Overlay also identifies soil areas within development sites.</p>
Site area	Minimum deep soil area	Minimum dimension	Tree / deep soil zones																		
<300 m ²	10 m ²	1.5m	1 small tree / 10 m ²																		
300-1500 m ²	7% site area	3m	1 medium tree / 30 m ²																		
>1500 m ²	7% site area	6m	1 large or medium tree / 60 m ²																		

				<table border="1"> <tr> <td>Small tree</td> <td>4-6m mature height and 2-4m canopy spread</td> </tr> <tr> <td>Medium tree</td> <td>6-12m mature height and 4-8m canopy spread</td> </tr> <tr> <td>Large tree</td> <td>12m mature height and >8m canopy spread</td> </tr> <tr> <td>Site area</td> <td>The total area for development site, not average area per dwelling</td> </tr> </table>	Small tree	4-6m mature height and 2-4m canopy spread	Medium tree	6-12m mature height and 4-8m canopy spread	Large tree	12m mature height and >8m canopy spread	Site area	The total area for development site, not average area per dwelling	
Small tree	4-6m mature height and 2-4m canopy spread												
Medium tree	6-12m mature height and 4-8m canopy spread												
Large tree	12m mature height and >8m canopy spread												
Site area	The total area for development site, not average area per dwelling												
	Recommendations:	Nil											
	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)								
3.3	<p><i>Development provides for the retention of a Regulated Tree and/or trees that contribute to visual amenity and/or environmental quality of the site and locality.</i></p>	<p><i>If a Regulated Tree and/or an existing tree over 8 metres in height is retained as part of a development, the minimum landscape area for a site can be discounted by 50% provided:</i></p> <ul style="list-style-type: none"> <i>a deep soil zone of 60m² is retained around the tree following the development.</i> <i>construction methods maintain a Tree Protection Zone over the deep soil zone for the entire construction period.</i> 	<p>Urban Tree Canopy Overlay PO 1.1: Trees are planted or retained to contribute to an urban tree canopy.</p>	<p>Urban Tree Canopy Overlay DTS 1.1: The discount in Column D of Table 2 discounts the number of trees required to be planted in DTS/DPF 1.1 where existing tree(s) are retained on the subject land that meet the criteria in Columns A, B and C of Table 2, and are not a species identified in Regulation 3F(4)(b) of the Planning Development and Infrastructure (General) Regulations 2017.</p> <table border="1"> <caption>Table 2 Tree Discounts</caption> <tr> <td>Retained tree height</td> <td>Retained tree spread</td> <td>Retained soil area around tree within develop</td> <td>Discount applied</td> </tr> <tr> <td>(Column A)</td> <td>(Column B)</td> <td></td> <td>(Column D)</td> </tr> </table>	Retained tree height	Retained tree spread	Retained soil area around tree within develop	Discount applied	(Column A)	(Column B)		(Column D)	<p>Adopted with concerns</p> <p>Whilst the ability to apply a discount to the required tree planting, the provisions protecting the Regulated Tree are not necessarily called up in the assessment of the development. Therefore, the consideration of a Tree Protection Zone may not necessarily be addressed as part of the development application.</p>
Retained tree height	Retained tree spread	Retained soil area around tree within develop	Discount applied										
(Column A)	(Column B)		(Column D)										

						ment site (Column C)		
					4-6m	2-4m	10m ² and min. dimension of 1.5m	2 small trees (or 1 medium tree)
					6-12m	4-8m	30m ² and min. dimension of 3m	2 medium trees (or 4 small trees)
					>12m	>8m	60m ² and min. dimension of 6m	2 large trees (or 4 medium trees, or 8 small trees)
	Recommendations:	<p>1. Provisions relating to the protection the Regulated Tree are not called up in the assessment of a development unless Tree Damaging Activity is selected as an element. Therefore, the consideration of a Tree Protection Zone may not necessarily be addressed as part of the development application. Linkages must be improved to ensure that protection of regulated tree provisions are called up for every built form application within the Regulated Tree Overlay, not just applications where Tree Damaging Activity has been identified by the applicant.</p>						
4	Street Appeal and Streetscape Interface							
	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)			
4.1	<p><i>Development creates attractive streetscape interfaces.</i></p> <p><i>Development creates useable front garden/setback areas for residents.</i></p>	<p><i>If a fence is provided within 3 metres of a primary street frontage, it achieves the one of the following:</i></p> <ul style="list-style-type: none"> <i>A maximum height of 2.1m along arterial road frontages.</i> 	Design in Urban Areas PO 9.1 Fences, walls and retaining walls of sufficient height maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to	nil	Adopted with concerns Whilst the policy has been included within the Code, it does not have associated DTS criteria that is called up in a Deemed to Satisfy assessment. Therefore, this policy cannot be			

	<p><i>Development contributes to safe neighbourhoods by increasing passive surveillance of the street including limiting the height or extent of solid walls or fences facing streets.</i></p>	<ul style="list-style-type: none"> <i>A maximum height of 1.2m along all other primary street frontages and up to the building line for a secondary street frontage, except where enclosing private open space (see 8. Private and Communal Outdoor Spaces).</i> <p><i>Retaining walls greater than 600m on high sides of streets and between the principal building façade and the street frontage are softened by planting for a minimum depth of 600mm on the low side of the retaining wall.</i></p>	<p>sunlight or the amenity of public places.</p> <p>Design in Urban Areas PO 9.2 Landscaping is incorporated on the low side of retaining walls that are visible from public roads and public open space to minimise visual impacts.</p>	<p>Design in Urban Areas DTS 9.2 A vegetated landscaped strip 1m wide or more is provided against the low side of a retaining wall.</p>	<p>considered in a DTS assessment.</p>
	<p>Recommendations</p>	<p>1. DTS Provisions required for Design in Urban Areas PO 9.1 relating to the design and appearance of retaining walls to ensure it can be considered in a DTS assessment.</p>			
	<p>CTTG Suggested Performance Outcome (2018)</p>	<p>CTTG Suggested DTS provisions</p>	<p>Planning and Design Code Performance Outcome</p>	<p>Planning and Design Code DTS provisions</p>	<p>Analysis (Nov 2022)</p>
<p>4.2</p>	<p><i>Services are located in accessible but discreet locations and structures.</i></p>	<p><i>Services, such as water and gas meters, and communal facilities, such as letterboxes, are:</i></p> <ul style="list-style-type: none"> <i>screened from public view by fencing or</i> 	<p>nil</p>	<p>nil</p>	<p>Not adopted.</p>

		<i>landscaping or integrated within garden fencing.</i>			
Recommendations	<p>1. Include PO and DTS Criteria as previously recommended: <i>PO: Services are located in accessible but discreet locations and structures.</i> <i>DTS/DPF: Services, such as water and gas meters, and communal facilities, such as letterboxes, are screened from public view by fencing or landscaping or integrated within garden fencing.</i></p>				
CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)	
<p>4.3 <i>Street frontages are not dominated by parking and driveways.</i></p> <p><i>On-street parking is accommodated along frontages.</i></p> <p><i>Space for street trees is provided.</i></p>	<p><i>Vehicular access and parking are provided on secondary streets or lanes where they are available.</i></p> <p><i>Driveways for detached, semi-detached and row dwellings are clustered along frontages to provide at least 1 parking space between the driveway crossover clusters.</i></p> <p><i>Driveways for residential flat buildings and group dwellings are shared between two or more dwellings.</i></p> <p><i>Developments on corner allotments position driveways to two street frontages to avoid concentrating driveways close together.</i></p>	<p>Design in Urban Areas PO20.1 Garaging is designed to not detract from the streetscape or appearance of a dwelling.</p>	<p>Design in Urban Areas DTS 20.1 Garages and carports facing a street:</p> <ul style="list-style-type: none"> a) are situated so that no part of the garage or carport will be in front of any part of the building line of the dwelling b) are set back at least 5.5m from the boundary of the primary street c) have a garage door / opening width not exceeding 7m d) have a garage door / opening width not exceeding 50% of the site frontage unless the dwelling has two or more building levels at 	<p>Partially adopted Carparking lengths should be 6m as recommended, rather than 5.4m to improve usability</p> <p>Garage door should not exceed 50% of building frontage, rather than 50% of site frontage.</p> <p>Concerns that it is difficult to undertake a DTS assessment to ensure that adequate on-street parking is retained, when dwellings can be assessed individually rather than as part of a holistic application.</p> <p>Fundamental issues that the dimensions of garages prescribed within the Code do not allow for parking and manoeuvrability of more</p>	

		<p><i>A garage or carport door(s) or opening(s) to the garage or carport facing the street</i></p> <ul style="list-style-type: none"> <i>• must not exceed 50% of the width of the frontage of the building</i> <i>• must not exceed 35% of the area of the front façade of the building.</i> <p><i>For every three dwellings proposed along a street frontage at least one on-street car parking space of min. 6m length must be maintained. Note: 6m length driveway to driveway excluding kerb splays.</i></p>	<p>Design in Urban Areas PO 23.6 Driveways and access points are designed and distributed to optimise the provision of on-street visitor parking</p> <p>Design in Urban Areas PO 33.2 The number of vehicular access points onto public roads is minimised to reduce</p>	<p>the building line fronting the same public street.</p> <p>Where on-street parking is available abutting the site's street frontage, on-street parking is retained in accordance with the following requirements:</p> <ol style="list-style-type: none"> minimum 0.33 on-street spaces per dwelling on the site (rounded up to the nearest whole number) minimum car park length of 5.4m where a vehicle can enter or exit a space directly minimum carpark length of 6m for an intermediate space located between two other parking spaces or to an end obstruction where the parking is indented. <p>Design in Urban Areas DTS/DPF 33.2 Access to group dwellings or dwellings within a residential flat building is</p>	<p>common cars such as 4x4s and SUVs. Therefore, car parking is occurring on streets, rather than utilising on site car parking. See below for further commentary regarding utilisation of garages for storage.</p>
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			interruption of the footpath and positively contribute to public safety and walkability.	provided via a single common driveway.	
	Recommendations:	<ol style="list-style-type: none"> 1. Fundamental issues that the dimensions of garages prescribed within the Code do not allow for parking and manoeuvrability of more common cars such as 4x4s and SUVs. Therefore, car parking is occurring on streets, rather than utilising on site car parking. Carparking lengths should be 6m as recommended, rather than 5.4m to improve usability 2. Garage door should not exceed 50% of building frontage, rather than 50% of site frontage. 3. Concerns that it is difficult to undertake a DTS assessment to ensure that adequate on-street parking is retained, when dwellings can be assessed individually rather than as part of a holistic application. Design Standards recommended to be developed to address this issue 			
	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)
4.4	<i>Development positively addresses the street and provides passive surveillance of the public realm.</i>	<p><i>Buildings include a habitable room at ground or first floor to the primary street frontage, with at least one window facing toward the street.</i></p> <p><i>The entry door to a dwelling with direct frontage to a street faces the street.</i></p> <p><i>Front setback in urban areas of 3 metres.</i></p> <p><i>Front setbacks in suburban areas of 4m or 2m closer than</i></p>	Design in Urban Areas PO 17.1 Dwellings incorporate windows facing primary street frontages to encourage passive surveillance and make a positive contribution to the streetscape.	<p>Design in Urban Areas DTS 17.1 Each dwelling with a frontage to a public street:</p> <ol style="list-style-type: none"> a) includes at least one window facing the primary street from a habitable room that has a minimum internal room dimension of 2.4m b) has an aggregate window area of at least 2m² facing the primary street. <p>Design in Urban Areas DTS/DPF 17.2 Dwellings with a frontage to a public street have an entry door visible from the primary street boundary.</p>	Adopted

		<p><i>the average of adjoining sites, whichever is greater.</i></p> <p><i>Definition: Habitable room comprises living rooms and bedroom and/or rooms of a size able to be utilised as bedrooms.</i></p>		<p>The front setback in Housing Diversity Neighbourhood Zone, and Urban Renewal Neighbourhood Zone is 3m (except when opposite a reserve exceeding 2000m²).</p> <p>The front setback in General Neighbourhood Zone is within 1m of the front setbacks of adjoining properties.</p>	
	Recommendations:	Nil			
	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)
4.5	<i>Development contributes to greening of the street</i>	<p><i>Existing street trees are either:</i></p> <ul style="list-style-type: none"> <i>maintained and not damaged during construction</i> <i>approval is issued under Section 221 of the Local Government Act for removal and replacement tree(s) are identified for planting.</i> <p><i>The development provides for the planting of 1 street tree every 15 metres of frontage.</i></p> <p><i>Landscaping to the appropriate Council standard is provided</i></p>	Design in Urban Areas PO 23.3 Driveways and access points are located and designed to facilitate safe access and egress while maximising land available for street tree planting, domestic waste collection, landscaped street frontages and on-street parking.	Design in Urban Areas DTS 23.3 Driveways and access points satisfy (a) or (b): <ul style="list-style-type: none"> a) sites with a frontage to a public road of 10m or less, have a width between 3.0 and 3.2 metres measured at the property boundary and are the only access point provided on the site b) sites with a frontage to a public road greater than 10m: <ul style="list-style-type: none"> i. have a maximum 	Mostly adopted. The Code does not require the planting of street trees, but seeks to retain existing mature street trees.

		<p><i>along the frontage of the site that complements:</i></p> <ul style="list-style-type: none"> • <i>the landscaping on the development site or</i> • <i>landscaping within the road verge.</i> 	<p>Design in Urban Areas PO 23.4 Vehicle access is safe, convenient, minimises interruption to the operation of public roads and does not interfere with street infrastructure or street trees.</p>	<p>width of 5m measured at the property boundary and are the only access point provided on the site;</p> <p>ii. have a width between 3.0 metres and 3.2 metres measured at the property boundary and no more than two access points are provided on site, separated by no less than 1m.</p> <p>Design in Urban Areas DTS 23.4 Vehicle access to designated car parking spaces satisfy (a) or (b):</p> <p>a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of</p>	
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				<p>an application for the division of land</p> <p>b) where newly proposed, is set back:</p> <ul style="list-style-type: none">i. 0.5m or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset ownerii. 2m or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distanceiii. 6m or more from the tangent point of an intersection of	
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				iv. 2 or more roads outside of the marked lines or infrastructure dedicating a pedestrian crossing.	
	Recommendations:	Nil			
5	Site Amalgamation				
	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)
5.1	<i>New, larger building forms are developed on appropriately sized sites through amalgamation of land</i>	<p><i>Development comprising densities in excess of 67 dwellings per hectare (net density) only established on sites in excess of 1,400m² and a road frontage of at least 25 metres.</i></p> <p><i>Development comprising 4 or more storeys only established on sites in excess of 1,400m² and a road frontage of at least 25 metres.</i></p>	<p>Urban Renewal Zone PO 8.1 Allotments/sites created for residential purposes accommodate a diverse range of medium density housing.</p> <p>Urban Renewal Zone PO 8.2 High density residential development located on sites of a suitable size and dimension to achieve a high standard of amenity for occupants and neighbours</p>	<p>Urban Renewal Neighbourhood Zone DTS 8.1 Development will not result in more than 1 dwelling on an existing allotment or Allotments/sites for residential purposes achieve a net density of up to 70 dwellings per hectare.</p> <p>Urban Renewal Neighbourhood Zone DTS 8.2 Development with a net residential density over 70 dwellings per hectare on sites with a minimum area of 1200m² and minimum frontage width of 35m.</p>	<p>Partially Adopted slight parameter change.</p> <p>Potential benefit from design guidelines. CTTG has previously undertaken work in this space to prepare a suite of different development typologies.</p> <p>The loss of Structure Plans and Concept Plans to identify sites that would be best suited for amalgamation or higher densities.</p>

	Recommendations:	<ol style="list-style-type: none"> 1. The development of catalyst sites could benefit from the creation of design guidelines. CTTG has previously undertaken work in this space to prepare a suite of different development typologies which could form the basis of these design guidelines 2. The loss of Structure Plans and Concept Plans to identify sites that would be best suited for amalgamation or higher densities. Recommend the inclusion of these Structure or Concept plans to identify catalyst sites/ locations where design guidelines could apply. 			
	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)
5.2	<i>Development is not delayed due to difficulties of amalgamating by achieving densities below 67 dwellings per hectare and heights of up to 3 storeys.</i>	<p><i>Development comprises densities up to 67 dwelling per hectare.</i></p> <p><i>Development comprises buildings up to 3 storeys.</i></p>	Urban Renewal Zone PO 2.1 Buildings generally 2-3 levels with taller buildings located on sites that are a suitable size and dimension to manage massing and impacts on adjoining residential development.	Urban Renewal Neighbourhood Zone DTS 2.1 identifies TNVs with maximum building heights varying from 2-4 levels	Adopted.
	Recommendations:	Nil			
6	Narrow Infill Apartments				
	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)
6.1	<i>Development maximises dwellings that front onto streetscapes.</i>	<i>No less than two dwellings on an allotment have a frontage and entry direct to a street frontage.</i>	Design in Urban Areas PO 31.3 Development maximises the number of dwellings that face public open space and public streets and limits dwellings oriented towards adjoining properties.	nil	Adopted
	Recommendations:	Nil			

	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)
6.2	<p><i>Privacy and amenity impacts on residents and neighbours of buildings oriented perpendicular to the street are carefully managed.</i></p>	<p><i>No deemed to satisfy criteria provided.</i></p> <p><i>(Care should be taken to balance both the need for privacy and maintaining a suitable outlook and amenity for occupants of dwellings in this format. Encouragement of other typologies is strongly recommended).</i></p>	<p>Design in Urban Areas PO 16.1 Development mitigates direct overlooking of habitable rooms and private open spaces of adjacent residential uses in neighbourhood-type zones through measures such as:</p> <ul style="list-style-type: none"> a) appropriate site layout and building orientation b) off-setting the location of balconies and windows of habitable rooms or areas with those of other buildings so that views are oblique rather than direct to avoid direct line of sight c) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms d) screening devices that are integrated into the 	<p>nil</p> <p>nil</p>	<p>Adopted.</p>

			<p>building design and have minimal negative effect on residents' or neighbours' amenity.</p> <p>Design in Urban Areas PO 31.2 The orientation and siting of buildings minimises impacts on the amenity, outlook and privacy of occupants and neighbours.</p>		
	Recommendations:	Nil			
7	Spatial separation between buildings				
	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)
7.1	<p><i>Development is designed to:</i></p> <ul style="list-style-type: none"> • Provide suitable separation between buildings • provide open space around buildings for recreational opportunities • reduce the bulk of buildings • provide suitable occupant and neighbour outlook and privacy • provide for natural light and ventilation • provide space for landscaping 	<p><i>The side boundary setback for buildings and structures, other than for garaging or where in the form of common walls, is:</i></p> <ul style="list-style-type: none"> • for ground level and 1st storeys, not less than 1 metres • for 2nd storeys, not less than 2 metres or • for 3rd and 4th storeys, not less than 3 metres or • for buildings greater than 5 storeys in height, no deemed to 	<p>General Neighbourhood PO 8.1, Housing Diversity Neighbourhood PO 7.1 & Urban Renewal Zone PO 6.1</p> <p>Building walls are set back from side boundaries to provide: separation between dwellings in a way that contributes to a suburban character and access to natural light and ventilation for neighbours.</p>	<p>General Neighbourhood DTS 8.1, Housing Diversity Neighbourhood DTS 7.1 & Urban Renewal Zone DTS 6.1</p> <p>Other than walls located on a side boundary, building walls are set back from side boundaries:</p> <ol style="list-style-type: none"> at least 900mm where the wall height is up to 3m other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m 	<p>Partially adopted.</p> <p>Different parameters adopted, but with the same intent.</p> <p>However, the following have not been addressed: <i>The minimum distance between opposing habitable rooms or balconies of dwellings is not less than 9 metres, unless direct line of sight is separated by fencing.</i></p> <p><i>Windows and balconies of dwellings on the same</i></p>

	<ul style="list-style-type: none"> maintain the rhythm of buildings within a streetscape. 	<p>satisfy criteria are provided.</p> <p>Buildings and structures are set back not less than the following to the rear boundary:</p> <ul style="list-style-type: none"> 5 metres for a dwelling 2 metres for an open structure (such as a verandah or pergola). <p>The minimum distance between opposing habitable rooms or balconies of dwellings is not less than 9 metres, unless direct line of sight is separated by fencing.</p> <p>Windows and balconies of dwellings on the same allotment are offset from each other.</p> <p>Buildings on the same allotment that do not have a direct street frontage are separated by no less than 3 metres (other than where attached).</p>	<p>General Neighbourhood PO 8.2, Housing Diversity Neighbourhood PO 8.1 & Urban Renewal Neighbourhood PO 7.1</p> <p>Dwelling walls are set back from rear boundaries to provide:</p> <ol style="list-style-type: none"> separation between dwellings in a way that contributes to a suburban character access to natural light and ventilation for neighbours private open space space for landscaping and vegetation. 	<p>and</p> <ol style="list-style-type: none"> at least 1900mm plus 1/3 of the wall height above 3m for walls facing a southern side boundary. <p>General Neighbourhood DTS 8.2</p> <p>Dwelling walls are set back from the rear boundary at least:</p> <ol style="list-style-type: none"> if the size of the site is less than 301m²— <ol style="list-style-type: none"> 3m in relation to the ground floor of the dwelling 5m in relation to any other building level of the dwelling if the size of the site is 301m² or more— <ol style="list-style-type: none"> 4m in relation to the ground floor of the dwelling 6m in relation to any other building level of the dwelling. 	<p>allotment are offset from each other.</p> <p>Buildings on the same allotment that do not have a direct street frontage are separated by no less than 3 metres (other than where attached).</p>
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			<p>Design in Urban Areas PO 16.1 Development mitigates direct overlooking of habitable rooms and private open spaces of adjacent residential uses in neighbourhood-type zones through measures such as:</p> <ul style="list-style-type: none"> a) appropriate site layout and building orientation b) off-setting the location of balconies and windows of habitable rooms or areas with those of other buildings so that views are oblique rather than 	<p>Housing Diversity Neighbourhood DTS 8.1 & Urban Renewal Zone DTS 7.1 Dwelling walls are set back from the rear boundary at least:</p> <ul style="list-style-type: none"> a) 3m for the first building level or 0m where the rear boundary abuts a laneway b) 5m for any second building level c) 5m plus any increase in wall height over 7m for buildings of 3 building levels and above 	
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			<p>direct to avoid direct line of sight</p> <p>c) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms</p> <p>d) screening devices that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity</p>		
	Recommendations:	<ol style="list-style-type: none"> 1. The following DTS criteria should be added in relation to separations between buildings: <ol style="list-style-type: none"> a. The minimum distance between opposing habitable rooms or balconies of dwellings is not less than 9 metres, unless direct line of sight is separated by fencing. b. Windows and balconies of dwellings on the same allotment are offset from each other. c. Buildings on the same allotment that do not have a direct street frontage are separated by no less than 3 metres (other than where attached). 			
8	Private and Communal Open Spaces				
	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)
8.1	<i>Private open space is of a functional size, shape and location for occupants.</i>	<i>Principal ground level private open space must be provided for each dwelling that:</i> <ul style="list-style-type: none"> • <i>is at least 16m², and</i> 	Design in Urban Areas PO 21.1 PO 21.1 Dwellings are provided with suitable sized areas of usable	Design in Urban Areas DTS 21.1 Private open space is provided in accordance with Design in	Adopted.

- is at least 3m wide.

The principal private open space for dwellings without ground level access provided as follows:

- For a studio dwelling – 4m² with a minimum dimension of 1.8m
- for a 1 bedroom dwelling – 8m² with a minimum width of 2.1m
- for a dwelling with 2 bedrooms – 11m² with a minimum width of 2.4m
- for a dwelling with 3 or more bedrooms – 15m² with a minimum width of 2.6m.

The principal private open space is located behind the front building line except where:

- it is the only private open space able to achieve a northern orientation and
- it maintains a direct connection to the principal living areas of the dwelling.

private open space to meet the needs of occupants.

Design in Urban Areas PO 21.2

Private open space is positioned to provide convenient access from internal living areas

Urban Areas Table 1 - Private Open Space.

Design in Urban Areas

DTS/DPF 21.2 Private open space is directly accessible from a habitable room.

Table 1 – Private Open Space:

Dwelling Type	Dwelling / Site Config	Minimum Rate
Dwelling (at ground level, other than a residential flat building that includes above ground dwellings)		Total private open space area: Site area <301m ² : 24 m ² located behind the building line. Site area ≥ 301m ² : 60 m ² located behind the building line. Minimum directly accessible from a living room: 16m ² / with a minimum dimension 3m.
Dwelling in a residential flat building or mixed use building which incorporate	Dwellings at ground level:	15m ² / minimum dimension 3m
	Dwellings above ground level:	

				above ground level dwellings	Studio (no separate bedroom)	4m ² / minimum dimension 1.8m	
					One bedroom dwelling	8m ² / minimum dimension 2.1m	
					Two bedroom dwelling	11m ² / minimum dimension 2.4m	
					Three + bedroom dwelling	15 m ² / minimum dimension 2.6m	
	Recommendations:	Nil					
	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)		
8.2	<i>Private open space is comfortable for occupants year round.</i>	<i>A minimum of 6m², with a minimum dimension of 2m, of a neighbour's POS must have direct sunlight after determining the length of a shadow of a building.</i> <i>The principal private open space achieves northern orientation.</i> <i>At least 4m² of private outdoor space is covered to allow all-weather use.</i>					Not adopted.
	Recommendations:	1. Include PO and DTS criterial relating to year-round comfort of private open space as follows: PO: Private open space is comfortable for occupants year-round. DTS/DPF:					

		<p>A minimum of 6m², with a minimum dimension of 2m, of a neighbour's POS must have direct sunlight after determining the length of a shadow of a building. The principal private open space achieves northern orientation. At least 4m² of private outdoor space is covered to allow all-weather use.</p>			
	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)
8.3	<p><i>Communal open space is provided, and is well located and well-designed including to:</i></p> <ul style="list-style-type: none"> <i>provide passive surveillance opportunities, where appropriate.</i> <i>provide outlook for as many dwellings as practicable.</i> <i>avoid overlooking into habitable rooms and private open space of new dwellings.</i> <i>minimise noise impacts to new and existing dwellings.</i> <i>be accessible and usable for all surrounding dwellings.</i> <i>provide recreation functions.</i> <i>provide for efficient use of land.</i> 	<p><i>Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.</i></p> <p><i>Communal open space is at least 3m from the habitable room of a dwelling on the same site.</i></p> <p><i>Each habitable room window facing a communal open space is fitted with a privacy screen over that part of the window that is 1.5 metres or less above the floor level</i></p> <p><i>Communal open space could comprise a range of functions, including seating, BBQ and play spaces, swimming pool, ball sports etc.</i></p>	<p>Design in Urban Areas PO 32.1 Private open space provision may be substituted for communal open space which is designed and sited to meet the recreation and amenity needs of residents.</p> <p>Design in Urban Areas PO 32.2 Communal open space is of sufficient size and dimensions to cater for group recreation.</p> <p>Design in Urban Areas PO 32.3 Communal open space is designed and sited to:</p> <ol style="list-style-type: none"> be conveniently accessed by the dwellings which it services have regard to acoustic, safety, security and wind effects. <p>Design in Urban Areas PO 32.4</p>	<p>nil</p> <p>Design in Urban Areas DTS 32.2 Communal open space incorporates a minimum dimension of 5 metres</p>	Partially adopted

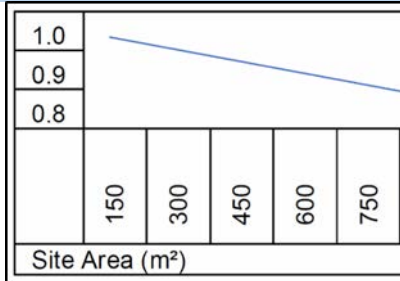
		<p><i>Developments with 10 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 50 square metres, whichever is lesser.</i></p> <p><i>Communal open space incorporates at least 3 of the following facilities:</i></p> <ul style="list-style-type: none"> • <i>Seating</i> • <i>BBQ area</i> • <i>Shelter</i> • <i>play spaces</i> • <i>sporting facilities</i> • <i>landscaped garden areas with trees, shrubs and groundcovers.</i> 	<p>Communal open space contains landscaping and facilities that are functional, attractive and encourage recreational use.</p> <p>Design in Urban Areas PO 32.5 Communal open space is designed and sited to:</p> <ol style="list-style-type: none"> a) in relation to rooftop or elevated gardens, minimise overlooking into habitable room windows or onto the useable private open space of other dwellings b) in relation to ground floor communal space, be overlooked by habitable rooms to facilitate passive surveillance. 		
	<p>Recommendations:</p>	<p>1. Adoption of DTS/DPF criteria for communal open space as previously recommended: <i>Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.</i></p> <p><i>Communal open space is at least 3m from the habitable room of a dwelling on the same site.</i></p> <p><i>Each habitable room window facing a communal open space is fitted with a privacy screen over that part of the window that is 1.5 metres or less above the floor level</i></p> <p><i>Communal open space could comprise a range of functions, including seating, BBQ and play spaces, swimming pool, ball sports etc.</i></p>			

Developments with 10 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 50 square metres, whichever is lesser.

Communal open space incorporates at least 3 of the following facilities:

- *Seating*
- *BBQ area*
- *Shelter*
- *play spaces*
- *sporting facilities*
- *landscaped garden areas with trees, shrubs and groundcovers.*

9 Overdevelopment and lack of diversity					
CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)	
9.1 <i>Building size limited to prevent over development of the site and maintain space for landscaping, site servicing, parking and manoeuvring of vehicles.</i>	<i>The maximum site coverage for all buildings on the site is:</i> <ul style="list-style-type: none"> • <i>70% of the site for rear loaded buildings</i> • <i>60% in all other cases.</i> <i>The maximum plot ratio of all buildings on the site of the development is consistent with the following table for sites between 150m² and 1,050m²</i>	General Neighbourhood PO 3.1 Building footprints allow sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.	No site coverage or plot ratio provisions found in Housing Diversity Neighbourhood Zone and Urban Renewal Neighbourhood Zone . General Neighbourhood Zone DTS 3.1 - The development does not result in site coverage exceeding 60%.	Partially adopted in General Neighbourhood Zone. Not adopted in Housing Diversity or Urban Renewal Zones. A key issue with development is the increases in density has not resulted in decreases in the size of dwellings. As such they appear large, bulky and provide substantial site coverage across sites. Limiting the extent of coverage of sites from building footprints	



Note: Plot ratio calculations include all building floor areas other than balconies and porticos.

will also ensure that adequate spaces are provided for landscaping and suitable areas of POS.

It is desirable that as density/height increases, building footprints reduce in relative terms to allow for green space, separation of buildings, etc.

This requires a sliding scale dependent on the overall size of the development site, recognising that smaller sites are likely to require a higher plot ratio to achieve reasonable dwellings sizes.

Further testing is required to confirm that the resultant plot areas achieve the right balance between desirable minimum dwelling floor areas and not facilitating excessively large dwellings.

Recommendations:

1. Further testing is required to confirm that right balance between lot sizes and desirable minimum dwelling floor areas does not facilitate excessively large dwellings.

	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)
9.2	<i>Development that provides a variety of dwelling sizes and types.</i>	<i>No deemed to satisfy criteria applicable.</i>	Design in Urban Areas PO 29.1 Buildings containing in excess of 10 dwellings provide a variety of dwelling sizes and a range in the number of bedrooms per dwelling to contribute to housing diversity.	Design in Urban Areas DTS 29.1 Buildings containing in excess of 10 dwellings provide at least one of each of the following: <ul style="list-style-type: none"> • studio (where there is no separate bedroom) • 1 bedroom dwelling / apartment with a floor area of at least 50m2 • 2 bedroom dwelling / apartment with a floor area of at least 65m2 • 3+ bedroom dwelling / apartment with a floor area of at least 80m2, and any dwelling over 3 bedrooms provides an additional 15m2 for every additional bedroom. 	Partially adopted , but only for buildings 4 or more storeys containing in excess of 10 dwellings. It is important to encourage diversity but allow flexibility. There would be benefit from Design Guidelines. CTTG has previously undertaken work in this space to prepare a suite of different development typologies. This can be achieved with legislative power through the use of Design Standards.
	Recommendations:	1. It is recommended that more specific design guidelines be prepared in relation to infill development, and that these guidelines be designated as advisory material for the purposes of section 66(5), thus giving it greater force.			
	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)
9.3	<i>Development that comprises housing typologies that are suited to the site characteristics and local context.</i>	<i>No deemed to satisfy criteria applicable.</i>	Design in Urban Areas 12.1 Buildings positively contribute to the character of the local	Nil	Intent missed CTTG has previously undertaken work in this space

		<p><i>It is important that the typologies match the site characteristics to avoid development designs that run down the block, do not adequately address the street, and result in poor outlook and privacy outcomes. Residential flat buildings, particularly apartments, should be limited to those scenarios where sites have been amalgamated and are of a sufficient width and depth to provide good design outcomes and separation to adjacent development.</i></p>	<p>area by responding to local context</p> <p>Design in Urban Areas PO 31.3 Development maximises the number of dwellings that face public open space and public streets and limits dwellings oriented towards adjoining properties.</p> <p>Design in Urban Areas PO 31.4 Battle-axe development is appropriately sited and designed to respond to the existing neighbourhood context.</p>	<p>Nil</p> <p>Design in Urban Areas DTS 31.4 Dwelling sites/allotments are not in the form of a battle-axe arrangement</p>	<p>to prepare a suite of different development typologies. Further guidance regarding design and suitability of different typologies in different contexts would be beneficial (e.g design guidelines)</p>
	Recommendations:	<p>1. It is recommended that more specific design guidelines be prepared in relation to infill development, and that these guidelines be designated as advisory material for the purposes of section 66(5), thus giving it greater force.</p>			
10	Waste and Storage				
	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)
10.1	<p><i>Communal waste storage and collection areas that are adequate in size, durable and blend in with the development and streetscape.</i></p>	<p><i>For residential flat buildings and group dwellings, bins are stored within dedicated bin enclosures within a communal area and screened as part the enclosure structure that:</i></p> <ul style="list-style-type: none"> <i>is located at least 3 metres from any</i> 	<p>Design in Urban Areas PO 1.5 The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built</p>	<p>nil</p>	<p>Partially adopted</p> <p>Whilst there is a PO which is similar in intent, there are no associated DTS criteria. It is noted that resi-flat and group dwellings generally do not have a DTS pathway in the relevant Zones. It is noted PO 1.5 is not</p>

		<p><i>habitable room window.</i></p> <ul style="list-style-type: none"> • <i>has a height no greater than 1.3m if forward of the building line.</i> • <i>has a path that connects the enclosure to the street boundary with a gradient less than 1:8 and free of steps.</i> • <i>is finished in a material and colour that matches either the buildings or fencing.</i> • <i>where located forward of the front building line, are screened from public view.</i> • <i>is located to the side or rear of a building where practical.</i> • <i>is adequately sized for the number of dwellings.</i> 	<p>form), taking into account the form of development contemplated in the relevant zone.</p> <p>PO PO 11.2 Communal waste storage and collection areas are located, enclosed and designed to be screened from view from the public domain, open space and dwellings.</p>		<p>called up in a Performance Assessment of Group Dwellings or Resi Flat</p>
	<p>Recommendations:</p>	<ol style="list-style-type: none"> 1. Develop appropriate DTS/DFP criteria for Design in Urban Areas PO 1.5 relating to visual amenity impacts of communal waste storage areas. 2. Linkages improved to ensure PO 1.5 is called up in a Performance Assessment of Group Dwellings or Residential Flat Buildings 			

	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)
10.2	<i>Bin and recycling enclosures that are located and designed for convenient access by residents</i>	<p><i>Bin storage is accommodated within a side or rear yard with direct access to the street via:</i></p> <ul style="list-style-type: none"> • <i>Gate in fencing or</i> • <i>Doorway through garage with minimum 800mm free passage to garage door.</i> <p><i>Where a development does not provide gate access to rear yards, bin spaces are provided within garages of dwellings with a minimum 800mm wide free passage between the bin storage area and the garage door.</i></p>	Design in Urban Areas PO 24.1 Provision is made for the convenient storage of waste bins in a location screened from public view.	Design in Urban Areas DTS 24.1 Where dwellings abut both side boundaries a waste bin storage area is provided behind the building line of each dwelling that: <ul style="list-style-type: none"> a) has a minimum area of 2m² with a minimum dimension of 900mm (separate from any designated car parking spaces or private open space); and b) has a continuous unobstructed path of travel (excluding moveable objects like gates, vehicles and roller doors) with a minimum width of 800mm between the waste bin storage area and the street. 	Adopted.
	Recommendations:	Nil			
	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)
10.3	<i>Adequate storage for residents is provided in all dwellings</i>	<i>A minimum of 2m³ of enclosed storage area per bedroom or room able to be used as a</i>	Design in Urban Areas PO 28.4	Design in Urban Areas DTS DTS/DPF 28.4	Adopted with concerns Whilst the policy has been incorporated within the Code, it

		<p><i>bedroom within a dwelling is provided within a dwelling and can be accommodated within:</i></p> <ul style="list-style-type: none"> • <i>Above wardrobes within bedrooms</i> • <i>Storage cupboards within living rooms and hallways</i> • <i>within garages</i> • <i>within secured external buildings / enclosures either in the rear yard of the dwelling, or a communal area for the dwellings to which is services.</i> 	Dwellings are provided with sufficient space for storage to meet likely occupant needs.	<p>Dwellings (not including student accommodation or serviced apartments) are provided with storage at the following rates with at least 50% or more of the storage volume to be provided within the dwelling:</p> <p>studio: not less than 6m³ 1 bedroom dwelling / apartment: not less than 8m³ 2 bedroom dwelling / apartment: not less than 10m³ 3+ bedroom dwelling / apartment: not less than 12m³.</p>	not called up in a DTS assessment. Therefore, the policy cannot be considered in a DTS assessment. This frequently leads to storage concerns that result in garages being used for storage, with flow-on impacts on carparking
	Recommendations:	1. Linkages to be improved to ensure design In Urban Areas PO 28.4 and its associated DTS/DPF Criteria relating to minimum storage requirements are called up in the assessment of all new dwellings			
11 Car parking integrated into designs and not a dominant feature					
	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)
11.1	<p><i>Car parking requirements do not dominate designs including site layout.</i></p> <p><i>A variety of car parking arrangements are adopted across a site.</i></p>	<p><i>Where a development is accessed via a communal driveway, car parking is provided across a development site in the following formats:</i></p> <ul style="list-style-type: none"> • <i>integrated under roofing of each dwelling.</i> 	Design in Urban Areas PO.7.1-7.7 deal with the appearance of car parking areas, mainly in terms of providing landscaping, but the general section doesn't specify the location or integration of car parking.	nil	Not adopted.

		<ul style="list-style-type: none"> • Located away from dwellings within enclosed or semi/enclosed clusters. • clusters open air parking spaces for visitors. <p>Common car parking areas are screened from public view. Communal car parking areas are secure.</p>			
Recommendations:	<p>1. New PO and DTS criteria relating to carparking design developed per original recommendation as follows:</p> <p><i>PO: Car parking requirements do not dominate designs including site layout.</i></p> <p><i>PO: A variety of car parking arrangements are adopted across a site.</i></p> <p><i>DTS/DPF: Where a development is accessed via a communal driveway, car parking is provided across a development site in the following formats:</i></p> <ul style="list-style-type: none"> • integrated under roofing of each dwelling. • Located away from dwellings within enclosed or semi/enclosed clusters. • clusters open air parking spaces for visitors. <p><i>DTS/DPF: Common car parking areas are screened from public view. Communal car parking areas are secure.</i></p>				
CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)	
11.2 <i>Parking supports appropriate building orientation, form and relationship to neighbouring sites.</i>	<i>For corner sites or where access is available to a communal driveway, parking is provided and accessed from the</i>	nil	nil	Not adopted.	

		<p><i>secondary street frontage or communal driveway and not the primary frontage.</i></p> <p><i>Single storey garages or carports are positioned between two or more storey dwelling forms.</i></p>			
	Recommendations:	<p>1. New PO and DTS criteria relating to carparking design developed per original recommendation as follows:</p> <p><i>PO: Parking supports appropriate building orientation, form and relationship to neighbouring sites.</i></p> <p><i>DTS/DPF: For corner sites or where access is available to a communal driveway, parking is provided and accessed from the secondary street frontage or communal driveway and not the primary frontage.</i></p> <p><i>DTS/DPF: Single storey garages or carports are positioned between two or more storey dwelling forms.</i></p>			
	CTTG Suggested Performance Outcome (2018)	CTTG Suggested DTS provisions	Planning and Design Code Performance Outcome	Planning and Design Code DTS provisions	Analysis (Nov 2022)
11.3	<i>Car Parking numbers and dimensions</i>	<p><i>No comments made by Jensen, however previous commentary by CTTG included:</i></p> <ul style="list-style-type: none"> <i>Visitor parking spaces for all types of dwellings (including residential flat buildings) to be designated as visitor parking separate from garages</i> <i>Include minimum dimensions for garages for all types of</i> 			<p>The key issue may not necessarily be the number of car parking spaces that are provided, but the way these carparking spaces are used. On-street parking is being utilised in lieu of on-site carparking for the following reasons:</p> <ul style="list-style-type: none"> Garages being used for storage as adequate storage provisions have not been made as part of the dwelling design

		<p><i> dwellings that cater for longer vehicles e.g. SUVs</i></p> <ul style="list-style-type: none"> • <i> Include minimum sized internal storage spaces in dwellings</i> 			<ul style="list-style-type: none"> • Garage or visitor parking space not long enough to accommodate more common vehicle styles such as SUVs
	<p>Recommendations:</p>	<p>1. Minimum dimensions of garages to be increased to reflect the size of modern cars, in line with the LGA SA submission recommendations:</p> <p><i>Single car spaces:</i></p> <ul style="list-style-type: none"> • <i> Min 6m length</i> • <i> Min 3.5m width</i> <p><i>Double car spaces:</i></p> <ul style="list-style-type: none"> • <i> Min 6m length</i> • <i> Min 6m width</i> 			