

Proposed Code Amendment

Who is proposing the Code Amendment?

The State Government is amending the Planning and Design Code so that development activity does not compromise the design, construction, and operation of the tunnels being delivered as part of the River Torrens to Darlington (T2D) Project.

The Minister for Planning has also introduced a Building Standard to complement the Code Amendment. This will ensure tunnel protection is considered during the assessment of new developments and the detailed assessment of building works.

Is it common to use the planning system to protect major transport tunnels?

Protecting major transport assets and other essential infrastructure, such as gas pipelines, from incompatible development has been a long-standing feature of South Australia's planning system.

The use of planning provisions to protect major underground transport infrastructure is international best practice and a feature of planning systems across Australia.

What happens if there are changes to the tunnel locations?

The current design and location of the tunnels may change once the head contractor is appointed and a detailed design is confirmed. The Tunnel Protection Areas (TPA) are wide and long enough to accommodate these design changes.

Once the design is finalised, the Tunnel Protection Overlay will be updated with the actual tunnel locations which may result in the TPAs becoming narrower and easing of referral thresholds.

What happens if the development is likely to impact the tunnels?

Should the Commissioner of Highways' technical assessment find that the development is likely to have an impact on the tunnels, the Commissioner will provide direction on the design elements to enable the proposed development to proceed without affecting the tunnels. The Commissioner will also refer the applicant to the Ministerial Building Standard for guidance on engineering requirements to be factored into the detailed building and construction plans.

Who will undertake the technical assessment for the Commissioner of Highways?

Tunnel engineers will undertake the technical assessment. For developments that exceed the thresholds, the engineers will assess the potential impact on the tunnels and may provide direction on design changes to mitigate impacts.

Will the Code Amendment change the assessment pathway?

Yes, the assessment pathway for certain types of development will change to ensure that potential impacts on the tunnels are considered in their design. For example, a Deemed-to-Satisfy application for semi-detached dwellings in the General Neighbourhood Zone may default to the Performance Assessed pathway if the land is covered by the Tunnel Protection Overlay and the footings will involve ground intruding activity more than 2.5m below the surface.

The classes of development that are more likely to be affected are those that are already subject to a Performance Assessed pathway. For example, an application for a 4-level residential flat building in the Urban Neighbourhood Zone would currently be subject to the Performance Assessed pathway. The Tunnel Protection Overlay won't change this pathway but will trigger a referral as the development exceeds 3 building levels in height.

Will the Code Amendment change what activities require a development application?

In some instances, yes. The following activities, that didn't previously always require a development application or building consent, will now require these if undertaken in the TPA:

- Ground intruding activities exceeding a depth of 2.5m, which means an activity that intrudes into the ground for the purposes of construction or other activity comprising:
 - building foundations and footings, comprising pile foundations, pad or strip footings;
 - an underground drain, pipe, cable, conduit, tunnel, passageway or adit; or
 - ground reinforcing elements, including ground anchors, soil nails, rock bolts or mechanical stabilising elements as part of a retaining structure.
- Excavation exceeding a depth of 2.5m or filling of land exceeding one metre
- Storage of material or equipment - any storage of materials, equipment or vehicles, whether permanent or temporary, over an area exceeding 100m² on land
- Temporary stockpiling - any temporary stockpiling of soil, gravel, rock or other natural material over a designated stockpile area exceeding 100m²
- Certain essential infrastructure works (e.g. electricity, water), Council works and development by State Agencies.

Will the changes affect what information I need to provide with my application?

Yes, in some instances where a development is likely to exceed the threshold for referral, the Commissioner may seek preliminary engineering information with the application.

In most cases, technical engineering information would not be required until the building consent stage. The Ministerial Building Standard provides details of the additional information that may be required which can also be confirmed in discussions with the Commissioner and/or Council prior to lodging an application.