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25 January 2023

Mr John Stimson
Chair – Expert Panel
Planning System Implementation Review
GPO Box 1815
ADELAIDE SA 5001

Dear John

Adelaide Hills Council Submission to the Expert Panel – Planning System Implementation Review

The Adelaide Hills Council appreciates the opportunity to contribute to further refinement and improvement of the State Planning System via the Planning System Implementation Review (the Review) led by the Expert Panel (the Panel).

Council has been active and engaged throughout the South Australian Planning reform process and has provided numerous submissions to the State Planning Commission and Planning and Land Use Services on all aspects of the new system including the Planning, Development and Infrastructure Act legislation, the community engagement charter, key strategic documents, the Planning and Design Code and related statutory instruments, as well as providing support and testing of the ePlanning Portal and engaging regularly with the Plan SA website. We consider that this level of involvement in the reforms and the ongoing day to day interaction with the system makes us a key stakeholder with an intimate knowledge and understanding of the new system.

From this perspective there is a general view that the reform process has delivered a planning system that has demonstrated its capacity over the last 18 months to stand up to the rigours and demands of a fully integrated State based planning system. It is, however, also acknowledged that the system has great potential and scope for improvement and Council would encourage the Expert Panel to take a holistic approach to the review that equitably balances the concerns of practitioners, stakeholders and the community.

The process of reviewing the system following implementation is considered best practice and there is some interest to understand how the Review will measure the new system against any projected impacts that were identified throughout the reform process. A logical starting point being to measure the system against the recommendations of the original Expert Review and objectives.

It is acknowledged the key issues that have emerged in the Adelaide Hills Council through the reform process and the subsequent 21 months of operation in the new system are varied, with some issues a result of the architecture of the PDI Act, and others relating to policy gaps or shortfalls in the Planning and Design Code or the customer experience and operational efficiency of the Development Assessment Portal.

The enclosed Council submission to the Expert Panel was endorsed by the Council at its meeting held on 24 January 2023. It captures issues and presents them in two parts. Part I of the submission addresses key issues for the Adelaide Hills Council including suggested reform recommendations, which are in addition to the discussion paper topic questions which have been addressed in Part II. It should be noted that development trend data and assessment experiences have been presented for context and to provide a sound evidence base to support further investigations where relevant. If it would assist with further informing the Panel's view my staff would be happy to provide further context/analysis as required.

If key issues and areas of concern raised in our submission could be addressed via subsequent amendments to the Act or the Code, there is opportunity for positive impact to our community. In particular, improved development assessment processes and outcomes, better opportunity for Council to shape stronger local strategic directions and policy and improved customer experience for those undertaking development in the Adelaide Hills Council area.

Should you wish to clarify any of the matters raised in our submission please do not hesitate to contact Natalie Armstrong, Director Development and Regulatory Services, on ▮▮▮▮▮▮▮ or via e-mail ▮▮▮▮▮▮▮▮▮▮▮▮▮

We appreciate the opportunity to contribute to the continual enhancement of the Planning System in South Australia to support great planning outcomes across the Adelaide Hills, and wish you all the best as you prepare to provide recommendations to the State Government in early 2023.

Yours sincerely

David Waters
Acting Chief Executive Officer

Enc: AHC Submission to the Expert Panel

Submission to the Expert Panel

Planning System Implementation Review

Council acknowledges that we conduct our business on the traditional lands and waters of the Peramangk and Kaurna people. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land.

Contents

List of Abbreviations

CAP – Council Assessment Panel

DAP – Development Assessment Portal

PDI Act – Planning Development and Infrastructure Act 2016

PDI Regulations – Planning Development and Infrastructure (General)Regulations 2017

P + D Code – Planning and Design Code

PLUS – Planning and Land Use Services (State Planning Department)

SAPPA – South Australian Planning Policy Library

SCAP – State Commission Assessment Panel

SPC – State Planning Commission

TNV – Technical and Numeric Variation

Part I: Adelaide Hills Council – Key Issues

The following section addresses key issues identified by the elected body and staff over the course of the reform process and the subsequent 21 months of operation in the new system. Issues have been grouped under relevant headings and a recommendation is provided for consideration by the Expert Panel.

General comments in relation to key issues in the PDI Act

ePlanning Levy

The PDI Act requires that councils make an annual contribution to the ePlanning system based on the reported total cost of development applications lodged within the Council area within a budget year. For the Adelaide Hills Council, the ePlanning levy is in the order of $60,000 per year. This is a significant investment from Council and is in addition to the maintenance of Council's own systems which are still necessary to manage development applications (e.g. *Development Act 1993* applications) and GIS systems that support this function.

While it is acknowledged that improvements are being made to the ePlanning system, there remains hold ups in workflow and this is causing frustrations and ongoing work arounds for staff and applicants alike. As a result Council is making significant contributions to a system which currently does not meet a full range of needs, whilst also investing in inhouse Council systems to cover the functionality gaps.

Recommendation:

Review the extent of the contribution to the ePlanning system and confirm how contributions from Council are being used. In addition, recommend that Local Government as a key investor in the system be provided more agency to direct the prioritisation of improvements to the ePlanning system.

Note: The lodgement fee for development applications is retained by the State Government for maintenance of the system.

Accredited Professionals – scope to assess Council lodged applications

The introduction of the PDI (Accredited Professional) Regulations 2019 enacted regulation 30 which is affecting the capacity of Council's accredited building staff to assess applications either lodged by Council or located on Council owned land. The relevant excerpt from the regulations is provided below:
An accredited professional must not perform any function of an accredited professional in relation to a development—

> *(c) if the accredited professional is employed by any person or body associated with any aspect of the development.*

The interpretation of subregulation (c) is resulting in building staff having to direct applicants (in some cases Council and community groups) to engage a private certifier to undertake the building rules assessment component of an application. It is considered the effect of this clause is causing unreasonable delays and cost implications for applicants and does not adequately acknowledge an accredited professional's ability to make sound professional judgement or assess perceived risks.

Recommendation:

An exemption should be provided in accordance with the PDI (Accredited Professionals) Miscellaneous Amendment Regulations 2023 that would allow Council planning and building officers to assess or inspect development undertaken by Council.

Council Assessment Panels

It is considered that the reduction in the number of elected members from assessment panels has been unnecessary and resulted in a reduction in community voices and local knowledge in the decision-making process.

Recommendation:

A review of the current limit of one elected member on local CAPs should be considered in order to understand the impact of the loss of the community voice and local knowledge in the decision-making process.

Use of land (motorbike trails/parks)

There are forms of land uses traditionally considered ancillary to rural properties, in particular constructed motorbike trails/parks, that are increasingly causing impacts on amenity and landscape character in the Adelaide Hills as more residents establish rural land holdings primarily for lifestyle purposes.

Recent examples demonstrate that the repetitive use of motorcycles on custom made trails (which in their own right do not trigger a development application where the mounds are less than 3 metres in height) is increasing the incidence of land use conflict between neighbouring properties. Issues relating to noise, dust, erosion and a diminished rural setting often cited as primary concerns. Based on these impacts, there may be a preference to seek an amendment to the PDI Act to provide certain thresholds that when breached would trigger development for this type of use. The view being that this would provide the ability for Council to mitigate the impacts through the development application process.

There is also an argument to say that the *Local Nuisance and Litter Control Act 2016* could pull this type of issue in, but much like SAPOL being tasked to resolve disputes, it would appear to be treating the symptom and not the cause, whereby the land use activity is proliferating without any clear guidance or direction regarding things like siting, hours of use, appearance etc.

Recommendation:

The Panel is encouraged to give consideration to whether the PDI legislation and the Code could provide a framework to capture this land use activity as development so as to provide a means to mitigate its impacts. It is acknowledged that such an approach may well challenge the accepted application of schedule 4 part 5(2) of the PDI Regulations and would therefore require a standalone clause addressing motorbike trails/parks, much like clauses in this Schedule relating to heavy vehicle parking or the parking of a caravan or motorhome. One suggestion is that a threshold outlining an appropriate distance from a sensitive receiver (i.e. less than 500m and not visible from a public road) would be an effective way to both incentivise the siting of these activities whilst providing a pathway for further mitigation should the activity trigger development.

Practice Direction 14 – Site Contamination

Despite recent changes, Practice Direction 14 is still proving challenging to apply for a range of development types. For Adelaide Hills this issue primarily arises where a site has historical horticultural uses, and there is confusion in the industry amongst planning staff and consultants as to the status of horticulture in Practice Direction 14 and whether it is captured under the agricultural definition. Where no discretion is provided via the Practice Direction, the cost impost (estimated between $5000-$7500) for an applicant to engage a suitable consultant to provide a Preliminary Site Investigation is not always commensurate with the risk.

Recommendation:

Further refinement is recommended to improve clarity regarding when a Preliminary Site Investigation is and is not required based on the application of Practice Direction 14.

Note: The recent announcement by PLUS and the EPA that additional investigations will be commenced to explore further refinement of the Practice Direction is welcomed.

Definitions

While the new system has delivered improved definition framework, it continues to be an area that causes confusion and tension in the development assessment process. This is a result of definitions applying across the legislation and its designated instruments such as the Planning and Design Code. While the imperative for definitions to be embedded across these documents is understood, consideration should be given to providing a compendium of definitions. Guidance could also be provided on how to reconcile definitions where they are inconsistent such as:

- Advertisement
- Sensitive Use, and
- Adjacent and adjoining land

In addition, there remains land uses mentioned in the Code that are not defined (i.e. transportation distribution).

Recommendation

Consider whether the Act should provide instruction for all definitions relevant to the Planning System to be collated in a specific location (i.e. the Plan SA website) to benefit the sector, in particular those engaging with the system as non-practitioners. In addition, consideration should be given to further refining and expanding the land use definitions in the Code to assist with development assessment processes.

General Comments in relation to key issues in the Planning and Design Code

Ability for councils to effect policy change

The Planning and Design Code managed by the State Planning Commission, provides councils with limited ability to effect policy change. Under the Development Act, although Development Plan Amendments required approval from the Minister, a Council was able to propose changes to all aspects of its Development Plan (i.e. Council wide policy, zones, policy areas etc). With respect to the Code, a Council is only able to propose changes to TNVs, Area Statements, sub-zones and the application of zoning and overlays but not the content of the policies.

In this respect, Council Code Amendments are limited to picking a policy outcome from a standardised suite or format. A Council can also propose to create or apply a sub-zone, but sub-zones have been used sparingly in the Code and where they have been applied the recommended draft policy put forward by Councill has not been fully adopted in the Code.

This issue is demonstrated by the Adelaide Hills Subzone drafting process, whereby Council staff were invited to provide a policy framework for the subzone as part of the Phase 3 Code development. The proposal sought to have the 'median rule' policy (as expressed by DTS/DPF 2.1) referenced in both the Desired Outcomes and the Performance Outcomes. The intention was to maximise the weighting of the policy and ensure development outcomes were promoted comparable to those achieved under the Development Plan. <u>Following the release of Phase 3 of the Code however, it was evident that this proposal was not adopted in full and the DO's and POs were given a more generic wording convention with no reference to the median rule. No explanation or follow-up was provided to staff as to why the proposed policy framework was amended.</u>

In this example the lack of agency to effect policy change has resulted in a fundamental weakness in the policy when applied to Performance Assessed land division applications, with recent proposals

demonstrating that the intent of the policy can be undermined in certain circumstances. Without further support from the Commission to address this issue Council may be forced to resolve this via a standalone Code Amendment. This is unfortunate in the circumstances whereby Council had been provided assurance that a policy framework in the Code would achieve the same outcomes delivered under the Development Plan.

Recommendation:
While a return to local policy documents (i.e. Development Plans) is not viable, new ways of developing and embedding localised policy, such as through clearer pathways to establishing sub-zones or undertaking neighbourhood planning – an approach popular in the UK, should be explored and made available to councils and communities with support from the Commission.

'Second and third' generation of the Code
Four Discussion Papers were prepared by PLUS in 2018/2019 to support the transition to the Planning and Design Code. They covered the following topics:

- People & Neighbourhoods
- Productive Economy
- Integrated Movement Systems, and
- Natural Resources & Environment

These papers outlined a range of existing, emerging and innovative policy directions for the new planning system and their level of priority, indicating transition ready policy and policy reform marked 'Generation 1' or 'Generation 2'. Following the introduction of the Code this messaging regarding the generational advancement of the Code has been absent.

Recommendation:
These policy directions and associated timeframes are reassessed and it be outlined how and when councils are able to progress or influence these policy changes in the Code.

Loss of Local Policy
The replacement of 72 Development Plans with one State-wide Code has resulted in a substantial loss of local policy. Previous submissions from Council on the Code during consultation have detailed the extent to which local policy was lost in the transition. Below is a summary of key policy features which have no commensurate policy criteria in the Code.

Desired Character Statements
Desired Character Statements provided vital context and specific guidance for many local policy considerations that have not been adequately replaced in the Planning and Design Code. This affects multiple issues such as land use distribution, streetscape character outcomes, traffic and access requirements etc. Examples of Lost policy include:

Country Living Zone (Adelaide Hills Subzone)

Generally, new allotments will only be created where they match the median allotment size in the locality, where they will be connected to a mains sewer system, and where issues such as access, vegetation removal, stormwater management, and slope as well as the provision of essential services have been appropriately addressed.

Mature vegetation will provide a defining feature of the zone and will dominate views from all locations. This vegetation will be a mixture of exotic and native species and will be situated on verges, reserves and within private properties

Front fences will be non-reflective and low or visually permeable to enable views to the front garden.

Stirling District Centre Zone (Suburban Mainstreet Zone)

The built form of the Centre should continue to consist primarily of small-scale, ground-level, "main street" types of development with retail, commercial, and medical activities fronting the roadways, and a wider range of activities facing the off-road parking areas.

The primary retail area of the Centre should be retained between Avenue Road/Pomona Road and Johnston Street/Merrion Terrace. Buildings in the primary retail area should generally show a continuous single storey active retail face on the Mt Barker Road frontage, interspersed with walkways to off-street parking areas.

The distinctive village character of the Centre is largely defined by its avenues of mature, exotic, ornamental street trees, along with the garden features and landscaped areas within the Centre's road reserves and parks.

It is essential that the functionality and streetscape appeal of the above features is retained and enhanced over time, and should not be adversely encroached upon by buildings, traffic management works or vehicle access points.
Township Zone

In the Balhannah, Birdwood, Lobethal, Oakbank and Woodside townships, smaller allotments to an absolute minimum of 500 square metres will be created where the existing character of the locality is retained and external impacts are managed effectively.

The valued historic character of built form along and adjacent to main streets will be protected. This will be achieved through sympathetic additions and alterations which reflect the style, design, scale, siting and materials of existing buildings.

Residential development will be in keeping with the form, scale, siting, materials, and colours of existing buildings, and as described in the policy areas. In addition, buildings will incorporate:

- front verandahs;
- garages or carports either under the main roof or set to the side or rear;
- low front fences of various styles and materials;
- side and rear fences of metal sheeting, post and wire or timber;
- substantial rear yards;
- landscaping containing trees and bushes;
- pitched corrugated iron or tiled roofs; and
- traditional building materials such as brick, stone or rendered walls.

It is considered that the loss of Desired Character Statements impacted Adelaide Hills Townships disproportionately due to the specific and localised policy content regarding infill policy and character considerations referenced within the individual township policy areas being lost.

Concept Plans

The Stirling Concept Plan was not deemed worthy to transition from the Council's Development Plan to the Code. While TNVs have been used in some circumstances in lieu of concept plans, it is considered these are not an adequate substitute, as Concept Plans also illustrated other features such as desired pedestrian movement networks, important views, portions of sites that should be specific building

heights, locations requiring additional interface treatment etc. This, combined with loss of nuanced and locally specific design policy has reduced the effectiveness of the policy framework for new development.

Policy Areas (Subzones)
AHC contains one (1) Code subzone. Comparatively, under the Development Plan the Council had 63 Policy Areas. It is noted that some of the location specific policy in Policy Areas has been transitioned to the Code through Historic Character Area Statements and TNVs, however these are not considered to be sufficiently detailed, instructive and fail to commensurately replace Policy Areas. Although an aim of the Code framework was to 'simplify' and 'standardise' zones to make it easier for Code users, the reluctance to allow more subzones has resulted in the significant loss of valuable local policy. It is considered the Code can still operate in a clear and transparent way while accommodating more subzones and it is recommended that additional subzones are permitted where variation from zone policy is justified.

Scenic Routes
The AHC Development Plan had a map (Figure AdHi(EC/1) that referenced scenic routes within the Council area. This map provided the basis for a range of development plan principles, largely concerned with minimising the visual impact with areas of scenic and landscape quality. It is considered that the loss of scenic routes creates a material gap in policy that has not been adequately addressed in the Code.

Recommendation:
The State Government and PLUS should commit to working with and supporting councils to identify and provide a pathway to address lost policy from Development Plans as a result of the transition to the Planning and Design Code as a matter of priority.

Peri-Urban Policy
The Adelaide Hills is part of the peri-urban region, which in recent times has been subject to increased attention, largely evidenced by the establishment of Character Preservation Districts, the Environment & Food Production Area and the focus on improving policy to attract value adding activities in the Productive Rural Landscape Zone formally the Watershed (Primary Production) Zone (one of only five genuine areas of policy reform to occur during the Planning Reform process).

Despite these measures, there remains a concern regarding the future of primary production in the region and a lack of strategic guidance. Some particular issues relevant to the peri-urban area include; forms and effects of urban encroachment and hobby farming, impacts of land use conflict and its influence on the 'right to farm' agenda, and a lack of clarity as to whether supportive conditions for food and wine production are being created.

In the Adelaide Hills primary production land is largely captured by the Productive Rural Landscape Zone. Potential areas of investigation are summarised below:

- Explore land capability mapping being represented in the Code via an overlay. The Primary Production Priority Area mapping produced by PIRSA provides the evidence base for such an approach and this would align to the aspirations of State Planning Policy 8: Primary Industry.

- Strengthen policy discouraging farmland fragmentation particularly where boundary realignment is concerned.

- Ensure rural diversification policy is appropriately geared to support the long term sustainability of primary industry. For example tourism accommodation proposals for multiple units with no discernible link to primary production are increasing. In the absence of clear strategic guidance and a strong policy framework to better guide these proposals they are slipping through policy gaps within the Code. The encroachment on primary production land and the subsequent impacts to land

capability and interface issues with genuine primary industry operations is not well understood individually or cumulatively.

- Ensure that interface between land use policies are being called up correctly and consistently in the Code for relevant land uses in the Productive Rural Landscape Zone and is flexible enough to capture the varying land use conflicts found in the peri-urban region.

- Explore whether non-primary production land uses in the Productive Rural Landscape Zone warrant more guidance in the Code (i.e. Depot, Truck Parking). Specific criteria could provide limited scope whilst ensuring impacts are mitigated via screening and restricted land area.

Recommendation:

Support peri-urban planning by designating and recognising the Adelaide Peri-Urban area as a sub-region for the purposes of Regional Planning and establish a working group to explore relevant strategic issues as part of the regional planning process and to provide ongoing guidance to future Code Amendments and policy development.

Environmental Performance/Sustainability Policy

Consistent feedback has been provided since the inception of the Code which has identified that not all the policy provisions relating to Environmental Performance from the Design in Urban Areas and Design general Development Policies are linked to relevant Performance Assessed development (i.e. residential or commercial) within zones.

PO 4.1 to PO 4.3 of the Design in Urban Areas and Urban General Development Policies are not linked to Performance Assessed development in Table 3 of relevant zones. The provisions read as follows:

> *Environmental Performance: PO 4.1: Buildings are sited, oriented and designed to maximise natural sunlight access and ventilation to main activity areas, habitable rooms, common areas and open spaces.*

> *Environmental Performance: PO 4.2: Buildings are sited and designed to maximise passive environmental performance and minimise energy consumption and reliance on mechanical systems, such as heating and cooling.*

> *Environmental Performance: PO 4.3: Buildings incorporate climate-responsive techniques and features such as building and window orientation, use of eaves, verandahs and shading structures, water harvesting, at ground landscaping, green walls, green roofs and photovoltaic cells.*

None of the provisions appear in Table 3 – Applicable Policies for Performance Assessed Development in any zone where residential or commercial development appears as a Performance Assessed Development Type.

In addition, it is recommended that the Stormwater Management and Urban Tree Canopy Overlay be expanded to township localities.

The omission of these polices is a missed opportunity to raise the bar on imperative environmental design outcomes for new buildings and should be applied to all relevant residential and commercial Development types.

Recommendation:

Apply the highlighted criteria to Performance Assessed residential and commercial development and explore the potential for this to be expanded to DTS development.

General Comments in relation to key issues in the e-Planning System and Plan SA Website

User Experience

While the Development Assessment Portal (DAP) is certainly an impressive product, there is still a lot of room for improvement. Staff consider there to be a range of seemingly little issues, that cumulatively have an impact on workflow and performance, the following have been provided as an example:

- The need to work between multiple tabs
- Hold ups drafting and editing various system generated documents
- Issues in progressing certain workflows (i.e. variations)
- Page structure variability and legibility,
- Fee payment problems,
- Poor automated notification capacity, and
- Administrative work arounds.

Recommendation

The DAP should be reviewed and improved to ensure optimal user experience.

Public Notification

Staff have developed numerous work arounds to deal with deficiencies in the DAP when administering the public notification workflow process. Some of the main issues include:

- No automated CAP invitations sent from the Portal
- No automated confirmation to Representors to confirm receipt of their representation
- The Representors form does not ask for a residential address as a mandatory field. Providing a PO Box is somewhat challenging when trying to ascertain a Representor's relationship to a proposal
- Finalising public notification on a Thursday is problematic when deployments are taking place and the Portal is shut down. This typically means a Representor is having to email Council directly outside of the DAP
- There is no way to notify multiple parties of Council's Assessment Panel (CAP) details and this must be done manually outside of the portal.

In addition, any subsequent appeal process is quite cumbersome whereby staff must send a request to the Plan SA Helpdesk requesting that the conditions of consent are altered based on the Court order.

Recommendation

The DAP public notification workflow and representor touch points should be reviewed and improved to assist council staff streamline this process.

Record Management

Staff have expressed ongoing issues with regard to record management in the DAP. A summary of the particular issues are provided below:

- Poor naming protocols for files when uploaded by applicants, causing delays and confusion for staff;
- Upload size limits requiring staff to split documents into parts for approved documentation; and
- Sending and receiving emails outside of the portal for applications continues to be a challenge for file management purposes.

Recommendation

The options available to applicants should be simplified and this could be supported with some guidance material to assist and speed up the verification process, in addition to capacity for system learning to assist with file recognition should be incorporated. Size limit caps should be removed for uploaded files. It is considered that capacity in the DAP portal should be developed to allow emails to be sent directly from the portal, eliminating frustrating work arounds and file management issues.

Planning Assessment Processes

To expedite the assessment process and minimise double handling/manual duplication of Policy, pre-loaded applicable Code criteria should be incorporated into the system generated Planning Assessment Spreadsheets.

Staff continue to encounter issues relating to how the time clock is represented in the system, whereby it is difficult for a relevant authority or an applicant alike to ascertain where the clock is up to. In addition, it is noted that when the clock is paused under a hold request, the system disables functionality to continue with the assessment.

Recommendation

Capacity for the system to pre-load applicable Code criteria into the planning assessment spreadsheets for Performance Assessed applications should be developed. It has been suggested that the clock could be embedded at the top of every page when working in an open application. In addition it is considered that this time affords a relevant authority to start to populate the Assessment Spreadsheet and other relevant tasks is important part of ensuring statutory timeframes are met when the file comes off hold.

Code Policy Representation

The Guide to Planning and Design Code outlines the hierarchy of policy in the code, whereby Overlays sit above Zones. It is questioned why Zones are reproduced above Overlays when the system generates applicable Code policy for an application. It is considered that this may create confusion, particularly for applicants.

Staff and applicants have expressed frustration when trying to extract the correct TNV for allotments via SAPPA.

In addition, when analysing the distribution of Zoning across the State or region, there is no way to drill down beyond a group of Zones i.e. Neighbourhood to search individual Zones in SAPPA. This creates challenges around interpreting Code application and understanding Zones within a broader State based planning framework.

Recommendation

Consideration should be given to whether the Code hierarchy could be better reflected in the system generated documentation. Improve the functionality of SAPPA in order to easily determine applicable TNV requirements for an allotment. Allow users to search individual Zones and Subzones within SAPPA to assist with Strategic and Policy investigations.

Strategic planning objectives/progress provided greater visibility in the ePlanning Environment

The ePlanning environment has ushered in a new era of planning in South Australia. Up to this point there has been a substantial focus on developing the capability of the system to respond to the demands of the development assessment process, it is acknowledged that this has taken considerable effort. The logical next phase would be for the State to invest in, and modernise, how strategic planning is executed and represented in the ePlanning environment.

Recommendation

Consideration should be given to developing capability in the ePlanning platform to provide greater visibility of strategic planning objectives and progress toward the State targets to support the development of strategic direction and development assessment processes to ensure that outcomes are being delivered in alignment with higher order strategies.

Reporting Functionality

The reliability and useability of the reporting functionality via Power BI has been unreliable and difficult to extract the relevant reports and undertake detailed analysis down to the application or staff level.

Recommendation

Recent upgrades have improved the Council reporting tool and continuous refinement and improved capability is needed to ensure it is meeting the needs of a full range of users including Development Assessment and Strategic and Policy Planning staff and this might require ongoing engagement.

Part II: Adelaide Hills Council – Response to Discussion Paper Questions

The following section addresses the Expert Panel discussion paper questions informed by Council and staff experience over the course of the reform process and the subsequent 21 months of operation in the new system.

Planning Development and Infrastructure Act 2016 Reform Options

Public Notification and Appeals

Based on the system reports Council notified 98 applications in the 21/22 financial year. Of those which received representations electing to be heard, 30 went to the Council Assessment Panel for a decision representing 3% of all applications lodged last financial year. By comparison, Council notified 123 applications in the 19/20 financial year and of those which received representations electing to be heard, 15 went to the Council Assessment Panel for a decision, representing 1.25% of all applications lodged that year.

Council was subject to six (6) appeals in the 2021/22 financial year. Of these, one (1) was submitted by the proponent and three (3) were appealed via third party rights. The other two were judicial reviews but by third parties rather than the proponent. Council was still assessing transitional applications lodged under the Development Act in 2021/22 and hence there were still third party appeals of decisions.

By comparison, Council was subject to eight (8) appeals in the 2019/20 financial year and, of these, four (4) were submitted by the proponent and four (4) were appealed via third party appeal rights. Two (2) of the proponent appeals were for judicial review of development categorisation.

The analysis has revealed there has been a 25% decrease in appeals comparing data from the financial year before the new system was introduced and data for a full financial year in the new system.

Expert Panel Discussion Paper Questions

1. *What type of applications are currently not notified that you think should be notified?*

   There is a mixed view amongst staff that the level of notification is adequate in the PDI system. It is recognised that the community view is that the new system has stripped away notification rights and there have been instances where Council has received requests from community members seeking clarification as to why certain approved and subsequently constructed developments were not subject to notification. Most recently a query was received from a community member questioning why the construction of an adjacent Ancillary Accommodation building had not been notified. While there are still instances of the community questioning the notification processes in the new system, staff have noted that there has not been a notable spike for these sorts of enquiries when compared to the processes under the Development Act.

   It is also noted that with other Code Amendments in train, in particular the Miscellaneous Technical Enhancement, there may be potential scope for more applications to be notified. For instance, if land division in the Productive Rural Landscape Zone was to be removed from the Restricted Development pathway (which Council strongly opposes), Council would question whether there should be a notification trigger comparable under a Restricted pathway.

2. *What type of applications are currently notified that you think should not be notified?*

The potential to remove small scale and anticipated development i.e. verandahs in Hills Face Zone, from notification should be explored and it is noted that the draft MTE Code Amendment indicates that this is likely to be addressed.

It is noted that some staff have flagged that a cautious approach is often being adopted to the application of the minor clause in Table 5 of Zones. This is occurring in the absence of a clear position from the Commission on the scope of such a clause and what reasonably constitutes minor. In the absence of clear direction on this issue the potential threat of an appeal if such a determination was challenged is leading to inconsistent application of this clause.

3. *What, if any, difficulties have you experienced as a consequence of the notification requirements in the Code? Please advise the Panel of your experience and provide evidence to demonstrate how you were adversely affected.*

4. *What, if any, difficulties have you experienced as a consequence of the pathways for appeal in the Code? Please advise the Panel of your experience and provide evidence to demonstrate how you were adversely affected.*

In the absence of an example, it is noted that under the PDI Act appeals against the merits of a Relevant Authority decision for proposals are weighted toward proponents, with representors and other interested third parties not given the same opportunity to appeal. There is a view that as a result the appeal right framework lacks equity and the system is weaker as a result.

5. *Is an alternative planning review mechanism required? If so, what might that mechanism be (i.e. merit or process driven) and what principles should be considered in establishing that process (i.e. cost)?*

There is mild staff support for a tribunal system model to manage planning related appeals, and it is seen as a potential way to complement a more equitable appeal right model. However, it is noted that the Environment Resources and Development Court provides opportunity for conciliation between parties and the benefit and efficiency of establishing a new tribunal process is queried.

Accredited Professionals

Council has a limited number of Deemed to Satisfy applications due to Overlay restrictions such as the Mount Lofty Water Catchment Areas and Hazard Bushfire Risk. As a relevant authority Adelaide Hills issued 39 Deemed to Satisfy (DTS) consents out of a total of 54 in the 21/22 financial year. This accounts for 72% of all DTS applications lodged. Of the remaining 15 DTS consents 12 were issued be building certifiers, accounting for less than a quarter of all DTS applications lodged.

Expert Panel Discussion Paper Questions

6. *Is there an expectation that only planning certifiers assess applications for planning consent and only building certifiers assess applications for building consent?*

In principle there is a view that building certifiers should only deal with building certification matters. This is because giving building certifiers the ability to determine a departure from DTS criteria as minor, is providing opportunity for them to act outside the scope of their expertise. In addition, the PDI Act has introduced the ability for planning certifiers to assess these straightforward applications, and it is considered that they are best placed as accredited planning practitioners to enact this function.

7. *What would be the implications of only planning certifiers issuing planning consent?*

It is considered that with only planning certifiers provided scope to issue planning consent the system would be more harmonious. Further improvements could include the removal of the clause that allows certifiers the scope to deem one or more departures from the relevant DTS criteria as minor.

There has been examples where a certifier has issued planning consent with minor departures and building consent and then subsequently issued a Minor Variation under s76 of the PDI Act, whereby staff consider the minor variation to be beyond what could reasonably be considered a minor departure.

Improvements in this area would result in less need for councils to take on a 'surveillance' role to ensure that certifiers are following the process reasonably and then reporting.

8. *Would there be any adverse effects to Building Accredited Professionals if they were no longer permitted to assess applications for planning consent?*

In the case of applications lodged in the Adelaide Hills the implications are likely to be relatively minor for building certifiers as the data demonstrates that only 12 out of 54 (roughly 20%) applications for DTS applications have been lodged by a building certifier.

Impact Assessed Development

Expert Panel Discussion Paper Questions

9. *What are the implications of the determination of an Impact Assessed (Declared) Development being subject to a whole-of-Government process?*

It is considered that a whole-of-Government approach touted in the discussion paper is likely to add additional time to the process, however in the interests of transparency and promotion of a more democratic model, there would appear to be sufficient public interest for this approach.

Local Heritage in the PDI Act

Expert Panel Discussion Paper Questions

10. *What would be the implications of having the heritage process managed by heritage experts through the Heritage Places Act (rather than planners under the PDI Act)?*

In line with the State Parliament's Environment Resources and Development Committee's report on Heritage in SA, there in principle support for moving the local heritage place regime from the PDI Act into the Heritage Places Act. This approach would potentially remove Council from having to preside over a local heritage listing process that has a political dimension, which can obstruct sound heritage listing recommendations.

Councils would be interested to understand whether such a reform would need to be supported by changes to the Planning and Design Code to facilitate formal referrals under the Local Heritage Place Overlay. This would also require that a referral fee be charged.

It is noted that such an approach has the potential to reduce Council's spending on a Local Heritage Advisory Service to refer an application under the Local Heritage Place Overlay. Instead this cost would be shifted to applicants – currently Council facilitates this process by providing this service free of charge in the interest of promoting heritage protection and appropriate adaptive re-use.

In addition this advice is sort as an internal referral so it doesn't add to the assessment timeframe. If a statutory referral were established this would provide scope for the clock to account for this important expert advice.

11. *What would be the implications of sections 67(4) and 67(5) of the PDI Act being commenced?*

It is considered that these sections are problematic and are unlikely to support an objective outcome. Heritage Areas should be designated on their heritage merits and not subject to a quasi-political process. As such it is recommended that these sections of the Act be removed or remain inactive and that the Commission provide clarity for councils on what scope they have to establish new Historic Character Areas.

Deemed Consents

Council has been subject to two (2) deemed consent processes.

Expert Panel Discussion Paper Questions

6. *Do you feel the deemed consent provisions under the PDI Act are effective?*

It is considered that a fundamental question needs to be explored – what is Deemed Consent trying to achieve? To support this investigation the data should be interrogated and those councils that have been subjected to a deemed consent process should be interviewed along with applicants. This would assist in understanding whether this process is being used in response to genuine delays or whether it is being used in a disingenuous manner, particularly where complex applications are being considered.

Based on experience the option for an applicant to trigger the deemed consent process should be removed where they and a council have agreed to enter negotiations as part of the assessment process, regardless of whether the assessment clock has expired or not.

Council is also aware of examples where proponents are threatening to use deemed consent as a mechanism to broker consent. When delivering good planning decisions, the focus for development assessment staff should be on appropriate land use and built form outcomes, and not on procedural intimidation. When used in this manner deemed consent is divisive for the sector.

In addition, it would be useful to examine how many of the applications in the system where a decision was made outside of the legislated assessment timeframe, would have been subject to a potential refusal had additional time not been taken to negotiate a satisfactory outcome. Such an analysis would reveal the circumstances that are leading to the clock expiring and how deemed consent is/is not influencing these processes. The alternative to negotiating a satisfactory outcome out of time is that a relevant authority may be more inclined to issue refusals more frequently.

From an outcome perspective any analysis would benefit from examining whether the process expedited a decision or merely delayed it and incurred additional costs to the proponent and Council. Based on experience the impacts from a time and cost perspective appear to outweigh any benefit.

A thorough understanding of these factors will likely reveal whether Deemed Consent is an effective mechanism in its current form or whether it needs to be refined. One potential alternative would be to replace the deemed consent process with a 'notice of decision' trigger. Such a function could provide Council with the opportunity to refuse or consent to the application within a 10 day window of a 'notice' being triggered.

7. *Are you supportive of any of the proposed alternative options to deemed consent provided in this Discussion Paper? If not, why not? If yes, which alternative (s) do you consider would be most effective?*

Alternative 1

Deemed approval appears to be addressing the symptom and not the cause of the delay. Quite often it is the result of the incorrect application of the Deemed to Satisfy criteria, particularly the use of the minor clause. Having the minor clause removed or additional clarity provided around the application of the minor clause should be pursued in advance of any consideration to the idea of a deemed approval.

Alternative 2

Final development approval issued by a private accredited professional would be problematic from a consistency perspective. There are instances where the Building Consent is not consistent with the Planning Consent. The consistency check in this regard is an important step that must occur within the statutory timeframe prior to issuing the final approval, however it is not recognised as an official step within the workflow of the system.

There are also instances where a planning consent has been issued subject to a reserved matter. In instances where this matter requires technical input before sign-off i.e. from council's stormwater or traffic engineer, it is not understood how such a process could be conducted by a privately accredited professional.

Alternative 3

There is a view that the complexity of the application should dictate the assessment timeframe or at least provide a scaled approach to timeframes. In AHC there are examples where a simple residential decking has the same assessment timeframe as a major rural industry proposal. Based on this assessment timeframes should be examined and consideration given to how they could be made more equitable for both the proponent and the relevant authority.

While the relationship between assessment timeframes and deemed consent should be examined closely as part of the review, it is considered that it should only be refined in order to promote proportional refinement based on the level of complexity of an application and not indiscriminately reduced based on averages.

Additional suggestions for Deemed Consent refinement or viable alternatives:

When a proponent agrees to put an application on hold to address a specific matter or provide additional information, they should not be able to trigger a Deemed Consent when the application is taken off hold to upload the requested revised plans or additional information.

The generic conditions that must be applied to a Deemed Consent are unlikely in most cases to suit a proponent, particularly for complex applications. This is likely to be a factor in why deemed consent has not been more widely triggered. In addition, the system should auto-generate any Agency conditions required to be applied to any Deemed Consent authorisation.

There needs to be a greater emphasis on proponents to take more responsibility to provide information in a timely manner and pursue statutory referral advice or agreement (in accordance with Section 122) prior to lodging the Development Application, particularly where there is likely to be complex technical considerations in high-risk areas. Where there has been long delays in providing this information, consideration to an RFI verification process should be considered. This workflow process would provide a Relevant Authority the opportunity to review documents and seek additional technical input particularly where internal referral's may be required. In addition, referral agency timeframes could be reviewed and refined based on a scaled approach noting risk profile .

The expectation that despite delays to respond to an RFI or address a statutory referral, Council is still required to turn around a decision on short notice creates a lot of pressure at the end of an application process. Based on this experience there may be reasonable justification to consider a more flexible approach to timeframes in instances where long delays have occurred.

Verification of development applications

Council's average verification time is 3 days or less. At the time of writing, 83 applications were in verification, 13 of those were under assessment, 49 were awaiting mandatory information, 21 were awaiting fee payment with 1 overdue.

At Adelaide Hills Council the verification process is initiated and managed by individual statutory planners once a file has been allocated to them. Verification competes with the full set of tasks required throughout the assessment process.

Expert Panel Discussion Paper Questions

8. *What are the primary reasons for the delay in verification of an application?*

The view of verification varies among the staff. While some use it to its full potential and view it as a critical process to determine the procedural matters, others see it as a process that creates confusion for the average applicant and at times friction in the delivery of good customer service.

With respect to the latter, issues come about in the verification process when applicants fail to respond adequately to multiple requests for information. For staff this is time consuming and the process is not captured by the statistics in any meaningful way, as a result there is little recognition of this work.

One potential option to resolve this is to provide a relevant authority a mechanism to 'refuse to proceed' to an assessment where multiple failures to respond to the Schedule 8 mandatory documentation at the verification stage has occurred. This option could become available to a relevant authority following three failed attempts to procure the mandatory documentation.

9. *Should there be consequences on a relevant authority if it fails to verify an application within the prescribed timeframe?*

Where there have been genuine delays without good reason, recouping the time lost at verification from the assessment timeframe may be reasonable in certain circumstances. However, such an approach should be applied cautiously taking into account the competing pressures and workload demands of an average council development assessment team, staff resourcing issues and other procedural pressures applied via deemed consent or appeals.

With respect to the suggestion of a ranking system, it is considered that metrics alone do not reflect the various challenges that a relevant authority faces in the day to day delivery of the development assessment function. To name and shame would be a cynical response and not one conducive to supporting the image or culture of the sector.

10. *Is there a particular type or class of application that seems to always take longer than the prescribed timeframe to verify?*

Feedback provided by staff has suggested that it varies depending on the applicant's understanding of the process and ability to supply the mandatory documentation.

11. *What would or could assist in ensuring that verification occurs within the prescribed timeframe?*

The process would be streamlined if the critical information could be provided up front. A workflow option to restrict lodgement of applications that don't meet minimum standards for critical information (using AI or machine learning as touted in the ePlanning Discission Paper) could assist.

12. *Would there be advantages in amending the scope of Schedule 8 of the PDI Regulations?*

Any changes must not push the issue down the line. Some information is critical to determine the procedural pathway and this should remain the priority in considering any Schedule 8 refinements.

Additional suggestions for Verification refinement:

Due to resource implications there could be a mechanism in the verification process that allows a relevant authority to ask for a 'pre-lodgement' fee following failure to meet multiple requests for further information. This could provide a secondary option if the suggestion that councils be afforded a mechanism to not proceed to an assessment is being considered.

The issue of communication is one that appears particularly important around the lodgement and verification stages. The impersonal wording of the system generated email notifications does little to inform the applicant of the process they have engaged in and the steps required to gain a Development Authorisation. Perhaps some better visual cues might assist i.e., progress timeline on the application landing page in the ePlanning portal or an explanatory video embedded in the email notification.

One way to assist relevant authorities, and councils in particular, at the verification phase, would be for the Panel to undertake some benchmarking and provide recommended guidance on the average file load per planner across the State, taking into account the varying factors and/or similarities of each relevant authority.

Planning and Design Code Reform Options

Character and Heritage

The Adelaide Hills Council has a rich cultural and built heritage, consisting of 103 State heritage places, 1 State Heritage Area, 241 local heritage places and 3 Historic Character Areas.

While the framework in the new planning system has strengthened character and heritage protection in areas with a strong underlying policy stetting, for areas previously reliant on the localised policy content expressed by Desired Character Statements – a key feature of Development Plan zones, there remains policy gaps. In the Adelaide Hills this is best represented within townships throughout the Onkaparinga Valley and Torrens Valley, where there is a lack of contextual guidance within the Planning and Design Code to guide development outcomes in these historic towns.

It is considered that the character and heritage framework should be reviewed and consideration given to a mechanism that could promote and enhance the existing features of our regional and rural towns and their local context.

Expert Panel Discussion Paper Questions

1. *In relation to prong two (2) pertaining to character area statements, in the current system, what is and is not working, and are there gaps and/or deficiencies?*

Currently, staff do not have enough practical experience applying the Historic Area Statements to proposed developments to form a conclusive view on whether it is delivering the intended outcomes.

It is noted that staff were actively involved in helping draft the current statements based on the development plan for the Planning and Design Code. To this end the statements contain suggested content, noting that some of the wording was refined or made more generic in nature.

Council would welcome the opportunity to revisit the Statements, but due to these areas only impacting a small portion of the council area would be unlikely to do this if it had to initiate its own Code Amendment to do so.

2. *Noting the Panel's recommendations to the Minister on prongs one (1) and two*
(2) of the Commission's proposal, are there additional approaches available for enhancing character areas?

As mentioned, Council does not have any designated Character Areas. However, there is potential scope based on previous Heritage surveys for the establishment of Character Areas in some Townships. If elevating these areas was a position the Council elected to pursue, a clearer understanding from the Commission on the scope or thresholds for the creation of Character Areas would be useful.

3. *What are your views on introducing a development assessment pathway to only allow for demolition of a building in a Character Area (and Historic Area) once a replacement building has been approved?*

It is assumed that the most efficient way to address this via a development assessment pathway would be to make the demolition an accepted development in the underlying Zone subject to a clause relating to an approved replacement building on the site – or something to that effect.

Such an approach is viewed as having an inherent weakness because it would be contingent on a separate approval being enacted, which in some cases may not eventuate despite the demolition of the original building on a site. Where the original buildings are representative, this could erode the character values of an area over time.

4. *What difficulties do you think this assessment pathway may pose? How could those difficulties be overcome?*

In order to overcome potential shortfalls, an alternative could be to tie the demolition to the new build as a combined application through a Performance Assessed pathway. In this circumstance it would provide additional assurances that an appropriate replacement building must be constructed should the proponent proceed with the demolition.

Such an approach would give rise to potential compliance implications, particularly where stage 1 demolition is undertaken but stage 2 building construction is not progressed. This might lead to Land Management Agreement arrangements being used where additional assurances are justified.

Council planning staff would be largely reliant on advice from a Heritage Advisor as to the appropriateness of the replacement building within the context of the existing building and the locality. This may result in different interpretations and approaches across the State. It is suggested additional tailored policy and guidelines be developed to support such assessments and promote a degree of consistency across the sector.

Tree Policy

In the 2021/22 Financial year the 8 regulated trees (3 significant) were granted planning consent for removal.

Adelaide Hills has varying canopy cover across urban and township areas. The Crafers, Stirling, Aldgate and Bridgewater locality would have some of the highest levels of canopy cover in the state, while this tapers off dramatically for some of the established townships.

In addition, Adelaide Hills Council operates in a highly complex environment for tree policy, where regulated tree legislation intersects with large tracts of native vegetation and high bushfire risk areas. While some of the changes brought on via the reform process are assisting, it continues to be a challenging area to navigate and one that continually causes friction at the application stage through to construction and the ongoing management of land.

Expert Panel Discussion Paper Questions

Native Vegetation

5. *What are the issues being experienced in the interface between the removal of regulated trees and native vegetation?*

   There is a general sense that the intersecting clauses of the PDI Regulations and the Native Vegetation Act (see Table 1) creates a complex scenario for proponents and relevant authorities to navigate as part of the Development Assessment process.

Legislation	Section	Exemption/Exclusion	Conditions
2017 Part 2 - — CFS oval —fire hazard ction, Division 2, e 19	prevention and ol (large trees)	ance of vegetation that is growing or is ted within 20 metres of a dwelling sting of a tree that has a trunk mference (measured at a point 1 metre e ase of the tree) of 2 metres or more.	ance of the vegetation dertaken in dance with the en oval of the Chief er of SACFS and any cable bushfire agement plan
General) Regulations Schedule 4 sions from ition of lopment Part 18, e 1(b)	oval of tress in in cases	e-damaging activity in relation to a ated tree (including a tree that also itutes a significant tree) if— the tree is n 20 m of a dwelling in a Medium or High fire Risk area n a Hazards (Bushfire Protection) Overlay r the Planning and n Code	not apply to trees de the Regulated and ficant Trees Overlay

Table 1: Relevant excerpts from PDI Act and Native Vegetation Act

While the legislation has been designed to work reciprocally, it results in some interesting outcomes particularly when tree retention is concerned. For example, there are occasions where a proponent is electing to retain a large native regulated tree(s) within 20m of a proposed dwelling, where the risk of the tree has been assessed as low or reasonable based on its form, characteristics and the site context. However, due to the tree(s) proximity to the proposed building its removal is being factored into the

Significant Environmental Benefit (SEB) calculation as part of the native vegetation clearance offset fee for the development. In some instances, the offset fees are substantial and despite the intention to retain the tree a proponent is being charged for its hypothetical removal on the grounds that the legislation facilitates it.

This example causes some tension in a couple of areas. Firstly, it disincentivises the proponent from retaining the tree in the first place, and also discourages contextual design responses that balance tree retention through design and siting. In addition, if the SEB has factored in a removal yet the proponent elects to keep the regulated tree, it is then subject to the Planning and Design controls that ensure the proposed development does not impact the health and longevity of the tree. This often requires the applicant or Council to engage an Arborist to provide a technical assessment.

6. *Are there any other issues connecting native vegetation and planning policy?*

Another area that is problematic is the declaration relating to native vegetation clearance that forms a mandatory step in the lodgement process. There have been examples where this declaration has been ticked by an applicant, however when staff have undertaken a site visit there is a strong likelihood that native vegetation will be impacted by the proposal. This is leading to inconsistent approaches, with some agency staff commenting that the declaration is not enough until verified via desktop review or ground-truthing.

In bushfire prone areas the development assessment process would benefit from a more collaborative approach between agencies. There have been examples where the CFS has withheld their comments through the mandatory referral process until the Native Vegetation Council provides their referral response, and vice versa. It noted that in 2021 the South Australian Productivity Commission released a report on the Development Referral Review, with section 2.3.4 providing recommendations that could address this issue.

Conditional SEBs applied as part of the Development Application process (one approval approach) has been suggested as a way to better integrate the development assessment and native vegetation clearance process.

Tree Canopy

7. *What are the implications of master planned/greenfield development areas also being required to ensure at least one (1) tree is planted per new dwelling, in addition to the existing provision of public reserves/parks?*

In considering the planting of trees in master planned communities the benefits could include the following:

- Tree planting can be planned upfront and considered holistically at the neighbourhood or precinct level. It would therefore be an easier proposition than trying to achieve equivalent outcomes in existing built-up areas.

- Using projections, a developer should be able to project the level of canopy cover over set timescales 5 > 10 > 20 years. This would assist monitoring strategic targets for urban tree canopy cover for a given area.

- For greenfield master planned communities often subject to longer commutes and increased living costs associated with being located on the periphery of cities, the tree canopy cover coupled with energy efficient design could provide considerable energy efficiency improvements to these developments, reducing running costs associated with residential development.

- If the tree planting is focussed on the public realm the entire responsibility for maintaining that cover will be inherited by the Council. Tree canopy cover is a social issue as much as environmental and economic and so the responsibility should be shared by the community.

- There would appear to be benefit in incorporating landscaping plans into the Building Envelope Plan process to facilitate a streamlined approach for future dwellings whilst capturing the one tree policy.

- Master planning has the advantage of working with constraints from the outset and so developers should be able to design a neighborhood that can deliver one tree per house. It seems that in the current climate, particularly around environmental awareness, this would be a marketing tool for new homebuyers in new communities.

- It also presents opportunities for precinct level environmental performance outcomes addressing areas such as urban tree canopy, stormwater re-use and carbon emissions etc.

- It's noted that additional policy be considered to prioritise regulated tree retention at the land division/master planning stage, to support better development outcomes and to minimise the loss of semi/mature trees and associated urban tree canopy contributions. As well as to supplement any strengthened regulated tree protection requirements recommended by the Review.

8. *If this policy was introduced, what are your thoughts relating to the potential requirement to plant a tree to the rear of a dwelling site as an option?*

It is considered that species selection would be critical, for example in north/south facing rear yards a deciduous tree would be optimal to provide summer shade and let winter sun in.

Such a policy may also impact allotment configuration, for example backyards may have to be larger to accommodate a mature tree. This conflicts somewhat with urban consolidation policies and minimum private open space requirements often being inadequate to accommodate such an outcome.

Tree Protections

9. *What are the implications of reducing the minimum circumference for regulated and significant tree protections?*

It is considered that reducing the circumference minimum for regulated tree protection provides more potential for trees to reach a mature size. This would significantly improve the projections for urban tree canopy cover over a longer timescale, based on the premise that it is more effective to protect an established tree than to plant another one as its replacement.

With potential for more trees to be defined as regulated, there is potential development impact costs, consultant costs and potential delays in the assessment process. As such any significant change should be scrutinised.

It is noted that the formula for Tree Protection Zone (TPZ) calculation scales based on the tree's diameter at breast height (measured at 1.4 metres above natural ground level). As a result, although more trees could be captured as regulated, development exclusion areas or TPZ's are likely to be less restrictive for smaller trees. It may be that further analysis would be able to explore whether reducing the minimum circumference size to increase tree protection across metropolitan Adelaide could be achieved, without adversely impacting development potential across targeted infill areas. It is acknowledged that achieving such an outcome may be reliant on innovative design responses, which might test the market preference for dwellings that maximize site coverage.

There are also anecdotal reports of a shortage of suitably qualified Arborists to undertake the detailed technical assessments required to support the development assessment process. Any such change could significantly increase demand for these specialized services, and any industry shortages would impact development application timeframes.

10. *What are the implications of introducing a height protection threshold, to assist in meeting canopy targets?*

An undesirable outcome would be that tall trees with limited canopy spread could be captured i.e., pencil pines or palm trees etc. As a result, it may be more effective to only introduce such a threshold in tandem with a crown spread protection threshold.

Capturing the height data to support an application may be challenging and subjective. This would not be an ideal outcome from a procedural perspective and thought should be given to how this data could be reasonably captured and whether that should form part of Schedule 8 requirements (i.e., tree height captured at the survey stage).

11. *What are the implications of introducing a crown spread protection, to assist in meeting canopy targets?*

This would be more beneficial if applied in tandem with a height protection threshold.

PDI Regulation 3F – Regulated and significant trees – Subclause 6 allows maintenance pruning of a regulated tree up to 30% of the tree crown without the need for an approval. This allowance would undermine any crown spread protection thresholds and would need to be considered as part of any reform package.

12. *What are the implications of introducing species-based tree protections?*

From a biodiversity perspective this could be a great outcome for endemic species that provide vital habitat.

From a climate adaptation perspective, this could also be a good outcome whereby trees that have a higher heat threshold i.e., native tropical, or sub-tropical varieties etc. are afforded protection in recognition of their ability to remain viable in a warming climate.

It is not uncommon for species identification to be challenging, even between experts in the field. This could potentially give rise to procedural challenges.

Additional Comments regarding adopting minimized or increased threshold protections for trees

Increasing the protection of established trees would be an effective and fast way to halt urban tree canopy loss at what is considered an important transition period and would allow sufficient data to be compiled over the short term to understand whether the Urban Tree Canopy Overlay impacts and projections are proving effective in achieving tree canopy targets.

Increasing the protection of established trees would address the tension between, on the one hand, trying to promote urban tree canopy cover while at the same time having some of the most lax regulations for trees in the country – which currently reveals a misalignment of policy intent vs outcomes.

It is considered that a Practice Guideline would be useful to deal with TPZ encroachments and outline approaches to protect established trees through design and siting.

In addition, stronger Planning and Design Code performance outcomes to encourage more responsive design outcomes should supplement protection threshold reforms.

The PDI Act in Part 7 Division 4 – Procedural Matters and Development Facilitation Clause 119 – Application and provision of information Subclause (8) states the following:

A relevant authority should, in dealing with an application that relates to a regulated tree that is not a significant tree, unless the relevant authority considers that special circumstances apply, seek to assess the application without requesting the applicant to provide an expert or technical report relating to the tree.

This clause often puts the burden back on the Relevant Authority to make an assessment against the relevant performance criteria in the Code. If tree protection is expanded consideration would need to be given to the likely impact of this clause on a Relevant Authority.

Distance From Development

13. *Currently you can remove a protected tree (excluding Agonis flexuosa (Willow Myrtle) or Eucalyptus (any tree of the genus) if it is within ten (10) metres of a dwelling or swimming pool. What are the implications of reducing this distance?*

The rationale for the ten metre exclusion zone from a dwelling or swimming pool is unknown. Anecdotally it is said that the pool safety and potential structural impacts may be the reason that this exclusion has been justified. However, this is contradicted by the fact a Willow Myrtle or a Eucalyptus is excluded from this clause.

The policy should be reviewed to reconcile the inconsistencies and blunt approach of this clause, particularly if consideration to an expanded protection threshold criteria is being considered. It is noted that trees within proximity to dwellings mitigate more effectively against the impacts of a warming climate with respect to heat island impacts and energy efficiency.

14. *What are the implications of revising the circumstances when it would be permissible to permit a protected tree to be removed (i.e. not only when it is within the proximity of a major structure, and/or poses a threat to safety and/or infrastructure)?*

It is considered that the revision of this criteria should only be considered where it reduces the circumstances when a protected tree can be removed. An expanded set of circumstances will only exacerbate the loss of urban tree canopy across metropolitan Adelaide.

While there are likely legitimate reasons for a tree within proximity to a dwelling or swimming pool to be considered for removal, 10 metres is a generous exclusion, particularly in a built-up urban context. In many cases in neighborhoods where significant infill has occurred it would be unlikely that the next generation of trees – as they mature, would be protected if this clause remains in its current form.

There is a view that trees need to be valued and managed as the dynamic living organisms that they are. Maintenance and care to reduce risk (or perception of it) are important considerations – like any other asset. Community education could be delivered in this space by Landscape Boards to assist in building understanding and capacity in this area.

15. *What are the implications of increasing the fee for payment into the Off-set scheme?*

Any measure that is likely to boost funding in this area and promote tree planting at the neighborhood scale is viewed as a positive.

16. *If the fee was increased, what are your thoughts about aligning the fee with the actual cost to a council of delivering (and maintaining) a tree, noting that this would result in differing costs in different locations?*

This would be more equitable, and readily occurs in the case of street tree removals approved under Section 221 of the Local Government Act where the fee covers the planting, establishment and ongoing maintenance of the tree.

17. *What are the implications of increasing the off-set fees for the removal or regulated or significant trees?*

It might help to better incentivise the retention of existing mature trees as opposed to paying into the fund. This would lead to better contextual design outcomes and ensure the longevity of the established tree.

In terms of setting the fee one option may be consideration of adopting a similar approach to the native vegetation clearance offset, using a Significant Environmental Benefit methodology and incorporating some urban relevant criteria i.e., contribution to reducing heat island effect and amenity contribution.

Public Realm Tree Planting

18. *Should the criteria within the Planning and Development Fund application assessment process give greater weighting to the provision of increased tree canopy?*

Any measure that is likely to boost funding in this area and promote tree planting at the neighborhood scale is supported, provided it can demonstrate it would have tangible benefits outside simply improving the amenity of an area (i.e., linking it to larger environmental, social, and economic outcomes).

Infill Policy

A key premise of the South Australian Planning Reforms, and as identified in the PDI Act and State Planning Polices, is the focus on good design outcomes under the Code. Good design and placemaking must be a central objective of the Code and must be given adequate weigh in the assessment process.

Expert Panel Discussion Paper Questions

Design Guidelines

19. *Do you think the existing design guidelines for infill development are sufficient? Why or why not?*

While the aspiration of the planning system to promote good design is evident, the outcomes on the ground indicate that this is not being fully realized.

State Planning Policy 2 explicitly aims to "recognize the unique character of areas by identifying the valued physical attributes in consultation with communities, and respect the characteristics and identities of different neighbourhoods, suburbs and precincts by ensuring development considers existing and desired future context of place."

Currently, these objectives have not been met by the Code. The reduction of the number of zones overall, and stripping away of well developed, locally responsive policy guidance, has resulted in standardised policy across many neighbourhoods and suburbs which fails to recognise and respect unique character.

To this end the Design Guidelines - Design Quality and Housing Choice prepared by the Office for Design and Architecture and the Principles of Good Design Guidelines could form the basis of a detailed and comprehensive guideline suite in tandem with a mechanism for local neighborhood planning. To be effective, these would need to be designated as advisory material for the purposes of section 66(5) of the PDI Act.

In addition, it is considered that the Local Design Review program should be reviewed and councils provided with incentives to set them up. The program was introduced with a view to improve design outcomes at the local level, however no councils have established a panel. The lack of detailed design policies and local contextual guidance within the Code which can be used during an assessment has been cited as one of the reasons take up of the program has not been initiated.

20. *Do you think there would be benefit in exploring alternative forms of infill development? If not, why not? If yes, what types of infill development do you think would be suitable in South Australia?*

While it is widely accepted that building sustainable densities in our urban and township areas is vital to healthy, vibrant and sustainable communities, it is considered that the current policy should be reviewed to gain a greater understanding of cumulative impacts from infill development, particularly as it relates to the loss of local character, the loss of the tree canopy, car parking, stormwater and other council managed infrastructure, and both public and private open space impacts.

Strategic Planning

21. *What are the best mechanisms for ensuring good strategic alignment between regional plans and how the policies of the Code are applied spatially?*

The transition to the new planning system has removed agency from local government and the local community to shape development policy in their neighborhoods – as sited above. This was a by-product of delivering a State-based system and the efficiencies and capabilities this promised. While potential in the latter is being realized, the compromise of the former has never been fully corrected or compensated.

Strategic planning processes provide an opportunity to build up community capacity and restore confidence with the public that planning is supporting community aspirations. While structure plans and concept plans provide opportunities for these types of conversations, they do not drill down into the detail of what makes a neighborhood unique or provide a place-based approach.

Across metropolitan Adelaide there are examples of how growth strategies particularly focused on infill development in established areas have been completely misaligned with the aspirations of the community.

Strategic planning in the new system will be critical to ensure that community aspirations are being understood and implemented through policy in the Code. Whether the current mechanisms available will enable this is yet to be seen. The Expert Panel is encouraged to consider other strategic planning

mechanisms across other jurisdictions and provide guidance to the Minister on whether these may be appropriate in South Australia.

Infrastructure Australia's Planning Liveable Cities (2018) review provides relevant context across multiple jurisdictions. The review examined how Australia's largest cities sequence housing related infrastructure and housing development in Sydney, Melbourne, Brisbane, Perth and Adelaide. This review included planning processes at State and local levels and funding arrangements. The research identified numerous challenges to sequencing infrastructure and (housing) growth including lack of coordination, lack of anticipation and community suspicion of the quality and suitability of new development. The key recommendations were:

- establish a process to better strategically plan for Australia's future population. Partner with Federal, State, territory and local governments.

- Develop local strategic plans that translate metropolitan strategies into tangible outcomes at the 'place' level.

- Ensure local governments are adequately resourced and empowered to plan and deliver local strategic plans.

One example from the UK that provides a community with scope to develop a Neighbourhood Plan appears to be a model that could be adapted to the South Australian context and given effect through the PDI Act.

22. *What should the different roles and responsibilities of State and local government and the private sector be in undertaking strategic planning?*

It is considered that the State should be responsible for the broader state-based interests and targets, with local government or Joint Planning Boards facilitating a place-based approach to the implementation of those directions at a local level i.e., through Neighbourhood Plans or equivalent etc. It is considered that councils are better placed to deliver a process like this as they:

- Can bring together a range of stakeholders who have an interest in the successful development of the place;

- Can focus the weight of community engagement at the strategic level to enable the community to contribute to 'telling the story' of an area, beyond individual projects; and

- They know their existing infrastructure assets and networks and where to deliver improved outcomes.

One area that the State could focus on would be to embed the State level strategic objectives and targets into the ePlanning system giving them better visibility for government, practitioners, and the general public. To support this reporting functionality the ePlanning system should be expanded to provide integrated and timely information on how development activity at a local level is contributing to state level objectives and targets.

23. *What are the specific car parking challenges that you are experiencing in your locality? Is this street specific and if so, can you please advise what street and suburb.*

The integration of increased residential density and car parking provision at Hamilton Hill Estate in Woodforde has proved challenging where on-street car parking has been relied upon to offset relevant car parking rate shortfalls. This is a common issue within the Housing Diversity Neighbourhood Zone where significant uplift in density has been experienced.

Where public transport hubs have been developed, for example the Crafers Park and Ride, there is insufficient parking to cater for the average weekday patronage demand, with the car parking estimated to be at 218% over capacity.

24. *Should car parking rates be spatially applied based on proximity to the CBD, employment centres and/or public transport corridors? If not, why not? If yes, how do you think this could be effectively applied?*

Using Hamilton Hill as a case study the latest census data for Woodforde demonstrates that the percentage of households in Woodforde with two or more cars is 62%. This suggests that the preference in Woodforde for two or more vehicles per household conflicts with the Code policy of 0.75-1.25 spaces per dwelling requirement, using residential flat buildings as an example.

Woodforde is 10km from the CBD, where it takes approximately 20 minutes by car or 50 minutes by public transport to reach. Based on the latest census data 66% of people in Woodforde travelled by car to work with only 7% travelling by public transport.

Using the Woodforde example a car parking rate applied spatially based on proximity to the CBD or employment centres is unlikely to be an effective approach, where vehicle ownership is high and public transport services are not attracting high levels of patronage.

25. *Should the Code offer greater car parking rate dispensation based on proximity to public transport or employment centres? If not, why not? If yes, what level of dispensation do you think is appropriate?*

Using the Hamilton Hill example and applying it more generally across the inner metro areas there appears to be a conflict between density targets and household preferences relating to vehicle ownership and travel modes. Using contemporary data such as the census as a starting point to analyse the possibility of the spatial application of car parking rates, would provide an understanding of the gap between the desired outcome (Code policy) and the actual (household preference) of a given area.

Infrastructure investment particularly in public transport provision in areas targeted for renewal or density uplift should be prioritised at the point of land being re-zoned where that re-zoning would allow for car parking rate dispensations.

26. *What are the implications of reviewing car parking rates against contemporary data (2021 Census and ABS data), with a focus on only meeting average expected demand rather than peak demand?*

Applying an average expected demand to neighbourhood areas promotes a quantitative approach over other qualitative considerations, namely convenience and amenity.

The census data should certainly be utilised as suggested above, but not in a manner that further exacerbates issues relating to car parking within local areas.

27. *Is it still necessary for the Code to seek the provision of at least one (1) covered carpark when two (2) on-site car parks are required?*

Before policy refinement regarding undercover parking spaces, research should be conducted into household preference. New dwellings are typically proposed with double garaging and covered parking is a selling point for properties on the market. If a development is designed with no covered car parking it is likely that a future owner will apply for covered parking which, depending on the development design, may result in carports forward of the dwelling which is not desirable and not supported by Code policy.

Design Guidelines

28. *What are the implications of developing a design guideline or fact sheet related to off-street car parking?*

In principle, a fact sheet summarising Code policies and how to provide safe and convenient manoeuvring would likely assist some small-scale applicants.

Electric Vehicles

29. *EV charging stations are not specifically identified as a form of development in the PDI Act. Should this change, or should the installation of EV charging stations remain unregulated, thereby allowing installation in any location?*

30. *If EV charging stations became a form a development, there are currently no dedicated policies within the Code that seek to guide the design of residential or commercial car parking arrangements in relation to EV charging infrastructure. Should dedicated policies be developed to guide the design of EV charging infrastructure?*

Whether or not EV charging stations constitute development depends on specific details. For example, some involve building work, illuminated advertising or require variations to approved car parking areas particularly if parking spaces are removed to accommodate the infrastructure. The legislation must be clearer about when EV charging stations constitute development to streamline the roll-out of this infrastructure. The Code can assist siting and design outcomes where it constitutes development by providing policies including:

- traffic management (e.g. safe and convenient access for cars using the chargers, impacts on car parking provision etc);

- design and appearance of the infrastructure; and

- future proofing, particularly for communal car parking areas.

Car Parking Off-Set Schemes

31. *What are the implications of car parking fund being used for projects other than centrally located car parking in Activity Centres (such as a retail precinct)?*

32. *What types of projects and/or initiatives would you support the car parking funds being used for, if not only for the establishment of centrally located car parking?*

Adelaide Hills Council has no car parking fund established, however in principle car parking funds could be used for projects which reduce car dependence. However, it is considered there should be better strategic investment in public transport and integration with land use planning at State level.

33. *Do you think there would be benefit from the Commission preparing local road Design Standards?*

The Design Standards for the creation of new local roads in greenfield areas and large subdivisions could be beneficial. However, Adelaide Hills is generally more concerned about Design Standards which affect the existing public realm (footpaths, roads etc) as they may supersede and be in conflict with existing Council policy and standards and may not provide an appropriate level of guidance to respond to the site conditions, as quite often the road infrastructure i.e. stormwater system is not at the same standard to the more built-up areas of Adelaide.

e-Planning System and the Plan SA Website

User Experience

Over 2500 consents have been issued by the Adelaide Hills Council since the 19 March 2021. This level of engagement with the ePlanning portal has provided staff with hours of interaction with the ePlanning system. Insights gained during this process have informed helpdesk requests and ongoing dialogue with Plan SA to assist with further system improvements and refinements.

The following responses are informed by this experience across the Development Services team at Adelaide Hills Council.

Expert Panel Discussion Paper Questions

Website Re-Design

1. *Is the Plan SA website easy to use?*

The general view across the organisation is that it is effective in assisting with undertaking day to day tasks. Notwithstanding, feedback provided from members of the community and applicants suggests it can be difficult to navigate and find the information required – as cited above.

2. *What improvements to the Plan SA design would you make to enhance its usability?*

Please refer to a summary of suggested improvements below:

- Faster access provided to the resource's library.

- An additional link provided from the DA Register to the Public Notifications Page.

- Improvements to the global search functionality for both the Code and the website.

- The ability to search individual Zones should be made available in SAPPA. Currently only Zone families can be displayed at one time. Such functionality would assist with strategic and policy investigations.

- Property selection continues to be a challenging area.

Mobile Application for Submission of Building Notifications and Inspections

3. *Would submitting building notifications and inspections via a mobile device make these processes more efficient?*

It is considered that the legislation needs to marry up with the platform in terms of how the notifications are requested. There would be clear benefits for both contractors and inspectors from a customer experience perspective. Submitting inspection requests via a mobile provides a greater degree of flexibility for those making requests and an ability for Inspectors to respond to requests in a timely manner. Any mobile based solution should be built with capacity to provide more accurate reporting of notifications.

4. *Where relevant, would you use a mobile submission function or are you more likely to continue to use a desktop?*

It is considered that building officers would make use of a mobile solution, as it would make it a more efficient process based on experience with other tools. Office staff would be more likely to continue to use a desktop.

Online Submission Forms

5. *Is there benefit to simplifying the submission process so that a PlanSA login is not required?*

It is considered that there may well be benefits to this, particularly for one-off users. This could be developed as a guest login option as found on other platforms.

6. *Does requiring the creation of a PlanSA login negatively impact user experience?*

Feedback from applicants suggests that it can be a barrier for people to engage in the process.

7. *What challenges, if any, may result from an applicant not having a login with PlanSA?*

If users are provided permissions to submit documentation there may be potential security issues, forgery or application tampering. Such an approach is not supported if it results in emails being sent outside the portal between applicants and a relevant authority that would increase record/data management.

Increase Relevant Authority Data Management

8. *What would be the advantages of increasing relevant authorities' data management capabilities?*

There are examples where restricted permissions are causing delays and double handling in the processing of applications. Providing Administrative level permissions for Council staff (i.e., Org Admin) in certain circumstances would provide opportunity for quick fixes and genuine mistakes to be rectified (i.e., updating development locations, nature of development or appeal conditions etc.). If there is

concern about providing this permission, one suggestion is to run it as a pilot program to test user capability and resolve any issues prior to a formal roll out.

9. *What concerns, if any, do you have about enabling relevant authorities to 'self- service' changes to development applications in the DAP?*

This additional functionality should only be made available to Councils as significant financial contributors to the system.

Inspection Clocks

10. *What are the advantages of introducing inspection clock functionality?*

Inspection clock functionality would potentially improve reporting functionality, visibility and transparency.

11. *What concerns, if any, would you have about clock functionality linked to inspections?*

There are circumstances where the customer makes a request for an inspection outside the notification system. Currently there is no way to record this in the system despite being notified. If a legitimate reason there should be a stop clock function.

Currently the clock runs on business days which means if a notification is submitted after 5pm on a given day this counts as a notification day. It is considered that this should be refined to only accrue as a day if submitted before 12pm on that day.

12. *What, if any, impact would enabling clock functionality on inspections be likely to have on relevant authorities and builders?*

It is considered that if more notifications are coming through this will stretch resource levels and one outcome is that it could increase pressure on both the builder and the inspector, noting that councils are not always appropriately resourced, and this is compounded by a shortage of qualified Building Officers.

The industry could be better educated about the process and given tips on how to manage it against competing demands. Failing this, expiations could be automated and more frequently issued based on legislative breaches as a means to encourage more notification compliance.

One question arises regarding whether the clock would be visible to everyone and, if so, how will it be represented in the system. It would be beneficial if it could be supplemented by a timeline that outlines notification steps.

13. *Would you be supportive of the lodgement fee being paid on application, with planning consent fees to follow verification?*

It is considered that the collection of the lodgement fee at the application submission stage should be automated. However, from a customer perspective it is not ideal to have separate invoices issued and feedback has been received supporting this view.

If this approach is trying to capture a fee for the verification process could it be achieved another way? i.e., after 3 failed mandatory information requests.

14. *What challenges, if any, would arise as a consequence of 'locking in' the Code provisions at lodgement? How could those challenges be overcome?*

The system should have capacity to automate it via a lodgement snapshot, however there are instances where elements of an application change based on new information. When this occurs there will be elements with no applicable policy from which to make an assessment against. Code Amendments may also come into effect that could impact the proposal.

This could potentially be overcome by an automated notification to the relevant authority and the use of the assessing officer notes section to flag and/or include the Code Provisions on the Verification Snapshot. Both potential workarounds would be clunky and unlikely to resolve the legislative conflicts that are likely to arise.

Combined Verification and Assessment Processes

15. *What are the current system obstacles that prevent relevant authorities from making decisions on DTS and Performance Assessed applications quickly?*

This suggested approach appears to be creating more complexity. It is considered that better education and instructions that enable applicants to better understand the lodgement requirements would be more beneficial.

16. *What would be the advantages of implementing a streamlined assessment process of this nature?*

It is considered that if it could be achieved with a simple and elegant solution it is likely to provide a level of efficiency for simple applications.

17. *What, if any, impact would a streamlined assessment process have for non- council relevant authorities?*

Non-council relevant authorities could issue incorrect Building Consent as they would not yet have seen the Planning Consent documents e.g., incorrect "Nature of Development". This would potentially remove opportunity for Council oversight through consistency checks and could potentially place the burden on Council to investigate or appeal an incorrect decision.

18. *What are the advantages of the e-Planning system being able to automatically issue a Decision Notification Form?*

There is a potential reduction in assessment timeframes of five (5) business days.

19. *What do you consider would be the key challenges of implementing an automatic system of this nature?*

In general it removes a level of oversight from the process, regarding development details and outcomes and obtaining a compliance fee.

It is considered that this would create an interesting dynamic from an appeal or compliance perspective. In these instances, who would be responsible for tending to the appeal and investigating development breaches involving inconsistency between consents.

20. *If this was to be implemented, should there be any limitations attached to the functionality (i.e., a timeframe for payment of fees or the determination will lapse)?*

It is considered that such an approach should supplement the process, but that an automatic Decision Notification should be limited to streamlined development.

21. *Would you be supportive of mandating building notifications be submitted through PlanSA?*

It is considered that this would be beneficial as currently it is time consuming and resource intensive to manage this process outside of the portal.

22. *What challenges, if any, would arise as a consequence of removing the ability for building notifications to be received by telephone or in writing to a relevant council? How could those challenges be overcome?*

The Notifications screen landing page should allow users to pick a builder from a building database.

Education and outreach to assist understanding of required documents particularly for commencement notifications.

Helpdesk and troubleshooting information should also be made available to support this function.

23. *Would this amendment provide efficiencies to relevant authorities?*

It is considered that this will streamline the process provided the notification can address the above issues. However, if users cannot easily enter the required information then it will still result in phone calls/emails to councils. As such, User Experience should drive the development of any solution.

Remove Building Consent Verification

24. *Would you be supportive of removing the requirement to verify an application for building consent?*

Council uses the to request the Building/Compliance Fees and request the necessary Building Mandatory Information. As a general comment there is a sentiment among staff that it works reasonably well as it is.

25. *What challenges, if any, would arise as a consequence of removing building consent verification? How could those challenges be overcome?*

Without the Building Verification process obtaining the fees & required information will be challenging and difficult to monitor and will stall applications at the Building Consent stage.

The only way this could be supported is if the system was intuitive enough to identify deficiencies in the development documentation. The cost of pursuing this technological capability would need to be justified by the potential efficiency gains.

26. *What would be the implications of enabling multiple consents to be assessed at the same time?*

In one sense it may have the potential to reduce overall timeframes where Council is the relevant authority for both Planning & Building Consents. However, it is likely to result in difficulties where the relevant authorities are different for each consent, where it doesn't provide opportunities to consider amendments at the Planning Stage and how it impacts Building Consent.

Innovation

Expert Panel Discussion Paper Questions

27. *What do you consider would be the key benefits of implementing an automatic system of this nature?*

28. *What do you consider would be the key challenges of implementing an automatic system of this nature?*

If deployed effectively this could create system efficiencies. However, as with any automated system, there is always a risk of errors, so it is foreseeable that councils may still provide oversight of this process. It would require applicants to provide a consistent level of plan detail and specification, currently there are applicants who still submit hand drawn plans of a poor standard. Oversight of this process from a relevant authority also provides opportunity to identify inconsistencies or errors in the plans which may be more difficult for an automated system to do.

29. *Would you be supportive of the Government investing in developing this technology so that it may integrate with the e-Planning system?*

Based on the effort and investment already applied to developing streamlined assessment pathways in the new system, it is considered that there are other priorities which require resourcing which should be the State's focus.

3D Modelling for Development Application Tracker and Public Notification

30. *What do you consider would be the key benefits of the e-Planning system being able to display 3D models of proposed developments?*

31. *Do you support requiring certain development applications to provide 3D modelling in the future? If not, why not? If yes, what types of applications would you support being required to provide 3D modelling?*

Expanding tools that build capacity for practitioners and the community to understand outcomes associated with development is supported, provided it can meet a certain level of detail to help genuinely inform planning processes.

AHC has long adopted a Provision of 3D Models Policy that promotes the provision of 3D Models for certain applications subject to public notification. This approach has been received well by proponents and the community and assists greatly in the public notification process, whilst providing staff and CAP Members additional context in which to make an assessment against.

It is acknowledged that this may come at an expense to proponents and as such should only be required for development of certain type and scale, whereby developing such modelling is a comparatively small cost in the scheme of the project.

32. *Would you be supportive of the Government investing in developing this technology so that it may integrate with the e-Planning system?*

This is technology that is already available and being applied. Although it would be more useful than automatic assessment checks, it should not be prioritised over other system improvements at this stage.

Augmented Reality Mobile Application

33. *Would you be supportive of the Government investing in developing this technology so that it may integrate with the e-Planning system?*

While the development of this capacity could certainly play a part in increasing participation in planning processes and demystifying development outcomes, it is not considered a priority at this point in time and in some ways would be duplicating the 3D model if this capacity was to be deployed more widely.

It is considered that this technology would be better deployed as part of engagement processes relating to strategic planning such as Regional Planning and Code Amendments.

Accessibility through Mobile Applications

34. *Do you think there is benefit in the e-Planning system being mobile friendly, or do you think using it only on a computer is appropriate?*

35. *Would you be supportive of the Government investing in developing this technology so that the PlanSA website and the e-Planning system is functional on mobile?*

As demonstrated above regarding building notification requests there is a strong appetite for building the mobile capacity of the system. Perhaps at this stage the focus could be on critical component parts as opposed to an entire system roll-out. In addition to building notification requests, SAPPA, Planning and Design Code search functionality and Public Notification in the DAP are considered to be the first priority for deployment in mobile friendly versions of the e-Planning system and website.