

ENGAGEMENT PLAN

Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment

By the Chief Executive, Department for Trade and Investment
(the Designated Entity)

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Background information

The Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment (the Code Amendment) has been initiated by the Chief Executive of the Department for Trade and Investment. The Code Amendment seeks to change the Planning and Design Code's land use definitions of "ancillary accommodation" (generally known as granny flats) and "student accommodation" so that they support establishment of self-contained accommodation.

Currently *Part 7 – Land Use Definitions* of the Code specifies that student and ancillary accommodation cannot be self-contained. Given the current housing crisis, as well as the need for a greater range of housing options to support both housing affordability and ageing in place, it is considered reasonable that the Planning and Design Code (the Code) should be amended to support self-contained ancillary accommodation and student accommodation.

The whole of the state will be affected by the Code Amendment.

The proposed amendment to the ancillary accommodation definition complements recent changes to planning regulations that prohibit relevant authorities from imposing conditions on future planning consents and nullifying any existing such conditions that restrict or prevent ancillary accommodation from being rented or leased to third parties.

Engagement already undertaken

To date, no public engagement has been undertaken in relation to this Code Amendment. However, consultation was undertaken through the Miscellaneous Technical Enhancements Code Amendment which contained amendments to the ancillary accommodation definition.

Since that time, informal preliminary consultation has been undertaken primarily with local government planning practitioners regarding the operation of the definition. Enabling ancillary accommodation to be self-contained through the land use definition was broached during the Planning Policy Forum (a bi-monthly planning practitioner forum held by the Planning and Land Use Services division of the Department for Trade and Investment) on 18 August 2023, with some support expressed for this potential change.

Engagement purpose

The purpose of the engagement is to:

- educate and inform the stakeholders and the community about the Code Amendment
- inform key stakeholders and the community of the proposed changes to the Code
- provide opportunities for stakeholders and the community to review the proposal, seek clarification and offer feedback on the proposal
- ensure compliance with the statutory obligations under the *Planning, Development and Infrastructure Act 2016* (the Act) and the Community Engagement Charter (the Charter)
- 'close the loop' with stakeholders and community by informing them of the final version of the Code Amendment and the decisions made following consultation.

Engagement objectives

The engagement objectives are to:

- ensure the community and stakeholders are aware of the proposal to redefine ancillary accommodation and student accommodation in the Code
- ensure all affected and interested stakeholders and community members have the opportunity to provide feedback on the proposed amendment
- provide clear information about the potential benefits that may result from the proposed amendment
- define what the parameters of the public consultation are so that people know why feedback is being sought and how it will be used
- respond to stakeholder questions and concerns during the consultation
- inform stakeholders of the outcome of the consultation.

Scope of influence

It is important that the community and stakeholders understand how their feedback can influence the Code Amendment, which includes:

- changes to the definitions of ancillary accommodation and student accommodation contained in *Part 7 – Land Use Definitions* (Land Use Definitions Table) of the Code
- any consequential policy changes that arise as a result of the proposed Code Amendment, including proposed changes to the setback of ancillary accommodation from dwellings in the Rural Zone, Productive Rural Landscape Zone and Rural Horticulture Zone.

Aspects of the Code Amendment which stakeholders and the community *cannot* influence are:

- the general policy context established by the Code that applies to ancillary accommodation and student accommodation (other than in relation to any potential consequential changes)
- changes to instruments other than the Code, such as the Act, Regulations and practice directions.

Key messages

The following key messages will underpin the Code Amendment engagement and public consultation:

- To help provide a more flexible and diverse range of housing options, the South Australian government is proposing to change the existing Planning and Design Code definitions for “ancillary accommodation” (often referred to granny flats) and “student accommodation”.
- The Planning and Design Code contains the planning rules and policies that guide what can be developed in South Australia. Sometimes the Code is amended to better serve the community.
- The proposed changes will allow ancillary and student accommodation to be self-contained. This means they can have their own bathroom, kitchen and laundry.

- The changes are a response to the state's current housing crisis and are expected to increase rental stock and housing diversity. They also aim to provide more affordable housing options for the South Australian community.
- Other aspects of the definitions and related policy will remain unchanged. This means that ancillary accommodation must still be subordinate to a main dwelling and have limited floor area. Student accommodation must still incorporate common facilities for shared use by students.
- The proposed amendment to the ancillary accommodation definition complements recent changes to the planning regulations that ensure homeowners can lease ancillary accommodation (such as granny flats) to anyone they choose. This has enabled a greater number of granny flats to be made available to the rental market.
- The draft Code Amendment will come into effect on an interim basis on the same day as it is released for public consultation, known as 'early commencement'.
- The early commencement process is used when the Minister considers that the immediate application of the policy changes is necessary in the interests of orderly and proper development, and to counter applications for undesirable development ahead of the outcome of consideration of this Code Amendment by the Minister.
- To learn more and provide your feedback on the proposed changes, visit yoursay.sa.gov.au/ancillary-student-accommodation-code-amendment during the 6-week consultation period from 29 February 2024 to 15 April 2024.

How will the key messages and proposed changes be communicated?

The PlanSA portal and YourSAy website will be updated with:

- an introduction to the proposed Code Amendment
- a fact sheet providing an overview of the proposed changes (the fact sheet will direct people to the YourSAy portal to submit their feedback)
- a set of 'frequently asked questions' to clarify intent and dispel misunderstanding
- the draft Code Amendment
- feedback submission form/survey
- a phone number and email address for all enquiries
- information about upcoming online information session(s).

The YourSAy website will be the primary engagement website for the consultation. Awareness of this Code Amendment will be raised, and people directed to the relevant section of the YourSAy website via:

- a letter to key stakeholders
- an article in Planning Ahead
- social media content (boosted to extend reach)

- a presentation by the PLUS staff and the opportunity for questions at the PlanSA User Forum and Policy Forum
- media release (at Minister's discretion)

**Communications activities and collateral will be added or amended as required as consultation progresses*

Issues and mitigations

Below is a list of some of the key anticipated issues and recommended mitigations for this engagement:

Issue:

- Stakeholders, the public and the media may assume that the change in definition for ancillary accommodation also changes other aspects of the accommodation (i.e. that a granny flat can be built independent of another dwelling).

Mitigation:

Clearly articulate that other aspects of the definitions will remain unchanged. Ancillary accommodation must still be subordinate to a main dwelling with floor area limitations. It must also share the same utilities and sit on the same allotment as the primary dwelling.

Student accommodation must still incorporate common facilities for shared use by students.

Issue:

- Due to early commencement, stakeholders and community may feel that their influence on the proposed amendment is limited or that the engagement is not genuine.

Mitigation:

- Highlight why early commencement has been employed for this Code Amendment
- Highlight that the feedback collected during the engagement will genuinely influence the final Code Amendment presented to the Minister for consideration.

Stakeholder and community mapping

Stakeholder	Level of interest in the project (i.e. high, medium or low)	Nature of interest in the project and/or the potential impact of the project	Stakeholder needs/expectations for engagement in the project	Level of engagement (i.e. inform, consult, involve, collaborate)
Local Government Association (LGA)	High/Medium	The LGA is a membership organisation that provides service and leadership relevant to the needs of member councils in South Australia. It is for this reason that the LGA will have an interest in a policy issue such as ancillary accommodation and student accommodation.	That they will be made aware of the Code Amendment, have an opportunity to participate in consultation, influence the outcome and be kept informed.	Consult
All South Australian Councils	High	Councils administer the Planning and Design Code and assess proposals for student accommodation and ancillary accommodation.	That they will be made aware of the Code Amendment, have an opportunity to participate in consultation, influence the outcome and be kept informed.	Consult
Relevant Peak Industry Bodies: <ul style="list-style-type: none"> Housing Industry Association Master Builders Association Planning Institute of Australia Property Council of Australia Urban Development Institute of Australia South Australian Council of Social Service Council on the Ageing Australian Tiny House Association Student Accommodation Association 	High/Medium	Peak Industry Bodies represent private industry who interact with the planning system seeking approvals for new ancillary accommodation and student accommodation developments.	That they will be made aware of the Code Amendment, have an opportunity to participate in consultation, influence the outcome and be kept informed.	Consult
SA Housing Authority	Medium	May assist community members looking for ancillary accommodation and affected by ancillary housing regulations.	That they will be made aware of the Code Amendment, have an opportunity to participate in consultation, influence the outcome and be kept informed.	Consult
Department for Education	Medium	Interacts with education providers who may be affected by student accommodation development proposals.	That they will be made aware of the Code Amendment, have an opportunity to participate in consultation, influence the outcome and be kept informed.	Consult
Student accommodation owners and operators: <ul style="list-style-type: none"> Scape Unilodge Urban Nest Dwell Capital Student Stays The Switch Y Suites Yugo 	High	Will be affected by student accommodation development proposals.	That they will be made aware of the Code Amendment, have an opportunity to participate in consultation, influence the outcome and be kept informed.	Consult

Stakeholder	Level of interest in the project (i.e. high, medium or low)	Nature of interest in the project and/or the potential impact of the project	Stakeholder needs/expectations for engagement in the project	Level of engagement (i.e. inform, consult, involve, collaborate)
Residential colleges: <ul style="list-style-type: none"> • Aquinas College • Lincoln College • St Ann's College • St Mark's College 	High	May be affected by student accommodation development proposals.	That they will be made aware of the Code Amendment, have an opportunity to participate in consultation, influence the outcome and be kept informed.	Consult
Universities with onsite living: <ul style="list-style-type: none"> • Flinders University (Flinders Living) • Adelaide Uni (University of Adelaide Village) • TAFE (Regency International House) 	High	May be affected by student accommodation development proposals.	That they will be made aware of the Code Amendment, have an opportunity to participate in consultation, influence the outcome and be kept informed.	Consult
Student associations <ul style="list-style-type: none"> • Uni SA student association • YouX (Adelaide Uni student association) • Flinders Uni student association • TAFE student voice group 	Medium	Students who live on campus are directly affected by student accommodation development proposals.	That they will be made aware of the Code Amendment, have an opportunity to participate in consultation, influence the outcome and be kept informed.	Consult
Community	Medium	May be interested in building ancillary accommodation on their property. May be affected by ancillary accommodation or student accommodation development proposals.	That they will be made aware of the Code Amendment, have an opportunity to participate in consultation, influence the outcome and be kept informed.	Consult

Applying the Charter principles

Stakeholder	Engagement needs or technique
Local Government Association	Direct consultation. Letter and/or email providing an overview of the proposed changes and inviting feedback/participation. Provision of all relevant information on YourSAy or the PlanSA portal, including PlanSA contact details for enquiries. Via Planning Ahead e-newsletter. Online information session.
All South Australian Councils	Direct consultation. Letter and/or email providing an overview of the proposed changes and inviting feedback/participation. Provision of all relevant information on YourSAy or the PlanSA portal, including PlanSA contact details for enquiries. Via the PlanSA User Forum and Policy Form and Planning Ahead e-newsletter. Online information session.
Relevant Peak Industry Bodies: <ul style="list-style-type: none"> • Housing Industry Association • Master Builders Association • Planning Institute of Australia • Property Council of Australia 	Direct consultation. Letter and/or email providing an overview of the proposed changes and inviting feedback/participation. Provision of all relevant information on YourSAy or the PlanSA portal, including PlanSA contact details for enquiries. Via the PlanSA User Forum and Policy Form and Planning Ahead e-newsletter. Online information session.

Stakeholder	Engagement needs or technique
<ul style="list-style-type: none"> • Urban Development Institute of Australia • South Australian Council of Social Service • Council on the Ageing • Australian Tiny House Association • Student Accommodation Association 	
SA Housing Authority	Letter and/or email providing an overview of the proposed changes and inviting feedback/participation. Provision of all relevant information on YourSAy or the PlanSA portal, including PlanSA contact details for enquiries. Online information session.
Department for Education	Letter and/or email providing an overview of the proposed changes and inviting feedback/participation. Provision of all relevant information on YourSAy or the PlanSA portal, including PlanSA contact details for enquiries. Online information session.
Student accommodation owners and operators: <ul style="list-style-type: none"> • Scape • Unilodge • Urban Nest • Dwell • Capital Student Stays • The Switch • Y Suites • Yugo 	Letter and/or email providing an overview of the proposed changes and inviting feedback/participation. Provision of all relevant information on YourSAy or the PlanSA portal, including PlanSA contact details for enquiries. Online information session.
Residential colleges: <ul style="list-style-type: none"> • Aquinas College • Lincoln College • St Ann's College • St Mark's College 	Letter and/or email providing an overview of the proposed changes and inviting feedback/participation. Provision of all relevant information on YourSAy or the PlanSA portal, including PlanSA contact details for enquiries. Online information session.
Universities with onsite living: <ul style="list-style-type: none"> • Flinders University (Flinders Living) • Adelaide Uni (University of Adelaide Village) • TAFE (Regency International House) 	Letter and/or email providing an overview of the proposed changes and inviting feedback/participation. Provision of all relevant information on YourSAy or the PlanSA portal, including PlanSA contact details for enquiries. Online information session.
Student associations <ul style="list-style-type: none"> • Uni SA student association • YouX (Adelaide Uni student association) • Flinders Uni student association • TAFE student voice group 	Letter and/or email providing an overview of the proposed changes and inviting feedback/participation. Provision of all relevant information on YourSAy or the PlanSA portal, including PlanSA contact details for enquiries. Online information session.
Community	Relevant information available on YourSAy or the PlanSA portal, including PlanSA contact details for enquiries. Social media posts to promote the consultation. Media release to promote the consultation more broadly (at Minister's discretion). Online information session.

Staging your engagement

Stage	Objective	Stakeholders	Level of engagement	By when
1 Pre-engagement	Approval of all communications and engagement collateral	Executives	Inform	Prior to public consultation
2 Public consultation	The public consultation period will run for a total of 6 weeks (29 February – 15 April 2024) Consultation on the Code Amendment will provide an opportunity for affected or interested people/organisations to be made aware of the definition change and have an opportunity to participate and influence the outcome.	All stakeholders	Consult	29 February 2024
3 Review feedback	Review and summarise consultation feedback and prepare an engagement report for Ministerial decision.	All stakeholders	N/A	At conclusion of consultation period
4 Inform of outcome	Inform community and stakeholders of the outcomes of the engagement process and any alterations proposed to the Code Amendment.	All stakeholders	Inform	As soon as possible following the completion of the consultation process.

Planning your engagement approach *subject to change as consultation progresses

Stage	Engagement activity	Engagement level and objective of activity	Stakeholders/ target audience	Timing
1 Pre-engagement	Draft all engagement and communications materials	Internal process	Internal process	27 February 2024
1 Pre-engagement	Obtain approval for all engagement and communications materials	Internal process	Internal process	28 February 2024
2 Public consultation	Direct letter/email	INFORM/CONSULT Provide information on Code Amendment and invite feedback/participation in consultation	LGA and relevant peak interest bodies	29 February 2024
2 Public consultation	Media release (at Minister's discretion)	INFORM	Media (and by extension all stakeholders and the wider SA public)	29 February 2024
2 Public consultation	Update to PlanSA portal: - Banner - Overview - Fact Sheet - FAQs - Code Amendment Document - Submission form - Contact details	INFORM/CONSULT -provide information on the project and invite feedback/participation in consultation	All stakeholders and interested members of the SA public and media	29 February 2024
2 Public consultation	Printed material at PLUS Offices: - Fact Sheet - FAQs	INFORM/CONSULT -provide information on the project and invite feedback/participation in consultation	All stakeholders and interested members of the SA public and media	29 February 2024

Stage	Engagement activity	Engagement level and objective of activity	Stakeholders/ target audience	Timing
2 Public consultation	PLUS Social Media content posted to PlanSA Facebook, Twitter and SPC LinkedIn	INFORM/CONSULT -provide information on the project and invite feedback/participation in consultation	All stakeholders and interested members of the SA public and media	Throughout consultation period
2 Public consultation	Article in Planning Ahead	INFORM/CONSULT -provide information on the project and invite feedback/participation in consultation	All interested stakeholders and the broader SA public	March
2 Public consultation	Online information session	INFORM/CONSULT -provide information on the project and invite feedback/participation in consultation	All interested stakeholders and the broader SA public	March
2 Public consultation	Meetings/phone calls/emails	INFORM/CONSULT -respond to stakeholder questions and issues as they arise	Stakeholders as required	Throughout consultation period
3 Review	Review and collate feedback Code Amendment team to adjust the amendment as required based on consultation feedback Prepare engagement report for the Minister	Review and respond to feedback	N/a	Throughout the consultation period and immediately following consultation
4 Inform of outcome	PlanSA portal updated with Minister's decision and supporting information as well as the Engagement Report and all submissions	INFORM -provide information on Minister's decision and report back on 'what was heard' during the consultation period	All stakeholders	Once a decision has been made
4 Inform of outcome	Email/letter to consultation participants and key stakeholders	INFORM -provide information on Minister's decision and report back on 'what was heard' during the consultation period	All consultation participants and key stakeholders	Once a decision has been made
4 Inform of outcome	- Media Release - PLUS social media - Planning Ahead newsletter article - PlanSA and YourSAy websites	INFORM -provide information on Minister's decision and report back on 'what was heard' during the consultation period	All stakeholders	Once a decision has been made
5. Evaluation	-Survey sent to consultation participants	EVALUATION - Internal project team evaluation and discussion regarding the consultation (what worked and what didn't)	Internal team and consultation participants	Post consultation

Applying the Charter principles in practice

Charter principle	How does your engagement approach/activities reflect this principle in action?
Engagement is genuine	The following techniques are incorporated in the engagement plan to provide suitable opportunity to participate in the engagement: <ul style="list-style-type: none"> • Suitable time is allocated to participate in consultation activities and provide feedback. • Targeted at stakeholders using a range of methods that are best targeted to making participation convenient

Charter principle	How does your engagement approach/activities reflect this principle in action?
	<ul style="list-style-type: none"> • Easy to understand information to help audiences understand why it is relevant to them and how they can have their say • Representatives of the Designated Entity are available to discuss the Code Amendment. • An Engagement Report will be prepared in accordance with section 73(7) of the PDI Act, outlining what was heard and how it was responded to and the evaluation of engagement. This will be published on the PlanSA Portal • Ability to provide feedback via: <ul style="list-style-type: none"> - Personal contact via phone - Electronically via SA Planning Portal, YourSAy or direct email - Via written correspondence
Engagement is inclusive and respectful	<p>The variety of engagement techniques are suitable for the identified stakeholder groups, with a number of opportunities to be informed and provide feedback.</p> <p>Comments and feedback are appropriately recorded and considered.</p> <p>Efforts to be made to ensure that those most affected or interested are aware of the proposed amendment and engaged through the most direct means possible e.g. direct letters.</p> <p>Engagement techniques are adaptable during the engagement period.</p> <p>Comments and views are captured and considered.</p>
Engagement is fit for purpose	<p>Engagement incorporates a variety of techniques to ensure the community of interest and the wider community are aware of the Code Amendment and ability to provide feedback.</p> <p>The engagement is of an appropriate scale and form to reflect the likely impact of the amendment.</p> <p>The general public will be informed through several mechanisms to maximise reach.</p> <p>The engagement information is presented in a manner which allows for ease of interpretation:</p> <ul style="list-style-type: none"> • Clearly presented information. • Ability for people to speak to a representative of the Designated Entity in person via phone. • Information is available from a range of sources ie. Planning SA Portal, YourSAy, Department for Trade and Investment.
Engagement is informed and transparent	<p>Engagement material is available in a variety of forms including letters, online content and fact sheets with easy-to-understand descriptions of the changes.</p> <p>The engagement material appropriately identifies the scope of the Code Amendment and what can and cannot be influenced.</p> <p>Feedback is reviewed, summarised, and considered in sequential implementation of the Code Amendment.</p> <p>An engagement report will be provided to participants and made publicly available.</p>
Engagement is reviewed and improved	<p>Feedback provided via the various sources is monitored during the engagement period.</p> <p>Any issues raised about the engagement during the process will be considered and action will be taken if appropriate.</p> <p>Appropriate endeavours will be made to obtain feedback on engagement processes during consultation events and/or following the conclusion of the consultation period. Feedback will be reviewed and analysed for areas of improvement as part of the engagement report and closing the loop.</p>

Measuring success

At the completion of the engagement, participants will be invited to assess the success of the engagement against performance criteria one to four, below. The Designated Entity will assess the success of the engagement against criteria five to nine. This evaluation will be included in the statutory report required to be prepared by the Designated Entity under section 73(7) of PDI Act (the Engagement Report). The Engagement Report provides details and analysis of engagement activities undertaken for the Code Amendment and is provided to the Minister for Planning. This Engagement Report will also be referenced in the State Planning Commission's Parliamentary Report under section 74(3)(b) of the Act, which is issued to the Environment Resources and Development Committee of Parliament following adoption of a Code Amendment.

Charter criteria	Charter performance outcomes	Respondent	Indicator ²	Evaluation tool ³ Exit survey / follow-up survey	Measuring success of project engagement
Principle 1: Engagement is genuine	<ul style="list-style-type: none"> • People had faith and confidence in the engagement process. 	Community	I feel the engagement genuinely sought my input to help shape the proposal	Likert scale - strongly disagree to strongly agree	Per cent from each response.

Charter criteria	Charter performance outcomes	Respondent	Indicator ²	Evaluation tool ³ Exit survey / follow-up survey	Measuring success of project engagement
Principle 2: Engagement is inclusive and respectful	<ul style="list-style-type: none"> Affected and interested people had the opportunity to participate and be heard. 	Community	I am confident my views were heard during the engagement	Likert scale - strongly disagree to strongly agree	Per cent from each response.
		Project Lead	The engagement reached those identified as communities of interest.	<ul style="list-style-type: none"> Representatives from most community groups participated in the engagement Representatives from some community groups participated in the engagement There was little representation of the community groups in engagement. 	Identified by Project Lead
Principle 3: Engagement is fit for purpose	<ul style="list-style-type: none"> People were effectively engaged and satisfied with the process. People were clear about the proposed change and how it would affect them. 	Community	I was given sufficient information so that I could take an informed view.	Likert scale - strongly disagree to strongly agree	Per cent from each response.
			I was given an adequate opportunity to be heard	Likert scale - strongly disagree to strongly agree	Per cent from each response.
Principle 4: Engagement is informed and transparent	<ul style="list-style-type: none"> All relevant information was made available and people could access it. People understood how their views were considered, the reasons for the outcomes and the final decision that was made. 	Community	I felt informed about why I was being asked for my view, and the way it would be considered.	Likert scale - strongly disagree to strongly agree	Per cent from each response.
Principle 5: Engagement processes are reviewed and improved	<ul style="list-style-type: none"> The engagement was reviewed and improvements recommended. 	Project Lead	Engagement was reviewed throughout the process and improvements put in place, or recommended for future engagement	<ul style="list-style-type: none"> Reviewed and recommendations made Reviewed but no system for making recommendations Not reviewed 	Identified by Project Lead
Engagement occurs early	<ul style="list-style-type: none"> Engagement occurred before or during the drafting of the planning policy, strategy or scheme when there was an opportunity for influence. 	Project Lead	Engagement occurred early enough for feedback to genuinely influence the planning policy, strategy or scheme	<ul style="list-style-type: none"> Engaged when there was opportunity for input into scoping Engaged when there was opportunity for input into first draft Engaged when there was opportunity for minor edits to final draft Engaged when there was no real opportunity for input to be considered 	Identified by Project Lead
Engagement feedback was considered in the development of planning policy, strategy or scheme	<ul style="list-style-type: none"> Engagement contributed to the substance of a plan, resulted in changes to a draft, or contributed to future considerations of the code amendment. 	Project Lead	Engagement contributed to the substance of the final/future plan	<ul style="list-style-type: none"> In a significant way In a moderate way In a minor way Not at all 	Identified by Project Lead
Engagement includes 'closing the loop'	<ul style="list-style-type: none"> Engagement included activities that 'closed the loop' by providing feedback to participants/ community about outcomes of engagement 	Project Lead	Engagement provided feedback to community about outcomes of engagement	<ul style="list-style-type: none"> Formally (report or public forum) Informally (closing summaries) No feedback provided 	Identified by Project Lead
Charter is valued and useful	<ul style="list-style-type: none"> Engagement is facilitated and valued by planners 	Project Lead	The engagement identified key strength of the Charter and Guide The engagement identified key challenge of the Charter and Guide	Closed Questions (yes/no)	Identified by Project Lead