



23 January 2023

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

EMAIL: DTI.PlanningReviews@sa.gov.au

Dear Mr Stimson,

Planning System Implementation review – draft Submission by the City of Charles Sturt

I write further to the draft submission forwarded by Council staff on 15 December 2022 to meet the Expert Panel's consultation deadline.

As outlined in that letter a formal submission (with amendments to row 1 in Appendix A) is now provided following an endorsement of the submission by Council at its meeting on 23 January 2023 to meet the extended deadline on 30 January 2023, made by the Minister for Planning.

Council wishes to thank the Government and the Expert Panel for the opportunity to provide comment through the Planning System Implementation Review process.

It is acknowledged that the Expert Panel is seeking feedback from key stakeholders and the community on matters including the Planning, Development and Infrastructure Act 2016, the South Australian Planning and Design Code and other statutory instruments as they relate to infill policy, trees, character, heritage and car parking, the Government's e-planning system and the PlanSA website.

The City of Charles Sturt has taken the opportunity to consider these issues it has identified in the new South Australian planning system. A table of Council's comments is located in **Appendix A** and **Appendix B**. The following are key matters taken from **Appendix A**:

Planning and Design Code Policy Issues

Performance Assessed Applications

A key issue that needs to be resolved is the consideration of all policies contained in the Code when assessing a performance assessed application with an overarching statement to this effect in Table 3. This table could then also include the key standards that will be relevant but not be the sum total of those that are applicable. In this way the search tool for the Code would give them a snapshot of what they need to consider without being exhaustive of all policy.

As an example, Council staff have identified that in performance assessed development applications the DAP system does not bring in all the relevant General Development Interface between Land Uses policies within this section. This therefore limits the ability for an assessing authority to appropriately assess a sensitive land use where it is located near non-residential land uses in a typical zone that envisages mixed use outcomes. Example – Urban Renewal Neighbourhood Zone – dwelling for performance assessed only brings in overshadowing provisions.

Critical policy that guides development such as density, setbacks, private open space, soft landscaping and carparking size and number, should be part of the performance outcome not a Deemed to Satisfy / Designated Performance Feature (DTS/DPF) that is one way of achieving the Performance Outcome (PO) in order to ensure they have greater weight in the development outcome. This will ensure better delivery of appropriate development that achieves streetscape and amenity outcomes.

Environmental and Climate Change Policy

Climate change presents significant risks and opportunities for the built environment and our communities. The SA Government has acknowledged the need for urgent climate action through its climate emergency declaration (May 2022), the development of down-scaled climate science data to understand localised impacts, and commitments within its climate change strategies, including ‘(Action 5.1, South Australian Government Climate Change Actions) *Strengthen climate smart planning, building and design policies and their implementation in the planning system*’. Although not specifically ‘in scope’, this review should harness this opportunity to influence low emission and climate resilient planning and development outcomes.

Policy aimed at addressing responses to climate change need to be included in the Code to ensure climate risks are considered and planned for as part of all forms of development and for all dwelling types and non-residential uses. It also needs to apply to State agencies so that housing for people that need support is sustainable for them in relation to living costs (refer to Action 5.5 South Australian Government Climate Change Actions, *Support climate smart development for public housing, affordable private dwellings and urban renewal projects*). Climate risks need to be understood to enable diligent decision making for both public and private assets. An Urban Heat Overlay (data prepared by State) and Coastal Hazards Overlay (Mapping required) needs to be considered in the Code.

It is critical that environmental, and Climate Change policy is included in the Code or National Construction Code that includes improvements for energy use and consumption. Better thermal efficiency means lower energy bills, more comfortable homes, more resilience at times of extreme weather, and lower carbon emissions. It furthermore reduces pressure on the energy grid, reducing infrastructure costs and enabling the broader transition from centralised fossil fuel-powered electricity systems to renewables and distributed energy resources.

The upfront costs of higher thermal performance are significantly outweighed by benefits to households. Additional monthly mortgage payments on a 7-Star home are typically less than the bill savings, meaning that households are financially better off from day one.

Flooding Overlay

A Ministerial or Commission led Code Amendment to insert the Hazards (Flooding - Evidence Required) Overlay, over areas in Charles Sturt not presently covered by either the Hazards (Flooding-General) Overlay or the Hazards (Flooding) Overlay is also required.

Carparking and storage for dwellings

Carparking size in double garages need to be increased based on the dimensions originally consulted in the draft Code (*a minimum internal width of 6.0m and length of 6.0m for a double space (side by side)*), to allow for people to park and exit their vehicles within the garage space. There is also a need to allow for space within the garage for other domestic uses such as storage and electric vehicle charging infrastructure as this is not possible in the open space or dwelling itself.

Regulated Trees

Council supports a broadening of the legislative definition for Regulated and Significant trees to ensure a greater number of trees are captured by legislation and future tree damaging activities triggering a development application are given the appropriate scrutiny before such actions are undertaken. This provides greater opportunity to maintain and improve on urban tree canopy in the metropolitan area.

Legislative Issues

Public Open Space Contribution

The current legislative provision of 12.5% is not considered sufficient to address future higher density residential environments and should be increased.

If the total development creates more than 20 allotments from the commencement, then this should be the trigger for contribution to councils. This will negate the ability to undertake staged development to avoid direct contribution to councils.

The open space contribution per allotment should also be increased to ensure sufficient funds are provided in the open space fund.

Deemed Consent

The Deemed Planning Consent provision is having extremely negative impacts on the workplace culture and contributing to staff leaving the local government sector. This, combined with very short assessment times for what can be quite complex matters, results in a greater likelihood of applications being refused, or substandard designs that don't meet the provisions well, but are just good enough, being approved to avoid a deemed consent rather than working with applicants to achieve a design that can be supported and better deliver the intent of the policy.

It is noted in the discussion paper that there have not been too many actual deemed planning consents issued. It is not the case that the number of these issued reflects the considerable stress that sits with every application to avoid this occurring. Planning staff do not feel that they can take extended leave due to the potential that one of their applications will tick down to a deemed consent and the workloads associated with other planners in the team do not facilitate easy management of applications when others are away. This approach does not

provide a basis for collaborative relationships with applicants that in turn deliver more appropriate planning outcomes.

It is recommended that instead of a Deemed Consent the system reverts to a Deemed Refusal or the ability to approach the Courts to seek a decision to be made in line with most other states.

Deemed Approval

The Discussion Paper assumes the Council is the problem and does not examine the reasons why the approval is not being issued by the Council. The Act requires a Council to check that the appropriate consents have been sought and obtained for a development application. This is an important mechanism that safeguards applicants / owners from commencing development with inconsistent or invalid consents.

The absence of this important check is likely to result in non-compliances being identified during construction, leading to more significant and costly delays.

In many instances where development approval has not been issued, it is evident that some private accredited professionals have acted outside their powers under the *Act*. This issue is directly related to the accredited professional's incorrect assessment which missed key assessment criteria, including the application of Overlays such as the Historic Area Overlay. There are some examples of accredited professionals' interpretation being such that they have effectively undertaken a performance assessed development, including an notifiable development but called it Deemed to Satisfy (DTS).

This issue is exacerbated with the ambiguity that is created with s106(2) of the Act in relation to minor variations.

It is recommended that attention be given to where consent authorities are failing in their obligations as part of this review rather than blaming the Council for trying to ensure the legal framework has been correctly applied and the decisions can legally be relied upon to issue Development Approval.

There should be no Deemed Approval to safeguard community outcomes.

An authority issuing a Deemed to Satisfy decision should not be able to allow a change from the DTS standard. If this occurs, it should go through the Performance Assessed pathway.

Assessment Timeframes

The Discussion Paper suggests a review of assessment timeframes. This review is supported as the current timeframes do not adequately differentiate the work that is required to properly assess more complex assessments such as larger residential, commercial and industrial type applications. It is recommended that the assessment timeframes for complex development, not involving up to two (2) class 1 buildings (dwellings) or any class 10 buildings (non-habitable buildings eg. sheds, carports, garages), should be 8 weeks as the current assessment timeframes are not adequate and do not facilitate the promotion of high standards for the built environment.

Building Inspection

Section 146 of the PDI Act does not automatically afford Councils time to actually inspect a site during construction once a notice is provided. The regulations require the builder or landowner to notify Council typically with **1 business day** notice of the intended commencement or completion of a stage of construction where these have been specified in the decision.

Part (3) of the above states the following *“Subject to subsection (4), a person who is carrying out building work must, if directed to do so by the council, stop building work when a mandatory notification stage has been reached pending an inspection by an authorised officer who holds prescribed qualifications. Maximum penalty: \$10 000”*.

Part (4) in the Act outlines that an authorised officer must carry out an inspection under subsection (3) **within 24 hours** after a direction is given under that subsection and, if such an inspection is not carried out within that time, the person may proceed with the building work.

The Act needs to be amended to provide a minimum of two business days for inspection and it should be mandatory that all work stops until the inspection duration has passed. Given the importance of ensuring suitable safe built form, the Act should be amended to provide time for this to occur.

Building Fire Safety

During Council’s formal consideration of the various elements of the Code, particularly in the context of our formal submission, discussion ensued as to the perceived additional fire risk associated with higher density developments. Accordingly, Council formally resolved to request that further investigation be undertaken into building fire safety and emergency evacuation requirements associated with narrow frontage ‘boundary to boundary’ developments. It is acknowledged that this matter is largely controlled within the requirements of the Building Code, however Council specifically requested that it also be considered within the context of the Expert Panel’s review of the Planning and Design Code itself.

DAP System Issues

The current Development Application Processing system (DAP) is too linear and does not facilitate multi process actions across planning and building. Staff cannot easily update basic data, such as add addresses after verification, or continue to assess an application when the

application is on hold. This is resulting in double or triple handling of development applications. A relevant authority should be able to efficiently complete all aspects of an assessment at one point, regardless of the status of the application and should be given administrative control to change data in the DAP as required. There is significant inefficiency in administrative functions being undertaken only by PlanSA. Please refer to appendices for detailed discussion and specific examples from assessing officers.

Priority should be given to updating the DAP and streamlining assessment processes so that staff can better service the customer and reduce multiple handling of the one application wherever possible. The reporting systems still present inaccurate results and conflicting information and are not fit for purpose.

Council looks forward to the Expert Panel's findings from this review to understand what changes the Government will consider improving on the State's new planning system.

Should you have any questions, please contact Jim Gronthos, Senior Policy Planner on [REDACTED] or by email at [REDACTED] or Julie Vanco on [REDACTED] or by email at [REDACTED].

Yours sincerely



Paul Sutton
Chief Executive Officer

CC: Chair of the State Planning Commission
Minister for Planning
Member for Croydon
Member for Lee
Member for Colton
Member for Cheltenham
Member for West Torrens

Appendix A – Planning System Implementation Review – Feedback by Charles Sturt Council

No.	Topic	Comments	Recommendation
LEGISLATION			
1.	Public open space contribution - Section 198 Act	<p>The legislation has loopholes that can be exploited. When creating more than 20 dwelling allotments there is a requirement that a minimum of 12.5% of a development area be provided for public open space or monetary contribution.</p> <p>Applicants can therefore create a land division proposal of less than 20 allotments to avoid direct physical contribution to Council.</p> <p>In terms of the current 12.5% contribution, Council's previous study titled Best Practise Open Space in Higher Density Developments, 2012 recommended the legislative 12.5% should be increased for higher density environments stating that, <i>'The total provision of open space within a higher density urban development would ideally be around 2 hectares per 1,000 people or 25% of the development land (around 1 hectare per 1,000 people for Primary Open Space and around 1 hectare or more per 1,000 people for Contributory Open Space) based on best practice and case studies.'</i></p> <p>The current requirement for those who subdivide less than 20 allotments is to make a financial contribution per new allotment of \$8,066 (as of 9 June 2022). This is considered grossly inadequate to meet the costs of acquiring the necessary open space to meet the growing needs of densifying communities. As an example, should a developer lodge a land division from 1 to nineteen allotments (250m² each), their contribution will be 18x \$8,066 = \$145,188. The land area to create these 19 allotments (at a site area of 250m²) would be 4750m² plus some road reserve if required. 12.5% open space of 4750m² is 593.75m². Residential land within Charles Sturt is selling as a conservative figure of approximately \$1500 a m². Council would need to allocate \$890,000 to buy 593 m² having only received \$145,188 from the developer into the open space fund.</p> <p>Given the low level of financial open space contribution required per lot, Developers have a significant incentive to avoid providing 12.5% and Council has insufficient access to funding to buy open space in areas of greatest need. The open space contribution per lot that is required to be paid needs to be substantially increased progressively over the next 3 years to ensure developers don't seek to avoid providing open space via staged land divisions and that Governments have access to significant funds to acquire public open space when required.</p>	<p>The current legislative provision of 12.5% is not considered sufficient to address future higher density residential environments and should be increased.</p> <p>If the total development creates more than 20 allotments from the commencement, then this should be the trigger for contribution to councils. This will negate the ability to undertake staged development to avoid direct contribution to councils.</p> <p>Increase the open space contribution per allotment created to ensure sufficient funds are provided in the open space fund.</p>

No.	Topic	Comments	Recommendation
2.	Minor variation for Deemed to Satisfy assessments.	<p>History has shown that where a certifier has the ability to decide to approve an aspect of development that does not meet the Deemed to Satisfy standard there is often instances where they proceed to a merit consideration of the failure rather than ensuring that the change is minimal. This a very common occurrence. Refer to Deemed Approvals comments at 16. as these are related.</p> <p>There has been on going tension in regard to certified decisions for Complying and now DTS application where the authority has endorsed an outcome that moves too far from the DTS standard and therefore should not have been considered minor in variance.</p> <p>The ERD court has been clear that a variance from the standard needs to be so trivial that it is typically not noticeable and indicated for example that a 300mm reduction in frontage would not be considered a minor variance from the standard.</p> <p>Instead of ensuring a decision the certifier is issuing is close to achieving the standard, they are looking outside of the site and the associated external impacts as justification for their decision, which is not the test and is actually a merit assessment.</p> <p>The department attempted to put together some guiding documents about when to consider something a minor variation for the standard and have not been able to deliver this.</p> <p>If it is so hard to define and guide, then in order to truly deliver a streamlined pathway for DTS development the ability to allow a minor variation should be removed and this would remove all uncertainty.</p>	<p>To avoid future confusion and hold ups in decisions being issued the ability to approve something with a minor variation for the DTS standard should be removed and the development should have to meet the DTS standard for the authority to approve the development through a Deemed to Satisfy pathway.</p>
3.	Accredited professionals' assessment parameters	<p>The expert panel has posed a question about whether only planning certifiers should issue planning consents and building certifiers should assess building consents. This has been interpreted to mean that a building accredited professional should not be undertaking a planning assessment. As the building accredited people are now limited to only doing these where the standard for the DTS has been met, with no minor variation, there has been an improvement to the assessment provided and less instances where they have moved beyond the actual standard and issued an approval.</p>	<p>We would not agree that only planning certifiers are able to issue planning consents because it is fine for Assessment Managers and CAP to also do this.</p> <p>No need to change this but put the same limitation on the planning certifiers in relation to decisions not being able to vary</p>

No.	Topic	Comments	Recommendation
			from the DTS standard to ensure assessments are able to progress more smoothly.
4.	Local Heritage	<p>Question the value of Section 67 (4) and 67 (5) in the <i>Act</i> and these being commenced.</p> <p>Agree with the comments from the Expert Panel that, it is extremely unlikely that 51 per cent of relevant owners will agree to list their own allotment as a place of local heritage value, as it would result in tighter planning policy applying to their property. This would reduce a relevant owner's ability to develop or alter their property should they seek to do so in the future.</p> <p>The consideration of listing should be made on each sites' merits against the local heritage criteria through the advice of a heritage professional. It is acknowledged that the process should still allow for direct consultation to landowners directly affected to seek their opinion, but the potential listing should not be solely influenced by a current landowner but rather should be based on clear heritage or historic merits in the case of a Historic Area Overlay.</p> <p>The implications of sections 67(4) and 67(5) of the PDI Act being commenced would likely result in a failure of future proposed local heritage listings.</p>	These Sections of the Act should be removed to enable the consideration of future local heritage listing or new potential Historic Areas to be considered on their merits.
5.	Local Heritage Places listing	<p>The Expert Panel's Discussion Paper highlights the issue of listing of Local Heritage Places. Currently under the <i>Act</i>, a local government would typically secure a budget to procure the services of a heritage expert to undertake a heritage study in its city to identify a potential list of places to consider as part of a future Local Heritage Places Code Amendment. If the initiation of such a Code Amendment is agreed to by the Minister, the investigations would typically incorporate the findings of the previous review, outline the alignment of the proposed listing with key historical themes and then a process of statutory consultation is undertaken. The entire process from beginning to end involves considerable costs and could take well over 12 months (not including the time taken to undertake the local heritage places review).</p> <p>The Expert Panel considers that the listing of heritage places is arguably a matter that sits best with heritage experts (as opposed to planning professionals who are ultimately responsible for maintaining the Code). In essence this is what already happens. The planning professionals in a local heritage Code Amendment Process are there to ensure the process is undertaken in accordance with the relevant legislation. The actual review and consideration of submissions is undertaken by a heritage expert engaged by the Council.</p>	Support the consideration of the listing of new local heritage places and/or proposed removal from a current listing through a process like that undertaken for State Heritage Places and managed by heritage experts provided direct consultation was maintained for the affected landowners and the relevant local government body.

No.	Topic	Comments	Recommendation
		<p>The Expert Panels consideration that the local heritage listing process would be more appropriately dealt with by heritage experts has merit and a similar process to that of nominating a State Heritage Place should be considered. Several years ago, Council endorsed the nomination of several buildings within the former Gasworks site in Brompton for State Heritage listing. In staff's experience this process was far more simpler and costs efficient than the previous local heritage places listing Council has previously undertaken to identify and ultimately list new local heritage places in the City of Charles Sturt. The affected landowners in this process are also consulted before a decision is made.</p> <p>In so far as decision to be made on subsequent decisions in relation to a local heritage place the <i>Act</i> clearly defines alterations or demolition to local heritage places as development. Therefore, if such actions are still to be defined as development under the <i>Act</i> then these should still be considered through a development application process, whereby heritage expert advice is sought before a decision is made by the assessment authority.</p>	
6.	Third Party Appeals	<p>Since the inception of the Government's new Planning System (the Planning and Design Code) the loss of third-party appeals for notification of performance assessment development applications remains an issue with the community. Not surprisingly this issue has been highlighted by the Expert Panel in its Discussion Paper. Notification for development in a performance assessed pathway that does not achieve the policy standards highlighted in Part 5 exceptions in each zone require a process of notification. While persons have an opportunity to provide their feedback in this process, Council is of the view that a third parties opportunity to be heard should not be limited to just this stage of the process. Third parties directly affected by a proposed development (eg. built form adjacent to them exceeding the maximum building height envisaged in the zone) through a notified development application should be able to pursue an appeal through the Environment Resources and Development Court as can an applicant if they are aggrieved by the decision of the authority. An amendment to the legislation to allow this process can provide greater comfort to the community on their ability to have their say throughout the development assessment process for a notified application.</p>	<p>It is recommended that legislative changes are made to ensure third party appeals on all performance assessed development applications that require notification.</p>
7.	Infrastructure Schemes Part 13	<p>This section of the Act is too complex and detailed hence not readily used. None have been initiated since the previous pilot schemes. There should be a more simplified process for new development to contribute into an infrastructure fund similar to the open space fund when allotments are created to enable funds to be used by local governments to undertake future public infrastructure improvements.</p>	<p>Remove infrastructure schemes from the <i>Act</i> and replace with provisions like the open space contributions under the <i>Act</i>. Require a monetary</p>

No.	Topic	Comments	Recommendation
			<p>contribution per allotment created for infrastructure contribution to be collected as does the open space contribution into a fund for local governments to access for road, stormwater or social infrastructure. Consider the Victorian Infrastructure Contributions Plan which imposes contributions on the development land to fund the provision of infrastructure in the subject area or outside the subject area if a need has been generated by the developable area or funds to secure the provision of land for public purposes in the developable area.</p>
8.	Coastal climate change	Increased understanding of coastal change is highlighting the need for progressive changes to coastal zoning to accommodate sea-level rise and other climate-related impacts.	<p>Coastal planning policies to be based on state-wide modelling of 2050 and 2100 inundation and erosion hazards.</p> <p>State Government to develop a state Coastal Retreat Policy that links to the PDI and other relevant legislation.</p> <p>State Government to implement similar reforms to NSW, VIC and QLD with reviews</p>

No.	Topic	Comments	Recommendation
			to ensure improved interaction between Planning, Development and Infrastructure Act, Coast Protection Act, Harbors and Navigation Act, Crown Land Management Act and heritage legislation.
9.	Protection of coastal land	<p>Impacts to coastal land from changing coastal conditions can result in changes to the land that are similar to the impacts of “development”.</p> <p>Areas of “coastal land” are commonly under the care, control and management of councils. The role of council in managing changes to coastal land due to changing environmental conditions is unclear. As climate-related coastal changes increase this lack of clarity will continue to increase. This also includes a lack of clarity for making decisions on the protection of heritage places and registered cultural sites on the coastline.</p>	State Government to implement similar reforms to NSW, VIC and QLD with reviews to ensure improved interaction between Planning, Development and Infrastructure Act, Coast Protection Act, Harbors and Navigation Act, Crown Land Management Act and heritage legislation.
10.	Urban Heat Mitigation and Hazard mapping	<p>Have heat defined as a hazard overlay in the Code. The overlay policy could require developers to articulate how a proposed development would mitigate any heat island effect contribution from the development. This may include simple recommendations around roof colour and material selection.</p> <p>Heatwaves and higher temperatures experienced in summer impact community health, which often results in increased mortality, medical needs and hospital admissions. In particular, higher temperatures impact members of the community who have pre-existing conditions relating to heart, renal and mental health.</p> <p>Studies have shown heatwaves are Australia's deadliest natural disaster and that the country has more to do to prepare for the events after a study found mortality, hospital, emergency and ambulance demand increase significantly across the country during heatwave periods.</p> <p>Hazards are addressed through various references in the State Planning Policies, in particular:</p>	<p>State Government should continue to invest and utilise the heat mapping undertaken across metropolitan Adelaide in 2022 to ensure the reduction of urban heat as it applies to green and brown field sites and all forms of development (especially infill).</p> <p>This can be used as a heat hazard overlay for assessment purposes, to determine the nature of a heat hazard and the</p>

No.	Topic	Comments	Recommendation
		<ul style="list-style-type: none"> <li data-bbox="568 296 1711 421">Hazards 15.1 'Identify and minimise the risk to people, property and the environment from exposure to natural hazards including extreme heat events; bushfire; terrestrial and coastal flooding; soil erosion; drought; dune drift; acid sulfate soils; including taking into account the impacts of climate change.' <p data-bbox="521 459 1704 584">Heat hazard in this context is seen as acute or extreme heat events only, and not the chronic build-up of heat during the day, or retention of heat at night. The accumulation of heat, through heat island effects in urban settings, contribute significantly to increased risks associated with public health, amenity, and liveability, particularly in vulnerable communities.</p> <p data-bbox="521 622 1697 746">Extreme heat is already an issue across South Australian jurisdictions and are forecast to further increase in average temperature over the next 20-50 years, including more frequent 'extreme heat' days, mitigating the impacts of development on this heat accumulation in urban settings is a key climate adaptation measure, particularly in Charles Sturt given the high areas of infill development the City continues to experience.</p>	<p data-bbox="1744 296 2098 453">appropriate mitigation mechanisms to be incorporated into the development to ensure heat hazards are not worsened post development.</p> <p data-bbox="1744 491 2098 778">This data can be used to ensure our community is aware of relevant risks. Councils and State Government play an integral role in the disclosure of risk and in ensuring the data is captured regularly to remain relevant to different decision time frames.</p> <p data-bbox="1744 817 2076 973">This can be used also to track our progress against the State Governments 30 year plan target for tree canopy improvement.</p> <p data-bbox="1744 1011 2094 1366">Inclusion of performance based policies and associated tools to assess applications at the planning stage for energy efficiency and other ESD measures aimed at improving climate resilience and cost of living outcomes. Refer to the schemes in Victoria (CASBE, SDAPP, BESS) on how to achieve objectives like this and</p>

No.	Topic	Comments	Recommendation
			<p>the triggers required in the SA Planning System to make it possible. The increased stringency of National Energy Rating Scheme (NatHERS) (moving from 6 to 7 stars) is part of this (but not the whole picture) and would seek to upfront this as a preliminary assessment rather than leaving it till the building rules assessment, when opportunity to make substantive changes to the design are all but lost.</p> <p>Consider the inclusion of an integrated hazard overlays – primarily a Heat Hazard Overlay that builds on the investment that Adelaide metropolitan councils have made in heat mapping and LiDAR data. The overlay would need performance outcomes that seek to mitigate the further creation of heat islands and the associated hazards in the urban environment. The easiest metric that this could be considered as an example would be heat reflective roof colour,</p>

11.	Biodiversity linked to climate change scenario planning	Climate change is predicted to increase the stressors on urban biodiversity and significantly decrease biodiversity. It is critical that we consider this at all levels of planning and development and enhance opportunities for Biodiversity Sensitive Urban Design (BSUD).	A Biodiversity Overlay should be included in the Planning and Design Code to recognise existing corridors and areas (such as the coast and River Torrens) where we have opportunity to preserve biodiversity and undertake development which is sensitive and does not contribute to its loss.
12.	Regulated trees	<p>Council supports a broadening of the legislative definition for Regulated and Significant trees to ensure a greater number of trees are captured by legislation and future tree damaging activities triggering a development application are given the appropriate scrutiny before such actions are undertaken. This provides greater opportunity to maintain and improve on urban tree canopy in the metropolitan area.</p> <p>The significant decline of the urban tree canopy layer across metropolitan Adelaide is primarily on private property. Most metropolitan Council's including the City of Charles Sturt have a Tree Canopy Improvement Strategy. Consequently, should the review be specifically targeting trees on private property with metropolitan Council's being exempt from the tree regulations? Councils should be exempt from the regulations as they effectively manage trees through endorsed strategies and policies, tree planting programs (street and open space) and have Open Space Officers and appropriately qualified Arboricultural Officers with delegated authority to align with Council's strategies and goals.</p> <p>For the proposed removal of Regulated trees under Section 127 (4) to (8) of the Act an applicant can elect to pay into a fund instead of planting replacement trees. The fee under the Act is \$156 and this value is not considered proportionate to the loss of a Regulated tree.</p>	<p>Support a review to broaden the legislative definition for Regulated and Significant trees.</p> <p>It is recommended that <i>Agonis flexuosa</i> (Willow Myrtle) be excluded from the definition of 'regulated tree' and 'significant tree' under the <i>PDI Act 2016</i> when <10 metres from a residential dwelling or swimming pool. These trees add little value to shading or amenity and are often diseased due to the pattern of trunk growth.</p> <p>Review the current costs associated with the proposed removal of a Regulated tree.</p>

13.	Government agency exemptions – Regulated trees	<ul style="list-style-type: none"> Schedule 13 currently allows certain government agencies exemption under the PDI Act for removal. Education Department, Commissioner for Highways Land, Rail corridor land. 	<p>Council as a government entity should also be recognised as an exempted organisation.</p> <p>Metropolitan Council's should be exempt from the regulations as they effectively manage trees through endorsed strategies and policies, tree planting programs (street and open space) and have Open Space Officers and appropriately qualified Arboricultural Officers with delegated authority to align with Council's strategies and goals.</p> <p>The report, Urban Tree Protection in Australia (Belder, R. L., Delaporte, K. D., & S. Caddy-Retalic - May 2022) reviews Australia's Tree Laws which trees on public land and Council-managed properties were outside the project scope. It is recommended that significant and regulated trees on public land/community land should be exempted development.</p> <p>DIT are exempt from the (tree) regulations, and they are a</p>
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			<p>government department that shouldn't be. A lot of projects including within Charles Sturt Council have highlighted that trees and landscaping is rarely at the forefront of their projects.</p> <p>Department of Education is exempt from the tree regulations however private schools are <u>not</u> exempt from the regulations, subsequently there should be a consistent approach between both private and public schools.</p>
14.	OTHER Investigation of tree damaging activities and associated penalties	The current methodologies available to council officers in investigation illegal tree damaging activities are inadequate. Whilst it is recognised it is necessary to obtain proof to demonstrate activity – the penalties should be greater to deter the activity from occurring	<p>Increase penalties associated with tree damaging activities and improve prosecution methodologies. Currently, penalties under the Planning, Development and Infrastructure Act 2016 are broadly consistent with state-level protections interstate. Introduce additional provisions to allow local governments to issue on-the-spot fines for breaches which may be more effective in deterring illegal tree interference than court prosecution, particularly for lower-level offences. A change</p>

			in the burden of proof to allow for alleged offences to be expiated will act as a significant community deterrent.
15.	<p>Urban Tree Canopy Off-set Scheme</p> <p>Question from the Expert Panel Discussion Paper: What are the implications of increasing the fee for payment into the Off-set scheme?</p>	<p>The Scheme applies to the Housing Diversity Neighbourhood Zone, which prevails in large parts of Bowden, Brompton, Ridleyton and Renown Park in the Charles Sturt as well as in the Urban Renewal Neighbourhood Zone. Average site area requirements in the Housing Diversity Neighbourhood Zone are 220-250m² (ie medium density). Council's heat mapping shows a direct correlation between medium density housing in this area and higher daytime thermal temperatures. This is likely to be exacerbated by climate change. Opportunities for street tree planting and/or more or better planted reserves are also limited. Arguably the tree off-set scheme, combined with these factors, will result in even higher daylight thermal temperatures in this precinct. A more sustainable approach would be to encourage the retention of existing on-site trees and the planting of additional on-site trees.</p> <p>The current rate is minimal and does not deter the removal of trees (Small tree - \$300, Medium tree - \$600, Large tree - \$1,200). Applying a specific calculation which places greater value on trees, would certainly encourage developers to consider alternative design solutions up front. The cost of removing a tree should be relative to the cost / floor area of the development</p>	<p>Specific areas should not have the option to pay out (ie Seaton) where there are significant benefits in ensuring trees are planted. This could align to the Tree Canopy Improvement Strategy (TCIS). Remove the Urban Tree Canopy Off-set Scheme from these Zones and review the rate of payments.</p> <p>Include specific methodology / calculation for tree removal which both deters the removal, encourages improved design techniques and if removal does occur, the \$ can actually be used for additional tree planting of a relative scale to offset the removal adequate.</p>
16.	<p>Tree Canopy</p> <p>Question from the Expert Panel Discussion Paper: What are the implications of master planned/greenfield</p>	<p>For tree canopy to increase, dwelling yields may need to decrease.</p> <p>Additional reserve spaces within greenfield development where larger trees could be planted would assist in delivering additional tree numbers and facilitating development yields.</p> <p>Positioning of proposed building footprints and equivalent tree planting zone are important considerations.</p> <p>Tree planting provisions identified do not extend to the trees being maintained and retained to achieve trees growing to their full potential</p>	<p>Planning policy to offer specific solutions ie 1 tree per dwelling in the streetscape OR Required number of trees provided in additional reserve areas (rather than streetscape).</p> <p>Review to include explicit direction that ensures that</p>

	d 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?		trees are planted and maintained and retained to achieve trees growing to their full potential.
17.	<p>Tree Canopy</p> <p>Question from the Expert Panel Discussion Paper: 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?</p>	Agree. This should be in all planned developments. Additional resourcing would be required in Planning Compliance, Lidar / canopy mapping reviews to ensure this requirement is being achieved. This can be achieved with machine learning applied to undertake monitoring and evaluation to effect compliance.	<p>The Code should be amended to ensure sufficient setback to allow for a potential tree in the rear yard.</p> <p>Planning conditions should be standardised across the state to ensure this occurs and the ongoing maintenance / replacement occurs.</p> <p>State-wide resource for desktop review / mapping should be applied to ensure we are achieving this target – presence / absence / change difference indicators and mechanisms for enforcement where compliance is not achieved or maintained.</p>
18.	<p>Tree Protections</p> <p>Question from the Expert Panel</p>	More trees will be protected. The report suggests reducing this to 50cm. This would certainly allow for the protection of many trees and for a more vigorous assessment approach to any proposed removal. This may have resourcing impacts due to increased numbers of trees requiring assessment.	Review the definition of significant and regulated trees to ensure the minimum size is

	Discussion Paper: What are the implications of reducing the minimum circumference for regulated and significant tree protections?		reduced and allow for greater protection
19.	Tree Protections Question from the Expert Panel Discussion Paper: What are the implications of introducing a height protection threshold, to assist in meeting canopy targets?	Greater than 6 m is proposed. This would allow for a greater number of established trees to be protected and provide duplicate biodiversity, cooling, and amenity values.	Review the definition of significant and regulated trees to ensure the minimum size is reduced and allow for greater protection and recognise the contribution to mitigation of urban heat and biodiversity.
20.	Tree Protections Question from the Expert Panel Discussion Paper: What are the implications of introducing a crown spread protection, to assist in meeting canopy targets?	Support this broadening of the definition. This could be monitored through a desktop management approach (aerial imagery) used to measure the width of tree canopy on the land.	Review the definition of significant and regulated trees to consider crown spread to capture more trees in the legislation. State-wide resourcing for desktop review / mapping should be applied to ensure we are achieving this target – presence / absence / change difference indicators.

21.	<p>Tree Protections</p> <p>Question from the Expert Panel Discussion Paper: What are the implications of introducing species – based tree protections?</p>	<p>Supported. This will ensure Council can plan for climate change scenarios also and ensure Council are planting species appropriate to future climatic conditions specific to our region. Recognise that nomenclature can change as species are re-classified according to genus and that an approach to capture the legacy of the previous naming is required.</p>	<p>Review of Regulated tree controls;</p> <ul style="list-style-type: none"> • <i>Eucalyptus</i> (all species) be maintained as an exception to the exclusion from the definition of ‘regulated tree’ and ‘significant tree’ under the <i>PDI Act 2016</i> when <10 metres from a residential dwelling or swimming pool. • <i>Angophora</i> and <i>Corymbia</i> (all species excepted for <i>Corymbia citriodora</i>) be added as exceptions to the exclusion from the definition of ‘regulated tree’ and ‘significant tree’ under the <i>PDI Act 2016</i> when <10 metres from a residential dwelling or swimming pool. • <i>Corymbia citriodora</i> be excluded from the definition of ‘regulated tree’ and ‘significant tree’ under the <i>PDI Act 2016</i> when <10 metres from a residential dwelling or swimming pool. • It is recommended that <i>Agonis flexuosa</i> (Willow Myrtle) be excluded from the definition of ‘regulated tree’ and ‘significant tree’ under the <i>PDI Act 2016</i> when <10
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			<p>metres from a residential dwelling or swimming pool.</p> <ul style="list-style-type: none"> • In addition, Schedule 4, clause 18 of the Regulations currently excludes tree damaging activity in relation to the following trees from the definition of development under the <i>PDI Act 2016</i>: <ul style="list-style-type: none"> ○ a) the tree is within one of the following species of trees: <ul style="list-style-type: none"> ○ - <i>Melaleuca styphelioides</i> (Prickly-leaved Paperbark); or ○ - <i>Lagunaria patersonia</i> (Norfolk Island Hibiscus) ○ Contrary to the review and report prepared by Dr Dean Nicolle for the Attorney General's Department, Planning and Land Use Services Division, Government Department - <i>Melaleuca styphelioides</i> (Prickly-leaved Paperbark), this species should <u>remain excluded</u> from the definition of 'regulated tree' and 'significant tree' under the <i>PDI Act 2016</i>. Both these two species,
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			<p><i>Melaleuca styphelioides</i> (Prickly-leaved Paperbark) and <i>Lagunaria patersonia</i> (Norfolk Island Hibiscus) have an extremely high nuisance factors in an urban environment.</p> <ul style="list-style-type: none"> • Tree species currently listed as Declared Plants in Greater Adelaide under the <i>Landscape South Australia Act 2019</i> are exempt from the definition of 'regulated tree' and 'significant tree' under the <i>PDI Act 2016</i>. Please note that the review and report prepared by Dr Dean Nicolle for the Attorney General's Department, Planning and Land Use Services Division, Government Department recommends <i>Casuarina glauca</i> and <i>Casuarina obesa</i>, (both declared plants) be not excluded except when <10 metres from a residential dwelling or swimming pool. This recommendation by Dr Dean Nicolle is strongly opposed and that all Declared Plants under the <i>Landscape South Australia Act 2019</i> (including <i>Casuarina glauca</i>
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			<p>and <i>Casuarina obesa</i>) remain exempt from the from the definition of 'regulated tree' and 'significant tree' under the <i>PDI Act 2016</i>.</p> <ul style="list-style-type: none"> • Review and modify the remaining list of trees species exempt from the definition of 'regulated tree' and 'significant tree' under the <i>PDI Act 2016</i> to better reflect the South Australian environment.
22.	<p>Distance from Development</p> <p>Question from the Expert Panel Discussion Paper: Currently you can remove a protected tree (excluding <i>Agonis flexuosa</i> (Willow Myrtle) or <i>Eucalyptus</i> (any tree of the genus) if it is within ten (10) metres of a dwelling or swimming pool. What are the implications of</p>	<p>The number of qualifying trees that are protected under the PDI Act 2016 should be greatly expanded, by instead having an exclusion list of species (that is, a list of excluded species when located <10 m from a dwelling or pool). All other trees are then worthy of retention.</p> <p>Impacts of development within the distance zone to recognise this is a loophole that changes the protection status of trees.</p>	<p>List of excluded species to be those contained as 'declared plants' in the Landscape SA Act 2019.</p> <p>Recognise the species need to be appropriate for the location and dwellings also need to be appropriate in the location where significant trees are retained.</p> <p>Link the reclassified species to ensure they continue to be retained. Recognise that nomenclature can change as species are re-classified according to genus and that an approach to capture the legacy of the previous naming is required.</p>

	reducing this distance?		<p>Eucalyptus should all be retained regardless of distance from dwelling (excluding lemon scented gum)</p> <p>Need to consider location of trees and the development on adjacent allotments.</p> <p>Development on an adjoining/adjacent allotment within 10m of an existing regulated/significant tree must not be used to affect the removal of that tree (can't build a pool on your land knowing the existence of significant/regulated tree and then request the neighbour to cut their tree down).</p>
23.	<p>Tree Protections</p> <p>Question from the Expert Panel Discussion Paper: What are the implications of revising the circumstances when it would be permissible to permit a protected tree to</p>	<p>This should be subject to the health of the tree and assessment undertaken by a specified (Arborist) person. Remedial actions should first be considered. Impacts of development within the distance zone to recognise this is a loophole that changes the protection status of trees.</p>	<p>Ensure that any assessments or works on significant trees are undertaken by a suitably qualified arborist. This approach will improve the quality and consistency of arboriculture advice and practice which is currently poorly regulated in South Australia.</p> <p>Development on an adjoining/adjacent allotment</p>

	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)?		within 10m of an existing regulated/significant tree must not be used to affect the removal of that tree (can't build a pool on your land knowing the existence of significant/regulated tree and then request the neighbour to cut their tree down).
24.	Public Realm Tree Planting Question from the Expert Panel Discussion Paper: Should the criteria within the Planning and Development Fund application assessment process give greater weighting to the provision of increased tree canopy?	Trees in the public realm have a significant role to play in increasing our canopy cover and can be managed by local councils.	Improve criteria for greater consideration being given and demonstrated for alternative design solutions and the retention of street trees.
25.	Restrictions on tree planting within proximity of certain infrastructure or in certain	It is recognised this is to prevent damage to infrastructure though does limit the capacity for any future plantings in spaces that are already highly constrained environments.	Regulate/legislate for 'common service trench' provisions in all land division developments where roads are created to ensure that optimal tree planting opportunities are

	conditions (DIT, SAPN, APA, SA Water)		provided for at the planning stage and not impacted by constraints of poorly located utilities.
26.	Schedule 8, PDI Act 2016 - Plans	Schedule 8 does not provide minimum information to be provided in an application for a development proposal involving a change in land use. Information that should be provided includes: <ul style="list-style-type: none"> - hours of operation - on-site car parking - associated signage - staff numbers - patron numbers 	Amend Schedule 8 to address minimum information to be provided for a change of land use development application.
27.	Schedule 8, PDI Act 2016 - Plans	Schedule 8 does not provide minimum information to be provided in an application for a development proposal involving signage. Information that should be provided includes: <ul style="list-style-type: none"> - dimensions; - materials and finishes; - illumination; - proposed text 	Amend Schedule 8 to address minimum information to be provided for a signage application.
28.	Schedule 8, PDI Act 2016 - Plans	Schedule 8 does not provide a requirement for external materials/finishes to be shown on elevations for any type of development and should be added. <ul style="list-style-type: none"> - dimensions; - materials and finishes; 	Amend Schedule 8 to provide finishes/materials to ensure that authorities can assess development against policies aimed at improving streetscape outcomes.
29.	Schedule 8, PDI Act 2016 - Plans	Schedule 8 does not provide a requirement for provision for a certificate of title with applications. This means that assessing authorities are unable to check the site for easements, encumbrances and ensure the accuracy of site dimensions on site plans.	Amend Schedule 8 to provide certificate of titles with applications lodged.
30.	Building inspection	Section 146 of the PDI Act does not automatically afford Councils time to actually inspect a site during construction once a notice is provided. The regulations require the builder or landowner to notify Council typically with 1 business day notice of the intended commencement or completion of a stage of construction where these have been specified in the decision.	The legal framework does not automatically put a hold on the building work unless Council issues a stop work. To partially address this, Council has built

		<p>Part (3) of this section says the following <i>Subject to subsection (4), a person who is carrying out building work must, if directed to do so by the council, stop building work when a mandatory notification stage has been reached pending an inspection by an authorised officer who holds prescribed qualifications. Maximum penalty: \$10 000.</i> Part (4) says <i>An authorised officer must carry out an inspection under subsection (3) within 24 hours after a direction is given under that subsection and, if such an inspection is not carried out within that time, the person may proceed with the building work.</i></p>	<p>this into the wording for stages of construction on the Decision Notification Form (DNF) but this still leaves us with only 24 hours to inspect. If notice is given at the end of the working week, then there is no ability to inspect over Saturday or Sunday. 24 hours is not long enough to prepare for the inspection after notice and then actually visit the site. The Act needs to be amended to provide a minimum of two business days for inspection and it should be mandatory that all work stops until the inspection duration has passed.</p> <p>Given the importance of ensuring suitable safe built form the Act should be amended to provide time for this to occur.</p> <p>There needs to be a definition of what is a business day included in the legislation.</p> <p>It is also appropriate that a penalty for concealing or moving on with building work without waiting for the inspection time to elapse</p>
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			should be possible via expiation rather than having to use a prosecution path.
31.	Accredited professionals (accreditation)	The Act doesn't include the consideration of policy planning professionals within the classes of accreditation even though when the Minister agrees with the initiation of a Code Amendment that it is conditional under section 73(5) of the Act, that the approval is also subject to the Code Amendment being prepared by a person with qualifications and experience that is equivalent to an Accredited Professional Planning Level 1 under the Act. As this is a common condition in the initiation of Code Amendments the accredited professional should include policy planning professionals.	Amendments to the Act to include Policy Planning professionals as accredited professionals.
32.	Accredited professionals (accreditation)	The need to undertake continued professional development to maintain an accredited professional level is supported. However, each year a certain number of points are required to maintain the accreditation. Often this means participating in training each year in courses that are identical to the courses undertaken only the previous year.	The accumulation of accredited points should be broadened beyond a yearly basis to avoid undertaking similar training each year. The ongoing accreditation should also consider experienced gained through work in the relevant professional fields.
33.	Deemed Consents	<p>The need for an efficient and responsive development assessment process is supported. However, the Deemed Planning Consent provision is having extremely negative impacts on the workplace culture and contributing to staff leaving the local government sector. This, combined with very short assessment times for what can be quite complex matters, results in a greater likelihood of applications being refused, or substandard designs that don't meet the provisions well, but are just good enough, being approved to avoid a deemed consent rather than working with applicants to achieve a design that can be supported and better deliver the intent of the policy. There are many applicants who monitor the clocks and remind staff the days are running out and are reluctant to agree to placing the application on hold or resent doing so.</p> <p>This is considered to be inconsistent with the objects of the Act to promote high standards for the built environment. It is a severe penalty that not does adequately consider the consequences for the community for development that may be inappropriate.</p> <p>It is noted in the discussion paper that there have not been too many actual deemed planning consents issued. It is not the case that the number of these issued reflects the considerable stress that sits with every application to avoid this occurring. Planning staff do not feel that they can take extended leave due to the</p>	<p>Recommend the timeframes to be reviewed to allow more time for more complex applications than 20 business days. Refer to item 35 for more comment on this issue.</p> <p>It is recommended that instead of a Deemed Consent the system reverts to a Deemed Refusal or the ability to approach the courts to seek a decision to be made in line with most other states.</p>

		<p>potential that one of their applications will tick down to a deemed consent and the workloads associated with other planners in the team do not facilitate easy management of application when others are away.</p> <p>This approach does not provide a basis for collaborative relationships with applicants that in turn deliver more appropriate planning outcomes. This provision does <u>not</u> take into consideration the well documented shortage of professionals within the sector and the challenges in establishing a sustainable work environment for the relevant assessing officers where they can apply their skills to the delivery of outcomes that benefit all, in line the relevant assessment policy.</p> <p>The consequence of this provision is to extend the assessment times for simpler development applications, as greater attention is required on the more complex developments that have generally the same assessment times. Furthermore, this is leading to less capacity to provide preliminary advice to applicants which is a highly valuable non- statutory service to assist applicants.</p> <p>It is noted in the jurisdictional comparison contained in the Panel's discussion paper, only Queensland utilises this mechanism and NSW has adopted a deemed refusal mechanism. Other jurisdictions such as Victoria, Western Australia and Tasmania have taken a more balanced approach, whereby a review is undertaken by the respective courts on the facts and the court makes a considered and independent determination on the application. The deemed refusal or court options are considered to be a more equitable approach that will safeguard the community against potentially poor development outcomes.</p> <p>Current timeframes are considered tight and assume all assessing authorities are on a level playing field with regards to adequate staff and other necessary resources to undertake the assessment process.</p> <p>While the table of page 44 of the Discussion Paper shows since May 2022 on average the statutory timeframes are being met, it does not examine the pressures applied on assessing authorities to reach these milestones.</p>	
34.	Deemed approvals	<p>The discussion paper identifies instances where planning and building consent has been issued for a development application, but councils are refusing to accept the planning consent issued by the private accredited professional.</p> <p>The paper assumes the council as the problem and does not examine the reasons why the approval is not being issued by the council. The Act requires a <u>council</u> to check that the appropriate consents have been sought and obtained for a development application. <u>This is an important mechanism that safeguards applicants / owners from commencing development with inconsistent or invalid consents. The absence of this</u></p>	It is recommended that attention be given to where consent authorities are failing in their obligations as part of this review rather than blaming the Council for trying to ensure the legal framework has been correctly applied and the

	<p><u>important check is likely to result in non-compliances being identified during construction, leading to more significant and costly delays.</u></p> <p>In many instances <u>where development approval has not been issued</u>, it is evident that some private accredited professionals have acted outside their powers under the Act. This issue is directly related to <u>the accredited professional's incorrect assessment which missed key assessment criteria, including the application of Overlays such as the Historic Area Overlay. There are some examples of accredited professionals' interpretation being such that they have effectively undertaken a performance assessed development, including on notifiable development but called it DTS.</u></p> <p><u>This issue is exacerbated with</u> the ambiguity that is created with s106(2) of the Act in relation to minor variations.</p> <p>The Deemed to Satisfy (Minor variations) is subject to varied interpretation and has created uncertainty and delayed approvals, as identified by the Panel's discussion paper. This varying interpretation has resulted in poor outcomes for applicants. The difficulty with the interpretation was highlighted when <u>a cross sector working group established by PLUS</u> was unable to define what <u>constitutes</u> minor <u>variations</u>.</p> <p>To remove any ambiguity and ensure applications move through this pathway smoothly there should be no minor shift from a DTS standard for it to remain in that pathway. If there is a variation from the standard it will become performance assessed. If the variation is in fact minor then the relevant authority (Assessment Manager) is most likely going to still make the assessment in a timely way.</p> <p>The suggestion about issuing a Deemed approval if the Development approval is not issued within the allocated timeframe is problematic. It is not uncommon that the two consents have minor issues that are not consistent and need correction by one or both of the authorities associated with the planning or building consent. Our team aim to work with the authorities to address this rather than send it back as inconsistent and while this occurs the clock is still running as there is no opportunity to put it on hold. The clock may not be running because of Council taking too long but rather the other authorities were incorrect in some of their actions.</p> <p>There also needs to be careful review of exactly how clock days are being counted as we have identified that the Workload management reports include time waiting for payment of fees at Development Approval as</p>	<p>decisions can legally be relied upon to issue Development Approval.</p> <p>There should be no Deemed Approval to safeguard community outcomes.</p> <p>An authority issuing a Deemed to Satisfy decision should not be able to allow a change from the DTS standard. If this occurs, it should go through the Performance assessed pathway.</p>
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		<p>though the issue of the decision is now overdue when in fact the application is on hold waiting for payment and nothing can be issued.</p> <p>Examples of certified DTS that were not able to progress as DTS include;</p> <ul style="list-style-type: none"> • 18.1m long carport on boundary where there is currently only a 6m long carport on the boundary and other structures off the boundary in the same location and a wall greater than 3m in height setback only 0.9m from southern boundary when it should have been 2m to 2.3m back from the boundary to meet the DTS. Neither of these is a variation that any reasonable authority would consider minor. A Merit assessment argument was applied to the decision referring to structures on the land and neighbouring allotments to justify the decision. • Finished Floor level not meeting the required height above flood level where the Overlay applies • Loss of landscaping and no civil plan to assess the flooding risk in the overlay • Building heights exceeded, soft landscaping not achieved, no civil plan for checking flooding impacts. • Front setbacks much smaller than the required setback based on the average. • Single storey dwellings with no habitable room facing the street and double garages. <p>Example of Accepted development decisions by certifiers that were not accepted development include;</p> <ul style="list-style-type: none"> • Alterations and additions treated as Accepted when there was no pathway for this in the zone and new external façade treatments were included • Soft landscaping not included on plans and being completely removed by the development. 	
35.	Assessment timeframes	<p>The discussion paper suggests a review of assessment timeframes. This review is supported as the current timeframes do not adequately differentiate the work that is required to properly assess more complex assessments such as larger residential, commercial and industrial type applications. It is recommended that the assessment timeframes for complex development, not involving up to two (2) class 1 buildings or any class 10 buildings, should be 8 weeks as the current assessment timeframes are not adequate and do not facilitate the promotion of high standards for the built environment. The assessment times provided in the discussion paper focus on clock times and do not consider the overall time taken to review and assess an application at times outside of the system, eg detailed review of plans or amendments prior lodgement, discussions with applicants, discussion with technical experts, or actions taken while the clock is paused. The Panel may wish to also consider the gross time for the completion of assessments to gauge the overall impact of the new system and whether there are broader legislative / DAP enhancements that may be necessary.</p>	<p>It is recommended that the assessment timeframes for complex development, not involving up to two (2) class 1 buildings or any class 10 buildings, should be a minimum of 8 weeks.</p>
36.	Verification of Development Applications	<p>The Verification process under the PDI Act is a very resource intensive process. The increased requirements are not equally placed on an applicant to submit a complete development application – the DAP does not prevent incomplete applications to be submitted. Therefore, all the expectation is</p>	<p>It is recommended that the industry is better informed of the information they need to</p>

	<p>placed on the relevant authority. Furthermore, the resource intensive process is exacerbated when an applicant provides a partial response to a request for information to form a complete application. This is double, triple handling of the application. The consequence is that greater attention is required on the more complex developments and simpler developments take longer to process.</p> <p>Applicants raise concern with staff if design failings are not raised during the verification period. If not doing this and waiting until an application is lodged to then seek additional information that was not mandatory and explain fundamental problems with the design that warrant refusal they become angry that they have spent money submitting mandatory information and paying application fees that they may not have pursued with the full information. To avoid this a more detailed initial review is required at verification.</p> <p>Providing relevant authorities, the time to provide a preliminary guidance to an applicant early, will save the applicant time and money. This is particularly relevant for more complex development applications.</p> <p>The Expert Panel is invited to also consider that the data collected to form its initial perceptions of Verification was over a period of extraordinary development activity as a result of government stimulus to facilitate construction activity during peak Covid-19. Some Councils experienced over a 30% increase in development applications in this period while at the same time many workplaces were required to adapt to significant changes, lock downs and loss of staff due to isolation rules. There were also many instances where new lots from approved land divisions were not created in the DAP or the division required to create the allotments and roads had not been approved and as a result applications could not proceed past the verification stage. In this context, 84 percent of verifications within time is considered to be reasonable. The suggestion of penalty in the context of the environment at the time of the data collection is not considered reasonable. It is likely to lead to more refusals.</p> <p>Moreover, it would also seem appropriate to explore the data from the DAP in more detail to determine if the applications that fell outside the 5 days were verified on day 6 or 7; or was this an issue for a particular application type or region; or how affected were these authorities by Covid-19; or was the timeframe due to the poor quality information submitted with the application. A more complete understanding of the issues behind the headline metric is considered warranted. Furthermore, the Expert Panel is encouraged to consider training, education, and DAP system solutions, ahead of imposing penalties on a sector that is facing the same resourcing challenges as other sectors.</p>	<p>provide and ensuring this is present rather than penalising the authority if the period exceeds 5 days.</p>
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		There also needs to be careful review of exactly how clock days are being counted as we have identified that the Workload management reports include time waiting for responses to mandatory requests for information or payment of fees in the days between submission and lodgement and showing these as overdue when in fact this time is not all sitting with the authority.	
37.	Planning Consent should be required before building consent	There are many instances where the building consent has been issued before planning as a result of the option the PDI Act allows for this to occur. This can create significant problems for the applicant when it is identified that the proposal is not supported for a planning consent and they have already spent considerable funds on building documentation which is then refused at the planning stage. It would be better to revert back to the Development Act arrangement where planning is required first before building can be issued.	
38.	Request for Further information	<p>Section 119 allows a relevant authority to seek additional information but the Act and regulation 33 place timing limits on when this must occur for a planning consent in order to pause the assessment time. It also only allows one request for information for a planning consent. This places considerable pressure on the assessing officer to ensure they have fully reviewed an application, sought advice from technical experts and relayed any requests for information in 10 business days. It is considered too limiting and is not recognising that more complex applications may require review and additional information at more than one point in the assessment of the development.</p> <p>This section should also build in time to review information once submitted and ensure the request has been met as you are essentially needing to verify the application again. Making sure they have addressed what is required should not come out of the assessment time.</p>	<p>Remove the one request only and ten business days limit to allow a quality assessment to occur.</p> <p>Allow five business days to review additional information submitted by an applicant.</p>
DAP SYSTEM			
39.	DAP system	The Development Assessment Portal, while having developed positive change for some in the industry has not yet delivered the efficiencies that were expected from the reform for assessment, notwithstanding the many enhancements that have made since its introduction. The local government sector has contributed significant resources towards the identification of issues and enhancements in the DAP. PlanSA has been provided an exhaustive list of issues and it is acknowledged that the department has generally sought to progress enhancements. Critical changes are however urgently required, as the Discussion Paper – <i>ePlanning System and PlanSA website Reform Options</i> has identified. It is essential that urgent enhancements are prioritised as the current DAP limitations are significantly affecting the performance of the development assessment process. Refer to Appendix B for detailed comments from assessing officers.	Priority should be given to updating the DAP and streamlining assessment processes so that staff can better service the customer and reduce multiple handling of the one application wherever possible.

		<p>The current DAP is too linear and does not facilitate multi process actions across planning and building. Staff cannot easily update basic data, such as add addresses after verification or continue to assess an application when the application is on hold. This is resulting in double or triple handling of development applications. A relevant authority should be able to efficiently complete all aspects of an assessment at one point, regardless of status of the application and should be given administrative control to change data in the DAP as required. There is significant inefficiency in administrative functions being undertaken only by PlanSA.</p> <p>The current DAP is too complicated for simple development applications. The DAP should be streamlined for simpler development applications and should allow the one authority that is assessing both planning and building consents to concurrently assess these, and issue development approval. If the authorities for these consents are different, then this should not be allowed.</p> <p>There are no advantages to the Decision notification forms being issued automatically and this should not occur. This comment runs on the assumption that all the consents have been properly assessed and documentation appropriately uploaded. There are too many instances where the various consents or information lodged with them do not align. Complete sets of documents at building that match planning decisions are often not provided such as stormwater management plans, landscaping plans, acoustic reports which include physical built form outcomes, traffic reports. The plans for building approval often aren't provided as one document and are not all labelled as stamped approved plans meaning these would not be easily identified as part of the approval. Changes to material finishes or window details are common and not endorsed by the planning authority.</p> <p>Assessment timeframes do not accurately capture when a request for information has been made – the DAP should accurately measure the assessment time.</p> <p>The system does not have a robust document management system, the current approach is convoluted and complicated. A contemporary document management system should be adopted for the DAP to reduce the administrative burden for all users. This should include generating emails within the DAP, which should be an expectation of a contemporary ERP solution.</p>	<p>The reporting systems still present inaccurate results and conflicting information and are not fit for purpose.</p>
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		<p>Dashboards to monitor volumes of work are not working and cannot be readily relied upon. Dashboards should be provided to readily monitor and track development applications, without having to generate a PowerBI reports.</p> <p>Reporting function is confusing and not accurate. PowerBI Reporting should be simplified, accurate and relevant authorities should be given full access to all their data to generate bespoke reporting.</p> <p>A large number of development applications are not progressing past the submit stage, as information has not been submitted and this is contributing to unnecessary applications in the system. Overdue development applications, where information has not been submitted, should be lapsed by the system automatically and applicant should relodge when ready to proceed.</p> <p>Given the critical role of the DAP in the system, the Expert Panel is requested to review the governance and resourcing that is necessary to sustain the DAP. There appears to be an inherent limitation with the current governance model of PlanSA determining & progressing enhancements. While there have been many enhancements, acknowledging the efforts of the department to address what they can, there remain many more that are outstanding. As the current governance model requires all ideas to be funnelled through PlanSA and prioritisation of enhancements need to fit within the available resources & understanding of the issues by the department, the most common problems are the focus, not innovation.</p> <p>The DAP should offer full API Based Product Integration (open data) so that authorities and other relevant stakeholders can move towards business to business transactions. This will facilitate innovation as it will incentivise authorities to evolve their business processes and the learning can be shared across all stakeholders. Enabling all stakeholders to shape direction and priorities of the core DAP functionality, together with the full API based Product Integration the DAP could realise its full potential as a digital platform.</p> <p>Crown development applications need to be processed within the DAP as working between two systems is inefficient, overly complex and is likely to result in errors. It is also confusing for customers who do not understand why there are still two systems in place. Crown developments were due to be included in the DAP by mid-2022.</p>	
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40.

Building notification during stages of construction

Council is supportive of all notifications during the construction of development being mandated to be submitted by the builder or landowner through the DAP directly and not by email or phone. This would ensure the submission is captured at the time of lodging and all relevant information is provided by the builder/owner. The DAP needs to facilitate this via an app on mobile devices to make it easy for the industry to use.

For this to work effectively the ability to apply a notification stage must be amended to only apply to the Council when Development approval is issued so that there is no duplicate or poorly worded notifications applied by certifiers that are not needed for the development. We are not currently able to remove those added by a certifier.

The following examples show the impact of multiple parties listing required notifications

Building Consent

Building or building work: Two storey dwelling				
Notification	Submitter and Date Notified	Date of Activity	To Be Inspected?	Actions
Commencement of Building work	Erica Kontopoulos - 1 Sep 2022 1:13 PM	9 Sep 2022	No	
Completion of footing reinforcement	Erica Kontopoulos - 23 Sep 2022 4:46 PM	27 Sep 2022	No	
Completion of wall/roof framing	Erica Kontopoulos - 11 Nov 2022 11:01 AM	14 Nov 2022	No	
Completion of brickwork/masonry	Not yet submitted	Not yet submitted	-	
Completion of building works	Not yet submitted	Not yet submitted	-	
Completion of Steelwork prior to pour of footing - Stop work direction pursuant to Section 146(3) of the PDI Act	Erica Kontopoulos - 23 Sep 2022 4:46 PM	27 Sep 2022	Yes	
Completion of Framing - Wall, floor and roof prior to lining installation - Stop work direction pursuant to Section 146(3) of the PDI Act	Natalie Burdett - 11 Nov 2022 11:38 AM	14 Nov 2022	No	
Completion of External cladding prior to lining installation - Stop work direction pursuant to Section 146(3) of the PDI Act	Not yet submitted	Not yet submitted	-	
Completion of Fire wall prior to concealment - Stop work direction pursuant to Section 146(3) of the PDI Act	Not yet submitted	Not yet submitted	-	
Completion of Statement of Compliance and other documents required to be provided at the completion of building work	Not yet submitted	Not yet submitted	-	

Building Rectifications

Original Inspection Id	Notification	Submitter and Date Notified	To Be Inspected?	Actions
18831	Completion of Steelwork prior to pour of footing - Stop work direction pursuant to Section 146(3) of the PDI Act	Natalie Burdett - 28 Sep 2022 1:37 PM	Yes	

Remove the ability for a building certifier to add a mandatory notification stage

Building Notifications

STATEMENT

Click on a notification to see further information, view received documents and edit inspections.

Building Consent Stage 1. Substructure and siteworks

Building or building work: Siteworks & Substructures

Notification	Submitter and Date Notified	Date of Activity	To Be Inspected?	A
Commencement of Building work	Hayat Johari - 21 Jul 2021 3:34 PM	2 Aug 2021	No	
Completion of Dwelling 1 - Footing Steelwork prior to pouring	Natalie Burdett - 14 Sep 2021 12:45 PM	15 Sep 2021	Yes	
Completion of Dwelling 1 - Framing - Wall, Floor and Roof prior to lining installation	Laura Mazzarino - 28 Apr 2022 11:58 AM	2 May 2022	No	
Completion of Dwelling 1 - External Cladding prior to lining installation	Laura Mazzarino - 28 Apr 2022 11:59 AM	2 May 2022	No	
Completion of Dwelling 2 - Footing Steelwork prior to pouring	Natalie Burdett - 14 Sep 2021 1:01 PM	14 Sep 2021	Yes	
Completion of Dwelling 2 - Framing - Wall, Floor and Roof prior to lining installation	Laura Mazzarino - 18 Jan 2022 2:59 PM	18 Jan 2022	Yes	
Completion of Dwelling 2 - External Cladding prior to lining installation	Laura Mazzarino - 23 Mar 2022 4:48 PM	25 Mar 2022	Yes	
Completion of Dwelling 2 - Firewall	Laura Mazzarino - 18 Jan 2022 3:50 PM	18 Jan 2022	Yes	
Completion of Dwelling 3 - Footing Steelwork prior to pouring	Natalie Burdett - 14 Sep 2021 1:04 PM	14 Sep 2021	Yes	
Completion of Dwelling 3 - Framing - Wall, Floor and Roof prior to lining installation	Laura Mazzarino - 18 Jan 2022 3:01 PM	18 Jan 2022	Yes	
Completion of Dwelling 3 - External Cladding prior to lining installation	Laura Mazzarino - 23 Mar 2022 4:49 PM	25 Mar 2022	Yes	
Completion of Dwelling 3 - Firewall	Laura Mazzarino - 18 Jan 2022 3:50 PM	18 Jan 2022	Yes	
Completion of Dwelling 2 - Statement of Compliance and other documents required to be provided at the completion of building work	Laura Mazzarino - 14 Nov 2022 1:55 PM	16 Nov 2022	No	
Completion of Dwelling 3 - Statement of Compliance and other documents required to be provided at the completion of building work	Laura Mazzarino - 14 Nov 2022 1:58 PM	16 Nov 2022	No	
Commencement of Dwelling 2 - Building Work	Daniel Santostefano - 12 Oct 2021 9:20 AM	21 Jul 2021	No	
Commencement of Dwelling 3 - Building Work	Daniel Santostefano - 12 Oct 2021 9:20 AM	21 Jul 2021	No	
Completion of Dwelling 2 - Building Work	Laura Mazzarino - 14 Nov 2022 1:51 PM	16 Nov 2022	Yes	
Completion of Dwelling 3 - Building Work	Laura Mazzarino - 14 Nov 2022 1:52 PM	16 Nov 2022	Yes	
Completion of Building work	Laura Mazzarino - 14 Nov 2022 1:49 PM	16 Nov 2022	No	
Completion of Statement of Compliance and other documents required to be provided at the completion of building work	Not yet submitted	Not yet submitted	-	

41.	Removal of Building consent verification	<ul style="list-style-type: none"> The proposal within the <i>E-Planning System and the Plan SA website</i> paper to explore combined verification and assessment processes and to remove Building Consent verification for simpler applications has merit and warrants further consideration. There is still a need to ensure suitable information is provided before assessment commences. When an application is combined this forms part of our planning verification advice however should they decide not to provide the information for building at this time it is accepted and moves on. The building assessor should be able to still seek this without loss of assessment time. 	Further consideration of this suggestion is warranted.
PLANNING AND DESIGN CODE POLICIES			
42.	Design Guidelines	Design standards and Practice Guidelines need to be translated into the Planning and Design Code as Deemed to Satisfy requirements to enable them to efficiently form part of the daily assessment process and easily found by applicants beyond the assessing authorities.	Include essential guiding policy in the Code rather than as design standards or practise guidelines.
43.	Local policy variation	<p>The creation of the Code resulted in the loss of local policy variation across councils through their individual Development Plans. This local policy was developed over years through previous PAR's and DPA's in consultation with their respective local communities. The Code provides in some cases sub-zones which were originally thought to provide an opportunity for more local policy variation. This has not eventuated.</p> <p>It is recommended that the Expert Panel also consider the inclusion of additional local policy in the Code. The announced changes to heritage and character to bring strong controls is welcomed and this initiative should be extended to consider other policy gaps / deficiencies in the Code that have been identified by various stakeholders</p>	Amendments to the Act to provide opportunity for local governments to create through a Code Amendment process a new sub-zone within an existing Code zone to provide more local policy variation.
44.	Notification Waterfront Neighbourhood Zone and Housing Diversity Neighbourhood Zone	<p>Former Development Plan Residential Zone Policy Areas 15, 17, 18 and 19 now located in the Waterfront Neighbourhood Zone and Housing Diversity Neighbourhood Zone have TNVs for two storey building height at 8.5m which was carried over from the former Development Plan.</p> <p>The Code Zones seek a general maximum building height of 9m, which creates an assessment pathway issue and requires notification if two-storey development is proposed at 9m.</p>	An amendment to Table 5 under Procedural Matters, to address notification only being required where it exceeds 9 metres.
45.	Strategic Employment Zone Table 5 – Procedural Matters - Notification	The policy sought for a maximum building height (12.0 metres consistent with Charles Sturt) should also be included as an exception to warrant notification.	Insert policy in the zone for maximum building height and include as an exception in table 5.

46.	Employment Zone Table 5 – Procedural Matters - Notification	The policy sought for a maximum building height (12.0 metres consistent with Charles Sturt) should also be included as an exception to warrant notification.	Insert maximum building height policy in the zone as an exception in table 5.
47.	Climate adaptation policy/Environmental Performance	<p>As addressed in Council's previous submission, the Code has policies that seek to address energy efficiency and climate responsive buildings which are strongly supported in the Code. However, within the assessment pathways these policies only apply to a limited number of dwelling types (detached dwelling (battle-axe), group dwelling and residential flat building) but are not captured in the assessment of detached dwellings, semi-detached, row dwellings or dwellings being developed by the SAHT either individually or jointly with other community housing providers, or a registered Community Housing provider.</p> <p>Such policies include but are not limited to PO 4.1 – orientation of building to maximise sunlight, PO 4.2 siting and design of buildings to maximise passive performance, PO 4.3 climate responsive design, PO 14.2 sustainable design techniques.</p>	<p>For future housing to respond to climate change impacts and improve the amenity and well-being of occupants, the application of environmental performance policies should be expanded to include all dwelling types. Proposed policies contained within 'Design in Urban Areas' in relation to landscaping, water sensitive design and environmental performance, should apply to all dwellings to provide a higher level of environmental protection for future residents.</p> <p>In addition, this should be expanded to apply to all forms of development to ensure climate change resilience (emissions, cost, heat)</p>
48.	Regulated trees	Greater design outcomes for development near Regulated trees in DTS policy.	Amendments to the Code policy to strengthen policy. Policy for requirements for structures eg. roof and gutter design that mitigate impacts of the tree on the structure.

49.	Overshadowing policy for solar panels and access to solar gain within the building envelope	<p>Overshadowing of solar panels – policy needs DTS quantitative criteria.</p> <p>Assess to solar gain within the building envelope is critical to reduce winter energy cost.</p>	<p>Amendments to the Code policy to provide require quantitative policy to assess future development when adjacent to existing neighbouring solar panels eg. percentage of panels that are shaded for a period of time. Equally amendments should be made to ensure appropriate design which facilitates access to solar gain around the building.</p>
50.	Water Sensitive Urban Design	<p>WSUD is a well-recognised approach to managing water in urban environments in a way that minimises the negative impacts of urbanisation and maximises economic, social and environmental benefits. It has the potential to deliver more liveable cities by providing green space, assisting the management of flood risks and impacts, reducing urban temperatures, maintaining home gardens, higher property values, reducing the flow of pollutants to major coastal recreation areas and minimising the need for expensive infrastructure upgrades.</p>	<p>Amendments required to encourage best practice in the use and management of water to minimise reliance on imported water.</p> <p>Promoting safe, sustainable use of rainwater, recycled stormwater and wastewater.</p>
51.	General Development policies – Interface between land uses	<p>Council staff have identified that in performance assessed development applications the DAP system does not bring in all the relevant policies within this section. This therefore limits the ability for an assessing authority to appropriately assess a sensitive land use where it is located near non-residential land uses in a typical zone that envisages mixed use outcomes. Example – Urban Renewal Neighbourhood Zone – dwelling for performance assessed only brings in overshadowing provisions.</p>	<p>Performance assessed development should bring through the DAP system all the policies contained in the Code’s General development Policies in particular Interface between Land Uses for performance assessed development eg. in particular sensitive development such as residential land uses to ensure there is appropriate policy rigor during the assessment process</p>

			to seek changes to improve interface outcomes.
52.	Demolition controls in Character Areas	<p>The title on page 24 of the Discussion Paper as a recommendation from the Commission implies that there are already demolition control policies in place within the areas that the Character Area Overlay applies, which is not the case.</p> <p>This proposed policy approach previously applied in CCS in its former Historic Conservation Areas. It does not provide clear protection in that the policy does not focus on the question at hand being the merit of demolishing the building on the Overlay if that is the intent. Secondly, any new dwelling applications already has to show its design merits against the Overlay's Character Statement. Thirdly, what mechanism is in place to ensure if an application is lodged for demolition of an existing dwelling and construction of new that the applicant carries through with the construction of the replacement dwelling after the demolition has occurred?</p> <p>The policy for character areas needs to focus on the new built form reflecting the elements of the area that gives it its character. For example, street setbacks, boundary setbacks, wall heights, roof form, material finishes, landscaping. Provided there is enough quality policy to deliver these outcomes then the demolition of the original building does not need to be controlled. Further the assessment of new built form in these locations for new dwellings or additions should not have a DTS pathway.</p> <p>While the City of Charles Sturt does not currently have Character Area Overlay policy areas in the City it has considerable areas that are located in the Code's Historic Area Overlay. These areas provide good policy protection to maintain the existing historical elements unique to those areas. The Commission's recommendation to allow Council's to elevate areas currently located in the Character Area Overlays into a Historic Area Overlay is supported provided these is justification to do so from a historical perspective. Ongoing improvements to Character Area Statements is also supported and should be regularly reviewed to ensure all the critical elements of those areas are addressed in the statements to assist the assessment of future development applications.</p>	<p>The need to control demolition is not considered necessary in Character Area Overlays.</p> <p>Strong policy is necessary to assess future built form outcomes and streetscapes are complimented</p> <p>If character areas show strong justification that the built form has historic merit, then these areas should be elevated to Historic areas instead of character areas.</p>
53.	Garage dimensions	Council has previously raised concerns relating to the Code's enclosed car parking dimensions. Concerns relate to setting a small internal dimension size for garages that only facilitate a small space for vehicles and makes everyday access to cars and the loading and unloading of typical items from vehicles too difficult. It	The dimensions originally consulted in the draft Code, should be retained to address

		<p>also prohibits the use of this space for other domestic uses that commonly occur in garages, such as laundry facilities and general household storage. This is particularly critical in reduced lot size developments where other additional storage areas are not possible.</p> <p>The following diagram shows the limited space retained around two standard vehicles within a double garage which is 5.4m x 5.4m in dimension and confirms that this will make entering or exiting the vehicle once it is parked in the garage very difficult.</p> <p>The diagram illustrates a top-down view of a double garage measuring 5400mm by 5400mm. Two cars are parked side-by-side: a Ford Mondeo on the left and a Ford Focus on the right. The Mondeo is 1900mm wide and 4900mm long. The Focus is 1800mm wide and 4300mm long. There is an 800mm gap between the cars. Clearance dimensions are as follows: 400mm on the top left, 300mm on the top left of the cars, 200mm on the bottom left, 500mm on the top right, 500mm on the right side of the cars, and 600mm on the bottom right. The scale is 1:100.</p>	<p>other uses that a garage commonly incorporates in a domestic situation.</p>
54.	Car parking requirements	<p>Infill development has steadily grown in Charles Sturt. A key issue for Council that is experienced by its residents in established areas, involves an increase of on-street parking. Through infill development, smaller allotments are created, reducing opportunities for off-street parking.</p>	<p>Review car parking ratios to ensure two spaces are provided on-site for dwellings, regardless of the number of bedrooms.</p>

		<p>Council considers that a review of the Planning and Design Code's off-street car parking standards is needed to ensure future infill development can provide adequate off-street car parking without having a detrimental effect on the local road system.</p> <p>An example for consideration which has been previously raised by Council involves the allocation of only one off-street car parking space for a dwelling comprising only one bedroom. A minimum of two off-street car parking spaces should be required notwithstanding only one bedroom is proposed given the prevalence of car ownership, which has increased based on the most recent Census data.</p>	
55.	Definitions in the Code	<p><u>Multiple dwellings</u></p> <p>Council previously raised the lack of a definition for Multiple Dwellings and policy in the Code to address design issues around multiple dwelling proposals. These considerations may include, but not be limited to car parking standards, living area spaces and amenities.</p>	A definition for this type of dwelling and associated policy is still required to be included in the Code.
56.	Hazards (Flooding - Evidence Required) Overlay	<p>There is a gap in Code policy to address minimum FFL for development on land that is not covered by the Hazards (Flooding-General) Overlay or the Hazards (Flooding) Overlay.</p> <p>Council's previous submission highlighted this matter outlining that the absence of the Overlay and its policies for the City of Charles Sturt will mean the City will lose a key policy trigger to determine the stormwater management outcome for a development and call upon the current flood mapping information to make an informed assessment.</p> <p>Following the Commission's second round of consultation on the Code a third Hazards Flooding Overlay was introduced into the Code as part of its implementation. This is known as the Hazards (Flooding - Evidence Required) Overlay.</p> <p>This Overlay provides policy directions for areas not identified in the other Hazard Flood Overlays and should be applied to the City of Charles Sturt.</p>	Seeking a Ministerial or Commission led Code Amendment to insert the Hazards (Flooding - Evidence Required) Overlay over areas in Charles Sturt not presently covered by either the Hazards (Flooding-General) Overlay or the Hazards (Flooding) Overlay.
57.	Hazards (Flooding – General) Overlay	<p>The Code requires Finished Floor Level of properties to be 300mm above flood levels for Deemed to Satisfy performance feature (Refer PO 2.1 and DTS/DPF 2.1 below). Whilst this requirement will protect most properties from flooding it may not cover certain properties that are lower than road level. There are inherent limitations to flood maps. Flood maps only show where stormwater builds up from generally from sag points such as side entry pits etc and maps may not show where the stormwater is coming from. That is overland flow path may not be obvious in flood mapping. An example of where this occurs is on sloping land where the street frontage is higher and rear of property is lower.</p>	Address policy gaps in the Code to improve the assessment of overland stormwater flow paths. Consider the use of PO 2.1 as DTS performance feature.

		<p>Street gutter flows are normally prevented from entering properties by the kerb, crossovers and the verge. Once gutter flow height goes over 100mm – 150mm overland flow will go through properties on the lower side of the road. Overland flow may result in property damage. The problem has been exacerbated in recent times due to side boundary to boundary developments. Stormwater has no way to get to the low spot but through garages and floors. Side set backs in some older houses allowed overland flow to go around the buildings with minimal damage.</p> <p>With current DTS provisions and fence to fence development it is likely flooding of new developments (assessed for 1% AEP and floor levels set 300mm above) could still experience flooding.</p>	
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Part 3 – Overlays

Hazards (Flooding – General) Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Impacts on people, property, infrastructure and the environment from general flood risk are minimised through the appropriate siting and design of development.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use	
<p>PO 1.1</p> <p>Buildings housing vulnerable people, community services facilities, key infrastructure and emergency services are sited away from flood areas enable uninterrupted operation of services and reduce likelihood of entrapment.</p>	<p>DTS/DPF 1.1</p> <p>Pre-schools, educational establishments, retirement and <u>supported accommodation</u>, emergency services facilities, hospitals and prisons located outside the 1% <u>AEP</u> flood event.</p>
Flood Resilience	
<p>PO 2.1</p> <p>Development is sited, designed and constructed to prevent the entry of floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.</p>	<p>DTS/DPF 2.1</p> <p>Habitable buildings, commercial and industrial buildings, and buildings used for <u>animal keeping</u> incorporate a finished ground and floor level not less than:</p> <p>In instances where no finished floor level value is specified, a building incorporates a finished floor level at least 300mm above the height of a 1% <u>AEP</u> flood event.</p>
Environmental Protection	
<p>PO 3.1</p> <p>Buildings and structures used either partly or wholly to contain or <u>store</u> hazardous materials are designed to prevent spills or leaks leaving the confines of the building during a 1% <u>AEP</u> flood event to avoid potential environmental harm.</p>	<p>DTS/DPF 3.1</p> <p>Development involving the storage or disposal of hazardous materials is wholly located outside of the 1% <u>AEP</u> flood plain or flow path.</p>

58.	Waterfront Neighbourhood Zone	<p>A recent application for a balcony forward of a dwelling close to the boundary fronting the beach (public thoroughfare) has identified a lack of policy direction when the proposal is located forward of neighbouring buildings and considered an unreasonable visible impact on the locality (the beach as the public thoroughfare).</p> <p>The only policy currently in the Code which could be considered included:</p> <ul style="list-style-type: none"> • Zone Section, Waterfront Neighbourhood Zone, DO 1; • Zone Section, Waterfront Neighbourhood Zone, PO 11.3 • General Policies – Design in urban Areas – Desired outcome 1 <p>PO 5.1 and PO 6.1 in the Zone relate to primary and secondary setbacks and development contributing to the existing/emerging pattern of street setbacks in the streetscape and the waterfront environment. However similar policy is missing for development adjacent to the foreshore as a ‘public thoroughfare’.</p> <p>We consider the coastal boundary to still be a streetscape issue because it was abutting the coast path, which is a public thoroughfare and there should, be specific policy particularly in the Waterfront Neighbourhood Zone to assess future development proposals against.</p>	<p>Amendments to the Code policy for the Waterfront Neighbourhood Zone to strengthen policy around development minimising visual impact on the seaside or waterfront character through design such as reducing bulk and scale.</p>
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Rear boundary setback		
PO 9.1	DTS/DPF 9.1	
<p>Dwelling walls are set back from rear boundaries to provide:</p> <ul style="list-style-type: none"> (a) separation between dwellings in a way that contributes to a suburban character (b) access to natural light and ventilation for neighbours (c) private open space (d) space for landscaping and vegetation (e) a consistent character when viewed from a waterfront. 	<p>Dwelling walls are set back from the rear boundary at least:</p> <ul style="list-style-type: none"> (a) where the rear boundary fronts a waterfront, no less than the average rear setback of any existing dwellings on adjoining allotments. (b) where the rear boundary adjoins a laneway - 0m (c) In all other cases: <ul style="list-style-type: none"> (i) if the size of the site is less than 301 square metres— <ul style="list-style-type: none"> A. 3m in relation to the ground floor of the dwelling B. 5m in relation to any other building level of the dwelling (ii) if the size of the site is 301 square metres or more— <ul style="list-style-type: none"> A. 4m in relation to the ground floor of the dwelling B. 6m in relation to any other building level of the dwelling. 	

59.	Waterfront Neighbourhood Zone	<p>The draft Code also lacks policy to support the assessment of fences for the existing areas contained in former development Plan Policy Areas 18 and Policy 19 within the previous Residential Zone in the Charles Sturt Council Development Plan. Fencing and courtyard walls forward of the face of the dwelling or adjacent to lake/coastal frontage should consider design to address:</p> <ul style="list-style-type: none"> - Open style - Max height of 1.2m - Materials to match associated dwelling - In the case of a courtyard wall setback minimum 2m from the lake or coastal boundary and less than 30% of the site frontage <p>The PDI Regulations has not included the amendments previously sought in Schedule 3 of the Development Regulations, 2008 as approved by the Minister in the Residential City-wide DPA for Charles Sturt to: 'only list lake and coastal frontage fences within Policy Areas 18 and 19 as constituting 'development'.</p>	Amendments to the Code policy to strengthen policy around fencing that requires development approval minimising visual impact on the seaside or waterfront character through design.
60.	Waterfront Neighbourhood Zone Rear boundary setbacks DTS / DPF 12.2.1	The P & D Code does not provide sufficient policy to assess ancillary structures where the rear boundary is a waterfront.	Some clarity needs to be provided in the policy to guide development outcomes eg. design parameters and scale where the rear boundary is a waterfront for ancillary structures.
61.	Part 4 - General Development Policies Design in Urban Areas	The provision of private open space based on $<301\text{m}^2 = 24\text{m}^2$ is not considered sufficient given 300m^2 is the max site area for most dwelling types in Council's General Neighbourhood Zone (the most common residential type of zone in the city). The policy consulted on in the original draft Code, as in the current Charles Sturt Council Development Plan, was based on a sliding scale depending on the size of the site and should be	Amend the policies for private open space based on a sliding scale depending on the size of the site.

	Table 1 – Private Open Space	retained in addition to the consideration of Council’s original comments as per its previous submission on private open space.	
62.	Part 4 – General Development Policies – Transport, Access and Parking – PO 5.1	<p>PO 5.1 desires development to provide sufficient on-site vehicle parking to meet the needs of the development or land use, however, allows the consideration of a reduced rate based on the following criteria:</p> <ul style="list-style-type: none"> <i>a) availability of on-street car parking</i> <i>b) shared use of other parking areas</i> <i>c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared</i> <i>d) the adaptive reuse of a State or Local Heritage Place</i> <p>Council’s Planning and Development Unit has experienced on several occasions development applications seeking a reduced rate based on one or a combination of the above criteria. This has resulted in a strain on overall parking within the locality for the approved land uses but also in relation to part a) created parking issues within the surrounding local streets for the wider community. Part b) also creates issues where shared use have similar times of operation and therefore compete for the shared car parking spaces.</p>	The policy should be amended by removing parts a) and b) to reinforce the need for land use proposals to provide the required on-site vehicle parking wholly on their sites.
63.	Urban Neighbourhood Zone	The Noise and Air Emissions Overlay that applies to this zone does not adequately address off-site impacts of existing activities (eg Smallgoods factory, which is a EPA licensed activity that generates noise and odour). The associated DTS/DPF only relate to major roads, train corridors and/or noise from music venues. The Interface Management Overlay, which has no DTS/DPF, should apply to this zone.	<p>Apply the Interface Management Overlay to the Urban Neighbourhood Zone OR refine the DTS/DPF for the Noise and Air Emissions Overlay to address off-site impacts on sensitive receivers from existing/proposed non-residential activities.</p> <p>The application of an Interface Management Overlay should be pursued through a Ministerial Code Amendment as the policy in the previous Development Plan has been lost through the transition of the Code.</p>

64.	Urban Neighbourhood Zone	Concept Plan 34 Bowden-Brompton identifies roads that are subject to road widening, as determined by the previous DPA investigations. Unfortunately, this legitimate requirement is not reinforced by applying the Future Local Road Widening Overlay to this area/zone.	<p>Apply the Local Road Widening Overlay to the Urban Neighbourhood Zone.</p> <p>The application of a Future Road Widening Overlay to the Urban Neighbourhood Zone should be pursued through a Ministerial Code Amendment as the policy in the previous Development Plan has been lost through the transition of the Code.</p>
65.	Suburban Business Zone	Previous development application in this zone did not capture policy seeking landscaping. The Strategic Employment has specific policy requiring 10% of the site as landscaping however there is no such zone requirement for the Suburban Business Zone and can only apply general policies which does not pick up same.	Policy required to seek percentage of landscaping for development within the Suburban Business Zone as is the case in the Strategic Employment Zone.
66.	Strategic Employment Zone and Suburban Business Zone Interface policy	The zones should include a Performance Outcome involving development on land adjacent to another zone which is for residential purposes (which includes loading, unloading activities and waste management) to be designed to minimise off-site impacts by considering appropriate acoustic performance and locating noise sources away from existing sensitive receivers.	Development for non-residential land uses need to bring in PO 1.2 in the Interface between Land Uses provisions to assess potential interface impacts.
67.	Strategic Employment Zone	The maximum building height is not expressed in the actual zone but is highlighted as a TNV on SAPP. However, the maximum building height TNV does not get pulled in when searching the property in the P & D Code.	Address Code error.
68.	Suburban Activity Centre Zone DTS / DPF 1.1	Emergency Services Facility is identified in the policy and should have a definition under Part 7 of the draft Code.	Create definition for Emergency Services Facility.
69.	Local Activity Centre Zone PO 1.2	There is insufficient policy to ensure residential land uses do not dominate through location/design non-residential land uses in the zone.	Consideration of a DTS criteria that dwellings should be located only behind or above

			non-residential uses on the same allotment to ensure the viability of the existing Local Centre Zones.
70.	Stormwater and Regulated Trees Overlay	<p>Regulated trees and stormwater management provisions need to apply to all development for new buildings on the land eg. dwelling addition not just a new dwelling.</p> <p>Any additional roof area will add to downstream flooding and the footprint of the addition could be right under a Regulated Tree.</p> <p>Assessment authorities cannot confirm that a Regulated Tree is impacted at verification without doing a site inspection, which is not reasonable, so the policy should come in for all new built form on the land.</p> <p>By not pulling this in we are not able to manage increased run off from dwelling additions using the Code provisions provided which is a serious problem and omission in the compilation of Code rules that should apply.</p>	Correct Code error to ensure Regulated Tree and Stormwater Management Overlay policy is pulled into the assessment pathways for additions to a dwelling.
71.	Minimum room dimensions and domestic storage	<p>Council's CAP has identified that medium and higher density development can compromise room sizes of living spaces in order to deliver more dwellings and there are no provisions to guide what this minimum space should be.</p> <p>In relation to domestic storage there are no provisions for typical dwellings (detached, semi-detached, row and residential flat dwellings). The provisions only apply for multi-storey unit development (greater than 3-storeys).</p> <p>Site coverage is being used to deliver the house and garage without any dedicated storage and no option to add it later because they have already covered the site with built form. Any additional verandahs or storage spaces are compromising private open space and soft landscaping.</p>	Consider additional policy to address minimum dimensions for internal living areas and storage spaces for all types of dwellings.

72.	Urban Activity Centre Zone PO 1.1	Question a warehouse as an envisaged land use in this Zone. The previous Development Plan policy in Charles Sturt deems it non-complying. This land use is more suited to the proposed Employment Zone.	Consider policy to ensure warehouse uses are a subservient use to a primary use such as retail and not envisage as a primary land use.
73.	Table 4 – Restricted Development Classification – Established Neighbourhood Zone	A previous resolution of Council dated 2019, sought that the draft Code includes policy that considers telecommunications facilities (mobile phone towers) to be deemed as “restricted development” within the Established Neighbourhood Zone (formerly proposed during the original consultation of the draft Code as a Suburban Neighbourhood Zone) (areas contained within the Historic Area Overlay) to enable a more rigorous assessment for development of this nature within the City’s current Historic Conservation Area.	Amend Table 4 to include telecommunications facilities as restricted development.
74.	Building Near Airfields Overlay	PO 1.2 seeks to prevent land uses that attract wildlife near the airport.	Development of this nature should be considered as a referral to the aviation safety authority where it hasn’t met the DTS standards.
75.	Historic Area Overlay	Previous submission from Council based on the advice of Council’s Heritage Adviser sought amendment to policy within the Historic Area Overlay.	<p>Suggested policy amendments: DTS 3.1 <i>Alterations and additions are fully contained within the roof space of an existing building or located to the rear with no external alterations made to the building elevation facing the primary street.</i></p> <p>PO 4.1 <i>Ancillary development Ancillary development, including carports, outbuildings</i></p>

			<p><i>and garages, complements the historic character of the area and associated buildings, sited to ensure they do not dominate the primary facade, and employ a contextual design approach.</i></p> <p>PO 6.1 <i>The width and number of driveways and other vehicle access ways are consistent with the prevalent width of existing driveways of the historic area.</i></p>
76.	Historic Area Overlay Demolition Control Policy – PO 7.1	Concerns previously raised by Council with the proposed policy in particular in part (a) the use of the term “front elevation” which may be open to interpretation. The front elevation also includes the roof form, verandah and visible side returns. As an example, what may happen if the originally vertically proportioned windows in the front wall have been widened and aluminium inserted. Can this be an argument based on the proposed policy to demolish the building, when all other key character elements are intact?	<p>The following amendments are recommended below (in highlight) to ensure clarity behind the term front elevation.</p> <p><i>PO 7.1 Buildings and structures, or features thereof, that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless:</i></p> <p>a) All the elements that comprise the front elevation including the roof form and side returns up to the roof ridge line visible to the street <i>has been substantially altered and cannot be</i></p>

			<p><i>reasonably restored in a manner consistent with the building's original style</i></p> <p><i>or</i></p> <p><i>b) the structural integrity or safe condition of the original building is beyond reasonable repair.</i></p> <p><u>PO 7.3</u></p> <p>Concerns over what is the test for conformity? The proposed policy can lead to a debate as to whether one of the characteristics or elements in the Historic Area Statements do not conform as a justification for demolition. The following amendments are proposed to the policy (in strike through and highlight):</p> <p><i>PO 7.3 Buildings or elements of buildings that do not conform with all of the values described in the Historic Area Statement may be demolished.</i></p>
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77.	Key Railway Crossings Overlay	DTS/DPF 1.1 refers to certain distances from railway crossings relative to speed limits, but fails to include 40km/hr.	Amend DTS/DPF to include 40km/hr roads.
78.	Local Heritage Places	Description for Local Heritage Place listing - 227 Esplanade, Henley Beach is missing the words “, cast iron and masonry fence. ”	Correct error.
79.	General Policies Design in Urban Areas Car parking, access and manoeuvrability PO 23.4 – DTS/DPF 23.4	<p>This allows approval to be authorised by third-party certifier without Council’s arboriculture officers having opportunity to provide input or reference to Council’s Tree and Streetscape Policy. The two-metre separation is currently being used as a minimum separation distance between the tree and the crossover however the setback required is determined by the tree species, trunk diameter and for large mature trees, its structural root zone radius which is calculated in accordance with AS 4790-2009 – Protection of trees on development sites.</p> <p>A minimum separation between the subject tree and proposed crossover is to protect the tree and provide space for tree growth and minimise future damage to the crossover.</p>	Recommendation is no change made in relation to Council’s authority in approving works on public land, currently authorised under the Local Government Act (Section 221).
80.	General Development Policy Design in Urban Areas Universal Design	<p>Supported Accommodation and retirement facilities / PO 37.2:</p> <p><i>“Universal design features are incorporated to provide options for people living with disabilities or limited mobility and / or to facilitate ageing in place.”</i></p> <p>The scope of this policy should be expanded to apartments 3 building levels or less to increase the number of accessible dwellings due to data from the Liveable Housing Design Guidelines that show it is 22 times more efficient to build in these design features rather than retrofitting them at a later stage, and that there is a 60% chance of a home being occupied by someone living with a disability.</p>	It is suggested that a suite of minimum requirements for effective measures are specified to provide clear guidance for design and assessment.
81.	General Neighbourhood Zone	<p>A free-standing carport application did not return minimum dimensions for the off-street carpark.</p> <p>Council staff have identified that the Accepted and Deemed to Satisfy assessment pathways do not have this either for General Neighbourhood. However, if you have a garage under the main roof (as part of a dwelling) you do have minimum requirements.</p>	Correct pathway error.
82.	General Neighbourhood Zone	<p>Verandahs on boundaries.</p> <p>Accepted development pathway seeks:</p>	Accepted development assessment pathway should have the same standards as DTS ie. 45% length of the boundary.

		<p>8. Length – does not exceed 11.5m if any part of the structure abuts or is situated on a boundary of the allotment.</p> <p>Deemed to Satisfy (DTS) assessment pathway seeks:</p> <p>(e) if situated on a boundary (not being a boundary with a <u>primary street</u> or <u>secondary street</u>), do not exceed a length of 11.5m unless:</p> <p>(i) a longer wall or structure exists on the adjacent <u>site</u> and is situated on the same allotment boundary and</p> <p>(ii) the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent</p> <p>(f) if situated on a boundary of the allotment (not being a boundary with a <u>primary street</u> or <u>secondary street</u>), all walls or structures on the boundary will not exceed 45% of the length of that boundary</p>	
83.	Urban Neighbourhood Zone – West development	<p>There are two maximum building height and levels and is difficult to understand where the levels would apply. Should this not be a minimum and maximum and not two maximums?</p>	<p>Correct Code error. The first should be (minimum) and then (maximum).</p>

Built Form and Character													
<p>PO 2.1</p> <p>Development positively contributes to creating activity nodes around high-frequency public transport stops/stations and multi-modal transport interchanges, encourages public transport use and positively contributes to a fine-grain streetscape that provides a safe, comfortable, vibrant and walkable public realm at ground level.</p>	<p>DTS/DPF 2.1</p> <p>None are applicable.</p>												
<p>PO 2.2</p> <p><u>Building height</u> is consistent with the form expressed in the <u>Building Height</u> (Maximum Levels) Technical and Numeric Variation and the <u>Building Height</u> (Maximum Metres) Technical and Numeric Variation, and otherwise positively responds to the local context including the <u>site's</u> frontage, depth, and adjacent <u>primary street</u> width.</p>	<p>DTS/DPF 2.2</p> <p>Except where a Concept Plan specifies otherwise, development does not exceed the following <u>building height(s)</u>:</p> <table><tr><th colspan="2">Maximum Building Height (Levels)</th></tr><tr><td>Maximum <u>building height</u></td><td>is 4 levels</td></tr><tr><td>Maximum <u>building height</u></td><td>is 8 levels</td></tr><tr><th colspan="2">Maximum Building Height (Metres)</th></tr><tr><td>Maximum <u>building height</u></td><td>is 16.5m</td></tr><tr><td>Maximum <u>building height</u></td><td>is 32.5m</td></tr></table> <p>In relation to DTS/DPF 2.2, in instances where:</p> <p>(a) more than one value is returned in the same field, refer to the <u>Maximum Building Height (Levels) Technical and Numeric Variation layer</u> or <u>Maximum Building Height (Metres) Technical and Numeric Variation layer</u> in the SA planning database to determine the applicable value relevant to the <u>site</u> of the proposed development</p> <p>(b) only one value is returned (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other</p> <p>(c) no value is returned (i.e. there are blank fields for both maximum <u>building height</u> (metres) and maximum <u>building height</u> (levels)), then none are applicable and the relevant development cannot be classified as deemed-to-satisfy.</p>	Maximum Building Height (Levels)		Maximum <u>building height</u>	is 4 levels	Maximum <u>building height</u>	is 8 levels	Maximum Building Height (Metres)		Maximum <u>building height</u>	is 16.5m	Maximum <u>building height</u>	is 32.5m
Maximum Building Height (Levels)													
Maximum <u>building height</u>	is 4 levels												
Maximum <u>building height</u>	is 8 levels												
Maximum Building Height (Metres)													
Maximum <u>building height</u>	is 16.5m												
Maximum <u>building height</u>	is 32.5m												

The concept plan in the Code does not show the core area (the higher built form requirements) as was originally shown in the former Concept Plan under Council’s development Plan (refer below). SAPPa does not match the location of heights with the Concept Plan under the former Development Plan.

Extract from SAAPA depicting location of building heights:



Former development Plan Concept Plan 112 – West Lakes:

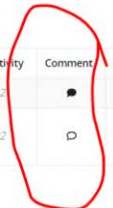
Concept Plan 112 West Lakes



Appendix B - Planning System Implementation Review – Detailed comments by staff on the DAP System

Processes

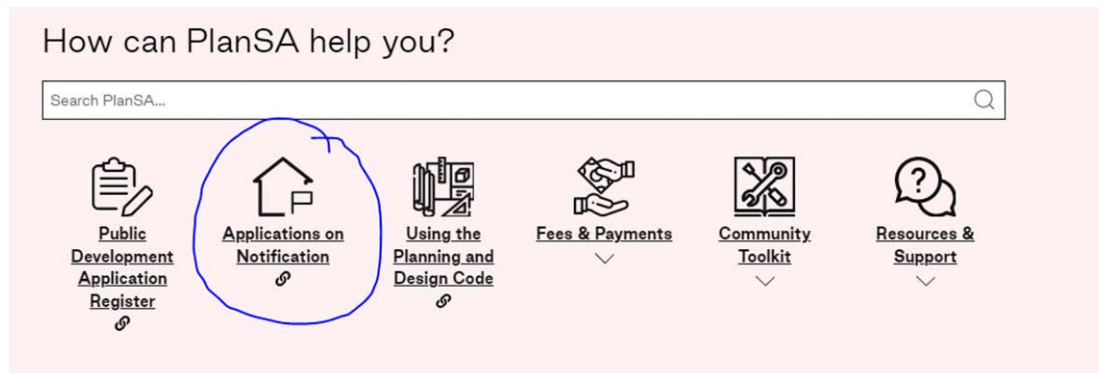
- Minor amendments process – extremely convoluted. Building amendment goes to the planner and it's not clear when the fees are charged, sometimes you don't get the planning amendment but you should have, but that's because the building authority said planning wasn't required which means the customer has to lodge again.
- Councils have to record why minor, so should accredited professionals.
- Inconsistent applications should go to the applicant not the building authority
- All owners need to be listed to applications – this should be an automatic lookup. It shouldn't be a free form type field. Typically, applicants just put their name in the field. People don't put all the details, eg phone number, full name. Phone numbers should be a mandatory field.
- Post should not be an option. This is an electronic system.
- Unable to add addresses after verification without going back to verification.
- Have to change the description via minor variation process.
- Developments on verges, public land – unable to select a road property. Use GIS coordinates so unable to find easily.
- Back button doesn't take you back one screen.
- Searching extremely difficult to use. Advanced search feature doesn't always return results
- Should have a Notes field for officer's comment on front dashboard.



ID	Owner	Location	Building/Building Work	Notification	Date of Activity	Comment	To Be Inspected?
21010416	D Stennett, R Foster	UNIT 1 4 MAIN ST BEVERLEY SA 5009	Storage shed and carport	Commencement of building work	19 Oct 2022	●	Yes No
21010724	T Tharakan, M Tharakan	44 TRIMMER POE WOODVILLE WEST SA 5011	Two storey detached dwelling	Statement of Compliance and other documents required to be provided at the completion of building...	17 Oct 2022	📄	Yes No

- Have a filter that lets you select – verifications/respond to RFI/ Commence assessment- so that you can control what you want to view
- Applicant's view button needed. We need to be able to see what the applicant is seeing.
- Based on elements, if you select verandah, then all requirements should be uploaded, ie site plan.
- The deemed consent is not encouraging good outcomes because you're just trying to meet the deadlines of the clock.

- Ability to send a negotiation letter, not just a RFI. System not designed for negotiating. We try to negotiate, but it just seems as though it's about making a decision within the timeframe even if it's not the best outcome.
- Clock active in the background when it's not meant to be legally.
- Should have a fee for doing the verification that is not linked to application lodgement (reg change) and should have a fee for development approval and a fee for minor variation for development approval when Council didn't issue planning or building.
- A timeframe for mandatory information to be provided and then they lapse and are removed from your dashboard.
- Response to RFIs come in and the clock starts again, it doesn't allow time to send back for re-referral. No time allowed to review the response.
- Consider removing the need for a physical notice on the land for public notifications and just rely on using letters for notification.
- Unnecessary emails that are generated by the DAP and still need to be managed by someone.
- Clearance of land divisions convoluted – they sit with you even when they're with another body.
- How can private certifiers not have to charge lodgement fee. They shouldn't move onto the next authority until they've been paid. Whoever is managing the first interaction with an application in the DAP, should be charging a lodgement fee.
- Building inspections don't have builder's details on them. You have to switch back to the application to get this information.
- Planners' letters going out without the planner's details for public notification so who do the public talk to.
- Public notification letters which are all posted out because there is no guarantee that the email addresses are correct, has the link that is 2 lines of code that people don't type so they come into the counter to view plans. The letter should direct them to the PlanSA home page and tell them to select Applications on Notifications.



- Data extracts not keeping up with the subdivisions creating the titles and moving the applications across to the new titles (childs). Up to 6 week delay.
- Not following street numbering that council is providing for land divisions. Only get lot numbers. Need to do a CT reference check to find the correct property.
- Consents shouldn't appear on data extracts if they have been returned as inconsistent.
- Only limited file types should be uploaded in the DAP and if a document is a plan it should only be a PDF file type, not Excel which has occurred.
- 70mb is too small for file upload size.
- Cannot hold shift or control to select multiple files to download. Can only select 10 at a time and then it's as zip file so you have to extract that which is more work yet again.
- Application documents should come in combined already – using a product like PDF stitch.
- The way names are entered for every application as a separate entry rather than from a central names data base means that any changes to their details have to be manually for every instance where they occur, which could be multiple applications and can be quite sensitive when a person is deceased, and the information now needs to be redirected. They need a field for Estate of so that people aren't receiving mail for deceased people.
- Should not have a post option. This is an electronic system and everyone should have email or family with email for older customers.
- People put a description that can be war and peace. Examples should be provided.
- Unable to edit DNFs. Refusals don't pull in the notes that include appeal rights.
- Current Use and Proposed use should be drop downs – residential, commercial, industrial, public not massive field for people to type whatever they like.
- Should include the number of dwellings when lodging as a field that can be reported on.
- Refined elements should be included as this is an issue when it comes to reporting.
- People don't put correct amounts for cost of developments. There should be an automatic amount based on Building Industry standard and floor area.
- People should be able to pay directly to PlanSA by EFT. They shouldn't have to pay at council. The invoice says you can pay at council only for us to direct to pay online with their credit card.
- People don't understand the question if consent has been granted using a different system. The number of people who think they have planning consent from a different system when they actually have planning consent in DAP is high.

Consents

To proceed with your development, you must first gain the consent of expert assessors, to ensure that your proposed development complies with all pertinent regulations.

Based on the information you have supplied, your application will require the following consents:

- Planning Consent
- Building Consent

Have any of the required consents for this development already been granted using a different system? *

- ☒ Yes
☐ No

▲ IMPORTANT – If you are seeking to vary an existing Planning Consent previously issued under a different system, please select 'No' to the above question and ensure that in the 'Development Details' screen you describe the application as involving a variation to an existing planning consent.

Which consent(s) have been granted *

- ☐ Planning consent

- People submit another application for building instead of putting it through on the same application that got the planning consent.
- People don't realise they have to apply for the next consent and get angry that they can't just go on to start the development.
- People don't understand combined applications or what stages are. There needs to be some educational materials for applicants so that they know what they have to do. Perhaps the DNF can prompt them with reminders that they need to go on and get subsequent consents before proceeding.
- DA's are not related or linked in anyway when they should be if there is another relevant application in the system. For example, if a new application is submitted to amend an earlier decision then there should be a way to link these so that there are related to each other and can click between them.
- Printed application form not user friendly and people struggle to complete the form. The form doesn't match the submission questions on the DAP.

Clocks

- The hold arrangement is too limiting – unable to continue working whilst on hold, ie request a referral, do a report. If you request a referral and then the application is placed on hold, the referral is removed from the relevant persons tray and they no longer know that they need to review something.
- No ability to return planning consents issued by an accredited professional when they are actually the incorrect authority as the application is considered performance assessed. Currently, we have say the consents are inconsistent, when in fact, one isn't valid and couldn't be relied upon.

- In terms of development approval, if there are issues with the information provided by the various authorities that need to be resolved, there is no time to work through the issues as the clock is still active when it should be paused. We may also be waiting on reserved matters to be met before being able to progress the issue of a Development Approval.

Documents

- Authorities/applicants do not label documents correctly and so we are constantly having to download documents uploaded by other authorities or applicants just to accurately label the type of document, then upload the document so that it makes sense, and you can easily find what you're looking for. You should be able to rename the type of document.
- Under documents to upload at submission, the applicant should have to upload the mandatory information, eg site plan, landscaping, elevations, etc individually and then that should be combined and come into Council as one all application document. Should be setup the same way specific documents have to be uploaded for public notifications.
- Converting emails to pdf before uploading. You should be able to upload emails without having to convert.
- Document types and categories don't always match the actual document type required.
- No formatting, eg tables don't present in conditions properly.
- The Assessment report is poorly structured. More automatic information that is in the DAP should come in, ie bring in Zone information, the reps, etc.
- You should be able to bring the code rules into the assessment report particularly for the critical things.
- File naming conventions should be standard.
- If anyone selects a document labelled stamped plans, they go into the decision documents. Actual stamped documents do not always end up being labelled as stamped plans and then they don't end up in the compiled Development approval stamped documents as they have been categorised as something different, eg uploaded as specification documentation when they actually form part of the stamped plans. The circled document is a stamped approved document but not labelled that way so our staff do not know it is to be relied on for the checking of construction or even as part of the final approval.

Development application - 22020624: 41 Arthur St Pennington SA 5013

UPLOAD DOCUMENTS

Summary

Documents

Event History

Sharing access

Building Notifications

Variation Requests

Certificate of Occupancy

Inspection

Related Actions

Search by keyword

Search by keyword

Search by Category

Search by Type

Where was the document uploaded?

☒ Application
☒ Planning Consent
☒ Building Consent
☒ Development Approval

Additional document filters

☐ Decision Documents
☐ P&D Code Rules
☐ Snapshots
☐ Invoices

☐ Other Documents
☐ Plans
☐ Inspection

Hidden by default

☐ Superseded
☐ System Generated Emails

Document	Type	Description	Date Created	Superseded	Internal to Org	Visible to Applicant	Edit
<input type="checkbox"/> PoolSafetyBarrier-Specs-3187021.pdf	Specifications		27 Jun 2022 17:50			✓	
<input type="checkbox"/> VerificationOutcome-BuildingConsent-Application22020624-3186977.pdf	Verification Outcome		27 Jun 2022 17:47			✓	
<input type="checkbox"/> DapConsentVerificationSnapshot129946-3186976.pdf	Verification Snapshot		27 Jun 2022 17:46			✗	
<input type="checkbox"/> FeeAdvice-Application22020624-BuildingConsent-114463-3186965.pdf	Fee Advice		27 Jun 2022 17:46			✓	
<input type="checkbox"/> DecisionNotificationForm-Application22020624-3185830.pdf	Decision Notification Form		27 Jun 2022 16:32			✓	
<input type="checkbox"/> DapConsentAssessmentSnapshot129945-3185826.pdf	Assessment Snapshot		27 Jun 2022 16:32			✗	
<input type="checkbox"/> 22020624-41ArthurStPennington-Checklist-	Assessment Snapshot		27 Jun 2022 16:32			✗	

- Should be able to delete documents that you've uploaded incorrectly rather than having to supersede the document.
- If we select internal, our documents should be internal and only visible to people in our organisation anyway, eg assessment report is uploaded as Internal so we should not then have to save it to then select it and add internal to organisation in the tick box that is then available. You shouldn't have to go back and change this after upload and you should be able to select this as you're uploading. Alternatively, should have a category that is automatically internal.

Managing workloads

- Dashboards are inaccurate and not a true reflection of your workload. Items on hold disappear from your task list.
- What officers need to do to manage workload outside of the system and meet the targets is excessive, eg add calendar reminders, keep Excel spreadsheets, use sticky notes, add tasks, have a working folder.
- Because of the clock, the deemed consent and the stop/start actions of the DAP, managing assessments is extremely difficult.
- Working backwards to make sure you're going to meet dates for CAP, public notice, etc.
- Have to work outside of the system so much – stamping, viewing plans, combining documents, converting emails, sending emails.
- For an incoming application, our process is to create checklists, combine and download documents, move the documents to relevant folders on our network drive. We've had to come up with naming conventions, then when the first part of the process has occurred, then we have to move the folders onto another folder location. Once we've completed the assessment we then have to upload our checklist and stamped plans. We also had to create templates for internal referrals. In our previous system, we had a container in Content Manager and records just had actions added to them depending on what needed to happen. Just having to setup these internal processes to make assessment possible has created a whole new amount of work that never had to happen previously. The same thing happens for consistency checks for development approval.

PlanSA Website

- There needs to be information provided that includes links to examples of site plans, elevations ie drawings not just words. This would help improve the ability to guide customers on what is required of them.

Mandatory Documentation

- Elevations should have materials and colours and finishes listed as a minimum requirement in Schedule 8.
- Applicants are regularly not providing information about soft landscaping on their plans.
- CTs should be included in an application as a mandatory requirement. This question is why we need a CT.

Certificate of Title information

Does the Certificate of Title (CT) have one or more constraints registered over the property? ?

- ☐ Yes
- ☐ No
- ☐ Unsure

For more information SA.GOV.AU – Researching a property

Reporting

- Reporting is not accurate and cannot easily extract relevant data. The most updated options are still limiting and cannot present the data we require. Recent reporting workshops still demonstrates the limitations of reporting and data being grouped in a way that does not provide simple clear understanding of the workload affecting the relevant area over time. When the department show the reports, they seem reasonable but when you start drilling down there are so many limitations and discrepancies that they are not considered reliable or usable. When data is taken out to excel it cannot be sorted due to merged fields and these can't be corrected.

Building and Development Compliance

- Definitions to be added back into the regulations should include junkyard.
- Retrospective applications – Where development has taken place without approval there should be stronger provisions for forcing a person to correct the breach which could include expiation of the initial offence. The penalties are so limited that it is easier to do the work or land use without approval and then just lodge if caught. Time frames associated with processes in the Act for the applications i.e. getting all consents and Development approval and then altering things on the land if required should be shorter as well to ensure the problem is more quickly resolved.
- New trees are not being taken into account when certifiers are doing the assessment and engineers plans may indicate trees have not been factored into the design for the footing but they are part of the planning consent and have not been suitably considered.
- When a failing of the construction has been identified during inspection of the work the system should not let the applicant submit further notifications for later stages of construction until the rectification notification has been received and checked as acceptable.
- Expiation/Prosecution options should be in the DAP.

- The DNF has the notifications at the back and no-one reads it. So there needs to be reference to them in the first part of the DNF. The system needs to require them to tick the box that you've read DNF along with the relevant notifications. So there is no way they can say didn't know about it.
- Issues with amendments/variatioins being sent in via emails or just uploaded as document. The system needs to say – is this a variation or additional information. If a variation, it needs to go through correct channels, eg back to the certifier. Certifiers upload documents all the time without being done as a variation.
- Statement of Compliance should be removed from notifications – it's a document not an inspection. They should be combined with a completion notification – you should not be able to submit a completion notification without the statement of compliance uploaded. They should not be able to request a final inspection until a statement of compliance has been provided.
- Swimming Pools – pool companies signing off once pool is in and saying fences are the owner's responsibility, not theirs. This is not correct and they are installing the high risk element so should be more accountable for making sure safety barriers are in place.
- Statement of Compliance is being signed off by incorrect people. Need to be signed off by the builder or by the building certifier
- Stamping functionality should be part of the DAP with a smarter stamping system. The system should be capable of identifying who the authority is.
- When you are typing in a number in the search on the home screen can it remember the last number.
- Reporting for building statistics needs to be resolved. It is not a true reflection of what's actually occurring.
- When searching a DA can the "Assigned to me only" box be unticked by default and not ticked, as most searches that are done are of DA's that are not assigned to the person doing the search. You should be able to set a default that supports how you use the system.

Development application processing

21037570

Advanced Search Help

Submit mandatory building notification Submit building rectification notification Inspections Reporting

FOR YOUR ACTION (286) ASSESSMENT IN PROGRESS (151) WAITING (865) UPCOMING (125) COMPLETED (3686) BUILDING NOTIFICATIONS (7) RECTIFICATION NOTIFICATIONS (0)

0 results for: "21037570"

☒ Assigned to me only

ID	Owner	Location	Nature of Development	Relevant Authority	Lodged	Status
Search returned no results						

Planning and Design Code/Legislation

- The Code rules come in for each element and if they go over multiple zones you get multiple code rules. When there are multiple elements, the system should combine all of the code rules and then remove duplicate policy so that you get one set of everything in one document.
- There is information that comes into the code rules that shouldn't, ie rural information in a metro area.
- Unable to convert the code rules to put into the report. Should have the option to download code rules as a Word document.
- We have lost the ability, where a land use is proposed that is not consistent with the zone, to say no like we did with a non-complying development. The code could list land uses that are not appropriate in the zone in a performance outcome. Waste of time and money for the applicant if it's not going to proceed.