Strategic Planning & Development
Policy Committee
Minutes

17 April 2018

Our Vision

A City which values its heritage, cultural diversity, sense of place and natural environment.

A progressive City which is prosperous, sustainable and socially cohesive, with a strong community spirit.
1. CONFIRMATION OF MINUTES OF THE STRATEGIC PLANNING & DEVELOPMENT POLICY COMMITTEE MEETING HELD ON 10 JULY 2017 .......................................................... 1

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VENUE Council Chamber, Norwood Town Hall
HOUR 7.00pm

PRESENT

Committee Members
Mayor Robert Bria (Presiding Member)
Cr Lucy Marcuccitti
Cr Christel Mex
Cr Connie Granozio
Cr Kevin Shepherdson
Cr Mike Stock
Cr Carlo Dottore
Cr Kevin Duke
Cr Evonne Moore
Cr John Frogley
Cr Garry Knoblauch
Cr John Minney
Cr Sue Whittington
Cr Paul Wormald (entered the meeting at 7.13pm)

Staff
Mario Barone (Chief Executive Officer)
Peter Perilli (General Manager, Urban Services)
Carlos Buzzetti (General Manager, Urban Planning & Environment)
Sharon Perkins (General Manager, Corporate Services)
Eleanor Walters (Manager, Urban Planning & Sustainability)
Emily Crook (Senior Urban Planner)
Andrew Alderson (Financial Services Manager)
Tina Zullo (Administration Officer, Governance & Community Affairs)

APOLOGIES
Nil

ABSENT
Nil

TERMS OF REFERENCE:
The Strategic Planning and Development Policy Committee is established for the purposes of:
(a) providing advice to the Council in relation to the extent to which the Council's strategic planning and development policies accord with the Planning Strategy;
(b) assisting the Council in undertaking strategic planning and monitoring to achieve;
(i) orderly and efficient development within the area of the council; and
(ii) high levels of integration of transport and land-use planning; and
(iii) relevant targets set out in the Planning Strategy within the area of the council; and
(iv) the implementation of affordable housing policies set out in the Planning Strategy within the area of the council; and
(v) other outcomes of a prescribed kind (if any); and
(c) providing advice to the Council (or to act as its delegate) in relation to strategic planning and development policy issues when the Council is preparing—
(i) a Strategic Directions Report; or
(ii) a Development Plan Amendment proposal;
(d) other functions (other than functions relating to development assessment or compliance) assigned to the committee by the Council; and
(e) considering and providing advice to the Council (or its delegate) in relation to any representation made in relation to a Development Plan Amendment; or
appointing a Committee to consider and provide advice to the Council (or its delegate) in relation to any representation made in relation to a Development Plan Amendment.

1. CONFIRMATION OF MINUTES OF THE STRATEGIC PLANNING & DEVELOPMENT POLICY COMMITTEE MEETING HELD ON 10 JULY 2017

Cr Marcuccitti moved that the minutes of the Strategic Planning & Development Policy Committee meeting held on 10 July 2017 be taken as read and confirmed. Seconded by Cr Knoblauch and carried unanimously.
2. PRESIDING MEMBER’S COMMUNICATION
Nil

3. STAFF REPORTS
3.1 DRAFT EDUCATIONAL ESTABLISHMENTS REVIEW DEVELOPMENT PLAN AMENDMENT

REPORT AUTHOR: Senior Urban Planner
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4561
FILE REFERENCE: S/02227
ATTACHMENTS: A - D

PURPOSE OF REPORT

The purpose of this report is to seek the Committee’s endorsement of the final draft of the Educational Establishments Review Development Plan Amendment (DPA), for the purpose of submitting the final draft DPA to the Minister for Planning for approval.

BACKGROUND

In May 2015, the Minister for Planning agreed to a Statement of Intent, to enable Council to investigate zoning and policy changes relating to educational establishments throughout the City of Norwood Payneham & St Peters. This investigation built upon the Educational Zones Policy Review which was undertaken by Jensen Planning, for the Council, in 2010.

The objective of the review was to address inconsistencies in the zoning of the sixteen educational establishments within the City of Norwood, Payneham & St Peters which, along with ancillary properties which are owned by schools, are currently located in ten different zones. The current zone and policy content is problematic, as most schools are in zones which lack contemporary up-to-date (i.e. interface issues) policies to guide any development which may take place. The review also sought to determine the current and likely future development and growth requirements of the educational institutions, to ensure that new policies are able to facilitate the reasonable ongoing development of schools, taking into consideration the sensitivities of school uses co-existing with surrounding residential uses.

The draft DPA underwent concurrent public and agency consultation from 4 December 2017 to 9 February 2018. A copy of the draft DPA which was placed on consultation is contained in Attachment A. The period extended beyond the minimum time of eight (8) weeks required under the Development Act 1993, due to the timing of the consultation including the Christmas/New Year period. During the consultation period, letters were sent to owners and occupiers of all properties who were considered likely to be directly affected by the proposed zone changes. A total of seventeen public and agency submissions were received during the consultation period and seven verbal presentations were made at a Public Meeting held on 13 March 2018.

A copy of the submissions is contained in Attachment B and a summary of the submissions is contained in Attachment C. In response to issues which have been raised during the consultation period, some of the proposed policies contained in the consultation draft DPA have been reconsidered as outlined in the body of this report.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes and Objectives contained in the Council's CityPlan 2030 are outlined below:

Outcome 2: Cultural Vitality

A culturally rich and diverse city, with a strong identity, history and sense of place

Objective 3. A City which values its rich cultural and built heritage.
Strategy: Protect and enhance places, streetscapes, precincts and landmarks which reflect the building and cultural history of our City

Objective 4. Pleasant, well designed, and sustainable urban environments
Strategy: Encourage development that complements our City's built heritage and character areas
Strategy: Encourage sustainable and quality urban design outcomes
FINANCIAL AND BUDGET IMPLICATIONS

The draft DPA, including any required mapping to finalise the document, will be completed within the existing budget allocation.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

An outcome of the draft DPA will be to balance the current and future needs of the schools with the amenity of residents surrounding the schools and the needs of the general community.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

The DPA process can be progressed to completion without additional resource implications.

RISK MANAGEMENT

There are no risk management issues associated with this matter.

CONSULTATION

- **Committee Members**
  Elected Members have been consulted at various stages of the policy review and preparation of the draft DPA.

- **Community**
  During the preparation of the Educational Zones Policy Review, all schools within the City were consulted. An invitation for further consultation with all schools was offered during late 2014 and early 2015, to update the findings of the 2010 Review.

  The community has been consulted on the draft DPA through a formal public consultation process, which was undertaken in accordance with Section 25 of the Development Act 1993. During the consultation period, letters were sent to the owners of all properties which are proposed to be rezoned, educational establishments, property owners and occupiers immediately surrounding the school sites and various government and other agencies and organisations (approximately 3000 letters in total). Notifications were also published in the Advertiser, the Messenger, the Government Gazette and on the Council’s website. Information was also provided at the Council’s libraries. Two public information sessions were held in January 2018.

  A total of seventeen (17) submissions were received from the community and agencies during the consultation period. A Public Meeting was held on 13 March 2018 at which seven verbal presentations were made to the Strategic Planning and Development Policy Committee. A range of issues were raised in the submissions by some schools, agencies and surrounding residents.

  Discussion regarding the key issues raised in the submissions is contained in the ‘Discussion’ section of this report, including recommendations for possible amendments to the consultation draft DPA.

- **Staff**
  Urban Planning & Environment staff have provided comments on the consultation draft DPA.
• Other Agencies

State Government Agencies, organisations, adjoining Councils, Local Members of Parliament and Residents Associations were consulted during the formal Public and Agency consultation period. Submissions were received from seven government departments and other agencies.

DISCUSSION

A range of issues have been raised throughout the consultation process and these have been categorised and are addressed below:

Issue 1 - Zone Boundaries

Although none of the submissions raised fundamental concerns with the primary intent of the draft DPA, several submissions have raised concerns with the proposed rezoning of particular properties and these are set out below.

1.1 - Flinders Street, Kent Town

Flinders Street consists primarily of residential properties of varying building types and ages, although several were constructed prior to 1920. Both sides of Flinders Street are almost entirely located within the Residential Historic (Conservation) Zone - Kent Town 1 Policy Area, with the exception of the Royal Coach Motor Inn and Flinders Lodge, which face Dequetteville Terrace and are located within the Urban Corridor Zone – Boulevard Policy Area.

Prince Alfred College owns a number of properties located adjacent to the main College campus, including several properties on the north-western side of Flinders Street. The property at 19 Flinders Street, which is listed as a State Heritage Place, is used for school purposes. The remainder of the properties which are owned by the College within the Residential Historic (Conservation) Zone, are primarily residential properties however the rear of some of these properties are occupied by outbuildings or car parking which are used by the College. Some College owned properties on Flinders Street are not heritage listed, but were constructed prior to 1940 and are considered to contribute to the historic streetscape character and therefore are subject to demolition controls, under Residential Historic (Conservation) Zone policies. The existing zoning, proposed zoning and property ownership is illustrated in Figure 1 below.

The draft DPA includes a proposal to re-zone the College campus and the school owned properties at 11A-19 Flinders Street to the Community Zone – Education Policy Area. The proposed rezoning would provide greater opportunity for these properties (which are owned by the College) to be developed and used for school related activities, subject to necessary development authorisations being obtained. The rezoning of the properties at 11A and 17 Flinders Street from Residential Historic (Conservation) Zone to the Community Zone, would result in the loss of demolition control currently applied to these properties, however the Council’s Heritage Advisor, Mr David Brown, has previously provided advice concluding that the overall impact on Flinders Street is not likely to be overly significant, particularly given the visual prominence of the State Heritage listed Headmaster’s residence along this section of Flinders Street.

As a result of the proposed removal of 11A – 19 Flinders Street from the Residential Historic (Conservation) Zone, a small section of remaining Residential Historic (Conservation) Zone on the north-western side of Flinders Street (3-11 Flinders Street), is also proposed to be rezoned. This section of Flinders Street consists primarily of more recently built (1960-1980s) units and townhouses which do not contribute to the Desired Character of the Residential Historic (Conservation) Zone. The properties located at 9 and 11 Flinders Street were constructed prior to 1920, however only 9 Flinders Street is listed as a Local Heritage Place, as the building at 11 Flinders Street has been significantly altered over time. The draft DPA proposes to rezone the properties at 3 – 11 Flinders Street to Residential Zone and specifically the Medium Density Policy Area, as a reflection of the predominant existing built form in this portion of Flinders Street.

Ordinarily, an area is rezoned to guide future development in a desirable direction and the resultant new development would eventually contribute and form part of a new character for the locality. In this circumstance, however, it is unlikely that the proposed rezoning of the properties at 3-11 Flinders Street, would facilitate a significant shift in the nature of development, given the existing built form is currently medium density development. The Medium Density Policy Area allows for three-storey mixed use development on arterial roads, which would represent an increase in development intensity compared to the existing built form, however the small size of the allotments at 3-11 Flinders Street are unlikely to be able to accommodate such a development without amalgamation.
FIGURE 1: EXISTING ZONING, PROPOSED ZONING AND PROPERTY OWNERSHIP – PRINCE ALFRED COLLEGE

<table>
<thead>
<tr>
<th>Current Zone</th>
<th>Proposed Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ed</td>
<td>Community Zone</td>
</tr>
<tr>
<td>MUH(C)</td>
<td>Residential Zone</td>
</tr>
<tr>
<td>RH(C)</td>
<td></td>
</tr>
<tr>
<td>UrC</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Property Ownership</th>
<th>Heritage Listing (Unchanged)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Properties owned by Prince Alfred College</td>
<td>State Heritage Place</td>
</tr>
<tr>
<td>Properties owned by submitters</td>
<td>Local Heritage Place</td>
</tr>
</tbody>
</table>
The proposed rezoning of the properties in Flinders Street was raised as a concern in two submissions. In particular, the representors did not support the rezoning of the College-owned properties on the basis that it would lead to future school related developments and a subsequent increase in traffic, noise and visual impacts on surrounding residents. Additionally, the submissions did not support the rezoning to the Residential Zone – Medium Density Policy Area. One submission indicated there was no strategic benefit in rezoning 9 and 11 Flinders Street in particular, given that 9 Flinders Street is a Local Heritage Place and 11 Flinders Street is a single dwelling on the allotment. In another submission, concerns were raised that potential future medium density developments in Flinders Street would exacerbate traffic issues.

Conversely, in its submission Prince Alfred College supported the proposed rezoning of the College owned properties to the Community Zone. The College also recommended extending the proposed Community Zone to 25 Flinders Street (which would include both College owned and private owned properties) or further still, extending the proposed rezoning to the end of Flinders Street at The Parade West. The College considered this extension of the Community Zone to be appropriate due to the high number of College owned properties in the street.

With respect to the College owned properties in Flinders Street, it is not recommended that additional properties be included in the proposed Community Zone. The proposed zone boundaries have been carefully considered in order to balance future development opportunities for the school with potential impacts on surrounding residents. Property ownership should not be prioritised over other considerations when determining the location of appropriate zone boundaries. With respect to the College owned properties which are currently proposed to be included in the Community Zone, consideration of each property is outlined below.

The property (a dwelling) located at 19 Flinders Street, is currently used for school related purposes and is directly connected to the main campus so it is recommended that this property be retained within the Community Zone.

The properties located at 15 Flinders Street (units) and 17 Flinders Street (a dwelling and an outbuilding ancillary to the College), are both adjacent to other school owned properties such that any future redevelopment of these properties is unlikely to have an immediate or direct impact on properties in private ownership, so it is recommended that these properties be retained in the Community Zone.

The property located at 11A Flinders Street, is the subject of a recent Development Application for the construction of a shed for storage and activities in association with the College. The Application was processed as a non-complying form of development and was granted Development Plan Consent by the Council’s Assessment Panel in March 2018, subject to the concurrence of the State Planning Commission. This property is directly adjacent to a privately owned property located at 11 Flinders Street, which is owned by one of the parties who made a submission during the consultation period. The options for 11A Flinders Street include:

- Option 1 - retaining the property as proposed within the Community Zone, with additional policies seeking to minimise impacts on adjacent residential properties, as outlined in Section 1.2;
- Option 2 - rezoning the property to the Residential Zone along with 3-11 Flinders Street. The Residential Zone policies do not provide demolition controls for the main building as is currently the case with the Residential Historic (Conservation) Zone policies, but the policies would not actively encourage school related development; or
- Option 3 - retain the property in the current Residential Historic (Conservation) Zone resulting in no policy changes to the current situation.

It is recommended that Option 1 be endorsed by the Committee in light of its proximity to the main College campus, the recommended rezoning of 15 to 19 Flinders Street and the recent Development Application for the shed associated with the College. Incorporation of additional policies proposed in Section 1.2 below, would assist in minimising the potential impacts of future development on adjacent residents.
With respect to the proposed rezoning of 3-11 Flinders Street, it is considered that the Residential Zone remains the most suitable zone for the existing built form in this location. However, it is recommended that these properties be removed from the Medium Density Policy Area to reduce incentive for amalgamation of the existing allotments in order to achieve more intense development, in light of the constraints highlighted regarding access, car parking and increased activity which could result from more intense development.

1.2 - Marian Road, Payneham South

St Joseph’s School (Payneham) has frontages to Portrush Road, Marian Road and Tarcoma Avenue. In 2015, the School purchased a residential property adjacent to the school campus at 9 Marian Road, Payneham South. In 2016, the dwelling at 9 Marian Road was demolished and Development Approval was granted for a change of use to a play area associated with the School. The property is currently developed with a turf playing field, small landscaping bed and 4.5m high chain fence at the front of the property. The existing zoning and proposed zoning is illustrated in Figure 2 below.

Given the current school ownership and use of 9 Marian Road, the property is proposed to be included in the Community Zone – Education Policy Area, together with the main school campus. A submission which has been received from the owners of 10 Marian Road, which is located opposite 11 Marian Road, raised a concern with the rezoning of 9 Marian Road suggesting that it was not appropriate for schools to expand into adjoining residential properties due to the associated impacts on surrounding residents. The submission is also concerned that the school will continue to expand to other properties in the future. However, if the property is to be rezoned, the submission has requested that policies be strengthened to limit impacts on adjacent residents.

It is recommended that the property at 9 Marian Road, remain in the proposed Community Zone, given that it has existing use rights as a school playing field and is operated as part of the main school campus. However, it is considered appropriate that additional policies be introduced to regulate the impacts on residents adjacent to development undertaken by schools. In this respect, it is recommended that the following additional policy be included:

*Education Policy Area Principle of Development Control 7:*

“Development in close proximity to residential development should be of a scale, design and siting which minimises adverse impacts on adjacent residential properties. Ways of achieving this include, but are not limited to:

(a) adequate separation and building setback;
(b) substantial landscaping buffers;
(c) measures to ensure no loss of visual privacy; and
(d) development of a low intensity with minimal noise impacts.”
FIGURE 2: EXISTING ZONING, PROPOSED ZONING AND PROPERTY OWNERSHIP – ST JOSEPH’S PAYNEHAM

Current Zone          Proposed Zone          Heritage Listing (Unchanged)
R  Residential Zone   Community Zone        Local Heritage Place
MUH(C)  Mixed Use Historic (Conservation) Zone
DC  District Commercial

Property Ownership
- Properties owned by St Joseph’s School Payneham
- Properties owned by submitters
1.3 - Talbot Grove, Marryatville

Loreto College in Marryatville has frontages to Portrush Road, Kensington Road and Talbot Grove. In addition to the main campus, the College owns properties located at 1A Stafford Grove, which has Development Approval to be used as a Boarding House but is currently used as the Principal’s residence, and 1 Talbot Grove which is currently vacant. Due to its proximity to the main campus, the property located at 1 Talbot Grove is proposed to be rezoned to the Community Zone, in addition to the main College campus. The property at 1A Stafford Grove, is proposed to be retained in the Residential Character Zone, as this is considered the most appropriate zone for this site, given its residential use and the character of adjacent residential development. The existing zoning and proposed zoning is illustrated in Figure 3.

FIGURE 3: CURRENT ZONING, PROPOSED ZONING AND PROPERTY OWNERSHIP - LORETO COLLEGE
The owner of 3 Talbot Grove has raised a concern with the proposed rezoning of 1 Talbot Grove. It is understood that the concern relates primarily to the potential increase in activity resulting from increased use by the College. During his presentation to the Strategic Planning and Development Policy Committee on 13 March 2018, the owner of 3 Talbot Grove also raised concerns with the maintenance and condition of the building at 1 Talbot Grove.

URPS (consultants) on behalf of Loreto College, subsequently provided a response (outside of the public consultation period) to a question from Council staff regarding the current use of the property and to address the neighbouring property owner’s concerns. The response advises that:

- 1 Talbot Grove is currently vacant, but has previously been used for a variety of ancillary College activities;
- the College will initiate discussions with the neighbour to better understand the neighbour’s concerns regarding the condition of the building, however they have noted that the condition of the building is unrelated to the appropriate land use or zoning of the property;
- the College prefers for 1 Talbot Grove to remain as proposed in the Community Zone – Education Policy Area;
- the property at 1A Stafford Grove has a Development Approval to be used as a boarding house and the current building layout reflects this, however the property is currently used as the Principal’s residence;
- the College has requested that 1A Stafford Grove be included in the Community Zone – Education Policy Area, rather than remaining within the Residential Character Zone as is currently proposed, due to ‘strategic linkages’ to the main school grounds;
- the property at 2 Talbot Grove is occupied by Loreto Sisters who assist in the caring of retired nuns so is essentially a residential land use. There are no intentions of changing this land use and the College has no objections to the property being retained in the Residential Character Zone.

In light of the submission which has been received, consideration needs to be given to whether the properties located at 1 Talbot Grove and 1A Stafford Grove, should be rezoned from the Residential Character Zone to the Community Zone – Education Policy Area.

It is recommended that the property at 1 Talbot Grove be retained within the Community Zone – Education Policy Area as proposed in the draft DPA. This property is directly adjacent to the main school grounds so provides a logical and practical extension for the College. As this property does not have any previous Development Approvals to be used for College related activities, any future use of this property will require a Development Application to be lodged and assessed, enabling any potential impacts on adjacent residential properties to be assessed at that time. Depending on the nature of the proposed use, public notification of the proposal to neighbouring properties may also be required.

Also as previously proposed, it is recommended that the property located at 1A Stafford Grove not be included in the Community Zone – Education Policy Area, instead being retained within the Residential Character Zone. Although the property is adjacent to the southern-most portion of the College campus, it is otherwise surrounded by residential development. Additionally, the property is currently used for residential purposes and the previous Development Approval for use as a Boarding House was also of a primarily residential nature. The current configuration of the property does not easily lend itself to non-residential uses. In this respect; the building occupies a large portion of the property with limited on-site parking, so is not conducive to a future use which may require several on-site car parks, such as an office, and the lack of connectivity to the central school campus is not conducive to an expansion of classroom areas.

Should the College lodge a Development Application for a change of use, the development proposal would be assessed on its merits, taking into account the potential impacts on surrounding residential properties.
Issue 2 – Procedural Matters

A number of submissions have referred to procedural matters relating to types of development and public notification categories, descriptions of which are provided in Tables 1 and 2 below:

TABLE 1: TYPES OF DEVELOPMENT

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complying</td>
<td>A specified form of development which meets set criteria as outlined in the Development Plan or the Development Regulations 2008. Planning consent must be issued within 10 working days of the application lodgement. A relevant authority is able to use discretion to accept any minor variations from the set criteria.</td>
</tr>
<tr>
<td>Non-Complying</td>
<td>Non-Complying developments are listed in the Development Plan and are land uses which are not envisaged or encouraged within a particular area. These uses will generally be inconsistent with the objectives and principles of the zone or policy area that they are in, for example industrial developments in a residential zone or a new high rise building in a heritage policy area. Non-Complying development is not usually approved unless it is a special circumstance. The process for a non-complying application is typically longer and more costly than other types of development. Non-Complying development is ordinarily a Category 3 development for public notification purposes (refer below) and the Applicant does not have appeal rights if the Application is refused.</td>
</tr>
</tbody>
</table>

In addition to listing complying and non-complying development, Development Plan policies also list desired forms of development and land uses for a Zone and or Policy Area. Desired forms of development may not necessarily meet the criteria to constitute a ‘complying’ form of development. Rather, such development proposals would be assessed on merit.

TABLE 2 – PUBLIC NOTIFICATION CATEGORIES

<table>
<thead>
<tr>
<th>Public Notification Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1</td>
<td>Development which is exempt from public notification, and usually relates to development that you would expect within a zone. Category 1 developments can be delineated by either the Development Regulations 2008 or the Development Plan.</td>
</tr>
<tr>
<td>Category 2</td>
<td>Development which requires limited public notification to owners and occupiers of land adjacent to a proposal. Persons who submit representations do not have an appeal right to the ERD Court against the decision. Category 2 developments can be delineated by either the Development Regulations 2008 or the Development Plan.</td>
</tr>
<tr>
<td>Category 3</td>
<td>Development which requires notification to owners and occupiers of land adjacent to a proposal, notification to any other properties which may be affected by the proposal, and a public notice placed in a newspaper. Any person can make a representation on the Application and any person who submits a representation has an appeal right to the ERD Court against the decision. A development which is not designated as Category 1 or Category 2 will default to Category 3, unless the relevant authority determines the development is of a minor nature.</td>
</tr>
</tbody>
</table>
2.1 - Residential Development in the Community Zone

The proposed Desired Character Statement of the Education Policy Area states (in part):

"Residential development is envisaged where it is in association with an educational establishment (e.g. student boarding facility or teacher housing), or where the land becomes surplus to the requirements of an educational facility."

In addition, the proposed Community Zone Education Policy Area, Principle of Development Control 2 states that:

"Residential development may be appropriate on sites which are surplus to the requirements of educational establishments."

The submission provided by Botten Levinson Lawyers on behalf of St Peters College has recommended two changes relating to the above policies, to provide consistency with the Desired Character Statement for the Policy Area:

- Firstly, the Community Zone, Principle of Development Control 3, which outlines envisaged land uses, should be amended to include:
  
  "Residential Development (in Education Policy Area)"

- Secondly, Education Policy Area Principle of Development Control 2 should be amended to include the underlined text:

  "Residential development may be appropriate in association with an educational establishment, or on sites which are surplus to the requirements of educational establishments."

The intent of the proposed Desired Character Statement for the Education Policy Area is to acknowledge that some properties within the proposed Community Zone are currently used as residential properties (primarily properties in school ownership). Some of these properties are used as residences for teachers or students, while others are privately leased. It is not considered appropriate for independent residential uses to be specified as a desirable land use within the Policy Area, particularly residential properties which are in private ownership and occupation, as it is not consistent with the primary intent of the zone and could introduce amenity sensitive land uses which could compromise the operations of education or community facilities.

In addition, any active encouragement of residential uses should be accompanied by some guidance with respect to appropriate allotment size, dwelling types and building heights to address interface impacts and limit the scale and density of residential development in a non-residential zone.

In light of the above, it is recommended that residential development not be included in the envisaged land uses. However, it is recommended that the Education Policy Area Desired Character Statement be amended to specify that residential development may be permitted rather than being envisaged. It is therefore recommended that the Desired Character Statement be amended to read as follows:

"Residential development may be permitted where it is in association with an educational facility (e.g. student boarding facility or teacher housing), or where the land becomes surplus to the requirements of an educational facility."

Although it is not recommended that the policies actively encourage residential development, it is considered reasonable to amend Education Policy Area, Principle of Development Control 2, to include the underlined text, as suggested by Botten Levinson, so that it is consistent with the Education Policy Area, Desired Character Statement:

"Residential development may be appropriate in association with an educational facility, or on sites which are surplus to the requirements of educational facilities."
2.2 - Non-Complying Uses

The list of non-complying uses in the proposed Community Zone policies includes (but is not limited to):

- **Office**  (Except where associated with education, community or recreation facilities on the subject land)
- **Store**

The submission provided by Access Planning (consultant) on behalf of Prince Alfred College, requests that the list of non-complying uses be amended to enable more flexible consideration of other land uses. Firstly, the submission requests that the exception for an office not being included in the non-complying list should not specify “on the subject land” as there could be a need for an office associated with the school to be located on a property which is not part of the main school campus. Secondly, a store should not be included in the non-complying list, as the College is likely to require storage sheds in the future.

If the Committee is not supportive of removing ‘store’ completely from the non-complying list, Access Planning have suggested an alternative option, where a store could have a similar exemption as an office use (i.e. a store is not non-complying where it is “associated with education, community, or recreation facilities”). It should be noted that most storage sheds located on the main College campus and used as part of College operations would not ordinarily be described as a standalone “store”; this definition ordinarily relates to an independent storage building, or a building which is isolated from the main campus.

Given the established nature of schools within the City of Norwood, Payneham & St Peters, it is expected that future school related development will often involve ancillary or secondary buildings such as offices and stores. Also, given the established nature of the current school campuses, it is likely that such developments may not be developed in immediate proximity to the main campus. There is arguably greater potential for impacts on adjacent properties arising from the development of allotments which are separated from the main campus, however, the proposed policies addressing the interface between Community Zone development and residential properties is considered to mitigate such impacts. As such, it is considered appropriate to amend the non-complying list for the Community Zone as follows:

- **Office**  (Except where associated with education, community or recreation facilities)
- **Store**  (Except where associated with education, community or recreation facilities)

The submission on behalf of Prince Alfred College, has also suggested that alterations be made to the list of non-complying land uses within the Residential Historic (Conservation) Zone, as some of the properties in Flinders Street which are owned by the College, are proposed to remain in this zone. The list of non-complying uses in the Residential Historic (Conservation) Zone, currently includes (but is not limited to):

- **Office**  (except for the re-use of heritage buildings originally constructed for use as shops and with a gross leasable area less than 100 square metres)
- **Store**

Access Planning has suggested that either the above uses be removed from the non-complying list, or alternatively, introduce exemptions such that an office and a store are not non-complying where it is “associated with education, community, or recreation facilities”.

It is acknowledged that the draft DPA proposes to remove ‘Educational Establishment’ from the list of non-complying land uses in several zones, however this was included under the direction of the Minister for Planning. It is not generally considered appropriate to broadly encourage non-residential uses within residential zones, which could have a detrimental impact on adjacent residents. As such it is recommended that the ‘office’ and ‘store’ not be removed, or be supplemented with school related exemptions, in the non-complying list of the Residential Historic (Conservation) Zone.
2.3 - Educational Establishments in Residential Zones

As referred to above, following direction from the Minister for Planning, the draft DPA was amended prior to public consultation, by removal of ‘Educational Establishment’ from the non-complying list in most zones of the Council’s Development Plan. In its submission, Catholic Education South Australia, went beyond this and have suggested that the expansion of educational establishments into adjoining residential zones should be identified as a desired use. Also, both Catholic Education South Australia and Prince Alfred College, have suggested that the expansion of educational establishments into adjoining residential zones, should be a Category 2 form of development, rather than Category 3, as would be the case for most applications under current policies.

The removal of Educational Establishments from the non-complying list, as provided for in the draft DPA, would provide a less prohibitive assessment process than is currently the case and allow the proposal to be assessed on its merits, should a school wish to expand within a residential zone. However, in the interest of balancing the amenity and expectations of surrounding residents with the request which has been made by the Catholic Education South Australia and Prince Alfred College, it is not considered appropriate to actively encourage such development by including it as envisaged desired land use. It is also not considered appropriate to change such development from a default of Category 3 to Category 2 for public notification purposes, as this would remove appeal rights for representors.

The proposed boundaries of the Community Zone have been carefully considered taking into account the likely future needs of the educational establishments within the City of Norwood, Payneham & St Peters, while balancing the needs and expectations of residents. Therefore, it is recommended that the proposed policies should not actively encourage the expansion of the educational establishments beyond the boundaries proposed in the draft DPA.

2.4 - Public Notification and land uses within the Community Zone

The public notification policies in the Community Zone are currently proposed as set out below:

“Public Notification
Categories of public notification are prescribed in Schedule 9 of the Development Regulations 2008 and Section 38 of the Development Act 1993, except where specifically designated below.

Category 1 Development
The following kinds of development are assigned to Category 1 pursuant to Section 38 of the Development Act 1993, and accordingly will be subject to the public notification requirements applying to Category 1 development, other than where the site of the development is adjacent land to land in a different zone:

The construction of, or a change of use to, an educational establishment or pre-school in the Education Policy Area

Category 2 Development
The following development is assigned to Category 2 pursuant to Section 38 of the Development Act 1993, and accordingly will be subject to the public notification requirements applying to Category 2 development:

The construction of, or a change of use to, an educational establishment or pre-school in the Education Policy Area, where the site of the development is adjacent land to land in a different zone.”

As outlined in Table 2, any form of development proposal which is not specified as Category 1 or Category 2 (whether in the Development Plan or the Regulations), will default to Category 3 for the purposes of public notification.
The proposed public notification policies are intended for development which is well separated from adjacent properties to be Category 1 and not require notification to adjoining property owners and/or occupiers. Development that is proposed in close proximity to adjacent properties and which may have impacts on adjacent residential properties, should be processed as a Category 2 form of development, providing adjacent property owners and occupants with the right to comment on a development proposal, albeit without an appeal right beyond the Council’s determination of the Application.

The proposed public notification policies contained in the draft DPA, refer to the ‘site of the development’. The term ‘site’ is defined in the Development Regulations 2008, as the area of land on which a building is built, including the curtilage of the building, but a site does not have to comprise a separate or entire allotment. If not worded carefully, the term ‘site’ in this context, could be interpreted as being the entire school property or grounds (the campus), in which case, any development proposal anywhere on school grounds, would require Category 2 public notification, which is not the intent of the proposed policy.

To avoid any doubt, it is recommended that the policies be amended to provide a quantitative distance from the development to the zone boundary, as well as a building height threshold as a trigger for public notification for Development Applications. In this respect, a distance of twenty (20) metres from a zone boundary or a building with a wall height of greater than eight (8) metres is recommended. The distance of twenty (20) metres is considered to provide an appropriate buffer for most development and therefore not require notification to adjoining property owners and/or occupiers, however this may not be sufficient for particularly large scale buildings, hence the inclusion of the building height threshold. That said, some school campuses are of such a significant size that a building with a wall height exceeding eight (8) metres may have little to no impact on any adjacent properties. In this circumstance, the assessing planner could determine that the building was a minor form of development in the context of the site. Similarly, a very small outbuilding or activity within twenty (20) metres of the zone boundary, which also has little to no impact on adjacent properties, could be determined to be a minor form of development.

In its submission, the Department of Planning, Transport and Infrastructure (DPTI), has recommended a review of the public notification policies in the Community Zone Education Policy Area to ensure that land uses ancillary to schools which are proposed on zone boundaries, are captured as Category 2 forms of development. As currently drafted in the draft DPA, the public notification policies only reference the construction of an educational establishment or preschool, which could be interpreted as excluding ancillary development such as storage sheds or playing fields. Where a development is not listed as Category 1 or Category 2, the development will default to Category 3, unless it is deemed a very minor form of development, in which case it could also be processed as Category 1 form of development.

DPTI is concerned that an application for an ancillary school structure (such as a storage shed) located on a zone boundary, would require Category 3 public notification, whereas the construction of a whole educational establishment would require the lesser Category 2 public notification. To overcome this concern, it is recommended that the public notification policies be amended to include reference to development which is ancillary to schools.

With respect to land uses, the definition of Educational Establishment in the Development Regulations 2008, could be interpreted as applying only to a high school or combined primary school and high school, rather than a standalone primary school. To remove any doubt, it is recommended that some references to educational establishments be amended to a broader term of educational facilities and other references be amended to include the term primary school, as appropriate to the policy.

In light of the above, it is recommended that the public notification policies be reworded as set out below:

**Public Notification**

Categories of public notification are prescribed in Schedule 9 of the Development Regulations 2008 and Section 38 of the Development Act 1993, except where specifically designated below.

**Category 1 Development**

The following kinds of development are assigned to Category 1 pursuant to Section 38 of the Development Act 1993, and accordingly will be subject to the public notification requirements applying to Category 1 development, other than where the development is classified as non-complying:
Any kind of development associated with, or ancillary to an Educational Establishment, Pre-School, or Primary School where the development is located greater than 20 metres from a zone boundary, unless the development includes the construction of a building with a wall height exceeding 8 metres above natural ground level.

**Category 2 Development**
The following development is assigned to Category 2 pursuant to Section 38 of the Development Act 1993, and accordingly will be subject to the public notification requirements applying to Category 2 development, other than where the development is classified as non-complying:

Any kind of development associated with, or ancillary to an Educational Establishment, Pre-School or Primary School where:

a) the development is located 20 metres or less from a zone boundary; or

b) the development includes the construction of a building with a wall height of greater than 8 metres above natural ground level; unless

in either of the circumstances above, the development, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.

In its submission, Prince Alfred College has suggested that Educational Establishments and Pre-schools, should be designated as Category 1, anywhere within the Community Zone, regardless of proximity to zone boundaries. This suggestion is not supported as it is considered reasonable that occupiers and owners of adjacent properties to the Community Zone are notified of a development proposal, where the development is proposed within close proximity to an adjacent property and has the potential to cause adverse amenity impacts.

**Issue 3 - Building Heights**

The proposed Education Policy Area Desired Character Statement states (in part) that:

“Development in the Education Policy Area should respect the scale and character of adjoining residential areas and not exceed two storeys in height above natural ground level, except at Prince Alfred College and St Ignatius College, where development should not exceed three storeys in height above natural ground level.”

The proposed height limit of three (3) storeys for Prince Alfred College and St Ignatius College and two storeys for other sites, was carried over from the existing policies which are proposed to be deleted as part of this draft DPA. Five (5) submissions from schools have raised concerns with this policy, and are seeking a relaxation of the height restrictions. Most of these submissions have requested qualitative policies, rather than policies that specify a maximum building height (in storeys), to allow a design led approach to determine appropriate building heights. Some schools have provided examples of existing school buildings which already exceed the height of a two (2) or three (3) storey building. Schools which are currently proposed to have a two (2) storey height limit, have requested through the draft DPA that at a minimum there is a consistent policy of three (3) storeys for all schools. Prince Alfred College, which in the draft DPA is proposed to retain a three (3) storey building height, have submitted that a three (3) storey building height is too prescriptive, particularly as the College’s centrally located State Heritage Building has a building height greater than a typical three (3) storey building.

It is considered that buildings exceeding two (2) storeys in height could comfortably be accommodated on some of the school sites within the City of Norwood, Paynehem & St Peters, due to the substantial size of some campuses incorporating large areas of playing fields and landscaping surrounding centrally located school buildings. However, not all school sites, privately or publicly owned, have such expansive grounds, so it is important that buildings which are proposed in close proximity to sensitive uses, such as residential properties, should be of an appropriate scale so as to not have a detrimental effect on adjacent occupants or when viewed from a public street.
To more appropriately address concerns relating to building heights as raised in the submissions, it is recommended that the Education Policy Area policies be amended as follows:

The Education Policy Area Desired Character Statement (in part):

“Development in the Education Policy Area should respect the scale and character of adjoining residential areas and should not result in unreasonable impacts on the amenity of adjacent property occupants.”

Education Policy Area Principle of Development Control 5 be added which states:

“Buildings and Structures close to zone boundaries should be of a domestic scale and intensity.”

Education Policy Area Principle of Development Control 6 be added which states:

“Buildings and structures should be carefully sited and designed to minimise negative impacts on, and not impair the amenity of adjoining property occupants and the streetscape, through consideration of potential visual, privacy, and overshadowing impacts, and in all instances should:

a) conserve the heritage value and character of any adjacent heritage places; and

b) have a maximum wall height of 3 metres above natural ground level, for any component of the building which is located within 5 metres of a zone boundary; and

c) have a maximum wall height of 8 metres above natural ground level, for any component of the building which is located within 10 metres of a zone boundary.

Issue 4 – Traffic and Parking

Traffic and parking is a consistent issue which has been raised by residents surrounding schools and these concerns are reflected in five (5) submissions. Concerns which have been raised in the submissions include insufficient car parking or drop off/pick up spaces provided on school sites, drivers parking illegally (particularly across driveways or in private parking spaces), drivers exceeding timed parking limits, a lack of resident permit spaces, or cars stopping in traffic lanes. Issues relating to illegal parking and requests for additional resident parking permits have been forwarded to the Council’s Regulatory Services unit for actioning, and the Council’s General Inspectors will continue to attend school zones.

In response to this broader issue, in mid-2015, the Council commissioned its City-Wide Schools Traffic, Parking & Safety Review (the Review). The key objective of the Review was to identify and address existing issues associated with parking, safety and infrastructure adjacent each of the sixteen (16) schools which are located within the City of Norwood, Payneham & St Peters. Tonkin Consulting who undertook the Review for and on behalf of the Council made various recommendations to address issues which had been identified. The Council endorsed the implementation of the recommendations which were received and resolved to deliver the works over two (2) stages.

The Stage 1 recommendations comprised ‘general’ measures across all schools such as the provision of consistent on-street parking signage, linemarking and the enforcement of on-street parking controls as well as ‘specific’ site recommendations, such as the upgrade of existing infrastructure including full width footpath paving and upgrading existing pram ramps to current Disability Discrimination Act standards. Stage 1 also comprised the development of a number of concepts and designs for the installation of proposed new infrastructure for implementation as part of Stage 2. The Stage 2 recommendations comprised the installation of the new infrastructure designed as part of Stage 1. However, the implementation of these recommendations was dependent on what cost sharing arrangements may be available from the other stakeholders, namely the schools, DPTI and the Department of Education and Child Development (DECD).

The Stage 1 works were completed in 2017. The Stage 2 works are scheduled to be completed in 2018. The majority of these works have already been completed but a number of treatments will be completed towards the end of 2018.
Development Plan policy can only address the issue of on-site vehicle parking and only when applicable to a future proposed development, as the Council cannot retrospectively require schools to provide additional on-site car parking. It is difficult to determine the car parking demand associated with some new developments which are proposed at an existing school. For example, a new sports playing field or an expansion of a school library, may not directly result in an increase in student numbers, but may increase the intensity of land uses or their impacts. For this reason, the proposed Desired Character Statement contained in the draft DPA has a qualitative assessment approach as set out below:

“On-site vehicle parking should be determined having regard to the size and nature of a proposed development. Where a proposed development is likely to result in an increase in student or employee numbers, or where it has the potential to be used outside of school hours by the broader community, advice from a suitably qualified traffic engineer should assess the likely impact of that development on vehicle parking and traffic movements within the locality of the school. The assessment should establish if additional on-site vehicle parking should be provided or whether other measures are required to reduce on-street vehicle parking demand and to improve the flow of traffic in the streets around school sites. This might include but not be limited to, road widening, vehicle passing bays or a dedicated student pick-up and drop-off lane and programs to encourage walking and cycling to school. In any case, development should minimise the use of residential streets for vehicle parking and vehicle parking areas should be located and designed so as not to impair the residential amenity of adjoining areas.”

In its submission, the Department for Education and Child Development (DECD), has advised that it is DECD policy for only staff/visitor/disabled parking to be provided on school grounds. The effect of this policy is that for public schools, no on-site car parking is (or will be) provided for students who may drive to school and no accommodation on the school grounds is made for student drop-off and short term parking by parents and/or carers, which instead needs to be provided for on local streets. Maintaining an equitable, safe and efficient balance of the school’s needs and those of the residents’, is a difficult situation for councils to manage in built up urban areas. DECD has requested that the Desired Character Statement be written to reflect its policy.

The Desired Character Statement is not considered to be specifically contrary to DECD policy, as it does not specify who on-site car parking should be made available to. Notwithstanding this, it is recommended that the proposed change suggested by DECD not be adopted, as it is considered appropriate for on-site car parking to be provided wherever possible and not to the exclusion of parents/caregivers or students. The current DECD policy for on-site parking on school property has no regard for context and causes conflict with the use of adjacent street networks for on-street parking and student drop off and pick-ups.

Additionally, the Desired Character Statement is applicable to all schools within the City of Norwood, Payneham & St Peters and privately operated schools do not have the same policy constraint as DECD schools.

It is considered that the Desired Character Statement as currently proposed in the draft DPA, sufficiently identifies the need for an assessment of car parking demand to be undertaken during the assessment of any future Development Application. Due to the complexities of such an assessment and the uniqueness of each proposal, it is not practical to provide a quantitative policy outlining minimum car parking requirements. As such, no further changes to the draft Desired Character Statement are recommended.

**Issue 5 – Former Sanitarium Site**

In its submission, Botten Levinson Lawyers, on behalf of St Peters College, has raised a concern with the prescriptive nature of the Desired Character Statement, where it relates to the former Sanitarium property located at 71-77 Hackney Road, which is owned by the College. The submission requests that the policies be reworded to provide greater flexibility for future development options, while maintaining an appropriate interface with surrounding residential properties.
In September 2016, Botten Levinson Lawyers on behalf of St Peters College, advised that the College was in the process of purchasing the former Sanitarium property. The Council was advised that although the intended use of the site was yet to be determined, the most likely options envisaged by the College include sporting grounds and facilities, minor school maintenance storage and associated car parking. In light of this, at its meeting held on October 2016, the Council determined to include the former Sanitarium property within the Community Zone and the proposed Education Policy Area Desired Character Statement was amended as follows:

“The former Sanitarium site at 71-77 Hackney Road will be developed as an extension to the facilities at St Peters College, in the form of low intensity uses, such as sporting grounds and facilities, minor school maintenance storage and associated car parking. The interface with surrounding residential properties will be carefully managed, to minimise adverse impacts on the amenity of those surrounding properties.”

It is considered that the Desired Character Statement could be amended in such a way that provides suitable flexibility for future development options for the school, but still maintains adequate policy guidance for the assessment of impacts on adjacent residential properties. It is recommended that the relevant section of the Desired Character Statement be amended as follows:

“The former Sanitarium site at 71-77 Hackney Road will be developed as an extension to the facilities at St Peters College, in a manner that results in a building scale, level of activity, noise, and traffic generation which is compatible with surrounding residential development. The interface with surrounding residential properties will be carefully managed, to minimise adverse impacts on the amenity of those surrounding properties.”

Issue 6 – Acquisition of Additional School Land

A number of schools have, over time, expanded their landholdings, through the purchase of adjacent (mostly residential) properties. Two submissions from nearby residential property owners in particular, have raised concerns about acquisition of land by St Joseph’s Payneham and Prince Alfred College respectively.

Firstly, with respect to St Joseph’s Payneham, a resident has noted that the school has recently purchased a property adjacent the school campus on Portrush Road, which has not been proposed to be included within the Community Zone. The resident also foreshadowed the potential purchase by the school of 11 Marian Road, adjacent to the new playing field at 9 Marian Road. Secondly, with respect to Prince Alfred College, a resident has indicated that the College’s apparent desire to increase its current landholding places a perceived pressure on property owners (particularly in Flinders Street).

Where the Council has been made aware of an intention to use land for school purposes, the strategic value in rezoning this land has been carefully considered in balance with the potential future impacts on surrounding properties. However, it is not considered appropriate to propose rezoning or new policies for a property (or properties) solely on the basis that it is in school ownership or proposed to be purchased by a school. While the concerns of the residents are noted, it is clearly beyond the scope of this draft DPA and Council jurisdiction, to predict or preclude private land sales and land ownership. Any future proposals by the schools for development of additional properties will be considered if and when a Development Application is lodged by the school.

Issue 7 – Miscellaneous requests or suggestions

7.1 – Removal of Education Policy Area Objectives

In its submission, Catholic Education South Australia, has requested that the following proposed policies be deleted, as the intent of these policies is already captured within City Wide policies.

Education Policy Area Objective 3:

“Development at a scale compatible with existing buildings and surrounding residential areas.”
Education Policy Area Objective 4

"Development that conserves the heritage value and historic character of the adjoining Residential Historic (Conservation) Zone and Mixed Use Historic (Conservation) Zone."

Notwithstanding the submission, it is recommended that these policies be retained, in order to provide a clear indication of the scale of development which is anticipated within the policy area.

7.2 – Amendment to City Wide Objective 85

Catholic Education South Australia has requested an amendment to City Wide Objective 85, however it appears this request resulted from a review of City Wide Objective 85 as it is currently written in the Council’s Development Plan, rather than the version which is contained in the draft DPA. The wording of City Wide Objective 85 in the current version of the Development Plan reads (in part):

"… Primary schools should be within reasonable walking distance of children’s homes, and so located that children do not have to cross main traffic routes on their way to and from school. State primary schools are usually located about one kilometre apart, each school serving a population of approximately 6500 persons…"

Catholic Education South Australia objected to the reference to primary schools being within reasonable walking distance of children’s homes.

The wording of City Wide Objective 85 in the consultation draft of the DPA reads as follows:

"Location of community facilities including social, health, welfare, education and recreation facilities where they are conveniently accessible to the population they serve."

As such, there is no specific reference to schools being within walking distance to children’s homes in the draft DPA.

Notwithstanding this, from a strategic perspective the Council supports safe and convenient modes of transport to schools, such as walking and cycling and continues to work with DPTI on the ‘Way2Go’ program - a statewide South Australian program promoting safer, greener and more active travel for primary school students and their communities.

7.3 – Minor administrative changes relating to this DPA

The following points set out below relate to minor administrative changes which are proposed to be included in the final draft DPA:

- a number of maps to be amended to correct boundary errors or reflect changes resulting from a recent Ministerial DPA; and
- minor editorial changes to policies requested by DPTI, which do not alter the intent or application of the policy.

7.4 – Administrative changes to heritage listed properties

In addition to the policies relating to educational establishments, there are a number of administrative corrections which are required and which relate to heritage listed properties, which can be made concurrently but are not in any way related to the Educational Establishments DPA. These corrections are required for a range of reasons including buildings which have been demolished following Development Approval of a proposal, clerical changes to Certificate of Title references, updates to mapping which were omitted in previous amendments, and deleting a property which was incorrectly included in the list of Local Heritage Places. The properties affected are set out in Table 3 below:
TABLE 3 – PROPERTIES REQUIRING HERITAGE LISTING CORRECTIONS

<table>
<thead>
<tr>
<th>Property Address</th>
<th>Type of Listing</th>
</tr>
</thead>
<tbody>
<tr>
<td>22 Ann Street Stepney</td>
<td>Contributory Item</td>
</tr>
<tr>
<td>Brewery Apartments Kent Town</td>
<td>State Heritage</td>
</tr>
<tr>
<td>62 First Avenue St Peters</td>
<td>Contributory Item</td>
</tr>
<tr>
<td>5 George Street Norwood</td>
<td>Local Heritage</td>
</tr>
<tr>
<td>137 Kensington Road Norwood</td>
<td>Local Heritage</td>
</tr>
<tr>
<td>7 Marchant Street Kensington</td>
<td>Local Heritage</td>
</tr>
<tr>
<td>52 Osmond Terrace Norwood</td>
<td>Local Heritage</td>
</tr>
<tr>
<td>101 Osmond Terrace Norwood</td>
<td>Local Heritage</td>
</tr>
<tr>
<td>87 Payneham Road St Peters</td>
<td>Local Heritage</td>
</tr>
<tr>
<td>43 Portrush Road Payneham</td>
<td>Contributory Item</td>
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<tr>
<td>49 Portrush Road Payneham</td>
<td>Contributory Item</td>
</tr>
<tr>
<td>60 Sixth Avenue St Peters</td>
<td>Contributory Item</td>
</tr>
<tr>
<td>12 Mayfair Street Maylands</td>
<td>Contributory Item</td>
</tr>
</tbody>
</table>

OPTIONS

The Committee has the following options in respect to progressing the draft DPA:

Option 1

Following consideration of the submissions which have been received in response to the draft DPA, the Committee could resolve not to progress the draft DPA.

Given the need of the proposed policy amendments and extensive process of investigation, consultation and policy review which has been undertaken to date, this option is not recommended.

Option 2

The Committee could resolve to make further amendments to the draft DPA beyond the recommendation in this report, before re-considering its suitability for submission to the Minister for Planning for approval.

This option is only recommended if the Committee has any significant concerns with the amended draft DPA and requires aspects of the draft DPA to be reviewed further.

Option 3

The Committee could resolve to endorse the draft DPA, as contained in ATTACHMENT D, with or without any minor changes, as being suitable for forwarding to the Minister for Planning for consideration for approval.

Option 3 is recommended.

CONCLUSION

The draft DPA has undergone substantial community consultation resulting in ten (10) public and seven (7) agency submissions being made. A Public Meeting was also held on 13 March 2018 to assist in understanding any concerns and/or issues. The process of reviewing and amending the draft DPA has taken into consideration the range of relevant issues and concerns which have been raised through the consultation and community engagement sessions.

The revised DPA, as contained in Attachment D, is considered to balance the future development needs of the sixteen (16) educational establishments within the City of Norwood, Payneham & St Peters, with the need to protect the amenity of areas surrounding the educational establishments, particularly residential localities.
On that basis, it is recommended that the proposed amendments to the Educational Establishments Review Development Plan Amendment, be endorsed by the Committee and submitted to the Minister for Planning for approval.

RECOMMENDATION

1. That the amended draft Educational Establishments Review Development Plan Amendment, as contained in Attachment D, be endorsed as being suitable to forward to the Minister for Planning for approval.

2. That the Chief Executive Officer be authorised to make any necessary minor amendments to finalise the draft Educational Establishments Review Development Plan Amendment, providing the changes do not affect the intent of the Amendment.

3. That the Chief Executive Officer be authorised to sign the Educational Establishments Review Development Plan Amendment and make any subsequent amendments required by the Minister for Planning, to enable the Educational Establishments Review Development Plan Amendment to be approved by the Minister, provided no significant changes are made to the intent of the Amendment.

Cr Wormald entered the meeting at 7.13pm.
Cr Wormald left the meeting at 7.13pm.
Cr Wormald returned to the meeting at 7.14pm.

Cr Marcuccitti moved:

1. That the amended draft Educational Establishments Review Development Plan Amendment, as contained in Attachment D, be endorsed as being suitable to forward to the Minister for Planning for approval, subject to amendments to Map NPSP/12 and Map NPSP/18, to include the property located at 1A Stafford Grove, Heathpool, within the Community Zone – Education Policy Area.

2. That the Chief Executive Officer be authorised to make any necessary minor amendments to finalise the draft Educational Establishments Review Development Plan Amendment, providing the changes do not affect the intent of the Amendment.

3. That the Chief Executive Officer be authorised to sign the Educational Establishments Review Development Plan Amendment and make any subsequent amendments required by the Minister for Planning, to enable the Educational Establishments Review Development Plan Amendment to be approved by the Minister, provided no significant changes are made to the intent of the Amendment.

Seconded by Cr Duke and lost.

Cr Whittington moved:

1. That the amended draft Educational Establishments Review Development Plan Amendment, as contained in Attachment D, be endorsed as being suitable to forward to the Minister for Planning for approval.

2. That the Chief Executive Officer be authorised to make any necessary minor amendments to finalise the draft Educational Establishments Review Development Plan Amendment, providing the changes do not affect the intent of the Amendment.

3. That the Chief Executive Officer be authorised to sign the Educational Establishments Review Development Plan Amendment and make any subsequent amendments required by the Minister for Planning, to enable the Educational Establishments Review Development Plan Amendment to be approved by the Minister, provided no significant changes are made to the intent of the Amendment.

Seconded by Cr Wormald and carried.
3.2 ACCREDITED PROFESSIONALS SCHEME DISCUSSION PAPER

REPORT AUTHOR: Manager Urban Planning & Sustainability
GENERAL MANAGER: Urban Planning & Environment
CONTACT NUMBER: 8366 4501
FILE REFERENCE: S/4363
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to seek the Committee’s endorsement of a submission to the Department of Planning, Transport and Infrastructure, on the Accredited Professionals Scheme Discussion Paper.

BACKGROUND

The new Planning, Development and Infrastructure Act 2016 (PDI Act 2016), was passed by Parliament in April 2016. Several minor aspects of the legislation came into operation on 1 April 2017, while other elements of the legislation will be progressively introduced to replace corresponding elements of the existing Development Act 1993.

One of the foundations of the new Act is to provide a decentralised decision making framework for planning and building assessment, with the introduction of a new accreditation scheme applying to planners, building certifiers and other industry professionals involved in making development decisions.

The Accredited Professionals Scheme has purportedly been introduced to provide:

- better decisions;
- better recognition of professionals;
- more choices for professionals;
- faster processing for applicants;
- better management of complaints and investigations; and
- centralised public register for all accredited professionals

Under the new scheme there will be a range of accredited planning and building professionals constituted as relevant authorities in their own right and able to determine Development Applications, based on the nature and complexity of a proposed development.

The Department of Planning, Transport and Infrastructure (DPTI) has released the Accredited Professionals Scheme Discussion Paper, with submissions on the proposed accreditation scheme able to be submitted by 30 April 2018.

The Accredited Professionals Discussion Paper and Frequently Asked Questions Sheet are contained in Attachment A.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Outcome 1: Social Equity
A connected, accessible and pedestrian-friendly community.

Objective:
1. Convenient and accessible services, information and facilities.

Outcome 2: Cultural Vitality
A culturally rich and diverse city, with a strong identity, history and sense of place.

Objective:
4. Pleasant, well designed and sustainable urban environments.
FINANCIAL AND BUDGET IMPLICATIONS

There will be additional costs for Councils in maintaining appropriate levels of accreditation for its staff and Assessment Panels, in line with the new requirements. These new costs will include payment of individuals’ accreditation assessment fees and registration fees, annual renewal fees and the costs of providing Continuing Professional Development (CPD) to staff and (potentially) Panel Members.

Although not directly attributed to the Accredited Professionals Scheme, there may be longer term budget impacts (either favourable or unfavourable) as a far greater percentage of assessment functions which have been traditionally undertaken by Local Government, may be increasingly outsourced by applicants to Accredited Professionals. The extent of this impact is currently unknown, until such time as the accompanying Regulations are drafted and the Planning and Design Code is applied in place of the current Development Plan. There may be impacts as a result of Councils being required to undertake a greater complaints-based or compliance role in the new planning system, with a reduction in the number of fee-based planning and building assessment functions being considered by Councils.

EXTERNAL ECONOMIC IMPLICATIONS

A key premise of the new Planning, Development and Infrastructure Act 2016, is to provide greater flexibility and choice for applicants by changing the way planning and development decisions are made and who can make them.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

A key element of the new PDI Act is the creation of head powers for the Minister for Planning to establish a professional accreditation scheme which has been described as having the objective to “lift the performance of, and improve confidence in, professionals undertaking functions across the planning system.”

At the same time, it is envisaged that there will be an increase in the use of privately contracted professionals to certify and determine deemed-to-satisfy Development Applications for both planning and building rules assessment. This, in time, may have an impact through a reduction in the resources required to administer the Council’s assessment functions under the new Act.

RISK MANAGEMENT

The Accredited Professionals Scheme Discussion Paper addresses the risks associated with the increased outsourcing of planning and building assessment functions, in the following ways. The proposed Accreditation Scheme:

- allows for different classes of accreditation for differing roles within the planning system, based on professional qualifications and standing;
- specifies ongoing training requirements linked to annual renewal of accreditation;
- requires the holding of professional indemnity insurance;
- includes arrangements for the regular monitoring and auditing of Accredited Professionals; and
- provides for suspension or cancellation of accreditation.
There are a number of additional risk management issues that arise from consideration of the Discussion Paper, which will be discussed further in this report and are put forward in a draft submission on the Scheme.

CONSULTATION

- Elected Members
  Nil

- Community
  The Department of Planning, Transport and Infrastructure is undertaking targeted consultation on the Accredited Professionals Scheme Discussion Paper.

- Staff
  General Manager, Urban Planning & Environment
  Manager, Development Assessment
  Planning and Building staff
  Council Assessment Panel Members

- Other Agencies
  Nil

DISCUSSION

The PDI Act envisages a new regime of assessment, with the promise of simplified planning assessment pathways matched to new opportunities to engage Accredited Professionals to determine such applications in their capacity as constituted relevant authorities. This extends the current ability under the Development Act 1993, of Private Certifiers to perform the same duties as Councils in relation to Building Rules assessment and limited planning consent (Residential Code compliant Development Applications). It also introduces new governance arrangements and liability implications with the constitution of privately accredited persons as relevant authorities under Act, which is different to the current allocation of certain assessment functions to Private Certifiers.

All Private Certifiers under the current system must be registered and follow a Code of Practice. There are currently 93 individuals listed as Private Certifiers on the State Government’s website. An expansion of opportunities for Private Certifiers to undertake assessment functions, in place of Councils, is expected to see a rise in the number of Private Certifiers (Accredited Professionals), particularly in the area of planning assessment where a large number of current merit assessment applications are expected to be replaced under the PDI Act as Code Assessed applications. That said, the extent is unknown at this time.

Under the new Act, the term Private Certifier will be replaced with the term Accredited Professional and these will extend to practitioners employed in both the public and private sectors and extended for the first time, to include Assessment Panel Members.

The assigning of assessment functions to various levels of Accredited Professionals (both planning and building) will form a large part of the new decision making system, reserving only higher level and more complex planning decisions to Council Assessment Panels, the State Commission Assessment Panel (SCAP) or the Minister.

The functions envisaged for accreditation include:

- assessing proposed developments against the Building Rules;
- assessing proposed residential developments;
- assigning classifications;
- granting Building Rules consents;
- imposing conditions under which the building work must be constructed;
- issuing essential safety provisions; and
- issuing certificates of occupancy.
The Accredited Professionals Scheme proposes the introduction of eight (8) classes of accreditation with the following persons requiring accreditation at varying levels:

- Assessment Panel Members – with the exception of the Elected Member representative;
- Assessment Manager – unless of a prescribed class;
- Accredited Planning Professionals (planners acting as a relevant authority); and
- Building Certifiers.

A feature of the accreditation system is that it will offer two streams of accreditation – available either through a new accreditation authority (yet to be determined but likely to be administered by DPTI) or through recognition of membership with an existing accreditation body (Planning Institute of Australia and Australian Institute of Building Surveyors).

The Scheme will establish and maintain the minimum standards against which professionals will be assessed to determine their level of accreditation. The eight levels (four for planning, four for building) will be based on the professional’s qualifications, skills and experience. There will be a requirement for continued professional development in mandatory fields (e.g. design, engagement, performance based planning) to retain accreditation, which will need to be demonstrated to the Accrediting Authority on an annual basis.

The proposed accreditation levels in the Scheme, the equivalent industry-recognised accreditation and the envisaged decision making functions are set out in Tables 1 and 2 below.

### TABLE 1: PROPOSED ACCREDITATION LEVELS - BUILDING

<table>
<thead>
<tr>
<th>Accreditation Title</th>
<th>Function</th>
<th>Recognition through Existing Accreditation Body</th>
<th>Proposed Accreditation Requirement with Independent Accreditation Body</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Level 1</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Certifier</td>
<td>Assess against Building Rules with no limitation.</td>
<td>AIBS (Australian Institute of Building Surveyors) Level 1 Building Surveyor</td>
<td>Relevant qualification and minimum 3 years relevant experience</td>
</tr>
<tr>
<td></td>
<td>Undertakes building inspections on behalf of a Council.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Level 2</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Certifier</td>
<td>Assess against Building Rules, limited to buildings of max 3 storeys and 2000m².</td>
<td>AIBS Level 2 Building Surveyor – Limited</td>
<td>Relevant qualification and minimum 2 years relevant experience</td>
</tr>
<tr>
<td></td>
<td>Undertakes building inspections on behalf of a Council.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Level 3</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Certifier</td>
<td>Assess against Building Rules, limited to Class 1 and Class 10 buildings.</td>
<td>AIBS Level 3 Assistant Building Surveyor</td>
<td>Relevant qualification and minimum 6 months relevant experience</td>
</tr>
<tr>
<td></td>
<td>Undertakes building inspections on behalf of a Council.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Level 4</strong></td>
<td>On behalf of a Council, undertake building inspections on behalf of Class 1 or 10 matters, including roof truss and swimming pool safety inspections.</td>
<td>(No equivalent - new level)</td>
<td>Relevant qualification and/ or experience</td>
</tr>
<tr>
<td>Building Inspector</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
TABLE 2: PROPOSED ACCREDITATION LEVELS – PLANNING

<table>
<thead>
<tr>
<th>Accreditation Title</th>
<th>Function</th>
<th>Recognition through Existing Accreditation Body</th>
<th>Proposed Accreditation Requirement with Independent Accreditation Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 1 Assessment Manager</td>
<td>Undertake complex assessment functions and decision making, supporting an assessment panel and managing staff</td>
<td>PIA (Planning Institute of Australia) Full Member plus 5 years experience</td>
<td>Relevant planning degree and minimum 5 years appropriate experience</td>
</tr>
<tr>
<td>Level 2 Assessment Panel Member*</td>
<td>Sit on an Assessment Panel (* not required for the one (1) Elected Member sitting on a Council Assessment Panel)</td>
<td>PIA Full or Associate Member or accreditation in in a recognised allied field.</td>
<td>Relevant planning degree or qualification in an allied field (e.g architecture, engineering, environmental management, law) and 2 years appropriate experience</td>
</tr>
<tr>
<td>Level 3 Accredited Planning Professional</td>
<td>Approve the new classes of development – ‘accepted development’ and ‘code assessed – deemed to satisfy’ development</td>
<td>PIA Full or Associate Member</td>
<td>Relevant planning degree and minimum 1 year appropriate experience</td>
</tr>
<tr>
<td>Level 4 Land Division Accredited Professional</td>
<td>Act as a relevant authority for land division, creating not more that 4 additional allotments and/ or a public road.</td>
<td>PIA Full or Associate Member, SSSI (Surveying and Spatial Sciences Institute) Accredited Professional</td>
<td>Relevant planning degree and minimum 1 year appropriate experience</td>
</tr>
</tbody>
</table>

Practitioners will need to be accredited either by the State Government provider or can choose a recognised scheme by a private accreditation body. Regardless of which authority issues the accreditation, new processes will be administered by the Accrediting Authority (DPTI) including:

- a one-off submission of qualifications/ experience or evidence of existing industry accreditation;
- payment of an Accreditation Fee – to cover initial assessment and operation of the scheme;
- registration fee – an administrative fee for maintain the register on the Planning Portal;
- annual renewal fee;
- assessing evidence (annually) of Continuing Professional Development activity; and
- evidence of indemnity insurance.

Applicants will have the choice of lodging applications for assessment with Councils or with accredited consultants in the private sector who become the relevant authority. This is put forward by the Government as achieving faster and more responsive turnaround times on Development Applications.

In addition, a separate new Investigating Authority will be established for the purposes of auditing, reviewing complaints and undertaking formal investigations. This will apparently be an independent arm of Government and has been identified as likely to be within the Commissioner for Consumer Affairs or the South Australian Civil and Administrative Tribunal.

The Discussion Paper does not specifically identify why a third party accreditation scheme is required when reputable professional accreditation schemes already exist through the South Australian chapters of the Planning Institute of Australia (PIA) and Australian Institute of Building Surveyors (AIBS). A significant amount of resources and expense will need to be allocated to establish a new Government Accrediting Authority and appoint an independent Investigating Authority. Given the resources required, greater substantiation is needed of the benefits of establishing an entirely new Accrediting Authority to duplicate the function provided by established industry accreditation bodies. This could be made clearer in the accompanying information provided about the new scheme.
Industry Professionalism

The concept of having an accreditation scheme in place to ensure a high degree of professionalism and accountable decision making is supported. There are already Codes of Conduct in place for Council Assessment Panels and Private Certifiers and until recently, Council employees (recently removed but will be introduced by Councils on an individual basis). The creation of a new centralised Accrediting Authority has the positive aspects of bringing these together in a more focussed way and providing clarity to the public via a website of who is currently accredited.

The overall intent of the Accreditation Scheme is therefore supported.

Commencement of Scheme

Confirmation of the accreditation authority and third-party accreditation requirements are expected to be finalised by late 2018 to early 2019. A staggered introduction of the scheme is proposed, with Assessment Panel Members the first to be accredited by mid-2019. Accreditation of planning professionals will be commenced with the new Act, as this needs to await introduction of the new assessment pathways and launch of e-planning system which will occur not occur until 2020.

An incremental roll-out is supported due to the additional costs and administrative processes to be imposed on Councils. It is recommended however, that the proposed introduction for Panel Members in mid-2019 be aligned instead to the conclusion of the current sitting term of Panels. For example, the Independent Members sitting on this Council’s Assessment Panel, do not expire until October 2019. While it is likely that all of the current Panel members would meet the requirements of the Accreditation Scheme, it would be inefficient and costly for the Council to introduce new process and expenditure on fees, just prior to the end of their sitting term. In any event, given that the PDI Act will not be fully operational at this time, there is little to be gained in introducing new selection criteria, administrative processes and registration fees for members that may only have four (4) months remaining of their appointed term. The attached submission includes this suggested alteration to the commencement of the scheme.

Qualification Requirements

Generally the qualifications and required level of experience under the Scheme align with existing PIA and AIBS standards. That said, new categories have been introduced, making for quite a complex and potentially onerous new system across the development assessment sector.

The Scheme will establish eight (8) levels of accreditation, four (4) each in planning and building assessment, therefore affecting most of a Council’s development assessment functions. This is an overly complex system and consideration should be given to a simpler, competency based entry system for planning and building decision making.

The case for four (4) levels of planning accreditation has not been made – this could be condensed to two (2) levels of Accredited Planners and Panel Members. The Level 4 land division accreditation is problematic, as outlined further below, and should be removed.

The current AIBS accreditation contains three levels of assessment, so the addition of a fourth level (Building Inspector) again, creates a complex system. The existing three levels (3) of building accreditation plus the suggested two (2) levels of planning accreditation would result in five (5) streams of accreditation, rather than the proposed eight (8).

The Discussion Paper indicates that due to the difficulty in obtaining qualified professionals, in remote and regional areas of South Australia, that dispensation be given in these areas in regards to Assessment Managers and Assessment Panels. Instead of the qualification requirements outlined in the tables above, persons who do not meet these prerequisites could be considered on their merit.
In principle, an accreditation system should apply to all prescribed assessment functions and should not have more relaxed entry requirements based on geographic location. This Council however, has not experienced the recruitment issues that face country Councils. Therefore, if such dispensation were to be considered, this should be reflected in the conditions placed on the person's accreditation so that they can only perform nominated duties when acting for a nominated Council/region. Therefore, a person who has been deemed a Level 3 Accredited Planning Professional with reduced entry requirements due to a geographic shortage of professionals, in say, Ceduna, cannot then utilise that accreditation by being privately engaged by an applicant (to act as a defacto planning authority) to determine applications in the City of Norwood Payneham & St Peters. Similarly, such an Accredited Professional could not change employers and expect to have the ongoing benefit of the relaxed accreditation requirements.

Dispensation should not be considered for the building accreditation process. The attached submission highlights these concerns over the proposed dispensations for country Councils.

**PRACTICAL APPLICATION IN COUNCILS**

Under the Scheme, a Council undertaking its own assessment functions, would require the employment (or contractual engagement) of the following:

- **Level 1 Assessment Manager (mandatory)**
  - Appointed by the Chief Executive of the Council
  - Responsible for managing staff and the operations of the Assessment Panel
  - Acts as a relevant authority under the Act
  - Can assess Code Assessed – Performance Based applications
  - Can delegate functions to staff (not holding accreditation) within a Council

- **Level 2 Assessment Panel Member (4 independent members)**

- **Level 3 Accredited Planning Professional (optional)**
  - Able to confirm Accepted developments and assess Code Assessed - Deemed to Satisfy developments (although staff are also able to do this **without** accreditation if acting under delegation from the Assessment Manager)

- **Building Certifier (Levels 1 – 4, dependant on Council requirements and contracted building resources)**
  - Enables assessment against the Building Rules (either as full assessment or limited to certain classes of structures)

Under the proposed Scheme, accreditation is not required for Council staff acting under delegation from the Assessment Manager or Assessment Panel. Whilst the Discussion Paper does not make this clear, this is assumed to relate only to planning assessment. The regulations which are yet to be drafted, should clarify this requirement as applying to only the appropriate levels of planning assessment (Code Assessed and Land Division).

Assuming this will be limited to only planning functions, further details will need to be developed to demonstrate how this applies in a practical sense.

Clarification is required whether Assessment Managers can only be Council employees or an applicant can privately engage a Level 1 Assessment Manager to make a determination on a Code Assessed - Performance Based application. Section 87 of the PDI Act states that an Assessment Manager need not be an officer of the council, but qualifies this by stating that the Assessment Manager is appointed by the Chief Executive Officer of the Council. It is strongly suggested that Level 1 Assessment Managers only exercise the function of assessing Performance Based applications in their capacity of engagement or employment by a specific Council or the State Planning Assessment Commission. That is, the more complex and judgement-based decision making powers in the new planning system should not be outsourced by applicants to private consultants.
Staff would be able to determine Code Assessed (Deemed to Satisfy and Performance Based) and Land Division applications without being accredited in their own right. In many instances, this would be necessary in managing workloads to delegate to other staff, particularly for Code Assessed Performance Based applications, which would otherwise all need to be dealt with only by the Assessment Manager.

This impacts upon the level of oversight required for staff acting under Assessment Manager’s delegation. It is unclear from the Discussion Paper whether the practical application of this would mean that the Council Assessment Manager would have to physically sign off on all applications requiring accreditation and whether any appeal against a decision on a development application would be against the Assessment Manager as an individual or against the Council as an organisation. Section 202 (5) of the PDI Act 2016 indicates the respondent would be the Assessment Manager (as the principal).

Section 202 (5) states that an application for review and appeal that “relates to the decision, direction, act, consent, approval, order or determination of a person or body acting in pursuance of delegated powers, the respondent is the principal and not the delegate”.

This may also have potential liability implications, therefore it would require confirmation that the Mutual Liability Scheme would also extend to non-accredited staff.

Currently the Local Government Association’s Mutual Liability Scheme provides professional indemnity for any claims made against decisions made by development assessment staff. With the introduction of Professional Accreditation (which it is envisaged not all staff may hold) there needs to be complete clarity that the Scheme also extends to those who do not hold accreditation, or who, through an administrative delay, have not had their annual accreditation renewal processed. Staff have raised these matters with the Local Government Association, however this is also highlighted in the draft submission for consideration by DPTI.

From an operational perspective, clarification also needs to be provided about the arrangements when an Assessment Manager is not available in the office during periods of leave. This is due to the new planning framework assigning responsibility to a particular person, rather than this being assigned under current delegation practices to anyone performing duties in that role, including in an acting capacity. Can staff continue to determine performance based assessments without any further administrative requirements to re-arrange delegation? Section 89 of the PDI Act provides some guidance on this, but appears to be a carry-over wording of the Development Act when only private certifiers were contemplated by the legislation.

This section requires that a person notify a prescribed body of acting as an accredited professional, however it is unclear if this relates to only private engagement of accredited professionals by applicants or extends to staff acting in the temporary capacity as an Assessment Manager. Further information is required as to how this would operate in a practical sense, to ensure Council planning functions can continue with temporary absences and without onerous and frequent delegation to an alternative Assessment Manager and the requisite notification to the prescribed body.
Assessment Panel Accreditation

The Discussion Paper outlines the rationale that the accreditation levels are based on a sliding scale of complexity and risk involved in planning and building assessment matters.

This is represented in the following diagram:

Figure 1: Accreditation Under The New Planning System

This illustrates that the most complex and high risk assessment under the Planning Development and Infrastructure Act 2016, will be elevated to the State Planning Commission and the Minister for Planning.

The above figure indicates that accreditation is only required for Council Assessment Panels and not the State Planning Commission, which in turn, delegates its functions and powers as a relevant authority to the State Commission Assessment Panel.

In ensuring a sliding scale of qualifications and experience in line with the assessment of more complex, judgment based decision making, the required professional standards of accreditation and governance should be applicable for all panels operating in South Australia, regardless of whether these sit within local or State Government.

By contrast, the Planning Development and Infrastructure Act 2016 requires that:

The Minister must, when nominating persons for appointment as members of the Commission, seek to ensure that, as far as is practicable, the members of the Commission collectively have qualifications, knowledge, expertise and experience in the following areas:

(a) economics, commerce or finance;
(b) planning, urban design or architecture;
(c) development or building construction;
(d) the provision of or management of infrastructure or transport systems;
(e) social or environmental policy or science;
(f) local government, public administration or law.
While the PDI Act establishes the above criteria for the State Planning Commission, there currently appears to be no selection criteria contained in the PDI Act for the members of a Commission Assessment Panel, which must be delegated the powers of determining planning consents under Section 30(3) of the Act.

For consistency and transparency, the proposed Scheme should not set a higher standard of requirement for Council Assessment Panels through accreditation, registration, annual fee, annual Continuing Professional Development (CPD) training and auditing complaints investigation, than for the Commission Assessment Panel that makes decisions at a higher level of complexity under the Act.

Administration of the Scheme

At this stage, costs have not been set for the fees to be attached to the Scheme. These would include the initial accreditation fee, registration fee and annual renewal fee. It has been suggested that annual membership fees will be set similar to those charged by PIA, which charges a Registered Planner assessment fee of $700 plus $610 per annum for full membership. In addition, there would be costs associated with undertaking the Continuing Professional Development for all accredited staff members. A decision would need to be taken by the Council as to whether these training fees would be paid on behalf of the Panel members. It is more likely that Panel members would be expected to pay their own CPD training fees, which is then likely to be reflected in an expectation for increased sitting fee for Panel members.

The DPTI has introduced fees to all South Australian Councils to cover the costs of hosting a Planning Portal as an electronic Development Assessment system and centralised planning website in the new system. The annual cost to this Council is $36,000 per annum, calculated on a per capita basis and indexed annually which will see contributions rise over time. It is expected that the annual financial contribution to the Portal should negate the need for additional yearly registration charges associated with administering the State’s planning system, such as the Accredited Professionals Scheme.

While there will be a business advantage to those in the private sector who are seeking to be accredited, consideration should be given to the financial impost this will create for Councils in the context of their additional payment of portal subscription.

It is also considered that the annual renewal period is too frequent and will create significant and unnecessary administrative processes for Councils on behalf of their Assessment Manager, planning and building staff and Assessment Panel Members. The attached draft submission raises this feedback and suggests that while ongoing training should be occurring every year, accreditation renewal only be required every two or three years, for reasons of reducing the administrative burden on Councils who will need to monitor and manage multiple registrations.

To reduce the administrative costs for Councils, it is suggested that any new fees be kept to a minimum and/or waived and that free CPD training be provided by DPTI, at least for Assessment Panel members. Alternatives such as competency testing, interviews or other methods be considered as an option to lengthy and costly study modules.

Land Division Accreditation

The proposed Scheme provides for Level 4 Land Division Accredited professional who can act as the relevant authority for land division, where it creates up to four additional allotments and/or a public road. A minimum of one year full time or equivalent experience in the assessment of land division applications is the proposed prerequisite for this category and could include licensed land surveyors with appropriate experience.

This aspect of the proposed Scheme is not supported as land divisions often give rise to a number of further implications including:

- the need to ensure the created allotments have adequate site dimensions to accommodate a development with appropriate setbacks, car parking, private open space, while taking into account external factors such as flooding requirements, regulated trees, topography etc;

- whether future vehicle access points be located – in an approved land division the Council is compelled to grant an access point to every allotment; and
• implications if the allotment to be divided contains a heritage building and has specific built form considerations

• The Council is often the only repository of important records which may constrain division of the land (site history/ land contamination, LMAs etc which are sometimes not recorded on the property title).

The ability for a contracted Surveyor or Accredited Professional to act as the relevant authority in subdividing land which creates a public road is not supported. This is an assessment power that should be retained and restricted to Councils, as the ultimate custodian of the public road and the associated implications for public safety, infrastructure and servicing.

If the land division is continued to be pursued as part of the accreditation scheme, it is considered that one (1) year experience is inadequate to undertake this type of assessment. Similarly if it is continued to be put forward, it should only be in the circumstances where no public road or any other form of public land (e.g. reserve) is created and only where the future built form (e.g. Residential Code) has been given prior approval on the allotments.

Planning Policy Accreditation

The proposed Scheme does not provide an accreditation requirement for planners engaged in the preparation or amendment to planning policy. With the emphasis in the new planning regime of “getting the policy right” to reduce conflict at the assessment stage, no accreditation for policy planners is considered a deficiency of the proposal. This current requirement of the Development Act has been omitted from the draft scheme.

Instead, the Discussion Paper states that a Practice Direction will be issued to require any person or entity preparing or amending a designated instrument (the Code) to have received and considered the advice of an accredited planning professional. It is suggested for the purpose of clarity and all accreditation requirements set in one place, that policy planning accreditation requirements be included in the Scheme.

Auditing and Compliance

The scheme provides for an audit, complaint, investigation and appeal process administered by an independent (yet to be determined) authority. A public register of accredited professionals will also be available on the South Australian Planning Portal, to provide choice and up-to-date information for members of the public seeking to engage a practitioner.

The Discussion Paper states there will be two types of auditing under the scheme:

• Administrative auditing (correct documentation, current insurance etc)
• Technical auditing (processes undertaken by accredited professionals to arrive at decisions)

Under the new PDI Act, and whilst not forming part of this Discussion Paper, a new feature of the legislation is that an applicant can request the Council’s Assessment Panel to review an Assessment Manager’s decision (and presumably any decision made by staff under delegation). In practice, this is likely to lead to many instances of challenge if an applicant is seeking a review of a refusal (or imposed conditions of consent) as an obvious (and possibly no/ low cost) appeal opportunity. This will not only impact on the workloads in reviewing issued decisions, but could have the potential to undermine the judgment of staff exercising delegated decision making, in that any refusal gets an immediate opportunity of review. There is a need for clarity of how this review process works in conjunction with the additional review opportunities created under the accreditation scheme, leading to the potential for multiple sources of challenge.
The opportunities for review of decisions appear to include:

- review by a Council Assessment Panel (CAP) of an Assessment Manager's (or delegated) decision;
- merit based appeal to the ERD Court;
- judicial review on procedural grounds to the Supreme Court;
- complaint lodged against an accredited professional through the Government Accreditation Authority;
- complaint lodged against a member of PIA or AIBS;
- complaint to the SA Ombudsman; and
- complaint to the Independent Commission Against Corruption (ICAC).

The Discussion Paper therefore needs to give consideration to the possibility of multiple and concurrent sources of challenge under these processes and the parameters under which the various arbitrators will consider the grounds for review.

The Discussion Paper states that an unintentional lapse of accreditation (through missed or delayed submission of fees/paperwork) will result in planning permissions being suspended until the accreditation renewed. With a proposed 12 month renewal cycle within a Council, this will generate a large amount of new administrative workload in ensuring that the Assessment Manager, four (4) Assessment Panel Members, several Building Certifiers and Accredited Planning Professionals are up to date with CPD points and renewal fees, particularly as these are likely to fall due at different times of the year depending on panel appointment and staff employment timeframes. It is conceivable that with such additional administrative processes, an unintentional lapse may occur. For this reason, as previously raised, it is suggested that the renewal term be extended to up to three years and that a workable process is devised for any accidental oversight in the renewal process. To have the Assessment Manager or Council Assessment Panel unable to consider applications during this timeframe would be unworkable, so a grace period of operation is considered necessary to enable rectification of the required administrative processes.

In addition, the suggested invalidity of any decisions made requires greater exploration and clarity, either during a period of accidental oversight (suspension) or where a professional has had accreditation cancelled by the Investigating Authority.

For example, does this only apply to approvals issued during the time that the accreditation lapsed? i.e. if accreditation had been lapsed for 2 months are the retrospective decisions issued in the last 2 months invalid? Similarly, if an investigation was upheld by PIA or AIBS under their Code of Conduct, would this render invalid any accreditation renewal under the DPTI scheme? Furthermore, what challenges upheld under other appeal opportunities, would trigger an investigation or suspension/cancellation under the Accreditation Scheme? The interaction of the various appeal processes needs consideration, to reduce the opportunity for inconsistencies and to address the potential for vexatious appeals.

For clarity of how the Accreditation Scheme is to be practically monitored, there needs to be further consideration of how these auditing and compliance issues will work to ensure high standards of professional conduct are adhered to. It is recommended that a rigorous monitoring regime include on-the-ground compliance inspections of privately accredited assessment outcomes.

Parameters for the technical auditing process, administrative auditing process and complaint appeals system needs to be set out and explained as part of the next iteration of the accreditation scheme.

**OPTIONS**

A draft submission detailing the issues raised in this report is contained in Attachment B.

Following consideration at the meeting of this report, any additional comments can be incorporated as part of the submission to the Department of Planning, Transport and Infrastructure.
CONCLUSION

The Discussion Paper provides an understanding of several of the parameters of the proposed accreditation scheme. The regulation of professionals making decisions on development outcomes on behalf of the community, is a positive initiative and extends the accreditation already available through PIA and AIBS.

The Discussion Paper states that the Accreditation Scheme procedures and regulations will be made available for further comment prior to adoption of the Scheme.

COMMENTS

This report provides detailed discussion on several operational aspects of the proposed scheme. Further details are sought on a number of issues to ensure that the final Scheme (should it be introduced) reflects an appropriate balance of regulation of the scheme and an affordable, efficient system for recognising those administering decisions under the PDI Act.

RECOMMENDATION

That the draft submission contained in Attachment B, in relation to the Accredited Professionals Scheme Discussion Paper be endorsed and the submission be forwarded to the Department of Planning, Transport and Infrastructure, with a copy sent to the Local Government Association.

Adjournment of the Strategic Planning & Development Policy Committee Meeting

At 8.08pm Cr Minney moved:

That the Strategic Planning & Development Policy Committee meeting be adjourned until the conclusion of Special Council meeting.

Seconded by Cr Dottore and carried.

Resumption of the Strategic Planning & Development Policy Committee Meeting

At 9.18pm the Strategic Planning & Development Policy Committee meeting resumed.

Cr Minney moved:

That the draft submission contained in Attachment B, in relation to the Accredited Professionals Scheme Discussion Paper be endorsed and the submission be forwarded to the Department of Planning, Transport and Infrastructure, with a copy sent to the Local Government Association of South Australia, the Member for Dunstan and the Member for Bragg.

Seconded by Cr Moore and carried unanimously.
4. OTHER BUSINESS
   Nil

5. CLOSURE
   There being no further business, the Presiding Member declared the meeting closed at 9.29pm.

Mayor Robert Bria
PRESIDING MEMBER

Minutes Confirmed on ________________________________
   (date)