



City of
**Norwood
Payneham
& St Peters**

**CHIEF
EXECUTIVE'S
OFFICE**

20 September 2018

Mr Tim Anderson QC
Chair, State Planning Commission
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Dear Mr Anderson

DRAFT STATE PLANNING POLICIES FOR SOUTH AUSTRALIA

I refer to the release of the draft State Planning Policies for South Australia.

Thank you for the opportunity to provide comments on this important document, which seeks to set out the planning and land use implementation framework for the State.

As the highest level statutory planning instrument within the new planning system, it is vital that the policies provide a balanced and comprehensive set of development and infrastructure priorities for the State. The need for balance and completeness is amplified by the fact that the *Planning and Design Code*, will now be formulated without a spatially resolved Regional Plan to guide the application of the State Planning Policies. This missing step in the implementation, negotiation and agreement on the spatial interpretation of the policies, needs to be compensated for by providing clarity through the State Planning Policies. In this respect, it will be challenging for the Commission to reconcile these competing tensions and priorities, given the stated desire for each of the State Planning Policies to have equal weighting.

The Council is pleased that the draft State Planning Policies seek to address a range of issues and current and future challenges facing our State and from this perspective, the overall intent of the policies is supported. Much of the content is familiar with its origins in the *30 Year Plan for Greater Adelaide*, although not all of the content has been transferred across to the State Planning Policies. When read independently, most of the State Planning Policies promote positive aims and aspirations, however complexities arise when considering potential conflicts between the policies, how the policies will be spatially applied and the risk that a number of policy issues or themes have not sufficiently been addressed or acknowledged causing future policy implications. These omissions are unfortunate and will result in difficulties if not resolved before the new system is operational.

The Council's response to the policies is set out below, detailing a number of comments, concerns and areas where further clarification is required.

Process and Public Consultation

The Council considers that the engagement process which has been undertaken for the State Planning Policies, being the first designated instrument under the Community Engagement Charter, falls significantly short of what is expected under the Charter and what Local Government and the community have been promised. Indeed, processes akin to the examples of engagement which are set out in the Charter for State Planning Policies, have not been followed.

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It is appreciated that following requests by Council staff and residents' associations, arrangements were made by staff from the Department of Planning Transport and Infrastructure (DPTI), to meet with local community interest groups to discuss the State Planning Policies. It is also appreciated that the consultation period has been extended to respond to calls for greater awareness-raising of the State Planning Policies and allowing sufficient time to prepare a submission in response to this document, however, these actions are an afterthought.

As a result of the process which has been followed, the engagement outcomes have been disappointing, partly attributed to the Department's resistance to sharing the Engagement Plan with Local Government, which has led to gaps in the consultation process. Comments which the Council has received from our community, indicate that many citizens were unaware of the release of the State Planning Policies and their future potential impact in guiding policy for local areas. The preparation of an Engagement Plan is designed to identify the target engagement audience and the most suitable forums to reach them. If there are gaps in the Commission's knowledge of local community associations, interest groups, stakeholders and audience, early sharing of the Engagement Plan with the key stakeholders, would have enabled Local Government to assist in addressing these gaps.

The initial scheduling of a single "drop in session" held in the CBD, does not fulfil the requirement of informing and engaging a State-wide audience on the scope of the State Planning Policies and is not within the scope of the Community Engagement Charter. The subsequent scheduled additional "drop in sessions" in the City and announcement of a Community Engagement Panel, are more positive steps towards the level of genuine community engagement required for such an important element of the planning system, however it is disappointing that this level of engagement was not initially made available at the launch of the SPP document.

Application of SPPs and Missing Regional Planning Process

The draft State Planning Policies document notes that the SPPs do not give more weight to any particular State interest over another, recognising that regional and local context must always be considered when integrating state policies at these levels. The document also notes that resolving potential conflicts and tensions should be undertaken "*efficiently, transparently and must involve consultation with the community*". The Council understands that the intended transparent consultation with the community to resolve these tensions, is through the development of Regional Plans, but will disappointingly not occur prior to the setting and commencement of the Planning and Design Code in July 2020. This is a significant gap in the implementation process which in turn will necessitate greater interrogation of the ways in which the State Planning Policies will be interpreted and applied, in the absence of clarity of the spatial resolution of these competing objectives through a regional planning process with the community, infrastructure providers and businesses.

The Council is concerned that due to timing pressures in resolving the structure of Joint Planning Board, new Regional Plans will not be developed until after the spatially applied Code has been developed and come into effect. The substitute process of adopting the *30 Year Plan for Greater Adelaide* in the interim, does not in the Council's opinion adequately fill this gap. As the Council has previously advised in its submission on the *How Will it Work Technical Paper*, the *30 Year Plan* does not provide the spatial resolution which is required to prioritise and guide planning policy in translation of the SPPs to the *Planning and Design Code*. This could lead to poor and uncoordinated planning outcomes.

It is unclear how conflicts between policies can be resolved if there is no Regional Plan which has been prepared to spatially apply these policies or provide clarification on regional priorities. For example, would coastal protection override the need for increased densities in beachfront suburbs, or would the need for increased densities override the need to preserve biodiversity in the foothills? Many of these types of tensions only arise in the translation of the SPPs to planning policy formulation. It is the lack of collaboration on a Regional Plan that is the missing step in negotiating a "finer grain" policy regime between Local and State Government. This interpretation and implementation issue is likely to be the source of conflict in setting planning policy, well beyond the commencement of the *Planning and Design Code*, until such time as the Greater Adelaide Regional Plan is negotiated and released.

While it is appreciated that the SPPs are a high level document intended to provide strategic statements, the lack of specific detail, combined with the absence of regional level planning, causes significant

uncertainty about how these policies will be applied and how conflicts between the various policies will be resolved and addressed at the development assessment level, a level which is fundamentally important in any planning system. It is expected that there will be significant challenges in delivering development which incorporates well designed, durable and climate-smart buildings which can be provided as affordable housing and it is unclear how inner suburbs can accommodate increased densities as well as increased green canopy cover on private land. Decisions will ultimately need to be taken to determine as to which of these State Planning Policies will prevail.

In a logical planning sequence, a well resolved Regional Plan is of critical importance in cascading the respective State policies, through to regional priorities and greater spatial resolution, which in turn provides the framework for interpreting and setting local policy.

By way of example, the *30 Year Plan* includes Map 14 which is titled “*Metro infill vs metro/fringe township*” and shows the whole of the City of Norwood Payneham & St Peters, and the entire metropolitan area, designated as “metro infill” in the legend. Is the interpretation of the proposed State Planning Policy 6 Housing Supply and Diversity, intended to apply universally across the City of Norwood Payneham & St Peters in accordance with Map 14 in the *30 Year Plan*? Further ambiguity arises if Map 2 from the *30 Year Plan* is used for the interpretation of State Planning Policy 6. Map 2 (Activity centres and mass transit routes) is intended to illustrate the policy theme (heading) of Transit corridors, growth and activity centres, but the critical policy gap is the mapping of growth areas which are excluded from the map. It is this level of critical missing detail that will become the subject of much conjecture and debate when stakeholders seek to pursue development opportunities based on generic references in the State Planning Policies and broad-brush maps in the *30 Year Plan*.

These sensitive policy issues require careful and detailed consideration in the application of the urban infill policies, balanced against other priorities from a policy standpoint including heritage and protection of character areas and retention of existing green landscape spaces. Without a Regional Plan to clearly delineate the next spatial layer in implementing the State Planning Policies, the potential conflicts and tensions will not be able to be “*efficiently and transparently*” resolved, until such time as the Planning and Design Code is being applied.

The SPPs commendably recognise the significance of the cumulative impacts arising from development on the environment and on infrastructure, which are particularly problematic for established metropolitan urban areas, where development typically occurs through incremental opportunities. However, in order to address cumulative impacts, the potential issues and outcomes for a region or local area, should be assessed to determine what requirements need to be included in the Planning and Design Code policies upfront. For example, where a local area experiences significant stormwater management issues, water sensitive urban design (WSUD) should be a priority and will need to be reflected in the Deemed to Satisfy criteria for infill development.

Application of the Policy Instrument

It is unclear whether the document as a whole (i.e. supporting text, Principles of Good Planning, Our Targets, non-statutory guidance notes etc), or the policies in isolation, constitute the statutory instrument. The supporting text is useful in understanding the background and context of the policies and in some instances address issues not covered in the policies. For these reasons, it is recommended that elements of the supporting text be included as Principles of Good Planning. However, if it is only the policies in isolation which represent the statutory instrument that will inform the lower level planning instruments, then this context, detail and support will be lost. Clarification is required on this important question.

Definitions and Terminology

Although the draft SPP document provides a glossary of terms, it is recommended that additional definitions be provided to ensure that the intent of the policies is clear and the terminology is not open to interpretation. In particular, definitions for the following terms will assist in understanding the intent and scope of the State Planning Policies:

- green technology;
- green infrastructure;

- low/medium/high density;
- low/medium/high rise;
- climate-smart buildings;
- water sensitive urban design;
- carbon sequestration;
- small lot housing;
- employment lands
- heritage and historically significant places; and
- corridor catchments.

While other related documents, such as *the 30 Year Plan for Greater Adelaide*, may provide definitions for these terms it is important to provide definitions in the document so that readers are not required to refer to other documents, particularly given that the SPP document is intended to 'out live' the *30 Year Plan*. The terms 'density', 'rise' and 'scale' are used almost interchangeably in the document and can easily be misinterpreted, so policies which refer to these should be clear in their intent.

In respect to density, the *'Understanding Residential Densities: A Pictorial Handbook of Adelaide Examples'* (November 2006) prepared by the State Government, defines density as follows:

	Approx Gross Density (Dwelling/Hectare)	Approx Net Density (Dwelling/Hectare)	Ave Site Area per Dwelling
Very Low Density	Less than 11 dw/ha	Less than 17 dw/ha	Greater than 588m ²
Low Density	11-22 dw/ha	17-33 dw/ha	303-588m ²
Medium Density	23-44 dw/ha	34-67 dw/ha	149-294m ²
High Density	Greater than 45 dw/ha	Greater than 67 dw/ha	Less than 149m ²

Many members of the community would perceive the threshold between low and medium density in a typical suburban area, to be in the order of 400m² allotments, rather than 300m² and would be surprised that allotments as low as 150m² represent medium density rather than high density.

Similarly, with respect to building 'rise', the 30 Year Plan provides the following definitions:

Low Rise	1-2 storeys (above ground level)
Medium Rise	3-6 storeys
High Rise	More than 7 storeys

SPP1: Integrated Planning Policy 8 states:

"Support metropolitan Adelaide as a predominantly low to medium rise city, with high-rise focussed in the CBD, parts of the Park Lands Frame, significant urban boulevards and other strategic locations where the interface with lower rise areas can be managed."

Given the apparent emphasis on infill development as a prevailing theme of the State Planning Policies, it should be made clear that SPP 1.8, anticipates an urban form across metropolitan Adelaide of up to six (6) storeys. Further detail is needed on where these heights are envisaged, as infill currently extends across the metropolitan area in Map 14 of the *30 Year Plan*. These clarifications in the language which is used are very important in transparently communicating the intent of the Government's intentions particularly as spatial application is not defined in the *30 Year Plan* and clarity of these densities and heights will be required in developing and spatially applying the Planning and Design Code.

Including definitions for 'density', 'rise' and similar terminology, is fundamentally important in ensuring that the community is clear on the intention and possible policy translation of applying of the SPPs.

Distribution of Density and Land Uses

When comparing the volume, content and the specificity of some of the State Planning Policies against others, it is clear that the suite of policies place a significant emphasis on development and infill opportunities. The policies also strongly encourage a move towards mixed use development rather than the traditional planning practice of separating non-compatible land uses. Whilst the Council agrees that inner metropolitan areas are capable of accommodating increased densities and mixed use precincts in selected appropriate locations – and indeed has supported such an approach in collaboration with the State Government – the SPPs must also contain statements that recognise the significant value of the lower density areas and single use zones that form such an integral part of inner metropolitan Adelaide area and which are strongly valued by local communities as highly desirable, liveable neighbourhoods. The lack of recognition of the existing built form characteristics which make inner metropolitan Adelaide area so attractive to locals and visitors, is alarming.

The draft policies frequently present an oversimplified, generic approach to the concepts of mixed use and urban infill opportunities, without statements to qualify how these will be balanced and geographically applied in zoning controls. The urban form model for the City of Norwood Payneham & St Peters as an inner suburban area of “*medium – high density with mostly mixed land uses*”, is completely at odds with current patterns of development, existing policy settings and out of sync with community expectations – an element which seems to have been missed in the drafting of the SPPs. In short, there is no good reason why we cannot achieve both sensitive infill development and retention of the valued and existing characteristics across inner metropolitan Adelaide area and the Council calls for the inclusion of such recognition in the State Planning Policies.

An example of a policy which places a strong emphasis on infill and development opportunities is SPP6.5: under Housing Supply and Diversity which states:

“Provide a permissive and enabling policy environment for housing within residential zones, including the provision of small lot housing and aged care accommodation.”

This policy implies that development policies in residential zones will be permissive and flexible in order to encourage new forms of development and infill, without due consideration given to the large portions of residential zones which contain character and heritage listed buildings worthy of retention. It is considered that qualifying statements such as “*in appropriate areas*” must be included to policies in order to seek to balance development needs, as well as ensuring that areas such as heritage areas and Historic (Conservation) Zones which are of significant importance to the community, are avoided.

Policy Flexibility

Several policies relating to adaptive reuse, affordability and land uses, seek greater flexibility in policy frameworks. While this approach is supported in appropriate circumstances, it is important to consider the potential impacts on surrounding occupiers of properties and users. Good outcomes for reuse, affordability and commercial uses are supported, but not to the significant or unreasonable detriment of others. It is unreasonable for communities which surround a property where policy flexibility is being contemplated, to be subject to the unknown planning outcomes that this creates. Policy flexibility is at odds with the certainty which is a stated objective of the Planning Reforms and the messaging around this cannot deliver both ends of the spectrum.

Policies relating to the public realm

The draft SPP document contains numerous references to the public realm which is supported and encouraged, however this is generally not able to be implemented through planning policy. Most work undertaken on public land (primarily reserves) is exempt from the development assessment process so there will be limited scenarios where the *Planning and Design Code* will apply to these areas, the exceptions being work on public buildings such as libraries and community centres, or where large scale developments result in the creation of, or interaction with, the public realm. It is assumed that references to the public realm are intended to be implemented through future regional plans and infrastructure schemes.

The policies also refer to an increase in both the quality and quantity of public realm spaces and it is unclear how this is intended to be achieved – presumably through large land divisions or purchases of land. As outlined below under the relevant policies, high quality public areas are extremely important

elements of a community, however they should not be relied on to offset or be a substitute for poor design outcomes or high density development on private land. Infrastructure funding should be aligned to the private benefit that is derived from increased development opportunity, to assist in the cost of providing quality public spaces. The strategy of solely relying on public land to offset deficiencies on private land, is in the Council's view, fundamentally flawed and appears to be deliberately skewed towards providing maximum development outcomes for proponents rather than good outcomes for the local community and the State.

Outlined below is an assessment of State Planning Policies which are considered particularly relevant to the City of Norwood Payneham & St Peters. Please also find attached a more detailed review of the policies contained in **Attachment A**.

SPP 1: Integrated Planning

The intent of strategic zoning and coordinated development is supported. It is vital that urban growth occurs in areas where the necessary infrastructure and services can be provided or improved and to avoid ad-hoc, unstructured and scattered infill growth in areas which are inadequately serviced. However, as outlined above, it is expected that this level of strategic planning will be challenging without a more spatially resolved regional plan than the current *30 Year Plan for Greater Adelaide*, which will serve as the interim plan.

Low density residential areas are a highly valued housing option for many South Australians, as they provide greater opportunities for the retention of character buildings, bigger backyards, mature vegetation and green space, lower stormwater runoff, privacy for occupants, a safe and spacious environment for children to play outdoors and typically reduced conflicts between land uses. The figure on Page 21 illustrating a linear progression of development density and intensity, indicates that 'Inner Suburbs & Infill Development' will be mostly medium-high density (i.e. allotment sizes no greater than 294m²) and mixed land use. While it is appreciated that this is simplified and illustrative, it fails to acknowledge the existence and value of significant low density residential neighbourhoods within inner metropolitan areas.

Policy 1.8 seeks to promote Adelaide as a '*predominately low to medium rise city*', however as the *30 Year Plan* defines medium rise as up to six (6) storeys, this could be translated into including buildings of up to six (6) storeys throughout the inner suburbs. Building of up to six (6) storeys may be appropriate along arterial roads or specified development corridors in the suburbs, however the policy anticipates *high-rise* development (greater than six (6) storeys) occurring on significant urban boulevards. This is one of many examples of where the draft SPPs document could be interpreted as 'pushing an unfettered infill agenda' which again, from a town planning and urban form perspective, this strategy is flawed.

The introductory text to this policy acknowledges "*some neighbourhoods will significantly transform, where others will experience little change*", which is supported as a more balanced planning and land allocation process. Similarly the non-statutory guidance notes state that there are "*areas that need careful management or protection*" and "*areas for intensification of development*." The policies themselves do not reflect this level of differentiation of areas for protection (heritage and character) and areas for intensification and instead applies a blanket approach to renewal and regeneration, with development envisaged up to six (6) storeys as low to medium rise. As stated in previous submissions which have been made by this Council, the absence of a sequential regional planning process, combined with a spatially unresolved *30 Year Plan*, leaves the interpretation of such broad policies, wide open. These opportunities for seeking rezoning in the new planning system extend to anyone with an "*interest in the land who... is seeking to alter the... Planning & Design Code*". With such broad interpretation of the SPPs, this is not acceptable.

Inner metropolitan areas can accommodate mixed use and medium-high density hubs in appropriate locations, but a broad strategic shift encouraging increased densities throughout the inner metropolitan area, is likely to disperse new developments in an unsustainable manner, creating ad-hoc pressure on infrastructure and services which ordinarily require a minimum gross density to operate efficiently. In this respect, the integrated planning policies are generally supported where they refer to development occurring in a targeted and orderly sequence and in a manner which permits coordinated and targeted provision of infrastructure. Managing growth areas requires a careful balance of planning in advance of need so that policy is proactive rather than reactive and underpinned by investigations to demonstrate

there is a demand for growth. It is not appropriate to rezone large parcels of land well in advance of need as this will not achieve desired minimum gross densities.

The City of Norwood Payneham & St Peters has worked collaboratively with the State Government in recent years to examine and implement urban growth policy. Significant rezoning has increased infill housing and mixed use opportunities in targeted areas including:

- the *Kent Town and The Parade Strategic Growth DPA* (2013) which introduced the Urban Corridor Zone to Kent Town and significant policy reform to the District Centre (Norwood) Zone;
- *Residential Development (Zones and Policy Areas) DPA* (2015) which balanced infill opportunities in new Residential Zone and Medium Density Policy areas with preservation of character in new Residential Character Zones; and
- *Inner and Middle Metropolitan Corridor (Sites) Ministerial DPA* (2017) which rezoned or introduced new policies resulting in substantially increased development potential for selected sites.

The rezoning of these significant infill opportunities was negotiated with the State Government at the time, on the basis that this would leave areas of valued building character (such as Historic (Conservation) Zones) unimpacted by urban infill pressures.

A sound evidence-based approach must be demonstrated before examining further allocation of land for medium density mixed use development. The Council is seeking to understand what modelling or investigations has been undertaken to determine the remaining housing supply capacity in these locations, before rezoning of areas occurs.

Policies 2 and 5 emphasise the importance of preventing urban encroachment into food production, horticulture, tourism and landscape character areas. This is a positive aim and is supported. However, it is recommended that the Integrated Planning policies also need to recognise heritage and built form character and the importance of preserving commercial land in order to prevent demand for residential land 'pushing' these commercial operations further away from the CBD/ inner metropolitan area.

The emphasis on 'mixed use' for inner metropolitan areas, clearly encourages commercial uses, but this does not account for uses which cannot practically be included in a mixed use area due to impacts such as noise and other emissions. Policy 7 is one such policy which emphasises mixed use development around centres and nodes (which again is supported) however, it is recommended that "reduced car parking" is removed from such a high level policy, given the existing car parking issues which are being experienced within the inner metropolitan area, as articulated through the Minister's car parking summit. This strategy to promote reduced car parking rates, whilst appeasing the development sector and supporting the theory that reducing the provision of car parking will force citizens to use public transport, is creating significant issues, not only within the inner suburbs but also in the new developments themselves. The Council believes that this strategy needs to be addressed immediately before the incremental effects become unmanageable. In short, the Council's experience is that this approach and indeed the mantra which is being professed, is fundamentally flawed.

Policy 6 relating to the regeneration and renewal of neighbourhoods to provide diverse, high quality and affordable housing is generally supported, however it is recommended that wording such as "*suited neighbourhoods*" be included rather than implying that all neighbourhoods require renewal. Consideration should also be given to the potential effects of urban regeneration in driving up property values and how this might affect, or potentially 'price out' existing land owners and tenants.

SPP 2: Design Quality

The Council places a strong emphasis on high quality design outcomes and therefore generally supports the suite of design policies included in *SPP2: Design Quality*. Of particular note, the Council supports Policies 7 and 8 which seek performance based design quality outcomes in heritage and character areas and quality design solutions in the Planning and Design Code for low-medium density development. Often the emphasis on good design outcomes is weighted towards more complex developments, however it is important to consider the cumulative detrimental impact which large areas of poor quality low-medium density 'suburban' development can create for a community.

Policy 2 seeks to 'promote best practice in access and inclusion planning in the design of buildings'. This is strongly supported, however if this is simply promoted, rather than required in the *Planning & Design Code*, there is a significant risk it will not be voluntarily included in building design. The current *Design Guidelines – Design Quality and Housing Choice*, produced by Office of Design and Architecture SA, is an example of where good design is promoted, but not required, through an "aspirational, best practice guide." The value of such an approach is questioned and should be abandoned in favour of the specification of clear performance outcomes in the *Planning and Design Code*. Other features such as Water Sensitive Urban Design (WSUD) and Crime Prevention Through Environmental Design (CPTED) should either be included in separate policies, or policy 2 should be reworded to clarify that WSUD and CPTED do not generally relate to access and inclusion. The status of design standards and the Design Review process as statutory assessment tools, needs clarification.

The Council also strongly supports and respects the importance of high quality public spaces as referred to in Policy 6, however, it is important that the provision of high quality public spaces is not relied on to offset or be a substitute for poor design outcomes in private development. As stated previously, this approach is fundamentally flawed. Clarification is therefore sought on when and how these policies anticipate the planning system influencing public land (i.e. whether these policies are referring to public land being dealt with in regional plans, the assessment of master planned communities creating public land, developments which have a primary link to public land etc).

It is recommended that a policy relating to heritage sensitive design be included, as well as a policy relating to desired future character design policies. While good design often needs to respond to the context of an area, some areas require a new direction and require policies to guide development towards the desired future character.

Clarification on how design policies will be incorporated into the *Planning and Design Code* would support the understanding of these policies, particularly for *Deemed to Satisfy Developments*.

SPP 3: Adaptive Reuse

The concept of adaptive reuse to encourage underutilised buildings is supported. However, adaptive reuse is generally a "given" in the planning system, as is the sensitive adaptive reuse of heritage listed buildings so it is unclear what the drivers are for the reuse policy and why it is a mandated SPP, while Built Heritage is not. The Council considers that adaptive reuse is more a strategy for implementation than a Policy of State level importance. Conversely, recognition of built form heritage warrants recognition as a State Planning Policy as a more significant issue. The specificity of SPP 3 compared to *SPP7: Cultural Heritage* is curious and presents an imbalance in the direction (reuse) for any existing building, whilst the more critical heritage and character policy framework is not presented.

If SPP 3 is to remain then further clarification on the intent and scope of SPP 3 is required, in particular, which buildings will be targeted (through either specific listing or through designated criteria) and how this relates to (and possibly undermines) policy guidance for the other aspects of the heritage and character framework.

The *30 Year Plan*, many existing Development Plans and the National Construction Code, include policies regarding flexibility/adaptive reuse of underutilised heritage buildings on the basis that there may need to be dispensations in the interests of preserving the heritage fabric and as a partial 'offset' for some of the procedural complexities of dealing with heritage listed properties. To broaden policy flexibility to include numerous other non-heritage buildings could dilute or undermine these existing policies.

The policy refers to removing barriers and being flexible in the adaptive reuse of buildings (without compromising the health and safety of occupants) and Policy 6 states "Provide a range of planning and development incentives and bonus schemes to streamline decision-making processes, provide dispensation on prescriptive requirements...". It is assumed that this refers to flexible planning requirements and flexible building consent requirements. With respect to flexible planning requirements, this is supported for heritage listed buildings, however it is still important to consider the practical implications of issues such as accepting little or no car parking and the potential impacts on surrounding properties. With respect to flexible Building Rules Consent requirements – it is assumed this will be dealt with through Minister's Specifications outlining acceptable performance assessed outcomes, however, this requires further detail.

The non-statutory guidance notes state that Regional Plans *should* “identify buildings that contribute to the built and natural environment and/or character of an area and that have experienced continued dormant use or are vacant”. Does this imply there will be an overlay or register of buildings which are targeted for adaptive reuse and will these be the only buildings where the adaptive reuse policies can apply? If so, this could result in ‘winners’ and ‘losers’ rather than providing a consistent policy approach (unless the listing is extremely comprehensive and includes all potentially eligible properties). Those owners with ‘identified’ properties will have relaxed policies – perhaps reduced car parking requirements and less stringent disability access requirements – while those without identified properties will need to comply with the standard requirements.

Alternatively, if the policies do not identify specific buildings, but instead allow for more flexible policies when certain criteria apply, careful consideration will need to be given to these criteria. For example, if one of the criteria requires a building to be vacant for a particular period of time (say 2 years or more) would this incentivise owners to leave their properties vacant in order to have relaxed planning and building requirements applied? This policy requires far greater detail and rigour in its intent, including providing the investigations that support its needs and how it will be practically applied.

Clarification is required on the following points:

- The policy refers to working “in conjunction with other initiatives and incentives to unlock these opportunities” (incentivising adaptive reuse). It is not clear what initiatives might be referred to? Perhaps *Splash Adelaide* or similar?
- Similarly, Policy 2 states “Sponsor models of adaptive reuse that allow flexible access to public spaces and infrastructure”. What type of sponsorship and whose money? What is the context for accessing public spaces and infrastructure?

SPP 4: Biodiversity

The Council is very supportive of the strategic intent to preserve biodiversity, particularly as the environment will face increasing pressure from future urban development. The supporting information in the SPP document, addresses the cumulative impact of development, which is particularly important in established areas, where infill development occurs on a relatively ad hoc basis. However, this important narrative and monitoring intent is not included in the policies themselves. It is not clear whether the draft SPP document as a whole is considered to be the statutory instrument or if it is the policies in isolation, but either way, it is recommended that a policy be included to specifically identify the need to manage cumulative impacts.

Notwithstanding the above, it is unclear how the cumulative impact of developments will be addressed in the *Planning & Design Code*, when most developments are independent of each other, are assessed individually and occur over a long time frame. It is recommended that the policy framework addresses the ‘worst case scenario’, (i.e a local area is assessed to determine the full extent of development which could occur if every allotment was developed to its full potential); then assess the potential cumulative impact this development could have on the local environment or infrastructure; then create policy which establishes minimum requirements at a site level which would be required to prevent this impact (e.g. tree retention or tree planting targets to meet green canopy cover target).

Establishing clear policy requirements upfront is the most efficient and equitable way to ensure a positive outcome at the conclusion of all developments for the area.

While the protection of ‘recognised’ areas is supported, additional policies should be included which address biodiversity at the allotment scale, particularly urban ‘backyard’ biodiversity and tree cover. The policies are reflective and protective, rather than aspirational as they relate to *loss* of biodiversity or the impact of development *on* biodiversity, but do not encourage the *enhancement* of biodiversity. It is appreciated that the SPPs are not intended to specifically include the State Targets, but high level policies should be included to align with ‘Target 5. A Green Liveable City’, particularly as there are several policies which support other targets such as housing choice. The inclusion or exclusion of particular issues such as this, contribute towards a perception that certain targets or policies are a priority over others, in this case, for example, there is a strong SPP level framework for housing diversity but no SPP level framework relating to urban greening.

This policy needs to outline the State's priorities for managing urban trees, whether Significant and Regulated Tree controls will be transitioned and needs to acknowledge the relationship between increased urban infill and loss of green space (particularly on private land). The concepts of minimising tree loss, tree planting requirements, and the setting of maximum site coverage needs to be addressed in this policy.

It is unclear how the mitigation hierarchy referred to in Policy 2 will be incorporated into the Planning and Design Code. Unless there is strong spatial guidance at the regional plan level, or strong criteria in the Planning & Design Code, there is a risk that there will be 'push' to work with 'minimisation' with limited or no attempts for 'avoidance' in the first instance. In this respect, it is recommended that the wording of the policies be strengthened to emphasise the importance of biodiversity – current wording such as *"Minimise the loss of biodiversity, where possible..."* could easily present as biodiversity being a lesser priority to development opportunities.

It is also recommended that the importance of monitoring is included within the biodiversity policies. Monitoring is an important part of the conservation process to measure what we have currently, whether it is improving or worsening, how close we are to meeting targets, and whether policies need to be amended if the existing policies are not achieving the desired outcome. The Council is seeking information on how the targeted 20% increase in green canopy cover will be measured, an action detailed in the 30 Year Plan Implementation Plan.

SPP 5: Climate Change

The Council is also very supportive of policies which seek to address climate change and considers that the new planning system should provide a greater emphasis on climate change mitigation and management of the associated existing and future effects. It is recommended that the language of the climate change policies is strengthened to reflect the urgency and significance of climate change; climate change is already happening and already affecting our communities whereas the draft policies read as though climate change is a future problem.

In particular, there is strong support for the development of climate smart buildings (Principle 3) for new buildings and refurbishment/retrofitting existing buildings. Climate-smart design is often overlooked by developers in favour of cost efficiency and often overlooked by development assessment planners in favour of meeting more measurable or visible criteria such as car parking, wall heights, setbacks etc. Furthermore, climate smart design is not considered at all by the current State Government Residential Development Code, which is the assessment pathway followed for a substantial proportion of all new dwellings. As such, important climate-smart design currently 'loses out' to other priorities. Climate-smart design is normally considered as part of larger scale or higher value developments as it can more easily be incorporated into bespoke designs and bigger budgets, but arguably a greater climate risk lies in the large volume of smaller scale developments occurring in an ad hoc way. It is very important that climate-smart design is incorporated into Deemed to Satisfy criteria to prevent this issue from continuing into the future. It is also recommended that a definition of 'Climate-smart buildings' be provided in the SPP document.

Policy 1 seeks carbon-efficient living environments through more compact urban form. Some aspects of compact urban form, such as active travel, assist carbon-efficient living. However, other outcomes such as increased impervious area, increased heat loading, loss of vegetation (particularly backyards), increased reliance on air conditioners, increased stormwater runoff and small block sizes limiting design options, do not assist carbon-efficient living. It is recommended that the policy be reworded to encourage carbon-efficient living in all forms of urban environments.

Policy 2 seeks to ensure the design of public places increases climate change resilience and future liveability – this is supported but how will this be put into effect? Public works often do not require the submission of development applications and therefore will not be assessed against the Code, so requirements will need to sit in another document outside of the Code. Also the public realm should not be relied on too heavily in lieu of appropriate requirements for private land. The non-statutory guidance notes states that "Policies should... improve and increase land in the public realm". It is unclear how an increase in public land is expected to be achieved and funded, so further clarification is required.

As such, further clarification would be appreciated in relation to:

- Policy 7: “Ensure decision-making considers the impacts of climate change using the best available information on climate risk which is regularly reviewed and updated.” – Is the decision making referred to just at the Development Assessment stage, and/or at the Regional Plan level, or in other areas as well?
- Policy 8: “Support development that does not contribute to increasing our vulnerability or exacerbating the impacts of climate change and which makes the fullest possible contribution to mitigation” – what constitutes vulnerability or exacerbating impacts?

It is recommended that definitions or different language are used to make the policies more accessible to the broader community in relation to “green infrastructure”, “green technologies” and “carbon sequestration”.

SPP 6: Housing Supply and Diversity

The Council is supportive of a diverse, accessible and coordinated housing supply and it is considered that the *SPP6: Housing Supply and Diversity* policies generally support these issues, albeit in a generic way.

Policy 4 seeks residential and mixed-use development in centres and corridor catchments to achieve the required densities. Detail needs to be provided about the required densities, before committing to the changed urban form that this policy indicates. This approach is preferred over broader mixed use/higher density zoning (as implied in other policies) which results in dispersed development and does not allow for coordinated or functional provision or concentration of services and infrastructure but lacks geographic specificity and leaves open to interpretation that all of metropolitan Adelaide is designated for infill growth (refer to Map 14 in the *30 Year Plan*).

Spatial concepts such as “in centres and corridor catchments” requires greater delineation and agreement if this is to be used as determining areas for increased residential densities and mixed use development.

Policy 5 seeks a “permissive and enabling policy environment for housing within residential zones”. This statement is concerning as it implies that a range of potentially inappropriate development outcomes may be ‘fair game’; it raises a significant potential for increasing development pressures to conflict with biodiversity and climate change policies as well as preservation of character and heritage areas; and it suggests a lack of policy detail or direction.

It is recommended that this policy be carefully reworded to clarify that some areas, such as character and heritage zones, allow limited new development and which is respectful to the context of the local area and local environment. It is also recommended that a definition is provided for ‘small lot housing’ as it is unclear whether this is intended to apply to ‘granny flats’, ‘tiny houses’ or simply smaller allotments.

Policy 7 encourages the provision of affordable housing through ‘*planning policy bonuses or concessions*’. Some flexibility to encourage affordable housing (and other outcomes) is encouraged and is currently in place in many Development Plans, however, concessions such as development which is permitted above the maximum building height on the basis that X% of houses constitute affordable housing is not always a suitable outcome. A planning system which freely allows ‘concessions’ above and beyond the established policy framework will result in the community becoming uncertain, frustrated and disenfranchised with our planning system.

Policy 8 encourages the creation of healthy neighbourhoods and this is strongly supported. However consideration should be given to the importance of amenity and comfortable living environments which can be compromised by inconsiderate development on adjacent sites and poor quality housing (particularly for those who do not have flexibility of choice in where they live).

The non-statutory guidance notes state that regional plans should identify appropriate land for housing development and that housing demand should be well understood and informed. This is supported as it is important for regional plans to spatially identify where development should be occurring, particularly as regional plans will be informing private code amendments in the future. Commencement of preparation of a Regional Plan should occur immediately to address this implementation gap, as the creation of good planning policy depends upon this.

SPP 7: Cultural Heritage

Cultural and built heritage is of particular interest and importance to the City of Norwood Payneham & St Peters and its community, as reflected in the Council's membership to the League of Historical Cities. It is considered that the Cultural Heritage policies are significantly lacking in content. Firstly, there is no recognition in the policies of the importance of retaining built heritage – preservation of built heritage is much more than allowing adaptive reuse of heritage buildings. It is fundamentally important that additional policies are included to illustrate support at State level for the retention and respectful development of and around valued built heritage – applying to both individual buildings and areas. The policies should define what constitutes historically significant places such as including State and Local Heritage Places as well as Historic (Conservation) Zones and Contributory Items. The policies should also recognise the value of heritage to local communities, local identity, tourism, retention of embedded energy and the economic contribution to both residential and commercial areas.

It has been suggested that heritage is addressed through other SPP policies, however the Council does not agree with this suggestion as there is minimal evidence of this. In the case of adaptive reuse, the expansion of adaptive reuse to include non-heritage buildings has the potential to undermine the existing policies in operation relating to flexible policy application to heritage properties. It is also considered that *SPP 2: Design Quality* gives insufficient consideration for heritage design, especially as development of and around built heritage is inadequately addressed in SPP 7.

It is understood that issues relating to heritage and character will be addressed through the *'People and Neighbourhoods' Discussion Paper* and through the current ERD Committee Parliamentary Inquiry, however the absence of policies relating to built heritage, in contrast to the extensive and detailed SPPs encouraging infill and development, creates a policy framework in which the SPPs are heavily weighted towards development opportunities rather than recognising that development opportunities needs to be balanced with constraints such as heritage and character. The Council believes that this is an intentional strategy aimed at diluting the current policies which relate to built heritage.

The non-statutory guidance notes indicate that State and Local Heritage Places will be transitioned through the first generation of the *Planning & Design Code*, however there is no reference to Historic (Conservation) Zones or Contributory Items. The rationale for this is understood to be that Historic (Conservation) Zones and Contributory Items are Local Government level issues. However, in reality it is not only Local Heritage Places and Contributory Items that are Local Government level issues, but so are almost all other issues referred to in the SPPs as they affect local communities. In addition, it is considered that Historic (Conservation) Zones and Contributory Items should be considered important at the State level due to the importance placed on them by the community and given the large areas currently affected by this zoning.

SPP 8: Primary Industry This policy is not considered to be of direct relevance to the City of Norwood Payneham & St Peters at this time so no comments have been provided.

SPP 9: Employment Lands

Good planning through land use separation is a fundamental function of the planning system, however it is increasingly difficult to achieve with conflicting commercial and social pressures and increasing pressure for mixed use precincts. It is important to achieve an appropriate balance between designating areas for commercial activities which are separate from sensitive land uses, ensuring local commercial activities are kept 'local' and sufficiently connected to housing, services etc and allowing for appropriate mixed use areas.

SPP 9: Employment Lands policies commendably recognise all of these issues, however as a group, these policies could be read as providing mixed-messages about how and where different land uses should occur. The Objective, and Policies 2, 5 and 10 support separation of land uses, whilst Policies 1 and 9 encourage mixed use precincts and policies 3 and 4 encourage a 'flexible' regulatory framework. It is recommended that greater clarity be provided about how and when to apply different land use zoning to different scales of commercial activity.

Policies 2, 5 and 10 recognise the need for commercial areas to be "protected from incompatible development" which is supported, however Policies 2 and 5 have an emphasis on large scale

commercial activities. Commercial operations within an inner metropolitan area are made up of typically local scale activities, however there is still potential for uses such as motor repair stations to conflict with surrounding sensitive uses. In inner metropolitan areas, there is a need for careful balance between retaining local services, while providing an appropriate 'buffer' between impacting and sensitive land uses.

Local Government is dealing with increasing volumes of local nuisance matters following the administration of *Local Nuisance and Litter Control Act* being transferred to Local Government, which will be exacerbated if the separation between sensitive and impacting developments was reduced. This issue can be managed with appropriate land use zoning for all types of commercial activity, not just 'state significant' or 'prime industrial' activities. For example, it is considered important to retain a 'Local Commercial' form of zone in the *Planning & Design Code* that is appropriately located, of an appropriate scale and separated from residential zones.

Notwithstanding the above, separation of commercial activities and sensitive uses should not result in commercial activities being forced to relocate to outer-suburban areas. The outward migration of local service activities (such as motor repair stations, local food production and packaging), removes the 'local' from local services and makes it harder for employees to travel to work and for products to get to customers. It is important that employment land zoning is provided in all areas of the state, so as to not exile all commercial land to outer metropolitan areas. Connectivity is supported by Policy 1 which encourages *"opportunities for employment that are connected to, and integrated with, housing, infrastructure, transport and essential services"*. Policy 1, together with Policy 9 and the non-statutory guidance notes, encourage mixed use precincts – this is supported in appropriate areas and, importantly, with the appropriate mix of land uses and scale of activities.

Policies 3, 4 and the non-statutory guidance notes encourage a flexible policy environment for changing land uses. The Council is supportive of some flexibility to facilitate changeover and growth of businesses, however any interchangeability between uses should occur at a level which will not unreasonably increase the impacts on surrounding properties including the provision of car parking. Careful consideration should be given to how much a business should expand before it is considered to be an intensification which requires a new development assessment to be undertaken.

Policy 6 seeks to *"allow for competition within the retail sector by providing an appropriate supply of land for all retail formats"*. Ordinarily, competition between businesses is not a policy issue addressed within the planning framework (e.g. an application for a large supermarket is not refused on the sole basis that it will have a detrimental effect on existing surrounding businesses). Instead, South Australia's planning system has historically established a centres hierarchy indicating appropriate locations for large retail stores as opposed to local shops. This hierarchy has traditionally been reflected in Council Development Plans and has established some certainty for business operators, surrounding local residents and providers of infrastructure for different levels of activity. Policy 6, in addition to other policies supporting mixed use precincts, indicates a reduction or removal of the centres hierarchy. Further clarification on the State strategy relating to the centres hierarchy and how this relates to car parking reform and transport planning is necessary and has been a long standing concern to Local Government. In this respect, the State position on this issue has not been clearly articulated, justified and communicated to Local Government.

It would be of benefit to provide a definition for 'Employment Lands' to confirm if this terminology refers to any land which employs people (including shopping centres), or just industrial and large scale commercial precincts. The implications for large scale institutional land uses in residential areas which are significant employers such as schools, hospitals and child care centres needs further detail.

SPP 10: Key Resources This policy is not considered to be of direct relevance to the City of Norwood Payneham & St Peters at this time, so no comments have been provided.

SPP 11: Strategic Transport Infrastructure

The primary intent of SPP 11 to identify, protect and plan transport networks and infrastructure, in a way which is integrated with land development policies, is supported.

The SPP 11 supporting text recognises that *"planning should consider complementary land use and road functions"* and Policy 5 seeks to *"minimise negative transport-related impacts on communities and*

environment". Appropriate separation of sensitive uses from transport-related impacts (such as noise and pollution) is supported, however there is tension between this priority and the focus on high growth in corridor areas as encouraged by SPPs such as Integrated Planning and Housing Supply and Diversity. Ways of managing this conflict may include identification of heavy vehicle transport routes as opposed to high volume transport routes and focusing sensitive land uses on the latter, as well as design policies in all assessment pathways which address noise attenuation and other protective measures. This is acknowledged in the non-statutory guidance notes, however it is recommended that this be specifically included in a policy for it to have any relevance to policy.

The non-statutory guidance notes state *"the future location of transport corridors should be identified clearly through an Overlay"*. This is supported and it is also recommended that road widening, the designation of roads as arterial/secondary arterial/collector roads and a clear definition of what constitutes a 'corridor' and its catchment are included in Overlays in the Planning and Design Code.

It is also recommended that policies are provided in the *Planning and Design Code* relating to appropriate vehicle access for sites with a frontage to an arterial road. Ordinarily, the Transport Division of DPTI requires development on an arterial road to have a single shared driveway access for the site, however this is difficult to negotiate if the driveway would conflict with street infrastructure such as street trees. Additionally, the Transport Division favour vehicle access via side streets and laneways rather than arterial roads, whereas other traffic consultants and surrounding residents generally prefer to minimise additional traffic movements in local street networks. Access constraints to some sites should necessarily limit their development potential, which needs to be reflected in appropriate policy guidance and detail.

Policy 3 seeks *"equitable contribution towards the provision of transport infrastructure and services to support land and property development"*. Clarification on what is intended by the term *"equitable contribution"* would be appreciated.

SPP 12: Energy and **SPP 13: Coastal Environment** are not considered to be of direct relevance to the City of Norwood Payneham & St Peters at this time so no comments have been provided.

SPP 14: Water Security and Quality

SPP14: Water Security and Quality provides positive 'macro' level policies, however it is recommended that additional policies be included to address water management at a local level. The intent of the SPPs as being a high level state document is understood, however, as the guiding document for regional plans and subsequently the Planning and Design Code, the SPPs should provide some guidance on local water management. Large volumes of 'suburban' development which incorporates little or no consideration of water and stormwater management will have a significant cumulative impact on flood risk, water security and water quality across the state. The supporting text encouragingly refers to WSUD, however there is no reference to WSUD within a policy, so it is strongly recommended that this be included.

SPP 15: Natural Hazards

SPP 15: Natural Hazards commendably recognises the current and future risks associated with natural hazards, particularly the role climate change will play in exacerbating their severity and frequency.

The *Resilient East Regional Climate Change Adaptation Plan* prepared in February 2016, identifies climate projections for the Eastern Region which included increasing average maximum temperatures, increasing frequency of heat waves, reduction in average annual rainfall and increase in extreme daily rainfall (i.e. there will be less rainfall overall, but rainfall events will be much more concentrated and extreme). Increasing heatwaves and rainfall surges are recognised in the supporting text of SPP 15 which states *"Higher temperatures will increase the frequency of extreme heat events..."* and *"storm events will increase and result in heavier and more sustained rainfall"*. In contrast, the Natural Resources and Environment Background Paper acknowledges the impacts on heatwaves and reduced annual rainfall, however does not recognise an increase in rainfall intensity which has specific impacts for the extent of flooding and implications for new development. Buildings and infrastructure are currently, and will continue to be, affected by these effects of climate change.

Policy 2 recognises the need for development to be designed to avoid, adapt and be protected against hazards. This is supported, however it is recommended that further detail be provided to direct how the risk hierarchy can be adapted into the Planning & Design Code (i.e. when and how to avoid, to adapt and to protect). As is the case of the biodiversity hierarchy, unless there is strong spatial guidance at the regional plan level, or strong criteria in the Planning & Design Code, there is a risk that those undertaking developments will make no attempt to 'avoid' risk from hazards in the first instance, instead skipping to the second or third tiers of adapt or protect in the hierarchy.

Policy 3 refers to '*critical infrastructure*', including transport systems, energy and water services, being located in areas which are not exposed to risk from natural hazards. Natural hazards such as heatwaves and localised heavy rainfall events occur indiscriminately, so it is not possible to avoid exposure for road networks, energy and water provision services and stormwater services. For example, areas of the City of Norwood Payneham & St Peters currently experience localised flooding due to short periods of intensive rainfall which exceeds the capacity of stormwater infrastructure. It is recommended that this policy be revised to require infrastructure to be located outside of hazard risk areas *where possible* and otherwise for infrastructure to be designed and upgraded to accommodate such hazards. This is likely to require revisions to standard engineering requirements and considered as part of infrastructure schemes.

Policy 4 seeks to mitigate the impact of extreme heat events by designing public spaces and developments to create cooler micro-climates through the use of green infrastructure. This is supported, however the following amendments are recommended:

- revision of wording to clarify that the policy applies to public spaces and public *and private* developments;
- provide a definition for green infrastructure; and
- designs should include climate-smart design (e.g. adequate heat loading protection) and the policy be expanded to deal with heavy rainfall events by incorporating WSUD (e.g. reduced impervious areas, and incorporate retention and detention tanks)

The non-statutory guidance notes indicate that high risk areas will be identified in regional areas and in overlays, which is supported. As previously mentioned, the need for up to date hazard mapping (including flooding) to be included in Regional Plans, reinforces the need to commence this process straight away.

SPP 16: Emissions and Hazardous Activities

The Council supports the recognition of emissions and hazards and the role which land use planning plays in separating conflicting land uses. Regional level identification of hazards, air quality and noise risks is also supported, however consideration will need to be given to how this will be managed using interim regional plans.

Emissions and hazard issues are expected to be amplified by increasing pressure for urban infill and mixed use zones, particularly increasing densities resulting in less separation between uses, greater flexibility for interchanging land uses, and development on or near arterial roads. The recent introduction of the *Local Nuisance and Litter Control Act 2016*, has placed additional pressure on Local Government to deal with local nuisance issues, primarily relating to noise complaints. As such, careful consideration must be given to future *Planning and Design Code* policies relating to mixed use areas and interface between land uses. This includes Deemed-to-Satisfy development where a 'tick-box' process cannot take into account advice from experts regarding any necessary "engineering controls" referred to in Policy 1. It is important to consider a range of land uses which have the potential to create external emissions and hazards, not just large scale industry. As discussed under SPP9: Employment Lands, local commercial activities can also create interface issues with adjacent sensitive uses.

Consideration must also be given to how the issue of site contamination will be managed through the ePlanning portal. Currently, potential site contamination is identified by the Council based on property history and notifications from authorities such as the EPA. A private Accredited Professional acting as a Relevant Authority, developer or home owner using the centralised ePlanning system will not likely have access to this level of information.

Waste Reduction and Management

Waste reduction and recycling, as key State level priorities, are absent from the State Planning Policies. Waste management in medium-high density development is presenting an increasing problem for Local Government and communities, as land division, increased driveway crossovers and urban infill, compete with space to place traditional mobile garbage bins. Alternative, privately serviced waste management solutions are increasingly required in lieu of the traditional council kerbside bin collection, as it is not practical to have bins at the kerbside or because internal access roads are too narrow to service. It is recommended that the *Housing Supply and Diversity* policies recognise that medium-high density development must be adequately provisioned by services, such as waste collection (including private contracts for waste collection) where necessary.

Waste reduction and management is an integral feature of sustainable communities and will become an increasing issue for South Australians, particularly in areas with increasing densities. It is recommended that consideration be given to including waste reduction and management into the State Planning Policies, linked to all levels of commercial, residential and industrial operations.

Again, thank you for the opportunity to provide comment on the draft State Planning Policies. As set out in this letter and attached table, there are a number of issues which require further clarification or consideration and a number of concerns which the Council believes need to be resolved. The Council hopes and indeed trusts that the Commission will consider the recommendations contained in this submission to provide a revised suite of State Planning Policies which in turn will provide a more balanced recognition of the range of community values held across the State and addresses the concerns which have been raised by the Council.

In addition, the need for collaboration on a Regional Plan needs to commence now to avoid contested decision at the policy making or assessment stage, due to the lack of spatial clarity contained in the SPPs.

Should you have any questions regarding the Council's submission or require any further information, please do not hesitate to contact me or the Council's Manager, Urban Planning & Sustainability, Eleanor Walters on 8366 4521 or email ewalters@npsp.sa.gov.au

Yours sincerely



Mario Barone PSM
CHIEF EXECUTIVE OFFICER

cc. Mr Matt Pinnegar, Chief Executive Officer, Local Government Association
Hon Stephan Knoll, Minister for Planning
Hon Steven Marshall, Premier, Member for Dunstan
Hon Vickie Chapman, Member for Bragg

Attachment A - DRAFT STATE PLANNING POLICIES FOR SOUTH AUSTRALIA

Consultation Draft State Planning Policy August 2018	Comment
(Supporting Text) “Our neighbourhoods are changing as new and innovative housing forms are created that sometimes challenge our current expectations. Some neighbourhoods will significantly transform, where others will experience little change.”	• Recognition of variability and sensitivity in applying urban growth policy is supported. • Statement indicates that some neighbourhoods will experience a strategic shift while others will stay the same – the policies emphasise the strategic shift but are essentially silent on the urban areas which won’t change due to constraints to growth, regeneration and renewal. Can further clarification be provided on this, given the lack of spatial detail of this differentiation in the 30 Year Plan, which will be relied on as the interim regional plan? • It is assumed the identification of areas of “little change” will occur after first generation of the Code, as the first generation of the Code is understood to be ‘like-for-like’?
(Illustration on Page 21) Notation that inner suburbs will experience medium-high density & mostly mixed land use.	• Illustration provides no context as to whether it represents the desired urban form or existing patterns. • Reference to ‘medium density’ model for inner suburbs is too arbitrary and simplified as a representation of the desired urban form - especially for established suburbs that have a low density character (e.g. Trinity Gardens, St Peters, College Park, Evandale etc). These are valued and highly sought after areas and should be recognised in both the State Planning Policies and the Regional Plan. It is recommended that ‘Inner Suburbs’ be identified as ‘low to medium density’ and a definition is provided for these terms. • Council does not support the dissolving of land use specific zones to any significant extent – it is important to keep some areas as exclusively residential (other than corner shops or small operations on arterial roads) or exclusively commercial to separate incompatible land uses.
Managing Competing State Policies <i>“process of resolving potential conflicts and tensions should be undertaken as efficiently and transparently as possible and must involve consultation with the local community”</i>	• The draft SPP document does not provide any practical guidance as to how to reconcile competing SPPs. In the interests of consistency, efficiency and transparency, the document should outline the framework, principles and process for resolving competing interests when preparing strategic/regional plans and subsequent policy application.

Consultation Draft State Planning Policy August 2018	Comment
<i>“SPPs need to be read in their entirety” and “the SPPs do not give more weight to any particular state interest over another, recognising that regional and local context must always be considered when integrating state policy at these levels”</i> <i>“State Planning Policies prevail over Regional Plans for the purposes of establishing planning instruments”(pg 8)</i>	• The document states that regional and local context must be considered when integrating state policies at the regional or local level. However, the document also states that State Policies prevail over Regional Plans for the purposes of establishing planning instruments. If SPPs prevail over regional plans, does this mean that the specificity and local context of a regional plan give way to the generality of SPPs? What role do Regional Plans play if SPPs take precedence over Regional Plans when considering policy direction at the local level when establishing planning instruments, such as during the spatial application of the P&D Code? Could high level, competing State interests be used to set unintended policy directions at the local level – for example, could a person proposing a private Code Amendment claim their Code Amendment should be approved because it is consistent with a high level SPP such as housing diversity and infill, despite it being inconsistent with the Regional Plan which might identify the location as a heritage or character area? • Conflict resolution and ranking of policies/ plans should be addressed in the relevant Policy or in Policy #1 Integrated Planning – which could avoid repeating a lot of the other specific policies and focus more on their ‘integration’ and the ‘balancing’ of the evident growth focus of most policies with the other environment, greening and conservation objectives and targets.
State Planning Policy 1 – Integrated Planning <i>“At the metropolitan and regional levels, integrated planning aligns transport planning with land use policies, conservation and infrastructure requirements.”</i>	• The Integrated Planning SPP seeks a strategic approach to delivering growth opportunities where there are adequate services (facilities and infrastructure) and where it aligns with conservation requirements. In this respect, the Integrated Planning SPP seeks to achieve the integration of the remaining 15 policies. While this is supported, given that there is no weighting between the policies, it is unclear how the Integrated Planning SPP can resolve conflicts between other policies, such as: ○ <i>Allow for the future expansion and intensification of strategic transport infrastructure and service provision (corridors and nodes) for passenger and freight movements. (State Planning Policy 11 - Strategic Transport Infrastructure)</i> ○ <i>Promote residential and mixed-use development in centres and corridor catchments to achieve the densities required to support the economic viability of these locations and the public transport services. (Housing Supply & Diversity, Policy 4)</i> ○ <i>Ensure our communities and the environment are protected from risks associated with emissions and radiation activities while ensuring that industrial and infrastructure development remains viable through (a) Ensuring appropriate zoning and mixed uses are compatible (Emissions and Hazardous Activities Policy 1)</i>

Consultation Draft State Planning Policy August 2018		Comment
		The 30 Year Plan is not adequately spatially resolved to guide the application of conflicting policies, so the effective integration of the SPPs is especially important until a more resolved Regional Plan is implemented.
Objective: Integrated planning is an essential approach for liveability, growth and economic development, maximising the benefits and positive long-term impacts of development and infrastructure investment.		- The objective as a broad statement is supported, however environmental aspirations should be represented along with the social and economic drivers. - The Inherent conflicts between policies, as outlined above, is given little attention. There is no indication of how they will be reconciled in practice (with consistency and transparency). This requires clarification.
Policies		
1.1: Plan growth in areas of the state that are connected to, and integrated with, and protect, existing and proposed transport routes, infrastructure, services, employment lands and their functions.		- This policy is too broadly applicable. The location and planning of growth areas is not evident without a regional planning process. Despite being close to existing transport routes, many parts of the City of Norwood Payneham & St Peters are not suited for further growth. For example, Historic (Conservation) Zones that adjoin The Parade, Magill Road, Payneham Road, Portrush Road, Fullarton Road and Hackney Road. These areas meet the 'transport route' criteria of the 30-Year Plan, but have an established and currently protected housing character that may be eroded through additional growth (i.e. infill development). It is recommended that this policy be removed, or reworded so that it is more specific or tailored to appropriate areas. - There is no specific mention of community/social infrastructure in building community wellbeing, safe and convenient access to services for all demographic groups and co-location in community hubs as set out in the 30 Year Plan (Policies 87-89). 'Planned growth' is supported, rather than broad-brush rezoning for increased density and mixed use growth areas. This policy should be nuanced and targeted and consider the capacity of these areas with respect to infrastructure, character etc. - The 'intensification' of growth, including housing, in areas of main road infrastructure (where there is likely to be increasing traffic levels) is at odds with SPP 16 Emissions and Hazardous Activities. It should be acknowledged that people living at higher densities can and should be protected from noise and vehicle emissions.
1.2: Ensure that areas of rural, landscape, environmental or food production significance within Greater Adelaide are protected from urban encroachment as provided for by the Environment and Food Production Areas legislation.		

Consultation Draft State Planning Policy August 2018	Comment
1.3: Provide an adequate supply of land outside the Environment and Food Production Areas that can accommodate housing and employment growth over the relevant forecast period. Based on current dynamics, the relevant forecast period is considered to be 10 years.	• This is supported. It is expected that the People and Neighbourhoods Discussion Paper will detail the investigations and data on land supply and current demand which support the drive for housing growth and clarify the demonstrated need for additional housing growth.
1.4: Manage growth in an orderly sequence to enable the cost-effective and timely delivery of investment in infrastructure commensurate with the rate of population growth into the future.	• Managing growth in an orderly sequence is supported. How will infill growth be guided and managed in the metropolitan context, where incremental opportunities arise site by site, rather than in an orderly sequence co-ordinated with infrastructure augmentation? • What level of co-ordination is envisaged in the Regional Plans to match infill growth with infrastructure upgrades? Is this able to be mapped in the Spatial Atlas for areas of surplus capacity, large scale infrastructure renewal, road widening etc?
1.5: Plan for urban growth to protect and preserve opportunities for high value horticulture, tourism and landscape character areas.	• Supported – however it is important to ensure land is also set aside for built-form character areas (not just landscape character) and areas reserved for commercial and light industrial areas in inner-metro suburbs. Assets (not necessarily areas) of biodiversity value should also be preserved in planning for urban growth.
1.6: Enable the regeneration and renewal of neighbourhoods to provide diverse, high quality and affordable housing supported by infrastructure, services and facilities.	• This policy is too generic and contains no qualifying statements or parameters to define the extent of regeneration and renewal neighbourhoods. It implies all neighbourhoods should be the target of renewal. ○ It is recommended that the policy is reworded to '<i>Enable the regeneration and renewal of selected neighbourhoods (informed by subsequent Regional Planning processes) to provide...</i>' ○ How can we balance renewal with affordability? The flow on effects needs to be carefully managed. An area with lower property values provides low-cost purchase and rental opportunities. Increased development opportunities increases land value which incentivises owners to redevelop, which may change the demographics of an area. Once gentrified, the area may be outside of the tenant's affordability. ○ The policy acknowledges the need to support regeneration with infrastructure, services and facilities. It can be challenging to upgrade infrastructure in existing suburbs undergoing renewal, particularly when development occurs in an ad-hoc/opportunity basis and development is dispersed through a large area. How can we organise co-funded infrastructure renewal if contributions come from developers dispersed across a suburb?

Consultation Draft State Planning Policy August 2018	Comment
1.7: Support housing choice and mixed-use development around activity centres, public transport nodes and strategic transit corridors with reduced carparking to encourage greater use of active transport options such as public transport, walking and cycling.	• This policy is too arbitrary and generic. By comparison, the 30 Year Plan only references reduced parking minimums in mixed use areas near high-frequency transit services. (Policy 80) • “Strategic transit corridors” are not spatially defined other than Map 2 in the 30 Year Plan for Greater Adelaide, where the depth and extent of these corridors cannot be determined. Are these “strategic” transit corridors or just transit corridors (terminology confusion)? This is problematic in defining where infill opportunities and a “<i>permissive and enabling policy environment</i>” (SPP 6) should be applied in zoning and development policy. How far does “around” activity centres, public transport nodes and strategic transit corridors extend? Is the walkability measure (5 or 10 minutes) referenced in Healthy Neighbourhoods on pg 35 the definition of where infill (housing choice) and mixed use is targeted? Without spatial definition, this will inevitably lead to policy contests in the future e.g a landowner 400 metres from an arterial road may argue they are “around” a transit corridor and therefore suitable for mixed use zoning, while a community may argue Map 2 is limited to only properties directly <u>on</u> the transit corridor. • Active transport may be unrealistic in areas that can only realistically be accessed by a car. The policy overlooks areas that are well served by public transport, but nonetheless experiencing an undersupply of parking (such as parts of Norwood and Kent Town) which is causing tension between all day parking for commuters, resident needs and business needs. To further reduce carparking requirements in areas such as Kent Town and The Parade and Designated Areas introduced by Ministerial policy in 2017, needs further substantiation and policy clarity. • NPSP supports mixed use and housing choice in <i>selected areas</i>, however it is recommended that the term ‘reduced carparking’ is removed. This is a state-wide policy and reduced carparking may not be appropriate in all locations.
Policy 1.8: Support metropolitan Adelaide as a predominantly low to medium rise city, with high-rise focussed in the CBD, parts of the Park Lands Frame, significant urban boulevards and other strategic locations where the interface with lower rise areas can be managed.	• Envisaging Adelaide as a predominately <u>low rise</u> city is supported, however, in the 30-Year Plan, low-to-medium rise is defined as 1-6 storeys, which is too intense for large sections of suburban Adelaide. The policy should read that metropolitan Adelaide is predominately low rise, with medium-high rise in appropriate locations. As currently drafted, the policy could be seen to promote universal multistorey development by stealth. Definitions for ‘rise’ and ‘density’ should be provided so the intent of the policy is clear. • The reference to significant urban boulevards and other strategic locations is so broad it could be adopted in any location, this lacks transparency and certainty in the planning system.

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Non-statutory guidance notes "... future growth is identified in a way that can be supported by state infrastructure... Infrastructure agencies must be involved in this initial planning work to ensure these impacts are well understood. The mapping of infrastructure, existing patterns of growth and areas that need careful management or protection will be required in Regional Plans.

Regional plans affecting urban areas will therefore need to demonstrate how the principles of urban consolidation can be achieved and identify areas for intensification of development.

- This is supported – given that most increased development happens on an opportunistic basis for small scale sites, the opportunities to get coordinated infrastructure upgrades and contributions to open space etc. are very limited. Consideration must be given to infrastructure provision/opportunities before land is zoned for increased density.
- Before proceeding with application of the Planning and Design Code and in the absence of a regional planning process, clarity is required on what investigations and processes will be undertaken to demonstrate how the principles of urban consolidation can be achieved in the City of Norwood Payneham & St Peters. In 2013, large areas of Kent Town and The Parade District Centre were rezoned for mixed use, high density development – what case is made to demonstrate that this appropriately zoned land is not sufficient for future needs? Land was zoned for intensification at that time through the Inner Metropolitan Growth DPA, on the basis that the zoning of other parts of the City could remain relatively unchanged.

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State Planning Policy 2 – Design Quality		
Supporting Text “Good design can also provide better outcomes for the occupants of buildings and improve sustainability outcomes...”		Strongly supported – too often the amenity of occupants and sustainability are overlooked in favour of external building appearance and more ‘measurable’ criteria. There are many members of the community who are limited to housing options at the lower-priced sector of the market (for rental or purchase) where amenity and sustainability are most at risk of being compromised. It is important that all dwelling types are provided with a minimum level of amenity and sustainability so that all members of the community have access to the benefits of good design.
Principles of Good Design – Context: Good design is contextual because it responds to the surrounding built and natural environment and contributes to the quality and character of a place. Sustainability: Good design is sustainable because it is environmentally responsible and supports long-term economic productivity, health and wellbeing.		- The importance of good contextual design response is supported. A major concern with the new planning system is a likely increase in deemed-to-satisfy (or other tick-a-box processes) development and uniform Code policies which do not reflect or respond to the context of local areas. - It is unclear how these overarching policies will be reflected in the Planning and Design Code. If the policies in the Code address one element but other elements might be ‘Deemed to Satisfy’, does this achieve the overall goal of good design?
Objective: The Principles of Good Design are embedded within the planning system to elevate the design quality of South Australia’s built and natural environment and public realm.		- The Principles of Good Design provide a useful framework for guiding policy which achieves positive development outcomes within more compact urban areas. - There is potential for this policy to be more strongly worded to ensure this objective is met. Better understanding of the concept of “design” as a process as distinct from an outcome (which the title implies) may need to be reinforced, particularly with regard to the applicability of well-designed strategic and spatial planning across the state to achieve key state government outcomes on behalf of its current and future community, <i>in addition</i> to the design quality for individual buildings, streetscapes and open spaces. - The design quality SPP doesn’t address heritage design with sufficient detail. - There is a limited focus on ‘functionality’, ‘sustainability’, ‘accessibility’, ‘safety’ & ‘healthy living’. No reference to ‘Appearance’ (street activation, building form, façade, character elements, materials and service facilities), ‘Site Considerations’ (eg overlooking/overshadowing) & ‘Acoustic performance’.

- Unsure as to how and to what level design quality is going to be translated into the Planning and Design Code (eg. Minimal discussion and no substance provided on design review and design solutions)? Needs to have a very strong mandate within the P&D Code.
- Good design should be included for all scales of development and not just major buildings subject to a Design Review Panel.
- How will this policy be measured?
- It is unclear of the connection between the SPPs, Regional Plans and P&D Code. How will these policies be spatially applied with reference to the 30 year Plan (i.e. interim metro Regional Plan)? It's unclear how these policies will actually influence the Planning and Design Code
- Support to improve and increase attention toward the public realm.
- Principles of good design needs to be amended, as follows:
 - 'Context' heading also needs reference to positively contributing to 'Desired Character' so that evolving areas also receive appropriate design responses
 - 'Inclusivity' heading should be amended to refer to integration of public and private realms to promote street activation, enhance quality views and passive surveillance
 - 'Durability' heading should also include 'Responsive' to cover issues of 'fit-for-purpose' and 'adaptable'
 - 'Performance' heading is duplicating others and could be removed.
- 'Affordable Housing' is also not mentioned and it is important to understand what is expected in terms of design outcomes for affordable housing (eg cost v quality design considerations). These issues are even more relevant within a more compact urban form.
- No mention in this SPP or elsewhere of need to reducing the waste footprint of new development (30 Year Plan Policy 109) and adopt best practice waste management design in high density residential and mixed use developments (30 Year Plan Policy 110)
- There is no reference in Design Policy SPP or Biodiversity SPP regarding the requirement of higher density housing to include plantable space for trees (30 Year Plan Policy 32)

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	• Good design should reference cultural initiatives such as public art and its contribution to good design, revitalisation of communities and social cohesion. How can this be linked to public realm and infrastructure schemes?
Policy 2.1: Ensure plans encourage development that incorporates the Principles of Good Design.	• Clarification required for what “plans” are being referred to – Development Application plans, strategic plans, regional plans etc. • Replace the word “encourage” with “require”.
Policy 2.2: Promote best practice in access and inclusion planning in the design of buildings and places by applying the principles of Universal Design, Access for All, Crime Prevention through Environmental Design, Environmentally Sustainable Design and Water Sensitive Urban Design.	• Supported, however when would this apply? Stronger language should be used – if this is simply ‘promoted’ rather than ‘required’ many developers would disregard this. Access and inclusion requirements should be included in the P&D Code. Perhaps a balanced but practical way of achieving this is to require a development of at least X size should include X% of accessible design. Is this already addressed through the National Construction Code? • WSUD, CPTED and Environmentally Sustainable Design should be included in a separate policy(s), or this policy should be reworded to clarify that not all of these fall under ‘access and inclusion planning’.
Policy 2.3: Ensure the development of safe, welcoming, comfortable and efficient buildings and places to reduce economic and social disparity.	• CPTED, WSUD and Environmentally Sustainable Design could be included in this policy (2.3) in lieu of policy 2.2 above. Alternatively, Policies 2.2 and 2.3 could be merged, provided that the intent of the policies are not diluted. • If the safety and efficiency of buildings refers to National Construction Code requirements, how does this relate to/interact with national building requirements? Are the SPPs the most appropriate place for this?
Policy 2.4: Ensure design advice is considered early in the planning process for complex developments and utilises consistent and credible processes (such as a Design Review) to ensure better outcomes.	• State Planning Policy should set out what the State’s interests are in assessing development and whether, with increased policy focus on design, “complex” applications will be considered by Council Assessment Panels or whether locational criteria or investment thresholds will continue to be the trigger for SCAP assessed applications. Councils are seeking autonomy in making decisions for their local area based on the principles of good design. • Good design is important at all levels of development, not just complex development, as supported by Policy 2.8. • What does ‘complex developments’ refer to? How will design referrals work in the new system? Greater distinction should be provided between good design consideration at all development levels, and the formal design review process.

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Policy 2.5: Promote a culture of good design to foster creative thinking, innovation and effective design processes within the planning industry, allied fields and general public.	Supported – this needs to be achieved through appropriate content and weighting of design related policies in the P&D Code.
Policy 2.6: Provide high quality, functional and accessible public green spaces and streetscapes particularly in areas with increasing infill development, housing diversity, population growth, medium to high residential densities and urban renewal.	- This Council supports the importance and positive contribution of public spaces however: - Most work in the public realm (e.g. reserves) doesn't require development approval so this policy can't be implemented through the P&D Code, with the exception of creation of public land through large subdivisions or construction of public buildings. How will this SPP be implemented? - Good quality public realm should not be relied on as a substitute for good quality private developments - Can this policy be broadened to apply to open/green space that is on private/common land? Green spaces in the private realm contribute significantly to good design and improved liveability. - The policy refers to "medium to high densities" without any discussion in regards to what this means (i.e. X number of dwellings per hectare). - How does the planning system require Infrastructure Schemes to deliver high quality public realm outcomes for <i>areas of increasing infill development, housing diversity, medium to high density and urban renewal</i>? What role does this new planning mechanism play? When is a scheme mandated to achieve quality public realm design contributions?
Policy 2.7: Prioritise performance based design quality outcomes in Adelaide City; heritage and character areas; places where medium-rise buildings interface with lower-rise development; mixed-use renewal precincts; transit corridors; and iconic locations that attract high levels of pedestrian activity and/or tourism.	The Council is most supportive of prioritising performance based design quality outcomes in heritage and character areas – a task that has been awaiting prioritisation for several years where there has been policy uncertainty around heritage listings, policy controls in Historic Conservation Zones and the treatment of Residential Character Zones. The urgent prioritisation and allocation of appropriate resources and collaborative inputs to this important task is highly supported.
Policy 2.8: Enable quality design solutions in the planning and design code for low-medium density development.	- Supported – poor quality design outcomes in low density 'suburban' development occurs frequently and has a cumulative, large impact on our communities. Good design shouldn't be limited to larger scale individual developments. - It is anticipated that a large proportion of low-medium density development will be deemed-to-satisfy. How will quality design solutions be achieved through a 'tick-a-box' process?

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		The policy does not deal with the need for good design at the interface of changing densities – e.g. transition areas between high and low density. This is required in the 30 Year Plan, however it should also be acknowledged in the SPPs, particularly as the SPPs will ‘outlive’ the 30 Year Plan.
Non-statutory guidance notes “Regional plans should implement the policies at a high level by considering the intended urban form outcomes for areas. This will require identifying areas where medium and high-rise development or low-scale infill is envisaged... Regional Plans should also identify where neighbourhood character will change, evolve or not change at all.”		The concept of sequential regional planning with extensive community input is supported to provide the necessary spatial resolution of the SPPs. This won’t be achieved through the interim plan as the 30 Year Plan doesn’t illustrate the intended urban form and does not show areas where medium and high-rise development is envisaged. This will result in unresolved interpretations of how the urban form will be developed, which will be particularly problematic following implementation of the first generation P & D Code, when private entity Code Amendments cannot be tested against any spatial detail until such time as the Regional Plans are prepared.
Non-statutory guidance notes “The P&D Code should implement policies by identifying areas where design review can support quality design outcomes and provide context for the future character of related neighbourhoods. The Code must also include performance outcomes and design solutions that are based on the Principles of Good Design.”		- As above - good design assessment and outcomes are required at all levels of development and it is unclear how contextual design can be addressed in the anticipated large volumes of DTS development - Is the reference here to design review linked to a formal referral to ODASA or Government Architect? Or is this design review by the assessing planner?

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State Planning Policy 3 – Adaptive Reuse		
Objective: The adaptive reuse of existing buildings accommodates new and diverse uses.	- The Council is generally supportive of the idea of adaptive reuse to encourage the retention of buildings (both heritage and non-heritage), however the intent of the policy is not clear. Is the scope of SPP 3 about embedded energy (sustainability), dormant streetscapes, and/or flexibility in contemporary design standards? Its rationale is not clear which leads to questioning of why a relaxation of planning (and building?) policy should be contemplated, without discussion of the whole built heritage policy framework. It applies to all existing buildings and gives older buildings a level of development flexibility that is not aligned to any clear articulation of the heritage framework. - The 30 year plan includes policies regarding adaptive reuse of underutilised heritage buildings – why is this being broadened for all vacant/underutilised buildings? There is a lack of acknowledgement of heritage buildings and the policy dilutes any current policy flexibility provided to heritage listed properties in our current policies. - It is unclear why this policy issue holds such a significant position at the State policy level – adaptive reuse is an important aspect of the planning system, but is not ordinarily regarded as having the same weighting as climate change, design, heritage, infrastructure provision etc. The SPP appears to be heavily focused on City of Adelaide (and appears to be driven by a need to address underutilised CBD commercial buildings. If so, this should not be a State-wide priority if it primarily affects the Capital.	
Supporting text “the planning system can work in conjunction with other initiatives and incentives to unlock these opportunities.”	How will the planning system work with external processes/programs etc? What is envisaged here – perhaps Splash Adelaide or similar?	
Policy 3.1 Remove barriers and encourage innovative and adaptive reuse of underutilised buildings and places to inspire urban regeneration, stimulate our economy and unlock latent investment opportunities.	- This is supported to a certain extent – flexibility should not be applied to such a great extent that it has unreasonable impacts on surrounding properties. - How will SPPs influence the National Construction Code (NCC)? – is this intended to be achieved through Minister’s Specifications?	
Policy 3.2 Sponsor models of adaptive reuse that allow flexible access to public spaces and infrastructure.	Does this refer to financial sponsorship? If so, who will be sponsoring?	

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	What is meant by 'flexible access to public spaces and infrastructure'? Generally Councils support reuse of buildings, but this statement should be clarified as it is unclear what the impact on, or relationship with public spaces and infrastructure would be.
Policy 3.3 Enable the repurposing and adaptive reuse of historical buildings and places that recognise and preserve our state's history.	This is supported, however this policy will apply to both heritage and non-heritage buildings. Currently there is flexibility around adaptive reuse of heritage buildings – a likely outcome of expanding this flexibility to non-heritage buildings is that it will dilute the current heritage policies. i.e. what extra incentive will there be for someone to lease or buy a heritage building if they can get the same offsets/flexibility with a non-listed building which has less restrictions with respect to redevelopment?
Policy 3.4 Prioritise the adaptive reuse of buildings within the City of Adelaide and other mixed-use precincts.	This is supported subject to what compromises or incentives are offered to achieve this and the potential impacts on the broader locality.
Policy 3.5 Facilitate the conversion and adaption of existing commercial office buildings in the City of Adelaide for residential or mixed-use.	N/A
Policy 3.6 Provide a range of planning and development incentives and bonus schemes to streamline decision-making processes, provide dispensation on prescriptive requirements that constrain opportunities, and capitalise on related regulatory or financial incentives outside of the planning system.	- The Council is supportive of some flexibility – subject to having demolition protection status in the heritage hierarchy and subject to careful assessment of the potential external impacts on the locality and adjacent properties. Greater detail needs to be given to how flexibility can be provided in a way which doesn't have an unreasonable impact on surrounding properties or the broader locality (i.e. the reuse of a building should not be to the complete detriment of others). - How will this policy interact with external programs and incentives – i.e. external to the Code and Regional Plans? Is it appropriate for the planning policy position to rely on external/private factors? How will Heritage be funded? Heritage funding was one of the recommendations of the Expert Panel on Planning Reforms.
Policy 3.7 Ensure performance-based building regulations are flexible to encourage the adaptability of existing buildings to new uses without compromising health and safety.	- Clarity is needed as to whether the policy is applied selectively to certain buildings. - It is assumed that this is referring to flexible planning requirements and flexible building consent requirements. With respect to flexible planning requirements, while this is supported to a certain extent, it is still important to consider the practical implications of issues such as accepting little to no car parking and the potential impacts on surrounding properties.

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	With respect to flexible BRC requirements – it is assumed this will be dealt with through Minister’s Specifications outlining acceptable performance assessed outcomes? Can further information be provided on this?
Non-Statutory Guidance Notes “Regional Plans should implement state policies by identifying buildings that contribute to the built and natural environment and/or character of an area and that have experienced continued dormant use or are vacant.”	• Identification of vacant or dormant buildings that contribute to built and natural environment appears to be prioritised over identification and policy protection of Historic Conservation Zones (which is lacking elsewhere in the SPPs). • What is the State’s position on the value of Local Heritage Places, Historic Conservation Zones and other areas of built form heritage significance- are Regional Plans the place for identifying these buildings that contribute to the natural environment? • Does this imply there will be an overlay or register of buildings which are targeted for adaptive reuse and will these be the only buildings where the adaptive reuse policies can apply? This could result in ‘winners’ and ‘losers’ rather than providing consistent policy, particularly as vacancies and the condition of the building will change over time. Identifying particular properties would result in parking requirements etc differing from property to property. How frequently would the register be updated? How extensive will the identification of buildings be throughout greater Adelaide? It will be easier to identify dormant properties in the CBD, but will be harder to do so in greater Adelaide. • Alternatively, if the policies do not identify specific buildings, but instead allow for more flexible policies when certain criteria apply, careful consideration will need to be given to these criteria. For example, if one of the criteria was that the building had been vacant for a particular period of time, say 2 years or more, would this incentivise owners to leave their properties vacant in order to have relaxed planning and building requirements? While many building owners wouldn’t because of lost rental income, in a poor economic environment and where building refurbishment costs are high, could this worsen the problem rather than improve it? • It is noted that there are current heritage registers, but there is a thorough process of recognising particular criteria for heritage buildings. The qualifying criteria of heritage buildings don’t change over time in the same way that ‘adaptive reuse’ properties would; general deterioration, land use and occupancy/vacancy don’t normally affect the heritage value or listing of a building. The intent of applying flexible policies to heritage buildings is to help offset some of the restrictions incurred by the heritage protection e.g. if a heritage listed building occupies the majority of a site and car parking physically can’t be provided (without demolishing the heritage building), it is reasonable for a land use to occupy the site without the full amount of car parking.

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“The Planning and Design Code should implement state policies that provide flexible, performance-based building policies and provide bonuses and/or incentives that encourage the reuse of existing buildings.”	• How will the P&D Code influence the National Construction Code? The Planning and Design Code is separate to the National Construction Code and the Minister’s Specifications in South Australia – how does the Planning and Design Code influence these changes? If this is not referring to NCC requirements the wording should be clearer.

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State Planning Policy 4: Biodiversity		
Supporting Text “The planning system has a role to play in ensuring ecological systems are maintained and enhanced by: - Identifying and protecting areas of high conservation value and avoiding incompatible adjoining land uses; - Assessing the cumulative impact of development on biodiversity; - Holistically considering development design and standards to avoid, minimise and offset negative impacts on biodiversity...”		- Ad-hoc urban development results in minor impacts at a site level, but cumulatively the regional impacts can be major. The supporting text commendably recognises the importance of cumulative impact of development on biodiversity, but this is missing from the policies. It is recommended that this important point is included within a policy. - Notwithstanding the above, it is unclear how the cumulative impact of developments will be addressed when most developments are independent of each other and are assessed individually. It is recommended that future development policies are drafted to accommodate for a ‘worst case scenario’ in which all properties would be developed to their full potential. Regional plans should identify the full development potential of an area, establish what the impacts this development may have, then work out what the requirements are at a site level to prevent this impact from occurring. This would require all development applications meeting higher standards with respect to biodiversity, even if not all properties end up being developed.
Objective: Biodiversity is valued and conserved, and its integrity within natural ecosystems protected.		- This Council is supportive of the high level intent to preserve biodiversity, particularly the acknowledgement of cumulative impacts on the environment as outlined above. - The biodiversity policies focus on the loss of and impacts on biodiversity, however there are no policies encouraging an increase in biodiversity. Given the impacts of urban development on biodiversity which have already occurred, it is considered important for the policies to seek an enhancement of biodiversity. Section 62A of the <i>Planning Development and Infrastructure Act 2016</i> specifically anticipates that the Biodiversity SPP will address <i>enhancing</i> biodiversity. - The Council appreciates that the individual policies are not intended to include numerical targets, however Part 4 of the draft SPP document does include numerical targets and it is considered appropriate for the SPPs to support the objectives of these goals. In particular, additional policy(s) relating to increasing green cover and vegetation should be included in support of <i>Target 5 – Urban green cover is increased by 20% in Metropolitan Adelaide by 2045</i>. - In addition to the above, the four Biodiversity policies do not mention the word “trees”, “planting”, “landscaping” or “greening” – these are fundamental requirements of liveability, good design, climate change mitigation and adaptation, water sensitive urban design so these should be addressed in the policies.

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	- There appears to be a bias in the policies towards semi-urban/rural areas with no recognition of biodiversity systems which exist in urban areas eg parklands, HFZ, creek systems, reserves, coastal areas and individual private allotments. Page 29 indicates that there will be a suite of zones that support the protection of areas of biodiversity value, but is silent on areas which don't meet the requirement for a designated zone. The preservation and enhancement of urban biodiversity, including 'backyard biodiversity' is extremely important in the interests of sustainability, wildlife habitat, amenity, cooling, and other environmental benefits. It is recommended that additional policy(s) be included to address how urban biodiversity can be preserved and enhanced in areas facing development pressures where there is potential conflict with housing diversity and infill policies. - It is also recommended that specific consideration be given to appropriate species selection; particularly indigenous planting as per 'Biodiversity' Policy 93 in the 30 Year Plan. Additionally, the SPPs should encourage large scale habitat restoration and conservation projects as per 'The economy and jobs' Policy 72.
Policy 4.1 Protect and minimise impacts of development on areas with recognised natural values, including areas of native vegetation and critical habitat.	Supported, however protection and harm minimisation should not only occur for areas with "recognised natural values", it is important to also protect urban biodiversity and 'backyard' biodiversity, and also require the <i>enhancement</i> of biodiversity as outlined above.
Policy 4.2 Minimise the loss of biodiversity, where possible, in accordance with the mitigation hierarchy: a) Avoidance – avoid impacts on biodiversity b) Minimisation – reduce the duration, intensity and/or extent of impacts c) Rehabilitation/restoration – improve degraded or removed ecosystems following exposure to impacts.	- The use of the term "where possible" undermines the intent of the policy and could be used as an "out clause" in cases where there is a competing and opposing interest at stake e.g. economic outcome. The policies should use stronger language to avoid any difference in interpretation and ensure the intent is achieved. - P2(a)(b)(c) refers to the avoidance of "impacts" on biodiversity. The term "impact" should be defined. - The policy advocates the avoidance of development in environmentally sensitive areas, but enables development with mitigation measures. How will the mitigation hierarchy be included in the P&D Code?
Policy 4.3 Recognise that modified landscapes have environmental value and that development should be compatible with these values.	Are modified landscapes urban landscapes? This policy needs to be more specific to enable clearer interpretation and application.

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Policy 4.4 Encourage nature-based tourism and recreation that is compatible with, and at an appropriate scale for conserving the natural values of that landscape.		
Non-statutory guidance notes “Regional Plans should implement state policies by identifying areas that have state or national environment significance and are protected by legislation. This includes protected public lands such as conservation parks and marine parks; private protected lands... areas of native vegetation; and listed wetlands.” “The P&D Code should implement state policies by providing a suite of zones that support the protection of areas of biodiversity value and guide the types of land uses envisaged in these areas.		• Guidance notes appear largely focussed towards semi-urban/rural areas. Biodiversity protection should not just occur through zoning – there is a need to recognise smaller/local level biodiversity, particularly urban environments as outlined above. • Guidance notes refer to the protection of areas of biodiversity value – there is no reference to the Schedule of Significant Trees (many of which are indigenous species) listed in some Development Plans. What is status of Significant and Regulated Trees in the Planning and Design Code, how will these be accurately recorded on every site in an ePlanning system? • Guidance notes should make reference to the P & D Code promoting policies that protect and establish green canopy areas and corridors and individual trees of significance • It is agreed that the biodiversity within public spaces should be protected and enhanced, however there are limited public spaces so can only do so much with respect to biodiversity. Policies protecting biodiversity at a development level are very important such as maximum site coverage, the need for landscaped areas and mature tree planting – these should be key policies in the Planning and Design Code.

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State Planning Policy 5 – Climate Change		
Objective: Our greenhouse gas emissions are reduced and development that is climate-ready is promoted so that our economy, communities and environment will be more resilient to climate change impacts.		• It is positive that climate change is acknowledged and the objective is reasonable as a high level policy expression. • The objective could be improved by including protection against climate change from a development perspective and managing the impacts and risks. • The language used in the policies needs to avoid jargon terms eg “development that is “climate-ready”. It is recommended that more straightforward terms be used. • Another policy is needed to recognise the need for the impacts of climate change to be understood at smaller regional and local scales ie Use science and analysis to understand localised impacts and adaptation responses - as climate change impacts are not geographically uniform. • The policies should set out the State’s priorities in working with councils and communities to reduce reliance on carbon based energy and South Australian carbon offset schemes. • A key policy omission of the Climate Change Policy SPP is no reference to mitigation of urban heat island effect (30 Year Plan Policy103). The Council, as part of Resilient East Climate Change Adaptation Plan is currently mapping urban heat and the results of this should be used to set planning policy and programs to mitigate urban heat.
Policy 5.1 Create carbon-efficient living environments through a more compact urban form that supports active travel, walkability and the use of public transport.		• Compact urban forms do not necessarily result in carbon-efficient living environments. While they can result in more active travel, they also: increase impervious area therefore increasing runoff and affecting stormwater systems; frequently result in poor climate design (e.g. heat loading, building orientation, reliance on air conditioners etc); and loss of mature vegetation and biodiversity and less opportunity for vegetation in the future, among other factors. This policy should be reworded to explore this issue further. • Policy 49 of the 30 Year Plan states “<i>Encourage more trees and water sensitive landscaping in the private realm, reinforcing neighbourhood character and creating cooler, shady and walkable neighbourhoods and access</i>”. This same emphasis on tree planting and urban amenity/ comfort is not reflected in the SPPs – this SPP needs to be expanded in its scope.

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Policy 5.2 Ensure the design of public places increases climate change resilience and future liveability.	• This is supported but how will this be put into effect? Public works often don't require Development Applications and therefore won't be assessed against the Code. Also the public realm should not be relied on to do all the "heavy lifting" to compensate for losses of green spaces on private land.
Policy 5.3 Ensure the development of climate-smart buildings that reduce our demand for water and energy and mitigate the impacts of rising temperatures by encouraging water sensitive urban design, green infrastructure, urban greening and tree canopy enhancement.	• Policy 5.3 is supported – Climate-smart design is more often considered as part of larger scale/higher value developments. However, it is the large volume of smaller scale developments that occur in an ad hoc way which typically end up causing more problems, not the fewer larger scale developments. Climate smart design has a low priority in the current planning system, particularly for low density suburban infill as it is often overlooked by developers in favour of cost efficiency. Climate resilience should be considered as part of housing affordability – a climate efficient building will have lower running costs over the lifecycle of a development and will likely be more durable. Climate smart design should be a requirement within the P&D Code, particularly for Deemed to Satisfy pathway development. Building orientation, eaves, vegetation shading, natural ventilation, water re-use requirements must be included in Deemed to Satisfy criteria, particularly given the expected of deemed to satisfy development in the new planning system. Notwithstanding the above, it is recommended that a definition be provided for 'climate-smart' buildings • Green infrastructure should be defined (the 30 Year Plan and Natural Resources and Environment Policy Discussion Paper defines it as the "<i>network of green spaces and water systems...</i>") and not conflated with planting, landscaping, tree planting at the allotment scale as this confuses the scale and type of development that these policies apply to. It is noted that the Natural Resources and Environment Policy Discussion Paper helps to inform the draft SPP document, however definitions should be provided within each document/statutory instrument, as these may be read in isolation. • Current 6 star energy requirements for Building Rules Consent do not necessarily achieve good outcomes depending on the nature of 'trade-offs' achieved to 'tick the boxes'. For example, solar panels or extra installation may be used to offset the negative outcomes of a poorly designed or oriented dwelling. Good design and orientation should be the starting point of a development.

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Policy 5.4 Avoid development in hazard-prone areas or, where unavoidable, ensure risks to people and property are mitigated to an acceptable or tolerable level through cost-effective measures.	• It is questioned whether it is acceptable to reduce risk to a 'tolerable level'. Is a certain level of risk is acceptable? • Cost effectiveness should not weaken the requirement – to reduce risk we should be spending what we need to reduce risk.
Policy 5.5 Facilitate green technologies and industries that reduce reliance on carbon-based energy supplies.	• Supported, however a definition for 'green technologies' should be provided.
Policy 5.6 Protect areas that provide biodiversity and maximise opportunities for carbon sequestration.	• Can this policy be expanded or clarified – what counts as 'providing biodiversity'? This could be interpreted differently. A developer could consider that urban backyard space doesn't provide biodiversity and propose to remove it all, while a conservationist could consider that the backyard does provide biodiversity and therefore should be protected at all costs. What is the intent for this protection and requirement for tree planting to be embedded in the planning system. • Does this include protection of residential gardens that provide biodiversity? • Different language to 'carbon sequestration' should be used to be more widely understood by the community – does it refer to maximise planting of trees on public and private land?
Policy 5.7 Ensure decision-making considers the impacts of climate change using the best available information on climate risk which is regularly reviewed and updated.	• Is the decision making referred to just at the Development Assessment stage, at the Regional Plan level, or does it apply in other areas as well?
Policy 5.8 Support development that does not contribute to increasing our vulnerability or exacerbating the impacts of climate change and which makes the fullest possible contribution to mitigation.	• Support this policy – however it is recommended that the wording be strengthened by replacing "support" with "require".
Non-statutory guidance notes: "Overlays that identify both hazards that need to be considered... and the features that should be protected due to their contribution to climate resilience..."	• This is supported, however as above, it should not just be spatially recognised or identified areas which are protected – it should also include local/urban/backyard biodiversity as a collective item of value
"Policies should... promote climate resilient buildings; improve and increase land in the public realm"	• The Code should not just 'promote' climate resilient buildings, it should require them.

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	• The role of public realm in climate change resilience is recognised and supported, however, how will the Code improve public realm when most work in the public realm doesn't require development? Also, it is unclear how policies will <i>increase</i> land in the public realm? • In the Planning & Design Code commentary there needs to be mention of policies that: ○ address consideration of natural ecosystem impacts eg. ecological adaptation corridors and retreat areas; ○ facilitate the phased relocation of assets and infrastructure away from high risk areas; ○ recognise the importance of land division design in setting the foundations for built form and opportunities for climate sensitive design (before getting to building code solutions); ○ ensuring that design quality policies are used in the Planning and Design Code as a tool to mitigate risks to people and property.
	• Not necessarily belonging in this Policy, but waste management is not included in the suite of SPPs. What is the objective? The 30 Year Plan supports a zero waste culture by reducing the waste footprint of new development (30 Year Plan Policy 109) • Requirement for waste management reduction in high density residential and mixed use developments is omitted from the SPPs and should be included in good design (Policy 110)

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OUR PEOPLE AND NEIGHBOURHOODS		
State Planning Policy 6 – Housing Supply and Diversity		
Supporting text “Our planning system must enable the sufficient and timely supply of land to support the development of a variety of housing choices at appropriate locations.” “Land for housing can be provided through coordinated land releases, urban renewal and infill development.” “... the provision of housing choice at a range of locations...”		• This is supported – It is assumed this will be managed through stages/generations of Code Amendments? Regional Plans will be very important in managing these stages and where these should occur. It is critical to get the Regional Plan established ‘up front’ to determine where these “appropriate locations” are. • Generally supported, subject to preservation of character and heritage areas and recognition of the diversity of housing options including low density dwellings. • What monitoring has been undertaken to demonstrate the need for further supply of housing choice opportunities following various Development Plan Amendments which have increased development opportunities such as: ○ Kent Town and The Parade Strategic Growth DPA (2015) ○ Residential Development (Zones and Policy Areas) DPA (2015) ○ Inner and Middle Metropolitan Corridor (Sites) DPA (2017) The SPPs should be informed by demonstrated or forecast need. To rezone areas for increased infill opportunities well in advance of need could result in developments occurring in an ad hoc way, as determined by land availability, without due consideration given to strategic growth and links to infrastructure.
Objective: A range of diverse, affordable, well-serviced and sustainable housing and land choices is provided as, where and when required.		• Who will determine the “as, where and when” required, particularly as private entities can now initiate private Code amendments and their motives may differ to those of government? • No recognition of the existing, established character of an area and how this is a key component of liveable neighbourhoods. • Whilst there is some discussion in the policies around the provision of housing to be integrated with and connected to areas services, facilities and infrastructure, there is no discussion around “infrastructure capacity” and how this will influence an areas ability to adequately cater for an increased demand on services e.g. ageing stormwater infrastructure, existing road networks etc.

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	• How does the need for well-serviced housing interrelate with infrastructure schemes under the PDI Act? Is infrastructure provision a voluntary arrangement or mandated requirement for contribution to offset infrastructure augmentation in areas being developed for increased housing supply? • It is recommended that the policies include reference to the need to make housing adaptable for conversions (eg 1 into 2 dwellings) to cater for life cycle changes and immigration and to minimise demolitions (valued built form and embedded energy). Additionally the policies should recognise the potential conflicts between priorities for housing infill with biodiversity/tree cover, WSUD and built and cultural heritage.
Policy 6.1 – Enable the provision of a well-designed, diverse and affordable housing supply that responds to population growth and targets, and the evolving demographics and lifestyle needs of our current and future communities.	• What investigation/research was undertaken to validate the increased emphasis on infill? Is it to address emerging trends since investigations were undertaken for the 30 Year Plan? • There is no specific mention of using government land to stimulate higher density development and investment (30 Year Plan Policy 40).
Policy 6.2 – Ensure there is a timely supply of land for housing that is integrated with, and connected to, the range of services, facilities, public transport and infrastructure needed to support liveable and walkable neighbourhoods.	• Regional Plans provide an important role in coordinating a strategic and staged approach to land supply and providing housing alongside services and facilities. Revised Regional Plans which are seen and agreed to by communities, are missing from the current planning reforms process and must be in place before any transformational change is proposed under the Planning and Design Code.
Policy 6.3 – Support regional centres and town growth and the demand for increases in housing supply within the existing town footprint our outside towns where there is demonstrated demand and it is contiguous with the existing development area.	• Clarification is sought as to what constitutes “demonstrated demand” for expanding township footprints.
Policy 6.4 – Promote residential and mixed-use development in centres and corridor catchments to achieve the densities required to support the economic viability of these locations and the public transport services.	• Spatial application needs to be based on sound strategic, emerging trends and community expectations, this is a missing step for both generation 1 Code application and subsequent Code Amendments until such time as Regional Plans are carefully considered and negotiated with stakeholders. • How is support for residential growth in centres going to be translated to on-ground developments (eg. willingness of owner/s to develop) and maintenance of non-residential land use primacy? Can case studies of successful examples of this be highlighted?

	• What are the “densities required” – these need to be defined so that the significant change in urban form that this entails, is widely understood and agreement reached with the community through the Regional Planning process. This lack of specificity about density is in contrast to the 30 Year Plan which provides a numerical definition for densities (Policy 3). This blurs the understanding of the proposed location and intensity of development sought by this policy; is this intentional? • As outlined above, there have been three significant policy changes in the City of Norwood Payneham & St Peters Development Plan since 2015 relating to increased infill opportunities. Clarification on the information used to support the need for further infill opportunities would be appreciated. • How do the SPPs link to the Healthy Neighbourhoods diagram on pg. 35? For example, how does the “centres and corridor catchments” extend for the proposed increase in densities? Rezoning cannot occur until these areas have been mapped, providing transparency to the community on the intent and implications of the increased density policy. • Policy encouraging infill and alternative housing should be focused on corridors and centres to avoid disruptive change to areas of heritage character or other large, underutilised sites in appropriate locations.
Policy 6.5 – Provide a permissive and enabling policy environment for housing within residential zones, including the provision of small lot housing and aged care accommodation.	• This Council is concerned by the use of the term “permissive and enabling policy environment for housing within residential zones” – permissive and enabling policy environment implies an unfettered range of outcomes and gives no consideration to the need for context, assessment of impacts, and suggests development can go above and beyond the established Code policies – this does not support consistency and certainty as the planning system set out to do. This also gives no consideration to residential character areas – the category of residential zones covers a range of zones and styles of neighbourhoods. • This policy is too generic and open-ended and is potentially at odds with P.1 Integrated Planning policy and P.2 Design Quality, particularly if development is ‘deemed to satisfy’ with no opportunity for a thorough assessment to be undertaken. How permissive and enabling are the future development policies intended to be and what development pathways are envisaged to achieve this? • Local areas will be looking for the opposite of ‘permissive and enabling’. Rather, these communities will be seeking a strong and precise policy that clearly identifies desired future development whilst allowing for housing choice and quality design outcomes that reflects local character

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	- Reduced planning controls over small lot and aged care accommodation is not justified without looking at the merit of other housing options (eg laneway & accessory housing, 'fonzy flats', SoHo developments) that may better integrate into local areas. Changing land division patterns and large aged care complexes are not the answer in residential character areas. National aged care packages for ageing in place will support different living arrangements. - A definition is required for 'small lot housing' – does this refer to granny flats or small community title properties?
Policy 6.6 – Increase the amount and diversity of residential accommodation in Adelaide City to support a variety of household types for a range of age and income groups, including students, professionals and the ageing.	This is supported – however what targets are sought?
Policy 6.7 – Enable and encourage the provision of Affordable Housing through incentives such as planning policy bonuses or concessions (e.g. where major re-zonings are undertaken that increase development opportunities).	- Providing incentives (for affordable housing) and diluting planning policy have historically had limited impact and community opposition. The 15% affordable housing requirement for larger developments in significant development areas is already in use. - This council generally supports flexibility for affordable housing, however the policies should consider the potential impacts on the surrounding locality – flexibility shouldn't be provided at an unreasonable cost to surrounding properties. - Consideration should also be given to the longer term implications of concessions – i.e. what happens if affordable housing evolves into the standard property market but the lack of car parking, design quality etc. is already entrenched - There is the possibility of tension between policies relating to design quality vs housing affordability, particularly in light of the intent for 'permissive and enabling development'. This will present a serious challenge when attempting to 'codify' good design outcomes in areas of increasing urban density.
Policy 6.8 – Support the creation of healthy neighbourhoods that include diverse housing options; enable access to local shops, community facilities and infrastructure; promote active travel and public transport use; and provide quality open space, recreation and sporting facilities.	- This is supported – healthy neighbourhoods should also include protection from unreasonable impacts. - This policy needs to also recognise the potential health and well-being impacts of noise, traffic congestion and vehicle emissions associated with living at high densities on transit corridors.

State Planning Policy 7: Cultural Heritage	
Objective: Places of cultural heritage significance and heritage areas are conserved for the benefit of our present and future generations.	• The objective is supported as a high level statement however this objective is not reflected in the subsequent policies. • SPP7 requires significantly greater content to address the importance of preserving building heritage at all levels (National, State, Local, Historic (Conservation) Zones and Contributory Items) and the significant value that communities place on the preservation of heritage. The State Planning Policies should clearly articulate the State's strategic position on built heritage, particularly how built heritage will be managed and protected in the new system. It is important this State Policy recognises, identifies, protects and incorporates our distinct heritage and identify into the new planning system. • The objective refers to conservation of "heritage areas". What areas does this include? There are no corresponding policies which address the conservation of heritage areas. Is this intended to incorporate heritage listed places? • There is no recognition of/or relationship to the 30-Year Plan Heritage Policies which refer to the conservation and identification of heritage places and the value that communities places on heritage • There is also no reference to respecting the context of heritage areas and places, particularly development adjacent to heritage places and the need to respond to local context. • It has been suggested that other policies address the preservation of built heritage however the design quality SPP only includes a small reference to having performance based design in 'heritage and character areas' however there is much more to designing for and around heritage places. • Additional policies should be included to address: ○ fostering links to tourism and economic prosperity; ○ recognition that retention of 'heritage' is what makes a place unique, giving it a story and an identity; ○ statements about the protection of cultural landscapes (not as individual heritage places but rather as significant landscapes ie the Barossa) artefacts, shipwrecks etc; ○ more explicit recognition and protection of the Aboriginal cultural heritage of all 39 South Australian traditional language groups, lands and sites/areas of significance; ○ how heritage places and areas will be protected with increasing pressure for urban infill and redevelopment. Heritage protection of identified places or areas can be achieved without

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		‘stifling’ development opportunities; ○ the future policy framework for listing buildings and places.
Policy 7.1 Support and promote the sensitive and respectful use of our culturally and historically significant places.		• P.1 refers to historically significant places – what is included in this term? • This Council supports the respectful use of heritage significant places however European cultural heritage is so much more than how heritage buildings are used. There are no policies addressing preservation or sympathetic development of heritage buildings and areas.
Policy 7.2 Recognise and protect Indigenous cultural heritage sites and areas of significance.		• This is supported, however given the sensitivities surrounding the identification/mapping of significant aboriginal sites, how will this policy be achieved?
Non-statutory guidance notes “Regional Plans should implement the appropriate conservation of areas and places of cultural heritage significance” “The Code should implement state policies by identifying areas and places of national, state and local heritage value and may include the identification of places or items, including the extent of their cultural heritage significance. The first version of the Code will incorporate the existing state and local heritage items currently listed in Development Plans.”		• Why is the conservation of areas and places stated in the objective and Non-statutory guidance notes but not reflected in the policies? • It is understood that the SPPs only reference State and Local Heritage Places as these are considered to be relevant to state interests. However, it is not clear as to why Local Heritage Places, which are listed and managed at a local government level, are included but Historic (Conservation) Zones and Contributory Items are not included yet these are also listed and managed at a local government level. Historic (Conservation) Zones and Contributory Items are highly valued by our communities and cover significant portions of the state so it is considered important for the State government to recognise the value of all types of local level heritage. • Other SPPs go into much greater detail than SPP:7. The imbalance in the volume and quality of content between SPP7 and other SPPs presents a perception of bias and weighting amongst state issues.

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OUR PRODUCTIVE ECONOMY		
State Planning Policy 8 – Primary Industry		Not directly relevant to the City of NPSP.

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State Planning Policy 9: Employment Lands (page 45)		
Objective: Employment lands are protected from encroachment by incompatible development and are supported by appropriate transport systems and infrastructure.		- The objective itself is not clear on the definition of “employment lands”, leaving the scale of activities and land uses open for interpretation. If the intention of this policy is to set aside and protect industrial land for a variety of existing and future uses, then this should be specified. Many other land uses generate employment without requiring dedicated land. The meaning and implementation of this policy would be strengthened by including a useful definition. - SPP 9 policies commendably recognise a range of issues, however as a group, these policies could be read as providing mixed-messages about how and where different land uses should occur. The Objective, and Policies 2, 5 and 10 support separation of land uses, whilst Policies 1 and 9 encourage mixed use precincts, and policies 3 and 4 encourage a ‘flexible’ regulatory frame work. It is recommended that greater clarity be provided about how and when to apply different land use zoning to different scales of commercial activity. - Regional Plans should provide a spatially specific strategic plan by identifying distinct employment/commercial areas and/or identifying mixed use hubs. It is unclear how this policy could be implemented as anticipated at a local level until a Regional Plan is in operation. - Additional policy should be included in the P & D Code relating to interface between land uses and maintaining a variety of employment options. - Councils are dealing with increasing volumes of local nuisance matters. Managing mixed use precincts or co-located land uses must be carefully managed to avoid any increases in local nuisance matters. Most current mixed use precincts incorporating commercial and residential land uses typically include ‘professional’ employment opportunities that don’t have notable external impacts, whereas higher impacting activities are normally separated from residential

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	zones (not by large distances so as to be inaccessible, but a sufficient buffer so residents are not directly impacted).
Policy 9.1 – Enable opportunities for employment that are connected to, and integrated with, housing infrastructure, transport and essential services.	• This is supported in context, depending on location, scale, land use mix and externalities. Mixed use precincts should connect employment/services/business/residential uses <i>in appropriate locations</i> and only with <i>an appropriate mix</i> of uses. Some uses should be separated to avoid unreasonable impacts however this policy is too generic to identify these issues. • The need to connect industrial lands to good public transport should be emphasised, and this policy could be improved by an increased emphasis on connection with social infrastructure generally, not just housing infrastructure. • This policy will need to interact with many other policies and will require considered spatial expression and resolution, for example in relation to emissions and hazardous activities, interaction with housing supply and diversity, strategic transport infrastructure, climate change, natural hazards, design quality, integrated planning. • In contrast to 30 Year Plan, there is no mention of locating government services in activity hubs and significantly less focus on “activity centres” (30 Year Plan Policies 7-9)
Policy 9.2 – Support state-significant operations and industries and protect them from encroachment by incompatible and/or more sensitive land uses.	• State significant operations and industries are not the only scale which should be protected from encroachment by incompatible/sensitive land uses, there is legitimacy for a range of land uses, of importance to the local and regional economy and communities that require protection from encroachment.
Policy 9.3 – Support and promote adaptable policies that allow employment markets to evolve in response to changing business and community needs.	• This council is supportive of some flexibility to facilitate changeover and growth of business, however, land use changes should occur at a level which will not increase the impacts on surrounding properties or beyond the scope of their original Development Approval, at least without a further assessment being undertaken. Careful consideration should be given to how much a business can expand before it is considered to be an intensification which requires a new development assessment to be undertaken.
Policy 9.4 – Promote new, latent and alternative employment by enabling a diverse range of flexible land use opportunities.	• This policy may apply to the creative industries that are otherwise missing from the SPP. Land use flexibility will also need to consider interface issues and ensure good policy settings that enable creative and emerging industries to find appropriate space to and to grow.

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Policy 9.5 – Protect prime industrial land for employment use where it provides connectivity to freight networks; enables a critical mass or cluster of activity; has the potential for expansion; is connected to skilled labour; is well service; and is not constrained by abutting land uses.	• This Council supports the concept of separating commercial/employment districts from sensitive land uses – that is, providing a buffer to sensitive land uses but not excessive distances such that the employment districts are inaccessible. However, there is a range of commercial activities which should be adequately separated from sensitive uses, not just prime industrial land. • Is there potential for this policy to also contemplate/address changing markets to 24/7 operation in a digital world?
Policy 9.6 Allow for competition within the retail sector by providing an appropriate supply of land for all retail formats in areas that are accessible to communities.	• The application of Employment Lands SPP to retailing distribution and the role of multi-purpose activity centres is not clear. There appears to have been a complete shift away from the hierarchy of activity centres without there being a discussion about this shift or alternative approaches with communities or local government. A ‘free for all’ will not serve the community or governments well in the long term. The centres hierarchy establishes consistency and expectations amongst the community (including business operators) about what scale of retail operations to expect in a particular area. This information helps inform decisions about where businesses which to operate and where residents wish to live. • Competition has not historically been part of the planning system – why should it be now? We should have policies which facilitate a healthy economic environment, but not specifically competition. • There should be a demonstrated or carefully predicted need for retail land before it is provided. If too much retail land is provided and/or it is too spread out, it will not support a sustainable economy, nor co-ordinated investment in infrastructure and transport networks (including public transport). • How does this relate to Land Use Definitions and historically “problematic” land uses such as Bulky Goods? Is appropriate supply of land for all retail formats literally interpreted as everywhere? Is it nodal, is it linear, how does it relate to preserving vibrant, activated main street strips such as The Parade and Magill Road?
Policy 9.7 – Support sustainable tourism where the social, cultural and natural values underpinning the tourism developments are protected to maximise economic growth.	• Supported
Policy 9.8 – Strengthen the primacy of the city centre as the cultural, entertainment, tourism and economic focus of Greater Adelaide. Enhance its role as the centre for peak	• The Policy reflects the nature of the City of Adelaide as an economic hub for the state, which is understood, however the broader social and economic objectives of an activity centres hierarchy (as advocated in the 30 Year Plan – Map 2) appear to not be picked up in the SPPs.

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legal, financial and banking services, speciality health and medical services, higher education, the arts and high-quality speciality retailers that contribute to Adelaide City's attributes as a destination.	
Policy 9.9 – Encourage the development of vibrant employment and residential mixed-use precincts where conflicts between uses can be managed.	• Refer above comment about activity centres hierarchy.
Policy 9.10 – Plan for employment and industrial precincts that improve economic productivity, are protected from encroachment, connect to efficient supply chains, and minimise transport impacts on existing communities.	• Employment Lands SPP should extend to new high-tech industries that don't require whole precincts.
Non-statutory guidance notes "Regional plans should implement state policies by identifying existing and future sites for employment lands... Plans should also seek to reinforce clustering around key nodes that are well serviced by public transport, connected to priority freight routes and provide an attractive place to work." "... over regulation should be avoided"	• As above, it is important to be strategic about the location of commercial (including retail) land. While planning policy should not be too restrictive and there is a need to let the market 'play out', the location and size of commercial/retail uses should not be left entirely up to the business operators as it is likely that this will not be undertaken in a strategic manner in the best interests of the local area, and will not take into account the impacts on surrounding residents and other businesses and the existing and planned investment in infrastructure and public realm upgrades. • The message of "over regulation should be avoided" is partially supported, however the system should not be too flexible in such a way that creates unreasonable impacts on the surrounding area and local community (both socially and economically).
State Planning Policy 10 – Key Resources	Not directly relevant to the City of NPSP.

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OUR INFRASTRUCTURE AND MOVEMENT SYSTEMS		
State Planning Policy 11 – Strategic Transport Infrastructure		
Objective: Land development policies are integrated with existing and future transport infrastructure, services and functions to preserve and enhance the safe, efficient and reliable connectivity for people and businesses.		- SPP 11 is important in outlining transport infrastructure as a priority, however this policy is challenging to implement without spatially resolution. It is assumed with to “integrate” with land use but there are circumstances where the ‘place’ function, e.g. main streets, should have priority and influence location or status of transport. - This policy lacks recognition of the ‘link and place’ method of integrating and balancing transport and land use as set out in 30 Year Plan (Policy 75) and also the improvements to transit stops also anticipated in the 30 Year Plan (Policy 76)
Policy 11.1 – Enable an efficient, reliable and safe transport network connecting business to markets and people to places (i.e. where they live, work, visit and recreate)		Supported
Policy 11.2 – Promote development that maximises the use of existing and planned investment in transport infrastructure and services.		- Policies 2 and 9 are very similar and could be combined, or better defined if these are intending to address distinct issues. - It is recommended that these policies specifically recognise existing ‘strategic transport routes’ that are already defined as priority movement and freight routes.
Policy 11.3 – Enable equitable contribution towards the provision of transport infrastructure and services to support land and property development.		What is meant by ‘equitable contribution’? Who would be making the contributions and in what circumstances?
Policy 11.4 – Support the long-term sustainability and management of transport assets and the various modes that use these assets.		Supported
Policy 11.5 – Minimise negative transport-related impacts on communities and the environment.		Supported – consideration should be given to the potential tension between minimising negative transport related impacts and the desire for increased densities along transport corridors

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Policy 11.6 – Enable and encourage the increased use of a wider variety of transport modes including public transport, walking and cycling to facilitate a reduced reliance on private vehicle travel.		Council is supportive of the policy to encourage active travel and reduce vehicle trips which aligns with the Councils' Strategic Management Plan, <i>CityPlan 2030</i>.
Policy 11.7 – Allow for the future expansion and intensification of strategic transport infrastructure and service provision (corridors and nodes) for passenger and freight movements.		It is important that the Metropolitan Adelaide Road Widening Plan, and any similar or related strategies/plans, are reflected and supported in Regional Plans and imbedded in the development assessment system.
Policy 11.8 – Identify and protect the operations of key transport infrastructure, corridors and nodes (passenger and freight).		As above
Policy 11.9 – Enable development that is integrated with and capitalises on existing and future transport functions of transport corridors and nodes.		Policies 2 and 9 are very similar and could be combined, or better defined if are distinct issues.
Policy 11.10 – Plan development to take advantage of emerging technologies, including electric and alternative fuel vehicles, autonomous vehicles and on-demand transport opportunities.		

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State Planning Policy 12 – Energy		
Objective: The ongoing provision of sustainable, reliable and affordable energy options that meet the needs of community and business.		- Supported. - Objective should also make reference to support for sustainable energy management through renewables.
Policy 12.1 – Support the development of energy assets and their infrastructure which are able to manage their impact on surrounding land uses, and the natural and built environment.		
Policy 12.2 – Support and promote alternative sources of energy supply at the neighbourhood level.		- An important issue for the protection of renewable energy sources is the extent to which rooftop solar panels are impacted by overshadowing from adjacent development and vegetation. With the proposed intensification of building forms, the policy treatment in the Planning and Design Code requires careful consideration. - Due to the extent of domestic solar panels in South Australia, this is an issue warranting policy protection.
Policy 12.3 – Facilitate access to strategic energy infrastructure corridors to support the interconnection between South Australia and the National Electricity Market.		
Policy 12.4 – Ensure development in the vicinity of major energy infrastructure locations and corridors (including easements) is planned and implemented in such a way as to maintain the safe and efficient delivery and functioning of the infrastructure.		
Policy 12.5 – Ensure renewable energy technologies support a stable energy market and continued supply and do not adversely affect the amenity of regional communities.		

OUR RESILIENT COMMUNITIES AND ENVIRONMENT	
State Planning Policy 13: Coastal Environment	Not directly relevant to the City of NPSP.

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State Planning Policy 14: Water Security and Quality	
Supporting text “Actions such as incorporating water sensitive urban design into new development and retrofitting it into existing areas...”	The Council supports this statement, however WSUD is not referenced in any particular policy. It is unclear if the whole document is the statutory instrument or whether it is only the policies, however either way, it is recommended that WSUD is specifically referenced in the policies. This is an important State opportunity and should be included in the SPPs as a recognised and meaningful way to reduce water consumption and reduce water runoff/water pollution etc. The cumulative effects of large volumes of low-medium density development which gives little-no consideration of WSUD is of significance to SA communities and the environment.
Objective: South Australia’s water supply is protected from the adverse impacts of development.	- There is no reference to the status/promotion of stormwater and waste water capture and reuse mechanisms at local and neighbourhood level, such as detention/ retention tanks and the recycling of grey water (refer to WSUD comment above) - The 30-Year Plan policies give much greater prominence to stormwater infrastructure and WSUD in urban and built up areas. The SPP gives this aspect much less emphasis – how will these differences be resolved? - There is potential conflict with P.6 Housing Supply and Diversity which promotes infill leading to more impervious areas, greater run-off and resultant impacts on quality and quantity of water discharged.
Policy 14.1 Provide for the protection and security of the state’s water supply to support a healthy environment, vibrant communities and a strong economy.	This policy aims to be “all-encompassing” but will be difficult to achieve without a strong connection and integration with other SPPs.
Policy 14.2 Prioritise the protection of water supply catchments including:	This is supported, but is not of direct relevance to the City of Norwood Payneham & St Peters.

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a) The Mount Lofty Ranges Watershed b) Water Protection Areas under the <i>Environment Protection Act 1993</i> c) The River Murray Protection Area under the <i>River Murray Act 2003</i> d) Prescribed water resources and wells under the <i>Natural Resources Management Act 2004</i>.		
Policy 14.3 Provide for infrastructure and land use policy that aims to decrease flood risk and improve water quality and urban amenity.	• This is supported. This policy needs to be reconciled with SPP6 Housing Supply and Diversity which promotes infill leading to more impervious areas, greater run-off and resultant impacts on quality and quantity of water discharged. • Site coverage, water capture and re-use and landscaping requirements will form important of the Deemed to Satisfy and Performance Assessed policy tables.	
Policy 14.4 Ensure our water supply, stormwater and wastewater infrastructure meets the needs of a growing population and economy while balancing environmental outcomes.	• It is unclear how this is to be achieved in existing established and built up areas.	

Consultation Draft State Planning Policy August 2018		Comment
State Planning Policy 15 – Natural Hazards		
Objective: Communities and developments are protected from the adverse impacts of natural hazards.		- It is recommended that this be expanded to recognise hazardous activities as a result of industrial development as well as natural hazards. - The introductory text refers to industrial hazards, but could also include vehicular emissions (from main roads/freight routes) as an identified hazard.
Policy 15.1 Identify and minimise the risk to people, property and the environment from exposure to natural hazards including bushfire, terrestrial and coastal flooding, erosion, dune drift and acid sulphate soils.		This is supported and aligns to the Resilient East Regional Climate Change Adaptation Plan.
Policy 15.2 – Design and plan for development in accordance with a risk hierarchy of avoidance, adaptation and protection.		This is supported and aligns to the Resilient East Regional Climate Change Adaptation Plan.
Policy 15.3 – Locate critical infrastructure such as hospitals, telecommunications, transport systems, and energy and water services in areas that are not exposed to risk from natural hazards.		This is supported, however this won't always be achievable.
Policy 15.4 – Mitigate the impact of extreme heat events by designing public spaces and developments to create cooler micro-climates through the use of green infrastructure.		- Can this policy be reworded to clarify that that <i>both public and private developments</i> should mitigate the impact of extreme heat events through policy on site coverage and landscaping? - As referred to in previous comments, a definition for 'green infrastructure' is required
Policy 15.5 – Protect key coastal areas and critical infrastructure at risk from sea level rise, coastal erosion and storm surges.		

Consultation Draft State Planning Policy August 2018		Comment
State Planning Policy 16: Emissions and Hazardous Activities		
Supporting Text “Land use planning has an important role to play in supporting industrial clusters and protecting communities from harmful emissions. Identifying regional level (or cumulative) air quality and noise risks is critical to strengthening the liveability and resilience of our state” “Land use interface risks can be avoided or mitigated through ensuring: Appropriate separation between emission sources and/or hazardous activities and sensitive land uses... Suitably zoned land”		The Council supports appropriate zoning and separation between land uses.
Objective: Communities and the environment are protected from risks associated with emissions, hazardous activities and site contamination, whilst industrial development remains viable.		
Policy 16.1 – Ensure our communities and the environment are protected from risks associated with emission and radiation activities while ensuring that industrial and infrastructure development remains viable through: - Ensuring appropriate zoning and mixed uses are compatible - Avoiding establishing incompatible land use interfaces through encroachment on industrial sites by maintaining adequate separation distances. - Incorporating engineering controls into building design where emission or impacts are unavoidable		This is supported, however it should apply to any level of industry/commercial activities (not just large scale) where there could be impacts and also locating sensitive uses such as residential development on arterial roads.

Consultation Draft State Planning Policy August 2018		Comment
Policy 16.2 – Ensure risk posed by known or potential contamination of sites is adequately assessed and managed to enable the appropriate development and safe use of land.		This is supported – how can we manage this through the ePlanning system? Potential contamination is often identified by site history. In the new system, there will be private certifiers, land owners etc who don't have access to the level of site history information that Councils have.