

CITY OF WEST TORRENS



## Notice of Council Meeting

**NOTICE IS HEREBY GIVEN** in accordance with Sections 83, 84, 87 and 88 of the *Local Government Act 1999*, that a meeting of the

### Council

of the

**CITY OF WEST TORRENS**

will be held in the Council Chambers, Civic Centre  
165 Sir Donald Bradman Drive, Hilton

on

**TUESDAY, 7 JULY 2020  
at 7.00pm**

Public access to the meeting will be livestreamed audio only at the following internet address: <https://www.westtorrens.sa.gov.au/livestream>

**Angelo Catinari  
Chief Executive Officer (Acting)**

#### **City of West Torrens Disclaimer**

Please note that the contents of this Council Agenda have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision.

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## **1 MEETING OPENED**

### **1.1 Acknowledgement of Country**

### **1.2 Evacuation Procedures**

### **1.3 Electronic Platform Meeting**

## **2 PRESENT**

## **3 APOLOGIES**

### **Leave of Absence**

#### **Council Member:**

Cr Brandon Reynolds

## **4 DISCLOSURE STATEMENTS**

Elected Members are required to:

1. Consider Section 73 and 75 of the *Local Government Act 1999* and determine whether they have a conflict of interest in any matter to be considered in this Agenda; and
2. Disclose these interests in accordance with the requirements of Sections 74 and 75A of the *Local Government Act 1999*.

## **5 CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

That the Minutes of the meeting of the Council held on 16 June 2020 be confirmed as a true and correct record.

## **6 MAYORS REPORT**

### **(Preliminary report for the agenda to be distributed Friday, 3 July 2020)**

In the three weeks since the last Council Meeting of 16 June 2020 functions and meetings involving the Mayor have included:

#### **17 June**

- Participated in a GAROC Covid-19 Webinar on the curation of main streets and community hubs through events, arts and entertainment, street / public space infrastructure projects and other innovations.

#### **19 June**

- Met with Mr Frank Violi, President of the Italian Pensioners of Thebarton and Suburbs Inc.
- Participated in a meeting of the Australian Mayoral Aviation Council Executive to discuss membership subscriptions and timing of the national conference and AGM.
- Attended a site visit of the Weigall Oval and Lockleys Oval facilities with Elected Members, hosted by Angelo Catinari.

**20 June**

- Met with George Diakomichalis at his Kalymnos Bakery.

**26 June**

- Met with a West Richmond resident to discuss concerns over the McDonalds/BWS site redevelopment on Marion Road.
- Joined CWT staff for the Local Government Professionals Excellence Awards, held as a virtual awards event broadcast in the George Robertson Room. The City of West Torrens "Industry 5.0" Team was the successful nominee for the *Innovative Management Initiatives Award* for the City Operations Mobility Project which was a fantastic achievement for the team.

**28 June**

- Attended the West Adelaide v North Adelaide SANFL match held at Adelaide Oval.

**1 July**

- Met with Mr Jeff Ramm, President of the Peake Riverside Gardens Tennis Club to discuss a redevelopment of their club in Marleston.

**2 July**

- Regular Coast FM interview with Dave Hearn.
- Met with Mr Frank Violi, President of the Italian Pensioners of Thebarton and Suburbs Inc.

In addition, after the compilation of this report on Thursday as part of the Agenda to be distributed on Friday, I anticipate having attended or participated in the following:

**3 July**

- Met with Mr David Hutchison and a West Richmond resident to further discuss the redevelopment of the McDonalds/BWS site on Marion Road.

**6 July**

- Meeting with Mr James Dyson, President of the Glenelg Phantoms Cricket Club to discuss use of Camden Oval.

**7 July**

- Council Meeting

**RECOMMENDATION**

That the Mayor's Report be noted.

**7 ELECTED MEMBERS REPORTS****8 PETITIONS**

Nil

**9 DEPUTATIONS**

Nil

**10 ADJOURN TO STANDING COMMITTEES**

Nil

**11 ADOPTION OF STANDING COMMITTEE RECOMMENDATIONS**

Nil

**12 ADOPTION OF GENERAL COMMITTEE RECOMMENDATIONS**

Nil

**13 QUESTIONS WITH NOTICE**

Nil

**14 QUESTIONS WITHOUT NOTICE****15 MOTIONS WITH NOTICE****15.1 Return to the Council Meeting Schedule**

Cr Cindy O'Rielley has given notice of her intention to move the following motion:

**MOTION**

That given the directions of the State Coordinator under section 25 of the *Emergency Management Act 2004* pursuant to *Emergency Management (Gatherings No 3) (COVID-19) Direction 2020* allowing council and council committee meetings to be held 'in person' rather than by electronic means, the City of West Torrens:

1. resume its normal council and committee meeting schedule 'in person' effective from 1 August 2020; and
2. provide that public attendance at such meetings will continue to be held via electronic means (audio livestream) given that density requirements for 'in person' public attendance consistent with the directions of the State Coordinator cannot be satisfied at this stage.

**15.2 Opposition to Glenburnie Terrace, Plympton Development**

Cr Simon Tsiaparis gave notice of his intension to move the following motion:

**MOTION**

That the Mayor write to the State Commission Assessment Panel (SCAP) to reiterate its strong opposition to the proposed development at 1 Glenburnie Terrace, Plympton highlighting that the current proposals represent an overdevelopment of the site and create significant negative community impacts.

**16 MOTIONS WITHOUT NOTICE**

## **17 REPORTS OF THE CHIEF EXECUTIVE OFFICER**

### **17.1 Authority to Expend Funds in the 2020/21 Financial Year**

#### **Brief**

This report proposes that the expenditure of funds be authorised in the 2020/21 financial year prior to adoption of the Council Budget and Annual Business Plan for 2020/21 occurring on 4 August 2020.

#### **RECOMMENDATION(S)**

It is recommended to Council that:

1. Council notes that in accordance with the provisions of the *Annual Business Plans and Strategic Planning Notice (No. 4) 2020*, the 2020/21 Budget and Annual Business Plan of the Council is not proposed to be adopted until 4 August 2020;
2. Until such time as the 2020/21 Budget and Annual Business Plan is adopted that Council approve the expenditure of funds on the works, services and operations of the Council where identified as:
  - (a) Operational expenditure, including employment expenses;
  - (b) Expenditure on the capital programs of the Council; or
  - (c) Expenditure on the capital works programs of the Councilin the draft Budget and Annual Business Plan for 2020/21 which was endorsed for community consultation on 16 June 2020;
3. The Chief Executive Officer be authorised to expend the funds of the Council referred to in recommendation 2 of this resolution in accordance with the terms of this approval as the Chief Executive Officer sees fit;
4. The Chief Executive Officer be authorised to delegate authority to other officers of the Council to expend funds approved in recommendation 2 in accordance with the terms of this approval as the Chief Executive Officer thinks fit.

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#### **Discussion**

Section 44(3)(e) of the Local Government Act 1999 limits Council's power to delegate the spending of money on works, services or operations of the council not contained in a budget adopted by the council.

Adoption is not scheduled to occur until 4 August 2020.

The recommendation in this report addresses this situation and is based on a draft from Norman Waterhouse Lawyers which was provided through the Local Government Association. It provides the Administration with the authority it needs to operate in the initial weeks of the 2020/21 financial year prior to the adoption of the budget and annual business plan.

#### **Climate Impact Considerations**

*(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)*

There is no direct environmental impact in relation to this report.

#### **Conclusion**

This report proposes that the expenditure of funds be authorised in the 2020/21 financial year prior to adoption of the Council Budget and Annual Business Plan for 2020/21 occurring on 4 August 2020.

#### **Attachments**

Nil

## 17.2 Small Business Economic Stimulus Initiative

### Brief

This report presents a proposal to establish a business economic stimulus program to support those small businesses within West Torrens which are recovering from restrictions imposed by the Public Activities Covid-19 State Directions. The initiative would simultaneously recognise both front line emergency services workers and support vulnerable community members living within West Torrens.

### RECOMMENDATION

It is recommended to Council that:

1. It approves the establishment of a (Small Business Economic Stimulus Initiative (Small Business Voucher Program), as detailed in this report, to operate between 1 September 2020 and 1 December 2020 or until the vouchers have been fully subscribed, whichever is earlier.
2. It approves funding of \$100,000 to the small business voucher program, allocated from Council's Covid-19 relief fund, to create 4,000 x \$25 vouchers available to eligible recipients for redemption in participating businesses.
3. Eligible recipients be those categorised as Stream A and Stream B in this report, i.e. those residents of West Torrens who are first line emergency services workers or recipients of identified Centrelink payments respectively.
4. Stream A recipients' vouchers be in the form of \$25 off a purchase of \$50 or more at participating eligible businesses to maximise the potential local economic benefit.
5. Stream B recipients' vouchers to be in the form of a single use \$25 voucher for redemption at eligible participating businesses.
6. Vouchers not be redeemable against the purchase of alcohol, cigarettes or gambling.
7. One (1) voucher in total per eligible recipient to be issued.
8. Only those small businesses that were categorised as 'defined activities' in the *State Public Activities Covid-19 Directions* be invited to participate in the small business voucher program.
9. It promotes those businesses participating in the small business voucher program on Council's media and other platforms including Talking Points.

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### Introduction

Council has recently demonstrated its support for small businesses within West Torrens by committing to the *Small Business Friendly Council Charter* and approving a small business grant program for local businesses.

Many local small businesses within West Torrens were categorised as 'defined activities' within the South Australia Public Activity State Directions. As a result, many, if not all, were significantly impacted by the restrictions imposed on them through Stages 1, 2 and 2+ of the COVID 19 pandemic roadmap. This comprised either being required to close or restrict trade i.e. beauty salons, cafes and restaurants, indoor playgyms/playspaces, gyms etc.

To support these businesses during the current economic and social recovery phase, an economic stimulus initiative is proposed that not only supports these businesses in their recovery but also recognises and rewards the efforts of those front line emergency services workers living in West Torrens and supports those eligible vulnerable residents within West Torrens.

This economic stimulus package comprises the issuing of vouchers to the value of \$25 to eligible local residents and first line emergency services workers (Workers) to redeem at local businesses. The aim of these vouchers is to:

- reward and recognise those Workers who have selflessly supported the West Torrens community throughout the Covid-19 pandemic;
- provide some relief to a defined cohort of vulnerable people within West Torrens;
- support local participating businesses by driving voucher holders to their business and encourage repeat business that assists with longer term business recovery.
- encourage residents to reconnect with friends and family while supporting local business.

If approved, this initiative, combined with the overarching Business and Community support Package, would represent more than \$350,000 in additional stimulus to the small business community of West Torrens (and participating residents).

## Discussion

### *Vouchers to Reward, Recognise and Encourage Repeat Business*

This multi-faceted initiative is designed to stimulate the local economy by encouraging residents to patronise participating local establishments thereby, contributing to a sense of vibrancy as the City recovers from the impact of Covid-19. It would also reward local 'heroes'- front line emergency services workers in our local area and provide some relief to Council's more vulnerable residents.

This initiative has its genesis in the '*Prospect Delivers*' program which the City of Prospect created during the peak of COVID-19 infections when residents were discouraged from non-essential activities outside of the home. For this reason the '*Prospect Delivers*' program focussed on assisting vulnerable residents in accessing non-contact food, delivered from local small-business takeaway establishments.

However, given we are now in a different stage with regard to Covid-19, the '*Prospect Delivers*' model no longer reflects the current business or community context within West Torrens in that:

- a) restrictions no longer apply with regard to community mobility;
- b) cafes and restaurants are now able to provide sit down table service rather than solely takeaway service;
- c) Council already has a range of programs to assist vulnerable residents access suitable meals;
- d) the restrictions applying to defined business have been lifted to a large extent;
- e) with the peak of the public health emergency appearing to be behind us in SA, focus has shifted to supporting economic recovery and particularly retaining local employment and ensuring local businesses survive these troubled economic times.

**The Concept:**

To assist defined businesses within West Torrens in their recovery from the impacts of Covid-19, the concept is geared to drawing new customers to those Covid-19 affected businesses in West Torrens with the intention of stimulating repeat business and therefore driving more rapid economic recovery.

The concept comprises the provision of a \$25 voucher to each eligible resident, who registers for the voucher, for redemption at those participating businesses in West Torrens that were categorised in the State Directions as 'defined activities' and, as such, were required to either close their business through the earlier stages of the Covid-19 roadmap or were required to restrict their trade i.e. takeaway service only. An estimated 1300 businesses in West Torrens were categorised as 'defined activities' and would be eligible to participate in the program.

In support of the concept, it is proposed that \$100,000 be allocated from Council's COVID-19 relief/stimulus fund which would result in 4,000 vouchers being available to eligible residents. Each voucher will be coded and reimbursed when a participating business submits evidence of the redemption of the voucher at that business.

While it is proposed that the vouchers made available to eligible Centrelink recipients will not require additional purchases, those for resident first line emergency services workers will require co-contribution by the voucher holder to a minimum of \$25 to further improve the economic benefit of the stimulus package. This co-contribution is discussed later in this report.

At full subscription, this would mean that Council's \$100,000 investment could generate at least \$150,000 in economic activity within the local economy.

It is proposed that the program commences on 1 September 2020 and run until 1 December 2020 or until the vouchers are fully subscribed, whichever is earlier. Single vouchers only will be issued to maximise the number of people who benefit from these vouchers.

City of West Torrens employees, Elected Members and their immediate family members would be ineligible for these vouchers.

**Eligible Businesses**

As detailed earlier, it is proposed that those businesses that were categorised as defined activities within the State Directions be invited to participate in this program. They comprise:

- restaurants and cafes;<sup>1</sup>
- hairdressers and barber shops;
- beauty salons, nail salons and other premises at which beauty therapy and tanning, waxing are provided;
- gymnasiums, health clubs, fitness centres, and yoga, barre and spin facilities;
- function centre or entertainment venue of any kind;<sup>1, 2</sup>
- licensed hotels - general and hotel licences (food component only);<sup>1</sup>
- theatres, concert venues, and other places where live performances occur;<sup>1, 2</sup>
- saunas, wellness centres, and spas;
- any venue that hosts weddings or conducts funerals<sup>1, 2</sup>.

**Notes:**

<sup>1</sup> vouchers will not be valid for any alcohol, liquor or gambling component

<sup>2</sup> vouchers may only be used within the designated timeframe



## **Eligible Recipients**

### ***Stream A Voucher Recipients***

In recognition of their efforts during the Covid-19 health emergency, it is proposed that Stream A voucher recipients be those resident first line emergency services workers i.e. Doctors, Nurses, Ambulance, Police, Fire Brigade.

Health Care and Social Assistance is the largest employment sector in the City of West Torrens, making up 12.1% of total employment. Approximately 2132 West Torrens residents are employed in this category across West Torrens.

This higher income customer demographic will be issued with vouchers that are '**\$25 off**' with a total spend of \$50 or more. This means that recipients contribute financially to the incentive. In recognition that shopping and eating is more fun with company, this concept is essentially a "2 for 1" voucher to encourage those with greater capacity to spend, to bring a partner, family member, friend or group etc. As mentioned earlier, it is hoped that this drives new customers to defined activities who become repeat customers.

It is proposed that 2,000 of the 4,000 vouchers be made available to Stream A recipients.

### ***Stream B -Vulnerable Populations***

Stream B is geared towards providing support to those financially vulnerable residents in receipt of Centrelink payments.

It is proposed that Stream B voucher recipients include those on Jobseeker, Youth Allowance, and other eligible Centrelink cohorts i.e. Aged Pension, Carers Pension, NDIS etc.

The Jobseeker (over 21) and Youth Allowance (under 21) recipients dataset released by the Department of Social Services is now updated monthly, Jobseeker has replaced Newstart. To be eligible for JobSeeker, participants must be unemployed and looking for work, though certain activity criteria have been relaxed during the COVID-19 crisis.

The data for May 2020 indicates there are 3,853 Jobseeker and youth allowance recipients within West Torrens. This represents an increase of 561 since April 2020. The highest increases in May comprised Plympton with an additional 229 registrations, Richmond with an additional 184 registrations and Lockleys with an additional 116 registrations.

While there is no access to updated Aged Pension, Carer Pension and/or NDIS data, it would be reasonable to estimate that around a similar proportion to that of Jobseeker and Youth Allowance would be registered for these payments. As such, eligible Stream B recipients would be in the region of 7,500 people. While this number is high, it is not expected that all eligible recipients will register for a voucher given that, on average, only around 25% of those able to do so, take up such initiatives as this. With 2,000 vouchers being available to support this cohort, it is anticipated that this number would be sufficient to meet demand however, as stated previously, the program will end when either all vouchers are issued to eligible recipients or 1 December 2020, whichever is earlier.

This cohort is not expected to provide a co-contribution on redemption of the voucher, given this is a social support initiative with the added benefit of potentially accelerating the economic recovery of local impacted businesses, so while the local economic benefit is not expected to exceed the \$50,000 invested by Council, the potential is there for these recipients and/or their accompanying friend or relative to make additional purchases at the business at which the voucher is redeemed. Any such additional purchase is additional local economic benefit.

**How it works:**

While the precise details are currently being developed, Council's support for the initiative is sought before local businesses can be approached to encourage them to join the program and accept vouchers. While participating businesses will benefit from not only the driving of customers to their business as a result of this initiative, they will also derive benefit from the promotion of their businesses on Council's social media platforms and other media, yet be determined.

The Administration will undertake an intensive program of promotion to businesses to recruit them to partner in the initiative. This would initially be undertaken through targeted social media, secondly, promoted through Council's Talking Points publication and also via personal contact with eligible businesses to encourage participation in the program.

While a cost effective, copy-proof way of distributing vouchers to those residents and workers in the eligible demographics is yet to be finalised the Administration is investigating electronic vouchers and QR codes on hard copy vouchers to ensure the integrity of the voucher and redemption process. This process will be established and operational by the commencement of the program.

It is also proposed that eligible residents be asked to simply register their details on line for the vouchers with an identification process to ensure their eligibility i.e. Centrelink card. Once eligibility is confirmed, a voucher will be provided to them electronically. While this is the preferred method for registering for a voucher, it is acknowledged that not all eligible residents will have access to technology so hard copy registrations will be accepted and hard copy vouchers issued to those eligible residents.

**Marketing and Promotion**

The core demographics will be reached through social media targeted promotion, existing community services networks and other mediums including the September edition of Talking Points. Elected Members could also assist by promoting the initiative on their social media pages.

**Climate Impact Considerations**

*(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)*

Encouraging local residents and workers to shop locally potentially reduces the carbon footprint and embedded carbon miles in accessing their purchases while assisting the local economy and retaining local jobs.

Retaining existing businesses in the area may also assist to minimise additional wastage of materials through signage, business cards, shop fit out when businesses might otherwise close and be replaced with a new business.

Retaining existing businesses also reduces the potential for local residents to need to travel greater distances to access alternative employment.

Ensuring more local residents and business owners stay gainfully employed improves their financial capacity to be able to make more environmentally friendly decisions rather than prioritising price over environmental considerations when making their own purchasing decisions.

**Conclusion**

A local small business recovery stimulus initiative comprising vouchers for local residents and resident first line emergency services workers to boost the local economy and encourage repeat customer visitation is proposed during September 2020 to December 2020, or until the total pool of funds are expended.

**Attachments**

Nil

### 17.3 2020 Local Government Association Annual General Meeting - Proposed Items of Business and Appointment of Delegates

#### Brief

This report seeks proposed items of business and appointment of delegates to the 2020 Local Government Association Annual General Meeting to be held on Thursday 29 October 2020 at the Adelaide Town Hall.

#### RECOMMENDATION(S)

It is recommended to Council that:

1. The Local Government Association be advised that the voting delegate for the City of West Torrens at the Local Government Association Annual General Meeting be Mayor Michael Coxon with Deputy Mayor, Cr John Woodward as proxy.
2. The recommended process for the lodgement of Notices of Motion for the 29 October 2020 Local Government Association Annual Meeting, contained within the report, be approved.
3. It authorises the Chief Executive Officer to finalise the wording of any Item of Business and submit them to the Local Government Association.

---

#### Introduction

The Local Government Association's (LGA) 2020 Annual General Meeting will be held on Thursday 29 October 2020 at the Adelaide Town Hall (subject to restrictions on gatherings). As such, the LGA is seeking notices of motions to either GAROC (Greater Adelaide Region of Councils) or the LGA Board of Directors for consideration and inclusion in the Annual General Meeting agenda (**Attachment 1**).

#### Discussion

##### *Submission of Proposed Item of Business*

The purpose of the LGA's Annual General Meeting (AGM) is to consider items of strategic importance to the local government sector.

The submission of any proposed notice of motion is to be accompanied by sufficient supporting information to assist GAROC and/or the Board of Directors to make informed decisions relating to agenda items. GAROC and/or the Board of Directors will make decisions on which items will be included in the agenda with reference to the following:

- Strategic importance;
- Supporting evidence;
- Alignment with LGA policy; and
- Resourcing.

A detailed explanation of these considerations can be found at **Attachment 2**.

For an item to be considered for the AGM on 29 October 2020, proposals must be received by the LGA no later than 5pm on **Monday 17 August 2020**. In line with previous practice, it is recommended that the process outlined below be approved for those Elected Members who wish to lodge Motions to the October 2020 LGA AGM:

1. Draft Items to be provided to the Chief Executive Officer by **Tuesday 14 July 2020**.
2. The Administration to discuss the draft Items with the LGA Secretariat, as recommended, to ensure that issues of concern are not raised elsewhere.

3. Draft Items to be presented to the **Tuesday 4 August 2020** Council Meeting for approval.
4. The CEO to subsequently finalise the wording of any Items to facilitate changes of a practical nature without the need to refer back to a formal meeting of Council.
5. Administration to provide approved motions to the LGA by no later than the close of business on **Monday 17 August 2020**.

#### *Voting Delegates*

As per clause 12 of the LGA Constitution, the LGA must maintain a register of voting delegates. Council may appoint a new delegate at any time by submitting a LGA General Meetings - Appointment of Council Delegate form (**Attachment 3**). Any changes to the voting delegate must be made to the LGA by close of business on Monday 17 August 2020. It is proposed that this be Mayor Coxon with Deputy Mayor Woodward as per Council's standard practice.

#### **Climate Impact Considerations**

There is no direct environmental impact in relation to this report.

#### **Conclusion**

The LGA has advised of its upcoming AGM on Thursday 29 October 2020 and is calling for Items of Business and voting delegates for the meeting.

#### **Attachments**

1. **Circular 2020 LGA Annual General Meeting - Proposed Items of Business**
2. **Considering Proposed Items of Business for the LGA AGM**
3. **LGA General Meetings – Appointment of Council Delegate**



**Local Government Association  
of South Australia**

## 2020 LGA Annual General Meeting - Proposed Items of Business

### 27th May 2020

Proposed items of business to be considered by SAROC, GAROC or the LGA Board of Directors for inclusion on the agenda of the 2020 LGA Annual General Meeting are due by Monday, 17 August 2020.

The LGA Annual General Meeting (AGM) is scheduled to be held on Thursday 29 October 2020 at the Adelaide Town Hall (subject to restrictions on gatherings). A key purpose of the AGM is to consider items of strategic importance to local government and the LGA, as recommended by SAROC, GAROC or the Board of Directors.

In anticipation of the AGM being held in October as scheduled, member councils are invited to submit proposed items of business for consideration by SAROC, GAROC or the LGA Board of Directors.

To submit a proposal please complete the [LGA General Meeting - Proposed Item of Business](#) form. For items of business to be considered for the AGM of 29 October 2020, proposals must be received no later than 5pm on **Monday, 17 August 2020**.

Proposals received after this date will not be considered for the 2020 AGM.

Member councils may at any time throughout the year propose an item of business for a General Meeting. Any proposed items of business received after 17 August 2020 will be considered by SAROC, GAROC or the LGA Board of Directors for the next LGA Ordinary General Meeting in April 2021.

In order to be included on the agenda for a General Meeting, all proposed items of business should comply with the LGA's Guidelines, which are available at [LGA AGM and OGM](#).

Proposals should be accompanied by sufficient supporting information to assist SAROC, GAROC and the LGA Board of Directors to make informed decisions and recommendations. Councils are encouraged to discuss proposed items of business with the LGA Secretariat prior to being submitted.

Further information about LGA General Meetings, Board of Directors, SAROC and GAROC, the LGA Constitution and Ancillary Documents is available on the [LGA website](#).

Note: Items of Business recommended to the LGA Ordinary General Meeting April 2020 (meeting deferred due to COVID-19) do not need to be resubmitted. At the direction of the submitting councils, those items will be considered by the LGA Board of Directors or included on the agenda for the next LGA General Meeting.

For further information please contact Lisa Teburea, Executive Director Public Affairs at [lisa.teburea@lga.sa.gov.au](mailto:lisa.teburea@lga.sa.gov.au) or on 8224 2068

# Considering Proposed Items of Business for LGA General Meetings

## Guidelines

February 2019

Version 1



## Introduction

The Local Government Association of South Australia (LGA) schedules two General Meetings each year for member councils to consider items of strategic importance to local government and the LGA. Proposing and voting on items of business for a General Meeting is one of the important ways that member councils participate in the development of policy and strategy on issues and influence the advocacy agenda for local government in matters affecting councils and their communities.

These guidelines have been prepared to assist the LGA Board of Directors (Board), South Australian Region Organisation of Councils (SAROC) and Greater Adelaide Region Organisation of Council (GAROC) to consider the items of business to be placed upon an agenda for an LGA Ordinary or Annual General Meeting. They also provide guidance to member councils to develop and prioritise proposals to submit for consideration.

The *Considering Proposed Items of Business for LGA General Meetings* Guidelines may be reviewed and amended by the LGA Board of Directors from time to time.

## LGA Constitution

Section 16 of the LGA Constitution provides guidance about the matters to be discussed at a General Meeting, and the process by which items of business may be proposed for inclusion on the agenda. The requirements of Section 16 are outlined below.

### 16. Business of General Meetings

- 16.1 *The business of a General Meeting will be to consider items of strategic importance to local government and the LGA as recommended by SAROC, GAROC or the Board of Directors and matters which must be determined under this Constitution at a General Meeting.*
- 16.2 *Any Member may propose an item of business for an Annual General Meeting or an Ordinary General Meeting to SAROC, GAROC or the Board of Directors.*
- 16.3 *No business shall be brought before a General Meeting of the LGA unless:*
  - 16.3.1 *it has been placed on the agenda of an Annual General Meeting or an Ordinary General Meeting by SAROC, GAROC or the Board of Directors taking into account the purpose of a General Meeting set out in clause 16.1; or*
  - 16.3.2 *the business is as stated in the notice of a Special General Meeting, given in accordance with clause 10.*

In summary, the Constitution provides all member councils with the opportunity to submit a proposed item of business to the Board, SAROC or GAROC for approval to be placed on the agenda of a General Meeting. No item of business will be placed upon the agenda for a General Meeting unless it has been approved by one of the relevant bodies, which must consider whether a matter is of 'strategic importance' to local government and the LGA'.

## Relevant bodies

As outlined in the Constitution, a member council may propose an item of business to SAROC, GAROC or the Board of Directors. This opportunity is also enshrined within the LGA Membership Proposition, which outlines the rights of members to participate in the development of LGA policy and strategy.

While the Constitution refers to members being able to refer items directly to the Board, the Membership Proposition specifically provides for members referring matters relating to policy and strategy development to either SAROC or GAROC (as relevant).

To provide greater clarity to members about the best pathway for submitting an item of business, the following guidance is provided.

### **LGA Board of Directors**

Items should be referred to the Board if related to:

- the LGA Constitution or Ancillary Documents
- a subsidiary of the LGA
- a commercial service provided (or proposed to be provided) by the LGA
- an activity requiring the allocation of significant resources by the LGA
- any LGA operational matter

### **SAROC or GAROC**

Items should be referred to the relevant ROC if related to:

- the development of LGA policy and strategy
- LGA advocacy activities
- an amendment or addition to the LGA Policy Manual
- an operational matter related to SAROC or GAROC

The Board, SAROC and GAROC may choose to refer items submitted by member councils to each other for advice or consideration. Such referrals will be at the discretion of the Board, SAROC and GAROC.

## **Guiding principles**

The following guiding principles have been developed to provide clarity and consistency to the Board, SAROC, GAROC and member councils about the relevant matters that will be considered in determining whether an item of business will be placed on the agenda of a General Meeting.

### **1. Strategic importance**

The matters discussed at General Meetings should be of strategic importance to local government and the LGA. The policies and activities that are resolved at the LGA General Meetings are important in guiding the priorities and work plans of the LGA, and it is important that the association's resources are focussed on the issues that will be of the greatest benefit to councils and communities.

In determining whether a matter is of strategic importance to local government and the LGA, the Board, SAROC and GAROC will consider:

- whether the item has relevance to and will benefit a particular group (eg regional or metro councils) or the sector as a whole;
- alignment with the strategic plans and business plans of the LGA, SAROC and GAROC;
- the level of urgency required to deal with the issue;
- relevance to the role of local government and the potential positive and negative impacts of the issue on councils and communities;



- whether there are other bodies or industry groups that are better placed to address the issue or undertake the proposed activity; and
- the resources required to execute the policies or activities.

## 2. Supporting evidence

Good public policy positions need to be supported by solid evidence that the issues are well understood and that the proposed course of action provides the most efficient and effective solution. A strong evidence base is critical to successful advocacy, particularly when trying to change government policy, influence public opinion or attract additional funding.

The Board, SAROC and GAROC will consider whether there is sufficient evidence provided in support of the policy position or course of action being sought. In some instances, an item may be referred back to the submitting council with a request for further information.

In many cases the evidence needed to support a position might not be readily available. In these circumstances it is best for a motion to seek further investigation of an issue and/or further consultation with councils, rather than seeking endorsement of a specific policy position or action. The Board, SAROC and GAROC may propose an alternative course of action, in consultation with the submitting council.

## 3. Alignment with LGA policy

The LGA Policy Manual is a compendium of principles and policies that have been developed and endorsed by a majority vote of member councils at previous General Meetings. There are a wide range of policies addressing a number of priority issues for the sector.

The policies act as a guide for advocacy and best practice in the sector. In most cases, the LGA Policy Manual can provide councils with a broad direction on how an issue can be resolved and whether further development of a policy position is required.

The Board, SAROC and GAROC will consider the LGA Policy Manual in determining whether a new or amended policy position is required to be endorsed by members to enable the LGA to take the requested action. If the LGA already has a supportive policy position in relation to the proposed item, further consideration by members at a General Meeting may not be required.

## 4. Resourcing

In some cases, the items of business put forward by members require significant resources to be allocated in order to achieve the desired outcome. Resources may not be available through the LGA to tackle every issue.

Before determining to place an item on the agenda of a General Meeting, the Board, SAROC and GAROC will consider:

- whether resources are available within the LGA to achieve the desired outcome;
- other resources that may be available;
- potential impacts on the LGA budget and business plan; and
- the level of input that will be required by councils or other stakeholders to progress the item.

The Board, SAROC and GAROC may determine not to proceed with (or defer) an item of business if the resourcing required would detract from the achievement of outcomes of greater priority for members.

## Determinations by the Board, SAROC and GAROC

After considering a proposed item of business against these guiding principles and having regard to any other relevant factors, the Board, SAROC and GAROC may determine to:

- approve an item of business for inclusion on the agenda of a General Meeting;
- approve an amended item of business for inclusion on the agenda of a General Meeting (in consultation with the submitting councils);
- take no further action;
- request additional information from the submitting council;
- refer an item back to the submitting council or regional LGA for action if it relates to a local or regional issue;
- resolve that the matter be dealt with by the LGA, SAROC or GAROC without progressing to a General Meeting (such as matters requiring urgent attention or actions that can be progressed immediately due to alignment with existing policies and work plans); or
- defer the item to a future General Meeting

The submitting council will be advised in writing of the determination of their proposed item of business.



The voice of local government.

## Notification of Appointment of Council Delegate

***Pursuant to Clause 12 of the LGA Constitution a Delegate must be a council member of the Ordinary Member appointing him or her, both when appointed and at the General Meeting when acting as delegate.***

The purpose of this form is to notify the LGA of a change to council's appointed delegate on the LGA's Register of Voting Delegates.

<b>Council Name</b>	(insert Council name)
<b>Council Delegate</b>	Mayor / Chairperson / Councillor  (insert full name)
<b>Name and Signature of Chief Executive Officer</b>	(insert name)  (signature here)
<b>Date</b>	(insert date)

Please return completed form to [lgasa@lga.sa.gov.au](mailto:lgasa@lga.sa.gov.au).

If the council's registered delegate is unable to attend a General Meeting then a temporary delegate may be appointed for that one meeting only by submitting a *Notification of Appointment of Substitute Council Delegate* form available on the [LGA website](#).

## **17.4 Camden Oval Complex Lease/Licence Arrangements**

### **Brief**

This report provides Members with an update on the lease / licence arrangements over the Camden Oval facility, (the oval and surrounds, west of the soccer pitches and east of the drainage channel).

### **RECOMMENDATION(S)**

It is recommended to Council that:

1. The Administration enter into a new short term licence agreement with the Plympton High Old Scholars and Camden Sports and Social Club (PHOS), over the following portions of the Camden Oval complex:
    - a. The oval and changerooms of the facility for the period from 1 July 2020 until 30 September 2020, and
    - b. The oval and changerooms of the facility for the period from 1 April 2021 until 30 September 2021, and
    - c. The clubroom components of the facility for the period from 1 July 2020 to 30 September 2021;
  2. The Plympton High Old Scholars and Camden Sports and Social Club (PHOS) be granted use of the clubroom component (i.e. bar, kitchen and function areas and the office space within the building) for the duration of the short term licence on condition that the clubroom component be made available for Council and/or other sporting and community user during the non-football season, at a hire fee to be determined by the Council.
  3. The Administration enter into a new short term licence agreement with the Camden Athletic Club for the use of the oval and changerooms of the facility for the period 1 October 2020 until 31 March 2021.
  4. The Administration enter into a new short term licence agreement with the Glenelg District Cricket Club for the use of the oval and changerooms of the facility for the period 1 October 2020 until 31 March 2021.
  5. Licence fees for each user club (i.e. Plympton High Old Scholars and Camden Sports and Social Club, Camden Athletic Club and Glenelg District Cricket Club) will be finally determined in accordance with the indicative rentals identified within the report, and all user costs for the complex to be apportioned between the parties on a user-pays basis, after the Council COVID-19 assistance package/rental waiver period ends.
  6. Use of the "former changeroom" component of the toilet building on the south / western side of the complex (Anzac Highway) frontage be also provided as part of the agreements (for storage only).
  7. The Mayor and Chief Executive Officer be authorised to sign and seal any documentation to give effect to the grant of licences.
  8. The Administration continue to investigate opportunities for the Phantoms Cricket Club to use portion of the Camden Oval complex during the 2020/2021 summer cricket season at times when such use would not cause usage conflicts with other licence users.
-

## Introduction

At its meeting of 28 May 2019, and following an approach from Plympton High Old Scholars and Camden Sports and Social Club (PHOS), the Committee considered a report dealing with the Club's request for a Head Lease over the Camden Oval complex, (essentially relating to that land west of the West Torrens Birkalla (WTB) Soccer Club [soccer pitch] and east of the drainage channel).

Following its consideration of the report the Committee resolved in accordance with the recommendation as follows:

1. Plympton High School Old Scholars & Camden Sports and Social Club (PHOS) be advised that Council will offer it a short term licence, for a period of up to 12 months until the duration of the latent building defects period is completed (i.e. until 30 May 2020), to enable further negotiations to proceed regarding the Club's expressed desire for the grant of a head lease over the premises. During this time the club will be required to pay a nominal annual rental of \$1,633 (plus GST), and meet all costs associated with its occupation of the premises, including but not limited to, reimbursement of power, water, gas and insurance premiums.
2. The Mayor and Chief Executive Officer be authorised to sign and seal any documentation giving effect to the grant of licence.
3. A further report(s) be provided to the Committee following negotiations between the parties.

## Discussion

The consideration of the type of lease agreement with PHOS has been held in abeyance, largely as a result of COVID-19 and other work and project priorities, one of which was the upgrade of the Camden Oval surface, subsurface drainage, irrigation and turf, (which resulted in Camden Oval being "off line" for a number of months). The completion of the oval upgrade and the relatively recent expiry of the 12 month lease term requires that the request now be considered.

Further, the determination of cricket club user, which was considered as a separate report by Council initially at its meeting of 2 June 2020, and subsequently at the meeting of 16 June 2020, and which serves to determine the principal facility user for cricket, was required to be resolved prior to consideration of this report.

Given the discussion and sentiment expressed within the Council meetings, the Administration will continue to investigate opportunities for Phantoms Cricket to use the Camden Oval complex at times when such use will not impact other licence users of the complex.

The Council administration has recently received advice that the application it submitted through the Grassroots Grant Fund (managed by the Office for Recreation, Sport and Racing) for the upgrade of the football oval floodlighting, upgrade of the netball courts and purchase and installation of cricket training nets was unsuccessful. Therefore usage of the oval is likely to be limited - given conflicts which are likely to arise between cricket use and use of the oval by the Camden Athletic Club.

It should be noted that the Administration intended entering into 5 year lease(s) or license(s) with the users of the Camden Oval complex (west of the soccer oval) but issues arising as a result of the COVID-19 pandemic have made such a position problematic. COVID-19 has seen the hibernation of football activities until very recently. The consequential impact on football club revenues arising as a result of COVID-19, and the uncertainty surrounding the time taken to return to "normal" and regular revenue streams, make it difficult for either party to enter into a long term arrangement at this time.

The requirement for Licensees to reimburse utility and other charges, and the determination and requirement to pay Licence fees, will not occur until after the Council endorsed COVID-19 assistance package/rental waiver period ends. At this time, as per the resolution of Council at its Special Meeting of 31 March 2020, this date is set as 31 August 2020.

For the information of Members indicative licence fees can be expected to be as follows for the short-term licence period:

- Plympton High Old Scholars and Camden Sports and Social Club (PHOS) - approximately \$3,500 pa plus GST and outgoings;
- Camden Athletic Club - approximately \$1,000 plus GST and outgoings; and
- Glenelg District Cricket Club - approximately \$2,000 plus GST and outgoings.

As previously reported to Council, it is envisaged that use of the non-public toilet component of the former "secondary" changeroom and public toilet building adjacent the Anzac Highway entrance to the complex, be made available for storage purposes only for the use of licensees within the complex. It is anticipated that this arrangement be offered until such time as new/dedicated storage space can be made available within the complex.

Additionally, as both the Glenelg District Cricket Club and Camden Athletic Club, have indicated that they do not wish to utilise the bar/function space within the new clubroom building, other than the Athletic Club seeking its use in association with the Camden Classic event, it is suggested that this space be offered to PHOS on a year round basis, (albeit specific provisions relating to the Camden Classic event will be included within the PHOS licence.) and on condition that the function space be made available for Council, sporting and community use during the non-football season. It is further suggested that hire fees for this use be determined by Council at a future report.

The oval will remain available for use by the community/public when not required by the sporting clubs, (refer to the schedule in **Attachment 1**).

### **Climate Impact Considerations**

*(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)*

There are no climate change impacts associated with this matter.

### **Conclusion**

PHOS wrote to Council in early April 2019 seeking the grant of a head lease over the land west of the soccer pitches and east of the drainage reserve within the Camden Oval Complex. This matter has been held in abeyance pending completion of the Camden Oval (football / cricket) playing surface upgrade project and the decision as to which cricket club should be granted principal use of the oval during the cricket season.

Unfortunately, the final determination of this matter is currently problematic as a result of issues that have arisen due to the COVID-19 pandemic. Accordingly, it is suggested that short term licences be offered to the Plympton High Old Scholars and Camden Sports and Social Club, Camden Athletic Club and the Glenelg District Cricket Club at this time.

Usage opportunities for the Phantoms Cricket Club will also be explored during the period of the short term licence agreements.

### **Attachments**

#### **1. Camden Oval - Clubs' desired usage - playing area and changerooms**



## CAMDEN OVAL - OVAL

Key:		Glenelg District Cricket Club	Camden Athletics Club	No Proposed Use			
REQUESTED SCHEDULING AND USAGE BY CLUBS OF OVAL DURING <u>SUMMER</u> SEASON (1/10 - 31/3)							
Times	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
< 9am							
9am - 10am							12-50 yr olds (M & F) Athletics
10am-11am							
11am - 12pm						Senior Men's Cricket	Senior women or juniors cricket
12pm-1pm							
1pm - 2pm							
2pm-3pm							
3pm-4pm							
4pm - 5pm							
5pm - 6pm	12-50 yr olds (M & F) Athletics	12-50 yr olds (M & F) Athletics	12-50 yr olds (M & F) Athletics	12-50 yr olds (M & F) Athletics			Senior women or juniors cricket
6pm - 7pm							Senior women or juniors cricket

# **CAMDEN OVAL - CHANGEROOMS**

Glenelg District Cricket Club      Camden Athletics Club      No Proposed Use							
REQUESTED SCHEDULING AND USAGE BY CLUBS OF OVAL DURING SUMMER SEASON (1/10 - 31/3)							
Times	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
< 9am							
9am - 10am							12-50 yr olds (M & F) Athletics
10am-11am							Senior F or Junior Cricket
11am - 12pm							M & F Athlet.
12pm-1pm							Senior women or juniors cricket
1pm - 2pm							
2pm-3pm							
3pm-4pm							
4pm - 5pm							
5pm - 6pm	12-50 yr olds (M & F) Athletics	12-50 yr olds (M & F) Athletics	12-50 yr olds (M & F) Athletics	12-50 yr olds (M & F) Athletics			
6pm - 7pm							
7pm - 8pm							
8pm-9pm							
9pm-10pm							
> 10pm							



## CAMDEN OVAL - OVAL AND CHANGEROOMS

Key: PHOS Camden Football Club      No Proposed Use

REQUESTED SCHEDULING AND USAGE BY CLUBS OF OVAL DURING <u>WINTER SEASON</u> (1/4 - 31/9)						
Times	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
< 9am						
9am - 4pm						Senior Men's Football (every 2 <sup>nd</sup> week)
4pm - 5pm	Junior Males		Junior Males		Junior Mixed	Junior Games Every week & Masters Male Games - 3 rounds per season
5pm - 6pm		Senior Males	Junior Males & Masters Males	Senior Males		
6pm - 7pm			Masters Male		Junior Males + some games	
7pm - 8pm					Some games	
8pm-9pm						

## 17.5 Prescribed Officers 2019 - Register of Interest

### Brief

The *Local Government Act 1999* requires Council to declare, on an annual basis, which officers are 'prescribed officer' positions for the purposes of completing a return to be included in the 'Officers Register of Interests'.

### RECOMMENDATION(S)

It is recommended to Council that:

1. On the basis that they have a level of financial sub-delegation, which may be in addition to other delegations or authorisations to make decisions on behalf of Council or the Chief Executive Officer, the following positions be declared as 'prescribed officer' positions in accordance with Section 111 of the *Local Government Act 1999*:

- Chief Executive Officer
- General Manager Business and Community Services
- General Manager Corporate and Regulatory
- General Manager Urban Services
- Manager City Assets
- Manager City Development
- Manager City Operations
- Manager City Property
- Manager Community Services
- Manager Financial Services
- Manager Information Services
- Manager People and Culture
- Manager Regulatory Services
- Manager Strategy and Business
- Program Leader Events
- Program Leader Governance
- Program Leader Strategic Resilience
- Team Leader Compliance
- Team Leader Community Development
- Team Leader Creative Services
- Team Leader Library
- Team Leader Planning
- Team Leader Service Centre
- Team Leader Waste Management
- Community Centres Coordinator
- Coordinator Civil Works and Services
- Coordinator Engineering Services
- Coordinator Fleet Cleansing and Support Services
- Coordinator Horticulture Services
- Coordinator Property Services
- Executive Coordinator Office of the Mayor and CEO
- Home Support Services Coordinator
- Revenue Accountant
- Senior Property Assets Advisor
- Senior Strategic Procurement Officer
- Mechanic
- Traffic Engineer
- Collections Coordinator
- Finance Coordinator
- Turf and Irrigation Worker
- Stores Worker

2. On the basis that they have delegation, other than a financial delegation, or authorisation to make decisions on behalf of Council or the Chief Executive Officer the following positions be declared as 'prescribed officer' positions in accordance with Section 111 of the *Local Government Act 1999*:
  - Team Leader Building
  - Contract Planner
  - Team Leader Environmental Health
  - Team Leader Compliance and Monitoring
  - Senior Compliance Officer
  - Senior Development Officer - APPS
  - Senior Development Officer - Planning
  - Senior Development Officer - Building
  - Environmental Health Officer
  - Development Officer - Planning
  - Development Officer - Building
  - Development Assistant
  - Development Technician
  - Cadet Development Officer - Building
  - Rates Coordinator
  - Freedom of Information Officer
3. Given the nature of their role and responsibilities the following positions be declared as a 'prescribed officer' position in accordance with Section 111 of the *Local Government Act 1999*:
  - Senior Network Administrator
  - Assessment Manager
  - Governance Officer
  - Finance Coordinator
  - Revenue Accountant
  - Organisational Resilience Officer

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## Introduction

Chapter 7, Part 4 of Division 2 of the *Local Government Act 1999* (Act) requires the Chief Executive Officer (CEO) and any other officer holding a position declared by Council as a 'prescribed officer' position to complete a primary return at the commencement of their employment with the City of West Torrens and then complete an annual ordinary return both of which form part of the 'Officers Register of Interest' (Register).

## Discussion

It has been common practice for Council to declare the following positions as 'prescribed officers':

- All executive/management positions
- Other positions that hold a financial delegation and/or delegation to make a decision on behalf of the Council or the CEO
- Any other position which gives rise to declaration as a prescribed officer position.

The Administration assesses the veracity of positions to be declared 'prescribed officer' positions on an annual basis and subsequently makes its recommendations to Council prior to the commencement of the subsequent financial year.

It is preferable that the declarations be to the position title rather than the name of the holder of the position, on the basis that it is the position, rather than the holder of the position that gives rise to the 'prescribed officer' status. This approach ensures continuity of the declaration when another person replaces an officer holding a 'prescribed officer' position i.e. when they are on leave or leave the organisation etc.

The register complements, but is independent of, the statutory requirements for any officer, whether in a 'prescribed officer' position or not, to declare any conflict of interest which may arise in the course of their duties at all times.

Officers holding a 'prescribed officer' position must submit a completed primary return within 30 days of appointment and an ordinary return within 60 days after 30 June each year.

The legislation provides that an Elected Member may, upon request to the CEO, inspect the Register but must not disclose that information except at a meeting of Council or a Council Committee and then only in confidence in accordance with s90 of the Act.

The Register is not available for public inspection.

### **Conclusion**

The declaration of 'prescribed officers' is a statutory requirement and also acts as a risk management control which aims to minimise the implication or occurrence of a conflict of interest and promotes accountability and transparency.

### **Attachments**

**Nil**

## 17.6 Airservices Australia - Feedback Sought on Flight Path Design Principles

### Brief

This report provides an overview and proposed response to Airservices Australia on its recently updated *Flight Path Design Principles*.

### RECOMMENDATION

It is recommended to Council that the proposed response, contained in Attachment 4 of the Agenda report be approved and submitted to Airservices Australia as feedback on the recently released *Flight Path Design Principles*.

---

### Introduction

Airservices Australia is seeking feedback on its updated Flight Path Design Principles (Principles) by Wednesday 8 July 2020 (midnight AEST).

The Principles are to be applied when designing, developing and implementing any new flight path and are intended to apply to any airspace flight path changes considered post July 2020.

Airservices Australia is scheduled to provide an update on the Principles at the next Parafield and Adelaide Airports Consultative Committee meeting. The Principles document is available for public viewing on the Airservices Australia website and contained in **(Attachment 1)**.

In response to feedback received during an earlier national consultation, Airservices Australia developed *Application Notes* to describe how the Principles will be applied and have also provided a *Stakeholder Consultation Outcomes Summary Report* **(Attachments 2 & 3 respectively)**.

It should be noted that the Principles are not in response to any specific flight changes. The Principles supersede the guiding principles in *Airservices Commitment to Aircraft Noise Management (2013)* and any earlier documents.

### Discussion

In early 2020, Airservices Australia conducted nationwide consultation on a draft version of the Principles which set out 14 principles to be applied when planning and designing new flight paths. These 14 principles were set out under the four outcome headings:

1. Safety;
2. Environmental;
3. Community; and
4. Operational.

Airservices Australia commissioned National Quantitative Research which was conducted between 13 and 17 January 2020. This comprised an online research survey to recruited participants to seek detailed community ideas and sentiments from a representative sample of the national population. This included people from regional and metropolitan areas, frequent and infrequent flyers, people who live near airports, people of different age groups, and those identifying with carer and disability characteristics.

As a result of the feedback, the Principles have been updated and released in June 2020 **(Attachment 1)**. This update omits Principle 9 and consolidates the remaining 13 Principles under four slightly modified headings:

1. Safety and Compliance Principles;
2. Noise and Community Principles;
3. Efficiency and Environmental Principles;
4. Operational Principles.

Safety and Compliance Principles are clearly elevated to reflect Airservices' responsible and necessary allocation of a higher priority to these principles over the other 3 outcome categories to reflect the importance of safety and compliance.

The updated Principles appear to be more supportive of 'optimising airport flight capacity' in contrast to the earlier version of the Principles which appeared to have a greater emphasis on 'noise mitigation'.

Of particular concern for West Torrens, given the airport is within its boundaries and residents are impacted by aircraft noise, is the elimination of the earlier Principle 9:

*'Aircraft operations that are conducted at night or on weekends should be treated as being more sensitive than those which occur during the daytime or on weekdays.'*

This potentially means that night time activities could be considered equal to daytime flight movements. Although it is acknowledged that community feedback through the earlier consultation indicated limited concern for noise on the weekends, night time noise still appeared to rate as a concern for affected community members. The consultation doesn't articulate whether the majority of participants, and thus potentially the majority of feedback on which Airservices Australia is relying, were from areas in close proximity to an airport with night time flights operating and thus some possible skewing of the results.

### **Community Impact Considerations**

Community workshop participants did propose a draft Principle to consider community safety with regard to health and the psychological impacts of noise and the impacts of emissions. But this also was not fully reflected in the version of the Principles released in June 2020.

Under the *Air Services Act 1995*, Airservices Australia has an obligation to provide environmentally responsible services by minimising the environmental impact of aircraft operations, including the impact of aircraft noise. However, there are no regulations which specify a maximum, allowable level of aircraft noise.

Airservices Australia monitors and reports on aircraft use of runways and flight paths through the use of specialised aircraft noise monitoring equipment, databases and information systems contained in the Noise and Flight Path Monitoring System (NFPMS).

In recognition of community feedback about the impact of aircraft noise, Airservices Australia included the following points in the Principles:

- Airservices consider concentrating aircraft operations to avoid defined noise sensitive sites – including residential buildings
- Where high-density residential areas are exposed to noise, Airservices consider flight path designs that distribute aircraft operations, so that noise can be shared
- Where noise exposure is unavoidable, Airservices consider Noise Abatement Procedures that adjust aircraft operations to reduce noise impacts, including consideration of the time of these operations
- Airservices consider current and expected future noise exposure when designing flight paths.

## Economic Impact Considerations

Participants in Airservices Australia's consultation process raised a need to consider the economic outcomes of the decisions on flight paths. Currently Airservices Australia has identified safety, environment, community and operational outcomes, however, participants considered the paths should be sustainable socially, environmentally and economically i.e. a change to helicopter paths will impact on the economics of that business. It was decided that the Application Notes should examine the cost impacts of activities associated with the draft Principles.

A draft response to the *Flight Path Design Principles and Application Notes* is attached for Council's consideration and approval for submission to Airservices Australia by midnight AEST, 8 July 2020.

## Climate Impact Considerations

*(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)*

The Principles provide due consideration to the influence that flightpaths may have on causing additional carbon emissions through reduced route efficiencies, however, the Principles stop short of prioritising the environment and climate impacts despite this being a strong response reflected in their stakeholder engagement, particularly for non-aviation sector respondents.

Participants identified a tension between the environmental and community outcomes i.e. more efficient flight paths that reduce fuel burn (draft Principle 3) may result in overflying residential areas (draft Principle 6). Flight paths that avoid areas of Matters of National Environmental Significance (MNES), local cultural heritage and areas of natural beauty (draft Principle 4), may make it more difficult to avoid residential land (draft Principle 6).

Operational outcomes were seen as a lower priority than environment and community outcomes, and this was a concern for airport representatives. If operational efficiency Principles were to become a lower order value for decision makers, *'the social licence of airports to operate without significant new constraints would be negatively affected'*.

Trade-offs and interdependencies between the Principles are unavoidable. 'Unintended consequences' was raised in the industry stakeholder panels, in which the careful application of the Principles was urged in order to avoid a 'one Principle focused' decision that would result in impacts to other Principles. Airservices Australia indicates that:

- *'Once ensuring safety and compliance, we will consider all other Principles holistically and will not look at any one Principle in isolation.'*
- *The Principles apply to future changes and will not be applied retrospectively to flight paths that are currently implemented nor to projects that have commenced at the time of publication.*
- *The Principles apply only to flight paths designed by Airservices. Other organisations, certified by CASA, are able to design flight paths within Australia and they are not obligated to apply the Principles.*
- *There may be situations where the Principles cannot be fully applied due to legislative requirements. For example the Principles and Application Notes do not vary... legislated airport curfew acts.*
- *There are a number of constraints and considerations that mean that the Principles may not be able to apply to all flight path changes. For example, flight path design can be constrained by the location of an airport and the runway/s orientation, the local weather and meteorological conditions, the natural and/or urban terrain, aircraft performance and/or navigation capability, or the existing air traffic network and airspace architecture.*

- *There may be situations where application of one Principle impacts on the application of another Principle. For example avoiding overflight of noise sensitive sites, may result in reduced efficiency, and therefore impact on the environment through increased fuel burn and emissions.'*

## Conclusion

Airservices Australia released its updated *Flight Path Design Principles* and *Application Notes* for public comment and this report recommends a response (**Attachment 4**) for Council's consideration and approval for submission to Airservices Australia by midnight AEST, 8 July 2020.

## Attachments

1. **Flight Path Design Principles (June 2020)**
2. **Design Principles Application Notes (June 2020)**
3. **Airservices' Stakeholder Consultation Outcomes Summary (May 2020)**
4. **Proposed Response to Airservices Design Principles for Flight Paths**



# Flight Path Design Principles



## Safety and compliance principles

- Safety of air navigation must be the most important consideration.
- Flight path design must comply with Australian and International design standards, and cater for the range of aircraft that will operate on the flight paths.



## Noise and Community principles

- Consider concentrating aircraft operations to avoid defined noise sensitive sites.
- Consider potential impacts on social, economic and cultural values of communities and locations, including Indigenous and other heritage places.
- Where high-density residential areas are exposed to noise, consider flight path designs that distribute aircraft operations, so that noise can be shared.
- Where noise exposure is unavoidable, consider Noise Abatement Procedures that adjust aircraft operations to reduce noise impacts, including consideration of the time of these operations.
- Consider current and expected future noise exposure when designing flight paths.



## Efficiency and Environmental principles

- Design flight paths that deliver operational efficiency and predictability, and minimise the effect on the environment through reducing fuel consumption and emissions.
- Consider Matters of National Environmental Significance, other sensitive habitats, and registered heritage sites.



## Operational principles

- Design flight paths to facilitate access to all appropriate airspace users.
- Consider flight paths that optimise airport capacity, and meet future airport requirements.
- Consider flight paths that optimise overall network operations, including consideration of operations at adjacent airports.
- Consider innovation and technology advancements in navigation and aircraft design.

Disclaimer: While the information contained in this document has been presented with all due care, Airservices does not represent that the information is free from errors or omission.

Airservices Australia 2020

June 2020



Flight Path Design Principles Application Notes – June 2020

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## Development of the Principles

We have developed the Flight Path Design Principles (Principles) to provide a basis for designing and developing the flight paths that we will implement and operate.

They are the result of national consultation with community, industry and government stakeholders, and are consistent with international global practices.

## Purpose

We need to cater for the changing nature of aircraft operations, air traffic growth, airport expansion and advances in aviation technology, while keeping aviation safety as our first priority.

We need to manage the impacts of aviation activities and this requires a careful balance of ensuring safety, operational efficiency, protecting the environment and minimising the effects of aviation noise on the community, wherever practicable.

The Principles guide Airservices design, development and decision-making regarding flight paths and their implementation.

The Application Notes provide an overview of each Principle, including their context within flight path changes, how we consider, apply and monitor them, and the overarching governance that applies. We have included additional sources of information, and noted cases where the Principle may not apply.

## Flight Paths

The term 'flight path' is used to refer to the mapped three-dimensional corridor where aircraft fly most of the time. Flight paths can be a number of kilometres wide, rather than the single lines depicted on flight charts (maps). Aircraft may fly differently within these corridors for a range of reasons, including aircraft performance (including type, speed and weight), and navigation systems. Aircraft may deviate from flight paths for a range of reasons, including weather and operational requirements. In controlled airspace<sup>1</sup>, this will be at the approval of air traffic control (ATC).

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<sup>1</sup> Controlled airspace in Australia is actively monitored and managed by ATC. To operate in controlled airspace, an airspace user must first receive a clearance from ATC. ATC gives priority to emergency operations.

## Application of the Principles

### Why does Airservices make changes to flight paths?

We may make changes to flight paths for a variety of reasons including:

- Safety and/or efficiency enhancements to respond to current or forecast increases in volume or changes to aircraft operations at a location
- Safety and/or efficiency improvements based on feedback from ATC, airlines and/or pilots
- Directives from the Department of Infrastructure, Transport, Regional Development and Communications (DITRDC) and or Civil Aviation Safety Authority (CASA)
- Community-suggested safe and feasible noise improvements
- Recommendations from CASA airspace reviews
- Recommendations from CASA compliance audits and re-validation of flight procedures
- Technological advancements in aircraft navigation or aircraft performance
- Airport infrastructure changes resulting in new or changing flight paths.

### Flight Path Change Process

We undertake a standardised multi-step flight path change process, dependent on the scale and breadth of the change. A number of screening and assessment steps are involved to progress a flight path change proposal to implementation. These ensure that the flight paths are safe, operationally feasible, and meet our environmental responsibilities. The changes involve a range of stakeholder engagement activities and all feedback is considered before we progress to final flight path design development.

### The Principles - Overall Considerations

- The Principles supersede the guiding principles in *Airservices Commitment to Aircraft Noise Management* (2013) and any earlier documents.
- Once ensuring safety and compliance, we will consider all other Principles holistically and will not look at any one Principle in isolation.
- The Principles apply to future changes and will not be applied retrospectively to flight paths that are currently implemented nor to projects that have commenced at the time of publication.
- The Principles apply only to flight paths designed by Airservices. Other organisations, certified by CASA, are able to design flight paths within Australia and they are not obligated to apply the Principles.
- There may be situations where the Principles cannot be fully applied due to legislative requirements. For example the Principles and Application Notes do not vary the Long Term Operating Plan (LTOP) for Sydney Airport, or legislated airport curfew acts.
- There are a number of constraints and considerations that mean that the Principles may not be able to apply to all flight path changes. For example, flight path design can be constrained by the location of an airport and the runway/s orientation, the local weather and meteorological conditions, the natural and/or urban terrain, aircraft

performance and/or navigation capability, or the existing air traffic network and airspace architecture.

- There may be situations where application of one Principle impacts on the application of another Principle. For example avoiding overflight of noise sensitive sites, may result in reduced efficiency, and therefore impact on the environment through increased fuel burn and emissions.

## Weighting of Principles

- Safety is our most important consideration and all flight path changes must be compliant.
- The Safety and Compliance Principles must always apply.
- The remaining Principles are not weighted.
- All other Principles are considered equally in the flight path change process, noting that all Principles may not apply to every flight path change.

## Reporting

We commit to transparency and accountability by reporting on how the Principles have been considered and applied, and if they have not been applied, the reasons for this.





# Flight Path Design Principles



## Safety and Compliance Principles

Safety of air navigation must be the most important consideration.

Flight path design must comply with Australian and International design standards, and cater for the range of aircraft that will operate on the flight paths.



### Noise and Community Principles

Consider concentrating aircraft operations to avoid defined noise sensitive sites.

Consider potential impacts on social, economic and cultural values of communities and locations, including Indigenous and other heritage places.

Where high-density residential areas are exposed to noise, consider flight path designs that distribute aircraft operations, so that noise can be shared.

Where noise exposure is unavoidable, consider Noise Abatement Procedures that adjust aircraft operations to reduce noise impacts, including consideration of the time of these operations.

Consider current and expected future noise exposure when designing flight paths.



### Efficiency and Environmental Principles

Consider Matters of National Environmental Significance, other sensitive habitats, and registered heritage sites.

Design flight paths that deliver operational efficiency and predictability, and minimise the effect on the environment through reducing fuel consumption and emissions.



### Operational Principles

Design flight paths to facilitate access to all appropriate airspace users.

Consider flight paths that optimise airport capacity, and meet future airport requirements.

Consider flight paths that optimise overall network operations, including consideration of operations at adjacent airports.

Consider innovation and technology advancements in navigation and aircraft design.





## Safety and Compliance Principles



**Safety of air navigation must be the most important consideration.**

### Overview

The *Air Services Act 1995* requires that Airservices, “*In exercising its powers and performing its functions, must regard the safety of air navigation as the most important consideration*”.

When considering flight path design, safety is assured through:

- separation of aircraft from each other according to flight rules and the type of air traffic service provided
- clearance between aircraft and terrain and/or man-made obstacles
- segregation of aircraft operations
- the ability of aircraft to operate safely within their performance envelope
- minimising operational complexity.

The safety of air navigation ensures the safety and protection of aircraft passengers and communities under the flight paths.

It is important to note that, to ensure safety or due to operational requirements, aircraft may be cleared by air traffic control (ATC) to operate on routes other than the published flight path.

### Application

We assure the design is safe through:

- meeting Civil Aviation Safety Authority (CASA) criteria for flight path design, and airspace separation and containment
- meeting International Civil Aviation Organization (ICAO) criteria adopted by CASA for application in Australia
- quality assurance processes documented in accordance with *Civil Aviation Safety Regulations 1998 Part 173 – Instrument Flight Procedure Design*
- applying design validation methods including:
  - airline simulator testing and validation to ensure the fly-ability of the procedures, as appropriate
  - ATC simulator testing and validation to ensure that ATC workload is achievable
  - flight validation of instrument flight procedures.

### Monitoring

We monitor the safety performance of air navigation through our Safety Management System (SMS). CASA monitors Airservices performance and conducts regulatory audits of our air navigation service delivery, flight path design management, and our SMS.

We monitor airport and other developments which may impact on the published flight paths, and ensure these are managed to protect the safety of aircraft on those flight paths.

We conduct periodic maintenance reviews of instrument flight procedures every three years, which includes flight re-validation.

## Policies, Legislation, Standards and Guidance

- *Air Services Act 1995*
- *Airports (Protection of Airspace) Regulation 1996*
- *CASA Manual of Standards Part 173 – Standards Applicable to Instrument Flight Procedures Design (2016)*
- *Civil Aviation Safety Regulations (CASR) 1998 Part 173 – Instrument flight procedure design*
- *ICAO Doc 8168 Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS)*
- *ICAO Doc 9905 Required Navigation Performance Authorization Required (RNP AR) Procedure Design Manual*

## Sources of Information

Our Aeronautical Information Service (AIS) provides the online material and publications that display flight paths, instrument flight procedures and aerodrome charts

<https://www.airservicesaustralia.com/aip/aip.asp>

## Exclusions

There are many other parties with a range of responsibilities for managing aviation safety within Australia, including CASA, Australian Transport Safety Bureau (ATSB), airlines and operators, pilots, airports, and aircraft manufacturers.

These parties are also responsible for elements of aviation safety, outside of Airservices obligations to the safety of aviation navigation.

Federally leased airports must manage prescribed airspace approved by Department of Infrastructure, Transport, Regional Development and Communications (DITRDC) and this cannot be infringed upon. The prescribed airspace establishes protection from obstacles at and around airports in the interests of the safety, efficiency or regularity of existing or future air transport operations.

Airports are also responsible for other hazard management including animals and bird-life.



Flight path design must comply with Australian and International design standards, and cater for the range of aircraft that will operate on the flight paths.

## Overview

In designing flight paths, we must comply with the Civil Aviation Safety Authority (CASA) regulations and standards, and International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARPs), Manuals and documentation.

ICAO is a United Nations specialised agency, established by Member States in 1944 to manage the administration and governance of International Civil Aviation. Australia is a Member State of ICAO and supports the global priorities, strategic objectives and development of international standards for the aviation industry.

ICAO produces SARPs which are intended to achieve a measure of international uniformity, however they do not preclude the development of national standards which may be more stringent.

CASA have mandated that flight path design in Australia must comply with the ICAO SARPs for instrument flight procedure<sup>2</sup> design.

In accordance with *CASR Part 173*, CASA has certified Airservices as an organisation permitted to design approach and departure procedures for aircraft operating under Instrument Flight Rules (IFR)<sup>1</sup>. The certification process requires that Airservices appoint a Chief Designer to manage flight path design and a team of qualified designers.

We give authority for aircraft in controlled airspace<sup>3</sup> to fly instrument flight procedures, while CASA approves the design of airspace and high altitude flight paths (routes).

## Application

We must ensure that the instrument flight procedures are designed in accordance with any applicable standards set out or referred to in *ICAO Doc 8168 PANS-OPS*, *ICAO Doc 9905 RNP AR* and any applicable standards set out in the *CASA Manual of Standards (MOS) Part 173*.

We design flight paths that are suitable for the range of aircraft that are capable of operating at an airport or aerodrome, dependent on the length and width of the runway. Aircraft performance differences influence the range of flight path designs.

In designing flight paths, we will consider elements including terrain and obstacle clearance, meteorological conditions, aircraft performance, climb gradients, descent profiles, speeds, rate of turn, angle of bank (turning movement) and the airspace available to safely contain the procedure.

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<sup>2</sup> Instrument flight procedure design and IFR are procedures and rules for how aircraft are to be operated when visual reference cannot be used for navigation by pilots.

<sup>3</sup> Controlled airspace in Australia is actively monitored and managed by air traffic control (ATC). To operate in controlled airspace, an airspace user must first receive a clearance from ATC. ATC gives priority to emergency operations.



## Monitoring

Prior to publication, we ensure that flight path designs are compliant through independent verification of the design by a second qualified designer. Then CASA conducts flight validations to ensure procedures are safe and flyable and that they meet applicable design standards.

We conduct regular maintenance reviews of published instrument flight procedures to ensure ongoing obstacle protection and compliance with any changes to the standards.

CASA conducts routine compliance audits on Part 173 providers, including Airservices, to ensure compliance with regulations and standards.

CASA is responsible for the review of rule sets in Australia, and it convenes Aviation Safety Advisory Panels (ASAPs) to consider rule changes and conducts consultation with Airservices, aviation industry and the public, through Notice of Proposed Rule Making (NPRM).

ICAO convenes the Instrument Flight Procedures Panel (IFPP) to regularly review design standards and practices. The IFPP is composed of experts involved in the design of instrument flight procedures or the operational use of these procedures and associated requirements with background in both conventional and performance based navigation (PBN). CASA is the Australian member of the IFPP and our Chief Designer is an advisor to CASA for this purpose.

## Policies, Legislation, Standards and Guidance

- *CASA Manual of Standards Part 173 – Standards Applicable to Instrument Flight Procedures Design (2016)*
- *Civil Aviation Safety Regulations 1998 Part 173 – Instrument flight procedure design*
- *ICAO Doc 8168 Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS)*
- *ICAO Doc 9905 Required Navigation Performance Authorization Required (RNP AR) Procedure Design Manual*
- *ICAO Doc 9906 Quality Assurance Manual for Flight Procedure Design*

## Sources of Information

Our Aeronautical Information Service (AIS) provides the online material and publications that display flight paths, instrument flight procedures and aerodrome charts

<https://www.airservicesaustralia.com/aip/aip.asp>

## Exclusions

There are other organisations in Australia certified by CASA to design instrument flight procedures. These organisations are required to consult with Airservices ATC for flight paths that will operate in controlled airspace, however we are not required to verify these designs. They are subject to CASA's standard flight validation processes.

We provide the publication services for flight paths and charts, and these organisations must comply with these publication processes, including the requirement to provide a completed environmental assessment.

Department of Defence (Defence) design instrument flight procedures for operations by military aircraft at military controlled airports. Defence is not subject to certification by CASA. Their designs are approved and validated by Defence, and their instrument flight procedures are published in Defence documentation. We are not required to verify these designs.

## Noise and Community Principles



Consider concentrating aircraft operations to avoid defined noise sensitive sites.

### Overview

Under the *Air Services Act 1995*, Airservices has an obligation to provide environmentally responsible services by minimising the environmental impact of aircraft operations, including the impact of aircraft noise.

We consider noise sensitive sites (also referred to as noise sensitive receivers) when designing proposed flight path changes.

Noise sensitive sites<sup>4</sup> can include:

- residential buildings
- schools and places of education including pre-schools and child care centres
- hospitals, aged care facilities and other health-related facilities
- places of worship
- places of temporary residence including hotels and motels
- public recreational buildings.

We recognise that the sensitivity of noise sensitive sites to aircraft noise may vary due to the time of day, and the type of activity undertaken at that site and any existing management or mitigation measures in place.

It may be impractical to completely avoid noise sensitive sites, especially if sites are already in proximity to airports, or if flight paths are constrained by terrain, obstacles or other airspace restrictions.

### Application

We consider the impact of aircraft operations on noise sensitive sites up to approximately 60 kilometres (35 nautical miles) from a runway.

In our consideration we recognise that rural and urban communities may be impacted by aircraft operations differently.

We design flight paths to avoid noise sensitive sites wherever practicable, to reduce aircraft noise impacts. Where these impacts cannot be avoided we engage with communities in accordance with our procedures and guidelines.

### Monitoring

We monitor and report on aircraft utilisation of runways and flight paths through the use of specialised aircraft noise monitoring equipment, databases and information systems contained in our Noise and Flight Path Monitoring System (NFPMS).

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<sup>4</sup> Australian Standard AS2021:2015 (Acoustics - Aircraft noise intrusion - Building siting and construction)



## Policies, Legislation, Standards and Guidance

- *Air Services Act 1995*
- *Australian Standard AS2021:2015 (Acoustics - Aircraft noise intrusion - Building siting and construction)*

## Sources of Information

Information from Airservices NFPMS is available on our website through WebTrak  
<https://www.airservicesaustralia.com/aircraftnoise/webtrak/>

## Exclusions

State, Territory and Local Governments are responsible for land use planning around airports through zoning, subdivision control, and comprehensive planning actions.

*The National Airports Safeguarding Framework (2018)* is a national land-use planning framework that aims to improve community amenity by minimising aircraft noise-sensitive developments near airports and improve safety outcomes by ensuring aviation safety requirements are recognised in land use planning decisions through guidelines being adopted by jurisdictions on various safety-related issues.



## Consider potential impacts on social, economic and cultural values of communities and locations, including Indigenous and other heritage places.

### Overview

Aircraft operations play a vital role in Australia's economy, and support the development of social and cultural activities by connecting people, tourism and regions.

We consider the impact of aircraft operations on communities and locations up to approximately 60 kilometres (35 nautical miles) from a runway.

In our consideration we recognise that rural and urban communities may be impacted by aircraft operations differently.

In accordance with the definitions in the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*, we give consideration of people and communities; heritage values, and their social, economic and cultural aspects when conducting flight path design.

Cultural values in this context are those which are defined in Local and State Government documentation, including planning, zoning and strategic vision statements.

Locations documented as having social, economic or cultural importance, or locations of national environmental significance are listed in the following sources:

- Department of Agriculture, Water and the Environment (DAWE) Protected Matters Search Tool
- State and Territory Heritage Registers
- State Aboriginal and Torres Strait Islander Cultural Heritage Registers
- Local Government urban and community planning documents.

It may be impractical to avoid areas of social, economic or cultural value, especially if sites are in proximity to airport operations, or flight paths are constrained by terrain, obstacles or other airspace.

### Application

We conduct research to identify social, economic and culturally important values and sites to ensure that these are considered from the beginning of the flight path change process. Wherever practicable, flight paths are designed to minimise the impact of the change.

We may also rely on research conducted by third parties that has been approved by relevant State and/or Federal Government.

We undertake an environmental assessment screening process for all changes to aircraft operations to identify changes that require a more comprehensive Environmental Impact Assessment (EIA).

### Monitoring

The DAWE has a range of enforcement mechanisms for managing suspected or identified instances of non-compliance and for reviewing the compliance of referred projects.

### Policies, Legislation, Standards and Guidance

- *Environment Protection and Biodiversity Conservation Act 1999*

### Sources of Information

Referrals under the *EPBC Act* are published on the DAWE *EPBC Act* Notices database.









Where high-density residential areas are exposed to noise, consider flight path designs that distribute aircraft operations, so that noise can be shared.

## Overview

Under the *Air Services Act 1995*, Airservices has an obligation to provide environmentally responsible services by minimising the environmental impact of aircraft operations, including the impact of aircraft noise.

Flight path designs can be used to distribute aircraft operations and noise across multiple areas. Distribution does not mean there will be an equal number of aircraft over each area, rather that areas may be provided periods of respite from aircraft noise, within the constraints of a range of considerations including, traffic demand and weather.

Distribution may be achieved by:

- introducing multiple Standard Instrument Departures (SIDs) or Standard Instrument Arrivals (STARs), for example separating jet and non-jet SIDs/STARs
- designing separate approach/arrival procedures for varying aircraft navigation technology, for example providing standard and 'Smart Tracking'<sup>5</sup> approaches
- using Noise Abatement Procedures (NAPs) to indicate preferred flight track and/or runway modes of operation that aim to reduce noise impacts for communities.

However, air traffic control (ATC) may clear aircraft to operate on a route other than the published flight path, to ensure safety or due to operational requirements.

## Application

We engage with stakeholders, including community, aircraft operators, airlines, and the airport operator to develop flight paths which consider varying aircraft performance and navigation technology, and apply NAPs to minimise the effect of aircraft operations on the environment, including aircraft noise.

We use national population data, and State and Local Government land-use planning and zoning information, to identify high-density residential areas.

## Monitoring

We monitor and report on aircraft utilisation of runways and flight paths through the use of specialised aircraft noise monitoring equipment, databases and information systems contained in our Noise and Flight Path Monitoring System (NFPMS).

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<sup>5</sup> 'Smart Tracking' also known as Required Navigation Performance Authorization Required (RNP AR) procedures are flight paths with strict navigation performance requirements that rely on satellite based navigation and are only available to Civil Aviation Safety Authority (CASA) approved aircraft and pilots

## Policies, Legislation, Standards and Guidance

- *Air Services Act 1995*
- *Civil Air Navigation Services Organization (CANSO) and Airports Council International (ACI) Managing the Impacts of Aviation Noise (2015)*
- *International Civil Aviation Organization (ICAO) Doc 8168 Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS)*

## Sources of Information

Our Aeronautical Information Service (AIS) provides the online material and publications that display flight paths, instrument flight procedures and aerodrome charts

<https://www.airservicesaustralia.com/aip/aip.asp>

Information from Airservices NFPMS is available on our website through WebTrak

<https://www.airservicesaustralia.com/aircraftnoise/webtrak/>

## Exclusions

The number, type, destination and origin of aircraft planned to operate on each flight path is determined by a range of factors including, airport and airline agreements, airline and operator flight scheduling, and fleet mix.

State, Territory and Local Governments are responsible for land use planning around airports through zoning, subdivision control, and comprehensive planning actions.

*The National Airports Safeguarding Framework (2018)* is a national land-use planning framework that aims to improve community amenity by minimising aircraft noise-sensitive developments near airports and improve safety outcomes by ensuring aviation safety requirements are recognised in land use planning decisions through guidelines being adopted by jurisdictions on various safety-related issues.



Where noise exposure is unavoidable, consider Noise Abatement Procedures that adjust aircraft operations to reduce noise impacts, including consideration of the time of these operations.

## Overview

Under the *Air Services Act 1995*, Airservices has an obligation to provide environmentally responsible services by minimising the environmental impact of aircraft operations, including the impact of aircraft noise.

Noise Abatement Procedures (NAPs) are designed to minimise the impact of aircraft noise on the community by reducing noise at the airport during ground operations and noise generated during the arrival and departure phases of flight.

NAPs can include:

- preferred flight track and/or runway modes of operation
- Noise Abatement Departure Procedures (NADP) such as directing aircraft to depart over water at night
- approach procedures such as Continuous Descent Operations<sup>6</sup> (CDO) and low power, low drag techniques
- modified flight path angles to adjust climb gradients
- restrictions on engine run-ups (a type of engine check) and/or ground equipment use.

Communities near airports may be sensitive to operations at different times of the day and night. To minimise the noise impacts on these communities NAPs may also include requirements regarding time of operations, including nominating the preferred runway use.

In all cases, safety considerations take priority over NAPs.

The appropriateness of NAPs depends on a range of factors including:

- the physical lay-out of the airport and its surroundings
- airport and airspace capacity, particularly during high demand periods.

It may be impractical to use NAPs if they generate delay and congestion, that can contribute directly to noise and emission impacts. Appropriate consideration of all potential environmental impacts is required in developing and reviewing NAPs.

## Application

Airservices is responsible for the development and review of NAPs in consultation with stakeholders, including aircraft operators, airlines, the airport operator and community.

NAPs are implemented by air traffic control (ATC) or other responsible parties (for example airports or airport owners e.g. Councils), and may be varied by ATC or pilots, subject to weather conditions and operational requirements.

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<sup>6</sup> CDO is an aircraft operating technique, enabled by airspace and instrument procedure design, which allows arriving aircraft to descend continuously using minimum engine thrust and low drag settings.



## Monitoring

We monitor and report on aircraft utilisation of runways and flight paths through the use of specialised aircraft noise monitoring equipment, databases and information systems contained in our Noise and Flight Path Monitoring System (NFPMS).

NAPs reporting may include information on preferred runway use and use of 'Smart Tracking'<sup>7</sup> approaches.

We conduct reviews on the use and effectiveness of NAPs.

## Policies, Legislation, Standards and Guidance

- *Air Services Act 1995*
- *Civil Air Navigation Services Organization (CANSO) and Airports Council International (ACI) Managing the Impacts of Aviation Noise (2015)*
- *ICAO Doc 8168 Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS)*
- *International Civil Aviation Organization (ICAO) Doc 9829 Guidance on the Balanced Approach to Aircraft Noise Management*

## Sources of Information

Our Aeronautical Information Service (AIS) provides the online material and publications that include NAPs <https://www.airservicesaustralia.com/aip/aip.asp>

Information from Airservices NFPMS is available on our website through WebTrak <https://www.airservicesaustralia.com/aircraftnoise/webtrak/>

## Exclusions

Aircraft operators are responsible for *Fly Neighbourly Agreements*, which are a voluntary agreement negotiated between aircraft operators and communities or authorities that have an interest in reducing the disturbance caused by aircraft within a particular area.

Curfews at federally leased airports are imposed by Federal legislation and regulated by DITRDC (through the *Airports Act 1996*).

Operators of non-federally leased airports, including private airports, may limit operations during certain hours through different means. This could be through setting operating hours or through State legislation or Local Government approvals.

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<sup>7</sup> 'Smart Tracking' also known as RNP AR procedures are flight paths with strict navigation performance requirements that rely on satellite based navigation and are only available to Civil Aviation Safety Authority (CASA) approved aircraft and pilots



## Consider current and expected future noise exposure when designing flight paths.

### Overview

Airservices considers the noise impacts of proposed flight path changes against current aircraft noise exposure. Current noise exposure is determined by considering the current aircraft operations in the area, including the type, frequency, altitude and noise levels of these operations.

When designing new flight paths, we review the flight path designs within approximately 60km of the aerodrome against current populations, future development of residential areas, and other noise sensitive sites.

Long term forecasts of future aircraft noise levels around airports are presented in Australian Noise Exposure Forecast (ANEF) charts. ANEFs are mandatory for all federally-leased airports as part of their Master Plans under the *Airports Act 1996*. ANEFs may also be required by State or Local Governments for non-federally leased airports. ANEFs are technically endorsed by Airservices to ensure their accuracy and are primarily used for land use zoning purposes by State, Territory and Local Governments.

### Application

We use data sourced from our Noise and Flight Path Monitoring System (NFPMS) and our air traffic control (ATC) system to determine current exposure to aircraft noise.

Noise levels and sound exposure are assessed using a suite of metrics, which have been informed by best practice in other noise-generating industries, for example  $LA_{max}$ <sup>8</sup> and 'Number Above'<sup>9</sup>, noise metrics. We also conduct estimates of the population potentially affected by changes in aircraft noise levels.

We assess the expected future noise exposure, using forecast growth in aircraft movements, and information gained through industry intelligence.

We use State and Local Government land-use planning and zoning to identify current and future land uses, and together with current aircraft operations data, design flight paths to minimise community noise exposure, where practicable.

We undertake an environmental assessment screening process for all changes to aircraft operations to identify changes that require a more comprehensive Environmental Impact Assessment (EIA).

### Monitoring

We monitor and report on aircraft utilisation of runways and flight paths through the use of specialised aircraft noise monitoring equipment, databases and information systems contained in our NFPMS.

Permanent and temporary noise monitoring can be undertaken for a range of reasons including to:

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<sup>8</sup>  $LA_{max}$  is the maximum sound level that an A-weighted sound pressure level reaches during a period of measurement.

<sup>9</sup> 'Number above' noise metrics describe the number of aircraft noise events above a certain noise level, e.g. 70 decibels (dB(A)). These are expressed as N70-x, where x is the number of noise events (e.g. 1, 5, 10, 20 or 50) above that noise level. These metrics are usually displayed as contours, with grading from high numbers of noise events to low numbers of noise events.



- determine the contribution of aircraft noise to the overall noise that a community is exposed to
- provide information to the community about aircraft noise and operations
- help local authorities make informed land planning decisions (though decisions can only be refined through the use of monitoring data, not completely overturned)
- inform estimates of the impact of changes in ATC procedures – including changes designed to reduce noise impacts of aircraft
- validate noise modelling.

We conduct Post-Implementation Reviews (PIRs) for all flight path changes where community engagement is undertaken to ensure the assessment of predicted noise exposure was accurate and that the assumptions and methodologies used continue to be correct and 'fit for purpose'.

### Policies, Legislation, Standards and Guidance

- *Air Navigation (Aircraft Noise) Regulations 2018*
- *Airports Act 1996*
- *Australian Standard AS2021:2015 (Acoustics - Aircraft noise intrusion - Building siting and construction)*
- *Environment Protection and Biodiversity Conservation Act 1999*
- *Transport Noise Management Code of Practice Volume 1 – Road Traffic Noise (2013) (Qld)*

### Sources of Information

Information from Airservices NFPMS is available on our website through WebTrak <https://www.airservicesaustralia.com/aircraftnoise/webtrak/>

ANEFs are published in federally-leased airport Master Plans and are available on airport websites.

### Exclusions

Noise monitoring is not undertaken to determine compliance with aircraft noise regulations as there are no regulations which specify a maximum, allowed level of aircraft noise. Airservices does not have any powers of enforcement to cease an aircraft from operating due to its noise impacts.

State, Territory and Local Governments are responsible for land use planning around airports through zoning, subdivision control, and comprehensive planning actions.

*The National Airports Safeguarding Framework (2018)* is a national land-use planning framework that aims to improve community amenity by minimising aircraft noise-sensitive developments near airports and improve safety outcomes by ensuring aviation safety requirements are recognised in land use planning decisions through guidelines being adopted by jurisdictions on various safety-related issues.

## Efficiency and Environmental Principles



Consider Matters of National Environmental Significance, other sensitive habitats, and registered heritage sites.

### Overview

Under the *Air Services Act 1995*, Airservices has an obligation to provide environmentally responsible services by minimising the environmental impact of aircraft operations. Airservices must comply with the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

The *EPBC Act* is the Australian Government's central piece of environmental legislation. In conjunction with States and Territories, it provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places – defined in the *EPBC Act* as Matters of National Environmental Significance (MNES). There are nine MNES:

- world heritage properties
- national heritage places
- wetlands of international importance (often called 'Ramsar' wetlands after the international treaty under which such wetlands are listed)
- nationally threatened species and ecological communities
- migratory species
- Commonwealth marine areas
- the Great Barrier Reef Marine Park
- nuclear actions (including uranium mining)
- a water resource, in relation to coal seam gas development and large coal mining development.

Other sensitive areas which are likely to contain important habitat for consideration by the *EPBC Act* listed threatened biota (the plant and animal life of a particular region or period) and migratory species or state-listed threatened biota, include:

- nationally important wetlands
- State Forests
- National Parks
- other Conservation Reserves listed under State legislation.

The *EPBC Act* applies to any group or individual whose actions may have a significant impact on the environment.

Under Section 28 of the *EPBC Act*, approval is required for an action taken by Airservices anywhere in the world that is assessed as *likely* to have a significant impact on the environment.

'*Significant impact*' has particular meaning within the *EPBC Act*, and is an impact which is "important, notable, or of consequence, having regard to its context or intensity". Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment which is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts.



## Application

We undertake an environmental assessment screening process for all changes to aircraft operations to identify changes that require a more comprehensive Environmental Impact Assessment (EIA).

Specifically to flight path changes, the EIA process will determine whether it is *likely* to have a 'significant impact' on MNES, other sensitive habitats and registered heritage sites. The EIA assesses flight path changes across four categories: aircraft noise, fuel burn and emissions, biodiversity and other *EPBC Act* matters (such as potentially affected noise sensitive sites and communities).

Wherever practicable, we seek to avoid changes that would be *likely* to have a 'significant impact' to the environment, as defined under the *EPBC Act*.

Where avoidance of potentially significant impact is not practicable, we are required to refer the change to the Commonwealth Minister for the Environment for advice, and to consider the advice before making a decision. The advice may require formal assessment under the *EPBC Act*, or it may include a range of conditions to apply to the proposal.

We can also use Environmental Impact Statements (EIS) for airport developments, which are legislated under State assessment and approval processes, as the basis from which to seek advice from the Minister. This can also occur through bilateral agreements between State and Federal Governments.

## Monitoring

Airservices conforms to the *ISO 14001:2015 Environmental Management Systems* to monitor and report on aircraft activities as directed by the Minister.

Under the *EPBC Act* the Department of Agriculture, Water and the Environment (DAWE) has a range of enforcement mechanisms for managing suspected or identified instances of non-compliance and for reviewing the compliance of referred projects.

## Policies, Legislation, Standards and Guidance

- *Air Services Act 1995*
- *Environment Protection and Biodiversity Conservation Act 1999*
- *ISO 14001:2015 Environmental Management Systems*

## Sources of Information

MNES appear on the *EPBC Act* lists. These lists are maintained and updated by the DAWE. Referrals under the *EPBC Act* are published on the DAWE *EPBC Act* Notices database.

## Exclusions

Actions on Commonwealth land in Australian Government leased airports are subject to the *Airports Act 1996* and are the responsibility of airports. The *Airports Act* requires airports to prepare Master Plans, Major Development Plans (MDPs) and Airport Environmental Strategies.

Under the *EPBC Act*, the Minister has authority over the nine defined MNES but does not have the power to regulate impacts on matters such as air quality, noise, odour, general amenity or animals that are not listed as threatened or endangered under the *EPBC Act*.

These environmental matters are the responsibility of the relevant State Government to consider during any state assessment and approval process within State land.



Design flight paths that deliver operational efficiency and predictability, and minimise the effect on the environment through reducing fuel consumption and emissions.

## Overview

Airservices plays an important role in facilitating and supporting improvements in aviation efficiency.

We work with regulatory authorities, airports, operators, and other air navigation services providers to improve Air Traffic Management (ATM), reduce fuel burn and emissions to collectively minimise the impact on the environment and community.

International Civil Aviation Organization (ICAO) encourages the use of performance based navigation (PBN), which uses the navigation capabilities of modern aircraft to enable more efficient airspace management solutions compared with conventional navigation.

Our flight path and airspace design methods rely on PBN to create flight paths that maintain reliable all-weather operations even at challenging airports, while reducing congestion, helping conserve fuel, protecting the environment, and reducing the impact of aircraft noise.

## Application

To facilitate operational efficiency, flight path design initiatives may include:

- arrivals with Continuous Descent Operations<sup>10</sup> (CDO) which prevent aircraft having to use additional power to 'level out', reducing fuel burn and emissions
- departures with Continuous Climb Operations<sup>11</sup> (CCO) which enable aircraft to reach their optimum flight level without interruption, reducing fuel burn and emissions, as a large proportion of fuel burn occurs during the climb phase
- arrivals and departures with laterally predictable flight paths, speed restrictions and vertical separation requirements which allow aircraft operators, airlines, and pilots to configure aircraft flight management systems for departures and arrivals in advance, reducing fuel burn and emissions
- 'Smart Tracking'<sup>12</sup> approaches with curved flight paths, reducing aircraft flight time and track miles
- more direct flight paths for busier routes, resulting in greater net reductions in fuel and emissions
- 'race track' route systems between cities to improve safety and efficiency of the air route network.

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<sup>10</sup> CDO is an aircraft operating technique, enabled by airspace and instrument procedure design, which allows arriving aircraft to descend continuously using minimum engine thrust and low drag settings.

<sup>11</sup> CCO is an aircraft operating techniques, enabled by airspace and instrument procedure design, which allows departing aircraft to climb continuously using optimum climb engine thrust and climb speeds until reaching cruising level.

<sup>12</sup> 'Smart Tracking' also known as RNP AR procedures are flight paths with strict navigation performance requirements that rely on satellite based navigation and are only available to Civil Aviation Safety Authority (CASA) approved aircraft and pilots

## Monitoring

We use an aviation environmental analysis tool with fuel burn and emissions modelling capability, to improve decision-making and help identify future emission reduction measures.

We work with airlines to identify the most effective way to remove constraints that cause unnecessary fuel burn and minimise aviation emissions.

## Policies, Legislation, Standards and Guidance

- *Australia's Air Traffic Management Plan 2017*
- *ICAO Destination Green (2013)*
- *ICAO Doc 9750 ICAO Global Air Navigation Plan 2016-2030*
- *Managing the Carbon Footprint of Australian Aviation (2017)*

## Sources of Information

Our Aeronautical Information Service (AIS) provides the online material and publications that display flight paths, instrument flight procedures and aerodrome charts

<https://www.airservicesaustralia.com/aip/aip.asp>

## Exclusions

There are many other parties with responsibility for efficiency and emissions actions within Australia, including airlines and aircraft operators, airports, and aircraft manufacturers.

Airlines are responsible for fleet upgrades and operational procedures to minimise fuel use, including reduction in weight of cabin items and reduction of engine ground running time.

It is an aircraft operator/owners responsibility to ensure their aircraft meets emissions regulations under *ICAO Annex 16: Environmental Protection, Volume II – Aircraft Engine Emissions* and the *Air Navigation (Aircraft Engine Emissions) Regulations 1995*.

We implement a range of ATM measures, which fall outside the design of flight paths, to improve fuel efficiency such as flexible flight tracks, improved air traffic control (ATC) sequencing and management of aircraft on the ground.



## Operational Principles



Design flight paths to facilitate access to all appropriate airspace users.

### Overview

Airservices designs air routes, flight paths and airspace in accordance with the *Airspace Act 2007* and *Airspace Regulations 2007*, taking into account the need for protection of the aviation environment, efficient and equitable use of airspace, and national security.

To ensure equitable access to the airspace, flight paths and airspace design must accommodate the range of airspace users, which can include both flying and non-flying activities:

- flying operations can include scheduled flight operations, military, emergency, freight, charter, helicopter, drones, and general and recreational aviation flights
- non-flying activities can include weapons firing, explosive demolition, and protection of areas of national security.

An appropriate airspace user, or 'eligible airspace user' as defined by the Civil Aviation Safety Authority (CASA), is an operator or organisation that can operate within the designated airspace, obtaining permission from the airspace controlling authority (e.g. Airservices for controlled airspace).

In designing flight paths, we balance the requirement between the cost to operators and the volume of controlled airspace needed to contain certain operations, with the need to maintain other users access to airspace.

Flight paths can be designed to specifically accommodate particular aircraft operations, using the latest technology where available. They can also be designed to avoid restricted and danger areas, both flying and non-flying.

The airspace controlling authority is determined by the CASA Office of Airspace Regulation (OAR), which manages the regulation of the airspace in Australia and designates different types of airspace, that are defined by a lateral and vertical limits, including:

- Controlled airspace<sup>13</sup>
- Uncontrolled airspace<sup>14</sup>
- Prohibited, Restricted or Danger areas.<sup>15</sup>

<sup>13</sup> Controlled airspace in Australia is actively monitored and managed by air traffic control (ATC). To operate in controlled airspace, an airspace user must first receive a clearance from ATC. ATC gives priority to emergency operations.

<sup>14</sup> Operations in uncontrolled airspace do not require a clearance from ATC. The majority of light aircraft and helicopters operate outside or underneath controlled airspace.

<sup>15</sup> A Prohibited Area (PA) is designated for reasons of military necessity to prohibit the flight of aircraft over the area. A Restricted Area (RA) is where aircraft movements are reduced to those with certain specified permissions. Examples of a RA include airspace around weapons firing, military flying, communication facilities emitting high-intensity radiated fields, explosive ordnance demolition, aerobatic displays and air shows, and police activities.

A Danger Area (DA) is designated where an activity within or over the area is a potential danger to aircraft flying over the area. Examples include flying training, gliding competitions, parachuting activities, mine blasting, high velocity plume rise (gas or exhaust) and small arms firing.

## Application

We must ensure that flight paths for Instrument Flight Rules (IFR)<sup>16</sup> operations subject to ATC are located in controlled airspace, taking into account applicable navigation tolerances and required safety buffers. In some cases this may require a change in the lateral and/or vertical limits of the controlled airspace.

Changes to controlled airspace require approval from CASA OAR, however in some cases, additional airspace is not available as it is administered by another airspace authority, such as Defence.

We consult with aviation industry stakeholders to ensure any changes we make to the controlled airspace meets their needs and is equitable.

## Monitoring

CASA works closely with Airservices to ensure that the needs of all airspace users are properly considered, the provision of Air Traffic Management (ATM) services is coordinated, and the administration of Australia's airspace is both safe and efficient.

CASA OAR conducts aeronautical studies and airspace reviews to ensure airspace is safe and appropriate for those who use it and to determine when airspace may require amending, for example due to a significant increase in traffic volume.

## Policies, Legislation, Standards and Guidance

- *Airspace Act 2007*
- *Airspace Regulations 2007*
- *CASA Manual of Standards Part 173 – Standards Applicable to Instrument Flight Procedures Design (2016)*
- *Civil Aviation Safety Regulations 1998 Part 173 – Instrument flight procedure design*

## Sources of Information

Our Aeronautical Information Service (AIS) provides the online material and publications that display flight paths, instrument flight procedures and aerodrome charts

<https://www.airservicesaustralia.com/aip/aip.asp>

Airspace regulation, including the airspace change process and airspace reviews, is available on the CASA website.

## Exclusions

CASA has sole responsibility for the regulation of the design of all Australian-administered airspace. Airservices is not able to impose changes upon airspace that is administered by other authorities, for example Defence.

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<sup>16</sup> Instrument flight procedure design and IFR are procedures and rules for how aircraft are to be operated when visual reference cannot be used for navigation by pilots.



## Consider flight paths that optimise airport capacity, and meet future airport requirements.

### Overview

We play an important role in facilitating and supporting aviation efficiency by working in collaboration with regulatory authorities, airports and aircraft operators and other air navigation services providers.

At major airports, capacity enhancement seeks to improve the efficiency and use of existing infrastructure, in consultation with the airport users and community, to increase runway capacity to address the challenge of airport congestion and delay.

It also includes design and development of airspace management solutions for new infrastructure, including new or extended runways, and in some cases, new airports.

We consider airport passenger growth forecasts and future airport developments, for example new runways, in the development of flight paths to ensure they meet future demand.

### Application

To optimise airport capacity and meet future airport requirements, flight path design initiatives may include:

- defined, predictable and repeatable flight paths which facilitate use of an Air Traffic Flow Management (ATFM) system for managing airport capacity
- Standard Instrument Departures (SIDs) that allow aircraft to turn as soon as possible after departure, allowing the next departing aircraft to be given 'take-off' clearance sooner
- Standard Instrument Arrivals (STARs) with set speeds at certain waypoints, leading to uniform spacing of aircraft on arrival flight paths
- separated SID and STAR procedures, allowing air traffic control (ATC) to efficiently direct aircraft to depart, while maintaining a safe distance from arrivals
- separate jet and non-jet SIDs, to allow slower non-jet aircraft to depart on separate flight paths and faster following jet aircraft to depart with reduced or no delay
- vertically-guided stabilised approaches<sup>17</sup> to reduce the frequency of missed approaches and therefore delays for departing and/or arriving aircraft.

### Monitoring

We use an ATFM system to identify and manage demand and capacity imbalances. We provide access to this system for aircraft operators, airports and aviation groups to assist in a collaborative approach to managing airport congestion and delays.

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<sup>17</sup> Vertically-guided approaches use satellite or other navigation technology to alert a pilot or aircraft about any lateral or vertical changes from the planned flight path. This makes it more likely an approach to land will be flown in a stabilised manner.



## Policies, Legislation, Standards and Guidance

- *Civil Aviation Safety Authority (CASA) Manual of Standards Part 173 – Standards Applicable to Instrument Flight Procedures Design (2016)*
- *Civil Aviation Safety Regulations 1998 Part 173 – Instrument flight procedure design*
- *ICAO Doc 9426 Air Traffic Services Planning Manual*
- *International Civil Aviation Organization (ICAO) Doc 8168 Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS)*

## Sources of Information

Our monthly Air Traffic Management (ATM) network performance reports, including reports at major airports, are available at <https://www.airservicesaustralia.com/publications/reports-and-statistics/atm-network-performance/>

Passenger growth forecasts are published in Airport Master Plans and available on airport websites.

## Exclusions

There are many other parties with responsibility for airport capacity within Australia, including airports, airlines and aircraft operators.

Airports are responsible for on ground changes to enhance airport capacity such as additional runways, lengthening or widening of existing runways, construction of taxiways that allow for faster entry and exit to the runway and upgrades to airport terminal capacity.

Aircraft operators are responsible for ensuring their aircraft vacate the runway following landing using the fastest possible method.

The number and type of aircraft which operate on each flight path is determined by the flight scheduling and fleet mix of airlines and aircraft operators, and airport gate scheduling.



## Consider flight paths that optimise overall network operations, including consideration of operations at adjacent airports.

### Overview

We are responsible for managing the overall efficiency of air traffic network operations within Australia.

Growth in air traffic impacts the effectiveness and efficiency of existing services, air routes and flight paths, while increased demand at major airports influences the overall performance of the air traffic network.

We play an important role in facilitating and supporting improvements in network efficiency by working in collaboration with regulatory authorities, airports, operators and other air navigation services providers to improve the processes and practices of air traffic control (ATC), airport operators and airlines.

We also consider the effect of operations on neighbouring airports, particularly where airports are located in close proximity, and seek to optimise overall network operations.

### Application

To ensure predictability of aircraft movements, optimise aircraft sequencing, and enhance overall network operations, flight path design initiatives may include:

- different flight paths to each runway end to allow for seasonal weather variations
- 'race track' route systems between cities to reduce route congestion
- where there is an unavoidable intersection of routes, placing the intersection where there is already a large altitude difference between the routes, to ensure a smoother flow of aircraft operations
- placing holding patterns on arrival routes to facilitate Air Traffic Flow Management (ATFM) and reduce overall delay
- defined, predictable and repeatable flight paths which facilitate use of an ATFM system for managing airport capacity
- providing multiple entry and exit points for routes so that it is easier for ATC to manage aircraft at busy times
- prioritising the location of busy routes when designing an overall route structure.

### Monitoring

We use an ATFM system to identify and manage demand and capacity imbalances. We provide access to this system for aircraft operators, airports and aviation groups to assist in a collaborative approach to managing overall air traffic network operations.

## Policies, Legislation, Standards and Guidance

- *Civil Aviation Safety Authority (CASA) Manual of Standards Part 173 – Standards Applicable to Instrument Flight Procedures Design (2016)*
- *Civil Aviation Safety Regulations 1998 Part 173 – Instrument flight procedure design*
- *ICAO Doc 9426 Air Traffic Services Planning Manual*
- *International Civil Aviation Organization (ICAO) Doc 8168 Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS)*

## Sources of Information

Our Aeronautical Information Service (AIS) provides the online material and publications that display flight paths, instrument flight procedures and aerodrome charts

<https://www.airservicesaustralia.com/aip/aip.asp>

Our monthly Air Traffic Management (ATM) network performance reports are available at

<https://www.airservicesaustralia.com/publications/reports-and-statistics/atm-network-performance/>

## Exclusions

There are many other parties with responsibility for airport capacity within Australia, including airports, airlines and aircraft operators, which can impact on overall network operations.

The number and type of aircraft which operate on each flight path is determined by airlines, airport and operator flight scheduling and fleet mix.

We undertake a range of ATM measures, which fall outside the design of flight paths, such as flexible flight tracks, improved ATC sequencing and management of disruptions caused by weather.





## Consider innovation and technology advancements in navigation and aircraft design.

### Overview

The aviation industry is constantly changing and evolving as existing aviation technology is refined and new technologies emerge.

We have a responsibility to support the emergence of new aviation technology by providing flight paths for enhanced navigation and aircraft design. This may include changes to existing aircraft such as the use of satellite based navigation systems, or catering to new aircraft types such as unmanned aircraft systems, hybrid and electric aeroplanes.

Importantly, advances in navigation performance have enabled changes in airspace design, separation standards, route spacing, airport access, instrument flight procedure design and Air Traffic Management (ATM).

These changes form a significant part of the overall modernisation of Australia's airspace and deliver improvements in safety and operational efficiency.

### Application

We work in collaboration with the Australian Government, Civil Aviation Safety Authority (CASA), airports and aircraft operators to enable the implementation of new technology.

Flight path designs to enable modern aircraft navigation technology may include:

- barometric vertical navigation<sup>18</sup> (BARO-VNAV) approaches enabling guided descent to landing without the need for on-ground navigation facilities
- 'Smart Tracking'<sup>19</sup> approaches with curved flight paths to fly with greater accuracy than approaches using conventional navigation means
- Vertically and horizontally guided approaches utilising enhanced satellite navigation, such as Ground Based Augmentation system (GBAS)<sup>20</sup> and Satellite Based Augmentation System (SBAS)<sup>21</sup>.

Our flight path designs also consider the opportunities and requirements of emerging technologies such as Unmanned Aerial Vehicles, commercial drones, aerial taxis and space vehicles.

<sup>18</sup> Vertically-guided approaches use satellite or other navigation technology to alert a pilot or aircraft about any lateral or vertical changes from the planned flight path. This makes it more likely an approach to land will be flown in a stabilised manner.

<sup>19</sup> 'Smart Tracking' also known as RNP AR procedures are flight paths with strict navigation performance requirements that rely on satellite based navigation and are only available to CASA approved aircraft and pilots.

<sup>20</sup> GBAS, known Honeywell SmartPath in Australia, is a satellite-based precision landing system that uses Global Positioning System (GPS) signals to provide aircraft with very precise positioning guidance during the final stages of an approach.

<sup>21</sup> SBAS is a navigation system that uses both space-based and ground-based infrastructure to improve the accuracy of Global Navigation Satellite System (GNSS) signals, such as GPS. GBAS and SBAS are technologies that utilise differing methods to improve the accuracy and integrity of Global Navigation Satellite System (GNSS) – derived positions. This enables aircraft to conduct high-precision vertically and horizontally guided approaches to landing in all weather conditions.

## Monitoring

We conduct regular maintenance reviews of published instrument flight procedures to ensure ongoing obstacle protection and compliance with any changes to the standards.

CASA conducts routine compliance audits on Part 173 providers, including Airservices, to ensure compliance with regulations and standards.

## Policies, Legislation, Standards and Guidance

- *CASA Manual of Standards Part 173 – Standards Applicable to Instrument Flight Procedures Design (2016)*
- *Civil Aviation Safety Regulations 1998 Part 173 – Instrument flight procedure design*
- *ICAO Doc 9905 Required Navigation Performance Authorization Required (RNP AR) Procedure Design Manual*
- *International Civil Aviation Organization (ICAO) PANS-OPS Doc 8168 Procedures for Air Navigation Services – Aircraft Operations*

## Sources of Information

Our Aeronautical Information Service (AIS) provides the online material and publications that display flight paths, instrument flight procedures and aerodrome charts

<https://www.airservicesaustralia.com/aip/aip.asp>

## Exclusions

There are many other parties with responsibility for aviation innovation and technology advancements within Australia, including CASA, aircraft manufacturers, airlines and operators.

Aircraft manufacturers are responsible for designing aircraft with improved navigation technologies or the development of new types of aircraft.

Airlines are responsible for fleet upgrades, adoption of new navigation technology and training of operators to use this technology.

CASA regulates new aircraft types, for example drones, and the use of new technology on aircraft within Australia.





## Abbreviations

Abbreviation	Name
AIS	Aeronautical Information Service
ANEF	Australian Noise Exposure Forecast
ASAP	Aviation Safety Advisory Panel
ATC	Air Traffic Control
ATFM	Air Traffic Flow Management
ATM	Air Traffic Management
ATSB	Australian Transport Safety Bureau
BARO-VNAV	Barometric vertical navigation
CASA	Civil Aviation Safety Authority
CASR	Civil Aviation Safety Regulations
CCO	Continuous Climb Operations
CDO	Continuous Descent Operations
Cth	Commonwealth of Australia
DAWE	Department of Agriculture, Water and the Environment
Defence	Department of Defence
DITRDC	Department of Infrastructure, Transport, Regional Development and Communications
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
GBAS	Ground Based Augmentation System
GNSS	Global Navigation Satellite System
ICAO	International Civil Aviation Organization
IFPP	Instrument Flight Procedures Panel
IFR	Instrument Flight Rules
MDP	Major Development Plan
MNES	Matters of National Environmental Significance
MOS	Manual of Standards



Flight Path Design Principles Application Notes – June 2020

Abbreviation	Name
NADP	Noise Abatement Departure Procedure
NAP	Noise Abatement Procedure
NFPMS	Noise and Flight Path Monitoring System
NPRM	Notice of Proposed Rule Making
OAR	Office of Airspace Regulation
PANS-OPS	Procedures for Air Navigation Services – Aircraft Operations
PBN	Performance Based Navigation
PIR	Post-Implementation Review
Qld	Queensland
RNP AR	Required Navigation Performance Authorization Required
SARPs	Standards and Recommended Practices
SBAS	Satellite Based Augmentation System
SID	Standard Instrument Departure
SMS	Safety Management System
STAR	Standard Instrument Arrival

## References

- *Air Navigation (Aircraft Engine Emissions) Regulations 1995 (Cth)*
- *Air Navigation (Aircraft Noise) Regulations 2018*
- *Air Services Act 1995 (Cth)*
- *Airports (Protection of Airspace) Regulation 1996 (Cth)*
- *Airports Act 1996 (Cth)*
- *Airservices Commitment to Aircraft Noise Management (2013), Airservices Australia*
- *Airspace Act 2007 (Cth)*
- *Airspace Regulations 2007 (Cth)*
- *Australia's Air Traffic Management Plan 2017 (Cth)*
- *Australian Standard AS2021:2015 (Acoustics - Aircraft noise intrusion - Building siting and construction)*
- *CASA Manual of Standards Part 173 – Standards Applicable to Instrument Flight Procedures Design (2016)*
- *Civil Air Navigation Services Organization and Airports Council International Managing the Impacts of Aviation Noise(2015)*
- *Civil Aviation Safety Regulations 1998 Part 173 – Instrument flight procedure design*
- *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*
- *ICAO Annex 16: Environmental Protection, Volume II – Aircraft Engine Emissions*
- *ICAO Destination Green (2013)*
- *ICAO Doc 8168 Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS)*
- *ICAO Doc 9426 Air Traffic Services Planning Manual*
- *ICAO Doc 9750 ICAO Global Air Navigation Plan 2016-2030*
- *ICAO Doc 9829 Guidance on the Balanced Approach to Aircraft Noise Management*
- *ICAO Doc 9905 Required Navigation Performance Authorization Required (RNP AR) Procedure Design Manual*
- *ICAO Doc 9906 Quality Assurance Manual for Flight Procedure Design*
- *ISO 14001:2015 Environmental Management Systems*
- *Transport Noise Management Code of Practice Volume 1 – Road Traffic Noise (2013) (Qld)*
- *Managing the Carbon Footprint of Australian Aviation (2017), Department of Infrastructure and Regional Development (Cth)*
- *National Airports Safeguarding Framework (2018), Department of Infrastructure, Transport, Regional Development and Communications (Cth)*





# **Airservices Australia**

## Stakeholder Consultation Outcomes Summary

### **Draft Flight Path Design Principles**

Prepared by Newgate Australia

**Prepared**  
May 2020





This report is a summary of the outcomes of the national stakeholder consultation on the draft Flight Path Design Principles.

<b>Final report:</b>	Airservices Australia	25.05.2020
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Draft Flight Path Design Principle Outcomes:	
 <b>Safety</b>	 <b>Community</b>
 <b>Environmental</b>	 <b>Operational</b>
Consultation tools:	
 <b>Community workshops</b>	 <b>Online Community Engagement Survey</b>
 <b>Industry stakeholder panels</b>	 <b>Submissions</b>
 <b>Community pop-up stalls</b>	 <b>Stakeholder briefings</b>
 <b>Quantitative Research</b>	



# Executive Summary

In late 2019 and early 2020, Airservices Australia (Airservices) embarked on a national industry and community stakeholder consultation, regarding draft Flight Path Design Principles (Principles). Principles are currently in place that guide decision-making, and this process was undertaken to renew and expand these Principles, to better support and foster a sustainable aviation sector.

The draft Principles were based on four outcome areas – safety, environmental, community and operational. It was intended that each of the final Principles would be accompanied by an Application Note which would describe the standards, rules, criteria for decision-making, and monitoring of the implementation of that Principle.

The draft Principles are listed over page (Table 1). This report documents the suggestions made by industry and community stakeholders, including on the draft Principles themselves, proposed new Principles, the priorities within the final Principles, and the considerations that should be given to their application.

## OVERVIEW OF THE NATIONAL CONSULTATION

Airservices and Newgate Communications developed and implemented a program of national consultation with community and industry stakeholders across Australia from 13 January 2020 to 9 March 2020. The objective of this engagement was to hear and understand stakeholder priorities and concerns across Australia regarding aviation.

Flight path decisions made by Airservices affect a very wide range of communities and industry groups. However not all groups have the same level of understanding of flight path design and decision-making. The engagement activities had the important task of building a general awareness of flight paths and airspace design considerations and constraints, and ensuring that community and industry stakeholders could provide an informed contribution to the draft Principles.

### Consultation objectives

The objectives of the consultation were as follows:

1. Share information on the draft Principles in a way that is timely and accessible
2. Engage a wide cross section of aviation stakeholders and the general public
3. Listen to a range of community and stakeholder views
4. Have a productive two-way exchange of information
5. Enable Airservices to finalise the Flight Path Design Principles for release.

### Consultation method

Airservices used a range of consultation tools to achieve these objectives.

#### Face-to-face consultations

- Industry stakeholder panels in Sydney, Newcastle and Brisbane
- Community workshops in Rockhampton, Gold Coast, Launceston, Melbourne, Perth and Adelaide
- Community pop-up stalls in Sydney and Brisbane

#### Online consultations

- An Online Community Engagement Survey on the *Engage Airservices* platform
- Written submissions
- Quantitative Research

The data resulting from all consultations was robust and actionable.









Outcome area	Draft Principle	Description
 Safety	1	The safety of air navigation must be the most important consideration.
	2	Flight paths must be designed in accordance with Australian and International design standards established in International Civil Aviation Organisation (ICAO) PANS-OPS 1 and Australian Civil Aviation Safety Regulations Part 173.
 Environmental	3	Minimise the effect on the environment through designs that effectively manage emissions, fuel consumption and greenhouse gases, limiting these wherever practicable.
	4	To the extent practicable, protect areas of Matters of National Environmental Significance (MNES), local cultural heritage and areas of natural beauty, considering the noise, emissions and visual impacts of the change.
	5	Design flight path changes that deliver efficiency while minimising the noise effects of aircraft operations through continuous descent operations (CDO), continuous climb operations (CCO) and unrestricted flight paths.
 Community	6	Noise should be concentrated as much as possible over non-residential and other non-noise sensitive areas and establishments.
	7	Where residential areas are exposed to noise, it should be fairly shared whenever feasible and practicable.
	8	Noise Abatement Procedures and Fly Neighbourly Procedures should be optimised to achieve the lowest possible overall impact on the community.
	9	Aircraft operations that are conducted at night or on weekends should be treated as being more sensitive than those which occur during the daytime or on weekdays.
	10	Both current and expected future noise exposure shall be taken into account when considering flight path design changes.
	11	To the extent practicable, distribute flight paths so that residential areas overflown by aircraft arriving on a particular runway do not also experience overflight by aircraft departing from the runway in the reciprocal direction.
 Operational	12	Consider the impact of flight path options on airport capacity and overall network operations.
	13	Flight paths will accommodate differing aircraft performance as specified in ICAO PANS-OPS.
	14	Design flight paths to facilitate access to all eligible airspace users.

Table 1 - The draft Flight Path Design Principles



## CONCLUSIONS

### The consultation process

The first conclusion was in relation to the consultation itself - Airservices' consultation on the draft Principles was seen by participants as an important step, and it was noted this consultation represented a '*positive change*' in Airservices' decision-making. In face-to-face sessions the upcoming changes to the aviation sector across Australia were described and understood.

There was broad agreement that Airservices should make a commitment to transparency. Once the Principles are finalised, it was requested by participants that Airservices report on its future flight path decision-making processes, and if relevant, the weight given to each Principle, and the different options that were considered.

Overall, this consultation program met the objectives described in this report. It secured a robust debate and dataset on the draft Principles. A range of quantitative and qualitative data was obtained during this consultation process, providing an array of perspectives on various topics, and these are described in this report.

### Priorities for flight path decision-making

#### Quantitative Research

The MaxDiff research showed that, overall, the priorities for flight path decision-making are similar across different groups in Australia:

- Getting passengers safely to their destination
- Having simple and predictable flight paths that make it easier for air traffic controllers to ensure safety and reliability
- Reducing aircraft fuel consumption and greenhouse gas emissions (e.g. by direct routes).

The remaining issues in the top 5 priorities relate to travel and customer issues, for example reduced travel delays, reliable flights and accommodating all eligible airspace users.

However, the Online Community Engagement Survey demonstrated that, for those people that do consider themselves to be impacted by flight paths and aircraft noise, their ideas and concerns relate most to prioritising those draft Principles with community outcomes. Similarly, in the Quantitative Research, for those people that have negative views of flight paths, 30% of these people relate their concern to noise and flight paths over residential areas, and another 5% feel the flight paths do not consider impacts to communities.

#### Face-to-face engagement and written submissions

In the face-to-face consultations, there was a strong view that safety outcomes should be overriding and non-negotiable in decision-making. There was agreement that denoting a specific order in the description of the final Principles, after safety considerations, would indicate a priority for decision-making. The idea of prioritising one outcome area over another was problematic for most participants.

Broadly, industry stakeholders had a stronger focus on safety and operational outcomes. They queried the preference that some people had in relation to environmental outcomes and noted that the results of this national consultation would be useful to better understand this issue and its relative priority.

In industry panel discussions and submissions, the view was expressed that the draft Principles must not have an adverse impact on airport capacity or network operations, which would create a negative impact on the growth in aviation, and related economic impacts. It was noted that some community opinions and expectations, and the operational realities of aircraft movement, do not always align.

All participants expressed a concern that decisions requiring a trade-off in draft Principles (for example environment or community outcomes) must consider thoroughly the consequences of the decision - across both community and industry.



### An opportunity to adopt improved technology

A theme across both industry and the community discussions was the opportunity to address the need for increased investment in innovation and technology. Specifically, whether flight paths that require advanced technology could be preferred? It was assumed that improved technology leads to quieter planes with improved environmental outcomes.

### In relation to the draft Principles themselves

- Some of the draft Principles contained both decision-making guidance, *and* information on the application of that Principle. Participants suggested that the latter information be moved to the Application Notes.
- Community workshop participants proposed a draft Principle to consider community safety with regard to health – the psychological impacts of noise and the impacts of emissions.
- Climate change was an important consideration, as shown in the Quantitative Research, both MaxDiff and open-ended questions, the community pop-up stalls, and some workshop participants. For some people it was the most important consideration.
- The remaining issues in the top 5 priorities relate to travel and customer issues, for example reduced travel delays, reliable flights, accommodating all eligible airspace users.
- The draft Principles were inconsistent in language, incorporating a range of words that require further definition including:
  - *In consideration*
  - *Minimise*
  - *Wherever practicable*
  - *To the extent practicable*
  - *Fairly*
  - *Should*
  - *As much as possible*
  - *Whenever feasible and practicable.*

Participants suggested ways to reduce this.

- An opportunity to simplify the environment and community considerations was discussed, to consider the impact on local environment, social and cultural assets, using the Application Notes to support further, detailed instruction.
- Participants generally agreed that draft Principle 7 (Where residential areas are exposed to noise, it should be fairly shared whenever feasible and practicable) was problematic. The reasons included:
  - The concept of '*fairly shared*' means different things to different people, and as part of this there are concepts such as '*when people purchased a property*', '*new aviation infrastructure and flight paths*', and '*what constitutes fair*'
  - That communities would have an opinion on this topic, and that during community consultations, different areas could reach different conclusions on this matter
  - The process should be to discover local community values and circumstances and develop specific plans. The proposed Application Notes were identified as the best place to address this concept.

As a final note, this report describes the issues and ideas raised by participants, however it does not provide the technical response by Airservices to the subject of this consultation. Actions in regards to the final Flight Path Design Principles will be reported separately by Airservices.





# 1. Overview





## 1.1 CONSULTATION ACTIVITIES

Consultation activities were conducted between 14 January 2020 and 9 March 2020.

### INDUSTRY STAKEHOLDER PANELS

Three industry stakeholder panels lasting two hours each were held in Sydney, Brisbane and Newcastle (20 to 22 January 2020), so that participants who represent or work in aviation, or associated industries, could provide input on the draft Principles.



### COMMUNITY WORKSHOPS

Six community workshops were held in Rockhampton, Gold Coast, Launceston, Melbourne, Perth and Adelaide (29 January to 6 February 2020). Lasting two and a half hours each the workshops were designed to elicit qualitative feedback from the community, to inform the final Principles with community priorities and values. The workshops had both stakeholders who nominated to participate, and others who were recruited to participate. This ensured the consultation included participants who were broadly representative of the wider community.



### COMMUNITY POP-UP STALLS

Two, two-hour long community pop-up stalls were held in Brisbane and Sydney (16 January 2020). These were designed to target community members at shopping centres located near major flight paths. Passing shoppers completed a short form survey, to enable a broad understanding of their priorities in relation to flight paths.



### ONLINE COMMUNITY (ENGAGE PLATFORM) SURVEY

A dedicated project page on the *Engage Airservices* online platform, hosted information and the short form survey. The survey enabled a wide group of stakeholders to participate. It was promoted to community stakeholders registered with Airservices Noise Complaints and Information Service, and who had contacted Airservices regarding aircraft noise related matters. The Online Community Engagement Survey was open from 14 January to 9 February 2020, and for an additional consultation from 24 February to 9 March 2020.



### WRITTEN SUBMISSIONS

Industry and community stakeholders were also provided with the option to submit a written submission. The stakeholders who provided written submissions included those who could not attend an industry panel or community workshop, and those who wanted to follow-up on their participation with a written submission.



### QUANTITATIVE RESEARCH

National Quantitative Research was conducted from 13 to 17 January 2020. The online research survey was provided to recruited participants to seek detailed community ideas and sentiments from a representative sample of the national population. This included people from regional and metropolitan areas, frequent and infrequent flyers, people who live near airports, people of different age groups, and those identifying with carer and disability characteristics.



### BRIEFINGS OF STAKEHOLDER GROUPS

A number of stakeholders requested separate briefings (conducted face-to-face where possible):

- Community Aviation Consultative Groups – Various dates
- Department of Infrastructure – 21 November 2019
- Regional Aviation Association of Australia – 28 January 2020
- Tasmanian Department of State Growth – 29 January 2020
- Brimbank Council – 29 January 2020
- Northern Midlands Council – 30 January 2020
- Moorabbin Airport – 5 February 2020
- Western Sydney Airport – 6 February 2020.





## 1.2 REACTION TO THE CONSULTATION ON DRAFT PRINCIPLES

Airservices' consultation on the draft Principles was seen by participants as an important step, and it was noted this consultation represented a *'positive change'* in Airservices' decision-making. In face-to-face sessions, the upcoming changes to the aviation sector across Australia were described and understood.

The next steps to finalise the draft Principles, and the communication and engagement around that process, was seen by industry and community as being important.



"Two members of the CACG and the Chair attended a community workshop in Melbourne. The information provided at the workshop was well presented and in plain English. The facilitator and Airservices speaker were open and respectful. That was a big move forward from previous Airservices consultation activities ...and we hope it will be a sustained change."

## 1.3 RELATIVE IMPORTANCE OF A RANGE OF FLIGHT PATH VARIABLES

In the Quantitative Research and the Online Community Engagement Survey, participants were asked to consider and compare the most important variables in designing a good flight path. These variables, and how they relate to the draft Principles are described in **Appendix A** - 1,032 Quantitative Research surveys and 2,178 Online Community Engagement Surveys were completed.

One of the tools used in the consultation was a statistical research survey called a *'MaxDiff'*, to obtain a relative ranking of importance of a range of variables that were contained in the draft Flight Path Design Principles. The MaxDiff software is an analysis and trade-off tool that determines the relative importance of a large number of specific variables.

Of the 22 variables that relate to the draft Principles (described in Section 2), those most important to the survey participants are listed below in **Table 2** (in order).

Quantitative Research	Online Community Engagement Survey
1. Getting passengers safely to their destination	1. Avoiding aircraft noise at night (i.e. between 11pm and 6am)
2. Having simple and predictable flight paths that make it easier to ensure safety and reliability	2. Minimising the overall amount of plane noise heard on the ground
3. Reducing aircraft fuel consumption and greenhouse gas emissions	3. Spreading aircraft noise evenly across different suburbs to share the impact
4. Having efficient flight paths to reduce tarmac delays and improve flight reliability	4. Avoiding flying over high density residential areas
5. Ensuring airspace is available for all eligible airspace users	5. Getting passengers safely to their destination
6. Avoiding flying over high density residential areas	6. Having simple and predictable flight paths that make it easier for air traffic controllers to ensure safety and reliability
7. Having flight paths that maximise airport and airline efficiency to reduce costs	7. Ensuring suburbs are only impacted by take-offs or landings (but not both)
8. Planning appropriately for future increases or decreases in the number of flights at an airport	8. Avoiding flying over low density residential areas

Table 2 - MaxDiff priorities (Source: Newgate Research Quantitative Research report, March 2020)

### Considering the variables relating to aircraft noise

In the Quantitative Research, *'avoiding aircraft noise at night'* and *'minimising the overall amount of noise heard on the ground'* were moderately important variables - they were ranked 10th and 11th respectively. Participants were significantly more concerned with noise at night, rather than noise on the weekend (which was ranked 21st).

The question was also presented to the community workshops and industry stakeholder panels - however the data set is considered to be too small to be significant.





**Table 3** lists how all variables ranked across the:

- Quantitative Research
- Online Community Engagement Survey.

**Table 3** also shows the issue of noise to be far more important for those people who chose to undertake the Online Community Engagement Survey. These participants prioritised:

- spreading aircraft noise evenly across different suburbs to share the impact
- minimising the overall amount of plane noise heard on the ground
- avoiding aircraft noise at night
- avoiding flying over high density residential areas.

Spreading noise evenly across suburbs, rather than concentrating it in specific areas, was not an important issue for most Quantitative Research survey participants, however Online Community Engagement Survey participants strongly preferred for aircraft noise to be spread more evenly.

In the Online Community Engagement Survey, 6 of the 8 top priorities relate to community outcomes and noise. Ensuring suburbs are only impacted by take-offs or landings (but not both), ranked 14th in the Quantitative Research, and 7th in the Online Community Engagement Survey.

Both groups indicated a preference to avoid high-density residential areas. Similarly both groups considered it to be least important to avoid aircraft noise over industrial areas as well as sports facilities and community spaces.

The priorities for participants in the Quantitative Research who lived within a 50km radius of an airport were ranked the same as all other participants across Australia. Their proximity to an airport did not result in differing views in relation to the importance of each variable.

	Factor	Relative importance (%)	All of AU	Surround. Suburb	Online engagement	
Ranking ↑	1 Getting passengers safely to their destination		29	29	7	Most important
	2 Having simple and predictable flight paths that make it easier for air traffic controllers to ensure safety and reliability		10	10	4	
	3 Reducing aircraft fuel consumption and greenhouse gas emissions (e.g. by direct routes)		8	8	2	
	4 Having efficient flight paths to reduce tarmac delays and improve flight reliability		6	6	2	
	5 Ensuring airspace is available for all eligible airspace users inc. helicopters, unmanned aerial vehicles, & light aircraft		5	5	1	
	6 Avoiding flying over high density residential areas		5	5	14	Least important ↓
	7 Having flight paths that maximise airport and airline efficiency to reduce costs		5	5	1	
	8 Planning appropriately for future increases or decreases in the number of flights at an airport		5	5	3	
	9 Allowing direct flight routes to shorten flight times		4	4	1	
	10 Avoiding aircraft noise at night (i.e. between 11pm and 6am)		4	4	17	
	11 Minimising the overall amount of plane noise heard on the ground		3	3	16	
	12 Spreading aircraft noise evenly across different suburbs to share the impact		2	2	16	
	13 Concentrating aircraft noise in select suburbs to reduce the number of suburbs affected		2	2	1	
	14 Ensuring suburbs are only impacted by take-offs or landings (but not both)		2	2	4	
	15 Avoiding flying over low density residential areas		2	2	4	
	16 Avoiding flying over beaches, estuaries and other coastal areas		1	1	1	
	17 Avoiding flying over Indigenous cultural sites		1	1	1	
	18 Avoiding flying over agricultural land		1	1	1	
	19 Avoiding flying over national parks		1	1	1	
	20 Avoiding flying over sports facilities and open community spaces		1	1	1	
	21 Avoiding aircraft noise on the weekend		1	1	3	
	22 Avoiding flying over industrial areas		1	1	0	
			Top 5 most important aspects			

Table 3 - Results of the comparison of flight path design variables (Source: Newgate Research Quantitative Research report, March 2020)



## 2. Stakeholder consultation outcomes





## SAFETY OUTCOMES

# 2.1 Principle 1

The safety of air navigation must be the most important consideration.

### MaxDiff variables relating to this draft Principle:

- Getting passengers safely to their destination
- Having simple and predictable flight paths that make it easier for air traffic controllers to ensure safety and reliability

## Summary of feedback

- Safety was accepted as the most important draft Principle in the community workshops, the industry stakeholder panels and the Quantitative Research.
- Safety was not the most important variable for flight path design for the Online Community Engagement Survey participants.
- Participants considered whether safety should be included as a draft Principle, the suggestion being that compliance with safety was inherent and expected. Others suggested it was important to explicitly state that the first flight path design consideration is safety.
- Discussion across different workshops related to suggestions for a new draft Principle regarding the safety of communities on the ground, including the design process to address the physical and mental health aspects of overhead flight paths.
- Participants expressed a wider view that where safety resulted in other draft Principles being unable to be implemented, it should be described why the paths were not safe, and what made the chosen flight paths sufficiently safer.
- A new draft Principle was suggested, referring to on ground safety, as opposed to safety for flight customers - *'Flight paths to facilitate community safety, particularly where buffer zones are limited and residential areas are nearby, regarding emissions and noise'*.





### Community workshops

- Draft Principle 1 should be expanded to explicitly account for community impact relating to noise exposure, aircraft crash, fuel dumping or exposure.
- Alternately, a standalone draft Principle is recommended.
- The draft Safety Principles should have clear, measurable criteria that can subsequently be communicated to participants.
- Where safety resulted in flight path design options being discounted, and as a result other draft Principles were unable to be met, this analysis should be documented.
- Compliance with safety is a clear, legislated expectation and therefore to be included as a draft Principle was unnecessary.
- Alternatively, it is important to state explicitly that the primary flight path design consideration was safety.



### Community pop-up stalls

- There was no explicit mention of safety.



### Submissions and briefings

- The safety of community members who experience aviation noise should be considered.



### Industry stakeholder panels

- Draft Principle 1 and Principle 2 overlap with draft Principle 13.
- The safety of the general public to be included as a new Principle or absorbed within an existing draft Principle.



### Quantitative Research

- The most important variable when designing flight paths was: *'getting passengers safely to their destination'* (29% relative importance).
- The 2nd most important variable (at 10% relative importance) was, *'having simple and predictable flight paths that make it easier to ensure safety and reliability'*.
- *'Safety first'* was 27% of comments provided to the open ended question *'how flight paths can best consider the variables that are most important to participants'*.



### Online Community Engagement Survey

- *'Getting passengers safely to their destination'* was the 5th most important variable when designing flight paths.
- *'Having simple and predictable flight paths that make it easier to ensure safety and reliability'* registered as equal 6th most important variable.
- *'Safety first'* was 12% of comments provided to the open ended question *'how flight paths can best consider the variables that are most important to participants'*.



"Flight paths to facilitate community safety, particularly where buffer zones are limited and residential areas are nearby, regarding emissions and noise."



"Safety is paramount and I don't think you'll find anyone that disagrees, however, passenger safety should never trump community safety. They are equally as important."



"Safety is an obvious first priority."



## SAFETY OUTCOMES

# 2.2 Principle 2

### MaxDiff variables relating to this draft Principle:

- There were no MaxDiff variables relating to this draft Principle

Flight paths must be designed in accordance with Australian and International design standards established in International Civil Aviation Organisation (ICAO) PANS-OPS and Australian Civil Aviation Safety Regulations Part 173.

## Summary of feedback

- Technical jargon should be avoided if possible as the draft Principles should be accessible to the general community.
- Where the use of technical language cannot be avoided, definitions should be provided.
- Clarification was sought on how the international safety standards are set, Australia's role in developing international safety standards, and if there was accountability in relation to implementing international standards.
- Can the community participate in a review of International Civil Aviation Organisation /Australian Civil Aviation Safety Regulations design standards?
- The standards that Airservices must meet do not need to be outlined in the draft Principle. As such, this draft Principle could be concluded with a full stop after the word 'standards'.







### Community workshops

- The final Principles should be accessible to the general community and should avoid the use of technical language, or provide accompanying definitions of the technical terms ICAO PANS-OPS and Australian CASR 173.
- Clarification was sought on how the international safety standards are set, and Australia's role in developing international safety standards.
- Is there any accountability in relation to implementing international standards?



### Community pop-up stalls

- There was no explicit mention of safety.



### Submissions and briefings

- Can the community influence any review of Airservices/ICAO?
- Draft Principle 2 overlaps with draft Principle 13.
- New wording suggested: *'Flight paths must be designed to meet relevant Australian and international regulations and standards'*.



### Industry stakeholder panels

- If draft Principle 2 and draft Principle 13 are to be public facing, they must be accompanied by a non-technical explanation.
- Draft Principle 2 could be concluded with a full stop after the word *'standards'*.



### Quantitative Research

- There was no explicit mention of this draft Principle.



### Online Community Engagement Survey

- There was no explicit mention of this draft Principle.



"Whilst ICAO may recommend a certain procedure for a 'perfect' flight path design from a technical perspective, [Airservices] must strive to ensure balance and respite is achieved when planning to permanently degrade environmentally sensitive areas and human communities through compounding exposure to aircraft noise and emissions."



"If draft Principle 2 is to be public facing there needs to be a plain English explanation."





## ENVIRONMENTAL OUTCOMES

### 2.3 Principle 3

Minimise the effect on the environment through designs that effectively manage emissions, fuel consumption and greenhouse gases, limiting these wherever practicable.

#### MaxDiff variables relating to this draft Principle:

- Reducing aircraft fuel consumption and greenhouse gas emissions (e.g. by direct routes)

#### Summary of feedback

- Most conversations acknowledged people have differing priorities, and there will be difficulties in achieving a balance between the impact of a flight path on the environment and community outcomes for noise over residential land.
- The variable to 'reduce aircraft fuel consumption and greenhouse gas emissions' however was a strong priority for participants across Australia, ranking highly in the Quantitative Research MaxDiff exercise and in the free text comments. It was notable in the pop-up community discussions as the most important variable (25 out of 71 surveys) and over 50% had it ranked either 1st or 2nd (44 out of 71).
- Participants in the Online Community Engagement Survey had a different view, with this variable the 11th priority with 2% relative importance.
- The use of qualifiers in the draft Principles, such as 'wherever practicable', was seen as unnecessary, described as 'non-committal language' that does not assist.
- The 'environment' outcome should be expanded to 'environment and climate' outcome.





### Community workshops

- There needs to be a balance achieved between the impact of a flight path on the environment and an increase in noise over residential land.
- The 'environment' outcome should be expanded to be an 'environment and climate' outcome.
- Draft Principle 3 links to draft Principle 12 as more efficient flight paths are better for the environment.



### Community pop-up stalls

- 'Reducing aircraft fuel consumption and greenhouse emissions' was the most important variable to consider when designing flight paths out of the five options, for 25 out of 71 people.
- Over half of participants indicated it was their 1st or 2nd priority (44 out of 71).



### Submissions and briefings

- The term 'practicable' should be deleted.
- The prioritisation of this Principle may come at the expense of the community experiencing aircraft noise.
- All definitions of 'environment' should be extended to include the human environment.
- Limiting fuel consumption is not desirable if it results in a concentration of noise over a community.
- Draft Principles 3 and 5 should be combined.
- There should be clarification on the perceived conflict between flight efficiency (in draft Principle 5) and noise minimisation – for example more direct flight paths may achieve a reduction in emissions, but fly over populated areas.
- There should be specific emissions targets and emissions standards addressed in the Application Notes, and with legislation.



### Industry stakeholder panels

- Clarity was sought on how draft Principle 3 and draft Principle 5 will be considered when the application of one affects the outcomes of the other.
- Are international standards regarding environmental impact available, to guide how draft Principle 3 is to be applied?
- Draft Principle 3 could be amended to include air traffic control managed impacts.
- Fuel burn (referred to in the environment outcome Principles) should also be considered as an operations outcome Principle.



### Quantitative Research

- 'Reducing aircraft fuel consumption and greenhouse gas emissions' was the 3rd most important variable when designing good flight paths.
- 'Reduce pollution / gas emissions / fuel use / protect environment' was the theme of 15% of comments provided to the open ended question, 'how flight paths can best consider the factors that are most important to participants'.



### Online Community Engagement Survey

- 'Reducing aircraft fuel consumption and greenhouse gas emissions' was considered a less important priority, tied to the 11th most important variable when designing good flight paths.
- Reduce pollution / gas emissions / fuel use / protect environment' was the theme of 12% of comments provided to the open ended question 'how flight paths can best consider the variables that are most important to participants'.



"It is important that flight paths are environmentally friendly and ensure efficiency and they can be adapted to future capacity demands and new aircraft."



"In many instances this would be achieved at the expense of the community Principles."





## ENVIRONMENTAL OUTCOMES

# 2.4 Principle 4

To the extent practicable, protect areas of Matters of National Environmental Significance (MNES), local cultural heritage and areas of natural beauty, considering the noise, emissions and visual impacts of the change.

### Summary of feedback

- The relative importance of this draft Principle is varied. Participant suggestions ranged in sentiment and included:
  - It is not needed
  - Planes should fly over sites such as beaches and parks as the impact is of limited duration
  - The protection of these sites is essential for tourism.
- There were six variables relating to draft Principle 4 that were ranked using the MaxDiff analysis. In the Quantitative Research, these variables each received a relative importance of 1%.
- Participants requested clarity on the term *'areas of natural beauty'* and *'local cultural heritage'*. Many indicated the terms were vague and a *'broad net'*. Participants suggested that the sites to be protected should be those that are recognised by an authority.
- The term *'areas of natural beauty'* in draft Principle 4 is too general, and needs to have a defined limit that Airservices would apply, to be able to consider this Principle.
- How will the community be involved in identifying sites being *'areas of natural beauty'* or *'local cultural heritage'*?
- Does the term *'to the extent practicable'* in draft Principle 4 only account for safety, or does it consider community views?
- Participants generally indicated that flying over agricultural land and industrial lands was preferred. This was similarly reflected in both the Quantitative Research and Online Community Engagement Survey.
- The Application Notes to refer to the objectives of the Environment Protection and Biodiversity Conservation Act 1999 regarding social impact – communities should be considered within this draft Principle as well.
- It was suggested that a specific reference to protecting wildlife (particularly birdlife) be considered as part of the wording of this draft Principle.

### MaxDiff variables relating to this draft Principle:

- Avoiding flying over Indigenous cultural sites
- Avoiding flying over national parks
- Avoiding flying over sports facilities and open community spaces
- Avoiding flying over beaches, estuaries and other coastal areas
- Avoiding flying over agricultural land
- Avoiding flying over industrial areas

There was no variable relating to *'Matters of National Environmental Significance'*





### Community workshops

- The term 'to the extent practicable' in Principle 4 is 'soft or non-committal' language and should be replaced by a term with more certainty such as 'must'.
- A definition is needed for 'areas of natural beauty' and 'local cultural heritage' - suggesting these terms are too vague.
- Who can determine which sites qualify as 'areas of natural beauty' or 'local cultural heritage'?
- How will the community be involved in identifying these sites?
- If a plane reaches a certain altitude and there are no defined noise impacts, it is immaterial what area it is flying over. The impact, if there is one, is also temporary.
- Participants provided varied responses on the relative importance of this draft Principle:
  - Some suggested that it was not needed, and planes should fly over sites such as beaches and parks.
  - Others suggested the protection of these sites was essential for tourism (and thus economic) purposes.



### Community pop-up stalls

- When asked to list the 3 most important variables when designing flight paths 'avoid flying over national parks' and 'avoid flying over beaches, estuaries and other coastal areas' were the 2nd most important variables (35 people).
- 'Avoiding flying over Indigenous cultural sites' and 'avoiding flying over sports facilities and open community spaces' were the tied 4th most important variable (28 people).
- 'Avoiding flying over agricultural land' and 'avoiding flying over industrial land' were 5th and 6th with 14 and 8 people indicating they were the most important variables.
- Discussions noted that fauna and wildlife should be considered as they can't protect themselves.



### Submissions and briefings

- The term 'practicable' should be deleted in draft Principle 4.
- Does the term 'to the extent practicable' in draft Principle 4 only account for safety or does it consider community views?
- Clearly state that areas of National Environmental Significance are a priority in the draft Principles.
- Draft Principle 4 and the words 'to the extent practicable' may be inconsistent with EPBC Act which has the unqualified objective "to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance".
- The objectives of the Environment Protection and Biodiversity Conservation Act 1999 regarding social impact should be considered, that is the potential for impact on communities.
- This draft Principle should be expanded to include the consideration of impacts to communities and tourism.



### Industry stakeholder panels

- The term 'areas of natural beauty' in draft Principle 4 is too general and could become a very 'low bar'.
- This discussion focused on what limitations and/or definitions Airservices may apply to the consideration of 'areas of national beauty'.
- Enquiry as to whether the inability to achieve draft Principle 4 would be considered a fatal flaw to a flight path - if a flight path cannot conform to this Principle does this mean it will not be allowed?
- Need to ensure consistent use of the word 'change' in each of the draft Principles 4, 5, and 10.



### Quantitative Research

- The 6 variables relating to draft Principle 4 were ranked using the MaxDiff analysis.
- Each of these 6 variables received a relative importance of 1% and were in the bottom half of the variables.
- 'Protect the environment' or similar was 15% of comments provided to the open ended question 'how flight paths can best consider the variables that are most important to participants'.



### Online Community Engagement Survey

- Of the 6 variables relating to draft Principle 4 which were ranked using the MaxDiff analysis all received 1% relative importance bar 'avoiding flying over industrial areas'.
- 'Avoiding flying over industrial areas' received 0%.
- 'Protect environment' or similar was 12% of comments provided to the open ended question 'how flight paths can best consider the variables that are most important to participants'.



"Those who live in flight path affected residential areas must be afforded places that offer natural quiet to escape the noise of their everyday lives."





## ENVIRONMENTAL OUTCOMES

# 2.5 Principle 5

Design flight path changes that deliver efficiency while minimising the noise effects of aircraft operations through continuous descent operations (CDO), continuous climb operations (CCO) and unrestricted flight paths.

### MaxDiff variables relating to this draft Principle:

- Minimising the overall amount of plane noise heard on the ground
- Reducing aircraft fuel consumption and greenhouse gas emissions

## Summary of feedback

- The terms 'CDO', 'CCO' and 'unrestricted flight paths' are confusing and inaccessible terms for the general community.
- The order of these terms in the draft Principle should be swapped – continuous climb operations before continuous descent operations (as the noise and environment impacts for a climb are a higher order priority than descent).
- Participants suggest CDO, CCO and unrestricted flight paths are strategies for achieving a Principle, rather than forming a Principle in their own right.
- Generally, industry stakeholders agreed with the draft Principle and requested that it be considered alongside the consideration of (avoiding) flying over communities.
- The term minimising should be replaced with '*and noise minimisation*' to achieve a balance with efficiency. '*Efficiency*' should not be the primary consideration.
- The greenhouse benefits of this draft Principle are supported by the community in the Quantitative Research (third priority) and to a lesser extent '*minimising the overall amount of plane noise heard on the ground*' (11th priority).
- For the Online Community Engagement Survey '*minimising the overall amount of plane noise heard on the ground*' recorded 16% relative importance and was the 2nd most important consideration when designing good flight paths.





### Community workshops

- The terms 'CDO, CCO and unrestricted flight paths' in draft Principle 5 are confusing and inaccessible for the general community.
- Draft Principle 3 and draft Principle 5 should be merged to read, *'minimise the effect on the environment through efficient designs that effectively manage noise, emissions, fuel consumption and greenhouse gases, limiting these wherever possible'*.
- Draft Principle 5 could be considered as an operational outcomes Principle.



### Community pop-up stalls

- *'Minimising the amount of aircraft noise that is heard on the ground by people'* was the most important variable for 16 participants, and 2nd most important variable for a further 14 participants.
- When selecting the three most important variables from seven options *'avoid flying over residential areas'* was the priority with 58 of 71 people recording it as a top three priority.



### Submissions and briefings

- Draft Principle 5 should be reworded and moved to the community outcomes category.
- Efficiency and noise minimisation should be balanced in draft Principle 5 rather than efficiency being the primary consideration. CDA and CDO are strategies for achieving a Principle, rather than forming a Principle in their own right.
- It is assumed that *'efficiency'* in the context of draft Principle 5 refers to length of the flight path route, and it is not clear how the community and environmental impacts are to be considered.
- There should be clarification on the potential conflict between efficiency and noise minimisation.



"CDO and CCOs, if achieved through RNP-AR ("Smart-tracking") can result in almost continuous noise and insufferable pain for residential groups who normally get some relief by the natural spread of non-RNP flight tracks."



### Industry stakeholder panels

- Draft Principle 5 enables draft Principle 3. The context regarding the application of each of these Principles is therefore important.
- Aircraft delay from the point of departure should be included as a consideration in draft Principle 5.
- The terms should be swapped so that CCO is the first term and CDO is the second term.
- Draft Principle 5 could be considered as a safety outcomes Principle.



### Quantitative Research

- The variable, *'minimising the overall amount of plane noise heard on the ground'* was the 11th most important variable when designing good flight paths.
- The variable, *'reducing aircraft fuel consumption and greenhouse gas emissions'* was the 3rd most important variable when designing good flight paths.
- *'Reduce pollution/gas emissions/fuel use/protect environment'* was 15% of comments provided and *'flight reliability and efficiency'* was 8% of comments provided to the open ended question *'how flight paths can best consider the variables that are most important to participants'*.



### Online Community Engagement Survey

- The variable, *'minimising the overall amount of plane noise heard on the ground'* was the 2nd most important variable when designing flight paths.
- *'Reducing aircraft fuel consumption and greenhouse gas emissions'* was not in the top eight most important variables.
- *'Reduce noise'* or similar was 33% of comments provided to the open ended question *'how flight paths can best consider the variables that are most important to participants'*.



"Principle 5 should be clear that CCOs are a higher priority than CDA's for both noise and fuel/environment impacts."



"The proposal of unrestricted flight paths is contrary to long established flight paths and Noise Abatement Procedures (NAPs) to manage the impact of aircraft noise on residential areas around airports."





## COMMUNITY OUTCOMES

# 2.6 Principle 6

Noise should be concentrated as much as possible over non-residential and other non-noise sensitive areas and establishments.

### MaxDiff variables relating to this draft Principle:

- Avoiding flying over high density residential areas
- Avoiding flying over low density residential areas

## Summary of feedback

- There was broad agreement with draft Principle 6 across the different forums.
- A concern that the inclusion of the text in the Principle 'as much as possible' could mean this Principle is overlooked or considered to a lesser extent.
- It was recommended that this Principle examine the need to reduce the health impacts that occur as a result of excessive exposure to aircraft noise.
- Draft Principle 6 should also recognise that natural, non-residential areas may still be noise sensitive.
- 'Non-residential' and 'non-noise sensitive areas and establishments' are not clear terms and require further definition in the Application Notes.
- The intent of draft Principle 6 was viewed as a priority in the Quantitative Research. The variable 'avoid flying over high density residential areas' was the 6th most important variable. 'Avoid flying over low density residential areas' was much less important to Research participants.
- However these variables were viewed as being far more important by the participants on the Online Community Engagement Survey where 'avoid flying over high density residential areas' was the 4th most important consideration, and 'avoid flying over low density residential areas' was the 6th most important consideration.



### Community workshops

- The language used throughout the community outcome draft Principles could be seen as 'soft' and as a result this Principle could be overlooked.
- Community outcomes Principles should explicitly mention the need to reduce health implications that occur as a result excessive exposure to plane noise.
- Housing density was approached from a range of participant perspectives:
  - low density would result in less people being affected
  - low density is generally quieter so exposure to noise would have a greater impact
  - high density would increase the number of people affected
  - housing density is irrelevant, as noise exposure is still occurring and should be avoided altogether.



### Community pop-up stalls

- 'Minimising the amount of aircraft noise that is heard on the ground by people' was the most important variable for 16 people of 71, and 2nd most important variable for a further 14 people.
- When selecting the three most important variables from seven options 'avoid flying over residential areas' was the favourite with 58 of 71 people recording it as a top three priority.
- A number of people that did not complete the survey offered anecdotal comments relating to the need to improve noise management.
- Bodies of water were the 4th most important area to avoid.



### Submissions and briefings

- Draft Principle 6 should state that natural, non-residential areas may be noise sensitive.
- Schools should never be exposed to aircraft noise.
- Flight paths should not go over suburbs that were established before an airport was built.
- The terms 'non-residential' and 'non-noise sensitive areas and establishments' are not clear.
- This draft Principle should consider the community value that is associated with social and cultural sites.
- There should be a clear definition of what a noise sensitive site is.



### Industry stakeholder panels

- The final Principles must be simple and clear, and understood without further explanations.
- The term 'non-residential areas' in draft Principle 6 is too vague.
- The community outcomes Principles should be listed before the environmental outcomes Principles. Other participants disagreed with this suggestion.



### Quantitative Research

- The variable 'avoid flying over high density residential areas' was the 6th most important consideration with 5% relative importance.
- The variable 'avoid flying over low density residential areas' was less important and recorded 2% relative importance.
- 'Reducing or minimising aircraft noise' was 14% and 'need to avoid flying over residential areas' was 11% of comments provided to the open ended question 'how flight paths can best consider the factors that are most important to participants'.



### Online Community Engagement Survey

- The variable 'avoid flying over high density residential areas' was the 4th most important consideration with 14% relative importance.
- The variable 'avoid flying over low density residential areas' was tied 6th and recorded 4% relative importance.
- 'Reducing or minimising aircraft noise' was 33% and 'need to avoid flying over residential areas' was 27% of comments provided to the open ended question 'how flight paths can best consider the factors that are most important to participants'.



"This Principle implies that only residential and human dominated areas are 'noise sensitive'. It needs to be amended to clearly state that flying over natural areas is not acceptable as these are 'noise sensitive' areas."



"There is a need for 'noise sharing' particularly for night time operations, to ensure that aircraft noise is not concentrated over only one area on an ongoing basis."





## COMMUNITY OUTCOMES

# 2.7 Principle 7

Where residential areas are exposed to noise, it should be fairly shared whenever feasible and practicable.

### MaxDiff variables relating to this draft Principle:

- Spreading aircraft noise evenly across different suburbs to share the impact
- Concentrating aircraft noise in select suburbs

## Summary of feedback

- There was a wide-ranging discussion on the benefits and impacts of noise sharing and noise concentration. There was no consensus. Overall there was a leaning toward noise sharing in some form.
  - Noise sharing was preferred (but not significantly) in the Quantitative Research.
  - Noise sharing was clearly preferred in the pop-ups and the Online Community Engagement Survey. In this survey this was the 2nd most important variable.
  - The need to 'vary the number of suburbs over flown' was expressed in 30% of free text comments in the Online Community Engagement Survey.
- The term 'fairly shared' was considered to be vague, in that it can mean different things to different people. It requires explanation in the Application Notes including examples of how it may be applied.
- It was proposed that the solution to 'fairly sharing' could be one of negotiation and good, strong community engagement, that recognises the different priorities and values that different communities may have.
- Participants suggested in discussions it is different i.e. less acceptable, if someone chose to live under a flight path, than for someone who chose not to live under a path, and who had a flight path moved to over their house.
- The point of agreement was on the need for clearer, long term airport and urban area master-planning, understanding future airport expansion/s and processes that aircraft provide instruction to councils on areas of possible future aircraft impact.
- Participants indicated that draft Principle 7 is consistent with ICAO guidelines.



### Community workshops

- The term 'fairly shared' in draft Principle 7 was too vague and required an example of how it may be applied.
- A range of views on noise sharing were provided by participants:
  - noise sharing is preferred
  - noise should be concentrated over the areas that have historically been formal flight paths - as understood by residents
  - suggested that it may be different if someone chose to live under a flight path, than for someone who had a flight path moved, or established over their house.
- Draft Principles 7 and 8 are similar and should be combined.
- Airservices reporting on how this Principle is considered in future flight path decision-making is considered to be essential.



### Community pop-up stalls

- Safety aside, 'distribute flight paths over a range of areas so that no one community experiences all the noise' was ranked:
  - the number 1 most important variable for designing flight paths by 11 people of 71
  - the 2nd most important by 17 people
  - the 3rd most important by 15 people.



### Submissions and briefings

- Request to add the words 'where more than one residential area is exposed' to draft Principle 7.
- A preference for sharing, concentrating or avoiding noise over residential areas should be determined through consultation with the specific communities being impacted.
- The terms 'fairly shared' and 'impact' may have different interpretations.
- This draft Principle should not override existing programs such as the Sydney Airport Long Term Operating Plan.



"We ALL live in the same city and want to use airplanes, therefore we should ALL share in the noise burden of those airplanes equally. Flight paths should be rotated around the city to minimise that noise burden both in frequency and time of day."



### Industry stakeholder panels

- The term 'fairly shared' is a challenging term and needs interpretation.
- The different policy positions of noise sharing and noise concentration were discussed. It was noted that the solution actually requires negotiation and strong community engagement.
- Different airports have different strategies in this regard.
- There was no consensus on whether noise sharing or noise concentration is preferred.
- Draft Principle 10 overlaps with draft Principle 7.
- Suggested that there are non-negotiables in those areas in close proximity to airports, and that as such draft Principle 7 cannot always be applied.



### Quantitative Research

- There were two variables that related to draft Principle 7:
  - The variable, 'spreading noise evenly across different suburbs to share the impact' ranked 12th in priorities. It was ranked slightly more important than the next variable, 'concentrating aircraft noise in select suburbs' which was ranked 13th in priorities. Both received 2% relative importance, it can be concluded people's opinions are split on this issue.
  - Only 4% of free text comments provided indicated a preference for noise sharing or varying the number of suburbs overflowed, compared to only 2% of free text comments that indicated a preference for noise concentration.



### Online Community Engagement Survey

- Of the two variables that related to draft Principle 7:
  - 'spreading noise evenly across different suburbs to share the impact' was the 2nd most important variable when designing good flight paths with 16% relative importance.
  - 'concentrating aircraft noise in select suburbs' was less important for these participants, the 6th most important priority with 4% relative importance.
  - The need to 'vary the suburbs that flights fly over' was expressed in 30% of comments provided to the open ended question 'how flight paths can best consider the factors that are most important to participants'.



"My opinion is that not enough planning has gone flight paths & as a result overbearing noise is made in suburbs throughout Australia."





## COMMUNITY OUTCOMES

# 2.8 Principle 8

MaxDiff variables relating to this draft Principle:

- Minimising the overall amount of plane noise heard on the ground

Noise Abatement Procedures and Fly Neighbourly Procedures should be optimised to achieve the lowest possible overall impact on the community.

### Summary of feedback

- Industry stakeholder participants noted that Airservices is not responsible for 'Fly Neighbourly Procedures' and as such cannot optimise them.
- Terms such as 'Noise Abatement Procedures' and 'Fly Neighbourly Procedures', are not immediately understood by the community and require definitions and a description in the Application Notes.
- Unless people were actively involved in or informed about the aviation industry, this Principle was not felt to be a focus.



### Community workshops

- Terms such as '*Noise Abatement Procedures*' and '*Fly Neighbourly Procedures*' in Principle 8 could not be immediately understood and required definitions or a description in the Application Notes.
- The term '*overall*' in draft Principle 8 is unnecessary and could be removed.



### Community pop-up stalls

- There was no explicit mention of this draft Principle.



### Submissions and briefings

- Draft Principle 8 should be deleted as it is outside Airservices' remit.



### Industry stakeholder panels

- Question regarding the inclusion of '*Fly Neighbourly*', and a suggestion that Airservices is not responsible for these agreements.
- Clarification on what the '*lowest possible overall impact*' is and how it is measured in draft Principle 8.
- How does '*Fly Neighbourly*' fit with '*all eligible airspace users*' in draft Principle 14 - how do they work together?



### Quantitative Research

- The variable '*minimising the overall amount of plane noise heard on the ground*' was in the mid-range of participant importance and recorded 3% relative importance.



### Online Community Engagement Survey

- '*Minimising the overall amount of plane noise heard on the ground*' was the second most important variable and recorded 16% relative importance.
- '*Reducing or minimising the amount of aircraft noise on the ground*' was in 33% of comments provided to the open ended question '*how flight paths can best consider the factors that are most important to participants*'.



"If '*Fly Neighbourly Procedures*' are the same as '*Fly Neighbourly Agreements*', it is not clear how Airservices could give effect to this part of this Principle in practice or how FNAs relate to the design of a flight path."



"Noise Abatement Procedures are incorporated in the design of approach and departure procedures by [Airservices] and should be treated separately to Fly Neighbourly Policy which are agreed between the ANO/ [Airservices], airport operator, aircraft operators and community representatives."





## COMMUNITY OUTCOMES

# 2.9 Principle 9

Aircraft operations that are conducted at night or on weekends should be treated as being more sensitive than those which occur during the daytime or on weekdays.

### MaxDiff variables relating to this draft Principle:

- Avoiding aircraft noise on the weekend
- Avoiding aircraft noise at night (i.e. between 11pm and 6am)

## Summary of feedback

- There was broad agreement across the forums that nighttime aircraft operations are more sensitive.
- 'Avoiding aircraft noise at night' recorded 17% relative importance and was the most important variable for those that completed the Online Community Engagement Survey.
- This was less important for the Quantitative Research participants, the survey recording this as the 10th most important variable.
- There was not a consensus on the amount of increased sensitivity regarding weekend operations.
- Some participants believed this draft Principle failed to take account of shift workers, retired people and carers who are at home through the day time.
- Others suggested that these times were far more sensitive for sleeping and relaxing on weekends and at night.
- The hours that constitute nighttime were questioned. Nighttime hours vary for different people. For families, 11pm to 6am curfew is not appropriate, and 10pm to 7am is preferred.
- Clarification was sought on what 'more sensitive' means. Participants suggested it was a broad term and difficult to understand. The Application Notes should provide the criteria defining 'more sensitive', otherwise there would be a risk of the Principle being subject to wide interpretation.
- Enquiry as to the potential implications for freight operators (with a possible restriction of flights at night or on the weekend).



### Community workshops

- Nighttime hours vary for different people, however 11pm – 6am is not a sufficient period of noise relief for families. A curfew of 10pm to 7am is preferred.
- The sensitivity of aircraft operation at night and on the weekend was discussed. Suggested that as shift workers, retired people and carers are at home through the day.
- Others suggested that these times were far more sensitive for sleeping and relaxing on weekends.



### Community pop-up stalls

- There was no explicit mention of this draft Principle.



### Submissions and briefings

- Some areas may be more sensitive during the weekend such as churches.
- This draft Principle should be removed as it does not apply universally.
- Draft Principle 9 should be amended to read: *'Aircraft operations that are conducted at night, on weekends, or over sensitive sites such as schools, sports clubs, hospitals, residential developments and parks should be treated as being more sensitive than those which occur during the daytime or on weekdays or over industrial and other non-sensitive sites'*.



### Industry stakeholder panels

- Clarification is requested on what *'more sensitive'* means in terms of flight path design. It is a broad term and requires more detail in order to be understood.
- The draft Principle should be amended to refer to the criteria defining *'more sensitive'* otherwise there would be a risk of the Principle being subject to wide interpretation.
- The Application Notes should acknowledge that sites such as schools are more sensitive to noise during the day – but are fine at weekends.
- What are the potential implications for freight operators as a result of draft Principle 9?



### Quantitative Research

- The variable *'avoiding aircraft noise at night'* was the 10th most important variable and recorded 4% relative importance.



### Online Community Engagement Survey

- *'Avoiding aircraft noise at night'* was the most important variable and recorded 17% relative importance.
- *'Introduce curfew/no night flights'* was in 19% of comments provided to the open ended question *'how flight paths can best consider the variables that are most important to participants.'*



"This would be wonderful if there was a differentiation of the workings of flight activity that happens at night or on weekends. Ideally we could have curfews such as for Sydney, Gold Coast and Adelaide."



"This term [night] should be defined and further information should be provided before this Principle could be commented on by community and industry stakeholders on an informed basis."



"Look at alternative to the current situation where take off and landings seem to mainly be over very high density areas causing too much noise when people want to sleep."





## COMMUNITY OUTCOMES

# 2.10 Principle 10

### MaxDiff variables relating to this draft Principle:

- Planning appropriately for future increases or decreases in the number of flights at an airport

Both current and expected future noise exposure shall be taken into account when considering flight path design changes.

### Summary of feedback

- This draft Principle was noted as being difficult to comprehend. Overall, it received minimal comment.
- In the Quantitative Research, the variable '*planning appropriately for future increases or decreases in the number of flights*' was the 8th most important variable in the Quantitative Research.
- The variable was slightly less important for those that completed the Online Community Engagement Survey, as the 9th most important variable.
- In this survey, people raised the issue of new flight paths that are lower than previously allowed. There was a view that flights at a lower altitude have a greater noise impact.
- The concept of future changes to noise exposure levels led to people to consider the land use planning processes that occur. Closer integration with airport planning, and flight path planning is required. It was argued that:
  - Airservices should coordinate with local councils to ensure that houses built under current and future flight paths are sufficiently insulated.
  - The rezoning of land, to residential purposes, should take into account future flight path requirements.
  - Flight paths should also consider land that is zoned residential but not yet developed, that is, the impacts that will occur once development occurs.
- Related to this issue was the suggestion of a new Principle - designating '*future paths*', for future flight needs. It was noted that planes may not use these paths for years, but the path would be there and published, and people should be able to make purchase and property development decisions on those '*future paths*'.



### Community workshops

- Land that is non-residential now, may not be in the future and this consideration should be accounted for in the application of draft Principle 10.
- Draft Principle 10 may indicate more planes or new urban areas - clarification is required in the Application Notes.



### Community pop-up stalls

- There was no explicit mention of this draft Principle.



### Submissions and briefings

- Airservices must coordinate with local councils to ensure that houses built under flight paths are sufficiently insulated for community protection.
- Principle 10 should be amended to read: *'Current, expected future and ultimate capacity noise exposure shall be taken into account when reviewing current flight paths and considering flight path design changes'*.
- Human health impacts should be considered when determining future noise exposure.
- The draft Principle Application Notes should be explicit with regard to the method of noise modeling used to determine noise exposure.
- There should be information on how this interacts with Airport Planning and Australian Noise Exposure Forecasts (ANEFs).



### Industry stakeholder panels

- There was no explicit mention of this draft Principle.



### Quantitative Research

- The variable *'planning appropriately for future increases or decreases in the number of flights'* was the 8th most important variable and recorded 5% relative importance.



### Online Community Engagement Survey

- *'Planning appropriately for future increases or decreases in the number of flights'* was the 9th most important variable and recorded 3% relative importance.
- *'Planes are already flying lower than before due to recent changes'* was in 10% of comments provided to the opened ended question *'how flight paths can best consider the variables that are most important to participants.'*



"Efficient, least noise pollution during night periods. Office hours and weekends are fine but with a tighter time schedule i.e. 8am to 6pm."



"Consider the times planes are flying over, especially the aircraft that fly very low as they are the noisiest and most disruptive, and shake the house windows and walls- extremely annoying in the middle of the night."



"We need to understand the methodology of how aircraft noise will be forecast to frame the development of flight paths into the future."





## COMMUNITY OUTCOMES

# 2.11 Principle 11

### MaxDiff variables relating to this draft Principle:

- Ensuring suburbs are only impacted by take-offs or landings (but not both)

To the extent practicable, distribute flight paths so that residential areas overflowed by aircraft arriving on a particular runway do not also experience overflight by aircraft departing from the runway in the reciprocal direction.

### Summary of feedback

- This draft Principle received minimal comment. It is felt that its relevance was not immediately understood for participants not directly impacted by flight paths or involved in the aviation industry.
- Participants noted draft Principle 11 is unnecessary as it is addressed by the noise sharing in draft Principle 7.
- In the Quantitative Research, the variable '*ensuring suburbs are only impacted by take-offs or landings (but not both)*' recorded 2% relative importance and was in the bottom half of participant's priorities.
- This variable was far more important for those that completed the Online Community Engagement Survey. It was the 6th most important variable amongst this group. This is consistent with their preference for sharing noise over a concentration of noise.



### Community workshops

- Draft Principle 11 is unnecessary as it is addressed by noise sharing in draft Principle 7.



### Community pop-up stalls

- There was no explicit mention of this draft Principle.



### Submissions and briefings

- A preference for sharing of noise over a concentration of noise should be determined through consultation with those specific communities being impacted.
- Weather and wind conditions at the airport plays a large part in the application of this draft Principle – this should be made clear in the Application Notes.
- The terms 'fairly shared' and 'impact' may have different interpretations.
- The draft Principle should not override existing programs such as the Sydney Airport Long Term Operating Plan.
- The draft Principle should acknowledge that runway orientation, airport location and weather conditions will impact the ability to implement this Principle.



### Industry stakeholder panels

- There was no explicit mention of this draft Principle.



### Quantitative Research

- The variable 'ensuring suburbs are only impacted by take-offs or landings (but not both)' was in the bottom half of variable priorities and recorded 2% relative importance.



### Online Community Engagement Survey

- The variable: 'ensuring suburbs are only impacted by take-offs or landings (but not both)' recorded 4% relative importance and was in the 6th most important variable.
- The need to 'vary the suburb flights fly over' was in 30% of comments provided to the open ended question 'how flight paths can best consider the variables that are most important to participants'.



"Flight paths should allow for the fact that departures are so much noisier than arrivals."



"This suggests a preference for sharing over concentration, without this being determined through consultation with the specific communities that may be impacted."



"Incoming and outgoing flight paths need to be more widely separated so that no person, family, families, communities need to experience the extremely negative effects of more than one flight path."





## OPERATIONAL OUTCOMES

# 2.12 Principle 12

Consider the impact of flight path options on airport capacity and overall network operations.

### MaxDiff variables relating to this draft Principle:

- Having efficient flight paths to reduce tarmac delays and improve flight reliability
- Allowing direct flight routes to shorten flight times
- Having flight paths that maximise airport and airline efficiency to reduce costs

## Summary of feedback

- An explanation was requested on what 'airport capacity and overall network operations' means in the context of flight path design. It was suggested the intention of draft Principle 12 was not clear.
- Suggested that airport capacity and network operations are not necessarily aligned concepts.
- Recommended Draft Principle 12 be split into two Principles, given that capacity and network operations are sometimes not consistent issues.
- If the purpose was to enable efficiency, that should be explicitly mentioned in the Principle.
- Some operational benefits were discussed in relation to:
  - good operational outcomes and the desire to limit the amount of fuel burned.
  - considering the benefits of for idle thrust approach (exploring glide slope).
- In the Quantitative Research, all three variables related to draft Principle 12 were in the top 10 most important variables for flight path design.
- By contrast, in the Online Community Engagement Survey, none of the three variables were in the top 10 most important variables.
- The draft Principle may result in a negative impact to airport operations. Industry stakeholder participants recommended including the words 'protecting our right to operate' as an additional Principle, or to be included in the existing draft Principle.
- Community stakeholder participants questioned whether this draft Principle assumes or implies unlimited airport operations, and if so this requires further community discussion. It was suggested that there is a need to limit aircraft and airspace and consider placing a limit on airport operations.
- Further to the above, a community view was expressed that promoting the maximum use of airspace would be a bad outcome. As such this draft Principle should be deleted.





### Community workshops

- Airservices should expand draft Principle 12 to account for future *'flight path options'* and land use development issues. Airservices should seek alignment across land zonings, planning schemes, and obstacles current or planned that may affect airspace.
- An explanation was requested on what *'airport capacity and overall network operations'* means in the context of flight path design. It was suggested that the intention of draft Principle 12 was not clear.
- That there is a need to limit airspace and to consider limiting airport operations.
- The application of this draft Principle may be in conflict with the draft Principles related to environmental and community outcomes.



### Community pop-up stalls

- The safety variable aside, *'having flight paths which minimise time held on the ground and in the air'* was seen as the most important variable when designing good flight paths by seven people out of 71.
- Additionally 35 people out of 71 considered this the 2nd or 3rd most important consideration.



### Submissions and briefings

- The promotion of the idea to maximise air traffic is not welcome, and this draft Principle should be deleted.
- Suggested that airport capacity and network operations are not necessarily aligned.



"Airservices Australia needs to be planning for the **REDUCTION** in flight paths and **REDUCTION** in overall numbers of flights over this decade. This means **NOT** designing, approving or permitting implementation of new flight paths or flights paths not yet being used."



"The concept of protecting airport operations and aviation business is essential. This principle may have unintended consequences; we could get more efficiency and more planes in the air but it might put constraints on our operations."



### Industry stakeholder panels

- Draft Principle 12 should be split into two, given that capacity and network operations are sometimes inconsistent outcomes.
- A request for guidance around what draft Principle 12 means and the potential impact it has on airports that are located relatively close together, for example the Western Sydney Airport (under construction) and Sydney Kingsford Smith Airport.
- Suggested to include words to the effect, *'protecting airport's right to operate'*, as either an additional Principle, or included in an existing draft Principle.
- The issue of minimising fuel burn (described in draft Principle 3) could be moved to this Principle.
- The word *'consider'* in draft Principle 12 is not emphatic enough and should be replaced with a word that is more explicit around decision-making.
- Policy alignment is needed across land use and land zoning around airports – to consider the impact these have on flight path options now and in the future.



### Quantitative Research

- All three variables were in the top 10 most important variables for flight path design.
- The variable, *'having efficient flight paths to reduce tarmac delays and improve flight reliability'* was the 4th most important variable when designing good flight paths with 6% relative importance.
- The variable *'having flight paths that maximise airport and airline efficiency to reduce costs'* was less important, as the 7th most important variable and 5% relative importance.
- The third *'allowing direct flight routes to shorten flight times'* was again less important as the 9th most important variable when designing good flight paths with 4% relative importance.



### Online Community Engagement Survey

- Of the three variables related to draft Principle 12, none ranked in the top 10 most important variables.
- The first, *'having efficient flight paths to reduce tarmac delays and improve flight reliability'* recorded 2% relative importance.
- The second *'having flight paths that maximise airport and airline efficiency to reduce costs'* recorded 1% relative importance.
- The third *'allowing direct flight routes to shorten flight times'* recorded 1% relative importance.





## OPERATIONAL OUTCOMES

# 2.13 Principle 13

Flight paths will accommodate differing aircraft performance as specified in ICAO PANS-OPS.

### MaxDiff variables relating to this draft Principle:

- There were no MaxDiff variables relating to this draft Principle

## Summary of feedback

- The final Principles should be accessible to all members of the community and should avoid the use of technical language or provide accompanying definitions of the technical terms.
- Industry stakeholder participants were interested in a discussion about the possibility of incentivising better aviation practice through the adoption of technology and application of flight path options. There was discussion across several forums whether this was possible and whether it may produce aviation benefits. Concerns included that this approach could result in some operators being disadvantaged or excluded, for example, flight schools and freight operators.
- The Principle should enable the design of flight paths to support the best equipped-best served principle, rather than catering for the lowest common denominator in avionics, especially in relation to the application of satellite-based navigation (vertical and lateral) over legacy terrestrial systems.





### Community workshops

- Specific reference to 'ICAO PANS-OPS' was confusing. Participants prefer a simple description in the Principle and Application Notes.
- Participants suggested the term '*aircraft performance*' in draft Principle 13 was confusing and could be replaced with '*aircraft models/types*'.
- It should be considered how to incentivise the uptake of new aviation technologies through the application of the Principles to flight path design.



### Community pop-up stalls

- There was no explicit mention of this draft Principle.



### Submissions and briefings

- This draft Principle overlaps with draft Principle 2.
- This draft Principle and draft Principle 14 could contradict draft Principle 6.



### Industry stakeholder panels

- Industry stakeholder participants considered how and whether to incentivise the uptake of new aviation technologies through the application of the Principles to flight path design.
- Discussions considered the possibility of incentivising better aviation practice more generally through the application of the Principles.
- This may have a positive impact in encouraging aviation stakeholders to adopt new and/or improved technologies.
- There was a concern noted that this could result in some operators being disadvantaged or excluded, for example, flight schools and freight operators.



### Quantitative Research

- There was no explicit mention of this draft Principle.



### Online Community Engagement Survey

- There was no explicit mention of this draft Principle.



"This creates the opportunity to optimise distribution of aircraft movements across multiple runways to improve noise abatement outcomes."



"Principle 13 & 14 potentially contradict Principle 6, i.e. flight paths designed for all eligible airspace users leads to dispersed noise due to application of multiple standards, RNAV, PBN, GLS, VOR etc."



"Australia designs for lowest comment denominator – in Europe if you choose cheaper equipment that is not best fit you go to the end of the queue."



## OPERATIONAL OUTCOMES

# 2.14 Principle 14

Design flight paths to facilitate access to all eligible airspace users.

### MaxDiff variables relating to this draft Principle:

- Ensuring airspace is available for all eligible airspace users including helicopters, unmanned aerial vehicles, and light aircraft

## Summary of feedback

- There was broad support expressed for ensuring airspace is available for a range of users where it is safe.
- The term '*eligible airspace users*' in draft Principle 14 was unclear. What makes an airspace user eligible or ineligible?
- This support was reflected in the Quantitative Research where '*ensuring airspace is available for all eligible airspace users*' was the 5th most important variable and achieved 5% relative importance.
- By contrast, in the Online Community Engagement Survey the variable '*ensuring airspace is available for all eligible airspace users*' received 1% relative importance.
- In considering this draft Principle, participants considered the role of emergency services and sought assurances they would be catered for. It is noted these workshops were held after the particularly bad 2019/2020 bushfire season.
- This draft Principle should be considered in light of a potential impact on traditional aviation users, and how airspace is to be shared into the future.
- A range of non-aviation airspace users were raised – how are these items to be considered? For example, gas plumes, rifle ranges and ordnance areas. They form an important flight path design constraint.







### Community workshops

- The term '*eligible airspace users*' in draft Principle 14 is unclear.
- What makes an airspace user eligible or ineligible?
- Recommended to use the term '*approved*' rather than '*eligible*' and '*ensure*' instead of '*facilitate*'.
- Draft Principle 14 should explicitly prioritise airspace access for emergency services.
- Airservices should ensure they use the least amount of airspace as possible, to enable other users a greater opportunity to operate.



### Community pop-up stalls

- Safety aside, '*ensuring airspace is available for all airspace users*' was the most important variable for 12 people out of 71.
- Furthermore, it was considered the 2nd or 3rd most important for an additional 18 people.
- General conversations raised drones as being broadly unsafe airspace users.



### Submissions and briefings

- Draft Principle 14 could include the words '*wherever practicable*'.



### Industry stakeholder panels

- This draft Principle should facilitate an insistence on increasing the level of innovation and technology in aircraft. However, it was noted this could impact on traditional aviation users and how airspace is shared into the future.
- Felt that this discussion should continue. The Principles should confirm '*Airspace management will look to people to invest and innovate in aviation technology*'.
- Draft Principle 14 should include a concept of future proofing the airspace nearer the ground, the aim being to prevent the approach routes to runways and airports becoming too hemmed by (inappropriate) land use development.
- There should be mention in draft Principle 14 or the Application Notes of existing airspace issues such as hazardous fixtures, gas plumes, rifle ranges and ordnance areas. These form a flight path design constraint.
- Airservices should canvas the use of lower (still safe) altitudes for flight paths for aircraft with enhanced performance navigation. The calculations for lowest safe altitudes could be revised, providing an opportunity for training aircraft with greater efficiency, while maintaining safety.



### Quantitative Research

- The variable that related to draft Principle 14, '*ensuring airspace is available for all eligible airspace users*' was the 5th most important variable with 5% relative importance.



### Online Community Engagement Survey

- '*Ensuring airspace is available for all eligible airspace users*' was not an important variable with 1% relative importance.



"Any promotion of air travel using current technologies significantly impact by increasing the emissions of greenhouse gases and increasing noise and other impacts in the broader community."



"There is a deficiency of airspace. The Principles should canvas the use of lower, safe altitudes, given with the evolutions in calculations on lower airspace."



"Protection of access for the future must be a discussion. The approaches to airports are becoming too hemmed in."





### 3. Additional engagement and research feedback



*A range of issues were raised that fell beyond the remit of an individual draft Principle that related to other considerations:*

- *the need to consider economic outcomes during the evaluation of flight paths*
- *community protections when an impact is unavoidable*
- *weighting the draft Principles*
- *widescale (macro) values and priorities, and local (micro) values and priorities for designing flight paths*
- *how the process should be reported*
- *ideas on the important information and assumptions that should accompany the final Principles.*

### 3.1 ISSUES RELATING TO THE CONSIDERATION OF FLIGHT PATH IMPACTS

#### Considering economic impact

Participants raised a need to consider the economic outcomes of the decisions on flight paths. Currently Airservices has identified safety, environment, community and operational outcomes – participants considered the paths should be sustainable socially, environmentally and economically.

For example, a change to helicopter paths will impact on the economics of that business. The Application Notes should examine the cost impacts of activities associated with the draft Principles.

#### Considering the speed of change

It was suggested preference be given to flight path options that allow for a gradual change from the current to planned (new) procedures. The pace of change is relevant to the impact on a community.

#### Considering how to manage impacts

Participants raised the issue of unavoidable impact and how to minimise the health and educational impacts of aircraft noise where residential encroachment makes it impossible to apply the draft Principles in a way that affords those communities adequate protections. How to protect both the long- and short-term safety of overflown communities?

#### Policy and legislation

Industry stakeholder participants noted the draft and final Flight Path Design Principles should not impact on the airport's right to operate under the terms of their head leases with the Commonwealth Government.

Other participants questioned the enforceability of these draft Principles. Is it mandatory that they are used?

It was requested the issue of existing legal rights be addressed – how do the Flight Path Design Principles intersect with legal rights obtained elsewhere?

Finally, will people be able to contest flight paths decisions, using the process of applying the draft Principles?

### 3.2 ISSUES RELATING TO EITHER PRIORITISING OR APPLYING A WEIGHTING TO THE DRAFT PRINCIPLES

It was recognised in the consultations that articulating how the draft Principles be used and applied, is important. Industry stakeholder panels, community workshops and written submissions raised questions on how the final Principles would be applied, including:

- the order in which they would be applied
- any prioritisation of the draft Principles and their outcomes (are some to be weighted over others)
- how a trade-off would be achieved if, all other things being equal, there was a flight path decision that could satisfy either one draft Principle or another?

The lack of information on the priorities amongst the draft Principles, how they would be weighted and the process of using the Principles was felt to affect the way that stakeholders could respond to the draft Principles and this consultation.





During the stakeholder consultations, participants were advised they could indicate their preferences for ordering the draft Principles. During this discussion, participants noted that tensions existed between the draft Principles.

- Community outcomes and operational outcomes do not always align. It was consistently raised that the result of applying the Principles should be a description of the impacts that could occur across both the community and industry.
- Participants identified a tension between the environmental and community outcomes. For example, more efficient flight paths that reduce fuel burn (draft Principle 3) may result in overflying residential areas (draft Principle 6). Or flight paths that avoid areas of Matters of National Environmental Significance (MNES), local cultural heritage and areas of natural beauty (draft Principle 4), may make it more difficult to avoid residential land (draft Principle 6).
- Operational outcomes were seen as a lower priority than environment and community outcomes, and this was a concern for airport representatives. If operational efficiency Principles were to become a lower order value for decision-makers, *'the social licence of airports to operate without significant new constraints would be negatively affected'*.
- Trade-offs and interdependencies between the Principles are unavoidable. *'Unintended consequences'* was raised in the industry stakeholder panels, in which the careful application of the Principles was urged in order to avoid a one Principle focused decision that would result in impacts to other Principles.

Finally, it was proposed the consideration of local community values should be a part of the weighting that different Principles should have. To understand this, the process should require community engagement when designing flight paths – acknowledging the feedback of communities in the flight path design process, and ensuring that the particular community context and local conditions of each airspace change is considered.

### 3.3 MACRO COMMUNITY VALUES IN RELATION TO THE DRAFT PRINCIPLES

The consultations led to two concepts:

- a wide scale, or macro view of community values, that are across Australia
- a micro view which takes into consideration local community values in relation to the design of flight paths.

The macro view can be considered from the evidence gathered during this research and engagement. The micro view would subsequently be sought during a specific flight path planning process.

The macro view is presented below.

#### Safety was by far the most important variable.

Across all other forums, getting passengers safely to their destination was the most important priority.

This was ranked 1st in the Quantitative Research, with 29% of respondents marking this as the most important variable, 1st in both the community workshops and industry panel surveys. The importance of safety was not considered in the community pop-up stall survey.

For participants in the Online Community Engagement Survey, safety decreased in importance as a variable (remaining however in the top 5 of variables considered).

It is likely that these participants, who have an awareness of flight path planning, assume that safety is addressed and wish to focus on other issues. For example, in this group, 78% of participants are receiving more than 2 flights a day.



**"The Aviation industry takes safety very seriously and they have an impeccable record. If weather does not permit the aviation industry will not take any risks."**



**Having simple and predictable flight paths that make it easier for air traffic controllers to ensure safety and reliability.**

This ranked as the 2nd most important variable in the Quantitative Research, the community pop-up stalls, and those attending the community workshop also placed this as their 2nd priority.

This variable was the 3rd most important in the surveys completed at industry stakeholder panels.

**Environmental outcomes are important, with reducing aircraft fuel consumption and avoiding greenhouse gas emissions.**

Reducing aircraft fuel consumption and greenhouse gas emissions was ranked the 3rd most important variable in the Quantitative Research.

This was reflected also in the community pop-up stalls where 44 of 71 people indicated it was either the most important consideration or second most important consideration. During the community and industry workshops this issue was ranked 4th and 5th most important respectively.

This variable was not ranked in the top 10 for the Online Community Engagement Survey.

**Flight paths designed to avoid specific environments were noted as least important.**

The following variables made up the bottom eight issues across all engagement activities:

- avoiding flying over low density residential areas
- avoiding flying over beaches, estuaries and other coastal areas
- avoiding aircraft noise on the weekend
- avoiding flying over national parks
- avoiding flying over Indigenous cultural sites
- avoiding flying over agricultural land
- avoiding flying over sports facilities and open community spaces
- avoiding flying over industrial areas.

**The need to avoid high density residential areas was:**

- the 4th most important variable for Online Community Engagement Survey participants
- the 5th most important variable for community workshop attendees
- the 6th most important variable for Quantitative Research participants
- the 9th most important for those at the industry workshops.





### 3.4 IDEAS ON HOW TO PRESENT THE FINAL PRINCIPLES

Participant discussions explored the type of information required from Airservices, to assist people in understanding the shape, role and context of the final Principles. Participants suggested that the following information accompany the final set of Flight Path Design Principles.

- The definition of what a flight path is.
- That the Principles are, as the term '*Principle*' implies, a foundation for a system of decision-making, and are not a long list of the rules themselves. The '*rules*' as such, for the application of the Principles, are to be clearly contained in the '*Application Notes*'.
- An overarching '*mission statement*' in regards to the Principles, including that all Flight Path Design Principles must be safe, practicable and reasonable. These concepts are assumed in the Principles and their Application Notes.
- The appreciation of safety as a non-negotiable item. Safety influences decision-making through two ways:
  - The satisfaction of draft Principle 1 and 2.
  - Weather and meteorological conditions that can amend decision-making under the remaining final Principles.
- The order that the Principles appear and how this is to be interpreted.
- When are the Principles to be used? An explanation of the agreement is required that they do not apply to retrospective flight path decisions.
- An explicit acknowledgment of the trade-offs that will occur between the Principles when determining flight paths.
- Who will use the Flight Path Design Principles?
- The importance of associated information and guidelines, for example:
  - The industry and community consultation process that occurred on the draft Principles
  - The interactions required with other technical standards and processes – i.e. PANS-OPS prepared by the International Civil Aviation Organisation
- An explanation of the differences between flight paths and airspace, and areas that are excluded from the flight path design process.





## 4. The application and reporting of flight path decision-making



*A range of issues were raised that fell beyond the remit of an individual Principle that related to process of applying the final Principles:*

- *community engagement in the decision-making process*
- *how decision-making on flight paths should be reported.*

#### 4.1 COMMUNITY ENGAGEMENT DURING FLIGHT PATH DECISION-MAKING

The process of future stakeholder consultation in the flight path design process was of high interest to participants who see themselves as potentially being affected by flight paths.

Discussions raised the following points:

- the process to apply the Principles must include both industry and community stakeholders
- in doing so, there needs to be a recognition that there is a range of knowledge and understanding – getting everyone to a 'level playing field' is a good basis for an effective discussion on flight paths. Confusion and anxiety can otherwise quickly arise.



"I'm sure not all areas (suburbs) are canvassed when it comes to consultation with the locals as to the effects of flight paths."



"Good consultation on Flight Path Design Principles considers local feedback and how the Principles relate to the geographical and social elements of the situation."

#### 4.2 AIRSERVICES REPORTING ON FLIGHT PATH DECISION-MAKING

Participants across different forums raised that Airservices should:

- meet community expectations regarding transparency (of decision-making) and accountability (reporting who made the decision)
- define how reporting will occur on the application of the final Principles each time there is a change to a flight path or a new flight path (and is this the same process?)
- describe the decision-making process in which the final Principles are applied, acknowledging that not all 14 draft Principles can be applied simultaneously and that some may not be possible in some circumstances
- describe any prioritisation of the Principles that existed in their application to flight path development.
- be transparent on the trade-offs (between final Principles) that have occurred, when a decision is being made
- have measurable performance standards that accompany the Principles.



"It is pleasing to note Airservices Australia has committed to being transparent in [the] future flight path design, development and implementation process, and to describing how each of the Principles have been considered in the flight path change process. The outcomes of the commitments will be the test for communities: which Principles are more valued, measurements used to show to what extent the Principle has been achieved, and how such weightings and measurements are conveyed to the community."

#### 4.3 ENFORCEABILITY AND MONITORING

Participants in the discussions raised:

- who monitors that flight paths are occurring as intended?
- how is that information provided back to the community?
- will there be an ability to contest flight paths decisions, using the process of applying the Principles?





# Appendices





## APPENDIX A - TABLE OF DRAFT PRINCIPLES AND VARIABLES USED IN THE ANALYSIS

Draft Principles	Variables related to that Principle
<b>Principles with a safety outcome</b>	
<b>Principle 1</b> - The safety of air navigation must be the most important consideration.	Having simple and predictable flight paths that make it easier for air traffic controllers to ensure safety and reliability
	Getting passengers safely to their destination
<b>Principle 2</b> - Flight paths must be designed in accordance with Australian and International design standards established in International Civil Aviation Organisation (ICAO) PANS-OPS and Australian Civil Aviation Safety Regulations Part 173.	
<b>Principles with an environmental outcome</b>	
<b>Principle 3</b> - Minimise the effect on the environment through designs that effectively manage emissions, fuel consumption and greenhouse gases, limiting these wherever practicable.	Reducing aircraft fuel consumption and greenhouse gas emissions (e.g. by direct routes)
<b>Principle 4</b> - To the extent practicable, protect areas of Matters of National Environmental Significance (MNES), local cultural heritage and areas of natural beauty, considering the noise, emissions and visual impacts of the change.	Avoiding flying over Indigenous cultural sites
	Avoiding flying over national parks
	Avoiding flying over sports facilities and open community spaces
	Avoiding flying over beaches, estuaries and other coastal areas
	Avoiding flying over agricultural land
<b>Principle 5</b> - Design flight path changes that deliver efficiency while minimising the noise effects of aircraft operations through continuous descent operations (CDO), continuous climb operations (CCO) and unrestricted flight paths.	Avoiding flying over industrial areas
	Minimising the overall amount of plane noise heard on the ground
<b>Principles with a community outcome</b>	
<b>Principle 6</b> - Noise should be concentrated as much as possible over non-residential and other non-noise sensitive areas and establishments.	Concentrating aircraft noise in select suburbs to reduce the number of suburbs affected
<b>Principle 7</b> - Where residential areas are exposed to noise, it should be fairly shared whenever feasible and practicable.	Spreading aircraft noise evenly across different suburbs to share the impact
<b>Principle 8</b> - Noise Abatement Procedures and Fly Neighbourly Procedures should be optimised to achieve the lowest possible overall impact on the community	Avoiding flying over high density residential areas
	Avoiding flying over low density residential areas
<b>Principle 9</b> - Aircraft operations that are conducted at night or on weekends should be treated as being more sensitive than those which occur during the daytime or on weekdays.	Avoiding aircraft noise on the weekend
	Avoiding aircraft noise at night (i.e. between 11pm and 6am)
<b>Principle 10</b> - Both current and expected future noise exposure shall be taken into account when considering flight path design changes.	Planning appropriately for future increases or decreases in the number of flights at an airport
<b>Principle 11</b> - To the extent practicable, distribute flight paths so that residential areas overflown by aircraft arriving on a particular runway do not also experience overflight by aircraft departing from the runway in the reciprocal direction.	Ensuring suburbs are only impacted by take-offs or landings (but not both)
<b>Principles with an operational outcome</b>	
<b>Principle 12</b> - Consider the impact of flight path options on airport capacity and overall network operations.	Having efficient flight paths to reduce tarmac delays and improve flight reliability
	Allowing direct flight routes to shorten flight times
	Having flight paths that maximise airport and airline efficiency to reduce costs
<b>Principle 13</b> - Flight paths will accommodate differing aircraft performance as specified in ICAO PANS-OPS.	
<b>Principle 14</b> - Design flight paths to facilitate access to all eligible airspace users.	Ensuring airspace is available for all eligible airspace users including helicopters, unmanned aerial vehicles, and light aircraft



## APPENDIX B - INDUSTRY STAKEHOLDER PANEL SUMMARY

*Click here to view the full Appendix*





## APPENDIX C - COMMUNITY WORKSHOP SUMMARY

*[Click here to view the full Appendix](#)*





## APPENDIX D - SUBMISSIONS SUMMARY

[Click here to view the full Appendix](#)







## APPENDIX E - RESEARCH REPORT

[Click here to view the full Appendix](#)





## Attachment 4- City of West Torrens Comments on the Flight Path Design Principles

### Proposed City of West Torrens Feedback Comments Airservices Australia Flight Path Design Principles

Thank you for the opportunity to comment on the Flight Path Principles- created by Airservices, following their nationwide community consultation process.

The consultation process undertaken was evidently multi-faceted, and appears to have elicited feedback from a cross-section of stakeholders. Airservices is to be commended for their process undertaken as the threat of the coronavirus public health crisis loomed and was about to turn the airline industry on its head.

It is noted that the new version removes 'unfriendly' industry terms that may alienate non-industry stakeholders, and consolidates 13 Principles under the four slightly modified headings. The Headings, previously labelled as *Outcomes*, are now labelled as *Principles*:

1. *Safety and Compliance principles*;
2. *Noise and Community principles*;
3. *Efficiency and Environmental principles*; and;
4. *Operational principles*.

The City of West Torrens is committed to being the best place to live, work and enjoy life. Council's mission is to strive for excellence in serving our diverse community. We act on behalf of the West Torrens community and are therefore accountable to them and act as an advocate with other levels of government and the private sector to help achieve Council's vision. Council's values include working in partnerships with community, business and government sectors to provide a safe, clean, healthy and sustainable environment, one that balances social, cultural, heritage, environmental and economic factors.

Council perceives that the most recent edition of the Principles, now guides a greater emphasis on "optimising airport capacity", in contrast with the earlier version which appeared to place a greater emphasis on "noise mitigation".

There has been no greater time to focus on the economic benefits of export and tourism, particularly in South Australia, where the main airport is so close to the capital city and built-up area. However, Council cautions against sacrificing the peace and comfort of residents in areas where aircraft noise is experienced, and recommends a careful balance of economic, environmental and social factors.

#### **1. Safety and Compliance Principles;**

- Safety of air navigation must be the most important consideration.
- Flight path design must comply with Australian and International design standards, and cater for the range of aircraft that will operate on the flight paths.

Council supports the fact that safety and compliance principles are now clearly elevated to indicate a higher priority over the other 3 outcome categories, to reflect the importance and expectation that safety and compliance is a non-negotiable for the airline industry. Council is of the view that it is State Government responsibility to calculate, plan for and implement Public Safety Areas outside of the boundary of the Adelaide Airport, and envisages Council will be contacted as a primary stakeholder.

#### **2. Noise and Community Principles**

- Consider concentrating aircraft operations to avoid defined noise sensitive sites.
- Consider potential impacts on social, economic and cultural values of communities and locations, including Indigenous and other heritage places.
- Where high-density residential areas are exposed to noise, consider flight path designs that distribute aircraft operations, so that noise can be shared.



## Attachment 4- City of West Torrens Comments on the Flight Path Design Principles

- Where noise exposure is unavoidable, consider Noise Abatement Procedures that adjust aircraft operations to reduce noise impacts, including consideration of the time of these operations. Consider current and expected future noise exposure when designing flight paths.

The City of West Torrens stretches west from the western edge of the Adelaide Parklands, between the Adelaide CBD and the sea. Its suburbs of predominantly residential and commercial land uses (with some pockets of industrial and recreational land) have grown up around the Adelaide Airport, as it has capitalised on its close proximity to the State capital. This once relatively quiet domestic airport, has grown exponentially to (prior to the pandemic restrictions) accommodate a growing number of large format aircraft with direct flights overseas, as well as a mix of interstate and intrastate air movements.

It is noted that, on page 26 of the Stakeholder Consultations Outcomes Report, in the summary of feedback on draft principle 7, stakeholders agreed there was a need for,

"...clearer, long term airport and urban area master-planning, understanding future airport expansion/s and processes (and) that (Airservices) provide instruction to councils on areas of possible future aircraft impact."

Council supports these comments (and points 1 to 3 outlined below), and would like to add that engagement with State Planning Authorities is necessary as a key stakeholder in this information sharing and planning process. This has never been more crucial in South Australia than at the current time, due to the State Government Planning Department proceeding with a consolidated Planning and Design Code for all of South Australia, thereby superseding individual Council Development Plans that have traditionally guided urban and regional development.

Furthermore, on page 32 of the Stakeholder Consultations Outcomes Report it was highlighted that stakeholders raised the concept of future changes to noise exposure levels which led people to consider the land use planning processes that occur. It was identified that closer integration with airport planning, and flight path planning is required. Stakeholders argued that:

1. Airservices should coordinate with local councils to ensure that houses built under current and future flight paths are sufficiently insulated.
2. The rezoning of land, to residential purposes, should take into account future flight path requirements.
3. Flight paths should also consider land that is zoned residential but not yet developed, that is, the impacts that will occur once development occurs.
4. A new Principle be incorporated - designating 'future paths', for future flight needs.

With regard to point 4 above, it was noted that aircraft may not use these 'future' paths for years, but the path would be there and published, and people should be able to make purchasing and property development decisions on those 'future paths'.

(It is envisaged that this may operate similarly to the way in which road widening plans are considered on the ground.)

On balance it is considered a pragmatic move to not designate paths too early, as to do so may pre-empt unforeseen changes in travel behaviours or aviation technology which may mean residential land is unnecessarily quarantined from development for decades prior to any material impact, which may never come to fruition.

It is acknowledged that in the South Australian planning context, the development potential of land within proximity to known flight paths is the responsibility of the South Australian State Government and State Planning Commission. Opportunities to better integrate the Planning system and flight path planning systems and opportunities to provide suitable practical noise insulation programs for affected homes can go a long way to improving the experience of residents on the ground.



## Attachment 4- City of West Torrens Comments on the Flight Path Design Principles

To a certain extent the concept of caveat emptor (let the buyer beware) must apply. If the flight path is already in operation, it is reasonable that a developer or resident can be expected to plan accordingly or factor in noise mitigation costs. However, when a flight path is amended, such that it, impacts existing residential areas- the same expectation cannot be applied.

In 2018 City of West Torrens conducted a survey of residential community members' experiences of aircraft noise. Several responses indicated a desire for the Federal Government to reprise a scheme which provided funds for residents to add noise insulation to those houses in areas predicted to fall within the ANEF 30 contour and above (as calculated at the time). If Airservices is in a position to recommence such a noise mitigation program, or advocate to Federal Government for such a program, Council would support such a move, on behalf of affected residents and land owners.

In the event that a noise insulation scheme or similar rebate program was to be undertaken in the future, the approach of adhering to a designated flight path (to the extent technically possible, making allowances for wind and weather factors) would provide opportunity for insulation and noise mitigation techniques to be applied only to those under the direct flight path, and therefore a concentrated number of dwellings. A concentrated direct flight path (that did not require sharing the noise for respite purposes), combined with noise mitigation funding, may provide a more effective solution to *inside* noise compared with the proposed principles of "sharing the noise".

Of course this all depends on whether the nature of residential development within West Torrens meets the threshold of "high-density residential areas", as described in the Principles. High-density by Adelaide standards may not meet a national definition of "high-density". Some level of ongoing liaison and vigilance may need to be undertaken to inform Airservices of the changing nature of our developing suburbs in which urban uplift and apartment dwellings are becoming more prevalent.

Flight paths create additional impacts other than indoor noise, which, on balance, may support the principle of 'sharing the noise' over suburban areas, by potentially providing respite from the other impacts of flight paths that would not be achieved by noise insulation combined with a direct fixed flightpath. (Particularly in the absence of any commitment of funding for noise insulation to affected homes.)

Responses to Council's 2018 "Experiences of Aircraft Noise Survey" included accounts of extreme cases where large jets caused cracking and rattling in homes under the direct flight path to Adelaide Airport, with residents also raising concerns about noise experienced when engaging in leisurely outdoor pursuits in their backyards; and concerns around potential chem-trail contamination of rainwater collection and vegetable gardens.

### 3. Efficiency and Environmental principles

- Design flight paths that deliver operational efficiency and predictability, and minimise the effect on the environment through reducing fuel consumption and emissions.
- Consider Matters of National Environmental Significance, other sensitive habitats, and registered heritage sites.

Council is a partner to the AdaptWest regional climate adaptation and mitigation project and the ICLEI Local Governments for Sustainability, Global Covenant of Mayors and therefore supports the principle to minimise the effect on the environment by reducing fuel consumption and emissions.

### 4. Operational Principles

- Design flight paths to facilitate access to all appropriate airspace users.
- Consider flight paths that optimise airport capacity, and meet future airport requirements.
- Consider flight paths that optimise overall network operations, including consideration of operations at adjacent airports.
- Consider innovation and technology advancements in navigation and aircraft design.

#### Attachment 4- City of West Torrens Comments on the Flight Path Design Principles

The benefit of having a major capital city airport so convenient to the city, as is the case in Adelaide, requires potential impacts to be carefully balanced in order to 'future proof' the airport's location. Council is committed to being the best place to live, work and enjoy life. Recognising the important role that the Adelaide Airport has to play as premium tourism and emergency services infrastructure, a key precinct for employment and export for economic growth, also requires a balanced approach to accommodating the community expectations of liveability in residential areas affected by the airport's air transport movements.

The impacts of the economic downturn associated with the pandemic further amplifies the importance of getting the balance right.

Finally, the addition of the Application Notes to provide context around each of the Principles is considered an enhancement that effectively responds to the stakeholder suggestions for additional background material.

For further information on any matters raised in this communication, please contact me by email [scurran@wtcc.sa.gov.au](mailto:scurran@wtcc.sa.gov.au) or phone 8416 6326,  
Yours Sincerely.

Sue Curran,  
Manager Strategy and Business  
City of West Torrens

## 17.7 EPA Review of Noise Policy 2007

### Brief

The Environment Protection Authority (EPA) is reviewing the Environment Protection (Noise) Policy 2007, due to emerging issues from the introduction of the *Local Nuisance and Litter Control Act 2016* and/or the *Planning, Development and Infrastructure Act 2016*.

### RECOMMENDATION

It is recommended to Council that the feedback contained in Attachments 2 and 3 of the Agenda report be approved and submitted to the Environment Protection Agency as Council's response to the review of the *Environment Protection (Noise) Policy 2007 Discussion Paper*.

---

### Introduction

The Environment Protection Authority (EPA) is aware of a number of issues that have been raised in recent years regarding the operation of the *Environment Protection (Noise) Policy 2007* (Noise Policy) which provides the legal framework for the assessment of noise complaints.

Many of these issues have arisen as a result of the introduction of the *Local Nuisance and Litter Control Act 2016* (LNLC Act) or the *Planning, Development and Infrastructure Act 2016* (PDI Act), both of which have changed the way that land use and noise are managed in South Australia.

The EPA also commenced a review of the LNLC Act in 2019 and, while this review is yet to be finalised, this process further highlighted the need for review and amendment of the Noise Policy as such, it is seeking feedback on its *Environment Protection (Noise) Policy 2007 Discussion Paper* (Discussion Paper). A proposed response to the Discussion Paper is attached (**Attachment 2**) for Council's consideration, approval and submission to the EPA by the closing date of 17 July 2020.

### Discussion

The Noise Policy, through the *Environment Protection Act 1993* (EP Act), provides a legal framework for the assessment of a wide range of noise types including domestic and non-domestic noise. The EPA shares responsibility for regulating noise issues with other government agencies, mainly planning authorities and local councils.

This review of the Noise Policy was prompted by the legislative changes resulting from the LNLC Act and PDI Act, together with the results of an initial consultation in 2017, and the fact that the Noise Policy has been in operation for 13 years.

The purpose of the Discussion Paper is to engage with stakeholders on opportunities to improve the Noise Policy. This will inform the development of a revised draft noise policy, to be released for broader consultation. The EPA invites stakeholder contribution to the review including responding to the proposals identified in this paper.

The Discussion Paper (**Attachment 1**) is the result of an extensive review of the legislation and policies used in the regulation and management of noise in South Australia. At the conclusion of this initial consultation period, it is anticipated that a revised draft Noise Policy will be developed and released for further, broader consultation.



The discussion paper poses the following questions:

1. Is there justification for amending the term 'locality' in the Noise Policy and how it is defined? If so, what is the preferred option and the expected risks and opportunities?
2. In the event that the construction element of Part 6 of the Noise Policy is retained, is there justification for amending the definition of public infrastructure to be consistent with the meaning of 'essential infrastructure' in the PDI Act, or should its scope be clarified through a new definition?
3. Is there justification for amending the definition of 'characteristic' to include intermittency and including a definition for 'intermittency'? What are the expected risks and opportunities?
4. Is there justification to regulate vibration, and if so, should it be given effect via the Noise Policy or through the general environmental duty in section 25 of the EP Act? What are the expected risks and opportunities?
5. Is there justification to allocate an INL land use category for forestry? If so, what are the expected risks and opportunities?
6. Is there justification to mirror the Planning and Design Code land use categories in the Noise Policy? If so, what are the expected risks and opportunities?
7. Are the current provisions adequate for dealing with the interface between land uses in mixed land use zones? If not, keeping in mind the development of the Planning and Design Code and state planning policies, what are the alternatives? What are the expected risks and opportunities?
8. Is there justification to decrease INLs in the Rural Industry zone? If so, what are the expected risks and opportunities?
9. Is there justification for specifying indoor noise levels for indoor living in addition to sleeping areas within the Noise Policy in circumstances other than where the 'Noise and Air Emissions Overlay' applies? If so, what are the expected risks and opportunities?
10. Is there justification to amend the land use categories, noise goals and time periods in the Noise Policy? If so, what are the alternatives and what are their expected risks and opportunities?
11. Is there justification to explicitly mirror the triple bottom line requirements of the EP Act in the Noise Policy? If so, what are the expected risks and opportunities?
12. Is there justification to amend measurement procedures with regard to additional consideration of different weather conditions? If so, what are the options and their expected risks and opportunities?
13. Is there justification to review current breadth of character-based penalties? If so, what are the options and their risks and opportunities?
14. Is there justification to change the current measurement period? If so, what are the options and their risks and opportunities?
15. Is there justification to change the method for determining background noise levels? If so, what are the options and their risks and opportunities?
16. Is there justification to remove the requirement for fast time weighting in the procedures under the Noise Policy? If so, what are the expected risks and opportunities?
17. Is there justification to replace the current INL criteria based on land use zones with a regime based on existing noise levels? If so, what are expected risks and opportunities?

18. Is there justification to relax the compliance/design criteria for emergency standby plants? If so, what are the expected risks and opportunities?
19. Is there justification for the introduction of the use of unattended noise measurements in the Noise Policy for development assessment, or for any other purposes? If so, in what circumstances, and what are the expected risks and opportunities?
20. Is there justification for broadening the application of Part 5 of the Noise Policy to allow its use by planning authorities where the Planning and Design Code identifies the need for development applications to be assessed against relevant noise criteria contained in the Noise Policy? If so, what are the expected risks and opportunities?
21. If Part 6 of the Noise Policy is removed to avoid duplication with the LNLC Act are there any unintended consequences that have not been identified?
22. Is there justification to remove aircraft noise and noise emanating from aerodromes and helicopter landing facilities from Schedule 1 of the Noise Policy? If so, how should noise from such sources be regulated and what are the expected risks and opportunities?
23. Is there justification not to include site evacuation and fire alarms in Schedule 1 of the Noise Policy, and exclude them from regulation under the policy? If so, how should noise from such sources be regulated and what are the expected risks and opportunities?
24. Is there justification not to include noise emanating from council owned/managed reserves, parks and open spaces in Schedule 1 of the Noise Policy, and excluding them from regulation under the policy?
25. Is there justification to exclude noise emanating from EPA-licensed facilities from regulation under the Noise Policy? If so, what are the risks and opportunities?
26. Is there justification not to exclude noise emanating from the activities described in clause 7 of Schedule 1 of the Noise Policy, whether they trigger the thresholds for licensing under the EPA Act or not?

The Discussion Paper raises some pertinent questions, although it is acknowledged that a number of these questions are outside of the knowledge base contained within Council, and are specific to appropriately qualified acoustic professionals. On review of the Discussion Paper, and prior to delving into some initial comments on the questions posed, it is proposed that Council submits the following comments:

1. *On the basis that the Noise Policy interacts strongly with South Australia's planning system, in particular the Planning and Design Code (the Code), Council is concerned about the EPA progressing a review of the Noise Policy prior to the finalisation of the Code.*
2. *These concerns relate to both the potential interaction between the Noise Policy and the Code, and the ability of council planners to effectively engage in a consultation process at this time given their involvement in planning reforms and the rollout of the new ePlanning system. This is somewhat reflected by limited commentary provided to some of the questions raised and in part due to the currently incomplete status of the Code.*
3. *The EPA commenced a review of the LNLC Act in 2019 and that the review is yet to be finalised, Council's response to that review is contained in (**Attachment 3**), given this is the case, it would be very difficult for councils to effectively engage in consultation on the review of the Noise Policy before knowing the outcomes of the review of the LNLC Act.*

## **Climate Impact Considerations**

*(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)*

There is no direct climate impact in relation to this report.

## **Conclusion**

The Environment Protection Agency (EPA) is seeking feedback on its *Environment Protection (Noise) Policy 2007 Discussion Paper*. Feedback has been prepared by the relevant departments for Council's consideration, approval and submission by the closing date of 17 July 2020.

## **Attachments**

- 1. Review of the Environment Protection (Noise) Policy 2007**
- 2. City of West Torrens Feedback on Environment Protection (Noise)**
- 3. City of West Torrens Feedback on Local Nuisance and Litter Control**



**Environment Protection Authority**

# **Review of the Environment Protection (Noise) Policy 2007**

**Discussion paper for consultation**



**Environment Protection (Noise) Policy 2007 – Discussion paper for consultation**

For further information please contact:

Information Officer

Environment Protection Authority

GPO Box 2607

Adelaide SA 5001

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Facsimile: (08) 8124 4670

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May 2020

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## Abbreviations

AS	Australian Standard (published documents from Standards Australia)
AS 1055–1997	Acoustics – Description and measurement of environmental noise
dB(A)	decibels (using the 'A' weighting network of a sound level)
EPA	South Australian Environment Protection Authority
EP Act	<i>Environment Protection Act 1993</i>
EPP	environment protection policy
INL	indicative noise level
LNLC Act	<i>Local Nuisance and Litter Control Act 2016</i>
Noise Guidelines	Guidelines for the use of the Environment Protection (Noise) Policy 2007
Noise Policy	<i>Environment Protection (Noise) Policy 2007</i>
PDI Act	<i>Planning Development and Infrastructure Act 2016</i>
WHO	World Health Organization



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## Executive summary

The *Environment Protection (Noise) Policy 2007* (Noise Policy), through the *Environment Protection Act 1993* (EP Act), provides a legal framework for the assessment of a wide range of noise types, including domestic and non-domestic noise. The Environment Protection Authority (EPA) shares responsibility for regulating noise issues with other government agencies, mainly planning authorities and local councils.

The introduction of the *Local Nuisance and Litter Control Act 2016* (LNLCA) and the *Planning, Development and Infrastructure Act 2016* (PDI Act) led to changes in the management of noise.

This review of the Noise Policy was prompted by the legislative changes, together with the results of an initial consultation in 2017 and the fact that the current policy has been in operation for 13 years.

The purpose of this discussion paper is to engage with stakeholders on opportunities to improve the Noise Policy. This will inform the development of a revised draft noise policy, to be released for broader consultation.

The EPA invites you to contribute to the review, including responding to the proposals identified in this paper.

You can choose to lodge a written submission or, if you prefer, meet with EPA staff to discuss the policy. A template of all discussion questions with a section for feedback can be found in [Appendix 2](#).

To make a written submission please provide it no later than 5 pm Friday 17 July 2020 and post to:

Noise Policy Review  
Environment Protection Authority  
GPO Box 2607  
Adelaide SA 5001  
Attn: Ella Langford

or

Email (preferred): [epainfo@sa.gov.au](mailto:epainfo@sa.gov.au) (mark subject as 'Noise Policy Review')



**Figure 1** Noise measurement equipment in the Adelaide Hills

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## 1 Background

Prior to the introduction of the *Environment Protection Act 1993* (EP Act), noise in South Australia was regulated by the *Noise Control Act 1977*. With the introduction of the EP Act in 1995, this earlier act was revoked and replaced with two separate regulatory policies:

- *Environment Protection (Machine Noise) Policy 1994*
- *Environment Protection (Industrial Noise) Policy 1994*

By the late 1990s development commenced on the noise legislation, the aim of which was to replace the two existing policies with one designed to balance the competing interests of those whose legitimate activities inherently caused noise, and the interests of and impacts on, people exposed to it.

The current Environment Protection (Noise) Policy 2007 (Noise Policy) took effect in 2007.

An environment protection policy (EPP) is one of a number of legislative tools provided for under the EP Act to address environment protection matters. An EPP can be made for any purpose directed towards securing the objects of the EP Act. This may include setting out requirements or mandatory provisions that will be enforceable.

An EPP:

- has the force of a standard imposed by Parliament
- may impose mandatory provisions with penalties
- is developed for a specific area, eg waste, water, air, noise.

The Noise Policy has been in place for 13 years and a number of opportunities to improve its operation has been identified over time, including as a result of its interaction with the *Local Nuisance and Litter Control Act 2016* and the *Planning, Development and Infrastructure Act 2016*.

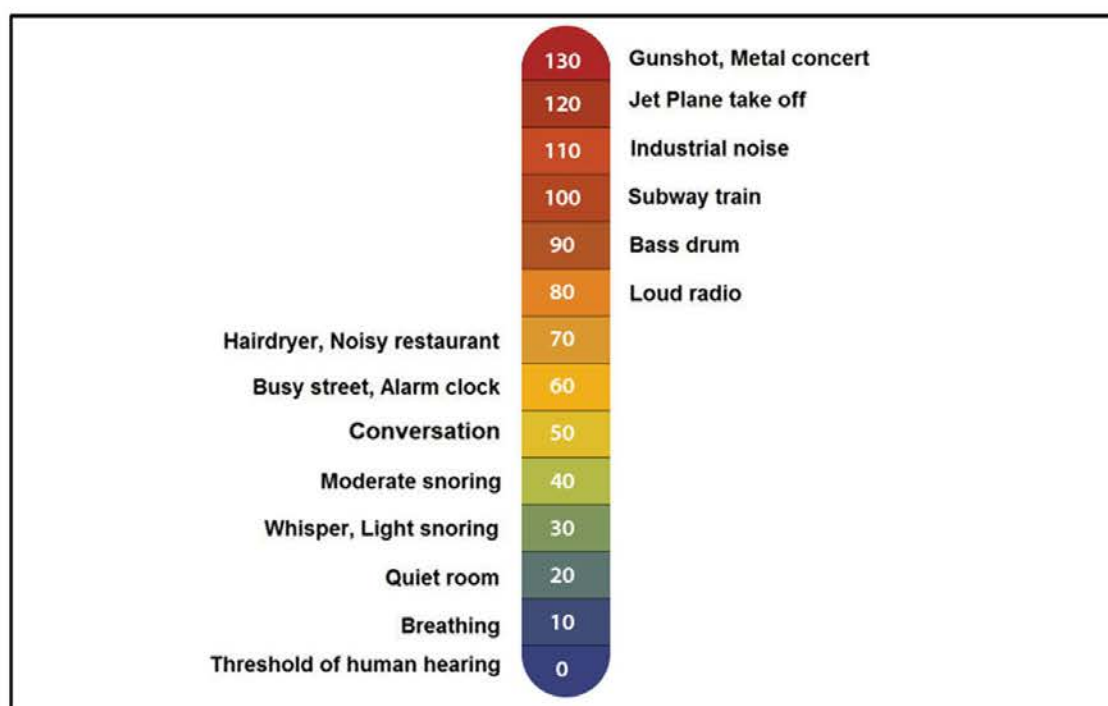


Figure 2 Decibel scale



## 2 Introduction

Noise is a significant issue identified by the World Health Organization (WHO). Excessive noise can interfere with daily activities at work, home, school and during leisure time. Furthermore noise can significantly disturb sleep. As a result, excessive noise has the ability to seriously harm human health<sup>1</sup>.

Short- and long-term health problems as a result of noise can include:

- sleep disturbance
- mental illness
- cardiovascular effects (eg startle and defence reaction leading to potential increase of blood pressure)
- psychophysiological effects (eg headaches, fatigue, irritability)
- poorer work and school performance
- hearing impairment (eg noise-induced hearing loss, aural pain, ear discomfort, tinnitus)
- annoyance (eg feeling of displeasure, with tolerances varying enormously, and noise impulses more annoying than a steady noise)
- interference with speech communication (eg reduction in intelligibility of conversation, radio, music, television and others)<sup>2</sup>.

In the WHO European Region for example, noise has become a significant environmental nuisance, with public complaints regarding noise increasing rapidly<sup>3</sup>.

There are some groups that are more vulnerable to noise than others. Chronically ill and elderly people are more sensitive to sleep disturbance. Similarly, as children spend more time in bed than adults they can be disproportionately affected by noise. Early childhood development and education can be impaired by noise, resulting in lifelong effects on academic achievement and health. Shift workers, due to their sleep structure being under stress, are also especially vulnerable. People of lower socio-economic status are often less able to live in quiet residential areas or have insulated homes. Noise nuisance at night can cause financial stress due to increased medical visits and drug purchases<sup>4</sup>.

The intent of the Noise Policy is to strike a balance between the interests of those whose legitimate activities cause noise, and the interests of those who are exposed and affected by the noise. It also seeks to provide clarity and consistency in environmental noise regulation.

The Noise Policy considers social, economic and environmental matters in the management of noise issues. It achieves this in the following ways:

- Ensuring protection against noise is in accordance with WHO guidance.
- Ensuring the issues that must be considered to inform decisions are clearly articulated.
- Providing for special or unique activities that are not adequately represented by general noise provisions.
- Providing planning authorities with the framework for setting environmental standards.
- Providing a regulatory tool that reduces ambiguity for enforcement authorities, leading to an equitable approach for regulating noise.
- Responding to new and emerging noise issues through a streamlined policy amendment process.

<sup>1</sup> World Health Organization 1999, *Guidelines for Community Noise*, <https://apps.who.int/iris/handle/10665/66217>

<sup>2</sup> World Health Organization 1999, *Guidelines for Community Noise*, <https://apps.who.int/iris/handle/10665/66217>

<sup>3</sup> World Health Organization 2009, *Night Noise Guidelines for Europe*, [http://www.euro.who.int/\\_data/assets/pdf\\_file/0017/43316/E92845.pdf](http://www.euro.who.int/_data/assets/pdf_file/0017/43316/E92845.pdf)

<sup>4</sup> World Health Organization Regional Office for Europe 2019, *Data and Statistics*, <http://www.euro.who.int/en/health-topics/environment-and-health/noise/data-and-statistics>

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Environment Protection (Noise) Policy – Discussion paper for consultation

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The Noise Policy was developed to address noise produced from both domestic and non-domestic sources such as:

- air-conditioning units, pool pumps, power tools and lawn mowers
- burglar alarms
- premises associated with primary industry processing such as wineries, abattoirs, dairies and seed processing
- light industry premises such as motor vehicle repair shops
- commercial premises such as shopping centres
- industrial premises such as manufacturing and processing facilities.

An important aspect of the policy is that it is proactive in seeking to minimise noise issues through connections with the development processes and local government planning interests.

The EPA licenses premises and activities that have the potential to cause significant or widespread impact on the environment. Noise emanating from EPA-licensed sites are regulated by licence conditions.

Environmental nuisance issues involving domestic premises and non-licensed sites do not fall into this category. The EPA provides support about these matters to agencies that are able to assist with complaints. In many instances agencies including the EPA work together to help deliver an appropriate outcome.

Since the introduction of the *Local Nuisance and Litter Control Act 2016* (LNLC Act), local government has the responsibility for the management of local nuisance issues, such as noise from sources not licensed by the EPA.

The EPA also sets policies and guidelines for industry and the community, and works closely with other organisations such as local councils and police to respond to community concerns about noise.

In 2016, two significant legislative changes occurred that triggered the need to review the Noise Policy:

- 1 *Local Nuisance and Litter Control Act 2016* (LNLC Act) gives local government the responsibility for the management of local nuisance issues, such as noise from sources not licensed by the EPA. This will have a significant impact on the way in which the Noise Policy operates and the management of local noise in South Australia.
- 2 *Planning Development and Infrastructure Act 2016* (PDI Act), which is being incrementally introduced through to June 2020 and intended to replace the existing *Development Act 1993*. This Act includes a Planning and Design Code component, which will replace the development plans currently used by planning authorities. Development plans link to the Noise Policy through the State Planning Policy, which cites that all noise other than noise from music must comply with the Noise Policy.

In accordance with principles of early engagement, the EPA conducted an initial consultation with key stakeholders in March 2017. This first stage of the review consisted of targeted engagement with 65 stakeholders to assist with framing the scope of the review. A total of 18 written submissions were received, the content of which was used to inform this paper. The stakeholders were drawn from the following list:

- Peak bodies and associations.
- Major mining companies.
- SA and Commonwealth Government.
- Prescribed bodies identified in Regulation 9 (normal procedure for making policies) of the *Environment Protection Regulations 2009*.

A full list of stakeholders who were invited to participate in the first stage of the review can be found at [Appendix 1](#).

This discussion paper is based on the results of the 2017 initial consultation as well as in response to the introduction of the LNLC Act and PDI Act. It also identifies potential improvements based on experience with applying the Noise Policy since 2007. The links to these drivers are reflected in the summary of consultation questions in [Appendix 2](#).

The consultation questions have been formulated in a way to obtain information regarding the risks and opportunities of the proposed changes.



## 3 Issues and proposals

### 3.1 Definitions

Clause 3 of the Noise Policy – Interpretation – provides definitions for important terms used. The following issues were raised in the initial consultation regarding the definitions.

#### 3.1.1 Locality

The definition of 'locality' in clause 3 is used to determine a 'land use category' from the tables in clause 5(9) of the Noise Policy and is relatively broad. It differs however from the commonly used application of the term by planning authorities. It was raised in consultation that the difference is causing confusion.

Stakeholders recommended that a new term for 'locality' be developed, or in the event that the EPA seeks consistency with the development assessment use of the term under the PDI Act, a new definition be considered.

For example, a definition could be 'a small area surrounding a development site, generally bound by physical or visually linked landscape features'. Another alternative could be to amend the definition to reflect the terms 'zone' or 'sub-zone' as used in the PDI Act.

The definition of 'locality' in the Noise Policy however was designed to deliberately differentiate it from that used within the state planning system because the concept of locality is central to the operation. While the term/name could be amended, changing its definition may be problematic and create confusion with the term used in the planning system. The term 'locality' in the planning system is also central to its operation as it relates to more than just noise; issues such as lighting are also addressed.

#### **Discussion question 1**

Is there justification for amending the term 'locality' in the Noise Policy and how it is defined? If so, what is the preferred option and the expected risks and opportunities?

#### 3.1.2 Public Infrastructure

The term 'public infrastructure' needs clarification where it is used in clause 22 to describe construction activities to which the Noise Policy does not apply. The question arose in relation to whether the construction of hospitals and mobile phone towers are considered to be public infrastructure.

One option would be to amend the Noise Policy to include a definition for 'public infrastructure' which has the same meaning as 'essential infrastructure' in the PDI Act, the definition of which includes hospitals and mobile phone towers (cited as communications networks and health facilities). This would ensure consistency across state legislation and coincide with the updated state planning system being introduced.

Another option would be to insert a new definition for public infrastructure.

#### **Discussion question 2**

In the event that the construction element of Part 6 of the Noise Policy is retained, is there justification for amending the definition of public infrastructure to be consistent with the meaning of 'essential infrastructure' in the PDI Act, or should its scope be clarified through a new definition?

[Discussion question 21](#) considers the removal of Part 6 (Special noise control provisions) of the Noise Policy to avoid duplication with identical elements within the LNL Act. If the construction element of Part 6 is removed then a definition for infrastructure will not be necessary.

### 3.1.3 Intermittency

Noise intermittency can increase the nuisance resulting from noise when compared to a steady noise. Some Australian states have intermittency included as a noise character that attracts a penalty based on specified characteristics, ie modulating, tonal, etc. If a noise source contains one or more characteristics, then a 'noise penalty' in the form of decibels [dB(A)] is added to the noise source level. In NSW for example, a penalty is only applied if the intermittency occurs at night, as it is not considered as offensive during other time periods.

There is currently no provision in South Australia to apply a penalty for intermittent noise and in order to do that, intermittency is required to be added to the definition of 'characteristic':

**Characteristic**, in relation to noise from a noise source, means a tonal, impulsive, low frequency, *intermittent*, or modulating characteristic of the noise that is determined by the Authority or another administering agency, in accordance with the *Guidelines for the use of the Environment Protection (Noise) Policy 2007* published by the Authority as in force from time to time, to be fundamental to the nature and impact of the noise;



**Figure 3** Pool pumps are sources of intermittent noise

If the definition of characteristic is amended to include intermittent noise, it would be beneficial to include a new definition for 'intermittency' in the Noise Policy, for example as defined in NSW *Noise Policy for Industry*<sup>5</sup>:

**Intermittency** – a noise has an intermittent characteristic if the level suddenly drops to that of the background noise several times during the assessment period, with a noticeable change in noise level of at least 5dB.

The Environmental Protection Department in Hong Kong controls noise with the consideration of tonal, impulsive or intermittent characteristics through the application of appropriate noise penalties<sup>6</sup>.

#### **Discussion question 3**

Is there justification for amending the definition of 'characteristic' to include intermittency and including a definition for 'intermittency'? What are the expected risks and opportunities?

### 3.1.4 Vibration

The definition of noise in the EP Act includes vibration. To assist with compliance and planning issues the EPA proposes that a new clause (and definition) be added to the Noise Policy relating to 'vibration' to quantify what acceptable levels of vibration are, linked to a standard or guideline.

Vibration can be a complex issue and a number of options have been proposed with regard to how it might be managed, including via a standard or guideline.

The NSW guideline covers vibration sources such as construction and excavation equipment, rail and road traffic, and industrial machinery as well as the low-frequency, airborne pressure waves emitted by some heavy vehicles, aircraft and machinery which can also cause vibration in buildings.

<sup>5</sup> [https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-\(2017\)](https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017))

<sup>6</sup> Environmental Protection Department 2006, *Technical memorandum for the assessment of noise from places other than domestic premises, public places or construction sites*, Government of the Hong Kong Special Administrative Region, [https://www.epd.gov.hk/epd/english/environmentinhk/noise/guide\\_ref/tm\\_nondomestic\\_3.html](https://www.epd.gov.hk/epd/english/environmentinhk/noise/guide_ref/tm_nondomestic_3.html)



**Discussion question 4**

Is there justification to regulate vibration, and if so, should it be given effect via the Noise Policy or through the general environmental duty in section 25 of the EP Act? What are the expected risks and opportunities?

## 3.2 Land uses and land use categories

Land use and land use categories are used to assist in determining the indicative noise level (INL) for a noise source or the relevant allowable noise level for noise-affected premises. There is significant crossover with planning legislation in that the Noise Policy is referred to in council development plans, and it is important that this reference is maintained with the relevant instruments of the PDI Act.

The following issues were also raised in the initial consultation as areas to consider for revision.

### 3.2.1 Amend the land use category classification for forestry

Land use categories are used to determine the INL for a noise source or the relevant allowable noise level for noise-affected premises. It was proposed that a land use category with a higher INL be applied to the forestry industry, particularly during harvest times which are short, intensive periods of activity. There is evidence that seasonal industries such as the forestry industry cause less annoyance to the community, presumably related to the presence of a relatively quiet period<sup>7</sup>.

**Discussion question 5**

Is there justification to allocate an INL land use category for forestry? If so, what are the expected risks and opportunities?

It was also proposed that the land use categories in Table 1 of the Noise Policy be reviewed to be more reflective of the zones to be contained in the Planning and Design Code under the PDI Act. For example, 'Employment Lands' are cited in the Planning and Design Code, however this would be difficult to allocate as a category within Table 1 of the Noise Policy. Such classification is highly dependent on the primary land uses within a zone, and 'Employment Lands' can have multiple land uses.

**Discussion question 6**

Is there justification to mirror the Planning and Design Code land use categories in the Noise Policy? If so, what are the expected risks and opportunities?

### 3.2.2 Interfaces between land uses

In the 2017 initial consultation, stakeholders noted that the concept of 'principally promoted' land use within the Noise Policy can be problematic because something listed in 'land uses supported in the zone' in the relevant development plan is taken to be principally promoted. For instance, while a Residential Zone principally promotes residential development, it also allows other land uses (such as home offices/commercial near arterial roads, etc). Planning authorities generally would not consider such uses as principally promoted, even though the Noise Policy takes this approach.

Where a land use is clearly given precedence above all others in a locality, clause 4(1)(b) of the Noise Policy classes this as the land use being principally promoted. Where a number of land uses are equally promoted to generate a mixed use zone, clause 4(1)(c) of the Noise Policy defines each of the individual land uses as principally promoted. For example, a zone promotes the development of residential and retail land uses to form a mixed zone.

The Noise Policy also makes it clear that the land use category within which a land use principally promoted falls is to be determined by the EPA in accordance with the *Guidelines for the use of the Environment Protection (Noise) Policy 2007* (Noise Guidelines). There will continue to be situations where it is not evident which land use category should be

<sup>7</sup> Journal of the Acoustical Society of America 2004, *Noise annoyance from stationary sources: relationships with exposure metric day-evening-night level (DENL) and their confidence intervals*, <https://www.ncbi.nlm.nih.gov/pubmed/15295994>

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Environment Protection (Noise) Policy – Discussion paper for consultation

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assigned, in which case consultation with councils is required to determine the appropriate classification. This is often time and resource consuming, and is unlikely to change under the PDI Act.

Historically, planning schemes and planners have sought to deal with incompatible land uses by their separation into different land use zones, and this is reflected in the land use categories referred to in the tables in clause 5(9) of the Noise Policy. However this approach is increasingly recognised as inflexible and unresponsive to current trends, which encourage mixed use zones, developments and performance-based assessment processes.

Due to the advent of these more flexible land use zones, the current clauses 4(2) and 4(4) of the Noise Policy, which deal with uncertainty around land uses and land use categories, are becoming increasingly more relevant. With the development of the new Planning and Design Code, and state planning policies under the PDI Act, it is timely to consider opportunities for forming cohesion between the new planning tools and the Noise Policy. This would reduce ambiguity and uncertainty for the EPA, councils, developers and the community.

One option to achieve greater synergy is to change the terminology of the Noise Policy to align with the new Planning and Design Code. This will depend on timing because the new planning system will be incrementally introduced until 1 July 2020.

Alternatively, the terminology in the Noise Policy can be changed so that it can operate as a standalone document without duplication within the Planning and Design Code. In this case, new processes for categorising areas of conflicting land uses would need to be developed.

#### **Discussion question 7**

Are the current provisions adequate for dealing with the interface between land uses in mixed land use zones? If not, keeping in mind the development of the Planning and Design Code and state planning policies, what are the alternatives? What are the expected risks and opportunities?

### **3.3 Indicative noise levels (INL)**

This clause sets the criteria and rules to assist in determining the appropriate INL relevant to a particular land use or land use category.

#### **3.3.1 Industry hours of operation**

It was proposed during 2017 initial consultation that consideration be given to providing a greater latitude – possibly a higher dB(A) reading – to the forestry industry in circumstances where a facility can demonstrate that it has been in operation before neighbouring land uses were established. For example, the NSW Noise Policy for Industry recognises industries as being part of the background if they have been operating for more than 10 years. Additionally, the NSW Planning *Voluntary Land Acquisition and Mitigation Policy*<sup>8</sup> recognises legacy noise issues.

It was also submitted that the forestry industry would benefit from the flexibility of broader INLs – coupled with longer operating hours – and that such amendments would enhance productivity. The current operating hours are based on community expectations.

Stakeholder feedback further proposed that Rural Industry INLs are considered to be too high, and should be reduced. It is not unusual for the background noise levels in rural areas to be significantly less than the INL and much less than background levels in an urban environment.

Rural Industry includes a wide range of activities of varying intensity and requires a degree of latitude to allow for these activities to occur in accordance with community expectations. This is provided currently within the Noise Policy where clause 19 allows flexibility in determining action on a non-compliant noise level.

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<sup>8</sup> <https://www.planning.nsw.gov.au/Policy-and-Legislation/State-Environmental-Planning-Policies-Review/Mining-SEPP-amendment/Review-of-VLAMP-Mining-SEPP>



Any changes to the INLs for Rural Industry would require careful consideration of social, economic and environmental impacts.

#### **Discussion questions 8**

Is there justification to decrease INLs in the Rural Industry zone? If so, what are the expected risks and opportunities?

### **3.3.2 Indoor noise amenity**

It was proposed during initial consultation that there is a need for setting internal noise levels – for both living and sleeping areas – for use in multi-storey buildings, buildings where there is no outdoor recreation area or where it is not possible to build a noise barrier, and high noise areas where people live exclusively indoors.

In some applications, where the noise-affected premises is a non-residential premises (eg commercial office), a residential premises without an outdoor recreation area (eg high-rise apartments) or a multi-story residence where a normal 1.8-m boundary wall/fence will not protect upstairs rooms from noise, there is a need to set indoor noise levels rather than outdoor noise levels. This is because the people in the upper level rooms will only receive the noise indoors and not outdoors. Such issues are more easily considered for new buildings.

The indoor sleep disturbance criteria of 30dB(A) in the Noise Policy is recommended by WHO in their *Guidelines for Community Noise* (1995)<sup>9</sup>. The Noise Policy includes some consideration of indoor noise levels in residential areas. In NSW for example, 35/40dB(A) is applied in legislations such as the *State Environmental Planning Policy (Infrastructure)* which is in line with recommendations in the Australian Standard.

In 2013 the state government introduced the option to include the 'Noise and Air Emissions Overlay' into council development plans as a means to reduce noise and air impacts from road, rail and mixed land use on certain categories of residential (and other sensitive use) developments. The overlay includes a requirement that internal noise level in bedrooms does not exceed 30dB(A) and 35dB(A) in indoor living and sleeping areas. Therefore, there is already some degree of internal noise level consideration given to building design and construction in some areas of the state. It is also expected that the Air and Noise Emission Overlay will be more consistently applied across the state through the Planning and Design Code.



**Figure 4** An air-conditioning vent near high-rise building could affect indoor noise

#### **Discussion question 9**

Is there justification for specifying indoor noise levels for indoor living in addition to sleeping areas within the Noise Policy in circumstances other than where the 'Noise and Air Emissions Overlay' applies? If so, what are the expected risks and opportunities?

### **3.3.3 Indicative noise limits for prescribed time periods**

Stakeholders during the 2017 initial consultation recommended adoption of indicative noise limits for three different time periods, as used in Victoria. The Victorian *State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade)* has prescribed noise limits based on background noise levels. There are three base noise limits for three different time periods throughout a day: a day period, an evening period and a night period. The day period between 7 am and 6 pm – 45dB(A), the evening period between 6 pm and 10 pm – 40dB(A), and the night period

<sup>9</sup> Note that there are now updated guidelines on community noise, however they do not stipulate specific sleep disturbance criteria.

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between 10 pm and 7 am – 35dB(A). Having three noise limits for various time periods throughout the day recognises that community expectations on noise levels vary depending on the time of day.

**Discussion question 10**

Is there justification to amend the land use categories, noise goals and time periods in the Noise Policy? If so, what are the alternatives and what are their expected risks and opportunities?

**3.4 Objects of Policy**

This part describes the broad intent and structure of the Noise Policy. It describes what the Noise Policy is designed to do and the manner and method by which the objects might be achieved.

Stakeholders during the initial consultation proposed to amend clause 9 (Objects of Policy) by clearly requiring a triple bottom line regulatory approach that considers environmental, societal and economic impacts. Such a regulatory approach however is already required in the EP Act under section 10 (The Objects of the Act) and section 25 (general environmental duty). As the Noise Policy is subordinate to the EP Act, it must be administered in accordance with the Objects of the Act.

Section 10 (1)(a)(C)(ii) of the EP Act states:

- (ii) that proper weight should be given to both long and short term economic, environmental, social and equity considerations in deciding all matters relating to environmental protection, restoration and enhancement;

**Discussion question 11**

Is there justification to explicitly mirror the triple bottom line requirements of the EP Act in the Noise Policy? If so, what are the expected risks and opportunities?

**3.5 Measurement procedures**

This part sets out the general rules for the measurement and assessment of a source noise level (continuous), ambient noise level (continuous), or background noise level related to on-site investigations and generally reflects accepted practice.

**3.5.1 Consideration of weather conditions**

Stakeholders during the 2017 initial consultation proposed that consideration be given to strengthening measurement procedures by including all known weather conditions that may have a substantial impact on noise levels.

In NSW for example, impacts are assessed under a range of adverse meteorological conditions. For anything more extreme, 5dB(A) is added to the objective.

However most noise issues dealt with under the EP Act occur in circumstances where the noise source and noise receiver properties are less than 100 m away from each other – meaning that weather conditions generally have limited influence on assessment.

Where weather is likely to be an influential factor, clause 13(a)(vi) General Procedures of the Noise Policy requires the EPA to consider any significant meteorological patterns. The Noise Guidelines (page 34) provide assistance as to how this is to be achieved.



**Figure 5 Noise measuring device**

**Discussion question 12**

Is there justification to amend measurement procedures with regard to additional consideration of different weather conditions? If so, what are the options and their expected risks and opportunities?



### 3.5.2 Appropriateness of current character penalties

Existing noise penalties of a total of 5–10dB(A) apply for the presence of single or multiple annoying noise characteristics such as impulsive, tonal, low frequency or modulating character within a noise. During the 2017 initial consultation, stakeholders expressed an opinion that they were too high and that consideration should be given to reduce the noise penalties for tonal characteristics to the range of 3–5dB(A). This would be consistent with Victoria's penalty range for tonal characteristics of 2–5dB(A). NSW similarly found that a penalty of 5dB(A) was excessive, and a penalty range of 2–5dB(A) was used, however day and night periods were treated differently.

Similarly, the *Australian Standard AS 1055–2018 Acoustics – Description and measurement of environmental noise* specifies that a 2–3dB(A) penalty should apply if tonal characteristics are just detectable, and a 5–6dB(A) penalty if tonal characteristics are clearly audible.

During consultation, stakeholders also expressed the desire for character-based noise penalties to be considered for both INL and the background noise level approach. It was suggested that the penalties be applied as outlined in the Noise Guidelines (except for tonality). Characteristic noise penalties could also be considered during development authorisation assessments. AS 1055–1997 states however that penalties should not be applied to background noise levels, and so there is little justification to add penalties to a background noise level.

#### **Discussion question 13**

Is there justification to review current breadth of character-based penalties? If so, what are the options and their risks and opportunities?

### 3.5.3 Period over which measurements are made

The Noise Guidelines state:

When relying on the background noise level test under section 18(2)(a) [of the Noise Policy] to satisfy the general environmental duty, the lowest background noise level regularly expected at the noise affected premises over a 15-minute period should be used.

During initial consultation it was suggested that this is open to interpretation and does not ensure a consistent approach in determining the criteria to be achieved. It was also suggested that EPA should measure noise levels over a 30-min period rather than 15 minutes.

For reference, the Australian Standard AS 1055–2018 does not provide any recommended measurement periods but simply references existing state regulatory requirements.

While clause 14 of the Noise Policy states that measurement of a noise source must be made over a period of 15-minutes, it also includes a sub-clause which provides the EPA or other administering agency with the ability to take a measurement in accordance with the Noise Guidelines over a different period, if it is determined that such a period would be more or equally representative of the impact of the noise from the noise source. It also means that, if necessary, multiple 15-minute measurements can be made if it is considered that this will achieve a more accurate outcome.

#### **Discussion question 14**

Is there justification to change the current measurement period? If so, what are the options and their risks and opportunities?

### 3.5.4 Background noise levels

The Noise Guidelines outline that background noise level is considered the lowest background noise level regularly expected at the noise-affected premises over a

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15-minute period. Views from 2017 initial consultation indicated that this approach was open to interpretation and did not ensure a consistent approach has been taken in determining the criteria to be achieved.

A statistical approach using the 10th percentile of the measured  $LA_{90}$  was suggested in order to provide consistent application in determining criteria based on background noise levels. This may be useful where it is demonstrated that there is significant variance in background noise levels during different time periods. This is a methodology similar to that employed in Appendix B of the now superseded NSW *Industrial Noise Policy 2000*. This is a complex method which is adequate at the planning stage when done by an acoustical professional, but too onerous for enforcement measurements. The current method may be more practical, particularly for the planning system and local government.



**Figure 6** Noise measurement equipment

#### **Discussion question 15**

Is there justification to change the method for determining background noise levels? If so, what are the options and their risks and opportunities?

#### **3.5.5 Fast time weighting requirement**

Time weightings are a common specification provided on most sound level meters used to measure dB(A). Time weightings were created in order to specify the speed at which the needle on a sound level meter has to move. This ensures that different sound meters can be calibrated to these weightings, making measurements comparable with each other. Fast time weighting is typically the selected weighting for most noise measurements.

With the introduction of updated measurement equipment, modern standards and regulatory practices, it has been suggested that the requirement for fast time weighting be removed from the procedures within the Noise Policy.

#### **Discussion question 16**

Is there justification to remove the requirement for fast time weighting in the procedures under the Noise Policy? If so, what are the expected risks and opportunities?

#### **3.5.6 Method for determining criteria**

Stakeholders during initial consultation proposed that development applications and compliance assessments should consider the existing noise environment and use the measured background noise levels to determine the criteria to be achieved at the nearest noise-affected premises. The policy currently does not consider the existing noise environment unless it is higher than the INL.

Some rural areas have very low existing background noise [ $<30\text{dB(A)}$ ]. To base the design criteria on very low background levels would place unrealistic requirements on industry. In some cases it would be normal for the existing background noise levels to be less than the INL. In these cases, noise levels that are in compliance with the current Noise Policy criteria may result in intrusive noise levels. In other cases, noise-affected premises could be subject to high existing ambient noise levels (eg adjacent a busy road network), and the existing background noise level may be higher than the INL.

Different scenarios could be addressed by having criteria based on the existing noise environment. The compliance criteria should be the same as the development authorisation design criteria. Currently, the operational compliance criteria are 5dB(A) more than the development authorisation design criteria.

Under this proposal, basing development application assessment design noise criteria on land use zoning, which is a foundation component of the Noise Policy, would be discontinued. The proposal has some merit but will impose costs due to the requirement to physically assess every development proposal individually rather than basing the assessment on existing INLs. It would also lead to a wide variation in the development application assessment design noise criteria in different parts of the state. Further, if a low background level is determined in an area, it would be more difficult for



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economic activity to occur in that same zone. Finally, issues may arise if the compliance noise criteria and the development application assessment design criteria were the same, as there would be no account given to the cumulative noise impact of development in an area over time.

**Discussion question 17**

Is there justification to replace the current INL criteria based on land use zones with a regime based on existing noise levels? If so, what are expected risks and opportunities?

**3.6 General noise control provisions**

Part 4 of the current Noise Policy describes the circumstances in which a noise source will satisfy the general environmental duty of the EP Act, and as such, the person involved will be under no obligation to take further noise reduction measures.

**3.6.1 Emergency standby plants**

During the 2017 initial consultation stakeholders proposed that determination of compliance/design criteria for emergency standby plants should be relaxed, as these facilities are generally only used for a short period of time (ie approximately 30 minutes per month to be tested) and when their use is required in an emergency situation, noise is not a principal concern.

However, noise from these plants operated for testing for commissioning/maintenance purposes should be subject to control as they are not responding to an emergency. These activities can be planned and scheduled in advance to avoid/minimise the noise impact.

Stakeholders have proposed that the compliance/design criteria should be the current relevant criteria of +5dB(A) as this would be consistent with some states (NSW and Victoria) for emergency standby plants.

Any relaxation of applicable criteria would be subject to the general environmental duty in section 25 of the EP Act whereby a person must take 'all reasonable and practicable measures to prevent or minimise any resulting environmental harm'.

**Discussion question 18**

Is there justification to relax the compliance/design criteria for emergency standby plants? If so, what are the expected risks and opportunities?

**3.7 Development authorisation applications**

Part 5 of the Noise Policy applies to development applications that are referred to the EPA for assessment under the *Development Act 1993*. This provision will continue to apply upon the introduction of the PDI Act which has resulted in changes to the referral process of development applications. This part is designed to provide for a consistent but more stringent assessment procedure to the general noise provisions in Part 4 of the Noise Policy. Stakeholder response from the initial consultation raised the following issues with regard to development assessment applications.

**3.7.1 Unattended measurements**

Unattended noise measurements are becoming more and more common for noise assessments. Unattended noise measurements do not require a person to be present throughout the measuring process. They have been used by the EPA in the past for measuring wind farm noise, however they are rarely used to determine background noise level as there is increased opportunity for interference. Modern equipment however can include audio recording to assist with verification of source noise, which can be valuable for planning information regarding background and ambient levels. It was suggested during initial consultation that unattended



**Figure 7** Demolition site

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measurements be used to determine background and ambient noise level when issuing development assessment authorisations.

An alternative proposal raised was that if unattended measurements could not be carried out to measure background and ambient noise level for development authorisations (due to security risk or other concerns), attended measurements of the existing noise environment should be undertaken which are representative of the expected quietest periods during operation. As a minimum, four 15-minute intervals per period of interest were recommended.

Unattended measurements are generally not accepted as evidence in court due to the potential for interference, and are generally considered only valuable for management purposes. Furthermore, Clause 20 of the Noise Policy that deals with development authorisations only considers ambient noise level, and not background noise level.

**Discussion question 19**

Is there justification for the introduction of the use of unattended noise measurements in the Noise Policy for development assessment, or for any other purposes? If so, in what circumstances, and what are the expected risks and opportunities?

**3.7.2 Planning authorities assessment of development applications with a noise source**

The large majority of development plans from councils incorporate the 'Interface between land uses' module from the most recent version of the SA Planning Policy Library (2011), which contains the following principle of development control (PDC):

Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.

Part 5 of the Noise Policy is limited in application to the assessment of development applications referred to the EPA under the *Development Act 1993*. For development assessments that do not require referral to the EPA, this means that planning authorities are not able to consider the following requirements that would otherwise apply to the EPA assessment of referred development assessments:

- determine the relevant INL less 5dB(A)
- consider whether the noise-affected premises is in a quiet locality
- consider a range of specific additional factors if the relevant INL cannot be achieved

There are many types of development assessments with potential off-site noise impacts that are assessed by planning authorities without the need for referral to the EPA. In these circumstances, guidance for the planning authority is lacking and there is no consistency between assessments by planning authorities and those undertaken by the EPA.

To remedy this, it is suggested that application of what is currently Part 5 of the Noise Policy is broadened to include where reference is made to noise criteria contained in the Noise Policy within planning and development legislation and subordinate instruments. Given the broad inclusion of the Planning and Design Code (to be established under the PDI Act) in development plans from councils, the code will also include a reference to criteria under the Noise Policy.

**Discussion question 20**

Is there justification for broadening the application of Part 5 of the Noise Policy to allow its use by planning authorities where the Planning and Design Code identifies the need for development applications to be assessed against relevant noise criteria contained in the Noise Policy? If so, what are the expected risks and opportunities?



### 3.8 Special noise control provisions

Part 6 of the Noise Policy (Special Noise Control Provisions) contains special and definitive controls for noise sources generally associated with activities on, or adjacent to, residential land uses. The LNLC Act which commenced in 2017 deals with all noise nuisance issues other than those emanating from sites licensed by the EPA. Local government has the responsibility for the management of local nuisance issues, such as noise from sources not licensed by the EPA. This approach has a significant impact on the way in which the Noise Policy operates and the management of local noise in South Australia.

The Special Noise Provisions in the Noise Policy are no longer required. Construction noise is the only noise under the Special Noise Control Provisions that occurs on EPA licenced sites, and this is managed through EPA licensing.

The LNLC Act generally operates through subjective assessment of complaints and it has been suggested that it could benefit from more objective measures. This is being considered as part of the current review of the LNLC Act.



Figure 8 Construction site

#### **Discussion question 21**

If Part 6 of the Noise Policy is removed to avoid duplication with the LNLC Act are there any unintended consequences that have not been identified?

### 3.9 Noise excluded from the policy

Schedule 1 of the Noise Policy outlines noise excluded from the policy. Exclusion does not remove such noise from regulation; noise is still regulated in the EP Act through the general environmental duty obligation and under general offence provisions (environmental nuisance, material environmental harm and serious environmental harm), and as a local nuisance under the LNLC Act.

Noise that is excluded from the Noise Policy is generally done so because of the difficulty of measuring that noise via the Noise Policy or the noise is different to noise that the Noise Policy is intended to regulate and requires a different approach. Below are stakeholder proposals related to adding and removing noise from the Noise Policy.

#### **3.9.1 Aircraft noise and noise from aerodromes/helicopter landing facilities**

Stakeholders during initial consultation recommended that aircraft noise and noise from aerodromes and helicopter landing facilities be removed from Schedule 1, making them subject to the Noise Policy. It was proposed that a review of the Noise Policy offers an opportunity to take a more strategic and nationally integrated approach to aircraft noise measurement.

An alternative option for controlling the impact of aircraft noise and noise from aerodromes and helicopter landing facilities would be to advocate for the inclusion of a planning overlay in the Planning and Design Code around such facilities. This would ensure proper siting, scale and construction of affected residential and other sensitive uses.

Aircraft noise is regulated under the EP Act only in certain circumstances, when associated with an on-ground facility. Aerodromes and helicopter landing facilities are regulated under EPA licence where they meet certain criteria. Noise from aircraft and from Adelaide and Parafield Airports are Commonwealth responsibilities.

The National Airports Safeguarding Framework aims to minimise development sensitive to aircraft noise near airports and is directed at influencing land-use planning decisions. It is considered that this preventative approach is more likely to yield positive outcomes than attempts to regulate aircraft noise under state noise policies.

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**Discussion question 22**

Is there justification to remove noise emanating from aerodromes and helicopter landing facilities from Schedule 1 of the Noise Policy? If so, how should noise from such sources be regulated and what are the expected risks and opportunities?

**3.9.2 Site evacuation and fire (and testing) alarms**

Stakeholders during initial consultation recommended that site evacuation and fire alarms (including testing alarms) should be included in Schedule 1 of the Noise Policy, and excluded alarms from regulation through the Noise Policy. Victoria's Noise Policy for example does not assess 'noise from audible intruder, emergency or safety alarms'. As site evacuation and fire alarms are a form of safety equipment, it may be useful to exempt them from regulation under the Noise Policy. Such noise would still be regulated through the EP Act, and section 124(1) of the EP Act regarding general defence could allow for a defence of such noise in criminal proceedings:

...if it is proved that the alleged contravention did not result from any failure on the defendant's part to take all reasonable and practicable measures to prevent the contravention or contraventions of the same or a similar nature.

**Discussion question 23**

Is there justification not to include site evacuation and fire alarms in Schedule 1 of the Noise Policy, and excluded them from regulation under the policy? If so, how should noise from such sources be regulated and what are the expected risks and opportunities?

**3.9.3 Council owned/managed reserves, parks and open spaces**

Stakeholders during initial consultation proposed that council owned/managed reserves, parks and open spaces be excluded from the Noise Policy because the use of such spaces for community events and gatherings can be managed through council supervision and bylaws. Furthermore, the LNLC Act now provides an appropriate framework for management of such noise, and noise that is excluded from the Noise Policy is not exempt from all regulation.

**Discussion question 24**

Is there justification not to include noise emanating from council owned/managed reserves, parks and open spaces in Schedule 1 of the Noise Policy, and excluding them from regulation under the policy?

**3.9.4 Provision for exemptions where matters are specifically addressed in licence conditions**

Stakeholders during initial consultation proposed that the Noise Policy include a provision for exemptions where matters are specifically addressed in licence conditions. Noise would be regulated simply through licence conditions and the EP Act, and not through the Noise Policy. The EP Act requires that the EPA must have regard to environment protection policies in setting conditions for environmental authorisations and already provides for exemptions from mandatory provisions of environment protection policies. Currently, if there is conflict between the Noise Policy and licence conditions, the Noise Policy takes precedence.

**Discussion question 25**

Is there justification to exclude noise emanating from EPA-licensed facilities from regulation under the Noise Policy? If so, what are the risks and opportunities?

**3.9.5 Schedule 1 Clause 7**

Due to the unique characteristics (intermittent, very loud, impulsive or modulating) of the noise produced by aerodromes, helicopter landing facilities, motor racing or testing venues and shooting ranges, such noise is generally excluded from being assessed against the Noise Policy. However, the exclusion is limited to those facilities that are licensed under the



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EP Act. This leaves a gap where facilities of these types that are below licensing thresholds are required to be assessed under the Noise Policy. It is proposed to extend the exclusion by removing the text 'as described in clause 8 of Schedule 1 of the Act' from the clause.

**Discussion question 26**

Is there justification not to exclude noise emanating from the activities described in clause 7 of Schedule 1 of the Noise Policy, and whether they trigger the thresholds for licensing under the EP Act or not?

### 3.10 Technical proposals

Due to various updated guidelines and standards, as well as a wording error, minor technical changes must be made to the Noise Policy. Such changes would have no effect on the application of the Noise Policy.

#### Part 3 Measurement procedure

Clause 11(1) – Instrumentation – states that sound level meters are required to comply with AS 1259–1990: *Acoustics – Sound Level Meters* or *International Electro-technical Commission Standards IEC 651–1979 and IEC 804–1985*. These standards are out of date and need to be replaced with reference to the two current International Electro-technical Commission Standards.

Clause 13(c) – General Measurement Procedures – refers to 'administering authority'. The clause should refer to 'administering agency'.

### 3.11 Part 7 Guidance documents

An important feature of the Noise Policy is the link to relevant guidelines. Part 7 uses guidelines as a means of describing how a person undertaking a particular activity can comply with their general environmental duty. A guideline listed in the policy contains specific requirements, advice, and information, but not offence provisions. While failure to comply with a guideline listed is not an offence, compliance with guideline can be enforced through the issuing of an environment protection order. Currently, there are two guidelines listed in Part 7, *Audible Bird Scaring Devices Environmental Noise Guideline 2007* and the *Wind Farms Environmental Noise Guidelines 2003*. Part 7 can also have additional guidelines included by the Minister (Clause 8) by notice in the Gazette.

The specific requirements in a guideline describe what a person undertaking a particular activity should or should not do in order to comply with the requirements of the Noise Policy (and other environment protection policies as appropriate) and the EP Act. These specific requirements are usually outcome based and not prescriptive. There may be many ways 'how to do it' and it may not be appropriate to specify a particular way so long as the outcome is achieved.

Clause 34(1) – Wind Farms – refers to a superseded guideline. This needs to be changed to:

- 1) If a person or organisation operates a wind farm, the current edition of Wind Farms Environmental Noise Guidelines prepared by the Authority apply.

### 3.12 Next steps

Once consultation on the proposals contained in this paper is complete, the results will be summarised and considered, and a consultation report drafted. Views and submissions received on the options and questions presented in this paper will be included in the consultation report. A draft revised Noise Policy and an explanatory paper will then be developed and publicly released to facilitate further consultation.

The *Guidelines for the use of the Environment Protection (Noise) Policy 2007* (the Noise Guidelines) will also be updated once the new policy is made.

The EPA invites you to provide your views on the Noise Policy by responding to the issues raised in this discussion paper. You are invited to lodge a written submission or, if you prefer, meet with EPA staff to discuss the project. A template of all discussion questions with a section for feedback can be found at [Appendix 2](#).



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Environment Protection (Noise) Policy – Discussion paper for consultation

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To make a written submission please provide it no later than 5 pm Friday 17 July 2020 and post to:

Noise Policy Review  
Environment Protection Authority  
GPO Box 2607  
Adelaide SA 5001  
Attn: Ella Langford

or

Email: [epainfo@sa.gov.au](mailto:epainfo@sa.gov.au) (mark subject as 'Noise Policy Review')

## **Appendix 1 Stakeholder list from the 2017 initial consultation**

Association of Australian Acoustical Consultants  
Australian Acoustical Society  
Australian Asphalt Pavement Association  
Australian Conservation Foundation Inc  
Australian Food and Grocery Council  
Australian Forest Products Association  
Australian Forestry Contractors Association  
Australian Foundry Institute (SA Division)  
Australian Industry Group (SA Branch)  
Australian Institute of Environmental Health  
Business SA  
Cement Concrete and Aggregates Australia  
Civil Aviation Safety Authority (SA)  
Civil Contractors Federation (SA)  
Conservation Council of South Australia Inc  
Department of Planning, Transport and Infrastructure  
Department of State Development (now known as Department for Innovation and Skills)  
Environment Business Australia  
Environmental Defenders Office (SA) Inc  
Field and Game Australia  
Forestry SA  
Grain Producers SA  
Green Triangle Regional Plantation Committee  
Hillgrove Resources  
Horticulture Coalition of SA  
Housing Industry Association (SA)  
International Practical Shooting Confederation  
Iron Road Limited  
Leigh Creek Energy  
Livestock SA  
Local Government Association of South Australia  
Master Builders Association of SA  
Motor Cycling South Australia  
National Environmental Law Association Limited (SA Branch)  
Nature Conservation Society of South Australia  
OneSteel Manufacturing

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Oz Minerals  
Primary Industries and Regions SA  
Planning Institute of Australia (SA Division)  
Pork SA  
Primary Producers SA  
Property Council of Australia (SA)  
Real Estate Institute of South Australia  
Rex Minerals  
Rifle SA (SA Rifle Association)  
Royal Australian Chemical Institute (SA) Inc  
SA Chamber of Mines and Energy Inc  
SA Field and Game Association  
SA Unions  
Shooting Australia  
South Australia Police  
South Australian Clay Target Association  
South Australian Dairy Farmers Assoc  
South Australian Fire and Emergency Services Commission  
South Australian Revolver and Pistol Association  
South Australian Waste Industry Network  
South Australian Wine Industry Association Inc  
Sporting Shooters Association of Australia (SA)  
Target Rifle South Australia  
Terramin Australia  
The Motor Sport Group  
Urban Development Institute of Australia (SA)  
Waste Management Association of Australia Inc  
Wine Grape Council of SA



## Appendix 2 Summary of discussion questions

Questions/proposals	Comment
1 Is there justification for amending the term 'locality' in the Noise Policy and how it is defined? If so, what is the preferred option and the expected risks and opportunities?	
2 In the event that the construction element of Part 6 of the Noise Policy is retained, is there justification for amending the definition of public infrastructure to be consistent with the meaning of 'essential infrastructure' in the PDI Act, or should its scope be clarified through a new definition?	
3 Is there justification for amending the definition of 'characteristic' to include intermittency and including a definition for 'intermittency'? What are the expected risks and opportunities?	
4 Is there justification to regulate vibration, and if so, should it be given effect via the Noise Policy or through the general environmental duty in section 25 of the EP Act? What are the expected risks and opportunities?	
5 Is there justification to allocate an INL land use category for forestry? If so, what are the expected risks and opportunities?	
6 Is there justification to mirror the Planning and Design Code land use categories in the Noise Policy? If so, what are the expected risks and opportunities?	
7 Are the current provisions adequate for dealing with the interface between land uses in mixed land use zones? If not, keeping in mind the development of the Planning and Design Code and state planning policies, what are the alternatives? What are the expected risks and opportunities?	
8 Is there justification to decrease INLs in the Rural Industry zone? If so, what are the expected risks and opportunities?	

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Questions/proposals	Comment
9 Is there justification for specifying indoor noise levels for indoor living in addition to sleeping areas within the Noise Policy in circumstances other than where the 'Noise and Air Emissions Overlay' applies? If so, what are the expected risks and opportunities?	
10 Is there justification to amend the land use categories, noise goals and time periods in the Noise Policy? If so, what are the alternatives and what are their expected risks and opportunities?	
11 Is there justification to explicitly mirror the triple bottom line requirements of the EP Act in the Noise Policy? If so, what are the expected risks and opportunities?	
12 Is there justification to amend measurement procedures with regard to additional consideration of different weather conditions? If so, what are the options and their expected risks and opportunities?	
13 Is there justification to review current breadth of character-based penalties? If so, what are the options and their risks and opportunities?	
14 Is there justification to change the current measurement period? If so, what are the options and their risks and opportunities?	
15 Is there justification to change the method for determining background noise levels? If so, what are the options and their risks and opportunities?	
16 Is there justification to remove the requirement for fast time weighting in the procedures under the Noise Policy? If so, what are the expected risks and opportunities?	

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Questions/proposals	Comment
17 Is there justification to replace the current INL criteria based on land use zones with a regime based on existing noise levels? If so, what are expected risks and opportunities?	
18 Is there justification to relax the compliance/design criteria for emergency standby plants? If so, what are the expected risks and opportunities?	
19 Is there justification for the introduction of the use of unattended noise measurements in the Noise Policy for development assessment, or for any other purposes? If so, in what circumstances, and what are the expected risks and opportunities?	
20 Is there justification for broadening the application of Part 5 of the Noise Policy to allow its use by planning authorities where the Planning and Design Code identifies the need for development applications to be assessed against relevant noise criteria contained in the Noise Policy? If so, what are the expected risks and opportunities?	
21 If Part 6 of the Noise Policy is removed to avoid duplication with the LNL Act are there any unintended consequences that have not been identified?	
22 Is there justification to remove aircraft noise and noise emanating from aerodromes and helicopter landing facilities from Schedule 1 of the Noise Policy? If so, how should noise from such sources be regulated and what are the expected risks and opportunities?	
23 Is there justification <u>not</u> to include site evacuation and fire alarms in Schedule 1 of the Noise Policy, and exclude them from regulation under the policy? If so, how should noise from such sources be regulated and what are the expected risks and opportunities?	
24 Is there justification <u>not</u> to include noise emanating from council owned/managed reserves, parks and open spaces in	



## Environment Protection (Noise) Policy – Discussion paper for consultation

Questions/proposals	Comment
Schedule 1 of the Noise Policy, and excluding them from regulation under the policy?	
25 Is there justification to exclude noise emanating from EPA-licensed facilities from regulation under the Noise Policy? If so, what are the risks and opportunities?	
26 Is there justification <u>not</u> to exclude noise emanating from the activities described in clause 7 of Schedule 1 of the Noise Policy, whether they trigger the thresholds for licensing under the EPA Act or not?	

Xx July 2020

Legislation and Policy  
Environment Protection Authority  
GPO Box 2607  
ADELAIDE SA 5001

Sent via: [epainfo@sa.gov.au](mailto:epainfo@sa.gov.au)  
Attention: Noise Policy Review

To Whom it May Concern,

**RE: Noise Policy Review**

Thank you for the opportunity to review the Environment Protection Authority (EPA) Environment Protection (Noise) Policy 2007 discussion paper. It is becoming increasingly clearer that due to the introduction of the *Local Nuisance and Litter Control Act 2016* (LNLC Act), the *Planning, Development and Infrastructure Act 2016* and impending commencement of the Planning and Design Code that there is a need to carefully review the EP (Noise) Policy. The discussion paper raises some pertinent questions, although it is acknowledged that a number of these questions are outside of the knowledge base contained within Council and are specific to appropriately qualified acoustic professionals. On review of the discussion and prior to delving into some initial comments on the questions posed throughout the document, Council makes the following comments:

- The Noise Policy interacts strongly with South Australia's planning system, in particular the Planning and Design Code (the Code), Council raises concern about the EPA progressing a review of the Noise Policy prior to the Code being finalised.
- Concerns relate to both the potential interaction between the Noise Policy and the Code, and council's planners' ability to effectively engage in the consultation process at this time, given their involvement in planning reforms and the rollout of the new ePlanning system. This is somewhat reflected by limited commentary provided to some of the questions raised and in part due to the currently incomplete status of the Code.
- The EPA commenced a review of the LNLC Act in 2019 and that the review is yet to be finalised. Council's response is attached. Noting, it is difficult to effectively engage in consultation on the review of the Noise Policy before knowing the outcomes of the review of the LNLC Act.

Further to the above, other common themes appearing from discussions amongst Council Administration is that there is a need for education amongst the professionals interacting with the Noise Policy to ensure appropriate use (this may include published guidelines), consideration for resourcing as a result of any proposed changes and adequate consultation prior. In response to the questions posed, please find below initial responses to the questions contained within the *Noise Policy Discussion Paper*.

**1. Is there justification for amending the term 'locality' in the Noise Policy and how it is defined? If so, what is the preferred option and the expected risks and opportunities?**

Terms should be consistent across all legislation, use an alternative term if trying to achieve something beyond that established in planning case law.

Consideration could be given to a formalised definition of locality under PDI Act, noting, locality should not be too prescriptive but enable the assessing officer to determine. A benefit would be consistency and ease of use and understanding from persons using both pieces of legislation.

**2. In the event that the construction element of Part 6 of the Noise Policy is retained, is there justification for amending the definition of public infrastructure to be consistent with the meaning of 'essential infrastructure' in the PDI Act, or should its scope be clarified through a new definition?**

It is suggested that terms should be consistent across all legislation to allow for better alignment and follow up between allied legislation. Further discussion is sought around whether public infrastructure and essential infrastructure are the same and for the EPA to clearly articulate the differences and what the possible outcomes of having the same definition may be.

Council wishes to remind EPA of West Torrens comments on the review of LNLC Act in response to question 11, which stated that the City of West Torrens is not aware of any issues with the current operation of the LNLC Act regarding noise from public infrastructure.

**3. Is there justification for amending the definition of 'characteristic' to include intermittency and including a definition for 'intermittency'? What are the expected risks and opportunities?**

There needs to be regard for intermittency, review of the noise policy provides a good opportunity to formally capture intermittency and define it. Adequate guidelines to support its understanding and use post new noise policy are also supported.

**4. Is there justification to regulate vibration, and if so, should it be given effect via the Noise Policy or through the general environmental duty in section 25 of the EP Act? What are the expected risks and opportunities?**

Council receives a considerable number of complaints relating to vibration. The process to deal with these complaints is reactive, our Compliance Team ask the complainant to take photos to identify any dilapidation and then it becomes a civil matter.

Suggest inclusion of dilapidation reports during the assessment as standard practice for developers during development. This would require guidance around when and what type of work is appropriate to trigger this level of information.

Initial considerations would be to include in general environmental duty s25 separating it from noise, because it isn't noise. However, the EPA are reminded of West Torrens comments on the review of the LNLC Act in response to question 10, which stated that the City of West Torrens supports the exclusion of vibration from public infrastructure.

**5. Is there justification to allocate an INL land use category for forestry? If so, what are the expected risks and opportunities?**

Not applicable to West Torrens.

**6. Is there justification to mirror the Planning and Design Code land use categories in the Noise Policy? If so, what are the expected risks and opportunities?**

The Planning and Design Code does not provide definitions for all land uses although there is an opportunity for better alignment amongst the Noise Policy and Code.

**7. Are the current provisions adequate for dealing with the interface between land uses in mixed land use zones? If not, keeping in mind the development of the Planning and Design Code and state planning policies, what are the alternatives? What are the expected risks and opportunities?**

Current practice sees referral triggers for EPA under s21 and s22. In the new system s21 does not exist. More guidance to be provided on noise reports, including what should development assessment officers need to be looking for where a mandatory referral is not required.

Risk with the Code is that interface provisions may not be appropriately captured in an assessment depending on the nature of assessment pathway and how the portal selects provisions relevant to assessment. Noise policy trigger points needs to be more carefully reviewed to see if it is adequately called upon during assessment. Suggest this occurs once the Phase 3 Code is made publicly available, but prior to going live. Risk is that noise isn't adequately considered during development assessment.

**8. Is there justification to decrease INLs in the Rural Industry zone? If so, what are the expected risks and opportunities?**

Not applicable to West Torrens.

**9. Is there justification for specifying indoor noise levels for indoor living in addition to sleeping areas within the Noise Policy in circumstances other than where the 'Noise and Air Emissions Overlay' applies? If so, what are the expected risks and opportunities?**

Yes, helps to provide better amenity. However, risk includes shifting expectations as suburbs change. Can be cost prohibitive, need to capture noise mitigation for new development but also capture existing development not requiring to be retrofitted.

**10. Is there justification to amend the land use categories, noise goals and time periods in the Noise Policy? If so, what are the alternatives and what are their expected risks and opportunities?**

There appears to be rationale for use of a sliding scale for differing time periods. This appears to be a reasonable approach in relation to specific land use categories. Currently, use of alternate arrangements to alter time for specific events such as concrete pour occur. However, for stakeholder engagement and a more well considered and better informed response, Council would seek engagement from the EPA with specialist on hand to be best informed on what this proposal looks like in order to fully understand potential risks and benefits. If it were to be amended in line with the above initial risks included, how is it monitored? Who can people contact?

**11. Is there justification to explicitly mirror the triple bottom line requirements of the EP Act in the Noise Policy? If so, what are the expected risks and opportunities?**



If not replicated, provide reference to the triple bottom line requirements within the Noise Policy to ensure it is not a missed opportunity for consideration of all relevant information.

**12. Is there justification to amend measurement procedures with regard to additional consideration of different weather conditions? If so, what are the options and their expected risks and opportunities?**

Precursory consideration appears the policy currently considers weather conditions already, however this question requires specialist input and clearer explanation to enable Council to participate in understanding and answering in a more informed capacity.

**13. Is there justification to review current breadth of character-based penalties? If so, what are the options and their risks and opportunities?**

This question requires specialist input and clearer explanation for councils to participate in a more informed capacity.

**14. Is there justification to change the current measurement period? If so, what are the options and their risks and opportunities?**

This question requires specialist input and clearer explanation for councils to participate in a more informed capacity.

**15. Is there justification to change the method for determining background noise levels? If so, what are the options and their risks and opportunities?**

Council's Environmental Health team consider background noise when undertaking assessment of noise. Further consideration is required and guidelines need to be tidied up. This question requires specialist input and a clear understanding provided amongst all users of the policy.

**16. Is there justification to remove the requirement for fast time weighting in the procedures under the Noise Policy? If so, what are the expected risks and opportunities?**

This question requires specialist input and clearer explanation for councils to participate in a more informed capacity.

**17. Is there justification to replace the current INL criteria based on land use zones with a regime based on existing noise levels? If so, what are expected risks and opportunities?**

This question requires specialist input and clearer explanation for councils to participate in a more informed capacity.

**18. Is there justification to relax the compliance/design criteria for emergency standby plants? If so, what are the expected risks and opportunities?**

It is not clear what emergency standby plants are. Clarity is sought from the EPA to enable the reader to make an informed response.

**19. Is there justification for the introduction of the use of unattended noise measurements in the Noise Policy for development assessment, or for any other purposes? If so, in what circumstances, and what are the expected risks and opportunities?**

There may be benefits, however appropriate guidelines need to be provided for unattended noise measurements.

**20. Is there justification for broadening the application of Part 5 of the Noise Policy to allow its use by planning authorities where the Planning and Design Code identifies the need for development applications to be assessed against relevant noise criteria contained in the Noise Policy? If so, what are the expected risks and opportunities?**

Initial thought is that planning authorities do not have the skills to interpret the highly specialised requirements of the Noise Policy and that ultimately, they would need to engage the services of acoustic engineer for this purpose. Currently, the onus is on the applicant to demonstrate that they meet the noise policy. The risk here is resourcing and inappropriate application and interpretation of the Noise Policy.

**21. If Part 6 of the Noise Policy is removed to avoid duplication with the LNLC Act are there any unintended consequences that have not been identified?**

Duplication of the LNLC Act and PDI Act causes confusion, it is suggested that it is best contained only within the LNLC Act.

**22. Is there justification to remove aircraft noise and noise emanating from aerodromes and helicopter landing facilities from Schedule 1 of the Noise Policy? If so, how should noise from such sources be regulated and what are the expected risks and opportunities?**

The draft Noise Policy Discussion Paper has raised the potential to remove from the Noise Policy, noise emanating from aerodromes and helicopter landing facilities, and have the controls through the Planning and Design Code overlays based on a philosophy of an enhanced strategic and nationally integrated approach to aircraft noise measurement..

As a general comment, the direction of the national approach through the NASAF is to control development around the airport, and not the airport operations itself.

However, the Code is yet to be finalised that addresses airport noise appropriately and raises risk over who and how would complaints about noise be handled if the current EPA controls are divested to the Code (specifically under those activities that are regulated by EPA licence, and not those directed to the Federal Airservices).

Questions are raised over helipads and smaller air strips (including private air strips and landing pads) around how these would be managed for noise.

**23. Is there justification not to include site evacuation and fire alarms in Schedule 1 of the Noise Policy, and exclude them from regulation under the policy? If so, how should noise from such sources be regulated and what are the expected risks and opportunities?**

If excluded from the schedule 1, what would be the appropriate enforcement option? If it became a provision of the LNLC Act, councils may not be resourced to deal with this source of noise. The majority of complaints of this nature typically occur after business hours and on weekends.

Commercial and residential have differing legislative requirements, which may prove difficult to capture under a single clause.

**24. Is there justification not to include noise emanating from council owned/managed reserves, parks and open spaces in Schedule 1 of the Noise Policy, and excluding them from regulation under the policy?**

The ability to obtain an exemptions from Section 18 of the LNLC Act are currently in place to deal with one off events. Resourcing is an issue and there is no point excluding if provisions or relevant authority aren't authorised officers who can enforce.

Noting, this is a public resource and are actively encouraged to be used and will attract a reasonable level of noise. Anti-social behaviour within reserves, parks and open spaces remain a SAPOL matter.

**25. Is there justification to exclude noise emanating from EPA-licensed facilities from regulation under the Noise Policy? If so, what are the risks and opportunities?**

No justification. EPA should remain the authorised authority for EPA licensed premises to ensure compliance for noise control. Noise control can form a condition of an EPA environmental authorisation so it is appropriate then that they are the agency to deal with the matter. EPA would have access to specialist in certain industries and fields to monitor and provide advice. EPA being the authorised agency for noise emanating from EPA licensed premises would eliminate potential duplication of investigations.

**26. Is there justification not to exclude noise emanating from the activities described in clause 7 of Schedule 1 of the Noise Policy, whether they trigger the thresholds for licensing under the EPA Act or not?**

It is not considered appropriate, and raises questions over who will enforce. For example, inclusion of noise from vehicles not associated with use on roads is not supported. Noise from vehicles, other than vehicles associated with a business premises, should remain with SAPOL. A proposal of this nature would raise resource issues for councils. The majority of complaints of this nature typically occur after business hours and on weekends.

Council looks forward to engaging with the EPA on the review of the Noise Policy, but strongly recommends this occur following the finalisation of the Code and at a time that enables the active engagement of all relevant stakeholders. For your information, please find attached a copy of the responses provided by the City of West Torrens regarding the EPA's review of the LNLC Act 2016 undertaken in late 2019.

Should you wish to discuss the contents of this letter further, please contact Sue Curran, Manager Strategy and Business on 8416 6326.

Yours sincerely,

**Sue Curran**  
Manager Strategy and Business

## **Local Nuisance and Litter Control Act 2016 Consultation**

### **Review of current inclusions and exclusions**

#### **Local nuisance management and liquor licensing**

##### **1. Should noise and other nuisances, other than those related to entertainment and patrons, that are common to licenced and non-licenced premises be dealt with under the *Local Nuisance and Litter Control Act 2016* (LNLC Act)?**

City of West Torrens holds the position that it may be appropriate to limit the exclusion for noise or other nuisance emanating from a licensed premises to those nuisances related to entertainment and the service of alcohol and supports further consideration of this matter. However, there are resource considerations attached to this proposal.

##### **2. Should the LNLC Act be amended so that outdoor events can be subject to the local nuisance provisions despite the fact that some or all of the event space also requires a liquor licence?**

The City of West Torrens position is that it would not be appropriate to require or expect councils to action complaints relating to nuisances associated with entertainment and alcohol without risking the safety of Council officers and should remain the responsibility of SAPOL and the Liquor Licensing division of Consumer Business Services to address such complaints.

##### **3. Would there be benefit in amending the nuisance provisions of the *Liquor Licensing Act 1997* to better align with the LNLC Act?**

Currently any form of nuisance that is associated with a premises or activity under the Liquor Licensing Act is excluded from the LNLC Act and can only be dealt with by the Office of Liquor and Gambling. There would be benefits to better delineate some roles under the LNLC Act.

The proposal for the LNLC Act to include nuisances arising from licenced outdoor event, including patron behaviour is not supported. This proposal would raise resource issues for councils, in addition to safety concerns. Council officers are not equipped to deal with complaints from outdoor licences events particularly late night/early morning and patrons under the influence of alcohol. The Office of Liquor and Gambling and SAPOL should remain responsible for all activities associated with entertainment and service of alcohol with licensed activities regardless of the location.

#### **Interaction with other legislation**

##### **4. Is the current suite of exclusions related to other legislation that deals with local nuisances sufficient or are there other Acts that also address local nuisance issues that should be considered for exclusion under Part 3 of Schedule 1?**

City of West Torrens supports the Environment Protection Agency to develop a formal policy or set of guidelines that acknowledges and seeks to reconcile the different thresholds established by the different regulatory frameworks to help ensure a consistent approach across councils.

#### **Animals living in their 'natural' habitat**

##### **5. Is there any need to set a definition for natural habitat?**

Setting a definition for natural habitat is not supported, as each circumstance can differ, it should be left open for interpretation.

However, consideration should be given to circumstances where an individual is actively encouraging animals to a particular area.

#### **Noise from sporting activities - motorsports**

##### **6. Should the exclusion for noise and associated nuisances from sporting or associated activities at sporting venues be amended to remove motorsports venues from the exclusion**



**allowing such activities to be regulated under the LNLC Act only in cases where they are not already regulated under a development approval or EPA licence?**

The removal from motorsports venues from the exclusion is not supported as this proposal could raise resource issues for councils in addition to safety concerns.

**Possible new 'things that are a local nuisance'**

**Light as an agent of local nuisance**

**7. Should light be included as an agent causing local nuisance that can be regulated under the Act and if not, what issues would prevent its inclusion?**

Proposed inclusion of light as a local nuisance is not supported. Potential for effects as a result of light spill should be captured under development authorisations. The expectation for council's to enforce could become problematic and could be applied to retrospective issues that have been a neighbouring/civil issue for lengthy periods. Light spill from large sporting events and alike could prove difficult to address.

This proposal would raise resource issues for councils, particularly as light complaints occur at night. There does not appear to be an overriding benefit to the community that would outweigh the resource commitment required by councils if the meaning of local nuisance was expanded to include light.

**Noise from vehicles - revving, alarms, off-road motorbikes**

**8. Should the exclusion relating to noise from vehicles be amended to ensure nuisance from vehicles that is not associated with use on roads is able to be regulated as local nuisance and are there any other examples that should be considered?**

Inclusion of noise from vehicles not associated with use on roads is not supported. Noise from vehicles, other than vehicles associated with a business premises, should remain with SAPOL. A proposal of this nature would raise resource issues for councils. The majority of complaints of this nature typically occur after business hours and on weekends.

Running of food refrigeration vehicles on domestic premises could be captured as local nuisance as this would be similar to a compressor running on a domestic premises and is easily identified as a local nuisance by applying subjective assessment.

**Possible new 'things that are not local nuisance'**

**Dust from unsealed roads**

**9. Should dust from unsealed roads be considered 'not local nuisance' for the purposes of the Act and if not, what circumstances would justify allocation of responsibility to a Council?**

City of West Torrens believes that dust from unsealed roads should not be considered a local nuisance for the purpose of the Act.

**Noise from public infrastructure - application to vibration and extent of the exclusion**

**10. Should the exclusion of noise from public infrastructure be extended to also exclude vibration from public infrastructure?**

City of West Torrens supports the exclusion of vibration from public infrastructure.

**11. Should the exemption for public infrastructure be limited to activities where nuisance cannot be reasonably be avoided or managed?**

City of West Torrens is not aware of any issues with the current operation of the LNLC Act regarding noise from public infrastructure.

**Early morning concrete pours in hot weather**

**12. Should provision be included to allow for early morning concrete pours during extremely hot weather?**

Provisions should be included to permit early morning concrete pours. Councils have historically experienced a large increase in noise complaints from early morning concrete pours in hot weather. These pours are usually one off events over a relatively short period. Applying for an exemption from Section 18 is not practicable for most concrete pours (particularly as 2 weeks' notice is required). There would be some efficiencies gained by permitting early morning concrete pours above a specified temperature, however this should be done by permit only.

**13. If allowance was made, what are relevant considerations regarding applying limitations such as temperature and start time?**

Limitations should be specific in relation to hot temperatures, for example where there is a forecast of a maximum of at least 35°C and construction noise start times should be no earlier than 6.00am. Limitation should also be restricted to single one off pours. Several pours over numerous days should still require an exemption from Section 18 of the LNLC Act.

**Waste collection vehicles - application beyond roads and road-related areas [section 5(5)]?****14. Should the LNLC Act apply to waste transport vehicles operating on private property as well as when operating on roads and road-related areas?**

LNLC Act should apply to waste control vehicles operating on private property. An occasional source of noise complaints to Council is the early morning collection of bins from commercial properties which impacts on residential properties. This will permit officers to clearly communicate with waste companies and define alleged nuisance when operating on private property.

**Improve subjective assessment of nuisance or introduce objective measures of compliance****15. Would any of the options discussed improve the assessment of noise nuisance under the LNLC Act?**

See response below.

**16. Are there any other suggestions to improve the assessment of noise nuisance under the LNLC Act?**

Subjective assessment alone can be straightforward in some cases. However, for cases of borderline and complicated noise issues, an assessment with an element of objective assessment to support the subjective assessment and thereby guide any proposed compliance requirements are practicable and reasonable and will be effective to reduce the nuisance noise. The development of a guidance tool or support document would be beneficial and improve the subjective assessment requirements of the LNLC Act. This could guide officers to incorporate an objective assessment e.g. Environment Protection Noise Policy to provide more certainty and confirmed aspects of noise in borderline and complex assessments. This would also assist in developing a consistent approach to noise assessments throughout local government.

Due to the complexities involved in proving subjective assessments in court, the development of a document would give confidence to the officers and support their assessments.

**Litter discussion points****Allowing Councils to clean up and recover costs if a hazard exists****17. Should a retrospective costs order be made available to Councils where immediate clean-up of litter is required because of a hazard?**

City of West Torrens supports allowing for costs relating to clean-up being recoverable where immediate clean-up of litter is required. This could be achieved through an amendment to section 28 of the LNLC Act, allowing cost recovery where urgent action is taken by Council to address a

contravention of the Act. This would allow councils to progress an immediate clean-up of hazardous litter with the knowledge that associated costs may be recovered from the relevant offender should he/she be identified at a later date.

An automatic charging provision for outstanding costs owed under the LNLC Act would also assist in ensuring security of Councils for outstanding amounts and alleviate the administrative and cost burden associated with registering a charge.

#### **Bill posting - car parks and expiations**

##### **18. Should car park owners be able to commence proceedings for distribution of bills on their premises?**

City of West Torrens is not aware of any issues with the current operating of the LNLC Act regarding bill posting.

##### **19. Should there also be an expiation for the offence of authorising bill posting?**

The existing legislation relating to bill posting is sufficient to address the offence of authorising bill posting, namely Section 23(2). As 'property' is currently undefined in the LNLC Act this allows some scope for interpretation to include vehicles.

#### **Illegal Dumping**

##### **20. Are there any suggested changes to the LNLC Act that would assist in tackling illegal dumping?**

- Allow for items defined in general litter to be reclassified as class B hazardous litter where items are disposed of into waters;
- Allow for plastics capable of degrading into micro-plastics to be reclassified as class B hazardous litter;
- Review of current expiations with a view to increase the penalties;
- Inclusion of increased expiation fees for repeat offenders;
- Inclusion of peripheral items used for the consumption of food or beverages: such as straws, cutlery and napkins as general litter; and
- Allowances for abandoned unregistered trailers to be managed as illegal dumping rather than an abandoned vehicle.

#### **Trolleys**

##### **21. Are general litter provisions sufficient to manage abandoned trolleys and if not, what would be the preferred approach for local government and why?**

City of West Torrens considers the current provisions for the management of abandoned trolleys in the LNLC Act to be ineffective, similarly the various trolley reporting services such as Trolley Tracker rarely respond within a reasonable time frame. More often than not, abandoned trolleys contain general waste items and depending on the cleanliness of the trolley, collection staff from trolley reporting services either will not collect them or will dump the items next to the trolley thereby requiring further action from Council staff. Furthermore, identifying members of the community who abandon trolleys is problematic, not only is the likelihood of witnessing the act of abandoning a trolley extremely unlikely, being able to identify an individual to expiate can be even harder. Impounding has also been proven to be ineffective.

City of West Torrens recommends that the responsibility of managing trolleys is shared with retailers to prevent trolleys from leaving their premises where possible. Provisions to manage abandoned trolleys should follow principles set out under Section 23 - Bill posting, where the person abandoning a trolley and the retailer supplying the trolley share responsibility for abandoned trolleys.

Options such as coin deposit and wheel locks can be explored, however it is recommended that a deposit holding system that is facilitated through an Electronic Funds Transfer (EFT) system rather

than with physical currency would be more effective in holding customers accountable for returning trolleys.

Where possible, site controls such as the system deployed at IKEA could be explored where bollards prevent trolleys from leaving a prescribed area and time limited parking bays are provided to allow customers to load purchased items into vehicles from a convenient location.

## **22. Have Councils considered use of existing by-law making provisions in the Local Government act 1999 to regulate the abandonment of trolleys on Council roads?**

Individually, councils are at a disadvantage when dealing with major retailers, attempts to engage store managers are rebuffed and Council staff are often directed to "speak to head office". Dealing with companies that have nationwide presence have been largely ineffective. A consistent and state-wide approach is preferable as it also allows retailers to develop a single solution for their outlets.

## **23. How do you suggest the issue of social disadvantage and trolley use is addressed?**

To assist socially disadvantaged individuals, revenue generated from trolley deposits not refunded could be used to subsidise a home delivery option. As major retailers already have existing infrastructure in place for online shopping and doorstep delivery of groceries, a reduced fee could be offered to allow socially disadvantaged individuals access to this service upon presentation of a health card or other documentation that state that they are socially disadvantaged.

### **General discussion points**

#### **Improving cost recovery**

## **25. What other mechanisms for cost recovery should be considered for the LNLC Act?**

An emerging issue relates to properties where a tenant takes no responsibility in disposing of unwanted items prior to vacating a rental property and opts to dump bulk items on the verge rather than arrange for appropriate disposal such as booking a hard waste service. This issue is particularly problematic where tenants reside overseas, such as international students, where pursuing an expiation can be a futile exercise.

The LNLC Act could consider extending authority to Councils to recover the cost of clean-up where a rental tenant vacates and places items in public spaces. Cost recovery could be directed to the property manager for rentals to encourage real estate companies to manage tenants. If implemented appropriately, the cost of clean-up could be recovered from rental bonds which would influence future rental applications thereby encouraging responsible behaviour from tenants.

The LNLC Act could refer or request a review to the following sections in the **Residential Tenancies Act 1995** to support this initiative;

Refer to **Division 1 - Entering into residential tenancy agreement** to include the responsible disposal of material when vacating the property and identify placing items on public land may be considered an act of illegal dumping.

Section 49 - Residential tenancy agreements

(1)(b)(iv) The terms of the agreement, including -

(G) any other terms of the agreements (including, for example, terms in relation to pets or responsibilities for repairs);

Amendments to **Division 8 - Tenant's obligation in relation to the premises and ancillary property** for the inclusion of verge space in front of the property to be included under the tenant's obligations.

Section 69 - Tenant's responsibility for cleanliness, damage and loss

(1)(a) must keep the premises and ancillary property in a reasonable state of cleanliness;



Refer to **Division 15 - Miscellaneous** to allow authorised officers of the Council to forward expenses incurred through removal and disposal of illegally dumped items from a vacating property where it can be substantiated that the vacating tenant is responsible.

Section 78A - Compensation for expenses

(1) If, as a direct consequence of a tenant being at fault, a landlord reasonably incurs costs or expenses in connection with the residential tenancy agreement, the landlord is entitled to compensation for the costs or expenses.

**Which court is best placed to deal with nuisance, litter and illegal dumping?**

**26. What are the views of local government regarding the current jurisdiction that the LNLC Act falls within, and what are the positives and negatives for changing the jurisdiction to the Magistrates Court?**

City of West Torrens supports the Environmental, Resources and Development Court (ERD Court) continue to have jurisdiction in relation to LNLC Act matters.

**Exemptions from the LNLC Act for causing local nuisance**

**28. Are there any opportunities for improvement to the exemption process which reflects a balance between excessive exposure for neighbours, and the reality of some activities that cause local nuisance lasting longer than three months?**

City of West Torrens is not aware of any problem with the current operation of the LNLC Act in this regard.

**Other Improvements**

**29. Are there any legislative, non-legislative or administrative suggestions that you would like to have considered as part of the review of the LNLC Act?**

See responses provided regarding illegal dumping and improving cost recovery.

## 17.8 Divestment of Council Property - Confidential Order Review

### Brief

This report presents the annual review of the confidential orders applied to reports relating to the Divestment of Council Property in accordance with the provisions of Section 91(9)(a) of the *Local Government Act 1999*.

### RECOMMENDATION(S)

It is recommended to Council that:

1. In accordance with s91(9)(a), having reviewed the confidentiality orders made on 19 February 2019, 2 July 2019 and 21 January 2020, pursuant to 91(7) and 91(7)(b) of the *Local Government Act 1999*, Council orders that the following confidential reports relating to Divestment of Council Property at 108-120 Marion Road, Brooklyn Park, the Minutes arising, attachments and any associated documentation:

- Item 21.1 - Divestment of Council Property presented to Council at its 19 February 2019 Meeting;
- Item 21.1 - Divestment of Council Property at 108-120 Marion Road, Brooklyn Park presented to Council at its 2 July 2019

continue to be retained in confidence in accordance with sections 90(3)(b)(i) and (b)(ii) of the *Local Government Act 1999*, and not be available for public inspection for a further 12 month period on the basis it may prejudice the commercial position of the Council and lead to Council not obtaining or securing the best possible price for the land to be divested.

2. Pursuant to Section 91(9)(c) of the *Local Government Act 1999*, Council delegates the authority to the Chief Executive Officer to review the confidentiality order on a monthly basis and to revoke but not extend it.

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### Introduction

Section 91(9)(a) of the *Local Government Act 1999* (the Act) requires that any confidential order (the Order) made by Council, pursuant to sections 90(3)(b)(i) and (b)(ii) of the Act, that operates for a period exceeding twelve (12) months must be reviewed by Council at least once every year.

The following reports are presented for annual review in accordance with the provisions of Section 91(9)(a) of the *Local Government Act 1999*:

- Item 21.1 - Divestment of Council Property presented to Council at its 19 February 2019 Meeting;
- Item 21.1 - Divestment of Council Property at 108-120 Marion Road, Brooklyn Park presented to Council at its 2 July 2019

### Discussion

#### Divestment of Council Property

At its 19 February 2019 meeting, Council ordered that the Agenda report, the Minutes arising, attachments and any associated documentation be retained in confidence under Section 90(3)(b)(i) and (b)(ii), and not be available for public inspection for a period of 12 months from the date of the meeting, on the basis that it may prejudice the commercial position of the Council and lead to Council not obtaining or securing the best possible price for the land to be divested. In addition, Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position may severely prejudice Council's ability to secure the best possible price for the land for the benefit of the Council and its community and consequently, Council considers the disclosure of this information would, on balance, be contrary to the public interest.

Council also delegated the power of review, but not the extension, of the confidential order to the Chief Executive Officer (CEO) on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

The Order was reviewed by Council at its 21 January 2020 meeting where it was resolved that the confidential order remain in place for a further 6 months.

While the CEO has reviewed the confidential order on a monthly basis in accordance with his delegated authority, the CEO has not revoked the Order. Consequently, the Act requires that the Order be reviewed by Council itself.

#### *Divestment of Council Property at 108-120 Marion Road, Brooklyn Park*

At its 2 July 2019 meeting, Council ordered that the Agenda report, the Minutes arising, attachments and any associated documentation be retained in confidence under Section 90(3)(b)(i) and (b)(ii), and not be available for public inspection for a period of 12 months from the date of the meeting, on the basis that it may prejudice the commercial position of the Council and lead to Council not obtaining or securing the best possible price for the land to be divested.

Council also delegated the power of review, but not the extension, of the confidential order to the Chief Executive Officer (CEO) on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

While the CEO has reviewed the confidential order on a monthly basis in accordance with his delegated authority, the CEO has not revoked the Order. Consequently, the Act requires that the Order be reviewed by Council itself.

#### **Conclusion**

Council is required to review the confidential orders placed on the reports and determine whether they should be revoked or remain in situ. As the item may prejudice the commercial position of the Council and lead to Council not obtaining or securing the best possible price for the land to be divested, it is recommended that the confidential order remains in place for a further 12 months.

#### **Attachments**

**Nil**

## **17.9 Weslo Holdings Pty Ltd - Thebarton Theatre Complex - Confidential Order Review**

### **Brief**

In accordance with the provisions of Section 91(9)(a) of the *Local Government Act 1999*, this report presents the annual review of the confidential order applied to *Item 11.1 - Weslo Holdings Pty Ltd - Thebarton Theatre Complex, Project and Business Plan, Lease Update and Air-conditioning*, at the 23 July 2019 Meeting of City Facilities and Waste Recovery General Committee.

### **RECOMMENDATION(S)**

It is recommended to Council that:

1. In accordance with s91(9)(a), having reviewed the confidentiality order made on 23 July 2019, pursuant to 91(7) and 91(7)(b) of the *Local Government Act 1999*, in respect of confidential *Item 11.1 - Weslo Holdings Pty Ltd - Thebarton Theatre Complex, Project and Business Plan, Lease Update and Air-conditioning*, Council orders that the Agenda report, the Minutes arising, attachments and any associated documentation, but not the decision, continues to be retained in confidence in accordance with Section 90(3)(d)(i) of the *Local Government Act 1999*, and not be available for public inspection for a further 12 month period on the basis that the information could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party which may subsequently seek to enter into negotiations with Weslo Holdings Pty Ltd for a similar arrangement, either at the expiry of this agreement, or should this agreement not be entered into.
2. Pursuant to Section 91(9)(c) of the *Local Government Act 1999*, Council delegates the authority to the Chief Executive Officer to review the confidentiality order on a monthly basis and to revoke but not extend it.

---

### **Introduction**

Section 91(9)(a) of the *Local Government Act 1999* (the Act) requires that any confidential order (the Order) made by Council, pursuant to sections 90(3)(d)(i) of the Act, that operates for a period exceeding twelve (12) months must be reviewed by Council at least once every year.

### **Discussion**

City Facilities and Waste Recovery General Committee at its meeting of 23 July 2019 resolved and Council subsequently adopted on 6 August 2019 to retain in confidence the Agenda report of *Item 11.1 - Weslo Holdings Pty Ltd - Thebarton Theatre Complex, Project and Business Plan, Lease Update and Air-conditioning*, the Minutes arising, attachments and any associated documentation, but not the decision, and for the items to not be available for public inspection for a period of 12 months from the date of the meeting. Council also delegated the power to review, retain or revoke, the confidentiality order to the Chief Executive Officer (CEO) on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

While the CEO has reviewed this confidential order (the Order) on a monthly basis in accordance with his delegated authority, the CEO has not revoked the Order. Consequently, as this Order will operate for a period exceeding twelve (12) months, the Act requires that it be reviewed by Council itself.

Consequently, on this basis, it is recommended that the Agenda report of *Item 11.1 - Weslo Holdings Pty Ltd - Thebarton Theatre Complex, Project and Business Plan, Lease Update and Air-conditioning*, the Minutes arising, attachments and any associated documentation, but not the decision, continues to be retained in confidence, and not be available for public inspection for a period of 12 months.



**Conclusion**

As the confidential order applied by the City Facilities and Waste Recovery General Committee at its 23 July 2019 meeting and subsequently adopted by Council at its 6 August 2019 meeting, in relation to Item 11.1 - *Weslo Holdings Pty Ltd - Thebarton Theatre Complex, Project and Business Plan, Lease Update and Air-conditioning*, is for twelve (12) months or more, Council is required to review it annually and determine whether it should be revoked or remain in situ. As the item may prejudice the commercial position of the Council or to confer a commercial advantage on a third party, it is recommended that the confidential order remains in place for a further 12 months.

**Attachments**

**Nil**

## 17.10 Information Only Council and Committee Reports

### Brief

The purpose of this report is to provide a detailed listing of information only Council and Committee reports to be received.

### RECOMMENDATION

It is recommended to Council that the information only Council and Committee reports, contained in the Attachment Under Separate Cover of Agenda report, be received.

---

### Introduction

Council at its meeting on 17 March 2020 resolved that:

*"All Council Committee meetings be cancelled from 18 March 2020 until the 19 May 2020 meeting of Council, subject to review."*

*"Only items that require a material decision of Council be included in the Council Meeting agendas until such time as Council meetings revert to twice monthly."*

Subsequently, at its meeting on 21 April 2020, Council resolved that:

*"The resolution of Council at its 17 March 2020 meeting, to cancel all Council Committee meetings, be extended until such time as the current major emergency declaration is lifted, or such time as Council resolves otherwise."*

This report has been prepared in response to these resolutions.

### Discussion

Following the resolution of Council, the Administration determined that items that did not require a material decision of Council will be provided as Attachment Under Separate Cover for Elected Member's information and perusal.

The following is a list of information only reports provided as **Attachment Under Separate Cover**:

- Planning Reform Update: July 2020
- Urban Services Activities Report
- Progress on Implementing Council Decisions

### Climate Impact Considerations

*(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)*

There is no direct climate impact in relation to this report.

### Conclusion

This report responds to the resolution of Council as its meeting on 17 March 2020 and 21 April 2020 and provides a listing of information only Council and Committee reports for Members' information.

### Attachments

Nil

## **18 LOCAL GOVERNMENT BUSINESS**

Nil

## **19 MEMBER'S BOOKSHELF**

Nil

## **20 CORRESPONDENCE**

### **20.1 *Genetically Modified Crops Management Act 2004***

Correspondence has been received from the Greens Member of the Legislative Council of the Parliament of South Australia, Mark Parnell MLC, regarding recent changes to the *Genetically Modified Crops Management Act 2004* (**Attachment 1**).

### **20.2 Filipina Network of SA - Letter of Thanks**

Correspondence has been received from the Filipina Network of SA, thanking Council for the support provided during the 2019 Philippine Fiesta celebration (**Attachment 2**).

### **20.3 Planning and Design Code Update**

Correspondence has been received from the Chair of State Planning Commission, Michael Lennon, regarding the release of the Engagement Report for the Phase Two (Rural Areas) and the What We Have Heard Report for the Phase Three (Urban Areas) of the Planning and Design Code (**Attachment 3**). Hard copies of the released Engagement Report and What We Have Heard Report will be available for viewing on the Elected Members' bookshelf. The documents are also available on the SA Planning Portal: <https://www.saplanningportal.sa.gov.au/>

### **20.4 *Statutes Amendment (Local Government Review) Bill 2020***

Correspondence has been received from the Minister for Transport, Infrastructure and Local Government, and Minister for Planning, Hon Stephan Knoll MP, regarding the *Statutes Amendment (Local Government Review) Bill 2020* (**Attachment 4**).

### **20.5 Adelaide and Mount Lofty Ranges Natural Resources Management Board Minutes**

Correspondence has been received from the Adelaide and Mount Lofty Ranges Natural Resources Management Board regarding the minutes of the Board meeting held on Thursday 23 April 2020 (**Attachment 5**).

### **20.6 Community Services during COVID-19 - Letter of Thanks**

Correspondence has been received from North Plympton resident Carleen Thomas thanking Council for the community services provided during COVID-19 (**Attachment 6**).

### **20.7 State Commission Assessment Panel Representation**

Correspondence has been received from the Chair of State Planning Commission, Michael Lennon, acknowledging Council's letter to Minister Knoll dated 11 March 2020 in relation to State Commission Assessment Panel (SCAP) representation (**Attachment 7**).

### **20.8 Mayors for Peace Newsletter June 2020**

Correspondence has been received from the Mayors for Peace, providing the June 2020 No. 126 Newsletter (**Attachment 8**).

**20.9 Planning and Design Code available for Community Familiarisation**

Correspondence has been received from the Chair of State Planning Commission, Michael Lennon, advising that South Australia's new Planning and Design Code covering the State's outback and rural areas is now available for community familiarisation (**Attachment 9**).

**20.10 Council Customer Service - Email of Thanks**

Email correspondence has been received from Mile End resident Mr Lawrie Lewis, providing Council with feedback on his experience with our customer service team and services (**Attachment 10**).

**20.11 Green Adelaide Board**

Correspondence has been received from the Minister for Environment and Water, David Speirs MP, regarding the appointment of the newly established Green Adelaide Board (**Attachment 11**).

**RECOMMENDATION**

That the correspondence be received.

---

**Attachments**

- 20.1 Genetically Modified Crops Management Act 2004**
- 20.2 Filipina Network of SA - Letter of Thanks**
- 20.3 Planning and Design Code Update**
- 20.4 Statutes Amendment (Local Government Review) Bill 2020**
- 20.5 Adelaide and Mount Lofty Ranges Natural Resources Management Board Minutes**
- 20.6 Community Services during COVID-19 - Letter of Thanks**
- 20.7 State Commission Assessment Panel Representation**
- 20.8 Mayors for Peace Newsletter June 2020**
- 20.9 Planning and Design Code available for Community Familiarisation**
- 20.10 Council Customer Service - Email of Thanks**
- 20.11 Green Adelaide Board**



# MARK PARNELL

## Member of the Legislative Council

Mayor Michael Coxon  
City of West Torrens  
165 Sir Donald Bradman Drive  
Hilton SA 5033

[mayorcoxon@wtcc.sa.gov.au](mailto:mayorcoxon@wtcc.sa.gov.au)

10 June 2020

Dear Mayor Coxon

I am writing to you regarding recent changes to the *Genetically Modified Crops Management Act 2004*. These changes lift the long-standing moratorium on the cultivation of genetically modified (GM) crops on mainland South Australia, however they also provide SA councils with a short window of opportunity to apply to remain a GM-free council area.

If you haven't done so already, I strongly encourage Council to urgently resolve to undertake a consultation process with your community regarding their views on this question, as required by the Act.

As you may know, the final decision on whether a local council area can remain GM-free will be made by the Minister for Primary Industries. Under the Act, the Minister will only be considering views and evidence relating to impacts on marketing and trade of allowing GM-crops to be grown in the council area, or remaining GM-free.

We know that many food businesses want South Australia to remain GM-free to provide a marketing advantage and point of difference with their competitors. However, as it may be difficult for small local food businesses to undertake a rigorous assessment and provide evidence of marketing advantages for their particular business, I would encourage Council to assist by proactively investigating existing and potential marketing and trade advantages that could be gained for food-related businesses in your council area by remaining GM-free.

Parliament House, North Terrace, Adelaide SA 5000  
(08) 8237 9111  
[parnell@parliament.sa.gov.au](mailto:parnell@parliament.sa.gov.au)  
[www.markparnell.org.au](http://www.markparnell.org.au)



I'm advised that when considering an application from a council, the Minister will also be looking at implications of a decision to declare a council area GM-free for areas beyond council boundaries. For this reason, Council may wish to consider a regional approach to this matter, in conjunction with neighbouring councils. I'm also advised by the Minister's office that the Minister will be relying on the [Anderson Report](#) to inform his decisions, so it's important to note that Anderson's analysis is disputed by reputable academics. One such critique is by Dr John Paull from the University of Tasmania entitled [A Review of the Independent Review of the South Australian GM Food Crop Moratorium and Fourteen Alternative Findings](#).

Given the short timeframe for this entire process, (with applications to the Minister due by 30 September), and the fact that once this process has been completed there will be no further opportunities to remain GM-free, I encourage Council to act quickly.

Finally, I would add that this issue is important for all council areas, regardless of whether or not canola is currently grown. Whilst canola is the main crop of interest today, the changes to the Act apply to ALL future GM crops, i.e. any type that may be developed in the future. This current opportunity is your only chance to apply to remain GM-free. Once this opportunity has passed, all future decisions about growing GM crops will be made at a national level with no regard to local economic circumstances.

If you require any further assistance, I can be contacted on 08 8237 9111 or at [parnell@parliament.sa.gov.au](mailto:parnell@parliament.sa.gov.au).

Yours sincerely



Mark Parnell MLC  
Greens Member of the Legislative Council  
Parliament of South Australia

6 June 2020



Hon. Michael Coxon  
Mayor, Council of West Torrens  
165 Sir Donald Bradman Drive  
HILTON SA 5033

Dear Mayor Coxon,

On behalf of the Filipina Network of South Australia Inc., we would like to extend our gratitude for your ongoing support, particularly your presence during the Philippine Fiesta celebration. We have now celebrated the Philippine Fiesta in the CWT oval for the last 3 years. Unfortunately, because of the pandemic we will not be holding the Philippine Fiesta this year but hope to continue with this annual event next year.


We would also like to extend our thanks to Mr. Gordon Anderson, Program Leader Events City of West Torrens, for all his assistance in responding to any assistance and questions that arise before during and after the event. He has made it easier for the working committee to comply with the CWT requirements. The fiesta event is getting bigger every year and we hope to make it better every year, and we couldn't have done it without the guidance of Mr. Anderson.


We sincerely thank you Mayor Coxon and the City of West Torrens for allowing us the use of your oval and facilities as well as the guidance we receive from Mr. Anderson and his team.

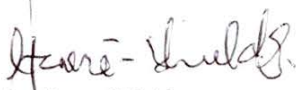
Thank you.

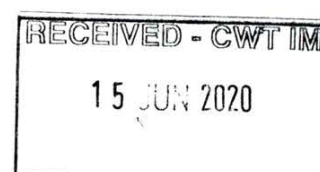
Yours sincerely,

  
Aida Garcia  
Founding Chair  
Filipina Network of SA Inc.

  
Marilyn Linn  
Secretary

  
Clemen Tomakin  
Outgoing Treasurer

  
Luz Pore-Shields  
Auditor







State Planning Commission

17 June 2020

Level 5  
50 Flinders Street  
Adelaide SA 5000

GPO Box 1815  
Adelaide SA 5001

08 7109 7466

Dear Council Mayors and Chief Executives,

I am pleased to advise that the State Planning Commission has released the *Engagement Report* for the Phase Two (Rural Areas) and the *What We Have Heard Report* for the Phase Three (Urban Areas) of the Planning and Design Code.

#### **Engagement Report – Phase Two (Rural Areas) Code**

The release of the *Engagement Report* on Phase Two (Rural Areas) reflects the Commission's key amendments and recommendations to the Minister in response to the feedback received during the 8-week formal public consultation (1 October 2019 – 29 November 2019).

The Commission is releasing this Report to support stakeholder and public familiarisation of the Phase Two Code prior to its implementation across South Australia's rural areas, which is on track to commence on 31 July 2020. [The Engagement Report](#) is now available on the SA Planning Portal.

#### **What We Have Heard Report – Phase Three (Urban Areas) Code**

The *What We Have Heard Report* on the draft Phase Three Planning and Design Code for SA's urban areas summarises the feedback received during the 5-month public consultation process. From 1 October 2019 to 28 February 2020, the Commission conducted 189 Phase Three Code consultation activities, responded to 1110 enquiries and received 1790 written submissions from urban councils, state agencies, industry practitioners and members of the community.

The Commission continues to work towards its implementation timeframes of late 2020 for the Phase Three (Urban Areas) Code. A precise date will be advised following consideration of submissions received. The [What We Have Heard Report](#) is now available on the SA Planning Portal.

#### **Next Steps**

The Commission and Department continue to roll out a comprehensive program of business readiness and training activities as well as integration and testing of the ePlanning system, which underpins the new planning system for South Australia.

Everyone will have the opportunity to see the finalised Code and ePlanning solution before the new planning system goes live. We will also be hosting Council Elected Member briefings to ensure your

#15629709

[sapanningcommission.sa.gov.au](http://sapanningcommission.sa.gov.au)



Government of South Australia  
Department of Planning,  
Transport and Infrastructure



representatives are appraised of the contents of these reports in July. Invitations will be extended shortly.

Thank you for your contribution during the Phase Two and Phase Three Code consultation periods and for your ongoing commitment in working with the Commission and Department to create a more efficient and streamlined planning system for South Australia.

We thank you for your patience, assistance and collaboration in the broad interest of South Australians.

Yours sincerely,

A handwritten signature in black ink, reading "Michael Lennon". The signature is written in a cursive style with a horizontal line underneath the name.

**Michael Lennon**  
**Chair**

20MLG0189



Government  
of South Australia

The Hon Stephan Knoll MP  
Member for Schubert

Mayor Michael Coxon  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON SA 5033  
Email: [csu@wtcc.sa.gov.au](mailto:csu@wtcc.sa.gov.au)

Dear Mayor Coxon

On 17 June 2020 I introduced the Statutes Amendment (Local Government Review) Bill 2020 (the Bill) in Parliament. The Bill is the result of the local government reform program that has been underway since the Local Government Reform Roundtable Discussion hosted by the Premier in February 2019.

The Bill includes more reforms to the system of local government in our State than any single Bill that has been put before Parliament since the current Local Government Act was passed in 1999. It includes a range of improvements and simplifications to the Act, and, more importantly, major reforms to improve the quality and level of both oversight and support that is provided to councils and council members.

From the start, the reform program has focused on four key areas where it was clear that improvements to the practice and the system of local government is needed. These areas are—

1. **Stronger council member capacity and better conduct** — helping our council members to perform their roles to the best of their ability, and ensuring that the right measures are in place to deal with conduct issues when they arise.
2. **Lower costs and enhanced financial accountability** —delivering greater confidence in council audits, improving council decision-making, financial reporting, and making information about council financial performance and rating decisions more accessible to both council members and communities.
3. **Efficient and transparent local government representation** — improving an election process that is fair, transparent, run independently, that provides the right information at the right time, and encourages participation from potential council members and voters alike.
4. **Simpler regulation** — streamlining rules and regulations to ensure that the public interest objectives can be delivered with reduced impact on councils' administration and costs.

Minister for Transport, Infrastructure and Local Government  
Minister for Planning

Roma Mitchell House Adelaide SA 5000 | GPO Box 1533 Adelaide SA 5001 DX 171  
Tel 08 7109 8430 | Email [ministerknoll@sa.gov.au](mailto:ministerknoll@sa.gov.au)




The Bill is important to councils and their communities. While it proposes many changes to councils and their operations, it is at its core an opportunity to provide the most important people in our local government system—our ratepayers and communities—with a greater sense of trust and confidence in our councils; through stronger support; greater consistence, accountability and transparency; and better value for money.

I would like to thank the Local Government Association, and the many individual councils, mayors and members, chief executive officers and professional organisations that provided their ideas for reform, submissions on the *Reforming Local Government in South Australia Discussion Paper* and engaged with the extensive consultation throughout the reform program.

To support the Bill additional material has been released, including an explanatory paper and a 'marked-up' version of the Act. I encourage you to review this information, which is available at—

[www.dpti.sa.gov.au/local\\_govt/local\\_government\\_reform](http://www.dpti.sa.gov.au/local_govt/local_government_reform).

Yours sincerely



**HON STEPHAN KNOLL MP**  
**MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT**  
**MINISTER FOR PLANNING**

18/6 /2020

# ADELAIDE AND MOUNT LOFTY RANGES NATURAL RESOURCES MANAGEMENT BOARD



Government  
of South Australia

Adelaide and  
Mount Lofty Ranges  
Natural Resources  
Management Board

## MINUTES OF MEETING NO 162

Held from 10.00am – 10.54am  
on Thursday 23 April 2020  
at the Office for Natural Resources AMLR  
205 Greenhill Road, EASTWOOD  
via video conference

**PRESENT:** Board Member: David Greenhough

**IN ATTENDANCE:** Kim Krebs, Regional NRM Manager  
Roisin McAlary, Manager Business Support  
Wendy Telfer, Manager Planning and Evaluation  
Adele Macphee, Executive Officer

### 23042020-162-1.0 MEETING PROCEDURE

#### 23042020-162-1.1 Welcome

The Board meeting was opened, acknowledging that the land is the traditional lands for the Kaurna, Peramangk, Ngadjuri, and Ngarrindjeri people and the Board respects their spiritual relationship with their Country. The Board also acknowledged the Kaurna, Peramangk, Ngadjuri, and Ngarrindjeri people as the traditional custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to their people today. The Board Member welcomed all attendees to the meeting via video and telephone conference.

#### 23042020-162-1.2 Apologies

There were no apologies.

#### 23042020-162-1.3 Declaration of Interest

There were no additional declarations of interest declared at the meeting.

#### 23042020-162-1.4 Consent Schedule

*The Board **confirmed** all items on the Consent Schedule be adopted.*

**CARRIED**

#### 23042020-162-1.5 Confirmation of Minutes 161 – 26 March 2020

*The Board **confirmed** the minutes of meeting number 161 held on 26 March 2020 as a true and accurate record.*



**CARRIED****23042020-162-1.6 Matters Arising from Previous Meetings**

*1.6.1 Correction to status of Item 26032020-161-2.3 School Environment Grants 2019-20 to "complete".*

*1.6.2 Amendment to Due Date of Item 25072019-154-2.6 Summary of Overabundant and Pest Species Inquiry to "on the formation of the Hills and Fleurieu Board".*

*The Board **noted** the matters arising.*

**CARRIED****23042020-162-1.7 Resolution Register**

*The Board **noted** the Resolution Register.*

**CARRIED****23042020-162-1.8 Board Member Matters**

The Regional NRM Manager requested a late paper "Cudlee Creek Landscape Recovery Grants – Additional Funding" be presented and discussed in Agenda Item 5 Other Business.

**CARRIED****23042020-162-2.0 BOARD MATTERS****23042020-162-2.1 Business Planning for Landscapes Boards**

*The Board:*

*2.1.1 **noted** the approach that new Landscape Board Business Plans be developed and approved for 2020/21; and*

*2.1.2 **noted** how the levies will be distributed and the draft income proposals for the three Landscape Boards that relate to the AMLR region; and*

*2.1.3 **noted** the timeframes for the Landscape Boards developing and approving planning documents over the next 12 months.*

**CARRIED****23042020-162-2.2 Transition Planning for Landscapes Boards**

*The Board:*

*2.2.1 **noted** the progress made with transition planning.*

**CARRIED**

Page 2 of 5

**23042020-162-2.3 WAP Update**

The Board discussed the consultation process for the draft Adelaide Plains Water Allocation Plan and that it would be handed over to, and administered by Green Adelaide from 1 July 2020.

*The Board:*

*2.3.1 **noted** the status of water allocation planning in AMLR region's prescribed areas; and*

*2.3.2 **approved** the commencement of public consultation for the draft Adelaide Plains Water Allocation Plan prior to 1 July 2020 if it is endorsed by the Minister; and*

*2.3.3 **agreed** that the Adelaide and Mount Lofty Ranges Natural Resources Management Board be acknowledged in the final Adelaide Plains Water Allocation Plan for its role in preparation of the plan with the community; and*

*2.3.4 **noted** that preparation and implementation of the Adelaide Plains Water Allocation Plan will be handed over to Green Adelaide from 1 July 2020.*

**CARRIED**

**23042020-162-2.4 Business and Operational Plan Reporting - Quarter 3 March 2020**

The Board discussed and noted the impacts of COVID-19 on delivering many projects.

*The Board:*

*2.4.1 **endorsed** the quarterly Business and Operational Plan report to the Board – March 2020.*

**CARRIED**

**23042020-162-2.5 Regional NRM Manager's Report**

*The Board:*

*2.5.1 **noted** the Regional NRM Manager's Report.*

**CARRIED**

**23042020-162-2.6 Green Adelaide A/Director's Report**

*The Board:*

*2.6.1 **noted** the Green Adelaide A/Director's Report.*

**CARRIED****23042020-162-3.0 FINANCE****23042020-162-3.1 Finance Report**

The Board noted the cash flow will be amended in June 2020.

*The Board:*

**3.1.1 accepted** the financial reports and statistics for the period ending 31 March 2020 with amendment to Discussion Item 3.1 Financial Summary to:

- "Total Expenditure of \$21.864m was less than the YTD budget by \$1.323m.
- The Net Cost of Service is a surplus of \$1.533m."

**CARRIED****23042020-162-4.0 PAPERS TO NOTE****23042020-162-4.1 Register of Interest****23042020-162-4.2 Letter to Minister Spiers, dated 16 April 2020**

*The Board **noted** Papers 4.1 and 4.2.*

**CARRIED****23042020-162-5.0 Other Business****23042020-162-5.1 Cudlee Creek Landscape Recovery Grants – Additional Funding**

*The Regional NRM Manager discussed the Cudlee Creek Landscape Recovery Grant funded by the Board to the value of \$300,000, and the SAMDB NRM Board to the value of \$100,000. On closing, the 268 eligible applications received far exceeded the anticipated 80 applications (capped at \$5000 per property) resulting in the total landscape recovery funds sought being \$1.138M (\$738,000 in excess of the \$400,000 allocated).*

*The Board:*

**5.1.1 approved** the temporary reallocation of \$400,000 from its 2019/20 budget towards the Cudlee Creek Landscape Recovery Grants program until the State NRM Fund releases \$400,000 to the AMLR NRM Board for fire recovery efforts; and

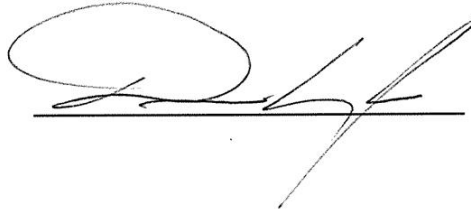
**2.3.3 approved** an additional \$338,000 of redirected 2019/20 budget to create a secure funding source for all eligible Cudlee Creek Landscape Recovery Grant applicants to be funded.

**23042020-162-6.0 Meeting Closed**

There being no further business, the Board declared the meeting closed at 10.54am.

The next public meeting of the Adelaide and Mount Lofty Ranges Natural Resources Management Board, will be held on Thursday 28 May 2020, at the offices for Natural Resources AMLR, 205 Greenhill Road, Eastwood via video conference.

David Greenhough  
**Board Member**

A handwritten signature in black ink, consisting of a large loop followed by several strokes, written over a horizontal line.

Date: 28 / 05 / 2020





Carleen Thomas  
Nile Puns

OPth Pympton  
5037

Attention

Mayor of West Torrens.

Michael Boscawen.

& Fellow councillors.

Dear Michael

I am an 86 year old Resident of the City of West Torrens, I attend a function called 'Share a meal' once a fortnight at the Long St Community Centre, which you support with funding from the council. I am writing to thank you & your staff who organise this special day giving us lots of kindness & enjoyment.

Unfortunately because of the COVID-19 virus we have not been able to meet recently. But Debra Oliver & her colleagues have still been in touch with us by delivering bags of interesting objects like information on meal delivery, competitions, colouring in to keep our hands exercised, puzzles & some special treats (chocolates).

Debra Oliver puts a lot of thought & effort into everything that she does to give us quality of life & to enjoy it to the fullest.

I have learnt so much which is available for me to take advantage of through information sessions, entertainment, such as Variety. The theme this year is 'Joy'.

I am really missing the meal the company of others & the other interesting things that used to happen once a fortnight.

I hope we will be getting back to normal soon.

Once again thank you, thank you.

Regards

Carleen Thomas.

THIS WAS IN A PACK OF CANVA ENVELOPE & STAMPS.  
IN ONE OF BAGS



State Planning Commission

23 June 2020

Level 5  
50 Flinders Street  
Adelaide SA 5000

Mayor Michael Coxon  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON SA 5033

GPO Box 1815  
Adelaide SA 5001

08 7109 7466

Via email to [mayorcoxon@wtcc.sa.gov.au](mailto:mayorcoxon@wtcc.sa.gov.au)

Dear Mayor Coxon,

**State Commission Assessment Panel (SCAP) representation**

I refer to your letter to Minister Knoll dated 11 March 2020 regarding your request for a City of West Torrens representative on SCAP. Minister Knoll has forwarded your correspondence to me for my consideration.

I note the Minister has advised you of the Commission's recent decision and public Expression of Interest process to refresh the membership of SCAP and establish a specialist pool of members that can be drawn upon as required. This process is now complete and I am confident that this approach will ensure that SCAP continues to provide high quality decision making as we move towards full implementation of the *Planning, Development and Infrastructure Act 2016*.

I thank you for your Council's interest and encourage all interested parties to apply when applications are next advertised.

Yours sincerely

A handwritten signature in black ink that reads 'Michael Lennon'.

**Michael Lennon**  
Chair

#15624026

[saplanningcommission.sa.gov.au](http://saplanningcommission.sa.gov.au)



**Government of South Australia**  
Department of Planning,  
Transport and Infrastructure

**From the Office of the Mayor**

11 March 2020

The Hon Stephan Knoll  
Minister for Planning  
GPO Box 1533  
**ADELAIDE SA 5001**

Dear Minister Knoll,

**Request for City of West Torrens representative on SCAP**

Council, at its meeting on 3 March 2020, resolved that I write to you requesting that the City of West Torrens has a staff member to act in an advisory capacity on the State Commission Assessment Panel (SCAP) when assessing applications located within the City of West Torrens.

Council noted that the planning reforms are currently underway and are increasingly aware of the importance to have a representative with local community knowledge and awareness when assessing applications relevant to the area.

I look forward to your response in consideration of Council's advantageous request.

Yours sincerely,

A handwritten signature in blue ink that reads "Michael Coxon".

**Michael Coxon**  
**Mayor**





# Mayors for Peace News Flash

June 2020 / No.126

## Mayors for Peace Member Cities

**7,907 cities**

**in 164 countries and regions**

(as of June 1, 2020)

**Help us achieve 10,000 member cities!**

## Check our website and follow us on SNS:

### Website

<http://www.mayorsforpeace.org/english/index.html>

### Facebook

<https://www.facebook.com/mayorsforpeace>

### Twitter

<https://twitter.com/Mayors4Peace>

"Like" and share our Facebook and Twitter posts to help spread awareness of our mission.

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## ■ Introducing our core concept for 2020: "No more Hiroshima! No more Nagasaki!"

This year marks 75 years since the atomic bombings. It also is the last year to achieve the Mayors for Peace 2020 Vision, which was developed in the hope of realizing nuclear weapons abolition while the *hibakusha* are still alive. However, in light of the COVID-19 pandemic we will not be able to host many guests in Hiroshima and Nagasaki this summer.

At a time when we must unite globally more than ever in the fight against the pandemic, unilateralism is gaining momentum in the international community. It is now all the more important for all nations to take action to tackle common threats such as infectious disease or nuclear weapons from a humanitarian perspective, and for civil society to support political leaders in the pursuit of such goals.

Given the above, to commemorate this milestone year we have planned the below projects, with a core concept of "No more Hiroshima! No more Nagasaki!" Our aim is for people around the world, many of whom are currently unable to visit the atomic bombed cities, to share in the earnest desire of the *hibakusha*: "no one else should suffer as we have."





### 1. Video messages

We are now collecting video messages from survivors of the atomic bombings, representatives from national governments, NGOs, and Mayors for Peace Executive Cities. These will be compiled into one video, available on social media in mid-July, which will ask viewers to share and voice their support, thus raising and spreading public awareness throughout the world toward abolition of nuclear weapons.

### 2. Educational webinar on peace

We are going to hold an educational webinar on peace on Tuesday August 4. The participants will be 7 young people, 2 from Hiroshima and Nagasaki who are involved in local peace activities and 5 from other member cities around the world. After learning about international circumstances concerning nuclear weapons in a lecture, they will give a presentation on their peace activities, then will exchange ideas and opinions with each other. The webinar will be streamed live on YouTube, with the aim of encouraging young people to be proactively engaged in peace activities.

### 3. Core concept: “No more Hiroshima! No more Nagasaki!”

We are introducing our core concept for 2020: “No more Hiroshima! No more Nagasaki!” This has been formulated to raise public awareness for abolition of nuclear weapons, calling on all citizens of the world to join us in taking action.

When your municipality holds a commemorative or peace-related event, please make use of the core-concept “No more Hiroshima! No more Nagasaki!”, such as in the title of the event or as the event’s theme. Please also upload the banner above (available for download from [this link](#)) on your municipality’s website, and post it on your official social media accounts.

## ■Uploaded reports on the Youth Exchange for Peace Support Program 2019

Since 2016, Mayors for Peace has invited selected youths from various member cities to Hiroshima to participate in its Youth Exchange for Peace Support Program. Young people represent their own cities and participate in programs run by Hiroshima City, with financial and other support by Mayors for Peace.

The programs aim to share in the messages of hibakusha and to discuss their desire for peace. They are designed to build connections and friendships between participants from around the world.

Following a briefing about Mayors for Peace, participants were engaged in activities led by the Secretariat and had an opportunity to exchange thoughts and ideas among them.

Visit the links below to read the uploaded reports of participants of 2019 programs.

▼HIROSHIMA and PEACE (July 30 – August 9, 2019):

[http://www.mayorsforpeace.org/english/ecbn/projects/2019\\_HAP\\_result.html](http://www.mayorsforpeace.org/english/ecbn/projects/2019_HAP_result.html)

▼The International Youth Conference for Peace in the Future, 2019 Hiroshima (August 4 – August 12, 2019):

[http://www.mayorsforpeace.org/english/ecbn/projects/2019\\_IYCPF\\_result.html](http://www.mayorsforpeace.org/english/ecbn/projects/2019_IYCPF_result.html)

## ■100-day countdown message for the International Day of Peace

[June 13, 2020]

The United Nations has established September 21 as the International Day of Peace (IDP) and an annual day of non-violence and ceasefire. Mayors for Peace has been a long-time supporter of the IDP and encourages all member cities to commemorate the International Day of Peace on September 21.

On June 13, the President of Mayors for Peace issued a message for the 100-day countdown to the IDP, inviting all members to commemorate the 2020 International Day of Peace in their city.

▼ Message for the International Day of Peace, 100-day countdown by the President of Mayors for Peace (Mayors for Peace website):

[http://www.mayorsforpeace.org/english/statement/mailmag/pdf/200613\\_IDP100day\\_message\\_E.pdf](http://www.mayorsforpeace.org/english/statement/mailmag/pdf/200613_IDP100day_message_E.pdf)

▼ International Day of Peace 21 September (The United Nations website):

<https://www.un.org/en/observances/international-day-peace>

<<PLEASE SEND INFORMATION ON YOUR CITY'S 2020 IDP EVENT >>

If your city is planning to organize an event to commemorate the IDP, please send an event report to our secretariat. We will share the report on the Mayors for Peace website, etc.

▼ Please mail us with an outline of your event at:

[mayorcon@pcf.city.hiroshima.jp](mailto:mayorcon@pcf.city.hiroshima.jp)

## ■Member City activities

### <Yokohama, Japan>

#### Yokohama's efforts towards realizing world peace outlined in new pamphlet

Based on the idea that building international goodwill and mutual understanding at the city level will lead to achieving world peace, the City of Yokohama has established relationships with other cities around the world, including eight sister cities, among them San Diego (U.S.) and Shanghai (China).

To further advance these efforts, the city adopted a proposal to promote peace initiatives in June 2018. With this resolution as a foundation, Yokohama has emphasized efforts aimed at helping realize peace across the globe, through the pillars of international exchange, international cooperation, and support for a multicultural society to encourage goodwill among citizens, support infrastructure improvements in developing countries, and build inclusive local communities.

Since joining Mayors for Peace in 2010, Yokohama has invited the Secretary General to speak to its citizens at a public event, organized exhibitions of posters to raise awareness, and taken other actions as a member city of the Mayors for Peace network to help attain a lasting world peace.

As part of these efforts, a pamphlet and video were published in 2019 to introduce Yokohama's initiatives for peace and show how it can contribute to this goal within the global community.

▼ Link to the video (Youtube):

<https://www.youtube.com/watch?v=g4e2XfGXTtA>



Pamphlet



## &lt;&lt;PLEASE SEND US INFORMATION ABOUT YOUR CITY'S PEACE ACTIVITIES&gt;&gt;

Please help us tell others about what you are doing! We can create a link to your city's website or the website of your peace event to share the activities with other member cities. Please send us information including the date, venue, organizers and a description of the event result. We look forward to receiving information from your city.

▼ Please send a report about your event to the Mayors for Peace Secretariat at:

[mayorcon@pcf.city.hiroshima.jp](mailto:mayorcon@pcf.city.hiroshima.jp)

▼ List of peace events as based on those in the Mayors for Peace Action Plan (As of June 12):

[http://www.mayorsforpeace.org/data/pdf/04\\_list\\_of\\_activities/2020\\_List\\_of\\_Activities\\_en.pdf](http://www.mayorsforpeace.org/data/pdf/04_list_of_activities/2020_List_of_Activities_en.pdf)

## ■Regional chapter activities

### <UK and Ireland Chapter>

#### Release of the UK and Ireland Mayors for Peace Briefing Paper No. 28

<Report by Sean Morris, UK & Ireland Mayors for Peace Chapter Secretary>

With most national and international events and meetings being cancelled or postponed due to the Covid-19 outbreak, the Secretary of the UK and Ireland Mayors for Peace Chapter has developed a progress report for its members.

The report focuses on the postponement of the NPT Review Conference and the Mayors for Peace Conference and looks to the future as to when they will take place, and what actions will be required. The report also looks at how the Chapter's next meeting and appropriate ways to commemorate the 75th anniversary of the Hiroshima and Nagasaki atomic weapon attacks can take place virtually.

The report has updates on the European Mayors for Peace Chapter and on the May Stockholm Virtual Forum for Peace and Development. It considers progress with the ICAN Cities Appeal and looks at an ICAN report on Global Spending on Nuclear Weapons in 2019.

The report concludes by considering some issues around divestment and an International Women's Appeal for Peace and Disarmament. In the UK, six Mayors for Peace members have passed resolutions supporting the TPNW. They are Manchester, Edinburgh, Renfrewshire, Norwich, Fife and Hebden Royd. A number of other members are in the process of doing so. The UK and Ireland Mayors for Peace Secretary Sean Morris can provide a model resolution if that would be helpful. Email: [s.morris4@manchester.gov.uk](mailto:s.morris4@manchester.gov.uk)

Mayors for Peace would welcome other towns, cities, counties and federal regions to consider passing similar resolutions and supporting the Cities Appeal / TPNW. It also encourages states to continue to ratify the TPNW so that it becomes international law in 2020.

▼ UK and Ireland Mayors for Peace Briefing Paper No. 28:

[http://www.mayorsforpeace.org/english/whatsnew/activity/data/2020/UK\\_Briefing\\_No\\_28.pdf](http://www.mayorsforpeace.org/english/whatsnew/activity/data/2020/UK_Briefing_No_28.pdf)

## ■Reports by Executive Advisors

### <Report on Abolition 2000 Global Network to Eliminate Nuclear Weapons Online Annual General Meeting by Ms. Jacqueline Cabasso, the Executive Advisor for Mayors for Peace>

The Abolition 2000 Global Network to Eliminate Nuclear Weapons held its 25th Annual General Meeting (AGM) on May 23.

An in-person meeting had been planned during the 2020 Nuclear Nonproliferation Treaty (NPT) Review Conference (RevCon) in New York, but when the RevCon was postponed due to the COVID-19 pandemic, Abolition 2000 moved its AGM on line and held an innovative and productive virtual meeting. The AGM was held in two sessions:

Session 1 included updates and reports from working groups and affiliated networks, including Mayors for Peace, a strategy discussion on challenges and opportunities to advance nuclear abolition in the post COVID-19 world, and introduction of proposals. Session 2 included discussion of proposals, and Abolition 2000 administrative and governance matters. Session 1 was held twice, once to accommodate participants from Asia/Pacific and early risers in Europe/Africa, and a second time to accommodate participants in the Americas, Europe, and Africa. The online format enabled nearly 200 participants from 39 countries to participate.

In an effort to make the most efficient use of limited time during the meeting, the organizers pre-recorded short presentations by eight leading NGO activists from around the world, who discussed the implications of the COVID-19 pandemic on prospects for nuclear abolition from a variety of perspectives. Participants in the AGM were encouraged to watch these videos before the meeting to prepare themselves for an interactive strategy discussion, which informed the adoption by consensus of proposals, including:

- Promotion of a Petition developed by Chernobyl-Hibakusha Support: [“Stop the intentional discharge of radioactive wastewater from the Fukushima Daiichi Nuclear Power Station!”](#)
- Promotion of international activities in commemoration of the 75<sup>th</sup> anniversaries of the U.S. atomic bombings of Hiroshima and Nagasaki, including [Gensuikyo’s “Peace Wave” and its 2020 World Conference Against A & H Bombs](#), and an [International Fast from August 6 to August 9, 2020](#).
- Support for the development of a global online [“Money be Good!”](#) campaign to move the nuclear weapons money to social, humanitarian, and environmental projects.
- Establishment of a new working group on developing a “Human Values Economy” and connecting nuclear abolition to wider social movements.
- Adoption and promotion of an Abolition 2000 statement on nuclear testing and the nuclear arms race, [“Absolutely Unacceptable: Resumed Nuclear Explosive Testing”](#).



Online video conference of Abolition 2000 Annual General Meeting

▼ Visit the link below for more background on Abolition 2000, reports from working groups and affiliated networks, video clips and more:

<http://www.abolition2000.org/en/resources/agm-minutes/agm-2020/>

#### <Article on UN Secretary-General Guterres’ disarmament agenda by Mr. Randy Rydell, the Executive Advisor for Mayors for Peace>

The following is an executive summary of my article, *“The Guterres Disarmament Agenda and the Challenge of Constructing a Global Weapons Regime”*, which was published on the *Journal for Peace and Nuclear Disarmament*, Vol. 3, No. 1 (2020).

On 24 May 2018, United Nations Secretary-General António Guterres launched his new “disarmament agenda” in an address at the University of Geneva. The UN’s Office for Disarmament Affairs simultaneously released a 73-page “non-paper” that elaborated this new agenda. And in October 2018, UNODA issued the agenda’s implementation plan.

The Guterres Agenda is the most detailed proposal offered by a UN Secretary-General: it addresses comprehensively both the elimination and control of weapons but also the wider security context in which these activities occur. Yet the proposal also raises many questions relating to its implementation and future evolution.

What exactly was the Secretary-General proposing? How was his proposal similar to, or different from, disarmament proposals by his predecessors? What are the key innovations in his proposal? How has it been received at the United Nations, the nuclear-weapon states, and by civil society? Is it having an impact in advancing disarmament goals? What are the key obstacles the plan is facing? What initiatives would serve to broaden support for this agenda?



This article seeks to answer these questions. It stresses the importance of the subject of “disarmament and cities” and offers suggestions on how the United Nations and city mayors can advance this complementary agenda. Given the consequences of the use of all types of weapons of mass destruction (especially nuclear weapons) in cities, and the devastating effects of the continued use of deadly conventional arms in densely populated areas worldwide, city mayors, their voters, and taxpayers represent a natural constituency for advancing disarmament goals. They have much to contribute in strengthening the chronically weakest foundation of disarmament: namely, political will. The article offers some practical suggestions on how this can occur and thereby strengthen the prospects for fulfilling the Agenda’s ambitious goals.

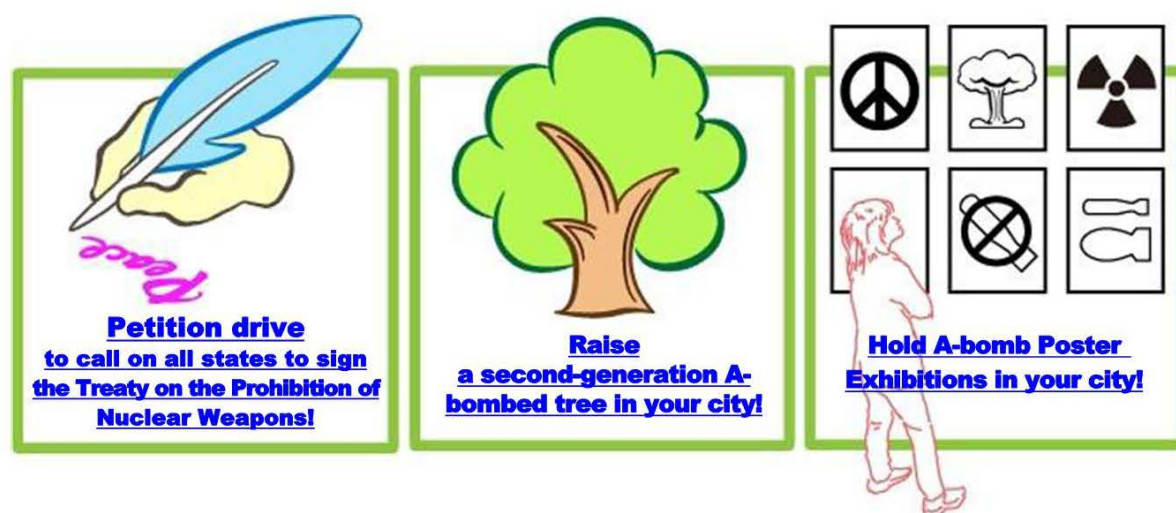
▼ Article “*The Guterres Disarmament Agenda and the Challenge of Constructing a Global Weapons Regime*”:  
<https://www.tandfonline.com/doi/full/10.1080/25751654.2020.1764259?scroll=top&needAccess=true>

### ■ Request to promote various measures based on the Mayors for Peace Action Plan (2017-2020)

At the 9th General Conference of Mayors for Peace held in Nagasaki in August 2017, we decided our Action Plan for up to the year 2020, aiming for lasting world peace. Together, we hope to make significant strides toward realizing this goal. Please promote all appropriate measures based on the Action Plan within your own municipality or regional group.

▼ Mayors for Peace Action Plan (2017-2020):  
[http://www.mayorsforpeace.org/english/report/meeting/data/9th\\_meeting/Action\\_Plan\\_2017-2020\\_E.pdf](http://www.mayorsforpeace.org/english/report/meeting/data/9th_meeting/Action_Plan_2017-2020_E.pdf)

For example, you can promote the following measures:



In November 2019, the Executive Conference of Mayors for Peace decided to set the following three items as priorities for action until the end of 2020, the final year of the 2020 Vision.

1. Expand membership to support the agreed goals of Mayors for Peace, including the entry-into-force of the Treaty on the Prohibition of Nuclear Weapons

*For more information on “[Expanding membership](#)”*

2. Conduct peace education to raise awareness among future generations

*For more information on “[Promotion of peace education](#)”*

3. Strengthen support for existing projects to receive youths in Hiroshima and Nagasaki such as “The Youth Exchange for Peace Support Program”

*For more information on “[The Youth Exchange for Peace Support Program](#)”*

### ■ Call for input: examples of initiatives to foster peace-seeking spirit

The Mayors for Peace Secretariat has been seeking examples of peace education initiatives conducted by any organization (city hall/school/NGO, etc.) in Mayors for Peace member cities that are conducive to raising peace-seeking spirit among future generations. The Mayors for Peace Secretariat accepts reports on a rolling basis, so please send your report whenever your project is completed. The submitted reports will be posted on our website and in the Mayors for Peace News Flash as a source of information for other member cities that are planning to launch their own peace education program.



“Nuclear Disarmament Day” in Santos  
Children singing songs about peace  
(Photo courtesy of Santos)

▼ Call for Input on the Mayors for Peace website:

<http://www.mayorsforpeace.org/english/ecbn/projects.html#section10>

### ■ Mayors for Peace member cities - 7,907 cities in 164 countries/regions

Thanks to your invaluable support, on June 1, we gained 3 new member cities, bringing our total membership to 7,907.

From Zimbabwe, the City of Chinhoyi joined as the country's first member of Mayors for Peace thanks to an invitation from a peace organization in Japan. This makes our membership network expand to 164 countries and regions.

We also welcomed the City of Podgorica, the capital of Montenegro as a member. Now we have 118 capital cities as our members.

Mayors for Peace aims to expand its membership to foster international public support for the realization of a world without nuclear weapons. Please help us reach the goal of 10,000 member cities by inviting your city's sister cities or neighboring cities which are not members yet to join. We encourage further initiatives to promote membership and can provide support from Hiroshima as needed. You can download recruitment kits (available in 10 languages) from our website (link below).

▼ Mayors for Peace Website:

<http://www.mayorsforpeace.org/english/index.html>

▼ List of New Members (PDF):

[http://www.mayorsforpeace.org/data/pdf/03\\_newmembers/2020/newmembers2006\\_en.pdf](http://www.mayorsforpeace.org/data/pdf/03_newmembers/2020/newmembers2006_en.pdf)

▼ Map of Member Cities:

<http://www.mayorsforpeace.org/english/membercity/map.html>

### ■ Request for payment of the 2020 Mayors for Peace membership fee

In order to facilitate future activities and strengthen the sense of solidarity amongst member cities, Mayors for Peace introduced an annual Membership Fee in 2015.

This year again, we ask each member city to pay a fee of 2,000 Japanese yen (about 19 USD/18 Euro as of March 18, 2020) per city. If your city has not paid their Membership Fee in previous years, we ask your city to pay the total amount owed for each unpaid year since 2015. The collected Membership Fees will be allocated toward new and existing projects listed on the Mayors for Peace Action Plan 2017-2020.

A request for payment of the 2020 membership fee was sent to each city by email on April 1. We deeply appreciate your kind cooperation.

▼ Request for the 2020 Mayors for Peace Membership Fee (Mayors for Peace website):

[http://www.mayorsforpeace.org/english/outlines/membership\\_fee.html](http://www.mayorsforpeace.org/english/outlines/membership_fee.html)



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### ■IPB's petition calling for "Healthcare Not Warfare"

<Call by Lisa Clark, the Co-President of International Peace Bureau and long-time supporter of Mayors for Peace>

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Members of Mayors for Peace know this better than anyone else. Weapons and armies cannot solve the serious problems threatening our communities. Especially in these strange times of the Covid-19 pandemic. We have seen the dramatic consequences of national governments allocating huge amounts on the military and cutting public spending on healthcare. Mayors and their administrations have a responsibility towards the health and wellbeing of their citizens.

Healthcare is a human right for all and must never be sacrificed for militarization and nuclear weapons. The world spent US\$ 1.9 trillion on military expenditure in 2019 and is scheduled to spend US\$ 1 trillion on new nuclear weapons over the next 20 years.

The International Peace Bureau (IPB) has always supported the work of Mayors for Peace and indeed awarded its yearly Sean MacBride Prize to Mayors for Peace, and Mayors Akiba and Itoh in 2006. I personally have long been involved in supporting the Italian membership, and now in running the Italian Chapter of Mayors for Peace with its lead city, Cervia.

IPB has created a petition, "Healthcare Not Warfare", addressed to the UN General Assembly, for it is the responsibility of world leaders to put disarmament and peace at the centre of policy making, including the ban on nuclear weapons. Civil society organizations, in partnership with local governments, need to make their voice heard: that is the mission of both IPB and Mayors for Peace. And that is the purpose of this Petition. The European Chapter has welcomed it and I would like to call on all members of Mayors for Peace, from all regions, to join forces, signing the Petition on <https://www.change.org/HealthcareNotWarfare>, and to share it further.

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### ■Peace news from Hiroshima

(Provided by the Hiroshima Peace Media Center of the CHUGOKU SHIMBUN)

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In response to the government's lifting of its call for people to stay home as a measure to prevent the spread of the novel coronavirus, the Hiroshima Peace Memorial Museum and the Hiroshima National Peace Memorial Hall for the Atomic Bomb Victims reopened on June 1. Peace Memorial Park remains quieter than usual, but gradually the number of people in the park seems to be on the increase.

Nevertheless, optimism about the situation might be premature, as second and third waves of the coronavirus are anticipated in the future. The Peace Memorial Museum has limited the number of visitors it accepts per a day to a maximum of 1,800, with the intent of preventing overcrowding inside the facility. A-bomb survivors are still unable to share their experiences of the bombing by speaking directly to audiences. The manner in which the Hiroshima Peace Memorial Ceremony will be held on August 6 has also been significantly altered. The Hiroshima City government has announced a policy for the ceremony that will reduce the number of attendee seats by 90 percent compared to the number used in typical years, with a maximum of 880 arranged and a priority placed on seating for A-bomb survivors and victims' bereaved families. This marks a huge reduction, considering that 11,500 seats are usually arranged for the ceremony on the grass field in the park.

Many of the memorial services for A-bombing victims and peace-related events or gatherings scheduled in accordance with the 75th anniversary of the atomic bombing on August 6 are likely to be held online, cancelled, or conducted with a limited number of participants. However, precisely because the current situation is unprecedented, our hope is that we can continue to express in various ways our unwavering desire to pay tribute to those killed in the atomic bombing and the many survivors who have experienced tremendous hardship in their lives ever since the bombing.

Please see the following for more peace-related news.

U.N. Secretary General reasserts intent to attend August 6 Hiroshima Peace Memorial Ceremony: Would send a video message if visit impossible  
<http://www.hiroshimapeacemedia.jp/?p=98346>

Hiroshima Prefecture revises plans for two international conferences, decides on online format in year marking 75th A-bombing anniversary

<http://www.hiroshimapecacemedia.jp/?p=98354>

World Conferences against Atomic and Hydrogen Bombs to be held in August online, amid uncertainty surrounding COVID-19 pandemic

<http://www.hiroshimapecacemedia.jp/?p=98344>

Hiroshima City postpones summer Pearl Harbor A-bomb exhibit until later in 2020

<http://www.hiroshimapecacemedia.jp/?p=98311>

Participant seating for August 6 Hiroshima Peace Memorial Ceremony to be reduced by 90 percent

<http://www.hiroshimapecacemedia.jp/?p=98313>

### ■ Mayors for Peace collaboration with “The Hibakusha Appeal” Signature Campaign

Based on the Action Plan decided at the 9th General Conference in August 2017, Mayors for Peace is promoting a petition drive urging the nuclear-armed states and their allies to participate in the Treaty on the Prohibition of Nuclear Weapons. It was also decided that in doing so, Mayors for Peace would collaborate with “The Hibakusha Appeal”, a signature campaign launched by the *hibakusha* of Hiroshima and Nagasaki. The Mayors for Peace Secretariat will compile the number of signatures collected and present it to affiliates of the United Nations.

▼ For more information about “The Hibakusha Appeal”:



### Mayors for Peace Official Social Media Accounts

〈Twitter〉 

<https://twitter.com/Mayors4Peace>



〈Facebook〉 

<https://www.facebook.com/mayorsforpeace>



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If you have any comments or questions, please contact us at:

### Mayors for Peace Secretariat

1-5 Nakajima-cho, Naka-ku, Hiroshima 730-0811 Japan

Tel: +81-82-242-7821 Fax: +81-82-242-7452

Email: [mayorcon@pcf.city.hiroshima.jp](mailto:mayorcon@pcf.city.hiroshima.jp)

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State Planning Commission

Level 5  
50 Flinders Street  
Adelaide SA 5000

GPO Box 1815  
Adelaide SA 5001

08 7109 7466

29 June 2020

Council Mayor and Chief Executive – Phase Three  
Via email

Dear Council Mayor and Chief Executive,

I am pleased to confirm that South Australia's new Planning and Design Code (the Code) covering the State's outback and rural areas is now available for the general public to access for familiarisation purposes ahead of the Minister's formal adoption of the Code and the planned implementation for Phase Two (Rural Areas) on 31 July 2020.

To ensure all South Australians are confident and familiar with the new planning system, the Minister for Planning and State Planning Commission are providing the community with an opportunity to access the online Code for Phase One (Outback Areas) and Phase Two (Rural Areas) via the new ePlanning platform at [www.code.plan.sa.gov.au](http://www.code.plan.sa.gov.au).

From 29 June, community members will be able to engage with the online Code and *the South Australian Property and Planning Atlas* in our first state wide e-Planning system. When fully implemented on 31 July, the ePlanning platform will also *include a new look planning portal and electronic Development Application Processing system*.

The PlanSA helpline is now active should community members have any queries regarding the Code or the ePlanning system. If council front desks or staff are receive calls regarding to the Code, callers can be directed to the helpline. The PlanSA helpline can be reached on 8456 4840.

The Phase Two Code has been refined and improved following the Minister for Planning's approval of the Commission's formal Engagement Report. The report, released earlier this month, summarises how the Code for the State's rural areas has been altered following an 8-week public consultation period. During the public consultation period more than 230 submissions were received and over 70 consultation events conducted, with all feedback considered by the State Planning Commission.

It is important to note that when accessing the Phase Two Planning and Design Code in the ePlanning system, only addresses in outback and rural areas of the state will display results. Metropolitan addresses, whilst able to be entered, will not display a result as the Phase Three Planning and Design Code has not yet been added to the ePlanning system.

The Commission has invited Elected Members to an online briefing and Q&A session on the recently released Engagement Report as well as an ePlanning system demonstration. This will take place on 16 July for Phase Three councils.

#15682941

[saplanningcommission.sa.gov.au](http://saplanningcommission.sa.gov.au)



Government of South Australia  
Department of Planning,  
Transport and Infrastructure

The third and final phase of SA's new planning system for urban and metropolitan areas of South Australia is under active consideration and on track to be implemented later this year.

As always we appreciate your support and collaboration as we work together to implement a more efficient planning system for South Australia. We reiterate your valuable input to date has helped guide and shape the Phase Two Code.

Should you have any questions in regards to the implementation of the Phase Two Code or wish to provide feedback during the familiarisation period please don't hesitate to contact your Council Liaison Officer directly.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Michael Lennon', with a horizontal line drawn underneath the signature.

**Michael Lennon**  
**Chair**

**From:** Lawrie Lewis  
**Sent:** Monday, 29 June 2020 10:24 AM  
**To:** Council Enquiries  
**Subject:** West Torrens

Dear CEO

I would like to thank you and your staff for what you do.

Every time I have contacted our council from the Ladies at reception they have been very polite and helpful

To the people collecting the leaves in our street .They do a great job and call regularly. Which need it while the leaves are falling

What you have done at the common and the maintenance of same  
Congratulations.

Lawrie Lewis  
Barker court resident



**Government  
of South Australia**

**Office of the Minister for  
Environment and Water**

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Adelaide SA 5000

GPO Box 1047  
Adelaide SA 5001

Tel 08 8463 5680  
minister.speirs@sa.gov.au

20EW0009658

Mayor Michael Coxon  
City of West Torrens  
Email: [mayorcoxon@wtcc.sa.gov.au](mailto:mayorcoxon@wtcc.sa.gov.au)

Dear Mayor Coxon

Michael,

I am delighted to advise that today, 1 July 2020, marks the Marshall Liberal government's delivery on its promise to reform natural resource management in our state.

From today, the new *Landscape South Australia Act 2019* has been enacted as the key framework for managing the state's land, water, pest plants and animals, and biodiversity across the state. As part of this process, eight new regional landscape boards have been established to administer the new Act. In addition a new entity, Green Adelaide, has been created to bring an integrated approach to managing Adelaide's urban environment.

The Green Adelaide region encompasses 17 metropolitan councils and approximately 1.3 million South Australians. The success of Green Adelaide will be underpinned through strategic leadership, coordination, innovation and partnerships with other organisations and the community to deliver a connected approach to urban natural resource management.

I am pleased to advise you that I have formally appointed the newly established Green Adelaide board – a key milestone in the Marshall Liberal government's commitment to landscape reform in South Australia. To lead the state government's new metropolitan landscape board, I have appointed Professor Chris Daniels as chair, and Dr Felicity-ann Lewis as deputy, the full board being:

- Professor Chris Daniels (Chair)
- Dr Felicity-ann Lewis (Deputy Chair)
- Mayor Claire Boan
- Mr Adrian Skull
- Mr Jeffrey Newchurch
- Ms Dena Vassallo
- Mr Louka Parry
- Mr Kelvin Trimper
- Ms Trixie Smith



Green Adelaide aspires for Adelaide to become globally recognised for its liveability and thriving environment by building on its reputation as a cool, clean, green and vibrant city and attracting industry, investment, residents and visitors.

It is my expectation that the Green Adelaide board will bring leadership, collaboration and strategic thinking to transformation of Adelaide's urban environment. It will be responsible for the greening of metropolitan Adelaide, recognising the environmental challenges faced by a large capital city and exploring the opportunities that a city can have in terms of fostering biodiversity.

The Board will also be responsible for integrating the management of water resources and wetlands, the metropolitan coastline, nature education, creating habitat for biodiversity in a city context, and the greening of our streets, parklands and buildings. This includes exploring world-wide initiatives relevant to urban ecology and green cities, and the option of Adelaide becoming a globally recognised National Park City.

I look forward to your council working collaboratively with Green Adelaide in its endeavours to build on Adelaide's reputation

Should you require any further information, please contact the Green Adelaide Chair, Professor Chris Daniels, by email at [chris.daniels@sa.gov.au](mailto:chris.daniels@sa.gov.au) or telephone on 0410 422 759.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Speirs', with a stylized flourish at the end.

**DAVID SPEIRS MP**

Minister for Environment and Water

Date: 1 / 7 / 2020

## 21 CONFIDENTIAL

### 21.1 Rate Equivalent Payments by Adelaide Airport Limited

#### Reason for Confidentiality

The Council is satisfied that, pursuant to Section 90(3)(b)(i),(b)(ii) and (g) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (b)(i) information the disclosure of which - could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.
- (b)(ii) information the disclosure of which - would, on balance, be contrary to the public interest.
- (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

#### RECOMMENDATION

It is recommended to Council that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999*, Council orders, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams in attendance at the meeting, and meeting secretariat staff, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report Item 21.1 Rate Equivalent Payments by Adelaide Airport Limited, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(b)(i),(b)(ii) and (g) because the information received, discussed and considered in relation to this agenda item is information, the disclosure of which could reasonably be expected to severely prejudice Council's ability to achieve the best possible outcome relating to the rate equivalent payments and would, on balance, be contrary to the public interest. Council also needs to ensure that it does not breach any duty of confidence owed to Adelaide Airport Limited.
2. At the completion of the confidential session the meeting be re-opened to the public.

## **21.2 Weslo Holdings and Thebarton Theatre - Update**

### **Reason for Confidentiality**

The Council is satisfied that, pursuant to Section 90(3)(b)(i) and (b)(ii) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (b)(i) information the disclosure of which - could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.
- (b)(ii) information the disclosure of which - would, on balance, be contrary to the public interest.

### **RECOMMENDATION**

It is recommended to Council that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999*, Council orders, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams in attendance at the meeting, and meeting secretariat staff, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report Item 21.2 Weslo Holdings and Thebarton Theatre - Update, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(b)(i) and (b)(ii) because it may prejudice the commercial position of the Council and lead to Council not obtaining or securing the best possible outcome to the lease dispute with Weslo Holdings Pty Ltd. In addition, Council is satisfied that the principle of the meeting being conducted in a place open to the public has been outweighed in this circumstance because the disclosure of Council's commercial position may severely prejudice Council's ability to satisfactorily resolve the lease dispute with Weslo Holdings Pty Ltd and consequently, Council considers the disclosure of this information would, on balance, be contrary to the public interest.
2. At the completion of the confidential session the meeting be re-opened to the public.

## **22 MEETING CLOSE**

CITY OF WEST TORRENS



# **ATTACHMENT**

## **UNDER SEPARATE COVER**

### **Council**

**TUESDAY, 7 JULY 2020**

**Information Only Council and Committee Reports**



**INDEX**

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## 17 INFORMATION ONLY COUNCIL AND COMMITTEE REPORTS

### 17.10.1 Planning Reform Update - July 2020

#### Brief

This Report provides an update on the Planning Reform as it relates Phase 3 councils, including the City of West Torrens. The update includes activities being undertaken by both State Government and City of West Torrens Administration.

#### RECOMMENDATION

It is recommended to Council that this report be received.

---

#### Introduction

Phase 3 of the Planning Reform is nearing implementation, this relates to switching on the new system for Metropolitan Adelaide and regional cities. This is scheduled for late 2020, and to meet the impending start date a significant body of work needs to occur to ensure business readiness for all affected parties. This report provides an update on business readiness and the significant work underway for both process and policy reviews.

#### Discussion

##### Implementation Date

The State Planning Commission (Commission) continues to work towards its implementation timeframe of late 2020 for the Phase Three Planning and Design Code (the Code). Noting, initially the commencement for Phase 3 was to occur in July 2020, earlier this year the legislation was amended to remove the commencement date, with a new timeframe indicated for September 2020. Recent correspondence from the Commission (refer to the correspondence section of this meeting agenda) has replaced this timeframe with "late 2020".

##### Phase 2 implementation progress

The following legislation and documents have recently been released for the impending commencement of Phase 2 and are expected to be applied to Phase 3 councils in due course.

On the 18<sup>th</sup> June 2020, the following were gazetted, to enable Phase 2 to come into operation on 31 July 2020:

- *Planning, Development and Infrastructure Act (Commencement) Proclamation 2020*
- *Planning, Development and Infrastructure Act (Designated Day) Proclamation 2020* - for purposes of clauses 29, 32(2), 33

Legislation and supplementary materials have been released to support the commencement of the Phase Two (Rural Areas) Planning and Design Code, these materials are relevant to Phase 3. All have been issued under the *Planning, Development and Infrastructure Act 2016* (PDI Act). These items are now publicly available and will assist in supporting future development assessment processes. The latest release includes:

- Amendments to the *Planning, Development and Infrastructure (General) Regulations 2017* to update referral bodies, information requirements and other miscellaneous matters.
- Amendments to the *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017* to provide councils until 1 July 2021 to make a Development Plan Amendment designating places of local heritage value, and to clarify transitional arrangements for Crown and Major developments.

- Amendments to the *Planning, Development and Infrastructure (Swimming Pool Safety) Regulations 2019* to clarify that swimming pools may not be filled with water unless the pool is enclosed with an appropriate safety barrier.
- Variations to State Planning Commission Practice Direction 3 (Notification of Performance Assessed Development Applications) 2019 to allow councils to determine the fee to place a notification sign on the land, only require one photo of the sign at the beginning of the notification period, and remove reference to an authority deeming an application minor in nature (notification exclusions will instead be incorporated in the Planning and Design Code).
- Commencement of several clauses from Schedules 6 and 8 of the PDI Act to support transitional arrangements and update references in other legislation.
- Updates to various forms under the PDI Act – Decision Notification Form, Application to Assessment Panel (for review of Assessment Manager's decision), Deemed Consent Notice, Statement of Compliance, Certificate of Occupancy, and Schedule of Essential Safety Provisions.

The release also includes the publication of three new Practice Directions:

- State Planning Commission Practice Direction 10 (Staged occupation of multi-storey buildings) 2020 – which ensures the staged occupation of a partially completed building takes place in a safe and coordinated manner.
- State Planning Commission Practice Direction 11 (Deemed Planning Consent Standard Conditions) 2020 – which prescribes standard conditions that will apply where deemed planning consent is granted.
- State Planning Commission Practice Direction 12 (Conditions) 2020 – which provides guidance on the imposition of conditions on development applications, and specifies conditions that must be imposed for certain classes of development.

The new PDI Act has introduced a number of changes to the way that building and construction is to be undertaken in South Australia, including the conversion of Minister's Specifications to Ministerial Building Standards. Three new Ministerial Building Standards have been published:

- MBS 008 – Additional requirements in designated bushfire prone areas
- MBS 009 – On-site retention of stormwater
- MBS 010 – Construction requirements for the control of external sound.

#### What We Have Heard Report

On the 17<sup>th</sup> June 2020, the Commission released *Phase Three of the Planning and Design Code: What We Have Heard Report* (WWHH Report), refer to **Attachment 1**. The report identifies that the Commission received 1790 written responses from councils, state agencies, industry practitioners and members of the community during the 5-month formal public consultation (1 October 2019 – 28 February 2020) on the draft Phase Three Code for the State's urban areas.

Phase Three Code WWHH Report details a high level summary of the responses, including

- A range of technical matters such as public notification requirements, the impact of overlays on deemed-to-satisfy pathways and the role of restricted development
- Consideration of zoning more appropriate to specific locations, particularly in relation to the suite of Neighbourhood Zones

- The impact of non-residential development in neighbourhoods and the role of Local Centre Zones
- Policy within the heritage and character overlays to guide new development
- The creation of additional zones and subzones to recognise strategic employment areas that have specialised functions or strategic value
- Potential improvements to the flood policy including the Hazards (Flooding) Overlay
- Residential infill policy including storm water management and urban heat island impacts as a result of infill development being more prevalent.

All of the above matters were reflected in the City of West Torren's submission.

The Phase 3 WWHH report does not go as far as to suggest how issues raised in the draft Code will be addressed, which the Commission acknowledges it needs more time to address. The Commission's final recommendations to the Minister for Planning, which will comprise technical detail regarding what was heard during consultation and the Commission's recommended changes to the Code will be published in a separate report. This will be forwarded to the Minister for Planning for consideration in making a final decision on the implementation of the Code.

#### Proposed Planning and Design Code Policy Refinement

The Department of Planning Transport and Infrastructure (DPTI) have commenced workshops aimed at local government planning staff to provide insight on potential refinements to the Code and respond to issues raised. On 19<sup>th</sup> June 2020 the Administration attended an invite only workshop along with planning staff from Marion, Charles Sturt, Holdfast Bay and Port Adelaide Enfield councils to hear how DPTI are proposing to refine the Code. These proposed changes as they relate to the City of West Torrens are as follows:

- Implementation of a new Established Neighbourhood Zone. It is proposed that this newly proposed zone would apply in lieu of the Suburban Neighbourhood Zone where Character Area or Historic Area overlays apply. Policy relating to the new zone has not yet been shared with the Administration.
- Refinement of the Housing Diversity Zone by including Technical and Numerical Variations for site area and frontage values. This may enable existing local policy contained within the Development Plan to be transferred to the Code policy rather than the generic policy proposed by the draft Code, which sought 70 dwellings per hectare.
- Implementation of a Local Centres Zone to better cater for land use, built form and scale within existing Local Centre Zones. This is due to their proximity of residential type zones and the possibility of opening these zones to larger scale development that may create interface issues and destabilise existing centres. The introduction of this zone seeks low-rise (1-2 storeys in height) and small scale convenience shopping, office, medical and community facilities to serve the local community.
- Refinement of the Employment Zone including, some name changes and the introduction of a new zone, the Strategic Employment Zone. The Strategic Employment Zone will provide for subzones particularly for areas that are of State or regional significance or have strategic infrastructure (e.g. waterfront/shipbuilding).
- Further refinement of flooding policy, including considerations on how to deal with flooding hazards across different assessment pathways and development types.



The proposed Code refinements shared by DPTI staff at the workshop appears to reflect some aspects of the Council's submission, although greater detail on the proposed policy changes remains outstanding. The flooding considerations also require further workshopping, drafting and professional input from technical specialists including engineers. DPTI staff have noted that the Commission have endorsed the above changes in principle, but the detailed proposed changes have not yet been formally endorsed by the Commission or considered by the Minister for Planning.

Policy issues and spatial application of other zoning raised in Council's submission remain outstanding and continue to be advocated for through CWT's allocated DPTI Council Liaison Officer and secondment of the Senior Land Use Policy Planner.

DPTI staff have advised that the Commission intend to hold Elected Member Briefings on the proposed Code policy changes at a future date.

### Business Readiness Activities

The Administration is currently working on business readiness activities, including reviewing existing processes, to ensure the City of West Torrens is ready to implement the Planning Reform from the 'go live' date. In total 94 processes have been identified that are impacted by the Planning Reform and changing legislation. CWT's Continuous Improvement Team has been engaged to ensure that the processes impacted not only capture changes to the planning system but also run as efficiently as possible. This review is well underway and aligns with an evolving business readiness checklist most recently released by DPTI on 18<sup>th</sup> June 2020 (**Attachment 2**).

A number of these changes will require Council's consideration of matters relating to the Council Assessment Panel, Building Fire Safety Committee, PDI Act delegations, etc. Reports will be presented to Council for consideration over the coming months.

As part of the City of West Torrens's preparation for the implementation of ePlanning, an opportunity arose to have the Senior Development Officer - APPS seconded to DPTI to undertake user testing of the Development Assessment Portal (DAP). During this time, the Officer has been able to test a multitude of functionality of the DAP and provide real world feedback. Upon their return to CWT, the Officer will provide in-house training to CWT staff. Access to the ePlanning system has been made available to the Administration for training and testing purposes and DPTI have begun releasing video tutorials on how to use the system. Access has also been provided to private sector accredited planning, building and industry professionals for external stakeholder familiarisation.

The City of West Torrens continues to be engaged in the development and implementation of the ePlanning systems through LGITSA and CWT's IT department.

DPTI staff have advised that a DPTI staffed helpdesk for IT and planning policy related queries will be available for everyone, including the public. DPTI staff have also indicated consideration is being given to providing printed materials for display at civic centre counters.

### **Climate Impact Considerations**

*(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)*

There is no direct climate impact in relation to this report.

## **Conclusion**

There is currently a considerable amount of work being undertaken at both State and Local Government levels to ensure that all stakeholders are business ready for when the new planning system 'goes live'. It appears that there is now an understanding that a considerable amount of work needs to be undertaken with regard to the final Planning and Design Code to ensure that it is refined and fit for purpose. Further training and education needs to be provided by DPTI on how the Code works and is to be interpreted. Whilst the timeframe for implementation is looming close, business readiness activities are ramping up at an ever increasing pace to keep up with implementation and many departments across the Administration are working proactively together to meet the yet to be announced go live date.

## **Attachments**

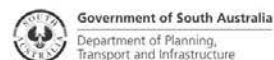
- 1. Phase 3 of the Planning and Design Code (Urban Areas) What We Have Heard Report June 2020**
- 2. Business Readiness Checklist Issue 1.2 - 18 June 2020**

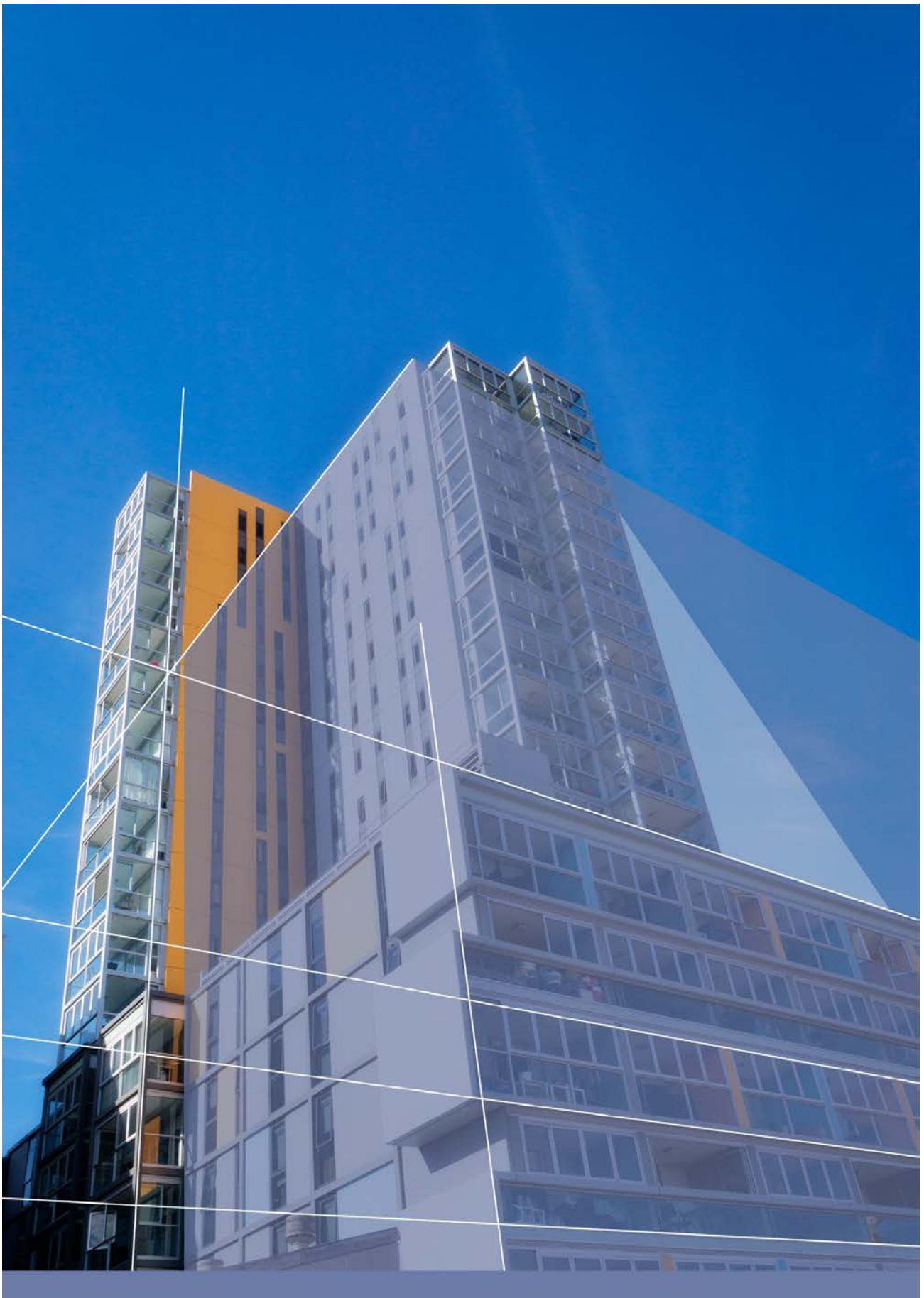
# PHASE THREE OF THE PLANNING AND DESIGN CODE (URBAN AREAS)

→ OUR  
NEW  
SYSTEM

What We Have Heard Report  
June 2020

[saplanningportal.sa.gov.au](http://saplanningportal.sa.gov.au)







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## Purpose of the Report

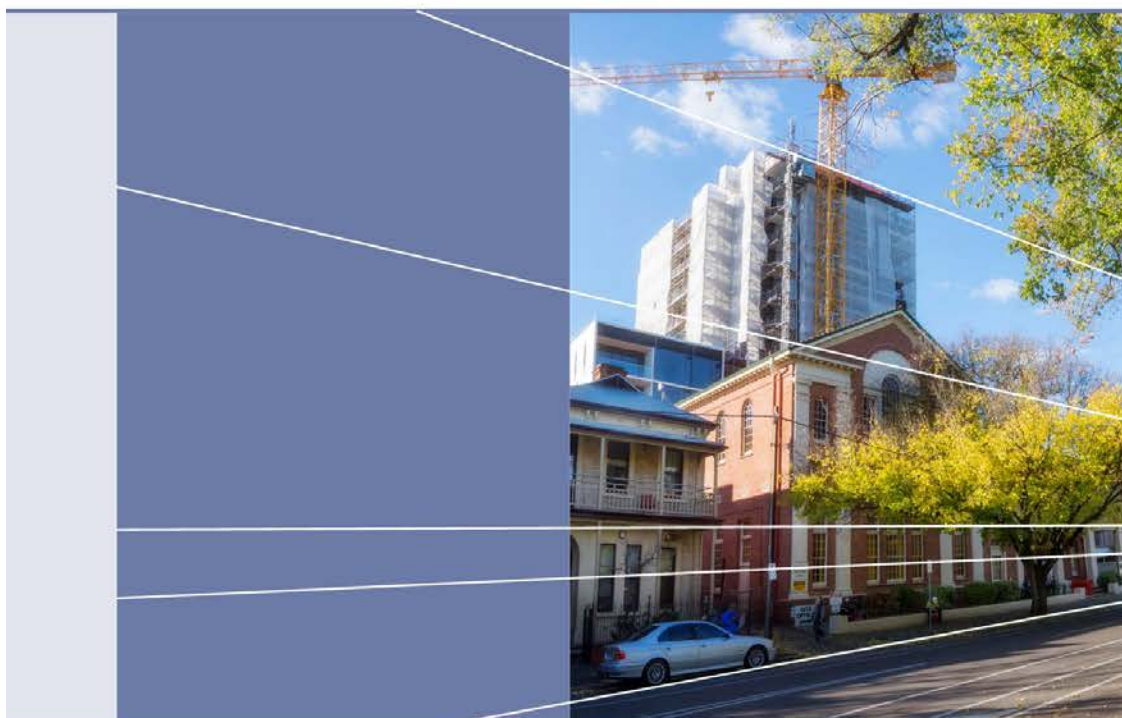
This report summarises the written responses received by the State Planning Commission on the draft Phase Three (Urban Areas) Planning and Design Code (the draft Phase Three Code). The Phase Three Code covers local government areas incorporating urban councils and councils with regional towns and cities in South Australia.

This report captures the key themes of feedback received in relation to the draft Phase Three Code, the methods of engagement used, the number and type of respondents who provided feedback, and important next steps.

The State Planning Commission acknowledges that some of the matters raised through the Phase Three Code consultation were also raised in the Phase Two consultation process. As such, you may find that some of these matters, particularly some of the more technical issues, have been addressed in the Commission's Community Engagement Report for Phase Two. However, the Commission will still consider all matters raised in Phase Three submissions in full, and recommend any adjustments as necessary. The Commission also released the Code Update Report in December last year. This did identify some opportunities for the improvement of the Code.

Feedback from the Phase Two consultation process, suggests that those that prepared submissions would have liked to see a summary of the issues raised as early as possible. As such, this report has been released to summarise the issues raised and does not at this stage make recommendations on how submissions have been addressed, which the Commission needs more time to work through. Given the significant interest in the consultation process, and volume of submissions, the Commission will consider this in its preparation of the Community Engagement Report.

The Commission's final recommendations to the Minister for Planning, which will comprise technical detail regarding what was heard during consultation and how the Commission believes the Code should be updated in response to this, will be published in a separate report prepared for the purposes of section 73 of the *Planning, Development and Infrastructure Act 2016* and *Practice Direction 2: Preparation and Amendment of Designated Instruments*. This will be forwarded to the Minister for consideration in making a decision and then be released on the SA Planning Portal.



## Role of the Planning and Design Code

The Planning and Design Code is the cornerstone of South Australia's new planning system and will become the single source of planning policy for assessing development applications across the state. The Code will replace all South Australian Development Plans.

The Commission is leading the implementation of the Code in collaboration with the Department of Planning, Transport and Infrastructure (the Department). The Code will be implemented over three consecutive phases, moving from less complex to more complex planning environments. This approach will allow the Commission to minimise risk and apply key learnings along the way, adjusting the deployment approach as required.

The three implementation phases are outlined below:



**1. Phase one** applies to land not within a council area (outback and coastal waters), and became operational 1 July 2019.



**2. Phase two** which will apply to rural areas, including small towns and settlements and will become operational in July 2020.



**3. Phase three** which will apply to urban areas, including large regional towns and cities and will become operational in late 2020.

Once in full effect, the Code will apply across the entire state and be made available to all South Australians via the SA Planning Portal at [www.saplanningportal.sa.gov.au](http://www.saplanningportal.sa.gov.au).



## Engagement Approach

### Community Engagement Charter

The process for creating or amending the Code is set out in the Planning, Development and Infrastructure Act 2016. Public engagement must be undertaken in accordance with the Community Engagement Charter. The Community Engagement Charter outlines a set of five key principles that must be taken into consideration when planning for and conducting consultation and engagement.

### Early engagement

The Community Engagement Charter was prepared to provide a more flexible approach to public participation in the preparation and amendment of designated policies, strategies and schemes in the new planning system. In the spirit of the Charter, public participation in the preparation of the draft Planning and Design Code included:

- Individual consultation processes for **four Technical Discussion Papers, five Policy Discussion Papers and six Policy Position Papers** released by the Commission to help guide the policy development and structure of the first generation of the Code
- A **Code Working Group** (established in early 2018) to assist with the development of the Code and consider planning policy related to medium density and mixed-use developments, residential neighbourhoods, employment lands and primary production. The working group comprised **45 council planners and private planning practitioners who met five times between May and November 2018**
- Regular meetings with the three **Ministerial Advisory Groups** – one focused on Local Government, another on the Development Industry and the final on Sustainability and the Community – as well as several **Industry Liaison Groups** especially established to test and provide advice in relation to draft Code policy content
- A series of **high-level symposiums** with planning professionals, thought leaders and community members to help guide policy development in relation to a range of issues, including car parking as well as Aged Care and Retirement Living
- Council Liaison Officers** were assigned to each council to assist in working through the transition from local development plans to the Code
- The State Planning Commission held **Council Elected Member and Community Group Leader Briefing series**
- What We Have Heard** reports were released for individual consultations related to Code development and are available on the SA Planning Portal.

- 01 Engagement is genuine
- 02 Engagement is inclusive and respectful
- 03 Engagement is fit for purpose
- 04 Engagement is informed and transparent
- 05 Engagement processes are reviewed and improved



Technical Discussion Papers



Policy Discussion Papers



Policy Position Papers



### Phase One: Outback Areas

Public consultation on Phase One of the Planning and Design Code was conducted between 5 February 2019 and 29 March 2019. During the consultation process, 58 written submissions were received. The draft Phase One (Outback Areas) Code amendment was prepared based on engagement with and input from the public, industry and the professional planning and development community during the statutory public consultation period for Phase One.

### Phase Two and Three Concurrent Consultations

In October 2019 a period of public consultation on the draft Code was released concurrently for Phase Two and Three. Specifically, Phase Two (Rural Areas) of the draft Code was on consultation for a period of eight weeks from 1 October 2019 to 29 November 2019, and Phase Three (Urban Areas) for a period of 22 weeks from 1 October 2019 to 28 February 2020. Releasing the draft Code concurrently allowed communities, councils and industry to see the whole of the draft Code for South Australia and how it will work.

### Phase Two: Rural Areas public consultation

During October and November 2019, **75 consultation events** were held with a range of stakeholders including councils, industry groups and community groups on the draft Phase Two Code for Rural Areas. In addition, feedback was received through a variety of methods including an 1800 Hotline, Planning and Engagement email accounts and the Government YourSAy website. In total 248 enquiries about the draft Phase Two Code were received through these mechanisms.

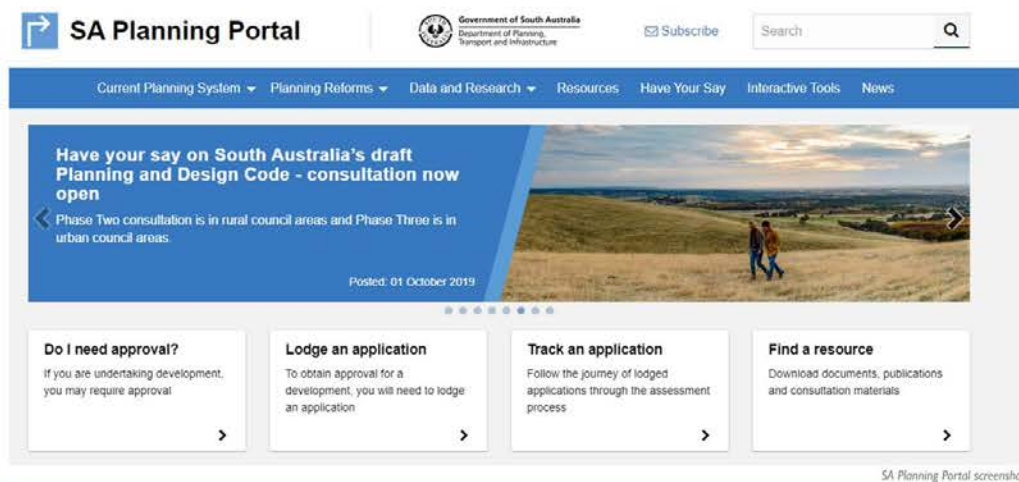
During the engagement period there were numerous opportunities for councils, industry practitioners and members of the community to engage with representatives from the State Planning Commission and Department staff to hear about the Phase Two draft Code and contribute to discussions on the planning policy for their communities.

### Phase Three: Urban Areas public consultation

Public consultation for the draft Planning and Design Code Phase Three (urban areas, including large regional towns and cities) was open for a period of **22 weeks from 1 October 2019 to 28 February 2020**. During the consultation, **189 consultation events** were held with a range of stakeholders including councils, industry groups and community groups. In addition, feedback was received through a variety of methods including an 1800 Hotline, Planning and Engagement email accounts and the Department for Premier and Cabinet's YourSAy consultation website. In total **1,110 enquiries** were received through these mechanisms.

During the engagement period there were numerous opportunities for councils, industry practitioners and members of the community to engage with representatives from the State Planning Commission and Department staff to hear about the Phase Three draft Code and contribute to discussions on the planning policy for their communities.





### SA Planning Portal

A dedicated *Have Your Say* page for the Phase Two and Phase Three consultations was established on the SA Planning Portal. There were a total of 12,600 visits to this page during the Phase Two and Phase Three consultation period, with **6,250** of those visits during the period when only Phase Three remained open for consultation (30 November – 28 February). The page featured the following information and resources:

- What's on consultation for Phase Two (rural areas)
- What's on consultation for Phase Three (urban areas)
- View the map of proposed zones and overlays
- Download guidance material (guides and fact sheets)
- Submit your feedback (online submission form)
- Attend an upcoming event.

### YourSAy

The Department launched a Planning and Design Code engagement site on 1 October 2019 on the Department for Premier and Cabinet's YourSAy consultation website. The aim of the YourSAy consultation page was to facilitate feedback on the draft Code. The page featured links to the following resources on the SA Planning Portal:

- Draft Planning and Design Code
- Guide to Draft Planning and Design Code
- Community Guide to Draft Planning and Design Code
- The YourSAy consultation page also included a live discussion board to engage with the public during consultation.

### Email enquiries

The Department's reform email address (DPTI.PlanningReform@sa.gov.au) was promoted during consultation to receive email enquiries from members of the public. Other Department email accounts (Planning Engagement, Planning Submissions and State Planning Commission email address) also received enquiries.

### 1800 Hotline

The Department launched an 1800 Hotline number on 1 October 2019 which was staffed during business hours. The hotline number (1800 318 102) received over **873 calls** during Phase Three consultation, which were documented in an enquiry spreadsheet.

### Promotional activities

To promote awareness of the consultation, advertisements were placed in regional and metropolitan newspapers, listing public information sessions and targeted at community members, industry practitioners, community groups and interested parties.

A total of **38 Phase Three Code advertisements** were published. Some advertisements were an open call to have your say on SA's new Planning and Design Code, others promoted at least one community information session if not several, and towards the end of consultation advertisements encouraged people to have their say before the close of Phase Three consultation on 28 February. All advertisements directed people to the SA Planning Portal for further information.

The Department's social media accounts as well as the Commission's LinkedIn account were used during the consultation period to promote the consultation activities.

Articles and information regarding the consultation activities were promoted via several e-newsletter and email distribution channels to internal and external stakeholders.

The Department also partnered with councils to create awareness within their communities about the sessions.

### Events

In total, **189 events** were conducted during the Phase Three Code consultation period, including events for Local Government, Community and Industry.

#### Local Government

A series of **43** information sessions and workshops for all Phase Three council CEOs, Mayors, Elected Members and **86** information sessions with planning staff were conducted to enable them to discuss and ask questions about the draft planning policies in the Code.

#### Community Events

In total there were **49** opportunities for members of the public to engage in discussions about the Phase Three Code. A series of **37** Phase Three Code community information sessions were hosted by the State Planning Commission and Department to enable South Australian residents (and planning professionals) to ask questions about the draft Code. In addition, **12** community events were hosted on specific Code topics such as heritage or the environment by individuals or organisations such as the Member for Badcoe, Member for Dunstan, National Trust, Adelaide Parklands Authority and Water Sensitive SA.

#### Industry Events

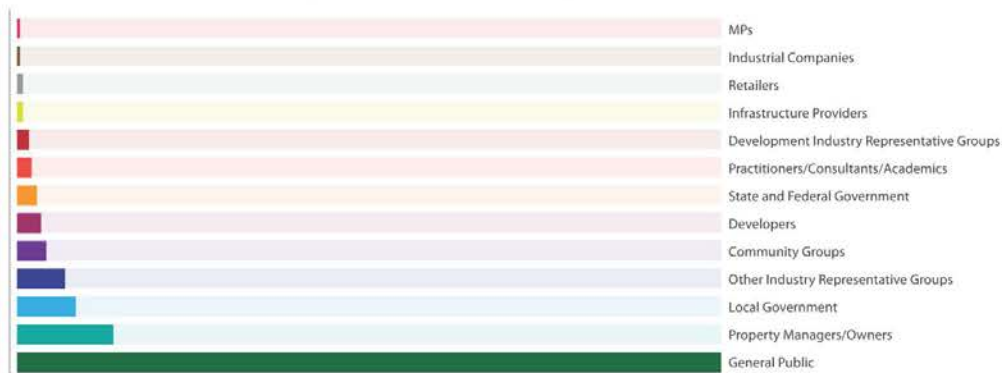
**11** key industry events were undertaken to educate industry and other professionals about the draft Phase Three Code and involve them in its development and adoption.

### Written submissions

During the consultation period, a total of **1,790 written submissions** were received in response to formal public consultation on the draft Phase Three Code for Urban Areas. Submissions were received via email and through an online submission form on the SA Planning Portal.

Representative Group	Total
MPs	2
Local Government	66
State and Federal Government	19
Development Industry Representative Groups	9
Other Industry Representative Groups	53
Developers	21
Property managers / owners	109
Retailers	4
Infrastructure Providers	4
Industrial Companies	2
Community Groups	29
Practitioners / Consultants / Academics	15
General Public	1446
Other	11

### Phase Three Submissions by Representative Group

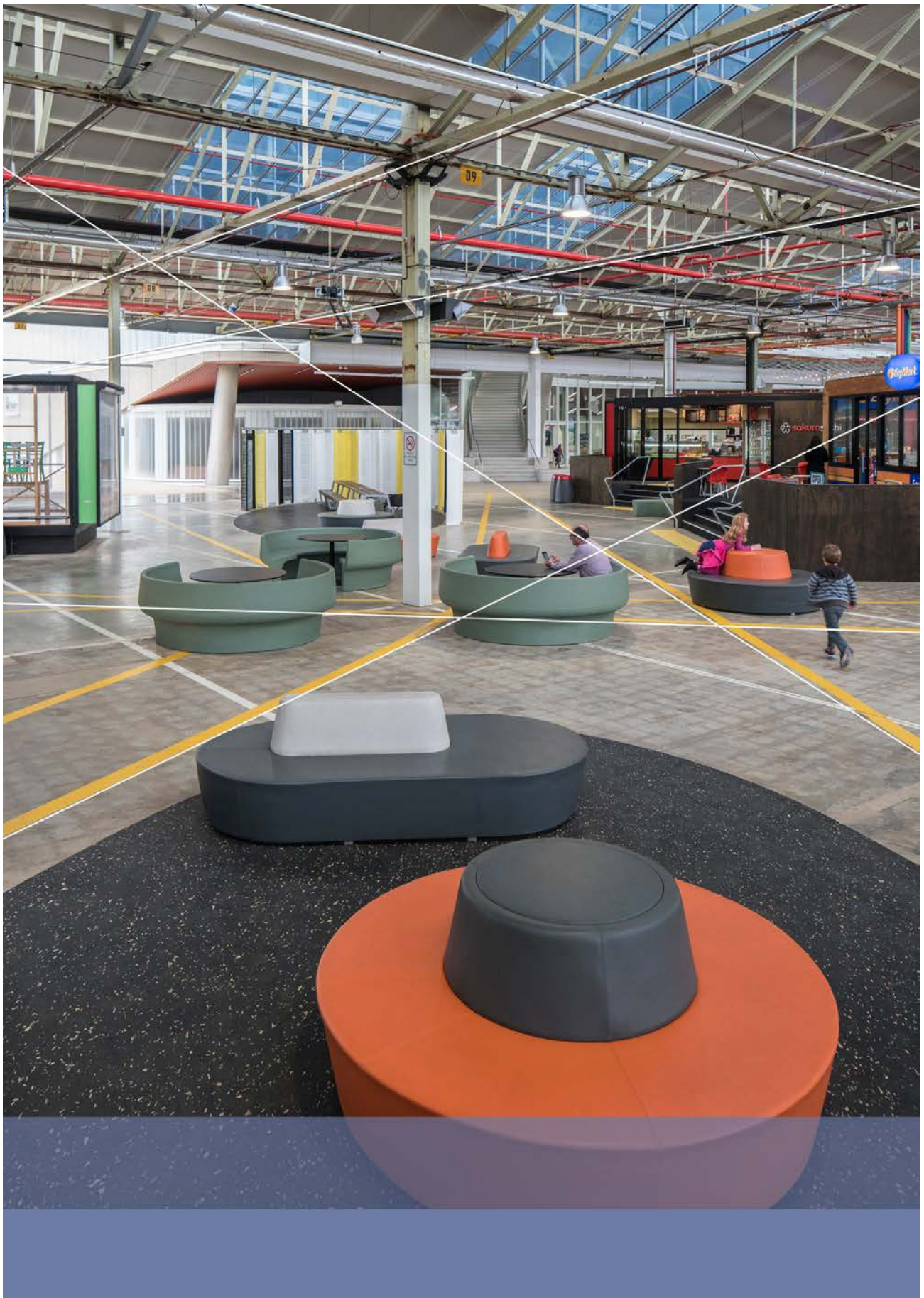


## Key Themes

A significant amount of feedback was received during the course of engagement on the draft Phase Three Code. Summaries and considerations have been organised in line with the following four key themes:

1. Engagement
2. Procedural and Technical Matters
3. Amendments to the Code Policy Library
4. Spatial Application and Mapping.







## I. Engagement

### Feedback on Engagement Activities and release of the draft Code

Submissions included feedback in relation to the engagement activities and materials provided to support the public consultation of the draft Phase Three Planning and Design Code.

The passage of the Code Amendment Act in 2020 and the time this provides to become business ready for the new system received wide support from respondents. However, some submissions included feedback that timeframes should be extended further to allow additional time for users to test, train and familiarise themselves with the new system – particularly in the ePlanning platform – before it comes into effect across the whole state.

Some submissions suggested the Code be re-released for further consultation to allow for an additional review of the amendments to the Code after this round of public consultation.

Respondents expressed difficulty in navigating the draft Code in a paper-based format, outside of an e-planning solution.

General feedback also identified editorial and formatting issues, as well as inconsistencies with terminology within the policies themselves, which many respondents keen to have these addressed and fixed before the Code goes live.

With regards to the engagement activities undertaken during the public consultation period, some respondents expressed disappointment in the promotion of community sessions, with some believing events had not been advertised widely enough nor with adequate time.



## 2. Procedural and Technical Matters

### Procedural and Technical Matters

Feedback about procedural and technical matters was not specific to particular Zones, Subzones, Overlays or General Development Policies, but was more general in nature around definitions, referral triggers, applicability of overlays, notification exemptions, and the Code's general structure/interpretation.

### Administrative Definitions

The inclusion of additional administrative definitions in the Code was sought to provide greater clarity and certainty in policy interpretation. Definitions suggested by respondents were broad and not confined to specific areas or themes of the Code.

General support was expressed towards the use of diagrams in the definitions and it was felt that this could be expanded to other definitions like building height, finished floor level, secondary street etc.

A variety of queries, opinions and suggestions regarding definition interpretation, gaps and enhancements were received including:

- Queries and suggestions regarding definitions contained in the PDI Act, such as adjacent land, adjoining owner and advertisement
- Concerns regarding the interpretation of 'soft landscaping' and that it should be replaced with 'living green landscaping'
- Refinement, improvement and request for further clarity in relation to a number of the built form definitions, including building height, building level, and that wall height may not capture certain architectural styles
- Terms such as total floor area and wall height should be simplified
- Private open space should not be encouraged in front yards as it does not provide good links to internal living spaces
- Greater clarity around the term 'habitable room' and whether it includes detached pool rooms, rumpus rooms or bedrooms.

Respondents also sought amendment to the definition of low density as it was considered too low, while some respondents observed that it was too high (it is noted that the density definitions are based on the current parameters set by *The 30-Year Plan for Greater Adelaide - 2017 Update*).

The definition of 'Medium Rise' was queried, as it anticipates up to 6 building levels, with respondents querying its application in various policies. Given this is a matter about policy application, it is discussed in further detail in the Policy Library section of this report.

### Concept Plans

A number of respondents identified various Structure Plans, Master Plans and Concept Plans that should be established or re-instated within the Code, particularly those that address unique desired character, focussed land uses, nuanced gradation of heights not relative to cadastre and future key infrastructure.

### Designated Performance Features

Various submissions observed a risk that designated performance features will be used as a minimum requirements in performance assessment. It was requested that clarification be provided that a DPF represents only one way that a performance outcome can be satisfied.

## Land Use Definitions

General support was expressed for additional accommodation land use definitions— specifically around tourist accommodation and ancillary accommodation. Many respondents identified opportunities to improve the definition for detached, semi-detached and row dwellings due to the wording restricting dwellings and requiring land division approval prior to dwelling assessment.

Respondents suggested additional definitions be included in the code particularly where the common meaning was considered to be unclear. Some respondents felt that known ancillary uses should be added to definitions. It was suggested that this would benefit policy interpretation and would help relevant authorities when determining the 'nature of a use' at the application stage.

Other comments / suggestions included:

- Reinstatement of definitions that haven't been carried over from the current Development Regulations/ Development Plans into the code, e.g. multiple dwelling, service industry, nursing home, amusement machine centre, adult entertainment premises, adult product and services premises, etc
- Refinement of definitions to include additional 'inclusions' and 'exclusions'
- A variety of queries, opinions and suggestions regarding definition interpretation, gaps and enhancements, including:
  - Confusion about the use of both residential flat building and apartment in the Code
  - That restaurant should be a stand-alone definition – separate from shop
  - Where definitions link with other legislation – hyperlink that legislation
  - Commentary around the various rural definitions including suggested improvements, observations, operational aspects and requests for further clarity
  - Concerns about the allowance of 250m<sup>2</sup> of retailing in the definition of industry
  - Various suggestions, improvements and requests for clarification in relation to the definition of renewable energy facility, including clarity around small to medium scale facilities
  - Definition of retirement facility should be replaced with retirement housing and redefined to broaden its scope
  - Providing definitions for terms where some guidance is necessary to assist policy understanding (such as licenced premises and licenced entertainment premises)
  - Avoiding using terms that could be covered by an already defined activity (e.g. apartment), or provide a definition if the term is necessary
  - The need for care around the use of related defined activities in a zone such as shop and restaurant to avoid unintended outcomes.





## Definition of detached/semi-detached/row dwellings

Feedback on the Phase Three Code echoed concerns received on the Phase Two Code regarding the definition of detached, semi-detached and row dwellings including the term 'site that is held exclusively with that dwelling'. It was observed that such wording, in practice, requires land titles to be created for a dwelling to satisfy that definition (so the form of a dwelling can be the same but its definition changes as soon as boundaries are registered with the Land Titles Office). To enable a more pragmatic on-ground approach to dwelling definitions, it is recommended that the Code allow dwellings to be classified according to their physical layout/design, and not rely on a point in time when land boundaries may be created. To do this, it should be clarified that a dwelling's 'site' is not reliant on land division or land titles. The Commission recommends replacing the words 'site that is held exclusively with that dwelling' with 'comprising 1 dwelling on its own site' or similar.

### Overlays

A range of stakeholders raised concern that overlays would unreasonably restrict deemed-to-satisfy (DTS) pathways. A review was recommended to remove the unintentional reduction in accepted or DTS pathways due to the existence of overlays for simple developments such as housing, outbuildings, fencing, verandahs and pools.

Particular concern was raised around the following overlays preventing DTS pathways:

- Building Near Airfields Overlay
- Hazards (Bushfire - Urban Interface) Overlay
- Sloping Land Overlay
- Noise air emissions.



## Impact of overlays – Phase Two amendment

The impact of overlays unreasonably restricting deemed-to-satisfy or accepted pathways was identified by a range of stakeholders in both the Phase Two and Three Code consultation. The Commission responded to this concern in Phase Two by recommending that a review be undertaken to remove the unintentional reduction in accepted or deemed-to-satisfy pathways due to the existence of overlays for simple developments such as housing, outbuildings, fencing, verandahs and pools.



## Sloping Land overlay

Consistent with feedback on the Phase Two Code, it was observed that the Sloping Land Overlay may unreasonably prevent deemed-to-satisfy pathways. In addition, sloping land is not captured in the overlay in all cases. As such, the Commission recommends that the Sloping Land Overlay be deleted, subject to inclusion of more accurate and relevant site gradient data. In the absence of an effective Overlay for slope, General Development Policies should apply policy content regarding cut and fill, retaining walls, driveway gradients and the like to replace the content of the Sloping Land Overlay.

### Public notification

A range of submissions from different stakeholders raised concern that public notification triggers appear to require more public notification than occurs under the Development Act 1993, which should not be the case where development is of a minor nature or anticipated by the zone's policies. Particularly concern was raised in relation to requiring notification where 'site of the development is adjacent land to land in a different zone', observing this could trigger notification of low-impact land uses adjacent high-impact zones (e.g. a dwelling adjacent an industrial zone).

A number of submissions observed that the demolition of heritage items should be notified and that public notification should be required where a development fails to meet the planning rules.

### Public notification - Phase Two amendment

Feedback on the Phase Two and Three Code was generally consistent in relation to public notification exclusions. The Commission has responded to these concerns in the Phase Two feedback and recommended that public notification tables be improved across all zones to be clearer about types of performance assessed development that are excluded from notification, and align these tables with the following key principles:

- List specific classes of development that are excluded from notification, instead of excluding all development and listing the exceptions
- Specify that development that is minor in nature, in the opinion of the relevant authority, does not require notification
- Exclude minor/low impact development envisaged in the zone from notification (including classes of development specified in accepted and deemed-to-satisfy tables), provided they do not exceed building height/interface criteria
- Generally exclude uses that are envisaged in the zone from notification, except where exceeding building envelope parameters, or where higher impact non-residential zones land uses are located adjacent to a dwelling in a neighbourhood zone.



### Referrals

There was strong feedback from a number of stakeholders regarding referrals where the prescribed body would have the power of 'Direction', and concern that this could compromise certainty in the assessment process. Particular concern was raised in relation to the following referrals:

- Affordable housing: should be dealt with through standard conditions rather than a referral
- Native vegetation: If power of direction is maintained, it should also require the Native Vegetation Council to grant approval under the Native Vegetation Act. If not, referral should be for advice only
- Site contamination: Concern around the excessive need for site contamination consultants, over-requirement for site audits and preliminary site investigations, and EPA power of direction.

Further information on these matters can be found in the relevant Overlay/General Development Policies discussion in this report.

### Restricted development

Some stakeholder groups observed that there are fewer classes of development classified as Restricted development than there are classes of development categorised as non-complying Development Plans, and requested existing non-complying lists be transitioned into the Code.

Contrastingly, other feedback recommended that Restricted development lists be rationalised, suggesting that where Restricted development classification is intended to provide a state-level assessment, this could be more appropriately achieved in the Regulations rather than the Code (given that Restricted development enables third party appeal rights).

Separate to Restricted development, a range of stakeholders identified a lack of policy to assess undesirable development that is not envisaged in a particular zone.

### 3. Amendments to Policy Library

#### People and Neighbourhoods

#### Residential

A high number of submissions relating to residential development were received. A significant number of submissions related to the appropriateness, or otherwise, of the proposed zones and overlays, and a wide range of zoning amendments were proposed.

A summary of the different stakeholder groups' feedback followed by the key issues raised is listed below:

##### Local Government Feedback

Council submissions were detailed in relation to a range of matters affecting residential development. There were numerous suggestions about how the Code could be improved in relation to building design, siting, water sensitive urban design, density, car parking and a range of other detailed matters. In many cases, councils sought stronger alignment between the Code and the policies within their existing Development Plan. Submissions also raised concerns around battle-axe development. It was suggested that policy needed to be more nuanced between regional and urban areas.

##### Development Industry Feedback

Responses received from the development industry, including development advocacy associations and private developers, suggested ways the Code could address infill development, requested greater consistency in the application of zoning to new residential "greenfield sites" and recommended policies that enable greater density on large-scale infill projects.

##### Community Feedback

Community submissions emphasised the importance of preserving urban tree canopy and expressed support for new soft landscaping and tree planting requirements in the Code, but expressed concern that site dimension provisions [from which infill density is derived] are not compatible with tree canopy protection and biodiversity goals.

Community associations raised concern with application of the General Neighbourhood Zone throughout the state, as it was considered too generic and contrary to existing zoning, leading to adverse impacts on amenity. It was also observed that setbacks in the General Neighbourhood Zone should be increased as they should allow for installation for standard wastewater systems.

It was requested that privacy treatments be provided to a height of 1.7m above floor level rather than 1.5m.

Objection was expressed to contemplation of non-residential uses in neighbourhood zones, with concern it will result in increased noise, parking congestion, traffic, loss of trees, impacts on residential amenity, and place pressure on already struggling commercial centres by drawing activity away.



## Key Issues

### An Urban Centric Response

Submissions expressed a view that the Code is largely urban-centric and requested additional policy which guides development in rural, regional and township settings. A number of submissions noted that this could be achieved by allowing for discretionary local specific policies or Technical and Numerical Variations (TNVs), thereby reflecting the differences of local places and context.

### Battle-axe Developments

Some submissions raised concern in relation to battle-axe development. It was observed:

- The Code opens up the potential of battle-axe subdivision more than is currently available in some Development Plans. Concerns focussed on retention of allotment patterns, privacy, streetscape and bulk and scale impacts
- Vehicles accessing the site should be able to enter and exit in a forward direction
- The Code does not seek to limit the height of dwellings on battle-axe allotments any further than a regular allotment, which is contrary to some development plans which limit these dwelling to single storey. If two-storey dwellings are permitted on battle-axe sites, overlooking, overshadowing, bulk and scale impacts are exacerbated.

Some respondents requested minimum lot sizes be increased for battle-axe allotments, whereas the others requested that lot sizes for group dwellings (in battle-axe arrangement) be decreased.

### Deemed-to-satisfy development

Multiple submissions requested that dwelling additions be excluded from the deemed-to-satisfy pathway where Character or Historic Area overlays apply.

Additional policies were requested to apply to deemed-to-satisfy ancillary accommodation, including site coverage, setbacks, materials consistent with associated dwelling, and limit to single-storey.

Other submissions requested additional deemed-to-satisfy pathways for group/battle-axe dwellings, as well as fences and retaining walls.

### Density and Dwelling Types

A wide range of policy amendments were suggested to improve the way the Code addresses residential infill development, including:

- Requests to transition current site dimensions from Development Plans into the Code through Technical and Numerical Variations
- Some requested the minimum site dimensions be increased in the General Neighbourhood, particularly for row dwellings, battle-axe dwellings and dwellings on sites with steeper land gradient. Alternatively, others requested policy encouraging increased densities/building heights/smaller allotment sizes in appropriate locations, as well as smaller allotment sizes for two storey dwellings and group dwellings
- Submissions queried the density permitted in the Housing Diversity Neighbourhood Zone. Given it will replace Medium Density Policy Areas, the lowering of allotment sizes to 70 dwellings/hectare (e.g. 143m<sup>2</sup> minimum net site area per dwelling) with 3m front setback was observed to represent a significant departure from the existing policy. Some submissions also requested minimum frontage widths apply to sites in this zone
- Other forms of dwellings (e.g. Fonzie flats) should be encouraged.

### Design and setbacks of Infill Development

Submissions argued for stronger design policy to be included to support *The 30 Year Plan for Greater Adelaide* targets to provide high quality infill development within the established urban footprint.

It was observed that design requirements for larger scale development appear more considered than those for smaller scale development, which is a concern given that the majority of development in existing residential areas will be at the 'infill level'. It was recommended further consideration be given to good urban design principles for all infill development, regardless of the intended zone, with a greater emphasis on existing built form character and amenity.

Others requested that the General Neighbourhood Zone policy have regard to existing streetscape character, which should also be reflected in setback criteria.



While requirements for soft landscaping and tree planting in infill development were generally supported in submissions, it was observed tree planting may not be feasible in higher density zones which anticipate front setbacks <3m.

### Exclusion of Uses

Many respondents raised concern with the number of development classes classified as Restricted. Presently the 'non-complying' lists in the various residential zones in Development Plans are extensive and provide guidance on development that is not envisaged within a zone. Some expressed concern that there insufficient policy in neighbourhood zones to support the exclusion of undesirable uses.

It was suggested that industry, particularly General Industry and Special Industry, be identified as Restricted in all neighbourhood zones.

### General Residential 'Infill' Policy

A number of groups sought specific amendments relating to residential development in the Design in Urban Areas General Development Policies (Part 4) of the Code. These include:

- Some considered rainwater and stormwater retention policies an over-regulation which will add to the cost of houses, and is of limited relevance in greenfield/master planned developments. Alternatively, other submissions requested the size of rainwater tanks be increased, particularly to provide for on-site stormwater detention
- The requirement for soft landscaping was considered too great an area by some submissions, whereas others expressed strong support for the requirement and requested the policy be strengthened
- A large number of submissions expressed support for tree planting policies to assist in enhancing the urban tree canopy, while others raised concern that the requirements to provide trees to front yards may jeopardise the design and construction of new homes and lead to increased housing costs
- Provisions limiting garage/carport width to 50% of frontage width were observed to prevent the option of building a home with a double garage on a 10m wide block, which is popular with entry level house land purchasers. Conversely, other feedback requested to further restricted the width of garaging to 30% of a site's frontage
- Policies that seek to improve the quality of infill residential development were not considered relevant or needed in greenfield and major infill development scenarios, such as in the Master-planned Suburban Neighbourhood, Housing Diversity, Urban Renewal and Greenfield Suburban Neighbourhood zones
- Window area of 2m<sup>2</sup> minimum was considered by some too prescriptive and could have impact on energy efficiency and design, while minimum room width of 2.7m could have impact on internal design for narrow blocks
- The requirement for 3 minimum design features to the front elevation from 4 possible alternatives for single storey dwellings considered too restrictive and may create repetitive streetscapes
- The requirement for sites with a frontage of 12m or less to have an access point to a road not exceeding 3.2m in width was seen by some to be too restrictive because it would not allow for a double garage on such sites due to insufficient manoeuvring room
- Proposed minimum internal garage widths of 3.2m (single garage) and 6.0m (double garage) and length 6.0m were identified as exceeding current standard housing designs and Australian Standards guidance
- Concern the policy requiring finished floor level of a dwelling 300mm above the top of the kerb unnecessarily excludes a large number of dwellings from a deemed-to-satisfy assessment that may show an appropriate solution to dispose of stormwater
- Some suggested a single private open space (POS) figure of 24m<sup>2</sup> would be appropriate for most residential infill development (except apartments and some very small terrace housing). Other submissions raised concern that the minimum dimension of POS were too small, and emphasised that POS should not be encouraged forward of a dwelling.

### Housing Renewal

It was observed the deemed-to-satisfy residential development or performance assessed residential development by the South Australian Housing Trust or registered Community Housing providers does not need to satisfy any zone/subzone provisions, and only needs to comply with 'Housing Renewal' General Development Policies. It was recommended that policy be included to ensure consistency with the assessment of other residential developments that are assessed against the relevant provision of the particular zone.

### Impact of Overlays

Amendments were sought to the overlay provisions to avoid unnecessarily increasing the number of residential developments that require performance assessment. For example, the application of Overlays within the General Neighbourhood Zone precludes many 'minor' building works (such as carports, outbuildings, shade sails, swimming pools, verandahs, water tanks) from being categorised as Accepted Development. It was requested that Overlays not be listed as exceptions to a deemed-to-satisfy pathway, but rather compliance with deemed-to-satisfy requirements within the Overlay should apply.

### Land Divisions

Stakeholder groups raised the relationship between the land division process and the assessment of new dwellings.

Once a land division is approved (potentially with allotments that are smaller than the minimum lot size for the relevant zone), then a subsequent dwelling should be able to be deemed-to-satisfy if it meets other relevant deemed-to-satisfy policies.

Similarly, submissions raised that built form applications (such as two or three dwellings on one existing allotment) may be deemed-to-satisfy in many residential type zones, yet the land division application to create the titles needs to go through performance assessment. It was suggested the land division could be dealt with on a deemed-to-satisfy basis where it follows and corresponds with an approval for built form.

## Land Division

The Commission has previously recognised the need for expanded deemed-to-satisfy land division opportunities. In relation to the Phase Two Code, the Commission recommended that a deemed-to-satisfy pathway be provided for residential land divisions that relate to an approved dwelling development or a land division combined with an application for dwellings.



### Non-residential development in neighbourhood zones

Many submissions raised concerns about non-residential land uses such as shops, offices and educational establishments being contemplated in residential areas. Allowing non-residential uses was observed to impact on traffic, parking, noise, amenity and character. It was also asserted that allowing shops, office and consulting rooms up to 200m<sup>2</sup> on arterial roads could potentially affect the value and viability of existing centre zones and result in 'out of zone strip development' on arterial roads.

It was recommended that existing non-complying triggers for non-residential development be rolled-over into the Restricted lists in neighbourhood zones.

### Public Notification

Some submissions noted that public notification would be required where the site of a proposed development is adjacent to a zone boundary, resulting in unnecessary public notification where two similar zones meet (e.g. where a dwelling is proposed on a boundary of a Suburban Neighbourhood Zone and a Residential Neighbourhood Zone, public notification will be required despite the consistent residential themes). It was recommended that public notification only be required where development is on the boundary of zones that are in conflict with each other.

### Retirement Living

A number of submissions noted that retirement villages were not contemplated in all neighbourhood zones and that there was inconsistency in how they are envisaged in each zone. An opportunity is seen to exist for retirement facilities to be deemed-to-satisfy in all neighbourhood zones.

Various submissions noted there was no definition for 'Residential Aged Care Facility (RACF)' or 'nursing home' even though there is reference to these land uses within the Code. Although a RACF could fall under the definition of 'Supported Accommodation', given the future need for additional aged care places and the unique complex nature of an RACF, these submissions requested that the Code incorporate a specific definition for a RACF.



### Significant Development Sites

A number of submissions across a range of sectors requested that larger scale infill projects (on sites of perhaps 4000sqm or more) within the Suburban Neighbourhood, Urban Neighbourhood, Urban Renewal Neighbourhood, Residential Neighbourhood and General Neighbourhood Zones should have catalyst/strategic site policies that contemplate greater density internally within a site on the proviso that interface issues are satisfactorily addressed to realise community benefit in terms of design quality, community services, affordable housing provision and/or sustainability features.

### Site coverage

A number of submissions observed that dwellings approved through ResCode under the current system can be up to 60% (total roofed area), limiting the ability to build ancillary verandahs, outbuildings etc in the future. It was recommended that a two part requirement for site coverage be provided (e.g. 50% for the dwelling footprint, 60% for other roofed area including verandahs, outbuildings, etc.).

A site coverage of 70% was recommended to apply in the Housing Diversity Neighbourhood Zone.

### Un-sewered areas

Additional policy was recommended in neighbourhood zones to require wastewater-generating development to be connected to SA Water mains sewer if it is to qualify for the deemed-to-satisfy pathway. Some argued that performance assessed development should also meet such a requirement.

### Zoning for Greenfield sites

A number of submissions sought greater consistency in the application of zoning to major developments of new residential "greenfield sites". New homes within these developments should be exempted from requiring planning consent, but rather should be classed as accepted development and approved via a Building Surveyor/Private Certification system.

The design outcomes should be negotiated at the precinct structure stage thereby negating the need to duplicate the approval process through subsequent applications for planning consent. This streamlining of the process will reduce red tape and time and provide a more cost effective solution.

A large number of submissions relating to this issue requested that major master-planned developments should be included in the Greenfield Suburban Neighbourhood Zone.

## Heritage + Character

Feedback received on the Heritage and Character content of the draft Planning and Design Code primarily related to the retention of contributory items and the merit of including additional policy within the suite of heritage and character overlays to guide new development in areas covered by these.

### Local Government Feedback

The reinstatement of contributory items was a key outcome sought by a number of councils.

Many councils expressed concern about the demolition tests within the Historic Area Overlay. A large number recommended the removal of – or otherwise significant alteration to – the 'economic' test for demolition. Several councils also sought changes to the demolition tests to place more emphasis on a larger building envelope as opposed to simply the primary façade as visible from the primary street frontage. To that end, some councils suggested reference be made to particular building depths (e.g. front rooms including roof form), or to primary and secondary frontages, or to the building envelope as a whole. Changes were also recommended to ensure that a building being obscured by vegetation or a fence was not justification enough to warrant demolition.

One respondent council was of the view that there is a significant risk of losing historic buildings in the council area as these are oriented on sites to maximise views of the hills, thus often the rear of the building presented to the primary street frontage.

In relation to Historic Area Statements and Character Area Statements, many councils requested that numeric provisions relating to setbacks, frontages, wall heights (as opposed to storeys) and allotment size (particularly in those locations where no Technical and Numerical Variation applies) be included. Some councils also made suggestions for additional subject rows in the table, including roof form, and provided additional content for inclusion.

Some councils also expressed a preference for listing of elements within tables, rather than condensed paragraphs, for ease of reading. One council suggested numbering the provisions within the tables to enable cross-referencing within planning reports.

Some councils sought clarification and definition of terminology used within the various overlays, including 'minor', 'irredeemably beyond repair' and 'unacceptable risk to public or private safety'. In relation to the latter, one council sought clarification as to how this would be determined, and recommended there be a requirement for expert engineering advice.

A number of councils sought amendments to Local Heritage Place listings in order to reflect demolitions, land divisions and other alterations.

A number of councils provided suggestions for specific amendments (via track changes) to the various overlays to address identified policy gaps, improve clarity and in some cases, alter policy intent. A small number of councils also suggested amendments to policy to better address less consistent historic streetscapes (e.g. within townships/ commercial areas).

A small number of councils recommended consideration be given to linking the Code to the Burra Charter and ICOMOS (International Council on Monuments and Sites).

### Development Industry Feedback

Very few submissions on heritage and character content were received from the development industry.

Some concern was raised about the extent of the State/Local Heritage Place and State Heritage Area Overlays, and the implications this could have on non-listed properties. One submission sought to ensure the extent of these Overlays is adjusted when land division occurs, particularly when associated with the subdivision of super lots.

Some comments were made about the need for flexibility to enable the development of transmission infrastructure near heritage places/areas.

### Community Feedback

Many community submissions sought the reinstatement of contributory items into the code, and generally requested further detail be provided in the Historic Area Statements/Character Statements. Many also expressed some confusion as to how the Statements are intended to work, and sought formatting amendments to improve readability.

A small number of submissions sought expansion or reduction in the application of the Historic Area Overlay:

- Port Elliot and Waterport – expansion
- Middleton – expansion
- Gawler (Town Centre) – reduction
- Glen Osmond Road – reduction
- Aldinga (Eco Arts Village) – reduction.

Some submissions sought additional heritage listings (State and Local), whereas others sought removal of listings or alterations to the extent of listing.

A large number of submissions expressed criticisms of the public consultation process, including the later release of the Historic Area Statements/Character Area Statements and associated notification of such.

Some submissions raised concerns about the requirements for expert advice to inform development applications, as outlined in the draft Practice Guideline. Many of these questioned the impartiality of expert heritage/structural engineering advice when sought by applicants, and some suggested the establishment of an independent body to provide an impartial review of applications. Others noted the additional costs to both applicants and councils when expert advice is sought, and recommended the establishment of a fund to assist with these (and other heritage) costs.

A small number of submissions suggested that heritage assessment reports (ie. listing data) be electronically linked to each Local Heritage Place within the system, to ensure councils and applicants have access to all relevant information associated with the property.

A small number of community groups suggested specific amendments (via track changes) to the overlays to address identified policy gaps, improve clarity and in some cases, alter policy intent.

Some submissions recommended that the Burra Charter and ICOMOS be built into the system, by way of policy references and/or accreditation requirements.

A small number of submissions sought a strengthening of language within the demolition policy for Local Heritage Places to ensure an emphasis on retention, for example "should" and "must".



## Key Issues

### State Heritage

Several submissions considered that the State Heritage Area Overlay is too generic and does not contain policy to appropriately address local circumstances. Respondents recommended the inclusion of Historic Area Statements (or similar) for each of the 17 State Heritage Areas, or otherwise suggested providing links to the various Guidelines prepared and used by Heritage SA to inform the Development Assessment process. It was suggested that Statements of Significance be included to articulate the historic values of each area.

A number of submissions from a range of stakeholder groups flagged a lack of specific policy guidance in both the State Heritage Place and State Heritage Area Overlays for new development and its finished appearance, including form, size, proportions and materials (including what's not appropriate). Several submissions referred to the guidance of existing Heritage SA documents.

Some respondents suggested that more policy guidance was required around adaptive reuse and other development concessions. Some considered that further guidance was required at the zone level (in relation to appropriate uses) rather than within the overlay itself.

The change in referrals to give the Heritage Minister the power of direction within the State Heritage Place and State Heritage Area Overlays was generally supported, however, a small number of submissions raised concerns and sought to have more local input on decision making.

### Local Heritage

Some submissions considered the Local Heritage Place Overlay to be too generic and also considered that more emphasis needs to be placed on conservation/retention of places. A number of submissions provided specific suggestions to reword policies to improve clarity, address gaps or to otherwise strengthen the policy intent.

Several respondents also recommended changes to the demolition policies within the Local Heritage Overlay to ensure the focus is first and foremost on retention, and to prevent deliberate neglect becoming a means to gain demolition approval.

A number of submissions from a range of stakeholder groups flagged a lack of specific policy guidance for new development and its finished appearance, including form, size, proportions and materials (including what's not appropriate).

Several respondents suggested that more policy guidance is required around adaptive reuse and other development concessions. Some considered that further guidance was required at the zone level (in relation to appropriate uses) rather than within the overlay itself.



## Historic Areas

A large number of submissions from local government, heritage professionals and the community sought the reinstatement of contributory items, with many in support of the approach taken in NSW and Victoria and/or the legal advice provided by Norman Waterhouse Lawyers. The general sentiment was that removal of contributory items would result in longer assessment processes, increased cost, less certainty, more litigation and significant erosion of historic values across the state.

Many submissions across stakeholder groups raised concerns in relation to the proposed demolition controls within the Historic Area Overlay. In particular, it was considered that the 'economic test' is an inappropriate consideration in planning and is open to manipulation. In addition, it was considered that there was too much emphasis on the front façade and its visibility from the street, which could result in the loss of key building attributes (such as chimneys and roof form, side/rear elevations where visible from the street) and demolition of historic buildings which are screened by vegetation or fences. There was a strong sentiment in submissions that the two above points will result in a weakening of heritage protections in historic areas.

In relation to the Historic Area Statements, many submissions supported the intent, however, raised concerns about the content and level of detail provided. Some respondents called for a complete rewrite of all Statements and re-consultation, whereas others were generally supportive of the drafts subject to the inclusion of specific content. Key 'gaps' identified included:

- A lack of 'future-facing' policy to guide built form of new development, for example, restricting the use of zincalume, site coverage, bulk and scale, and general design. Some submissions sought the incorporation of diagrams, or design guidelines based on existing tables in some Development Plans
- A lack of policy about the siting, design and bulk of vehicle access points, carports and garages
- An absence of specific numeric parameters for front and side setbacks, as well as other land division considerations including reinforcement of traditional patterns.

There was mixed feedback in relation to the need or otherwise for including historical background/context within the statements.

Some respondents commented on the formatting of the Statements, requesting table headings and numbering of provisions (or rows) within the tables, and raising concerns about mapping.

## Character Areas

A small number of submissions sought to have demolition control introduced into the Character Area Overlay, including in relation to large trees and gardens.

Feedback provided on the Character Area Statements was generally consistent with that provided on the Historic Area Statements discussed above.

Similar to the above, some submissions considered the overlay to be too generic and considered it does not provide sufficient guidance for new development.

## Other issues

Many submissions across the stakeholder groups highlighted concerns about the loss of public notification and third party appeal rights within all of the heritage and character overlays, particularly in relation to demolition. Notification triggers have been improved as a result of consultation on Phase Two.

A number of submissions sought to have additional detail and/or terminology clarified in the (draft) Practice Guideline (Interpretation of the Local Heritage Places Overlay, Historic Area Overlay and Character Area Overlay) 2019. Some submissions also sought the inclusion of guidance on the interpretation of the two State Heritage overlays.

Some submissions suggested the mapping of National and Commonwealth Heritage in the Code, in order to flag referrals to the Commonwealth Government. A couple of submissions also suggested the mapping of Aboriginal Heritage.

Some submissions raised concerns about the extent of the State Heritage Place and Local Heritage Place Overlays capturing non-listed properties. This issue has been resolved through the introduction of the Heritage Adjacency Overlay as part of Phase Two.

One submission highlighted the need for flexibility when it comes to transmission infrastructure, noting that it is often required to be located near heritage places/areas and yet is rarely compliant with the values, heights or materials of these places/areas. Conversely, some councils sought greater control (and notification) over the development of such infrastructure near heritage places/areas consistent with existing controls, with one council seeking to have such development Restricted (particularly in State Heritage Areas).



## City and Urban

The City and Urban Zones apply within the City of Adelaide and some transit corridor locations in inner and middle metropolitan Adelaide. The majority of these zones are contemporary having been introduced or reviewed relatively recently (notable exceptions to this are the City Park Lands Zone and the institutional part of the City Riverbank Zone [i.e. east of King William Street], where the current zoning applying to these locations is long standing), and therefore primarily focuses on the more detailed aspects of policy transition to the Code.

## Local Government Feedback

The desire for parts of existing Desired Character Statements within Development Plans to be incorporated in the Planning and Design Code was a key issue raised by councils in this context.

Feedback from some councils was made in relation to envisaged activities in a zone, such that any development identified as appropriate in zone policy should automatically be included in the zone's classification table.

Feedback around the adequacy of zone policy to deal with activities not desired in a zone was received, suggesting stronger and clearer additional policy in this regard.

## Development Industry Feedback

Comments from the development industry were received in relation to the Urban Corridor Zone's Interface Height provision, supporting the 45 degree envelope, but also requesting that it not apply where it adjoins a higher intensity scale mixed use zone (such as where an Urban Corridor Zone abuts an Urban Neighbourhood Zone).

Significant Development Site feedback suggested amending the threshold size to 1500m<sup>2</sup> as currently applies to land along Jetty Road, Glenelg.

Various requests were received to adjust zone boundaries or rezone land to include sites to a more favourable zone, or to change the prevailing zoning to more closely align with the current zoning.

The University of Adelaide's submission requested some refinement to the Cultural and Institutions Subzone to better align with its North Terrace Campus masterplan, including identifying student accommodation as an appropriate use, and some recognition for high rise buildings in gateway locations or where replacing existing ones.

Specific comment from the Hutt Street Traders Association was also received requesting specific policy to prevent the expansion of the Hutt Street Centre.

## Community Feedback

Several submissions sought the removal of the provision within the Urban Corridor and City Zones which allows for a 30% height increase if certain incentive requirements are met. In particular, it was felt that the incentives did not go far enough with climate change requirements. This differed from other community submission that supported these incentives.

A number of submissions also sought the removal or alteration to increased height incentives in the City zones for the same reasons.

A number of submissions sought to have the interface building envelope within the Urban Corridor and City zones amended from 30 to 45 degrees to match existing Development Plans and minimise impacts of medium- and high-rise development on adjoining neighbourhoods.

# Key Issues

## Capital City Zone

The proposal not to transition existing zone interface policy that addresses impacts of the mass of buildings within the Capital City Zone on the adjacent City Living Zone was a subject of concern. The new policy proposed that primarily relates to land use intensity, and only requires building massing issue to be addressed in relation to development above the prescribed zone height, was seen by some to be insufficient.

It was noted that some of the detailed design policies from the current Capital City Zone, such as in relation to building podiums, was removed and that this could possibly result in poorer design outcomes. It was requested that these be reinstated.

Submissions addressed a loss of pedestrian-friendly policies – an absence of policy to address human scale and quality of the pedestrian environment, and loss of policies designed to ensure pedestrian movement is given priority and ease over the dominance of vehicles. For example, the Core Pedestrian Areas has been excluded from the

Zone as has the prohibition of multi-level car parks within the Core Pedestrian Area. It was requested these policies be reinstated as they are important in ensuring pedestrian network is given priority and ease over the dominance of the use of vehicles.

It was suggested the Capital City Zone adjacent to South Terrace be extended further east to apply to the land current zoned Institutional (St Andrews), and also apply the City Frame Subzone.

Additionally, it was requested that the Capital City Zone not apply to the Women's and Children Hospital and Memorial Hospital area, although it did not specify which zone from the Code Library should apply in its place.

### City Living Zone

Submissions noted that some of the more detailed design policy currently in the current City Living Zone have not transitioned across (such as front and side boundary setbacks, in regard to floor to ceiling heights, and relationship with the local context), and without these some poor design responses may occur.

Submissions also commented that the allowances for non-residential activity in the zone were not suitable and that the current policy that seeks to shift such development out of the zone should be reinserted. This is based on City Living Zone's central location placing it at a higher risk of likelihood of more widespread non-residential activity compared to suburban locations, plus the potential consequential effect of detracting from nearby commercial zones where commercial activities are preferred. It was felt a different approach would be required compared to suburban neighbourhood type zones.

### City Main Street and Urban Corridor (Main Street) Zones

A number of comments were received around the need to be strengthen policy in relation to public realm outcomes, pedestrian comfort and human scale, and activation in the Main Street Zones.

It was requested that the Urban Corridor (Main Street) Zone be replaced by the City Main Street Zone. It was also requested that retail floor limit be removed in relation to the City Main Street Zone, reflecting current Development Plan policy, and the zone's primary purpose as vibrant retail / commercial precincts.

### City Park Lands Zone

Submissions acknowledged that the current Park Lands Zone is out of date, and that the special attributes of the Park Lands are recognised in the City Park Lands Zone. However they suggested certain aspects were in need of refinement including:

- **Built Form** - Proposed policy allows for new and larger building than currently contemplated by the Development Plan, and that a more zone-wide approach to built form, rather than specific building directions, should be adopted. Current policy seeks a reduction in building floor area, progressive return of alienated land to Park Lands, and reduction in the number and extent of buildings
- **Design Guidelines** - Submissions requested that the Park Lands Building Design Guidelines relevant to development be included in the Code, or as a Design Standard, to better guide the development of new buildings. It also commented that current policy seeks to reduce / remove car parking in various locations and reinstate to Park Lands, and requested this policy be reinstated
- **Special Landscape Character** - This policy is important in considering the siting of any proposed new development, and was requested to be reinstated
- **City Squares** - These were proposed to be included in the Park Lands Zone, noting that they are currently in the Capital City Zone
- **Subzones** - It was suggested the Adelaide Oval and Eastern Subzone should be deleted and replaced with a comprehensive set of zone-wide policies
- **Restricted Development** - Feedback proposed that educational establishments, hotels and public infrastructure should be removed from the Restricted classification and suggested it be replaced with stronger policy for performance assessed development, particularly for development that is not envisaged in the zone.

Additional commentary was made in relation to the North Adelaide Aquatic Centre site, seeking policy that would return the site to public Park Lands.



### City Riverbank Zone

Submissions provided feedback in relation to existing policies which it considers are important to be transitioned to the new zone. This included:

**Government House** - No recognition of the vice-regal functions of Government House and inappropriate inclusion of the Government House land within the Cultural and Institutions Subzone of the City Riverbank Zone, and that a Subzone should be included for this.

**Built Form** - Loss of built form interface policies between North Terrace and River Torrens Valley across all subzones.

### Demolition Policy (City of Adelaide)

Submissions noted that there is currently council wide demolition control for all buildings, and that this is important to address undesirable outcomes (vacant lots or open car parks) that may otherwise negatively impact on city streetscapes.

### Design in Urban Areas - medium to high density development

Comments were received regarding policy relating to apartment liveability, primarily querying whether certain aspects are relevant planning considerations (such as specifying the maximum number of apartments accessing a corridor and maximum corridor length).

The requirements for a deep soil space in front of a building was also commented on, and whether this might detract from building design in some urban areas (and that provision of trees in such location ought be in the public realm).

Comment was also made on the need to be careful around policy requirements relating to context for medium – high rise development, particularly where a location is low rise.

### Design in Urban Areas – medium to high density development

A wide range of comments were received regarding design of medium – high rise development covering residential aspects, the appearance of buildings, and general functionality. They were generally supportive of the policy but did suggest a range of more detailed refinements including in relation to:

- Strengthening policy around 'liveability' requirements for apartment style living (including in relation to solar access, ventilation, apartment size, outlook, private and communal open space and the like)
- Strengthening policy in relation to multistorey building design (including in relation to context, form, durability and the like)
- The adequacy of policy regarding waste storage in multi storey buildings.

### Public Realm

Submissions noted that the city receives a high volume of proposals that include use of public realm. It commented that activities currently requiring a council-issued permit will no longer require a permit if the activity forms part of an approved development application once the relevant parts of the PDI Act enacted, and that a suitable policy framework must be in place. To this end it highlighted the need for comprehensive policy to address the public realm, not only in regard to the Code but also the more detailed technical aspects covered by its encroachments policy, which it suggested ought be covered by a Design Standard.

### Suburban Activity Centre Zone

Feedback included that the Business Neighbourhood Zone is a more appropriate zone for the Melbourne Street west area compared to the proposed Suburban Activity Centre Zone, and that current area specific policy should also be carried across.

### Technical and Numeric Variations (TNV)

Various comments were made in relation to Building Height TNVs not reflecting the current Development Plan criteria and therefore should be amended.

## Urban Corridor Zones

Most Urban Corridor Zones issues that were raised apply across all four Urban Corridor Zones, rather than in relation to a specific Urban Corridor Zone. Of particular note were comments in relation to:

- **Interface Height** - A number of submissions expressed concern that the proposed Interface Height provision does not reflect current Development Plan policy. The policy requires development adjacent to the zone boundary at the interface with a neighbourhood type zone be constructed within a 45 degree envelope (so that building height reduces closer to the zone interface to address visual impact associated with building mass), other than at a southern boundary where a 30 degree envelope applies (to address overshadowing). A number of councils currently have a 30 degree envelope applying to all aspects, and most of these councils wanted this retained. One council which currently has the 45 degree envelope applying on all zone boundaries (including the southern one), requested it retain this policy, and rely on the general overshadowing policy to address that issue. Another council also commented that where the zone interface is along a residential street the building envelope provision would not apply, and tall buildings facing back into residential areas could result, rather than being focussed towards the primary corridor. It requested additional policy to address this situation
- **Significant Development Sites** - There were mixed views in relation to the new Significant Development Site provision (that allows for an increase of 30% in building height on large sites [over 2500m<sup>2</sup> and 25m frontage] for the inclusion of a range of desirable community and sustainability outcomes). There was some support for the policy and its intent to encourage amalgamation of sites to enable better overall design outcomes. Others were opposed to any allowance for additional building height, and suggested the required desirable outcomes should be standard requirements for all corridor development
- **Density** - Some feedback was received in relation to density provisions, some requesting slightly lower requirements in relation to some zones or locations, while others considered the proposed policy as suitable (in essence reflecting current Development Plan settings). One submission suggested that a maximum floor area be used in some cases instead of a density requirement
- **Retail Floor Limits** - Some feedback was also received in relation to retail floor limits for the Urban Corridor (Main Street) and (Business) Zones, suggesting that the proposed limit will reduce opportunity for larger scale retail activity that should be retained in these areas
- **Change of Use** - Feedback was received in relation to change of use between a shop, office and consulting room being identified as a deemed-to-satisfy development, but without any criteria for assessment.

## Urban Neighbourhood Zone

In areas where the Urban Neighbourhood Zone is proposed to replace an existing Suburban Activity Node Zone, a number of submissions observed that the new zone allows for higher intensity development compared to the existing zone in relation to retail allowances and requirement for high density, and that these may not align with current Development Plan requirements in the current Suburban Activity Node Zone (which generally seeks a less intense overall form of development). This was not an issue where the Urban Neighbourhood Zone replaces the current Urban Core Zone.

Comment was also made in relation to retail floor limit where the zone has been applied to the Residential (High Density) Zone along foreshore areas of Glenelg adjacent to Jetty Road, where currently only smaller scale retail activity is allowed.

## Rural Residential

Consistent with submissions received from Phase Two of the Code, multiple submissions raised concerns with the zone and associated policies chosen to accommodate existing areas of residential development that are not connected to SA Water for potable water supply and/or sewer. As these areas use a community waste water management scheme or an on-site septic system, an increased area of land is required to accommodate both a dwelling and the septic tank and disposal area. It has also been suggested that the deemed-to-satisfy and performance assessed assessment tables be strengthened to ensure development approvals are not issued in advance of detailed wastewater assessments by qualified wastewater engineers.

Broad support was provided for the inclusion of policies that reflect the existing allotment size, frontage and building heights found within Development Plans. To ensure greater consistency, further amendments to the proposed Technical and Numerical Variations were suggested which may require minor changes or the inclusion of missing values.

Throughout all Phase Three areas that contain the rural suite of policies, multiple submissions were received from both Local Government and land owners seeking changes to the proposed zones or the creation of new subzones to reflect the existing policies contained in Development Plans.

### Local Government Feedback

Local Government provided detailed commentary on all aspects of the transition of existing Development Plans to the Code. A notable issue was the desire for existing Desired Character Statements, and other local policy content, to be incorporated within the Code to assist in guiding future development.

Multiple submissions supported the inclusion of existing Concept Plans that are considered to be useful tools in helping development outcomes, with the most appropriate plans being clearly identified for retention.

### Development Industry Feedback

SA Water suggests a further review of the proposed reduction in minimum allotments sizes in unsewered areas of townships, particularly within the catchment areas of greater Adelaide's public water supply. This was identified as an issue to ensure that the intensification of townships does not increase the contamination of surface water systems.

Telecommunication providers have suggested including additional policies to guide the assessment of Telecommunication Towers and insert this land use into the Performance Assessment Table.

### Community Feedback

Multiple submissions were received with suggestions for the re-zoning of land to facilitate increased development outcomes or seek to protect the existing character and amenity of a region. Each proposal is to be considered by the Commission to determine if they are suitable as part of this process or require further analysis via a separate Code Amendment. Some of these include, but not limited to the following areas:

- Adelaide Hills - A petition from residents of the Adelaide Hills region sought the protection of the existing character and amenity of the existing 'country living' areas. It has been suggested that a differing suite of policies apply to this region to protect its existing characteristics
- Kudla - Multiple submissions from residents of the Kudla region sought land south of Gawler to be zoned Rural Living to accommodate smaller allotments than currently allowed.

It was suggested that existing residential areas adjoining Township Zones should be included within a new 'Township Neighbourhood' Zone for rural localities that are neither suburban nor rural.

Townships that are either located near watercourses or within the Mt Lofty Ranges Overlay(s) have been identified as areas that require additional water quality policies. It was suggested that in addition to policies to manage water quality, that minimum allotments sizes be increased to 4000m<sup>2</sup> to ensure water quality can be managed on site.

## Key Issues

### Residential Neighbourhood Zone

As the Residential Neighbourhood Zone is proposed to facilitate large allotments that accommodate primarily a single dwelling, submissions have suggested that the name should be changed to reflect its transitional nature between smaller residential sized allotments and larger rural living allotments. It was also identified that a residential flat building, retirement facility, shop, office and educational facilities should not be included as land uses anticipated within the Zone given the overall intent of the Zone.

A number of policy amendments have been suggested to improve the overall function of the Zone. It was also identified that parts of the Willunga township should be incorporated into this Zone, due to the larger allotment sizes being encouraged. Additional policy relating to wastewater management should be considered within the Zone to protect key public water sources and in particular those areas adjoining the Mt Bold reservoir.

### Rural Living Zone

Submissions are generally supportive of the transition from existing areas to the proposed Rural Living Zone, with numerous submissions providing suggestions to improve its spatial application and its suite of policies. A number of other zone changes have been identified where it is considered that the proposed zone does not reflect the existing Development Plan criteria and are appropriate for smaller allotment sizes:

- Loxton Waikerie Council – Loxton South (parts of)
- Renmark Paringa – Renmark West.



The Adelaide Plains Council identified that its Development Plan contains a unique Animal Husbandry Zone with the aim to accommodate larger-scale animal keeping and has a different function to the Rural Living Zone. Although it is proposed to be in a separate subzone, it has been suggested that a standalone zone be created to cater for the diverse range of land uses and differing role to that of the Rural Living Zone.

Some councils also identified where they considered the need for the creation of a subzone to accommodate areas of unique character or development outcomes:

- Adelaide Hills Council – Adelaide Hills Character Subzone
- Adelaide Plains Council – Adelaide Plains Subzone
- Barossa Council – Tanunda.

Mixed views were received on the proposed allowance of small scale non-residential land uses (light industry, shops and consulting rooms) in rural living areas. Policies that allow non-residential land uses that complements the semi-rural character and amenity is acknowledged, and in most parts supported, however the extent of land uses encouraged should be further reviewed. A key element is the requirement that non-residential land uses should be ancillary to the dwelling.

There was a clear desire for proposed Technical and Numerical Variations throughout the region to be reviewed to ensure greater consistency with current land division criteria. Greater consistency with current Development Plan criteria is supported to reduce any potential for undesirable outcomes that are not consistent with the intent of the Zone. Key areas for amendment have been identified with additional policy changes suggested to support the desired outcomes. The Adelaide Hills Council has also suggested that inclusion of its current 'median rule land division tool' that it considers to be an important tool to guide infill residential development taking into consideration the existing character and amenity of the Adelaide Hills region.

Submissions also suggested that a Minimum Lot Frontage Technical and Numerical Variation be included where there are existing criteria applying.

Multiple submissions suggested that the current size and height limits for outbuildings should be increased to reflect the needs for rural communities. It is also suggested that outbuilding policies should include pre-colour treated materials and to promote setbacks off side and rear boundaries. Similar to outbuildings, submissions suggested that additional policies should be provided for 'stores', as these buildings on vacant allotments are not considered to be orderly development.

It has also been suggested that heavy vehicle parking policies should be inserted into the Rural Living Zone to identify where this is an appropriate form of development and provide appropriate parameters to guide development outcomes.

To avoid the visual impact of two storey dwellings, it has been suggested that policies be inserted to ensure that dwellings be low profile, sited below ridge lines and to avoid excessive cut and fill.

### Rural Settlement Zone

Submissions were broadly supportive of the transition from existing settlement to the proposed Rural Settlement Zone, although it has been suggested that the chosen name does not require the reference to 'rural'. Settlements within greater Adelaide areas are not perceived as rural areas and the removal of rural would retain a similar approach to Township Zones.

The Adelaide Plains Council has identified a number of existing settlements where they consider the need for the creation of a subzone to accommodate areas of unique character or development outcomes; Adelaide Plains Settlement Subzone and an Adelaide Plains Coastal Subzone.

A number of submissions have suggested a range of policy improvements, including the application of the Limited Land Division Overlay to the Bethany and Krondorf settlements and the inclusion of a Building Height (Storey) Technical and Numerical Variation where there are existing criteria supporting only single storey development.



### Township Zone

Submissions were generally supportive of the transition from existing townships to the proposed Township Zone, with numerous submissions providing suggestions to improve its spatial application and its suite of policies. A number of other zone changes have been identified where it is considered that the proposed zone does not reflect the existing Development Plan criteria:

- Adelaide Hills Council – Balhannah and Birdwood (parts of)
- Light Regional Council – Wasleys township
- Mt Barker Council – Hahndorf
- Onkaparinga Council – Clarendon, Willunga and McLaren Vale
- Playford Council – One Tree Hill (parts of)
- Yankalilla Council – Lady Bay.

Councils have also identified where they considered the need for the creation of a subzone to accommodate areas of unique character or development outcomes:

- Barossa Council - Lyndoch, Williamstown and Mount Pleasant
- Barossa Council - Mount Pleasant – Residential Subzone
- Onkaparinga Council - Willunga, Port Willunga, Aldinga, Clarendon, McLaren Flat, Old Noarlunga Subzone(s)
- Mt Barker Council - Nairne – realignment of proposed Nairne Redevelopment Subzone.

Multiple submissions identified that the Township Zone results in reduced allotment sizes and frontage to many townships that may result in metropolitan-scale development that is out of character of the village and township characteristics. It has also been suggested that this approach is inconsistent with the Character Preservation legislation for townships in the Barossa and McLaren Vale regions. A further review of development criteria is supported with the suggestion that Technical and Numerical Variations be inserted into the Zone.

Submissions identified that the impacts of out-of-centre retail development should be reviewed. It has been suggested that the changes to retail development in township residential areas could potentially affect the value and viability of existing centre zones and result in 'out of zone strip development' on arterial roads with its impacts to be carefully considered. It has been identified that most Development Plan contain non-complying provisions to limit sizes of shops/retail development with no size constraints contained in the proposed Zone. It has been suggested that the Restricted development pathway should be introduced for certain land uses.

Light Industry and Warehouse activities was also identified as land uses that have a potential interface issues with adjoining residential properties. Similar to retail land uses, there are no size constraints, unlike many existing non-complying provisions. It has been suggested that policies be considered to guide appropriate development outcomes and consider if the Restricted development pathway is appropriate.

As the above mentioned land uses have been listed as envisaged land uses with the Township Zone, multiple submissions raised concerns that the currently non-complying forms of development would no longer require any form of public notification. Further consideration is suggested to ensure residents within townships are provided suitable notification for non-residential land uses.



### Residential development not connected to sewer

Consistent feedback was received in Phase Two and Three consultation about the need for additional policy for developments that are not connected to SA Water for potable water supply and/or sewer. The Commission addressed this matter in response to Phase Two feedback by recommending that appropriate deemed-to-satisfy (DTS) / designated performance features (DPF) policy was applied to residential development and amending policy relating to waste disposal systems to align with approval processes under the *South Australian Public Health Act 2011*.

## Productive Economy

### Rural

Consistent with the feedback received during Phase Two of the Code, there was support for the suite of policies that seek to facilitate increased value adding opportunities within rural communities. Broad support was provided for the inclusion of policies that reflect the existing parameters found within Development Plans. Further amendments to the proposed Technical and Numerical Variations were recommended to occur.

### Local Government Feedback

Local Government submissions provided detailed commentary on the transition of existing Development Plans to the Code. Submissions requested the existing Desired Character Statements to be incorporated, in some form, within the Code to assist in guiding future development. It was recognised that the Code is not a 'like-for-like' transition of existing policies, however there was support for additional provisions to be reinstated into the Code, including Desired Character Statements, to help shape local communities.

A diverse range of suggestions to improve Land Use and Administration Definitions were also provided to assist in the assessment of agricultural land uses and improve upon the current Development Act and Regulations.

### Development Industry Feedback

Industry feedback provided a range of suggested policy improvements to enhance the development opportunities for rural based industries and value adding enterprises. A review of the application of Overlays is supported to minimise the extent of envisaged development that are removed from accepted or deemed-to-satisfy pathways. A detailed review of the public notification requirements is also supported, although there was broad support for the reduction in third-party notification and its potential appeal risks.

A review of land use and administrative definitions is actively supported to increase certainty within the industry. It has been suggested that many definitions should align the terminology used within the planning, building and environmental protection legislation.

Interface management between land uses is a significant issue faced by both industry and community. There was a desire for a further review of the Interface Between Land Uses general development policies to minimise conflict between adjoining farm businesses and managing biodiversity threats. It has been suggested that the recommendations of the Primary Industries and Regions SA's Buffers Working Group Final Report be considered as part of any future review of interface policies.

### Community Feedback

Multiple submissions were received with suggestions for the re-zoning of land to facilitate increased development outcomes. Each proposal is to be considered by the Commission to determine if they are suitable as part of this process or require further analysis via a separate Code Amendment. Some of these include, but not limited to the following areas:

- Murray Bridge – seeking to incorporate land in the Rural (Intensive Enterprise) Zone to reflect new facilities and include various Overlays to manage interface with sensitive land uses
- Freeling – seeking to include land outside of the existing township for urban expansion
- Gawler north (south of Roseworthy) – seeking to include land as Rural Living
- Kudla – seeking to include land as Rural Living
- Myponga – seeking to include land outside the existing township for urban expansion
- Various land holdings located within the current Environment, Food and Production Area to enable land division potential
- Kapunda – include privately owned land into the Rural Zone to reflect existing rural land uses.

Multiple submissions also supported the removal of either the Limited Dwelling Overlay or Limited Land Division Overlay to enable the construction of a dwelling or divide land in rural areas. Conversely, submissions also sought additional areas to apply both Overlays to limit development opportunities.

Similar to suggestions from Local Government, multiple submissions sought a future review of land division and boundary realignment criteria to tighten up any opportunity for inappropriate development to compromise existing agricultural activities.

## Key Issues

### OVERLAYS:

#### Character Preservation District Overlay

Multiple submissions have suggested that as the Barossa and McLaren Vale regions have been given special recognition in the planning system through the Character Preservation Act(s) that a further review of the Character Preservation District Overlay should occur to enhance and protect its character. Furthermore, as the townships have now been spatially applied, additional policies within the Overlay are supported to guide future development outcomes.

#### Mount Lofty Ranges Catchment Overlay(s)

There was support within Local Government for the consolidation of the existing Mount Lofty Ranges Watershed 2 and 3 to form the proposed Mount Lofty Ranges Catchment (Area 2) Overlay.

The Environment Protection Authority and SA Water suggest an expanded list of Restricted land uses with the support of a Practice Guideline to safeguard Greater Adelaide's public water supply. It is suggested that a further review of the land uses envisaged within the underlying zone should occur as some may not be compatible with the Mount Lofty Ranges Overlay(s) and may not be able to meet minimum water quality requirements. Other practitioners suggested a number of additional policy amendments to improve the overall function of the Overlay(s).

#### New Overlays

Various submissions expressed a desire for the creation of a number of additional overlays to address rural basis issues. A number of council areas contain 'scenic routes maps' that provide an additional layer of protection for scenic areas and contribute to the tourism experience and it has been suggested that a 'scenic routes overlay' should be considered for inclusion in the Code.

A number of councils advocate for the inclusion of Primary Industries and Regions SA's 'Primary Production Priority Areas mapping' to assist in identifying high versus low value agricultural land. It has been suggested that this should be considered as a new Overlay.

It has also been suggested that a 'Paper Township Overlay' be considered to restrict dwellings being established in unique rural areas, such of Currency Creek and other paper townships. The overlap of this request with existing Overlays would need to be considered as part of this request.

### ZONES:

#### Peri-Urban Zone

The proposed Peri-Urban Zone generated consistent feedback from Local Government, Government agencies and the wider community. Feedback suggested that the Peri-Urban name detracts from the key focus of the Zone, being for primary production and related activities. This is consistent with the Commission's confirmation in its *Update Report of December 2019* that the Peri-Urban Zone which spatially applies to areas around metropolitan Adelaide should apply a new naming convention that better reflects the intent of the Zone.

Throughout all Phase Three areas containing the rural suite of policies, submissions were received from both Local Government and land owners seeking changes to the proposed zones or the creation of new Subzones to reflect the existing policies contained in Development Plans. Similarly, a wide range of policy amendments were suggested to improve the development assessment process.

Local Government welcomed the changes from current policies to increase value adding opportunities in the Peri-Urban Zone. Various suggestions were provided to improve its overall function and desired outcomes.

It was recognised that the spatial application of the Peri-Urban Zone may influence its chosen name. Multiple submissions either agreed or disagreed with its spatial application but questioned why some areas were included and other areas were not. An example being its application in the Barossa region whereas it hasn't been applied in the McLaren Vale region.

There was a broad understanding that the area between regional areas and metropolitan Adelaide requires a different suite of policies that supports the dynamic mix of land uses. Various suggestions were provided to improve and refine the Peri-Urban Zone policies.

Various name changes were provided, including Rural (Greater Adelaide) Zone, Rural (Mount Lofty Ranges) Zone, Rural (Adelaide and Mount Lofty Ranges) Zone, Peri-Rural Zone and the Rural Character Zone. All of which emphasise 'rural' as the key element to define the intended use of the Zone, with further work encouraged to



determine where it should apply. A number of councils suggested that the Overlays applying to the area should influence if this zone or another similar zone should be applied; for example the Character Preservation Overlay and Mount Lofty Ranges Overlay(s). Additional review is supported to confirm the spatial application of this Zone.

Councils identified where they considered the need for the creation of a new subzone to accommodate areas of unique character or development outcomes:

- Adelaide Hills Council - Inverbrackie Subzone
- Adelaide Hills Council - Verdun, Inglewood and Lenswood Settlement Subzone(s)
- Light Regional Council - Seppeltsfield Subzone
- Mount Barker Council - Cedars Precinct Subzone.

A range of policy improvements suggested by Councils included:

- Changes to the accepted, deemed-to-satisfy, performance assessed, restricted tables and public notification requirements
- Supporting the inclusion of protective tree netting as an accepted type. Alternatively, this could be listed in the Performance Assessed Table to ensure it does not require public notification
- The sloping land provisions excludes the majority of development classes from the accepted development or deemed-to-satisfy pathway. A review is supported to ensure envisaged land uses can occur through a quicker process pathway
- Existing non-complying land uses are encouraged to not be listed as envisaged land uses (i.e. warehouse and industry). It is suggested that assessment pathways for these activities do not change as part of this transition process.

### Rural Zone

There was a clear understanding within Local Government of the transition of existing Primary Production Zones to the Rural Zone. There was support for its intended policies that foster primary production activities and the opportunities to expand the economic base within communities.

There was a clear desire for proposed Technical and Numerical Variations throughout the region to be reviewed to ensure greater consistency with current land division criteria and minimum allotment sizes for the construction of a dwelling. Greater consistency with current Development Plan criteria was supported to reduce any potential for undesirable outcomes that are not consistent with the intent of the Zone. Key areas for amendment have been identified with additional policy changes suggested to support the desired outcomes.

The draft Rural Zone provides for the opportunity of creating secondary dwellings on a single allotment. Subject to a number of criteria, the intent is to provide opportunities for our ageing farming communities to reside on their land while ensuring that land does not continue to be fragmented and thus impact upon the viability of rural land. In a number of council areas, current policies do not enable the construction of secondary dwellings; primarily to minimise rural living type outcomes. It has been suggested that a future review be undertaken to determine the impacts of additional dwellings and if this is appropriate within this region.

This coincides with a desire for the strengthening of policies to ensure allotments sizes within rural areas are not eroded. This also includes a desire for increased boundary realignment provisions to ensure that allotment boundaries are not realigned to the detriment of productive rural land.

Increased opportunity for small-scale tourist accommodation where associated with primary production activities is broadly supported, however a further review of tourism related policies and land use definitions is encouraged to provide greater clarification and assist in the development assessment process.

A number of councils have suggested that certain areas of the Rural Zone could be changed to the Peri-Urban Zone as this seeks smaller scale and less intensive forms of agricultural industries. These changes are subject to and dependent on any changes to the Peri-Urban Zone (see discussion above). A number of other zone changes have been identified where it is considered that the proposed zone does not reflect the existing Development Plan criteria:

- Barossa Council - Belvidere Road, Nuriootpa
- Onkaparinga Council - Landscape Protection Policy Area 3 I
- Playford Council – Virginia Nursery Site
- Playford Council – Renewal SA land in MacDonald Park.



Councils also identified where they considered the need for the creation of a subzone to accommodate areas of unique character or development outcomes:

- Alexandrina Council – Rural Boundary Realignment Subzone
- Alexandrina Council – Flood Area Boundary Realignment Subzone
- Alexandrina Council – Langhorne Creek Region Subzone
- Barossa Council - Belvidere Road, Nuriootpa Subzone
- Berri Barmera Council – Landscape Protection Subzone
- Onkaparinga Council - Open Space Subzone.

A range of policy improvements suggested by councils relate to function centres, shops, tourist accommodation, land division, boundary realignments, public notification and the reduction of Restricted land uses. It has also been suggested that a minimum lot frontage Technical and Numerical Variation be included for areas that current contain this criteria.

### Rural Horticulture Zone

A further review is supported to determine the Rural Horticulture Zone's application across greater Adelaide. Support was provided for this zone applying in the Playford and Adelaide Plains regions, however its application was questioned in other regions. A number of policy improvements were suggested, including if this Zone should be a subzone of the Rural Zone.

Primary Industries SA also supported this zone being reviewed to support intensive primary industry precincts (such as the Northern Adelaide Plains region) and extend the opportunities for farm diversification available in the other rural zones to all SA producers.

### Rural Intensive Enterprise Zone

There was support for the proposed Rural Intensive Enterprise Zone that seeks to provide areas that protect existing and future clusters of large scale rural industries that are important economic and employment assets to the State. A number of suggested policy improvements include promoting a greater mix of rural industry and agricultural value adding land uses, along with considering if the Limited Land Divisions Overlay be removed to create greater opportunity for economic investment.

## Retail

Retail policy in the Code is primarily focussed through a centre's 'hierarchy' which includes the following zones:

Retail development inside these zones is a primary envisaged land use, generally without floor area limitations.

Urban Activity Centre Zone	
Suburban Activity Centre Zone / Suburban Main Street Zone	Township Activity Centre Zone / Township Main Street Zone

Outside of these zones, retail development is guided by the particular zone's policy, with limitations to ensure that activity centres, main streets and mixed-use areas remain the primary place for commercial and retail activity.

Feedback on retail policy in the code provided differing opinions about the suitability of out-of-centre retail and how the centres hierarchy should operate, with some respondents seeking greater flexibility for shops in mixed use areas, and others seeking to preserve rigour in the retail hierarchy structure.

Feedback from a range of stakeholders observed that the Code requires additional policy and principles to guide an authority in the assessment of out of centre retail.

Respondents from local government and the community observed a policy gap in the centre hierarchy, with concerns that existing Local Centre Zones don't have a policy equivalent in the Code.

Many respondents observed that shops which exceed the relevant floor area limit in the zone's policy should always be subject to public notification.

### Local Government Feedback

Responses from local government respondents generally requested the existing centres hierarchy be retained, and observed the need for additional policy to assess 'out of centre' retail development.

It was observed that the Restricted threshold for shops of 1000m<sup>2</sup> was too large, and should reflect the relevant deemed-to-satisfy (DTS) / designated performance features (DPF) policy in the Code. Conversely, other council submissions observed that shops outside of activity centres should not be Restricted to allow council to be the relevant authority.

Submissions echoed concerns raised by industry in relation to the lack of provisions in the Code to assess out-of-centre retail development, particularly performance assessed development which exceeds the zone floor area policy, but is less than the Restricted trigger.

Respondents from local government observed a policy gap in the centre hierarchy, with concerns that existing Local Centre Zones don't have a policy equivalent in the Code. It was asserted that Suburban Activity Centres Zones are an inappropriate transition due to the following policy:

- No limit to shop floor areas (currently only small corner shops anticipated)
- Bulky goods outlets encouraged
- Buildings of a low-to-medium rise envisaged
- Residential development >35 du/ha
- Advertisements up to 8m height.

Many local government responses requested amended or clarified policy in relation to building heights in activity centres, requesting all building heights in Development Plans to be translated into Technical and Numeric Variations (TNVs) in the Code. The use of the term 'medium rise' was also observed to create potential conflict with TNVs that identify lower building heights.

Councils queried the suitability of dwellings in activity centres, with several submissions requesting that 'dwelling' be listed as Restricted in activity centre/main street zones.

Local government submissions also raised the following issues:

- Tourist Accommodation is envisaged in all zones, however no provisions are listed in the 'Township Main Street Zone' or 'Suburban Activity Centre Zone' nor listed in Performance Assessed Tables
- Request transition of car parking funds in Development Plans into the Transport, Access and Parking provisions of the Code
- Request policy on parking, traffic, access in Township and Suburban activity centre zones
- Request policy on land division and advertising in Township Main Street Zone
- Recommend relevant planning provisions are further reviewed to ensure appropriate control of advertising structures, avoiding proliferation of advertisements and third party signage.

### Development Industry Feedback

The majority of feedback on retail policy in the Code was raised by 'industry' stakeholders, which includes private developers, retail associations, development advocacy organisations and retail corporations.

Feedback from industry primarily focussed on the centre hierarchy and out of centre retail, with responses split between:

1. Retention of the existing centres hierarchy, making more shops Restricted in non-activity centre/main street zones, and providing a stronger policy framework to assess out-of-centre retail avoid negative impacts from an over-supply or poorly located shopping centres; and
2. Removing Restricted triggers for out-of-centre retail and permitting greater flexibility for shops in suitable locations (particularly bulky goods outlets and mid-range supermarkets).

Feedback suggested that the Commission should be the relevant authority for out-of-centre retail, but this should be prescribed via the regulations rather than listed as Restricted, which conveys that development is not appropriate and provides third party appeal rights.

Retail industry submissions observed the need for appropriate policy in cases where a shop is of a size in-between the retail floor cap envisaged in zones and the Restricted shop threshold. It was suggested that policy could be provided which:

- Is similar to existing council-wide policy for 'Centres and Retail'
- Requires a net community benefit test for new activity centres with supermarkets that demonstrates evidence of over trading, under supply of retail gross leasable floor areas and minimal impact on the existing shopping centres
- Requires new retail centres or out-of-centre shops to include a retail catchment analysis, nett community benefit test, sequential test, and consider the strategic 'fit'
- Limit shops to 500m<sup>2</sup> and a Restricted form of development in all zones other than activity centres, main streets or township zones
- Supports edge of centre expansion as an alternative to opening up new centres.

Conversely, other retail industry submissions requested for the Code to address the need for mid-size supermarkets by amending the Restricted trigger and relevant deemed-to-satisfy (DTS) / designated performance features (DPF) in the following zones to allow shops up to 2,000sqm:

- Urban Corridor (Living) Zone
- Urban Corridor (Business) Zone
- Suburban Business and Innovation Zone
- Business Neighbourhood Zone
- Innovation Zone
- Employment Zone
- Suburban Employment Zone.

These submissions, however, also supported the concept of edge-of-centre retail, and suggested the Restricted development exclusion for shop development in neighbourhood zones be amended: "with a gross leasable area less than... other than where the development comprises a shop in an adjacent Activity Centre Zone or Main Street Zone which expands into the [relevant neighbourhood zone]".

### Community Feedback

Submissions from the community regarding retail were less than other stakeholder groups. However, some community feedback reiterated concerns by local government about the scale of development permitted in existing Local Centre Zones, requesting that height/scale limitations in Development Plans be maintained in the Code.

### Key Issues

#### Bulky goods outlets

Submissions raised concern with the activity/centre main street zone policy guiding bulky goods outlets toward the zone periphery, limiting floor area to 500m<sup>2</sup>. It was observed that bulky goods outlets would typically exceed 500 square metres in gross leasable area. In directing bulky goods to the periphery of the zone, opportunities to establish bulky goods outlets will be further constrained, given the relatively low number of zones where the use is envisaged in any form.

Further, the practicality of achieving bulky goods outlets sited and designed to achieve or maintain a vibrant and interesting streetscape within retail areas was questioned given the inherent nature and form of bulky goods outlets.

Feedback observed the number of zones which would reasonably support the establishment of a bulky goods outlet appeared limited, and requested bulky goods outlets be deemed-to-satisfy in at least the Employment Zone to streamline and simplify the planning process.

It was requested that bulky goods outlets be excluded from notification in the following zones:

- Employment Zone
- Suburban Employment Zone
- Suburban Business and Innovation Zone.



### Car parking

The vehicle parking rates located within the General Development Policy section were generally supported, however the following matters were raised:

- Rates are still conservative and do not align with contemporary assessment rates, generally applied by traffic professionals
- Update parking rates for bulky good outlets to reflect contemporary rates
- Review the language in Table 1 - General Off Street Car Parking Requirements to clarify intent when calculating requirements for proposals involving more than one development type
- Concern Castle Plaza and Kurralta Park centres will not be maintained as 'designated areas' for parking purposes under the Code.

### Miscellaneous

Other matters raised by industry submissions included:

- Performance Outcome 1.1 should mention residential development as an envisaged land use, Desired Outcomes should make reference to residential development
- Restriction on advertising signs is considered inappropriate when applied to an integrated shopping centre
- There should be a greater equivalence in the policy treatment of Shop and Retail fuel outlets in activity centre/main street zones
- Reference to hours of operation in performance assessed policies in activity centre zones considered unnecessary given the standards specified in relation to noise or vibration, air quality, light spill and other amenity impacts elsewhere in the general policies and draft Code
- Recommend that the Land Use Definition of 'Service Trade Premises' in the Code be reviewed, noting the changing nature new car sales and consideration be given to whether 'Motor Vehicle Showrooms' (limited by scale) should instead be included within the definition of 'Shop'
- Suggest that the definitions of 'shop' and 'restaurant' are reviewed with the view to removing the 'restaurant' definition from the 'shop' definition to reduce the current level of uncertainty
- The Restricted development trigger for shops in the Urban Neighbourhood Zone be amended from 10,000m<sup>2</sup> to 2500m<sup>2</sup> to be consistent with the zone's policies.

### Employment

Multiple submissions were received seeking changes to the proposed zones or the creation of new subzones to reflect the existing policies contained in Development Plans.

Significantly, there were calls to include more tailored policy in both the Innovation Zone and Employment Zone that better recognises the development needs, specialised functions, vision and intent of major strategic development and employment sites such as Flinders Village, the Tonsley innovation precinct and Osborne Naval Shipbuilding site in Port Adelaide, including the range of supporting uses. Suggestions to carryover Concept Plans applying to these sites also featured strongly, potentially via Technical and Numerical Variations.

There was also broad support for the inclusion of policies that reflect the existing parameters found within Development Plans, including the size and scale of shops and commercial development across employment, business, tourism and innovation zones. To ensure greater consistency, further amendments to the proposed Technical and Numerical Variations may be appropriate, which may require minor changes or the inclusion of missing values.

Similar to feedback in relation to Phase Two, height was a general topic of debate throughout a number of zones (including the Suburban Employment Zone, Business Neighbourhood Zone, Suburban Business and Innovation Zone and Tourism Development Zone, and for strategic development sites in the Innovation Zone), with recommendations to retain current building height policy. There was also some dissatisfaction with the term 'low to medium rise buildings' in the Business Neighbourhood Zone, where desired outcomes seek low-rise buildings of one to two storeys.

Also aligning with feedback from Phase Two, respondents called for policies to reinforce 'environmentally sustainable tourism', including avoiding areas subject to hazard such as bushfire risk based on recent events. Potential for more contemporary policy and definition of tourist accommodation was also identified to address changing markets needs and new or emerging models, including where accommodation options are increasing in residential neighbourhoods.



A wide range of policy amendments and changes to development classification tables were suggested to improve the development assessment process.

No direct feedback was received from councils, industry or the community in relation to the Motorsport Park Zone, Rehabilitation Subzone or Aquaculture General policy provisions.

Limited feedback was received in relation to the Workers Accommodation and Settlements General policy provisions, apart from potential separation of the policy module into two separate modules given perceived differences in intensity (e.g. required infrastructure support) between short term accommodation for workers versus full workers' settlements. It was also suggested that car parking requirements may be excessive given that workers within these camps often do not rely on their own vehicles and do not generally have visitors.

Limited feedback was received in relation to the Forestry General policy provisions, with comments only received from one council suggesting that commercial forestry plantations should only be established where there is no required clearance of valued trees or substantially intact strata of native vegetation, and there is no detrimental effect on the physical environment or scenic quality of the rural landscape. It was also suggested that where 'watercourses' (including first or second order watercourses) are referred to in the policy provisions, the Code should clarify to how these are identified (i.e. via Overlays or shown in maps).

There were also requests to include telecommunications facilities as performance assessed developments and/or exempt from notification in a number of employment zones, including the Suburban Employment Zone, Business Neighbourhood Zone, Home Industry Zone, Suburban Business and Innovation Zone, Tourist Development Zone, Employment (Bulk Handling) Zone, Resource Extraction Zone, Motorsport Park Zone, Caravan and Tourist Park Zone.

### Local Government Feedback

Broadly, there was some suggestion from councils that the transition of existing smaller scale business zones or areas into more intensive zones such as the proposed Suburban Business and Innovation Zone and Suburban Employment Zone is not a 'like for like' transition, and suggested opportunities to create a new zone or Subzone in the Code to apply to areas where a lower intensity of commercial and business activities are anticipated (potentially without residential or industrial uses).

A number of councils also identified that a range of uses that are strongly discouraged in the existing Development Plan (many currently non-complying) are proposed to be included in the performance assessed or deemed-to-satisfy pathways in a number of employment-related zones, and in some cases with limited policy guidance for their assessment - in particular within the following zones:

- Employment Zone
- Suburban Employment Zone (e.g. community centre, consulting room, hotel, stand-alone office, shop and tourist accommodation)
- Suburban Business and Innovation Zone (e.g. industrial type uses, motor repair stations, and service trade premises)
- Employment (Bulk Handling) Zone (e.g. dwellings and all forms of industry)
- Home Industry Zone (e.g. consulting rooms, motor repair stations, and offices not associated with an industrial use)
- Tourism Development Zone (e.g. industry/light industry, detached dwellings under certain circumstances, bulky goods outlet, and shops over a certain floor area).

A thorough review of the classification tables was therefore recommended.

### Development Industry Feedback

Opportunities to expand application of overlays such as the Resource Extraction Protection Overlay was also a common theme to identify and protect known economically workable deposits of minerals from incompatible development, including strategic mineral resources.

No direct industry feedback was received in relation to the Suburban Employment Zone, Business Neighbourhood Zone, Home Industry Zone, Significant Industry Interface Overlay or the Forestry, Bulk Handling and Storage Facilities, and Tourism Development General provisions.

Some industry feedback suggested a reduction in the allowable level and scale of retailing and shop developments across the various employment (and neighbourhood) zones in the Code, while still allowing for small shops and cafes to service employment precincts and the local workforce.

### Community Feedback

Community feedback identified a need to include reference to Sunday trading for shops, offices and consulting rooms in the Interface between Land Uses General policies regarding hours of operation. There was also some dissatisfaction with the term 'unduly reduce' relating to overshadowing in the General policy provisions and the term 'objectionable emissions' in the Suburban Employment Zone, and for policies to more directly address noise associated with schools. One submission also queried why interface height policies in the Employment Zone only apply to land in adjacent neighbourhood zones (which is deliberate to manage interface impacts on adjacent residential areas).

There was also some suggestion that the scale of advertising signs in the Suburban Employment Zone may be too small for the range and type of anticipated uses in the Zone.

Limited community feedback was received in relation to the Business Neighbourhood Zone, although one submission specifically sought a reduction in the potential height of buildings within the Zone along The Parade at Norwood, due to visual and climatic concerns and potential impact on heritage places.

Comments were also received in relation to the need for tourist development to be sensitively located to minimise harm to areas of native vegetation, biodiversity, other environmental assets and landscape amenity, and to avoid areas at higher risk to natural hazards and bushfire. This is likely in response to the recent bushfires affecting South Australia and nationally.

No community feedback was received in relation to the Suburban Business and Innovation Zone, Tourism Development Zone, Innovation Zone, Home Industry Zone, Employment (Bulk Handling) Zone, Caravan and Tourist Park Zone, Resource Extraction Zone, Motorsport Park Zone, Resource Extraction Protection Overlay, Significant Industry Interface Overlay, or the Advertisements, Forestry, Bulk Handling and Storage Facilities, Workers Accommodation and Settlements, and Resource Extraction General policy provisions.

### Key Issues

Specific feedback relating to particular Zones and General Policies is outlined below.

#### ZONES:

##### Business Neighbourhood Zone

In addition to feedback regarding terminology used in association with building heights in the Business Neighbourhood Zone, there was some suggestion from councils to include the Character Area Overlay as an exclusion in the Accepted development pathway and that floor area restrictions for shops in the zone (i.e. Restricted where greater than 500m<sup>2</sup>) may impact on existing areas where no such limit applies (including in the Regional Centre Zone in Victor Harbor). There was also some suggestion that the land division context in the Zone has changed to reflect demand rather than current or traditional pattern in at least one location, which may have character impacts.

##### Caravan and Tourist Park Zone

Some technical or wording improvements to policy in the Caravan and Tourist Park Zone, as well as potential for improved policy clarification regarding the difference between longer-term (permanent) residents versus short term tourist accommodation was sought.

Significant feedback was received in relation to the classifications tables in the Zone, including:

- Opportunities to review the Accepted Development classification table to better reflect development that is likely to occur in the Zone, including appropriate boundary setback requirements for ancillary structures such as carports (i.e. currently 900mm, which is not practical in a caravan and tourist park setting)
- Suggestions to include criteria for alterations and additions (including verandahs) in the deemed-to-satisfy assessment pathway, which are a relatively common and minor form of development in parks. Also, it was suggested that the classification tables refer to 'tourist accommodation' as distinct from 'dwelling' (including in relation to additions/alterations), to ensure these are captured
- Potential to include 'demolition works' in parks in the development classification tables to avoid an unnecessary need for demolitions to be performance assessed (although noting that demolition of buildings is not defined as development in the *Planning Development and Infrastructure (General) Regulations* under certain circumstances).

A number of comments were also specifically received in relation to the Restricted development classification in the Zone, including:

- Land division involving a boundary realignment could be excluded from Restricted development for caravan and tourist park sites



- Suggestions that a maximum gross leasable floor area also apply to a restaurant as a Restricted development, as currently applies to a shop in the zone. There was also some suggestion that shops less than 300m<sup>2</sup> (rather than 250m<sup>2</sup>) should be included in performance assessment pathway to better align with exclusions applying to Restricted development, and that the Restricted classification also require that the shop is ancillary to an associated tourist accommodation use
- Similar to the Tourism Development Zone, 'light industry' has been specifically excluded from the Restricted development classification in the Caravan and Tourist Park Zone, but is currently discouraged in existing zones and policy provisions do not give support to any form of industry in caravan and tourist park sites.

It was suggested that notification requirements in the Zone may be onerous given that most caravan and tourist parks sites are adjacent to land in a different zone (meaning that in most cases, all classes of performance assessed development will require notification). It was also suggested that notification requirements relating to shops of 150m<sup>2</sup> or greater in the Zone adjacent to land used for residential purposes should be consistent with requirements in neighbourhood-type zones.

Feedback also identified an opportunity to review the percentage of longer-term or 'permanent' residential accommodation allowed in caravan and tourist parks in the Caravan and Tourist Park Zone, particularly for larger parks based on their contemporary make up. Preference was also made for as much development as possible in the Zone to not require public notification, to reflect current circumstances.

### Employment Zone

Feedback identified some technical issues relating to the Employment Zone and missing links between some policies and the development classification tables in the Zone, which require review.

Listing of 'industry' as Restricted development in the Employment Zone was queried given the focus of the zone and its envisaged range of uses, but there was some suggestion that 'special industry' (i.e. currently excluded from being Restricted) may not be appropriate and should be Restricted development given locations where the Zone is proposed to apply. Some minor uses akin to employment sites such as fencing and land division are also not captured in the classification tables for the Zone and will therefore be subject to notification, which is not desirable.

Shops featured prominently in feedback, with some suggestion that the scale of shops anticipated in the Employment Zone, and limited policy to support these uses, may have impacts on industrial land use and supply. Conversely, there was some suggestion that shops (e.g. less than 500m<sup>2</sup>) could be considered as deemed-to-satisfy in the Zone. At least one submission also identified that transition to the zone will now significantly restrict shops in an area where up to 20,000m<sup>2</sup> of retail floor space is currently anticipated, suggesting potential for an alternative zone or Sub-zone to be applied. There was also some suggestion to potentially retain a 'Bulky Goods Zone' (or an equivalent Sub-zone) to better recognise sites or areas where this scale and form of retailing is anticipated and is not necessarily aimed at serving the local workforce.

There was also some suggestion that the collapsing of the industry hierarchy in the Code may reduce current buffering provided between heavy industries and sensitive land uses (e.g. through traditional placement of light industrial uses adjacent residential interfaces), requiring careful consideration of interface policy in the Code.

It was also identified that the Significant Industry Interface Overlay focuses on the management of interface matters (e.g. noise and dust) rather than industrial hazard risks, which is the most prevalent issue for existing residential areas located in close proximity to industries that may be prone to more significant hazards, including in areas such as Port Adelaide. The Overlay also now proposes that additional dwellings (and land division) will be performance assessed development without an appropriate hazard risk analysis and has therefore recommended that hazard risk management be considered in its application.

Further, there were suggestions that additional policy (or linkages to General policies) should be considered to guide advertising signs, landscaping, site contamination and buffers/interfaces in the Employment Zone.

Stakeholder groups identified opportunities for more tailored policy in the Employment Zone (and similarly in the Innovation Zone) to be tailored to better reflect development needs, specialised functions and intent of major strategic employment sites, possibly via a more focussed zone or new Subzone (e.g. a new 'Ship Building Subzone' applying to Osborne Naval Shipbuilding site).

Some groups identified that the approach to the assessment and mandating of industry within the provisions of the proposed Employment Zone seems at cross-purposes. Groups also identified that 'industry' should not be a Restricted development in the Employment Zone given the zone's intended purpose, and that clarification is needed regarding the status of 'Special Industry' in the zone, which is currently a merit use for some sites and key component of activities on strategic sites such as the Osborne Naval Shipyard at Osborne.

One group also sought specific planning considerations for future organic waste processing facilities to be established in the Code to enable industry expansion. This includes potentially setting aside areas of land for organics recycling, including sites that previously contained intensive industries where suitable, as well as appropriate zoning to prevent encroachment by sensitive uses.

### **Employment (Bulk Handling) Zone**

Opportunities to more clearly define bulk handling and storage facilities was identified to provide a greater understanding of these uses, possibly based on the description contained in Desired Outcome (DO 1) of the zone.

It was suggested that the deemed-to-satisfy criteria applying to certain forms of development in the Code are broader and more extensive than current Development Plan policy (particularly in relation to minor activities such as fencing and advertisements), which may be onerous. An opportunity was also identified to expand policy to further mitigate potential visual and interface impacts (noise and air) of bulk handling and storage facilities, particularly where adjacent to residential areas. This includes through built form elements, landscaping, fencing and specifying appropriate separation distances.

In relation to development in the Employment (Bulk Handling) Zone, an opportunity was identified to link General policies encouraging water sensitive design for large format industrial and storage activities (often with large impervious areas) in the Zone.

### **Home Industry Zone**

Aligning with feedback received in relation to Phase Two, some submissions identified that minimum lot sizes proposed in the Zone are smaller in some cases compared to existing home industry / business areas in the Development Plan, including in areas where on-site waste water disposal is required which generally require larger sites. Policies to identify minimum frontages as well as side setbacks for vehicle access were also recommended.

### **Innovation Zone**

Feedback on a range of technical matters within the Innovation Zone was received.

There were suggestions for more tailored policies to reflect the development needs, intent and vision for major strategic development and employment sites within the zone such as the Tonsley Village and innovation precinct (i.e. based on more recent rezoning and policy changes for these precincts). The approach to shops in the Innovation Zone was also identified (e.g. shops greater than 500m<sup>2</sup> are proposed as Restricted development), with suggestions that assessment pathways and policies should reflect existing conditions or allowance for strategic sites. Opportunities to carryover existing Concept Plans for these sites was also suggested to further guide their development.

Aligning with comments received in relation to the Employment Zone, submissions also sought for policy in the Innovation Zone to be tailored to better reflect specialist development needs, intent and vision for major strategic development and employment sites such as Tonsley and Flinders Village, possibly via introducing a more focussed zone or new Subzone. Related to this, opportunities to expand the list of envisaged uses in innovation (and employment) zones was identified to align with anticipated uses for these strategic sites. Again, similar to feedback from councils, potential to tailor the approach to shops in the Innovation Zone (e.g. shops greater than 500m<sup>2</sup> are proposed as Restricted development) was identified to reflect current circumstances, master plans and the vision guiding development of these sites.

Opportunities to include new policies in the Innovation Zone to encourage use of green infrastructure in open space and public spaces for environmental benefits was also identified, along with further clarification car parking requirements applying to sites within the Zone.

### **Resource Extraction Zone**

Given the nature of the Resource Extraction Zone, there was some suggestion that prescribed mining operations could be included in deemed-to-satisfy development or, if left as performance assessed development, be exempt from public notification if meeting applicable criteria (which occurs within some current Development Plans).

Greater policy guidance or clarity (e.g. baseline data) was also sought in relation to separation distances, mounding or vegetation in the context of buffers to extractive industries, rather than relying on direction from referrals to determine an appropriate buffer solution. There were also suggestions to carryover local policy applying to existing resource extraction sites or to reference specific sites with the development classification tables (e.g. with regard to land division limitations).

Opportunity to further review the Restricted development classification to include uses currently discouraged (i.e. listed as non-complying) in commensurate zones of Council Development Plans was also identified, and that 'replacement dwellings' should demonstrate a connection with existing or proposed mining operations, particularly in areas such as the Barossa.



In relation to the Resource Extraction General policies, opportunities to seek inclusion of a rehabilitation plan was identified to more proactively approach reclamation of mining sites.

Feedback identified potential to expand application of overlays such as the Resource Extraction Protection Overlay, to identify and protect known economically workable deposits of minerals from incompatible development. This was also viewed as a way to better transition current development restrictions applying to areas surrounding some mining or quarry sites (i.e. by way of existing encumbrances or land management agreements), including the Gulfview Heights Quarry in the Salisbury Council area.

Feedback was generally supportive of application of the Resource Extraction Zone to mining and quarrying activities, including potential to expand its application over a number of existing extractive industry sites that are proposed within the Rural and Peri-Urban Zone in particular. It was also suggested to apply the Zone to some sites located (or partially located) within Adelaide's Hills Face Zone.

Similarly feedback was received on the expansion of application of the Resource Extraction Protection Overlay to key quarry sites across the State was suggested to better protect these sites and minimise interface issues arising from the establishment of incompatible land uses in proximity to these sites. This was also suggested in the absence of any rezoning of sites.

Opportunities for the Zone to identify a range of uses compatible with, or that can co-exist with or add value to, extractive industry (such as renewable energy facilities) as desired land uses was also identified.

With regard to the Resource Extraction General policy provisions, there was some suggestion to shift the policy focus on required reclamation of disturbed areas rather than material impacts on the on the landscape given the very nature of mining operations.

There was also some suggestion for policies to include provisions that relate to the relocation and/or works within watercourses, which are fundamental to quarrying, despite other Overlays that are proposed to apply to various quarry sites. Further clarification was also suggested in relation to removal of native vegetation for mining operations in order to avoid potential conflicts with other policies in the Code.

Further, it was suggested that policies for 'offices' associated with resource extraction activities be reviewed to refer to a 'site' rather than 'allotment' to address situations where a site comprises more than one allotment and again, avoid a potential assessment conflict. There were also suggestions that floor area caps not apply for associated offices to ensure legislative requirements (e.g. occupational health and safety) can be met.

#### **Suburban Business and Innovation Zone**

Some submissions suggested that the Suburban Business and Innovation Zone shifts the focus to retail and industry, or encourages a higher built form and intensity than existing zoning (including existing smaller scale business zones), and may not be an appropriate fit in some locations, with requests to apply an alternative zone or new Subzone in some instances. Some also identified that the allowable floor areas for shops in the Zone have increased from existing zoning, suggesting that floor areas should reflect existing policy settings.

There was also some dissatisfaction with use of the word "Suburban" in the zone name, with some suggestion to simply refer to the zone as the 'Business and Innovation Zone'.

Feedback also identified missing policy linkages for uses in the deemed-to-satisfy and performance assessed pathways of the Suburban Business and Innovation Zone (e.g. hours of operation and shops) or suggestions for additional policies guiding uses such as land division and the desired nature and form of residential development in the Zone, or to manage interfaces. It was also suggested that 'dwelling' should be listed in the development classification tables to capture undefined dwellings (e.g. that may be part of a mixed use development). One submission also suggested that, given the focus on medium density residential and mixed use outcomes in the Zone, detached and semi-detached dwellings may not be consistent with the desired outcomes.

General comments identified that the term 'medium rise buildings' (generally 3-6 building levels in the Code) has been used in the performance outcomes, while the deemed-to-satisfy provisions restrict building heights to 3 building levels (or 12 metres), which is inconsistent.

In addition to broader comments regarding the appropriateness of some performance assessed developments in the Suburban Business and Innovation Zone and other employment zones, there was also some suggestion that the Restricted development classification in the Zone may be too limited, allowing for a range of potentially inappropriate uses to be performance assessed in the zone (e.g. adult entertainment/services, industry and special industry).

Industry groups have sought greater clarification with respect to the performance assessed pathway in the Suburban Business and Innovation Zone, including potential to remove the need to meet a deemed-to-satisfy / designated performance feature when an application is to be performance assessed – and elevating these to the deemed-to-

satisfy classification table. There were also suggestions that residential development appears to have a higher order than non-residential uses in the Zone despite being a commercial-type zone, which is considered at odds with the Desired Outcomes. It was also suggested that residential flat buildings be included in the list of envisaged land uses in the Zone, with one industry representative and property owner also seeking an increase in allowable building heights in the Zone.

### **Suburban Employment Zone**

The proposed inclusion of 'tourist accommodation' and a 'hotel' in the list of envisaged uses in the Suburban Employment Zone was a common theme identified, which are currently discouraged in existing industrial-type zones. It was also identified that there was no content in the Procedural Matters in the Zone, which requires review.

Shops and offices also featured strongly in council feedback, including suggestions that the scale of shops allowed in the Suburban Employment Zone may be excessive given the focus on industrial activities (and may not align with current policy), and the allowable scale of offices should also be defined (i.e. currently no floor area limits for offices).

There was also some concern regarding encouraging bulky goods in the Suburban Employment Zone, particularly in township locations such as The Barossa, as well as the absence of floor area restrictions applying to these uses. Conversely, in instances where the zone is proposed to apply to existing bulky goods focussed areas, there was some concern that the policies were not conducive to this use (or service trade premises) and shifts the focus to industry, shops and offices.

One submission felt there was greater opportunity for more land uses to qualify as deemed-to-satisfy development in the Suburban Employment Zone, but suggested that the extent of Overlays may prevent most development from being assessed under this pathway even where listed in Table 2. Another submission also suggested that the Restricted development classification could be expanded given the zone's 'suburban' location (e.g. to include uses such as a crematorium, agistment and holding of stock). It was also noted that a 'wrecking yard' is included as Restricted development but is not a defined land use in the Code.

Submissions also identified opportunities to expand the list of envisaged uses in the Suburban Employment Zone (e.g. to include warehouse and educational facilities) and potential for further policy guidance on some matters in the Zone (and similarly in the Suburban Business and Innovation Zone), including managing interfaces and trees/landscaping in car parking areas. There was also some suggestion that the building envelope 45 degree plane should be amended to the 30 degree plane to better manage interfaces where this currently applies. It was also suggested that where an existing industry interface policy area or precinct applies, then this could be included as a subzone in the Code (i.e. but may not qualify for application of the Code's Significant Industry Interface Overlay).

Potential to include a 'Winery Subzone' or similar to recognise areas where the focus is on wineries in an urban setting was also suggested, including at Dover Gardens.

There was also some suggestion to allow boundary to boundary development for warehousing in the Suburban Employment Zone in the zone to reflect current policy and maximise site use and efficiency (i.e. proposed policies seek a three metre setback to at least one side boundary).





### Tourism Development Zone

Feedback suggested there may be a need for additional policy in the Tourism Development Zone to guide the development of tourist accommodation, which is a key envisaged use in the zone. It was also identified that light industry has been specifically excluded from the Restricted development classification in the Zone, but is currently discouraged and policy provisions in the zone do not give support to any form of industry. The requirement for shops to be in association with tourist 'accommodation' (as distinct from tourist development) may also be overly restrictive.

Limited feedback was received in relation to the Tourism Development General policy provisions, however it was suggested that additional policy may be needed to guide siting and development of tourism operations where located in areas of environmental significance to manage impacts, including from operations. It was also suggested that tourism development policy should better recognise changing market needs, including disruptors and the desire for unique experiences. Policies could also differentiate the type and scale of tourism development across the State rather than adopting a 'one-size-fits-all' approach (e.g. correlating with proximity to the Adelaide City Centre).

Potential for more contemporary policy and definition of tourist accommodation was also identified to address changing markets needs and new/emerging models (such as 'Airbnb') where accommodation options are increasing in residential neighbourhoods.

There was also some suggestion from councils that the size of advertisements anticipated in the Tourism Development Zone may be excessive given the locations where the Zone is proposed to apply.

Feedback suggested the requirement for dwellings in the Tourism Development Zone to be associated with tourist accommodation (e.g. manager or caretakers residence) may be overly restrictive, and that the number of Overlays applying to development classifications in the Zone may be excessive.

### GENERAL POLICY:

#### Advertisements General policy

Greater clarity was sought in policies regarding the distinction between third party advertising and advertising associated with lawful use of land.

A number of councils also identified that there are currently no provisions in the General Provisions to guide the maximum size and height for signs (in particular free-standing signs) in a number of zones, including the Recreation Zone and Community Facilities Zone. It was also identified that advertising provisions instead exist in specific zones in some instances, such as in the Suburban Employment Zone and Home Industry Zone, but would be better placed in the General Provisions.

There was also some agreement with increasing the size of signs allowed in zones such as the Employment Zone and calls to retain existing size limits in home industry areas. The size and height limits of signs in the Urban Activity Centre were also considered inadequate for major shopping centres, particularly in regional-scale centres.

It was also suggested to carryover existing policies that ensure advertisements are sited to avoid damage to landscaping or street trees, as well as policies for flags, bunting and streamers, larger column or pylon signs, and signs that use an architectural or sculptural form rather than text. Clearer design criteria was also recommended for signs in heritage areas or on heritage buildings, which should be compatible with Historic Area Statements, as well as policies to guide the siting and placement of signs adjacent to residential land. An opportunity to include illustrations in the Code to assist with interpreting policies guiding the design of advertising signs was also identified.

There was also some suggestion for clearer distinction in policies between bright internal and subdued external (e.g. spotlights) illumination of signs. Policy seeking no illumination of advertisements was also called up in all zones in the Code, suggesting an intent for no advertisement to be illuminated anywhere in the State, which should be reviewed.

It was also identified that advertising signs are proposed to be performance assessed development in nearly every zone, which could result in proliferation of signs if not carefully managed or controlled.

Feedback identified that advertisements in the public realm should be 'integrated' with existing structures or infrastructure rather than attached. Similar to feedback from councils, there were also calls for a clearer policy distinction between third party advertising and that which relates to the lawful use of the land.



#### Interface between Land Uses General policy

General feedback was received regarding the different formatting of the Interface between Land Uses General policy compared to other General Provisions in the Code.

Feedback was also received in relation to hours of operation of non-residential uses, including suggestions to reduce evening hours to more closely align with standard business hours (e.g. 6pm), with hours beyond this to potentially be performance assessed, and a need to refer to Sunday trading hours and public holidays to reflect contemporary trading periods.

While it was recognised that the Interface between Land Uses General policy address interface impacts for a range of scenarios, it was suggested that policies could consider interfaces between primary production uses (e.g. vineyards establishing adjacent to cropping land) and impacts that may be created where sensitive residential uses establish near such operations. There were also suggestions for greater emphasis in the policies in relation to use of landscaping to help manage interface impacts and a need for policy to address noise from air conditioners, particularly in denser urban areas.

Potential to include some baseline data or qualitative criteria in relation to predicted noise levels was also suggested to assist planning practitioners, rather than deferring to the Environment Protection (Noise) Policy criteria. Similarly, there was some suggestion to include recognised separation or buffer distances in relation to the interface with rural activities, again to provide a baseline for practitioners.

Further clarification was also sought regarding what is considered reasonable overshadowing, with suggestions to consider a requirement for all buildings above two storeys to consider shading of solar panels on adjacent land. It was also suggested that there may be insufficient evidence to suggest that solar panels (or solar farms) emit glare and that other policies featured in the Code adequately address any such issues.

It was suggested that achieving some overshadowing policies may be onerous in areas of higher densities and heights, and some tempering of the rigidity of the requirement to access winter sunlight could be considered in these scenarios. There were also suggestions that noise nuisance be suitably managed rather than 'minimised' to provide greater flexibility in solutions to noise issues, and similarly, that light spill also be managed. Opportunities to include development buffers around waste water treatment plants was also identified.



## Natural Resources and Environment

### Environment

A broad range of feedback was provided in submissions relating to the Environment including:

- Inclusion of additional land uses to the Restricted tables within Conservation Zones or Parks (i.e. tourist accommodation, renewable energy facilities, farming)
- Recommendation for new Overlays for 'Critical Habitat Areas'
- The extent of the Native Vegetation Overlay including its application within residential areas and townships
- Council and community members seeking stronger policy to reduce further loss of tree canopy over the State and greater requirements for more and linked landscaped areas
- Concern about the inadequacy of policy to combat urban heat from infill development
- Concern regarding the loss of existing policies and level of protection of significant and regulated trees
- Concern about the lack of policies to prepare developments for climate change, particularly over the life of the development
- Further policy development around stormwater management with increased infill development being more prevalent.

### Local Government Feedback

Generally, the inclusion of deemed-to-satisfy policy requiring landscaping and tree planting on residential sites was supported. Some councils indicated that the requirements should be increased to improve alignment with tree canopy targets in *The 30 Year Plan for Greater Adelaide*.

### Industry Feedback

Many industry submissions sought a greater emphasis on climate change related policies, however a number of industry submissions raised concerns with deemed-to-satisfy policy requiring trees to be planted. It was suggested by some that requirements for soft landscaping would reduce building footprints and therefore reduce consumer choice and increase cost. Some submissions also indicated that tree planting requirements would have engineering impacts due to tree effects on footings that may result in damage to residential buildings or increase construction costs as a result of footing designs considering the effect of tree planting.

### Community Feedback

Feedback highlighted that the development and implementation of more policies to mitigate climate change, urban heat and stormwater as a result of infill development is of great importance to the community. The inclusion of greater protection for biodiversity, particularly for endangered species, also featured in community submissions. The feedback suggests that the community highly values tree canopy cover and is looking for policy incentives for retaining existing trees on development sites to be included in the Code. Retaining existing protections for significant and regulated trees was recognised as an important topic to the community.



## Key Issues

### Climate change

Feedback recommended that policies be developed to support climate change and guide sustainable development practices including:

- Measures to protect existing mature trees and mandating the inclusion of trees in any development
- Mandating water sensitive and energy efficient building design
- Large water tanks plumbed to the home
- Permeable surfaces
- Energy generation i.e. individual or community solar systems
- Reduction of heat caused by solid surfaces through the inclusion of more than one tree and increased landscaped cover
- Policies to ensure developments are designed for their expected life-time with regard to a changing climate
- Natural hazard policies better addressing the lifetime of a development.

### Conservation Zone

A high number of respondents suggested that additional land uses should require the highest level of assessment (be Restricted types of development) in the Conservation Zone, particularly tourist accommodation large-scale renewable energy facilities, farming and signage.

### Critical Habitat Areas/Biodiversity

Multiple submissions sought the inclusion of greater protection for biodiversity, particularly for endangered species, via a new overlay for a 'Critical Habitat Area' reflecting where habitat corridors or areas where endangered flora and fauna exist. The overlay would include policy that prioritises the protection of endangered flora and fauna habitat and corridors.

### Landscaping and tree planting

Generally, the inclusion of deemed-to-satisfy policy requiring landscaping and tree planting on residential sites was supported. Some respondents indicated that the requirements should be increased to improve alignment with tree canopy targets in *The 30 Year Plan for Greater Adelaide*. Other suggestions related to linking urban heat mapping to Code policy. It was also suggested that minimum requirements for deep soil areas in medium and high rise developments should be increased and that deep soil requirements should be included for low rise residential development in addition to minimum soft landscaping and tree planting policies. Some respondents queried how tree planting and landscaping policy could be enforced and monitored by authorities, and the resources required to undertake this.

On the whole feedback supported the proposed landscaping and green cover policies, as well as a recommendation to strengthen these policies to further improve the state's tree canopy and green cover for urban heat reduction and climate change improvements. However, there were a number of submissions that raised concerns with deemed-to-satisfy policy requiring trees to be planted. It was suggested by some that requirements for soft landscaping would reduce building footprints and therefore reduce consumer choice and increase cost. Submissions also indicated that tree planting requirements would have engineering impacts due to tree effects on footings that may result in damage to residential buildings or increase construction costs as a result of footing designs considering the effect of tree planting.

### Loss of tree canopy

There was significant feedback seeking further policy development to reduce further loss of tree canopy over including requirements for more and linked landscaped areas.

Feedback included the concern of developments clearing all vegetation from sites rather than considering the social and environmental benefits of retaining existing mature vegetation on the land. Policy incentives for retaining existing trees on sites were proposed for inclusion in the Code.

A number of submissions also sought additional policies encouraging the planting of native vegetation in new developments.



### Native vegetation

Some submissions suggested that the procedural arrangements associated with the Native Vegetation Overlay will too often require specialist advice up front and expressed concern that the referral to the Native Vegetation Council is for Direction. It was suggested the advice should only be 'Regard', and that a report should only be required at the Native Vegetation Act approval stage, not at the planning consent stage.

Other industry submissions supported the inclusion of the Native Vegetation and State Significant Native Vegetation Overlays, particularly the disclosure of native vegetation requirements up front in the planning system.

A number of stakeholder submissions also recommend additional policies requiring greater planting of native vegetation.

Some submissions suggested that the Native Vegetation Overlay had been applied too liberally over some council areas including over township and residential areas where it restricts simple what would be deemed-to-satisfy development from occurring.

It was suggested that the Overlay be reviewed to remove its impact on townships and residential areas to allow deemed-to-satisfy developments to occur.



### Native Vegetation Overlay

Clarification: It should be noted that the Native Vegetation Overlay applies to locations where the Native Vegetation Act 1991 currently applies. Deemed-to-satisfy pathways are maintained where no clearance is proposed.

### Significant and regulated trees

Retaining existing protections for significant and regulated trees was recognised as an important topic. A number of respondents suggested that the policy be reviewed to ensure that the Code transitions current regulated and significant tree policy in a 'like for like' manner.

It was also suggested that the Regulated Tree Overlay be reviewed to ensure that it reflects the current regulated and significant tree policies.

### Stormwater management

Multiple submissions recommended that further policy development should be undertaken to increase stormwater detention requirements for infill development at the development plan consent stage.

Some submissions identified that the Code should also include stormwater detention as well as retention requirements. There were a range of technical suggestions made in relation to policy wording and consistency with current engineering practices.

Some submissions indicated that stormwater retention was already addressed in the Building Code of Australia and policy shouldn't replicate or expand on this. Other submissions indicated this should be left to the preference of the homeowner and would add to construction costs and reduce affordability. It was also suggested that policy needed to be more flexible to consider local conditions. For example, these policies should not apply to greenfield developments or where stormwater will discharge into a catchment that already includes appropriate stormwater management infrastructure such as wetlands. It was also identified that stormwater management policy should be reworded to improve clarity and make it more equitable, to ensure that it only requires additional stormwater runoff generated by a development to be managed rather than address existing pre-existing conditions and issues within a catchment.

Other submissions provided suggestions for improvements to stormwater related policies including retention and detention solutions.

### Urban heat from infill development

Multiple submissions were received seeking strengthened policy to combat urban heat from infill development. This included suggestions such as retention of mature large trees with canopies, and increased percentage of landscaped areas within our neighbourhoods (in both the public and private realm). Some feedback suggested that the Code does not currently align with, nor support the Government's tree canopy target in The 30 Year Plan for Greater Adelaide.



## Hazards (Flooding)

A significant number of submissions provided feedback in relation to the Hazards (Flooding) Overlay module and General development policies. Submissions generally acknowledged the importance of including robust flood hazard policies within the Code, particularly given predicted changes to the frequency and intensity of extreme weather events as a result of climate change.

Consistent with the feedback received during Phase Two of the Code, there was strong support for the inclusion of flood related policies that reflect those found within existing Development Plans to ensure the Code's flood policies are appropriately tailored to suit the unique circumstances of each region.

Many responses identified opportunities for policy refinements to ensure clarity and a balanced approach to flood risk management. Similarly, a wide range of policy amendments were suggested improvements to the development assessment process.



### Local Government Feedback

Local Government provided detailed commentary in relation to the importance of accurate mapping for flood risk management, with a number of suggestions for incorporating additional or updated flood mapping data into the Hazards (Flooding) Overlay. A number of councils highlighted potential improvements to the Hazards (Flooding) Overlay mapping, in particular:

- The removal of outdated flood mapping from the Hazards (Flooding) Overlay
- The inclusion of recent flood data within the Hazards (Flooding) Overlay wherever this is currently available, including application of nuanced/localised mapping for various townships in addition to wider floodplain mapping
- Opportunities to include existing zones which recognise an existing flood plain, such as the 'Watercourse Zone' currently contained within the City of Burnside and Norwood, Payneham and St Peters Development Plans
- The identification of new flood mapping data currently in production, which also considers coastal flooding, storm surges, seawater inundation and sea level rise.

Suggestions also highlighted the importance of incorporating a suitable process to update flood hazard mapping data within the Overlay as new mapping is undertaken by councils, including the preparation of updated Stormwater Management Plans. It was also suggested that reference to external mapping documents or defined flood events within the Code could allow for the most up-to-date data to be used during assessment as soon as it becomes available, without reliance on a Code amendment process.

Local Government submissions also highlighted the importance of due consideration of flood management in the assessment of proposals for new development, suggesting a range of policy and technical refinements, including:

- Amendments to finished floor level requirements within the Hazards (Flooding) Overlay, and general development policies to reflect situations where 'top of kerb' is not a suitable measure, particularly in regional areas where there is no kerbing, or for allotments on the low side of a road where the development site is below kerb height. It was also suggested that these requirements be applied not only to residential development, but to a wider range of land uses
- Greater application of 'catch-all' general development policies to allow for the consideration of flood management in known flood-prone areas where up-to-date mapping is not available for inclusion within the Hazards (Flooding) Overlay
- That flood management policy seeks to limit the intensification of development within known flood hazard areas, and that policies be refined to clarify what information needs to be provided with an application on a site where the Hazard (Flooding) Overlay applies
- That policy addresses flood hazard within the context of rural, urban infill and greenfield development sites, as flood management approaches will differ between these scenarios
- The introduction of new flood flow corridor policies, including deemed-to-satisfy (DTS) / designated performance features (DPF) requirements for minimum setbacks from flow corridors and watercourses, as well as finished floor levels that are tailored to the nature of flooding in the locality
- The inclusion, where appropriate, of separate risk categories within the Hazards (Flooding) Overlay i.e. Low, Medium and High Risk, similar to the approach taken in relation to bushfire risk management, as well as including reference to additional flood events (i.e. 5% Annual Exceedance Probability (1 in 20))
- Opportunities for interaction between the Hazards (Flooding) Overlay and the Water Resources Overlay where the two overlays overlap or adjoin to better align with policy approaches contained within a number of current Development Plans and to better address issues of water quality associated with flooding
- Suggestions for how the Code policy could account for the increasing intensity and frequency of extreme weather events and identification of additional areas that may be at risk, whether due to stormwater, riverine or coastal flooding.



### Development Industry Feedback

Industry feedback expressed concern that non-residential development was not afforded the same level of protection against the risk of flood within the proposed Code policy as residential development.

Industry feedback recognised the desire for the new planning system to have consistent approaches across the state to enable simplification of assessment procedures and implementation of the system. Concern was raised regarding the varied approaches to referencing and/or utilising flood mapping in parallel with policy contained within existing development plans. In particular, this highlighted the importance of ensuring that the Code is able to cater for such nuance, given that the Hazards (Flooding) Overlay consolidates a large volume of flood mapping which has typically been prepared for use in conjunction with guidelines that vary council by council, rather than for the specific purpose of reflecting the policies contained within the Code.

### Community Feedback

Community feedback highlighted the importance of incorporating accurate and up-to-date flood hazard mapping, as well as ensuring that the Code includes a mechanism for the consideration of flood management outside of areas contained within the Hazards (Flooding) Overlay, particularly for locations predicted to be impacted by flooding in the future due to increased frequency and intensity of weather events, or increased stormwater run-off. Community feedback called for flood and stormwater management policy contained within current Development Plans to be transitioned to the Code in order to better reflect the nuance and local circumstances of flood impacts across various regions.

## Key Issues

### Overlay mapping data

In particular feedback highlighted the importance of updating Overlay mapping data prior to Code implementation to address concerns surrounding missing or outdated flood maps. Typically, this feedback related to the fact that Overlay mapping was originally generated through a conglomeration of flood mapping contained within existing Development Plans, however, some of this mapping was outdated, and in many cases, Development Plans did not contain the mapping which councils are using for assessment purposes.

## Hazards (Bushfire)

Submissions were received from a range of stakeholders in relation to the suite “Hazards (Bushfire)” modules within the Code.

The extent of asset protection zones required was of particular interest to many stakeholders. Another area of interest was the desire for strengthened policies to avoid the clearance of native vegetation, significant trees, regulated trees and mature vegetation. Other respondents offered suggestions for additional Code policies to mitigate climate change and bushfire conditions.

Opportunities to incorporate bushfire attack level (BAL) ratings into assessment policies and to extend this approach to the consideration of land division in affected regions were identified, as was the need for further refinement of policy to clarify, manage and balance bushfire risk.

A wide range of policy amendments, aimed at improving the development assessment process in relation to bushfire management were suggested.





### Local Government Feedback

Local Government submissions expressed a clear understanding of the need and support for policy relating to the impact of bushfire on development. Many councils expressed that bushfire mapping must be up to date in light of recent bushfire events and sought assurance that this was included in the proposed mapping. Similarly, Local Government expressed an opportunity within all bushfire hazard overlays to recognise the projected increase in dangerous fire conditions as a result of climate change.

A range of policy improvements suggested by councils include:

- Provision of deemed-to-satisfy and performance assessed criteria for rainwater tanks that are dedicated to firefighting purposes
- Amendments within the relevant bushfire overlays to clarify the distinction between Asset Protection Zones (0-100m), bushfire buffer zones (up to 1000m) and defensible space (0-20m). This suggestion was also reiterated by some community members.

### Development Industry Feedback

Industry submissions sought a reduction in the number of bushfire hazard overlays for simplification, and a reduction in the impact of overlays on deemed-to-satisfy pathways for new dwellings.

The importance of effective asset protection zones was reiterated, citing recent bushfires in the Adelaide Hills and Kangaroo Island, observing the impact (or otherwise) of vegetation and terrain on the intensity and speed of bushfires.

### Community Feedback

A number of submissions from the community were focussed on bushfire hazard policies and raised a range of policy suggestions including:

- Support for an amendment to driveway design
- Opportunity to align with the relevant Australian Standard for Construction in Bushfire Prone Areas (AS3959)
- Ensuring that people are able to be evacuated to a Bushfire Safer place (rather than just anywhere)
- Incorporate bushfire attack level (BAL) ratings into Code policies
- Suggestions for siting policies within the bushfire overlays
- Requests referrals for land divisions adjacent to high risk bushfire areas.

## Key Issues

### Hazards (Bushfire Risk) Overlay mapping

Multiple submissions raised the importance for review, and update if necessary, of the Hazards (Bushfire Risk) Overlay mapping to ensure latest best practice is reflected in the policy outcomes in light of recent bushfire events to accurately identify bushfire risk areas.

### Hazards (Bushfire – Urban Interface) Overlay

Submissions identified the Hazards (Bushfire – Urban Interface) Overlay may impact council resources and efficiency relating to the assessment of land division, and the effect of this Overlay on performance assessment for dwellings and non-residential uses in Township Zones. Many councils raised the importance of the deemed-to-satisfy pathway in the council's townships and emphasised that this should not be precluded.



### Bushfire hazard mapping in future generations of the Code

The bushfire overlays and hazard mapping proposed are the first stage of a broader bushfire hazard mapping project undertaken by the Department in conjunction with SAFECOM which will be progressively implemented in future generations of the Code.

## Infrastructure

Submissions provided broad support for the proposed infrastructure policies and their intent at the general and zone level. Several minor amendments were suggested to strengthen policies. However, significant concern was raised for the potential for conflict where policies and deemed-to-satisfy within the Code did not mirror mandatory industry standards for certain infrastructure.

A consistent issue raised by Local Government, development industry and the wider community related to the envisaged uses within the Infrastructure and Community Facilities Zones and ensuring these zones promote appropriate infrastructure uses. In particular there was broad support from all submissions that the list of envisaged uses could be expanded. In particular for Community Facilities Zone to include of community infrastructure uses such as emergency services, community centres and hospitals and health care facilities. A number of submissions also raised the need to consider the provision of uses such as aged care facilities.

A wide range of policy amendments were suggested to improve the development assessment process. Several Local Government submissions requested changes to the proposed zones to reflect the existing use of the land.

### Local Government Feedback

Local Government submissions primarily focused on powerlines and wastewater infrastructure requirements, particularly where mandatory requirements existed but were not reflected. Concern was expressed about the ability for allotments to be approved without appropriate consideration of the wastewater infrastructure requirements in the future.

In particular, Local Government submissions requested:

- That mandatory requirements of infrastructure standards, such as those by the Office of the Technical Regulator, were directly referenced in policy
- That all On Site Wastewater Code requirements including setbacks should be referenced in the P&D Code
- Guidance, possibly through a Technical and Numerical Variations or other mechanism, would be used for minimum allotment sizes when on-site wastewater is required
- Terminology when referencing certain types of infrastructure (such as wastewater) should be consistent.

Submissions from Local Government also suggested that stormwater policy was inconsistent with industry standards with the Code requiring stricter standards than industry or council requirements. Further, stormwater and water sensitive urban design (WSUD) policy required specific quantitative measures to allow for performance assessment to occur.

The Rural City of Murray Bridge noted that the Infrastructure Zone was used for a correctional facility when the policy was generally focused on physical infrastructure.

### Development Industry Feedback

Development industry, including infrastructure providers, sought to ensure infrastructure facilities such as schools, substation site and telecommunication towers, where located within an appropriate zone and listed as an envisaged land uses within that zone. In addition to this industry sought flexibility in policy to allow buffers/setbacks to be applied differently in differing circumstances depending on the nature of development and adjacent uses.

Development industry also sought to ensure flexibility in the Code to ensure multi-story developments would allow community uses in conjunction with residential uses and that aged care facilities were supported within the Community Facilities Zone.

### Community Feedback

There were very few community submissions relating directly to infrastructure. Two submissions raised the assessment of community facilities, such as schools, that may include multi-storey buildings adjacent other zones.

## Key Issues

### Community Facilities Zone

Submissions generally sought to ensure infrastructure facilities such as schools, hospitals, community centres, libraries, halls, emergency services, etc. where listed an envisaged land uses within appropriate zones such as Community Facilities Zone.

Further it was noted that consulting rooms which are currently an envisaged use was not transitioned as an envisaged use within the Community Facilities Zone. This change was supported by one submission whilst another requested it be reinserted.

Submissions generally considered building heights to be inappropriate for buildings within the Community Facilities Zone. Submissions raised that ambiguity exists on building heights within the policy and suggested a Technical and Numerical Variation to be clear on requirements.

### Deferred Urban Zone

Submissions advocated for the existing Development Plan policy with regard to land division to be transferred to the Code Deferred Urban Zone. That is, that land division is allowed with minimum 4ha allotment size unless the division is for public infrastructure purpose in which case the allotment can be smaller.

Additionally Onkaparinga Council raised the need to ensure that land proposed as Deferred Urban Zone along the verge of the Southern Expressway is discouraged from being used for dwellings.

## Transport

Submissions included comments in relation to policy detail and suggested improvements in relation to off street parking requirements as well as access requirements (such as sight lines, spacing, queuing provision and the like) in the Major / Urban Transport Overlays, and that these requirements were in excess of relevant Australian Standards or Ausroads guidelines.

### Local Government Feedback

There were a large number of comments in relation to off street parking requirements, and feedback around the deemed-to-satisfy (DTS) / designated performance features (DPF) criteria used in some of the Transport Overlays generally being excessive.

### Development Industry Feedback

Feedback from the development industry focused consistently on off street car parking rates being excessive and deemed-to-satisfy requirements not being consistent with relevant Australian Standards.

### Community Feedback

The SA Active Living Coalition suggested lower off street parking rates to encourage more active modes of movement and transport.





## Key Issues

### Off-Street Car Parking requirements

A number of comments were received in relation to off street car parking requirements for various activities, and that in many instances the proposed rates were excessive. Some submissions recognised that in some instances where lower rates were proposed compared to current Development Plan requirements, that this reflected current practice. This of course is not a universal view – there were views that some rates are too low, particularly in relation to residential development in Neighbourhood Zones.

Consistent feedback was received relating to off-street car parking rates for particular activities being excessive, and not reflecting contemporary understanding.

### Urban / Major Urban Transport Overlays

Consistent feedback was received in regards to many of the deemed-to-satisfy requirements relating to access requirements (such as sight lines, spacing, queuing provision and the like) in the Major / Urban Transport Overlays, and that these requirement were unnecessarily onerous and in excess of the requirements of the relevant Australian Standards or Ausroads guidelines, and would rarely be met by developments (if at all in some cases). It was suggested that these be reviewed and reflect Australian Standards / Austroads guidelines.

## Infrastructure (Airfields and Airports)

Consistent with the feedback received during Phase Two of the Code, concern was raised that the suite of policies and associated mapping related to aviation within the draft Code were inconsistent in application. Feedback typically focussed on the suite of aviation related Overlays with limited suggestions for improvement to be made to the Infrastructure (Airfield) Zone, and no feedback was received for the Residential Aviation Estate Subzone.

Although little feedback was received from development industry or community members, multiple submissions were received from Local, State and Commonwealth Government, as well as the aviation industry suggesting amendments to Overlay mapping, as well as a number of policy and procedural refinements to improve the development assessment process.

### Aviation Industry Feedback

In relation to the Aircraft Noise Exposure Overlay, aviation industry feedback suggested that noise sensitive development should be assessed via the Restricted Assessment Pathway rather than Performance Assessment where such development is proposed within the ANEF 30 contour and above. Feedback expressed that Adelaide Airport in particular should not be subjected to further constraints on passenger numbers or freight growth, which could potentially arise due to additional population and housing within this noise contour. It was also suggested that a referral trigger to the relevant Airport Operator for such development proposals could be implemented to provide advice and assessment of noise impacts on development.



### State and Commonwealth Agency Feedback

State and Commonwealth agency submissions highlighted opportunities to incorporate the National Airports Safeguarding Framework (NASF) into the Code. Key suggestions relate to the following:

- Consideration of Strategic Helicopter Landing Sites (SHLS) within the Airport Building Heights (Aircraft Landing Area) Overlay to reflect with NASF Guideline H
- Incorporation of NASF Guidelines G Communications, Navigation and Surveillance (CNS) and Guideline I Public Safety Areas within the Code
- Amending referral triggers within the Airport Building Heights (Regulated) Overlay to include airport operators/owners as a Referral Body for development which exceeds height limits, and to consider applying this trigger to SHLS
- Ensuring that the Building near Airfields Overlay is spatially applied to the RAAF Edinburgh base
- Consideration of a consistent mapping approach to airport building heights, as the Defence Aviation Area Overlay currently uses a maximum height system, whilst Obstacle Limitations Surface (OLS) has been used for Adelaide and Parafield Airports
- Consideration of temporary structures (i.e. cranes), as well as tall vegetation and gas or exhaust plumes which may exceed height limits within Airport Building Heights and Defence Aviation Area Overlays
- Transition of additional Defence related policy from current Development Plans to the Code, including specific mapping of outdoor lighting constraints.

### Local Government Feedback

Local Government submissions provided detailed commentary on all aspects of the transition of existing Development Plan policy into the Code. A notable issue was the desire for a consistent approach to the management of issues related to aviation in terms of both policy content and the mapping of Overlays. It is recognised that although much of the Overlay mapping for aircraft noise and building height in particular was a 'like for like' transition, the varied approaches to mapping actually highlighted a number of deficiencies.

### Development Industry Feedback

In addition to reiterating concerns about the spatial application of aviation-related Overlays potentially impacting accepted or deemed-to-satisfy development, development industry feedback suggested that a small number of additional land uses be added to Table 3 – Performance Assessed Classification of the Infrastructure (Airfield) Zone.

### Community Feedback

There was minimal feedback received from the community in relation to airfield and airport infrastructure.



## Key Issues

### Aircraft Noise Exposure Overlay

Issues surrounding 'like for like' transition of Development Plans to the Code are particularly noteworthy in relation to the Aircraft Noise Exposure Overlay. Although feedback recognised that current Development Plan mapping of areas where aircraft noise policy applies is deficient in some locations, issues have arisen from the fact that mapping has been transitioned like-for-like, however policy content has not.

In particular, this relates to a reference to Australian Standard (AS) 2021 - Acoustics - Aircraft Noise Intrusion - Building Siting and Construction, which is contained within current Development Plans, however has not been transitioned to the Code. This provision referencing AS 2021, which in turn references the Australian Noise Exposure Forecast (ANEF), allows a relevant authority to utilise up-to-date ANEF mapping in the assessment of aircraft noise exposure even where current mapping has not been incorporated within a Development Plan.

A range of policy and procedural improvements were also suggested, including:

- Include up-to-date ANEF mapping within the Code, particularly in relation to Adelaide and Parafield Airports
- Amend Ministerial Building Standard 10 - Construction requirements for the control of external sound (MBS 10) to include requirements for noise sensitive development in relation to aircraft noise exposure, as well as reference to AS 2021
- Allow a deemed-to-satisfy pathway for noise sensitive development within the ANEF 25 contour where it can meet the requirements of the updated MBS 10 at the building rules assessment stage
- Require noise sensitive development to undergo performance assessment where located within the ANEF 30 contour and above.

### Building Near Airfields Overlay

Feedback was largely consistent with that provided during Phase Two, and again highlighted concerns that the spatial application of this Overlay could result in significant impacts on the potential for development to be considered as accepted or deemed-to-satisfy. It was suggested that more detailed requirements, and greater clarity surrounding the land uses which this Overlay relates be considered to achieve the intended purpose of the Overlay without limiting development opportunity. In particular, feedback related to policy concerning outdoor lighting, and wildlife strike, as well as to aircraft noise policy which duplicates provisions contained within the Aircraft Noise Exposure Overlay.

It was also noted that there is opportunity within this Overlay to address a number of additional aviation related issues, such as those currently outlined within existing Development Plans. These include:

- Lighting glare
- Smoke, dust and exhaust emissions
- Air turbulence
- Reflective surfaces (including large windows, roofs)
- Inclusion of policy that relates to safeguarding navigational aids
- Materials that affect aircraft navigational aids.



## Infrastructure (High Pressure Gas Pipelines)

Consistent with the feedback received during Phase Two of the Code, there was support from respondents for the refinement of the Strategic Infrastructure (Gas Pipelines) Overlay. However concerns were also expressed relating to the spatial application of the Overlay in terms of the rules governing how mapping is generated, as well as the objectives of the Overlay policy.

### Pipeline Industry Feedback

Feedback from the pipeline industry expressed concern that the proposed Overlay did not provide enough clarity for developers and relevant authorities alike, and may afford less consideration to pipeline safety risk than existing processes. As such, strong support was given for the refinement of both the policy and mapping components of the Overlay to more appropriately recognise the requirements for pipeline safety under the South Australian Petroleum and Geothermal Energy Act 2000 (PGE Act), yet allow for a reduced footprint than the Overlay proposed in certain locations where pipelines already have sufficient design safeguards to coexist with densely populated areas. Similarly, support was given for referral powers to be granted to the Department of Energy and Mining as well as the suggestion that a practice direction be drafted to ensure consultation processes will be more efficient for all parties involved.

### State Agency Feedback

State Agency feedback indicated support for the refinement of Overlay mapping, in order to reflect where different sections of high-pressure gas transmission pipelines are designed to accommodate high sensitivity, high density, residential, or conversely rural development. It was suggested that the Overlay policy be refined to align with the requirements of Australian Standard AS 2885. This would ensure that new development within the vicinity of such pipelines would be consistent with a relevant Safety Management Study on potential safety issues relating to the development, or the potential for development to impact upon the ongoing operation of pipeline infrastructure. It was also requested that referral powers be granted to the Department of Energy and Mining so an assessment could be made of the impact of the land division or development against the provisions for safety and security of supply in AS 2885.

### Local Government Feedback

Relatively few Local Government submissions were made in relation to the Strategic Infrastructure (Gas Pipelines) Overlay, with mixed feedback given. In line with the feedback given by state agencies and the pipeline industry, some feedback indicated support for the strengthening of Overlay policy with regard to the obligations of the pipeline operator in accordance with Australian Standard AS 2885. This feedback also expressed support for referral powers to be granted to the Department of Energy and Mining for proposals. This related to proposals seeking the division of land for the purposes of the land uses outlined in Overlay deemed-to-satisfy (DTS) / designated performance features (DPF) 2.1.

However, other councils expressed caution that the application of the Overlay may have implications for development in certain underutilised areas where uplift would be favourable, even expressing a desire for the Overlay to be removed from certain sites.

### Development Industry Feedback

Submissions from the development industry expressed concern that the Overlay would restrict development in areas where zoning currently enables, or has been rezoned to enable urban development to occur. In particular, this concern related to the wording of Overlay provisions around the preservation of access to high-pressure gas transmission pipelines for maintenance and emergency response purposes, despite the Overlay being spatially applied to an area much larger than the statutory easement surrounding a pipeline. Concern was raised that policy wording could effectively render some land undevelopable for uses which are appropriate and permissible in certain locations, and result in confusion or inappropriate decision making on the part of a relevant authority without specialist understanding of gas pipeline regulation.

### Community Feedback

There was minimal feedback received from the community in relation to airfield and airport infrastructure.

## Key Issues

### Land uses

A consistent issue raised by stakeholders related to the limitations on the types of land uses which are envisaged within the Overlay, as well as the lack of clarity regarding the alignment of the Overlay with the requirements of Australian Standard (AS) 2885 Pipelines - Gas & Liquid Petroleum. A range of amendments to the Overlay policy and mapping were proposed. Similarly, a range of procedural amendments were suggested to improve the development assessment process.

Clarification: The Strategic Infrastructure (Gas Pipelines) Overlay is mapped to the pipeline Measurement Length, which is the radius of the 4.7kW/m<sup>2</sup> radiation contour for an ignited rupture, calculated in accordance with AS/NZS 2885.6, applied at all locations along a pipeline. This distance is larger than easements which are currently in place for access and maintenance purposes.

### Renewable Energy

A number of submissions from a wide range of councils, industry groups and community members were received in relation to the Renewable Energy, with a particular focus on those policies that guide the development of wind turbines (wind farms) and solar facilities (solar farms).

The submissions received reflected a diverse, and often opposing, range of views covering the need, appropriateness, siting, landscaping and amenity issues.

### Local Government Feedback

Submissions from Local Government addressed the importance of balancing "cleared areas" (bushfire buffers) around renewable energy facilities (REFs) with the policies which seek revegetation around such facilities. Multiple submissions related to setback policies and the inclusion of all urban areas, including deferred urban zones.

Some submissions sought increased or amended policy to guide the development of small-scale wind turbines, while others suggested the meaning of 'small scale ground mounted solar power facility' could be clarified or defined.

There was also a focus on land use and whether solar farms should be located on agricultural land and if minimum setbacks could be better assessed against 'sensitive receivers', rather than from specifically listed zones.

Specific policies to manage the visual impact caused by roof mounted solar panels including those on tilt frames, particularly in Historic or Character Area Overlays, were also viewed as an important consideration by many councils.

The possibility of including wind farms as an envisaged development in the Rural Zone was also identified.

### Development Industry Feedback

A wide range of industry submissions were received across several sectors. Submissions included policy suggestions such as:

- Requirements for wind turbines and other REFs such as solar farms to achieve a minimum setback
- An increase in the wind turbine setbacks from townships
- Provision of setback distances from non-associated dwellings for secondary components of REF developments
- Provision of visual amenity policies
- Provision of site selection policies that measure cumulative impacts of multiple wind farms in a region
- Requirements for a bond or bank guarantee to ensure appropriate decommissioning of projects
- Amended criteria for ground mounted solar photovoltaic panels.

Other areas of interest raised by industry representatives included:

- Conflict between fencing and landscaping requirements and other regulations and technical specifications
- Need to balance bushfire risk management, landscaping and technical performance
- Increased clarification of terms and definitions
- Additional review about types of development that will meet the deemed-to-satisfy requirements.

### Community Feedback

Feedback was received from a wide range of community members, academics, and community / environmental interest groups.

Many of the community submissions described their concerns and experiences of living in proximity to existing renewable energy facilities. Concerns often related to noise (including inaudible and low frequency noise), sleep disturbance, visual amenity, setbacks, siting, wind turbine height, environmental impacts, and impact on primary production. Many of these submissions sought for the Code policies to be strengthened to reduce the impacts caused by future renewable energy facilities (REFs) development.

More specifically, the community feedback consistently addressed the following:

- That the wind turbine setback policy be amended to provide a consistent setback from all dwellings
- Setback distances between REFs and non-associated dwellings, particularly in relation to wind farm development
- A minimum setback distance from property boundaries and public roads
- That setback and siting policies be flexible to factor in the turbine height, turbine siting, surrounding topography, surrounding vegetation and meteorological conditions
- That the policy considers and manages the cumulative effect of proposals
- Visual amenity policies, particularly in relation to wind farms
- Noise policies
- That the Code address the decommissioning of REFs and site rehabilitation
- That wind farms are not expressly listed as an "envisaged" development in the Rural Zone
- Exclusion from areas with biodiversity assets and high value agricultural land
- Review of referral and notification requirements
- That further consideration is given to the protection of fauna and flora.





## Key Issues

The feedback received addressed the following policy areas as they relate to renewable energy facilities (REFs):

- Setbacks and separation distances
- Turbine height and blade length
- Siting, topography and cumulative effect
- Noise and its impact on communities
- Visual amenity
- Impacts/clearance of native vegetation, habitat and fauna
- Decommissioning of facilities
- Appropriateness of REFs within certain zones (rural) and overlays
- Conflict with primary production and crops
- Procedural matters such public notification, referrals to government agencies and third party appeal rights.

## Renewable Energy Facilities (REFs)

The Commission made a range of recommendation in relation to renewable energy facilities in response to feedback on the Phase Two Code. This included –

- Amending policy to increase setback distances to townships, settlements and non-associated dwellings for Wind Farms and Solar Power Facilities and including different adjoining land setback distances for larger and smaller scale solar farms using a scaled approach based on the approximate size of ground mounted solar fields
- Amending policy to encourage better management of the environmental impact of solar farms, in balance with the need to maintain access, bushfire safety and operational efficiency
- Adding renewable energy facilities as an envisaged land use in the Rural Zone.

## Community Facilities

The submissions received regarding the community facilities theme of the Code (Community Facilities Zone, Open Space Zone, Recreation Zone and Open Space and Recreation General Development Policy Module) were primarily received from councils and schools. The industry and some members of the community also provided feedback, with their comments generally relating to the design of open spaces and recreational areas, and the application of zoning. Within these submissions, a number of key themes have been identified and relate to:

- Extending the list of envisaged development types in each zone, including additional envisaged development types in the accepted, deemed-to-satisfy and performance assessed development classification tables, and reducing public notification requirements for envisaged development types;
- Extending the list of development types classified as Restricted development to provide greater clarity regarding inappropriate development;
- Suggested amendments to the application of zoning and the creation of sub-zones in individual circumstances;
- Adjustments to Assessment Provisions relating to matters such as building height, setbacks and built form;
- Amendments to Desired Outcomes, zone Assessment Provisions and General Development Policies to support best practice in community facility planning and the design of public open spaces; and
- Inclusion of additional policy to support the further development/expansion of schools.

### Local Government Feedback

A number of councils recommended that uses outlined in deemed-to-satisfy (DTS) / designated performance features (DPF) I.I should be extended to be more comprehensive in each zone. For example, it was outlined in the Community Facilities Zone that DTS/DPF I.I should include uses such as community centre, community facility, emergency services facility, hospital, public administration office, retirement and supported accommodations.

It was also suggested that envisaged uses should be listed in the accepted, deemed-to-satisfy and performance assessed development classification tables and that these developments be exempt from requiring public notification.

Another common recommendation from councils was that the classes of development listed as Restricted in each zone should be extended. It was suggested that in doing so the public would gain a much clearer interpretation of which development types are not contemplated in the zone. Whilst some submissions were open to the idea of increasing the scope of development types that may be considered, they expressed concern that a lack of clarity may set unrealistic expectations within the community. For example, it was considered that land uses such as light industry, general industry, intensive animal keeping, waste reception, warehouses, dwellings, industry and offices should not be contemplated in the Open Space Zone, and should be classified as Restricted to avoid doubt.

Some council submissions identified situations where the zoning applied did not reflect a 'like-for-like' transition from their existing Development Plan, and requested this to be rectified through re-zoning, sub-zone creation or amendments to policy. This often occurred in areas located in the Recreation Zone and Open Space Zone. It was suggested that the current policy either diluted or did not accommodate important local circumstances and as such, more specific policy was needed in relation to elements such as built form, building heights, land uses, and setbacks.

A number of technical recommendations in relation to land use, building height and administrative definitions were also recommended to ensure consistent interpretation. Other zone and module specific feedback received from Local Government submissions are summarised under the respective headings below.

### Development Industry Feedback

A number of industry groups shared the views of council in that the list of envisaged development types outlined in deemed-to-satisfy (DTS) / designated performance features (DPF) I.I of each respective zone should be increased and included as accepted, deemed-to-satisfy and performance assessed development and exempt from public notification where appropriate.

Of the submissions received from schools, a number of these noted that whilst schools across the state sit within a variety of zones, none adequately support their reasonable future development or expansion, particularly not beyond the boundaries of their existing sites. Given the important contribution schools make to the community, it was requested that this matter be addressed.

It was suggested that amendments to the accepted, deemed-to-satisfy and performance assessed development classification tables be made to include appropriate development types associated with schools. This would allow such developments to be assessed in an efficient manner. In addition, some mapping changes were also requested, including requests for re-zoning, sub-zones and adjustment of mapping to capture sites adjoining schools in order to accommodate future expansion.

Like councils, industry groups also suggested amendments to Desired Outcomes and Assessment Provisions of the Open Space Zone, as well as the Open Space and Recreation General Development Policy Module. Policy guidance was sought in relation to how open spaces could be designed to facilitate healthy living and climate change mitigation. It was suggested that this could be achieved by adding policy encouraging the inclusion of elements such as grassed areas for informal sports, play equipment, adult exercise equipment, basketball rings, dog exercise areas, park furniture, shaded areas and resting places. Linkage of these areas to existing wildlife corridors and habitats was also encouraged, as well as the establishment of large and medium trees, natural grasses and soft landscapes, and the utilisation of these areas for the management of stormwater.

### Community Feedback

General feedback provided from the community related to the facilitation of improving and establishing new public parks to ensure their functionality and overall use is increased. Submissions also suggested the re-zoning of specific sites to accommodate unique circumstances.

## Key Issues

### Community Facilities Zone

A number of submissions sought that in the Community Facilities Zone, dwellings should be listed as a Restricted class of development. Others considered that they should be contemplated as part of mixed-use developments and some stated that they should be supported in their own right. Overall, the feedback suggested that there was a lack of policy direction relating to residential development in this Zone, and that further clarity should be provided in this regard.

Council submissions also suggested that policies relating to the development of a shop in the Community Facilities Zone required further refinement. Some submissions outlined that only shops with a gross leasable floor area of less than 50m<sup>2</sup> would be appropriate and that shops should otherwise be a Restricted class of development. Other submissions recommended that shops of more than 250m<sup>2</sup> in gross leasable floor area should be classed as Restricted development. Generally, further policy direction was recommended by these submissions in order to ensure that shops in this zone are of a local scale and/or in association with a community facility.

### Open Space and Recreation General Development Policies

It was requested that additional policy regarding cycling and pedestrian linkages should be included in the Open Space Zone as well as the Open Space and Recreation General Development Policy module to better promote and accommodate active modes of transport. It was also suggested that additional policies from the existing South Australian Planning Policy Library (SAPPL) be transitioned, and that coordinated and hierarchical delivery of open space be referenced.

### Open Space Zone

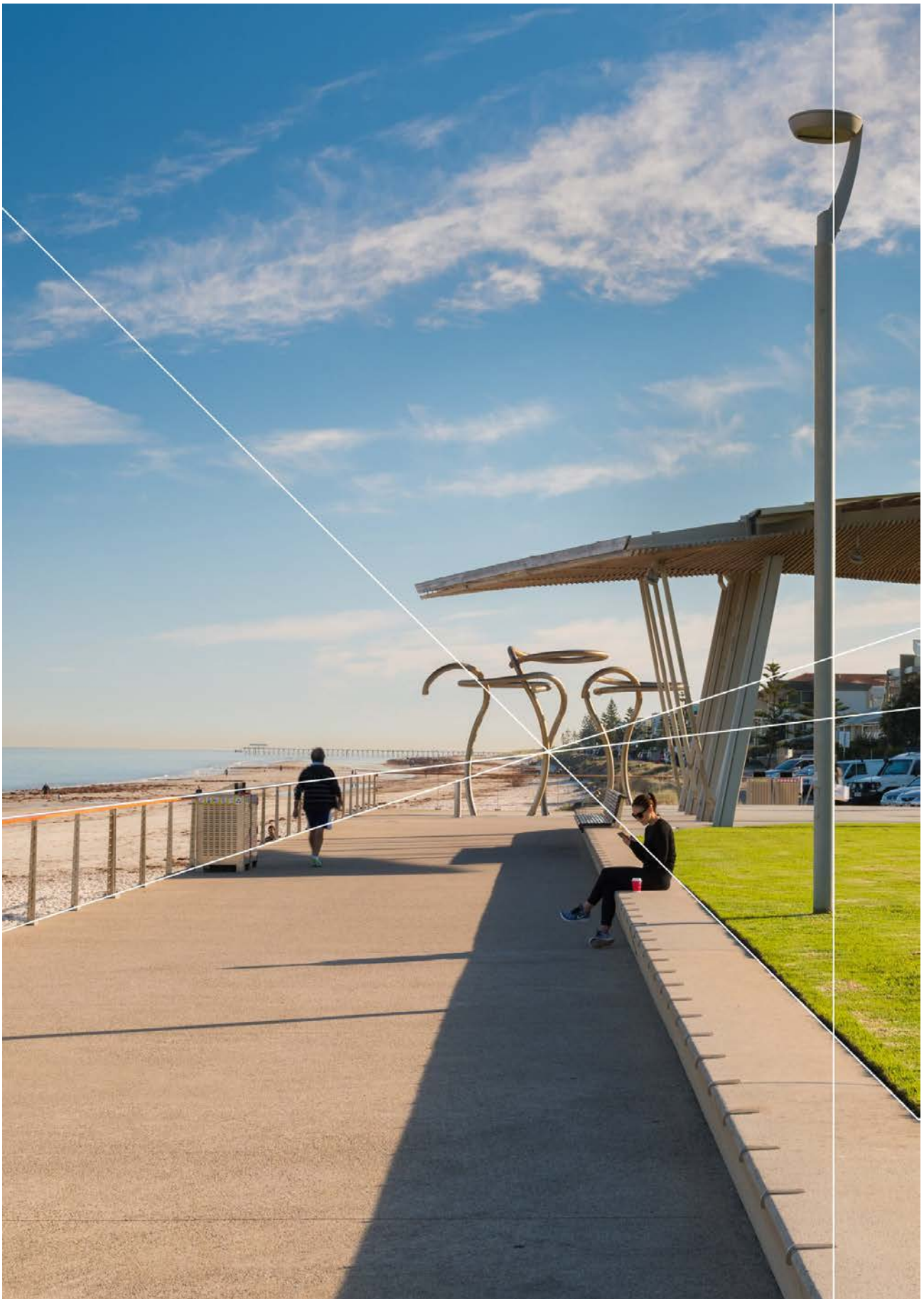
A number of council submissions requested that the Desired Outcome of the Open Space Zone be re-visited to capture the many important functions these areas provide to the community. It was suggested that particular reference be made to their key functions, including the provision of biodiversity, urban greening, urban cooling, public amenity and protecting native vegetation and significant habitats. These submissions considered it important that the Desired Outcome specifically identify these roles to ensure that they are achieved.

A technical issue was raised in relation to transitioning the Metropolitan Open Space System (MOSS) to the Open Space Zone, and in particular, the Code's interaction with the *Native Vegetation Act 1991*. Specifically, the *Native Vegetation Act 1991* references land located within the Metropolitan Open Space System (MOSS) area in its definition of where the Act applies for native vegetation protection. Further clarification was sought as to whether the re-zoning proposed in the Code will result in a severance from the *Native Vegetation Act 1991*, meaning the native vegetation currently on this land may no longer be protected.

### Recreation Zone

In regards to the Recreation Zone, feedback suggested that additional policy guidance should be provided regarding advertisements, external lighting associated with recreational facilities and built form setbacks, and that the creation of sub-zones to accommodate specific circumstances may be warranted.





## 4. Spatial Application and Mapping

Significant feedback was received from communities across metropolitan Adelaide, particularly in Unley, Burnside, Norwood, Payneham and St Peters, Prospect, West Torrens, and Alexandrina, seeking the conversion of their suburbs from the General Neighbourhood Zone to the Suburban Neighbourhood Zone. A large number of respondents also sought the conversion of their suburb from the proposed Housing Diversity Neighbourhood Zone to the Suburban Neighbourhood Zone. A map identifying each of these suburbs is being created for consideration by the Commission.

The community at Kudla in the Township of Gawler voiced their strong support for seeing the area re-zoned from the Rural Zone to the Rural Living Zone. Other spatial issues raised for consideration by community members included:

- For residents in the Adelaide Hills, retention of the 'median rule land division tool', which was incorporated into the Adelaide Hills Council Development Plan as part of a 2017 Development Plan Amendment
- Development and implementation of a Critical Habitat Overlay that includes critical habitat for threatened species and ecological communities listed nationally and at the state level
- Development and implementation of a Biodiversity Overlay to be added to the Open Space Zone
- Requests to map National, Commonwealth and Aboriginal Heritage in order to identify referrals to the Commonwealth Government.

Feedback from councils expressed concerns around quality of flood mapping within the draft Code and have requested the inclusion of up-to-date flood data be considered, even if it is not currently reflected in Development Plans. Additionally, multiple councils requested the transition of the current Metropolitan Open Space System to the Open Space Zone and application of *Native Vegetation Act 1991* be reviewed to address policy deficiencies within the proposed zone.

Other spatial issues raised for consideration by multiple councils included:

- Amendment of the proposed **Technical and Numeric Variations** (TNVs) to reflect existing numerical provisions in Development Plans
- Retention of **Concept Plans** within specific zones to guide development
- Review of the application of the Community Facilities Zone which appears to be too broad in the proposed Code
- **Peri Urban Zone** review spatial application and rename to reflect primary land use intentions or use other rural zones
- Consider introducing new overlays to manage development along scenic routes and in Primary Production Priority Areas (PPPA).



## Next Steps

Based on the outcomes of the engagement for Phase Three of the Code, the State Planning Commission will prepare an Engagement Report for consideration by the Minister for Planning. This report will expand on this 'What We Have Heard Report' and recommend policy changes to Phase Three of the Code. It will also evaluate the success of the engagement against the Community Engagement Charter principles.

The Engagement Report will then be published to support the release of the Phase Three Code for familiarisation, and prior to the Minister considering it for final adoption.

### CODE IMPLEMENTATION TIMELINE



### Acknowledgements

The State Planning Commission wishes to thank all those who participated in the engagement for Phase Three of the draft Planning and Design Code and who provided valuable input and insights to help inform South Australia's new planning system.

For further information visit: [www.saplanningportal.sa.gov.au](http://www.saplanningportal.sa.gov.au) or [www.saplanningcommission.sa.gov.au](http://www.saplanningcommission.sa.gov.au).





[saplanngportal.sa.gov.au](http://saplanngportal.sa.gov.au)



Planning Reform Implementation Program  
Business Readiness – Phase Two Councils

# READINESS CHECKLIST

Issue 1.2 – 18 June 2020



STATE  
PLANNING  
COMMISSION



Government of South Australia  
Department of Planning,  
Transport and Infrastructure

## Document purpose

This checklist has been prepared to help **Phase Two Councils** to be ready for the commencement of the new planning system. This checklist has been prepared in partnership between the Department of Planning, Transport and Infrastructure (DPTI) and the Local Government Association (LGA).

In July 2020, the *Planning, Development and Infrastructure Act 2016* (PDI Act) will become operational in rural areas of South Australia, replacing the *Development Act 1993* and Development Plans.

The PDI Act establishes a new framework for development applications and assessment in South Australia. The new legislation will require Councils to review and update certain elements of their operations in readiness.

This is not an exhaustive list of considerations, but rather a guide of the key elements that should be considered by Councils prior to go live.

## Phase Two Councils

- Barunga West
- Berri Barmera
- Ceduna
- Clare & Gilbert Valleys
- Cleve
- Coober Pedy
- Coorong
- Elliston
- The Flinders Ranges
- Franklin Harbour
- Goyder
- Grant
- Karoonda East Murray
- Kimba
- Kingston
- Lower Eyre Peninsula
- Loxton Waikerie
- Mount Remarkable
- Naracoorte Lucindale
- Northern Areas
- Orroroo
- Peterborough
- Renmark Paringa
- Robe
- Roxby Downs
- Southern Mallee District
- Streaky Bay
- Tatiara
- Tumby Bay
- Wakefield Regional
- Wattle Range
- Wudinna
- Yorke Peninsula



## LGA Support

The Local Government Association (LGA) have prepared a suite of guidance material which can be found in the [LGA Members' Area](#).

All Councils can access the material in the Members' Area using their usual login and password.

### Guidance material

Identifier	Title
ECM 698099	Is your Council ready for the implementation of the Planning, Development and Infrastructure Act 2016 and the Planning and Design Code?
ECM 701885	Draft wording for a standing referral for Building Rules assessments from Panels to Councils
ECM 701883	What should be the mechanism by which Panels and Assessment Managers assign authority for determining how to progress and resolve appeals?
ECM 698107	Role of an Assessment Manager under the Planning, Development and Infrastructure Act 2016
ECM 709581	Guide to Planning Resources available to assist with the implementation of the Planning Development and Infrastructure Act and Planning and Design Code
ECM 710788	Implementation of the Planning, Development and Infrastructure Act 2016 and Planning and Design Code – Frequently Asked Questions
ECM XXXXXX	Policy for Assessment Panel review of decision of Assessment Manager <b>(DRAFT)</b>
ECM XXXXXX	Transitional arrangements for Phase Two Councils and frequently asked questions <b>(DRAFT)</b>
ECM XXXXXX	Policy of Notification – Accredited Professionals <b>(DRAFT)</b>

## Readiness Checklist

Readiness Measure	Date Ready
<b>Assessment Panels</b>	
<input type="checkbox"/> A CAP or RAP has been established with panel members appointed	
<input type="checkbox"/> All members have their necessary accreditation and appropriate insurance in place	
<input type="checkbox"/> All members understand and comply with the conditions of their accreditation	
<input type="checkbox"/> Ongoing arrangements for panel member CPD and annual accreditation costs are decided	
<input type="checkbox"/> Panel meeting procedures, terms of reference and policies are in place	
<input type="checkbox"/> Transitional arrangements in place for panel transition from Development Act to PDI Act	
<b>Assessment Managers</b>	
<input type="checkbox"/> An Assessment Manager has been determined for Council and their CAP or RAP	
<input type="checkbox"/> The Assessment Manager is accredited at Planning Level 1 with appropriate insurance	
<input type="checkbox"/> Ongoing arrangements for CPD and annual accreditation costs are decided	
<input type="checkbox"/> A backup for the Assessment Manager has been considered, when required	
<input type="checkbox"/> Delegations from the CAP or RAP to the Assessment Manager are defined and in place	
<b>Planning Officers</b>	
<input type="checkbox"/> If required by the Assessment Manager, Planning Officers are accredited in their own right	
<input type="checkbox"/> Delegations from the Assessment Manager to Planning Officers are defined and in place	
<input type="checkbox"/> Delegations from Council to Planning Officers are in place for issuing development approval	
<input type="checkbox"/> If necessary, consultants have been engaged to carry out planning functions	
<b>Building Officers</b>	
<input type="checkbox"/> If determined necessary by Council, Building Officers are accredited	
<input type="checkbox"/> Delegations from Council to Building Officers are defined, in place and understood	
<input type="checkbox"/> At least one authorised officer has been appointed to carry out inspections	
<input type="checkbox"/> New, mandatory inspection requirements are understood (buildings and pools)	
<input type="checkbox"/> Readiness to issue certificates of occupancy as required for detached dwellings (class 1a)	
<input type="checkbox"/> If necessary, accredited consultants have been engaged to carry out building functions	

Readiness Measure	Date Ready
<b>Fees and Charges</b>	
<input type="checkbox"/> Process in place for recording fee payments that are not through BPoint (i.e. cash, cheque)	
<input type="checkbox"/> Internal fee waiving policy determined and in place	
<input type="checkbox"/> A budget for annual ePlanning contributions is in place	
<input type="checkbox"/> Council's role and procedure in the disbursement process understood by staff	
<b>Customer Service</b>	
<input type="checkbox"/> Front counters are resourced to handle PDI Act enquiries and staff are trained	
<input type="checkbox"/> Process defined for answering enquiries, including escalation point to DPTI Service Desk	
<input type="checkbox"/> Council websites include messaging to redirect customers to the SA Planning Portal	
<input type="checkbox"/> Printed and digital comms. material updated to reflect the PDI Act transition or removed	
<input type="checkbox"/> Updated, PDI Act printed material (e.g. fact sheets) available on the front counter	
<input type="checkbox"/> Customer service staff have access set up to login to the ePlanning system	
<b>ePlanning System Setup</b>	
<input type="checkbox"/> Minimum equipment and hardware is in place (computer, scanner, printer)	
<input type="checkbox"/> Minimum software is installed and tested (internet browser, PDF editing software)	
<input type="checkbox"/> User access set up for all staff and an administrator designated to manage users	
<input type="checkbox"/> Plan in place to remove obsolete modules from existing Council assessment software	
<input type="checkbox"/> Finalise old EDALA land division applications under the Development Act, where possible	
<b>Data, Records and Reporting</b>	
<input type="checkbox"/> Process for querying PDI Act data, once exported from PLIX, in place	
<input type="checkbox"/> Process for reporting on PDI Act data (Section 7, Performance Indicators, ABS) in place	
<input type="checkbox"/> Freedom of Information (FOI) requests and record management process in place	
<b>Development Application Processes</b>	
<input type="checkbox"/> Process in place for managing applications submitted in hard copy or in person	
<input type="checkbox"/> Process in place for verifying development applications within the legislated timeframe	
<input type="checkbox"/> Process in place for processing transitional Development Act applications	
<input type="checkbox"/> Process in place for public notification (sign production/ erection, payable fees and photos)	
<input type="checkbox"/> Forms and templates ready for use (DPTI-prepared and Council-prepared)	
<input type="checkbox"/> Standard conditions and advisory notes saved into the system for repeated use	
<input type="checkbox"/> Process for stamping plans defined (i.e. digital stamp used in PDFs)	



# Assessment Panels

## From July 2020

Under the PDI Act, Councils are no longer a relevant authority in their own for Planning Consent and Land Division Consent. They must appoint an Assessment Panel or Assessment Manager to perform the assessment functions.

Assessment Panels are the relevant authority for Planning Consent that requires public notification or Building Consent. There are different types of Assessment Panels that may be formed.

Council Assessment Panels (CAPs) are appointed by a Council and replace Council's Development Assessment Panel (DAP) under the Development Act.

Regional Assessment Panels (RAPs) comprise parts or all of the areas of two or more Councils and are constituted by the Minister at the request of these Councils. In the future RAPs can be established by Joint Planning Boards.

Membership for either panel must include a minimum of three members and a maximum of five members. Only one Elected Member may form part of the membership, who does not require any accreditation.

All panels must appoint an accredited Assessment Manager to manage the staff and operations of the panel as well as providing expert advice to panel members. An Assessment Manager cannot also be a member of the Panel and are a relevant authority in their own right,

Accredited panel members are required to pay an annual renewal fee to maintain their accreditation. They are also required to maintain Continuing Professional Development (CPD) units and must hold appropriate insurance.

## Readiness checklist

- ☐ **A CAP or RAP has been established with panel members appointed**
  - ☐ If a CAP, Council has formed the panel which replaces the DAP
  - ☐ If a RAP, the relevant Councils have requested the Minister for Planning to constitute the panel
  - ☐ A minimum of three and maximum of five panel members have been appointed
  - ☐ At least one member of either panel is an Assessment Manager
  - ☐ Only one member may be an Elected Member
- ☐ **All members have their necessary accreditation and appropriate insurance in place**
  - ☐ All panel members are accredited at Planning Level 2 (except for Elected Members)
  - ☐ Assessment Managers must be accredited at Planning Level 1.
  - ☐ Every panel member holds valid insurance, which may be Mutual Liability Scheme insurance
- ☐ **All members understand and comply with the conditions of their accreditation**
- ☐ **Ongoing arrangements for panel member CPD and annual accreditation costs are decided**
  - ☐ Either Councils fund annual renewal fees and necessary training for CPD units OR
  - ☐ Councils request that the panel members fund these themselves
- ☐ **Panel meeting procedures, terms of reference and policies are in place**
  - ☐ Read the LGA's *Policy for Assessment Panel review of decision of Assessment Manager*
- ☐ **Transitional arrangements in place for panel transition from Development Act to PDI Act**
  - ☐ Read the LGA's *Transitional Arrangements for Phase Two Councils and Frequently Asked Questions*

## Assessment Managers

### From July 2020

Under the PDI Act, Councils are no longer a relevant authority in their own for Planning Consent and Land Division Consent. They must appoint an Assessment Panel or Assessment Manager to perform the assessment functions.

Assessment Managers are the relevant authority for Deemed-to-Satisfy or Performance Assessed pathway (not notified) development. They are also the relevant authority for Land Division Consent where the State Planning Commission or Minister is not the authority.

Assessment Managers are planning professionals that must be accredited at Planning Level 1. Each Panel must have a designated Assessment Manager to perform assessment functions on their behalf. The Assessment Manager may be a member of Council's staff or a consultant.

Assessment Manager are required to pay an annual renewal fee to maintain their accreditation. They are also required to maintain Continuing Professional Development (CPD) units.

The Mutual Liability Scheme will cover all decisions made by accredited professionals employed by a Council or appointed to an Assessment Panel within a Council, including non-accredited Council staff working under their delegation.

### Readiness checklist

- ☐ **An Assessment Manager has been determined for Council and their CAP or RAP**
  - ☐ The Assessment Manager may be Council staff or a private consultant
  - ☐ If a CAP, then the CEO of Council appoints the Assessment Manager
  - ☐ If a RAP, then the CEO of DPTI appoints the Assessment Manager
- ☐ **The Assessment Manager is accredited at Planning Level 1 with appropriate insurance**
  - ☐ The Assessment Manager is accredited at Planning Level 1
  - ☐ The Assessment Manager holds valid insurance, which may be Mutual Liability Scheme insurance
- ☐ **Ongoing arrangements for CPD and annual accreditation costs are decided**
  - ☐ Either Councils fund annual renewal fees and necessary training for CPD units OR
  - ☐ Councils request that the Assessment Manager fund these themselves
- ☐ **All members have their necessary accreditation and appropriate insurance in place**
  - ☐ All panel members are accredited at Planning Level 2 (except for Elected Members)
  - ☐ Assessment Managers must be accredited at Planning Level 1.
- ☐ **A backup for the Assessment Manager has been determined, when required**
- ☐ **Delegations from the CAP or RAP to the Assessment Manager are defined and in place**

## Planning Officers

### From July 2020

Under the PDI Act, Council Planning Officers can be a relevant authority for Planning Consent and Land Division Consent under delegation from an Assessment Manager.

Planning Officers may become accredited in their own right if it is deemed necessary by the relevant Assessment Manager to work under their delegation. An Assessment Manager can delegate their functions to non-accredited staff, however the Assessment Manager should be confident the staff have the suitable skills and experience to carry out the assessment tasks.

Planning Officers may also opt to seek their own accreditation regardless and it is recommended that Planning Officers who are assessing development applications hold their own appropriate accreditation to make key decisions.

Councils will need to establish delegation policies to determine how Planning Officers cover fundamental administrative functions of the Assessment Manager as well as the relevant Assessment Panel (e.g. verifying lodgement of an application, requesting additional information, etc.).

It is recommended that the Council also establish delegations to Planning Officers regarding the granting of Development Approval.

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### Readiness checklist

- ☐ **If required by the Assessment Manager, Planning Officers are accredited in their own right**
    - ☐ The Assessment Manager has determined whether Planning Officers require their own accreditation
    - ☐ Planning Officers have acquired accreditation at Planning Level 1, 3 or 4
  - ☐ **Delegations from the Assessment Manager to Planning Officers are defined and in place**
    - ☐ Read the LGA's *Delegations and Procedures* information package to understand suggested models of delegations that should be in place for each Council.
  - ☐ **Delegations from Council to Planning Officers are in place for issuing development approval**
    - ☐ Read the LGA's *Delegations and Procedures* information package to understand suggested models of delegations that should be in place for each Council.
  - ☐ **If necessary, consultants have been engaged to carry out planning functions**
-



# Building Officers

## From July 2020

Under the PDI Act, Council Building Officers can perform the following functions:

- provide advice to Council on issuing Building Consent
- undertake inspections
- issue Certificates of Occupancy (as required), alongside other compliance functions

A Council Building Officer may seek accreditation as an Accredited Professional – Building Level 1, 2, 3 or 4, to ensure they can undertake these functions successfully, noting Level 4 is for inspections only.

Being accredited under the Act will provide two key advantages:

- the ability to provide advice on Building Consent
- the ability to be appointed more easily as an authorised officer to conduct inspections

A Council with no Accredited Professional will be required to outsource its building consent functions.

Council Building Officers should maintain an awareness of the National Construction Code, including any South Australian variations which are published on the SA Planning Portal as Ministerial Building Standards.

## Providing advice to Council on issuing Building Consent

A Council Building Officer acting as the relevant authority for issuing Building Consent must seek and consider the advice of an accredited building professional before issuing a decision. The level of accredited professional (Building Level 1, 2 or 3) required to provide this advice is determined by the complexity of the building.

A Council Building Officer may personally provide this advice if they are appropriately accredited to do so. If a Building Officer is not accredited, they may not provide advice and must engage an accredited professional.

Building accreditation cannot be delegated within Council and all advice must be signed off by the appropriate accredited professional themselves. A Building Officer not accredited under the Act may assist an accredited professional in providing advice but cannot perform the functions of that person.

It is recommended that Building Officers who are involved in assessing development applications for building consent hold appropriate accreditation at Building Levels 1, 2 or 3.

## Undertaking inspections

Council Building Officers have an important role to play in undertaking inspections and recording outcomes in accordance with new Practice Directions that mandate inspection requirements.

The new, mandatory inspection policies across all Phase Two Council areas will increase the number and range of inspections to support increased compliance.

As under the current system, Councils will receive notifications for inspections. In addition to phone, email, and written notice, these may now be provided via the ePlanning system. Inspections details are not recorded within the ePlanning system and must be recorded using Councils' existing methods and systems.

To undertake an inspection, a Council Building Officer must be appointed as an authorised officer under the Act. A Council Building Officer must be accredited at Building Level 2, 3 or 4 to be appointed by Council. If Council seeks to appoint a person as an authorised officer to perform inspections who is not an accredited professional then DPTI must approve that appointment.

Councils should note that per transitional provisions of the PDI Act, a person who held appointment as an authorised officer now under the Development Act will be considered as being appointed under the PDI Act. Councils should however check these delegates as appropriate.

## Issuing Certificates of Occupancy

Under the PDI Act, Certificates of Occupancy are required for all new class 1a dwellings. This is a key change under the Act and Council Building Officers must be aware of this requirement.

Council Building Officers may be required to issue Certificates of Occupancy for a new building, where there is either no building certifier for that building or a selected building certifier elects not to perform this role.

Building Officers may become accredited in their own right if it is deemed necessary by the Council to work under delegation. It is recommended that Building Officers who are involved in assessing development applications have appropriate accreditation to make key decisions.

## Readiness checklist

- ☐ **If determined necessary by Council, Building Officers are accredited**
  - ☐ Council has determined whether to accredit their Building Officers or out-source building functions
  - ☐ If required, Building Officers have acquired accreditation at Building Level 1, 2 or 3
  - ☐ Building Officers with existing registration under the Development Regulations 2008 have confirmation of their transition into the new accreditation scheme
- ☐ **Delegations from Council to Building Officers are defined, in place and understood**
  - ☐ Read the LGA's Delegations and Procedures information package to understand suggested models of delegations that should be in place for each Council.
  - ☐ Check delegations for authorised officers and inspections (see below)
- ☐ **At least one authorised officer has been appointed to carry out inspections**
  - ☐ Council has identified a professional accredited at Building Level 4 ('Inspector') or higher to carry out mandatory building inspections (unless otherwise approved by DPTI). This may be a Council employee or a contractor.
  - ☐ Ensure that HR requirements (white card etc.) are in place for the building inspector
- ☐ **New, mandatory inspection requirements are understood (buildings and pools)**
  - ☐ Read [Practice Direction 8 \(Swimming Pool Inspections\) 2019](#)
  - ☐ Read [Practice Direction 9 \(Council Inspections\) 2020](#)
  - ☐ Estimate ongoing logistics and costs of undertaking inspections in relation to time, travel and capacity
- ☐ **Readiness to issue certificates of occupancy as required for detached dwellings (class 1a)**
  - ☐ Councils to be aware that, where a building certifier elects not to, that they will be required to issue certificates of occupancy for Class 1a
  - ☐ Read advice provided on the issuing of these certificates for Class 1as (forthcoming)
- ☐ **If necessary, accredited consultants have been engaged to carry out building functions**

## Fees and Charges

### From July 2020

The new ePlanning system allows for online payments through its BPoint system. While Councils may continue to accept other forms of payment for development applications submitted in their Council area, these payments will need to be processed in Councils' own systems.

If a fee payment is made outside of BPoint, Councils must record the payment into the ePlanning system using their own receipting information. Councils may also direct the applicant to pay online using BPoint if they prefer.

It is not recommended that Councils accept payment of a lodgement fee at the time of submission, as is often undertaken currently under the Development Act. Only after a PDI Act application has been verified are all payable fees determined and an invoice able to be generated. Therefore, Councils should accept payment for a development application after the application has been verified.

Fees are able to be waived or refunded at the relevant authority's discretion. However, Councils should note that some fees need to be disbursed to other and therefore waiving of these fees is not recommended.

Fees will be processed and disbursed through the ePlanning system electronically to predefined recipients on a weekly basis.

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### Readiness checklist

- ☐ **Process in place for recording fee payments that are not in BPoint (i.e. cash, cheque, EFTPOS)**
    - ☐ A financial system is in place for receiving payments, in addition to the new ePlanning system
    - ☐ An appropriate receipting method determined so these payments can be recorded in the new system
    - ☐ Assign Council staff to process and record payments in the ePlanning system (Financial Approver role)
  - ☐ **Internal fee waiving policy determined and in place**
    - ☐ Council may deem to waive certain fees such as scanning or referral fees
  - ☐ **A budget for annual ePlanning contributions in place**
  - ☐ **Council's role in the disbursement process understood by Council finance staff**
    - ☐ Council have read and understood the DPTI Finance fact sheets
-



## Customer Service

### From July 2020

Council front counters and customer service staff will accept applications submitted under the PDI Act for that Council area, both digitally and in hard copy. Hard copy submissions will need to be scanned and uploaded into the ePlanning system within 5 business days of receipt.

Customer service staff will receive phone calls enquiring into the progress of an application under the PDI Act. For the first time, applicants will automatically receive email notifications regarding updates to their applications which will assist in providing updates. They can also login to the system to track the progress of their application.

Councils' printed information (e.g. fact sheets) and website should be updated to reflect the transition of the planning system into the PDI Act. References to the Development Act should be removed. This will be supported by Departmental information available as printed guides and on the SA Planning Portal website.

Council should create a place on its website to inform the community of approaching changes and how to make development applications in the new planning system.

### Readiness checklist

- ☐ **Front counters are resourced to handle PDI Act enquiries and staff are trained**
  - ☐ Council have prepared and branded their own fact sheets, as deemed necessary
  - ☐ PDI Act fact sheets are printed and on the front counter (either Council-prepared or generic DPTI)
  - ☐ Front counter is equipped with a computer connected to the internet, an A3 scanner and a printer
  - ☐ A customer service officer is appointed to the front counter who is trained in the new system
  - ☐ Customer service staff know where to look on the SA Planning Portal to answer enquiries
- ☐ **Process defined for answering enquiries, including escalation point to DPTI Service Desk**
  - ☐ 'Council' issues are documented and understood vs. 'DPTI' issues
  - ☐ Resourcing is in place to answer queries and roles and responsibilities document
  - ☐ Customer service staff are across contact details of the DPTI Service Desk for ePlanning system issues
- ☐ **Council websites include messaging to redirect customers to the SA Planning Portal as required**
  - ☐ A banner or message is deployed to Council websites letting customers know change is coming
  - ☐ Webpages are adjusted to direct customers to the Portal as required, e.g. to submit an application
- ☐ **Printed and digital comms. material updated to reflect the PDI Act transition or removed**
  - ☐ All guides and fact sheets are updated to remove Development Act references
  - ☐ Old application forms and documents are archived from Council websites
- ☐ **Updated, PDI Act printed material (e.g. fact sheets) available on the front counter**
- ☐ **Customer service staff have access set up to login to the new ePlanning system**
  - ☐ Customer service staff have a tested username and password
  - ☐ Customer service staff know how to search for an application in the system
  - ☐ Customer service staff understand that PDI Act applications are published in DPTI's public register

# ePlanning System Setup

## From July 2020

To conduct assessments under the PDI Act, Councils must use the new ePlanning system from submission to issuing of development approval. The system will also capture auditing of an application and appeals.

Council systems must continue to be used for inspections, enforcement, waste management and data reporting (e.g. Section 7 searches) as these are not included in the ePlanning system. There is no potential for technology integration between the ePlanning system and existing Council systems.

There are minimum IT requirements for Councils to use the ePlanning system. The system will be cloud-based and designed to be compatible with most modern internet browsers and all screen sizes (including tablet and mobile). The system will also be designed to work with slower internet speeds.

Development Act applications in existing Council systems should be finalised or lapsed to enable a clean transition to the new system, where possible. It is recommended that Councils work with applicants to 'clear their books'.

## Readiness checklist

- ☐ **Minimum equipment and hardware is in place (computer, scanner, printer)**
  - ☐ A computer is available with an internet connection of at least 8,192kbps/384kbps
  - ☐ Computers have dual 17-inch computer monitors connected (optional)
  - ☐ An A4 colour printer is available for printing plans when applicants request hard copies
  - ☐ An A3 colour scanner is available for scanning hard copy plans from applicants
  - ☐ On screen assessment software (Trapeze, Bluebeam) installed to allow for PDF editing
- ☐ **Minimum software is installed and tested (internet browser, on screen assessment software)**
  - ☐ Computers have a modern internet browser installed
  - ☐ Computers have on screen assessment software installed e.g. Bluebeam, Trapeze, Adobe Acrobat
- ☐ **User access set up for all staff and an administrator designated to manage users**
  - ☐ All staff have their username and password to login in the system and have tested it works
  - ☐ A dedicated Council administrator has been assigned to help manage other Council accounts
  - ☐ The Council administrator sets up other Council users at their appropriate delegation
- ☐ **Plan in place to remove obsolete modules from existing Council assessment software**
  - ☐ Existing Council assessment software analysed to understand modules that are no longer required
  - ☐ Discussions have occurred with Council vendor to plan how modules can be removed or reconfigured within contractual arrangement and when this can occur
- ☐ **Finalise old EDALA land division applications under the Development Act, where possible**
  - ☐ Close out old applications where possible by lapsing or reaching a decision
  - ☐ Write to applicants in an attempt to finalise applications

## Further information

- [A New Planning System: A Guide for Councils](#)
- [Introductory Guide to ePlanning Online Tools](#)

## Data, Records and Reporting

### From July 2020

The receipt, storage and transfer of all PDI Act applications will take place in the ePlanning system. There is no need for Councils to duplicate records within their system. Electronic records will ensure data and information can be appropriately shared and kept confidential where requested.

The Planning Information Exchange (PLIX) will allow for data to be extracted from the ePlanning system for import into Councils systems, to allow Councils to meet their reporting obligations (e.g. ABS data, performance indicators and Section 7 searches).

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### Readiness checklist

- ☐ **Process for querying PDI Act data, once exported from PLIX, in place**
    - ☐ Councils determine internal process for interrogating the .XML file of data extracted from the PLIX
    - ☐ Where applicable, Councils continue to work with their existing system vendor to develop import capability from the PLIX into their existing systems for Phase Three.
    - ☐ Councils have spoken to LGITSA regarding PLIX integration
  - ☐ **Process for reporting on PDI Act data (Section 7, Performance Indicators, ABS) in place**
    - ☐ Internal process for extracting Section 7 search data for PDI Act applications from PLIX determined
    - ☐ Internal process for extracting ABS data for PDI Act applications from PLIX determined
    - ☐ Internal process for extracting PDI Act Performance Indicators data from PLIX determined
    - ☐ Internal process for extracting valuation data and providing to the State Valuation Office determined
    - ☐ Internal process for extract grants commission data determined
  - ☐ **Freedom of Information (FOI) requests and record management process in place**
-



# Development Assessment Processes

## From July 2020

All development applications submitted under the PDI Act must be processed within the ePlanning system, from submission to development approval. The ePlanning system will be the single source of truth for all applications.

If an application is submitted in hard copy, Councils have five working days to upload the application into the system on behalf of the applicant. Councils are entitled to charge or waive a fee for this service.

Public notification will occur entirely within the new system. Councils can upload ownership details to automatically generate letters that can be either emailed or mailed to notified owner/occupiers. The system will also automatically generate an A3 sign template to be printed and placed on the subject land of the application.

Various forms, notices, certificates and other documents are required to be in a form determined by the Minister or Commission. In each of these cases, a template is available in the ePlanning system for automatic generation for Councils to use. Councils may opt to download and modify the templates to create their own branded versions (e.g. Assessment Report template) which must be uploaded into the system as a record after distribution.

## Readiness checklist

- ☐ **Process in place for managing applications submitted in hard copy or in person**
  - ☐ Councils have determined their own hard copy submission procedure and the scanning of plans
  - ☐ Front counter staff can guide an applicant through submitting an application online
- ☐ **Process in place for verifying development applications within the legislated timeframe**
  - ☐ Resourcing is in place to allow for applications to be scanned and verified within 5 business days (Councils with RAPs/limited staff may consider reassigning applications to an Assessment Manager)
  - ☐ Delegations in place to determine who confirms the verification outcome
- ☐ **Process in place for processing transitional Development Act applications**
  - ☐ Outstanding Development Act applications are identified (noting land divisions are in the EDALA system). They can continue to be completed under the Development Act, except that the PDI Act Decision Notification Form must be used, and conditions will be imposed through the PDI Act.
- ☐ **Process in place for public notification (sign production/erection, payable fees and photos)**
  - ☐ Procedure for producing the sign on the land determined (A3, weatherproof, uses template)
  - ☐ Where relevant, contractors are engaged to erect signage on behalf of the Council and take photos
- ☐ **Forms and templates ready for use (DPTI-prepared and Council-prepared)**
  - ☐ DPTI-prepared forms are made available in Council OR
  - ☐ Council download and modify DPTI-prepared forms to include Council branding, as necessary
  - ☐ Council prepare additional notices, as necessary, by speaking with the LGA (e.g. enforcement)
- ☐ **Standard conditions and advisory notes saved into the system for repeated use**
  - ☐ Recurring, standard conditions and advisory notes are identified and documented
  - ☐ Conditions and advisory notes are amended to reflect the PDI Act, rather than Development Act
  - ☐ Conditions and advisory notes are saved into the ePlanning system by an administrator
- ☐ **Process for stamping plans defined (i.e. digital stamp used in PDFs)**
  - ☐ Speak to the LGA about bulk buy option of PDF editing software

## 17.10.2 Urban Services Activities Report

### Brief

This report provides Elected Members' with information on activities within the Urban Services Division.

### RECOMMENDATION

It is recommended to Council that the Urban Services Activities Report be received.

### Discussion

This report details the key activities of the City Assets, City Development, City Operations and City Property departments.

Special Project Work	
Breakout Creek Stage 3 redevelopment	Preparation of a design for the Breakout Creek Stage 3 project is currently underway with the project partners, and preliminary discussions with focus groups to reintroduce the project is being undertaken. A pre-brief in the near future is anticipated for the purpose of keeping the Elected Members informed of the design and the community consultation program.
Stormwater Management Plan - West Torrens Drainage	The stormwater management plan for the City of West Torrens is being progressed with consultancy firm Southfront.
Trees for Challenging Spaces	Designs are being prepared with the aim of providing better growing conditions for street trees in challenging spaces, such as narrow road verges, and as a result will encourage more vibrant tree growth and increase tree canopy cover across the council area.  This project received funding from the State Government's Greener Neighbourhoods program, and is being undertaken with the input of numerous councils across metropolitan Adelaide.
Transport and Movement Plan	A Transport and Movement Plan is currently being reviewed and updated.
Rutland Avenue, Lockleys secondary drainage upgrade	Civil Construction works were completed in March 2020 planting of the rain gardens was completed in May 2020.
Stirling Street Stormwater Drainage Upgrade, Thebarton	The works have been awarded to a civil contractor. Preliminary construction and planning works have commenced. Excavation works are commencing in July 2020.
Admella Street and Reserve Upgrade	Design and Tender Documentation for this project have been received, with the works to be tendered through July 2020.
Sherriff Street Stormwater Drainage Upgrade, Underdale	Design and documentation works for this project are completed. The tender period for the project has closed. Works are scheduled to be awarded to the successful contractor by June 30 and construction works scheduled to commence in July 2020.

Transition to LED Street Lighting	SAPN have completed stage 1 rollout out of the street lighting transition to LED. This has resulted in approximately 1100 luminaires being transitioned to LED.
New Public Lighting Tariff Agreement	<p>The new Public Lighting Tariff Agreement takes effect on 1 July 2020 along with the transition to the new AER Regulatory Framework.</p> <p>The Australian Energy Regulator (AER) has confirmed that public lighting services in South Australia will be classified as Alternative Control Services (ACS) from 1st July 2020. This is a change from the current classification where public lighting is classified as a Negotiated Distribution Service (or NDS) and brings South Australia in line with the rest of Australia.</p>
Westside Bikeway and Captain McKenna, (Pedestrian Shared Path Lighting Project)	<p>The following is an update for the 2019/2020 program:</p> <ul style="list-style-type: none"> <li>Westside Bikeway - The lighting program is underway for the section of shared pathway located on Creslin Tce / Gunnawarra Ave (between Stonehouse Ave and Morphett Rd), Camden Park. Works are expected to be completed in August 2020.</li> <li>Captain McKenna Bikeway - The second stage of the lighting program is underway for this section of shared pathway. Works are expected to be completed in September 2020.</li> </ul>

## Capital Works

Road Reconstruction Works	<p>The following is an update on the road reconstruction projects occurring in our City:</p> <p>Engineering surveys and underground service identifications have been completed for the 2019/20 program.</p> <p>Detailed design works are in progress for the following road reconstructions:</p> <ul style="list-style-type: none"> <li>– Bagot Avenue, Cowandilla (Sir Donald Bradman Drive to Hounslow Avenue)</li> </ul> <p>The following road reconstruction projects have been tendered for and awarded to the successful contractor with works scheduled to commence in late July 2020:</p> <ul style="list-style-type: none"> <li>– Marleston Avenue, Ashford (South Road to Alexander Avenue)</li> <li>– Holland Street, Thebarton (Phillips Street to Anderson Street)</li> </ul> <p>The following road reconstructions are completed:</p> <ul style="list-style-type: none"> <li>– Norma Street, Mile End (South Road to Falcon Avenue)</li> <li>– Surrey Road, Keswick (Richmond Road to Everard Avenue)</li> <li>– Weetunga Street, Fulham (Samuel Street to Murray Street)</li> <li>– Starr Avenue, North Plympton (Morphett Road to Deeds Road)</li> <li>– Halsey Road, Fulham (Coral Sea Road to Dewey Street)</li> </ul>
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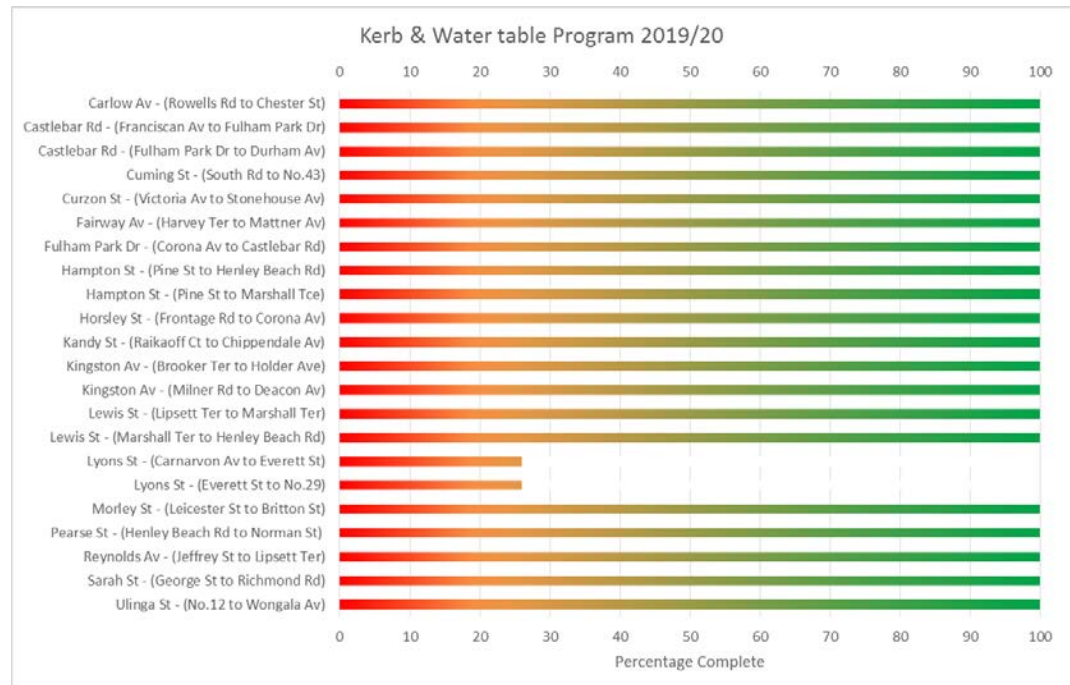


# Kerb and Gutter Program 2019/20

The works associated with Kerb and Gutter Program 2019/20 have been awarded to two separate contractors.

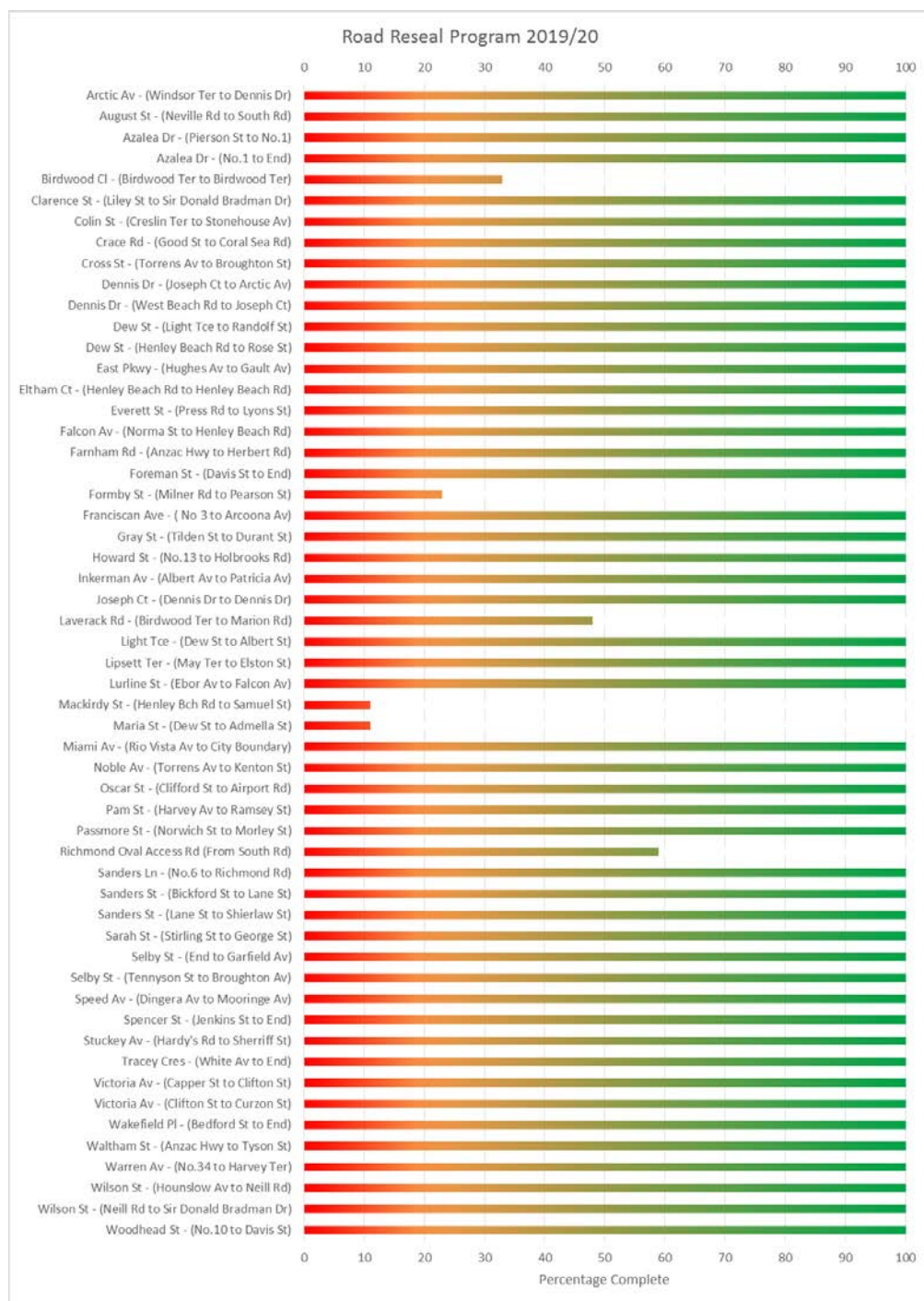
Survey and design works are completed.

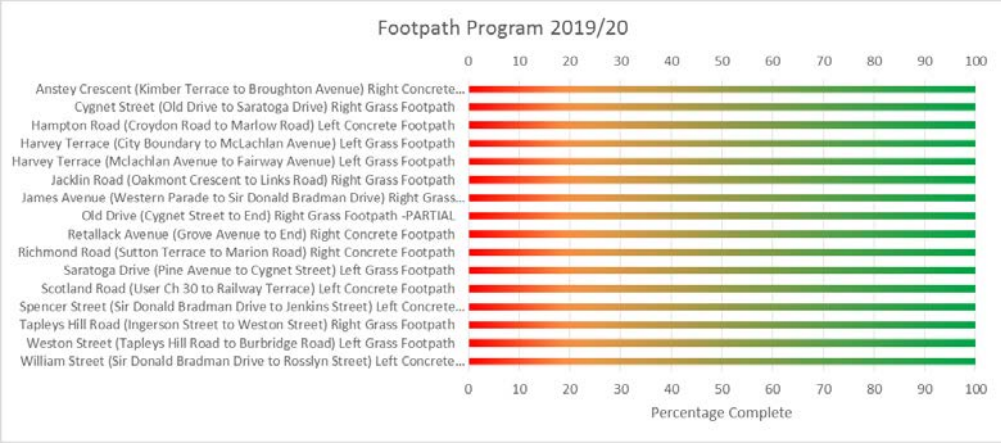
Construction works are ongoing. The last of the kerb projects for 2019/20 are scheduled to be completed by early July 2020.



## Surface Reseal Program 2019/20

The 2019/20 Surface Reseal Program commenced onsite in September 2019 and is progressing.



<p>Footpath Program 2019/20</p>	<p>The works associated with Footpath Program 2019/20 have been awarded. Works commenced in October 2019 have now been completed.</p>  <p>Footpath Program 2019/20</p> <p>0 10 20 30 40 50 60 70 80 90 100</p> <p>Anstey Crescent (Kimber Terrace to Broughton Avenue) Right Concrete...</p> <p>Cygnat Street (Old Drive to Saratoga Drive) Right Grass Footpath</p> <p>Hampton Road (Croydon Road to Marlow Road) Left Concrete Footpath</p> <p>Harvey Terrace (City Boundary to McLachlan Avenue) Left Grass Footpath</p> <p>Harvey Terrace (McLachlan Avenue to Fairway Avenue) Left Grass Footpath</p> <p>Jacklin Road (Oakmont Crescent to Links Road) Right Grass Footpath</p> <p>James Avenue (Western Parade to Sir Donald Bradman Drive) Right Grass...</p> <p>Old Drive (Cygnat Street to End) Right Grass Footpath -PARTIAL</p> <p>Retallack Avenue (Grove Avenue to End) Right Concrete Footpath</p> <p>Richmond Road (Sutton Terrace to Marion Road) Right Concrete Footpath</p> <p>Saratoga Drive (Pine Avenue to Cygnat Street) Left Grass Footpath</p> <p>Scotland Road (User Ch 30 to Railway Terrace) Left Concrete Footpath</p> <p>Spencer Street (Sir Donald Bradman Drive to Jenkins Street) Left Concrete...</p> <p>Tapleys Hill Road (Ingerson Street to Weston Street) Right Grass Footpath</p> <p>Weston Street (Tapleys Hill Road to Burbridge Road) Left Grass Footpath</p> <p>William Street (Sir Donald Bradman Drive to Rosslyn Street) Left Concrete...</p> <p>0 10 20 30 40 50 60 70 80 90 100</p> <p>Percentage Complete</p>
<p>Playground Upgrade 2019/2020</p>	<p>The following is an update on the 2019/2020 replacement program for playgrounds at:</p> <ul style="list-style-type: none"> <li>• Mellor Park Reserve, Lockleys - The project will be implemented as part of the reserve upgrade - play space design has been completed;</li> <li>• Swan Ave Reserve, West Beach - The project has been awarded and is scheduled to commence in late July 2020. The delays are due to manufacturer / transport restriction from overseas, (Europe);</li> <li>• Lockleys Oval, Lockleys - The project will be implemented as part of landscape works, taking place in the coming months. Notification / consultation will occur with the neighbouring properties for the new playground;</li> <li>• Camden Oval, Novar Gardens - The project has been awarded and is now scheduled to commence in late August / September 2020.</li> </ul>
<p>Reserve Irrigation Upgrades 2019/2020</p>	<p>The following is an update on the 2019/2020 irrigation upgrade program for reserves at:</p> <ul style="list-style-type: none"> <li>• Westside Bikeway, Marlestone / Plympton, (staged project, selected areas within the linear park - Design has been completed and work is scheduled to commence in the next month;</li> <li>• Lockleys Oval and surrounds - Project is included as part of the Lockleys Oval Redevelopment, and is scheduled for August / September 2020;</li> <li>• Lindfield Reserve, Novar Gardens - Design and scheduling of the project is completed</li> <li>• Pine Ave verge area, Novar Gardens - Design and scheduling of the project is completed. Project is temporarily on hold whilst the Administration seek further information on the access points across this land.</li> <li>• Swan Ave Reserve, West Beach - Project will be scheduled after completion of the playground upgrade.</li> <li>• Coast Watchers Reserve, Fulham, (selected areas by Airport Over 50's Building) - project is completed.</li> </ul>



Traffic Projects and Parking Management	
Torrensville/ Thebarton LATM	Final design of the Driveway Link and associated underground stormwater upgrade is being undertaken. The "Buses Excepted" traffic control and associated roadworks was completed on Saturday 23 May 2020.
Novar Gardens/Camden Park LATM	The projects will be prioritised and budget allocation will be submitted for the 2020/21 financial year. A notification letter of the endorsed final report will be posted to all properties in the area by end of July 2020.
Richmond/Mile End LATM	<p>Concept designs were completed and presented to the working party meeting which was conducted on the 15 October 2019.</p> <p>Given the current situation regarding COVID-19, second round consultation has not yet occurred. This will likely occur during in July.</p>
Marleston / Keswick / Kurralta Park / North Plympton / Ashford	The broad community engagement concluded on Friday 20 March 2020. The feedback is being reviewed to support identification of key issues in the community. Approximately 95% of all feedback has been processed and it is estimated to be completed by the 3 July 2020.
Traffic and Parking Review	<p>Parking Review:</p> <ul style="list-style-type: none"> <li>• Clifford Street, Brooklyn Park - to consult with residents to install area parking controls in streets adjacent to airport. Consultation to be postponed until after the COVID-19 time period.</li> <li>• Elston Street, Brooklyn Park - Consultation for new parking restrictions due to the narrowness of the street has been completed. Due to some concerns raised after notification, works have not yet been completed.</li> <li>• Shipster Street, Torrensville - 2P controls implemented early June.</li> <li>• Elizabeth Street, Plympton - To undertake parking investigation as ordinary school conditions return.</li> <li>• Park Street, Glandore - Preliminary site assessment finds high parking volumes and warrants a further detailed assessment.</li> <li>• Lincoln Avenue, Plympton - Consultation was not supportive of changes. In process of addressing concerns raised.</li> <li>• Kopurlo Avenue, Brooklyn Park - Implemented 4P controls early June.</li> <li>• Airport Road, Brooklyn Park - An investigation into available options for restricting truck parking is being undertaken.</li> <li>• Clifford Avenue, Plympton - Feedback has been received following consultation. Final plan to be determined based on feedback.</li> <li>• Norman Street, Underdale - Consultation for no stopping zones to be conducted in July 2020.</li> <li>• Kimber Avenue, Richmond - To investigate parking issues in July 2020.</li> </ul>

	<p>Traffic Review:</p> <ul style="list-style-type: none"> <li>Crace Road, Fulham - A line marking plan is being developed to improve the safety along the S-bend on Crace Road. Resident consultation material is currently being prepared.</li> <li>Burbridge Road Access, West Beach - Traffic count to be undertaken when ordinary conditions have returned to assess rat running issue.</li> <li>Garden Terrace, Underdale - Traffic count to be undertaken when ordinary conditions have returned to assess the speeding issue.</li> </ul>
Parking Control Audit	An audit has been undertaken for the parking control signage and line marking in all streets of the Ashford and Keswick areas. An audit is being planned for the Thebarton and Mile End area in July 2020.
E-Scooter Trial	The e-scooter coastal trial has been suspended temporarily due to the COVID-19. The trial, subject to a future Council report, is planned to restart on 7 September 2020 and conclude on the 7 March 2021.
<b>Property and Facilities</b>	
Apex Park and Lockleys Oval Reserves Facility Developments	<p>With the further easing of COVID-19 restrictions the winter seasonal clubs at Lockleys Oval have now been permitted access to the upstairs areas of the new building. The Administration is continuing to meet on a regular basis (every 2-3 weeks) with club representatives to address any issues that may arise during this transition period. The Clubs have expressed an interest in investigating opportunities for an umbrella group to oversee and manage the operation of the building. The Administration is considering ways that it may assist this process.</p> <p>The Administration recently met with representatives from Scouts and Guides groups at Apex Park to discuss operation of the building in the longer term. (These matters are the subject of a future report.)</p>
Weigall Oval Facility Development	<p>The Weigall Oval development is progressing behind scheduled due to inclement weather and difficulties with the supply/installation of some stages arising as a result of COVID-19. The turf areas of the senior soccer pitch and senior baseball field have now been completed with the civil works commencing on the shared junior soccer pitch and baseball field. The internal fit-out is continuing in the new facility with the majority of tiling, plaster work and painting completed and the commencement of joinery and ceiling installation works.</p> <p>Completion of the project is currently expected for late August/early September 2020, (dependent on weather conditions).</p>
Camden Oval Facility Development	<p>Unfortunately Council has received advice that the application it submitted through the Grassroots Grant Fund (managed by the Office for Recreation, Sport and Racing) for the upgrade of the football oval floodlighting, upgrade of the netball courts and purchase and installation of cricket training nets was unsuccessful.</p> <p>Members will note that there is a separate report within this agenda dealing with leasing of the facilities at Camden Oval.</p>

### Depot (Morphett Rd) - Solar Panels Update

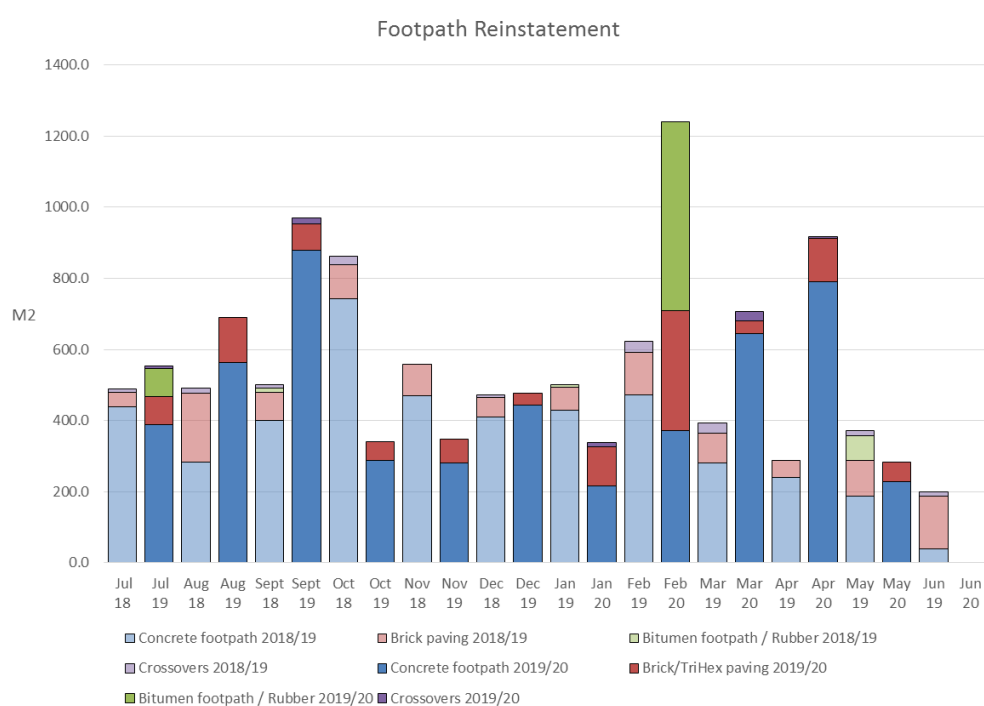
The 100KW solar system for the Morphett Rd Depot was ordered with the nominated supplier in April. The size of the system requires specific approval by SAPN with approx. 4 month lead time, (this includes the necessary timeframes for the network protection for the large solar system). Installation of the solar system is expect to commence in late August with completion by the end of September 2020.

## City Operations

### Covid-19 Public Realm Sanitisation Program

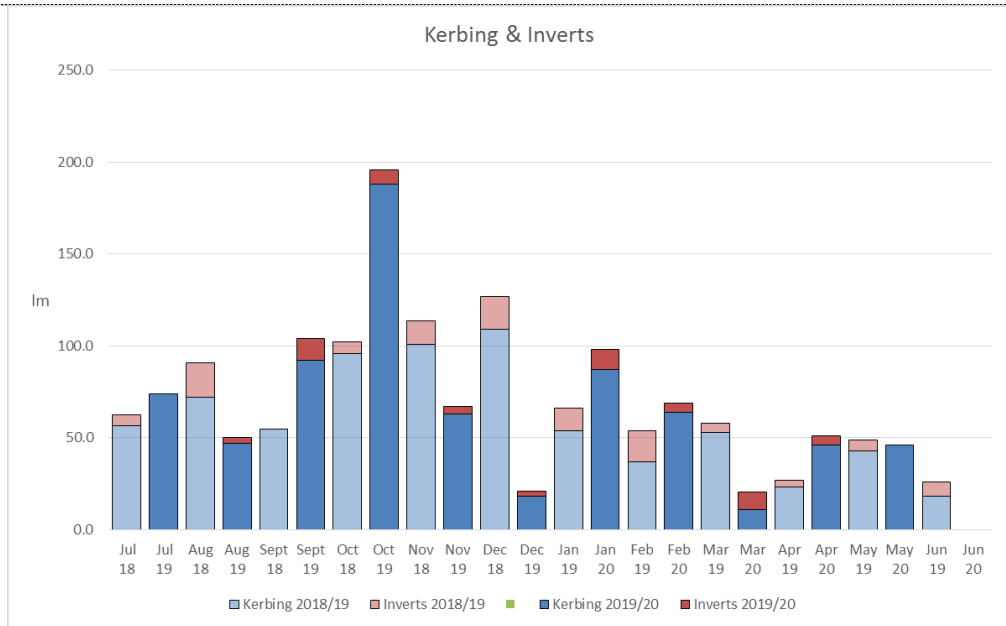
City operations have now re-opened all playground facilities and outdoor gymnasiums/fitness equipment to the public. All playgrounds were inspected, cleaned and sanitised prior to opening. Signs have been placed at each site advising users of the equipment, to maintain social distancing and hygiene practises.

### Footpath Reinstatement

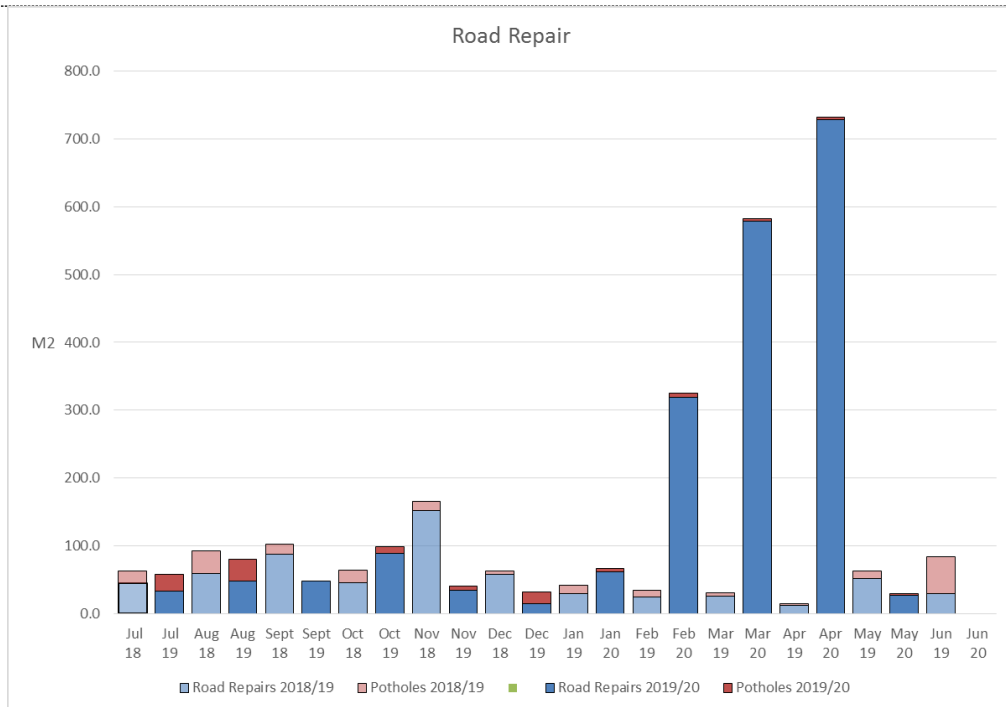




## Kerb and Watertable / Invert Reinstatement

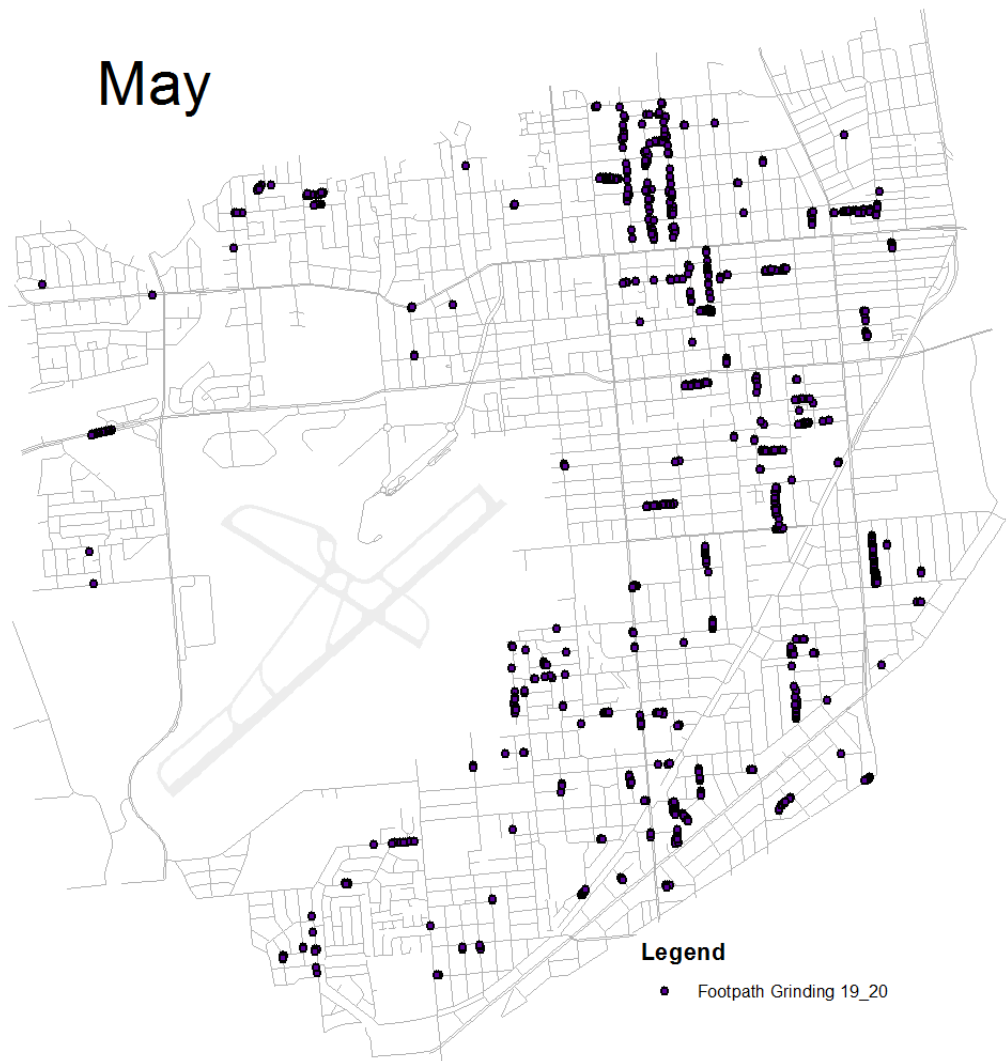


## Road Repair and Potholes



## Footpath Grinding Program

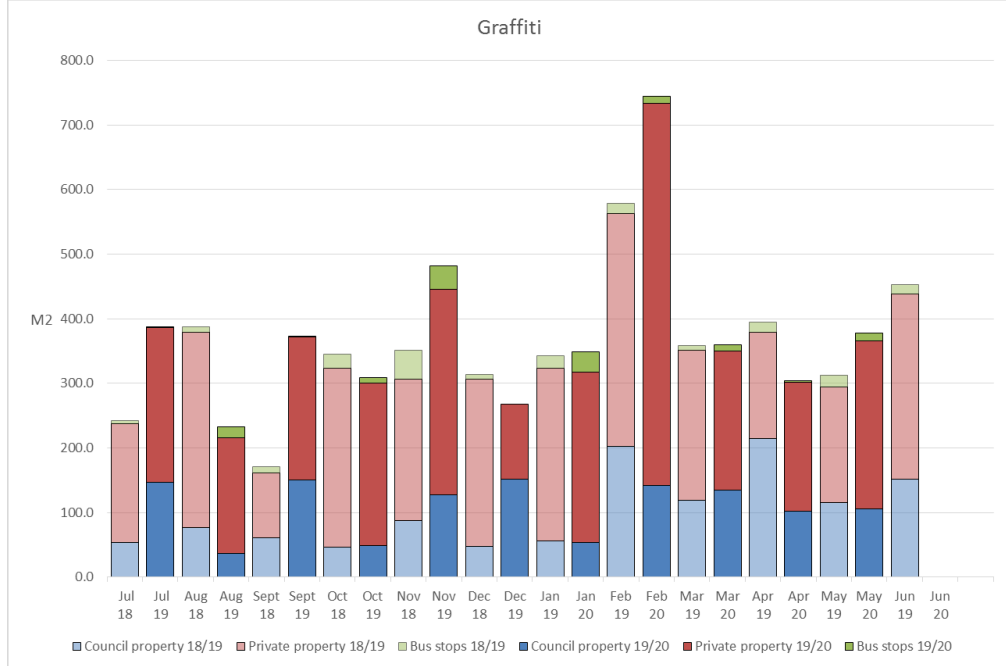
### May



#### Legend

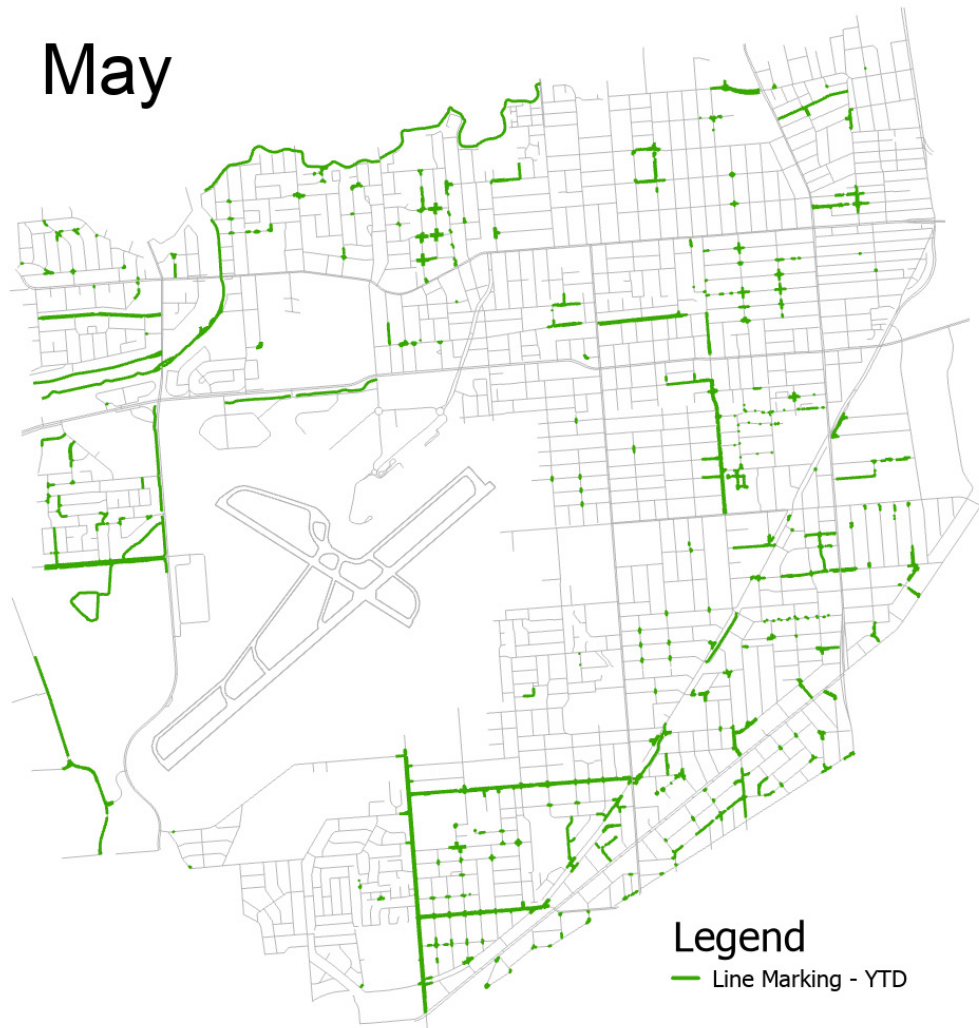
• Footpath Grinding 19\_20

## Graffiti Removal



## Line Marking

# May



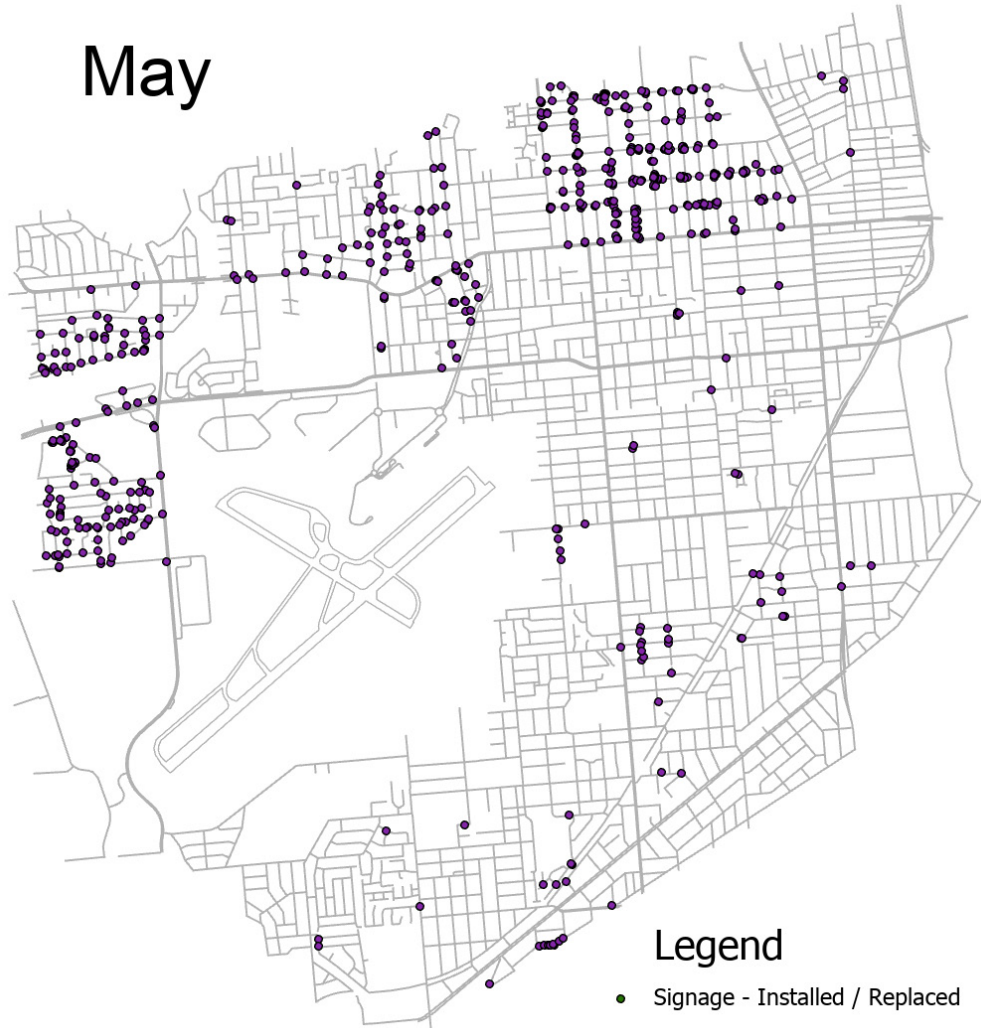
## Legend

— Line Marking - YTD

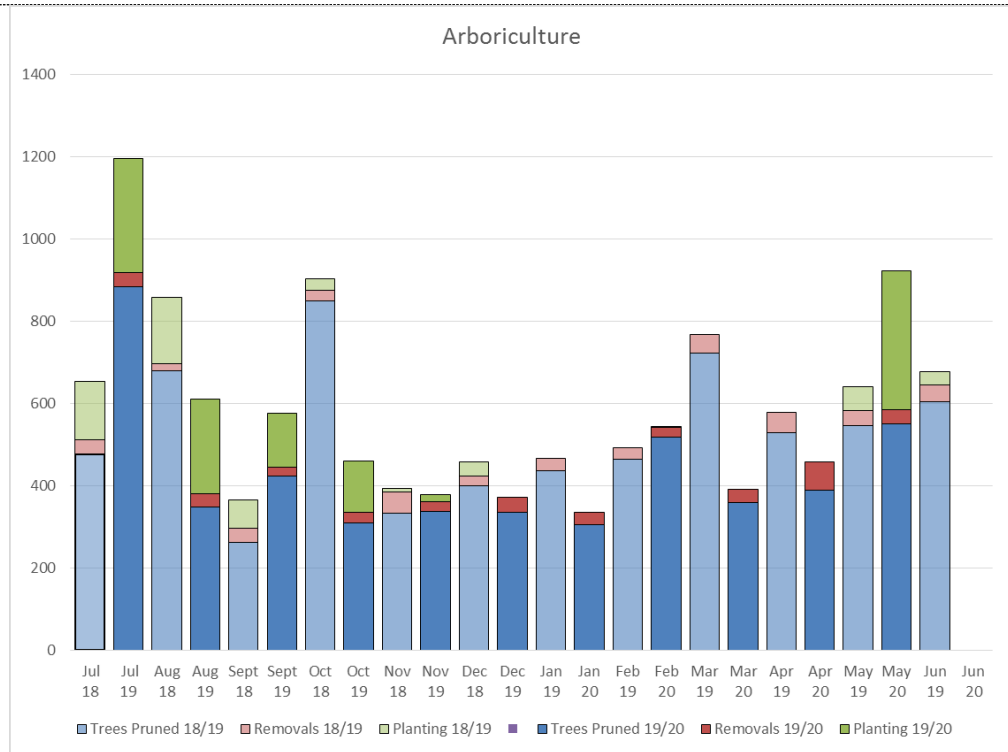


## Signage

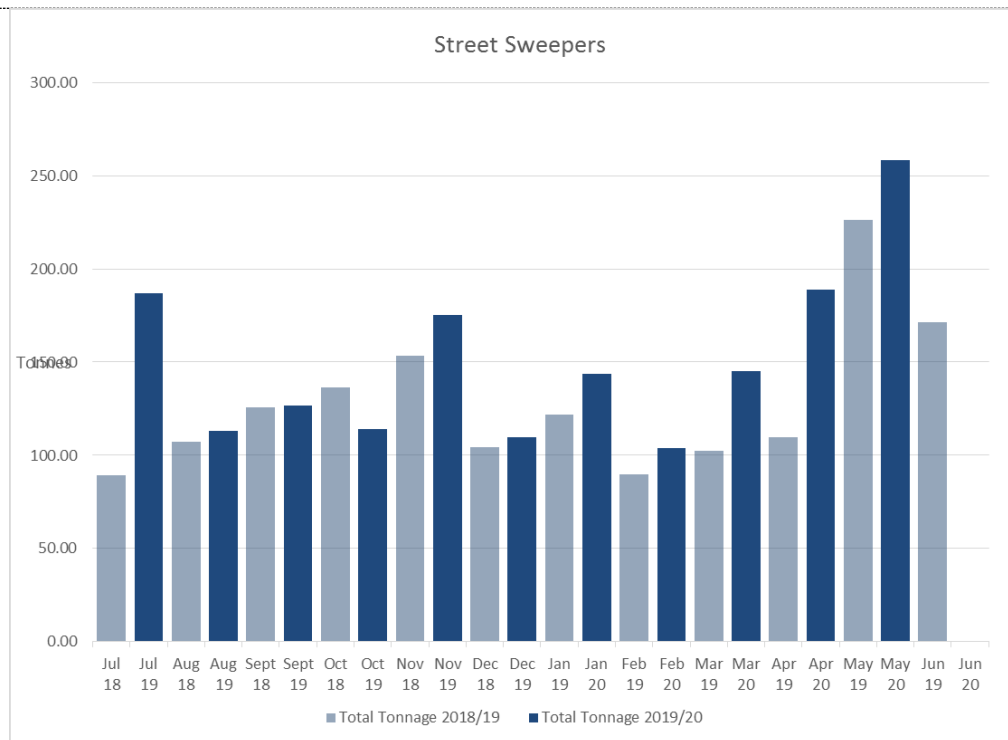
May



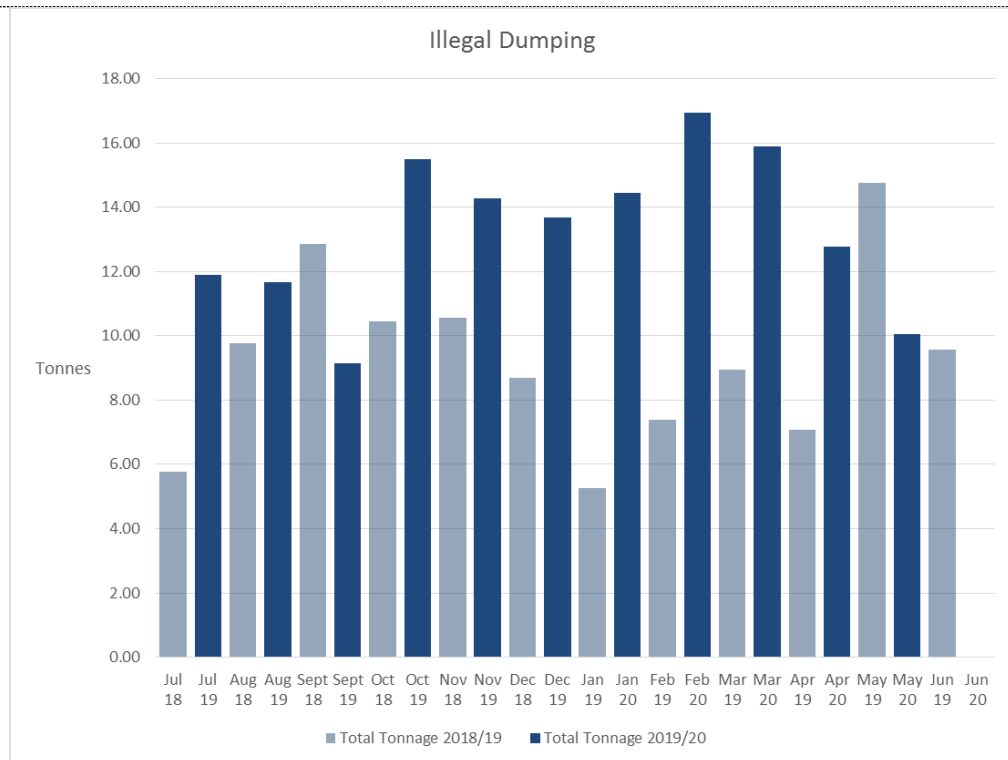
## Arboriculture



## Street Sweeper



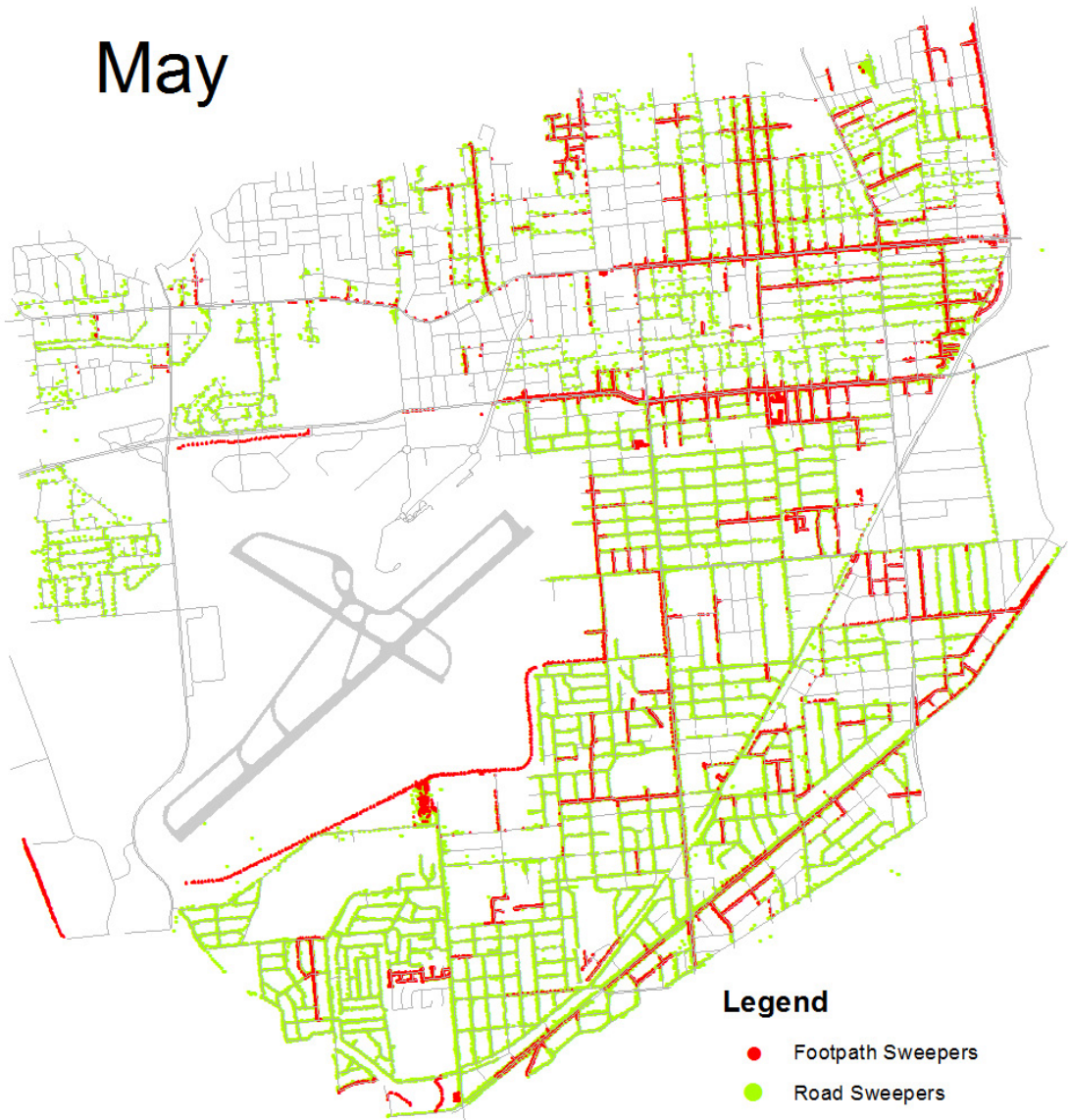
## Illegal Rubbish Collection

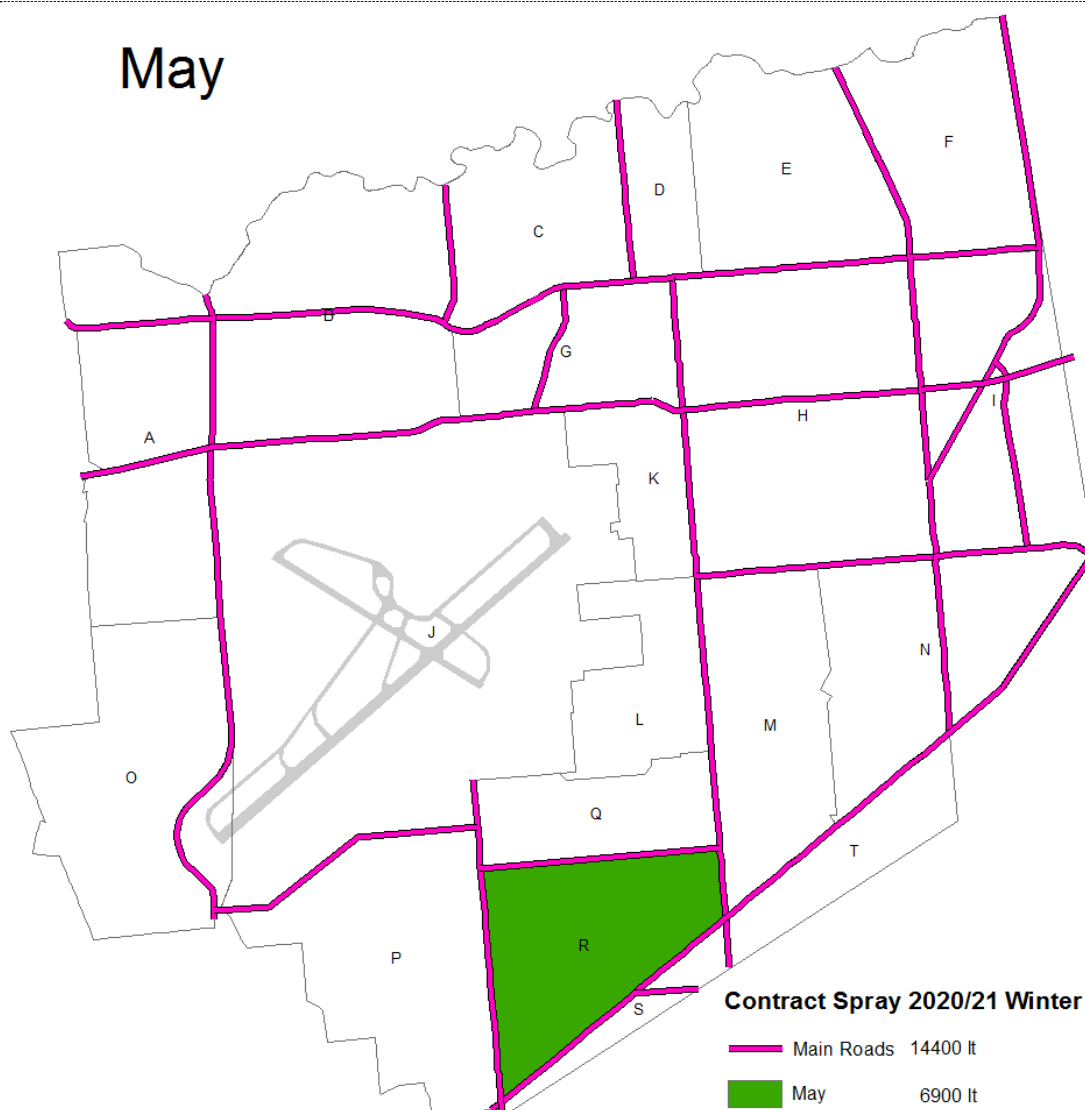




Road and  
Footpath  
Sweeping

May



Contract  
Weed  
Spraying**Development Assessment****Development Applications**

## COVID-19 State Emergency

Moving to the recovery phase, City Development are currently planning for the return of staff to the office. The Development Desk service is fully operational on a 'drop in' basis.

The processes for the July Council Assessment Panel are currently under consideration.

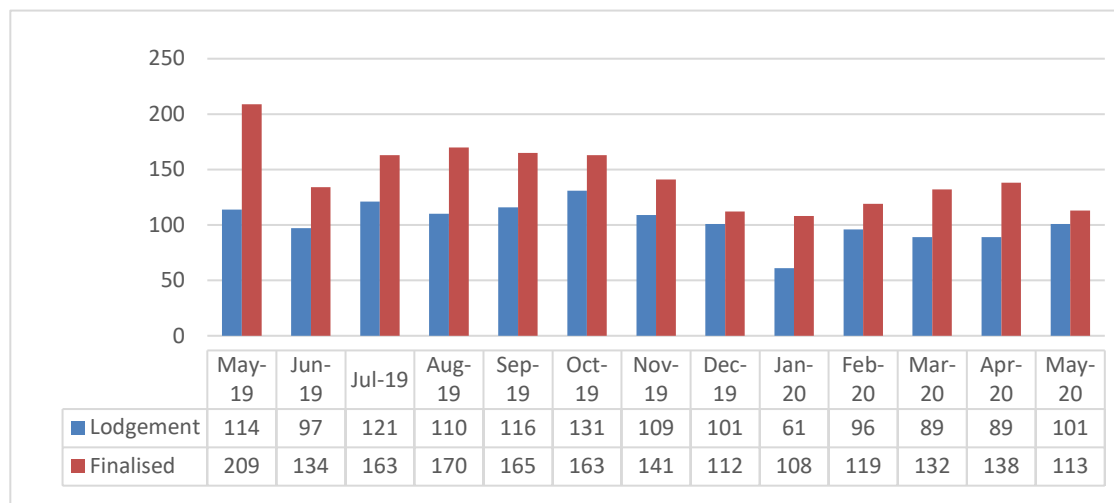
COVID-19 emergency legislation giving the Minister for Planning powers to call in development applications that have been delayed to be assessed by SCAP has not been used for any applications in the City of West Torrens with assessment of application continuing as scheduled.

The Minister for Planning held a Roundtable with Council CEOs on the Federal Government's Homebuilder Grant initiative on 25 June 2020. A range of ideas on how local and state government can work together to facilitate a successful grant program.

DPTI advises stakeholders that the timeframe for implementation of the Planning Reforms under the *Planning, Development and Infrastructure Act 2016* will continue as scheduled in July 2020 for Phase 2 (regional) councils and 'late 2020' for Phase 3 Metropolitan Adelaide councils.

## Lodgements and Decisions

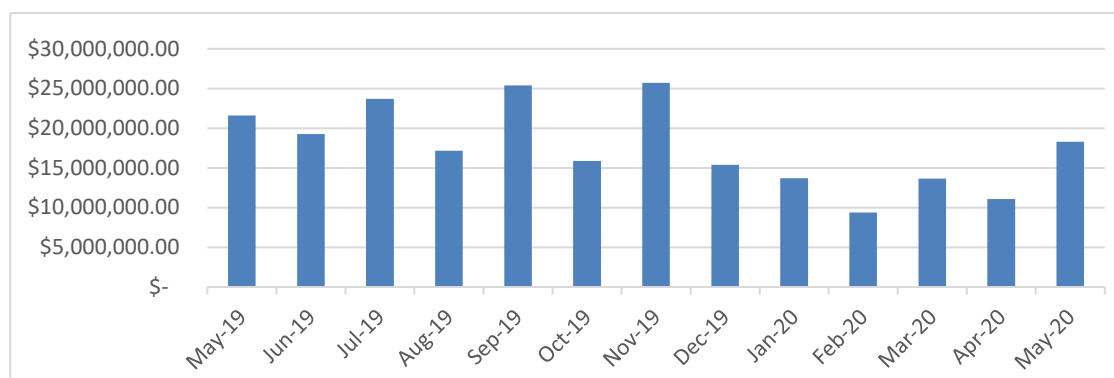
One-hundred and one (101) applications were lodged and one hundred and thirteen (113) applications were finalised in May 2020.



*Note: 'Lodgement' relates to the number of new development application lodged during the month which is represented by the number of new development application numbers issued (including variation applications). 'Finalised' relates to the number of decision notification forms issued during the month and may include decisions relating to development plan consent, land division consent, building rules consent and development approval. This includes consents issued by both Council and private certifiers.*

Estimated Construction Cost  
(Lodged Development Applications)

Development applications with a total estimated construction cost of \$11,084,384 were lodged in April 2020.





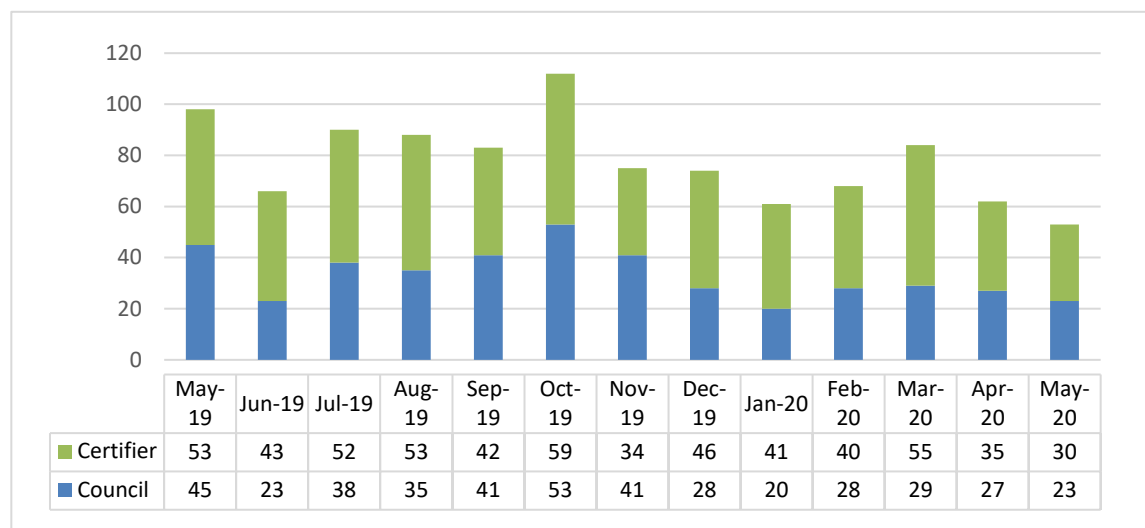
## Planning Assessment

Assessment Timeframes (Staff Decisions)		2019				2020					
		Mar	Qtr. 1	June	Qtr. 2	Sep	Qtr. 3	Dec	Qtr. 4	Mar	Qtr. 1
	BUILDING CODE ONLY										
	Total applications	73		73		53		59		27	
	Median timeframe	1 day		2 days		2 days		2 days		1 day	
	COMPLYING										
	Total applications	24		47		56		49		38	
	Median timeframe	5 days		6 days		2 days		2 days		3 days	
	CAT 1 MERIT										
	Total applications	183		211		206		192		169	
	Median timeframe	21 days		15 days		12 days		12 days		12 days	
	CAT 2 MERIT										
	Total applications	14		8		15		12		10	
	Median timeframe	71 days		37.5 days		46 days		34 days		58 days	
	CAT 3 MERIT										
Total applications	4		4		6		4		3		
Median timeframe	34.5 days		42 days		57 days		65.5 days		76 days		
CAT 1 NON-COMPLYING											
Total applications	2		3		5		1		2		
Median timeframe	122 days		87 days		95 days		58 days		82 days		
CAT 3 NON-COMPLYING											
Total applications	0		2		0		1		3		
Median timeframe	-		112 days		-		211 days		176 days		
Assessment Timeframes (CAP Decisions)		2019				2020					
		Mar	Qtr. 1	June	Qtr. 2	Sep	Qtr. 3	Dec	Qtr. 4	Mar	Qtr. 1
	CAT 1 MERIT										
	Total applications	0		3		0		2		2	
	Median timeframe	-		67 days		-		29 days		68 days	
	CAT 2 MERIT										
	Total applications	5		4		2		0		3	
	Median timeframe	64 days		83 days		42 days		-		19 days	
	CAT 3 MERIT										
	Total applications	1		0		0		1		0	
	Median timeframe	50 days		-		-		126 days		-	
	CAT 1 NON-COMPLYING										
	Total applications	0		3		1		1		0	
	Median timeframe	-		93 days		18 days		58 days		-	
	CAT 3 NON-COMPLYING										
Total applications	0		2		0		2		0		
Median timeframe	-		159.5 days		-		105.5 days		-		
Assessment Appeals	<p><i>Note: This data does not include withdrawn applications, refused applications, Land Division Consent applications and decisions under appeal. Category 3 Non-complying applications are not included until SCAP have made a decision whether to concur with Council's decision.</i></p> <p><i>Maximum statutory time frames (excluding additional time for further information requests, statutory agency referrals and SCAP concurrence) are summarised as:</i></p> <ul style="list-style-type: none"><li><i>Building Code Only: 4 weeks</i></li><li><i>Building Rules Consent only: 4 weeks</i></li><li><i>Complying Development: 2 weeks for Development Plan Consent only; additional 4 weeks for Building Rules Consent</i></li><li><i>Category 1-3 Development: 8 weeks for Development Plan Consent only; additional 4 weeks for Building Rules Consent.</i></li></ul>										
	There are no new, ongoing or finalised appeals against Council's development assessment decisions as at 26 June 2020.										

## Building Rules Assessment

Building Rules Consent issued  
By Relevant Authority

Council issued twenty-seven (27) building rules consents and private certifiers issued thirty-five (35) building rules consents in April 2020.



*Note: Building Rules Consents are assessed by Council or private assessors known as Private Certifiers, these privately certified assessments still need to be registered and recorded with Council.*

## Community advice and education

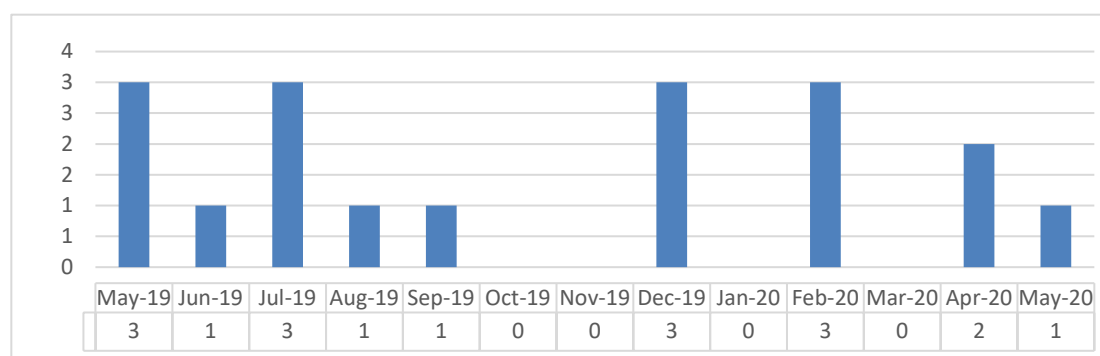
Pre-lodgement advice

Rostered Duty Planner and Duty Building Officers are available to answer preliminary pre-lodgement and general enquiries during Service Centre opening hours. Advice is provided to the general public and applicants via the phone, email and in person at the Service Centre.

The Administration participates in DPTI's Pre-lodgement case management service for development five storeys or more in height within the Urban Corridor Zone.

Category 3 Public notification

One Category 3 application was notified in May 2020.

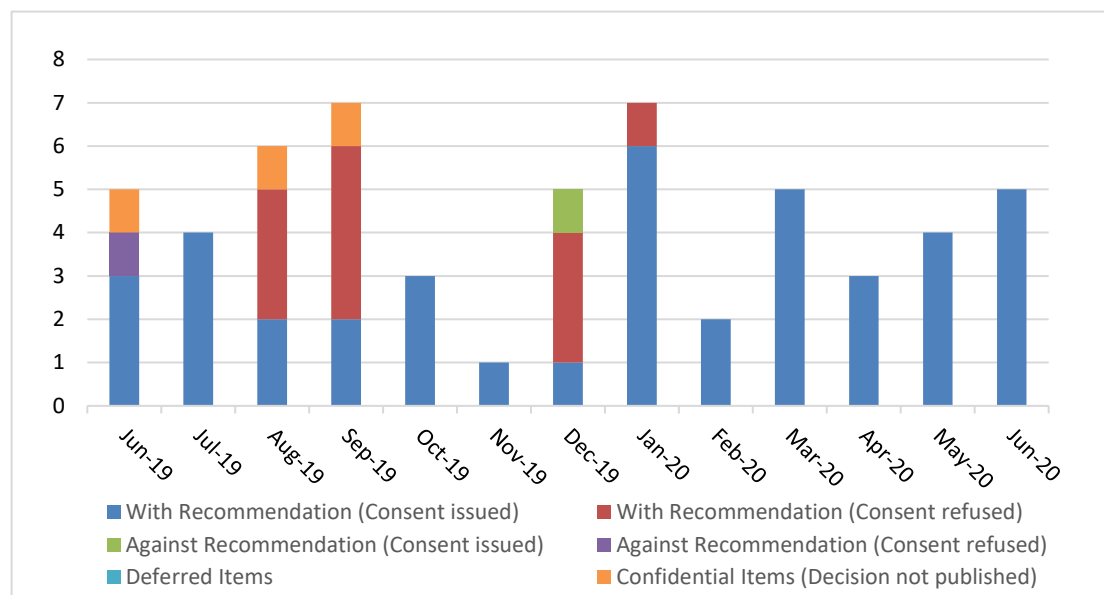


### Council Assessment Panel

The Council Assessment Panel (CAP) held a meeting on 9 June 2020 via an online platform.

The next CAP meeting will be held on 14 July 2020.

Council Assessment Panel Decisions



### Referrals from other statutory agencies

Council is a statutory referral agency for some applications that are assessed by other agencies, including State Commission Assessment Panel (SCAP), Minister for Planning, Governor of South Australia (under the Development Act 1993) and Adelaide Airport Limited (Airports Act 1996). Council is also informally referred applications for development five storeys or more in height within the Urban Corridor Zone that are assessed by SCAP.

### Service improvements

Work has continued on a suite of business improvement initiatives including:

- ☐ Implemented a referral workflow to the Planning Team for outdoor dining permit applications.
- ☐ City Development staff are contributing to internal Planning Reform working parties on planning policy, accredited professionals, communications and the ePlanning Portal.



**Development compliance**

## Compliance Requests

Thirty-three (33) new development compliance requests were received in May 2020. Twenty (20) development compliance requests were resolved within the month and one (1) request was resolved from a previous month in May 2020. At the end of May there were forty-eight (48) ongoing development compliance requests.

Month / Year	No of Requests Received	Requests resolved within the month	Requests resolved from previous months	Total Ongoing Actions
May 2019	23	13	7	46
Jun 2019	11	4	6	52
Jul 2019	16	13	11	47
Aug 2019	24	21	7	41
Sep 2019	20	17	4	43
Oct 2019	16	11	5	37
Nov 2019	22	16	2	36
Dec 2019	13	8	4	46
Jan 2020	21	16	8	38
Feb 2020	18	16	5	35
Mar 2020	16	9	7	35
April 2020	22	17	5	35
May 2020	33	20	1	48

*Note: Compliance actions include investigating potential use of properties for activities that haven't been approved, buildings being constructed without the required approvals, checking of older buildings that may be becoming structurally unsound.*

## Enforcement Action

No Section 84 enforcement notice were issued in May 2020.

There was no new or ongoing court matters as at 25 June 2020.

There was no finalised court matters as at 25 May 2020.

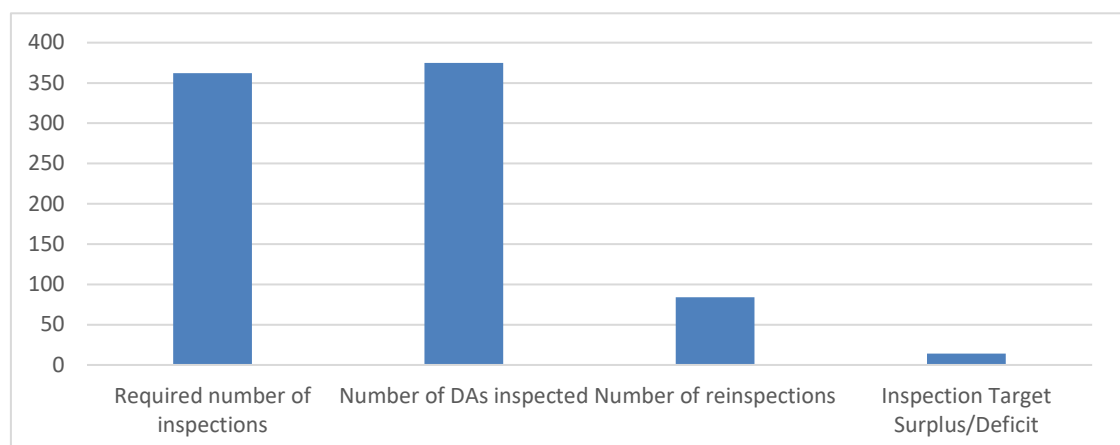
Month / Year	Section 84 Issued	Section 69 Issued	New Actions with ERD Court	Resolved Actions with ERD Court	Total ongoing Actions with ERD Court
May 2019	1	-	-	-	1
Jun 2019	1	1	-	-	1
Jul 2019	3	-	1	-	2
Aug 2019	-	-	-	-	2
Sep 2019	-	-	-	-	2
Oct 2019	-	-	-	1	1
Nov 2019	-	-	-	1	1
Dec 2019	1	-	-	-	1
Jan 2020	1	2	-	-	1
Feb 2020	-	-	-	1	-
Mar 2020	-	-	-	-	-
April 2020	-	-	-	-	-
May 2020	-	-	-	-	-

*Note: Section 84 enforcement notices are the first stage of prosecution for unapproved development. Section 69 emergency orders are the first stage of prosecution for unsafe buildings.*

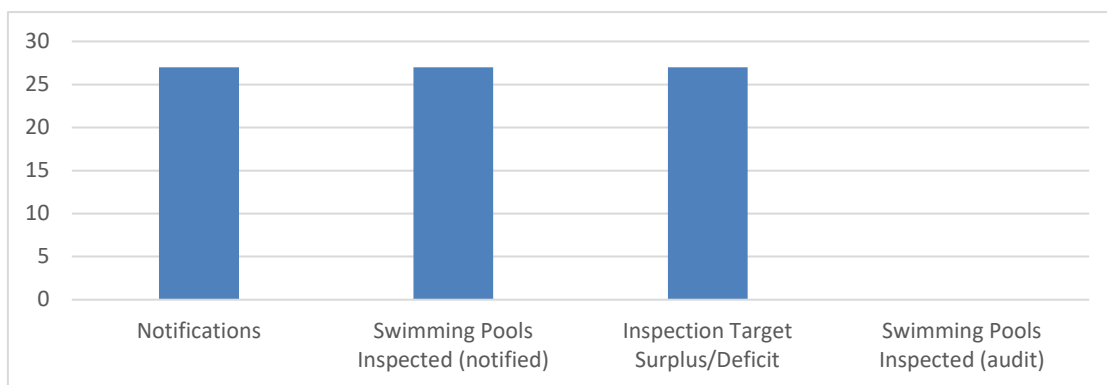
### Building compliance inspections

## Building Inspections (July 2019 - May 2020)

Council's Building and Swimming Pool Inspection Policy sets out the minimum number of inspections required to be undertaken during the year.



## Swimming Pool Inspections (July 2019 - May 2020)



*Note: The Development Act and Council's Building and Swimming Pool Inspection Policy requires that a minimum number of approved buildings and notified swimming pools are inspected for compliance with their associated Development Approval documentation. Where 100% of inspections have not been met in a month the requirement is rolled over to the next month until all required inspections have been undertaken. The inspection target is based on the first inspection of a building or swimming pool and re-inspections are not included in the target.*

**City of West Torrens Building Fire Safety Committee**

## Meetings

A meeting of the Building Fire Safety Committee was held on 2 June 2020.

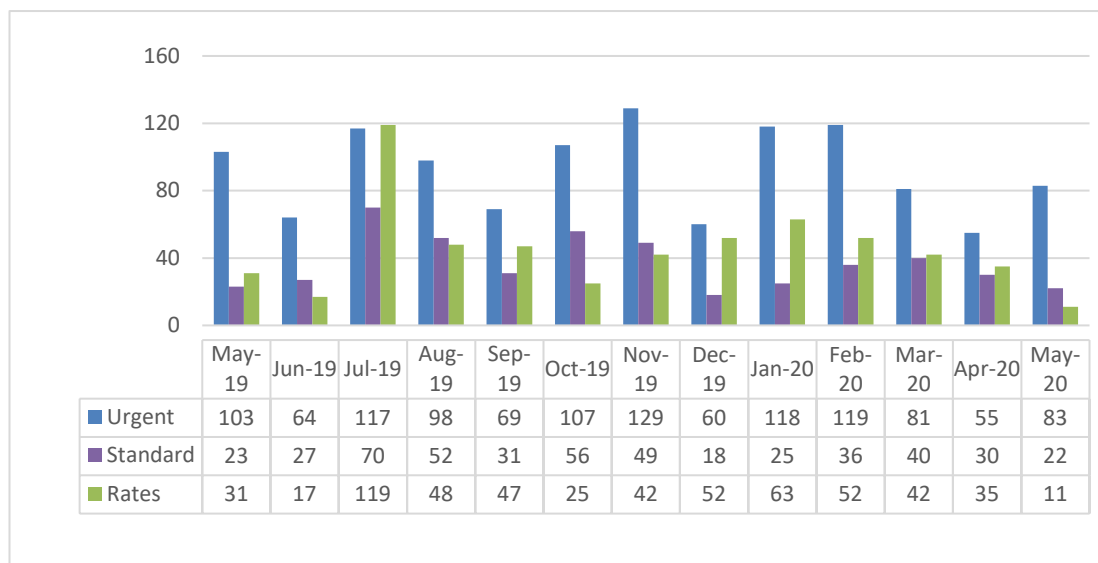
The next Building Fire Safety Committee meeting will be held on 8 September 2020.



## Property and land information requests

### Property Searches

Eighty-three (83) urgent search requests, twenty-two (22) standard search requests and eleven (11) rates search requests were received in May 2020.



*Note: When a property is purchased, the purchasers are provided with a Form 1 (commonly known as cooling off paperwork) Council contributes to this Form 1 with a Section 12 Certificate, the certificate provides the potential purchaser with all relevant known history for the property. Prior to settlement on the property the relevant Conveyancer will also request a Rates statement from Council to ensure the appropriate rates payments are made by the purchaser and the vendor (seller).*

## Planning Reform Implementation

### Planning, Development and Infrastructure Act 2016 (PDI) Implementation

Refer to PDI Update Report in the Council agenda for full update.

## Climate Impact Considerations

*(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)*

There is no direct climate impact consideration in relation to this report.

## Attachments

Nil

### **17.10.3 Progress on Implementing Council Decisions**

#### **Brief**

This report provides an update on completed and outstanding Council and Committee resolution actions.

#### **RECOMMENDATION**

It is recommended to Council that the report be received.

---

#### **Introduction**

At the meeting of the former Policy, Planning and Performance Committee on 23 August 2011 a request was made for a report to be provided at each meeting of the Committee of outstanding actions relating to resolutions of Council and Committees.

Furthermore, at the 29 August 2016 meeting of the Committee, the Chief Executive Officer agreed to incorporate completed actions into the attached 'Progress on Implementing Council Decisions Report'. Actions that have been completed since the preceding meeting of the Committee will be included on the report.

#### **Discussion**

A copy of the completed actions since 2 June 2020, and outstanding resolution actions to 9 June 2020 is provided for Members' information (**Attachment 1**). Updates/comments are to 1 July 2020.

#### **Climate Impact Considerations**

*(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)*

There is no direct climate impact in relation to the report.

#### **Conclusion**

The Progress on Implementing Council Decisions Report provides an update on completed and outstanding Council and Committee resolution actions for Members' information.

#### **Attachments**

##### **1. Progress of Implementing Council Decisions**

Item No	Date	Meeting	Action Title	Resolution / Action required	GM	Actions Taken	Action status
1	02/06/2020	Council	Item 17.1 - Revised Weekly Green Waste Trial	Nitschke / Woodward that: 1. A weekly green waste collection trial for 750 households be endorsed. 2. Information explaining the Council's Compost Bin Rebate Scheme, as well as the many benefits of composting, to also be included in the flyer mail out sent to residents in the trial area.	Bill Ross	30/06/2020 - Engagement material with Residents for the weekly green waste collection trial is currently being developed which includes the action required endorsed by Council.	In progress
2	02/06/2020	Council	Item 17.7 - Lockleys Oval Liquor Licensing	Huggett / Reynolds that alcohol purchased on the premises of the new Lockleys Oval clubroom building only be consumed in the following areas: 1. The designated function space and balcony on the 1st floor, and; 2. Within the Mellor Park Tennis Club office space in the north-western corner on the ground floor.	Angelo Catinari	4/6/2020 Clubs advised of Council decision from 2 June 2020 meeting	In progress
3	02/06/2020	Council	Item 17.9 - Thebarton Oval / Kings Reserve Masterplan and SANFL Venue Improvement Plan Update	Nitschke / Mugavin that: 1. Council notes the current status of the SANFL Venue Improvement Plan for Thebarton Oval / Kings Reserve. 2. Council proceed with the implementation of the recreation and playspace component of the endorsed Kings Reserve Masterplan, as detailed in Attachment 2 of the Agenda report.	Angelo Catinari	28/6/20 - Playspace component of the Kings Reserve Masterplan continues to move forward with detailed design underway.	In progress
4	17/03/2020	Council	Item 17.2 - Economic Development Plan	Pal / Woodward that: 1. The Administration be authorised to undertake public consultation on the draft City of West Torrens Economic Development Plan 2020-2025. 2. A further report be presented to Council at the completion of the public consultation process.	Terry Buss	At its meeting held 3rd March 2020, Council resolved that the Economic Development Plan was to go out for public consultation however, shortly thereafter the COVID- 19 pandemic hit nationally. At that time the Administration recognised that any attempt to consult the public on the Economic Development Plan would not have been reasonable given the impact of the pandemic on both the physical and economic health of the local business community. Given the state of flux that the economy currently faces it is the view and advice of the Administration that any public consultation on the Economic Development Plan 2020-2025 be delayed until September 2020 when a clearer picture of the local economic landscape begins to emerge and then reevaluate how this Plan can best assist the needs of business in this new environment.	In progress
5	17/03/2020	Council	Item 17.7 - Nominations sought for the South Australian Local Government Grants Commission	Vlahos / Pal that Cr Brandon Reynolds be nominated for the South Australian Local Government Grants Commission.	Pauline Koritsa	Nomination sent, but postponed until further notice from the Minister for Local Government.  30/6/2020 - Cr Reynolds nomination remains "live" and will be considered at a later date.	In progress
6	03/03/2020	Council	Item 8.1 - Request to increase enforcement of parking restrictions in Mile End, Marleston, Keswick and Ashford (Compliance)	Woodward / Papanikolaou that: 1. The Petition be received. 2. A report be presented to a future meeting of the City Services and Climate Adaptation Standing Committee and the Head Petitioner be notified accordingly.	Bill Ross	Monitoring and enforcement activities have been undertaken in the Marleston, Mile End, Keswick and Ashford areas. The majority of the expiation notices issued during the following periods were issued where vehicles were parked within restrictions with no stopping or no parking areas. - 3/3/20 to 26/5/20 a total of 556 expiation notices - 27/5/20 to 30/6/20 a total of 92 expiation notices The areas will be continued monitored. A report will be presented to a future meeting of Council and the Head petitioner will be updated accordingly.	In progress
7	03/03/2020	City Services and Climate Adaptation Standing Committee	Item 11.1 - Australian Championships - Novar Gardens Bowling and Petanque Club	Wilton / Kym McKay that: 1. Permission be granted to the Novar Gardens Bowling and Petanque Club to host the 2020 Australian National Petanque Championships over the Easter long-weekend, from Friday 10 April to Monday 13 April 2020 at Camden Oval in Novar Gardens as detailed in Attachment 2 of the Agenda report; 2. A new 5 year lease continue to be negotiated between Council and the Novar Gardens Bowling and Petanque Club. 3. Council provide financial assistance to the Novar Gardens Bowling and Petanque Club to help host the Australian National Petanque Championships to the value of \$5,000 through the Community Grants and Sponsorship Program.	Angelo Catinari	8/5/20 - Financial assistance has been provided and work was underway for the Championships however due to Covid-19 the competition did not go ahead. Negotiations continue on the drafting of a new 5 year lease. 26/6/20 - Negotiations continue on the drafting of a new 5 year lease.	In progress
8	04/02/2020	City Services and Climate Adaptation Standing Committee	Item 11.2 - Weslo Holdings - Thebarton Theatre Complex, Air-conditioning Update and Proposed Rental Reduction	Vlahos / Woodward that: 1. Council provide its consent in its capacity as landlord for the upgrade of the air-conditioning system in the Thebarton Theatre, subject to any necessary development consents being sought and obtained. 2. Council notes that Weslo has indicated that it desires a further/additional lease term in recognition of the considerable funding (of \$500,000) that it has secured from the State Government which will allow air-conditioning within the theatre auditorium to be upgraded and acknowledges the suggestion of the Administration that any decision regarding this matter be deferred at this time. 3. Any considerations for rent review be deferred until the outstanding amount is brought up to date.	Angelo Catinari	18/2/20 - Weslo advised of Council meeting outcome. Further report provided to Council at its meeting to be held on 18/2/20.  8/5/20 - Development consent still being sought for the air conditioning. A response has been provided to State Heritage and they are expected to reply within 2 weeks. The lease fees relating to the Theatre have been waived and the payments required for 164 and 166 South Road have been deferred in line with Council's Covid-19 support package. Deed of settlement/settlement agreement executed on 19 May 2020.  26/6/20 - Report prepared for Council consideration (in confidence) at meeting of 7 July 2020.	In progress
9	04/02/2020	City Services and Climate Adaptation Standing Committee	Item 11.3 - Glenlea Tennis Club - Update	O'Rielly / Nitschke that: 1. The Council refers the request for funding of \$90,000 to address stormwater infrastructure and consequent court deterioration issues associated with the existing six courts used by the Glenlea Tennis Club within the Camden Oval complex for consideration in the 2020/2021 budget deliberations; and 2. The Council refers the Club's request for funding of \$65,000 for consideration in the 2020/2021 budget deliberations to enable the construction of two additional courts for use by the Glenlea Tennis Club and the public within the Camden Oval complex. 3. Should Council provide its consent for necessary funding for the additional courts to be constructed through the 2020/21 budget process, the Administration be authorised to enter into negotiations with the Glenlea Tennis Club regarding a variation to the existing lease agreement. A further report be provided to Council following these negotiations.	Angelo Catinari	18/2/20 - awaiting outcome of budget process.  8/5/20 - In budget proposal for 20/21. Awaiting outcome of budget process.  26/6/20 - Currently in draft budget. Awaiting outcome of public consultation and budget approval.	In progress



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10	26/11/2019	City Facilities and Waste Recovery General Committee	Item 8.4 - Solar Technology for Morphet Road Depot Update	Woodward / Wilton that: 1. The report be noted. 2. Approval be granted to install a 100kW Photo Voltaic (PV) Solar System at the Morphet Road Depot Site.	Angelo Catinari	18/2/20 - process for purchase and installation of solar panels is underway and will be completed by end of 19/20 financial year.  8/5/20 - Contractor engaged and system ordered. Will commence installation prior to end of financial year.  26/6/20 - Purchase order issued in April. Works expected to be undertaken in late August.	In progress
11	26/11/2019	City Facilities and Waste Recovery General Committee	Item 9.1 - Lockleys Bowling Club Premises	Mayor Coxon / Woodward that the Mayor and Chief Executive Officer be authorised to pursue options for the possible redevelopment of the Lockleys Bowling Club facilities with other interested stakeholders.	Terry Buss	Discussion has taken place with the Lockleys Bowling Club and other stakeholders and further follow up with the varies stakeholders is continuing to occur.	In progress
12	01/10/2019	Council	Item 8.1 - Petition to remove parking restrictions on Vintage Road, Underdale (2) - Report to City Services and Amenity Committee	Kym McKay / Pal that: 1. The Petition be received. 2. A report be presented to a future meeting of the City Services and Amenity Standing Committee and the Head Petitioner be notified accordingly.	Angelo Catinari	16/10/2019 - Resident consultation to be developed. Head petitioner notified.  19/02/2020 - Survey scheduled in March 2020.  25 May 2020 - Survey on hold until Covid-19 emergency withdrawn and traffic patterns back to normal.  26 June 2020 - Traffic surveys to recommence in late July 2020.	In progress
13	03/09/2019	City Services and Amenity Standing Committee	Item 11.2 - B Double Access - Transport Avenue, Netley	Pal / Mayor Coxon that the gazettal of Transport Avenue, Netley, for B Double access be approved by Council, subject to the following: 1. AAL to provide a bicycle approach lane in Transport Avenue at its intersection with Richmond Road, as part of the intersection upgrade that would be undertaken by AAL to facilitate B Double access using Transport Avenue. 2. The gazettal of Transport Avenue as a B Double route will be subject to the intersection being satisfactorily constructed by AAL (including all land acquisition costs). 3. The specific B Double left turn movement from Transport Avenue to Richmond Road (west) shall be prohibited. 4. A cost contribution (subject to further detailed pavement assessment) for the upgrade of the Transport Avenue road pavement to accommodate B Double movements be agreed to by AAL, if found to be necessary. 5. AAL to construct the noise attention wall as identified in the AAL letter of 16 August 2019.	Angelo Catinari	19/09/2019 - Meeting held with AAL representatives on Thursday 19 September 2019  20/09/2019 - Consultation letter received from AAL for distribution to local residents on 20 September 2019. Awaiting preliminary design of the junction of Transport Avenue and Richmond Road.  19/02/2020 - Meeting held with AAL to review the 70% design. Monday 6 April 2020, 100% review approved by Administration.  26/06/20 - Awaiting advice from AAL on commencement date of works.	In progress
14	23/07/2019	City Facilities and Waste Recovery General Committee	Item 9.1 - Brickworks Riverfront Land	Mayor Coxon / Reynolds that: 1. The Chief Executive Officer be authorised to commence the sale process for the Brickworks Riverfront land and that the sale process be via Private Treaty. 2. The Chief Executive Officer be authorised to obtain a formal valuation of the Brickworks Riverfront land in order for Council to set a price range to facilitate the sale. 3. The Chief Executive Officer be authorised to engage a selling agent for the sale taking account of Council's procurement policies for goods and services. 4. Following receipt of the formal valuation, the Chief Executive Officer report back to Council for the purpose of Council setting the price range for the sale process. 5. The Chief Executive Officer be authorised to commence a land division process to ensure that the pedestrian corridor along the western boundary of the Brickworks Riverfront land and any other critical community infrastructure along the northern boundary adjacent the River Torrens Linear Park is retained in Council ownership or under Council control.	Terry Buss	CEO in discussions with selling agent regarding strategy for marketing the property for sale.  Discussions also underway with surveyors regarding land division requirements.	In progress
15	23/07/2019	City Facilities and Waste Recovery General Committee	Item 9.5 - Lockleys Oval Lease / Licence Agreements Update	Reynolds / Vlahos that: 1. Interim/short term leases/licenses, for a period of 12 months, be offered to the Goodwood Cricket Club, Lockleys Football Club, Mellor Park Tennis Club, West Beach Soccer Club and West Torrens Baseball Club, from the date of handover of the new shared clubroom facility. The rental/licence fee for each club to be \$1,250 pa Inc. GST, inclusive of all costs, for the duration of these short term lease/licenses. 2. The Mayor and Chief Executive Officer be authorised to sign and/or seal any documentation giving effect to the above resolution. 3. A further report be provided to the Committee following further discussions with the proposed users of the facility in regard to the preferred leasing model for the premises.	Angelo Catinari	19/08/2019 - Clubs have been advised of the short term arrangements and a meeting will take place regarding the management on the facility subsequent to the Administration finalising investigations into management models.  14/10/19 - Clubs have toured the new facility and further discussions have taken place regarding the short-term lease arrangements and management models. Leases will be drafted by end of 2019.  18/2/20 - Draft licence agreements have been prepared and will be provided to Clubs at a meeting to be held on 21/2/20  8/5/20 - on hold due to Covid-19. Clubs advised all fees waived for 6 months ending 30 August. Agreements will be signed when access to the building is granted following the lifting of restrictions.  18/5/2020 - Licence agreements provided to Mellor Park Tennis Club (in process of implementing name change to Lockleys Tennis Club), West Beach Football Club, Lockleys Football Club, West Torrens Baseball Club  4/6/2020 - Copies of fully executed agreements provided to West Beach Football Club, Lockleys Football Club  23/6/2020 - Licence agreement provided to Goodwood Cricket Club	In progress



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16	23/07/2019	City Facilities and Waste Recovery General Committee	Item 9.7 - Hilton RSL Sub-branch - Relocation Update	Vlahos / Mugavin that: 1. The report be received and the Hilton RSL Sub-branch be provided with the draft design development package prepared to comply with option 2 of the Agenda report for information and comment. 2. The Committee notes the preliminary discussions held with the West Adelaide Football Club relating to the potential option of relocating the Hilton RSL Sub-branch to Richmond Oval and that the Mayor and Chief Executive Officer continue those discussions and report back to this Committee on the outcome of those discussions at its next meeting. 3. The Hilton RSL Sub-branch be informed of the preliminary discussions occurring between Council and the West Adelaide Football Club about the potential option of relocating the Hilton RSL Sub-branch to Richmond Oval and the Administration seek their initial views on such a potential move.	Angelo Catinari	19/08/2019 - A meeting will be held with the RSL within the next 4 weeks to progress this.  14/10/19 - Feedback has been received by the Hilton RSL on the 173 SDB Drive package. This design will be completed by November 2019. Consultants have been commissioned to progress the option of locating the Hilton RSL in the WAFC building. Further information will be available in November/December 2019.  18/2/20 - Final design for 173 SDB Drive is complete with budget estimates. WAFC option is being developed further and report will be provided to the City Facilities Committee in March 2020.  8/5/20 - Report was completed for March Committee meeting however meeting cancelled due to Covid-19. Report completed and now pending further discussions with the West Adelaide Football Club and Hilton RSL.	In progress
17	07/08/2018	Council	Item 15.2 - Development of a dog park in Torrensville	Kym McKay / Farnden that the Administration prepare a report that looks at obtaining a section of unused and unkempt Linear Park that is under the control of the water Minister at the end of Hayward Avenue and West Street Torrensville, for the purpose of setting up a dog park for small and large dogs in line with the concept used at the Pooch Park at Rowells Road Lockleys.	Angelo Catinari	04/09/2018 - Administration has commenced initial discussions with SA Water.  26/11/2018 - Administration is continuing discussions with SA Water.  13/2/2019 - Discussions continue with a report to be presented at a future meeting of Council.  16/04/2019 - Discussions continue with a report to be presented at a future meeting of Council.  18/06/2019 - A report to be presented at a future meeting of Committee/Council.  19/08/2019 - Due to competing priorities, this action has been paused and will be re-evaluated in the new year.  14/10/19 - No progress has been made due to competing priorities.  18/2/2020 - Competing priorities therefore no action taken and no budget allocation for 20/21 financial year.  25/5/2020 - SA Water contacted the Administration in March 2020. SA Water advised the land is the responsibility of the Department of Environment and Water. Correspondence forwarded to DEW on 23 March 2020 and to date no response has been received. The Administration will continue to follow this matter up with the Department of Environment and Water.	In progress
18	27/02/2018	Civic Committee	Item 7.4 - Mural Art Options in City of West Torrens (Public Art Strategy)	Nitschke / Woodward that the Public Art Strategy continues to be developed with the aim of addressing issues and concerns surrounding public art installations, as well as promoting the introduction and commissioning of both temporary and more permanent works within the City of West Torrens.	Pauline Koritsa	23/04/2018 - Public Art Strategy to be developed in the coming months.  04/09/2018 - Public Art Strategy is continuing to be developed - a report will be presented to a future meeting of the CFGC.  26/11/2018 - Public Art Strategy is continuing to be developed - A report to be presented to a future meeting of Council.  13/2/2019 - Meeting held with public art consultant regarding a Public Art Strategy. A Strategy continues to be developed and will be presented to a future meeting of Council for endorsement.  16/04/2019 - The Strategy continues to be developed and will be presented to a future meeting of Council for consideration.  17/06/2019 - Report was presented to Council and the Strategy/Direction of Public Art will be presented to future Council meeting by Strategy Unit.  28/08/2019 - This MAR was reinstated from completed status and reallocated to City Strategy for completion of the Public Art Strategy.  29/08/2019 - Public art strategy project brief completed. Will be released to the market to engage a consultant to undertake the work.  17/02/2020 - RFQ out to market this week  22/04/2020 - Quotes evaluated and contract signed with preferred contractor and opening meeting held to discuss methodology.  30/6/20 - Contract let and project commenced with a review of current documents. Project methodology currently being reviewed in light of Covid 19 restrictions.	In progress

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19	16/06/2020	Council	Item 17.2 - Cash Advance Debenture Authorisation	Vlahos / Wood that: 1. Council authorise the establishment of a \$15 million cash advance debenture facility for the next five years, pursuant to section 134 of the Local Government Act 1999. 2. The Mayor and Chief Executive Officer be authorised to sign and seal all documents associated with establishing the cash advance debenture facility.	Bill Ross	Application form and conversion form completed 19/06/2020 and forwarded to CEO for signing and returning to LGFA	Completed
20	16/06/2020	Council	Item 8.1 - Objection to Development Application 211/356/2016/A at 50 Davenport Terrace, Richmond	O'Rielly / Vlahos that the Petition be received and the Head Petitioner be advised accordingly.	Pauline Koritsa	Head petitioner notified	Completed
21	02/06/2020	Council	Item 17.2 - Cities with Nature Program - Pioneer Council	Mugavin / Nitschke that it becomes a Pioneer Council in the Cities with Nature program including an annual ICLEI membership fee of \$2,365.	Pauline Koritsa	10 June 2020 Membership application and registration complete	Completed
22	02/06/2020	Council	Item 17.3 - Support for Conservation and Land Management Stimulus	Mugavin / O'Rielly that Council: 1. Notes that: a. In light of the current and anticipated impacts of COVID-19 across every sector of society, it is clear that decisive action and unprecedented investment is needed to temper the worst social and economic impacts of this crisis. b. Over 70 farming and conservation groups around Australia, including Landcare, the National Farmers Federation, NRM Regions Australia, the Australian Land Conservation Alliance and the Australian Association of Bush Regenerators, have come together to call on state and federal government to invest in a jobs-rich conservation and land management stimulus package as part of the economic response to Covid-19. c. Such a program presents important opportunities for safe, meaningful and socially beneficial work as part of the 'bridge to recovery', while leaving enduring benefits for the environment, tourism and farm businesses. d. Local Governments play a pivotal role in delivering conservation and land management work, such as controlling weeds, protecting and restoring habitat, and managing public land and are ideally placed to manage a surge in effort for on ground conservation work. 2. Expresses its support for State and Federal government investment in a jobs-rich conservation and land management stimulus package as part of the economic response to Covid-19. 3. Writes to local Federal and State Members of Parliament expressing our support for this proposal and urging them to support it.	Pauline Koritsa	Letters prepared by Sue Curran as per the resolution and emailed to Federal and State MPs (refer Obj Ids for respective letters)	Completed
23	02/06/2020	Council	Item 17.4 - Disaster Recovery Fund	Kym McKay / Huggett that given Council is currently providing significant financial support to its community and businesses in response to the Covid-19 emergency, Council defers its consideration of the establishment of a Disaster Recovery Fund until the 2021/22 budget.	Pauline Koritsa	At its 2 June 2020 meeting, Council resolved not to progress this fund and that it would form part of the 2021/22 budget considerations	Completed
24	02/06/2020	Council	Item 17.5 - Thebarton Community Centre Terms and Conditions of Hire Update	Papanikolaou / Tsiaparis that: 1. The three changes to the Thebarton Community Centre Terms and Conditions outlined in the report be approved to improve operating procedures for the hirers and the Centre. 2. The Thebarton Community Centre Terms and Conditions include a clause requiring the submission of a hirers COVID-Safe Plan with their application form.	Pauline Koritsa	Terms and Conditions have been updated and updated on the website.	Completed
25	02/06/2020	Council	Item 17.6 - Sale of Property for the Non Payment of Rates - Confidential Order Review	Reynolds / Pal that: 1. In accordance with Section 91(9)(a), having reviewed the confidentiality order made on 4 June 2019 pursuant to 91(7)(a) and 91(7)(b) of the Local Government Act 1999, in respect of confidential Item 22.1 'Sale of Property for the Non Payment of Rates', Council orders that the Item 22.1 Sale of Property for the Non Payment of Rates, the Minutes arising, attachments and any associated documentation which was presented to the 4 June 2019 meeting of Council, continues to be retained in confidence in accordance with section 90(3)(a) and (i) of the Local Government Act 1999, and not be available for public inspection for a further 12 month period, on the basis that the report involves personal affairs of the ratepayers named in the report and Council litigation. 2. Pursuant to s91(9)(c) of the Local Government Act 1999, Council delegates the authority to the Chief Executive Officer to review the confidentiality order on a monthly basis and to revoke but not extend it.	Terry Buss	Confidential spreadsheet updated noting the annual review on 2 June 2020 and the continuation of the confidentiality order.	Completed

