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12 September, 2014

## NOTICE OF COUNCIL AND COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN in accordance with Sections 83 and 87 of the *Local Government Act 1999* that an **Ordinary Meeting of Council** of the City of Onkaparinga will be held on **Tuesday 16 September, 2014** at the Council Chamber at the Civic Centre, Ramsay Place, Noarlunga Centre at 7pm for the purpose of considering the items included on the attached agenda.

*We recognise that the land on which we meet has considerable natural and cultural heritage, including thousands of years of traditional ownership by Kaurna.*

A handwritten signature in black ink, appearing to be "Mark Dowd", written over a horizontal line.

Mark Dowd  
**Chief Executive Officer**

Disclaimer: Please note that the contents of the Council Agendas have yet to be considered by Council and recommendations contained herein may be altered or changed by the Council in the process of formally making decisions of Council.



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**City of Onkaparinga**  
**Agenda for the Council meeting**  
**to be held on 16 September 2014**

**Venue:** Council Chamber, Civic Centre  
Ramsay Place, Noarlunga Centre

**Meeting commenced:**

**Present:**

**Apologies:** Cr Webster

**Leave of absence:**

**Absent:**

**Pledge:**

*We recognise this City's considerable natural and cultural heritage, including thousands of years of traditional ownership by Kurna, and the more recent contribution from people either born here or who have migrated here. As we meet together, we build on this heritage by respecting and listening to each other, thinking clearly, being receptive to new ideas, speaking honestly, and deciding wisely for the current and future well-being of those we serve.*

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\* Inclusion of this item on the Agenda is under consideration.

**1. Opening of meeting**

**2. Confirmation of minutes of the Council meeting held on Tuesday 26 August 2014**

**3. Adjourned business**

**4. Leave of absence**

**4.1 Leave of absence – Cr Webster**

Cr Webster has requested leave of absence from 7 October to 14 October 2014 inclusive.

**5. Mayor's Communication**

**5.1 Mayor's report 16 September 2014**

**Local Government Association Roads to Recovery Media Release**

A media release from the Local Government Association is at attachment 1.

**Elected member briefings/workshops from 19 August – 9 September 2014**

Street Design Guidelines and Community Facilities Study workshops, 2 September  
Planning Reform workshop, 9 September

**Elected member representation**

Thank you to the following Elected Members who represented me during this period:

Deputy Mayor, Cr Kilby

- Shimmer Photographic Biennale – 29 August
- State Welcome Reception for Mr Hieu Van Le AO – 1 September
- Leadership Onkaparinga Graduation – 3 September

**Mayor's calendar**

My activities from 19 August to 8 September 2014 are reflected in attachment 2.

Thank you



Lorraine Rosenberg

**Mayor**

**Recommendation**

**That Council note the 16 September 2014 Mayor's report.**

## Attachment 1



Local Government Association  
of South Australia

Attachment 1  
The **VOICE**  
of Local  
Government

# Media Release

**Date:** 28 August 2014

**Embargo:**

**Pages:** 1

## R2R extension welcomed

The President of the LGA, Mayor David O'Loughlin said SA Councils would be able to breathe a bit easier with the welcome news that the Australian Senate today passed legislation to extend Roads to Recovery (R2R) funding until 2019.

The Legislation passed the Senate with the support of the Greens and the Palmer United Party.

Mayor O'Loughlin said the funding agreement was worth around \$31.5 million a year to SA Councils.

"We are very pleased that this vital funding arrangement has been extended until 2019 which gives us time to ensure that it becomes a permanent fixture in the Federal Budget and not treated as a political football such as has occurred in the Federal Parliament over the past months," he said.

"R2R funding has been caught up in the political argy bargy since the Land Transport Infrastructure Amendment Bill 2014 was passed in the House of Representatives on 27 March.

"That has meant months of uncertainty for Australian Councils and particularly for SA Councils which are still reeling from the loss of \$18 million per annum supplementary road funding and the loss of income from the Federal Government's decision to freeze interest on Financial Assistance Grants payments."

Mayor O'Loughlin said the previous legislation for the R2R funding expired at the end of June.

"With the passage of this legislation through the Senate today, Councils can now be certain that their R2R allocations will be forthcoming," he said.

"The only way to prevent a repeat of this situation is to make the program permanent. We will be working with the Australian Local Government Association to lobby the Federal Government to have them recognise it has worked extremely well and has been welcomed by local communities and it is therefore time to lock in a permanent Road to Recovery program."

**Attachment 2**

<b>Meetings and events attended by the Mayor 19 August – 8 September 2014</b>	
<b>August 2014</b>	
19	Meeting of The Shed
	Annual General Meeting of Clarendon Senior Citizens
	Meeting with elected member
	Meeting with staff
	Meeting with deputy mayor
	Meeting of Strategic Directions Committee
20	Annual General Meeting of Economic Development Forum
	Media interview
	Music Arts Drama Night Cardijn College
21	Meeting of Local Government Association CEO Performance Appraisal and Review committee
	Meeting of Local Government Association Executive Committee
	Memorial luncheon
	Meeting with staff and residents group
	Civic and Garden award presentation
22	Media interview
23	Handover dinner Morphett Vale Returned Services League
25	Meeting with staff and business representatives
	Fleurieu Ladies Probus Club 20 <sup>th</sup> birthday celebration
	Meeting of Friends of Sully's
	Annual General Meeting of National Trust Willunga
	Meeting of Council
27	China delegation
28	China delegation
29	China delegation
30	China delegation
31	China delegation
1	China delegation
2	China delegation
3	China delegation
7	Willunga175 Hit the Hill event
8	Meeting with staff and sporting representative
	Great Southern Netball Association Seniors presentation

**6. Presentation**

Nil

**7. Deputation**

Nil

**8. Presentation by Committee Chairpersons and reports to Council by Council Committees.**

**8.1 Strategic Directions Committee minutes**

This is a regular or standard report.

Manager: Andrea Sargent, Manager Risk and Compliance

Report Author: Matthew Lawrence, Governance Officer

Contact Number: 8384 0126

Attachments: 1. Minutes of the Strategic Directions Committee meeting held 9 September 2014 (6 pages)

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*This report is presented to Council during the caretaker period. As the matter being addressed in this report is not a designated decision as prohibited under section 91A of the Local Government (Elections) Act 1999 nor does it require a major policy decision that would significantly affect the Council area's community as a whole or bind the incoming Council as cited in Council's Caretaker policy; it is able to be considered by Council during the caretaker period.*

A meeting of the Strategic Directions Committee was held on 9 September 2014.

The following items require a resolution of Council.

**1. Recommendations**

**1. 7.2 Street directional signage updated report**

**That Council approve a fee to cover the installation and creation for directional signs which are not generic in nature, as outlined in the agenda report.**

**2. That Council note the minutes of the Strategic Directions Committee meeting held on 9 September 2014, as attached to the agenda.**

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**City of Onkaparinga**  
**Minutes of the Strategic Directions Committee meeting**  
**held on 9 September 2014**

**Venue:** Civic Area, Civic Centre  
Ramsay Place, Noarlunga Centre

**Meeting commenced:** 7.00pm

**Present:** Mayor L Rosenberg  
Cr M Bray  
Cr S Brown (7.02pm)  
Cr D Chapman (7.01pm)  
Cr H Greaves (7.02pm)  
Cr J Gunn  
Cr W Jamieson  
Cr G Kilby  
Cr H Merritt  
Cr S Nash  
Cr W Olsen (7.01pm)  
Cr D Parslow (Chairperson)  
Cr K Richardson  
Cr P Schulze  
Cr N Swann  
Cr S Webster (7.04pm)

**Apologies:** Cr C Knight  
Cr P Sutherland  
Cr Y Wenham

**Absent:** Cr R Brown  
Cr R de Jonge

City of Onkaparinga  
Minutes of the Strategic Directions Committee meeting held on 9 September 2014.

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**1. Opening of meeting**

**Cr Parslow** officially declared the meeting open at 7.00pm.

**2. Confirmation of minutes of the Strategic Directions Committee meeting held on 19 August 2014.**

**Cr Olsen** entered the meeting at 7.01pm.

**Cr Chapman** entered the meeting at 7.01pm.

***Cr Swann** MOVED that the Minutes of the proceedings of the Strategic Directions Committee meeting held on 19 August 2014 be received and confirmed as an accurate record of those proceedings.*

*Seconded by **Cr Nash**.*

*CARRIED*

**3. Adjourned business**

Nil.

**4. Chairperson's report**

Nil.

**5. Presentation**

Nil.

**6. Deputation**

Nil.

**7. Reports of officers**

**Cr Greaves** entered the meeting at 7.02pm.

**Cr S Brown** entered the meeting at 7.02pm.

**7.1 Noarlunga Regional Centre Revitalisation: Precinct and Precinct Authority Progression**

***MOVED Mayor Rosenberg.***

1. *That the Strategic Directions Committee notes Community Plan 2035 Objective 1.1.1 to encourage and support the revitalisation of Noarlunga Regional Centre in conjunction with the state government and other key landowners, service providers and stakeholders.*
2. *That the Strategic Directions Committee approve the preparation of a business case for consideration by Council for the potential establishment of a Precinct under the Urban Renewal Act 1995 for the area of land generally known as the Noarlunga Regional Centre and more specifically:*
  - *progress investigations in support of a potential precinct request to the Minister for Housing and Urban Development pursuant to Part 2B, section 7H(1) of the Urban Renewal Act 1995 (once operational)*
  - *prepare a Business Case in a form determined by the Minister For Housing And Urban Development that complies with any requirements prescribed by the regulations pursuant to Part 2B, section 7H(2)(b) of the Urban Renewal Act 1995 (once operational)*
  - *work collaboratively with the Department of Planning, Transport and Infrastructure (DPTI) and other relevant state agencies in the preparation of the request and supporting business case*
  - *work collaboratively with DPTI (and other relevant state agencies) to define the roles, responsibilities and proposed approach to support the establishment of the precinct, and its future operation and management.*
3. *That a report detailing the outcomes of this work (and enclosing the draft business case) be presented to Council for consideration prior to submitting to the Minister for assessment pursuant to Part 2B, section 7H(1) of the Urban Renewal Act 1995 (once operational).*

*Seconded by **Cr Richardson.***

*CARRIED*

**7.2 Street directional signage updated report**

***MOVED Cr Schulze.***

*That the Strategic Directions Committee:*

1. *adopt the draft procedure for Directional Signs within Onkaparinga including Community facility names, as attached to the agenda.*
2. *recommends to Council that they approve a fee to cover the installation and creation for directional signs which are not generic in nature, as outlined in the report.*

*Seconded by **Cr Swann.***

*CARRIED*



**7.3 Willunga Main Street Project**

**Cr Webster** entered the meeting at 7.04pm.

*MOVED **Cr Olsen.***

*That the Strategic Directions Committee:*

- 1. endorse the draft concept design and scope of the Willunga Main Street upgrade for broader community engagement commencing mid-November 2014.*
- 2. endorse the commencement of an expression of interest process with business owners to gauge interest in support for a parklet pilot program.*

*Seconded by **Cr Gunn.***

**Cr Jamieson** *MOVED an AMENDMENT.*

*That the Strategic Directions Committee:*

- 1. notes that the draft concept design for the Willunga Main Street upgrade promotes and protects the local character and heritage value of the Willunga Township.*
- 2. endorse the draft concept design and scope of the Willunga Main Street upgrade for broader community engagement commencing mid-November 2014.*
- 3. endorse the commencement of an expression of interest process with business owners to gauge interest in support for a parklet pilot program.*

*Seconded by **Cr Chapman.***

*The AMENDMENT was PUT and CARRIED. The MOTION, thus AMENDED, was PUT and CARRIED.*

**7.4 Draft Environment Lead Strategy 2014-19**

**Cr Nash** left her seat in the meeting at 7.20pm.

**Cr Nash** resumed her seat in the meeting at 7.20pm.

**Cr Jamieson** *MOVED that Item 7.4 draft Environmental Lead Strategy be adjourned to the end of the meeting.*

*Seconded by **Cr Swann.***

*CARRIED*

City of Onkaparinga  
Minutes of the Strategic Directions Committee meeting held on 9 September 2014.

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**7.5 Draft Placemaking Strategy 2014-19**

*MOVED **Cr Nash.***

*That the Strategic Directions Committee approves the draft Placemaking Strategy 2014-19 Lead Document, as attached to the agenda, noting that further detail of actions will be contained in the Strategic Management Plans which will be tabled for Council consideration at a future date.*

*Seconded by **Cr Schulze.***

**Cr Jamieson** left is seat in the meeting at 7.57pm.

*CARRIED*

**7.6 Updated Work Program**

*MOVED **Cr Greaves.***

*That the Strategic Directions Committee note the Work Program as attached to the agenda, updated for the next 12 months (incorporating any amendments resolved by the Strategic Directions Committee).*

*Seconded by **Cr Kilby.***

*CARRIED*

**8. Questions on notice**

Nil.

**9. Motions**

Nil.

**10. Petitions**

Nil.

**11. Urgent business**

Nil.

**12. Confidential items**

Nil.

**Cr Jamieson** resumed his seat in the meeting at 7.59pm.

*At 7.59pm **Cr Greaves** MOVED that the meeting adjourn for a ten minute break.*

*Seconded by **Cr Chapman.***

*CARRIED*

City of Onkaparinga  
Minutes of the Strategic Directions Committee meeting held on 9 September 2014.

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**Cr Parslow** reconvened the meeting at 8.09pm with all members present that were present before the adjournment, with the exception of **Cr S Brown**, **Cr Chapman**, **Cr Greaves** and **Cr Swann**.

**Cr Parslow** returned to the adjourned Item 7.4 Draft Environment Lead Strategy 2014-19 at this time.

**Cr Swann** resumed his seat in the meeting at 8.10pm.

**Cr S Brown** resumed her seat in the meeting at 8.10pm.

**Cr Greaves** resumed her seat in the meeting at 8.11pm.

**Cr Chapman** resumed his seat in the meeting at 8.12pm.

*MOVED* **Cr Jamieson**.

1. *That the Strategic Directions Committee approve the draft Environment Strategy 2014-19 Lead Document, as attached to the agenda, with the following amendments:*
  - a. *include coastal reefs on the map contained on page 86 of attachment 1 to the agenda report*
  - b. *include the following text under the coast and natural asset section on page 96 of attachment 1 to the agenda report:*  
*'advocate for protection of our coastal reefs and marine environment'*
  - c. *include indigenous groups in the stakeholder map on page 89 of attachment 1 to the agenda report*
  - d. *refer to aboriginal heritage issues under the Community Capacity and Culture reference on page 94 of attachment 1 to the agenda report.*
2. *That the Strategic Directions Committee recommend the inclusion of data on the condition of the Onkaparinga river and estuary in the next review of the Community Wellbeing Monitor.*
3. *That the Strategic Directions Committee note that further detail of actions will be contained in the Strategic Management Plans which will be tabled for Council consideration at a future date.*

*Seconded by* **Cr Swann**.

*CARRIED*

13. **Closure**

**Cr Parslow** officially declared the meeting closed at 8.14pm.

*Certified Correct* .....Chair

/ /2014

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## **9. Reports of officers**

### **9.1 Sellicks Beach fencing styles update**

This is an update on a previously reported subject, concept or issue

Manager: Britt Gowing, Manager Asset Management

Report Author: Salvador Jurado, Asset Planner Coastal

Contact Number: 8384 0735

Attachments:

1. Detailed Analysis Maps 1 – 5 Fencing and re-vegetation areas (5 pages)
2. Fencing styles (3 pages)

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#### **1. Purpose**

This report responds to Council's resolution from 15 July 2014 Sellicks Beach Cliff Top Access Review report and seeks Council approval on a preferred fencing style for the Sellicks cliffs.

#### **2. Recommendations**

- 1. That Council note the contents of this report.**
- 2. That Council approve fence type A1 as shown in attachment 2 (square timber post at 3 metre intervals with 150mm by 150mm wire mesh) to fence the areas detailed in attachment 1 between Francis Street to Palmerston Avenue, Sellicks Beach.**

#### **3. Background**

The Sellicks Beach Cliff Top Access Review report was considered by Council at its 15 July 2014 Council meeting.

Council requested a follow up report providing 'further detailed analysis of severe fall risk areas to be fenced, *involving fencing style options*' and 'that Council investigates an opportunity of a federal funding grant application under the Green Army Project to assist funding for this environmental re-vegetation program.'

A copy of the 15 July 2014 Council report and the minutes including Council's resolution can be found at

[http://www.onkaparingacity.com/onka/council/meetings\\_agendas/council\\_meetings.jsp](http://www.onkaparingacity.com/onka/council/meetings_agendas/council_meetings.jsp)

#### **4. Financial Implications**

As a result of completing the further detailed assessment of the high risk areas the overall length of fencing as detailed in the 15 July 2014 report to Council has been reduced by 125 metres.

For the 2014-15 stage of the project, this results in a saving of \$8,750.

This saving will be applied to the re-vegetation works.

The establishment and maintenance of the vegetated areas in subsequent years may be eligible for the Federal Government's Green Army program and an application will be further investigated. Any successful Green Army application would partially offset future funding requirements for the project.

#### **5. Additional information**

##### **Detailed analysis of severe fall risk areas**

Further detailed analysis of severe fall risk areas has been completed. This involved:

- At each area the cliff top geometry (slope and height) was observed and checked with a coastal Digital Terrain Model and the 2007 Cliff Top Erosion Audit
- Factors including the likelihood of a person being in the area of the cliff crests, the cliff stability and the consequences of a fall from the cliffs were reviewed
- The location of existing infrastructure and vegetation, the informal tracks and proposed path alignment were also a consideration in the assessment.

The analysis is detailed and summarised in attachment 1 being five (5) maps labelled A to E, which confirms the geological features, existing infrastructure, areas requiring fencing, areas for the re-vegetation barrier and fence softening, the path alignment and a new viewing platform.

The detailed analysis has reduced the length of fencing identified in the 15 July 2014 report to Council by 125 metres to a total of 575 metres. This has been achieved by setting back the path from cliff crests and integrating existing vegetation with the new re-vegetation and fence.

Of the total length of new fencing required, 150 metres replaces the existing fence south of Francis Street and 60m around the Palmerston Avenue viewing area (attachment 1 map A and map E).

A 1200m x 1.2m wide compacted rubble path is provided for the entire length of the project area and a timber viewing platform is included at the end of Gulf View Road (attachment 1 map C).

##### **Proposed fencing style**

Further investigation of fencing styles and options for each style has been completed and is summarised below.

<b>Fence Type A – Square timber posts and open wire mesh.</b>		
Fence Type A1 (recommended)	Square timber post at 3m spacing. 150mm x 150mm wire mesh insert (attachment 2)	\$70 per lineal metre
Fence Type A2 (variation)	Square timber post at 6m spacing. 2 galvanised steel droppers spaced at 2 metres. 150mm x 150mm wire mesh insert (attachment 2)	\$60 per lineal metre
	Note larger wire mesh sizes are available, 150mm high by 300mm or 450mm wide and 300 mm high by 450mm wide. While these larger mesh sizes may have some minor visual benefits sagging between the upright wires becomes more of an issue with the increases in size.	

Advantages:

- Consistent with our Foreshore Access Path projects
- 150mm by 150mm wire mesh size adds stability and strength to the fence
- Fence Type A2 (variation) has less timber posts the length of the project area to minimise visual impact
- Difficult to egress through the fence
- Wire mesh will assist the vegetation to grow through the wires for the softening affect.

Disadvantages:

- Galvanised steel droppers (variation A2) not preferred by residents
- Wire mesh has more impact visually than Fence Type B (below).

<b>Fence Type B – Square timber post with stranded wire</b>		
Fence Type B1	Square timber post at 3m spacing. Single galvanised wire strands (attachment 2)	\$65 per lineal metre
Fence Type B2 (variation)	Square timber post at 6m spacing. Single galvanised wire strands with 2 galvanised steel spacer at 2 metres (attachment 2)	\$55 per lineal metre
Fence Type B3 (variation)	Same as fence Style B1 (attachment 2) with stainless steel wire	\$90 per lineal metre

Advantages:

- Less visual impact than Fence Type A
- Comments from the community indicate Fence Type B3 (single strand stainless steel wire) is preferred over galvanised single wire or wire mesh
- Fence Type B2 (variation) has less timber posts to minimise the visual impact
- Less cost to install than Fence Type A – except for the stainless steel wire option (Fence Type B3).

Disadvantages:

- Maintenance intensive. Wire needs regular re-straining to stay tight
- Much easier to egress through the fence
- Fence Type B3 (stainless steel wire) adds significant cost to install, is expensive to maintain and is attractive to thieves.

<b>Fence Type C – Square timber posts with galvanised railing</b>		
Fence Type C	Timber post and galvanised rail fence (attachment 2)	\$180 per lineal metre

Fence Type C is used in other locations within our city and is shown for comparison only. This style is not recommended due to its visual impact, high cost to install and ease of egress.

### **Green Army Program**

The purpose of the program is to address local or national environment and heritage conservation challenges. The program aims to engage community and young people directly in conservation projects.

The first round of applications closed on 31 March 2014 and future rounds have not yet been determined. To be eligible projects need to deliver outcomes with significance at the local, regional and national level. As a part of the criteria we would need to recruit green army staff/supervisor (aged 17 to 24, minimum of 10 participants) and undertake a training and development program for the team.

As a part of the first round applications, the federal government engaged five service providers to deliver services as part of the Green Army Program. Engaging with the service provider directly would provide greater benefit to us instead of taking on the resourcing implications. Service providers would be responsible for recruiting participants, managing work health and safety, providing training, paying allowances and overseeing projects.

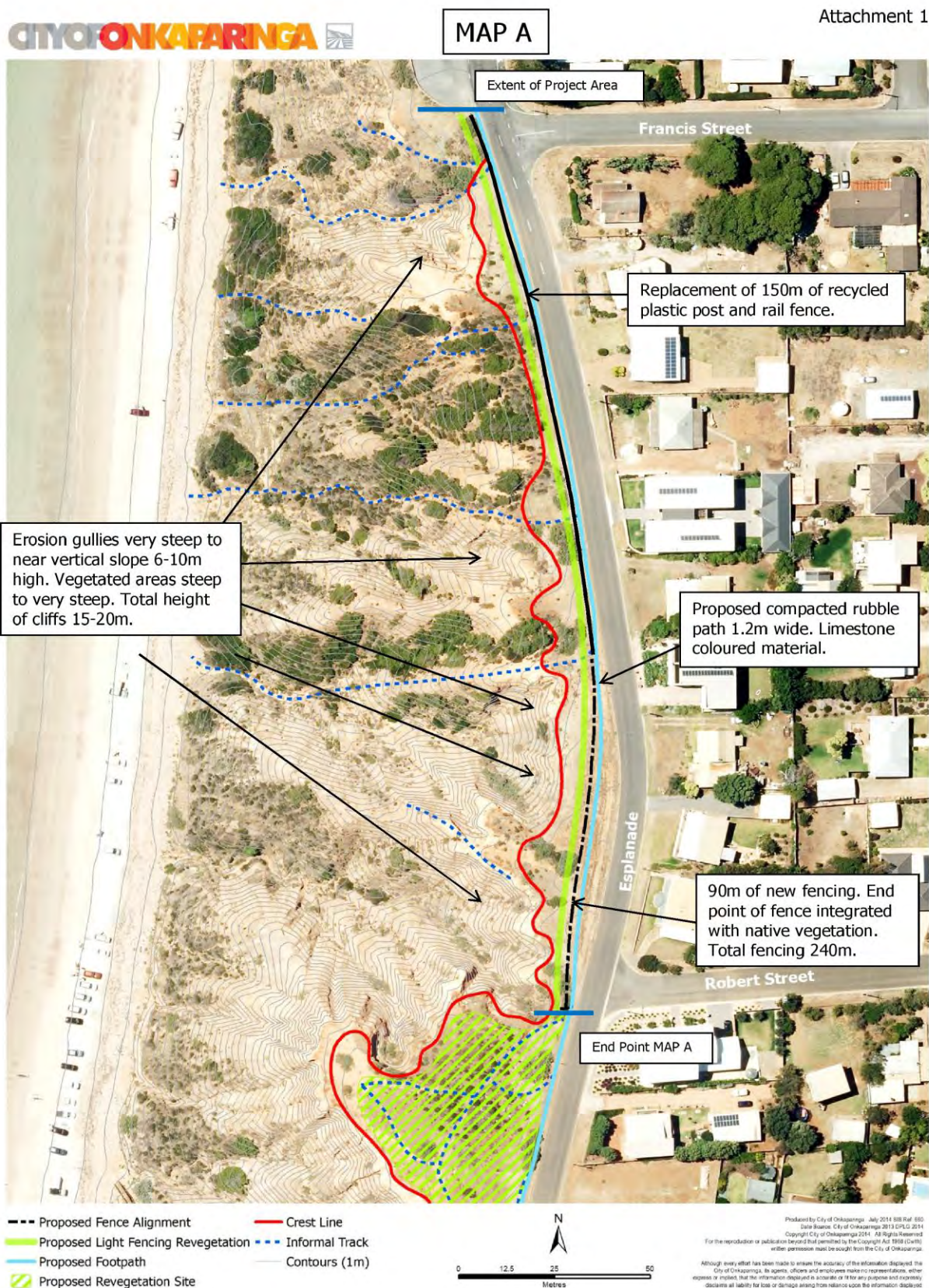
One of the key criteria for the first round of application was for projects to be continuous for a minimum of 20–26 weeks to be eligible.

Staff will engage with the service providers in our state to review our environmental projects that may be eligible for the program. The initial planting component of the Sellicks project could not be considered due to timing constraints, safety risks and the level of expertise needed for successful re-vegetation. However, subsequent years of establishment and maintenance may be eligible and will be further investigated.

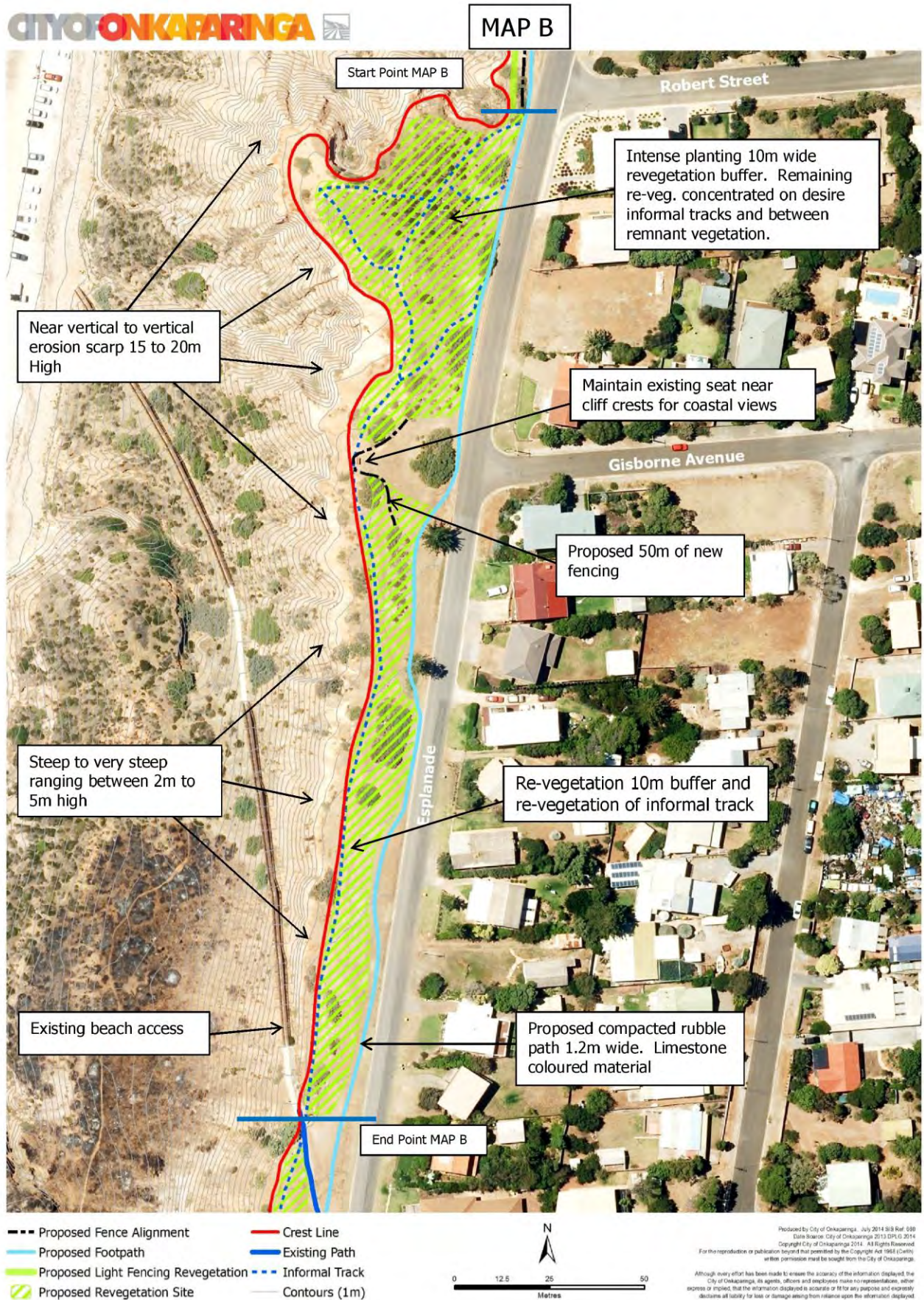


## Attachment 1

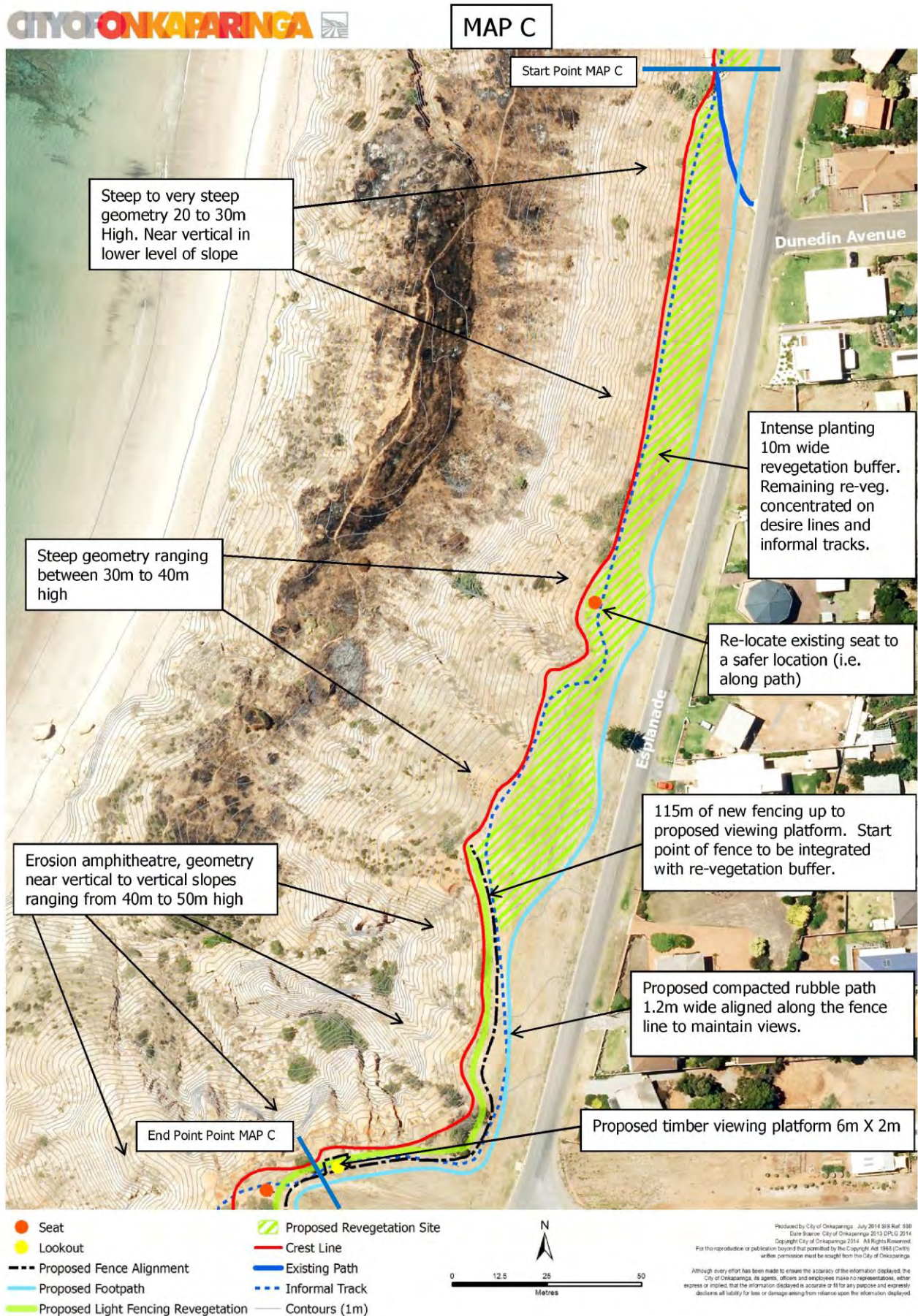
Attachment 1



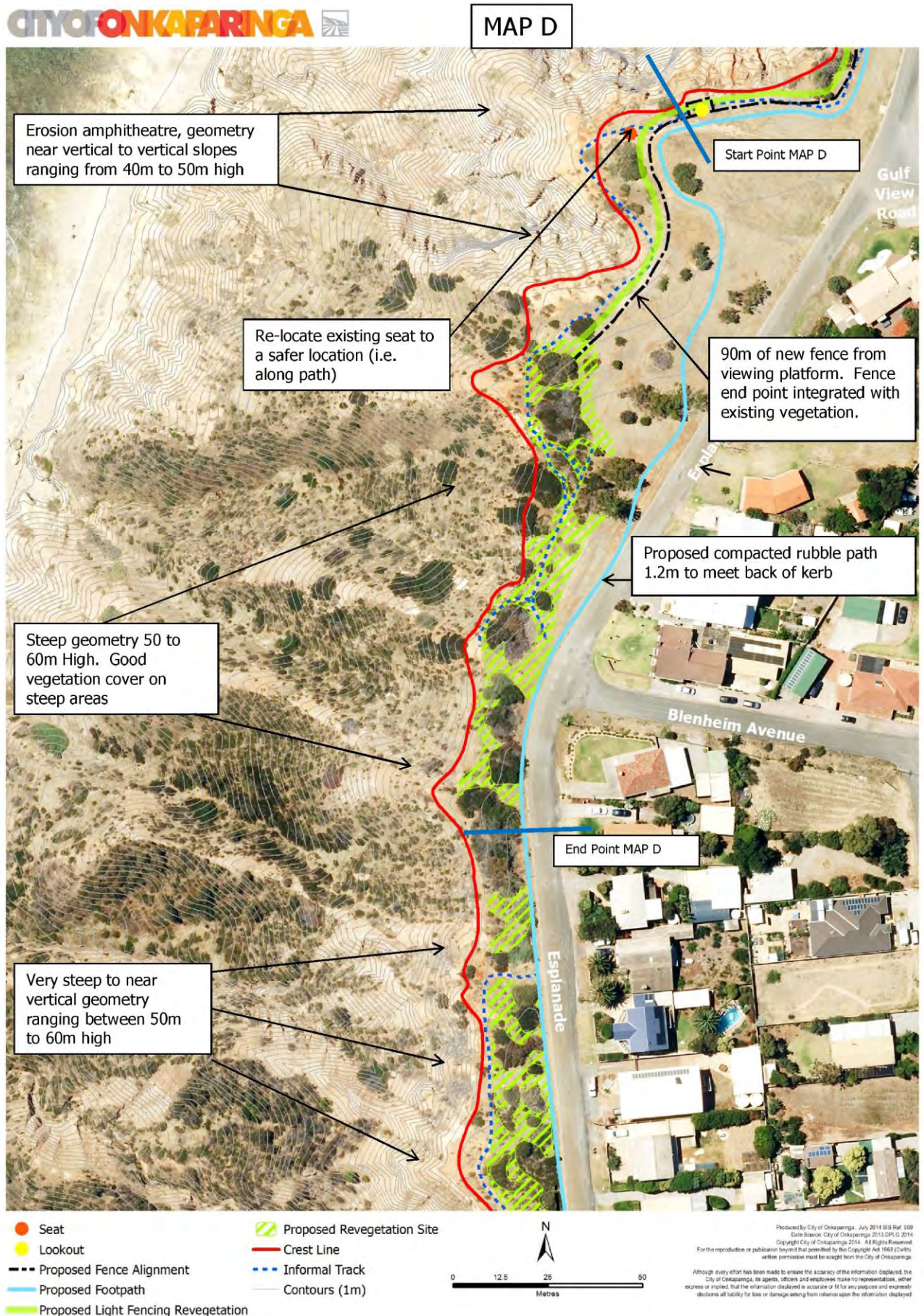




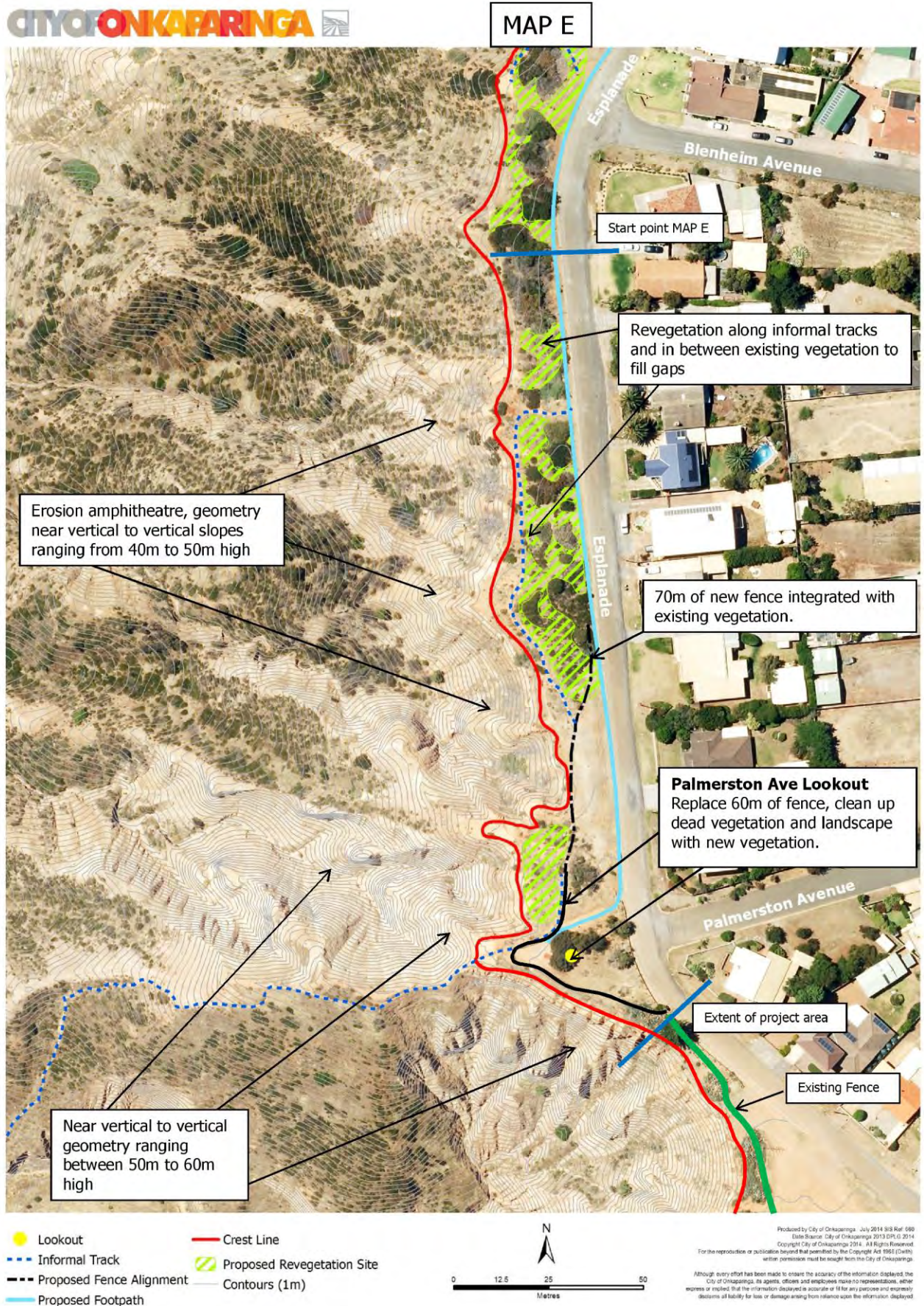






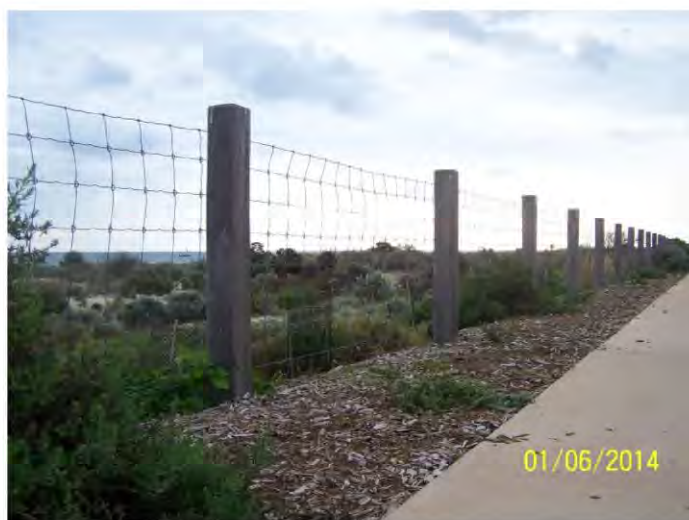






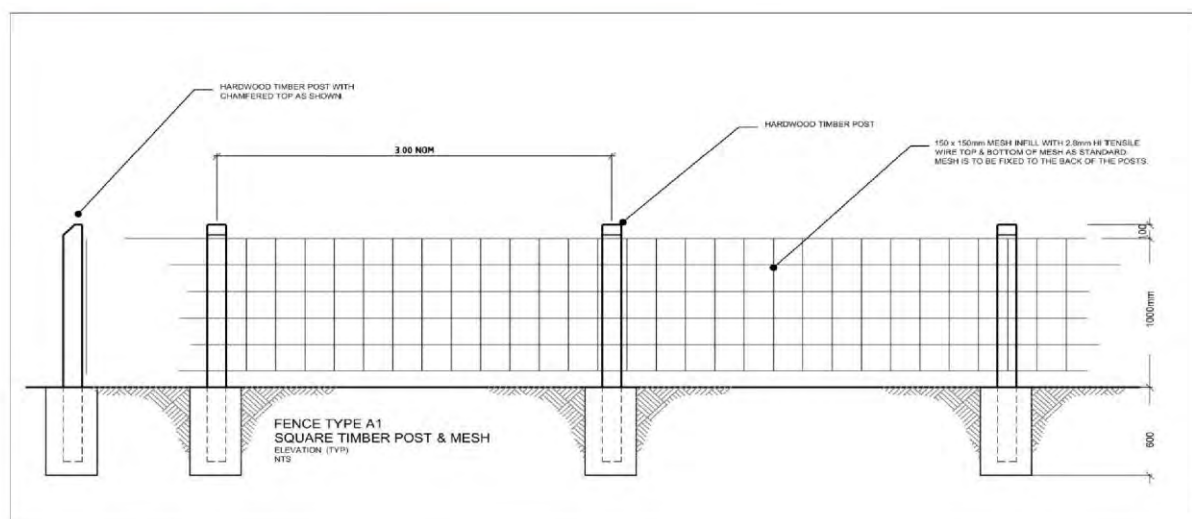


## Attachment 2

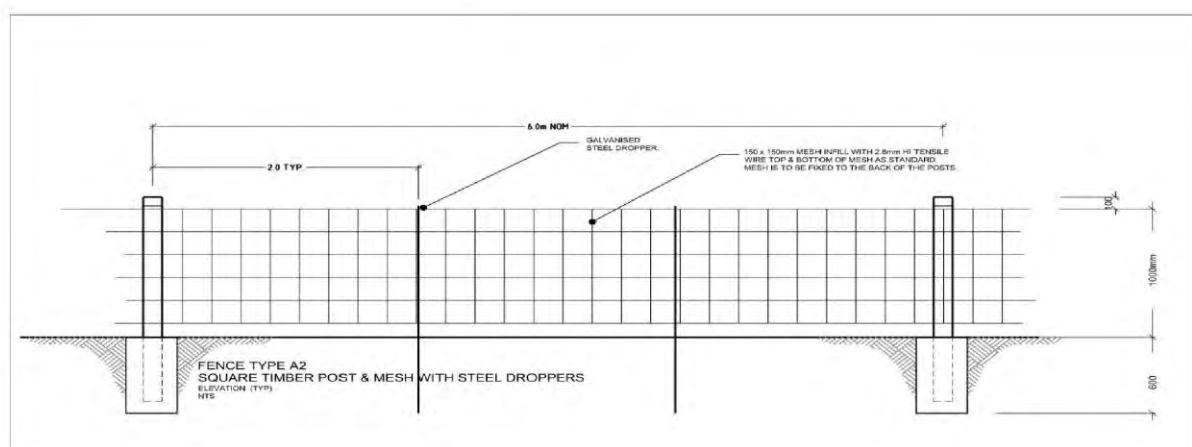


**Fence Type A1 - square timber post & wire mesh (150mm X150mm)**

**Larger mesh sizes available:**  
 150mm X 300mm  
 150mm X 450mm  
 300mm X 450mm

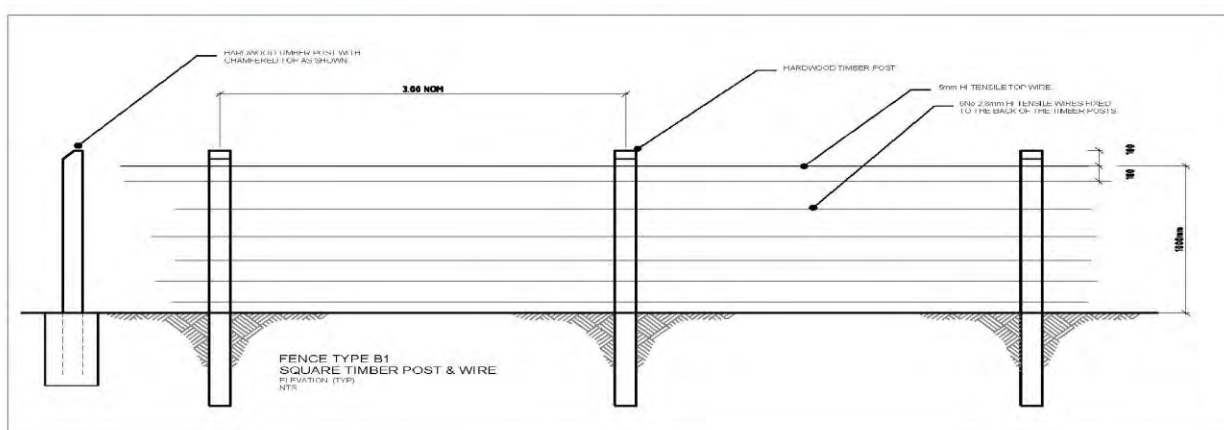


**Fence Type A2 (variation)**

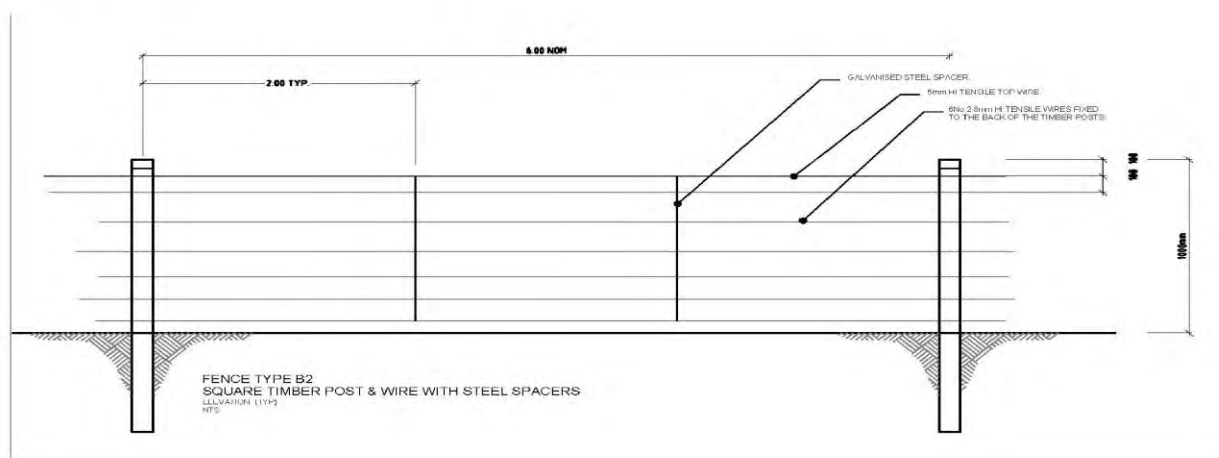




**Fence Type B1 – square timber post & galvanised wire**



**Fence Type B2 (variation)**





**Fencing Style C – timber post and galvanised rails**



## 9.2 Temporary road closure Old Willunga Hillclimb

This is a regular or standard report.

Manager:	Simon Pettman, Manager Civil Infrastructure
Report Author:	Bill Cirocco, Senior Traffic Engineer
Contact Number:	8384 0175
Attachments:	1. Letter of request from Southern Districts Car Club, including proposed closure (3 pages) 2. Presentation to Southern Community Forum (10 pages)

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*This report is presented to Council during the caretaker period. As the matter being addressed in this report is not a designated decision as prohibited under section 91A of the Local Government (Elections) Act 1999 nor does it require a major policy decision that would significantly affect the Council area's community as a whole or bind the incoming Council as cited in Council's Caretaker policy, it is able to be considered by Council during the caretaker period.*

### 1. Purpose

This report seeks approval for a temporary road closure of Old Willunga Hill Road, from St Matthews Street to Meadows Road, Willunga as requested by Southern Districts Car Club Inc. for the Old Willunga Hillclimb 2014 event (attachment 1) on 30 November 2014.

### 2. Recommendations

**1a In accordance with Clause G of the Minister for Transport and Infrastructure Notice dated 22 August 2013 (as presented to Council on 13 May 2014) which delegates power to Council to close roads and grant exemptions for events, Council consents to the proposed road closure of:**

**Old Willunga Hill Road, Willunga from St Matthews Street to Meadows Road from 9am to 5.30pm on Sunday 30 November 2014.**

**1b Council support the Commissioner of Police order that the proposed roads which are listed in recommendation 1a be closed, subject to the Southern Districts Car Club:**

- **paying for the advertising and management of the temporary road closures for the Old Willunga Hillclimb event**
- **notifying all property owners along the route in writing**
- **advertising the event well in advance**
- **assuming responsibility for any damage to the road resulting from the event.**

**OR**

**2. That Council advise the event organisers and Commissioner of Police that it does not support the running of the Old Willunga Hillclimb through the associated closure of roads.**

**3. Background**

In 2013 the Old Willunga Hillclimb was part of the Adelaide Hills Tarmac Rally. As it was so successful, the organisers have replaced the Adelaide Hills Tarmac Rally with this event in 2014.

As a result of past community interest in motor sports events the road closures have been brought to Council for consideration rather than being exercised under the Chief Executive Officer's delegation.

The Old Willunga Hillclimb is a one day event which requires a road closure for the purposes of this motor sport event. Therefore the declaration of the event and road order for the required closure is approved and issued by the Commissioner of Police under delegation from the Minister for Transport and Infrastructure.

If Council choose not to support the running of the Old Willunga Hillclimb and the associated road closure, the Commissioner of Police will generally not approve the road closures.

Under section 33 of the *Road Traffic Act 1961* we are required to give our consent to the road closures and approval for the use of temporary traffic control devices.

**4. Financial Implications**

There is no financial impact to council by this event being held. All costs associated with advertising the event, managing the road closures and repairing any damage to infrastructure are borne by the event organisers.

**5. Risk and Opportunity Management**

Risk	
Identify	Mitigation
Public Liability	The event is covered by Public Liability insurance of \$100m through the Confederation of Australian Motor Sport Ltd (CAMS).
Resident concerns	<p>The event organisers will:</p> <ul style="list-style-type: none"><li>• notify adjoining landowners, businesses and residents in the wider Willunga community, in writing</li><li>• consult with affected landowners, as required</li><li>• facilitate the road closures as per their proposal and assist local residents and road users through the detours using marshals and professional traffic management contractors</li><li>• place advance event notification signage four</li></ul>

	<p>weeks prior to the event</p> <ul style="list-style-type: none"> <li>• provide traffic personnel at access points to advise users of road closures and alternate routes</li> <li>• presented at the Southern Community forum on 28 August 2014 with no objections voiced, only minor questions asked in relation to the event (presentation at attachment 2)</li> <li>• provide a resident feedback survey after the event.</li> </ul>
Emergency Services	The event organisers will notify emergency services of the proposed road closures. An event safety plan is developed and communicated with the event medical and fire services available to attend to any resident emergency if required.
Four other events this year requiring Old Willunga Hill Road to be closed.	<p>25/1/14 - Tour Down Under</p> <p>8/6/14 - Southern Vets Cycle Race</p> <p>7/9/14 - Hit the Hill</p> <p>2/11/14 - Amy's Ride</p> <p>Each of these events is sponsored by council and has been supported by the local community.</p>

Opportunity	
Identify	Maximising the opportunity
Economic and community benefit	<ul style="list-style-type: none"> <li>• National event attracting tourists to our region including spectators and participants.</li> <li>• Sponsored by the Variety Club with proceeds <b>donated to the children's charity.</b></li> </ul>

## 6. Additional information

Should the temporary road closure be endorsed by Council, our role is purely confined to advising the Commissioner of Police of our support for the event. The Commissioner of Police has ultimate authority to officially sanction the event.

The Southern Districts Car Club has previously conducted the Adelaide Hills Tarmac Rally in the City of Onkaparinga, most recently in 2013. The Tarmac Rally was generally held over three days with multiple road closures.

## Attachment 1

**Old Willunga Hillclimb**  
PO Box 10213  
ADELAIDE BC SA 5000  
[www.ahtr.com.au](http://www.ahtr.com.au)

From the Southern Districts Car Club Inc.

All Correspondence to;

Michael Clements  
RSD 4 Bletchley  
Via Strathalbyn SA 5255

Friday, 11 July 2014

Proudly Supporting



City of Onkaparinga  
Ramsay Place  
Noarlunga Centre 5168

Dear Council,

The following details are for the event called the Old Willunga Hillclimb, of which we are planning to run within the City of Onkaparinga area.

This event, replaces the Adelaide Hills Tarmac Rally for 2014. It is scheduled to be run on Sunday the 30<sup>th</sup> of November 2014 at Wickham's Hill. With the huge success of last year's Old Willunga Hill Hillclimb that was run during the Adelaide Hills Tarmac Rally, we have seen the need for more of these events that give people the opportunity to test their road cars out on closed roads, with all the safety precautions of a CAMS event. The headquarters will be located at Serafino Winery, just outside of McLaren Vale on the main McLaren Vale to McLaren Flat Road. The event will be starting at 9.00am on Sunday and should be finished at approximately 5.30pm on the Sunday evening.

It is my understanding that the City of Onkaparinga Council has revised their road closure procedures, and we would like to make a start towards working with council and residents to make this event a reality.

We would like to apply for the following road to be closed by the Event.

The roads and times are:

**Old Willunga Hill Road** (from St Matthews Street to Meadows road)

The time we would like to close this road would be from **9.00am to 5.30pm** on Sunday the 30<sup>th</sup> of November 2014, if this meets with the approval of council.

To ensure the safety of the competitors and the general public we request a short-term closure under Section 33 of the Road Traffic Act, of the roads.

If Council approves our request, we will make every effort to run the Hillclimb with minimum inconvenience to residents.

We will:

- Notify adjoining landowners in writing at least 2 months beforehand
- Consult with affected landowners when required
- Leave all control areas in a clean and tidy state
- Notify the police of the running of the event and obtain permission to close the roads under Section 33 of the



Road Traffic Act

- Notify the emergency services in the area
- Affect a public risk insurance policy through the Confederation of Australian Motor Sport (CAMS) which includes \$100 million public liability insurance. (A copy of the permit and insurance cover can be supplied if required).
- Place advice signs along all roads 4 weeks prior to the event to forewarn road users of impending road closure
- Advertise the road closures in the local papers the week before the event
- During the event, man the access points to these roads to advise users of the temporary restrictions and supply alternative routes

We are local people volunteering our time to run this event. We run our events to Australia's best standards, and have medical and fire vehicles at the start of the Hillclimb course. If a land owner has an emergency during the road closure period, upon receiving notification we will stop the event and send in our medical vehicles which have trained Paramedics and a Fire Marshals. We will start the course after the only house on the road so they have continual access to their property without restriction.

We appreciate the consideration extended to us in our efforts to organise this event.

**A copy of the Confederation of Australian Motorsport's Certificate of Currency for Public Liability Insurance will be supplied.**

If you would like to discuss this further, or need any more information, please contact me on 0418 804 105.

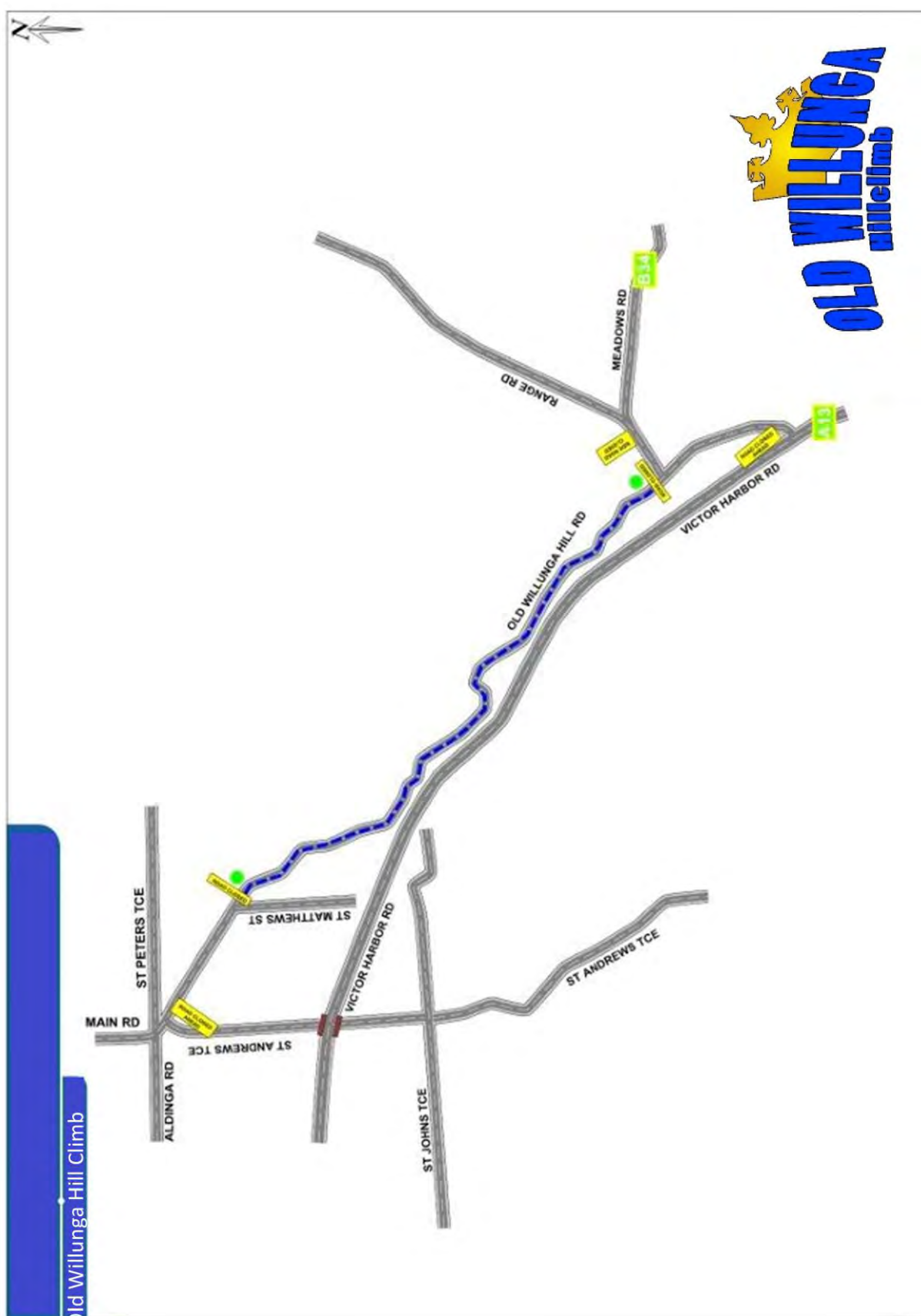
Yours sincerely,



Michael Clements

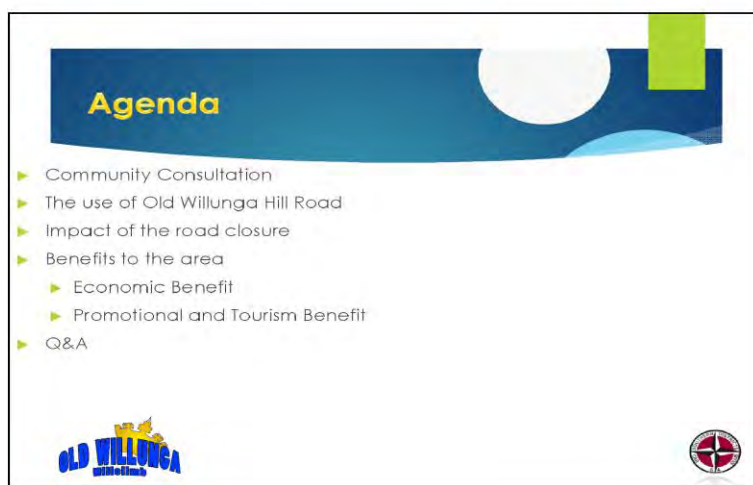
Clerk of Course Old Willunga Hillclimb  
Director of the Confederation of Australian Motorsport





## Attachment 2

5/09/2014







5/09/2014



## Community Consultation

- ▶ Prior to the event
  - ▶ Road closure letters and maps to residents
  - ▶ Emergency services advised of road closure and provided with Event Safety Plan
- ▶ 0-4 Weeks ahead of the event
  - ▶ Arrangements made with individual residents for entry / exit during road closure
- ▶ During the event
  - ▶ Last minute arrangements made with individual residents for entry / exit during road closure
- ▶ Post event
  - ▶ Resident surveys



## Community Consultation

- ▶ No request for entry / exit by a resident has ever been denied by our event control
  - ▶ Access is only granted once it is safe, and residents may be asked to wait for a short time
- ▶ Contact details for event control included in letters, on all gate tags and available from all rally officials
- ▶ SDCC has regularly made allowances for school buses, milk tankers and other major events



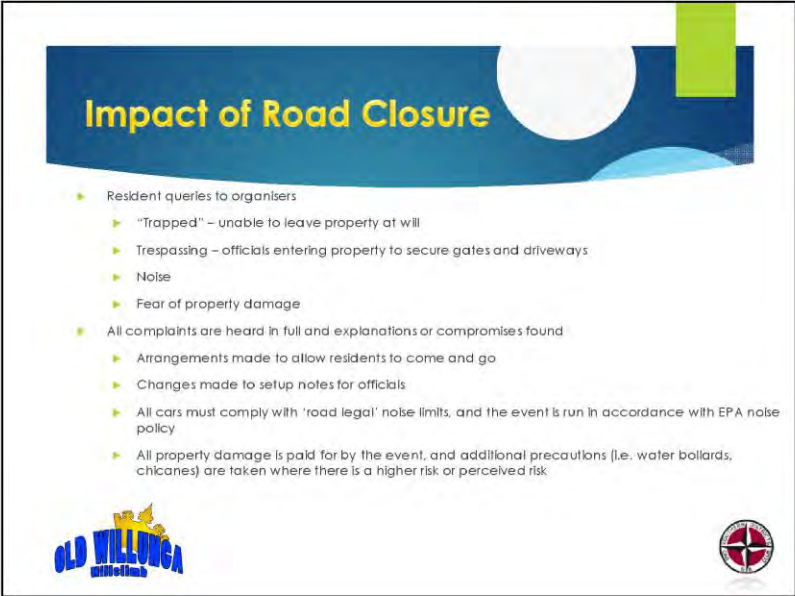


5/09/2014





## Why use this road?

- ▶ Quality driving road
  - ▶ Comparable to Hillclimb's in Britain, the USA and Europe
  - ▶ Tight and complex
  - ▶ Well maintained road surfaces
  - ▶ Access for spectators
- ▶ Minimising Impact
  - ▶ No incursions upon emergency services
  - ▶ Minimal number of residents affected



## Impact of Road Closure



- ▶ Resident queries to organisers
  - ▶ "Trapped" – unable to leave property at will
  - ▶ Trespassing – officials entering property to secure gates and driveways
  - ▶ Noise
  - ▶ Fear of property damage
- ▶ All complaints are heard in full and explanations or compromises found
  - ▶ Arrangements made to allow residents to come and go
  - ▶ Changes made to setup notes for officials
  - ▶ All cars must comply with 'road legal' noise limits, and the event is run in accordance with EPA noise policy
  - ▶ All property damage is paid for by the event, and additional precautions (i.e. water bollards, chicanes) are taken where there is a higher risk or perceived risk



5/09/2014



## Impact of Road Closure

- ▶ Emergency Services
  - ▶ Accessing properties on closed roads
  - ▶ Event medical and fire services available for resident emergencies
  - ▶ Event Safety Plan shared with Emergency Services providing points of entry, stage official contact numbers and rally control contact numbers
- ▶ Local business
  - ▶ Increased traffic to the area resulting in increased trade in food, drinks and fuel
  - ▶ Raised awareness of the area and what it has to offer will bring back event participants and supporters

## Economic Benefit


	No. People	No. Days	\$ per day	Total
<b>Competitors</b>				
Driver	120	1	\$175	\$21,000
Service Crew Average	120	1	\$175	\$21,000
Family and friends	180	1	\$175	\$31,500
Bed Nights	60	1	\$235	\$14,100
<b>Spectators</b>				
Spectators: Standard	2000	1	\$75	\$150,000
<b>Officials</b>				
Officials: Standard	50	1	\$75	\$3,750
Officials: Management	14	2	\$75	\$2,100
<b>Pre-Event</b>				
Officials: Management	12	3	\$45	\$1,620
Total forecast \$ spent in region for the 2014 Old Willunga Hillclimb				\$245,070

5/09/2014

## Southern Districts Car Club Inc

- ▶ Not for Profit organisation
- ▶ CAMS Affiliated
- ▶ 270+ members in the Fleurieu and Adelaide Hills Region
- ▶ Volunteer run events at all levels of motorsport
- ▶ CAMS Junior Development Program
  - ▶ Training of 12-17 year old children in all aspects of vehicle safety and awareness



## Variety Club – Official Event Charity



- ▶ Variety, the Children's Charity, empowers children who are sick, disadvantaged or have special needs to live, laugh and learn.
- ▶ Driver Donations and Fundraising
- ▶ Variety SA Bash teams participation
- ▶ Achieved outcome of over \$30,000 for Variety in 2013



5/09/2014

## How does the Hillclimb work?

- ▶ Driver traverse the designated Hillclimb "run"
- ▶ 30 second intervals
- ▶ Transport back to start travelled at posted legal limit
  - ▶ Harsh penalties apply to competitors who ignore limits
  - ▶ Subject to civil processes and consequences as well
- ▶ Winners are those with the fastest combined time for completing all the Hillclimb runs, after penalties are applied.



## Why do we close the Road?



- ▶ Safety of residents
- ▶ Safety of competitors
- ▶ Safety of spectators
- ▶ Safety of other road users



5/09/2014



## Setup Procedure

- ▶ All places where a public vehicle can enter the course are closed using caution tape, signs, an official notice of road closure and a volunteer event official is at the location.
- ▶ Tape may be delivered up to 24 hours before the road closure
- ▶ No one (except official cars) should be on the route after road closed time except for the short time for stage officials to get to their location and for the course check teams to ensure all is complete.



## Vehicle Running Order

- ▶ Road Closure (RC) Time
- ▶ RC – First Safety Car
- ▶ RC +20m – Last Safety Car before competition (0A)
- ▶ RC +25m – 120 Competition Vehicles at 30 sec Intervals
- ▶ Recovery Vehicles
- ▶ Transport back to start
- ▶ Process runs again throughout the event
- ▶ Completion of competition; Road Opener vehicle signals the road is now open to the public



5/09/2014



## Emergency Procedure

Resident Emergency

- ▶ Resident to call Event Control to report Emergency
- ▶ Event control to halt the Hillclimb
- ▶ Appropriate emergency services to be escorted to the resident
- ▶ Once emergency is clear event recommences



Event Emergency

- ▶ Hillclimb Official reports emergency to Event Control
- ▶ Event control to halt the stage
- ▶ Appropriate emergency services to be escorted to emergency
- ▶ Once emergency is clear stage recommences



## Cleanup Procedure

- ▶ After the Road Opener vehicle passes displaying a green flashing light, officials will start removing tape from road closures and residents driveways and gates
- ▶ Gravel will be swept from the road
- ▶ Oil and spills will be cleaned up
- ▶ Officials will remove any rubbish created by the event
- ▶ Officials will remain until all items are removed – please be aware of these volunteers





5/09/2014

## Property Damage Procedure

- ▶ Damage noted
  - ▶ Officials will report damage to Event Control
  - ▶ Competitors will report damage direct to Event Control
- ▶ Officials will notify property owner of damage
  - ▶ In person where possible, then via phone or in writing
- ▶ Temporary repair made
  - ▶ Response crews include a fencing contractor
- ▶ The event corresponds with property owner to arrange for permanent repairs to be made
- ▶ The event will pay for all repair work
- ▶ Competitors are required to reimburse the event for any damage they cause



## How can we be involved?

- ▶ Become an CAMS Official to participate in the event
- ▶ Become a competitor – you will require the appropriate license and vehicle
- ▶ Be a spectator
  - ▶ standing in a safe location on your property is allowed
  - ▶ invite friends and family (they will need to be in place before Road Closure time)



5/09/2014





### 9.3 Annual Report of the Development Assessment Panel 2013-14

*The Annual Report of the Development Assessment Panel reports on the activities of the Panel throughout the 2013-14 year.*

This is a regular or standard report.

Manager:	Renee Mitchell, Manager Development Services
Report Author:	Ben Victory, Principal Planner
Contact Number:	8384 0602
Attachments:	1. Development Assessment Panel Annual Report 2013-14 (6 pages) 2. Draft updated Terms of Reference (9 pages)

**Mr Bill Chandler, Presiding Member of the Development Assessment Panel, will present the Annual Report.**

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*This report is presented to Council during the caretaker period. As the matter being addressed in this report is not a designated decision as prohibited under section 91A of the Local Government (Elections) Act 1999 nor does it require a major policy decision that would significantly affect the Council area's community as a whole or bind the incoming Council as cited in Council's Caretaker policy, it is able to be considered by Council during the caretaker period.*

#### 1. Purpose

The Development Assessment Panel's (the Panel) Terms of Reference (ToR) states that a written report is to be provided to the Council each year and the Presiding Member will attend and present the report to Council.

The Panel's Annual Report for 2013-14 is provided as attachment 1. The report contains a statistical summary of the activities of the Panel over the last year and a commentary on a range of legislative, procedural and other issues addressed by the Panel.

#### 2. Recommendations

- 1. That Council receive and note the Development Assessment Panel's Annual Report for 2013-14.**
- 2. That Council approve the amendments to the Development Assessment Panel's Terms of Reference as provided in attachment 2 to this report.**
- 3. That Council note that no changes are required to the Development Assessment Panel's Operating and Meeting Procedure.**

#### 3. Background

The Annual Report outlines the activities of the Development Assessment Panel (the Panel) over the preceding year and provides an opportunity for the Panel to

comment on any other relevant matters such as procedural issues, delegations, or other trends and issues arising from the business of the Panel.

Bill Chandler, Presiding Member of the Panel, will attend the Council meeting of 16 September 2014 to present the Annual Report.

The Panel also reviewed its Terms of Reference (ToR) and Operating and Meeting Procedure (OMP) at its 24 July 2014 meeting, and has recommended some minor changes to the ToR as marked in red in attachment 2.

**4. Financial Implications**

There are no financial implications resulting from this report.

**5. Risk and Opportunity Management**

There are no risks or opportunities resulting from this report.



## **Development Assessment Panel**

### **Annual Report 2013-14**

#### **1. Introduction**

This report outlines the activities of the City of Onkaparinga's Development Assessment Panel (the Panel) for the reporting year. The Terms of Reference (ToR) of the Panel require that 'the Panel shall prepare a written report to the Council in August of each year in a form determined by the Council, and the Presiding Member will attend and present the report at a suitable Council meeting'.

The report will be presented at the Council meeting of 16 September 2014 by the Presiding Member.

#### **2. Functions of the panel**

The *Development Act 1993* assigns the following functions to council panels:

- To act as delegate of the council in respect to determining development applications under the *Development Act 1993* (the Act).
- To report to Council on trends, issues and other matters relating to planning or development that have arisen through the assessment of applications.
- To perform any other functions assigned by the Council (other than the formulation of policy).

The Panel functions under its own Operating and Meeting Procedure (OMP), other than where procedures are prescribed under the Act or Development Regulations.

The Panel's ToR as set by the Council, delegates to the Panel the authority and duty to determine development applications that:

- Have been subject to public representations and where representations have been received the representors have exercised their rights under the Act and requested to be heard in support of their representations.
- Are major 'non-complying' (as defined under the Act) development applications.
- Have been referred to the Panel by and at the discretion of the Director People, Governance and Regulatory Services or the Manager Development Services, as being of significant social, economic or environmental interest.

#### **3. Membership**

The current members of the panel are as follows:

<b>Position</b>	<b>Name</b>	<b>Expiration date of term of appointment</b>
<b>Independent Members:</b>		
Presiding Member	Bill Chandler from 1 January 2014 David Ellis until	31 December 2015

Position	Name	Expiration date of term of appointment
	5 December 2013	
Deputy Presiding Member	Grant Halstead	30 June 2015
	Judith Urquhart	30 June 2015
	Debra Arnold	30 June 2015
<b>Elected Members:</b>	Cr Heidi Greaves	30 November 2014
	Cr Bill Jamieson	30 November 2014
	Cr Darryl Parslow	30 November 2014

At the Council meeting held 26 November 2013, Council resolved to appoint Mr Bill Chandler as the Independent Presiding Member, for a period of two years from 1 January 2014 to 31 December 2015. Sincere thanks were recorded to the outgoing Chair, Mr David Ellis, who served as Presiding Member of the Panel for many years.

At the Panel meeting held on 22 May 2014, Grant Halstead replaced Judith Urquhart as Deputy Presiding Member.

The three Elected Member appointments were made at the Council meeting held 13 November 2012. At the Council meeting held 11 June 2013, Council resolved to reappoint the Independent Members, namely Debra Arnold, Grant Halstead and Judith Urquhart, for a period of two years from 1 July 2013 to 30 June 2015.

At its meeting held 3 June 2014, Council's Chief Executive Officer was appointed as the DAP public officer, replacing Mr Bob Fuss who had been appointed to the public officer role since 3 June 2008. During that time, there had been no requirement for Mr Fuss to exercise his responsibilities.

#### 4. Development applications

A table summarising the relevant activity statistics of the panel for the current and previous reporting years is provided below.

**Table 1 Development Assessment Panel activity statistics**

	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
<b>No. of meetings</b>	22	19	10	13	16	12	13
<b>Development application public notification category</b>							
Category 1	2	0	1	1	0	0	0
Category 2	9	8	5	12	9	7	6
Category 3	26	19	16	21	27	14	25
Note: One application that was still outstanding (deferred) from the 2012-13 financial year was decided by the Panel in this current year's reporting							
<b>Total applications</b>	<b>37</b>	<b>27</b>	<b>22</b>	<b>34</b>	<b>36</b>	<b>23</b>	<b>31</b>
Approved	27	27	17	28	24	20	23
Refused	9	2	5	2	11	2	4
Decision outstanding at end of reporting period (ie deferred)	5	4	0	4	1	1	4
Representations heard	85	42	26	35	70	28	48
Applicants heard	30	21	17	21	29	13	21
<b>Hearing time (hours)</b>	<b>24.28</b>	<b>12.67</b>	<b>11.43</b>	<b>9.85</b>	<b>18.56</b>	<b>7.83</b>	<b>11.33</b>
<b>Total meeting times</b>	<b>43.61</b>	<b>23.8</b>	<b>15.59</b>	<b>22.03</b>	<b>33.0</b>	<b>15.9</b>	<b>23.89</b>
Applicant appeal	8	2	1	1	8	5	5
Third party appeal	2	4	1	5	3	2	1
Appeals returned to the Panel for consideration of compromise proposals	-	-	-	-	5	1	2

	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Settled at conference	-	2	1	0	0	2	3
Withdrawn	1	0	0	2	1	1	0
Panel decision upheld	-	1	1	3	3	4	0
Panel decision reversed	-	1	0	0	0	2	0
Pending at end of reporting	9	2	1	1	2	0	3
<b>Total appeals</b>	<b>10</b>	<b>6</b>	<b>2</b>	<b>6</b>	<b>11</b>	<b>7</b>	<b>6</b>
No. of appeals as percentage of total applications considered by the Panel	27%	22%	9%	18%	31%	33%	19%

A number of key statistics from the above table are noted as follows:

- 13 meetings were conducted during the year
- 35 assessment reports were considered by the Panel
- 23 applications were approved
- 4 applications were refused

Of the four refused applications, three compromises were agreed to by the Panel, one of which was during the reporting year and two early in the 2014-15 year (and one of which was only agreed to after two earlier compromise proposals were considered but not agreed to). The fourth refused application has been appealed but is yet to have a compromise proposal put to the Panel for consideration.

- Four applications were deferred and one was reconsidered from a deferral in the previous year:
  - one is yet to be reconsidered
  - two were reconsidered and approved during the reporting year
  - one has since been approved in the 2014-15 year.
- Of the five applicant appeals lodged against decisions of the Panel:
  - one was in relation to conditions of approval and was settled
  - one remains outstanding
  - one was settled by agreeing to amended plans during the year
  - two have since been settled by agreeing to amended plans early in the 2014-15 year.
- One representor appeal was lodged against a decision of the Panel and the Panel's approval has been upheld by the ERD Court early in the 2014-15 year.
- The Panel met for a total of 23.89 hours during the year, an increase on the previous year.

The Panel considered a variety of proposed developments during the year, including:

- community centre
- place of worship expansion
- tourist accommodation
- school expansion
- wineries, cellar doors and function centres
- earthworks in the Hills Face Zone
- building alterations and additions

- residential dwellings and outbuildings
- dwelling and office
- medium density dwellings
- landfill and waste recycling facility expansion
- new shopping centre and expansions to existing shopping centres
- service station redevelopment.

#### **5. Meeting procedures**

The Panel conducts a hearing in relation to each application and then proceeds to consider and determine the application. Hearings and meetings are open to the public, unless it is necessary to invoke the confidentiality provisions of the Act to consider legal advice or a proposed compromise as part of the ERD Court appeal process. There was no such need in the 2013-14 year.

The hearings are conducted with the objective of ensuring representors and applicants have adequate opportunity to express their points and to be able to be questioned by the Panel in an environment that is conducive to information exchange. Hence there is a level of informality allowed by the Presiding Member in this process to ensure people appearing before the Panel are put at ease as far as possible in what can otherwise be an unfamiliar and formal environment for many representors and applicants.

Panel meetings are also structured to allow open discussion by members of the Panel about applications for determination. Wherever possible a consensus decision is sought, with decisions being by resolution of the Panel, consistent with the Panel's ToR. A formal vote is only required when a consensus cannot be reached. There were seven development applications where a consensus couldn't be reached requiring a vote, plus one additional compromise proposal for an appeal item.

At its 24 July 2014 meeting, the Panel reviewed and amended its ToR, which are to be approved by Council at its 16 September 2014 meeting. The Panel will review the Operating Procedures as necessary to ensure the conduct of meetings support the ToR as set by Council and that decisions reached are lawful and understood by all concerned (Section 56A(19)(b) of the Development Act provides guidance to this action).

There is a differentiation between the meeting procedures of the Panel and the formal Council meeting procedures under the Local Government Act 1999, which reinforces the different role and responsibilities of Panel members (including Elected Members on the Panel) from those of Council and Elected Members meeting as a Council.

#### **6. General comments of the Presiding Member**

The Panel has undertaken its responsibilities in accordance with the ToR and Operating Procedures as abovementioned. The experience, diversity and professionalism of Panel members has been apparent and close scrutiny applied to applications is commonplace. The members seek and provide relevant detailed discussion of applications and enquire of details and updates on both applications and process via the staff present at each meeting. The Panel has placed significant



emphasis on achieving quality urban design and development outcomes via the decisions reached.

Panel member attendance has been excellent, with relevant 'conflict of interest' issues stated as necessary by individual members. This has enabled the Panel to operate as an effective decision making entity with decision outcomes being lawful.

The council facilities have proven capable of accommodating Panel meetings in a 'user friendly' environment and, on occasion, large numbers of representors and community for those applications that generate greater community and public interest.

It is suggested that access to upgraded technology for meetings would assist the Panel in the discussion and decision making process, together with providing those in attendance at meetings (applicants, representors and community) with opportunity to better participate in the process and view immediately the final details of the decisions reached by the Panel.

The support and efforts of staff is very much appreciated in the preparation and distribution of the Agendas and Minutes, all of which have been provided professionally and within timeframes set by the Council.

Depending upon the outcomes of the State Government Planning Review it may be appropriate for further training and a 'refresher' of Panel member responsibilities. This could be considered following the up and coming Council elections in November.

In addition to matters formally raised in the meeting minutes and summarised in section 7 below, the following matters have also been noted by the Panel during the year and warrant mentioning in this report:

- A potential review of Development Plan policy to encourage and promote provision of shared stormwater and solar energy harvesting opportunities where applicants seek to create higher density developments – particularly in the Medium Density Policy Area.
- It has been noted that many proposals do not include good urban landscape design considerations and council staff have been advising applicants of the need to include these details where the Panel undertakes assessment. This is an issue that will ultimately provide for improvements to the local area amenity and environment generally.

#### **7. Related activities and development assessment issues for consideration by Council**

The Panel's ToR enables it to report to Council on trends and issues arising from its development assessment function.

Numerous matters arose in the course of the Panel's assessment of proposals, and referrals to traffic staff, Development Policy and planning staff that were formally noted in meeting minutes included:

- Suggesting that council should investigate lowering the speed limits of certain roads, traffic circulation of a local road network, safety of an intersection, and sealing a road to address dust nuisance
- Suggesting consideration of a definition for the term 'tourist accommodation'.
- Suggesting consideration of the cumulative effect of wineries/cellar doors and the like in a particular area – this has emanated from applications received by the Panel for wineries where the built form is large and the management of on-site waste product and stormwater needs to occur in an environment where there is limited infrastructure. There is also the resultant likely increase in traffic on the public road system as a result of more intense activity and as the number of wineries and cellar doors increase. Whilst these may appear as 'negative' issues, they need to be balanced against the 'positive' side of the agenda, i.e. the increase in economic and tourism activity within the council district.
- A request for changes to report format and presentation.
- A request for consideration of the cumulative effect of dwellings built to each side boundary - this issue seeks to address the possibility of dwellings creating a visual environment akin to row dwellings, which could impact markedly upon the amenity and urban design character in certain areas.
- A suggestion to look at car parking facilities (ratios) associated with redevelopment sites – particularly in the Medium Density Policy Area and where proposals are categorised as 'residential flat buildings'. This categorisation triggers different on-site car parking ratios and also allows for on-street parking to form part of the assessment of a proposal. The potential cumulative effect may impact upon the public road network as car parking of the more dense proposals overflows onto the adjacent streets.
- a request to consider the cumulative effect of higher density redevelopment proposals in the Medium Density Policy Area and the impact upon waste collection services, roads and stormwater disposal, without the need to substantially upgrade council infrastructure and services as a result of the increased dwelling numbers and site coverage.

A workshop was also held with the Panel on the Better Development Plans Development Plan Amendment.

## **8. Conclusion**

The Panel acknowledges the assistance and sound professional advice received from Council's professional officers and the high quality of the reports, advice and information provided by these officers.

Of particular note this reporting period is the low proportion (19%) of development applications considered by the Panel that were subject to an appeal. Only one of those decisions has so far not been settled and went to a hearing, and that representor appeal against the Panel's approval has recently (early in this new reporting year) been dismissed by the ERD Court to confirm the Panel's decision.



## Attachment 2



## Development Assessment Panel

### Terms of reference

July 2014

#### 1. Objectives of the group

The Development Assessment Panel ('the panel') is the body established by resolution of the Council of the City of Onkaparinga to perform the following functions pursuant to Section 56A(2) of the *Development Act 1993* (the Act):

#### 2. Purpose of the group

- 2.1. To act as a delegate of the Council in respect to its powers and functions as a relevant authority with respect to determining whether or not to grant development plan consent under the Act.
- 2.2. As it thinks fit and within any limitations or qualifications set out in these Terms of Reference, to provide advice and reports to Council on trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of applications under the Act.
- 2.3. To perform other functions (other than functions involving the formulation of policy) assigned to the panel by the Council.

#### 3. Term of the group

Establishment of the panel is a statutory, mandatory requirement and shall remain in operation while such a statutory requirement applies.

##### 3.1. Subject to clauses 3.3.1 and 3.3.3 of these Terms of Reference:

- 3.1.1 The presiding member shall be appointed for a period of two years commencing on 1 January in the year of appointment and expiring on 31 December the second year thereafter {s56A(3)(e)}.
- 3.2. Each Council elected member of the panel shall be appointed for a term of office of two years commencing from the first Council meeting in December, commencing from December 2006, and every two years thereafter {s56A(3)(e)}.
- 3.3. Each independent member of the panel shall be appointed for a term of office of two years.
  - 3.3.1 Council may reappoint all or any members of the panel for a further term of office at their term's expiry {s56A(3)(e)}.
  - 3.3.2 The members of the panel will appoint a deputy presiding member of the panel {s56A(4b)} to act in the absence of the presiding member. This is to include any period that the Council has not appointed a presiding member. In the absence of both the presiding member and the deputy presiding member,



## Development Assessment Panel

the panel shall appoint from its membership an acting presiding member for that meeting.

- 3.3.3 A member of the panel whose term of office expires, may nevertheless continue to act as a member for a period of up to six months, until he or she is re-appointed or a successor is appointed by the Council {s56A(4a)}.
- 3.3.4 The Council may remove a member of the panel from office as set out in s56A(3)(g) of the Act.

### 4. Membership

- 4.1. The panel shall be constituted of seven members and shall include as its members {s56A(3)(a) to (d) and (f)}:
  - 4.1.1 An independent presiding member, not being an elected member or staff member of the City of Onkaparinga, appointed by the Council having regard to the membership criteria below.
  - 4.1.2 Three persons who shall be appointed by the Council from elected members of the Council (one of whom may be the mayor) having regard to the membership criteria below.
  - 4.1.3 Three persons who are independent of council (that is, they are not members of Council or council staff) to be appointed by the Council having regard to the membership criteria below.
  - 4.1.4 At least one member of each gender.
  - 4.1.5 As far as practicable, equal numbers of men and women.
  - 4.1.6 There are no proxy members on the panel.

### 5. Membership Criteria

- 5.1. The presiding member of the panel shall be appointed having regard to the following criteria:
  - 5.1.1 The provisions of section 56A(3)(b) of the Act, which set out as follows:
    - a. The presiding member must not be a member or officer of the council.
    - b. The presiding member must be a fit and proper person to be a member of a development assessment panel.
    - c. Subject to any provision made by the regulations, the presiding member must be a person who is determined by the Council to have a reasonable knowledge of the operation and requirements of the Act, and appropriate qualifications or experience in a field that is relevant to the activities of the panel.
  - 5.1.2 Any prescribed qualifications or experience, training, examination, registration, or accreditation that may be prescribed by the *Development Regulations 2008*.



## Development Assessment Panel

- 5.1.3 For the purposes of clause 5.1.1(c) above, the member must have demonstrated qualifications or experience in one or more of the following areas relevant to the development assessment process:
- urban or regional planning
  - urban or regional development
  - landscape design
  - heritage conservation
  - environmental conservation or management
  - natural resource management
  - planning for or the provision, operation and management of community facilities
  - commerce
  - industry
  - building construction
  - legal services.
- 5.1.4 Skills and experience in the effective and inclusive chairing of meetings.
- 5.1.5 Minimal potential as a result of employment, business, financial or personal interests for issues of conflict of interest to arise in the role of presiding member.
- 5.2. The independent members of the panel shall be appointed having regard to the following criteria:
- 5.3. The provisions of section 56A(3)(c)(ii) of the Act, which set out as follows:
- a. Each must be a fit and proper person to be a member of a Council development assessment panel.
  - b. Subject to any provision made by the regulations, each must be a person who is determined by the Council to have a reasonable knowledge of the operation and requirements of the Act, and appropriate qualifications or experience in a field that is relevant to the activities of the panel.
  - c. The qualifications and experience of these members, when considered in conjunction with the qualifications and experience of the presiding member, must provide a reasonable balance across the fields that are relevant to the activities of the panel.
- 5.3.1 Any prescribed qualifications or experience, training, examination, registration, or accreditation that may be prescribed by the *Development Regulations 2008*.
- 5.3.2 For the purposes of clause 5.3(c) above, the provisions of clause 5.1.3 above apply.
- 5.4. The elected members appointed to the panel must:
- 5.4.1 Have demonstrated experience and knowledge in the development assessment process or be persons who have undertaken specific training in





## Development Assessment Panel

the responsibilities as a member of a development assessment panel.

- 5.4.2 Hold any prescribed qualifications or experience, training, examination, registration, or accreditation that may be prescribed by the *Development Regulations 2008*.
- 5.5. Each member of the Development Assessment Panel will be offered remuneration fixed by resolution of Council as recompense for the reasonable time and costs incurred by the member, and recognising the role, skills, knowledge and experience required of the member.
- 5.6. A vacancy on the Panel occurs when a member {s56A3(h)}:
- dies; or
  - completes a term of office on the panel and is not reappointed; or
  - resigns from the panel by written notice to Council; or
  - becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
  - is convicted of an indictable offence punishable by imprisonment; or
  - is removed from office by the council; or
  - was an elected member of the council at the time of appointment to the panel, but is no longer an elected member of the council.
- 5.7. In the event of a vacancy during (rather than at the end of) a panel member's term of office Council may appoint a replacement member for the balance of that member's term on the panel.
- 5.8. A member of the panel who is not a member of the Council must disclose his or her financial interests in accordance with Schedule 2 of the Act {s56A(6)}.
- 5.9. Pursuant to section 56A(10) of the *Development Act 1993* a member of the panel incurs no liability for an honest act done in the exercise or performance or purported exercise or performance, of powers or function under Part 4 of the *Development Act 1993*.

## 6. Presiding Member

- 6.1. The role of the presiding member will include, but not be limited to:
- Ensuring that the business of the panel at meetings, including hearings, is conducted in a reasonable and appropriate manner and that any unreasonable, unruly or inappropriate behaviour is dealt with, and ensuring that appropriate meeting procedures are followed.
  - Ensuring the panel properly considers matters in terms of the *Development Act 1993* in an efficient and timely manner.
  - Ensuring that members are aware of their role and responsibilities as a panel member under the *Development Act 1993* and that elected members do not confuse that role with their role under the *Local Government Act 1999*.



## Development Assessment Panel

### 7. Public Officer

- 7.1. The panel must have a public officer (who is not a member of the panel) appointed to it by the Council {s56A(22)}.
- 7.2. The functions of the public officer include ensuring the proper investigation of complaints about the conduct of a member of the panel {s56A(24)}.

### 8. Meetings

#### 8.1. Decision making, participation and representation.

- 8.1.1 That in so far as procedures for the panel are not prescribed in the *Development Act 1993* and any regulations under the Act and these Terms of Reference, the panel may determine its own procedures {s56A(19)}.
- 8.1.2 Meetings of the panel shall be conducted in public except where the panel may exclude the public pursuant to s56A(12) of the Act.
- 8.1.3 An act of the panel is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member {s56A(18)}.

#### 8.2. Quorum and voting

- 8.2.1 A quorum for meetings of the panel shall be half plus one of the total number of members of panel for the time being in office (ignoring any fraction resulting from the division) {s56A(18a)}.
- 8.2.2 In the event that a quorum is not present within 30 minutes of the commencement time for a meeting, business listed on the agenda will be dealt with at the next meeting of the panel.
- 8.2.3 The panel decision making shall be based on consensus, following open discussion, with a formal motion to be moved in the event of failure to reach consensus. Decisions will be recorded in the minutes as either LOST or CARRIED.
- 8.2.4 In the event of failure to reach consensus, each member present at a meeting of the panel is entitled to one vote on any matter arising for decision and if the votes are equal, the member presiding at the meeting is entitled to a second or casting vote {s56A(18b)}.
- 8.2.5 The panel may defer its decision whether to approve or refuse an application for the purposes of requesting further information in respect of the application. Reasons for deferral should be recorded in the minutes. The panel will, however, be aware of the timeframes within which decisions are required to be made under the *Development Act 1993*.

#### 8.3. Minutes

- 8.3.1 Accurate minutes of the meetings of the panel shall be kept {s56A(13)}.





## Development Assessment Panel

- 8.3.2 A disclosure under s56A(7) to (10) (conflict of interest) must be recorded in the minutes {s56A(14)}.
- 8.3.3 The minutes shall record the names of representors and applicants appearing before the panel and the decision of the panel.
- 8.3.4 Upon adoption of the minutes, the presiding member shall authorise the minutes by signature and date of adoption and by initialling each page of the minutes.
- 8.3.5 Copies of draft minutes of meetings will be available at the same locations five (5) working days after the date of the meeting. Minutes shall not be formal minutes of a meeting until adopted by the panel at the next normal meeting of the panel. However this does not preclude the issue of decision notification under the *Development Act 1993* advising of the determination of the panel of development applications immediately after a meeting at which the panel determined the particular application. The minutes of meetings must be available to the public for inspection within five business days after their adoption by the members of the panel {s56A(17)}.
- 8.3.6 The panel may exclude from the public version of the minutes information about any matter dealt with on a confidential basis by the panel {s56A(16)}.
- 8.4. Professional Advice
  - 8.4.1 A report prepared by a suitably qualified person setting out the details of an application and its planning merits shall be submitted to the panel.
  - 8.4.2 The reporting officer and a senior council officer with responsibilities in development assessment shall attend each meeting of the panel in an advisory capacity and shall be encouraged to provide that advice at any time during consideration of the item. Council officers and advisors are not members of the panel and do not have a role in the final decision of the panel (whether it be by consensus or by a formal vote) on an item before it.
- 8.5. Public Hearings
  - 8.5.1 In the case of category 2 and category 3 development applications, the panel will conduct a public hearing to allow a person who made a valid representation to appear personally or by representative before it, to be heard in support of the representation {s38(10)} with the following exception:  
The Panel will not hear representations in respect to category 2 applications that arise from clause 20 of Schedule 9 of the *Development Regulations 2008* (that is, minor development ancillary to a dwelling that comprises the construction of (or of any combination of) a carport, garage, shed, pergola, verandah, swimming pool, spa pool or outbuilding) other than where an application may be referred to the panel by the Director People, Governance and Regulatory Services or the Manager Development Services in accordance with clause 9.3 herein.



## Development Assessment Panel

- 8.5.2 Where a person appears before the panel under clause 8.14, the panel will allow the applicant a reasonable opportunity, on request, to appear personally or by representative before it in order to respond to any matter {s38(11)}.
- 8.6. Conflict of interest
- 8.6.1 Members of the panel must conduct themselves at all times in accordance with the Code of Conduct prepared by the Minister for Planning and Urban Development pursuant Section 21A of the Act.
- 8.6.2 A member of the panel who has a direct or indirect personal or pecuniary interest in a matter before the panel must disclose such interest and must not take part in or be present at any hearing or meeting of the panel in relation to that matter as set out under s56A (7) to (10) of the Act.
- 8.7. Notice of meetings
- 8.7.1 A minimum of three clear days' notice of scheduled meetings of the panel shall be given to panel members.
- 8.7.2 A copy of the agenda shall be available for viewing by the public at the Noarlunga, Willunga, Aberfoyle Park and Woodcroft area offices and on the council's public website three clear days before the meeting of the panel.
- 8.8. Public access to meetings
- 8.8.1 Members of the public shall be able to attend meetings of the panel unless resolved by the panel to be confidential pursuant to s56A(12) of the Act .
- 8.9. Public access to documents
- 8.9.1 Members of the public will be afforded access to appropriate documents relating to matters before the panel. Searches for documents or copies of documents may be charged a fee, in accordance with Council's Schedule of Fees and Charges.
- 8.9.2 Copies of the agenda and minutes of the panel will be available for public viewing from the council offices and on the council's website. Agendas will be available three clear days before the meeting and minutes will be available within five days following the meeting.
9. Delegations
- The powers and functions of council with respect to determining whether or not to grant development plan consent under the Development Act 1993 are delegated to council's Development Assessment Panel and officers of council in accordance with Sections 34(23) and (27) of the Act, based on the following principles:
- 9.1. In order to determine applications in a timely and efficient manner, to meet the statutory requirements of the Act and regulations and to meet the statutory timelines for assessing applications under the Act, the following kinds of applications should be determined by appropriately qualified council staff:





## Development Assessment Panel

- Complying and category 1 development.
  - Category 2 and 3 applications that are not subject to representations who wish to be heard.
  - Minor applications (eg carports and garages) that are subject to category 2 notification to adjoining neighbours only. These applications can be adequately resolved at staff level where the issues only involve adjoining neighbours and negotiation between the affected parties can be facilitated by staff.
  - Non-complying development of a minor nature.
- 9.2. Applications that are complex or controversial or subject to a high level of public interest should be determined by the panel. These include:
- Applications that are subject to public representations (that is, category 2 and 3 applications) and where valid representations have been received and the representors wish to be heard in support of their representations (these are usually more complex applications and ones where conflicting issues arise between applicants and a broader cross-section of the community).
  - Major non-complying development applications (these are applications where exceptional merit should be displayed in order to be approved, and where applicants do not have any right of appeal should the application be refused).
- 9.3. Applications that are of significant social, economic or environmental interest, but which would otherwise be dealt with under delegation to council officers (for example, category 1 development, or category 2 and 3 development not subject to representation) may, at the discretion of the Director People, Governance and Regulatory Services or the Manager Development Services, be referred to the panel for decision. These would normally include applications that are of a major scale or have a major impact but which are consistent with the primary objective of the zone and hence exempt from public notification.
- 9.4. Applications where the Minister has determined that the Council's Development Assessment Panel is the relevant authority to decide the matter (Section 34 of the Act).
- 9.5. In relation to an appeal of decision by the panel, the Manager Development Services is authorised by the panel to determine whether any 'compromise proposal' is appropriate. The Manager Development Services may, in determining whether any 'compromise proposal' is appropriate, consult with the panel or refer the matter to the panel for a decision.
10. Reporting
- 10.1. The panel shall prepare a written report to the Council in August of each year in a form determined by the Council, and the presiding member will attend and present the report to Council at a suitable Council meeting.
- 10.2. An item shall be provided in Council's 'Weekly News' after finalisation of the draft minutes following each meeting of the panel, advising that the minutes are available on [onkaparingacity.com](http://onkaparingacity.com) and on Sugarsync.



## Development Assessment Panel

- 10.3. A statistical report on decisions of the panel shall be provided to council and be incorporated into the report of development approvals appearing in each issue of 'The Quarter'.

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## 9.4 Annual Report of the Building Fire Safety Committee 2013-14

This is a regular or standard report.

Manager:	Renee Mitchell, Manager Development Services
Report Author:	Richard Kellett, Team Leader Building and Compliance
Contact Number:	8384 0633
Attachments:	1. Annual Report of the Building Fire Safety Committee 2013-14 (2 pages)

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*This report is presented to Council during the caretaker period. As the matter being addressed in this report is not a designated decision as prohibited under section 91A of the Local Government (Elections) Act 1999 nor does it require a major policy decision that would significantly affect **the Council area's community as a whole or bind the incoming Council as cited in Council's Caretaker policy**, it is able to be considered by Council during the caretaker period.*

### 1. Purpose

The Building Fire Safety Committee (the committee) is the body established by resolution of Council on 19 June 2001 to be the appropriate authority for the purposes of administering Section 71 of the *Development Act 1993* which establishes the power for Councils to investigate whether building owners are maintaining proper levels of fire safety in their buildings for the protection of all occupiers. Section 4 of the Terms of Reference requires that the committee present a written report to Council at the conclusion of twelve months from the date of establishment and each twelve months thereafter.

The committee's Annual Report is contained in attachment 1.

### 2. Recommendation

**That Council receive and note the City of Onkaparinga Building Fire Safety Committee's Annual Report for 2013-14.**

### 3. Background

The requirement to report to Council on the activities of the Building Fire Safety Committee is provided for in the Terms of Reference and delegations of the Building Fire Safety Committee as adopted by Council on 19 June 2001 and as amended on 17 April 2012.

Our regulatory role requires that the committee be established for the purposes of administering section 71 of the *Development Act 1993*. Section 71 of the Act provides:

- that an 'appropriate authority' be established by the Council
- that it shall constitute persons meeting criteria prescribed within the section

- that it shall act in accordance with the Terms of Reference adopted by Council, including the period in which the members may hold a position.

The committee's Annual Report for 2013-14 is contained at attachment 1. The report contains a summary of the activities of the committee over the last year, which has continued to focus on public assembly buildings such as community centres and recreation buildings.

#### 4. Financial Implications

Nil

#### 5. Risk and Opportunity Management

Risk	
Identify	Mitigation
Not meeting the legislative requirement within the <i>Development Act 1993</i>	<p>Section 71 of the <i>Development Act 1993</i> requires a Council to establish an appropriate authority (the Building Fire Safety Committee) in order to inspect the fire safety of at risk buildings and undertake inspections of those buildings.</p> <p>Council has an established Building Fire Safety Committee and so meets the legislative requirements of the Act.</p>

Opportunity	
Identify	Maximising the opportunity
Meeting the public welfare and social obligations within Chapter 2 of the <i>Local Government Act 1999</i>	<p>Chapter 2 of the <i>Local Government Act 1999</i> requires Council to provide services that benefit its area, its ratepayers and residents and visitors to its area including health and welfare</p> <p>The failure to maintain the operation of the Building Fire Safety Committee and ongoing building inspections, may contribute to a decrease in life safety compliance and therefore pose a risk to occupants.</p>



## **Building Fire Safety Committee - Annual Report 2013-14**

### **1. Background**

The Building Fire Safety Committee (the Committee) is the body established by Council to be the appropriate authority for the purposes of administering Section 71 of the Development Act 1993. The role of the Committee is to ensure that building owners are maintaining proper levels of fire safety in their buildings.

The current members of the committee are:

Demetrius Poupoulas – Consultant Building Surveyor  
Keith Lasslett – Senior Development Officer – Building  
Richard Kellett – Team Leader Building and Compliance  
Rod Kersten – Fire Safety Officer, Metropolitan Fire Service  
Colin Paton – Building Fire Safety Officer, Country Fire Service

The Committee generally meets bi-monthly with five meetings being held during the reporting period.

The Committee is currently undertaking a proactive inspection program in accordance with the Terms of Reference adopted by Council on 17 April 2012. Buildings and/or occupancies that are considered to be a high fire safety risk are being systematically inspected.

Since its inception, the Committee has focussed its attention on hotels, motels and accommodation buildings, caravan parks, camps and aged care facilities. With this program up-to-date, since 2009 the Committee has been focussing its attention primarily on public assembly buildings such as community centres, recreation buildings and the like.

### **2. Activity during reporting period**

During 2013 –14 the committee undertook the following inspections:

Community/sports centres – 4  
Hospital – 1  
Function centre/motel – 1  
Camp - 2

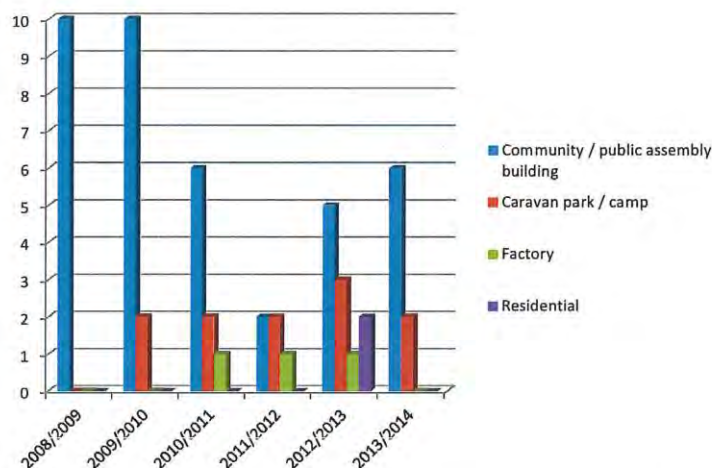
As a result of these inspections, the owners of the function centre/motel were issued with a Notice of Fire Safety Defect with a schedule of works attached whilst all other property owners received instructions to undertake minor fire safety related improvements to such things as egress, fire safety equipment, exit signs and exit door hardware.

City of Onkaparinga  
Agenda for the Council meeting to be held on 16 September 2014

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Compliance with the instructions has been good with most properties being upgraded to a suitable standard whilst outstanding work continues to be monitored.



**Graph 1 – Number of inspections by the Building Fire Safety Committee categorised by building/occupancy type.**

Two fire hazard reports of buildings being possibly sub-standard in terms of fire safety were received from the Fire Service during the reporting period. Both properties have been inspected and issues resolved to the satisfaction of the committee.

Demetrius Poupoulas  
Chair

City of Onkaparinga Building Fire Safety Committee

26 / 8 / 2014

## 9.5 Response to Expert Panel on Planning Reform's Ideas for Reform Report

This is a new proposal, concept or issue.

Manager:	Adam Mrotek, Manager Projects and Development Policy
Report Author:	Daniel Jellings, Team Leader Development Policy Ben Victory, Principal Planner
Contact Number:	8301 7212
Attachments:	1. Draft Response to the Expert Panel (7 pages) 2. Summary of Ideas for Reform and Comments (24 pages)

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*This report is presented to Council during the caretaker period. As the matter being addressed in this report is not a designated decision as prohibited under section 91A of the Local Government (Elections) Act 1999 nor does it require a major policy decision that would significantly affect the Council area's community as a whole or bind the incoming Council as cited in Council's Caretaker policy, it is able to be considered by Council during the caretaker period.*

### 1. Purpose

The purpose of this report is to canvass with Council the ideas proposed by the recently released report from the Expert Panel on Planning Reform and to enclose a **draft response for Council's consideration and endorsement**. This report and draft response has been informed by a workshop with elected members.

### 2. Recommendation

**That Council endorses the draft response letter and table (refer attachments 1 and 2 to this report) regarding Our Ideas for Reform, the report recently released by the Expert Panel on Planning Reform.**

### 3. Background

On 6 August 2014, the State Government's Expert Panel on Planning Reform released its second public report titled Our Ideas for Reform. The report puts forward 27 reform ideas for debate and discussion, and it follows the release of the 'exploring and discussing' stage of the Panel's work.

Council has an opportunity to provide a submission to the Panel in response to the report, with consultation closing on 26 September 2014. A draft response is enclosed to this report (refer attachments 1 and 2).

The draft response considers the ideas for reform in their entirety (per attachment 2, Summary of Ideas for Reform and Comments) but focusses on the ideas of particular interest to council based on feedback received from a workshop on the matter and communication with Elected Members.

Members have been informed of the release of the report and their opportunities to influence the response through items in Weekly News, direct e-mails from staff, a verbal update at the Strategic Directions Committee (SDC) meeting on 19 August



2014 and through the workshop held following the Strategic Directions Committee meeting on 9 September 2014.

It is important that council provides a response to the ideas for reform – not only to ensure we engage in the debate to protect the interests of our community but also to ensure we understand and flag any significant implications to our council should the ideas be implemented by government.

#### 4. Financial Implications

There are no financial implications associated with the response to the Expert Panel's Ideas for Reform. Preparation of this report and supporting investigations has been undertaken internally by staff.

We do not know what the broader financial implications of these reform ideas will be if they are implemented. The issue of resourcing and financial implication to council is a common theme noted throughout the detailed Summary of Ideas for Reform and Comments (attachment 2).

#### 5. Risk and Opportunity Management

Risk	
Identify	Mitigation
No council response – possible perception that council is not appropriately engaged in the reform debate or acting to protect the interests of its community.	Steps have been taken to ensure that we respond to the <b>Panel's report to raise relevant</b> issues and to make it clear to government and our community that we are concerned with the implications and options for reform.
Inadequate Elected Member input – community views and sentiment not captured in the response to the ideas for reform.	Steps have been taken (such as through the workshop following SDC) to ensure that Elected Members are given adequate opportunity to provide input and guide our submission.

Opportunity	
Identify	Maximising the opportunity
Council to respond to the <b>Panel's report</b> – affirm its priorities and ideas which it considers to be important to inform the reforms.	<b>Responding to the Panel's report is an</b> important opportunity to engage in the debate and protect the relevant interests of council and the community. The opportunity is being maximised through the use of the EM workshop, internal input from key staff and this report to Council.

## 6. Additional information

### Council's previous involvement

Council has been involved throughout the preceding phases of the review as outlined below:

Establishing Partnerships and Listening and Scoping Phases	
Cr Nash Nominated for External Reference Group (unsuccessful)	May 2013
Invitation to Expert Panel Overview Briefing (letter from Panel addressed to EMs)	July 2013
Briefing + Scoping Session held by Expert Panel	August 2013
Report to SDC (outline of Expert Panel's review process)	September 2013
EM Workshop to Inform/Confirm Council's Ideas Submission	October 2013
SDC Report to Endorse Council's Ideas Submission ( <a href="#">click here</a> to access agenda for SDC 29 October 2013)	October 2013
Panel's Release of 'What We Have Heard Report' (i.e. summary of submissions)	December 2013
EM Weekly News Item – Advising EM's of release of "What We Have Heard Report" (the Panel's last report)	January 2014

XX September 2014

South Australia's Expert Panel on Planning Reform  
GPO Box 1815  
ADELAIDE SA 5001

Dear Sir/Madam

**City of Onkaparinga Response to Expert Panel's Our Ideas for Reform**

We write to enclose our submission in response to the latest report released by the Expert Panel on Planning Reform. Council is pleased to be involved in the process of reviewing South Australia's planning system and to provide feedback in response to ideas that may help to improve the involvement of communities, efficiency of processes, assist business development and protect places and environments.

Our letter provides a short snap-shot of the key comments we make in response to the panel's report. It is accompanied by a detailed response to each of the 27 ideas for reform for consideration by the panel as they progress their review.

We have made a concerted effort to engage in this phase of the process as we did in the preceding phases. This is demonstrated by the depth of our submission and through attendance by our Elected Members and key staff at briefings and workshops held internally and by the Department of Planning, Transport and Infrastructure (DPTI), the Local Government Association of SA (LGA) and the Urban Development Institute of Australia, SA Branch (UDIA) to provide feedback and discuss the ideas in detail. These efforts affirm our commitment to the review and inform our feedback as articulated in this letter and in the enclosed detailed response.

We also pride ourselves on our approach to administering the planning system, engaging closely with our communities and industry to provide high-levels of service and adapting to trends and issues as they arise. We have regularly reviewed and updated our Development Plan and we pride ourselves on prompt and fair development assessment decision-making. While we agree that there are improvements that should be made to the planning system (particularly to resolve issues of infrastructure provision), we are cautious about reform ideas that demonstrate little benefit but could come at considerable cost to our community. We therefore advocate for a common sense approach to the final recommendations and for the reforms to target achievable improvements that do not add further complexity and bureaucracy to the system.

We trust that these comments will be given appropriate consideration by the panel as they progress their ideas to recommendations.

### **State Planning Commission – Reform 1**

The Panel has identified tensions between state and local government in their shared interest in planning decision making, particularly in reaching planning decisions with long term impacts where they may not be accepted by some community sectors. The Panel believes that the focus of state and local elected representatives should be on effectively exercising their roles as representatives. This includes focussing on the setting of policies, rather than on administrative tasks, while still allowing community participation in the process at appropriate times.

This reform seeks to create an independent statutory body to provide leadership and governance across planning, development and infrastructure activities. A Planning Commission would create distance from political arenas to help improve confidence in long term planning decision making.

#### *Comments*

We agree that an independent State Planning Commission would relieve pressure from the Minister for Planning and help to consolidate the functions of the Development Assessment Commission and Development Policy Advisory Committee. The commission should also be tasked to elevate the needs of planning and provide greater influence over the activities and involvement of agencies in the setting of policy and system improvements.

We support the creation of the commission as it offers the opportunity for greater independence and transparency around decision making at a state-wide level. However, our support assumes that the commission will help to reduce layers of complexity within the planning system – replacing existing structures, roles and functions – rather than adding complexity.

### **Regional Planning Boards – Reform 2**

The Panel has recommended the establishment of a network of Regional Planning Boards to promote integrated regional approaches to planning and related functions. The Regional Planning Boards are proposed to comprise members of both local and state government (with an independent chair appointed by the Minister). The boards will be required to work with councils to coordinate planning functions in each region and deliver government policy directions with assistance from the State Planning Commission, prepare regional strategies, approve council rezoning proposals, undertake public hearings and other engagement and appoint Regional Development Assessment Panels. The boards will be funded through co-contributions, as agreed by participating councils and the state government.

#### *Comments*

We do not support the creation of a new regional board to govern our council area. We believe that the City of Onkaparinga, the largest metropolitan council area, already functions at a regional level and would not benefit from an amalgamation with adjoining council areas. We are concerned that this will create a cost burden to us and lessen our ability to tend to local issues.

While we note that regionalisation of policy planning (through the boards) may help to empower regions to set the spatial land use direction to implement State Directions and enable more autonomy to manage development policy, it presents a number of challenges as they relate to funding, the management of competing local interests (e.g. councils working collaboratively together), the reduced ability to protect local interests

and manage the interaction between our elected members and the decisions of the regional board. We also wonder how the boards will be kept accountable and by whom.

The function of a regional board with respect to decision making also raises an interesting question about consistency of delegations between adjoining councils. For example, we do not want to fund a regional board that is distracted by local policy deliberations at the expense of broader regional gains.

Notwithstanding these concerns, we acknowledge that our experience governing planning at the regional level places us in a good position to provide feedback and input to the panel should they wish to further progress the concept of regionalisation. We are pleased to offer our experiences to help the government work through the detail of establishing and managing regional boards but do not see any benefits to the City of Onkaparinga.

#### **Decision Making Processes (Regional DAPs) – Reform 15**

The Panel has recommended that the regional boards appoint and manage Regional Development Assessment Panels. These panels would comprise only independent and accredited professionals and have no elected member representation. This is an idea in support of more involvement for members to set the policy direction and less in the decision making around specific development applications.

##### *Comments*

In our last submission we recommended that the make-up, role and function of Development Assessment Panels (DAPs) be investigated by the panel. Clearly this has been done and the outcome has been a recommendation to regionalise DAPs and remove elected member representation.

The benefit of this reform is that it will emphasise the importance of getting the policy right 'up-front' and will help to encourage quality debate and engagement from our communities regarding policy decisions. However, we believe that this move denotes a loss of community representation in the decision making process and that DAPs benefit from the local knowledge provided by local members.

We agree that decisions by the DAP should be based on the merits of the application and compliance with the Development Plan and not be swayed by local politics. But we already achieve this through a DAP comprising both independents and elected members, and the decision-making process benefits from local knowledge and understanding of local attributes and site constraints. Without local input, panels will rely solely on the evidence provided within officer's reports and policy of the Development Plan. We question whether this is adequate in all situations.

We do not support the idea of forcing the removal of elected member representation from DAPs, and support the existing system allowing for a combination of member types (both professionals and local council members). Our panel (arguably already functioning at a regional level) comprises elected members who provide valued local insight and depth of understanding (appreciated by the expert independents). These members add value to the DAP decision-making process.

#### **Citizen Participation (community engagement) – Reforms 3 and 14**

In our last submission we highlighted the importance of meaningful engagement and recommended that consultation and notification requirements be reviewed. We are therefore pleased to read that a number of ideas are suggested in support of our



submission, with the panel recommending the system be adapted to reflect best-practice engagement and to be informed by meaningful dialogue – particularly at a policy level.

There are also practical reforms ideas such as for development application notification through signage placed on development sites and opportunities for more innovative alerts for development requiring public consultation (such as through websites rather than through an expensive public notice in a newspaper).

*Comments*

We recognise the challenge that engaging on policy matters represents – quality engagement requires resourcing and is often difficult to achieve (particularly on matters of strategy and policy). It takes time and we note the potential friction between, for example, an expedited DPA process and the move towards greater community involvement when setting policy direction. Nonetheless, we are supportive of changes to the system that support meaningful community engagement, which supports our existing approach to engagement

With regard to development application notification, we agree in principle with the concept of localised signage to alert residents of development and more innovative alerts for development requiring public consultation. However, we note that this does present an additional cost to development, a need for standardisation of approach (perhaps within regions) and additional clarity from the panel (for example, what forms of development require signage and how will it be funded and resourced). We also note the challenge of managing community expectations (for these local matters and for major policy directions) and ask that this be considered in the detail of a move towards local signage and limited use for particular types of development.

**Development Policy (standardisation, regionalisation, presentation and accessibility) – Reforms 7, 8, 24 and 25**

In our previous submission we recommended to the panel that the format, content and presentation style of Development Plans be reviewed and that the system move towards a more interactive web-based system. Our concern is that, despite standardisation efforts of government, development policy remains cumbersome and difficult for everyday people to find, interpret and apply. Accordingly, we are pleased to see a number of reforms targeted at this issue.

*Comments*

The size and diversity of policy required to manage a council of our size is something that needs to be thoroughly examined if we are to move towards regional Development Plans. In particular, we need methods for providing policy to end-users in a means that is easy to navigate, understand and apply.

We affirm our previous submission that supports the use of an online format and a move away from fixed documents to online mapping and targeted policy distribution based on specific allotments, the corresponding land use and relevant policy therein.

We also wish to emphasise the importance of local variation to the Panel as a means for protecting and enhancing local character (otherwise difficult to appropriately manage through standardised policy). If standardised policy measures are further implemented, then council will expect not only the opportunity to comment on policy before it is implemented but also to provide local variation when required.

### **Heritage – Reform 10**

We are pleased to see the panel acknowledge that matters of heritage need to be elevated and work done to resolve systems and processes to support the protection and restoration of heritage items throughout the state. While we are supportive of the sentiment and proposed approach of the reform idea, we reiterate our previous comments that called for further consideration to what can be done to better preserve and maintain the built heritage fabric (beyond simply listing items) and question the use of listing for living things (such as trees). We also want to note the importance of cultural heritage and the challenge of protecting this, particularly if the cultural heritage is non-physical.

We also would like to understand more clearly the resourcing implications for us in the audit process. It is a substantial amount of work required to revise the listing simply within our council area – we question the feasibility of a review of all items (i.e. contributory through to state) across the state in a timely manner. Restoration of funding to the state heritage branch should be considered when responding to this concern.

### **Development Assessment (process and administration) – Reforms 12 to 19**

The panel has proposed a number of ideas that seek to improve development pathways and processes, such as:

- a review of definitions in Schedule 1 of the Development Regulations to better define the nature of development
- a review of public notification categories in Schedule 9 to assign more appropriate levels and additional clarity
- reinforcement of the 'one-stop-shop' concept to integrate various authorisations into a single development approval (including appropriate state agency referrals in Schedule 8 and internal council authorisation)
- stronger, more effective enforcement powers.

### *Comments*

We urge the state government to pursue the 'quick-wins' and ideas and improvements to the existing system concurrently with further investigation of the broader, more controversial ideas suggested through the planning reforms. While many of the ideas require detail to ensure their successful implementation, we are pleased to read that many of the issues raised in our last submission have been considered and should be resolved through the proposed changes (such as those listed above), but we will need mechanisms to provide adequate funding for development services administered by council, including building inspection requirements (particularly in the context of broadening the scope for officers in response to increased enforcement powers).

### **Infrastructure Funding – Reforms 20 and 23**

In our previous submission we highlighted that South Australia has little statutory ability to charge development contributions. This issue is the subject of a number of efforts from industry and the LGA as it is a problem that needs to be addressed. The panel acknowledges this in its report but does not provide a clear path forward. We suspect this is because of the complexity of the issue but wish to reiterate the need for a system to ensure there is equitable funding for infrastructure to extend beyond simply open

space and limited public realm, to community facilities and the management of stormwater, etc.

We do not accept that the status quo is reasonable and that an absence of infrastructure contributions in South Australia provides a more 'business friendly' environment (and in particular assists in supporting the housing industry and housing affordability). The cost of infrastructure is borne by state and local government, and in return the community. Failing to address it upfront simply means that these costs are aggregated across the community rather than attributed to the developer.

Per our previous submission, we advocate for a system that is fair and reasonable, reflecting a co-contribution to the cost of infrastructure between developers, state and local government, and one which encourages urban infill so to act as an attractive alternative to urban fringe growth.

#### **Implementation – the future of the Development Act**

Reaffirming our comments to you from our previous submission, we consider the objects of the *Development Act 1993* (the Act) to be fundamentally sound and to provide an appropriate balance between social, economic and environmental objectives. Our Act is similar in nature to other Australian states and forms a solid foundation for our planning system.

However, we acknowledge the challenge presented to government to suitably retrofit the Act to accommodate the reforms as proposed by the panel. We suspect that it will require more than simple modifications to achieve better integrated land use planning outcomes, greater emphasis on effective, meaningful community engagement and to facilitate the new era of e-planning needed to support a dynamic and responsive planning system. Accordingly, while we offer our support of the existing legislative framework, we will favourably consider new legislation if it can provide for an improved planning system.

#### **In closing**

Council would like to again affirm its support of the initiative by government to review the planning system as managed by the Expert Panel. We have valued the opportunity to take part and to provide comments in response to the panel's ideas for reform report.

Our letter highlights matters of importance to council and those that relate to our previous submission. These comments summarise some of the more detailed comments enclosed and should be considered by the panel as they progress the review and make final recommendations to government.

*Refer Attachment 1 – Detailed Response to the Ideas for Reform*

We hope that our contribution is of value to the panel and we welcome the opportunity to be involved further through to the completion of the review.

Yours sincerely

Lorraine Rosenberg  
**Mayor**

cc Local Government Association of South Australia  
Urban Development Institute of Australian (SA Branch)  
Planning Institute of Australia (SA Branch)



Reform Idea	Idea Summary	Council Comments	Support Gauge	Relevant Stakeholders
<b>Reform 1 - Establish a state planning commission</b>	<p>1.1 The state planning commission will be the pre-eminent state planning body, established as a statutory authority with specific powers.</p> <p>1.2 The planning commission will provide high-level advice to the minister and Cabinet on planning, provision of infrastructure and services, urban renewal and related issues. The commission should make its advice publicly available wherever possible.</p> <p>1.3 It will have a primary role in advising the minister on planning policies and directions and in delivering state priorities.</p> <p>1.4 The minister will maintain overall responsibility for the system, with the support of the planning commission.</p> <p>1.5 The planning commission will have general responsibility for administering the planning system, including coordinating and overseeing engagement practices.</p> <p>1.6 It will work with local councils and other government agencies to coordinate infrastructure and policies relating to planning issues.</p> <p>1.7 It will include independent members (including an independent chair) with professional expertise and community standing together with senior officials from relevant government agencies.</p> <p>1.8 It will be administratively supported by the department and report through the minister to Cabinet.</p> <p>1.9 The planning commission will subsume the roles of existing bodies such as the Development Policy Advisory Committee and the Development Assessment Commission and their sub-committees.</p>	<p>Establishing a State Planning Commission may:</p> <ul style="list-style-type: none"> <li>• address the concerns of some that the minister's powers are too broad</li> <li>• bring greater efficiency to the planning process, and reduce the number of matters awaiting the minister's consideration</li> <li>• result in greater coordination and integration of government's plans</li> <li>• provide councils with a central point of contact for 'high level' discussions, and may be more accessible than the minister</li> <li>• result in a greater appreciation for local government within state government (depending on membership criteria)</li> <li>• strengthen coordination of whole-of-government policies</li> <li>• improve the delivery of planning outcomes and the quality of decision making</li> <li>• provide an opportunity to enhance engagement between councils and planning advisory/decision making bodies.</li> </ul> <p>The success of the commission will be dependent on its resourcing and whether it is empowered by government to act to the fullness of the reform ideas. Its success may also be dependent on its ability to be informed by local and regional outcomes and issues. If it is reliant on quantitative state-wide data this will unlikely produce the best advice and a more holistic approach is warranted.</p> <p>Lastly we would want to ensure that political influences are limited to setting state directions.</p>	 <p>Support qualifications:</p> <ul style="list-style-type: none"> <li>• adequate resourcing of commission</li> <li>• empowered by government to direct/coordinate government agencies</li> <li>• ensure that there is a representative spectrum of interests and professions within the commission (i.e. not just planners)</li> <li>• the broad spectrum of professions represented should include environmental, social and economic expertise, including those who understand engineering, infrastructure planning and asset management</li> <li>• 'relevant government agencies' as referred must include agencies responsible for infrastructure and the environment</li> <li>• ensure that local and regional issues are considered and acted upon by the commission when needed.</li> </ul>	<p>Development Policy Development Services Asset Management</p>

Key Questions for Feedback: Which ideas are most workable and suitable? How can specific ideas be improved or modified? What costs, benefits or other implications should the panel consider? Other reform ideas.



Reform Idea	Idea Summary	Council Comments	Support Gauge	Relevant Stakeholders
<b>Reform 2 - Create a network of regional planning boards</b>	<p>2.1 Divide the state into regions and establish regional planning boards for each.</p> <p>2.2 Each board will include members representing local and state government, with an independent chair appointed by the minister.</p> <p>2.3 Boards will work with local councils to coordinate planning functions in each region and deliver government policy directions with assistance from the state planning commission.</p> <p>2.4 Specific functions of the boards will include preparing regional strategies, approving council rezoning proposals, undertaking public hearings and other engagement, and appointing regional development assessment panels.</p> <p>2.5 Opportunities to integrate boards with other bodies, particularly in country areas, should be explored to promote efficient decision-making and secure integrated policy outcomes for communities.</p> <p>2.6 Boards will be funded through co-contributions, as agreed by participating councils and the state government.</p> <p>2.7 In the metropolitan area, boards will be organised on a sub-regional basis. Recognising the special role of the city centre and inner city area, there will be a central metropolitan sub-region.</p> <p>2.8 There will be flexibility in the system to establish boards for special areas or projects.</p>	<p>The City of Onkaparinga already functions at a regional level, serving over 160,000 residents and covering a large geographical area comprising both urban and rural landscapes.</p> <p>We question the advantage to us of forming with adjoining LGAs to partner on a regional board.</p> <p>However, we could be seen as a model for other councils to either amalgamate or join together to form a regional board, with advantages including:</p> <ul style="list-style-type: none"> <li>• having a greater role in setting the spatial land use and infrastructure plans for the region</li> <li>• streamlining rezoning processes (although it is unclear how much delegation a board will have versus the planning commission and minister)</li> <li>• working with other stakeholders to ensure effective and efficient delivery of key infrastructure.</li> </ul> <p>Disadvantages to our council if required to form a regional board with others could include:</p> <ul style="list-style-type: none"> <li>• funding – it is understood that there is an expectation that the board will be co-funded (50:50) by local government, with 'savings' achieved through the use of a regional Development Assessment Panel</li> <li>• being led by other competing interests that may not be the priority of our communities</li> <li>• reduced ability to protect local interests</li> <li>• bearing the weight of implementing state directions with less guidance than currently provided by the 30-Year Plan (it is unclear where and by whom will the Planning Strategy be managed)</li> <li>• a disconnect between our elected members and the decisions of the regional board.</li> </ul>	<div>Not supported</div> <p>We do not support the idea of as it relates to us forming part of a regional board (per our comments) but can see benefits for other smaller council areas. Should the panel consider this idea further we expect the following to be resolved:</p> <ul style="list-style-type: none"> <li>• clarify the form of regional boards and criteria for establishment, for instance, will the boards be             <ul style="list-style-type: none"> <li>- LGA boundary based?</li> <li>- built-form and land use based (e.g. urban, rural, coastal)?</li> <li>- distance based (e.g. access to communities of DAP and other regional functions)?</li> </ul> </li> <li>• delegation and role clarifications required (from officer level through to the role of elected members)</li> <li>• funding and management clarifications required (we assume that the boards to function properly will require admin staff, offices, etc.).</li> <li>• accountability – who will the board be held accountable to and where is the community input in this process</li> </ul> <p>Costs, benefits, implications</p> <ul style="list-style-type: none"> <li>• we see the new boards as creating a cost implication to council with little comfort in the 'benefits' to be provided</li> <li>• will the boards consider the requirements of infrastructure at a local and regional level.</li> </ul>	<p>Development Services Development Policy Asset Management</p>

Key Questions for Feedback: Which ideas are most workable and suitable? How can specific ideas be improved or modified? What costs, benefits or other implications should the panel consider? Other reform ideas.



Reform Idea	Idea Summary	Council Comments	Support Gauge	Relevant Stakeholders
<b>Reform 3 - Enact a Charter of Citizen Participation</b>	<p>3.1 Legislate for a new statutory charter of citizen participation. The charter will replace existing prescriptive consultation requirements.</p> <p>3.2 The charter will be based on leading engagement practices, such as IAP2 guidelines, and will set out principles, benchmarks and suggested approaches.</p> <p>3.3 It will allow for flexible and tailored engagement and foster community debate in planning issues and outcomes.</p> <p>3.4 The charter will encourage use of digital platforms and innovative engagement techniques. For routine matters, it will provide a suite of standard consultation practices.</p> <p>3.5 Agencies and councils will be required to develop engagement plans, consistent with the charter, for planning processes such as a Statement of Intent for a development plan amendment.</p> <p>3.6 The charter will be developed by the planning commission and subject to regular review to ensure it is up-to-date with leading engagement practices.</p> <p>3.7 As a statutory instrument, the charter will be subject to the scrutiny that generally applies to subordinate legislation.</p>	<p>Council already engages with its community on planning policy matters beyond the statutory requirements.</p> <p>This is demonstrated through procedures such as the development of engagement plans and consultation on draft Statements of Intent prior to lodging with the Minister for Planning.</p> <p>We expect that this idea will have more impact on state government and councils that do not engage more broadly than is required by legislation.</p> <p>Requiring an engagement plan upfront (through the SOI process) is a good way to ensure that engagement is prioritised and duly considered from the commencement of a project.</p> <p>Ultimately, the reforms need to achieve improvements to community participation at the policy forming stage.</p>	<p><b>Supported</b></p> <p>We support the notion of improved community participation but question the impact of regionalisation (as arguably this will not help to achieve better local participation). We also have the following qualifications:</p> <ul style="list-style-type: none"> <li>resourcing implications need to be more fully understood</li> <li>quality engagement takes time and resources</li> <li>getting community buy-in and ownership of policy matters is extremely difficult.</li> </ul>	<p>Development Policy Marketing and Engagement Community Capacity</p>
<b>Reform 4 - Allow for independent planning inquiries</b>	<p>4.1 Allow for formal inquiries into complex or contentious planning matters to be initiated from time to time.</p> <p>4.2 The minister, planning commission, regional boards, councils or agencies could initiate inquiries, subject to terms of reference and prescribed processes.</p> <p>4.3 Inquiries will harness professional skills and know-how on a sessional basis, providing a way of cutting through deadlocks and resolving issues in an apolitical fashion.</p> <p>4.4 Inquiry reports will be published and require decision-makers to formally respond to their recommendations and findings.</p>	<p>Currently there is no mechanism for having a third-party review or adjudicator to ensure proper process (other than through a judicial review through the Environment, Resources and Development Court or Supreme Court).</p> <p>Providing a mechanism for independent inquiry will assist to strengthen the transparency of the planning system and provide opportunities for all stakeholders to get a fair go.</p>	<p><b>Supported</b></p>	<p>External Council (general)</p>

Key Questions for Feedback: Which ideas are most workable and suitable? How can specific ideas be improved or modified? What costs, benefits or other implications should the panel consider? Other reform ideas.

Reform Idea	Idea Summary	Council Comments	Support Gauge	Relevant Stakeholders
<b>Reform 5 - Make the role of parliament more meaningful and effective</b>	<p>5.1 Reframe the role of parliamentary scrutiny around strategic plans and state-wide planning policy instruments rather than individual rezoning changes.</p> <p>5.2 The planning commission should align key planning processes with the parliamentary cycle, ensuring more effective scrutiny.</p>	<p>In its 20 years in operation, never once has the Environment, Resources and Development Committee of Parliament overturned a policy decision.</p> <p>Council agrees that the role of parliament should be more meaningful and should be part of the upfront broad strategy and policy setting discussion (in consultation with local government interests).</p> <p>The process of developing state-wide policy should be transparent and includes sufficient opportunities for local input.</p>		External
<b>Reform 6 - Establish a single framework for state directions</b>	<p>6.1 Establish a process for making new policy instruments to be known as 'state planning directions' to replace the policy objectives currently set out in the Planning Strategy.</p> <p>6.2 The new state planning directions will also replace confusing links to other strategic plans or policies with a single point-of-reference for councils and planners.</p> <p>6.3 State planning directions will be short and provide clear guidance to regional planning boards in the development of strategic plans for each region.</p> <p>6.4 The state planning directions will include high-level targets and policies and may be supported by guidelines. In the metropolitan area, this could include a statutory urban growth boundary.</p> <p>6.5 State planning directions will be approved by the minister with the advice of the planning commission. The minister will refer issues to Cabinet when necessary.</p> <p>6.6 The planning commission will oversee the suite of state planning directions and be responsible for consulting about any proposed changes and keeping them up to date. This will include ensuring that the overall policy framework remains manageable.</p> <p>6.7 Ministers and regional boards will be able to propose new state planning directions or change to existing directions through the planning commission.</p> <p>6.8 State planning directions should normally be implemented by councils through local and regional planning documents.</p>	<p>There are currently a number of 'state directions' as articulated by a wide variety of state-based strategies. It makes sense to consolidate these and strive for greater clarity and consistency.</p> <p>Per idea 6.8, council's role will be to implement these directions through its local and regional planning documents (much like our role to respond to the 30-Year Plan for Greater Adelaide).</p>		Development Policy Strategy and Sustainability
<p>Support qualifications:</p> <ul style="list-style-type: none"> <li>what will be the relationship between the State Directions, the State Strategic Plan and the Planning Strategy</li> <li>will state directions include spatial mapping or comprise targets and objectives (much like the strategic plan)</li> <li>will the directions encompass other important policy directions such as those relating to climate change and adaptation/ mitigation, health, the economy, infrastructure, etc.</li> <li>the planning commission should have powers to incorporate other agencies and their plans to ensure a consistent approach to state directions.</li> </ul>				

Key Questions for Feedback: Which ideas are most workable and suitable? How can specific ideas be improved or modified? What costs, benefits or other implications should the panel consider? Other reform ideas.



Reform Idea	Idea Summary	Council Comments	Support Gauge	Relevant Stakeholders
<b>Reform 7 - Reshape planning documents on a regional basis</b>	<p>7.1 Establish a planning scheme for each region, to be known as a 'regional planning scheme'. Special arrangements in the metropolitan area will recognise both the region as a whole and its sub-regions.</p> <p>7.2 Regional planning schemes will comprise two separate volumes—a regional planning strategy and a regional development plan, which will initially be the present development plan for all relevant council areas in the region.</p> <p>7.3 Changes to regional strategic plans can also include consequential changes to the development plan, reducing the lag time in implementation of strategic priorities and directions.</p> <p>7.4 Regional planning schemes will be developed and maintained by regional planning boards, with councils retaining the ability to initiate local changes. The minister will also be able to amend regional schemes if there is a pressing need.</p> <p>7.5 Regional schemes will include flexibility to deal with sub-regional and cross-regional issues, through sub-documents such as structure plans.</p> <p>7.6 Legislation should allow regional strategic plans to incorporate infrastructure, environmental, public health and other issues rationalising duplicate requirements under other types of statutory plan.</p> <p>7.7 Regional strategies and development plans will be subject to oversight and direction through the planning commission. To ensure alignment with state policies and funding priorities, plans will require ministerial agreement based on the commissioner's advice.</p> <p>7.8 Regional schemes will be regularly reviewed and subject to parliamentary scrutiny.</p> <p>7.9 Regional schemes will be supported by a rolling implementation program developed by each regional board and linked to state and local budget processes.</p>	<p>It is unclear whether this new 'regional planning scheme' will simply be the new 30-Year Plan for Greater Adelaide. A regional scheme could help to provide more policy direction than the Planning Strategy but also could be seen to add complexity and another layer of policy to the system.</p> <p>Council seriously questions the advantage of a Regional Development Plan as it may offer no benefit to the end-user and not assist to simplify development assessment. Arguably, if policy is improved and more consistency applied through Reform Idea 8, is there a need to also amalgamate Development Plans?</p> <p>Furthermore, how will local nuances between councils be protected and enhanced when local Development Plans are amalgamated and more standardisation of policy is applied.</p> <p>Conversely, there are benefits to the development industry through improved consistency between council areas and providing the policies are supported by our communities; we expect that either maintaining the local plans or moving towards a regional plan will be successful.</p> <p>Our current Development Plan is 1198 pages long. Enlarging it to include additional areas in a region beyond our council boundaries is undesirable.</p>	 <p>Council is well placed to assist with complexities of regionalising planning documents (given the size and experience of its Development Plan and experiences gained through amalgamations of planning policy). On the face of things, council is not convinced that moving towards a Regional Development Plan will provide benefits to outweigh the cost, complexity and effort required to achieve this.</p> <p>If planning policy is standardised to the lengths as proposed elsewhere in these reform ideas, we question whether the amalgamation of plans is necessary to achieve consistent development outcomes between councils.</p> <p>Lastly, while consistent policy will go some way to achieving consistent development outcomes between councils, outcomes will still be dependent on the approach of the relevant council, which may continue to differ regardless of the planning structures put in place in response to this review.</p>	Development Policy Strategy and Sustainability

Key Questions for Feedback: Which ideas are most workable and suitable? How can specific ideas be improved or modified? What costs, benefits or other implications should the panel consider? Other reform ideas.



Reform Idea	Idea Summary	Council Comments	Support Gauge	Relevant Stakeholders
<b>Reform 8 - Enact a consistent state-wide menu of planning rules</b>	<p>8.1 Provide a statutory head power for a state-wide suite of planning rules, to be known as the 'state planning code'.</p> <p>8.2 The state planning code will be a single state-wide repository for planning rules applying to all forms of development and will be adaptable to address local issues.</p> <p>8.3 It will contain a comprehensive menu of zones, overlays and other spatial layers for application in local development plans across the state. Zones and overlays will include both merit-based and complying provisions and standards.</p> <p>8.4 There will be scope for local variations to ensure that zones and overlays can be tailored to suit local and regional needs. The code will also be supported by design guidelines and standards with similar flexibility.</p> <p>8.5 The menu of planning rules in the code will be developed and maintained by the planning commission, subject to consultation with councils, the community and business sectors.</p> <p>8.6 Councils, regional boards and government agencies will also be able to propose changes to the code and associated documents.</p> <p>8.7 Updates to the zones in the planning code will flow automatically across local development plans using online systems, minimising delays and costs.</p> <p>8.8 There will be an annual update process for the code, to be undertaken by the planning commission, with final sign-off by the minister and subject to parliamentary scrutiny.</p>	<p>It is unclear how this differs from the existing South Australian Planning Policy Library (SAPPL) approach other than through:</p> <ul style="list-style-type: none"> <li>statutory recognition of standardised policy</li> <li>better resourcing of the 'menu' update</li> <li>streamlined amendments to Development Plans following SAPPL change.</li> </ul> <p>Council notes that these reforms reflect the original intent of the Better Development Plan project.</p> <p>Council is supportive in principle of the standardisation of planning policy but queries the practicalities / competing requirements of local variations. The complexities of automatic policy updates are compounded by any likelihood that local variations will be affected.</p> <p>We support the concept but provide a number of questions for the panel to consider:</p> <p>Annual review and update is a positive thing but will require sufficient resourcing to maintain (an issue faced by government already with the update to SAPPL).</p>	<p><b>Supported</b></p> <p>Supported in principle but questions for the panel:</p> <ul style="list-style-type: none"> <li>how will conflicts between new standard policy and established local policy be addressed?</li> <li>what opportunities will council have to 'pick and choose' the policy it wants applied locally?</li> <li>will there be adequate lead times to ensure these issues are resolved prior to consolidation?</li> <li>how will prospective applicants be informed of upcoming standard policy updates and how will this affect preliminary advice (currently, DPAs are noted on Section 7s and are known amongst assessment staff to consider when giving advice)?</li> </ul>	Development Policy

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Reform Idea	Idea Summary	Council Comments	Support Gauge	Relevant Stakeholders
<b>Reform 9 - Build design into the way we plan</b>	<p>9.1 A form-based approach to zoning based on mixed-use principles should be implemented progressively through the state-wide planning code.</p> <p>9.2 Though principally an issue of practice for the state planning commission, there should be correlating amendments to legislation to achieve this.</p> <p>9.3 Specific design features should be included in the state planning code, such as protections for streetscape, townscape and landscape character.</p> <p>9.4 Planning rules should be supplemented by a library of design guidelines and standards that have formal statutory recognition.</p> <p>9.5 Councils should be able to use urban design approaches, such as structure plans, master plans or urban design frameworks, using visual and other means to improve text-heavy desired character statements—noting that, as part of regional planning schemes, these will remain subject to approval by the planning commission.</p>	<p>Council acknowledges that many of the concerns raised by the community regarding development occurring across the city relates to design features – the siting of the building, its massing, its presentation to the street, its height, etc. Moving towards a system that is designed to promote quality design outcomes is supported.</p> <p>Fundamentally, we are not opposed to the concept of a 'form-based' approach to zoning but would restrict this approach to urban centres and areas where mixed use development is appropriate (such as areas with quality transport options and/or amenity to support this form of development).</p> <p>Design guidelines are an excellent way of improving design outcomes and reducing complex and convoluted policy, but there is always a danger that through their statutory recognition you add more layers of complexity to the system and open it up for interpretation.</p> <p>How do we achieve a more streamlined system and better design outcomes? We suggest that it is extremely difficult to achieve both objectives as good design takes time and effort – time and effort is expensive.</p> <p>Nonetheless, we are supportive of quality design outcomes and welcome any reforms that will help achieve this.</p>		<p>Development Policy Development Services</p>

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Reform Idea	Idea Summary	Council Comments	Support Gauge	Relevant Stakeholders
<b>Reform 10 - Place heritage on renewed foundations</b>	<p>10.1 Heritage should be recognised in the planning system as relating to place, culture and community development, and not simply physical structures.</p> <p>10.2 Heritage laws should be consolidated into one integrated statute, either as part of the planning legislation or as a separate statute with clear linkages.</p> <p>10.3 Introduce an integrated statutory body to replace existing multiple heritage bodies. This could be based on the existing heritage council or form a subcommittee of the planning commission.</p> <p>10.4 Governance arrangements for heritage should embrace the capabilities and expertise of the state's key cultural institutions.</p> <p>10.5 A new integrated heritage register should be established to include existing state and local listings and have an expanded capacity to recognise special landscapes, building fabric and setting and to place historic markers.</p> <p>10.6 Legislation should provide for a new heritage code of practice to outline how listed properties can be maintained and adapted.</p> <p>10.7 The legislation should allow accredited heritage professionals to undertake specified regulatory functions for private property owners, on a similar basis to private certifiers.</p> <p>10.8 Existing heritage listings will be audited to better describe their heritage attributes.</p> <p>10.9 Financial subsidies, such as discounts on property-related taxes, should be considered as part of the legislative framework for private owners of listed properties.</p>	<p>Council is supportive of a renewed interest in the recognition of heritage. The established system is complex and has resulted in a misunderstanding amongst the community regarding the requirements of heritage protection and the benefits of heritage.</p> <p>We need to have a broad discussion with the community through the implementation of this reform that teases out the values of the community, answering some fundamental questions such as:</p> <ul style="list-style-type: none"> <li>• what is valued and should be retained for future generations?</li> <li>• what should we be able to do with our heritage properties?</li> <li>• how can their listing be better managed?</li> <li>• how can incentives and grants be better improved to encourage the benefits of heritage?</li> <li>• how do we improve understanding of Aboriginal / pre-settlement history and better recognise and manage this heritage through our planning system (including the manner by which development is undertaken not simply the final development outcomes)?</li> </ul> <p>However, there is a serious gap in the resources required to manage, encourage and support heritage conservation in South Australia. Council already provides much of the financial support with dwindling state government resourcing.</p> <p>If the reform is to be successful it will require a renewed funding interest from state government – not only to support the auditing and reclassification but also the ongoing management and incentives.</p> <p>As we know, auditing of heritage items is time-consuming and expensive – council does not want to wear the brunt of this requirement.</p>	<p><b>Supported</b></p> <p>Questions for the panel:</p> <ul style="list-style-type: none"> <li>• who will fund and manage the audit process?</li> <li>• has consideration been given to new powers to councils to enforce the management of local heritage listed buildings so that they do not fall into a state of disrepair?</li> <li>• new powers could be considered as a means of preventing property owners 'ignoring' their properties and then requesting them to be delisted once they are structurally unsound.</li> </ul>	<p>Development Policy Development Services</p>

Key Questions for Feedback: Which ideas are most workable and suitable? How can specific ideas be improved or modified? What costs, benefits or other implications should the panel consider? Other reform ideas.



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<b>Reform 11 - Make changing plans easy, quick and transparent</b>	<p>11.1 Replace statements of intent with simple one-page initiation documents and allow for approval of a rezoning program rather than individual rezoning approvals.</p> <p>11.2 Allow regional planning boards to initiate rezoning changes and decide on council proposals for rezoning. These will include clear plans for engagement consistent with the charter of citizen participation.</p> <p>11.3 The planning commission will make final decisions on zoning changes without direct ministerial involvement. However, the minister will retain a call-in power within a prescribed timeframe.</p> <p>11.4 The ability to update zoning will be available to government agencies, infrastructure providers and land-owners (subject to criteria) as well as councils, regional planning boards and the minister.</p> <p>11.5 There will be clear timeframes on councils, the planning commission, agencies and ministers at each stage of the zoning process.</p> <p>11.6 Interim operation criteria will be tightened with a focus on preventing adverse impacts.</p>	<p>The DPA process is protracted and arduous – it needs to be easier to amend Development Plan policy. In principal we support the notion of a short statement of intent, particularly if it is in the context of a robust DPA work program and aligns with regional strategy.</p> <p>However, we note that there are advantages to having investigations already undertaken prior to initiating a DPA. This helps to scope the DPA and set expectations for its outcomes early. It also assists to minimise the DPA timeline.</p> <p>Delegating more of the minister's authority to amend Development Plans is a positive thing – even minor amendments can take months within the minister's office.</p> <p>The option for developers to initiate DPAs has both benefits and risks to council. Developer funded DPAs have a resourcing implication on councils (despite the contributions made by the proponents). Council would still want to ensure a robust process for vetting the commencement of DPAs by developers – we would expect the DPAs to align with our work programs and achieve broader strategic goals rather than simply enable 'spot rezoning' of developer owned sites.</p> <p>The introduction of a simplified process for minor amendments that are limited in scope is something that needs to also be considered (beyond the section 29 process to also include changes as they relate to matters such as updating heritage listings in response to demolition, etc.).</p> <p>We support restrictions to interim operation controls.</p>	<p><b>Supported</b></p> <p>Supported with caveats regarding developer initiated DPAs. We also question the role of the regional boards and hope that the boards (if implemented) will have delegation to approve simply DPAs and help expedite the process (not simply add another layer of governance).</p> <p>DPAs are notoriously slow, tedious and expensive. We support any improvements to the system to help us become more adaptive and reactive to changing trends and needs as they arise.</p>	Development Policy

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<b>Reform 12 - Adopt clearer development pathways</b>	<p>12.1 Revise current development assessment pathways to provide greater clarity in the assessment process and to enable a substantial increase in the use of complying pathways.</p> <p>12.2 Review and revise the definition of development to exclude unnecessary matters from being captured in the assessment process.</p> <p>12.3 Revise the development definitions to minimise the need for change of land use to be assessed and focus more attention on design, particularly in mixed-use zones.</p>	<p>Much of this reform idea is an extension of the Residential Development Code that was introduced in 2009. The extra types of 'exempt development' and the introduction of Building Rules consent only have generally worked well and could be increased further, subject to appropriate conditions.</p> <p>However, the take-up rate for complying development is not as high as it could be, particularly for dwellings, and we see this as mainly due to stringent and extensive conditions. While we support the concept of increasing the number of complying applications, the reality is that developers want flexibility and a code-based system can only ever provide strict guidelines to be adhered to.</p> <p>It is also a difficult task to balance the desire for a streamlined approval and the concept of the 'one-stop shop' for referrals of related matters into one development approval rather than multiple separate authorisations being required.</p> <p>Furthermore, with complying development there can be serious deficiencies associated with aligning local and regional infrastructure services with development form.</p> <p><b>The streamlining of development should not occur at the cost of even more interference and compromise with infrastructure services.</b></p> <p>Replacing the 'non-complying assessment' pathway with 'performance-based assessment' and 'prohibited' may be better understood by proponents and the community. However, it is unclear how these would be listed and may result in extra Development Plan text and complexity, as well as confusion between the 'ment' and 'performance based' processes. A 'prohibited' list also has the potential to replace the recent Character Preservation District legislation.</p> <p>Minimising the need for change of land use applications is also supported, such as avoiding a DA (or at least a Development Plan consent) being required for changes between different types of commercial uses. A review of definitions and more standardised car parking rates could assist with this, and reviewed Building Code standards could also ensure buildings are more suited to a range of uses.</p>	 <p>Supported subject to appropriate details and noting our comments as they relate to the impact of development on council controlled infrastructure. To be successful complying development should not come at the detriment of design quality or infrastructure provision.</p>	Development Services Asset Management

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<b>Reform 13 - Provide for staged and negotiated assessment processes</b>	<p>13.1 Modify planning and building consents by breaking them into smaller steps. These could cover land use, building envelope, design, structure and layout, finishes and landscaping.</p> <p>13.2 Design consent, design statements and design review processes should be incorporated into the assessment process for complex developments.</p> <p>13.3 Other statutory consents should also be incorporated into the consent process where possible. (This will link to referral reforms outlined further below.)</p> <p>13.4 Define clear information requirements at each step and allow for deadlines to be resolved quickly through a complaints-handling mechanism.</p> <p>13.5 Allow applicants to stage the assessment process by progressively applying for consents at their discretion, including 'in principle' consents.</p> <p>13.6 Provide ways to negotiate staging of assessment for larger, more complex projects by way of a formal upfront pre-lodgement agreement.</p> <p>13.7 Provide a statutory indemnity for assessment officers for good faith advice, encouraging people to seek early advice.</p>	<p>Finally, it ideas show an emphasis on exclusions but should also consider expanding activities that ought to be considered as 'development', such as the filling of land.</p> <p>On the face of things, we support the concept of staged assessment and it can reinforce the 'one-stop-shop' benefits of the development application process. It may assist to provide more certainty for applicants, who can proceed through stages with confidence and provide better quality applications and specialist reports at appropriate times.</p> <p>However, the concept of staged development raises questions as they relate to consultation and setting community and investor expectation. What if after investigation it is found that environmental issues can't be resolved or infrastructure cannot cope making the project non-viable? Who is liable if investments that are made on the basis of early and constrained approvals?</p> <p>Managing expectations of the community will be a challenge with respect to staged approvals. The advantage of the existing process is that the community is presented with all of the relevant facts during consultation and can have their concerns addressed in one development process (notwithstanding the use of conditions and reserved matters). Public consultation without substantial information could create more angst amongst the community and this factor needs to be considered in detail if this reform idea is pursued.</p> <p><b>A lack of detailed information is likely to exacerbate mistrust and opposition to some proposals.</b></p> <p>An indemnity for assessment planners is a creative way to tackle perceptions of local government being 'risk averse', but may only go so far to addressing the issues of preliminary advice. A lack of clear advice is not necessarily just as a result of litigation but also a testament to the officer's confidence, experience, delegations and managerial support.</p> <p>Perhaps the formalisation of preliminary advice, and improvements to the 'reserved matters' process currently available in section 33(3) of the Act, is a better way to achieve the gains sought by the</p>		Development Services Asset Management

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Reform 14 - Improve consultation on assessment matters	14.1 The legislation should require notices about development to be attached to properties as part of assessment consultation processes.	concepts of indemnity and staging. It may also provide a mechanism for councils to recoup application fees for providing preliminary advice, which can often involve many hours of work by planning and other council staff. We understand that in Queensland, preliminary advice fees can be later discounted from planning assessment fees if a formal application is lodged.		Development Services
	14.2 Information about development should be published on a searchable state-wide online portal, with citizens able to subscribe for updates. 14.3 Link notification, consultation and appeal rights directly to the proposed development pathways rather than as separate issues. 14.4 There should be an abbreviated process for applicants who engage with neighbours before lodging a development proposal that requires consultation. 14.5 Third-party merit review rights should be limited to merit and performance-based assessment and based on the level at which a project is assessed. Similar limitations should apply for infrastructure that has been identified as part of a strategic plan. 14.6 Rights of judicial review for these pathways should be retained, particularly for public interest litigants. 14.7 Provide for councils to seek to resolve issues raised as part of consultation through mediation	<p>We suggest that an adequate feasibility assessment needs to be in place before early stages are 'approved'.</p> <p>Furthermore, we would want certainty regarding provision of contributed assets before any in-principle support. This is already a highly contentious and problematic issue that could be exacerbated by the idea of formalised staged consents. There is a high risk that councils will inherit the significant cost of correcting or providing infrastructure not adequately provided for by the developer.</p> <p>These recommendations appear to be reasonable and achievable, picking up on recommendations we've previously made.</p> <p>Notices on development sites could be similar to those for liquor licences in SA or examples interstate and overseas, but would require some additional resourcing and costs to applicants, councils and/or the state. They should only be required for category 3 developments, as only affected neighbours that are directly notified of a category 2 development are able to make representations. Additional notification for category 2 development may lead to high numbers of invalid representations.</p> <p>We agree that public notices should be published online, on council's website and/or an LGADPTI site. This could be at minimal cost compared to the current fee of approximately \$400. We currently display category 3 notices and plans on our website. There is a risk that a move towards an online system will reduce awareness of development as it relies on a more conscious effort from the community to engage. We would support a transition from traditional mail, much like the transition from analogue to digital television.</p> <p>Evidence of neighbour support can assist to determine</p>		

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	processes, backed up by good faith indemnities.	<p>that public notification isn't required – provided the neighbours are willing and not intimidated (which is a risk and all affected persons would need to be notified under clearly established criteria).</p> <p>We also take this chance to again recommend that any minor development that is class 10 under the Building Code be only category 1, 2 or 2A. This currently applies to a carport, garage, shed, outbuilding, pergola, veranda or pool, but not to other class 10 structures such as fencing, retaining walls, stairs, decks, balconies etc., which can default to requiring full category 3 public notification.</p> <p>Council staff members often provide an informal mediation role between parties, although it is likely that some staff and councils have more success than others. If formal mediation is to occur, perhaps a professional mediator can be available through the proposed regional boards. We also query how this reform idea 14.7 links with reforms 4 and 18.</p> <p>Lastly, we would like to highlight continuing inconsistencies in the way that Aboriginal groups are engaged on development matters. Consultation reforms should consider methods for improving engagement on issues of cultural significance and site management within sensitive localities.</p>		
<b>Reform 15 - Take the next steps towards independent professional assessment</b>	<p>15.1 Regional-level assessment panels should become the primary forum for development assessment, replacing existing assessment bodies.</p> <p>15.2 Regional panels will undertake various assessments now handled centrally by the Development Assessment Commission and locally by council development assessment panels.</p> <p>15.3 Council assessment managers will present recommendations to regional panels on development proposals from their councils, with overall coordination of panel business to be managed collaboratively.</p> <p>15.4 Assessment panels will consist of accredited professionals and be convened by a coordinator.</p> <p>15.5 Higher-level matters will be handled at a state level, with the planning commission taking on the assessment function directly.</p> <p>15.6 A joint state-council committee, operating as a</p>	<p>This is likely to be a controversial issue with different opinions within and between councils, elected members and staff, the development industry and communities. It seems to be generally accepted that the advent of independent DAPs and private certification over the last 10-15 years has been successful, so further steps are worth discussing.</p> <p>As commented for Reform 2, the City of Onkaparinga already operates effectively at a regional level. We receive 4000-5000 development applications each year, with only around 30 considered each year by our DAP. We therefore see no need for us to form a regional DAP with other adjoining councils.</p> <p>Our council has relatively good delegations, with the DAP only determining applications if representatives desire to be heard for category 3 and some category 2 developments, or certain significant proposals. This could be a model for the consideration of other regional DAPs (if formed), which would require other</p>	<p><b>Not supported</b></p> <p>We believe that our elected members on the DAP provide valued local insight and depth of understanding (appreciated by the expert independents) and should be able to continue to have a role in decision making processes. These members add value to the DAP.</p> <p>As commented, our panel considers less than 1% of development applications in</p>	<p>Development Services Asset Management</p>

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Expert Panel's Ideas for Reform Report – City of Onkaparinga Response


Reform Idea	Idea Summary	Council Comments	Support Gauge	Relevant Stakeholders
	<p>subcommittee of the planning commission, will register and accredit professionals. Accreditation will be managed through professional organisations.</p> <p>15.7 Panel members and other professionals will undergo periodic training as part of the accreditation process.</p> <p>15.8 Panels will be able to co-opt specialist professional members and local expertise for particular matters. They may call on local council members to participate in panel discussions for development relating to their council area, but not in decision-making.</p> <p>15.9 There will be some flexibility for regions to determine the arrangements that suit them best, but it is envisaged that regional panels will only need to consider contestable matters that are subject to merit and performance-based assessment.</p> <p>15.10 All applications will continue to be lodged with and processed by council staff, including preparation of assessment recommendations for the regional panel.</p> <p>15.11 It is envisaged that there will be delegations provided to council staff to enable this to occur.</p> <p>15.12 Low-risk matters will be handled by accredited professionals, who may be council staff or private consultants contracted as certifiers by applicants. The role of private certifiers will therefore expand.</p> <p>15.13 The planning commission will audit accredited professionals and assessment bodies and receive and act on complaints.</p>	<p>councils to have improved delegations to manage the workload of a regional DAP.</p> <p>Regarding 15.3, the planning report author should attend the regional or council panel meeting along with the manager. If a regional panel is formed, or council panels mandated to not include elected members, clarification is needed for 15.8 for how elected members can speak on behalf of the relevant Council.</p> <p>There are potential efficiencies and savings by councils sharing the costs of members on a regional DAP, although meetings would probably need to be held more often than the current three weeks for our DAP. However, more frequent meetings could also reduce assessment timeframes.</p> <p>Again however, such benefits are more likely to be realised for other smaller councils forming together, not for the City of Onkaparinga. We would not want to be contributing toward the cost of a regional panel if the majority of assessments are for other councils with poor delegations.</p> <p>Non-metropolitan regional DAP areas could be relatively easy to agree on by following regional boundaries, and are already operating successfully in the Eyre Peninsula, Flinders Ranges and Riverland regions. However, the boundaries of metropolitan Adelaide regional DAPs are likely to be more controversial and the early suggestions from the Expert Panel is for three regional DAPs – North, Central (including the CBD) and South. This will no doubt be the subject of further discussion, but as above, we consider our council area and population to already be at a sufficient regional level and not requiring expansion.</p> <p>It will be possible for the role of private certifiers to expand if the use of code complying development can also expand. Inspection opportunities could also be considered. It will be important to ensure appropriate accreditation and supervision by an adequately resourced authority is in place. Council does not want to be responsible for incorrect decisions made by a private certifier. Adequate funding and resourcing needs to be assured.</p> <p>If private certification is to be adopted there are risks associated with compliance to approvals and a lack of</p>	<p>contrast to other (perhaps) less-progressive councils. Our panel is working well for our region.</p> <p>We also note the implications of increased use of certification and need to monitor development outcomes. We will be bearing the costs of infrastructure issues created through poor development decisions made by certifiers and so need to be assured that there will be governance and regulation to ensure quality development outcomes are achieved (through the commission).</p>	

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<b>Reform 16 - Enhance the transparency of major project assessment</b>	<p>16.1 Provide for major projects of regional significance to be assessed by a regional assessment panel using the performance-based assessment pathway.</p> <p>16.2 Convert the existing major project declaration power into a 'call-in' power, with tighter criteria primarily based on the need for fair and appropriate assessment.</p> <p>16.3 The minister should only exercise this 'call-in' power following advice from the planning commission based on the commission's assessment against the statutory criteria.</p> <p>16.4 Require either ministerial-regional concurrence or a full Cabinet decision with approval by the Governor for each major project.</p> <p>16.5 Reinstate judicial review rights for major projects and associated Crown development and infrastructure approvals.</p> <p>16.6 Ensure alignment of environmental impact assessment processes with federal laws, with graduated steps for lower impact proposals and more streamlined paperwork.</p> <p>16.7 Bring mining approvals into the planning system as part of the major projects process, providing a single integrated approval for mine and associated infrastructure development.</p>	<p>consideration of street infrastructure such as street trees, stobie poles, side entry pits, etc. – or shedding stormwater onto neighbours.</p> <p>Where public infrastructure is involved, there must be a thorough understanding of service levels and standards for the public infrastructure. Private certifiers will need to increase the breadth of their capability to include this and be familiar with council service standards to make the system viable.</p>	<p><b>Supported</b></p> <p>Pending clarifications as listed</p>	<p>External Development Services Development Policy</p>

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<b>Reform 17 – Streamline assessment for essential infrastructure</b>	<p>17.1 Establish a separate assessment pathway that will cater for identified essential infrastructure. Categories of essential infrastructure will be determined by the planning commission.</p> <p>17.2 Approval of essential infrastructure should be linked to strategic impact assessment and identified infrastructure corridors and sites.</p> <p>17.3 Detailed assessment of essential infrastructure should be confined to design guidelines for large projects. This could include registration of replicable infrastructure designs.</p> <p>17.4 Continue the position of infrastructure coordinator-general, placing it within the planning commission, providing sign-off for streamlined approvals of essential infrastructure.</p> <p>17.5 Exemption classes for infrastructure should be reviewed as part of the planning code.</p>	<p>It is agreed that a review is needed of the assessment and approval processes for infrastructure at both state and local government levels.</p> <p>Some works and projects are exempt from needing development approval; some follow the Crown development process needing a DAC approval with council comments. Some require public notification and some do not, and sometimes the necessary process is unclear.</p> <p>To implement these ideas, consideration will need to be given to how councils are consulted on infrastructure projects, who the relevant authorities are, and what opportunities for there are for streamlining council works, projects and signage (etc.).</p> <p>As above for reform 16, clarification of the role of the Coordinator General is also needed and we note the issues experienced following the roll-out of the Nation Building Scheme (administered by the Coordinator General).</p> <p>We note a lack of linkage between planning and community title legislation processes. Community title infrastructure could be considered to be essential infrastructure (at a local level) and development of this infrastructure needs to be better controlled to ensure that it is provided to appropriate specifications. In some cases, council would prefer to have essential infrastructure vested in its control (providing it is built to the appropriate service standards).</p> <p>We also note a lack of consistency within local government regarding infrastructure requirements. This should be addressed as part of this process as it would provide tangible efficiency gains and significant cost saving for all parties. This should include a definition that encompasses essential social infrastructure as well – being an essential part of a vibrant community.</p> <p>We expect to continue to be consulted on infrastructure projects within our council area, particularly when it affects our current or future infrastructure. It must be ensured that infrastructure we inherit is to our standards.</p>	 <p>Pending clarifications as listed. We need to ensure that the issue of appropriate infrastructure provision and consideration of ongoing asset management issues are considered early in policy considerations.</p> <p>This should be supported by a state commission and regional board that contains industry based professional representation to assist to deal with these matters.</p> <p>Council would also appreciate opportunities to promote and initiate essential infrastructure initiatives.</p>	<p>Development Services Asset Management City Operations Projects</p>

Key Questions for Feedback: Which ideas are most workable and suitable? How can specific ideas be improved or modified? What costs, benefits or other implications should the panel consider? Other reform ideas.





Reform Idea	Idea Summary	Council Comments	Support Gauge	Relevant Stakeholders
<b>Reform 18 - Make the appeals process more accessible</b>	<p>18.1 Work with the court to establish a regional merit review process, such as re-hearings by regional assessment panels.</p> <p>18.2 Enable an official in the department or court to deal with procedural disputes rapidly with a further appeal to the full court.</p> <p>18.3 Empower commissioners of the court to make binding arbitral directions at compulsory conference hearings, rather than relying on agreement by the parties.</p> <p>18.4 Consider allowing the court to impose costs in limited cases, on similar grounds to the tribunal's legislation.</p> <p>18.5 Enable the court to register public interest litigants as a procedural reform.</p>	<p>We agree that the courts should provide accessible arbitration that falls short of a full court hearing for dealing with less complex matters. We should retain options for current court hearings and we expect that issues will be worked through as the reforms progress.</p> <p>Clarification is also needed of how re-hearings by regional assessment panels would occur. The current ability for compromise proposals to be considered can work well, although substantial work can be done by staff to report these back to a council panel without an associated fee.</p>	 <p>Supported</p>	Development Services
<b>Reform 19 - Provide more effective enforcement options</b>	<p>19.1 Create more administrative sanctions to simplify enforcement of minor or simple matters such as expiations, enforcement notices and enforceable undertakings.</p> <p>19.2 In addition to monetary penalties, allow courts to impose sanctions such as adverse publicity orders, compensation/offset orders and business improvement orders.</p> <p>19.3 Create more monetary penalties, including a multiplier penalty for companies and a commercial benefits penalty potentially linked to land value.</p> <p>19.4 Allow for civil penalties or damages as an alternative and in addition to criminal sanctions.</p> <p>19.5 Impose shared liability for non-compliance on specified professionals responsible for development, subject to reasonable care defences.</p> <p>19.6 Improve links with other regulatory areas, such as consumer affairs.</p> <p>19.7 Require assessment conditions to be aligned with enforcement and more accessible through an online planning portal.</p> <p>19.8 Allow for the planning commission to issue enforcement guidelines to help coordinate enforcement activities more effectively.</p>	<p>We support the notion of improved enforcement abilities and the details will need to be worked through. Taking enforcement action has very high legal costs and resourcing for councils that are rarely recouped, so more needs to be done to reduce this burden.</p> <p>The current time limits to take enforcement action are often inadequate, and purchasers of property can inherit the faults and problems of unauthorised building work.</p> <p>Expiation fees for undertaking development without approval is needed to offset the costs to council, with the payment of such fees not limiting any requirement to lodge a retrospective application and for the relevant authority to take further enforcement action.</p> <p>One possibility is to consider introducing a 'retrospective' application fee, which may assist in Council covering costs of inspections and enforcement. This fee could be added at the stage of lodgement with no time limitations and would assist in creating awareness regarding undertaking development without approval.</p> <p>Stronger penalties could include impacts on professional licences, such as builders, engineers, private certifiers etc., if offenders are found to have acted in an unprofessional manner.</p>	 <p>Supported</p> <p>Pending clarifications as listed</p>	Development Services Building and Compliance

Key Questions for Feedback: Which ideas are most workable and suitable? How can specific ideas be improved or modified? What costs, benefits or other implications should the panel consider? Other reform ideas.

Reform Idea	Idea Summary	Council Comments	Support Gauge	Relevant Stakeholders
		<p>Further consideration is also needed of the increased burden of building inspections on councils. With increased private certification, the role of council Building Officers is moving towards more inspections and enforcement and less assessment. Councils need to supplement these costs through alternative revenue streams such as additional fees, funding and/or fines. Inspections of all critical stages of building work should be considered and 'pay for service' fees introduced, with inspections by accredited council officers or private certifiers.</p> <p>A compulsory disclosure scheme could be introduced where an owner is required to provide a building report for all structures on the property and disclose any unauthorised building work at a time of sale.</p> <p>Community Title land divisions also need better enforcement options for council and/or community lot owners over poor or non-provision of private infrastructure. Such infrastructure should be designed and completion certified by a professional engineer.</p> <p>Improved enforcement maintains a more level playing field for developers by reducing unfair and substandard practices.</p> <p>The cost of enforcement should be considered by relevant authorities as an offset to the cost of infrastructure management associated with poor compliance.</p> <p>There should also be improved links with regulatory areas such as environmental protection.</p>		
<b>Reform 20 - Reinforce precinct-based urban renewal</b>	<p>20.1 Deliver and support the precinct development concept that is about to be enacted.</p> <p>20.2 Develop a precinct development process more suitable for smaller-scale neighbourhood regeneration.</p> <p>20.3 Provide greater opportunities for private sector involvement in urban renewal.</p> <p>20.4 Use precinct governance bodies to galvanise business and community involvement in urban renewal, similar to 'improvement districts'.</p> <p>20.5 Incorporate streetscape design standards and guidelines as part of urban renewal projects.</p>	<p>Council supports the notion of precincts and precinct authorities if it achieves its goals of better coordination of infrastructure and bringing together key stakeholders to agree on development outcomes, clarify roles and responsibilities, and work together to deliver on agreed objectives.</p> <p>We understand the complexity and costs of providing and maintaining supporting infrastructure – particularly within our infill areas. It is important that these costs are contributed to by those who benefit rather than simply aggregated across the entire community. Levies and special rates may provide opportunities to do this better.</p>		Development Policy Projects

Key Questions for Feedback: Which ideas are most workable and suitable? How can specific ideas be improved or modified? What costs, benefits or other implications should the panel consider? Other reform ideas.




Reform Idea	Idea Summary	Council Comments	Support Gauge	Relevant Stakeholders
<b>Reform 21 - Allow for more effective provision of open space, parks and urban greenery</b>	20.6 Improve the coordination of public housing with urban renewal priorities.	We also want to ensure that urban renewal does not occur at the expense of established communities and valued built-form character. Renewal should be sensitive to the existing urban fabric and seek to build upon the strengths of our established communities rather than simply replace with a new urban form.		Asset Management Field Operations Projects Development Services
	21.1 Integrate and consolidate funding mechanisms for open space, parks and other public assets, including the existing Planning and Development Fund.	We agree that there is a need to address the contribution mechanisms and funding allocations for open spaces, parks and public assets.		
	21.2 Recalibrate the open space scheme to provide greater opportunities for regional collaboration and funding.	Issues commonly faced by council include supporting areas of infill where development is of a scale whereby council does not directly receive the benefit of the open space contributions, but areas of renewal demand higher quality open space provision to account for increased dwelling densities and lack of private recreational opportunities.		
	21.3 Align and coordinate legislation affecting open space and other public assets. 21.4 Review infrastructure legislation to ensure alignment with improved management of the public realm.	<p>This may be an opportunity to reduce the risk of land divisions leaving open space provision to final stages that may not be completed. In addition, clearer policies could better ensure that open space provision is usable and not reduced by being steep or devoted to water management.</p> <p>Many of the other issues we face relate to inappropriate provision of infrastructure, failure to adhere to service levels and conflict between open space and water management objectives. The outcomes need to reflect service levels, community ability to pay for the service levels aspired to and the ability to maintain the infrastructure provided.</p> <p>We should consider a legal framework that allows for managing development outside of the subject land that recognises the impact of extra demand on existing infrastructure.</p>		
<b>Reform 22 - Provide incentives for urban renewal</b>	22.1 Develop incentive frameworks in the planning legislation to leverage public benefits such as urban renewal, affordable housing and other desirable development outcomes. 22.2 Use existing incentive schemes such as development bonuses and building upgrade finance to encourage urban renewal. 22.3 Consider offsetting land division contributions with the potential for improvement levies.	<p>We support the concept of development incentives for urban renewal but would want any changes to incentivise renewal to consider the implications on urban and social infrastructure (such as open space, provision, public realm, community facilities, infrastructure, etc.) to ensure that we only encourage renewal of areas that are equipped to support the new residential populations. Per previous comments, urban renewal needs to build upon the strengths of the existing communities and built-form fabric.</p>		Development Policy Projects

Key Questions for Feedback: Which ideas are most workable and suitable? How can specific ideas be improved or modified? What costs, benefits or other implications should the panel consider? Other reform ideas:


Reform Idea	Idea Summary	Council Comments	Support Gauge	Relevant Stakeholders
<b>Reform 23 - Create tools for infrastructure funding and delivery</b>	22.4 Allow for discounts to property taxes and rates, to stimulate desirable development.			
	<p>23.1 A comprehensive framework should be developed to govern the planning, integration, funding and delivery of infrastructure for urban development.</p> <p>23.2 This framework will include legislation to provide mechanisms to identify infrastructure needs and triggers. These should be identified as part of regional planning schemes, with funding and financing issues dealt with separately.</p> <p>23.3 The legislation should include strong government oversight and coordination to support infrastructure delivery. Tools such as infrastructure levies, bond products, or metropolitan-wide improvement levies should be considered.</p> <p>23.4 Oversight of any levies will be, and will be seen to be, independent and directly linked to the infrastructure required. This could operate in a similar way to existing price-setting regimes involving the Essential Services Commission.</p> <p>23.5 Statutory augmentation charges for infrastructure should be standardised with clear criteria for their use.</p> <p>23.6 Clear infrastructure design standards should be specified to prevent gold-plating and enable alignment with planning and urban design outcomes through practices such as common trenching that minimise disruption.</p>	<p>Council supports the improved coordination and funding mechanisms to support infrastructure delivery.</p> <p>Councils and developers can also have difficulties agreeing on necessary infrastructure and verge upgrades external to the development site, so improved mechanisms to facilitate such agreements should be incorporated.</p> <p>We recommend the introduction of infrastructure contributions similar to the manner in which open space contributions are calculated and made.</p> <p>We need mechanisms to achieve agreed standards supported by offset funding to provide flexibility to both council and developer. There is a poor alignment of infrastructure standards as recognised by the panel. We agree that there needs to be standards but we would want to ensure that we are engaged in the establishment of standards. There will need to be local variation to account for climatic and geotechnical conditions across the state, as well as standards that are appropriate for different development areas (such as areas of higher density).</p> <p>Protecting local government from the implications of higher-spec ('gold plating') is very important as it is used by developers to sell new estates but can set unrealistic community expectation and an ongoing management liability for councils.</p> <p>Also, urban infill and increased densities can lead to pressure on existing infrastructure and requires contributions towards upgrades. Consistent standards between council areas for issues such as stormwater management within development sites and their connections to council systems, should be explored. Better standards of private engineering certification are also needed, combined with effective enforcement of high standards.</p>	<p><b>Supported</b></p> <p>Council expects to be involved in the setting of industry standards and to agree with developers on the future hand-over, spec and extent of infrastructure to be vested to it. We do not want to be burdened with substandard infrastructure.</p> <p>We also expect social infrastructure to be better defined and accounted for through these reforms.</p> <p>We also note that there will need to be accountability and governance regarding compliance to agreed design standards.</p> <p>Ensuring the commission has access to a full breadth of technical expertise will assist to set policy and standards right from the top.</p>	<p>Asset Management Development Policy Projects Development Services</p>

Key Questions for Feedback: Which ideas are most workable and suitable? How can specific ideas be improved or modified? What costs, benefits or other implications should the panel consider? Other reform ideas.



Reform Idea	Idea Summary	Council Comments	Support Gauge	Relevant Stakeholders
<b>Reform 24 - Aim for seamless legislative interfaces</b>	<p>24.1 Audit the statute books to identify duplication and inconsistencies with planning laws.</p> <p>24.2 Licenses and permits that duplicate planning processes should be repealed or transferred to the planning system.</p> <p>24.3 Assessment panels should be empowered to issue minor statutory approvals or permits, as delegates of a home agency—reversing the traditional referral relationship.</p> <p>24.4 The use of referrals should be limited to where there are other statutory approvals or permits required. The planning commission will regularly review referrals to ensure their currency.</p> <p>24.5 Referral agencies should be required to have policies that detail the criteria on which a referral advice is given and the type of conditions that may be imposed. These will be agreed when a referral is provided, and regularly reviewed by the planning commission.</p> <p>24.6 Referral timeframes should be rigorously enforced. Agencies will indicate whether they intend to comment on a referral within prescribed number of business days of receipt. The absence of a response will be deemed as agreement.</p> <p>24.7 Agencies should be able to provide advice to planning authorities, but through a separate stream from referrals and only on matters relating to their portfolio responsibilities.</p> <p>24.8 Fragmented environmental and infrastructure laws should be reviewed and consolidated, and statutory boards rationalised, to improve interactions with the planning system.</p>	<p>The legislative framework supporting our planning system is complex and difficult to navigate.</p> <p>We support any efforts that improve the legislation, minimise process steps and approvals required to undertake development.</p> <p>Council agrees in principle with most of the proposed reform ideas but suggests there is still detail to work through such as:</p> <ul style="list-style-type: none"> <li>• who will enforce referral timeframes?</li> <li>• are agencies sufficiently resourced to comply?</li> <li>• will a minimisation of referrals place pressure on council to be across an even more diverse spread of legislative and policy requirements?</li> </ul> <p>Reform idea 24.4 is of some concern, as planning staff and the DAP often rely on expert advice from formal and informal referrals, from both government agencies and council staff. This can work well within the 'one-stop-shop' process, and potentially link with the DA staging ideas in reform 1.3. Idea 24.7 would need to ensure the continuity of appropriate advice if removed from formal referral requirements. All such responses should be accessible from a central portal similar to EDALA.</p> <p>In support of the need to audit statutes is the example of 'water affecting activities' (WAA). Activities can be approved as part of a development and not require a NRM permit but there is no clear obligation for councils to assess 'water affecting activities' in accordance with NRM objectives. It is also unclear what is included in the development approval versus what should be separately dealt with as a WAA (such as culverts on driveways, etc.). Council will be pleased to see these matters resolved through the implementation of the reform ideas.</p> <p>There needs to be better integration between land division and built form approvals. Dwelling applications are often received and put on hold while waiting for titles to be created from a land division. Worse however, are situations where titles are created from land divisions but accompanying built form approvals are not implemented. This can leave small vacant allotments without coordinated building plans, and in the case of Community Titles, without coordinated private infrastructure.</p>		<p>Development Services Development Policy Risk &amp; Compliance</p>

Key Questions for Feedback: Which ideas are most workable and suitable? How can specific ideas be improved or modified? What costs, benefits or other implications should the panel consider? Other reform ideas.

Reform Idea	Idea Summary	Council Comments	Support Gauge	Relevant Stakeholders
<b>Reform 25 - Adopt an online approach to planning</b>	<p>25.1 Establish a central online portal to access planning information, with links to council and government agency websites.</p> <p>25.2 Use e-planning to drive rapid changes to planning rules through automatic updates to regional planning schemes.</p> <p>25.3 Enable transactions such as development applications, referrals and consultation to be conducted through the online portal.</p> <p>25.4 Create a joint local-state governance body for e-planning through the planning commission.</p> <p>25.5 Provide a sustainable revenue stream through a co-contributions regime from government agencies and councils, based on a detailed costing analysis.</p> <p>25.6 Establish a common data standard for government agencies and councils to provide input into the portal.</p> <p>25.7 Legislate to provide a basis to rely on e-planning online data to an evidentiary standard.</p> <p>25.8 Adopt a phased-in approach to the roll-out of e-planning.</p>	<p>Council supports efforts to make planning more accessible to our community and more user-friendly through the adoption of technologies. This supports our recent efforts to move towards an online development application lodgement and assessment system. Details of our Online Development Services can be viewed on our <a href="#">website</a>.</p> <p>This migration to an online format will require significant resourcing and time to work through the relevant challenges associated. It will also need to consider whether parts of our community will be disenfranchised as we continue to move towards a paperless system.</p> <p>Council queries the resourcing implications as suggested in reform idea 25.5.</p> <p>A further suggested step in the move towards e-planning is to move towards the lodgement of plans in a CAD files that are geographically pinned through GIS.</p> <p>This would enable the assessment of applications to occur through a wider mapping system (minimising the need for locality plans) and would assist to monitor development trends as all development application plans are lodged and displayable through GIS systems (and easily through Google Earth and other mapping interfaces).</p> <p>Moving towards this approach will also force an improvement to the quality of plans (a constant concern of councils) and provide greater clarity to adjoining property owners when applications are publicly notified, with the site plan and resultant setbacks easily measured and displayed via a sophisticated GIS system.</p> <p>Planning and building conditions, reserved matters and agreements should also be searchable by address on a central portal.</p>		Development Policy Development Services

Key Questions for Feedback: Which ideas are most workable and suitable? How can specific ideas be improved or modified? What costs, benefits or other implications should the panel consider? Other reform ideas.



Reform Idea	Idea Summary	Council Comments	Support Gauge	Relevant Stakeholders
<b>Reform 26 - Adopt a rigorous performance monitoring approach</b>	<p>26.1 The planning commission will be responsible for monitoring overall system performance. This will include monitoring system operations and the achievement of policy priorities and regional targets.</p> <p>26.2 Regular public reporting by the planning commission will identify areas for improvement.</p> <p>26.3 The planning commission will have powers to intervene in cases of non-performance by agencies, regional boards or councils.</p> <p>26.4 Targets will be established to review regional planning schemes and monitor the performance of regional planning boards.</p> <p>26.5 The planning commission will be responsible for a report card on the performance of the system and achievement of strategic priorities and will report to Cabinet annually prior to tabling of this report in parliament.</p> <p>26.6 Funding incentives linked to this performance-monitoring regime may be explored by the government.</p>	<p>We support the notion of ongoing monitoring and continuous improvement. To do so will require adequate resourcing, much like the other reforms as suggested.</p> <p>Improved systems and a move towards better integrated e-planning will assist to provide accurate data to the commission to enable the monitoring without significant implication to council.</p> <p>Council is unsure what type of funding incentives will be used and whether 'performance' is taken to be the development outcomes or simply the time that development applications may take to progress through the system (or DPA, etc.).</p> <p>Arguably the performance of the system should be measured by the success of the policy or development outcomes – both qualitative and quantitative.</p> <p><b>It is these physical outcomes that will be the legacy of the planning system in future years – not the weeks or months taken to reach a decision.</b></p>	 <p>Monitoring of performance should not be limited to planning decision timeframes but should include qualitative assessments of built-form results both on private and public land.</p> <p>All stakeholders of the planning system should be committed to performance improvements including engineers, designers, surveyors, builders, etc.</p>	<p>External Development Policy Development Services</p>
<b>Reform 27 - Pursue cultural change and improved practice across the system</b>	<p>27.1 The state planning commission would take a leading role in shaping system culture. It will have a coordinator of planning excellence to lead this work.</p> <p>27.2 The planning commission would be responsible for a code of planning excellence that forms a charter for customer service and facilitation across the system.</p> <p>27.3 The planning commission would work with local government, the public service and professional organisations to pursue culture change that will contribute to planning excellence.</p> <p>27.4 The planning commission will have the responsibility to issue practice notes and guidelines, providing direction across the system.</p> <p>27.5 It will also have powers to require professional accreditation and undertake regular training and professional development.</p> <p>27.6 A complaints handling capacity should be established within the statutory framework under the</p>	<p>We support the notion of improved culture amongst the planning industry (and supportive industries involved with policy setting and development assessment) but question the introduction of a new coordinator role when planners are already represented by the Planning Institute of Australia. We would encourage the panel to work closely with PIA to determine roles and responsibilities to assist to improve the performance of individual planners. In doing so, we encourage the panel to advance the relevance of the 'CpP' program to ensure that it is meaningful within the industry.</p> <p>The challenge for this reform idea is that through reforms that minimise the role of planners, it could work against the enfranchisement of this group and have a negative impact on culture and approach. The relevant authorities, government and council will need to ensure that our university qualified planners find meaningful ways to contribute towards the planning system and through meaningful engagement, build a positive and improved culture. However, without meaningful roles, it will be difficult to achieve despite the best efforts of the new coordinator or PIA.</p>	 <p>Supported pending clarification of funding sources and procedures for certification and training and ensuring infrastructure services are adequately represented on planning processes and in training agendas.</p>	<p>External Industry Associations Development Policy Development Services Asset Management</p>

Key Questions for Feedback: Which ideas are most workable and suitable? How can specific ideas be improved or modified? What costs, benefits or other implications should the panel consider? Other reform ideas.

Expert Panel's Ideas for Reform Report – City of Onkaparinga Response



Reform Idea	Idea Summary	Council Comments	Support Gauge	Relevant Stakeholders
	planning commission.	<p>Furthermore, the idea fails to consider the role that non-planners play within the planning system such as those involved with infrastructure service provision and asset management, engineering and environmental protection. Cultural change and professional improvements are equally as important for these roles as for the assessment and policy planning roles within the system.</p> <p>We note that there are opportunities to recognise representative bodies such as Institute of Public Works Engineering Australasia (IPWEA) who represent public works and asset management professionals, and opportunities to better engage with these bodies to improve training and accreditation. There are also opportunities to establish industry wide requirements and to build capacity within these functions of local government and the industry more broadly.</p>		

Key Questions for Feedback: Which ideas are most workable and suitable? How can specific ideas be improved or modified? What costs, benefits or other implications should the panel consider? Other reform ideas.

## **10. Nominations to external bodies**

Nil.

## **11. Questions on notice**

Nil

## **12. Motions**

### **12.1 Notice of Motion - Cr Jamieson**

Some time ago I asked the question about the capacity of a drainage reserve within the Beach Road catchment that was in the revocation process prior to sale and the creation of an easement.

In this case the revocation process has now ceased because the capacity of the storm water does not have the capacity to handle a 1 in a 100 year storm event (Councils standard) it only has the capacity to handle a 1 in 5 year storm event.

**Whilst I'm aware that further analysis is currently underway regarding solutions** it was identified that Council would need to find in excess of \$10m within future budget processes to upgrade the infrastructure to meet our current service levels for that specific catchment.

I also noticed recently that the ETSA doubled the wires on the stobie poles along Neville and Ramsgate Ave to a 12 dwelling medium density development so I presume that ETSA is also upgrading infrastructure to meet the needs creating by the densification of our city.

The purpose of this motion is to ensure that when a revocation process is recommended to council that a risk assessment of all future infrastructure needs is included in the report, so that Councillors can make a decision knowing the risks.

#### **MOTION**

*MOVED Cr Jamieson.*

**As part of the consideration of any future community land revocation process Council requests that a risk assessment be included into the revocation report that details the capacity of all relevant council owned infrastructure that may be affected by a change in the proposed land use, including densification of the catchment areas and adjacent areas serviced by that infrastructure.**

### **12.2 Notice of Motion - Cr Jamieson**

Recently I attended the launch of the Fleurieu Arts and Culture Guide where the key speaker made the suggestion that Southern Councils should lobby the State Government to change the name of the Southern Expressway to the Fleurieu Expressway.

Personally I think that is a fantastic idea as it reflects the history of the Peninsula and supports the FPT and the City of Onkaparinga's work to promote the area to Australia and world wide

Another significant point is that the Fleurieu Expressway (flows off the tongue doesn't it) is the gateway to the City of Onkaparinga which has a serious stake in promoting the gems of our City.

**MOTION**

*MOVED Cr Jamieson.*

**That the City of Onkaparinga lobby the State Government to change the name of the Southern Expressway to the Fleurieu Expressway'**

**12.3 Notice of Motion – Cr Wenham \***

\* Inclusion of this item on the Agenda is under consideration.



**13. Petitions**

Nil.

**14. Urgent business**

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## **15. Confidential Items**

### **Confidential Clause**

If Council so determines items 15.1 may be considered in confidence under section 90(2) of the *Local Government Act 1999* on grounds contained in the Recommendations below.

A handwritten signature in dark ink, appearing to be 'Mark Dowd', written in a cursive style.

Mark Dowd  
**Chief Executive Officer**

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## **15.1 Notice of Motion – Cr Wenham**

### **Item 15.1 Legal Proceedings Council decision 1<sup>st</sup> April 2014**

This Notice of Motion relates to information used and discussed in confidence as part of item 15.1 Legal Proceedings decision made by Council at the 1<sup>st</sup> April 2014 Council meeting.

At the 1<sup>st</sup> April 2014 Council meeting, Council determined that item 15.1 Legal Proceedings be considered under the provisions of Section 90(2) of the *Local Government Act 1999* an order be made that the public be excluded from attendance at the meeting in order to consider in confidence this item. Council was satisfied that, pursuant to Section 90(3)(i) of the *Local Government Act 1999*, the information to be received, discussed and considered in relation to this agenda item is information relating to litigation that the Council believes on reasonable grounds will take place involving the Council or an employee of Council in that legal advice regarding the options of legal proceedings will be discussed, and this information ought not be made available to the public as it could detrimentally affect the Council's position if such legal proceedings are commenced.

#### **Motion**

1. That:
  - a) under the provisions of Section 90(2) of the *Local Government Act 1999* an order be made that the public be excluded from attendance at the meeting in order to consider in confidence this item.
  - b) Council is satisfied that, pursuant to Section 90(3)(g) of the *Local Government Act 1999*, the information to be received, discussed and considered in relation to this agenda item is information concerning 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, breach any duty of confidence, or any other legal obligation or duty.
  - c) Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed by the need to keep the information and/or discussion confidential.
3. That Item 15.1 Notice of Motion having been considered in confidence under Section 90(2) and 90(3)(g) of the *Local Government Act 1999* an order be made under the provisions of Section 91(7) and (9) of the *Local Government Act 1999* that Item 15.1 Notice of Motion, the report and all minutes of Council, relating to discussion of the subject matter be kept confidential until conclusion of any District Court appeal proceedings.
4. That, pursuant to section 91(9)(a) of the *Local Government Act 1999*, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.
5. That, pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.

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## **16. Closure**

## Declarations of Interest

Council Meeting Date:		Councillor:
Item No. (e.g. 3.1)	<b>Declaration of Interest</b> (where a member has an interest that does not lead to a conflict)	<b>Declaration of Conflict of Interest</b> (where a member has an interest that leads to a conflict)