



OFFICE OF THE LORD MAYOR

Hon Stephan Knoll MP
Minister for Transport, Infrastructure and Local Government
GPO Box 1533
ADELAIDE SA 5001

Dear Minister Knoll

Planning & Design Code – Public Realm Policies

I write regarding the Draft Planning and Design Code (the Code) and associated consultation material released recently as part of phase three consultation which has now concluded.

The consultation material was released without any policies nor design standards relating to public realm matters. Council considered this issue at its meeting on 11 February 2020 and has also included reference to this matter in Council's response on the Draft Planning and Design Code, submitted to the State Planning Commission on the 28 February 2020.

Many developments within the City of Adelaide have an impact or propose development on or within the public realm. Council has significant concerns that without policies and design standards in place when the Code is implemented, many public realm matters may be at risk of not having a policy framework to enable them to be adequately considered as part of a planning assessment.

The *Planning, Development and Infrastructure Act 2016* (SA) (PDI Act) also makes amendments to Sections 221 and 222 of the *Local Government Act 1999* (SA) with the effect that activities currently requiring a council-issued permit in the public realm will no longer require a permit if the activity forms part of an approved development application under the PDI Act. Whilst Council supports streamlining processes and removing red tape, it has significant concerns that these amendments reduce the City of Adelaide's ability to effectively manage the use of public space to support the needs of city businesses, residents and visitors.

Council requests that urgent attention and action is taken to ensure that all relevant public realm matters are appropriately addressed in either the Code or City of Adelaide Design Standards.

With respect to the amendments that the *Planning, Development and Infrastructure Act 2016* (SA) makes to Sections 221 and 222 of the *Local Government Act 1999* (SA) Council recommends and requests the following actions be taken to ensure adverse impacts and unintended consequences are avoided:

- Not proclaim Schedule 6, Part 7 (*Amendment of the Local Government Act 1999*) of the *Planning, Development and Infrastructure Act 2016* (SA) to allow for further investigations to be undertaken.
- The State Planning Commission write a Practice Direction and/or Practice Guideline to clearly state that the planning approvals process should not consider construction matters and management of the use of public realm and that these remain within the ambit of Sections 221 and 222 of the *Local Government Act 1999*.
- Ensure public realm matters are encapsulated appropriately in either the Code or Design Standards before they are brought into operation.
- Investigate whether under the *Planning, Development and Infrastructure Act 2016* (SA), if any standard conditions on a Development Application may resolve some matters currently dealt with by a Section 221/222 permit.
- Investigate the further legislative impacts of the amendment and put in place appropriate measures to ensure procedural processes are in place prior to the Code being implemented.

Please liaise with Shanti Ditter, Associate Director - Planning, Design and Development on s.ditter@cityofadelaide.com.au or 8203 7756 to discuss this matter further.

Kind regards



Sandy Verschoor

LORD MAYOR

25 March 2020

cc Michael Lennon, Chair, State Planning Commission