30 November 2018

State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

Via email: DPTI.PlanningEngagement@sa.gov.au

Dear Sir/Madam

City of West Torrens Administration Response on the State Planning Commission Natural Resources and Environment Discussion Paper

The City of West Torrens Administration appreciates the opportunity to provide feedback on the Natural Resources and Environment Discussion Paper, and recognises that it is part of a suite of documents that are informing the development of the State's new planning system.

Please note that due to the timing of the consultation period and submission deadline coinciding with the Local Government Election Care-taker mode, elections and inductions of the new council, this response has yet to be formally approved by Council's Elected Body.

The City of West Torrens is supportive of the possibilities the Design Code (the Code) presents to incorporate current and best practice environment knowledge and processes into urban design and built form outcomes. Overall the discussion paper provides high level detail with regard to the Themes but it is unclear as to how this will be implemented in the Code and on a site specific base. This lack of clarity is particularly acute for staff from non-planning backgrounds who have had little contact with the Planning, Development and Infrastructure Act reform to this date.

Whilst the Code seeks to streamline assessment and reduce variables, there is an inherent conflict with exploring site specific nuances within an assessment across a range of planning related matters if there are limited criteria an application may be assessed against due to deemed to satisfy elements.

The discussion paper advises that the planning controls cannot override the National Construction Code (NCC). The City of West Torrens Administration would like to see greater exploration of what is achievable within the NCC in relation to natural resources and environment, and the role the state could play in advocating for improved practices, policy, and processes at a National level.

Transitioning to the Code will likely see existing policies 'rolled over,' with the view to revising natural resource and environment policies in subsequent versions of the Planning and Design Code. This runs the risk of missing an opportunity to embed progressive initiatives
from the start rather than changing goal posts and frustrating users of the planning system, although it is acknowledged that there may be a limit to just how much change may be accommodated in the initial document.

The City of West Torrens questions whether meaningful consultation is able to occur when all relevant information is not available to those being consulted. In particular, the consultation process is not as transparent or effective without key documents such as the Water Sensitive SA background paper, being made available.

We have reviewed, discussed and collated feedback from across Council in relation to the Natural Resources and Environment Discussion paper. Please find attached the City of West Torrens feedback.

We welcome the opportunity to discuss our feedback with you in more detail. Should you require further information or would like to discuss this submission please contact Rebecca Perkin Team Leader Strategy on [redacted]

Yours sincerely,

[Terry Buss PSM]
Chief Executive Officer
City of West Torrens

[Signature]

Att:

Natural Resources and Environment Discussion Paper Submission
Theme 1: Sustainable and Liveable Urban Environments

1.1 Green infrastructure and Water Sensitive Urban Design

General Feedback

- To assist with implementation and communicating expectations, deemed to satisfy or minimum performance standards should be developed to:
  a) Accompany the Water Sensitive Urban Design (WSUD) policies; and
  b) Accompany the Green Infrastructure (GI) policies.
- The deemed to satisfy requirements for WSUD and GI should be linked to all infill development and not just apartment development.
- Ideally GI policies would provide Council with greater control over tree canopy cover, as the current policies are not consistent with state wide objectives of retaining and improving canopy cover targets.
- There may be opportunities to explore establishing canopy tree planting requirements in front and rear property setbacks due to their contribution to creating green corridors throughout neighbourhoods. The current approach to increasing residential development densities in residential areas is delivering detrimental outcomes to tree canopy targets.
- WSUD and GI need to be integrated in all planning and development decisions with a regulatory and compliance framework and not perceived as a luxury or optional feature.
- Planning policy and objectives must align with the Natural Resource Management (NRM) reforms to ensure that planning is not acting as a barrier to achieving NRM policy objectives and targets.
- The push towards the incorporation of GI and WSUD primarily off-site is not supported, ideally water and green infrastructure would be incorporated within individual allotments.

Discussion Question

1. Should existing WSUD and GI policies also apply to regional areas and for all development scales and types?

The City of West Torrens receives a large amount of water, particularly from upstream catchments. Incorporating WSUD considerations into regional areas, and for all development types and scales could help to reduce the impact of downstream flows, and the impacts on infrastructure. The Patawalonga is influenced by the tidal system, therefore, under a changing climate with the increased risk of storm surges, the increased downstream flows could heighten the risk of flooding and coastal inundation. Other councils have demonstrated that taking action at the household scale can minimise stormwater discharge from the private realm, and decrease the scale and funding required to undertake infrastructure upgrades.

The new planning system represents an opportunity to embed practical measures to implement GI and WSUD, this should cover all development scales and types. This will then encourage land owners and developers to make positive choices for a sustainable urban environment irrespective of the use or scale.
There is potential to imbue strategies to improve and account for existing known and emerging weather events including flooding, this information should be embedded into the Code to enable developer's to best cater and design early in the design phase.

### 1.2 Energy Efficient Design

**General Feedback**

- The current policies for energy efficient design are not considered to be sound and are therefore considered not ready for transition.
- The inclusion of objectives and principles that create climate resilient/responsive buildings is required. This should include performance requirements and an assessment process to ensure that buildings and occupants are better able to cope during hot weather, without a reliance on mechanical cooling, to account for the likely event that power outages occur, and reduce 'bill shock' and cost of living pressures. This must include consideration of thermal properties and reflectivity of materials used, as well as requirements for natural ventilation adequate external shading, and building envelopes that minimise artificial heating and cooling.
- Deemed to satisfy should identify specific building materials for usage in terms of their climate resilience, energy efficiency, and recycled and reused content.
- Planning controls need to recognise the deficiency of the NCC and provide minimum performance requirements at the planning level.
- Access to solar power should be extended/provided through provisions which protect existing solar systems from overshadowing by subsequent developments.

**Discussion Questions**

1. What role should the planning system play regarding preservation of sunlight to solar panels from adjacent development?

Whilst solar panels are generally not considered development, it is difficult to prevent development occurring on the basis it may impact on an adjacent property's solar panels. Further exploration of how to preserve access to sunlight to enable greater uptake of renewables needs to occur.

Examples of the planning system in protecting solar access to solar panels -

- The City of Sydney - development applications for new buildings or alterations and additions to existing buildings are to maintain solar access to existing solar panels, having regard to a number of factors.

- In Victoria, some councils have advisory notes that are to be considered in the assessment of development that might overshadow solar panels - such as: the Moreland Planning Scheme (1) clauses that direct buildings to be oriented to make use of solar energy, and not to 'unreasonably reduce' the energy efficiency of existing adjoining dwellings.
• In America (such as North Dakota), the law allows a property owner to obtain a solar easement from another property owner for the purpose of ensuring adequate exposure of a solar energy system to sunlight.

With increased development and urban infill a key priority for the State, alternative ways to incorporate renewable energy at the local level need to be considered. Rather than focussing on the individual lot level, other alternatives such as generating renewable energy at the neighbourhood scale could be considered. Not only would this help to alleviate overshadowing and solar access issues from adjoining developments, it could also potentially assist with allowing for larger trees and green infrastructure.

2. **Should the Code introduce incentives for developments that can incorporate passive solar design (siting) techniques, green infrastructure and WSUD?**

If clear environmental benefit can be provided, then incentives for this type of development should be reviewed, but not at the expense of the expectations of the community by way of built form e.g. as a 'trade-off for additional storeys above what is anticipated by the Code.

Alternatively energy efficient design, GI, WSUD, biodiversity etc. should be embedded within the Code with the incentive being the benefits sustainable buildings bring to the user and the environment.

Consideration of: Orientation, passive solar design, green infrastructure and WSUD should be expected as a minimum. Incentives should be provided for aspects of a development which are over and above what is ideally established as basic minimum.

3. **How can planning policy contribute to reduced carbon emissions from the built environment sector?**

Perhaps the best approach is to consider the full lifecycle of the built environment. As a minimum, housing should be built so that it has a high thermal rating, and can operate without being reliant on artificial heating and cooling so that the occupant is not vulnerable to high operating costs, and is also resilient in terms of a changing climate (both heating and cooling). Housing should also be built for future climatic conditions.

Heritage and Character buildings traditionally utilised local materials. The retention of Heritage, Character and good quality housing stock can reduce unnecessary demolition and waste carbon embedded in existing materials and also reduce the likely replacement with reduced quality development using cheap materials that have been transported from overseas markets. This also benefits the local economy and improves the experience of the streetscape.
### 1.3 Waste Management

#### General Feedback

- The existing South Australian Planning Policy Library policies are outdated with regard to Waste management (particularly in regard to multiple unit dwellings) and are not considered ready for transition.
- To assist with implementation and communicating expectations, guidelines should be developed to accompany the waste management policies, and should allow for and accommodate individual Councils' waste service standards.
- Guidelines for building design for onsite waste collection should be included accounting for waste truck clearance heights and turning circle requirements.
- Guidelines for internal building design with regard to waste management should be developed i.e. disposal chutes, internal bin storage and ventilation. Policy should be incorporated which includes provisions such as: Layout of amenities should consider proximity of waste collection to outdoor balconies and clothes drying areas to avoid odour conflict.
- On-site waste collection should allow for separation of waste streams to ensure greater recycling.

#### Discussion Question

1. **How do we plan for current waste removal practices and technologies and provide flexibility for innovative future solutions?**

As residential densities increase it is important that performance guidelines are in place to ensure that resource recovery is maximised and waste to landfill is minimised.

### Theme 2: Water Security and Quality

#### General Feedback

- No feedback.

#### Discussion Questions

- No feedback.
Theme 3: Biodiversity

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<th>General Feedback</th>
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<tr>
<td>• The policy should be responsive and updated in response to cumulative impacts on biodiversity.</td>
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<td>• Consideration should be given to interfacing/connection of backyard green lots in establishing green corridors across backyards.</td>
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<td>• Minimum standards should be established for setbacks large enough to incorporate canopy trees. Setbacks could be used as defacto easements for deep root zones. Opportunities to apply deep root zones should be sought in all areas of infill development and not just multi-storey apartment development.</td>
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<td><strong>1. Can the Code protect biodiversity in areas not identified as native vegetation and in modified landscapes with biodiversity value?</strong></td>
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<td>Yes, if this is guided by a framework that identifies which values are required to be retained and enhanced. Applications would need to include some form of a flora and fauna impact assessment. This may be more easily accommodated for larger scale multi-lot development rather than single lot development.</td>
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<td><strong>2. Can planning policy assess the cumulative impact of development on biodiversity?</strong></td>
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<td>Assessing the cumulative impact of a development on biodiversity requires a benchmark to be established, for which the future impact of development on biodiversity can be measured against. Consideration needs to be given to what would be the baseline year/ measure, and how it would be assessed. Consideration should also be given to how this would work in unison with State Government policy to minimise biodiversity loss. Development Approvals (DA) are assessed one at a time in isolation which presents difficulties for assessing cumulative impact. An ability to update policy quickly at a point in time where the 'saturation point' is reached would provide a mechanism to restrict future development that impacts on biodiversity. However thought needs to be given to how case law and prevailing character elements of DA decision-making may contradict this intent.</td>
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<td><strong>3. Can planning policy play a role in protecting and encouraging backyard biodiversity?</strong></td>
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<td>Yes, There are opportunities for the Code to protect and encourage backyard diversity. Consideration could be given to assessment of landscaping schedules as part of the development assessment process with the Development Plan providing a schedule of plantings. Design considerations such as setbacks, appropriate subdivision, design, connectivity between private open space and fencing could all be factors which improve biodiversity outcomes.</td>
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4. Do we need a policy to protect and encourage development of roadside vegetation?

Yes, we do need to protect and encourage development of roadside vegetation, but this should be balanced with protection and increased vegetation on sites with increasing density, and should not lead to biodiversity being pushed off site into the public realm.

Theme 4: Coastal Environments

Feedback

- No Comment.

Discussion Question

1. Does current planning policy adequately address the risk of new development from climate change impacts for at-risk coastal settlements?

There is a limited amount of coast under the care and control of West Torrens Council, and therefore Council has a somewhat reduced ability to influence development along the coast. However, a significant amount of key and state significant infrastructure is located along the coastline in the City of West Torrens, such as Adelaide Shores and the Waste Water Treatment Plant, and SARDI Research Centre. Current planning policy does not adequately address at risk coastal settlements. Policy creation for at risk coastal settlements needs to take into account future climate impacts.

Theme 5: Natural Hazards

General Feedback

- When looking at flood risks, consideration needs to be given to mechanisms other than just finished floor levels when accommodating floods i.e. on site storage, pump systems etc.

Discussion Questions

1. How can we better integrate council-owned flood data with the new Code and achieve consistency?

Information on flood data is critical to the new code. Updating of flood mapping data needs to be brought forward, and ability to update the code in a timely fashion as new data becomes available.

2. What climate change projections should be used? What time-frame and emission scenarios?
A series of time-frames should be considered, i.e. 2030, 2050 and 2070. The projections should use high emissions scenario as this is what we are currently tracking against, and also means that the worst case scenario is catered for.

3. Should flood risk categories be based on physical (depth and velocity) and function and isolation risk factors?
   No Comment.

**Theme 6: Environment Protection and Public Health**

**General Feedback**

- No Comment.

**Discussion Questions**

1. **Should cumulative noise impact be undertaken as part of the development assessment process?**

   Yes, consideration needs to be given to the end state development potential of zoned areas where high noise levels are likely.

2. **How can policy effectively address the interface between land uses in zones promoting mixed land uses? For example, a coffee roaster adjacent to a residential development in an urban corridor.**

   Establishment of prescriptive criteria for managing interfaces, as well as appropriate policy to manage impacts beyond the site. Industrial land uses in urban corridors are not supported.