

**PROPOSAL TO INITIATE AN AMENDMENT
TO THE PLANNING & DESIGN CODE**

***Residential Driveway Crossovers Code
Amendment***

By the State Planning Commission

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke that curves upwards at the end.

(Signature Required)

Chair, State Planning Commission

Date: 21 April 2023

This Proposal to Initiate document together with conditions specified by the Minister forms the basis for the preparation of a proposed amendment to the Planning and Design Code for the purpose of section 73(2)(a) of the *Planning, Development and Infrastructure Act 2016*.

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1. INTRODUCTION

The State Planning Commission (the Commission) is an independent body providing advice and leadership on all aspects of planning and development in South Australia. A key role is to ensure the Planning and Design Code (the Code) is maintained, reflects contemporary values relevant to planning and is responsive to emerging trends and issues.

The Commission is proposing to initiate an amendment to the Planning and Design Code (the Code Amendment) to:

- Align policy across the *Design Standard for Residential Driveway Crossovers* and the Code
- Provide linkages within the Code to enable the assessment of DTS development against the *Design Standard for Residential Driveway Crossovers*

The Commission seeks to amend the Code pursuant to section 73(2)(a) of the *Planning, Development and Infrastructure Act 2016* (the Act). This Proposal to Initiate details the scope, relevant strategic and policy considerations, nature of investigations to be carried out and information to be collected for the Code Amendment. It also details the timeframes to be followed in undertaking the Code Amendment.

The Commission is the 'designated entity' responsible for conducting this Code Amendment process and is required to undertake consultation in accordance with the Community Engagement Charter and make final recommendations to the Minister for Planning prior to consideration whether to approve, amend or refuse the Code Amendment.

1.1. Designated Entity for Undertaking the Code Amendment

In accordance with section 73(2)(a) of the Act, the Commission will be the Designated Entity responsible for undertaking the Code Amendment process. As a result:

- 1.1.1. The Commission acknowledges that it will be responsible for undertaking the Code Amendment in accordance with the requirements Act.
- 1.1.2. The Commission intends to undertake the Code Amendment by:
 - 1.1.2.1. engaging with relevant State Government agencies and Councils
 - 1.1.2.2. utilising professional expertise of employees of the Department for Trade and Investment (DTI), including:
 - 1.1.2.2.1. professional planning staff
 - 1.1.2.2.2. communications staff
 - 1.1.2.2.3. mapping and spatial data expert staff
 - 1.1.2.2.4. ePlanning staff responsible for the management and operation of the Planning and Design Code

1.2. Rationale for the Code Amendment

Policy Alignment

The Commission has initiated preparation of the first design standard pursuant to section 69(1) and section 73(1)(a) of the Act – *Driveway Crossovers for Residential Development*.

The design standard for residential driveway crossovers will:

- Enable assessment of public realm interactions against an appropriate instrument during the development assessment process
- Elevate consideration of trees and common infrastructure within development assessment, reducing the likelihood of conflict with driveway designs
- Provide certainty to developers as to what standard of design is envisaged for driveway crossovers
- Improve safety outcomes by elevating consideration of appropriate driveway widths and separations from common infrastructure and trees in development assessment
- Provide a common resource/reference to smaller councils who may not have their own engineering standards/guides for driveway crossovers
- Assist larger, master planned developments to leverage opportunities for economies of scale

The Code was drafted in stages across 2018 – 2021. The Design Standard for Residential Driveway Crossovers may contemporise the policy position on driveways based on more updated information and detailed advice from the Design Standards Reference Group. Accordingly, there may be a need to align policy across the Design Standard for Residential Driveway Crossovers and the Code.

Linkages between the Code and the design standard

Section 102 of the Act prescribes that development applications must be assessed against the Planning Rules, which includes both the Planning and Design Code and any design standards. However sections 106, 107, 110 and 111 do not call up the design standards within the framework for decision making. In particular, section 106 requires that a development which is classified as a deemed-to-satisfy development (under the Code) must be granted planning consent. Integrating the Design Standard for Residential Driveway Crossovers with the Code will:

- Ensure the design standard is called up and utilised for assessment, as contemplated in section 102; and
- Ensure the design standard must be considered in DTS development, which section 106 prescribes must be granted planning consent if it is consistent with the Code.

2. SCOPE OF THE CODE AMENDMENT

2.1. Affected Area

The proposal seeks to amend the Code for the Affected Area, being the state of South Australia.

2.2. Scope of Proposed Code Amendment

This Code Amendment will amend policy in the Transport, Access and Parking, Design and Design in Urban Areas general modules of the Code, together with any relevant Overlay policies, to align with the design standard - *Driveway Crossovers for Residential Development*.

The Code Amendment may also amend particular DTS/DPF policies to require compliance with the design standard when the application is for residential development.

The Code Amendment may also amend Table 2 – Deemed-to-Satisfy Development Classification and Table 3 – Applicable Policies for Performance Assessed Development in zones where residential development is listed in these tables to ensure that the design standard - *Driveway Crossovers for Residential Development* is considered in assessments of planning consent.

3. STRATEGIC PLANNING OUTCOMES

The strategic alignment of the design standard for residential driveway crossovers has been established in the Proposal to Initiate for that designated instrument (https://plan.sa.gov.au/our_planning_system/instruments/planning_instruments/design_standards)

4. INVESTIGATIONS AND ENGAGEMENT

4.1. Investigations Already Undertaken

The table below identifies what investigations have already been undertaken in support of the proposed Code Amendment.

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
Initial scoping of alignment between the Code and the design standard for residential driveway crossovers	Desktop investigation	Further investigation required once draft design standard is finalised
Initial scoping of procedural matters in	Desktop investigation	Amendments to the Code may be required to ensure design

relation to design standards		standards can form part of a DTS assessment
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4.2. Further Investigations Proposed

In addition to the investigations already undertaken and identified above, the table below outlines what additional investigations that will be undertaken to support the Code Amendment.

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
Finalise amendments required to achieve alignment between the Code and the design standard for residential driveway crossovers	Desktop investigation
Receive and action final advice on procedural matters in relation to design standards and DTS development	Desktop investigation

4.3. Engagement Already Undertaken

This Code Amendment is being undertaken to support the introduction of a new designated instrument - the design standard for residential driveway crossovers. Early engagement for the design standard has been undertaken as outlined in section 5.1 of the Proposal to Initiate for that designated instrument (https://plan.sa.gov.au/our_planning_system/instruments/planning_instruments/design_standards).

4.4. Further Engagement Proposed

In addition to the engagement already undertaken and identified above, the table below outlines what additional engagement will be undertaken to support the Code Amendment, noting that this will be undertaken as a joint process with the design standard for residential driveway crossovers in accordance with section 73(13) of the Act.

Further Engagement Proposed	Explanation of how the further engagement propose to address an identified issue or question
Community consultation	Broader community consultation to provide an opportunity for any interested community members to comment on the proposed outcomes of the design standard.

<p>Consultation with any person or body specified by the Commission under section 73(6)(e) of the Act.</p>	<p>The Engagement Plan will outline the specific method and nature of consultation.</p>
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5. CODE AMENDMENT PROCESS

5.1. Engagement Plan

An engagement plan will be prepared that shows how engagement will occur in accordance with the Community Engagement Charter and Practice Direction 2 – Consultation on the Preparation or Amendment of a Designated Instrument.

Once engagement on the Code Amendment is complete, an Engagement Report will be prepared in accordance with section 73(7) of the Act.

A copy of the Engagement Report will be provided to the Minister and also published on the PlanSA portal. This will occur in accordance with Practice Direction 2.

The Engagement Plan and the Engagement Report will also be considered by the State Planning Commission during the final stages of the Code Amendment process. The Commission will provide a report to the Environment, Resources and Development Committee of Parliament under section 74(3) of the Act. The Commission’s report will provide information about the reason for the Code Amendment, the consultation undertaken on the Code Amendment and any other information considered relevant by the Commission.

5.2. Code Amendment Timetable

The Commission intends to undertake the Code Amendment as a joint process with the design standard for residential driveway crossovers in accordance with section 73(13) of the Act. The implementation timetable is contained in Attachment A for ease of reference.

ATTACHMENT A

Timetable for implementation of this design standard by the State Planning Commission

Step	Responsibility	Timeframe
Approval of the Proposal to Initiate		
Consideration and approval of Proposal to Initiate	Commission	13 April 2023
Preparation of the design standard		
Engagement Plan prepared Investigations conducted; Code Amendment Report prepared Drafting instructions and draft mapping prepared	PLUS on behalf of the Commission	6 weeks
Preparation of Materials for Consultation	PLUS on behalf of the Commission	Informed by the Engagement Plan
Engagement on the design standard		
Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Community Engagement Plan	PLUS on behalf of the Commission	Informed by the Engagement Plan
Consideration of engagement outcomes and finalisation of design standard		
Submissions summarised; Amended drafting instructions provided, Engagement Report prepared	PLUS on behalf of the Commission	4 weeks
Prepare report to the Commission	PLUS	4 weeks
Consideration of Advice	Commission	5 weeks
Decision Process		
Minister considers the Code Amendment Report and the Engagement Report and makes decision	Minister	3 weeks
Implementing the design standard		
Go-Live - Publish on the PlanSA Portal	PLUS	December 2023 / January 2024
Parliamentary Scrutiny		
Referral of approved Code Amendment to ERDC	PLUS	8 weeks