

# Attachment A.3

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## Code testing using City of Adelaide examples

Attachment A.3 contains fifteen examples of City of Adelaide development applications which have been tested against the Draft Code.

The Code tests identify area where policies contained within the Draft Code are considered appropriate and applicable and/or where improvements are required. The front of the attachment contains a key findings review, considering all 15 Code tests.



## **CoA CODE TESTING - METHODOLOGY & KEY FINDINGS**

### **Methodology**

A number of development applications previously assessed under the Development Plan have been selected for Code testing. A total of 13 development applications and 2 theoretical applications have been tested. These have been chosen to capture a variety of assessments in the City of Adelaide.

The following Table refers to the types of applications that have been tested, the existing Development Plan zoning and the proposed Code zoning:

<b>Code Tests</b>		
<b>Proposed Development</b>	<b>Development Plan Zoning</b>	<b>Proposed Code Zoning</b>
New Dwelling	North Adelaide Historic (Conservation) Zone Hill Street Policy Area 1	City Living Zone North Adelaide Low Intensity Subzone
Dwelling Addition	North Adelaide Historic (Conservation) Zone Kentish Arms Policy Area 11	City Living Zone
Demolition of Local Heritage Place & Construction of New Dwelling	City Living Zone South West Policy Area 33	City Living Zone Medium-High Intensity Subzone
Change of Use to Shop	Main Street (Hutt) Zone	Urban Corridor (Main Street) Zone
	North Adelaide Historic (Conservation) Zone Carclew Policy Area 5	City Living Zone North Adelaide Low Intensity Subzone
Change of Use to Consulting Room	Mixed Use (Melbourne West) Zone	Suburban Activity Centre Zone
Change of Use to Licensed Entertainment Premises (Nightclub)	Capital City Zone Main Street Policy Area 14	City Main Street Zone Hindley Street Subzone
Change of use to Licensed Premises (Bar)	Main Street (Melbourne East) Zone	Urban Corridor (Main Street) Zone
Installation of Public Art	Park Lands Zone Adelaide Oval Policy Area 38	City Park Lands Zone Adelaide Oval Subzone
Installation of LED sign	Capital City Zone	Capital City Zone
Construction of New Building in Park Lands	Park Lands Zone Eastern Park Lands Policy Area 23	City Park Lands Zone
Construction of Canopy	Capital City Zone Main Street Policy Area 14	City Main Street Zone Rundle Mall Subzone
Ancillary Car Parking	North Adelaide Historic (Conservation) Zone Cathedral Policy Area 8	City Living Zone
Regulated Tree Removal	North Adelaide Historic (Conservation) Zone Hill Street Policy Area 1	City Living Zone North Adelaide Low Intensity Subzone

Where possible, complicated or controversial applications have been used to test how these would be assessed under the Code. Applications have been tested across most of the proposed Code Zones and Subzones.

Tests were undertaken using:

- The DPTI Planning and Design Code Consultation Map Viewer which highlights the zoning and relevant overlays for each site.
- The Draft Planning and Design Code – City of Adelaide Council Specific Code Extract October 2019 to determine assessment pathways and relevant provisions<sup>1</sup>
- The Adelaide (City) Development Plan, consolidated 17 October 2019 to compare with the proposed Code provisions
- Assessment reports, approval plans and other documentation relevant to the each of the example applications

## Key Findings

Testing has identified issues associated with undertaking the assessment of applications under the proposed Code compared with the Development Plan. Key findings are listed as follows:

- Overall there are less relevant provisions for each form development.
  - Relevant provisions are identified for each class of development in the Code.
  - These provisions have been reduced in number when compared with the more extensive number of provisions provided in the Development Plan.
  - Whilst reducing the number of provisions can streamline an assessment, it can also make the assessment more complicated particularly for unusual forms of development that are often assessed in the City of Adelaide.
- Code provisions are not as comprehensive in terms of specific streetscape and locality character details. This is reflective of the Code being implemented across the State as opposed to individual Council areas.
  - Assessments outside of the residential area in North Adelaide (which do not include the Historic Area Overlay) have minimal locality specific details that are currently provided in the Desired Characters for each Zone and Policy Area in the Development Plan
  - This makes it difficult to undertake detailed locality/character assessments as there are limited references to these specific details.
- Assessments are likely to be compromised by shorter assessment timeframes, particularly in terms of complicated applications. Examples are provided as follows:
  - Assessments involving acoustic reports would be compromised by Council not having enough assessment time to have these reports peer reviewed
  - Assessments involving demolition of a Local Heritage Place for structural reasons could be compromised by Council not having enough assessment time to have structural engineering reports peer reviewed.
  - DPTI is not usually a referral body for developments in the City of Adelaide as roads in the city are under the care and control of Council. LED sign applications

<sup>1</sup> Updates to the Draft Code released by DPTI in late December 2019 have not been reviewed. The large volume of additional material released unexpectedly and without extension to the consultation timeframe has made review of this material impracticable in terms of the resources required to consider the volume of content, and the council's internal processes for endorsement of submissions.

near intersections would usually not be referred to DPTI and instead Council relies on internal traffic referrals. However, there is no change to assessment timeframes in the City of Adelaide that allows for this additional time.

- Many applications within the city will default to a 20 business day performance assessed timeframe, however this does not align with the level of complexity of an application, for example, a multi-storey building within the Capital City Zone.
- Not all applications for State Heritage Places trigger a Heritage South Australia referral as the developments listed for referral are not broad enough to capture more unusual forms of development
- A number of applications that do not require public notification under the Development Plan do require notification under the Code. This is largely a result of the adjacent to a different zone trigger for notification which currently does not apply in all zones
- Uses defined in the Development Plan are not defined in the Code as follows:
  - adult products and services premises
  - licensed entertainment premises
- There is no Australian Height Datum reference for the Obstacle Limitation Surface which is crucial for assessment purposes and determining if referrals to Adelaide Airport Limited are required
- Determining whether an application is 'Deemed to Satisfy' requires significant assessment at the verification stage to determine if the application truly is 'Deemed to Satisfy'
- Parking, hours of operation and waste management details are not assessed for commercial 'Deemed to Satisfy' applications such as shops and consulting rooms. This is an issue, particularly when adjacent residential areas.
- A shop is no longer non-complying in the North Adelaide Historic (Conservation) Zone nor is it restricted under the Code when less than 200m<sup>2</sup> in floor area. This has the potential to drastically change the predominantly residential character of this area
- The provisions for regulated trees appear to be strengthened as significant tree provisions have been used but with only a reference to regulated trees
- Waste provisions are minimal, particularly for non-residential development