

A dark blue speech bubble with a white outline, containing the text "Your Say Adelaide" in white.

Your Say
Adelaide

Proposal to Amend Encroachment Policy

Consultation closes **5:00pm, Monday, 26 February 2024**

PROJECT INFORMATION

We are seeking your feedback on the proposed changes to the Encroachment Policy. The changes proposed if adopted, will supersede the Encroachment Policy adopted by Council in February 2020. Feedback from the community will be used to inform the final Encroachment Policy.

Background

In February 2020, Council adopted the Encroachment Policy. The Policy is now due for further review. The Policy was developed to manage different forms of encroachments in the public realm and ensure that encroachments contribute positively on public safety and amenity and supports the applications of the Planning and Design Code in maintaining Adelaide's strong identifiable townscape character through strong urban form and well-defined built form edges to the street frontage.

The Policy provides the basis for Council's assessment and decision making on encroachments in the public realm as land custodian of public roads.

The draft Encroachment Policy was approved by Council on 14 November 2023 for the purpose of community consultation.

Timeline

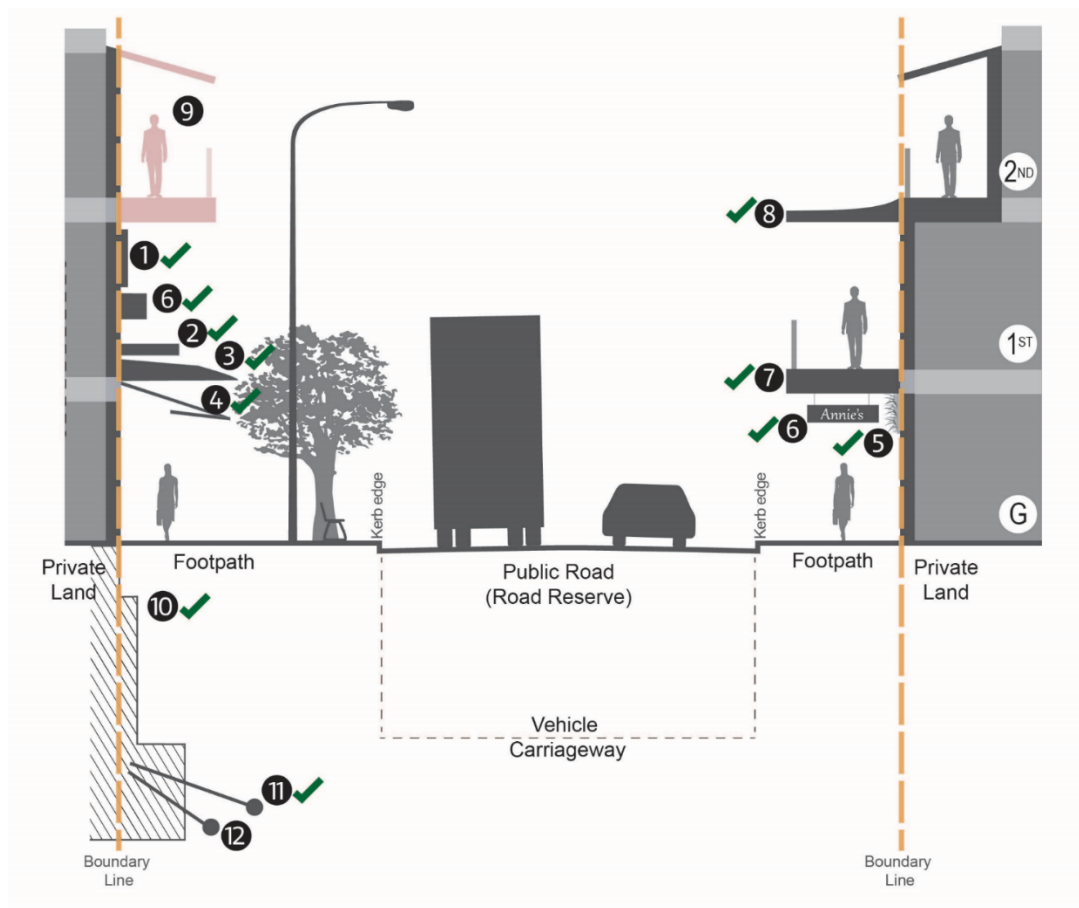
All written feedback on the draft Encroachment Policy should be submitted to Council by 5pm on **26 February 2024**.

Council intends to finalise the Draft Encroachment Policy by May 2024.

Draft Encroachment Policy

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The following diagram illustrates typical encroachments and outlines where more information can be found in the Draft Encroachment Policy.



Examples of Different Encroachments

1. Architectural feature or external cladding. Refer to Section 4.2.1 **Architectural Features** and 4.2.2 **External Cladding**.
2. External Shading Device Encroachment. Refer to Section 4.2.3 **External Shading Device**.
3. Fixed Awning Encroachment. Refer to Section 4.2.4 **Verandahs, Awnings and Pergolas**.
4. Retractable Awning Encroachment. Refer to Section 4.2.4 **Verandahs, Awnings and Pergolas**.
5. Green Wall Encroachment. Refer to Section 4.2.7 **Green Facades and Living Walls**.
6. Under and Above Canopy Sign Encroachment. Refer to Section 4.2.8 **Signage**.
7. Verandah and First Floor Balcony Encroachment. Refer to Section 4.2.4 **Verandahs, Awnings and Pergolas** and 4.2.6 **Balconies**.
8. First Floor Verandah/Awning Encroachment. Refer to Section 4.2.4 **Verandahs, Awnings and Pergolas**.
9. Above First Floor Balcony Encroachment. Refer to Section 4.2.6 **Balconies**.
10. Concrete Piling Encroachment. Refer to Section 4.3.3 **Ground Anchors, Footings and Pilings**.
11. Temporary Ground Anchor Encroachment. Refer to Section 4.3.3 **Ground Anchors, Footings and Pilings**.
12. Permanent Ground Anchors. Refer to Section 4.3.3 **Ground Anchors, Footings and Pilings**.

Frequently Asked Questions

What is an Encroachment?

An encroachment is:

Any structure erected or installed in, on, across, under or over Council land, including structures that straddle from private land onto public land.

What is the Role of the Encroachment Policy?

The Policy provides the basis for council assessment and decision making to manage different forms of encroachments over and under public land with the aim of:

- Creating a public realm that is welcoming and user friendly;
- Cultivating a positive relationship between the private and public realm;
- Strengthening the character and identity of our Capital City.

How will the Encroachment Policy Work?

The Encroachment Policy allows a suite of small projections into the public realm to be considered minor encroachments. These do not require an Encroachment Permit.

The Encroachment Policy contains specific criteria for encroachments such as architectural features, verandahs, balconies and signs that must be met to gain quick approval. If the encroachment meets the criteria an Encroachment Permit is issued at the same time as the Development Approval.

For encroachments that do not comply and are at variance with the policy criteria, the encroachment will be refused and the permit will not be issued.

Table: Streams for Encroachments.

Type of Encroachment	Complies with Encroachment Policy?	Encroachment Permit
Minor	Yes	Not required
Deemed to Satisfy - Complies with criteria	Yes	Permit issued with Development Approval
Minor Variation - Supports Policy Intent	Yes	Permit issued with Development Approval
Major Variation - Does not comply with criteria	No	Permit not issued. Development Refusal No guarantee of support

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How does the Draft Encroachment Policy Differ from Current Policy?

The draft Policy:

- Updates exceptions to Unacceptable Encroachments which relate to heritage listed properties, significant public buildings and adaptive reuse of buildings where no alternative access options are available.
- Allows for temporary ground anchors to support construction.
- Updates references to new legislation and Council policies.
- Further reinforces the importance of maintaining the built form edge as an attribute of the National Heritage listing of the Adelaide Park Lands and City Layout.
- Introduces criteria to ensure canopy columns or pillars are not fixed to footpaths.
- Clarifies that encroachments are a minimum of 1 metre away from a trunk and/or major limb of a street tree.
- Introduces criteria to ensure CCTV's do not extend beyond the fascia line of a verandah or balcony.
- Introduces criteria for projecting signage.

What are Ground Anchors?

Ground anchors are an engineered tool designed to transfer anchoring to the ground. It consists of cables and rods that are connected to a bearing plate used for the stabilization of steep slopes.

Why do Annual Fees only apply to some Encroachments?

Council encourages encroachments that provide a public benefit and contribute to the creation of a liveable city. For instance, verandahs over footpaths provide weather protection for pedestrians and green walls cool the City and create pleasant spaces. For these forms of encroachment Council will forgo annual encroachment fees.

Council also encourages heritage places to retain their original features. Council will forgo fees, to assist owners to retain and maintain their heritage buildings.

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How do I provide my feedback?

There are a number of ways in which you can provide feedback:

- **Feedback Form** (attached to this information pack)

Complete the Feedback Form which asks specific questions and provides an opportunity for general comments regarding the Draft Encroachment Policy.

- **Online**

Contribute your feedback via the **Online Survey**

Visit yoursay.cityofadelaide.com.au

- **Email** your comments can be emailed to yoursay@cityofadelaide.com.au.

- **Written Submissions**

All written submissions must be received by 5.00pm on the date advertised and should be addressed to:

Community Consultation
Encroachment Policy Review
GPO Box 2252, Adelaide SA 5001

What happens to my Feedback?

We will acknowledge your feedback either by email or in writing so that you know your comments have been received.

Council will consider your feedback and finalise the policy position. All submissions received will be summarised and attached to the report to Council, at which time will be publicly accessible.

Once adopted by Council, you will be advised either by email or in writing when the Encroachment Policy will be made available on the website.

It is expected that the Encroachment Policy will be finalised and completed by early 2024.

For enquires please contact:

Amanda McConnell

Senior Policy Planner

T: 8203 7536

E: a.mcconnell@cityofadelaide.com.au

Or visit yoursay.cityofadelaide.com.au

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Providing contact details in a feedback form is optional. However, we ask for this information because we want to know a little more about who you are and how you use the City to ensure we get a higher quality of data to go along with your feedback. The data will help us analyse feedback from specific groups (e.g. age, gender, City users), which in-turn will provide a richer and more valuable response to help Council make decisions.

First Name:		Last Name:	
Email Address:			
Address:			
Business/Organisation Name (if applicable):			
Gender:	☐ Male ☐ Female ☐ Other Identity	Year of Birth:	
Are you a City of Adelaide Ratepayer?		☐ Yes ☐ No	
Please tell us how you participate in city life (tick all that apply):			
☐ Work	☐ Live	☐ Shop	☐ Play (e.g. leisure, recreation, entertainment, dining)
☐ Study	☐ Tourist	☐ Own a Business	
Please indicate your main areas of interest (tick all that apply):			
☐ Council Services & Programs	☐ Open Space & Recreation	☐ City Design, Planning & Development	☐ New & Future Projects
☐ Social & Community Issues	☐ Policy, Budget and Management Plans	☐ Environmental Issues	☐ Arts & Events in the City
Please indicate the locations that are of interest to you (tick all that apply):			
☐ North Ward	☐ Central Ward	☐ South Ward	

[Your Say Adelaide](#) is Council's online consultation website. It is your chance to be kept up-to-date and provide feedback on areas of the City that interest you. Would you like to be signed up to Your Say Adelaide online and be emailed when there is an opportunity to have your say on areas that are of interest to you?

☐ Yes ☐ No

Please Note: If you've ticked Yes, you will receive an email to your nominated e-mail address above to confirm your new account.