



**Adelaide  
Plains  
Council**

**Late Item Under Separate Cover**

**Monday 24 February 2020**

**14.5      South Australian Planning Reforms – Planning and Design Code Consultation**

 <p><b>Adelaide Plains Council</b></p>	14.5	<b>South Australian Planning Reforms – Planning and Design Code Consultation</b>
	<b>Department:</b> <b>Report Author:</b>	<b>Development and Community</b> <b>General Manager, Development and Community</b>
<b>Date:</b> 24 February 2020	<b>Document No:</b>	<b>D20/7246</b>

## **EXECUTIVE SUMMARY**

- This report is to inform Council of the status of the State Government's consultation on the draft Planning and Design Code as part of South Australia's transition to a new planning and development system.
- Council needs to consider and endorse the key points raised, to be included in the 'draft in production', and any other amendments/additions to the draft submission, as deemed necessary.
- To ensure a well-rounded final submission, delegation for the completion of the final version is recommended to the Chief Executive Officer. The deadline of Friday 28 February 2020 can then be achieved, despite the tight timeframes of the Planning and Design Code transition.

## **RECOMMENDATION**

**"that Council, having considered Item 14.5 – *South Australian Planning Reforms – Planning and Design Code Consultation*, dated 24 February 2020 receives and notes the report and in doing so instructs the Chief Executive Officer to finalise and lodge a submission to the State Government by Friday 28 February 2020. The submission should include the key themes provided for within the body of this report subject to the following amendments/additions:**

1. ...
2. ..."

## **BUDGET IMPACT**

Estimated Cost:	\$5,000 (consultants)
Future ongoing operating costs:	Nil
Is this Budgeted?	Yes

## **RISK ASSESSMENT**

Lodging the submission will ensure that Council continues to identify current and best practice development assessment, when considering its natural & built environments for 2020 and beyond. It will also ensure that the statutory requirements from the *Development Act 1993* are transitioned via the *Planning, Development & Infrastructure Act 2016* from Council's Development Plan to the final version of APC's Planning and Design Code.

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### **Attachments**

1. Code Framework
2. Code Transition - Zones

## **DETAILED REPORT**

### **Purpose**

The purpose of this report is to inform Council of the State Government's consultation on the draft Planning and Design Code as part of South Australia's transition to a new planning and development system. Council will need to consider the dot points below, as a precursor to the 'draft in production', amend/add accordingly and then endorse same.

### **Background**

South Australia is currently in the process of transitioning to a new planning and development system through the succession of the *Development Act 1993* to the *Planning, Development and Infrastructure Act 2016* (the PDI Act).

Once the PDI Act is totally in effect, every Council Development Plan across the state will be replaced with an overarching 'Planning and Design Code' (the Code).

The Code will provide a single set of planning 'rules' for assessing development applications across the state. It is intended that the new Code will make the planning process quicker, simpler and more equitable, providing better access to planning information that will help the community to navigate the planning system when building a house, developing a business, or progressing large commercial developments.

Due to the scale of the changes occurring, the Department of Planning, Transport and Infrastructure (DPTI) is introducing the Code in three phases:

- Phase One (implemented July 2019): Land Not Within a Council Area ('Outback areas')
- Phase Two (was April 2020, now postponed to July 2020): Regional Councils
- Phase Three (was July 2020, now postponed to September 2020): Greater Adelaide Councils, which includes APC.

Consultation on the draft Code for Phase Two and Phase Three Councils was released concurrently on 1 October 2019 for public consultation. The consultation period on the draft Code for Phase 2 Councils closed on 29 November 2019 and closes on 28 February 2020 for Phase 3 Councils. A preliminary report was provided to Council on 28 October 2019, by Council's former Planning Policy Officer. DPTI have consistently advised all Greater Adelaide Councils that there will no extension to the closing date for submissions of 28 February 2020.

### **Discussion**

The draft Consultation Code includes a new suite of General Development policies to replace the current General Modules in the South Australian Planning Policy Library (SAPPL), as well as a series of Zones and Subzones replacing existing Development Plan Zones.

The proposed Code Zones are set out under the following four categories:-

- People & Neighbourhoods
- Productive Economy
- Natural Resources & Environment

- Integrated Movement Systems.

**Attachment 1** lists the Zones and Subzones under each category, with those to replace Council's existing Development Plan Zones highlighted. The proposed transition between the existing Development Plan Zones and new Code Zones is summarised in **Attachment 2**.

As DPTI and the State Planning Commission (SPC) conducted the consultation on the new Code, all resident queries were directed to the SA Planning Portal and the DPTI hotline in the first instance.

A number of supporting materials and planned events occurred to assist in understanding the Code. These included:

- A Code Framework and Change Impact Table
- An introductory video
- A Community Fact Sheet (translated into six languages)
- Numerous Key Topic Fact Sheets
- A Community Guide to the Code (translated into six languages)
- A set of Frequently Asked Questions
- Several Policy Position papers
- Four Discussion Papers
- A Guide to the Code for practitioners.

The Code, support materials, map links and the submission form can be accessed from the SA Planning Portal via [saplanningportal.sa.gov.au](http://saplanningportal.sa.gov.au).

A hotline (**1800 318 102**) was also set up at DPTI to respond to queries from the community and other stakeholders. Queries were also able to be emailed to [dpti.planningreform@sa.gov.au](mailto:dpti.planningreform@sa.gov.au)

DPTI and the SPC spent October and November in the regions, meeting with councils (Mayors, CEO's and/or Senior Planning Managers) and communities to assist in understanding how the Code will affect them and support them in making a submission. Workshops for Phase 3 Councils run by DPTI and the SPC, commenced in late 2019.

Planning staff along with Planning Consultants recently engaged to assist - Robert Hart & Co. and Humby Consulting; are undertaking a detailed review of the new Code, in regard to the potential impacts of the Code for APC, once implemented. With Bob Hart having approximately 40 years of planning experience with regional councils and DPTI and Andrew Humby 20 years in planning (15 of those in middle management at DPTI); valuable insight is being gained on how best to position Council's response to Phase 3 PDC. It is recommended that the final submission will need to be concise, to help foster an ongoing working relationship with DPTI, rather than being at loggerheads with their staff.

To date, the following key points are recommended to be made in the Council submission on the Code, for Council to review:

- APC is critical of the presentation of the Code released for consultation, both in its format, appearance and arrangement and in the absence of the accompanying online ePlanning system to provide the context of the Code's intended operational use. It is recommended that the consultation process should be extended and take place concurrent with the ePlanning system being available. With possible referral back to Council on proposed map changes, this

may occur to a certain extent, even though the official line from DPTI is there will be no further consultation

- Critical of the loss of functional local policy content with Desired Character and local policy not being recognised in the Code whose intent is to standardise all planning policy on a State-wide basis. Recommended that Council be given the opportunity to review and rewrite its current zone Desired Character statements, including any worthwhile local variation PDCs, as local planning area statements which are then incorporated into the Code
- None of the 10 Concept Plans at the rear of APC's Development Plan have been included in the draft Code. Recommended that those that still have some useful planning role to play for development assessment purposes - important to keep where text doesn't cover the element, be incorporated into the Code and/or combined as follows: Concept Plan Map Mal/...
  - 1 Two Wells Recreation Keep (but only *main street traffic management* elements)
  - 2 Two Wells Industry Remove (no real value & obsolete) \**landowner made aware*
  - 3 Mallala Residential Remove (but add *stormwater* elements to Mal/9, see below)
  - 4 Two Wells Residential Remove (obsolete, due to smaller lots sizes/possible CWMS)
  - 5 Dublin Rural Living Remove (*future roads* shown will not be supported by DPTI)
  - 6 Dublin Township Remove (no real value) \**landowner to south contacted*
  - 7 Two Wells Eden/Liberty Keep (otherwise pre-2016 work lost) \**developer contacted*
  - 8 Two Wells Eden/Liberty Keep (but add potential *contamination* locations to Mal/7)
  - 9 Mallala Light Industry Keep (but combine with Mal/3) \**landowner contacted*
  - 10 Two Wells Town Centre Remove (but if DPTI allow it, possibly add *Areas* to Mal/7)

\**Affected landowners advised, so they can lodge their own submission, in support of APC's.*

- The range of Restricted Development listed in the new Code zones has been slimmed down considerably and only relates, generally, to a small handful of land uses, unlike the more extensive non-complying lists in existing Development Plan zones, which has severe implications in that the 'nasty' forms of development are able to be applied for and have to be performance assessed with consequent potential appeal costs to Council both in terms of staff resources and money. Recommended that the Restricted Development Tables in the respective Code zones be reviewed with an aim of extending the range of non-envisioned development within particular zones
- Notification requirements for some classes of development (including for dwellings and outbuildings in particular circumstances), as expressed in the Code zones, appear to be onerous and have the effect of increasing the public notification of proposals beyond that which is currently the case; and, conversely, many other forms of development that are presently subject to notification will be exempt from notification possibly to the concern of residents – recommended that notification procedures be reviewed to better align notification with the land uses envisaged in the particular zone, so that these can be excluded outright, and to enhance the list of land uses not envisaged to give the community an opportunity to express their views
- Concern expressed regarding the potential for an increase in unauthorised development taking place because of perceived difficulties applicants (especially country people) may face in trying

to electronically lodge an application, meeting the enhanced standards of plans and information to be submitted, interacting with the computerised ePlanning system etc, with a consequence that they give up in frustration as all too hard and/or expensive and go ahead and just build the structure leaving Council with an added enforcement task and resourcing issue. Although more a generic issue, the DPTI needs to understand possible unintended consequences of people trying to access the new system

- Critical of the metro-centric and somewhat bewildering Code zone names used (eg *Suburban Neighbourhood Zone*, *General Neighbourhood Zone*, *Suburban Employment Zone*, *Township Activity Centre Zone*) which are out of place with established standards of zoning commonly found elsewhere. Recommended that the zone naming convention revert back to the familiar terminology currently used in the SA Planning Policy Library. Substantial detrimental changes will occur in housing density and the existing low density “country township feel”, if the Mallala Residential Zone moves to a General Neighbourhood Zone, and Two Wells Suburban Neighbourhood Zone to Housing Diversity Neighbourhood Zone as recommended. This will be opposed, as this is out of character with the existing townships.
- Council’s detailed and quite explicit flood mapping and corresponding flood-related planning policies are entirely absent in the Code despite the Code’s *Hazards (Flooding) Overlay* showing the spatial extent of flooding in the Council area but not the breakdown between the High/Medium/Low flood hazard risk areas which are all-important to our policy regime. Recommended the Commission introduce a separate Council-specific Flooding Overlay defining the three category areas and supplement the Overlay policy with current important local policy that addresses the High/Medium/Low development outcomes sought
- The existing *Primary Production Zone* and its *Horticulture Policy Area* have been split into the Code’s *Rural Zone* and *Rural Horticulture Zone* with the existing minimum lot sizes - 40ha, 8ha and 4ha (in Precinct 5) – being carried over as well as the status quo, largely, as it applies to dwellings, but allow for an enhanced range of land uses (or size parameters) above and beyond current zone provisions, such as:
  - advertisements )
  - brewery/cidery )
  - industry ) all where associated
  - shop ) with an existing
  - office ) primary production use
  - tourist accommodation ) or value adding
  - function centre ) industry within the region
  - transport distribution/warehouse )
  - winery )

Although some of these uses are also possible now under the existing zone/Policy Area, there are additional developments described and the size parameters of the existing ones increased in many cases. Note also that a dwelling is to be subject to notification on the premise that in a primary production area, residential use of rural land should be an exception, subordinate to primary production and notifiable for neighbour review. In the interests of flexibility and in providing a greater and diverse choice of development opportunities to growers, it is felt that this Code approach is reasonable

- Currently there are no buffers preventing dwellings adjacent to sensitive land uses in the Primary Production Zone, for established land uses such as landfill, Perfection Fresh, etc. and adjacent to the Urban Employment Zones. This should be included in the proposed Rural and Rural Horticulture zones and adjacent to the Employment Zone
- The Code zone allocated to cover the *Mallala Racecourse Zone* and *Light Industry Zone/Mallala Racetrack PA 2* is the *Recreation Zone* which is felt to be totally inappropriate as it does not refer to or cover in any manner policy related to a motor sports racetrack which, in essence, the existing planning policy emphasises. The new Code zone represents the more traditional active/passive sports activities (intensive and extensive), supporting clubrooms and recreation facilities, but do not address the requirements for a motor racing park with the supporting land uses this needs (such as storage and maintenance of racing vehicles, vehicle repair and general workshops, spectator facilities and short-term accommodation). Recommended that the Code's *Motorsport Park Zone* (which covers the new Tailem Bend race track) or similar be adopted for Mallala as it has a closer alignment with current policy settings
- Council is unique in having a dedicated *Animal Husbandry Zone* which is intended to accommodate the larger-scale horse and dog keeping developments, thereby safeguarding the more conventional *Rural Living Zone* from major horse and dog keeping, which is proposed to be covered in the Code by the *Rural Living Zone* with an *Animal Husbandry Subzone* within the parent zone that will apply to the current *Animal Husbandry Zone*. However the Code policy is more generic and does not reflect the animal numbers specified in existing PDCs to help guide densities nor the public notification thresholds currently used to trigger Category 1 or Category 2 notification which is important to carry over into the new Code zone/subzone (NB: under the Code, horse and dog keeping will not be notifiable at all). Recommended that the existing horse/dog numbers per lot and the notification thresholds presently in place are incorporated into the relevant Code *Rural Living Zone/Animal Husbandry Subzone*
- Existing *Precinct 3 Two Wells* which sits within the *Rural Living Zone* has 'tighter' policy than the conventional parent zone in that it has a smaller minimum lot size of 0.5 ha (which has been taken over into the Code) and, unlike the zone itself, has animal keeping listed as non-complying (which has not been reflected in the Code). As this is a significant policy change for the Precinct (one not anticipated by its residents), it is imperative that this deficiency be addressed by adding controls over animal keeping within this defined area either by a spatial Overlay or a different dedicated zone, possibly the Code's Suburban Neighbourhood Zone which is intended to accommodate low or very low density housing (this path is still being considered by staff/consultants).

This is a brief 'snapshot' of the key issues associated with the Code and is no more than that at this stage. If the 'draft in production' is ready, it may be tabled at the meeting. It is hoped that the above summary at least gives Councillors a reasonable overview of the important points the submission will be making, sufficient for Council to be comfortable with (and have confidence in) the detailed submission that has to be into DPTI by the end of the month.

## **Conclusion**

South Australia is currently in the process of transitioning to a new planning and development system through the succession of the *Development Act 1993* to the *Planning, Development and Infrastructure Act 2016*. While APC was to fully transition to the new Planning and Design Code by 1 July 2020, this was recently postponed to September 2020.

However, the consultation period on the draft Code for Phase 3 Councils still closes on Friday 28 February 2020. It is recommended that delegation to the Chief Executive Officer occurs, for the final submission to be lodged four days after the Council meeting.

Resident queries regarding the new planning system should continue to be directed to the SA Planning Portal and the DPTI hotline in the first instance; until further notice.

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## References

*Development Act 1993*

*Planning, Development and Infrastructure Act 2016*



# CODE FRAMEWORK

## ZONES AND SUBZONES

Intensity	ZONES / ZONE CATEGORIES			
	PEOPLE & NEIGHBOURHOODS (Priority Residential)	PRODUCTIVE ECONOMY (Priority Commercial/Industry)	NATURAL RESOURCES & ENVIRONMENT	INTEGRATED MOVEMENT SYSTEMS AND INFRASTRUCTURE
Capital City	<b>City Living</b> <i>North Adelaide Low Intensity Subzone</i> <i>Medium-High Intensity Subzone</i> <b>City Main Street</b> <i>Rundle Street Subzone</i> <i>Rundle Mall Subzone</i> <i>Hindley Street Subzone</i> <i>Gouger and Grote Street Subzone</i>	<b>Capital City</b> <i>City Frame Subzone</i> <b>City Riverbank</b> <i>Cultural Institutions Subzone</i> <i>Entertainment Subzone</i> <i>Health Subzone</i> <i>Innovation Subzone</i>	<b>City Park Lands</b> <i>Adelaide Oval Subzone</i> <i>Eastern Park Lands Subzone</i>	
Urban Centres	<b>Urban Corridor (Living)</b> <b>Urban Corridor (Business)</b> <b>Urban Corridor (Boulevard)</b> <i>Hard-edged Built Form Subzone</i> <i>Soft-edged Landscape Subzone</i> <b>Urban Corridor (Main Street)</b> <b>Urban Neighbourhood</b> <i>Main Street Subzone</i>	<b>Urban Activity Centre</b> <i>Port Adelaide Centre Subzone</i>		
Suburban Areas and Townships	<b>Suburban Business and Innovation</b> <b>Business Neighbourhood</b> <b>Innovation</b> <i>Rehabilitation Subzone</i> <b>Home Industry</b>			<b>Commonwealth Facilities</b> <b>Community Facilities</b> <b>Deferred Urban</b> <b>Infrastructure</b> <b>Infrastructure (Airfield)</b> <i>Residential Aviation Estate Subzone</i> <b>Infrastructure (Ferry and Marina Facilities)</b>
Rural Areas	<b>Urban Renewal Neighbourhood</b> <i>Mixed Use Transition Subzone</i> <b>Housing Diversity Neighbourhood</b> <b>General Neighbourhood</b> <b>Suburban Neighbourhood</b> <i>Underground Subzone</i> <b>Suburban Masterplanned Neighbourhood</b> <b>Suburban Greenfield Neighbourhood</b> <b>Residential Neighbourhood</b> <b>Residential Park</b> <b>Caravan and Tourist Park</b> <b>Township</b> <i>Nairne Redevelopment Subzone</i>	<b>Suburban Activity Centre</b> <b>Suburban Main Street</b> <b>Employment</b> <b>Employment (Bulk Handling)</b> <b>Suburban Employment</b> <b>Township Activity Centre</b> <b>Township Main Street</b> <i>Motorsport Park</i>	<b>Hills Face</b> <b>Open Space</b> <b>Recreation</b>	
Natural Areas	<b>Rural Living</b> <i>Animal Husbandry Subzone</i> <i>Intensive Horse Establishments Subzone</i> <b>Rural Settlement</b> <i>Rural Shack Settlement</i>	<b>Rural</b> <b>Peri-Urban</b> <b>Rural Horticulture</b> <b>Rural Intensive Enterprise</b> <b>Rural Aquaculture</b> <b>Tourism Development</b> <b>Resource Extraction</b>		



# CODE FRAMEWORK

## OVERLAYS

### PEOPLE & NEIGHBOURHOODS

- Affordable Housing
- Design
- Noise and Air Emissions
- Character Preservation District
- Character Area
- Historic Area
- Local Heritage Place
- State Heritage Area
- State Heritage Place



### NATURAL RESOURCES & ENVIRONMENT

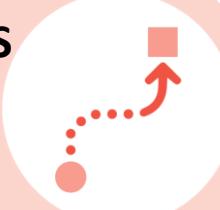


- Coastal Areas
- Hazards (Acid Sulfate Soils)
- Hazards (Bushfire - Outback)
- Hazards (Bushfire - General Risk)
- Hazards (Bushfire - Medium Risk)
- Hazards (Bushfire - High Risk)
- Hazards (Bushfire - Regional)
- Hazards (Bushfire - Urban Interface)
- Hazards (Flooding)
- Historic Shipwrecks
- Marine Parks (Managed Use)
- Marine Parks (Restricted Use)
- Mount Lofty Ranges Catchment (Area 1)
- Mount Lofty Ranges Catchment (Area 2)
- Murray-Darling Basin
- Native Vegetation
- State Significant Native Vegetation
- Prescribed Surface Water Area
- Prescribed Watercourses
- Prescribed Water Resource Area
- Prescribed Wells Area
- RAMSAR Wetlands
- Regulated and Significant Trees
- River Murray Flood Plain
- River Murray Tributaries
- Significant Landscape Protection
- Sloping Land
- Water Protection Area
- Water Resources

### PRODUCTIVE ECONOMY



### INTEGRATED MOVEMENT SYSTEMS AND INFRASTRUCTURE



- Limited Dwelling
- Limited Land Division
- Dwelling Excision
- Significant Industry Interface
- Resource Extraction Protection Area
- Environment and Food Production Areas

### INTEGRATED MOVEMENT SYSTEMS AND INFRASTRUCTURE

- Airport Building Heights (Aircraft Landing Area)
- Airport Building Heights (Regulated)
- Aircraft Noise Exposure
- Building Near Airfields
- Defence Aviation Area
- Strategic Infrastructure (Gas Pipelines)
- Advertising Near Signalised Intersections
- Future Road Widening
- Key Railway Crossings
- Key Outback and Rural Routes
- Major Urban Transport Routes
- Non-stop Corridor
- Traffic Generating Development
- Urban Transport Routes

## General Modules

INTEGRATED MOVEMENT SYSTEMS AND INFRASTRUCTURE	NATURAL RESOURCES & ENVIRONMENT	PRODUCTIVE ECONOMY	PEOPLE & NEIGHBOURHOODS	
Marinas and On Water Structures  Clearance from Overhead Power Lines	Site Contamination	Advertisements  Bulk Handling and Storage Facilities  Workers Accommodation and Settlements  Beverage Production in Rural Areas	Open Space and Recreation  Housing Renewal	
		Forestry  Aquaculture  Resource Extraction  Animal Keeping and Horse Keeping  Intensive Animal Husbandry and Dairies		
Infrastructure and Renewable Energy Facilities		Tourism Development		
Design in Urban Areas Design in Rural Areas Interface Between Land Uses Land Division in Urban Areas Land Division in Rural Areas		Waste Treatment and Management Facilities  Transport, Access and Parking		

# Code Transition - Zones

## Existing Development Plan Zones

## New Code Zones

