

FREELING CODE AMENDMENT

105 Hanson Road, Freeling
(Pieces 104 and 105)

+

Sections 523, 524, 530, 531, 537
Borrow Street, Freeling

Consultation
October 2023

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HAVE YOUR SAY

This Code Amendment is on consultation from **Tuesday 10th October 2023** to **Tuesday 5th December 2023**.

During this time you are welcome to lodge a written submission about any of the changes proposed in this Code Amendment.

Submissions can be made in the following ways:

- a) Via our **online survey or submission form** available through the SA Planning Portal

https://plan.sa.gov.au/have_your_say/code-amendments/on-consultation



- b) Via **email** to: andrew@humbyconsulting.com.au

- c) Via **post** to:

Humby Consulting
PO Box 7434
HALIFAX STREET SA 5000

- d) Two (2) informal **drop-in sessions** will be held at a local venue, F.A.R.M Centre, 40 Hanson Street, Freeling during the consultation period:

- Friday 20th October 2023 (10am till 2pm)
- Tuesday 24th October 2023 (4pm till 7pm)

- e) In person by booking a **one-on-one meeting** with the Project Team. Bookings can be made by contacting Andrew Humby on 0402 832 226 or via email at andrew@humbyconsulting.com.au

1. WHAT IS THE PLANNING AND DESIGN CODE?

The Planning and Design Code (the Code) sets out the rules that determine what landowners can do on their land.

For instance, if you want to build a house, the Code rules will tell you how high you can build and how far back from the front of your land your house will need to be positioned. The Code will also tell you if any additional rules apply to the area where your land is located. For example, you might be in a high bushfire risk area or an area with specific rules about protecting native vegetation.

1.1 Planning and Design Code Framework

The Code is based on a framework that contains various elements called overlays, zones, sub zones and general development policies. Together these elements provide all the rules that apply to a particular parcel of land. An outline of the Code Framework is available on the PlanSA portal.

1.2 Overlays

Overlays contain policies and maps that show the location and extent of special land features or sensitivities, such as heritage places or areas of high bushfire risk.

They may apply across one or more zones. Overlays are intended to be applied in conjunction with the relevant zone. However, where policy in a zone conflicts with the policy in an overlay, the overlay policy trumps the zone policy.

1.3 Zones

Zones are areas that share common land uses and in which specific types of development are permitted. Zones are the main element of the Code and will be applied consistently across the state.

For example, a township zone for Andamooka can be expected to apply to similar townships like Carrieton. Each zone includes information (called classification tables) that describes the types of development that are permitted in that zone and how they will be assessed.

1.4 Sub zones

Sub zones enable variation to policy within a zone, which may reflect local characteristics. An example is Port Adelaide centre, which has many different characteristics to typical shopping centres due to its maritime activities and uses.

1.5 General Development Policies

General development policies outline functional requirements for development, such as the need for car parking or wastewater management. While zones determine what development can occur in an area, general development policies provide guidance on how development should occur.

1.6 Amending the Planning and Design Code

The *Planning, Development and Infrastructure Act 2016* (the Act) provides the legislative framework for undertaking amendments to the Code. With approval of the Minister for Planning and Local Government (the Minister) a Council, Joint Planning

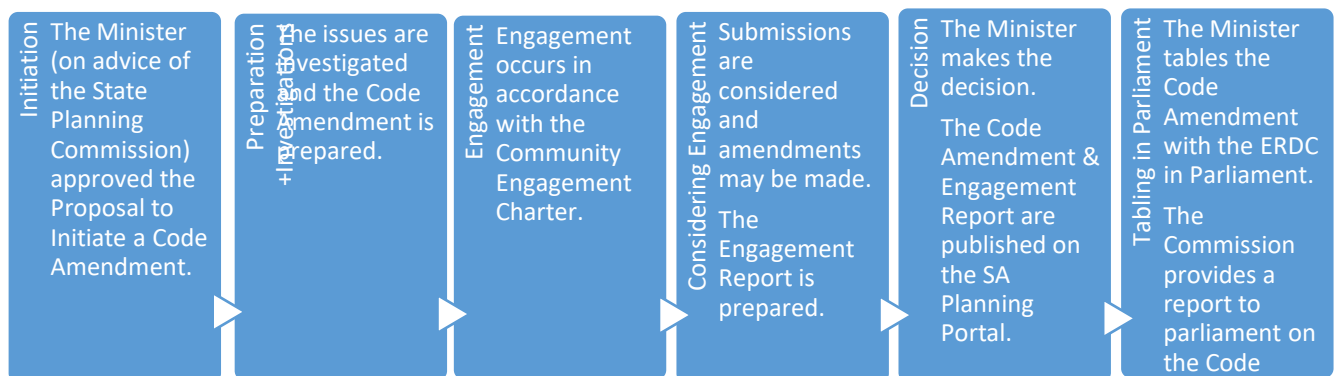
Board, Government Agency or private proponent may initiate an amendment to the Code and undertake a Code Amendment process.

An approved Proposal to Initiate will define the scope of the Amendment and prescribe the investigations which must occur to enable an assessment of whether the Code Amendment should take place and in what form.

The State Planning Commission (the Commission) is responsible under the Act for ensuring the Code is maintained, reflects contemporary values relevant to planning, and readily responds to emerging trends and issues.

The Commission provided independent advice to the Minister for Planning and Local Government on the Proposal to initiate this Code Amendment. The Commission will also provide a report on the Code Amendment (including compliance with the Community Engagement Charter) at the final stage of the Code Amendment process.

The Code Amendment Process



2. WHAT IS PROPOSED IN THIS CODE AMENDMENT?

2.1 Need for the amendment

The Proponent (Windy Acres Pty Ltd and Terese Enterprises Pty Ltd) is consulting on a Code Amendment to rezone the Affected Area from Rural Zone to Suburban Neighbourhood Zone.

The Affected Area is currently wholly located within the Rural Zone, and has been identified as land preserved for future urban growth. The Affected Area is contiguous with its neighbouring residential area with other land outside of the Freeling township contained within the Environment, Food and Production Area and/or the Character Preservation District which limit the opportunity for any additional expansion of the township.

The Freeling Estate is almost fully built, and the Schuster Estate is effectively fully sold, and with very little infill land divisions within Freeling, there is a need to ensure a continuation of available residential allotments in order to dampen price growth in the area. The Code Amendment will facilitate the development of approximately 230 allotments to meet the growing demand, subject to the provision of necessary infrastructure.

The Code Amendment seeks to rezone the Affected Area to the Suburban Neighbourhood Zone. The rezoning of the Affected Area will facilitate low-density housing consistent with the local context and is a logical one given the demand for new dwellings in Freeling.

2.2 Affected Area

The area(s) affected by the proposed amendment is/are described as follows and as shown in the map[s] at **Attachment A**:

- 105 Hanson Road, Freeling (Pieces 94/95) measures approximately 7 hectares and is currently owned by Windy Acres Pty Ltd
- Sections 523, 524, 530, 531, 537 Borrow Street, Freeling measures approximately 22.5 hectares and is currently owned by Terese Enterprises Pty Ltd.

Hanson Road

The Hanson Road part of the Affected Area is located east of the existing Freeling Estate and south of Borrow Street. The part of the Affected Area at 105 Hanson Road comprises two triangular shaped allotments measuring approximately 6.99 hectares. The allotment has frontages to Borrow Road to the north and the Thiele Highway to the east, measuring approximately 305 metres and approximately 695 metres respectively. The Freeling Public Cemetery, which is identified as a Local Heritage Place in the current Planning and Design Code, abuts the allotment in the north-western corner with the balance of the allotment abutting residential development to the west.

Section 95 of the allotment is also subject to an easement running along its western property boundary; the easement measures some 20 metres in width and some 217 metres in length. The easements are for drainage and sewerage purposes to the Light Regional Council and electricity related works to the ETSA Corporation.

The subject land contains a corridor of vegetation, along the boundary shared with the existing residential development to the west. Section 95 of the subject land contains a dwelling and agricultural buildings directly to the south of the existing Freeling Public Cemetery. This part of the allotment that accommodates the dwelling is used for hobby farming purposes primarily in the form of the keeping of horses and some cropping.

Borrow Street

Sections 523, 524, 530, 531 and 537 is generally a triangular shaped allotment and is the larger piece of the subject land, measuring approximately 22.582 hectares. The allotment has a frontage of some 573 metres to Borrow Road to the south, and is bordered by residential development to the west and primary production allotments to the east.

Locality

The immediate locality is characterized by existing residential areas to the immediate west as well as rural living sized allotments. Land immediately north, east and south of the subject land is still predominantly used for rural purposes (grazing) together with the dwellings (associated with their rural use).

The broader locality is the Freeling township, comprising of a variety of mixed land uses typical of a township. The residential area extends eastwards from the commercial centre as far as Thiele Highway which forms the eastern boundary of the township, and westwards around Templers Road for a smaller degree. Hanson Street and Borrow Street are the two main access roads running east towards the highway from the town centre.

Schuster Street generally forms the southern boundary of the town and the existing decommissioned railway line generally forms the western boundary of the town centre.

2.3 Summary of proposed policy changes

2.3.1 Current Code Policy

The Affected Area is currently located in the Rural Zone within the Light Regional Council area.

The Rural Zone seeks to accommodate the production, processing, storage, and distribution of primary produce. The zone also supports value-adding businesses such as industry, storage and warehousing activities. Dwellings are envisaged to provide a convenient base for landowners to conduct and manage commercial scale primary production and rural related value adding activities without compromising the use of the allotment, adjacent land or long term purpose of the zone for primary production or related tourism values due to a proliferation of dwellings.

The minimum allotment size criteria in the Rural Zone is 33 hectares.

Extract from the Rural Zone	
Desired Outcome 1:	A zone supporting the economic prosperity of South Australia primarily through the production, processing, storage and distribution of primary

	produce, forestry and the generation of energy from renewable sources.
Desired Outcome 2:	A zone supporting diversification of existing businesses that promote value-adding such as industry, storage and warehousing activities, the sale and consumption of primary produce, tourist development and accommodation.
Deemed to Satisfy/Designated Performance Feature: 1.1	<p>Development comprises one or more of the following:</p> <ul style="list-style-type: none"> (a) Advertisement (b) Agricultural building (c) Brewery (d) Carport (e) Cidery (f) Commercial forestry (g) Dairy (h) Dam (i) Distillery (j) Dwelling (k) Dwelling addition (l) Farming (m) Horse keeping (n) Horticulture (o) Industry (p) Intensive animal husbandry (q) Low intensity animal husbandry (r) Outbuilding (s) Renewable energy facility (t) Shop (u) Small-scale ground mounted solar power facility (v) Stock slaughter works (w) Tourist accommodation (x) Transport distribution (y) Verandah (z) Warehouse (aa) Winery (bb) Workers' accommodation
Performance Outcome 1.1:	The productive value of rural land for a range of primary production activities and associated value adding, processing, warehousing and distribution is supported, protected and maintained.

The Affected Area is also subject to Planning and Design Code Overlays. Overlays can span across a number of zones and subzones and express planning issues of state interest. Overlay policies take precedence over the other Code policies.

The following provides a summary of the intent of each Overlay that currently applies to the Affected Area:

105 Hanson Road, Freeling	
Overlays relevant to the Affected Area	
Hazards (Bushfire – General)	<p>Seeks to ensure development, including land division, responds to the general level of bushfire risk by siting and designing buildings in a manner that mitigates the threat and impact of bushfires on life and property considering the increased frequency and intensity of bushfires due to climate change.</p> <p>The Overlay also seeks to ensure access for emergency service vehicles is facilitated to aid the protection of lives and assets from bushfire danger.</p>
Heritage Adjacency	Seeks that development adjacent to State and Local Heritage Places maintain the heritage and cultural values of those Places.
Hazards (Flooding – General)	Seeks to minimise impacts on people, property, infrastructure and the environment from general flood risk through the appropriate siting and design of development.
Major Transport Routes	Seeks the safe and efficient operation of major transport routes for all road users, and provision of safe and efficient access to and from major transport routes.
Native Vegetation	Seeks to protect, retain and restore areas of native vegetation.
Traffic Generating Development	Aims to ensure safe and efficient vehicle movement and access along urban transport routes and major urban transport routes.

Sections 524, 530, 531, 537 Borrow Street, Freeling	
Overlays relevant to the Affected Area	
Hazards (Bushfire – General)	Seeks to ensure development, including land division, responds to the general level of

	<p>bushfire risk by siting and designing buildings in a manner that mitigates the threat and impact of bushfires on life and property considering the increased frequency and intensity of bushfires due to climate change.</p> <p>The Overlay also seeks to ensure access for emergency service vehicles is facilitated to aid the protection of lives and assets from bushfire danger.</p>
Hazards (Flooding – General)	Seeks to minimise impacts on people, property, infrastructure and the environment from general flood risk through the appropriate siting and design of development.
Major Urban Transport Routes	Seeks the safe and efficient operation of major transport routes for all road users, and provision of safe and efficient access to and from major transport routes.
Native Vegetation	Seeks to protect, retain and restore areas of native vegetation.
Traffic Generating Development	Aims to ensure safe and efficient vehicle movement and access along urban transport routes and major urban transport routes.

Attachment B contains the summary of relevant zone and overlay policies and relevant maps from South Australia Property and Planning Atlas depicting the current applicable Overlays.

2.3.2 Proposed Code Policy

The Code Amendment proposes the following changes:

The Suburban Neighbourhood Zone envisages low density housing that complements the local context and development pattern. The Zone primarily accommodates residential development and minor domestic structures, such as garages and sheds. Small-scale commercial uses, such as shops, consulting room or offices, that maintain residential amenity are also envisaged.

The proposed policy changes are shown in **Attachment C**.

Extract from the Suburban Neighbourhood Zone	
Desired Outcome 1:	Low density housing is consistent with the existing local context and development pattern. Services and community facilities contribute to making the neighbourhood a

	convenient place to live without compromising residential amenity and character.
Deemed to Satisfy/Designated Performance Feature 1.1:	<p>Development comprises one or more of the following:</p> <ul style="list-style-type: none"> (a) Ancillary accommodation (b) Child care facility (c) Community facility (d) Consulting room (e) Dwelling (f) Educational facility (g) Office (h) Place of worship (i) Recreation area (j) Shop (k) Supported accommodation.

The Suburban Neighbourhood Zone has been selected as the appropriate Zone, as it will maintain the low density residential character of the adjacent Established Neighbourhood Zone which currently sits over the majority of the residential area of the Freeling township.

It was initially sought to apply the Established Neighbourhood Zone to the Affected Area to maintain the existing zoning across the majority of the residential area of Freeling. However, as a Concept Plan is proposed for the Affected Area, an alternative zone was required as the Established Neighbourhood Zone does not provide a policy referencing Concept Plans. The Suburban Neighbourhood Zone is considered the most appropriate zone as it contains a suite of policies that can ensure that future development is complementary to the existing scale of built form currently found within the Freeling township. Importantly, the use of a Concept Plan will provide additional guidance in ensuring that the necessary infrastructure and design outcomes are achieved through a future land division process.

Technical and Numerical Variations (TNVs)

Technical and Numerical Variations are a mechanism in the Planning and Design Code which identifies the local conditions applicable to an area of a zone. Technical and Numerical Variations address matters such as side building setbacks, building height, dwelling site areas, site frontages and site coverage.

The Code Amendment proposes to apply the following TNVs to the Affected Area:

- Minimum Allotment Size - 600m²
- Maximum Building Height (levels) - 2 building levels
- Maximum Building Height (metres) - 8 metres

Site Areas and Frontages

The Suburban Neighbourhood Zone contains the following policy criteria pertaining to site area and frontages:

Extract from the Suburban Neighbourhood Zone	
<p>PO 2.1</p> <p>Allotments/sites created for residential purposes are of suitable size and dimension and are compatible with the housing pattern consistent to the locality.</p>	<p>DTS/DPF 2.1</p> <p>Development will not result in more than 1 dwelling on an existing allotment</p> <p>OR</p> <p>Allotments/sites for residential purposes accord with the following:</p> <ul style="list-style-type: none">(a) site areas (or allotment areas in the case of land division) are not less than the following (average site area per dwelling, including common areas, applies for group dwellings or dwellings within a residential flat building): (unique fields)(b) site frontages (or allotment frontages in the case of land division) are not less than: (unique fields) <p>In relation to DTS/DPF 2.1, in instances where:</p> <ul style="list-style-type: none">(c) more than one value is returned in the same field, refer to the Minimum Frontage Technical and Numeric Variation layer or Minimum Site Area Technical and Numeric Variation layer in the SA planning database to determine the applicable value relevant to the site of the proposed development(d) no value is returned in (a) or (b) (ie there is a blank field or the relevant dwelling type is not listed), then none are applicable and the relevant development cannot be classified as deemed-to-satisfy.

According to the Residential Land Supply and Demand Investigations, prepared by Deep End Services (8 August 2023), the predominant subdivision across most of the township is around 800-1200m². The Freeling Estate, situated within the

Established Neighbourhood Zone, is a recent subdivision which has delivered a range of conventional urban lots of 600-750m² and even a small component of rear-loaded units of around 300-350m². The northern-eastern part of the township consists of allotments of around 3,000-4,000m² on Fiddlewood Drive with some even larger parcels on topographically challenging sites.

Deep End Services (8 August 2023) has estimated via its residential land supply and demand investigations, that due to the lack of supply of residential land, rezoning of the Affected Area will contribute an additional 6-7 years of housing supply where allotments proposed measure some 1000m² in area, and a 7-8 years of housing supply where allotments proposed measure some 800m² in area.

Given the presence of smaller allotment sizes (from 600m²) within the adjacent Freeling Estate, and considering the low supply of available vacant allotments, it is proposed that allotment sizes within the Affected Area measure a minimum of 600m² which is consistent with the Freeling Estate, but noting that over the entire area that average site area is likely to be in the order of 800m².

No minimum allotment frontage is proposed as part of this Code Amendment. Rather, it is proposed that future allotments will be assessed against the Performance Outcome that seeks *'allotments/sites created for residential purposes are of suitable size and dimension and are compatible with the housing pattern consistent to the locality'*.

This is considered to be a suitable policy to guide development that will ensure land division is reflective of the prevailing allotment characteristics found within Freeling.

Building Height

The Suburban Neighbourhood Zone contains the following policy criteria pertaining to building height:

Extract from the Suburban Neighbourhood Zone	
PO 4.1	<p>DTS/DPF 4.1</p> <p>Building height (excluding garages, carports and outbuildings) is no greater than:</p> <p>(a) (unique fields)</p> <p>(b) in all other cases (ie there are blank fields for both maximum building height (metres) and maximum building height (levels) - 2 building levels up to a height of 9 metres</p>

It is proposed to include a unique field to the building height across the Affected Area - Maximum 2 building levels up to a maximum height of 8 metres. This will provide for two (2) storey residential development.

It is acknowledged that this differs to the existing Established Neighbourhood Zone across the Freeling Township which consists of a maximum building height of 4.5

metres and/or 1 level. Although there is a predominance of single storey dwellings found within the immediate locality, the proposed policy framework seeks to provide opportunities for an upper storey should its design meet the relevant design criteria contained within the Planning and Design Code. In addition, the policy framework ensures that overshadowing and overlooking are addressed to protect the amenity and privacy of residents.

Setbacks

The Suburban Neighbourhood Zone contains the following policy criteria pertaining to setbacks:

<p>PO 5.1</p> <p>Buildings are setback from primary street boundaries consistent with the existing streetscape.</p>	<p>DTS/DPF 5.1</p> <p>Buildings setback from the primary street boundary in accordance with the following table:</p> <table border="1"> <thead> <tr> <th data-bbox="735 768 1062 869">Development Context</th><th data-bbox="1062 768 1350 869">Minimum Setback</th></tr> </thead> <tbody> <tr> <td data-bbox="735 869 1062 1115">There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building</td><td data-bbox="1062 869 1350 1115">The average setback of the existing buildings</td></tr> <tr> <td data-bbox="735 1115 1062 1473">There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is not on a corner site</td><td data-bbox="1062 1115 1350 1473">The setback of the existing building</td></tr> <tr> <td data-bbox="735 1473 1062 2047">There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is on a corner site</td><td data-bbox="1062 1473 1350 2047">(a) where the existing building shares the same primary street frontage – the setback of the existing building (b) where the existing building has a different primary street frontage – 8 m</td></tr> </tbody> </table>	Development Context	Minimum Setback	There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building	The average setback of the existing buildings	There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is not on a corner site	The setback of the existing building	There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is on a corner site	(a) where the existing building shares the same primary street frontage – the setback of the existing building (b) where the existing building has a different primary street frontage – 8 m
Development Context	Minimum Setback								
There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building	The average setback of the existing buildings								
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There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is on a corner site	(a) where the existing building shares the same primary street frontage – the setback of the existing building (b) where the existing building has a different primary street frontage – 8 m								

	<div>There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building</div>	<div>8 m</div>
	<div>For the purposes of DTS/DPF 5.1:</div> <div><div>(a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback</div><div>(b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table</div></div>	
<div>Secondary Street Setback</div>		
<div>PO 6.1</div> <div>Buildings are set back from secondary street boundaries (not being a rear laneway) to maintain a pattern of separation between buildings and public streets and reinforce streetscape character.</div>	<div>DTS/DPF 6.1</div> <div>Building walls are set back at least 900mm from the boundary of the allotment with the secondary street frontage, or if a building (except for ancillary buildings and structures) on adjoining allotment is closer to the secondary street than 900mm, not less than the distance of that building from the boundary with the secondary street.</div>	
<div>Boundary Walls</div>		
<div>PO 7.1</div> <div>Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.</div>	<div>DTS/DPF 7.1</div> <div>Except where the building is a dwelling and is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below:</div>	

	<ul style="list-style-type: none"> (a) side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height (b) side boundary walls do not: <ul style="list-style-type: none"> (i) exceed 3m in wall height (ii) exceed 11.5m in length (iii) when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary (iv) encroach within 3 metres of any other existing or proposed boundary walls on the subject land.
PO 7.2 Dwellings in a semi-detached, row or terrace arrangement maintain space between buildings consistent with a low density suburban streetscape character.	DTS/DPF 7.2 Dwelling walls in a semi-detached, row or terrace arrangement are setback from side boundaries shared with allotments outside the development site at least the minimum distance identified in DTS/DPF 8.1.
Side Boundary Setback	
PO 8.1 Buildings are set back from side boundaries to provide: <ul style="list-style-type: none"> (a) separation between buildings in a way that complements the character of the locality (b) access to natural light and ventilation for neighbours. 	DTS/DPF 8.1 Other than walls located on a side boundary, building walls are set back from side boundaries in accordance with the following: <ul style="list-style-type: none"> (a) where the wall height does not exceed 3m - at least 900mm (b) for a wall that is not south facing and the wall height exceeds 3m - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings (c) for a wall that is south facing and the wall height exceeds 3m - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings.
Rear Boundary Setback	
PO 9.1	DTS/DPF 9.1

<p>Buildings are setback from rear boundaries to provide:</p> <ul style="list-style-type: none"> (a) separation between buildings in a way that complements the established character of the locality (b) access to natural light and ventilation for neighbours (c) private open space (d) space for landscaping and vegetation. 	<p>Building walls (excluding ancillary buildings and structures) are set back from the rear boundary at least:</p> <ul style="list-style-type: none"> (a) If the size of the site is less than 301 square metres— (i) 3m in relation to the ground floor of the building (ii) 5m in relation to any other building level of the building (b) if the size of the site is 301 square metres or more—(i) 4m in relation to the ground floor of the building (ii) 6m in relation to any other building level of the building.
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The setback policies of the Suburban Neighbourhood Zone seek to complement the existing character of residential development. It also seeks to protect the amenity of residents by ensuring that any two storey development does not result in unreasonable overshadowing.

Overlays

105 Hanson Road, Freeling
<p>The following Overlays will be retained over the Affected Area with no change:</p> <ul style="list-style-type: none"> • Hazards (Bushfire - General) • Heritage Adjacency • Hazards (Flooding - General) • Major Urban Transport Routes • Native Vegetation • Traffic Generating Development
<p>The following Overlays are proposed to be applied:</p> <ul style="list-style-type: none"> • Affordable Housing Overlay

Sections 524, 530, 531, 537 Borrow Street, Freeling
<p>The following Overlays will be retained over the Affected Area with no change:</p> <ul style="list-style-type: none"> • Hazards (Bushfire - General) • Hazards (Flooding - General) • Major Urban Transport Routes • Native Vegetation

<ul style="list-style-type: none"> • Traffic Generating Development
<p>The following Overlays are proposed to be applied:</p> <ul style="list-style-type: none"> • Affordable Housing Overlay

The Affordable Housing Overlay promotes affordable housing that is integrated with residential and mixed-use development, catering for a variety of household structures.

The overlay supports 15% affordable housing to be provided, as a part of development application for 20 or more dwellings or residential allotments.

The overlay contains policies allowing dispensations for typical planning requirements such as minimum site areas, car parking or building heights where affordable housing is proposed.

Concept Plan(s)

Concept Plans guide development of an area through a visual representation of the envisaged physical outcome of an area. Concept Plan can illustrate the location of main access points, reserve areas and stormwater detention basins. Concept Plans are referenced through Zone policies and contained in Part 12 of the Code.

Concept Plans are considered appropriate in the Code where:

- Policy and zoning tools available in the Code cannot adequately address the development outcomes envisaged in the Concept Plan.
- The Concept Plan has an active policy role in the future staging of development and provision of infrastructure.

In this case, Concept Plans are proposed to convey some of the key development outcomes resulting from the investigations, including:

- potential access points from main roads to lead into each residential estate
- landscape and other treatments (fencing) to provide a buffered interface from adjacent farming land uses, the Cemetery and State Maintained roads
- incorporation of stormwater detention basins to manage stormwater discharge from the developed area to ensure that the development does not increase peak flows in downstream systems
- indicative walking/trail loop connecting the subject land to the main retail precinct of Freeling and other public open space areas
- potential allotment yield (based on allotment sizes between 600m² and 1000m²).

The proposed Concept Plans are contained in **Attachment E**.

These Concept Plans will be called up through Performance Outcome (PO) 10.1 of the Suburban Neighbourhood Zone as contained in the Planning and Design Code; which states:

PO 10.1: Development is compatible with the outcomes sought by any relevant Concept Plan contained within Part 12 - Concept Plans of the Planning and Design Code to support the orderly development of land through staging of development and provision of infrastructure.

3. WHAT ARE THE NEXT STEPS FOR THIS CODE AMENDMENT?

3.1 Engagement

Engagement on the Code Amendment must occur in accordance with the Community Engagement Charter principles, which required that:

- engagement is genuine
- engagement is inclusive and respectful
- engagement is fit for purpose
- engagement is informed and transparent
- engagement processes are reviewed and improved.

An Engagement Plan has been prepared for this Code Amendment to ensure that engagement will be conducted and measured against the principles of the Charter. For more information on the Community Engagement Charter go to the PlanSA portal at (plan.sa.gov.au/en/charter).

A summary of the engagement that is occurring for this Code Amendment is as follows:

- On line survey to seek feedback via the Plan SA website
- Letters to key stakeholders notifying the release of the Code Amendment and inviting feedback
- Facilitation of one-on-one meetings or online meetings (by request)
- Phone and email enquiries
- Publication of a public notice on the SA Planning Portal and Plan SA website
- Fact Sheet - A fact sheet designed to explain what a Code Amendment is and how best they can be engaged through the process

3.2 How can I have my say on the Code Amendment?

There are several ways in which you can provide feedback on the Code Amendment. This includes:

- Completing an online survey or submission via the SA Planning Portal
- Providing a written submission by email to andrew@humbyconsulting.com.au
- Providing a written submission by post to:
Humby Consulting
PO Box 7434
Halifax Street SA 5000
- Attend the informal drop-in sessions
- Booking a one-on-one meeting to discuss the proposal with a member of the project team by contacting: andrew@humbyconsulting.com.au

3.3 What changes to the Code Amendment can my feedback influence?

The Planning and Design Code utilises standardised policies for zones, to ensure consistency across the state in how they are applied and interpreted. This means that once a zone is proposed through a Code Amendment, there is limited scope to tailor individual land use policies to suit a site. The use of Concept Plans is one way that site-specific requirements can be articulated. Subzones and Technical and Numerical Variations (TNVs) are another way that some zones can be tailored to shape area or site specific outcomes.

Aspects of the Code Amendment which stakeholders and the community can influence are:

- The spatial application of the Zones
- The spatial application of the Technical and Numeric Variations
- The spatial applications of the Overlays
- The introduction and layout of a Concept Plan.

Aspects of the project which stakeholders and the community cannot influence are:

- The zone that has been selected to apply to the Affected Area
- The creation or amendment of new policy content within the Overlays, Zones, Subzones or General Policies contained within the Planning and Design Code that affect other areas of the state
- The expansion of the geographic extent of the amendment or the Affected Area.

3.4 What will happen with my feedback?

The Designated Entity, Windy Acres Pty Ltd and Terese Enterprises Pty Ltd, is committed to undertaking consultation in accordance with the principles of the Community Engagement Charter and is genuinely open to considering the issues raised by people in the community.

All formal submissions will be considered by Windy Acres Pty Ltd and Terese Enterprises Pty Ltd when determining whether the proposed Amendment is suitable and whether any changes should be made.

Each submission will be entered into a register and you will receive an email acknowledging receipt of your submission. Your submission will be published on the PlanSA portal. Personal addresses, email and phone numbers will not be published, however company details will be.

Windy Acres Pty Ltd and Terese Enterprise Pty Ltd will consider the feedback received in finalising the Code Amendment and will prepare an Engagement Report which will outline what was heard during consultation and how the proposed Code Amendment was changed in response to submissions.

The Engagement Report will be forwarded to the Minister, and then published on the PlanSA portal.

3.5 Decision on the Code Amendment

Once the Engagement Report is provided to the Minister, the Commission may provide further advice to the Minister:

- at the Minister's request, if the Code Amendment is considered significant.

The Minister will then either adopt the Code Amendment (with or without changes) or determine that the Code Amendment should not proceed. The Minister's decision will then be published on the PlanSA portal.

If adopted, the Code Amendment will be referred to the Environment Resources and Development Committee of Parliament (ERDC) for their review. The Commission will also provide the Committee with a report on the Code Amendment, including the engagement undertaken on the Code Amendment and its compliance with the Community Engagement Charter.

3.6 Closing the Loop

Closing the loop of stakeholder engagement will comprise the following activities:

- Letter/email to those involved in the engagement communicating about final Code Amendment, engagement summary report and link to evaluation survey following conclusion of engagement.
- Website updates (SA Planning Portal) providing final Code Amendment and engagement summary report following conclusion of engagement.

4. ANALYSIS

4.1 Strategic Planning Outcomes

4.1.1 Summary of Strategic Planning Outcomes

The proposed amendment seeks to introduce a policy framework that will achieve the following strategic outcomes:

- Rezoning of an identified future growth area which will result in a logical expansion of the existing Freeling township
- Rezoning of the Affected Area for low-density residential development to address a shortage of dwelling supply in the Freeling township
- The installation of appropriate services and infrastructure to support anticipated future low-density residential development without impacting on adjacent development and existing infrastructure
- The provision of appropriate landscape reserves and useable public open space to also perform as a buffer to adjacent road corridors, and as a biodiversity corridor.

4.1.2 Consistency with the State Planning Policies

State Planning Policies define South Australia's planning priorities, goals and interests. They are the overarching umbrella policies that define the state's interests in land use. There are 16 State Planning Policies and six special legislative State Planning Policies.

These policies are given effect through the Code, with referral powers assigned to relevant Government Agencies (for example, the Environmental Protection Agency for contaminated land). The Code (including any Code Amendments) must comply with any principle prescribed by a State Planning Policy.

This Code Amendment is considered to be consistent with the State Planning Policies as shown in **Attachment D**.

4.1.3 Consistency with the Regional Plan

The directions set out in Regional Plans provide the long term vision and set the spatial patterns for future development within a region. This can include land use integration, transport infrastructure and the public realm.

The Commission has identified that the existing volumes of the South Australian Planning Strategy, prepared under the *Development Act 1993*, will apply until such time as the new Regional Plans are prepared and adopted. Refer to the PlanSA portal for more information on the Commission's program for implementing Regional Plans throughout South Australia.

The Greater Adelaide Regional Plan is the relevant regional plan for the Freeling township.

Where there is conflict between a Regional Plan and the State Planning Policies, the State Planning Policies will prevail.

This Code Amendment is considered to be consistent with the Regional Plan as shown in **Attachment D**.

4.1.4 Consistency with the Discussion Paper for the Greater Adelaide Region Plan

In August 2023, the State Planning Commission released a Discussion Paper to generate conversation within the community and with stakeholders. The feedback received will assist in informing the preparation of the Greater Adelaide Regional Plan (the GARP).

The GARP will identify growth over a 15 to 30 year period and guide where housing and employment lands will go, how they will be serviced, what areas need conserving and protecting and what major infrastructure is needed to service the economy of the Greater Adelaide region.

With regards to the Freeling township, the Discussion Paper has identified that growth is identified for urban development by the current Regional Plan, and this will continue subject to infrastructure capacity.

Accordingly, it does not appear that any additional land surrounding the Freeling township will be released as future urban lands, apart from what is currently identified. This then consequently places additional pressure on housing supply within Freeling which is already experiencing high demand for vacant residential allotments.

4.1.5 Consistency with other key strategic policy documents

This Code Amendment aligns with other key policy documents in the following manner:

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
Light Regional Council Strategic Plan 2021 to 2025	<p>The Council's Strategic Plan sets out important strategic objectives to manage growth and change in the community. Council has identified a number of community, environment and economic strategic priorities to advance over the next four year period. Of specific relevance:</p> <ul style="list-style-type: none">- Planning for the integration of new communities, such as Roseworthy, with the balance of the Light Regional Council- Planning for emergency events in terms of disaster risk reduction, incident support and recovery initiatives- Facilitation of coordinated project delivery through private/public partnerships.

	<p>The proposed rezoning of the Affected Area is in close alignment with the objectives of the Council Strategic Plan.</p>
<p>Light Economic Development Plan – Economic Analysis Report April 2020</p>	<p>The Light Economic Development Plan - Economic Analysis Report April 2020 was prepared by Lucid Economics to identify future economic development activities.</p> <p>The Report generally concludes that existing businesses, small businesses, trade opportunities and opportunities to attract investment from outside investors and businesses is needed to further stimulate the region's economy.</p> <p>The proposed rezoning will consider the economic analysis as part of the Code Amendment process.</p>
<p>Freeling Town Centre Activation (Addendum to 2005 Freeling Urban Design Framework)</p>	<p>The Freeling Town Centre Activation Report 2022 (Report) was prepared as an Addendum to the Freeling Urban Design Framework (2005) (Framework). The Framework was prepared to guide the coordination of infrastructure projects, private investment and policy amendments. The Report identifies a number of key short term to long term actions including:</p> <ul style="list-style-type: none"> • Town centre amenity improvements to the streetscape and railway park • Tourism development underpinned by a mix of centre activities and quality streetscape • Lane way activation and pedestrian/cycling connectivity • Additional public car parking opportunities. <p>The proposed rezoning of additional residential development will contribute to the activation of the town centre.</p>
<p>Light Regional Council Cemeteries Management Plan 2019-2025</p>	<p>The Freeling Cemetery is identified as a Local Heritage Place in the current Planning and Design Code and the Plan as well as the accompanying Heritage Report provide detail analysis of the Freeling Cemetery.</p> <p>The Concept Plan for the Affected Area illustrates that fencing will be proposed</p>

	surrounding the Cemetery grounds to ensure that the context is protected.
Land Supply Report for Greater Adelaide (June 2021)	<p>In June 2021, the State Government released the first version of the new format of its land supply report that now covers land supply across the whole state rather than only metropolitan Adelaide. The report covers important information in the following areas:</p> <ul style="list-style-type: none"> • Urban development trends • Population growth and projections • Land supply and demand analysis • Housing construction activity <p>The report provides a clear analysis of residential and employment trends, projected demand and land supply in Greater Adelaide (including in part, the Light Regional Council). The Report has a 10-year timeline to 2030 recognising trends in housing and employment markets can change quickly. The report has identified that population in the Outer Northern region of Greater Adelaide is projected to grow by between 26,900 and 36,700 people between 2020 and 2030, based on medium and high growth scenarios. A portion of this growth will occur in the Light Regional Council area.</p> <p>Investigations on estimated land supply and demand has been undertaken by Deep End Services with a summary provided later in this Report.</p>

4.2 Infrastructure planning

Where relevant, a Code Amendment must ensure that relevant infrastructure can be economically provided to the Affected Area. In some instances, this may be resolved at the development application stage. However, where significant upgrades are required to trunk infrastructure or road improvements which cannot form part of a development application, agreements or other arrangements to fund and provide infrastructure must be put in place prior to approval of the Code Amendment.

The following infrastructure planning is relevant to this Code Amendment:

Infrastructure Planning	Response/Comment
Upgrade treatment (Short Auxiliary Left-Turn Treatment) required to intersection of Thiele Highway/Borrow Street/Leske Street	<p>CIRQA has identified that due to anticipated Traffic volumes from the development, the said intersection will require upgrade treatment.</p> <p>An Infrastructure Deed for the said works will be required to be entered into by the Designated Entity should the upgrade be required.</p> <p>Timing around the treatments would need to be coordinated between relevant agencies and the designated entity.</p>
<p>'Basic Left-Turn' (BAL) and 'Basic Right-Turn' (BAR) intersection treatments:</p> <ul style="list-style-type: none"> • Western Lot 523 Borrow Street access - BAL and BAR treatments; • Eastern Lot 523 Borrow Street access - BAL and BAR treatments; and • Parcel 94 Hanson Road access – BAL and BAR treatments. 	<p>CIRQA identified that the said 'Basic Left-Turn' (BAL) and 'Basic Right-Turn' (BAR) intersection treatments are warranted as part of the future land division process due to forecast traffic volumes.</p> <p>An Infrastructure Deed for the said works will be required to be entered into by the Designated Entity.</p> <p>Timing around the treatments would need to be coordinated between relevant agencies and the designated entity.</p>

4.3 Investigations

4.3.1 Investigations undertaken

The extent of investigations that have been undertaken as part of the Code Amendment process have been agreed by the Minister in the Proposal to Initiate. In addition to this, the Commission has also specified certain investigations to be undertaken to support the Code Amendment [delete if not applicable].

The following investigations have been undertaken to inform this Code Amendment:

- Land Supply and Demand Investigations
- Community Infrastructure Analysis
- Civil Infrastructure and Utilities Planning
- Traffic, Access and Parking
- Site Contamination
- Aboriginal Heritage
- Hazard Management

- Vegetation Impact
- Interface Management
- Affordable Housing

Further details on investigations undertaken in support of the Code Amendment are included in **Attachments**.

4.3.2 Land Supply and Demand Investigations

Background

Deep End Services prepared the Residential Land Supply and Demand Investigations on behalf of the Designated Entity (dated 8 August 2023). The report provides an examination of the demand and supply balance for greenfield residential allotments within Freeling and also analyses the economic effects of rezoning.

The report analysis is based on the indicative concept plan for the Affected Area which shows a subdivision layout yielding some 230 allotments based on an average allotment size of 800m².

Key Findings

The details of the investigations are provided in **Attachment F** and are summarised below:

Freeling is the fourth largest township in the wider Northern Plains and Barossa region and unlike other townships, Freeling is characterised by relatively rapid and consistent growth.

There has been ongoing demand for housing within Freeling and in recent years, this demand has been met almost entirely by the Freeling Estate and the Schuster Estate, with only very little infill land divisions occurring elsewhere in the township. The Freeling Estate is now almost fully developed, and the Schuster Estate has sold the majority of allotments. At the date of the report, there were only two vacant house lots available to purchase within Freeling.

The analysis by Deep End has revealed that there will only be 144 potential future lots available over the next 15 years. Based on an ongoing demand of 28-33 lots per year, there will only be a 5 year supply of lots available which will consequently increase the sale price of vacant allotments due to shortage.

The Code Amendment will facilitate development of approximately 230 new lots thereby generating an additional 7-8 years land supply in the area.

Recommended Policy Changes

The rezoning of the Affected Area from Rural Zone to Suburban Neighbourhood Zone is timely and will enable the provision of residential allotments to meet the increased demand to dampen price growth in the area.

Given the demand for increased housing combined with no proposal to supply additional land (as per the Discussion Paper for GARP), it is recommended that the minimum allotment size be 600m². This will also complement the allotment size and character of the adjacent Freeling Estate.

4.3.3 Community Infrastructure Analysis

Background

During 2021, the Light Regional Council commissioned URPS to prepare an addendum to the *2005 Freeling Urban Design Framework*. The addendum was initiated as a result of redevelopment activities that had occurred since 2005, and therefore sought to provide a refreshed set of actions and tasks to further revitalise the Freeling town centre.

Key Findings

The Findings and Recommendations Addendum (June 2022) to the 2005 *Freeling Urban Design Framework* (the Addendum) recommended a trail loop that connects the public spaces around the Freeling township. The recommended trail loop runs along the edge of a portion of the Affected Area.

The figure below illustrates the indicative trail loop as recommended by the Addendum:



Recommended Policy Changes

The proposed Concept Plan has reflected the recommended trail loop by identifying the area for the potential trail along the rear of the properties facing Roche Street, Freeling. This is consistent with the medium term vision of a trail loop.

4.3.4 Civil Infrastructure and Utilities Planning

Background

TMK Consulting Engineers were engaged to prepare investigations to identify the infrastructure works required to support the rezoning (Background Investigations Report (Services Infrastructure) 5 July 2022). An updated report

has been prepared for the purposes of the Code Amendment Report with the outcomes summarised in the table below.

The Traffic Investigations Report (September 2022) prepared by CIRQA investigated the potential traffic impacts of the envisaged development for the Affected Area, some of which have been identified in the earlier part of this Code Amendment Report (section 4.2).

Pre engagement consultation was also undertaken with Council to seek preliminary feedback with regards to local road impact, stormwater and wastewater.

Key Findings

The details of the investigations are provided in **Attachment G and Attachment H** and are summarised below:

Council Infrastructure Planning	Response/Comment
Local Roads	<p>The Concept Plans indicatively illustrate the potential access arrangements for the Affected Area. Namely:</p> <ul style="list-style-type: none"> - Two access points on the northern side of Borrow Street - One access point on the southern side of Borrow Street - One access point on Stollberg Road. <p>Further to an analysis of forecast traffic volumes, CIRQA identified that intersection treatments are warranted as outlined in section 4.2 earlier in this Code Amendment Report.</p> <p>Preliminary feedback was sought from Council with regards to the proposed access points and in particular the use of Stollberg Road as the primary access to future allotments to be accommodated within Piece 95 (parcel of land immediately south of the cemetery).</p> <p>Council administration have indicated preference for two separate access points ie access via Borrow Street as well as Stollberg Road to service the area immediately south of the Freeling Cemetery. This will require further investigation prior to the finalisation of rezoning.</p>
Stormwater	<p>A stormwater management plan will be required for a future land division to ensure that Council requirements are met; ie detention on site of volumes generated by the development and overland pathway discharge limited to pre-development levels.</p>

	<p>To ensure that all post-development flows are retained on site, total detention volumes for the northern and southern parcels of 13,000m³ and 4,000m³, respectively, have been estimated based on the hydrological model.</p> <p>The Concept Plans contained within the Code Amendment detail an indicative location of the proposed detention basins.</p>
Wastewater	<p>Council has indicated that a pump station and associated infrastructure will be required to connect the development to Council's wastewater system on Lot 1001 in DP87262. A new wastewater system is under construction, and augmentation and connection fees will apply to all new allotments created in any further development of the nominated area.</p>

TMK Consulting Engineers have been engaged to investigate utility infrastructure; below is a summary of the investigation outcomes.

Utility Infrastructure	Response/Comment
Potable Water	<p>Council administration has advised that the potable water network needs to be augmented before any more allotments can be created and/or released at Freeling. These augmentation works are not included in SA Water's program to 2024 and it is understood there is a process that applies to the inclusion of such works in subsequent investment periods.</p> <p>Importantly, the State Government has established the Housing Infrastructure Planning and Development Unit (HIPDU) to streamline the provisioning of essential utilities, including electricity, potable water, sewage, and public infrastructure such as roads and schools.</p> <p>We are aware that HIPDU is actively addressing the existing challenges related to potable water in Freeling and the broader Light Regional Council area. Although a definitive resolution has not yet been provided by HIPDU, it is proposed that ongoing discussions with relevant stakeholders will continue throughout the Code Amendment process. We aim to confirm timing and costs of augmentation prior to the finalisation of this process.</p>
Electricity	<p>There is both an existing 11kV Distribution overhead and underground network that can be utilised to accommodate future development. The developer is</p>

	required to meet the cost of design and construction of the electrical distribution reticulation throughout the development area. This can be managed at a future land division stage.
Gas	APA gas mains borders the development site on the corner of Borrow Street and Hanson Street (west side) and the intersection of Borrow Street, Thiele Highway and Leske Road. Connection cost can be managed by the developer and APA at a future land division stage.
Telecommunications	The existing Telstra telecommunications network borders the development site. The analysis confirms that the existing infrastructure can support the proposed development and can be connected to NBN Co.

4.3.5 Traffic Access and Parking

Background

CIRQA was engaged by the Designated Entity to undertake traffic investigations based on the potential allotment yield within the Affected Area. Specifically, the report provides a review of the subject site, the potential development yield, access arrangements and associated traffic impact on the adjacent road network. The traffic investigations were based on the Concept Plans (dated 7 and 11 February 2022) proposing a total of 192 residential allotments.

Vehicle access to the site is proposed to be provided via Borrow Street (for all land north of Borrow Street and Parcel 94 Borrow Street), as well as via Stollberg Road (Parcel 95 Borrow Street only).

Key Findings

The details of the investigations are provided in **Attachment H**.

Taking into account the forecast traffic volumes, the following intersection treatments are warranted at the site's access points:

- Western Lot 523 Borrow Street access - Basic Left-turn (BAL) and Basic Right-turn (BAR) treatments;
- Eastern Lot 523 Borrow Street access - BAL and BAR treatments; and
- Parcel 94 Hanson Road access – BAL and BAR treatments.

Further to the above, an assessment of the existing Thiele Highway, Borrow Street and Leske Street intersection has also been undertaken. Based upon the existing traffic volumes, the intersection has been identified to warrant a Short Auxiliary Left-turn (AUL(S)) treatment. No other upgrade treatments at the intersection (beyond that of what is currently required) have been identified.

No upgrades to the Borrow Street, Stephenson Street and Templers Road intersection are considered to be warranted as a result of the potential Code Amendment.

Recommended Policy Changes

The Planning and Design Code contains relevant policies that address on site car parking for residential land uses.

With regards to traffic volume impact on the local road network, the Infrastructure Deed will address the upgrade treatments required to the mentioned intersections.

4.3.6 Site Contamination

Background

Where a re-zoning proposes a change to a more sensitive land use, a Preliminary Site Investigation (PSI) Report is required to be prepared in accord with Schedule 8, Clause 2A of the *Planning, Development and Infrastructure (General) Regulations 2017*.

A. M. Environmental Consulting Pty Ltd (AME) was commissioned by the proponents to conduct an environmental site history research for the site in the form of a Preliminary Site Investigation for the Affected Area.

The aim of the work was to assess the potential for previous or current land uses to have resulted in gross or widespread soil contamination to exist and whether there are potential contamination aspects or impacts that may present potential liabilities or constraints on future development which would preclude the site from being made suitable for the proposed use.

Key Findings

The details of the investigations are provided in **Attachment I**.

The work was conducted in general accordance with the *NEPC (1999), National Environment Protection (Assessment of Site Contamination) Measure, December 1999 (ASC NEPM)* as amended in 2013.; *Standards Australia. Guide to the investigation and sampling of sites with potentially contaminated soil – AS 4482.1-2005* and the *South Australian EPA (2018 as amended in 2019). Guidelines for the Assessment and Remediation of Site Contamination (GAR)* and *SA Planning Commission Practice Direction 14 Site Contamination Assessment 2021 (PD14)*.

The site history information indicated that the site has not been occupied by potentially contaminating activities as per PD14. The site has been vacant but for a small collection of buildings on the southern allotment (F174514QP95) since at least 1979.

There were no fuel tanks observed at the site or encountered during the site visit, nor any history of above or underground fuel tanks. There were no historical buildings or shedding.

Therefore, based on the work conducted, the risk of site contamination precluding the proposed use is low considering the nature of the proposed residential development.

Recommended Policy Changes

AME confirmed, based on the site history information and site inspection, that the risk of site contamination is low and will be able to be made suitable for residential land use.

The Planning and Design Code, which contains the relevant policies to address site contamination, together with the application of the Practice Direction 14, which sets out the process for ensuring land is suitable for its intended use where land use is changing to a more sensitive use, will apply to the future residential development of the land. Given the existing policy framework and Practice Direction 14, no policy changes are proposed.

Attachment I contains a copy of the Preliminary Site Investigation for the Affected Area.

4.3.7 Aboriginal Heritage

Key Findings

A search of the Register of Aboriginal Sites and Objects (the Register) (Taa wika) was administered by Aboriginal Affairs and Reconciliation (AAR). The search confirmed that there are no known Aboriginal sites within the Affected Area and within 100 metres of the Affected Area.

Attachment J contains a copy of the outcome of the Register search for the Affected Area

Recommended Policy Changes

There are no recommended policy changes. However, all Aboriginal sites and objects are protected under the Aboriginal Heritage Act 1988 (the Act) and although the Affected Area is not identified in the Register, any objects or remains discovered during development of the Affected Area are protected under the Act and need to be reported to the Premier.

4.3.8 Hazard Management

Background

South Australia has been mapped into bushfire protection areas, depending on the level of risk. There are six (6) Hazard (Bushfire Risk) Overlays currently contained within the Planning and Design Code suite:

- Hazards (Bushfire - High Risk) Overlay
- Hazards (Bushfire - Medium Risk) Overlay
- Hazards (Bushfire - General Risk) Overlay
- Hazards (Bushfire - Regional) Overlay
- Hazards (Bushfire - Outback) Overlay
- Hazards (Bushfire - Urban Interface) Overlay

The Affected Area is currently subject to the Hazards (Bushfire - General) Overlay. This Overlay seeks to ensure that development, including land division, is sited and designed in a manner that mitigates the threat and impact of bushfires. The Overlay also ensures that access for emergency vehicles is facilitated to protect lives and assets from bushfire danger

In relation to flooding, the Affected Area is currently subject to the Hazards (Flooding - General) Overlay. This Overlay seeks to minimise impacts on people, property, infrastructure and the environment from general flood risk through the appropriate siting and design of development.

Key Findings

Bushfire Hazard

Currently, the Affected Area is subject to the Hazards (Bushfire - General) Overlay. The land is used for farming purposes and flora is a fire source. Adjacent residential development is subject to the Hazards (Bushfire – Urban Interface) Overlay. This Overlay acknowledges the risk of adjacent farming land and ensures that new development is designed to allow access through to bushfire risk areas and facilitate evacuation to safety zones.

Flooding Hazard

Currently, the Affected Area is currently subject to the Hazards (Flooding - General) Overlay. Currently, some parts of the residential and commercial areas of Freeling are subject to the Hazards (Flooding Evidence Required) Overlay, Hazards (Flooding) Overlay and the Hazards (Flooding – General) Overlay.

Recommended Policy Changes

It is recommended that the Hazards (Bushfire - General) Overlay continue to apply across the Affected Area. Policy within the Overlay will ensure that any land division is designed in a manner that minimises risk to people, property and the environment. Once the Affected Area has been developed, the relevance of the Hazards (Bushfire - General) Overlay can be reviewed and whether the application of the Hazards (Bushfire - Urban Interface) Overlay is more suitable.

Until such time the flood mapping is updated, the current Hazards (Flooding – General) Overlay will continue to apply across the Affected Area.

4.3.9 Vegetation Impact Assessment

Key Findings

Vegetation is sparse across the Affected Area due to the nature of farming activities undertaken across the area. Trees are situated along the western boundary of the Affected Area, abutting the residential properties.

Recommended Policy Changes

It is proposed to retain the Native Vegetation Overlay over the Affected Area. This Overlay seeks to protect, retain and restore native vegetation in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values. Therefore, any land division and development of the Affected Area would be required to take due consideration native vegetation retention together with any bushfire risk.

4.3.10 Interface Management

Background

Rural land sits immediately to the north, east and south of the Affected Area. Activities associated with rural activities can potentially impact on the amenity of residential development. Importantly, as a sensitive land use, any future low density residential development should not prejudice existing agricultural activities.

Key Findings

The Planning and Design Code contains the Interface between Land Uses module which outlines policies to address management at the interface with non-residential land uses.

In addition, a Concept Plan is proposed as part of this Code Amendment which seeks to address and consequently mitigate any adverse impacts generated by existing adjacent rural land uses desired in the adjacent Rural Zone.

The following land uses have been identified for consideration of any interface management strategies:

Potential Source	Amenity Impact	Mitigation Solution
Adjacent rural land uses to the north, east and south of the Affected Area	Noise (Audible bird scaring devices; farm machinery) Spray Drift	The Concept Plan proposes a landscape reserve between the rural land uses and the proposed residential development. The Thiele Highway runs along the Affected Area provides a physical separation from the adjacent rural land. It is also proposed to incorporate a narrow landscape strip along the length of the Thiele Highway to provide an additional interface buffer.
Thiele Highway which is a State Maintained Road (100 km per hour speed limit)	Traffic Noise (including from heavy vehicles)	The Thiele Highway runs along the Affected Area and it is proposed to incorporate a narrow landscape strip, together with fencing, along the length of the Thiele Highway to provide an additional interface buffer.
Freeling Cemetery	Noise from visitors to the Cemetery	To address the interface of the future residential development and the adjacent cemetery (which is likely to grow), the

		<p>Concept Plan proposes a suitably designed fence that considers the local heritage place.</p> <p>Detailed design of the proposed fencing designs will be considered as part of a future land division application following the completion of the Code Amendment process.</p>
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Recommended Policy Changes

It is proposed to insert the Concept Plans which illustrates the location of the road reserve, public open space and stormwater detention basins to assist with mitigating noise and air quality impacts.

Anticipated fencing for the potential residential allotments abutting Thiele Highway will also provide a buffer against heavy vehicle noise.

The Planning and Design Code policy framework is sufficient in addressing the above matters as part of assessment of any future land division application.

4.3.11 Affordable Housing

Background

The Minister has specifically requested that consideration be given to the application of the Affordable Housing Overlay across the Affected Area.

The Affordable Housing Overlay promotes the provision of 15 percent affordable housing product to be included in developments creating more than 20 allotments/dwellings.

The Affordable Housing Overlay contains policies allowing dispensations for specific planning requirements such as minimum site area, car parking or building heights.

It is important to note that the Affordable Housing Overlay is triggered when a development application for a land division is lodged. It is not mandatory that the affordable housing is provided, rather the Overlay provides the opportunity should it be feasible. Land division proposals that do not include affordable housing will need to provide a planning rationale as part of the development application as to why the provision will not be met.

Development proposing affordable housing is referred to the Minister responsible for administering the *South Australian Housing Trust Act 1995*.

The affordable housing price point (as at September 2022 and with special conditions) for land only in Greater Adelaide is \$187,650 or \$152,550 for the remainder of the State, (exclusive of GST). The affordable 'dwelling' price point

(as at February 2020) in Greater Adelaide is \$417,000 or \$399,000 for the remainder of the State (exclusive of GST).

Key Findings

The Economic Analysis prepared by Deep End Services (dated 24 July 2023) identified that the median lot prices in Freeling has risen (only recently) to \$170,000-\$190,000. The price of vacant land is likely to continue to increase where supply pressures build and cost of infrastructure rises. In any event, the policy provides for the ability to include affordable housing product within a land division proposal.

Recommended Policy Changes

The Code Amendment proposes to adopt the Affordable Housing Overlay which provides policy incentives to encourage the provision of affordable housing in the event that allotments may be able to meet the price point for Affordable Housing.

5. CONCLUSION

Further to the investigations, the Designated Entity is proposing a Code Amendment to amend the Planning and Design Code as follows:

- Replace the Rural Zone with the Suburban Neighbourhood Zone
- Introduce a Concept Plan that illustrates the location of access arrangements, public open space and interface treatments
- Retain all existing Overlays
- Apply the Affordable Housing Overlay
- Apply Technical Numerical Variation Standards relating to Minimum Site Area, Maximum Building Height and Maximum Number of Building Levels.

The Code includes a range of policies that will apply to development in this locality, which are contained within the General Section of the Code (eg overlooking, overshadowing, design, land division layout, water sensitive urban design). No changes are proposed to these policies.

ATTACHMENT A – AFFECTED AREA MAPPING

ATTACHMENT B – CURRENT CODE POLICY

ATTACHMENT C – PROPOSED CODE POLICY

ATTACHMENT D – STRATEGIC PLANNING OUTCOMES

1. State Planning Policies

The State Planning Policies (SPPs) require that the Principles of Good Planning are considered in the preparation of any designated instrument, including a Code Amendment.

SPP Key Principles

There are 16 SPPs that include Objectives, Policies and Principles for Statutory Instruments (including the Planning and Design Code). The most critical SPPs in the context of this Code Amendment are:

- SPP1: Integrated Planning
- SPP2: Design Quality
- SPP4: Biodiversity
- SPP6: Housing Supply and Diversity
- SPP7: Cultural Heritage
- SPP8 : Primary Industry
- SPP15: Natural Hazards

SPP1: Integrated Planning

Objective: To shape cities and regions in a way that enhances our liveability, economic prosperity and sustainable future.

Policy 1.1 An adequate supply of land (well serviced by infrastructure) is available that can accommodate housing and employment growth over the relevant forecast period.

Policy 1.2 Provide an orderly sequence of land development that enables the cost-effected delivery of investment with the rate of future population growth.

Policy 1.3 Plan growth in areas of the state this is connected to and integrated with, existing and proposed public transport routes, infrastructure, services and employment lands.

Policy 1.9 Plan neighbourhoods to support walking and cycling, particularly in Greater Adelaide and regional townships.

Code Amendment Outcome:

The Affected Area is currently zoned Rural Zone and is located to the immediate east of the Freeling township. It is well suited to provide a logical expansion of the Freeling township, within close proximity to services, and is outside of the Environment and Food Production Area.

The proposed rezoning will provide an additional land supply within a township that has a demonstrated growing demand. Infrastructure will be able to be provided and this will be addressed at the time of the land division application.

The suite of policies within the Planning and Design Code enables development to meet current expectations in housing while allowing for innovation in design in response to household characteristics and community choices.

The Concept Plans propose a walking/cycling link which will connect to an anticipated link which connects public open space and services.

SPP2: Design Quality

Objective: To elevate the design quality of South Australia's built environment and public realm.

Policy 2.8 Recognise the unique character of areas by identifying their valued physical attributes in consultation with communities.

Policy 2.14 Provide public open space that accommodates a range of passive, active and formal sporting opportunities at the state, regional and/or local level.

Code Amendment Outcome:

The suite of policies within the Planning and Design Code will facilitate good dwelling design, also taking into consideration local context and characteristics.

The proposed Concept Plans identifies reserve open space for passive recreational opportunities and for stormwater management (detention basins).

SPP4: Biodiversity

Objective: To maintain and improve our state's biodiversity and its life supporting functions.

Policy 4.4 Enhance the biodiversity of urban areas and townships through a connected and diverse network of green infrastructure systems along streetscapes, major watercourses, linear parks, open space, the coast and other strategic locations.

Code Amendment Outcome:

The proposed Code Amendment will not result in the rezoning of land with recognised high value characteristics. The land has been cleared for primary production activities which will not require any further clearing of the land.

The existing strip of vegetation along the rear of existing residential development will be considered for retention in any future land division.

SPP6: Housing Supply and Diversity

Objective: To promote the development of a well-serviced and sustainable housing and land choices where and when required.

Policy 6.2 The timely supply of land for housing that is integrated with, and connected to, the range of services, facilities, public transport and infrastructure needed to support liveable and walkable neighbourhoods.

Policy 6.4 The growth of regional centres and towns within the existing footprint or outside towns where there is demonstrated demand and the land is serviced with infrastructure.

Policy 6.11 Residential development that does not fragment valuable primary production land, create land use conflicts or encroaches on sensitive environmental assets and places of high landscape value.

Code Amendment Outcome:

The intent of this Code Amendment is to rezone land to support the development of low-density residential development, increasing the availability of housing stock in the locality.

The Affected Area is contiguous to existing residential development and is in close proximity to existing services and facilities including public open space, a primary school and the Freeling commercial centre.

SPP7: Cultural Heritage

Objective: To protect and conserve heritage places and areas for the benefit of our present and future generations.

Policy 7.5 Maintain the context of a place or area of heritage value through appropriate design guidelines that encourage compatible design solutions.

Code Amendment Outcome:

The Freeling Cemetery situated on Borrow Street, Freeling is listed as a Local Heritage Place. The Concept Plan propose fencing treatment around the southern and eastern perimeter of the Cemetery; this will be designed to be compatible with the context of the place at the time a land division application is lodged.

SPP8: Primary Industry

Objective: A diverse and dynamic primary industry sector making the best use of natural and human assets.

Policy 8.4 Equitably manage the interface between primary production and other land use types, especially at the edge of urban areas

Code Amendment Outcome:

The proposed rezoning will see the existing rural zoned land rezoned to Suburban Neighbourhood Zone.

The Concept Plans have included an open space reserve to perform as a buffer between the anticipated residential development and the existing broad hectare farming activities. The Affected Area is also bordered by the Thiele Highway to the south which again performs as a visual separation between the anticipated residential development and the primary production activities.

SPP 15: Natural Hazards

Objective: To build the resilience of communities, development and infrastructure from the adverse impacts of natural hazards.

Policy 15.1 Identify and minimise the risk to people, property and the environment from exposure to natural hazards including extreme heat events; bushfire; terrestrial and coastal flooding; soil erosion; drought; dune drift; acid sulfate soils; including taking into account the impacts of climate change.

The Affected Area is currently situated within the Hazards (Bushfire - General Risk) Overlay which is proposed to continue to apply. The policy framework seeks to ensure that buildings are designed to mitigate the threat of bushfires.

2. Regional Plans

The Regional Plan

The key policies and targets of The 30-Year Plan for Greater Adelaide which are most relevant to this Code Amendment are:

- Transit corridors, growth areas and activity centres
- Housing mix, affordability and competitiveness
- Health, wellbeing and inclusion

The investigations undertaken to date and outlined in this Code Amendment, will ensure that the proposed rezoning is largely consistent with the key policies and targets of the Regional Plan as described below.

Policy Theme: Transit corridors, growth areas and activity centres

Policy 11: Ensure new urban fringe growth occurs only within designated urban areas and township boundaries and outside the Environment and Food Production Areas.

Policy 29: Encourage development that positively contributes to the public realm by ensuring compatibility with its surrounding context and provides active interfaces with streets and public open spaces.

Code Amendment Outcome:

The Affected Area is located to the immediate east of development within the Freeling township and is identified in the *30-Year Plan* as a future urban growth area. The Affected Area is also outside of the designated Environment and Food Production Area and Character Preservation District.

The Affected Area will be developed with low-density residential development to be compatible and contribute positively to the public realm. Open space reserves are proposed to improve the visual amenity for the proposed development and perform as a buffer between the anticipated residential development and the adjacent primary production activities.

Policy Theme: Housing mix, affordability and competitiveness

Policy 37: Facilitate a diverse range of housing types and tenures (including affordable housing) through increased policy flexibility in residential and mixed-use areas.

Policy 46: Ensure an adequate land supply is available to accommodate housing and employment growth over the longer term (at least a 15 year supply)

Code Amendment Outcome:

The Code Amendment seeks to deliver a zoning outcome which results in the expansion of an existing township with low-density residential housing to cater for the substantiated demand. The Affected Area is in close proximity to facilities, services and open space reserve

ATTACHMENT E – CONCEPT PLANS

ATTACHMENT F – LAND SUPPLY AND DEMAND ANALYSIS

ATTACHMENT G – INFRASTRUCTURE ANALYSIS

ATTACHMENT H – TRAFFIC INVESTIGATIONS

ATTACHMENT I – PRELIMINARY SITE HISTORY ASSESSMENT

ATTACHMENT J – ABORIGINAL HERITAGE

