

SUBMISSION – PLANNING SYSTEM IMPLEMENTATION REVIEW



January 2023

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OVERVIEW

This submission is provided to the Planning System Implementation Review.

Acknowledging the wide scope of the Review, this submission focusses on particular matters of relevance to Adelaide Plains. This submission draws on:

- Submissions by Council about the EFPA in 2021 and the draft Planning and Design Code in 2020.
- A submission by the Local Government Assessment Manager Forum to the Expert Panel.
- A shared view by officers from growth councils in Greater Adelaide on planning for infrastructure.

REVIEW BACKGROUND

During the March 2022 State Election, an election commitment was made to commission an independent review of the *Planning, Development and Infrastructure Act 2016* and the Planning and Design Code to ensure planning decisions encourage a more liveable, competitive and sustainable long-term growth strategy for Greater Adelaide and the regions.

The Minister for Planning, Hon. Nick Champion MP, has commissioned an independent panel of planning experts to conduct a review of reforms to the planning system implementation, including the:

- *Planning, Development and Infrastructure Act 2016*
- Planning and Design Code and related instruments, as it relates to infill policy, trees, character, heritage and car parking
- ePlanning system, to ensure it is delivering an efficient and user-friendly process and platform
- PlanSA website, to check usability and ease of community access to information.

We note discussion papers with questions were released on 17 October 2022.

Submissions are invited to DTI.PlanningReview@sa.gov.au

Council acknowledges that we are on the traditional country of the Kaurna people of the Adelaide Plains and pays respect to elders past, present and emerging. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kaurna people living today.

ABOUT PLANNING FOR ADELAIDE PLAINS

Council has been and is undertaking various projects to inform the future of the Council area. This is in the context of Council's Strategic Plan 2021 to 2024 as well as Council's Tourism and Economic Development Strategy¹.

Various projects underway include:

- draft Growth Strategy and Background Paper. This completed consultation in October 2022
- draft Equine Strategy and Background Paper. This completed consultation in November 2022
- updating Council's coastal adaptation strategy over 2023
- Dublin Growth and Tourism Master Planning to commence in 2023
- Council Wide social and community infrastructure planning, and updated open space planning. To commence in 2023
- draft Two Wells Walking Cycling Plan. To be consulted on in 2023
- Heritage Amendment to the Planning and Design Code.

Updating policy for hazards associated with riverine flood, in particular Gawler and Light Rivers, and fire, acknowledging the impacts of the Pinery fire are continuing. These are of key relevance for Adelaide Plains.

PLANNING DEVELOPMENT AND INFRASTRUCTURE ACT

Infrastructure Schemes

Planners from growth Councils of Greater Adelaide have collaborated on preparing a response to the Expert Panel regarding the need to establish workable infrastructure schemes for large and complex land developments.

The collaborating councils include Adelaide Plains, Gawler, Light Regional, Onkaparinga, Playford, Salisbury, Mount Barker and Barossa. Each Council will be forwarding an individual response.

The councils agree with the expert panel that as provided in the *Planning, Development and Infrastructure Act 2016* (the Act) the General and Basic infrastructure scheme are overly complex and difficult to work with, if operatable at all.

Two quotes from the Expert Panel Discussion Paper are illuminating:

*"The provisions regarding general infrastructure schemes have **not yet** commenced and before they have commenced, the Commission must conduct an inquiry into the schemes in relation to the provision of essential infrastructure under Part 13 of the PDI Act, and a report on the outcome of the inquiry must be laid before both Houses of Parliament (pg. 31)".*

This is a very concerning delay in the provision of essential infrastructure, which in turn would be a drag on project implementation and overall economic development, despite the Act being in place since 2016.

¹ apc.sa.gov.au/our-council/council-documents/councilplans accessed 18 October 2022

The Discussion Paper also highlights the complexity of managing these infrastructure projects:

*“The legislative provisions surrounding infrastructure schemes under the PDI Act are **far more detailed and complex** than the legislative provisions in most other jurisdictions (pg. 33)”.*

Councils have responded to this legislative and policy gap with local developer contributions schemes using Deeds and Infrastructure Agreements anchored to affected properties by Land Management Agreement/s. In some cases, separate rates are levied on properties once developments reach a trigger.

Adelaide Plain’s infrastructure experience can be characterised as the misalignment of infrastructure planning by State level entities with planning for land use growth.

Two Wells grew at 4.8% per annum from 2016 to 2021. Two Wells comprises 80% of population growth in Adelaide Plains. A rate of 4.8% population growth is a similar rate to that of Mt Barker and far higher than Greater Adelaide.

Population growth at high rates needs matching planning and delivery of infrastructure.

Council acknowledges its own infrastructure role and has aligned its 10-year financial plan and asset plans to support population growth that is liveable and sustainable. This includes Council’s role in community facilities, open space, greening, transport and base council services).

Infrastructure agencies are generally well set up to work with land and property developers with individual development proposals.

Infrastructure agencies are however less well set up to deal with councils who present different issues when undertaking planning for growth and subsequent Code amendments.

There is a not insignificant gap in operational practice of agencies. A few examples:

- The intent of the 2018 Northern Food Bowl Protection Areas Development Plan Amendment rezoning a significant portion of Adelaide Plains for development of horticulture and agribusiness development was supported by SA Water. However, for land owners with land now rezoned, the cost of water infrastructure works is cost prohibitive. To date, the outcome has been markedly slow take up of land for horticulture and agribusiness, notwithstanding ongoing discussions involving SA Water, Council and the Northern Adelaide Plains Food Cluster.
- The intent of the 2013 Two Wells Residential Development Plan Amendment is growth of Two Wells to around 10,000 residents in the long term. Much of this population growth is occurring. However, transport infrastructure agreed prior to the rezoning via Deeds with the Department of Infrastructure and Transport (DIT) has not been delivered in the time expected. This is notwithstanding ongoing discussions involving DIT, Council, Hickinbotham as the major land developer, Catholic Education SA with a school with from zero to 600 students in three years, and the Minister for Transport.

Along with misalignment of infrastructure planning by entities with growth, **Adelaide Plains continues to experience lack of usable tools within the planning legislation to seek infrastructure upgrades associated with a proposed development that are some distance from the development site.**

Council’s planning officer’s legal ability to get council infrastructure upgraded as part of a land division (or even a major land use development) continues to present practical challenges.

- For many years, planning legislation has not allowed Councils to seek augmentation and headworks costs beyond the boundaries of the site of the proposed development.
- This has been confirmed over the years by letters from Planning Ministers. Council planners are legally unable to condition off-site road/drainage/CWMS upgrade costs that are needed to service and support the proposed new lots or development.
- Past views have included that Council should refuse the development in these circumstances. If Council officers are generally supportive of the proposed development provided the roads/drainage/CWMS are improved, this view is less than helpful.
- As a work around, many councils negotiate with developers parallel 'infrastructure agreements' that set out infrastructure works to be undertaken external to the site, including costings and staging. The development application is on hold pending completion of this separate process.
- The ongoing lack of a tool in the planning legislation is at odds with Planning and Design Code Policy as well as former Development Plan policy seeking proper infrastructure servicing of proposed developments.
- The infrastructure provisions in the PDI Act are convoluted and complex and not fit for purpose to be entered into for off-site needed infrastructure augmentation. The PDI Act scheme is not mandatory and has no incentive or trigger to get involved.
- State agencies, in particular SA Water and SA Power Networks, have always asked for their augmentation costs as a condition of land division consent (and their requirements are vague as to the costings) whereas any condition of like effect put on by a council would be called ultra vires by the Courts and the validity questioned on the lack of specificity
- It is not a level playing field and councils have had to approach this the hard way, without clear statutory support and reliant on developers coming to the party rather than face a refusal

Alternative solutions to Land Management Agreements and Deeds are required to enable the development of the State's strategic growth areas like Adelaide Plains. The solution needs to work for these areas because they require co-ordinated infrastructure delivery and rezoning where not all landowners are in agreement and where the infrastructure provision may have a long horizon and several providers.

The combined councils strongly believe based on our combined experiences there must be a **whole of government** approach, requiring all relevant parties to come together to discuss and ultimately agree to revised schemes for infrastructure requirements, its delivery and funding. The Councils agree with the State Government's position that infrastructure delivery must be resolved prior to the commencement of a related Code Amendment. There would be a benefit in ensuring that for certain larger-scale undertakings, detailed Structure Planning precedes related infrastructure negotiations and Code Amendments.

Given the need to expedite development in SA, a simpler system can be developed to ensure that there is a common understanding of required infrastructure contributions at the outset of each project requiring same. The combined councils contend that a 'case by case' approach as currently utilised is delaying infrastructure projects from housing to employment lands and hence holding up both orderly and economic development.

Infrastructure Schemes should be clear and straightforward in what they need to achieve based on the following principles - **strategic, equitable, sustainable and best practice, adaptive, and economical**

Within the Discussion Paper – Planning, Development and Infrastructure Act 2016 Reform Options, we note the Jurisdictional Comparison. The combined councils consider there is substantial merit in further exploring alternative legislative provisions noting there is support within the combined councils for a similar approach taken by the Victorian Planning Authority. It is noted that the State of Victoria has been operating a Developer Contributions Scheme since 2003.

The combined councils have been asked to respond to the following questions on Infrastructure Schemes posed by the Expert Panel:

1. What do you see as barriers in establishing an infrastructure scheme under the PDI Act?

- Acknowledging that one of the schemes is not operational, the schemes are overly complex with numerous decision-making points by different owners.
- Councils are concerned that most of the decision making, and control comes from the State Government when Local Government has the knowledge, links to the community and current and future ownership of most of the infrastructure.
- The schemes provide no guidance on where the upfront investments will come from.
- The schemes provide no usable planning tool for off development site infrastructure augmentation.
- Separately, the schemes place considerable responsibility on the ‘Scheme Coordinator’ role, making this the subject of potential governance risk in conducting negotiations with more than one landowner/ developer.
- The Scheme Coordinator approach may lack the ability to involve key stakeholders, e.g. government agencies and/ or key utilities to ensure timely deliverables.

2. What improvements would you like to see to the infrastructure scheme provisions in the PDI Act?

- It is considered the issues identified in question 1 plus the recommendations in questions 3 should be considered.
- Infrastructure definitions be reviewed to incorporate open space and recreational facilities
- The Act should be amended to ensure Structure Planning of growth areas with infrastructure designs and costings occurs prior to the rezoning process.
- The Act needs to require that the State Government provides for an effective whole of government infrastructure co-ordination that aligns with Regional Plans, including funding mechanisms for infrastructure agencies. It is difficult for councils to engage with infrastructure providers (e.g. SA Water, SAPN/Electranet and the Department for Education) at the strategic planning and rezoning stages. Agencies need to be committed to providing services to facilitate and support development opportunities.

3. Are there alternative mechanisms to the infrastructure schemes that facilitate growth and development with well-coordinated and efficiently delivered essential infrastructure?

A ‘Whole of Government’ approach (including Transport, Education, Health and Wellbeing, Emergency Services, Environment, Recreation and Sport, Local Government etc.) via an empowered authority would appear to be an effective alternative model to consider exploring.

For instance, the Victorian system has been identified as having a better coordinated infrastructure model and provides an example of measures that could be adapted to SA such as:

- Predetermined contribution costs for various types of infrastructure, with the ability to alter the agreed cost when identified in a structure plan.

- A State infrastructure fund to pay for infrastructure prior to development proceeding and costs being recouped.
- A minimum requirement that 10% of land is allocated towards key infrastructure at the structure planning stage.

Anecdotal feedback suggests the Victorian model benefits all stakeholders (including landowners, developers, communities, local authorities, State Departments/agencies, key utilities etc.) by being aware of a contribution-based approach in contemplating rezoning and development opportunities.

The combined councils are interested in exploring such a model with the State Government and other stakeholders, acknowledging the councils would maintain an interest in continuing to manage key local infrastructure decisions and delivery management arrangements.

Any processes need to ensure key triggers for delivery of required outcomes. As development assessment is problematic as a trigger for infrastructure delivery and relying upon the Land Management Agreement/ Infrastructure Deed model can also be problematic. It is considered that creating another legislative device that can be attached to an affected Certificate of Title, similar to a LMA may be worth considering as an addition to the current tools.

Environment and Food Production Area

As you are aware, the Environment and Food Production Area (EFPA) was brought into operation in 2017 under the *Planning, Development and Infrastructure Act 2016*. The Act requires the Commission to review the EFPA every five years. The next five-year Review is due in 2027.

Council made a formal submission to the 2021 EFPA Review (**Appendix A**). The outcome of the 2021 EFPA Review were minor boundary changes.

Two matters in our submission were considered out of the scope of the review by the Commission.

These include the EFPA:

1. Not Allowing Housing with Horse Keeping or Dog Kennelling, despite this form of development being appropriate within the EFPA.
2. Not being reflected in the Planning and Design Code being Discordant with the EFPA, sending confusing mixed messages to land owners and potential investors and needing immediate change.

The fact that the matters raised in our submission remain not considered is the sign of a planning system needing reform.

The matters raised in our submission continue to influence the orderly development of land in a manner consistent with the EFPA.

We ask that the Review consider the current legislative tools that underpin the EFPA and gaps in their operation. Particularly where EFPA and Planning and Design Code policy are inconsistent.

Ideally, we'd like the two matters in our submission 'addressed and resolved'. If not possible, we seek that the Review consider whether the legislative tools in the PDI Act guiding the operation of the EFPA are fit for a contemporary planning system.

Deemed Planning Consent

The Local Government Assessment Manager Forum submission (**Appendix B**) identified a range of problems with the current arrangements for Deemed Planning Consents.

The submission states 'Assessment managers are of the view the deemed consent approach does not provide a basis for collaborative relationships with applicants that in turn deliver more appropriate planning outcomes'.

The submission identifies only Queensland has deemed consents, with NSW having deemed refusals, and Victoria, WA and Tasmania providing for review by a court on the facts and the court making a considered and independent determination on the application.

On the basis of the Local Government Assessment Manager Forum's submission to the Expert Panel, Council supports a review of the Deemed Planning Consent approach.

Deemed Approval/Minor Variations

The Local Government Assessment Manager Forum submission (**Appendix B**) identifies a range of problems with the current arrangements for Deemed Approvals/Minor Variations.

The submission states 'There are some examples of accredited professionals interpretation being such that they have effectively undertaken a performance assessed development, including on notifiable development.'

'This issue is exacerbated with the ambiguity that is created with s106(2) of the Act in relation to minor variations. The Deemed to Satisfy (Minor variations) is subject to various interpretations and has created uncertainty and delayed approvals, as identified by the Panel's discussion paper. This varying interpretation has resulted in poor outcomes for applicants. The difficulty with the interpretation was highlighted when a cross sector working group established by PLUS was unable to define what constitutes minor variations.'

On the basis of the Local Government Assessment Manager Forum's submission to the Expert Panel, Council supports a review of the approach to Deemed Approvals and Minor Variations.

Assessment Timeframes

The Local Government Assessment Manager Forum submission (**Appendix B**) supports the Expert Panel's observation that there should be a review of assessment timeframes.

The submission states 'It is not reasonable to expect an application for 19 plus dwellings or large-scale warehousing to be assessed in 20 days, yet this is currently the case.'

On the basis of the Local Government Assessment Manager Forum's submission to the Expert Panel, Council supports a review of the Assessment Timeframes.

PLANNING AND DESIGN CODE

Trees

We note the Discussion Paper considers trees not in metropolitan Adelaide as well as Native Vegetation. These involve Adelaide Plains.

The Discussion Paper questions posed are below in italics.

Tree Canopy

Q What are the implications of master planned/greenfield development areas also being required to ensure at least one (1) tree is planted per new dwelling, in addition to the existing provision of public reserves/parks?

Q If this policy was introduced, what are your thoughts relating to the potential requirement to plant a tree to the rear of a dwelling site as an option?

We support one tree being required on each dwelling site in master planned/greenfield development areas. Increasing risk of heat is a known climate change hazard. Requiring one tree in association with a proposed dwelling works to increase onsite shade and greening and contribute to a cooler, more climate friendly master planned housing estate.

Most householders plant one tree in the rear yard. If a tree is planted in the front yard, from a compliance perspective, it can easily be viewed from the street. Resources for compliance are an ongoing issue for council.

Preference for planting in the front or rear yard depends on orientation of the lot. Shading the house itself is just as important as the rear yard. Council is open to Code 'required' trees being planted in the front or rear yards provided Adelaide Plains Council areas is included in State commissioned aerial photography of tree coverage. Current tree mapping does not cover Adelaide Plains.

We support further expansion of community education about greening into Adelaide Plains.

Native Vegetation

Q What are the issues being experienced in the interface between the removal of regulated trees and native vegetation?

Q Are there any other issues connecting native vegetation and planning policy?

Council officers have observed numerous applicants for development formally 'declaring' their proposed development does not impact Native Vegetation and only on limited occasions, applicants voluntarily providing proper information justifying this declaration. This is accepted as Council officers are not in a position to check the validity of an applicant's 'declaration'.

We support the Panel's recognition of the importance of '*...the ability for applicants to access information about whether native vegetation is present on their land, and if so, how they can avoid impacting the same.*'

Noting a range of native vegetation information and tools are on the Department of Environment and Water website, we propose these should be augmented to enable land owners to easily identify whether there is native vegetation on their land.

Animal Husbandry Sub Zone – Local Policy

Adelaide Plains Animal Husbandry Subzone is the only location within SA that this subzone applies. Prior to the introduction of the Code, the Animal Husbandry Zone was part of the Mallala Development Plan. The Animal Husbandry Sub Zone is a subzone of a Rural Living Zone, with both overlaid by the Environment and Food Production Area.

Council made a formal submission to the 2020 consultation on Stage 3 of the draft Planning and Design Code (**Appendix C**) around the issue of the Animal Husbandry Sub Zone within the Rural Living Zone .



Figure: Adelaide Plains contains SA's Premier Rural Living/Animal Husbandry Zone

For SA's premier Animal Husbandry area, our observations about the Planning and Design Code are as follows:

- Setback patterns envisaged in the Code are not achievable when the majority of rural living lots are 30 m in width e.g. 50m setback Deemed to Satisfy (DTS) for a horse stable; 35m setback DTS for kennels, stables, shelters, associated yards.
- There is a lack of information justifying the 20-dog basis as a DTS.
- The lack of notification of large-scale horse keeping and dog keeping on large site, at odds with APC's 2020 submission

| APC 2020 submission | Comment re 2022 Code |
|---|---|
| It is recommended that 'animal keeping', 'low intensity animal husbandry' and 'horse keeping' should be listed as classes of development to be exempt from notification, subject to criteria that large scale horse keeping or dog kennelling proposals will undergo public consultation. | Large scale horse keeping not notified, at odds with Council 2020 submission. Dog keeping on sites greater than 1HA not notified, at odds with Council submission that 'large' dog kennelling be notified. |

| | |
|---|--|
| Restricted Development - the 1,000sq m floor area threshold exclusion for a 'shop' is far too generous and the 2019 figure of 200m ² should be reinserted. | Shops DTS standard 50m ² consistent with Council submission |
|---|--|

The Local Government Assessment Manager Forum submission (**Appendix B**) states 'It is recommended the Expert Panel also give consideration to the inclusion of additional local policy in the Code. The announced changes to heritage and character to bring strong controls is welcomed and this initiative should be extended to consider other policy gaps / deficiencies in the Code that have been identified by various stakeholders.'

The Code could readily be amended through Technical and Numeric Variations to call up appropriate local policy for the Animal Husbandry Sub Zone.

The Animal Husbandry Sub Zone is only within Adelaide Plains

The former Development Plan's suitable local policy was removed through creating the Planning and Design Code, notwithstanding submissions by Council.

The Expert Panel is requested to consider a State wide approach to resourcing reinstating Code equivalent local policy – including Adelaide Plain's distinct Animal Husbandry policy - that was removed by introducing the Planning and Design Code.

Code equivalent local policy could be further augmenting technical and numeric variations, and could be Character Statements applying in 'local areas'

Large Sheds in Master Planned Township Zone

A development trend is for large sheds associated with new dwellings in the Master Planned Township Zone. Within Two Wells this include the Liberty and Eden housing estates that will eventually accommodate some 5 – 6000 residents.

As a peri-urban Council on the edge of Greater Adelaide, Council is receiving numerous applications for large sheds (for example, greater than 90m² and with wall heights above 3.6m) within the Master Planned Township zone and includes the following DTS maximum criteria:

- floor area 60m²
- wall height 3m
- overall height 5m

Where shed applications do not meet the DTS standards, an on balance, case by case assessment using the Performance Outcomes within the Planning and Design Code is undertaken. We note that former Development Plan had larger wall height and area criteria for sheds.

Ask the Expert Panel to be aware of trends for large sheds in the Master Planned Township Zone within peri-urban Adelaide Plains and consider existing policy parameters.

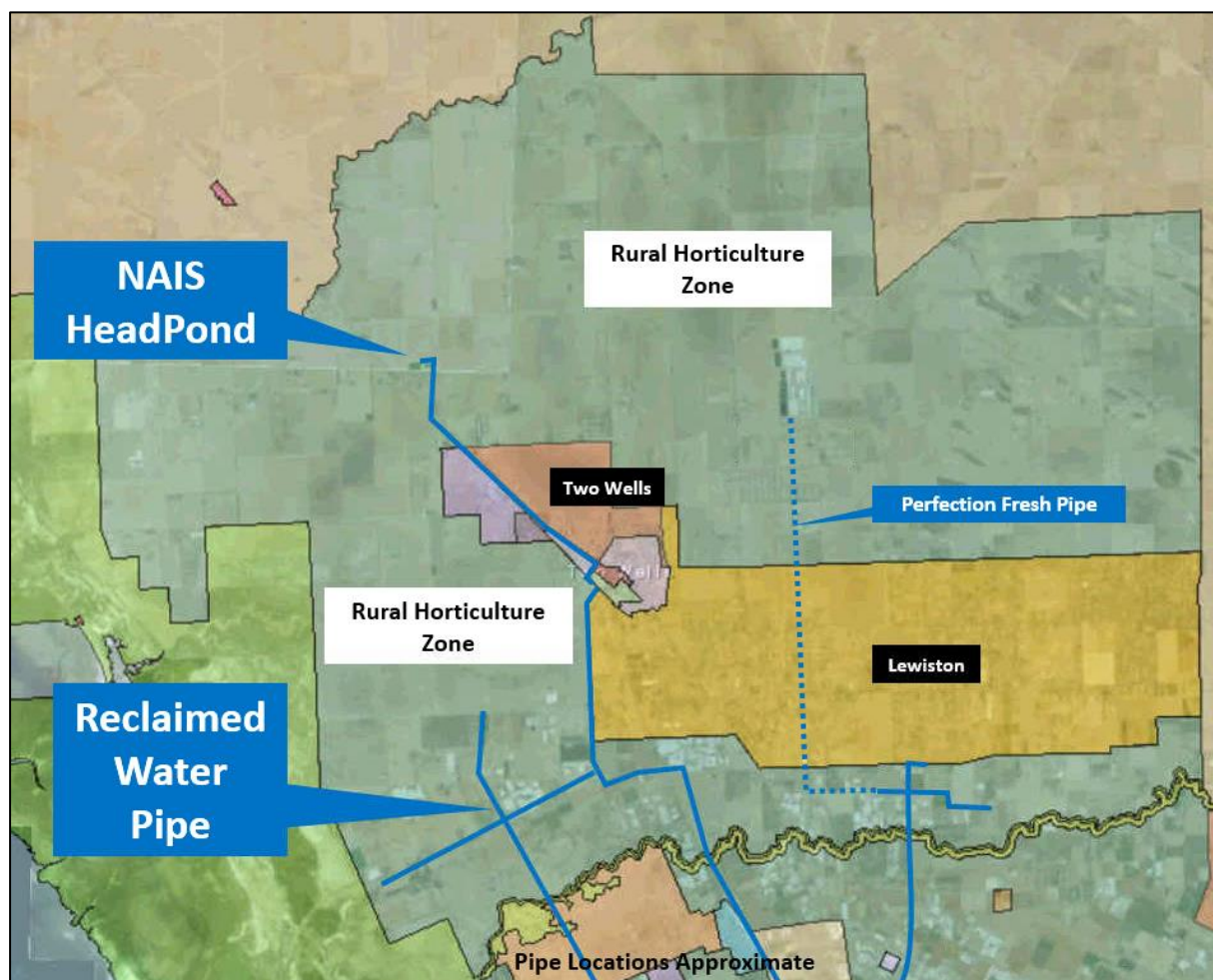
Conflict Between Agricultural Land Uses / Buffer Zones

As a peri-urban Council on the edge of a growing Greater Adelaide, Council is experiencing increasing potential for conflicts between different rural, agriculture and horticulture land uses e.g. broadacre cropping and horticulture.

Agri-business investment is continuing, growing local employment whilst diversifying through an increasing variety of agriculturally based land uses.

Planning and Design Code policy includes buffer or separation distances between different land uses. Buffer distances and activities excluded from being able to occur within that buffer have the potential to impact on the ongoing use of land.

Acknowledging current pricing challenges with the Northern Adelaide Irrigation Scheme, the extensive broadacre cropping areas between the Light River extending to the Gawler River are envisaged for further intense value adding agribusiness and horticultural investments. This land area is a key part of the Food Bowl intent in the 30 Year Plan for Greater Adelaide, and was subject to rezoning through the Northern Food Bowl Protection Areas Development Plan Amendment in 2018. It will be important that Planning and Design Code policy is up to date to address potential for land use conflict whilst maximising agricultural yield.



The Rural Horticulture Zone has a total area of 17,600 hectares

The Expert Panel is advised of increasing risk of land use conflict between envisaged diversification of agricultural uses within established broad acre farming areas.

The Expert Panel is requested to identify a review is required of buffer and separation distances within the Planning and Design Code.

EPLANNING AND PLANS

Development Assessment Portal

The Local Government Assessment Manager Forum submission (**Appendix B**) supports the Expert Panel's observation that there should be a review of the Development Assessment Portal (DAP).

The submission states 'It is essential that urgent enhancements are prioritised as the current DAP limitations are significantly affecting the performance of the development assessment process.'

'Given the critical role of the DAP in the system, the Expert Panel is requested to review the governance and resourcing that is necessary to sustain the DAP. There appears to be an inherent limitation with the current governance model of PlanSA determining and progressing enhancements. While there have been many enhancements, acknowledging the efforts of the department to address what they can, there remain many more that are outstanding.'

On the basis of the Local Government Assessment Manager Forum's submission to the Expert Panel, Council supports a review of the governance and resourcing that is necessary to sustain the Development Assessment Portal.

Verification

The Local Government Assessment Manager Forum submission (**Appendix B**) outlines:

- The verification process of information lodged with a development application under the PDI Act is much more resource intensive.
- The increased requirements are not equally placed on an applicant to submit a complete development application.
- The system fails to account for the nuanced link between requesting full information from an applicant and the relevant authority advising the applicant at an early stage that changes are required to the proposal.
- The importance of understanding contextual information, such as COVID government stimulus, influencing processing time metric data from the Development Assessment Portal.
- A request for the Expert Panel to consider training for all participants in the industry, education, and DAP system solutions, ahead of imposing penalties on the local government sector that is facing the same resourcing challenges as other sectors.

On the basis of the Local Government Assessment Manager Forum's submission to the Expert Panel, Council supports a review of the approach to verification of information submitted for development applications and the use of data from the Development Assessment Portal.

ENVIRONMENT AND FOOD PRODUCTION AREAS REVIEW



- **Submission to State Planning Commission**

July 2021

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Council acknowledges that we are on the traditional country of the Kurna people of the Adelaide Plains and pays respect to elders past, present and emerging. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.

Adopted by Council 26 July 2021

Scope of Review



The vast majority of land in Adelaide Plains is impacted by the EFPA

Adelaide Plains Council (Council) acknowledges the opportunity to provide input to the Commission with respect to the Environment and Food Production Areas (EFPA) Review.

The Commission is satisfied there is sufficient supply of land across Greater Adelaide to support housing and employment growth over the next 15 years. Therefore, the Commission's review is confined only to consideration of variations to the boundary which are trivial in nature and will address a recognised anomaly².

Comment to Commission:

The matters raised in Council's submission fit within the EFPA review scope of being a recognised anomaly or trivial in nature.

² The Planning, Development and Infrastructure Act 2016 sets out that when considering any proposed variances to the EFPA, the Commission must be satisfied with the following tests:

- Test 1: area/s within Greater Adelaide outside the EFPA are unable to support the principle of urban renewal and consolidation of existing urban areas, and
- Test 2: adequate provision cannot be made within Greater Adelaide outside the EFPA to accommodate housing and employment growth over a minimum 15-year period; or
- Test 3: variation is trivial in nature and will address a recognised anomaly.

About the EFPA

The EFPA³ has been introduced to achieve the following goals:

- Protect our valuable food producing and rural areas as well as conserving our prized natural landscapes, and tourism and environmental resources
- Support our sustainable growth and encourage the building of new homes in our existing urban footprint where supporting infrastructure already exists
- Provide more certainty to food and wine producers as well as developers on the direction of future development in metropolitan Adelaide.

These goals are given legal effect through the *Planning, Development and Infrastructure Act 2016* having a direct role in the ability to subdivide land for residential purposes within the EFPA. This is summarised below.

| SUMMARY OF PDI ACT REQUIREMENTS FOR PROPOSED LAND DIVISION FOR RESIDENTIAL PURPOSES WITHIN THE EFPA | |
|--|--|
| Summary of Act | Implications |
| If the proposed development creates lots for residential development , the relevant authority must refuse development authorisation | Development proposing lots for residential purposes MUST be refused. |
| <p>If the proposed development creates 1 or more lots, a planning authority (such as CAP or staff under delegation), must not grant development authorisation unless the Commission concurs.</p> <p>If the Commission is the relevant authority, the Commission must not grant development authorisation unless the council concurs</p> <p>No appeal lies against a refusal to grant development authorisation</p> <p>Development authorisation is subject to the condition that the lots created will not be used for residential development.</p> | A planning authority's proposed decision to approve lots for non-residential purposes MUST be concurred with by the Commission and any approval IS SUBJECT to the condition that the lots not be used for residential purposes. |
| <p>Development proposing lots for the following purposes may be consented:</p> <ul style="list-style-type: none">• dwelling for residential purposes on land used primarily for primary production.• hotel | Dwelling with primary production, motel, hotel or other temporary residential accommodation can be considered regarding the Planning and Design Code. |

3

plan.sa.gov.au/our_planning_system/instruments/planning_instruments/environment_and_food_production_areas#have_your_say_on_the_efpa_review

| | |
|---|--|
| <ul style="list-style-type: none"> • motel • any other form of temporary residential accommodation for valuable consideration | Primary production may not include horticulture, or animal husbandry depending on the specific nature of the activity |
| Land division for residential purposes able to be assessed during a transitional period that expired 31 March 2019 | The two year period enabled divisions for residential purposes to be lodged. Such development applications are no longer possible. |

Frequently asked questions about the EFPA are available via [plan.sa.gov.au/_data/assets/pdf_file/0011/282935/FAQ - Environment and Food Production Areas.pdf](http://plan.sa.gov.au/_data/assets/pdf_file/0011/282935/FAQ_-_Environment_and_Food_Production_Areas.pdf)

Observations

Discussions with planning assessment staff and their experience of assisting customers understand how they can develop their land has informed Council's views about the EFPA.

EFPA Generally Aligns with Strategic Goals of Adelaide Plains

Council's Strategic Plan 2020 – 2024 identifies a vision for the Council area. How the EFPA relates to that vision is commented on below:

| Vision | How EFPA aligns? |
|---|--|
| Adelaide Plains is: | |
| Productive: A leading supplier of primary produce to local, national and international markets. Proximity to markets and natural growing conditions provide competitive advantages for primary producers on the Adelaide Plains that has seen our economy emerge as a key contributor to the region's prosperity. | EFPA aligns well with the primary production role of agricultural areas. |
| Diverse: A more diverse community with access to a greater mix of local opportunities. Increased employment, services and education attracts and retains a diverse community that chooses to live, learn and work in the region. | EFPA aligns well with the primary production role of agricultural areas, undergirding the suitability of these areas for related investment |
| Location: A lifestyle location connected to the Barossa, Coast and Adelaide. Adelaide Plains is a quiet community that offers residents time and space with convenient access to the benefits of Greater Adelaide, the coast and the Barossa region. | No clear alignment |
| Welcoming: A proud, spirited and generous community. This is a place that everyone belongs, where community connection and care is strong and someone is always available to help when a neighbour is in need. | No clear alignment |
| Ambition: Advancing infrastructure and technology to foster a competitive local economy. Modern practice, research and innovation, and efficient access to export centres and local markets builds an economic environment and reputation that rivals the State's major primary productions regions. With employment opportunities diversifying and new housing products in abundance, Adelaide Plains will become the place of choice for the Northern Adelaide Plains. | EFPA aligns well with the primary production role of agricultural areas, undergirding the suitability of these areas for related investment, including infrastructure and technology |

| Vision | How EFPA aligns? |
|--|---|
| <p>Leadership: A decisive and proactive Council. Our Elected Members share a vision of prosperity founded on courage, robust deliberation, transparency and forward thinking and investing</p> | <p>Council has the opportunity every five years to deliberate about the EFPA and its alignment with the vision of the Council area</p> |
| <p>Attractive: A Place of choice for businesses, residents and visitors. Our townships are inviting, well cared for, filled with character and provide a range of services, facilities and accommodation that caters for all people and our landscapes, events and infrastructure provide memorable experiences.</p> | <p>EFPA aligns well with the suitability of townships for residential development, undergirding their role in providing services.</p> <p>This submission identifies observations about the EFPA that warrant review in order to ensure maximum alignment with Council's vision.</p> |

Comment to Commission:

The EFPA generally aligns with Council's vision for Adelaide Plains as identified in the Strategic Plan 2020 - 2024, noting various matters require review and amendment.

EFPA Not Allowing Housing with Horse Keeping or Dog Kennelling Needs Review

The PDI Act allows subdivision for housing⁴ in the EFPA where it is directly associated with ‘primary production’.

Advice received is that ‘primary production’ does not include horse keeping or dog kennels as these uses, while agricultural in nature, do not result in the ‘production’ of a naturally occurring food or consumable item.

This means, for example, subdivision for a dwelling with horse keeping or dog kennelling triggers the EFPA whereas the same division for dwelling with primary production would not.

This presents a fundamental problem for the development of land in Zones where the Code envisages subdivision for dwellings with horse keeping or dog kennelling, such as the Rural Living Zone and Animal Husbandry Sub-Zone.

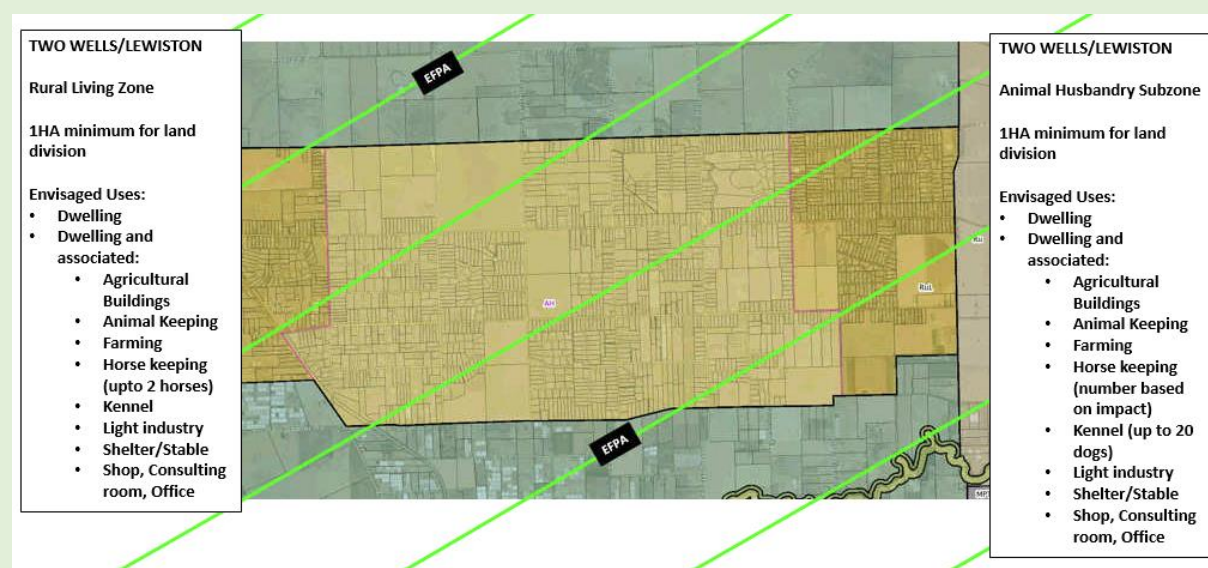
| ZONES WHICH ENVISAGE SUBDIVISION FOR A DWELLING WITH HORSE KEEPING OR DOG KENNELING | | |
|---|-----------------------------|---------------------------|
| Zone | Dwelling with Horse Keeping | Dwelling with Dog Keeping |
| Animal Husbandry Sub Zone | Yes | Yes |
| Rural Living | Yes | Yes |
| Rural Horticulture | Yes | Less certain |
| Rural | Yes | Less certain |

This is a particular problem with the Animal Husbandry Subzone. The prime purpose of the Zone is ‘Large-scale horse keeping and dog kennelling in association with detached dwellings on large allotments’⁵. This zone/sub-zone has been in place in the Mallala Development Plan and now Planning and Design Code for many years, and the character of the area is largely influenced by the many dog kennels, dog breeding and horse keeping land uses.

⁴ Section 7(18) of the *Planning Development and Infrastructure Act 2016* nominates that for the purposes of the EFPA, “‘residential development’ means development primarily for residential purposes but does not include— (a) the use of land for the purposes of a hotel or motel or to provide any other form of temporary residential accommodation for valuable consideration; or (b) a dwelling for residential purposes on land used primarily for primary production purposes.”

⁵ Planning and Design Code 2021

About the Two Wells Lewiston Animal Husbandry SubZone



The Animal Husbandry Subzone can be developed with large-scale horse keeping and dog kennelling in association with dwellings. The prime difference from Rural Living is the Animal Husbandry Zone explicitly provides for up to 20 dogs/lot (as Deemed to Satisfy) and unlike the Rural Living Zone, does not limit horses to two/lot.

This area of Two Wells/Lewiston has been planned – including through the SA planning system – for more than 30 years for animal husbandry and associated residential development.

Comment to Commission:

The Environment and Food Production Area not allowing subdivision for housing associated with horse keeping or dog kennelling, where it is consistent with zoning policy, requires immediate review and clarification.

The current statutory arrangements are limiting investment for envisaged development within the Animal Husbandry Subzone, Rural Living Zone, Rural Horticulture Zone and Rural Zone and causing confusion within the community.

EFPA Rules Not being reflected in the Planning and Design Code is Discordant and Needs Immediate Change

A land owner can read the Planning and Design Code and conclude Rural Living Zoned land can be subdivided for housing. However, nowhere does the Code say the land can-not be subdivided due to the EFPA.

This challenge can be called discordant and a policy misalignment. It also leads to poor outcomes for customers of the planning system who are trying to make informed investment decisions.

Council planning officers undertake innumerable conversations with people seeking to acquire property having to explain that whilst the Code says one thing, the EFPA says the opposite. This occurs for instance, in all Rural Living Zones, but is a particular issue in Two Wells/Lewiston Rural Living Zone, Animal Husbandry Subzone due to the large size of the area. This is not an ideal planning system.

The Planning and Design Code is emerging as a customer friendly and easily navigable digital statutory planning instrument. The Code is being used by landowners, investors, land agents, businesses, residents, developers and planners.

The Commission and PLUS's ongoing work fine-tuning the Planning and Design Code is supported.

Given the user value of the Planning and Design Code for certainty, the lack of the EFPA 'rules' being reflected directly in the Code needs change.

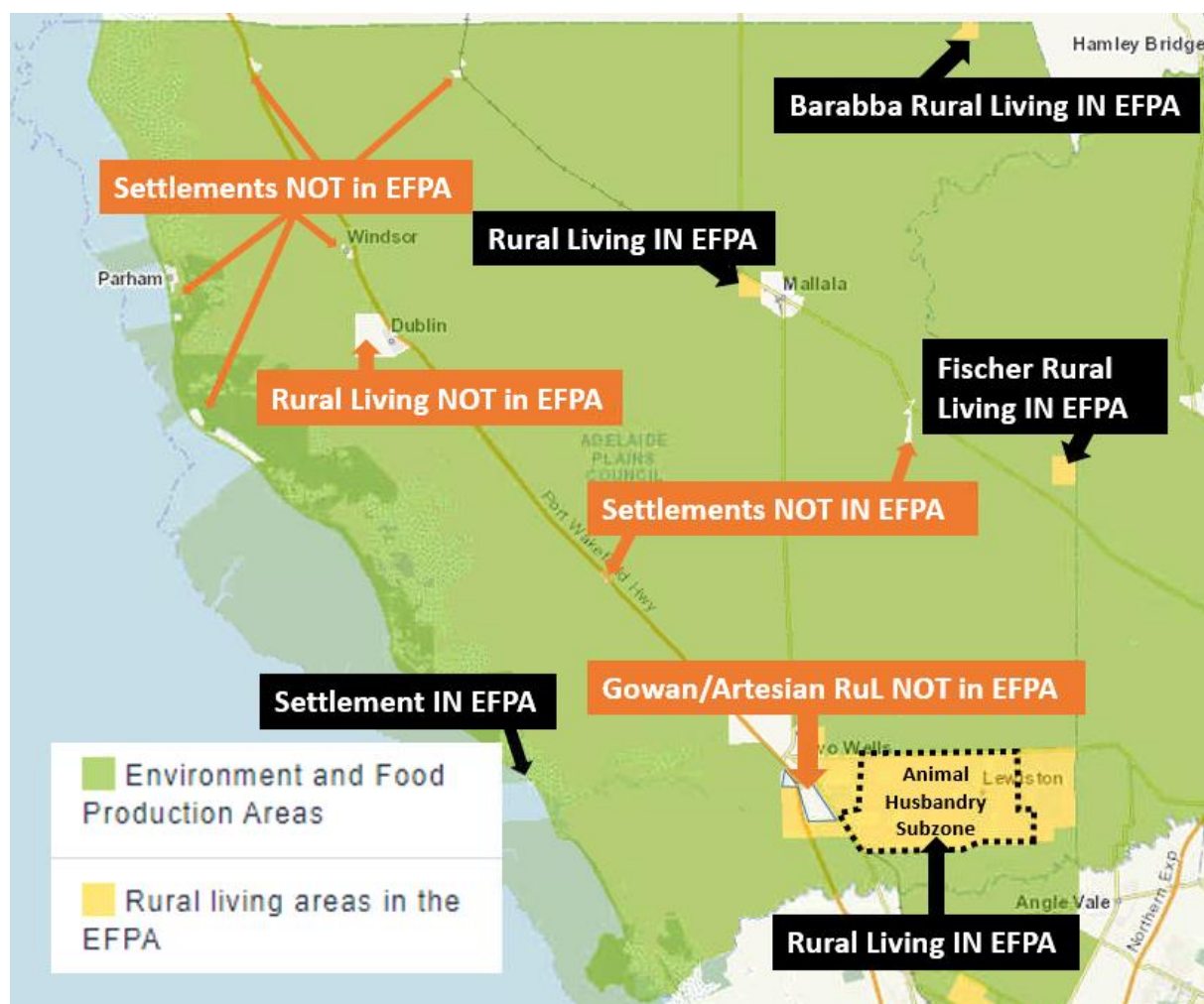
Comment to Commission:

The Environment and Food Production Area provisions should be explicitly communicated directly in the Planning and Design Code.

The current system providing for the Code to express one thing about land and the Environment and Food Production Area to express the opposite needs amendment.

The current arrangements are confusing and a handbrake on investment.

EFPA Rural Living Settlement Employment Needs Review



| Zoning | IN the EFPA | NOT In the EFPA |
|-----------------|--|--|
| Rural Living | Barabba, Mallala, Fischer, Two Wells, Lewiston | Dublin and Gower/Artesian |
| Settlements | Middle Beach | Wild Horse Plains, Long Plains, Windsor, Light, Redbanks, Parham, Webb Beach and Thompsons Beach |
| Employment Land | Part South West Mallala Part West of Two Wells Carslake Road Adjacent Mallala Raceway | Part South West Mallala Part West of Two Wells |

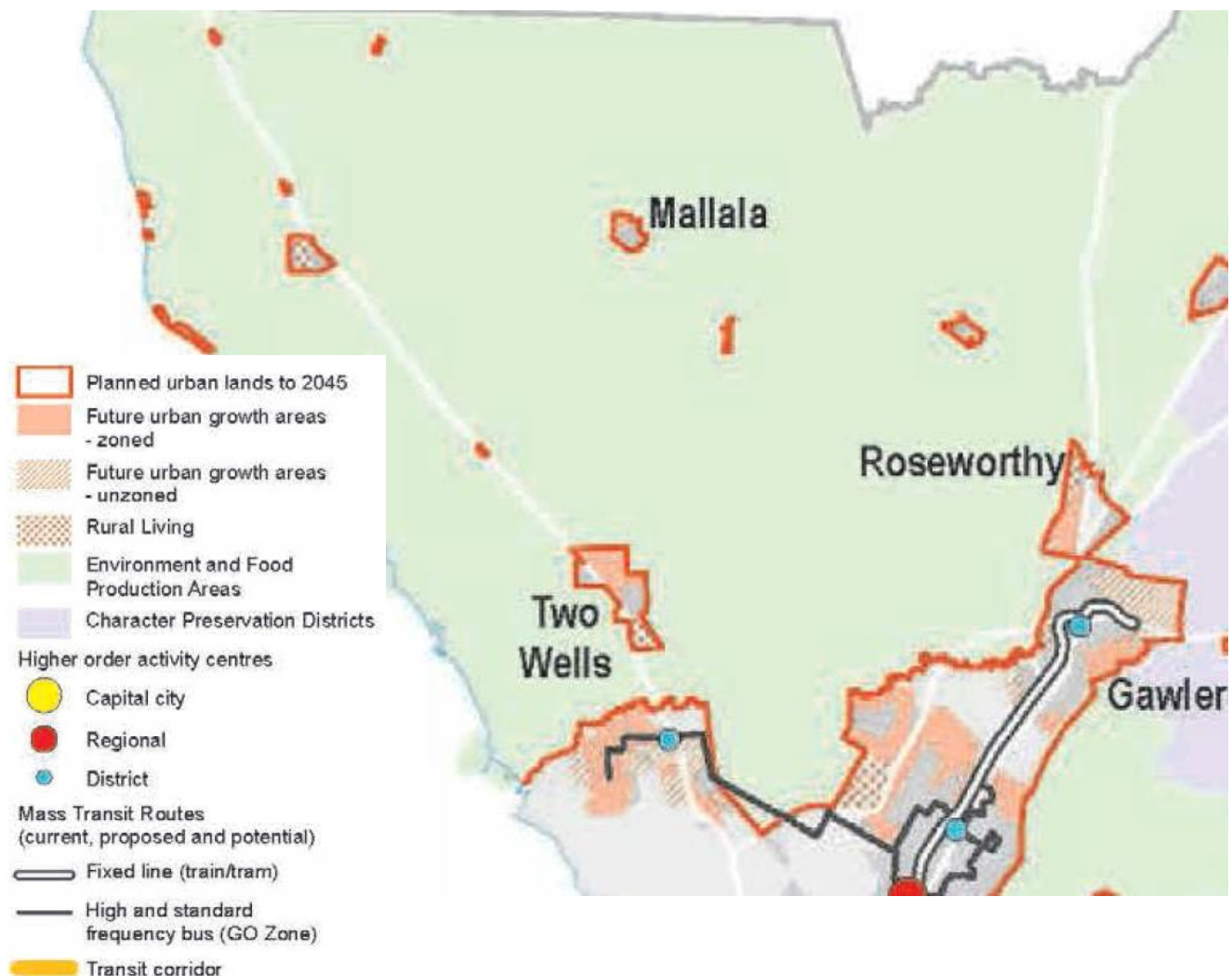


Rural Living Areas NOT included within the EFPA (being Dublin and Cowan/Artesian) seem to correlate with being planned as 'urban lands' in the 30 Year Plan for Greater Adelaide. Conversely, Rural Living Areas WITHIN the EFPA (e.g Mallala, Two Wells and Lewiston) seem to correlate with not being planned as 'urban lands' in the 30 Year Plan for Greater Adelaide.

Whilst the Rural Living Zone itself provides certainty that subdivision into 1HA lots for residential purposes is appropriate, the EFPA mandates that land division for residential purposes must NOT be approved.

Therefore Rural Living Zoned land within the EFPA is not able to be subdivided for housing alone, despite the intent of the zone in the Planning and Design Code. Existing lots can be developed for housing, or for other uses envisaged in the Rural Living Zone, but no further lots for residential/rural living purposes alone can be created. Further lots can be created for housing and primary production, or housing and some form of non-residential use. The current arrangement creates unnecessary conflict for applicants and authorities when it comes to attempting to divide parcels of land consistent with the intent of the zone.

Within the settlements, subject to the Planning and Design Code, subdivision for residential can obtain consent. Middle Beach is recognised as at greater inundation risk and various investigations have informed the risk management measures in place.



Map of the EFPA and Planned Urban Lands to 2045 - Map 3 30 Year Plan for Greater Adelaide

Comment to Commission:

The Environment and Food Production Area precluding the ability to build a dwelling on Rural Living zoned land has the potential to place pressure for urban development (housing) on primary production and horticulture zoned land. Council questions the rationale for the Environment and Food Production Area applying to Rural Living zoned land.

The below table provides background and analysis about each Rural Living Area

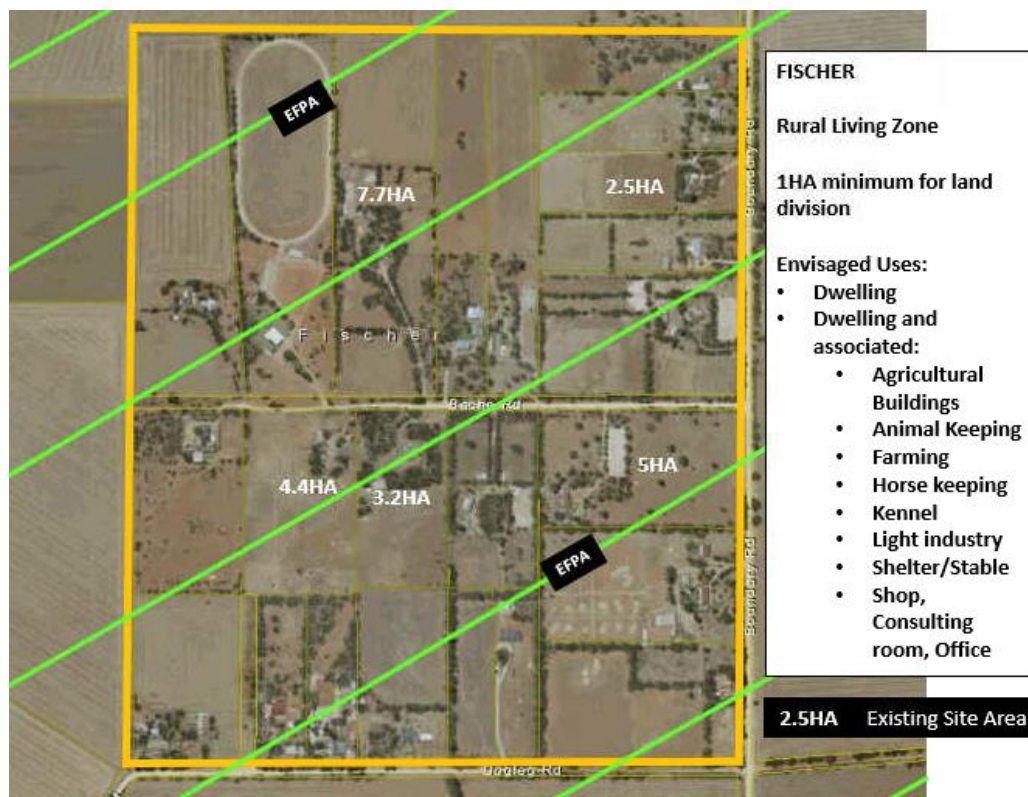
Rural Living - Employment – Settlement Zones EFPA Background

BARABBA



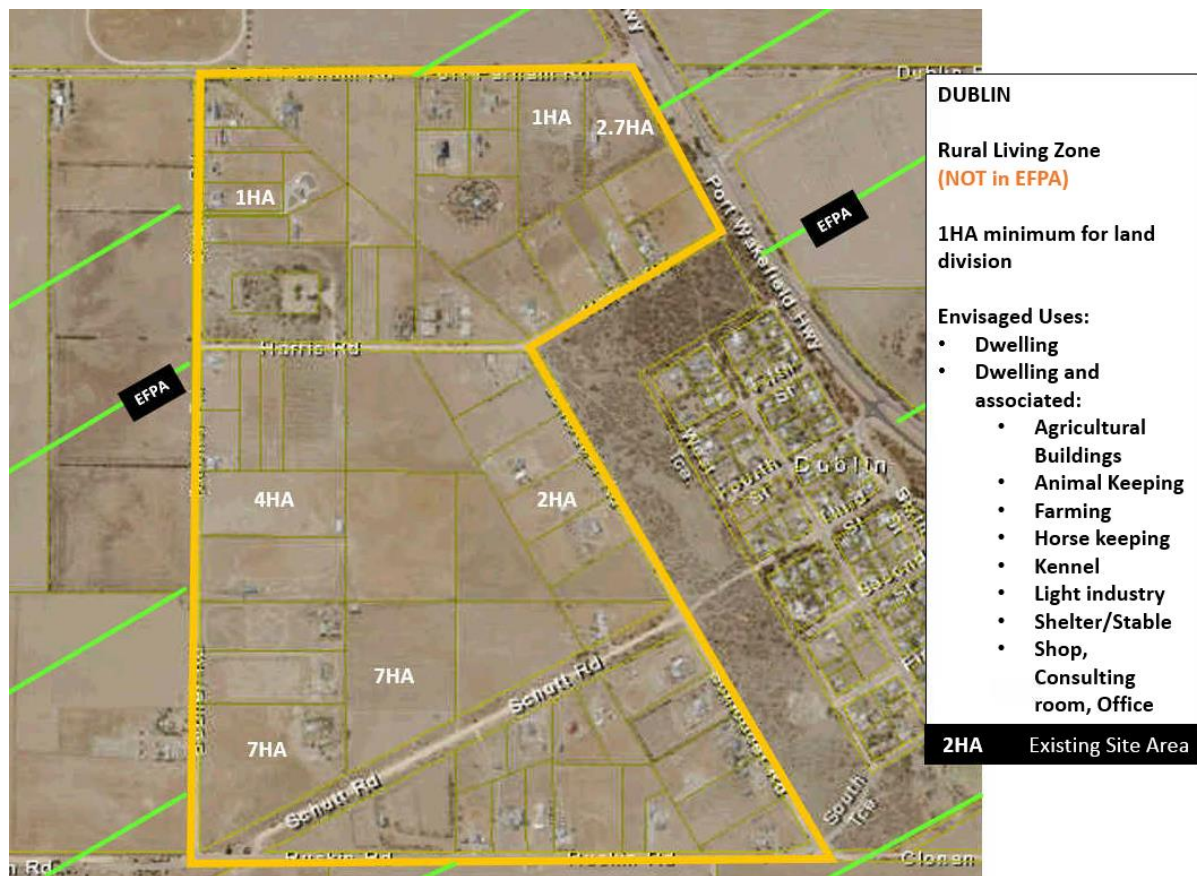
The EFPA limits potential residential subdivision into 1HA lots of the nine lots greater than 2HA

FISCHER



The EFPA limits potential residential subdivision into 1HA lots of approximately 18 lots greater than 2HA.

DUBLIN



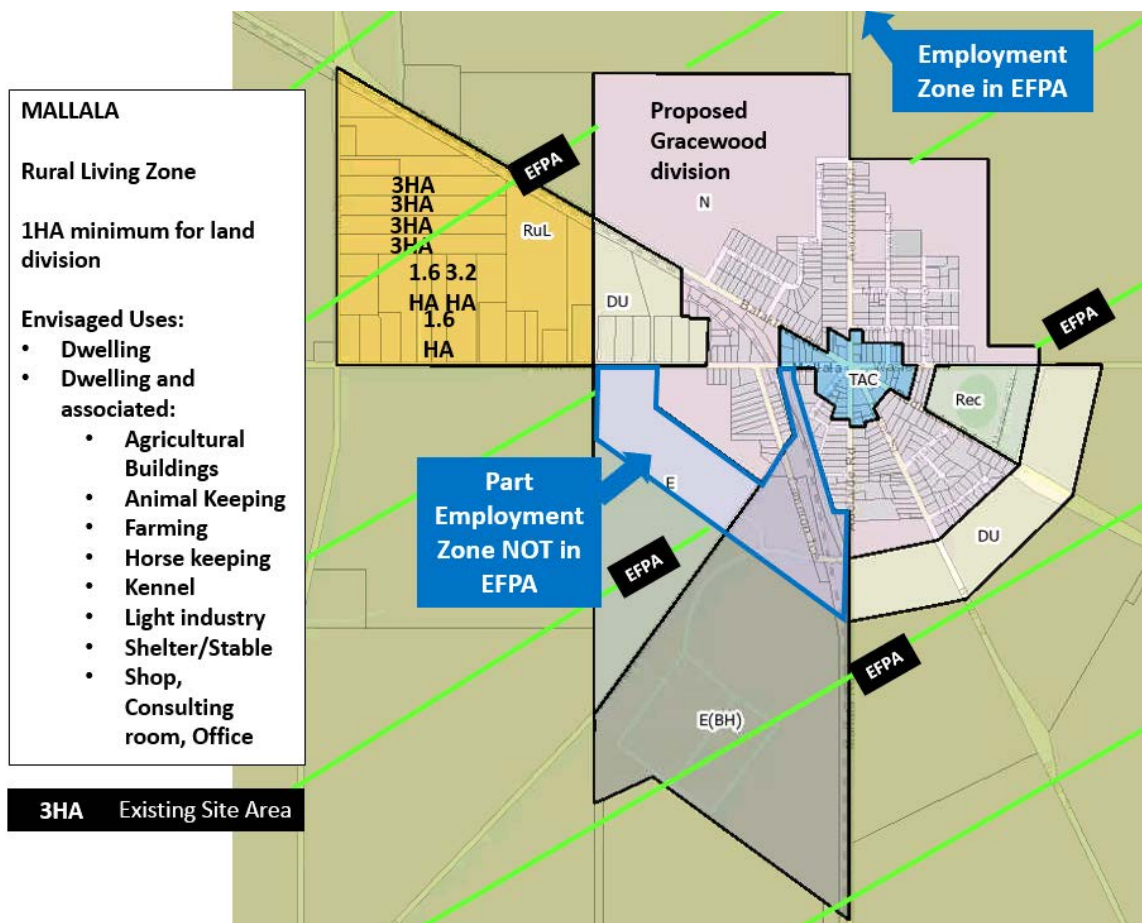
At Dublin, the EFPA does NOT apply. Some 20 lots are greater than 2HA and with potential for subdivision into 1HA lots for rural living (without an associated non-residential use) subject to assessment regarding the Planning and Design Code

Council provided an in-principle letter of support to Leinad Land Developments (Dublin) Pty Ltd (Attachment A) to advocate for boundary change to the EFPA. This letter arose from a Council decision of 23 September 2019:

“that Council, having considered Item 21.5 – *Environment and Food Production Areas*, dated 23 September 2019, receives and notes the report and in doing so authorises the Chief Executive Officer to:-

- 1) progress the review of relevant strategic holdings that are currently impacted by the *Environment and Food Production Areas* legislation with the *Department of Planning, Transport and Infrastructure* and the *State Planning Commission* as part of the 5 yearly review of the *Planning, Development and Infrastructure Act 2016 (Section 7)*.
- 2) provide in-principle letters of support to **Leinad Land Developments (Dublin) Pty Ltd** and the Hicks Group to enable both parties to advocate for boundary changes to the Environment and Food Production Areas and allow the future progression of long term rezoning objectives as outlined in Attachments 1 and 2 to this Report.”

MALLALA



In Mallala's Rural Living Zone, the EFPA limits potential residential subdivision into 1HA lots of approximately 12 lots greater than 2HA.

The Rural Living area is west of land zoned as Deferred Urban. The Deferred Urban Zoning holds the land for future urban development to be released through a future rezoning. The Deferred Urban zone was applied around 2015 to land formerly zoned Rural Living. This is also the case for Deferred Urban Land to the south east. The 2015 rezoning created a suitable zoning framework for the Gracewood development. Noting discussions are ongoing, Gracewood is yet to obtain a formal planning consent.

The employment zoned land to the south west is part in/part not the EFPA. Noting the EFPA precludes subdivision for housing, and noting other land available for this purpose, the EFPA poses no barrier. This is also the case for the land adjacent the Raceway

Comment to Commission:

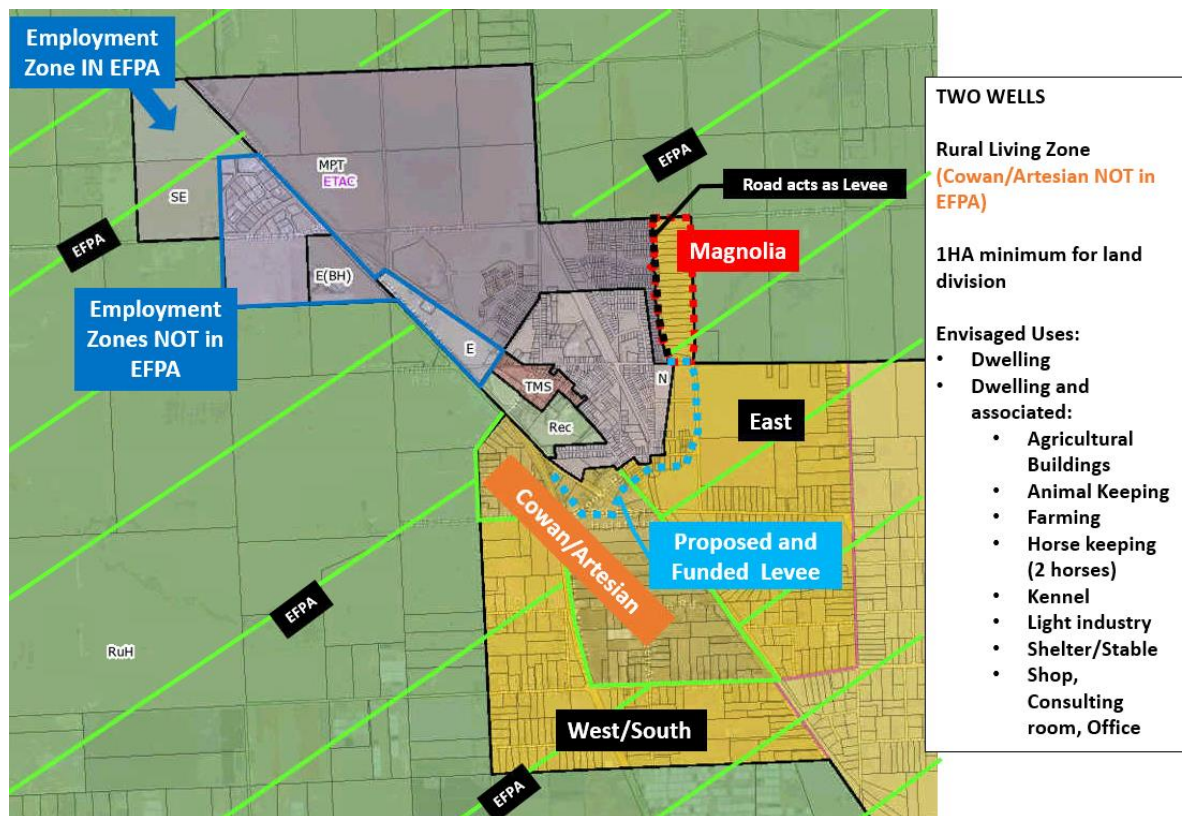
Council requests the EFPA be lifted from the Rural Living land

The rationale for not allowing subdivision for rural living is not clear.

Mallala's Rural Living Area has a similar siting to Dublin's Rural Living Area.

If the EFPA is lifted, it would allow subdivision for Rural Living, this being a different housing offer to other Zones in Mallala, and the anticipated housing forms in the Gracewood development.

TWO WELLS TOWNSHIP



The EFPA does NOT apply to the Cowan/Artesian part of the Rural Living Zone immediately south of Two Wells. This means subdivision for rural living (without an associated non-residential use) of numerous larger lots is possible subject to assessment regarding the Planning and Design Code.

A levee is proposed and funded east and south of Two Wells, and to be constructed over the next two years. The levee alignment is based on a key creek catchment flow. Outside the Cowan/Artesian area, and within the levee area, the EFPA limits potential residential subdivision of several larger lots and numerous lots around 1000sqm and greater. The EFPA should be lifted from within the Levee area as should also the Rural Living Zoning.

North of Gawler Road are Rural Living lots east of Magnolia Boulevard in the Eden development and being developed for housing. A stormwater easement is over part of the lots. Lots are 1 – 1.3HA aside from the Lot fronting Sharpe Road which is larger than 2HA. It's unclear what purpose the EFPA serves by applying and this should be reviewed.

The employment zoned land either side of Port Wakefield Road has the EFPA apply inconsistently. Given the EFPA's limit on residential subdivision, the rationale for this inconsistent approach is not apparent.

Council provided an in-principle letter of support to the Hicks Group (Attachment A) to advocate for boundary change to the EFPA. This letter arose from a Council decision of 23 September 2019:

“that Council, having considered Item 21.5 – *Environment and Food Production Areas*, dated 23 September 2019, receives and notes the report and in doing so authorises the Chief Executive Officer to:-

- 1) progress the review of relevant strategic holdings that are currently impacted by the *Environment and Food Production Areas* legislation with the *Department of Planning, Transport and Infrastructure* and the *State Planning Commission* as part of the 5 yearly review of the *Planning, Development and Infrastructure Act 2016 (Section 7)*.
- 2) provide in-principle letters of support to Leinad Land Developments (Dublin) Pty Ltd and the Hicks Group to enable both parties to advocate for boundary changes to the Environment and Food Production Areas and allow the future progression of long term rezoning objectives as outlined in Attachments 1 and 2 to this Report.”

Comment to Commission:

Rural Living Zoned Land

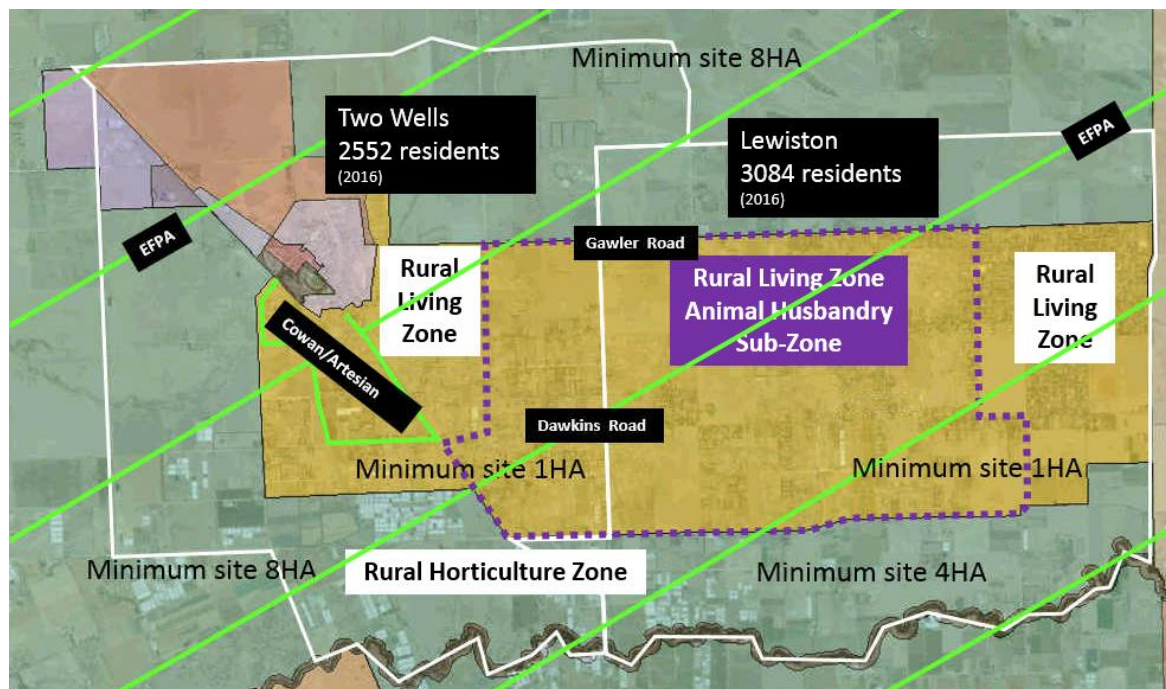
The EFPA applying within the area of the funded levee should be lifted. Council expresses interest in investigations commencing with respect to the Rural Living Zoning within this area.

Likewise, noting Magnolia Boulevard serves as a levee, the EFPA serves no purpose applying to land zoned Rural Living and being developed in that manner on the east side of Magnolia Boulevard. Council requests the EFPA be lifted from this area.

Employment Land

The application of the EFPA inconsistently to employment land either side of Port Wakefield Road should be reviewed. Noting the EFPA’s function to preclude subdivision for housing, and the envisaged significant residential growth of Two Wells, the potential need for this land for housing is not apparent whereas employment land for town based commercial, non-town centre uses is anticipated. On this basis, The Environment and Food Production Area should apply consistently to employment land on both sides of Port Wakefield Road at Two Wells.

TWO WELLS/LEWISTON RURAL LIVING AND ANIMAL HUSBANDRY



The EFPA limits potential subdivision for rural purposes (without an associated non-residential use) of lots larger than 2HA throughout Two Wells and Lewiston.

The Code envisages both the Animal Husbandry Sub Zone and Rural Living being able to be subdivided and developed for housing along with horse keeping, dog kennelling, horticulture, shop, consulting, offices and light industry. The Animal Husbandry Subzone can be developed with large-scale horse keeping and dog kennelling in association with dwellings.

Both the Rural Living Zone and Animal Husbandry sub-zone anticipate subdivision for residential development in its own right meaning applicants don't necessarily have to breed dogs or keep horses. Development can be purely for a rural residential lifestyle.

The prime difference from Rural Living is the Animal Husbandry Zone explicitly provides for up to 20 dogs/lot as Deemed to Satisfy and unlike the Rural Living Zone, does not limit horses to two/lot.

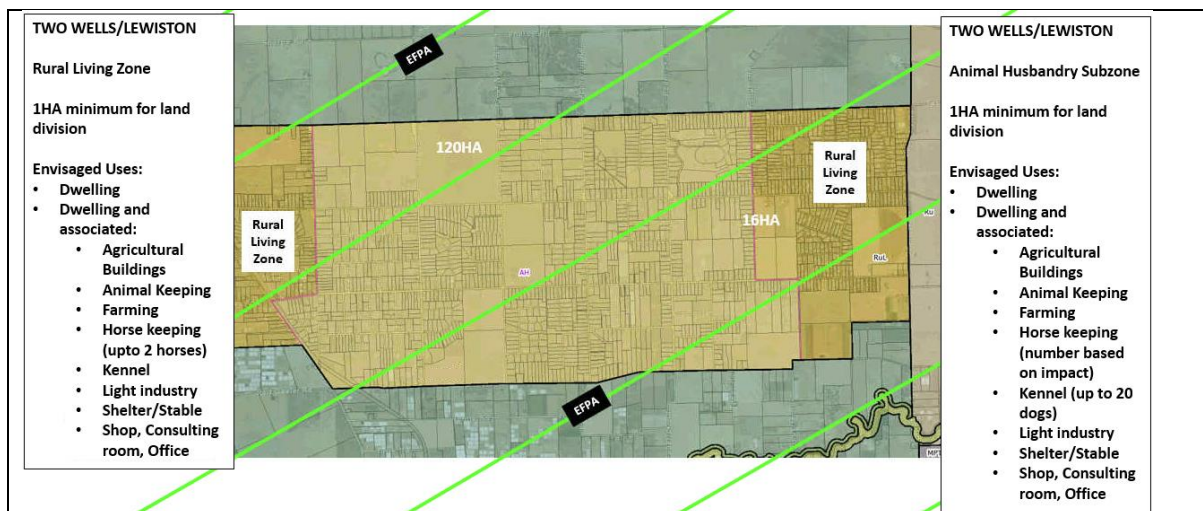
This area of Two Wells/Lewiston has been planned – including through the SA planning system – for more than 30 years for animal husbandry.



The Animal Husbandry Subzone envisages sites developed for housing with horse keeping or dog breeding businesses. Standalone Residential Living is also envisaged. Photo near Hams Park, Lewiston, May 2021



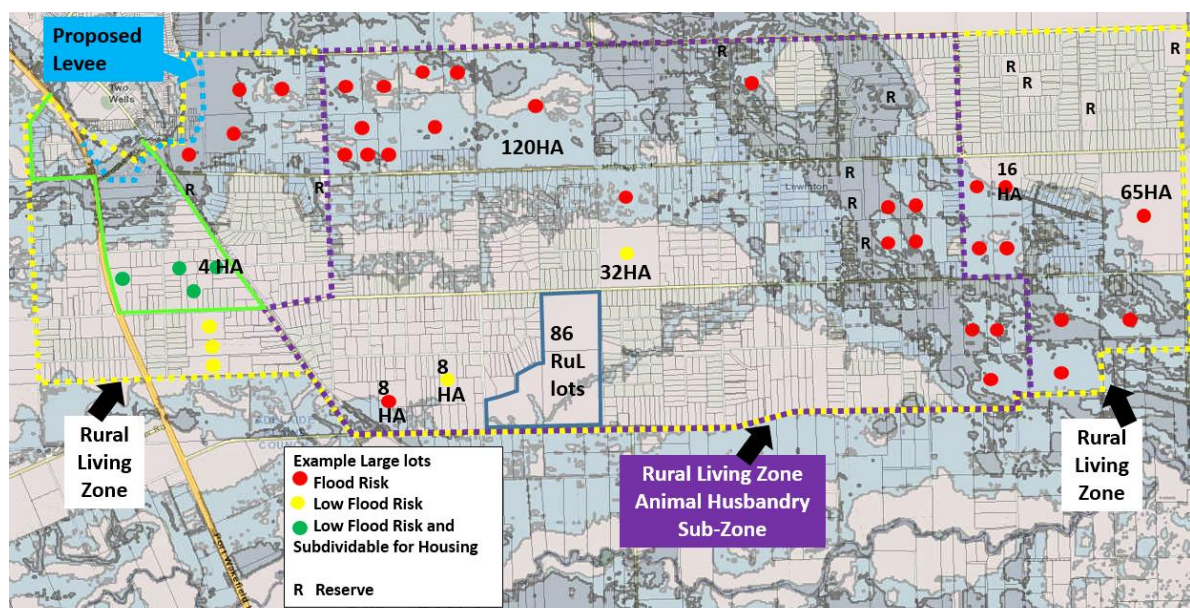
Rural Living Lots form Dunlop Boulevard, Lewiston, having been developed since 2015



Council made submissions in 2019 and 2020 to consultation on the draft Planning and Design Code (Code). With the operation of the Code from March 2021, this submission takes the opportunity to inform the Commission about the Council's experience of the EFPA and the Code with respect to the Two Wells/Lewiston Rural Living and Animal Husbandry area.

Note 1: the barrier raised earlier about the EFPA limiting subdivision for low intensity residential living where associated with horse or dog keeping is assumed as being corrected.

Note 2: the lack of the EFPA being explicitly communicated directly in the Rural Living Zone and Animal Husbandry Subzone is assumed as being corrected.



Base Map SA Property and Planning Atlas 13 7 21

Two Wells Lewiston Larger Lots and Flood Risk

The Two Wells Lewiston Larger Lots and Flood Risk map shows:

- Flood risk impacts about half the area
- The red dots are 32 example large lots (typically larger than 8HA) impacted by flood risk
- The yellow dots are 2 example large lots with low flood risk
- Rural living lots are typically 20 times larger than the average suburban block.
- Remnant larger land holdings are mostly surrounded by 1 hectare land holdings.

- 86 rural living residential lots are being developed. These were lodged prior the EFPA limiting residential subdivision becoming operational in March 2019.
- There are several large lots able to be subdivided for residential rural living in the Cowan/Artesian area
- Excluding the Cowan/Artesian area, Rural Living (including Animal Husbandry) comprises 34 square kilometres.

Whilst the Planning and Design Code envisages the Rural Living and Animal Husbandry as being able to be subdivided to 1HA for housing, since March 2019, that is precluded by the EFPA.

Along with inquiries about subdivision for rural living in Two Wells/Lewiston's Rural Living Zone, Council's planners also receive numerous inquiries about building a house on 8HA lots in the Rural Horticulture Zone. Inquirers outline that land is hard to find in Lewiston. The extent that this is a risk for land in the Rural Horticulture Zone should be investigated. An inability to build a dwelling on Rural Living zoned land has the potential to place pressure on primary production and horticulture zoned land.

The EFPA's limit was introduced in 2019 after a period enabling residential subdivisions to be lodged, and subdivisions – including the 86 lot proposal - are yet to be brought to market.

The Cowan/Artesian Area is able to be subdivided for rural living housing, this presenting potential supply with several larger lots that could be subdivided over the next five years. Siting adjacent to Two Wells acts to reinforce the township.

Comment to Commission:

Council is open to the Environment and Food Production Area continuing in place over Two Wells / Lewiston Rural Living Zone and Animal Husbandry Subzone until, noting further detailed investigations on the impact of the EFPA restrictions over time to be undertaken, subject to:

- The barrier of the Environment and Food Production Area limiting subdivision for low intensity residential living where associated with horse or dog keeping being corrected.**
- The lack of the Environment and Food Production Area being explicitly communicated directly in the Rural Living Zone and Animal Husbandry Subzone of the Planning and Design Code (perhaps as an Overlay) being corrected.**

30 YEAR PLAN FOR GREATER ADELAIDE

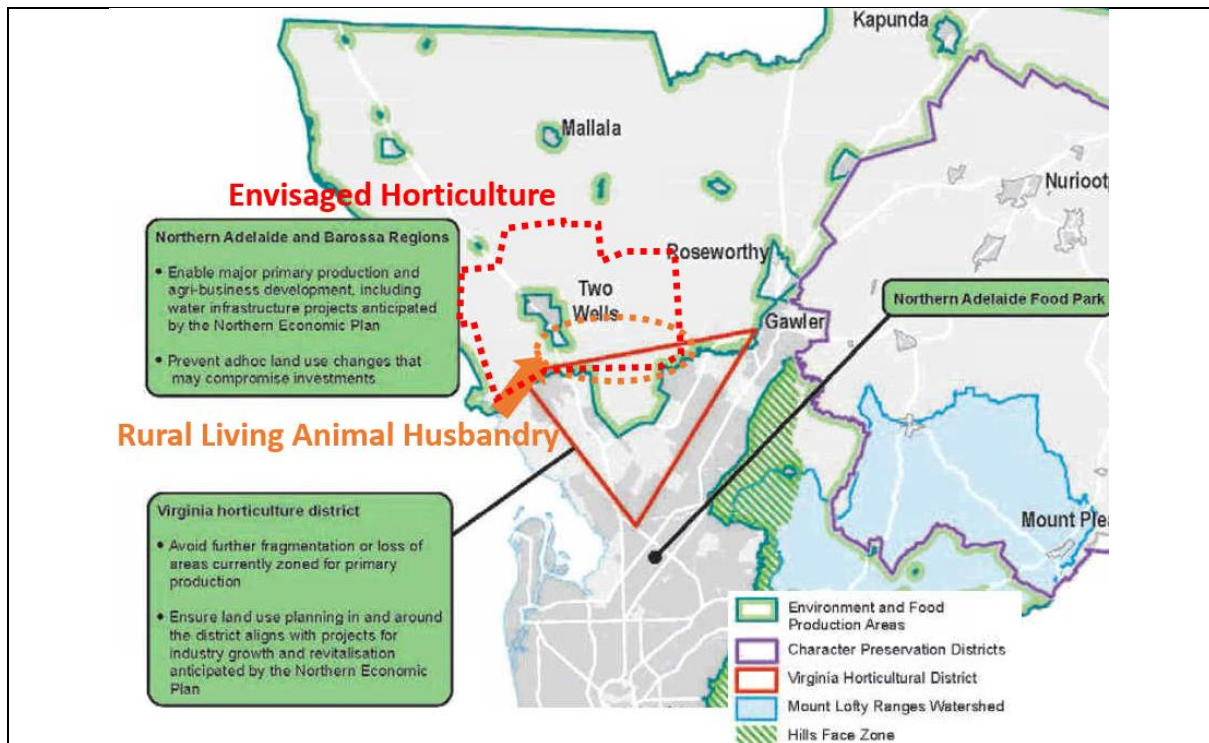
The 30 Year Plan for Greater Adelaide includes the Rural Living Animal Husbandry Area within the EFPA. The 30 Year Plan is however silent about the areas business future and also the wider areas envisaged horticultural future.

Map 4 — Business and industry clusters

Rural Living Animal Husbandry



The 30 Year Plan is silent about the Animal Husbandry area as a form of business cluster



The 30 Year Plan is silent about the envisaged development of horticulture in the southern third of Adelaide Plains. This area is within a Rural Horticulture Zone

Comment to Commission:

The 30 Year Plan for Greater Adelaide should better reflect the Animal Husbandry Zone as a business cluster and the envisaged development of horticulture in the southern third of Adelaide Plains.

Two Wells Planned Urban Growth Challenges and Opportunities

A portion of Adelaide Plains including Two Wells is sited within the 'Outer North' of Greater Adelaide. Analysis of housing and employment land supply is contained within the Land Supply Reports⁶ for Greater Adelaide released by the Commission (see [Relevant Extracts for APC from the Land Supply Reports](#))

For Adelaide Plains, the land supply reports provide updated numbers associated with Two Wells housing estates. The commentary affirms the impact of the northern connector in terms of reduced vehicle travel times to Greater Adelaide underpinning demand for land for housing and employment purposes.

Building applications have increased from around 60/annum to above 100, with 2020/21 having 294 to the end of May. This is a significant rate of building activity.

Recognising the EFPA supports planned urban growth, it is suggested the following comments be provided to the Commission about planned urban growth

Comment to Commission:

Recognising the Environment and Food Production Area surrounds Two Wells' planned urban growth, Council intend to continue investigating, planning, delivering and advocating for the necessary economic and social infrastructure to support liveable growth at Two Wells. Council welcomes further dialogue with the Commission about this.

6

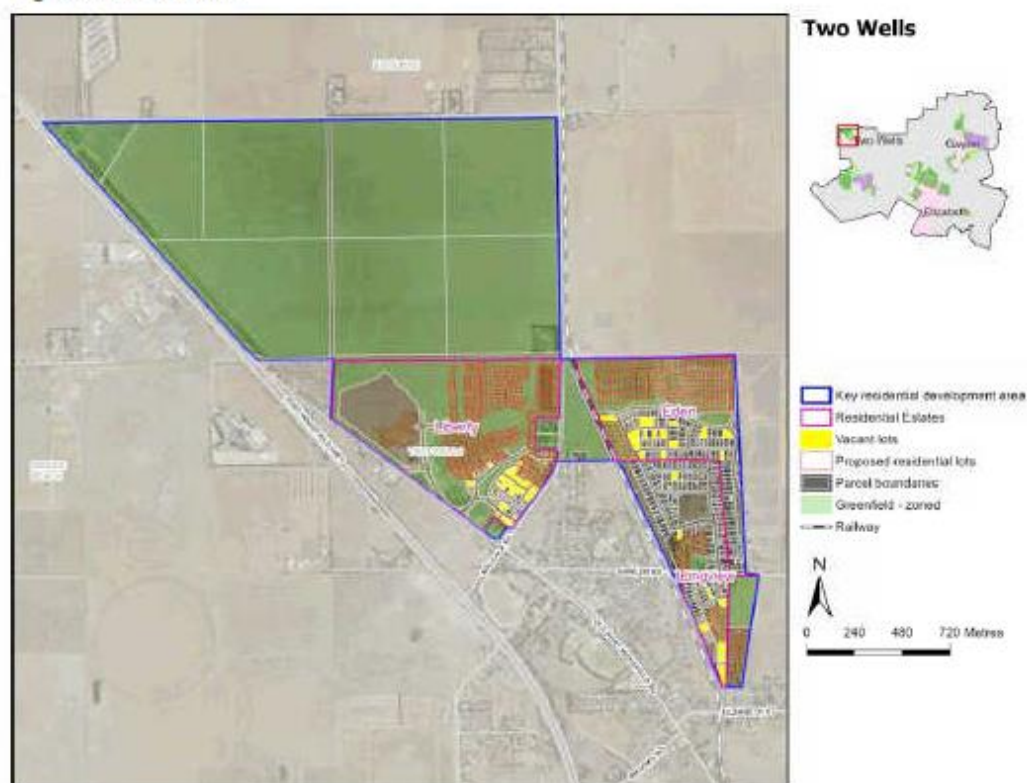
plan.sa.gov.au/our_planning_system/instruments/planning_instruments/environment_and_food_production_areas#have_your_say_on_the_efpa_review

Relevant Extracts for APC from the Land Supply Reports

Table 4: Greenfield land supply by sub-region and key development front - Outer North, June 2020

| STATUS | DEVELOPMENT READY | | UNDEVELOPED ZONED | | FUTURE URBAN GROWTH AREA | |
|---------------------------|-------------------|---------------|-------------------|----------------|--------------------------|----------------|
| | Area (ha) | Lots | Area (ha) | Estimated Lots | Area (ha) | Estimated Lots |
| GAWLER | | | | | | |
| Gawler East | 180 | 1,521 | 3 | 29 | - | - |
| Gawler South | 18 | 151 | 58 | 490 | - | - |
| Evanston Gardens | 41 | 391 | 40 | 388 | 43 | 410 |
| Evanston South | 4 | 75 | 57 | 973 | - | - |
| Roseworthy | 102 | 871 | 237 | 2,030 | 29 | 248 |
| Concordia | - | - | - | - | 949 | 10,000 |
| TOTAL | 345 | 3,009 | 396 | 3,910 | 1,021 | 10,658 |
| PLAYFORD | | | | | | |
| Playford Alive | 10 | 221 | 101 | 2,278 | - | - |
| Playford North Extension | 96 | 1,402 | 409 | 5,996 | 7 | 107 |
| Munno Para | 16 | 295 | 89 | 1,615 | - | - |
| Munno Para West | 13 | 205 | 15 | 234 | - | - |
| Blakeview | 7 | 123 | 289 | 5,360 | - | - |
| Angle Vale | 198 | 2,431 | 314 | 3,848 | 3 | 36 |
| Eyre | 10 | 165 | 82 | 1,305 | - | - |
| TOTAL | 350 | 4,842 | 1,299 | 20,635 | 10 | 143 |
| VIRGINIA/TWO WELLS | | | | | | |
| Virginia | 59 | 723 | 103 | 1,250 | 301 | 3,663 |
| Buckland Park | 315 | 3,344 | 560 | 5,953 | 526 | 5,587 |
| Two Wells | 62 | 478 | 273 | 2,108 | - | - |
| TOTAL | 436 | 4,545 | 936 | 9,312 | 827 | 9,250 |
| OUTER NORTH TOTAL | 1,131 | 12,396 | 2,631 | 33,857 | 1,858 | 20,051 |

Figure 23: Two Wells



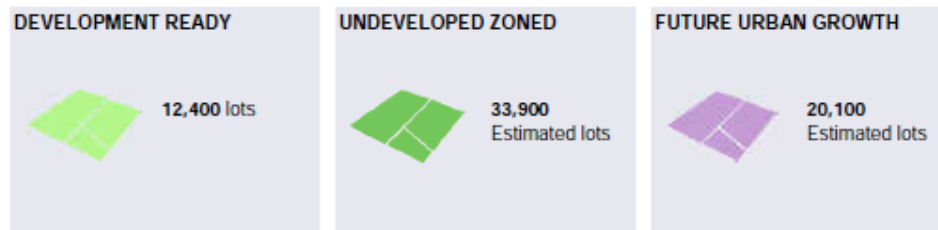
KEY MEASURES

| Year Commenced | Pre-2010 |
|-------------------------------------|--------------|
| Estimated dwelling capacity | 2,875 |
| Dwellings built since 2010 | 203 |
| Average dwellings built per annum | 19 |
| Remaining Potential Capacity | 2,672 |
| Vacant lots | 75 |
| Development Ready (proposed lots) | 478 |
| Undeveloped Zoned | 2,108 |

ANALYSIS

- 3 estates currently under development.
- Since 2018 the rate of development has markedly increased, with over 70 dwelling completions recorded in 2018.
- There are current infrastructure deed arrangements in place. The availability of financial contributions to fund infrastructure is dependent on the rate of development. This needs to be continually monitored to ensure infrastructure bottle necks do not occur.
- Two Wells is not connected to a SA Water trunk sewer main and currently relies on a community waste water scheme to service dwellings.
- SA Water's potable water infrastructure is currently being upgraded in the area, including 4,500m of new pipework to improve water pressure and support projected growth.

2.4 Greenfield land supply to 2030

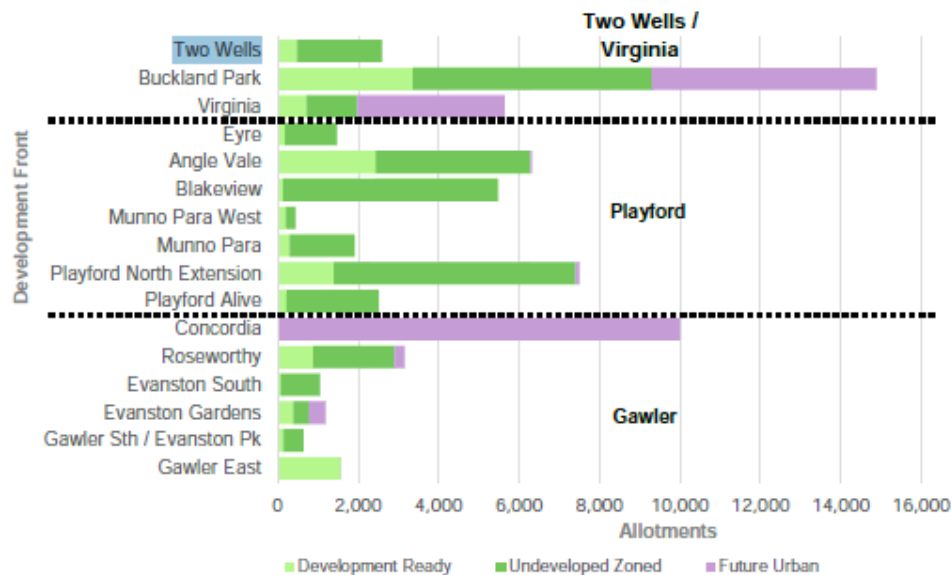


Over the last decade Greenfield development has accounted for 80% of all dwellings built in the region. This trend is assumed to continue into the next decade as additional land comes to the market and major infrastructure projects make land more accessible and desirable to a larger portion of the market.

A stocktake of Greenfield land supply within the region is illustrated in Figure 9 and Table 4, and shows the following:

- 19% of land supply is Development Ready.
- Over 5,400 Development Ready allotments are located within the Playford sub-region, with just under half these allotments located within the Angle Vale precinct.
- Over 50% of estimated allotment potential is located within Undeveloped Zoned land.
- It is estimated that undeveloped zoned land within the Playford sub-region could yield in excess of 20,000 allotments. The Playford North Extension will account for approximately 6,000 of these allotments.
- Future Urban Growth area land is estimated to yield 30% of total allotment potential for the region with land at Concordia estimated to have a total potential to create 10,000 allotments.

Figure 9: Greenfield land supply by development front, June 2020



2. EMPLOYMENT LAND SUPPLY – OUTER NORTH

2.1 Overview

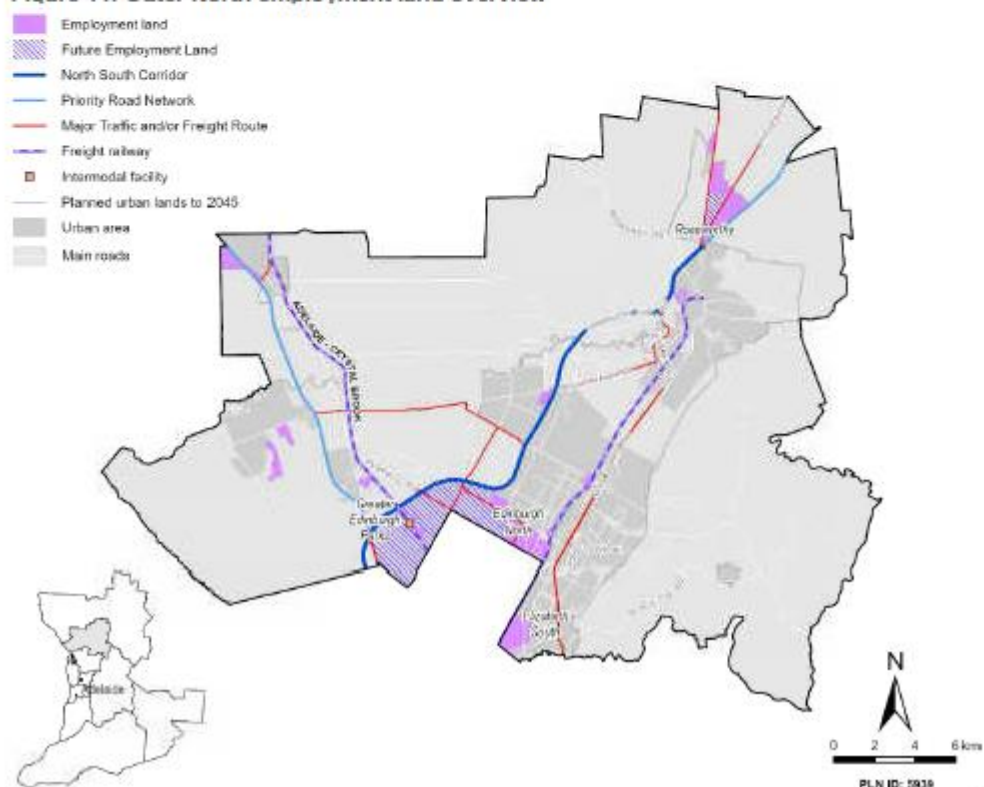
| EMPLOYMENT LAND JOBS | ZONED EMPLOYMENT LAND | KEY INDUSTRY TYPES |
|--|--|---|
|  <p>5,500 in 2020</p> |  <p>1,559ha</p> | <ol style="list-style-type: none"> 1. Manufacturing 2. Construction 3. Agriculture |

The Outer North region, as illustrated in Figure 11, accommodates an estimated 11% of total zoned employment land within Greater Adelaide and over 95% of all identified future employment land.

In 2020 it was estimated the regions zoned employment lands supported an estimated 5,500 jobs. Over 55% of these jobs were aligned with traditional employment activities, with manufacturing a significant contributor. Its share is projected to grow over the next ten years to 2030 as more land becomes available, and recently completed infrastructure makes land more accessible to key distribution networks and trade gateways.

Projected population growth in Two Wells, Gawler and Roseworthy will provide opportunities to facilitate growth of the regions employment lands driving demand for more population serving activities. This, along with further investigations into the future development of the Greater Edinburgh Parks, present the greatest opportunities for the region to over the next 10 years.

Figure 11: Outer North employment land overview



Attachment A Council Decision 23 Sept 2019 Hicks and Leinad Land



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D19/50876

24 October 2019

BH and SA Hicks Pty Ltd
Mallala Road
TWO WELLS SA 5501

Dear Mr Hicks

In-Principle Council Support for North East Two Wells Expansion – Hicks Group

As you are aware, *Environment and Food Production Areas (EFPAs)* were introduced through the *Planning, Development and Infrastructure (PDI) Act 2016* to prohibit the further subdivision of land for housing to protect vital food and agricultural lands. The majority of the Adelaide Plains Council area is located within an EFPA and the effect of this legislation is to restrict land divisions for residential development to Council's main townships (Two Wells, Mallala and Dublin) and a number of other existing settlements only.

At an Informal Gathering on 25 March 2019, planning consultant Grazio Maiorano of URPS presented to Council Members on behalf of the Hicks Group in relation to the potential urban rezoning of land adjoining the Two Wells township in the medium to long term. The urban rezoning could facilitate approximately 850 new dwellings together with an appropriate level of recreation, open space and community facilities.

As you are aware, an amendment to the EFPA boundaries will be necessary before a potential rezoning and future development application can be progressed for this development proposal.

Following a formal request by the Hicks Group, as well as a separate request from Leinad Land Developments (Dublin) Pty Ltd, regarding a potential expansion of the Dublin township, Council at its Ordinary Meeting on 23 September 2019, resolved as follows:-

Item 21.5: Environment and Food Production Areas

Moved Councillor Maiolo Seconded Councillor Lush 2019/412

"that Council, having considered Item 21.5 – Environment and Food Production Areas, dated 23 September 2019, receives and notes the report and in doing so authorises the Chief Executive Officer to:-

- 1) progress the review of relevant strategic holdings that are currently impacted by the Environment and Food Production Areas legislation with the Department of Planning, Transport and Infrastructure and the State Planning Commission as part of the 5 yearly review of the Planning, Development and Infrastructure Act 2016 (Section 7).*
- 2) provide in-principle letters of support to Leinad Land Developments (Dublin) Pty Ltd and the Hicks Group to enable both parties to advocate for boundary changes to the*

Environment and Food Production Areas and allow the future progression of long term rezoning objectives as outlined in Attachments 1 and 2 to this Report."

CARRIED UNANIMOUSLY

As per Council Resolution 2019/412 above, Adelaide Plains Council is pleased to provide in-principle support to the Hicks Group to advocate for boundary changes to the EFPA to allow for the future progression of long term rezoning objectives for the North East Two Wells expansion.

Subject to availability, Council staff will be keen to attend meetings with Grazio Maiorano of URPS and the Department of Planning, Transport and Infrastructure to progress this matter.

If you require any further information, please contact Rob Veitch, General Manager Development and Community on (08) 8527 0200 or rveitch@apc.sa.gov.au

Yours sincerely



James Miller
Chief Executive Officer

D19/50832

24 October 2019

Mr Daniel Palumbo
Leinad Land Developments (Dublin) Pty Ltd
55 Stanbel Road
SALISBURY PLAINS SA 5109

Dear Mr Palumbo,

Dublin Township Expansion – Leinad Land Developments

As you are aware, *Environment and Food Production Areas (EFPAs)* were introduced through the *Planning, Development and Infrastructure (PDI) Act 2016* to prohibit the further subdivision of land for housing to protect vital food and agricultural lands. The majority of the Adelaide Plains Council area is located within an EFPA and the effect of this legislation is to restrict land divisions for residential development to Council's main townships (Two Wells, Mallala and Dublin) and a number of other existing settlements only.

The potential expansion of the Dublin township was previously supported by Council back in 2014, when Leinad Land Developments proposed a developer-led Development Plan Amendment (DPA) to rezone land to the south of Dublin for residential purposes. Council endorsed the DPA together with a Funding Deed to finance the DPA. However, the DPA Statement of Intent (SOI) was rejected by the then Minister for Planning, the Hon. John Rau, on 20 February 2015 as the proposals were not considered to be in accordance with the State Planning Strategy at that time.

The DPA was intrinsically linked to a proposal for the construction of a local shopping centre at Dublin comprising 1700 square metres of gross floor area, including a small supermarket and five speciality shops. Development Plan Consent was granted for the shopping centre on 12 November 2015 and the operative period of this Development Plan Consent remains 'live' until 4 August 2020.

Since the granting of the Development Plan Consent and the rejection of the DPA, the introduction of the EFPA legislation through the 2016 PDI Act has prevented any further progress on the development proposals from occurring.

Following a presentation by planning consultant Richard Dwyer of Ekistics to Council Members on behalf of Leinad Land Development on 8 July 2019, a Motion on Notice was made at the Ordinary Council Meeting on 22 July 2019, which resulted in the following resolution:-

Environment Food Production Areas

Moved Councillor Keen

Seconded Councillor Lush

2019/323

“that the Chief Executive Officer formally write to the Department of Planning, Transport and Infrastructure and the Minister for Planning to give advanced notice of Adelaide Plains Council’s desire to have strategic holdings reviewed throughout the Council area as part of the imminent Environment Food Production Areas review process.”

CARRIED

As per the above resolution, I wrote to the Hon. Stephen Knoll MP, Minister for Transport, Infrastructure and Local Government on 23 July 2019. To date, no reply has been received.

Following formal requests by both Leinad Land Developments, as well as the Hicks Group regarding a potential development at Two Wells, Council at its Ordinary Meeting on 23 September 2019, resolved as follows:-

Item 21.5: Environment and Food Production Areas

Moved Councillor Maiolo

Seconded Councillor Lush

2019/412

“that Council, having considered Item 21.5 – Environment and Food Production Areas, dated 23 September 2019, receives and notes the report and in doing so authorises the Chief Executive Officer to:-

- 1) progress the review of relevant strategic holdings that are currently impacted by the Environment and Food Production Areas legislation with the Department of Planning, Transport and Infrastructure and the State Planning Commission as part of the 5 yearly review of the Planning, Development and Infrastructure Act 2016 (Section 7).*
- 2) provide in-principle letters of support to Leinad Land Developments (Dublin) Pty Ltd and the Hicks Group to enable both parties to advocate for boundary changes to the Environment and Food Production Areas and allow the future progression of long term rezoning objectives as outlined in Attachments 1 and 2 to this Report.”*

CARRIED UNANIMOUSLY

As per Council Resolutions 2019/323 and 2019/412 above, Adelaide Plains Council is pleased to provide in-principle support to Leinad Land Developments to advocate for boundary changes to the EFPA to allow for the future progression of long term rezoning objectives for the expansion of the Dublin township.

If you require any further information, please contact Rob Veitch, General Manager Development and Community or [REDACTED] or [REDACTED]

Yours sincerely



James Miller
Chief Executive Officer

Appendix B Local Government Assessment Manager Forum November Submission

18 November 2022

Mr John Stimson
Presiding Member
Expert Panel
Planning System Implementation Review

DTI.PlanningReview@sa.gov.au

Dear Mr Stimson

This submission is made by the recently formed Local Government Assessment Manager Forum (LGAMF). The LGAMF represents Accredited Professionals (Level 1) employed in the Local Government sector who perform the duties as an Assessment Manager.

As a key group of accredited professionals within the planning system, the members of the LGAMF has a strong interest in facilitating the delivering a system that serves the diverse needs of the community. The LGAMF acknowledged the significant effort of the department in transitioning the State to the new system. There is general support for the reforms. This submission is focussed on specific matters of interest to the LGAMF that are considered to require further consideration in development assessment.

The LGAMF welcomes the opportunity to work with the Expert Panel to further enhance the planning and development system. In particular, the LGAMF request the Expert Panel consider the following matters.

- Deemed Planning Consents
- Deemed Development Approvals / Minor variations
- Assessment Timeframes
- Development Assessment Portal
- Verification

Deemed Planning Consent

The need for an efficient and responsive development assessment process is supported. However, the Deemed Planning Consent provision is having extremely negative impacts on workplace culture, and contributing to staff leaving the local government sector. This, combined with very short assessment times for what can be quite complex matters, results in a greater likelihood of applications being refused, or substandard designs that do not meet the provisions but are just good enough being approved to avoid a deemed consent rather than working with applicants to achieve a design that can be supported to better deliver the intent of the policy. This is inconsistent with the objects of the Act to promote *high standards for the built*

environment. It is a severe penalty that does not adequately consider the consequences for the community for development that is inappropriate.

It is noted in the discussion paper there have not been many deemed planning consents issued. It is not the case that the number of those issued reflects the considerable stress that sits with every application to avoid this occurring. Planning staff do not feel they can take extended leave due to the potential that one of their applications will tick down to a deemed consent and the workloads associated with other planners in the team do not facilitate easy management of applications when others are away. Councils have had to take on more planning staff to keep workloads to a level that allow timely interaction with applications and does not result in time overruns to assess the same or similar application numbers overall to those managed with fewer planners under the Development Act.

Assessment Managers are of the view the deemed consent approach does not provide a basis for collaborative relationships with applicants that in turn deliver more appropriate planning outcomes. This provision does not take into consideration the well documented shortage of professionals within the sector and the challenges in establishing a sustainable work environment for the relevant assessing officers where they can apply their skills to the delivery of outcomes that benefit all, in line with the relevant assessment policy.

The consequence of this provision is to extend the assessment times for simpler development applications, as greater attention is required on the more complex developments that generally have the same assessment times. Furthermore, this is leading to less capacity to provide preliminary advice to applicants which is a highly valuable non-statutory service to assist applicants.

It is noted in the jurisdictional comparison contained in the Panel's discussion paper, only Queensland utilises this mechanism and New South Wales has adopted a deemed refusal mechanism. Other jurisdictions such as Victoria, Western Australia and Tasmania have taken **a more balanced approach, whereby a review is undertaken by the respective courts on the facts and the court makes a considered and independent determination on the application.** This is considered to be a more equitable approach that will safeguard the community against potential poor development outcomes while removing the risk of instant approvals for inappropriate outcomes.

Deemed Approval / Minor Variations

The discussion paper identifies instances where planning and building consent has been issued for a development application, but councils are not accepting the planning consent issued by the private accredited professional. The paper assumes the council as the *problem* and does not examine the reasons why the approval is not being issued by the council. The Act requires a council to check that the appropriate consents have been sought and obtained for a development application. This is an important mechanism that safeguards applicants / owners from commencing development with inconsistent or invalid consents. The absence of this important check is likely to result in non-compliances being identified during construction, leading to more significant and costly delays.

In many instances where development approval has not been issued, it is evident some private accredited professionals have acted outside their powers under the Act. This issue is directly related to the accredited professionals incorrect assessment which missed or dismissed key assessment criteria, including the application of Overlays such as the Historic Area Overlay. There are some examples of accredited professionals interpretation being such that they have effectively undertaken a performance assessed development, including on notifiable development.

This issue is exacerbated with the ambiguity that is created with s106(2) of the Act in relation to minor variations. The Deemed to Satisfy (Minor variations) is subject to various interpretations and has created uncertainty and delayed approvals, as identified by the Panel's discussion paper. This varying interpretation has resulted in poor outcomes for applicants. The difficulty with the interpretation was highlighted when a cross sector working group established by PLUS was unable to define what constitutes minor variations.

This legislative ambiguity is contributing to a tension between the practice of some private accredited professionals and council practitioners. **There needs to be greater guidance/training for relevant authorities on respective roles and what constitutes a minor variation for Deemed to Satisfy developments to address the current inconsistent approach.** This could be informed with clear parameters such as a minor variation may only be granted:

- by an Assessment Manager at council, or
- by privately certifiers where the element does not have an impact beyond the site. E.g. excludes site area, frontage, setbacks, building heights, length on boundary and the like; and there is accountability / transparency with clearly documented justification for any minor variations.

Assessment Timeframes

The discussion paper suggests a review of assessment timeframes. This review is supported as the current timeframes do not adequately differentiate the work that is required to properly assess more complex assessments such as larger commercial and industrial type applications. **It is recommended the assessment timeframes for complex development, not involving up to two (2) class 1 buildings or any class 10 buildings, should be 8 weeks** as the current assessment timeframes are not adequate and do not facilitate the promotion of high standards for the built environment. It is not reasonable to expect an application for 19 plus dwellings or large scale warehousing to be assessed in 20 days, yet this is currently the case. The Panel may wish to also consider the gross time for the completion of assessments to gauge the overall impact of the new system and whether there are broader legislative / DAP enhancements that may be necessary.

Development Assessment Portal

The Development Assessment Portal, while having developed some positive change, **has not yet delivered the efficiencies that were expected from the reform**, notwithstanding the many enhancements that have made since its introduction. The local government sector has contributed significant resources towards supporting the identification of issues and enhancements in the DAP. PlanSA has been provided with an extensive list of issues and it is acknowledged the department has generally sought to progress enhancements. Critical changes are however urgently required, as the

Discussion Paper – *ePlanning System and PlanSA website Reform Options* has identified. **It is essential that urgent enhancements are prioritised as the current DAP limitations are significantly affecting the performance of the development assessment process.** For example:

- The current DAP is too linear and does not facilitate multi process actions across planning and building. Staff cannot easily update basic data, such as add addresses after verification or continue to assess an application when the application is on hold. This is resulting in double or triple handling of development applications. **A relevant authority should be able to efficiently complete all aspects of an assessment at one point, regardless of status of the application and should be given administrative control to change data in the DAP as required.** There is significant inefficiency in administrative functions being undertaken only by PlanSA.
- The current DAP is too complicated for simple development applications. **The DAP should be streamlined for simpler development applications and should allow authorities to concurrently assess planning consent, building consent, and issue development approval.**
- Assessment timeframes do not accurately capture when a request for information has been made – **the DAP should accurately measure the assessment time.**
- The system does not have a robust document management system, the current approach is convoluted and complicated. **A contemporary document management system should be adopted for the DAP to reduce the administrative burden for all users.** This should include generating emails within the DAP, which is a standard expectation of a contemporary digital solution.
- Dashboards to monitor volumes of work are not working and cannot be readily relied upon. **Dashboards should be provided to readily monitor and track development applications, without having to generate a PowerBI reports.**
- Reporting function is confusing and not accurate. **PowerBI Reporting should be simplified, accurate and relevant authorities should be given full access to all their data to generate bespoke reporting.**
- A large number of submitted proposals are not progressing past the submit stage, as required information is not provided and this is contributing to unnecessary burden on the system. **Submitted proposals, where required information has not been provided during verification, should be withdrawn by the system automatically after a certain period of time and applicants should relodge when ready to proceed.**

Given the critical role of the DAP in the system, the Expert Panel is requested to **review the governance and resourcing that is necessary to sustain the DAP.** There appears to be an inherent limitation with the current governance model of PlanSA determining and progressing enhancements. While there have been many enhancements, acknowledging the efforts of the department to address what they can, there remain many more that are outstanding. As the current governance model requires all ideas to be funnelled through PlanSA and prioritisation of enhancements need to fit within the available resources & understanding of the issues by the department, the most common problems are the focus, not innovation.

The DAP should offer full Application Programming Interface (API) Based Product Integration (open data) so that authorities and other relevant stakeholders can move towards business to business transactions. This will facilitate innovation as it will incentivise authorities to evolve their business processes and the learning can be shared across all stakeholders. Enabling all stakeholders to shape direction and priorities of the core DAP functionality, together with the full API based Product Integration the DAP could realise its full potential as a digital platform.

Crown development applications should also be processed within the DAP as working between two systems is inefficient, overly complex and is likely to result in errors. It is also confusing for customers who do not understand why there are still two systems in place. Crown developments were due to be included in the DAP by mid-2022.

Verification

Unlike the previous requirement under Development Act, **the Verification process under the PDI Act is much more resource intensive. The increased requirements are not equally placed on an applicant to submit a complete development application** – the DAP does not prevent incomplete applications from being submitted. Therefore, all the expectation is placed on the relevant authority. Furthermore, the resource intensive process is exacerbated when an applicant provides a partial response to a request for information to form a complete application. This is double, triple handling of the application. The consequence is that greater attention is required on the more complex developments and simpler developments take longer to process.

The system also fails to account for the nuanced link between requesting from an applicant the full documentation for an application, when at a preliminary stage, it is apparent the development proposed will not be supported in that form. Providing relevant authorities the time to provide a preliminary guidance to an applicant early, will save the applicant time and money. This is particularly relevant for more complex development applications. Not providing advice about significant issues but seeking possibly expensive technical mandatory information only to then advise after lodgement has occurred that there are significant concerns does not build a constructive relationship and often leads to complaints about staff action.

The Expert Panel is invited to also consider that the data collected to form its initial perceptions of verification was over a period of extraordinary development activity as a result of government stimulus to facilitate construction activity during peak Covid-19. Some Councils experienced over a 30% increase in development applications in this period while at the same time many workplaces were required to adapt to significant changes, lock downs and loss of staff due to isolation rules. There were also many instances where new lots from approved land divisions were not created in the DAP and applications could not proceed past the verification stage. Further it is not uncommon for applicants to submit applications for new housing reliant on lots and roads that have not been approved in a land division and these may then need to wait longer before they can be verified and submitted. In this context, 84 percent of verifications within time is considered to be reasonable. The suggestion of penalty in the context of the environment at the time of the data collection is not considered reasonable. It is likely to lead to more refusals.

Moreover, it would also seem appropriate to explore the data from the DAP in more detail to determine if the applications that fell outside the 5 days were verified on day 6 or 7; or was this an issue for a particular application type or region; or how affected were these authorities by Covid-19; or was the timeframe due to the poor quality information submitted with the application. A more complete understanding of the issues behind the headline metric is warranted. Furthermore, **the Expert Panel is encouraged to consider training for all participants in the industry, education, and DAP system solutions, ahead of imposing penalties on a sector that is facing the same resourcing challenges as other sectors.**

The proposal within the *E-Planning System and the Plan SA website* paper to explore combined verification and assessment processes and to remove Building Consent verification for simpler applications has merit and warrants further consideration.

Local Policy

It is recommended the Expert Panel also give consideration to the inclusion of additional local policy in the Code. The announced changes to heritage and character to bring strong controls is welcomed and this initiative should be extended to consider other policy gaps / deficiencies in the Code that have been identified by various stakeholders.

Local Government Assessment Manager Forum

Appendix C Council Submission on Phase 3 Draft Code December 2020

| Adelaide Plains Council Issues / Comments | Adelaide Plains Council Recommendations |
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| <p>Master Planned Neighbourhood Zone</p> | |
| <p>Council raised concerns with the 2019 draft Code relating to a change of the existing Suburban Neighbourhood Zone and Residential Zone – Residential Policy Area 4 to the General Neighbourhood Zone.</p> <p>The 2020 draft Code now proposes to transition the existing residential areas predominately to the Master Planned Neighbourhood Zone. This zoning will apply to the Liberty & Eden land developments. A new Emerging Activity Centre Subzone is also proposed over the Liberty development.</p> <p>The proposed Master Planned Neighbourhood Zone does not suitably address the minimum site areas prescribed within the existing Mallala Development Plan. Emphasis is placed on broad statements rather than quantitative allotment sizes.</p> <p>The Zone currently does not use any Technical Numeric Variations (TNVs) to carry over existing Development Plan criteria, but rather references criteria contained within 'Building Envelope Plans' that can be created as part of these master planned areas. If a Building Envelope Plan does not exist, then standardised broad policies are provided.</p> <p>It is also recognised that the existing and planned infrastructure (power, water and waste water) have all been designed to accommodate a certain number of houses within the development area. The Two Wells Residential DPA of 2013 introduced this policy framework to ensure that the minimum site areas adequately cater for the overall dwelling and associated infrastructure demands.</p> | <p>It is recommended that a Minimum Site Area TNV and Minimum Frontage TNV be inserted into the Zone to appropriately guide development within Adelaide Plains based on current Development Plan provisions.</p> <p>PO 11.1 / 11.2 / 11.3 – it is considered that the proposed Performance Outcomes do not suitably address the minimum site area and frontage requirements for residential development. As the majority of the area to the west of the existing railway line has not been developed and there is not an 'authorised' plan of division, there is concern that until this has occurred, the lack of site areas will create a high level of uncertainty for future development proposals.</p> |

| Adelaide Plains Council Issues / Comments | Adelaide Plains Council Recommendations | | | | | | | | | | | | | | | |
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| <p>A key component of the Master Planned Neighbourhood Zone and the transition from the existing Suburban Neighbourhood Zone and Residential Zone relies on appropriate criteria being contained within new POs and the proposed TNVs.</p> | <p>Site Areas and Frontage Widths</p> <p>Mallala Development Plan PDC 18 – A dwelling should have a minimum site area (and in the case of residential flat buildings, an average site area per dwelling) and a frontage to a public road not less than that shown in the following table:</p> | | | | | | | | | | | | | | | |
| | <table><tr><th>Dwelling Type</th><th>Minimum area (square metres)</th><th>Minimum frontage (metres)</th></tr><tr><td>Detached (except where constructed boundary to boundary)</td><td>250 minimum</td><td>7</td></tr><tr><td>Semi-detached</td><td>200 minimum</td><td>6</td></tr><tr><td>Row dwelling and detached dwelling constructed boundary to boundary</td><td>125 minimum</td><td>5</td></tr><tr><td>Group dwelling and/or Residential flat building</td><td>200 minimum</td><td>No minimum</td></tr></table> | Dwelling Type | Minimum area (square metres) | Minimum frontage (metres) | Detached (except where constructed boundary to boundary) | 250 minimum | 7 | Semi-detached | 200 minimum | 6 | Row dwelling and detached dwelling constructed boundary to boundary | 125 minimum | 5 | Group dwelling and/or Residential flat building | 200 minimum | No minimum |
| | Dwelling Type | Minimum area (square metres) | Minimum frontage (metres) | | | | | | | | | | | | | |
| | Detached (except where constructed boundary to boundary) | 250 minimum | 7 | | | | | | | | | | | | | |
| | Semi-detached | 200 minimum | 6 | | | | | | | | | | | | | |
| | Row dwelling and detached dwelling constructed boundary to boundary | 125 minimum | 5 | | | | | | | | | | | | | |
| | Group dwelling and/or Residential flat building | 200 minimum | No minimum | | | | | | | | | | | | | |
| <p>The Code does not suitably address the minimum site areas prescribed within the current Zone.</p> | | | | | | | | | | | | | | | | |
| <p>Table 1 – Accepted Development</p> | | | | | | | | | | | | | | | | |
| <p>‘Detached dwelling’, the ‘Interface Management Overlay’ should be applied as an exception, so that a dwelling is not an accepted development in certain areas. Concept Plan 99 – Two Wells clearly identifies two areas within the concept plan that are subject to interface with existing authorised land uses (shown as ‘Buffer to Primary Industry Activity’). This includes a 500m buffer to an intensive animal</p> | | | | | | | | | | | | | | | | |
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| Adelaide Plains Council Issues / Comments | Adelaide Plains Council Recommendations |
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| | <p>keeping building associated with a poultry farm north of Tempy Road and a 300 metre buffer from an operational building/structures on the site of a grain storage and handling/packaging facility west of Port Wakefield Road.</p> <p>A Deed of Agreement was prepared between the former DPTI and Hickinbotham as it relates to the Liberty land development, with existing PDC and non-complying trigger the method in which the relevant authority was informed of this requirement. This matter requires further consideration as to how this many be transitioned into the Code. Council and Hikinbotham also have a Deed in place that relates to this development.</p> <p>PDC 24 within the current development plan states that:</p> <p style="padding-left: 40px;">“Land division should not create more than 1500 allotments within the zone, until the new road access to Port Wakefield Road as indicated on Concept Plan Map Mal/7 – Two Wells has been constructed.</p> <p>This has also been reflected in the non-complying provisions:</p> <p style="padding-left: 40px;">“Land division where the total number of allotments created in the zone exceeds 1500 -</p> <p style="padding-left: 40px;">Except where a new road access onto Port Wakefield Road has been constructed in accordance with Concept Plan Map Mal/7 – Two Wells”</p> <p>These policies were inserted into the Zone to reflect the number of additional allotments that could be created as part of the Two Wells development area without the need to undertake significant upgrades to the Port Wakefield Road access. It is acknowledged that the Concept Plan 99 shows the new road access, however the Code should also include a provision to reinforce this intent.</p> |

| Adelaide Plains Council Issues / Comments | Adelaide Plains Council Recommendations |
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| <p>Of primary concern within Adelaide Plains Council is that while the provisions of the Master Planned Neighbourhood Zone seek to limit retail within the zone, the Emerging Activity Centre sub-zone does not have the same limitations, in fact it has no retail floor area size limits. In the Two Wells setting this could result in a retail centre being located anywhere in the Liberty development in direct competition to the Two Wells Main Street. While the introduction of the Master Planned Neighbourhood Zone is broadly supported, any policy that allows a significant out of town retail centre for Two Wells is not supported as it is directly opposed to the existing policy in the Development Plan that seeks to locate large retail within the Town Centre.</p> <p>This was a significant issue raised by the community and Council during the preparation of the Two Wells Residential DPA in 2013. The removal of this policy intent is considered to be a significant departure from the existing Development Plan provisions, is not supported by Council and requires amendment as a matter of high priority.</p> | <p>A new Gross Leasable Area TNV to ensure that a maximum gross leasable retail floor space is included within the Emerging Activity Centre Subzone. The creation of a Gross Leasable Area TNV with a maximum area of 500m² would reflect existing Objective 3 and PDC 21 of the Suburban Neighbourhood Zone (Mallala Development Plan) and ensure that any future development does not erode the role and function of the existing Two Wells Main Street (Town Centre).</p> <p>Alternatively and in the event that the Commission does not support the above recommendation, the Emerging Activity Centre Subzone needs to be substantially reduced in size and not applied over the entire Master Planned Neighbourhood Zone.</p> <p>PO 2.1 – Part (b) enables development to a height of 6 storeys or 22 metres. This is substantially higher than the current 4 storey maximum building height. It is recommended that Part (b) be reduced to 4 storeys to create greater consistency with existing Development Plan provisions and provide a more realistic expectation of the heights of buildings encouraged within activity centres.</p> <p>New Performance Outcome - It is recommended that the Concept Plan TNV be inserted within the Emerging Activity Centre Subzone to ensure that the non-residential component of Concept Plan 99 are reinforced and the appropriate siting and future sizing of an activity centre is addressed.</p> |

| Adelaide Plains Council Issues / Comments | Adelaide Plains Council Recommendations |
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| <p>Accepted pathway (no planning consent required) are proposed for new dwellings where they are consistent with an approved building envelope plan and retaining walls up to 1.5 metres in height (except where visible from a public road).</p> <p>The parameters for the approval and use of a Building Envelope Plan (BEP) have only just been released to local government and there is still some uncertainty as to how this new feature of the planning system will operate. What is not clear is why this element of the system is being introduced as part of the introduction of the Code, which was initially expressed as a 'like for like' policy change, and not following the introduction of the Code.</p> | <p>Council requests clarity as to what has prompted the introduction of BEP's and Accepted Pathway changes to be included as part of the introduction of the Planning and Design Code, which was intended to be limited to like for like policy not major structural changes to assessment processes.</p> <p>Fence and Retaining Wall Structure includes the following assessment criteria:</p> <ol style="list-style-type: none"> 1. The retaining wall retains a difference in ground levels not exceeding 1.5 metres (measured from the lower of the 2 adjoining finished ground levels). 2. The total combined height of the fence and retaining wall structure is less than 3.3 metres in height (measured from the lower of the 2 adjoining finished ground levels) 3. The structure is located behind the building line of the associated dwelling and any dwelling on adjoining land. 4. The structure is not located on a secondary street boundary. 5. The development will not be located within the extents of the River Murray 1956 Flood Level as delineated by the SA Property and Planning Atlas <p>It is considered that this a total combined height of the fence and retaining wall of less than 3.3 metres is too high to be considered as an Accepted Pathway. It is recommended that the 'Fence and Retaining Wall Structure' be removed from Table 1.</p> |

| Adelaide Plains Council Issues / Comments | Adelaide Plains Council Recommendations |
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| | <p>Table 2 – Deemed-to-Satisfy Development Classification</p> <p>Carport, Dwelling (various types), Dwelling addition, Outbuilding and Verandah reference the Design General Development Provisions. Both Two Wells and Mallala are considered to be an ‘urban’ area and it is considered that these land uses should reference Design in Urban Areas General Development Provisions. (note Ancillary Accommodation references Design in Urban Areas)</p> <p>Detached dwelling – ‘Interface Management Overlay’ should be added in the Overlay column.</p> <p>Dwelling addition – should include reference to PO 1.1</p> <p>Table 3 – Performance Assessed Classification</p> <p>Carport, Dwellings (various types), Dwelling addition, Fence, Outbuilding, Retaining Wall and Verandah reference the Design General Development Provisions. Both Two Wells and Mallala are considered to be an ‘urban’ area and it is considered that these land uses should reference Design in Urban Areas General Development Provisions. (note Ancillary Accommodation references Design in Urban Areas)</p> <p>Table 4 – Restricted Development Classification</p> <p>There is only one land use included as restricted - a ‘Shop’ with three exclusions (less than 1000m², a restaurant or where located in an Activity Centre). Consistent with the recommendations for a number of suggested policy amendments to reference appropriate non-residential sized development, the proposed 1000m² is considered excessive and to give rise to a potential impact upon the existing retail areas contained within the main street of Two Wells.</p> |

| Adelaide Plains Council Issues / Comments | Adelaide Plains Council Recommendations |
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| | The shop exclusion should be reduced to match intended policy changes to the Emerging Activity Centre Sub-Zone. |
| Animal Husbandry Zone / Sub Zone | |
| <p>The revised Code proposes to accommodate the existing Animal Husbandry Zone in the current Development Plan through a sub-zone within the Rural Living Zone. Council was opposed to this approach in the 2019 version of the Code and requested a new Animal Husbandry Zone be included in the Code, based on the Mallala Development Plan Animal Husbandry Zone. This request was not supported by the State Planning Commission, and the sub-zone has been retained in the 2020 revision of the Code.</p> <p>Despite this there should be scope for revising/upgrading the sub-zone provisions with more of the existing Mallala Development Plan policy being incorporated since this is a unique, one-off sub-zone created specifically to accommodate Adelaide Plains.</p> <p>It is recommend that a series of changes are made to the proposed sub-zone including addressing the fact that horse and dog keeping and kennelling are proposed as notifiable development. Because of the clear purpose of the zone e.g. Animal Husbandry, this is an unusual policy response.</p> | <p>It is recommended that ‘animal keeping’, low intensity animal husbandry’ and ‘horse keeping’ should be listed as classes of development to be exempt from notification, subject to criteria that large scale horse keeping or dog kennelling proposals will undergo public consultation.</p> <p>We note that the South Australian Standards and Guidelines for Breeding and Trading Companion Animals defines a large facility as:</p> <p><i>Large facility means a facility with six or more pregnant or lactating dogs and/or cats at any one time or a facility which holds 30 or more dogs and/or cats at any one time.*</i></p> <p>This could be a useful and common definition that could be used as a trigger for public notice.</p> <p>Procedural Matters - Notification - ‘animal keeping’, ‘horse keeping’ and ‘low intensity animal husbandry’ be exempt from the notification process by being added to the class of development column as drafted in the revised version of the sub-zone, subject to a suitable tipping point being identified for larger scale applications to be publically notified.</p> <p>These land uses should also be added to the Notification section of the parent Rural Living Zone.</p> |

| Adelaide Plains Council Issues / Comments | Adelaide Plains Council Recommendations |
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| | <p>Restricted Development - the 1,000sq m floor area threshold exclusion for a 'shop' is far too generous and the 2019 figure of 200m² should be reinserted.</p> <p>Proposed additions to the sub-zone prepared by Council, based on current Development Plan policy, are attached to this submission to provide a starting point for potential additional policy within the Code.</p> <p>* http://www.dogandcatboard.com.au/breeders-new-standards-and-guidelines/</p> |
| Flooding | |
| <p>Since the 2019 consultation on the Code, a new Flood Overlay has been introduced into the 2020 draft. This is to distinguish between areas of high/extreme flood risk and those that are exposed to a general risk. Whereas formerly, the Code had the Hazards (Flooding) Overlay to deal with all degrees of flooding risk, the revised Code now has a:</p> <ul style="list-style-type: none"> • Hazard (Flooding) Overlay - covering high risk areas; and • Hazard (Flooding - General) Overlay - covering areas of general flooding <p>The current Mallala Development Plan expresses flood policy via the Hazards module in the General section of the Plan and through the local policy additions inserted in its Flooding sub-section. The flood hazard areas are referenced along with minimum floor levels for buildings, gully traps and filling and driveway levels. These areas are defined in the Development Plan Overlay – Development Constraints series of maps. Development within the flood hazard risk areas shown in these maps is controlled through the flooding provisions referenced in the relevant</p> | <p>Introduce the Hazard (Flooding - General) Overlay into the classes of development column in all relevant zone Tables 1 (Accepted Development) and Tables 2 (DTS) where the Hazard (Flooding) Overlay is also referenced.</p> <p>Hazard (Flooding) Overlay - remove the DTS criteria in DTS/DPF 3.5 introduced into the 2020 Code (relating to carports and outbuildings) as being inappropriate in a high risk flood area and that the 300mm build-up requirement be rewritten as a Performance Outcome.</p> <p>Hazard (Flooding) Overlay - remove this DTS criteria in DTS/DPF 3.6 around post and wire fencing and allow all forms of fencing to be Performance Assessed.</p> <p>'Gully traps' to be referenced as part of the required 300mm build-up for buildings (which is current Development Plan policy)</p> |

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| <p>zones and at the General level (as described above). Some development in the high risk area is classified as non-complying.</p> <p>It appears that within the Flooding General Overlay that habitable buildings, commercial and industrial buildings, and buildings used for animal keeping within this area may be subject to a 300mm build-up to be consistent with Code policy requirements, however depending on their physical location they may not indeed need to be elevated, resulting in potential additional and unwarranted costs to applicants/land owners.</p> | <p>Hazard (Flooding - General) Overlay expanded to cover all land adjacent the high risk Overlay area.</p> <p>The loss of POs 1.2 and 1.3 in the Hazard (Flooding) Overlay relating to land division that were formerly in the 2019 version of the Code is significant and that these policies should be re-introduced to provide important control measures for assessing infrastructure implications of land division proposals.</p> <p>If a DTS fill level value is to be used then it needs to be placed also in the Hazard (Flooding - General) Overlay provisions to give clearer direction for development proposals.</p> <p>DTS criteria in DTS/DPF 3.6 allowing for a post and wire fences is not appropriate</p> <p>A more detailed review of assessment pathways in flood prone areas to result in limited 'Deemed to Satisfy' and 'Accepted' development in flood prone areas.</p> <p>Within higher risk areas development should undergo a performance assessment pathway and ideally DTS criteria ought to be removed so that all development is performance assessed, specific examples of horse keeping and outbuildings were identified as part of the Code review.</p> |

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| Interface Management Overlay | |
| | <p>Application of the Interface Management Overlay within 500 metres of the existing IWS Northern Baleful at Dublin (Dublin Landfill Facility). The 500 metre application of the Overlay should be taken from the allotment boundaries of the existing facility.</p> <p>The Interface Management Overlay provisions to apply to the assessment of 'dwelling' 'workers accommodation' and 'tourist accommodation' in the Rural Zone.</p> |
| Recreation Zone / Mallala Racecourse | |
| <p>Concerns were raised by Council in its response to the 2019 draft of the Code around the transition of the Mallala Racecourse Zone into the Recreation Zone as it did not sufficiently capture the intent of the existing zone within the Mallala Development Plan. Despite some changes to the Recreation Zone it is considered that this zone still does not adequately consider current Development Plan policy.</p> <p>The existing Mallala Motorsport Zone and Light Industry Zone – Mallala Racetrack Policy Area contain a unique suite of policies that are not reflected in any other Development Plan across the State.</p> | <p>Council still does not support the transition of the existing Mallala Racecourse Zone and Light Industry Zone – Mallala Racetrack Policy Area 2 solely into the Recreation Zone within the Code.</p> <p>It is recommend that a new Motorsport Park Subzone (within the Recreation Zone) be created to accommodate the unique suite of policies within the Mallala Development Plan.</p> <p>Council has prepared a draft sub-zone, based on current Development Plan provisions, to provide a starting point for potential additional policy within the Code.</p> |

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| Neighbourhood Zone | |
| <p>The Neighbourhood Zone applies within the residential areas of the Two Wells and Mallala townships.</p> <p>The 2019 draft Code proposed to transition the entire Residential Zone to the General Neighbourhood Zone. Council raised concerns with this proposal and the 2020 draft Code proposes most of the existing Residential Zone to now be transitioned to the Neighbourhood Zone (excluding Policy Areas 6)</p> <p>The draft Neighbourhood Zone encourages very low density housing with low rise buildings, often with large outbuildings, easy access and parking for vehicles. Existing Development Plan criteria for minimum allotments sizes, buildings heights and site frontages are managed via TNVs. The Neighbourhood Zone provides suitable on-site waste water management criteria for areas that aren't or cannot be connected to a community waste water management scheme which is an important element for Adelaide Plains Council, particularly as it relates to Two Wells,</p> | <p>This zone is generally suitable for the residential areas within APC, subject to some amendments including frontage widths, setbacks and building heights to reflect current Development Plan policy.</p> <p>Review the zone boundary at the rear of both Daffodil Road and Magnolia Boulevard allotments.</p> <p>PO 10.1 – Part (e) refers to a maximum length of 11.0 metres on the boundary for 'residential ancillary buildings'. There appears to be differences in the Accepted and Deemed to Satisfy/Performance Assessed criteria for various types of residential ancillary buildings (carports/outbuildings/verandahs)</p> <p>Table 1 (Accepted Development)</p> <ul style="list-style-type: none"> ▪ Carport – 11.0 metres ▪ Outbuilding – 11.5 metres ▪ Verandah – 11.5 metres <p>Table 2 (Deemed to Satisfy) + Table 3 (Performance Assessed)</p> <ul style="list-style-type: none"> ▪ Carport - References DTS 10.1 which is 11.0 metres ▪ Outbuilding - References DTS 10.1 which is 11.0 metres ▪ Verandah - References DTS 10.1 which is 11.0 metres <p>It is suggested that these provisions are reviewed to ensure greater consistency, with the intent that Accepted Development is not provided with an increased length relative to the Deemed to Satisfy and Performance Assessed criteria.</p> |

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| | <p>In addition it is questioned whether the community will consider 11.5m wall lengths of 3m or higher on common boundaries to be minor development. This policy approach required further consideration.</p> <p>PO 11.2 - The general intent of this PO is supported, however the same policy applies in both the Design (PO 13.2) and Design in Urban Areas General Development Provisions (PO 19.2). It is recommended that PO 11.2 be removed from each of the above mentioned zones and reference the Design in Urban Areas General Development Provision PO and DTS/DPF 19.1 (the townships of Two Wells and Mallala are considered to be an 'urban' area).</p> <p>Table 2 - Ancillary Accommodation/Detached dwelling/Dwelling addition/Semi-detached dwelling should include reference to PO 1.1</p> <p>Table 2 - Ancillary Accommodation / Carports, Dwellings and Outbuildings reference the Design General Development Provisions. The townships of Two Wells and Mallala are considered to be an 'urban' area and it is considered that these provisions should all to reference Design in Urban Areas General Development Provisions.</p> <p>Table 3 - Ancillary Accommodation should include reference to PO 1.1</p> <p>Table 3 - Ancillary Accommodation / Carports, Dwellings and Outbuildings reference the Design General Development Provisions. The townships of Two Wells and Mallala are considered to be an 'urban' area and it is considered that these provisions should all to reference Design in Urban Areas General Development Provisions.</p> <p>Table 4 – 'Shop' is restricted unless it satisfies one of two exclusions (less than 1000m2 or a restaurant). A shop or group of shops is currently non-complying within the Residential Zone and the change to a 1000m2 shop is considered excessive.</p> |

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| | <p>A reduced floor area should be considered to ensure consistency with both the current the Development Plan criteria and the overall intent of the Neighbourhood Zone.</p> <p>Amend the Minimum Frontage TNV to reflect the current Residential Zone site area criteria.</p> <p>Amend the Minimum Building Heights (Metres) TNV from 9.0 metres to 8.0 metres to reflect the current Residential Zone building height criteria.</p> |
| Residential Policy Area 6 – Mallala Development Plan | |
| <p>It is proposed within the revised Code that the existing Residential Policy Area 6 transition to the General Neighbourhood Zone. The intent of the General Neighbourhood Zone is to encourage a range of dwelling types to increase housing diversity and supply. Other non-residential land uses, including small-scale offices and consulting rooms, and a range of community facilities, including education, recreation and community centres are also encouraged. Development is proposed to retain the existing scale of 1 and 2 storey building levels.</p> <p>A review of the changes in policies between the 2019 draft Code and the 2020 draft Code was undertaken to determine if the General Neighbourhood Zone provides a suitable policy framework for the transition from the existing Residential Zone – Policy Area 6.</p> | <p>Council does not support the transition of existing Residential Zone (excluding Policy Area 6) to the General Neighbourhood Zone.</p> |

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| <p>Overall, the 2020 draft General Neighbourhood Zone is considered to be an improvement from the 2019 consultation version and better reflects the current Development Plan provisions. However, there are still a number of differences that are of a concern if the Residential Policy Area were to transition to this zone. As part of the Commission's release of the 2020 draft Code, the 'Summary of Post Consultation Amendments' (Nov 2020) document states that the General Neighbourhood Zone should be applied where the existing Residential Code applies. The Residential Code currently does not apply to the area contained within the existing Policy Areas 6.</p> <p>The lack of TNV's and ability to bring existing minimum allotments sizes and frontages from the current Development Plan into the Code using the General Neighbourhood Zone, along with the ability to manage sites that are not connected to a CWMS system.</p> | <p>It is recommend that the Residential Policy Area 6 transition to the Neighbourhood Zone, subject to changes to the Neighbourhood Zone including the application of both the Design (PO 13.2) and Design in Urban Areas General Development Provisions (PO 19.2).</p> |
| <p>Rural Horticulture Zone</p> | |
| <p>The Rural Horticulture Zone will cover a significant part of the southern area of the Council e.g. current Policy Areas 3 & Precinct 5 of the Primary Production Zone.</p> <p>The Desired Outcomes for the zone (which remain unchanged from the 2019 version of the Code). While the intent of the zone is considered suitable, it is recommended that some detailed policy changes occur.</p> | <p>A TNV value for a minimum dwelling allotment size within each of the existing Horticulture Policy Area 3 (8ha) and Precinct 5 Horticulture (4ha) be spatially applied to the respective areas.</p> |

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| | <p>An additional Performance Outcome to be inserted into the zone to deal with stormwater runoff issues. An example of potential policy is outlined below:</p> <p><i>Stormwater runoff from buildings and hard surfaces captured and managed on-site through storage tanks and/or dams with a combined capacity to prevent direct water runoff onto adjoining public roads or properties.</i></p> <p>Council staff will liaise with the State Government planning staff to develop suitable policy wording during the finalisation of the Phase 3 Code.</p> <p>Table 2 DTS to be updated to reference new PO (and/or DTS) where applicable.</p> <p>The Hazard (Flooding - General) Overlay to be inserted into the classes of development column of zone Tables 1 and 2 wherever the Hazard (Flooding) Overlay applies.</p> <p>Restricted Development Table - the floor area exclusion size for a shop to revert back to the 2019 Code area of 250m².</p> <p>Inclusion of PO and DTS/DPF criteria relating to a front setback requirement for an office in both the Rural and the Rural Horticulture Zones, this existing absence appears to be an oversight.</p> <p>Notification Table - horticulture to be added to the class of development column (it is currently missing).</p> |

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| | Horse keeping' and 'outbuilding' in Table 2 – both to be subject to the two flood Overlays and to not have the DTS pathway available. |
| Rural Living Zone | |
| <p>The Rural Living Zone applies in five areas with the principal location being Two Wells/Lewiston. The areas are the same as outlined in the initial Phase 3 Code 2019 and reflect current Development Plan zoning. The Desired Outcome for the 2020 version of the zone (which remains largely unchanged from the 2019 version of the Code) is:</p> <p><i>A spacious and secluded residential lifestyle within semi-rural or semi-natural environments, providing opportunities for a range of low-intensity rural activities and home-based business activities that complement that lifestyle choice.</i></p> <p>While the objective of the Rural Living Zone is considered suitable, it is recommended that a number of specific planning policy changes are made.</p> | <p>A TNV minimum frontage value of 30m be specified for lots within existing Precinct 3 - Two Wells</p> <p>Restricted Development - the 1,000m² floor area threshold exclusion for a 'shop' is far too large for a Rural Living Zone and the 2019 figure of 200m² should be reinserted.</p> <p>Table 1 - Accepted Development - reference made to the Hazard (Flooding - General) Overlay in addition to and in support of the Hazard (Flooding) Overlay where this is listed as an exception in the classes of development column.</p> <p>Table 2 - DTS - reference must be made to the Hazard (Flooding - General) Overlay in addition to and in support of the Hazard (Flooding) Overlay where this is listed as an exception in the classes of development column, and that both flood Overlays also apply to 'horse keeping' and to 'outbuilding'</p> |

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| | <p>‘Detached dwelling’, ‘dwelling addition’ and ‘ancillary accommodation’ subject to the Hazard (Flooding - General) Overlay in addition to and in support of the Hazard (Flooding) Overlay where this is listed as an exception in the classes of development column in Table 2 - DTS, with the corresponding DTS 2.1 reference being removed accordingly (i.e. these forms of development become entirely Performance Assessed in relation to flood policy).</p> |
| <p>Township Activity Centre Zone</p> | |
| <p>The Township Activity Centre Zone will now only apply to the Mallala Town Centre and not to the Two Wells Centre as was proposed in the 2019 version of the draft Code. This was a change that Council requested when commenting on the 2019 consultation version of the Code.</p> <p>The Township Activity Centre Zone contains appropriate planning policies that would enable a range of acceptable development outcomes to be achieved and has a much more comprehensive suite of policies than the current Mallala Development Plan. This will add greater value to the assessment process and provide clearer guidance to those who wish to develop in the centre subject to some additional planning policy around acceptable building heights.</p> | <p>Amendment to the draft Code to include additional planning policy around acceptable building heights in the Township Activity Centre Zone. TNV/Policy should outline a maximum height of 2 levels and 9m in height.</p> |

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| <p>Township Main Street Zone</p> | |
| <p>The Township Main Street Zone will apply to the main street of Two Wells. It is currently zoned in Council's Development Plan as a Town Centre Zone together with Policy Area 5 Two Wells Town Centre. While the application of the Township Main Street Zone was requested by Council in its response to the 2019 draft Code, it is considered that the draft Zone provisions still do not adequately recognise or retain the significant policy contained in the current Mallala Development Plan.</p> <p>It is recommended that a Town Centre Sub-zone for Two Wells is applied to accommodate current specific Two Wells centre provisions.</p> | <p>Town Centre Sub-zone for Two Wells is applied to accommodate current specific and detailed Two Wells centre provisions. A draft sub-zone has been prepared and is attached as part of Council's submission to provide a starting point for potential additional policy within the Code.</p> <p>Inclusion of Concept Plan Mal/10 - Two Wells Town Centre Areas (as supplemented by and merged with Concept Plan Mal/1 - Recreation Two Wells.</p> <p>Council are prepared to engage an experienced mapping consultation to prepare a suitable revised Concept Plan to be introduced into the Code.</p> <p>TNV value prescribing a maximum building height spatially applied to all properties within the Zone.</p> <p>Insert the Hazard (Flooding - General) Overlay into the Code zone Tables 1 to 3 (in the classes of development column) wherever the Hazard (Flooding) Overlay is referenced in all cases.</p> <p>Hazards (Flooding - General) Overlay be amended by adding a further PO and DTS/DPF provision for a 'fence' similar to that already in the high risk flood Overlay</p> |

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| | <p>Hazard (Flooding - General) Overlay be specifically inserted into the Code zone Table 3 - Applicable Policies for Performance Assessed Development, in the Overlay column, to ensure that a 'fence' (as amended by the above recommendation), 'residential flat building' (otherwise there will be no levels specified for such development at all, a critical oversight) and 'retaining wall' are subject to this flood Overlay.</p> |
| <p>Interface between Land Uses (Rural Areas)</p> | |
| <p>Both the Rural Zone and Rural Horticulture Zone contain a suite of provisions that require the appropriate siting and design of sensitive land uses to ensure that they avoid adverse impacts upon adjoining rural activities.</p> <p>Within the 2020 Phase 3 Code there are interface policies contained within the Interface Between Land Uses General Development policies and the Rural Zone. Both Horticulture and Broad Acre Farming are envisaged land uses within the Rural Zone. While both are key land uses within this zone, they come with a level of complexity when considering how to manage interface issues between them. The 'Guide to the Draft Planning and Design Code – October 2019' states that the 'new rural based zones will contain policies about rural interface management'. It is considered that the inclusion of Horticulture as a 'Deemed to Satisfy' use without appropriate and detailed interface provisions is not consistent with the consultation documentation supporting the intent of the Code.</p> <p>Council do not consider the current provisions within the Rural Zone are detailed enough to address the interface between rural land uses issue, in particular between broad acre farming and horticulture.</p> | <p>Further review of interface provisions within the Rural Zone should be undertaken to strengthen the level of detailed planning policy that deals with rural interface issues, particularly between farming and horticulture activities. (Council staff are happy to be involved in the review process)</p> <p>Rural Zone - DTS/DPF 3.1 criteria for 'Horticulture' is reinstated (or a similar criteria be inserted) to manage the interface between horticulture and farming activities.</p> <p>Recommended that the Rural Zone - DTS/DPF 12.1(d) be reinstated as 250m² to reflect the 2019 draft Code criteria and provide a size more suitable for a Deemed to Satisfy assessment pathway.</p> |

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| | <p>Recommend that Table 5 – Procedural Matters (Notification) in both the Rural Zone + Rural Horticulture Zone be amended to incorporate the following:</p> <ul style="list-style-type: none"> • Reinstate ‘function centres’ as a requirement to undergo public notification. Should this exemption not be removed, that it is recommended that DTS/DPF 6.5 also be included as part of its notification requirement (this would limit the size to a maximum 75 persons) <p>Recommend that Table 5 – Procedural Matters (Notification) in the Rural Zone be amended to incorporate the following:</p> <ul style="list-style-type: none"> • ‘Horticulture’ exceptions should state – ‘Horticulture that is unable to satisfy Rural Zone DTS/DPF 3.1 (d), (e) and (f)’ • Reinstate a size limit for ‘tourist accommodation’ to ensure that larger forms of tourist accommodation require public notification. |
| Coastal Areas | |
| <p>The existing Coastal Conservation Zone and Rural Settlement Zone are proposed transition to the Conservation Zone and Rural Settlement Zone within the revised Phase 3 2020 Code. The Coastal Areas Overlay will contain coastal related development assessment provisions and a referral trigger to the Coastal Branch for any coastal development. In the 2019 draft Code it was also intended that a Dwelling Subzone be employed so that a similar suite of policies to those contained within the current Coastal Conservation Zone of the Mallala Development Plan could be included in the Code.</p> | <p>Reinstate the Dwelling Subzone to the Adelaide Plains Council area or include policy that requires new dwellings to undergo a performance assessed assessment with appropriate planning policy to guide environmental protection.</p> |

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| <p>It is understood that the Department for Environment and Water provided a submission on the 2019 draft Code and requested that the Dwelling Subzone should not apply to coastal land within the Adelaide Plains Council, as the area is ecologically sensitive (with parts located in the Adelaide International Bird Sanctuary National Park) and subject to coastal flooding.</p> <p>The Commission has removed the Dwelling Subzone from the Adelaide Plains Council area. The result of this change it that the construction of new dwellings will now be 'Restricted' development, not performance assessed development as was previously the case in the 2019. The replacement of an existing lawfully erected dwelling will however be an exclusion to the restricted pathway and ensure that a replacement dwelling will be performance assessed.</p> <p>The inclusion of new dwellings as a 'Restricted' development is a change from the current Development Plan provisions under which dwellings are classed as a merit form of development. Noting that the zone policies tend to only encourage replacement dwellings or dwelling additions, since the Coastal Conservation Zone's Objectives and PDCs do not actively encourage the construction of new dwellings in any event.</p> <p>Despite this the allocation of dwellings as Restricted seems a somewhat heavy handed policy response when a merit assessment with appropriate planning policy to guide environmental protection may be a more reasonable outcome for existing land owners within Adelaide Plains.</p> | |

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| Industry/Light Industry | |
| | Reinstate a 20m setback from Port Wakefield Road that covers the existing Industry and Light Industry Zones as a Code setback (could potentially be achieved via a TNV minimum primary street setback value spatially applied to the affected properties). |

Attachment A – Revised Animal Husbandry Sub-Zone

Attachment B – Mallala Motorsport Park Sub-Zone

Attachment C – Two Wells Town Centre Sub-Zone