
From: Aaron Wilksch <[REDACTED]>
Sent: Wednesday, 13 February 2019 1:07 PM
To: DPTI:Planning Engagement
Cc: Slattery, Greg (DPTI); PA; Nicholla Putland; Greg Georgopoulos; Andrew Boardman
Subject: FW: Definitions / P&D Code Review - Land not within a Council Area
Attachments: Phase_One_Code_Written_Submission_Form.docx

Dear Sir / Madam,

Please see comments from Kangaroo Island Council in respect of the Planning & Development Code Review –for Land not within Council Areas.

We have made submission in **Part 6** and **Part 7** in respect of the definitions and interpretation.

Thank you for the opportunity to make this submission – we would be keen to engage further if you require any further explanation or clarification on Council’s submission.

Regards,



Aaron Wilksch
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Services
Kangaroo Island Council

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Submission form:

Planning and Design Code in the outback (land not within a council area)



Government
of South Australia

Department of Planning,
Transport and Infrastructure

This submission form is being used to collect feedback from practitioners and the community on the Planning and Design Code in the outback (land not within a council area). It will help us consolidate comments under specific themes so that we can more easily identify trends and consider feedback according to the zone, overlay or general module to which it applies. Your input will ensure that the new planning and development rules for the outback meet the planning needs of rural South Australians and address planning issues relevant to land outside of council boundaries.

Please send your completed submission form to:

Jason Bailey, Project Lead Planning and Design Code
Department of Planning, Transport and Infrastructure
Level 5, 50 Flinders Street, Adelaide 5000
GPO Box 1815, Adelaide SA 5001
Email: DPTI.PlanningEngagement@sa.gov.au

Section one: About you

1. Are you a planning, design or building industry professional?

Yes

No

If yes, please choose the professional field that best describes you from the drop-down list below:

Planning

2. Are you lodging this submission on behalf of yourself or an organisation?

Self

Organisation

If you are lodging a submission on behalf of an organisation, please provide the name of your organisation below:

Kangaroo Island Council

3. What council (or non-council) area do you typically reside in?

Kangaroo Island Council

4. If you wish to receive a report on the feedback received during this consultation, please provide your name and email address.

Name: Aaron Wilksch, Manager, Development & Environmental Services, Kangaroo Island Council

Email address: [REDACTED]

Section two: Feedback on the Planning and Design Code in the outback

5. Please provide your feedback on any or all of the Code sections outlined below.

PART 1 – RULES OF INTERPRETATION

[Click here to enter text.](#)

PART 2 - ZONES AND SUBZONES

[Click here to enter text.](#)

Coastal Waters Zone

[Click here to enter text.](#)

Conservation Zone

[Click here to enter text.](#)

Local Infrastructure (Airfield) Zone

[Click here to enter text.](#)

Remote Areas Zone

[Click here to enter text.](#)

Settlement Zone

[Click here to enter text.](#)

Specific Use (Tourism Development) Zone

[Click here to enter text.](#)

Township Zone

[Click here to enter text.](#)

PART 3 - OVERLAYS

[Click here to enter text.](#)

Building Near Airfields Overlay

Click here to enter text.

Coastal Areas Overlay

Click here to enter text.

Hazards (Acid Sulfate Soils) Overlay

Click here to enter text.

Hazards (Bushfire Protection) Overlay

Click here to enter text.

Historic Shipwrecks Overlay

Click here to enter text.

Key Outback and Rural Routes Overlay

Click here to enter text.

Key Railway Corridors Overlay

Click here to enter text.

Marine Parks (Managed Use) Overlay

Click here to enter text.

Marine Parks (Restricted Use) Overlay

Click here to enter text.

Murray-Darling Basin Overlay

Click here to enter text.

Prescribed Watercourses Overlay

Click here to enter text.

Prescribed Wells Area Overlay

Click here to enter text.

Ramsar Wetlands Overlay

Click here to enter text.

River Murray Flood Plain Overlay

Click here to enter text.

Significant Landscape Protection Overlay

Click here to enter text.

Sloping Land Overlay

Click here to enter text.

State Heritage Area Overlay

Click here to enter text.

State Heritage Place Overlay

Click here to enter text.

Water Resources Overlay

Click here to enter text.

PART 4 - GENERAL MODULES

Click here to enter text.

Advertisements

Click here to enter text.

Animal Keeping and Horse Keeping

Click here to enter text.

Aquaculture

Click here to enter text.

Bulk Handling and Storage Facilities

Click here to enter text.

Clearance from Overhead Powerlines

Click here to enter text.

Design and Siting

Click here to enter text.

Forestry

Click here to enter text.

Infrastructure and Renewable Energy Facilities

Click here to enter text.

Intensive Animal Keeping and Dairies

Click here to enter text.

Interface between Land Uses

Click here to enter text.

Land Division

Click here to enter text.

Marinas and On-Water Structures

Click here to enter text.

Mineral Extraction

Click here to enter text.

Open Space and Recreation

Click here to enter text.

Residential Liveability

Click here to enter text.

Site Contamination

Click here to enter text.

Tourism Development

Click here to enter text.

Transport, Access and Parking

Click here to enter text.

Waste Treatment and Management Facilities

Click here to enter text.

Workers Accommodation and Settlements

Click here to enter text.

PART 5 - MAPPING

Click here to enter text.

PART 6 – LAND USE DEFINITIONS

(i) Commercial Forestry – Council has formerly submitted some slightly tweaked wording for the definition as follows:

Commercial Forestry – means the use of land for the practice of planting, managing and growing of forest plantations to be harvested (or with the capacity or intention to be harvested) or used for commercial purposes (including through the commercial exploitation of the carbon absorption capacity of the forest).

We think that the inclusion of words to the effect of ‘forest plantations’ in the interpretation may be a broader context than forests (which are conceivably structured, orderly arrangements of planted trees), and in the contemporary context, a carbon sequestration forest, more readily is appearing as a non-structured, non-ordered arrangement, which fits more so into the concept of a ‘forest plantation’.

(ii) Forestry (non-commercial or environmental plantations) – Council has formerly submitted some slightly tweaked wording for this definition also, as follows:

Forestry – means the use of land for the practice of planting, managing and growing of forest plantations, including ***commercial forestry***, but excludes plantation of domestic landscaping, agricultural shelter belts, and plantation in pursuit of securing and improving eroded, degraded, saline or other environmentally sensitive land.

We think that the absence of a definition for the ‘other forms of forestry’ leaves a void in interpretation and therefore a void in the controls for non-commercial plantations, which we are seeing emerge rapidly around Kangaroo Island – Unfortunately legal opinion has not put us in a good position to attend to these changes in the use of land, and this is principally because of a lack of adequate definition.

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The above text could be adapted to provide some additional detail in Column C & D to define particularly, what types of activity non-commercial forms of *forestry* does, or could include.

(iii) Intensive Animal Husbandry – KI Council has encountered circumstances where supplementary feeding of livestock is required to sustain livestock across the end of dry / drought years. The operations we have encountered, when considered against the PIRSA / EPA / LGA (Local Government Association of SA) guidelines document, '**Guidelines for the Establishment and Operation of Cattle Feedlots in South Australia**', particularly citing the exclusions on both P.6 and 7 applicable to supplementary feeding (within yards) where the property other than supplementary feeding in drought periods or immediately prior to export, otherwise almost exclusively supports conventional broadacre grazing, does not constitute a feedlot or intensive animal keeping in the current terminology.

In order to distinguish supplementary feeding, where all indicators suggest we may see more need to sustain livestock for longer periods of more extreme climatic conditions, we would like to see some text in Column C & D to assist in this interpretation, such as:

In Column D, exclude: '*Supplementary livestock feeding*'.

To maintain consistency in interpretation it should also be defined in the Low intensity Animal Husbandry definition as follows:

(iv) Low Intensity Animal Husbandry – In Column C include '*Supplementary livestock feeding*'.

(v) Stock Sales Yard – We are concerned with the text in Column B:

'This use may also include areas for:

- (a) the holding, sorting auctioneering, sale or exchange of livestock (eg, yards, pens, sheds, arenas);
- (b) the loading and unloading of livestock;
- (c) feed storage and watering of animals.'

As the definition becomes ambiguous in (c) particularly 'feed storage', where it would confuse the definition of Agricultural Building, which adequately defines that type of building and use.

We also contend that (b) in this definition unnecessarily captures the incidental stock holding and loading pens which are established merely for movement of livestock by road (farm-to-farm, or farm-to-saleyard) which may cause an unnecessary or undesirable expectation that a farm livestock yard and loading system may be assessed at a much higher level than what it is actually intended to perform. We think that the definition, and (a), (b) & (c) could be rationalised accordingly:

Stock Sales Yard – *Means land or premises used for the commercial conduct of buying and selling of livestock.*

This use may also include areas for the holding, sorting auctioneering, loading & unloading, sale or exchange of livestock, within, yards, pens, sheds, arenas and the like, including the incidental feeding and watering of animals.

PART 7– ADMINISTRATIVE DEFINITIONS

Groundwater – We think the definition is inadequate in explanation and would inadvertently describe an underground tank, septic tank, soakage pit – we would therefore suggest a better definition may be:

***Groundwater** – Means free, or latent water lying beneath the surface of the ground.*

High-density – Has been given the same definition as *Medium-density* - We think the intention is that its threshold is to be *'Equals greater than 70 dwelling units per hectare'*.

Medium Density – As referenced above, if an alternate threshold was intended ?.

PART 8 – REFERRALS TO OTHER AUTHORITIES OR AGENCIES

[Click here to enter text.](#)

PART 9 — TABLE OF AMENDMENTS

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Section three: Evaluation of this engagement

Please tell us if you agree or disagree with the following statements:

1. **I feel well-informed about the proposed Planning and Design Code for the outback (land not within a council area).**

[Choose an item from the drop-down list.](#)

If not, why not? What information was missing?

[Click here to enter text.](#)

2. **The information provided on the new Planning and Design Code for the outback was clear and understandable and enabled me to take an informed view.**

[Choose an item from the drop-down list.](#)

If not, what was unclear and how could we have made it easier to understand?

[Click here to enter text.](#)

3. **I understand how the Planning and Design Code may affect me and/or my community.**

[Choose an item from the drop-down list.](#)

If not, what further information would have been useful to better understand how you might be affected by the draft State Planning Policies?

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Click here to enter text.

- 4. I understand how my feedback will be used in the preparation of the final Planning and Design Code for the outback (land not within a council area).**

Choose an item from the drop-down list.

If not, tell us how we can better communicate with you about how your feedback will be used.

Click here to enter text.

- 5. I feel that I have had a genuine and adequate opportunity to have my say on the proposed Planning and Design Code for the outback (land not within a council area).**

Choose an item from the drop-down list.

If not, please tell us how we can improve our engagement with the community and what further opportunities you would like to have input.

Click here to enter text.

- 6. I would be willing to participate in future consultations related to the Planning and Design Code.**

Choose an item from the drop-down list.

If not, please tell us what would prevent you from participating in future consultations related to planning policy.

Click here to enter text.