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27 November 2019

Department, Planning, Transport and Infrastructure  
Land Use Services  
Executive Director  
Sally Smith  
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Dear Sally

**Submission – draft Planning and Design Code – Phase 2 Rural Area – Yorke Peninsula Council**

I refer to your correspondence dated 1 October 2019 regarding the release of the draft Planning and Design Code for community and council consultation.

In considering the draft P&D Code, Council engaged Planning Consultants Access Planning to assist with formulating a submission.

The draft submission was presented to Council at a Special Meeting held on 27 November 2019 at which time the draft submission was endorsed by Council.

During deliberations, it became quite evident from reviewing the P&D Code that the document contains complexities and a significant number of anomalies that will affect planning and future development within our region, all of which have been raised in the submission. Council would anticipate that these issues will be addressed before the implementation of the P&D Code in April 2020.

Do not hesitate to contact me if you have any questions or if you wish to consult further on specific issues raised in the submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew', is written over a white background.

Andrew Cameron  
**Chief Executive Officer**

## Comparative Policy Review - existing Development Plan and Planning & Design Code

No.	Code zone	Existing zoning	Issue	Recommendation
1	<b>General comment</b>	P & D Code consultation	<p>It is virtually impossible to properly and thoroughly identify the impact on Council's Development Plan of the new Code provisions in the limited time provided in the consultation period.</p> <p>The Code runs to some 3,000 pages and without the benefit of the new ePlanning system by which to interrogate how the provisions fit and integrate with each other, the task of providing meaningful and detailed comment on the draft Code within the consultation timeframe is not achievable.</p> <p>It is pointed out that this Council has very limited planning resource and staff cannot undertake the exhaustive review of such a large and unwieldy document within the time made available. It is a very time-consuming task and, as the Code has not been presented in its intended electronic format, the search through the multiples of pages to try and locate the 'connections' between the existing Development Plan policy and how the Code will accommodate this is impractical. It is not an easy document to interpret.</p> <p>A thorough policy-by-policy tracking between the existing and the new has not been carried out because of the enormity of the task. Even the Department admits that the Code is still not complete and that there are errors and inconsistencies in the text and the mapping. Reliance on limited Council staff resource (in country Councils in particular) to identify these and provide corrections in the context of their own Development Plan is not realistic.</p>	The consultation process be extended and take place concurrent with the availability of the proposed ePlanning system.

No.	Code zone	Existing zoning	Issue	Recommendation
2	<b>Terminology - names of proposed new zones</b>	Based on SA Planning Library (SAPPL) terminology	<p>The Code introduces zone names that are, in a rural/ regional context, bewildering and are out of place with established standards of zoning commonly found elsewhere. Planning authorities, the community and the development industry are all familiar with current zone names and their intended function, so why change these for no practical planning/land use reasons?</p> <p>Everyone can relate to the purpose of a residential or a town centre or an industry zone. So why has the Code created new zone names without any underlying justification or explanation as to the rationale? Why is it important that the terminology be turned on its head?</p> <p>Some examples of the new terms v current terms include -</p> <ul style="list-style-type: none"> <li>▪ Suburban Neighbourhood Zone v Residential Zone</li> <li>▪ Infrastructure (Ferry and Marina Facilities) Zone v Coastal Marina Zone</li> <li>▪ General Neighbourhood Zone v Port Vincent PA</li> <li>▪ Suburban Employment Zone v Light Industry Zone</li> <li>▪ Township Activity Centre Zone v Town Centre Zone</li> </ul> <p>The introduction of these unfamiliar terms is confusing and will complicate matters when dealing with the public and applicants. It is apparent that the names have been generated with a metro-centric mindset and do not respect regional areas by promoting such terminology.</p> <p>The use of descriptive and traditional names for zones has worked in this State and elsewhere for many years, and Council does not understand the motivation for adopting unfamiliar names for no apparent good reason.</p>	Revert back to familiar terminology currently used in the SA Planning Library.

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3	<b>Terminology and presentation</b>	Based on SAPPL	<p>Inconsistent terminology and formatting is found throughout P &amp; D Code. Also there are important gaps in the policy expression, eg variables for AHD levels, lot size/frontage and setbacks, overlay anomalies/ definitions etc are missing.</p> <p>Also, the presentation of the consultation draft leaves much to be desired. Not only are there gaps in the policy data but it is also impossible to be guided through the entire document in light of -</p> <ul style="list-style-type: none"> <li>▪ no page numbering either the document as a whole or, alternatively, within the individual modules</li> <li>▪ the numbering of the PO and DTS/DPF provisions within the Tables is very random</li> <li>▪ no headers giving module name</li> <li>▪ the confusing way in which the ordering of the zones has been carried out with multiple assessment tables and policy statements and notifications etc</li> </ul> <p>Council understands that in the ePlanning world this presentation is not likely to be an issue as the computer just interrogates policy to where it is directed, but in the absence of that system it is frustrating to navigate the document efficiently or sensibly.</p> <p>This makes it extremely difficult to know where you are or where you need to go, and this highlights the difficulty in trying to understand the Code without the ePlanning system being available in parallel.</p> <p>This review process is not helped when the presentation is not consistent, nor is it coherent. Table header rows are missing in some modules, pages are</p>	<p>P&amp; D Code be thoroughly reviewed to reflect a consistent terminology and formatting throughout the Code and that all information is provided.</p> <p>Code be rewritten to include page numbering and headers for location purposes, if only for genuine consultation/navigation purposes.</p>

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			either landscape or portrait (at random it seems) throughout the total document, the titles of the modules do not stand out at all making it unusable to skim through to locate sections.	
4	<b>Technical and Numeric Variations (TNV)</b>		There are inconsistencies in the TNV data applicable within and across the zone types, with errors and gaps that need reviewing. The Consultation Map Viewer does not bring up some of the localised criteria for lot size (land division or dwelling), setbacks and the like making it impossible for Council to determine whether its variables within the respective zones are to be applied or ignored. A lot of the information is there through a random search, but it does not seem complete. This is a deficiency that undermines the extent of consultation comments that can be made.	The TNV data needs to be interrogated and cross-referenced to ensure that values reflect current standards in Council's Development Plan.
5	<b>Implementation</b>		Phase 2 Councils are scheduled to be transferred to the new Code on 1 April 2020. As the interactive ePlanning system is not likely to be available until February 2020 (if then), Council does not believe that there is enough time for staff to be trained and to become familiar in the use of that system (especially as rural Councils are expected to act as an 'agent' for applicants in lodging their applications). With no training or education for users, there will be confusion, frustration and inefficiencies. On the other hand, the resource impact on smaller rural Councils for staff to be properly trained, attend workshops and the like, will be immense and will need to be balanced with other tasks and roles those officers also have.	A training/education program to be undertaken in regional areas must be implemented, preferably in a hands-on small group format.

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6	<b>Restricted Development</b>	Zone non-complying lists	<p>It has been noted that the Restricted Development Tables for the respective zones have been slimmed down considerably and only relate, generally, to a handful of land uses/forms of development, unlike the non-complying lists in existing Development Plan zones.</p> <p>There is a potential resource issue for Councils particularly smaller rural Councils in that, although the Code policy framework may speak against certain types of development, in the new Code world, these will be performance assessed and not prohibited in the first instance as non-complying development. If Council refuses such development, there is then the prospect of defending the decision upon appeal to the Court. This can involve substantial time and money costs which are not currently the case.</p> <p>An allied concern of Council is the question whether, in the first instance, the performance assessed provisions in the Code will be robust enough to refuse development that is not favoured in a zone, eg a proposal for a store or warehouse in a residentially zoned area. These sorts of uses are now to become potentially possible as they are not restricted outright as they are under the non-complying regime.</p> <p>This issue has not been addressed by the Department but it can place significant cost pressures on local government as a whole and especially rural Councils, a cost that they do not necessary face with the current system.</p>	Restricted Development Tables be reviewed with an aim of extending the range of non-envisaged development within particular zones.
7	<b>Standardised policy</b>	Local variations	A key intent of the new Code is to standardise policy on a State-wide basis. This means that the provisions	Reconsideration of a method for taking over local policy content into the Code structure.

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			<p>apply across the board to all Councils. The structure of the Code leaves little opportunity to incorporate the local policy that suits local needs.</p> <p>This one-size-fits-all approach results in policy gaps and the loss of local content and the potential for 'dumbing down' development outcomes, ones possibly not in the best interests of the community.</p>	
8	<b>Unauthorised development</b>		<p>Another concern of Council is the probability that people who wish to build something will do so illegally in the future because of the new Code provisions in electronically lodging an application, meeting the required standard of plans and information to be submitted, trying to 'manage' the computerised system and the like. This can lead to frustration and applicants giving up, particularly country people, if it is made all too hard or expensive. They are more than likely to just build the structure leaving Councils with the enforcement task. Again, this places a resource penalty on country Councils especially who are already planning resource poor.</p>	<p>A generic issue that needs to be considered by the Department in setting up the ePlanning system with an understanding that not everyone is computer literate.</p>
9	<b>Rural Aquaculture Zone</b>	Aquaculture Zone	<p>Council notes that a shop is not envisaged in the Code zone unlike the existing policy. A small retail outlet to enable the opportunity for a grower to sell seafood ought to be allowable.</p> <p>Also, Council's existing local addition for ensuring that a dwelling is sited at the front of the allotment with buildings associated with aquaculture located behind is not in the Code zone.</p>	<p>The Code zone be amended by allowing scope for a small shop and a policy regarding the siting of dwellings at the front of the land.</p>
10	<b>Employment (Bulk Handling) Zone</b>	Bulk Handling Zone	<p>Council notes that although a dwelling is a Restricted Development, there is an exclusion where it is ancillary to a non-residential land use. The current zone lists a</p>	<p>The Code zone be amended by reviewing -</p>

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			<p>dwelling as non-complying outright. Council is concerned about the potential for interface issues arising from bulk handling activities and operations.</p> <p>The DTS criteria applicable to various forms of development (eg advertisements and fencing) are broader than current policy.</p> <p>The Maitland Bulk Handling Concept Plan (Map YoP/1) sets out important policy directions as to how development ought to occur in the future. This map have not been taken over yet contains very significant policy implications that should be referenced in Code policy. Council notes with interest that in the Index of Technical and Numeric Variations part 6.3 brings back reference to such plans as shown in the consultation draft. In light of this, Council believes that this Concept Plan should be reinserted for ease of reference. PO 14.1 in the zone allows for this.</p>	<ul style="list-style-type: none"> <li>■ the wisdom of allowing a dwelling under particular circumstances</li> <li>■ the range of uses subject to DTS criteria</li> </ul> <p>Reinsert Concept Plan Map YoP/1 into Part 6.3 of the Index of Technical and Numeric Variations.</p>
11	<p><b>Infrastructure (Ferry and Marina Facilities) Zone</b></p> <p><b>Coastal Areas Overlay</b></p>	Coastal Marina Zone	<p>Zone name misleading in that a marina is not infrastructure in its own right. It is a land use based on a specific use and servicing and allied activities etc and for associated public/tourist purposes, including motel, shops and eateries. The infrastructure focus in the Code zone name is inappropriate in this context.</p> <p>It is noted, though, that the Code policy generally caters for the range of land uses in the current zone.</p> <p>Council notes that the area is also subject to the Coastal Areas Overlay which involves a referral to the CPB.</p>	Remove 'Infrastructure' from Code zone title.

No.	Code zone	Existing zoning	Issue	Recommendation
12	<p><b>Rural Shack Settlement Zone</b></p> <p><b>Coastal Areas Overlay</b></p>	<p>Coastal Open Space Zone</p> <p>Precinct 1 Black Point</p>	<p>Code zone name inappropriate in that the dwellings at Black Point are not shacks. This term needs to be reviewed. The Code's Rural Settlement Zone is more preferable but its range of urban land uses that is envisaged is considerably broader than what is presently the case at Black Point and would not be a neat fit policy-wise.</p> <p>The existing types of non-complying development has been lost (especially that applying to dwellings) with the proposed Restricted Development, although listing dwellings allows for an exclusion for a detached dwelling, something not envisaged in the existing zone/precinct. Moreover, the land division exclusion seems to allow for an extra lot provided it will contain an existing dwelling which is broader than the current policy of not allowing an additional lot.</p> <p>The current zone is very restrictive on the range of 'urban' land uses possible with most being non-complying. The Code zone, whilst not envisaging development beyond that of the current zone, does not make them Restricted Development outright, which means Council has to deal with inappropriate development proposals as performance assessed. This is a common point across all Code zones, one stressed above in item 5 above. But it is a particularly sensitive issue in this case because of the characteristics of and development expectations for Black Point itself. Council believes that the land use potential needs to be considerably tightened up.</p> <p>Council notes that the Coastal Areas Overlay does eliminate the prospect of Accepted and DTS development.</p>	<p>Remove 'Shack' from Code zone title and replace this with a more 'neutral term or rename to 'Coastal Settlement Zone' as is currently the case.</p> <p>If a Coastal Settlement Zone is created, the envisaged range of land uses can then be much more limited than the proposed Code zone. Likewise, the Restricted Development list can also be expanded to reflect the aim of providing for low-key coastal living.</p> <p>This scenario is much more suitable for Black Point and Council recommends that this approach be pursued.</p>

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13	<p><b>Rural Shack Settlement Zone</b></p> <p><b>Coastal Areas Overlay</b></p>	Coastal Settlement Zone	<p>As with the comment above, Council believes that the zone name ought to be changed back to 'Coastal Settlement Zone'.</p> <p>The Code zone has a complementary policy framework as the current zone except that -</p> <ul style="list-style-type: none"> <li>■ no setback criteria is specified in the Code zone</li> <li>■ the dwelling and outbuilding parameters from the existing zone are either missing or are varied in important ways, particular the current limitation on building height where a dwelling that exceeds a total height of 4.5m is non-complying - the Code zone allows for dwellings up to 6m in height (but only applies to additions)</li> <li>■ land division is a Restricted Development in the Code zone but the current zone allows lots of 1,200sqm minimum</li> <li>■ the existing zone makes many non-residential forms of development deliberately non-complying whereas the Code zone has no policy dealing with these (even though they do not seem to be envisaged)</li> <li>■ In the existing zone, a shop up to 150sq m floor area may be possible, but the Code zone is silent on this prospect.</li> </ul> <p>Council is concerned with the loss of the local variations relating to building size, siting and height and is of the opinion that inappropriate forms of development will be possible as a result of the Code. The existing zone does not envisage these uses at all with many being non-complying.</p> <p>Council is also concerned that the zone's 'Table YoP/4 - Design Guidelines for Coastal Dwellings' has not been</p>	<p>Revert back to Coastal Settlement Zone.</p> <p>Same recommendations as above item.</p> <p>Further review of the Code system is required to incorporate the local building parameters for dwellings and outbuildings.</p> <p>Restricted Development Table to also reflect the existing height restriction on dwellings.</p> <p>The design criteria in the existing Table YoP/4 to be transitioned across in some tangible manner so that the local variations can be applied (NB: this is especially critical for Black Point - addressed below in this report). A specifically drafted Overlay or possibly a Sub-zone to cover the land zoned as Coastal Settlement should be considered by which the design principles can be referenced.</p>

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			<p>carried over. These guidelines provide important detailed advice to those who wish to build a dwelling as to how and in what way this should be done. Council does not believe this is acceptable and will in all probability result in a 'dumbing' down of the development outcomes.</p> <p>The Code zone does not appear to have covered the issue of land having a dual frontage to a road and to the coast. Council is of the view that policy needs to be carried over which addresses the orientation of dwellings and outbuildings to ensure desired outcomes. This will not be the case. This highlights the importance of the design guidelines referenced above being incorporated in some fashion into the Code zone as an Overlay or Sub-zone.</p> <p>Council notes that the land division provisions do reflect the minimum lot size of 1,200sq m for land not connected to a CWMS. A general issue with how the Code is to apparently work, however, is to ensure the on-site wastewater treatment systems are protected from encroachment by Accepted and DTS development that may be allowed in the zone Tables. In this case, the Coastal Areas Overlay eliminates these forms of development, but (as addressed later) this is not the case in the residential-based zones.</p> <p>Another general observation, strengthening the point made in item 4 above, is that TNV data for lot size (as with other development parameters) is not shown on the Consultation Map Viewer.</p>	
14	<b>Employment Zone</b>	Industry Zone	The Restricted Development Table lists 'industry' as a restricted use with an exclusion for a 'special industry'.	Restricted Development Table to be revised.

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			<p>This is an obvious error since the purpose of the zone is to accommodate a range of industrial uses.</p> <p>It is observed that the Code zone allows for shops up to a certain size. The existing zone has shops listed as being non-complying outright.</p> <p>Dwellings are listed as a Notification category in the Code zone whereas they are not currently.</p>	
15	<b>Suburban Employment Zone</b>	Light Industry Zone	<p>Zone name inappropriate for a country situation.</p> <p>No classes of development have been listed in the Code Notification Table which appears to be an error in Code drafting.</p> <p>The Code zone has a DTS land division minimum lot size of 1,250sq m whereas the existing zone's minimum lot size is 1,500sq m. Also the Code zone allows shops up to 250sq m as DTS, current zone has shops as non-complying.</p> <p>Current zone calls up two Concept Plans (Maps YoP/3 - Marion Bay and 6 - Port Vincent) which are not covered by the Code zone. These, particularly Port Vincent, express important development guidance and should be incorporated into the Index of Technical and Numeric Variations part 6.3.</p>	<p>Revert back to Light Industry Zone.</p> <p>Notification Table to be revised.</p> <p>A TNV for minimum lot size be applied to reflect the existing minimum site area for new lots.</p> <p>Reinsert Concept Plan Maps YoP/3 and 6 into Part 6.3 of the Index of Technical and Numeric Variations.</p>
16	<b>Township Activity Centre Zone</b>	Local Centre Zone Town Centre Zone	<p>Zone name not informative for country towns.</p> <p>There are significant land use changes that have an implication for the existing Local Centre Zone in particular. For example -</p>	<p>Revert back to Local Centre Zone and Town Centre Zone.</p> <p>The TNV data needs to be thoroughly interrogated and cross-referenced to ensure</p>

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			<ul style="list-style-type: none"> <li>■ Local Centre Zone - all forms of industry are non-complying as are shops over 450sq m in floor area; all forms of development are Category 1 public notification; the emphasis is on small-scale shopping and services trades and the like</li> <li>■ Town Centre Zone - buildings up to 2 storeys in height; local addition requiring screening by various means; all forms of development are Category 1.</li> </ul> <p>The Code zone, which applies to both existing zones, does not make a distinction between the inherent different scale of development/land use of 'local' and 'town'. The Code zone allows bulky goods outlets up to 500sq m as a DTS, buildings up to 3 levels or 12m (unless a TNV is in place - some properties in the zone have a TNV for the required height, others do not), and some development (eg retail fuel outlet, educational establishment, emergency services facility, hospital, hotel, light industry) will be subject to Notification.</p>	<p>that values reflect current standards and that these are applied properly to all affected lots.</p>
17	<b>Suburban Business and Innovation Zone</b>	Mixed Use Zone	<p>Zone name not informative for country towns.</p> <p>As with the item above there are significant land use changes that have an implication for the existing zone. The Code zone is very metro-centric and envisages a range of employment-related uses including shops up to 500sq m as a DTS, signs up to 6m in height also as a DTS and for medium density residential development and medium rise buildings (up to 3 levels/12m in height in some circumstances). This is out of place in a country town context.</p> <p>The current zone envisages small-scale non-residential development that is complementary to housing which may co-exist on the same land. Shops are non-</p>	<p>Revert back to Mixed Use Zone or a complementary descriptive name suitable for country circumstances.</p> <p>Council advocates for a more representative Code zone that better reflects the small-scale intent of the current zone.</p>

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			<p>complying if they exceed 150sqm in floor area, a far more modest figure than the Restricted Development Table's of 1,000sq m for a shop.</p> <p>The Code zone will lead to significant changes in potential development outcomes.</p>	
18	<p><b>Rural Zone</b></p> <p><b>Limited Dwelling Overlay</b></p> <p><b>Water Protection Overlay</b></p>	<p>Primary Production Zone</p> <p>Water Protection Zone</p>	<p>Council notes that the 'Dwelling Excision Overlay' has not been applied to the area covered by the existing Primary Production Zone which currently has provisions for excising an existing farm dwelling. This needs to be rectified.</p> <p>It is also noted that the Consultation Map Viewer does not bring up the Water Protection Area Overlay information.</p> <p>There are inconsistencies in the TNV data applicable within and across the zone types, with errors and gaps that need reviewing.</p> <p>It has been noted that in Council's Transition Table, the Limited Land Division Overlay is also to apply over the Water Protection Zone, meaning that this part of the new Rural Zone will be subject to three separate Overlay.</p> <p>The Restricted Development Table does exclude a new dwelling within the Limited Dwelling Overlay, and that a dwelling is not listed in the DTS Table at all which is pleasing and should provide the coverage for controlling additional dwellings within the zone. The application of the Limited Dwelling Overlay would also cut out the potential for a second dwelling on a farm property as allowed for by PO 5.3.</p>	<p>The 'Dwelling Excision Overlay' be applied to the existing Primary Production Zone area.</p> <p>The TNV data be interrogated and cross-referenced to ensure that values reflect current standards.</p> <p>The 'status' of the Water Protection Area Overlay in the context of the Restricted Development Table needs to be reviewed and additional uses excluded by the application of this Overlay.</p> <p>Removal of detached dwelling from the notification table</p>

No.	Code zone	Existing zoning	Issue	Recommendation
			<p>Although there are no Accepted or DTS development within the Water Protection Area Overlay, which is sound, there is no reference for excluding certain undesirable land uses altogether within this Overlay in the Restricted Development Table. Council believes that a range of development types as per the non-complying list in the current Water Protection Zone ought to be considered for inclusion.</p> <p>The inclusion of detached dwelling within the notification table will have significant resource implications for Council and will have little to no community interest. This is not a notifiable form of development at present. Council is unsure of the benefit or the need for undertaking this notification.</p> <p>The Code zone does facilitate a greater range of non-primary production uses than is the case with the Primary production Zone. For example, shops are currently non-complying if over 40sq m in floor area whereas the Code zone allows shops up to 100sqm as a DTS and only lists them as a Restricted Development where they exceed 250sq m. Similarly, a function centre, offices up to 100sq m and small-scale ground mounted solar power facilities that support rural production or value adding industries are envisaged.</p> <p>The Code zone also provides for greater flexibility in defining criteria for large agricultural buildings, value-adding industries and warehousing/distribution activities. This may be beneficial for primary producers and be to the advantage of the agricultural industry but Council has a concern with the potential for interface issues. Will the Code provisions, taken as a whole,</p>	

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			have sufficient strength to address the sorts of impacts that these uses may have?	
19	<b>Suburban Neighbourhood Zone</b>	Residential Zone	<p>Zone name ludicrous for a country situation.</p> <p>Wastewater requirements for CWMS areas as opposed to land requiring on-site waste treatment need to be reflected in new lot sizes for land division and for dwellings. Variation in minimum lot area should be subject to TNV data set. Council has requirements of 450sq m and 1,200sq m minimum areas respectively. The 1,200sq m minimum for on-site treatment does not appear to have been incorporated into the Consultation Map Viewer.</p> <p>Also, this difference is not captured for numerous forms of DTS and performance assessed development eg outbuildings in particular are regularly proposed over areas of on-site waste disposal resulting in system failure. Also, land division should further consider the location of existing waste control systems.</p> <p>Notification requirements for some forms of development appear to be onerous, eg the site of the development is adjacent to land in a different zone (needs to be much more tightly applied rather than a wide-sweeping notification for all developments, including presumably a standard domestic shed) and land division for more than 4 lots,</p> <p>Why is 'Shop' (over 1,000sq m) a Restricted Development and no other forms of development with potentially greater impact, eg industry, waste treatment,</p>	<p>Revert back to Residential Zone.</p> <p>TNV data to distinguish between minimum lot sizes for CWMS and unsewered areas.</p> <p>The capture of wastewater provisions (<i>Infrastructure and Renewable Energy Facilities [Wastewater Services]: DTS 12.1, 12.2</i>) to apply to land division and to outbuildings, ancillary structures and like development to prevent encroachment over CWMS systems.</p> <p>Deletion of land division creating 4 or more allotments from the notification table.</p> <p>Refinement of the wording for 'site of the development is adjacent land to land in a different zone'.</p> <p>Other forms of development considered to be 'nasties' in a residential-based zone be reviewed and also included in the Restricted Development Table.</p> <p>Reinsert Concept Plan Map YoP/6 into Part 6.3 of the Index of Technical and Numeric Variations.</p>

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			<p>intensive animal keeping? This does not work well with 'shop' being the only land use identified.</p> <p>Another matter relates to the existing Concept Plan - Map YoP/6 Port Vincent Residential - that contains important policy directions guiding the future (and desired) development pattern and structural form. Council notes with interest that in the Index of Technical and Numeric Variations part 6.3 brings back reference to such plans as shown in the consultation draft. In light of this, Council believes that its own Concept Plans should be reinserted for ease of reference. PO 14.1 in the zone allows for this.</p>	
20	<b>General Neighbourhood Zone</b>	Residential Zone Precinct 2 Port Victoria Residential	<p>This precinct is a small area located on the southern fringe of Port Victoria. The precinct's policy reference is to Concept Plan Map YoP/4 which outlines the desired access, reserve and buffer strips. The PDC only allows for development when infrastructure and services are made available. None of this is reflected in the Code zone which allows for a wide range of land use and for medium density development on lots as small as 200sq m and 300sqm for a dwelling under DTS. The current Residential Zone makes provision for lots of 450sq m or 1,200sq m where not connected to a CWMS. These criteria are not reflected as TNVs for this area. Moreover, building heights are 2 levels or 9m. Current zone limits heights to 8m.</p> <p>However, it is not envisaged that the density of development in this area would be so intense. The Code zone appears to be metro-centric in its policy approach and is not a neat fit to cover the existing policy for this area. This zone also allows for a full range of residential types including residential flat buildings.</p>	<p>Reconsideration of the proposed Code zone applicable to this precinct in order to better reflect its country town context and low density housing desired outcome.</p> <p>Recommendations made above in item 19 to apply here also.</p>

No.	Code zone	Existing zoning	Issue	Recommendation
			<p>The potential for larger-scale non-residential development is encouraged by the Code zone. For instance, shops up to 200sq m floor area are DTS. Developments of this nature and scale are not encouraged by the present zone which has been tailored via local policy to reflect its country town context. Nor are the proposed lot size criteria appropriate to this area.</p> <p>The comment made in item 19 above regarding on-site wastewater treatment applies here as well.</p> <p>Likewise, with the only Restricted Development being a shop exceeding 1,000sq m floor area. Why no other forms of development?</p>	
21	<b>General Neighbourhood Zone</b>	Residential Zone Port Vincent Marina PA 2	<p>This PA is a very specialised residential area that has been developed in association with the marina. The current policies do not envisage retail/commercial type uses or multi-housing options apart from detached, semi-detached or row dwellings; nor, on the whole, further land division.</p> <p>As highlighted in item 20 above, the Code zone runs counter to these policies in that it envisages a wide variety of housing types, including residential flat buildings, on lots down to 200sq m (300sq m for detached dwellings) as well as a broad range of non-residential activities. On this basis, the proposed Code zone is not complementary to the objectives for this area. The lot sizes, land use types and intensity of non-residential development is inappropriate.</p>	<p>The proposed Code zone does not suit this PA's policy framework and an alternative and more applicable zone be applied.</p> <p>Alternatively, a specialised and tailored Overlay or Sub-zone should be considered that it able to take over the existing policy directions to achieve the desired development outcomes.</p> <p>TNV data relating to AHD levels must be specified.</p>

No.	Code zone	Existing zoning	Issue	Recommendation
			It has been observed that the Consultation Map Viewer does not reference any AHD levels for this area which are critical. The existing non-complying list makes buildings non-complying where they do not achieve minimum site or floor level AHDs.	
22	<b>Rural Living Zone</b>	Rural Living Zone	<p>Taken as a whole, there is a complementary policy approach between the existing and the proposed zones in a broad sense. One difference is the enhanced range of land uses possible in the Code zone, including small-scale shops and commercial and industrial activities (shops and light industry up to 100sq m are DTS).</p> <p>Another discrepancy relates to existing setback provisions being specified from boundaries to the Primary Production and the Coastal Conservation Zones which are greater than the common setbacks, 40m and 50m respectively as against the standard 20m. The Code zone has boundary setbacks of 15m for a dwelling, 25m for other forms of development.</p> <p>With respect to the Restricted Development Table, the same point is made as above in several items, namely, why is 'Shop' (over 1,000sq m) a Restricted Development and no other forms of development with potentially greater impact? This does not work well with 'shop' being the only land use identified.</p>	Other forms of development considered to be 'nasties' in a rural residential-based zone, eg wind farms, intensive animal keeping be reviewed and also included in the Restricted Development Table.
23	<b>Rural Living Zone</b> <b>Limited Land Division Overlay</b>	Rural Living Zone Precincts 3 to 7	<p>The precincts within the existing zone provide policy for minimum lot size only.</p> <p>The Consultation Map Viewer has the correct TNVs for the variations in the size apart from Bluff Beach - TNVB shows 0.75ha whereas the existing parameter is 0.8ha -</p>	<p>TNV data for Bluff Beach needs to be corrected.</p> <p>Limited Land Division Overlay information must be included on the Consultation map Viewer.</p>

No.	Code zone	Existing zoning	Issue	Recommendation
			<p>and, most importantly, for the Limited Subdivision precinct (Precinct 3) has not been included on the TNV data. This Overlay is critical to prevent further land division and must be included. It has to be also referenced in the Restricted Development table.</p> <p>The other issue is that the policy in Precinct 6 Port Victoria Rural Living dealing with the configuration of new lots, namely the depth of a lot should not exceed 3 x its average width is not found in the Code zone.</p>	<p>The Code zone's Restricted Development Table needs to be amended to include a listing of 'Land Division' where within the Limited Land Division Overlay.</p>
24	<b>Rural Settlement Zone</b>	Settlement Zone	<p>Taken as a whole, there is a complementary policy approach between the existing and the proposed zones in a broad sense. However, the design focus of the existing zone is not entirely reflected in the Code zone. This is highlighted by the absence of 'Table YoP/4 Design Guidelines for Coastal Dwellings'.</p> <p>These guidelines provide important detailed advice to those who wish to build a dwelling as to how and in what way this should be done. Council does not believe this is acceptable and will in all probability result in a 'dumbing' down of the development outcomes.</p> <p>It is noted that no forms of Restricted Development have been categorised.</p> <p>Common with the point made in item 19 above, wastewater requirements for CWMS areas as opposed to land requiring on-site waste treatment need to be reflected in new lot sizes for land division and for dwellings. Variation in minimum lot area should be subject to TNV data set. Council has requirements in the current zone of 450sq m and 1,200sq m minimum</p>	<p>The design criteria in the existing Table YoP/4 to be transitioned across in some tangible manner so that the local variations can be applied (NB: this is especially critical for Black Point - addressed below). A specifically drafted Overlay or possibly a Sub-zone to cover the land over which the guidelines would apply should be considered by which the design principles can be referenced.</p> <p>TNV data to distinguish between minimum lot sizes for CWMS and unsewered areas.</p>

No.	Code zone	Existing zoning	Issue	Recommendation
			<p>areas respectively. The TNV data on the Consultation Map Viewer does not reference the 1,200sqm minimum lot area required where land is not connected to a CWMS, which is the case with the existing settlements. The data shows 450sq m only which is misleading.</p>	
25	<p><b>Rural Shack Settlement Zone</b></p> <p><b>Coastal Areas Overlay</b></p>	<p>Settlement Zone</p> <p>Black Point PA 3</p>	<p>This is one of Council's most critical concerns with the way the Code will apply to Black Point. It is a very sensitive area environmentally and in terms of resident expectations for future development.</p> <p>Firstly, Rural Shack Settlement Zone is not an appropriate name for the reasons outlined in item 12 above. This needs to be reconsidered. Secondly, the nature of the proposed Code zone policy in regard to siting and design criteria does not reflect or address the desired development outcomes that are expressed in existing PA 3.</p> <p>This PA comprises all local policy that has been drafted specifically to deal with the settlement's unique setting and character. This is all lost in the transition to the Code zone which is unacceptable to Council.</p> <p>Similar points regarding the Code zone issues as identified in item 13 above apply here. However, as stated, Black Point is a special case from a development point of view. Although the low-scale, low density objectives of the PA are found in the Code zone there are sufficient and important differences that would require a separate Overlay or Sub-zone being applied to Black Point.</p>	<p>The design criteria in the existing Table YoP/5 to be transitioned across in some tangible manner so that the local variations can be applied. A specifically drafted Overlay or possibly a Sub-zone to cover the land over which the guidelines would apply should be considered by which the design principles can be referenced.</p> <p>Many forms of development considered to be 'nasties' in the Black Point PA, eg wind farms, intensive animal keeping, industry, commercial etc, be reviewed and also included in the Restricted Development Table.</p>

No.	Code zone	Existing zoning	Issue	Recommendation
			<p>This is especially required when it is considered that the PA's 'Table YoP/5 -Design Guidelines for Black Point' has not been carried over. These guidelines provide important detailed advice to those who wish to build a dwelling as to how and in what way this should be done. Council does not believe this is acceptable and will in all probability result in a 'dumbing' down of the development outcomes.</p> <p>Many forms of development have deliberately been listed as non-complying in the PA, additional to the zone's. The absence of non-residential development being classed as Restricted Development is worrying for Council in that it does not have confidence in the Code provisions for resisting such development under the performance assessed mechanism; and, in any case, this leads to an issue identified above in item 6 where Council is likely to be faced with appeals against refusals, a cost which at the moment is not present.</p>	