



Submission form:

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



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:

City of Port Adelaide Enfield

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

City of Port Adelaide Enfield

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

Name: service@cityofpae.sa.gov.au

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

Section 1.3 clarifies which components of the Code prevail over one another (in the event of a conflict). This section is silent on whether a zone policy prevails over a general development provision. Perhaps this could be clarified, in order to address this possible uncertainty.

PART 2 - ZONES AND SUBZONES

Coastal Waters Zone

- This zone module could be applied to some coastal waters of metropolitan Adelaide, as part of Phase 3. In saying this, the current iteration of this module is considered to have relatively little detail. If this zoning were eventually applied to the Port River, for example, policy references to the Adelaide Dolphin Sanctuary may be warranted in due course.

Conservation Zone

- Performance Outcome 2.2(b)(i) allows land division greater than 5 hectares in area for existing tourist accommodation facilities, yet its corresponding Deemed-to-Satisfy provisions seem to be incompatible with the Performance Outcome (since they make no reference to tourist developments).
- Performance Outcome 3.2 contemplates farming activities, but it is not immediately clear why farming practices ought to be allowed in a Conservation Zone to begin with. In many cases, farmed or cleared land may have limited conservation value (compared uncleared land), and may warrant another type of zoning.
- Deemed-to-Satisfy provision 5.5(d) suggests that 0.5 carparking spaces are provided for each employee.

If this policy is understood correctly, a development employing two people will only require one parking space (to satisfy the provision). This is considered unrealistic; in practice, the second employee, lacking a formal parking space, would simply park in an area not designed for parking. A common-sense outcome is to provide 1 parking space per employee.

- Table 1 (Accepted development) indicates that demolition is an accepted form of development, except where a State Heritage Place Overlay applies. On this basis, it appears that State Heritage Areas would not be zoned for as a Conservation Zone.
- Table 2 (Requirements for Accepted Development) includes an entry for carports, where Classification Requirement 2 for internal building work says "*There will be no alteration to the external appearance of the building to any significant degree*".

The term "significant degree" is open to interpretation (which in turn suggests a performance-assessed assessment pathway). The phrasing should therefore be tightened.

- Table 2, Classification Requirement 9 for *Outbuilding (in the form of a garage)* should say "measured from", not "measure from"
- Table 2, Classification Requirement 8 for *Protective tree netting structure* reads "In relation to a dwelling located on an allotment adjoin the site on which the protective tree netting structure is located the protective tree netting structure complies with the following".

The cited policy is a run-on sentence. It is considered difficult to read, and may require further punctuation to be understandable

PART 3 - OVERLAYS

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Building Near Airfields Overlay

- Performance Outcome 1.4 states "*Buildings and structures that are sensitive to aircraft noise designed to minimise aircraft noise intrusion and provide appropriate interior amenity*".

This provision however has no Deemed-to-Satisfy requirement, so it is unclear how this will be enforced at the development assessment stage (beyond any requirements in the National Construction Code). The SA Planning Policy Library refers to Australian Standard 2021, but if this standard is inappropriate, some other further guidance may be needed.

Coastal Areas Overlay

- Performance Outcome 1.2 states "*Land is not divided unless a layout is achieved whereby roads, parking areas and development sites for each allotment are at least 0.3m above the standard sea flood risk level, unless the land is, or can be provided with appropriate and acceptable coastal protection measures.*"

It is assumed that 0.3 metres is a sufficient default height for (ultimately) the state's entire coastline, in the absence of any subsequent zone policies.

- Performance Outcome 1.3 states "*Other than small-scale infill land division in a predominantly urban zone, land division adjacent to the coast incorporates an existing or proposed public reserve (not including a road or erosion buffer) of a size adequate to provide for natural coastal processes, maintenance, public access and recreation.*"

In principle, publicly accessible coastal reserves are desirable, but this Performance Outcome may not be entirely realistic along parts of the Lefevre Peninsula (for example), where existing shipbuilding activities require direct (and presumably unimpeded) access to coastal waters. It is also not entirely clear if any new coastal reserves will be vested in Council ownership/responsibility by default.

- Performance Outcome 4.1 states "*Development will not adversely affect the marine and onshore coastal environment, by pollution, erosion, damage or depletion of physical or biological resources, interference with natural coastal processes or any other means.*"

While this is supported in principle, there may be certain types of coastal infrastructure development (e.g. breakwaters, sea walls, revetment walls, or groynes) which by their nature, are designed to interfere with natural coastal processes. It is unclear if further policy refinement is needed in this situation.

- Performance Outcome 5.2(b) states "*Development set back a sufficient distance from the coast...unless...a public reserve provides a sufficient buffer seaward of the development and the council is committed to protecting the reserve from anticipated coastal erosion.*"

It is considered unconventional to explicitly nominate Council maintenance commitments in a Performance Outcome. This approach may also depart from DPTI's *Code Drafting Principle 4*, which states "*Code policies guide the 'point in time' assessment of a planning application. They do not seek to control the ongoing management of a land use (which is more appropriately managed in a licensing arrangement or compliance with the relevant Development Approval and conditions).*"

- The *Procedural Matters* component dictates a referral to the Coast Protection Board in various situations, including for infrastructure within 100 metres of the high water mark.

For ease of measurement, it is assumed that the high water mark will be mapped electronically in due course.

Sloping Land Overlay

- Deemed-to-Satisfy provision 1.1 states "*The average gradient over the length of the access driveway is no steeper than 25% (1-in-4).*"

This provision, allows for gradients to be steeper than 1-in-4 for parts of the driveway, provided the overall gradient is no steeper than 1-in-4. This arrangement may not be physically practicable in all cases.

The module, as a whole, has a relative lack of siting and design criteria. Consideration should be given to matters such as the minimisation cut and fill, along with the stabilisation of slopes to prevent erosion.

PART 4 - GENERAL MODULES

Advertisements

- Deemed-to-satisfy provision 1.1(f) refers to "*An advertisement attached to a building... if attached to a two storey building, has no part located above the finished floor level of the second storey of the building.*"

This provision is supported, though it is unclear if the same controls would apply to a building of 3 or more storeys. Presumably this question will be considered in future phases of the Code (where multistorey buildings would be more likely)

Bulk Handling and Storage Facilities

- Desired Outcome 1 states "*Facilities for the bulk handling and storage of commodities designed to minimise adverse impacts on the landscape and surrounding land uses.*"

An explicit definition of 'commodities' has not been provided, it is not entirely clear if the definition is limited to the examples provided in Deemed-to-Satisfy provision 1.1 i.e. agricultural crop products, rock, ores, coal, minerals, petroleum, or chemicals.

Put another way, it is uncertain if other items distributed in bulk (e.g. food products from a supermarket distribution centre) would not meet this definition, despite having similar urban planning features (i.e. large storage areas, product dispatch via trucks etc.). This may need further clarification if a broader understanding of bulk commodities is intended.

Design and Siting

- Performance Outcome 4.1 refers to "*Where zero or minor setbacks are desirable, development that incorporates shelter over footpaths to enhance the quality of the pedestrian environment.*"

While this may have merit in principle, in practice there may be locations where verandahs are not necessarily desirable, notwithstanding if the street in question has minimal setbacks. It is unclear on whether the decision on "desirable" rests upon the developer or the relevant authority.

- Performance Outcome 7.3(a) refers to "*Development that facilitates the efficient use of photovoltaic cells and solar hot water systems by...taking into account overshadowing from neighbouring buildings*"

This policy may warrant a different form of expression; if a development is already overshadowed by a neighbouring building, it is unclear what else a new development is required to take note of. Arguably, there should be emphasis on the new development and whether it will sunlight (or solar panels) already installed on existing/neighbouring buildings. If this is the intent of the policy, a rewriting of it may be necessary.

Interface between Land Uses

- Performance Outcome 2.1(d) refers to "*Non-residential development does not unreasonably adversely impact the amenity of existing sensitive land uses or an adjacent zone primarily for sensitive land uses due to...its hours of operation having regard to measures that might be taken in an adjacent zone primarily for sensitive land uses that mitigate adverse impacts without unreasonably compromising the intended use of that land*"

The reference to the "...measures that might be that taken..." is rather speculative, and would apparently rely on guesswork to predict what might happen in an adjacent zone at some point in the future. It is unclear how a confident assessment decision could be based on this Performance Outcome.

- Performance Outcome 8.1 states "*Development in rural and remote areas does not unreasonably diminish or result in the loss of existing communication services due to electrical interference.*"

If this policy is (ultimately) for statewide application, the explicit reference to "rural and remote areas" may need to be adjusted in future phases of the Code

Land Division

- There is a relative lack of Deemed-to-Satisfy provisions for this module; it is assumed that the relevant provisions will be specified in the relevant zone (in Phases 2 or 3 of the Code). In the case of performance assessed development, assessment against Performance Outcomes (that lack an accompanying Deemed-to-Satisfy provision) may be relatively subjective, given the qualitative nature of the Performance Outcomes.
- Design Outcome 1.1(a) states "*Land division that creates allotments appropriate for the intended use*". It may be worth elaborating on this outcome to mention "*...allotments of appropriate dimensions and shapes for the intended use*"
- Performance Outcome 2.1 refers to "*Land division enables all allotments access to a public road.*"

This wording could be read to mean that the public road in question is an existing road. It may be worth including an allowance for proposed roads as well (especially if they form part of the same land division application).

- Performance Outcome 4.1 states "*Waste water, sewerage and other effluent is capable of being disposed of from each allotment without risk to health.*"

For this policy, the correct spelling is "sewage" (i.e. human waste), not "sewerage" (the physical network that carries the human waste)

Residential Liveability

- For higher-density developments, Deemed-to-Satisfy provision 5.4 requires that "*Each dwelling is provided not less than 8m³ storage*".

To prevent developers from passing off bedrooms as storage areas, it is suggested that the provision is rewritten to state "*Each dwelling is provided a storage area (excluding bedrooms) at least 8m³ of storage*"

- Deemed-to-Satisfy provision 6.1(c) requires "*in the case of a garage or carport, the garage or carport is set back at least 5.5m from the boundary of the primary street*"

The length of a 2019 Ford Ranger (i.e. the 4x2 XLT Double Cab Pick-up Hi-Rider 3.2 Diesel model) is 5.426 metres. If a driver of this vehicles parks in a front driveway, the vehicle will extend onto the road reserve, unless the driver leaves a gap smaller than 8 centimetres between the front of the vehicle and the front wall of the garage door. This is considered unrealistic, so in order to avoid the obstruction of footpaths by long vehicles, it is suggested that the Deemed-to-Satisfy requirement is increased to 6 metres.

Tourism Development

Performance Outcome 2.6 seeks "*Long-term occupation of caravan and tourist parks that does not lead to the displacement of existing tourist accommodation, particularly in important tourist destinations, such as in coastal or riverside locations.*"

This policy could be interpreted as anti-competitive, by using the planning system to artificially protect existing businesses. This policy may also be difficult to enforce at the development assessment stage, since it may rely upon guesswork by applicants (or assessing authorities) in determining the future commercial viability of a given business.

Transport, Access and Parking

- Performance Outcome 3.6 seeks that "*Driveways and access points are separated and minimised in number to optimise the provision of on-street visitor parking (where on-street parking is appropriate).*"

The reference to "*where on-street parking is appropriate*" is left open to interpretation. Phrases like this are sometimes exploited by developers, who assert that on-street parking is "appropriate" in every given location, when in a given Council's view, they may not be. There may need to be clearer way of defining appropriate locations in this Performance Outcome.

- Performance Outcome 6.6 seeks "*Vehicle parking areas landscaped to provide shade, reduced heat absorption and absorb stormwater*"

This is strongly supported for amenity purposes, and to help offset the urban heat island effect. However, this provision is not reinforced by a Deemed-to-Satisfy provision. A suggested provision is *one tree planted at an interval of every 6 parking spaces (and the tree species to have a mature height of at least 3 metres)*. This interval is used at Gepps X Home HQ shopping centre.

PART 5 - MAPPING

The address of the mapping website is considered to be impractical. If Councils wished to advise residents of the website (in a phone call), it would be difficult to quote the address of <https://dpti.geohub.sa.gov.au/portal/apps/webappviewer/index.html?id=5fcfc772bf7d4c279ad9bb11c15bf419>. Consideration should be given to a more 'quotable' address.

Secondly, the mapping webpage is considered to be unintuitive to a non-technical user. The default view simply shows a beige shaded area (presumably the Remote Areas Zone) without any labelling. It is unclear whether a user would know to click an area which then brings up dialog boxes with more information.

No matter how much one zooms into a given zone, the zone's labels are not displayed - though labels are displayed for lakes and lagoons.

When clicking on the aqua-coloured polygon (for the Conservation Zone) and pressing the "Zoom to" button, it does not zoom in to the Conservation Zone in question, but instead zooms out, to show all Conservation Zones in the state. This is considered to be counter-intuitive. Instead, it should zoom into the zone polygon/boundary in question.

PART 6 – LAND USE DEFINITIONS

On a technical note, it is suggested that all land uses in the "Includes" and "Excludes" columns are listed in alphabetical order, for ease of reference

PART 7– ADMINISTRATIVE DEFINITIONS

It is unclear whether land use definitions and administrative definitions warrant separate tables. In some respects, a single table may be easier to use.

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).**

Somewhat agree

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.**

Neither agree nor disagree

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

The navigation of a 350+ PDF file (and having to scroll through multiple sections of the document) was difficult at times. It is acknowledged that the new ePlanning system should rectify this, however.

Second, it is considered impractical to manually generate all of the applicable assessment policies that will be called up for a given development application. It is also unclear if a member of the public would be inclined to do the same thing. Without this, it is unclear how many readers will grasp the full picture of what is entailed in the new assessment process. Informally, it is laborious to do a before-and-after comparison (between the current Development Plan and Phase 1) for given a given development scenario.

Third, the procedural reliance upon "all relevant policies" for "all other development" (not listed in the assessment tables) makes it difficult to visualise these situations in practice.

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

Somewhat disagree

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

Finalised policies for all zones and subzones across the state (which will presumably form Phases 2 and 3 of the Code).

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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).**

Somewhat agree

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

It is understood that conventional practice is for the Commission to prepare a *What We Have Heard* paper, but there is no apparent way to see the direct response to all of Council's individual points in a given submission.

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).**

Somewhat agree

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.**

Strongly agree

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

[Click here to enter text.](#)