

DRAFT PLANNING AND DESIGN CODE



Planning and Design Code
Phase Three (Urban Areas) Code Amendment
- Update Report



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1. PURPOSE OF THIS REPORT

This report has been prepared by the State Planning Commission (the Commission) to update its planning reform partners and stakeholders at the half-way point of consultation on the draft Phase Three (Urban Areas) Planning and Design Code (the Code) Amendment. Phase Three will see the Code fully implemented and operational across the state by July 2020.

Discussed here are some of the key issues and opportunities which have arisen through the consultation process to date, particularly as a result of the following consultation and engagement activities:

- community information sessions
- council executive and elected member briefings
- workshop sessions with planning professionals and industry groups
- formal submissions received to date

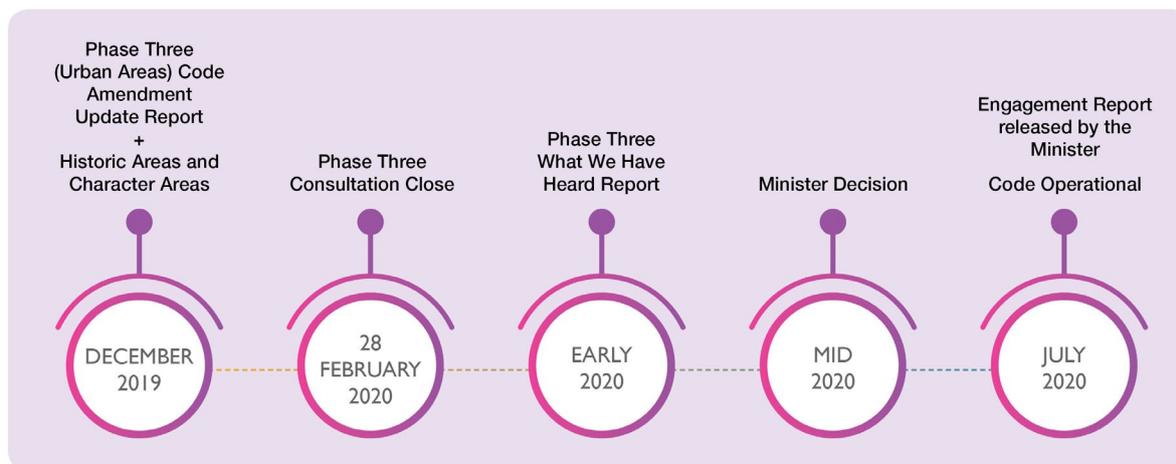
The report highlights some of the Commission's key opportunities to improve the draft Code, including a range of technical and policy amendments. Given the status of the consultation process, this is not intended to be a full summary of all proposed changes to Phase Three. Its role is to support the engagement process (which is running over a five-month period, closing on 28 February 2020) and to be transparent about some of the Commission's early thoughts.

While some of the issues are relatively simple to address, there are others the Commission will need to continue to work on with stakeholders and communities to resolve, both for this first generation of the Code and into the future. These are flagged within the report. In making a submission on the Phase Three Code, we encourage you to also comment on the proposals set out in this document.

2. THE COMMISSION'S ROLE AND NEXT STEPS

The Commission is responsible for preparing the Code and running the community consultation process¹. Once complete, the Commission is required to prepare an Engagement Report for the Minister for Planning which summarises the consultation outcomes, including information about any changes to the original proposal that it considers should be made. The Minister may then adopt the Code, with or without the changes outlined in the report, or determine that the matter not proceed.

¹The role of the Commission is set out in section 73 of the *Planning, Development and Infrastructure Act 2016*.



3. CODE IMPLEMENTATION

The *Blueprint for South Australia’s Planning and Design Code* was released in early 2018 to set the scene for planners, councils, industry and communities to engage in the Code’s preparation. It conveyed two key messages — a commitment to be clear about where development plan policy intent is to be changed in the transition to a single state-wide Code, and otherwise preserve the underlying policy intent.

The Code is being implemented over three phases:

- **Phase One** was introduced in the outback from 1 July 2019
- **Phase Two**, which will apply to rural areas, including small towns and settlements, will be operational from April 2020
- **Phase Three**, which will apply to urban areas, including large regional towns and cities, will be operational from July 2020.

For more information on how the Code has been developed please refer to the series of technical and policy discussion papers available for download from the SA Planning Portal, in particular the [Guide to the Draft Planning and Design Code](#).

4. ENGAGEMENT PROCESS SO FAR

A Community Engagement Plan was prepared by the Commission to guide the process of consultation and engagement in relation to the Code in accordance with the requirements of the Community Engagement Charter and *State Planning Commission Practice Direction 2 – Consultation on the Preparation or Amendment of a Designated Instrument 2018*.

In October 2019, consultation on the draft Code for Phase Two and Three was released. Phase Two (rural areas) was on consultation for a period of eight weeks from 1 October 2019 to 29 November 2019 and Phase Three (urban areas) consultation will continue until 28 February 2020. Phase Three consultation has included over 100 events and activities with key stakeholders, including councils, industry groups and community groups. Feedback has also been received through a variety of other methods, including a 1800 Hotline, Planning and Engagement inbox and the ‘YourSAY’ website.

5. REFINING THE CODE

The Department of Planning, Transport and Infrastructure (the Department) has established a process of working with Councils and other stakeholder groups in refining the Code. The Department has assigned a Council Liaison Officer to each Council. Their role is to work with their assigned Councils development plan and how it has been transitioned and to identify areas for improvement. All issues are logged within a register and a governance structure is in place to recommend changes to the State Planning Commission.

For the Phase 2 Code a testing program has also been undertaken with a number of planning practitioners, where a range of development applications were assessed against the draft Code. The feedback from this testing will be considered in finalising Phase 2. A similar process is underway for the Phase 3 Code. There will be industry sessions scheduled to undertake further testing of the Code.

6. KEY POINTS

At this stage, two months after the release of the Phase Three Code for consultation, the Department of Planning, Transport and Infrastructure (the Department) and the Commission have received extensive feedback in relation to editorial matters; processes and procedures; mapping; the Code framework; and the selection and application of planning rules in different council areas. This section provides a summary of some key feedback heard so far.

6.1 What does a 'transitional' Code mean?

One of the key comments arising from the consultation to date is the need for clarification about the use of terms such as 'transitional' or 'like for like'. The Commission recognises that 'these terms carry different meaning for different stakeholders and the following is provided to better express what is meant.

Transitioning 1500 zone variations and more than 23,000 pages of policy content into one Code is not a *cut and paste* exercise. Rather, the process has involved reviewing, understanding, harnessing and expressing the intent of our planning policies clearly and concisely, and in turn seeking to apply them consistently across the state.

In undertaking this transition, the Commission recognises that the transition of zoning from the relevant development plan to the draft code is not always straight forward. This is made more complex where certain development plans have not been converted to the better Development Plan format, which relied on the South Australian Policy Library, which has formed the basis of the draft Code.

As would be expected in an exercise of this scale, there are examples of where there might be 'better zoning fit' than that proposed in the draft Code. This Update Report provides clarity about the circumstances and criteria for when a different zone and accompanying policy may be a better fit. An example of this is where a General Neighbourhood Zone has been applied to an area affected by sloping land.

In this scenario, the Suburban Neighbourhood Zone would be a better fit as it allows for a local variance in lot sizes. By comparison, other areas have been purposely chosen to be included in the General Neighbourhood Zone as they have similar policy attributes to this zone (i.e. not a character area, covered by the ResCode now and not affected by environmental constraints). In these circumstances, the Commission has purposely set a more standardised approach and provides for a 300m allotment size in a deemed to satisfy pathway (even though the Development Plan might recommend 250m² or 350m² allotment sizes).

The Commission has highlighted proposed changes through policy discussion papers, and in the case of some matters has released specific policy positions as precursors to consultation on the draft Code ([available on the SA Planning Portal](#)).

6.2 How will the Code be made easy to navigate?

Once the Code is operational in its ePlanning form it will generate only the planning rules that apply to you. This means you will be able to quickly identify the rules that specifically apply to your site of interest or narrow your search of the rules to a particular development type (e.g. a house) and avoid working through many pages of rules.

A set of online '[Development Assessment Scenarios](#)' for different development types is also available on the SA Planning Portal for your use.

If you require any support in using the draft Code, please call our Hotline on **1800 318 102**.

6.3 What is meant by the 'spatial application' of the Code?

The 'spatial application' of the Code refers to how its policies and rules apply to different areas of the state (through zones, subzones and overlays) and reflects where the intent of a Code zone matches the intent set out in a current zone within the relevant development plan. We have heard in some cases there may be a better fit available in the Code zone framework or that a new or more specific zone or sub-zone may be required to facilitate transition.

To assist with the consultation and understanding of the spatial application of the Code, a '[Planning and Design Code Consultation Map Viewer](#)' was made available on the SA Planning Portal to demonstrate where zones, overlays and technical and numerical variations apply.

7. PROPOSALS TO IMPROVE THE CODE – KEY POLICY MATTERS

Some specific policy matters have been identified through the consultation on the implementation of the draft Phase Three Code, including:

7.1 Activity Centres and Retail Development

Building Heights

There has been feedback in relation to proposed building height policies in activity centre and business zones, namely:

Code Policy

***PO** - A range of **low to medium rise** buildings, with the highest intensity of built form at the centre of the zone and lower scale at the peripheral zone interface.*

***DTS/DPF** - Building height is not greater than any maximum, or less than any minimum, specified in the Maximum Building Height Levels Technical and Numeric Variation Overlay, the Maximum Building Height Metres Technical and Numeric Variation Overlay, or the Minimum Building Height Levels Technical and Numeric Variation Overlay.*

The administrative definitions of the Code define medium-rise as - “In relation to development, means 3 to 6 building levels.”

The use of the term ‘medium rise’ has raised concerns that there is potential conflict with Technical and Numeric Variations (refer to section on Technical and Numeric Variations below for further details) that identify lower building heights. The Commission proposes to recommend the following changes to the Code to clarify this:

Proposal: Within the Suburban Activity Centre Zone, Suburban Business and Innovation Zone, Business Neighbourhood Zone and the Suburban Main Street Zone, policies are introduced that enable development to respond to a prevailing height where a development plan does not identify a height limit. In cases where an existing development plan includes numerical height limits, these heights are introduced through Technical and Numeric Variations.

‘Out of Centre’ Retail

In relation to out of centre retail development, particularly impacts on activity centres and main streets, feedback has supported shop development in many parts of the city, activity centres and main streets. The Commission also recognises the need to further consider requirements for shops outside these areas, taking into account the scale and intensity of development and land uses contemplated in different zones – including the most appropriate assessment processes.

Proposal: Review floor limits, notification and restricted development triggers for shops to ensure they are more attuned to the intensity of development expected in the zone and to improve consistency with similar zones. For example:

- Activity centre/main street zones: Shops of any floor area are envisaged, not subject to notification, and not classified as restricted.
- Urban mixed use zones: Shops are envisaged, only subject to notification if adjacent to sensitive land uses, and not classified as restricted.
- Suburban mixed use zones: Shops of a certain floor area are envisaged, only subject to notification if adjacent to sensitive land uses, and are restricted if they exceed a specified floor area.
- Employment/rural productive zones: Only small shops or shops that are ancillary to envisaged uses are envisaged (e.g. value-adding). Shops are notified if adjacent to sensitive uses and are restricted if they exceed a specified floor area.
- Residential zones: Only small shops are envisaged and will be subject to notification if they exceed a certain floor area. Large shops are classified as restricted.

7.2 Airport Policies and the National Airports Safeguarding Framework

Feedback received from the Adelaide and Parafield Airports Planning Coordination Forum indicates that further work is required in relation to transitioning airport policies to the Code. The National Airport Safeguarding Framework (NASF) deals with a range of airports safeguarding matters and the following have been identified for particular attention:

Aircraft Noise

NASF (Guideline A), which provides guidance to manage impacts of noise around airports, including assessing the suitability of development.

Building Heights

NASF (Guideline F), which provides guidance to manage and address issue of intrusions into operational airspace by tall structures such as buildings and cranes, as well as trees, in the vicinity of airports.

Proposal: The Commission will work with key airports stakeholders in relation to transitioning to the Code to include a more contemporary policy, mapping and assessment environment for key safeguarding issues. It should be noted the Commission will not implement new policies (e.g. in relation to 'public safety zones') without first consulting the Federal and South Australian governments in relation to these strategic matters.

7.3 Conservation Zone

The Commission is aware of concerns in relation to areas of our state, in particular those national parks that have not attracted 'conservation' zoning. In most cases, this is a legacy of current development plan policy. The Commission has publicly stated its intention to correct this and to include all national parks within a Conservation Zone.

Proposal: Include national parks and other protected areas proclaimed under the *National Parks and Wildlife Act 1972* and the *Wilderness Protection Act 1992* within a Conservation Zone. The Commission will recommend updating the zoning in these cases and in areas where inappropriate zoning has been applied through the transition.

7.4 Flood Mapping

The Commission acknowledges concerns about outdated flood mapping being included in the draft Code. Significant variation exists in terms of the availability of flood mapping and data and only 17 development plans contain flood mapping in some form. Some councils have advised that their mapping is out of date and that they have more accurate mapping which is not currently published in their development plans.

The Commission acknowledges that the management of flood hazards is an opportunity for improvement in future generations of the Code, which will require a collaborative approach between the Commission, state and local governments, and a range of other stakeholders.

The Commission has included current flood mapping that exists within development plans into the Code as follows:

- a Hazard (Flooding) Overlay that aligns with the flood mapping in the 17 Development Plans that currently have flood hazard mapping
- a deemed-to-satisfy policy for residential development in the Design in Urban Areas General Development Policies that requires all dwellings to be built 300mm above the top-of-kerb level.

Proposal: The Commission proposes to include flood hazard mapping and data within an overlay in the Code where this information is provided by councils. Policies in the overlay will seek performance assessment of flooding issues against a more standardised set of assessment criteria. Further opportunities exist to update flood mapping and data over time to map prone areas using a more consistent risk-based methodology.

7.5 General Neighbourhood Zone

There is currently significant variation in minimum frontage width and allotment size across the 85 residential zones in South Australia, even though many of these areas share similar characteristics and attributes. The General Neighbourhood Zone in particular will provide greater standardisation of minimum frontage or site area requirements in some areas.

The Code's residential areas were selected for the General Neighbourhood Zone where:

- the current Residential Development Code is applied
- the current zone seeks diverse housing, facilitates land division, infill development and small lot housing (generally where policies allow minimum site areas of 450m² or less).

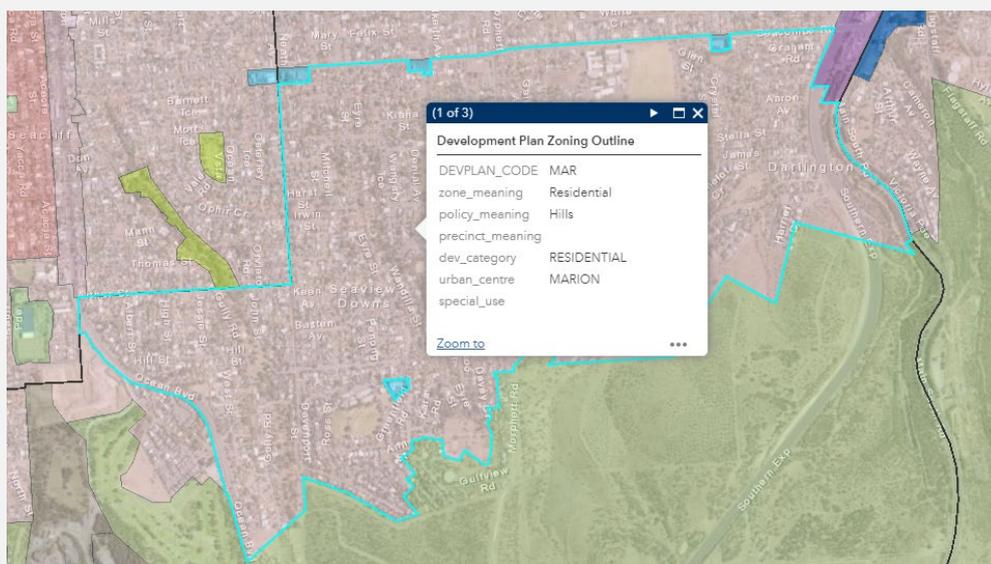
In some cases, the General Neighbourhood Zone has been unintentionally applied where:

- Historic Area or Character Area overlays apply
- specific policy applies relating to the management of sloping land
- where the intended land division pattern is for large allotments and wider frontages
- current zoning typically does not seek increased diversity or density.

Proposal: Where the General Neighbourhood Zone has been unintentionally applied, it will be replaced with the Suburban Neighbourhood Zone, together with Technical and Numerical Variations, to address the current maximum building height, minimum allotment size and frontage width policies. Any changes will be undertaken in consultation with relevant councils until public consultation concludes in February 2020.

CASE STUDY - Residential Hills Zone to General Neighbourhood Zone – City of Marion

The General Neighbourhood Zone has been applied to the Hills Policy Area 11 in the Residential Zone in Seaview Downs in the City of Marion. This area is however better suited to be a Suburban Neighbourhood Zone to more appropriately respond to sloping land issues and to maintain large allotments and wider frontages. The Commission supports this change which will ensure that development has regard to the topography and character in this location and in other similar zones across Greater Adelaide.



7.6 Heritage and Character

Historic Area and Character Area Statements

Historic Area and Character Area Statements are proposed to be applied to land affected by Historic Area Overlays and Character Area Overlays. Historic Area Statements for 27 Phase Three councils and Character Area Statements for 12 Phase Three councils are available for consultation on the SA Planning Portal. The results of this consultation will help inform refinement of Historic Area Statements across the state.

Councils were invited to draft their own statements based on development plan policy and many have participated in the process. The statements will be used to determine the prevailing styles and patterns of development within the overlays. Councils will also be able to evolve these statements over time.

Proposal: Historic Area and Character Area Statements which clearly identify and articulate key elements of historic / character importance in an area will replace Desired Character Statements and will be based on existing policy content. The statements are on consultation until 28 February 2020. The Commission will continue to work with key councils on the development and implementation of these statements as part of Phase Three of the Code. For further information refer to the statements on the [SA Planning Portal](#).

Local and State Heritage Places Overlay (Heritage Adjacency)

Areas covered by a State Heritages Places Overlay or a Local Heritage Places Overlay is intended to include land adjacent to a listed place and includes the following:

- any directly abutting parcel (to a maximum distance of 60 metres)
- any parcel within 6 metres of the parcel on which the State Heritage Place / Local Heritage Place is located, to a maximum distance of 60 metres, except where separated by a road/reserve greater than 6 metres wide
- Places within public land or road reserves are buffered 30 metres.

This is in recognition of the potential impact of development on adjacent land. Feedback provided has highlighted a gap in the policy within both overlays, insofar as they do not distinguish between properties that are heritage listed and those that are adjacent. It has been suggested the overlays currently treat adjacent properties in the same way as listed properties, thereby increasing controls over them, leading to unintended consequences for property owners.

Proposal: Include heritage adjacency provisions within the State Heritage Places Overlay and Local Heritage Places Overlay to ensure appropriate guidance is provided for development adjacent to heritage listed places, clearly delineating between listed heritage places and those adjacent.

7.7 Land Division

Under the current planning system, land division is complying development where a planning consent has already been granted for residential development under the Residential Code. The draft Phase Three Code establishes new deemed-to-satisfy pathways for land division.

Currently, deemed-to-satisfy pathways are listed in some zones however, most residential areas in South Australia do not currently have the benefit of this pathway for residential land division. Based on feedback received, the Commission proposes to enhance the pathway for deemed-to-satisfy land division in various residential zones in the Code.

Proposal: The Commission proposes to expand deemed-to-satisfy pathways for land division in residential zones to include the division of land that reflects the site or allotment boundaries on a valid development authorisation where the allotments are used, or are proposed to be used, solely for residential purposes, and the application does not create more than six additional allotments.

7.8 Significant and Regulated Trees

The Regulated Tree Overlay covers all regulated and significant trees in metropolitan Adelaide. The extent of the overlay mirrors the areas where regulated and significant tree controls apply under the *Development Regulations 2008*.

The draft Code preserves necessary processes and policy intent for both regulated and significant trees, noting that policies within development plans are not exactly the same and that some development plans specifically list significant trees, while many others do not.

Proposal: In establishing the overlay relating to regulated and significant trees, the Commission proposes to retain current assessment processes and the underlying policy intent set out in development plans across metropolitan Adelaide. Where trees declared as significant are listed in a development plan, these will be transitioned into the Code and spatially identified through mapping.

7.9 Peri-Urban Zone

The Peri-Urban Zone envisages a range of primary production land use together with value adding activities that derive viability from proximity to a capital city. It is proposed to be spatially applied to land skirting metropolitan Adelaide in the Light, Barossa, Adelaide Hills, Mt Barker, Onkaparinga, Yankalilla, Victor Harbor and Alexandrina Council areas.

Feedback has been provided that the name given this Zone should be changed to better convey the range of land uses envisaged within these areas.

The Peri-Urban Zone is essentially a variant of the Rural Zone. It differs in that it does not contemplate large-scale intensive processing and logistical activities associated with primary production and by addressing these places as a desirable place to live. A new name for the Peri-Urban Zone will ideally capture this, while still conveying that primary production and a level of value-adding activity is encouraged.

The Commission has also heard concerns about allotment sizes within the Peri-Urban Zone that have been applied to the Barossa Valley floor. Consistent with the discussion in section 8.5, the Commission will work with Council to transition existing development plan controls for land division into the Code.

Proposal: To apply a new naming convention to the Peri-Urban Zone that better reflects the intent of the Zone.

8. PROPOSALS TO IMPROVE THE CODE – KEY TECHNICAL MATTERS

8.1 Classification Tables

Classification tables are used to call up the relevant policies for the assessment of a particular type of development. A number of irregularities have been identified in the classification tables, however, a comprehensive review and response to this feedback will not take place until consultation has concluded to ensure all stakeholders' views are considered. In the meantime, updated *Code Classification Tables* have been prepared to correct many of the irregularities such as incorrect policy references.

Updated [Code Classification Tables](#) are available for download from the SA Planning Portal.

Proposal: Policy irregularities will be resolved after further policy testing and review, taking account of feedback received during the consultation period.

8.2 Drafting Improvements

A number of Code drafting irregularities and opportunities for improvement are set out in ***Appendix 1 – Minor Code Drafting Improvements Tables***. The Commission acknowledges these tables do not identify every drafting irregularity; they do however identify a significant number of key matters for refinement. Over the remaining consultation period it is anticipated further irregularities will arise. This is normal in a large-scale consultation process and the Commission will continue to work with key stakeholders through review, testing and ongoing feedback for the remainder of the consultation.

Proposal: The policy irregularities identified in ***Appendix 1 – Minor Code Drafting Improvements Table*** will be resolved through further policy testing, review and feedback now and as a result of further feedback expected during the remaining consultation period.

8.3 Overlays and Accepted / Deemed-to-satisfy Development

Overlays set out planning issues of state interest (and may trigger an application to be referred to a state government agency for consideration) as well as geographically specific issues. They can span multiple zones and more than one overlay can apply in the same area. Overlays take precedence over other Code policies.

Testing of overlays has revealed that some are unintentionally reducing accepted or deemed-to-satisfy pathways. The Commission recognises additional work is required to reduce this impact to ensure assessment processes are not complicated for simple developments such as housing, outbuildings, fencing, verandahs and pools.

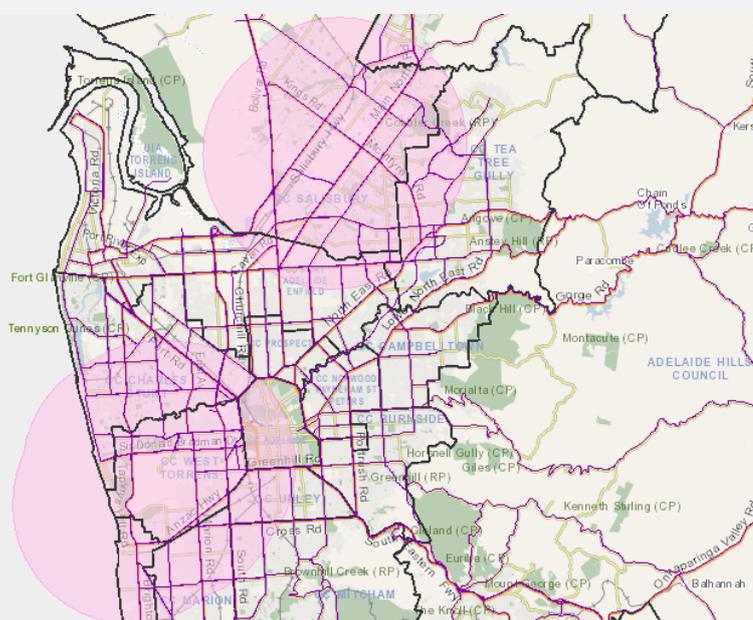
Proposal: The Commission will seek to improve overlays and will continue to work with key stakeholders, including other state agencies, to refine them in the Code and ensure their application does not unreasonably prevent simple and expected classes of development from following accepted or deemed-to-satisfy assessment pathways.

CASE STUDY - Building Near Airfields Overlay

An example of overlays affecting assessment pathways is the impact of the Building Near Airfields Overlay on deemed-to-satisfy development across large areas of metropolitan Adelaide. Currently the overlay triggers assessment of airports operational issues such as aircraft noise, causing simple planning applications to default to a performance-assessed development. The Commission will further consider this issue in relation to the following matters:

- refinement of overlays to ensure they are triggered only in appropriate circumstances
- application of more accurate spatial information to avoid ‘catch all issues’ e.g. the use of noise contours around Adelaide Airport
- clarification of assessment process and inclusion of more deemed-to-satisfy criteria for development in areas affected by the overlay, where appropriate.

Map: Current Building Near Airfields Overlay in Metropolitan Adelaide



8.4 Public Notification

Notification tables define the circumstances where notification should and should not occur, based on key principles. Key issues identified by stakeholders include:

- unnecessary notifications of envisaged land uses
- unnecessary notifications due to the proposed development being located adjacent to land in another zone

- simple developments triggering notifications where they fail to meet minor criteria
- poor definition of the term ‘minor nature’
- Inconsistency in structure and wording of notification tables which is causing issues for interpretation and application.

Proposal: It is proposed to review notification tables, and:

- List specific classes of development that are excluded from notification, instead of excluding all development and listing the exceptions.
- Specify development which falls within the ambit of Clause 5(2) of State Planning Commission Practice Direction 3 – Notification of Performance Assessed Development does not require notification.
- Exclude minor/low impact land uses envisaged in the zone (including classes of development specified in accepted and deemed-to-satisfy tables), provided they do not exceed building height/interface criteria.
- Exclude uses that are envisaged in the zone (e.g. shop in a centre zone) from notification, where the site of the development is not located adjacent to a dwelling in a neighbourhood zone.

8.5 Technical and Numeric Variations

In some circumstances, the Code allows for variations to the rules that apply in a zone, subzone or overlay. This is done through Technical and Numeric Variations (TNVs) which set out different spatial data and information in different parts of the state. These variations address issues such as building height, allotment size and frontage width. For example, TNVs in relation to allotment size and frontage width will be applied in heritage and character areas as these variations are often key character attributes of the local area.

The Commission is aware that some of these variations do not directly correspond with policies in development plans and will continue to work with councils to ensure the right TNVs are applied where it is appropriate to do so. The Commission is also aware that in some areas no TNVs have been identified or applied, but should have been.

It is the Commission’s intention to ensure that where standardised provisions are deliberately intended to be introduced through the Code they are supported by appropriate policy (e.g. residential infill policy improvements proposed to be implemented for new infill housing development in the General Neighbourhood Zone).

Proposal: The Commission will continue to work with councils to ensure the right TNVs are identified and applied to reflect current development plan policies. Note: feedback in relation to TNVs received to date is not included in **Appendix 1 – Minor Code Drafting Improvements Table**. The Technical and Numeric Variations Overlay will be updated with the agreement of the relevant councils.

9. HAVE YOUR SAY

We encourage you to have your say on the directions and proposals set out in this document, as well as on the Phase Three Code which will remain open for consultation to 28 February 2020. A dedicated [Have Your Say](#) page has been established on the SA Planning Portal.

A consultation page has also been launched on the Department of the Premier and Cabinet's YourSAY consultation website to facilitate feedback on the draft Code. The page features links to the following resources on the SA Planning Portal:

- Draft Planning and Design Code
- Guide to Draft Planning and Design Code
- Community Guide to Draft Planning and Design Code
- What's on consultation for Phase Three (urban areas)
- View the map of proposed zones and overlays
- Submit your feedback (online submission form)
- Attend an upcoming event.

The YourSAY page includes a discussion board for the public during the consultation period.

The Department also launched a 1800 Hotline number (1800 318 102) on 1 October which is staffed during business hours. All enquiries will continue to be documented by the Department and the Commission for the remainder of consultation.

The Department's reform email address DPTI.PlanningReform@sa.gov.au has been promoted during the consultation and has been receiving email enquiries from members of the public.

APPENDIX 1 – MINOR CODE DRAFTING IMPROVEMENTS TABLES

The following proposals are described under the heading with the Phase Three Planning and Design Code. Many of these proposals are relatively minor and technical in nature, but assist in interpretation.

General

Assessment Provisions in all zones, overlays and general development policies:

Identified issue	Proposed amendment
<i>Drafting correction:</i> Reference to 'Designated Performance Outcome' should be 'Designated Performance Feature'	Change wording from 'Designated Performance Outcome' to 'Designated Performance Feature'
<i>Drafting correction:</i> Technical and numeric variations aren't an overlay	Remove the term 'overlay' in references to technical and numeric variations.

Part 1 – Rules of Interpretation

Identified issue	Proposed amendment
'Spatial Information' section would benefit from additional interpretation notes	Amend to specify where the spatial information and mapping are located, and outline how they are to be used to apply the relevant policies and rules in the Code.
Technical and Numeric Variations would benefit from additional interpretation notes	Insert an additional section outlining the role and function of technical and numeric variations, and how they are applied under section 66(4) of the PDI Act.
Explanation to be inserted regarding Procedural Matters - Notification	Insert an additional section which explains the role of 'notification' tables, which can exclude classes of performance assessed development from requiring public notification under section 107(6) of the PDI Act.

Part 2 – Zones and Subzones

CAPITAL CITY ZONE

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables	
Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables	
Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables	
Table 4 – Restricted Development Classification	
Identified issue	Proposed amendment
Assessment Provisions	
Identified issue	Proposed amendment
DTS/DPF 4.3	<p><i>Drafting correction:</i> DTS / DPF 4.3 (a) refers to DTS / DPF 5.1 in relation to building height. This reference is incorrect.</p>
Replace ‘DTS / DPF 5.1’ with ‘DTS / DPF 4.1’	
Procedural Matters	

CITY LIVING ZONE

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables	
Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables	
Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables	
Table 4 – Restricted Development Classification	
Identified issue	Proposed amendment
Drafting has RESTRICTED development associated with or ancillary to any existing non-residential or institutional activity identified on any relevant Concept Plan contained in the Concept Plan Technical and Numeric Data Overlay. This is inconsistent with the intent of the Zone’s policy (PO 1.5) that allows limited expansion onto a directly adjoining site.	<p>Replace current text with: "<i>Development associated with or ancillary to any existing non-residential or institutional activity identified on any relevant Concept Plan contained in the Concept Plan Technical and Numeric Variation Overlay that is not within, or on a site directly adjoining, the site identified on the Concept Plan</i>" or similar.</p>
Assessment Provisions	
Procedural Matters	

CITY MAIN STREET

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables	
Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables	
Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables	
Table 4 – Restricted Development Classification	
Assessment Provisions	
Identified issue	Proposed amendment
The proposed City Main Street Zone is currently contained within the Capital City Zone. The Capital City Zone’s over building & 4.2) height policy that allows development over the prescribed level in certain circumstances has not been carried over.	Introduce the policy into the City Main Street Zone (same as the Code Capital City Zone PO / DTS-DPF 4.1)

Procedural Matters

EMPLOYMENT

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables	
Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables	
Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables	
Table 4 – Restricted Development Classification	
Identified issue	Proposed amendment
<i>Drafting correction:</i> Industry excluding Special Industry is listed as a restricted Class of Development. It was intended that Special Industry be listed as a Restricted Class of Development	Delete ‘Industry’ as a Class of Development column and delete ‘Special Industry’ from Exclusions column. Replace with: ‘Special Industry’ as a Restricted Class of Development.

Assessment Provisions

Procedural Matters

GENERAL NEIGHBOURHOOD

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables
Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables
Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables
Table 4 – Restricted Development Classification

Assessment Provisions

Identified issue	Proposed amendment
<p>PO 8.2 and DTS / DPF 8.1</p> <p><i>Drafting correction:</i> This policy conflicts with General Policy. Façade design is addressed in Design in Urban Areas PO 1.2 and DTS / DPF 18.2 and is the relevant policy referenced in the Classification Tables in the General Neighbourhood Zone.</p>	<p>Delete PO 8.2 and DTS / DPF 8.2</p>
<p>New</p> <p><i>Missing Policy:</i> There is no side boundary setback specified in the Zone.</p>	<p>Insert new PO: Buildings are set back from side boundaries to provide:</p> <ul style="list-style-type: none"> • separation between dwellings in a way that contributes to a suburban character; and • access to natural light and ventilation for neighbours. <p>Insert new DTS/DPF Other than walls located on a side boundary, buildings are set back from side boundaries:</p> <ul style="list-style-type: none"> • at least 900mm where the wall is up to 3m measured from the top of the footings; • other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m measured from the top of the footings; and • at least 1900mm plus 1/3 of the wall height above 3m measured from the top of the footings for walls facing a southern side boundary.
<p>New</p> <p><i>Missing Policy:</i> There is no rear boundary setback specified in the Zone</p>	<p>Insert new PO: Buildings are set back from rear boundaries to provide:</p> <ul style="list-style-type: none"> • separation between dwellings in a way that contributes to a suburban character; • access to natural light and ventilation for neighbours; • private opens space; and • space for landscaping and vegetation. <p>Insert new DTS / DPF: Buildings setback from the rear boundary at least:</p> <ul style="list-style-type: none"> • 3m for the first building level; and • 5m for any second building level.

Procedural Matters

HOUSING DIVERSITY NEIGHBOURHOOD

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables	
Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables	
Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables	
Table 4 – Restricted Development Classification	
Assessment Provisions	
Identified issue	Proposed amendment
PO 9.1 and DTS / DPF 9.1 <i>Drafting correction:</i> This policy conflicts with General Policy. Façade design is addressed in Design in Urban Areas PO 18.2 and DTS / DPF 18.2 and is the relevant policy referenced in the Classification Tables in the General Neighbourhood Zone.	Delete PO 9.1 and DTS / DPF 9.1.
Procedural Matters	

RURAL

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables	
Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables	
Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables	
Table 4 – Restricted Development Classification	
Assessment Provisions	
Identified issue	Proposed amendment
<i>Missing policy:</i> It was intended that the zone include a PO and DTS / DPF relating to minimum <i>dwelling</i> allotment sizes and a related Technical and Numeric Variation.	Dwellings: (a) are located on an allotment with an area not less than that specified in the <i>Minimum Dwelling Allotment Size Technical and Numeric Variation Overlay</i> ; (b) are located on and have a demonstrated connection with an allotment used for primary production or value adding; <i>will not result in more than one dwelling on an allotment.</i>
Procedural Matters	

SUBURBAN ACTIVITY CENTRE

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables	
Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables	
Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables	
Table 4 – Restricted Development Classification	
Assessment Provisions	
Identified issue	Proposed amendment
<i>Refer to section titled Building Heights in Activity Centres and Retail</i>	
Procedural Matters	

SUBURBAN BUSINESS AND INNOVATION

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables	
Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables	
Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables	
Table 4 – Restricted Development Classification	
Assessment Provisions	
Identified issue	Proposed amendment
<i>Refer to section titled Building Heights in Activity Centres and Retail</i>	
Procedural Matters	

SUBURBAN MAIN STREET

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables	
Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables	
Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables	
Table 4 – Restricted Development Classification	
Assessment Provisions	
Identified issue	Proposed amendment
<i>Refer to section titled Building Heights in Activity Centres and Retail</i>	
Procedural Matters	

URBAN ACTIVITY CENTRE ZONE

Table 1 – Accepted Development Classification – refer to [Updated Code Classification Tables](#)

Table 2 – Deemed-to-Satisfy Development Classification – refer to [Updated Code Classification Tables](#)

Table 3 – Applicable Policies for Performance Assessed Development – refer to [Updated Code Classification Tables](#)

Table 4 – Restricted Development Classification

Assessment Provisions

Identified issue	Proposed amendment
<p><i>Missing Policy:</i> There is no DTS/DPF identifying uses that are envisaged in the zone.</p>	<p>Insert new DTS / DPF: Development comprises one or more of the following land uses:</p> <ul style="list-style-type: none"> Cinema Consulting room Community facility Educational establishment Emergency services facility Health facility Hospital Hotel Indoor recreation facility Library Office Place of worship Pre-school Public transport terminal Recreation area Retail fuel outlet Service trade premises Shop; or Tourist accommodation.

Procedural Matters

URBAN CORRIDOR (BOULEVARD) ZONE

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables		
Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables		
Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables		
Table 4 – Restricted Development Classification		
Assessment Provisions		
Identified issue	Proposed amendment	
PO 3.2	<i>Drafting correction:</i> PO 3.1 is missing the building envelope diagram. Zones)	Include the diagram (same as other Urban Corridor
Procedural Matters		

URBAN CORRIDOR (BUSINESS) ZONE

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables		
Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables		
Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables		
Table 4 – Restricted Development Classification		
Assessment Provisions		
Identified issue	Proposed amendment	
DTS / DPF 3.2	<i>Drafting correction:</i> DTS / DPF 3.2 provides a diagram but no supporting policy.	Include the introductory text for DTS/DPF 3.2 (same as other Urban Corridor Zones)
Procedural Matters		

URBAN CORRIDOR (MAIN STREET)

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables		
Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables		
Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables		
Table 4 – Restricted Development Classification		
Assessment Provisions		
Identified issue	Proposed amendment	
New	<i>Missing Policy:</i> The Urban Corridor (Main Street) Zone should include a policy relating to Catalyst sites, which will apply to some land within the City of Adelaide.	Include Catalyst Site policy that currently applies in the various Main Street Zones in the Adelaide (City) Development Plan.
Procedural Matters		

URBAN RENEWAL NEIGHBOURHOOD

Table 1 – Accepted Development Classification – refer to [Updated Code Classification Tables](#)

Table 2 – Deemed-to-Satisfy Development Classification – refer to [Updated Code Classification Tables](#)

Table 3 – Applicable Policies for Performance Assessed Development – refer to [Updated Code Classification Tables](#)

Table 4 – Restricted Development Classification

Assessment Provisions

Identified issue	Proposed amendment
<p>PO 1.1 <i>Policy conflict:</i> This zone seeks urban renewal and medium – high density development. The current PO envisages a ‘spacious and peaceful lifestyle for individual households’</p>	<p>Replace PO 1.1 with: <i>A diverse range of residential accommodation and supporting uses that make the neighbourhood a convenient place to live.</i></p>
<p>PO 9.1 and DTS / DPF 9.1 <i>Drafting correction:</i> This policy conflicts with General Policy. Façade design is addressed in Design in Urban Areas PO 18.2 and DTS / DPF 18.2 and is the relevant policy referenced in the Classification Tables in the Urban Renewal Neighbourhood Zone.</p>	<p>Delete PO 9.1 and DTS / DPF 9.1.</p>

Procedural Matters

Part 3 – Overlays

REGULATED TREE

Assessment Provisions

Identified issue	Proposed amendment
<p>New <i>Missing Policy:</i> There is no policy in the overlay that refers to significant trees identified in Part 6.2 – Index of Technical and Numeric Variations – ‘Significant Trees’</p>	<p>Insert policy identifying trees declared as significant.</p>

Procedural Matters

URBAN TRANSPORT ROUTES

Assessment Provisions		
Identified issue		Proposed amendment
New	Missing Policy: Policies relating to Access - Mud and Debris, Access – Stormwater, Building on Road Reserve, Public Road Junctions and Corner Cut-Offs should be incorporated in this overlay.	Insert additional POs and DTS/DPFs as listed in the Major Urban Transport Routes Overlay PO/DTS/DPF 6.1 to 10.1 (inclusive).

Procedural Matters

Part 4 – General Development Policies–

AQUACULTURE

Assessment Provisions		
Identified issue		Proposed amendment
PO 2.6	Drafting error: PO 2.6 is incomplete.	Replace PO 2.6 with: Marine aquaculture sited and designed to not obstruct or interfere with: (a) areas of high public use; (b) areas, including beaches, used for recreational activities such as swimming, fishing, skiing, sailing and other water sports; (c) areas of outstanding visual or environmental value; (d) areas of high tourism value; (e) areas of important regional or State economic activity including commercial ports, wharfs, jetties; and (f) the operation of infrastructure facilities including inlet and outlet pipes associated with the desalination of sea water.

LAND DIVISION IN URBAN AREAS

Assessment Provisions	
Identified issue	Proposed amendment
<p>New</p> <p>Policy gap</p> <p>It is intended to provide deemed-to-satisfy policy for land division that relates to authorised development. The current Development Regulations allow for complying land division related to dwellings approved under the residential code. It is intended to apply this in 'Neighbourhood' zones. This policy currently exists in the Design in Rural Areas module.</p>	<p>Insert new PO:</p> <p>Land division creates allotments suitable for their intended use.</p> <p>Insert new DTS:</p> <p>Division of land reflects the site boundaries illustrated and approved in an operative or existing development authorisation under the Development Act 1993 or Planning, Development and Infrastructure Act 2016, or division of land proposed as part of a combined application for land division and deemed-to-satisfy dwellings that reflects the sites of those dwellings, where:</p> <p>a) the allotments are used or are proposed to be used solely for residential purposes; and</p> <p>b) the application does not create more than six additional allotments."</p>

Part 5 – Designated Areas

Table 1 – Designated Areas

Identified issue	Proposed amendment
<p>Areas missing:</p> <p>Areas identified for the purposes of clause 4 (1)(d)(i)(B) of Schedule 4 under the Regulations – Fence not exceeding 2.1m in height should include Historic Area Overlay and Prescribed Watercourses Overlay to maintain the intent of Schedule 3 clause 4(1)(f) of the Development Regulations 2008</p>	<p>Add "Historic Area Overlay and Prescribed Watercourses Overlay"</p>

Part 6 – Index of Technical and Numeric Variations

Identified issue	Proposed amendment
<p>Introduction required to link to online mapping</p>	<p>Add introduction which outlines how the TNVs apply in different parts of the state.</p>
<p>Local heritage places aren't a technical or numeric variation</p>	<p>Remove 6.1 and place in a new Part of the Code pursuant to section 67 of the PDI Act.</p>
<p>Significant trees aren't a technical or numeric variation</p>	<p>Remove 6.2 and place in a new Part of the Code pursuant to section 68 of the PDI Act.</p>



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