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DPTI - Planning Reforms
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Gawler |



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Dear Planning and Design Code Team,

Re: Town of Gawler Submission - Draft Planning and Design Code - Phase Three (Urban Areas)

The Town of Gawler (Council) wishes to thank the Department of Planning Transport and Infrastructure (DPTI) for the opportunity to provide feedback on Phase 3 of the draft Planning and Design Code (the Code).

Council acknowledges the mammoth undertaking of this task, recognising the potential of this new system and the positive impact it could have upon the planning system in South Australia. In particular Council sees the benefit of a single framework being applied state-wide, including the creation of an online mapping tool and e-planning system.

In order for this new system to be truly successful and for it to reach its full potential, Council believes that ongoing and greater consultation with Local Government and relevant Government Agencies is an absolute necessity.

Although Council does see enormous potential through these planning reforms, the proposal appears to have altered from that originally suggested and we do have significant concerns in relation to the Code and its associated mechanics.

Please find below Council's response in respect to Phase 3 of the Planning and Design Code relative to the Town of Gawler.

- **Loss of Structure and Concept Plans for the Town of Gawler**

Council is disappointed to note the absence of Structure and Concept Plans from the Code for the Gawler Local Government Area.

It is unclear why numerous concept/structure plans from other Council areas were considered appropriate for inclusion into the Code, but none from the Gawler Development Plan.

Structure and Concept Plans are of enormous benefit to Council staff and are a valuable tool in delivering quality planning outcomes, particularly in growth Councils such as Gawler.

Structure and Concept Plans provide a visual aid to policy and reflect relevant analysis undertaken through the Development Amendment process. The classic saying 'a picture tells a thousand words' is notably pertinent in this regard as structure/concept plans seek to provide clarity where detail through policy alone may be lacking.

Structure and Concept Plans are formulated through detailed investigations and analysis but are presented in a conceptual manner to allow adequate flexibility for future development proposals.

Furthermore, it is disappointing that the effort and resources which have gone into preparing a number of recent Structure Plans is essentially proposed to be lost.

- **Loss of Contributory Items**

Since information was released pertaining to heritage through the planning reforms process, Council has been troubled about the exclusion of Contributory Items from the Code.

Councils across the State have invested heavily in the protection of Heritage Places and Contributory Items through the Heritage Survey process since the release of the Planning Bulletin – Heritage in 2001. The exclusion of Contributory Items from the Heritage Overlays in the Code seems pointless and furthermore erodes the value of that previous work and will result in them becoming invisible. Indeed, with nearly 12,000 Contributory Items listed in Development Plans state wide, the possible impact is considerable.

Although any demolition of structures within the Heritage Area Overlay will require a development application, the Contributory Items currently listed in the Gawler Development Plan will not be visible. The lack of categorisation of these items could well result in the loss of intrinsic character in Gawler, which was the first township established in the state outside of Adelaide.

Without the itemisation of Contributory Items in the Code, it will certainly result in a more arduous and costly process for applicants, with the requirement for the provision of a Historic Area Impact Statement and possibly, if requested by the relevant authority, reports from a structural engineer and a quantity surveyor.

Also, relevant authorities in the future will not be able to identify former Contributory Items, resulting in a requirement to assess all items on a property for their historic value.

At its August 2019 meeting, Council allocated an unbudgeted figure of \$200,000 towards a Heritage Survey and Local Heritage Transition Development Plan Amendment. This is a significant impost upon the community however, it is considered essential that the opportunity be taken to protect eligible Contributory Items through their transition to Local Heritage Places, which will be individually recognised under the Code.

Although there is no legislative basis for the retention of Contributory items, they are an accepted part of planning policy and they are viewed with pride by our community. Their

removal is not in line with the “like for like” position adopted by DPTI for the first three phases of the Code.

Council earnestly requests that the decision to exclude Contributory Items from translation into the Code be reviewed and that they be transitioned through and itemised for recognition in the new system, as they are now.

A period of three to five years could be allocated to Councils to conduct a survey of their Contributory Items by a suitably qualified heritage expert to ascertain their value. Some items may be eligible for elevation to Local Heritage Place via a Code Amendment and others may not have value and could be removed from the system.

- **Historic Area Statements**

Please refer to Council’s submission under separate cover concerning the Historic Area Statements.

As they will play a pivotal role in the Planning and Design Code, we request the feedback provided through our submission be given favourable consideration.

This is essential to ensure that Gawler’s character is protected and preserved under the new planning framework.

- **Lack of policy relating to infrastructure delivery**

A fair and equitable approach to the funding of infrastructure was one of many issues to be tackled through this reform process. Infrastructure Schemes were to be imbedded into the Code to ensure critical infrastructure be identified, committed to, costed and funded before it is required to be in place.

Although it is appreciated that the nuances relating to Infrastructure Schemes are still being worked through, the draft Code does not appear to provide the necessary tools to identify essential infrastructure, nor resolve details in relation to its funding and delivery.

This is likely to leave Councils in a more precarious position than with the existing platform, with Councils negotiating with developers for appropriate infrastructure however with far tighter timeframes to work within and an as yet undefined path.

This is a disappointing outcome and something which Council hopes will be further refined as the reforms progress. The provision of critical and adequate infrastructure is for the benefit of the community and should be appropriately funded by the relevant benefactors. It is unsatisfactory when local Councils and, in essence, the greater community are left to fund the voids created by inadequate infrastructure.

- **Loss of localised policy and context**

The Gawler Development Plan is a reflection of many years of work and refinement and, although not perfect, it provides local insight and a vision for future development. This is achieved through a number of tools and it is reinforced through localised policy.

The loss of localised policy through the Code is a concern for Council. Although one of the key drivers for these reforms was to create a consistent approach to development

State Wide, it is disappointing that more localised policy has not made its way into the Code. This is particularly relevant in instances where, as stated above, there are tools such as Concept and Structure Plans missing and there is a lack detail providing context or direction moving forward.

- **Updated flood mapping**

Council has commissioned more up to date flood mapping than that currently in the Gawler Development Plan. Over the past few year, when Council has flagged the notion of undertaking a Development Plan Amendment to update the flood mapping data, it has generally been met with resistance from DPTI and reassurance that it could be dealt with via the transition to the Code.

This stance appears to have now shifted and a desire to see a like for like conversion to the Code has taken precedence, with the option to undertake a Code amendment at a future date.

The Town of Gawler is happy to provide its updated mapping, which could easily be included into the mapping prepared for the Code. A future Code Amendment is likely to have cost and resource implications for both Council and DPTI at a later date and, more importantly, the delay involved would increase the risk implications which could have been achieved through inclusion in the Code. This risk would sit with DPTI as the owner of the Planning and Design Code.

Council requests that our latest flood mapping data is included into the Code.

- **Creation of a more convoluted system**

As flagged in numerous Phase 2 submission feedback, this draft iteration of the Code in some instances creates a more convoluted system than what currently exists, particularly in Residential Code areas.

This is largely due to Code policy and Residential Code policy not totally aligning, as well as introducing onerous notification requirements for more minor discrepancies. An example is where a dwelling, which would currently be assessed as complying development under the Residential Code, could now require a performance assessment and potentially public notification where a minor design technique is not meet (e.g. setback requirements not satisfied).

This is likely to be an omission or oversight at this stage, however, it is considered important to highlight this issue. Council is not suggesting that inappropriate development should not be the subject of more rigorous assessment and/or public notification however, an amendment to policy is sought for more minor discrepancies.

- **Training**

At the time this feedback is lodged (end of February), there will only be four months remaining prior to the Code's formal state-wide implementation. It appears that significant work and refinement is still required and Council is concerned that there may be inadequate time for Councils to be trained and more generally become sufficiently familiar with the system prior to its implementation.

Although it is appreciated that the implementation of any new system will have preliminary teething issues, ideally Councils and the Planning and Building fraternities should have a reasonable opportunity to become familiar and proficient with the system prior to its application in order to minimise strain associated with the transition period.

Council recognises and applauds the recent announcement by the Minister of Planning that a deferral for at least two months will occur for the implementation of the Planning and Design Code and ePlanning system although changes to the legislation must still occur. This will enable time to adequately prepare our internal business systems and train staff.

- **Compliance**

The matter of compliance and Councils role in this regard requires further dialogue and clarification. The Code includes a considerable number of Deemed-To-Satisfy (DTS) criteria, and, where an application proposes to meet these criteria, a relevant authority is unable to include these matters as part of their assessment.

In this instance and in a post approval scenario, if the DTS criteria which were proposed to comply by the applicant are not met, relevant authorities must firstly keep track of these matters and secondly enforce them. This system appears to have the potential of significantly increasing Council's role in compliance.

- **Deemed Consent**

As reiterated via several of Council's planning reform submissions, Council remains strongly opposed to the concept of 'deemed consent'. Council believes it will result in additional financial and resourcing pressure on local government, with expected increased legal fees and staff attendance caused by court action if an applicant serves notice under Section 125 of the Act.

The current "deemed refusal" process works well, promoting negotiation with applicants to achieve good outcomes. The new process will enable applicants to easily serve a notice on the relevant authority, even if the development is unsatisfactory, which will require relevant authorities to defend their position. Council is disappointed to see the State Government remain steadfast on this matter and the concept remain a part of the new system.

- **Detailed feedback and comments concerning the draft Phase 3 Code Policy**

Below is Council's detailed feedback concerning draft Code policy. This feedback seeks to identify deficiencies in policy and process which are currently afforded in the Gawler Development Plan or through the Development Assessment process. As requested this feedback seeks change in order to help achieve a more like for like transition and is based upon the original draft Code released for public consultation on 1 October 2019.

Zones

Zone	Feedback/Comments
<p>Business Zone (Current) to Suburban Activity Centre Zone (Proposed)</p> <p>&</p> <p>Local Centre Zone (Current) to Suburban Activity Centre Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. Include policy which addresses scale of development under the 'Interface between Land Uses' general provisions. This policy should seek to mitigate the potential impact which commercial development can have upon neighbouring and more sensitive land uses e.g. residential areas. 2. Concerns in relation to the site located on the south-western corner of Main North Road and Gordon/Tiver Road intersection. The Gawler Development Plan contains very specific policy in regards to this site due to a complex Development Plan Amendment which took place to facilitate a car dealership. This area originally formed part of Council's Rural Zone and forms part of a buffer leading into the Town of Gawler. Council this land is not simply sold off and the benefits which were promised to our community to be unrealised. 3. The Gawler Development Plan contains localised policy in some instances where site contamination is probable. Include policy which endeavours to determine if site contamination issues exist and require remediation particularly in instances where more sensitive land uses are being proposed. 4. Include further adverse land uses to the list of Restricted Development. At present the Desired Outcome seeks for the zone to be predominantly used for shopping, business, entertainment and recreation facilities, however policy could be strengthened to better safeguard this desire particularly as the restricted list is limited. 5. Floor Areas within the Code do not align with current Development Plan provisions. Development Plan provisions are in fact higher and policy should reflect this. 6. There is concern that the current Business Zone, Local Centre Zone and Neighbourhood Centre Zones are all proposed to transition to the same Suburban Activity Centre Zone. Currently these zones contain different policy regarding scale and intensity (Business Zone having very specific development envisaged, Local Neighbourhood seeking smaller scale convenience shopping servicing the local population, Neighbourhood Centre anticipating larger scale shopping, community, business and recreation facilities for the surrounding neighbourhood). With the proposed change to Suburban Activity Centre, there is concern that all three of these existing

	Zones will be able to develop commercial areas at the same size and scale.
<p>Neighbourhood Centre Zone (Current) to Suburban Activity Centre Zone (Proposed)</p> <p>&</p> <p>Neighbourhood Centre (Evanston Gardens) Zone (Current) to Suburban Activity Centre and Community Facilities Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. Medium/High density residential development is not envisaged under current zoning provisions and in order to achieve a like for like transition is not considered appropriate in this zone. 2. In terms of advertisements seek to include additional policy either through the zone or via the general development policies which seek to limit the number of freestanding advertisements to avoid visual clutter and untidiness. Ideally advertising hoardings should be limited to one primary advertisement per site or complex. 3. Align with current provisions by including further policy which promotes buildings being sited close to and facing main roads in order to activate road frontages and establish visual gateways. 4. Align with current provisions by including further policy which promotes landscaping to create attractive precincts as well as buffers between buildings and streets/roads. 5. Align with current provisions by including additional policy seeking beneficial public realm design outcomes as well as access to suitable public facilities. 6. Floor Areas within the Code do not align with current Development Plan provisions. Development Plan provisions are in fact higher and policy should reflect this. 7. There is concern that the current Business Zone, Local Centre Zone and Neighbourhood Centre Zones are all proposed to transition to the same Suburban Activity Centre Zone. Currently these zones contain different policy regarding scale and intensity (Business Zone having very specific development envisaged, Local Neighbourhood seeking smaller scale convenience shopping servicing the local population, Neighbourhood Centre anticipating larger scale shopping, community, business and recreation facilities for the surrounding neighbourhood). With the proposed change to Suburban Activity Centre, there is concern that all three of these existing Zones will be able to develop commercial areas at the same size and scale.
<p>Community Zone (Current) to Community Facilities Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. Seek to include adverse land uses to the list of Restricted Development. At present the Desired Outcome seeks for the zone to be predominantly used for community use, however policy could be strengthened to better safeguard this desire

	<p>particularly as the restricted list is essentially non-existent.</p> <ol style="list-style-type: none"> 2. Include policy which deems what size shops are suitable for this zone. Current Development Plan zoning seeks to keep shops in this zone under 250m². Council requests that similar parameters are included into this zone to ensure it remains community oriented. 3. The Community Zone within the Gawler Development Plan is relatively brief and the Code equivalent mostly aligns with what is presented in the Gawler Development Plan.
<p>Deferred Urban Zone (Current) to Deferred Urban Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. Generally, a like-for-like transition 2. In the interest of creating a like for like situation, include the following policy in relation to land division "Land division should not be undertaken, other than for the purposes of consolidating allotments into larger allotments, or undertaking minor boundary re-alignments that do not result in the creating of allotments less than 4 hectares in area".
<p>District Commercial Zone (Current) to Suburban Employment Zone (Proposed)</p> <p>&</p> <p>Light Industry Zone (Current) to Suburban Employment Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. Wrecking Yard is listed as restricted, however there is no land use definition within the Code. This needs to be defined in Part 7 to avoid any confusion with categorisation of development. 2. Unclear why Hotel or Tourist Accommodation would be envisaged uses within the Zone given PO 1.1 outlines envisaged uses as <i>A range of employment generating light industrial, service trade, motor repair and other compatible businesses servicing the local community that do not produce objectionable emissions</i>. This envisaged use may need to be reconsidered. 3. Concerns that no kinds of development are listed as requiring public notification. As a minimum the following should be included: <ol style="list-style-type: none"> a. the site of the development is adjacent land to land in a different zone; b. and development identified as "all other code assessed development" in Suburban Employment Zone Table 3 4. Noting this zone is generally surrounded by suburbia, seek to include further adverse land uses to the list of Restricted Development. Land uses which are particularly incompatible with the surrounding area such as crematorium, agistment and holding of stock should be considered.

<p>General Industry Zone (Current) to Employment Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. Industry to be removed from the Restricted Development table, Industry is an envisaged use in what is essentially an industrial use zone. 2. Greater detail and policy required regarding appropriate signage and advertising other than free-standing signs. Policy to seek to reduce clutter whilst allowing sites to be clearly defined. 3. Include stronger and more detailed policies which promotes landscaping within the Zone. Particularly in interface areas where it is most pertinent. 4. Include more detailed policies concerning design and interface between different Zones. 5. Seek to include policies which strive to mitigate air and noise emissions. 6. Include policy which endeavours to determine if site contamination issues exist and if remediation is required particularly in instances where more sensitive land uses are being proposed.
<p>Open Space Zone (Current) to Open Space Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. Strengthen policy which promotes land within open space zones playing a role and contributing to favourable environmental and biodiversity outcomes. 2. Include policy which protects existing and established natural features and native flora and fauna. 3. Expand the Restricted Development list to include development which is particularly contrary to the zones primary purposes which is to provide opportunity for recreation, amenity and environmental functions. 4. The 'Deemed-To-Satisfy' criteria relevant to shops and offices be expanded upon to include policy which ensures these uses are subordinate to the principal use of the land. 5. Seek to include policy which promotes active modes of travel to and from these space as well as the creation and extension of linkages across linear networks.
<p>Recreation Zone (Current) to Recreation Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. Include policy which envisages racing precincts or other unique facilities such as the Gawler Race course operating, as well as appropriate policy to support required ancillary activities e.g. Horse stabling. This may potentially warrant a subzone being applied this area, numerous race courses across the state may benefit from this approach. 2. Include policy which seeks to utilise larger areas for valuable environmental outcomes, particularly in relation to the treatment and harvesting of stormwater.

	<ol style="list-style-type: none"> 3. Include policy which provides guidance in terms of appropriate landscaping and interface with surrounds e.g. appearance to road frontages, provide shade and shelter, contributes to biodiversity, reduces visual impact of facilities etc. 4. Include adverse land uses to the list of Restricted Development. At present the Desired Outcome seeks for the zone to hosts a range of recreational facilities, however policy could be strengthened to better safeguard this desire particularly as the restricted list is essentially non-existent.
<p>Residential Zone (Current) to General Neighbourhood Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. Gawler South Policy Area should transition to Suburban Neighbourhood Zone, with a TNV restricting minimum allotment sizes to 2000sqm only on the escarpment. Alternatively, the majority could transition to General Neighbourhood with the escarpment being zoned Residential Neighbourhood. 2. Concerns regarding public notification criteria for shops, offices and collector roads. The two separate triggers are difficult to follow, and can result in some kinds of development not requiring notification (e.g. what if >250sqm, located next to existing commercial development, not on a collector road? No public notification required? e.g. what if residential one side commercial activity the other side. What is defined as a commercial activity, etc.). 3. Collector roads will also need to be defined (e.g. via mapping) if this is to be a trigger for Public Notification. 4. Dwellings should require Zone Criteria Façade Design DTS 8.1 to be met in order for the development to be considered Deemed-To-Satisfy. Should also be required to be considered in Performance Assessed Development. 5. If public notification required for 4 or more dwellings, should also be required for 4 or more allotments created. 6. Verandah and outbuilding (not used as a garage) should be included in Performance Assessed table. Currently if a verandah or outbuilding is not Accepted or Deemed-To-Satisfy, it will fall into the category of 'all other code assessed development' and will require public notification <p><u>Identified Errors:</u></p> <ul style="list-style-type: none"> • Ancillary Development, Outbuilding, Verandah and Carport DTS table incorrectly references Design in Urban Areas (All Residential Development – Ancillary Development): DTS 17.1, 17.2 which is

	<p>actually regarding Flooding. Should be referencing DTS 16.1 and 16.2.</p> <ul style="list-style-type: none"> • Carport and Garage DTS table incorrectly references Design in Urban Areas] Residential Development – 3 Building Levels of Less – External Appearance]: DTS 19.1 which is actually regarding Overlooking. Should be DTS 18.1 • Carports in DTS Table required to meet Transport, Access and Parking [Vehicle Access] DTS 3.4 however no DTS criteria are applicable for DTS 3.4. This is likely meant to be referencing DTS 3.5 and 3.6 • Dwelling DTS table incorrectly references Design in Urban Areas] Residential Development – Access and Servicing]: 16.1 which is regarding ancillary development. It is unclear which DTS it should be referencing as there are no DTS criteria with this heading. • Dwelling DTS table incorrectly references Design in Urban Areas [Residential Development – Flooding]: 18.1 which is actually regarding external Appearance of Garages. Should be DTS 17.1. • Dwelling and Dwelling Addition DTS table incorrectly references Design in Urban Areas [Residential Development – 3 Building Levels or Less – External Appearance]: DTS 19.1, 19.2, 19.3 which is actually regarding Overlooking (DTS 19.2 and 19.3 do not exist). Should be DTS 18.1, 18.2, 18.3 • Dwelling and Dwelling Addition DTS table incorrectly references Design in Urban Areas [Residential Development – 3 Building Levels or Less –Overlooking/Visual Privacy]: DTS 20.1 which is actually regarding Private Open Space. Should be DTS 19.1 • Dwelling and Dwelling Addition DTS table incorrectly references Design in Urban Areas [Residential Development – 3 Building Levels or Less – Private Open Space]: DTS 21.1, 21.2 which is actually regarding Landscaping. Should be DTS 20.1, 20.2 • Dwelling and Dwelling Addition DTS table incorrectly references Design in Urban Areas [Residential Development – 3 Building Levels or Less – Landscaping]: DTS 22.1, 22.2 which is actually regarding Water Sensitive Urban Design. Should be DTS 21.1, 21.2 • Dwelling DTS table incorrectly references Design in Urban Areas [Residential Development – 3 Building Levels or Less – Water Sensitive Design]: DTS 23.1, 23.2, 23.3 which is actually regarding Car Parking. Should be DTS 22.1, 22.2, 22.3
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	<ul style="list-style-type: none"> • Dwelling DTS table incorrectly references Design in Urban Areas [Residential Development – 3 Building Levels or Less – Car Parking and Vehicle Manoeuvring]: DTS 24.1, 24.2, 24.3, 24.4, 24.5, 24.6. DTS 24.1 is actually regarding Waste Storage, and the rest do not exit. Should be DTS 23.1, 23.2, 23.3, 23.4, 23.5, 23.6 • Dwelling and Dwelling Addition DTS table incorrectly references Design in Urban Areas [Residential Development – 3 Building Levels or Less – Waste Storage]: DTS 25.1, which is actually regarding Design of Transportable Dwellings. Should be DTS 24.1 • The above errors also apply to the equivalent Performance Outcome criteria.
<p>Residential (Gawler East) Zone (Current) to General Neighbourhood Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. Include policy via an overlay which recognises the conservation areas currently identified in the Gawler East Structure Plan and afford them an appropriate level of protection. There doesn't appear to be an appropriate overlay for vegetation of local significance as it may be unlikely they meet the 'State Significant Native Vegetation Overlay' however still very important. 2. Seek to include policy which seeks for creek environments which are to be vested to Council to be restored to an appropriate natural state. 3. Apply the Sloping Land Overlay across the entire area currently identified as the Residential (Gawler East) Zone within the Gawler Development Plan. This is in order to promote better design outcomes and encourage development to work with the lay of the land. 4. Seek to include policy which better reflects 'Mixed Use Centre Policy Area 3' within Gawler East and promotes the development of a functional and diverse zone which can accommodate a mix of commercial, retail, recreation, community, residential, office, consulting rooms and educational uses. This policy area essentially seeks to focus these activities into an area to create an activity hub for the local community. 5. In light of the above, it is considered that the proposed Master-planned Suburban Neighbourhood Zone would be a more appropriate zone for the Gawler East Residential Zone which was rezoned as part of the Ministerial Gawler East DPA in 2010. <ol style="list-style-type: none"> a. This Zone is proposed for portions of Mount Barker, Playford (including Playford Alive, Buckland Park, Virginia Grove and Blakes Crossing), Port Adelaide Enfield

	<p>(Lightsview) which are subject to the same sort of envisaged growth and development.</p> <ul style="list-style-type: none"> b. The anticipated diversity of housing choice, envisaged activity centres and coordinated development of land under fragmented ownership within a greenfield development context envisaged by this Zone more appropriately aligns with the current intent of this Policy Area. c. In order for this Zone to achieve the best outcome for this recently rezoned land, the Gawler East Structure Plan (consolidated into the Development Plan in 2019) would need to be incorporated into the Code so that it can be referenced by Performance Outcome 14.1 of the Suburban Master Planned Neighbourhood Zone to guide development. <p>6. Recommend removal of Minimum Allotment Size TNV due to the topography of the land within this Zone.</p>
<p>Residential (Hills) Zone (Current) to General Neighbourhood Zone (Proposed)</p>	<ul style="list-style-type: none"> 1. Seek to include policy which seeks for creek environments which are to be vested to Council to be restored to an appropriate natural state. 2. Apply the Sloping Land Overlay across the entire area currently identified as the Residential (Hills) Zone within the Gawler Development Plan. This is in order to promote better design outcomes and encourage development to work with the lay of the land as well as to discourage medium density residential development. 3. It is considered that the proposed Greenfields Suburban Neighbourhood Zone would be a more appropriate zone for the Residential (Hills) Zone which was rezoned as part of the Ministerial Gawler East DPA in 2010. <ul style="list-style-type: none"> a. This Zone is proposed for areas similar to the Master-Planned Suburban Neighbourhood Zone, except that an Activity Centre is not specifically envisaged. b. The anticipated diversity of housing choice, envisaged activity centres and coordinated development of land under fragmented ownership within a greenfield development context envisaged by this Zone more appropriately aligns with the current intent of this Policy Area. c. In order for this Zone to achieve the best outcome for this recently rezoned land, it is recommended that Performance Outcome 14.1 of the Suburban Master-Planned

	<p>Neighbourhood Zone be included in the Greenfields Neighbourhood Zone to guide development.</p> <ol style="list-style-type: none"> 4. Additionally, it is recommended the Gawler East Structure Plan (consolidated into the Development Plan in 2019) should be incorporated into the Code. 5. Recommend removal of Minimum Allotment Size TNV due to the topography of the land within this Zone.
<p>Residential (Conservation) Zone (RH(C)Z) Zone (Current) to Suburban Neighbourhood Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. When a Technical or Numeric Variation applies which limits a building height to 2 storeys or 9 metres, clarification as to whether height or number of storeys has priority. 2. Review of public notification requirements for development on a Zone boundary i.e. can capture dwellings in residential zone on a zone boundary. 3. Current policy seeks to restrict development along high-cart lanes. This is not identified via that proposed Policy. 4. Currently Table Ga/3 provided pictorial representation for infill development within Heritage Areas which demonstrates more clearly the Performance Outcomes. 5. Verandah and outbuilding (not used as a garage) should be included in Performance Assessed table. Currently if a verandah or outbuilding is not Accepted or Deemed-To-Satisfy, it will fall into the category of 'all other code assessed development' and will require public notification. <p><u>Identified Errors</u></p> <ul style="list-style-type: none"> • Note typo in Notification Table – references “all other code assessed development in Suburban Neighbourhood (Low Density) Zone” – references the wrong zone.
<p>Residential (Conservation) Gawler East Residential Historic (Conservation) Policy Area (Current) to Suburban Neighbourhood Zone (Proposed)</p>	<p>Feedback below is in addition to specific comments provided to DPTI regarding draft Historic Area Statement.</p> <ol style="list-style-type: none"> 1. There is a Minimum Allotment Size TNV for areas of Gawler East RHC Policy Area south of Lyndoch Road. Currently under Development Plan Policy, this numerical restriction only applies north of Lyndoch Road. 2. Current Policy Area PDC 3 seeks to restrict any land division (creation of new allotments or substantial boundary realignments). This restriction has not carried over in the current Policy, and there is limited scope to restrict this as part of the Historic Area Statement. It is noted that currently there is a

		<p>750sqm allotment minimum proposed via a TNV, which perhaps is intended to cover this concern.</p> <p>3. There are fairly specific PDC's regarding infill development north of Lyndoch Road. This will not necessarily carry over.</p>
<p>Residential (Conservation) Gawler South Residential Historic (Conservation) Policy Area (Current) to Suburban Neighbourhood Zone (Proposed)</p>	<p>Historic Residential Historic (Conservation) Policy Area (Current) to Suburban Neighbourhood Zone (Proposed)</p>	<p>Feedback below is in addition to specific comments provided to DPTI regarding draft Historic Area Statement.</p> <ol style="list-style-type: none"> 1. Policy Area Desired Character Statement identifies area in the Gawler Railway Precinct for a wide range of services. This precinct is not identified via Zone, Overlay, or Historic Area Statement. 2. Current policy seeks to restrict development along high-cart lanes. This is not identified via that proposed Policy. 3. 2 storey TNV should only apply in Railway Station Precinct, the rest should be single storey as per current policy.
<p>Residential (Conservation) Light Residential Historic (Conservation) Policy Area (Current) to Suburban Neighbourhood Zone (Proposed)</p>	<p>Historic Residential Historic (Conservation) Policy Area (Current) to Suburban Neighbourhood Zone (Proposed)</p>	<p>Feedback below is in addition to specific comments provided to DPTI regarding draft Historic Area Statement.</p> <ol style="list-style-type: none"> 1. Current Policy Area has distinction between Light Policy Area and Church Hill State Heritage Area, this will occur via overlay, therefore these Overlay provisions will need to be strong enough to protect existing heritage characteristics. 2. Reference to complementary roof pitch, materials, finishes etc required
<p>Residential (Conservation) Willaston Historic Residential Historic (Conservation) Policy Area (Current) to Suburban Neighbourhood Zone (Proposed)</p>	<p>Historic Residential Historic (Conservation) Policy Area (Current) to Suburban Neighbourhood Zone (Proposed)</p>	<p>Feedback below is in addition to specific comments provided to DPTI regarding draft Historic Area Statement.</p> <ol style="list-style-type: none"> 1. Limited Land Division Overlay or Minimum Allotment Size TNV could apply to reflect current policy that no division of allotments (creation of new allotments or substantial realignment) should occur. 2. TNV could limit building height to one storey (currently 2 storeys TNV proposed) as per currently policy.
<p>Residential (Conservation) Willaston (Redbanks Road) Residential Historic (Conservation) Policy Area (Current) to</p>	<p>Historic Residential Historic (Conservation) Policy Area (Current) to</p>	<p>Feedback below is in addition to specific comments provided to DPTI regarding draft Historic Area Statement.</p> <ol style="list-style-type: none"> 1. Limited Land Division Overlay or Minimum Allotment Size TNV could apply to reflect current

<p>Suburban Neighbourhood Zone (Proposed)</p>	<p>policy that no division of allotments (creation of new allotments or substantial realignment) should occur</p> <ol style="list-style-type: none"> 2. TNV could limit building height to one storey (currently 2 storeys TNV proposed) as per currently policy.
<p>Residential Park Zone (Current) to Caravan and Tourist Park Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. Proposed Caravan and Tourist Park Zone is not a like for like transition for Hillier Park. Currently, 'transportable dwellings' within Hillier Park are Merit applications and are categorised as Category 1 for public notification purposes (i.e. no public notification). Under the proposed Caravan and Tourist Park Zone, these applications would be Performance Assessed and require Public Notification. They would not be envisaged forms of development as they would not be used for tourist accommodation. Under a Residential Park Zone within the Code, these applications would be Performance Assessed, no public notification required. They would also be an envisaged use in the Zone. Recommend transition to Residential Park Zone. 2. Transition of Gawler Gateway Tourist Park and Gawler Caravan Park to Caravan and Tourist Park Zone is acceptable.
<p>Rural Zone (Current) to Rural Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. Remove the limited Land Division overlay, currently all land division is proposed to be 'Restricted Development' due to this overlay. This is not a like for like transition – Include relevant frontage and average depth requirements for sub division. 2. Define current Affected Area through inclusion of 0.9ha Minimum Allotment Size Technical and Numerical Variation – Include relevant frontage and average depth requirements for sub division. 3. Include number of animals per hectare Deemed-To-Satisfy provision for horse keeping, currently no reference to the number of animals permitted. 4. It is not considered appropriate that detached dwellings should require public notification simply because they are located in the Rural Zone 5. Deemed-To-Satisfy Development Classification Criteria should require assessment against the Strategic Infrastructure Gas Pipelines Overlay where it spatially applies, particularly for kinds of development that are intended to be restricted within this Overlay 6. Include policy which provides appropriate guidance in terms of frontage minimums. The Gawler Development Plan seeks for frontages to be not less than 33 1/3 percent of the average depth of an allotment, this approach should be considered.

	<p>7. Practice Direction concerning the concept of 'Value-Adding' should be developed by DPTI for additional clarification around this matter.</p>
<p>Rural Living Zone (Current) to Rural Living Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. Policy which supports the development of ancillary and non-residential land uses is of concern. This is because it is considerably at variance with the Rural Living zones current provisions under the Development Plan which deems offices and shops as non-complying. Although it is appreciated the extent of policy which has been included to ensure non-residential development remains small scale, with shops over 200m² in fact being restricted form development. Rural Living Zones should seek to primarily accommodate residential development on large allotments in association with smaller scale agricultural activities. 2. Include policy which provides appropriate guidance in terms of frontage minimums. The Gawler Development Plan seeks for frontages to be not less than 33 1/3 percent of the average depth of an allotment, this approach should be considered.
<p>Special Uses Zone (Current) to Community Facilities Zone (Proposed)</p>	<ol style="list-style-type: none"> 1. Apply the Open Space Zone along the riverine corridor as well as Clonlea Park. Furthermore, Apply the Recreation Zone across the recreation precinct which includes the Gawler Oval through to the Gawler Aquatic Centre. Under the Development Plan the area in question is under a single (special use) zone however is divided by the conservation policy area. The areas in question directly abut what is proposed to be an Open Space Zone and provides as per the Desired Outcome of the Open Space Zone 'Areas of natural and landscaped open space that provide visual relief to the built environment for the enjoyment of the community". The Open Space Zone, zone provisions may also assist in negating inappropriate development in this area. 2. Remove consulting room as an envisaged use for the Zone. This is currently non-complying within the Special Use Zone in the Gawler Development Plan. Although it is appreciated that health care facilities may morally align with a community facilities Zone it may in fact be contrary to the zones desires and objectives. 3. Seek to include adverse land uses to the list of Restricted Development. At present the Desired Outcome seeks for the zone to be predominantly used for community use, however policy could be strengthened to better safeguard this desire

	<p>particularly as the restricted list is essentially non-existent.</p> <p>4. Include policy which seeks to promote inclusion of greenspaces and appropriate landscaping to complement community facilities.</p>
<p>Special Uses Zone – Special Uses Zone Historic (Conservation) Policy Area (Current) to Open Space Zone (Proposed)</p>	<p>Feedback below is in addition to specific comments provided to DPTI regarding draft Historic Area Statement.</p> <ol style="list-style-type: none"> 1. Localised policy needs to be transferred across into the Code. Although the Historic Areas Overlay and the Local Heritage Overlay apply across this zone detail which currently exists within the Development Plan is lacking. 2. Contributory Items do not exist in the Code however in the Gawler Development they are specifically listed and afforded protection from demolition. They should also be recognised in the Code and afforded greater protection from demolition.
<p>Mixed Use Historic (Conservation) Zone (Current) to Township Main Street Zone (Proposed)</p> <p>&</p> <p>Town Centre Historic (Conservation) Zone (Current) to Township Main Street Zone (Proposed)</p>	<p>Feedback below is in addition to specific comments provided to DPTI regarding draft Historic Area Statement.</p> <ol style="list-style-type: none"> 1. Potentially seek to include a Technical and Numeric Variation to limit building heights to 2 storeys or 9 metres to further align with existing policy. 2. Removal of Land Division from Deemed-To-Satisfy table 3. Concern that advertising attached to a building can be Deemed-To-Satisfy. This should not apply in a Historic Areas Overlay or Local Heritage Place Overlay. 4. Consideration must be given to how the Car Parking Fund will be implemented under the Code. There is no mention of where it applies and how it is considered as part of a Code-based assessment. 5. Clarification as to whether all development within this Zone will require public notification if there is no TNV for building heights that applies (i.e. Zone DTS 3.1 cannot be satisfied). 6. Location of Native Vegetation overlay to be re-considered to apply in areas where native vegetation is likely to be located. 7. Public notification should be required for all forms of industry, not just light industry. 8. Health Facility is listed as an envisaged use in DTS/DPF 1.1 however there is no land use definition in Part 7 for Health Facility. 9. Whilst both the Town Centre Light Policy Area and the Town Centre Gawler South Policy Area are

	<p>currently both within the Town Centre Zone, the current objectives within the Zone identify the Town Centre Gawler South Policy Area as being of a scale and intensity which is secondary to and complements the Town Centre Light Policy Area due to its proximity to residential zones. Additionally, the Mixed Use Zone is currently identified as being of subordinate to the Town Centre, and of smaller scale. This localised policy is lost with all three proposed to transition to Township Main Street Zone. There is concern that the scale and intensity of development can now be consistently be applied across both Policy Areas.</p>
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Overlays

Overlay	Feedback/Comments
Advertising Near Signalised Intersections Overlay	<ul style="list-style-type: none"> No comment, appears to capture the current intent of Schedule 8, Clause 2(4), Development Regulations 2008
Airport Building Height (Aircraft Landing Areas) Overlay	<ul style="list-style-type: none"> Recommend this overlay be applied to areas surrounding Gawler Hospital Helipad (as per current Development Plan provisions) and the Adelaide Soaring Club.
Airport Building Heights (Regulated) Overlay	<ul style="list-style-type: none"> Recommend this overlay be applied to areas surrounding Gawler Hospital Helipad (as per current Development Plan provisions) and the Adelaide Soaring Club.
Affordable Housing Overlay	<ul style="list-style-type: none"> Recommend this overlay be applied in Gawler, spatial application to be determined via further investigation. It is recommended that a list of example housing types be described and that potential opportunities not be prevented through non identification. It should also be noted that whilst there are similarities between micro-housing and caravan parks, there are sufficient differences in standards and purpose that would need to be catered for. There may even be a need to create a specific overlay to provide opportunities and guidance for micro-housing.
Defence Aviation Area Overlay	<ul style="list-style-type: none"> The DTS criteria refer to a Defence Aviation Area Technical and Numeric Variations Overlay however the Planning Atlas only refers to it as the "Defence Aviation Area Overlay", this should be consistent to avoid any confusion. Request that mapping of the 'centre line of the runway' be provided to determine the setback distances required.
Future Road Widening Overlay	<ul style="list-style-type: none"> No comment, appears to capture the current intent of Schedule 8, Clause 3(3)(d), Development Regulations 2008
Hazards (Bushfire – General Risk) Overlay	<ul style="list-style-type: none"> There are no Deemed-To-Satisfy criteria or performance assessed principles that seek for a rainwater tank for dedicated firefighting purposes. This should be considered, with a minimum acceptable tank size recommended.

	<ul style="list-style-type: none"> • There is no definition in Part 7 of the Code for dormitory style accommodation, this must be defined to avoid any confusion • Consideration should be given to undertaking updated mapping in light of recent developments that have occurred, and whether this would impact on the spatial application of these Hazard levels. • It is suggested that there be a general principle for land divisions, tourism developments and critical (vulnerable) infrastructure to be located on cleared land and in cleared areas. • It is recommended that clause (b) is strengthened to read: Development including land divisions, tourist accommodation and critical vulnerable infrastructure is not built on, or encroaches within, an area that will require significant native vegetation clearance. • Vehicle access and Roads – Strengthen policy by including the following, “avoid significant impacts on native vegetation and the unnecessary clearance of native vegetation”. • PO 5.3 Re: Bushfire Buffer Zone around a land division to isolate residential allotments from areas that pose an unacceptable bushfire risk. Figure 1 is unclear when considered in the context of many, potentially most land divisions near native vegetation. The diagram is more closely aligned to an Asset Protection Zone of up to 100 metres for multiple dwellings, including a roadway. Bushfire Buffer zones typically extend from beyond an asset protection zone and can be up to 1000 metres wide. There is an ideal opportunity for the diagram to show the following potential zones in the diagram. <ul style="list-style-type: none"> a. DEFENDABLE SPACE 0 to 20 metres surrounding a residential dwelling or 10 metres surrounding a council approved shed or outbuilding where vegetation is managed to low fuel levels. b. ASSET PROTECTION ZONE 0 to 100 metres (50 metres is required by the Design Code) surrounding a group or line of residential dwellings, occupied commercial/industrial sites, critical infrastructure or tourism where vegetation is managed to low fuel levels (can sit over the top of the defendable space).
<p>Hazards (Bushfire – Medium Risk) Overlay</p>	<ul style="list-style-type: none"> • There are no Deemed-To-Satisfy criteria or performance assessed principles that seek for a rainwater tank for dedicated firefighting purposes. This should be considered, with a minimum acceptable tank size recommended.

	<ul style="list-style-type: none">• Consideration should be given to undertaking updated mapping in light of recent developments that have occurred, and whether this would impact on the spatial application of these Hazard levels.• It is suggested that there be a general principle for land divisions, tourism developments and critical (vulnerable) infrastructure to be located on cleared land and in cleared areas.• It is recommended that clause (b) is strengthened to read: Development including land divisions, tourist accommodation and critical vulnerable infrastructure is not built on, or encroaches within, an area that will require significant native vegetation clearance.• Vehicle access and Roads – Strengthen policy by including the following, “avoid significant impacts on native vegetation and the unnecessary clearance of native vegetation”.• PO 4.3 Re: Bushfire Buffer Zone around a land division to isolate residential allotments from areas that pose an unacceptable bushfire risk. Figure 1 is unclear when considered in the context of many, potentially most land divisions near native vegetation. The diagram is more closely aligned to an Asset Protection Zone of up to 100 metres for multiple dwellings, including a roadway. Bushfire Buffer zones typically extend from beyond an asset protection zone and can be up to 1000 metres wide. There is an ideal opportunity for the diagram to show the following potential zones in the diagram.<ol style="list-style-type: none">a. DEFENDABLE SPACE 0 to 20 metres surrounding a residential dwelling or 10 metres surrounding a council approved shed or outbuilding where vegetation is managed to low fuel levels.b. ASSET PROTECTION ZONE 0 to 100 metres (50 metres is required by the Design Code) surrounding a group or line of residential dwellings, occupied commercial/industrial sites, critical infrastructure or tourism where vegetation is managed to low fuel levels (can sit over the top of the defendable space).c. BUSHFIRE BUFFER ZONE 100 to 1000 metres as required, strategically located to reduce risks to group or line of residential dwellings, occupied commercial/industrial sites, critical infrastructure. Please note that Bushfire Buffer Zones usually extending from an asset protection zone when needed to increase protection for built assets, but can be detached from an asset protection
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	<p>zone in some circumstances, typically when placed to protect environmental assets.</p>
<p>Hazards (Bushfire – High Risk) Overlay</p>	<ul style="list-style-type: none"> • There are no Deemed-To-Satisfy criteria or performance assessed principles that seek for a rainwater tank for dedicated firefighting purposes. This should be considered, with a minimum acceptable tank size recommended. • Consideration should be given to undertaking updated mapping in light of recent developments that have occurred, and whether this would impact on the spatial application of these Hazard levels. • It is suggested that there be a general principle for land divisions, tourism developments and critical (vulnerable) infrastructure to be located on cleared land and in cleared areas. • It is recommended that clause (b) is strengthened to read: Development including land divisions, tourist accommodation and critical vulnerable infrastructure is not built on, or encroaches within, an area that will require significant native vegetation clearance. • Vehicle access and Roads – Strengthen policy by including the following, “avoid significant impacts on native vegetation and the unnecessary clearance of native vegetation”. • Definition to be included for ‘Unacceptable Risk’ • PO 4.2 Re: Bushfire Buffer Zone around a land division to isolate residential allotments from areas that pose an unacceptable bushfire risk. Figure 1 is unclear when considered in the context of many, potentially most land divisions near native vegetation. The diagram is more closely aligned to an Asset Protection Zone of up to 100 metres for multiple dwellings, including a roadway. Bushfire Buffer zones typically extend from beyond an asset protection zone and can be up to 1000 metres wide. There is an ideal opportunity for the diagram to show the following potential zones in the diagram. <ul style="list-style-type: none"> a. DEFENDABLE SPACE 0 to 20 metres surrounding a residential dwelling or 10 metres surrounding a council approved shed or outbuilding where vegetation is managed to low fuel levels. b. ASSET PROTECTION ZONE 0 to 100 metres (50 metres is required by the Design Code) surrounding a group or line of residential dwellings, occupied commercial/industrial sites, critical infrastructure or tourism where vegetation is managed to low fuel levels (can sit over the top of the defendable space).

	<p>c. BUSHFIRE BUFFER ZONE 100 to 1000 metres as required, strategically located to reduce risks to group or line of residential dwellings, occupied commercial/industrial sites, critical infrastructure. Please note that Bushfire Buffer Zones usually extending from an asset protection zone when needed to increase protection for built assets, but can be detached from an asset protection zone in some circumstances, typically when placed to protect environmental assets.</p>
<p>Hazards (Bushfire –Urban Interface) Overlay</p>	<ul style="list-style-type: none"> • There are no Deemed-To-Satisfy criteria or performance assessed principles that seek for a rainwater tank for dedicated firefighting purposes. This should be considered, with a minimum acceptable tank size recommended. • Refer to comments for the Hazards – General Risk Overlay.
<p>Hazards (Flooding) Overlay</p>	<ul style="list-style-type: none"> • It is important to note that Council has commissioned more up-to-date flood mapping than what currently exists in the Development Plan, furthermore this mapping is not just limited to the Gawler Rivers Flood Plain, but also to localised flooding. It is considered irresponsible to include out-dated flood mapping in the new Code when new, more up-to-date mapping is available. • Land Division – new allotments created only where the flood depth would not exceed 0.3m above natural ground level and flood velocity would not exceed mm/s during a 1% AEP flood event – this detail is currently included in the Development Plan Flood Mapping with the differentiation of high, medium and low flood Hazards. Areas within the Low Risk zone would be captured by this provision. The removal of these levels makes it impossible to determine whether this Deemed-To-Satisfy criteria can be met. • The loss of existing generalised provisions relating to flooding, and the relevant authority being restricted to assessment against outdated flood mapping is likely to create additional risk for land owners and occupiers who develop within areas that are subject to flooding but not identified within the Code. Consideration needs to be given to liability of Relevant Authorities who are restricted to assessment against only those provisions listed within relevant Code tables.

<p>Historic Area Overlay</p>	<p>Feedback below is in addition to specific and separate comments provided to DPTI regarding draft Historic Area Statements.</p> <ul style="list-style-type: none"> • There are several references to the ‘historic area’ which are underlined, is this a reference to Historic Area Statements? This requires clarification. • The draft Practice Guideline states that not all Performance Outcomes are mandatory in the assessment of a proposal for demolition within this Overlay. This is of concern regarding the protection of non-listed items of heritage significance (Contributory Items). • Recommended that Contributory Items are transitioned to the Planning and Design Code. • Concern regarding the concentration on the front elevation of the building and building façade in PO6.1. The proposed demolition controls should be strengthened to include an assessment of the overall quality of the building and not just the façade. • Include illustrations to support policy and definitions to provide greater guidance to planners. • Additional feedback regarding this overlay has been provided by Council’s heritage advisor and is attached as comments and recommended amendments in track changes to the Historic Area Overlay. These are attached to this submission in Annexure A.
<p>Key Railway Crossings Overlay</p>	<ul style="list-style-type: none"> • Speeds of roads should be mapped to ensure the appropriate setback from the crossing is captured.
<p>Limited Land Division Overlay</p>	<ul style="list-style-type: none"> • TNVs should be applied to allow land division into minimum allotment sizes of 4 hectares in the Rural Zone, or 0.9 hectare in the “Affected Area” under the current Development Plan to enable like for like transition.
<p>Local Heritage Place Overlay</p>	<ul style="list-style-type: none"> • Whilst it may be appropriate that the Overlay should apply to adjoining allotments to ensure development in proximity to the LHP is captured, there needs to be some clarity/ consistencies as to how this is spatially applied. • Need to define the qualifications of a ‘suitably qualified heritage expert’. • Include illustrations to support policy and definitions to provide greater guidance to planners. • Additional feedback regarding this overlay has been provided by Council’s heritage advisor and is attached as comments and recommended amendments in track changes to the Historic Area

	<p>Overlay. These are attached to this submission in Annexure A.</p>
<p>Major Urban Transport Routes Overlay</p>	<ul style="list-style-type: none"> Given many of the Deemed-To-Satisfy criteria relate to the speed of the road (i.e. to determine spacing for crossovers etc.) the online Planning Atlas should be updated to identify the speed limits for DPTI controlled roads.
<p>Native Vegetation Overlay</p>	<ul style="list-style-type: none"> Concern regarding the spatial application of the Native Vegetation Overlay as it captures built up residential areas and existing town centre areas. This will restrict a lot of development from being Deemed-To-Satisfy where it is very unlikely that there are areas of remnant Native Vegetation. Conflict still exists between the Regulated Trees Overlay and the Native Vegetation Overlay. Clarification required as to when each overlay would prevail over the other. This referral is not listed within Schedule 9 of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i>, therefore it is unclear what the timeframe for this referral would be. Additionally, it is unclear where the power for this referral comes from, as it is understood that the Regulations allow for the referral, with the specific application of this referral directed by the Code. There should be a more stringent requirement to locate land divisions, tourism facilities occupied developments and critical vulnerable infrastructure on land that is substantially already cleared. The bushfire measures including the 20 metre defendable space, potential need for an asset protection zone and bushfire buffer zone to be incorporated into the assessment.
<p>Noise and Air Emissions Overlay</p>	<ul style="list-style-type: none"> No comment, like for like transition.
<p>Non-stop Corridors Overlay</p>	<ul style="list-style-type: none"> No comment, new provisions seem to capture the same intent as Schedule 8, Clause 3(2), (3) and (4) of the Development Regulations 2008.
<p>Prescribed Water Resource Areas Overlay</p>	<ul style="list-style-type: none"> No comment, new provisions seem to capture same intent as Schedule 8, Clause 3(12A) <i>Development Regulations 2008</i>.
<p>Prescribed Watercourses Overlay</p>	<ul style="list-style-type: none"> Create a new Overlay: River and Stream Overlay, to guide new infrastructure to incorporate Water Sensitive Urban design, settlement and bio filtration infrastructure before urban stormwater enters streams and rivers.

Prescribed Wells Area Overlay	<ul style="list-style-type: none"> No comment, new provisions seem to capture same intent as Schedule 8, Clause 3(12A) <i>Development Regulations 2008</i>.
Regulated Tree Overlay	<ul style="list-style-type: none"> Of concern is that within the <i>Planning, Development and Infrastructure Act 2016</i> where the kind of trees that are Regulated or Significant is declared, the definition appears to have changed. The PDI Regulations declare Regulated Trees with trunk circumference or 2m or more and 3 metres or more measured at 1m above natural ground to be Significant. Currently, trees with circumference 2m or more are declared Regulated, while 3m or more are declared Significant. It is assumed that this is an error and it is recommended that it is rectified. See Regulation 3F(1), 'significant tree' should be replaced with 'regulated tree'. Recommend that 'all reasonable development options and design solutions' should be considered for Regulated as well as Significant trees. A definition or practice direction should be developed to determine what constitutes a 'substantial building of value' Clarification as to why the following provisions have been removed: <ul style="list-style-type: none"> Whether the tree is indigenous to the locality Whether the tree provides an important habitat for native fauna In the case of Significant trees: <ul style="list-style-type: none"> Whether the tree is part of a wildlife corridor or a remnant area of native vegetation Whether the tree is important to the maintenance of biodiversity in the local environment. Incorporate the climate adaptation role of trees in the DO, namely through cooling microclimates through evapotranspiration and shade. This would be an important step towards future sustainability and resilience in a changing climate.
Sloping Land Overlay	<ul style="list-style-type: none"> Current provisions within the Gawler Development Plan seek for development to avoid the siting of development in watercourses, and that development on steep sites in un-sewered areas not occur unless the physical characteristics of the allotment enable proper siting and operation of an effluent drainage system suitable for the development intended. These provisions or similar should transition into the Code. Seek to include additional policy to provide greater guidance in relation to minimising the extent of cut

	<p>and fill as well as encourage land owners to work with the lay of the land.</p> <ul style="list-style-type: none"> • Apply the Sloping Land Overlay across the Gawler East Development area currently identified as the Residential Hills Zone and Residential Gawler East Zone within the Gawler Development Plan. This is in order to promote better design outcomes and encourage development to work with the lay of the land as well as to discourage medium density residential development.
<p>State Heritage Area Overlay</p>	<ul style="list-style-type: none"> • Whilst it may be appropriate that the Overlay should apply to adjoining allotments to ensure development in proximity to the State Heritage Area, there needs to be some clarity/ consistency as to how this is spatially applied. • Where a Draft Practice Direction has been developed to assist with the interpretation of the Local Heritage Places, Overlay Historic Area Overlay and Character Area Overlay, no such Practice Direction has been drafted for the State Heritage Area or State Heritage Places Overlay. This should be investigated. • Include illustrations to support policy and definitions to provide greater guidance to planners. • Additional feedback regarding this overlay has been provided by Council's heritage advisor and is attached as comments and recommended amendments in track changes to the Historic Area Overlay. These are attached to this submission in Annexure A.
<p>State Heritage Place Overlay</p>	<ul style="list-style-type: none"> • Whilst it may be appropriate that the Overlay should apply to adjoining allotments to ensure development in proximity to a State Heritage Place is captured, there needs to be some clarity/ consistencies as to how this is spatially applied. • Where a Draft Practice Direction has been developed to assist with the interpretation of the Local Heritage Places, Overlay Historic Area Overlay and Character Area Overlay, no such Practice Direction has been drafted for the State Heritage Area or State Heritage Places Overlay. This should be investigated. • Include illustrations to support policy and definitions to provide greater guidance to planners. • Additional feedback regarding this overlay has been provided by Council's heritage advisor and is attached as comments and recommended amendments in track changes to the Historic Area Overlay. These are attached to this submission in Annexure A.

<p>Strategic Infrastructure Gas Pipeline Overlay</p>	<ul style="list-style-type: none"> • Introduce the following policy into the Strategic Infrastructure Gas Pipelines Overlay “Development in proximity to the high pressure gas transmission pipeline must have regard to the obligations of the pipeline operator in accordance with Australian Standard AS 2885 for a safe environment and should be consistent with a relevant Safety Management Study”. • Seek to introduce referrals to the Department for Energy and Mining for any application which seek the division of land or proposes any of the following land uses: <ul style="list-style-type: none"> ○ educational establishment; ○ emergency services facility; ○ hospital; ○ industry; ○ pre-school; ○ retirement facility; or ○ supported accommodation
<p>Traffic Generating Development Overlay</p>	<ul style="list-style-type: none"> • No comment
<p>Urban Transport Routes Overlay</p>	<ul style="list-style-type: none"> • Given many of the Deemed-To-Satisfy criteria relate to the speed of the road (i.e. to determine spacing for crossovers etc.) the online Planning Atlas should be updated to identify the speed limits for DPTI controlled roads.
<p>Water Resources Overlay</p>	<ul style="list-style-type: none"> • Seek to include policy within the Overlay which promotes the retention of onsite stormwater to reduce negative effects on biodiversity, erosion and issues for downstream properties.

General Development Policies

General Development Policies	Feedback/Comments
<p>Advertisements</p>	<ul style="list-style-type: none"> • Include policy for heritage items or zones which provides greater guidance in relation to: <ul style="list-style-type: none"> ○ Concealment of detail, including architectural elements ○ Scale/ compatibility ○ Form ○ Colour ○ Potential for building damage ○ Consistency with Historic Area Statements • Include illustrations to support policy and definitions to provide greater guidance to planners. • Clear definitions for Advertising and Advertising Displays should be inserted into the Code, with supporting illustrations e.g. pylon, free standing, roof etc.
<p>Animal Keeping and Horse Keeping</p>	<ul style="list-style-type: none"> • Include Deemed-To-Satisfy Criteria for animal keeping to provide clear guidance in relation to ideal animals per hectare densities.
<p>Beverage Production in Rural Areas</p>	<ul style="list-style-type: none"> • Include policy which mitigates likely amenity impacts of visitors/customers at such facilities e.g. car parking and waste production etc. • Include definition for Cellar Door within the Planning and Design Code.
<p>Bulk Handling and Storage Facilities</p>	<ul style="list-style-type: none"> • The desired outcome for Bulk Handling and Storage Facilities should become a definition within the code to limit future misinterpretation. • Minimum separation distances should be provided for all Bulk handling facilities to residential areas/uses. • Visual impacts should be minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built form) taking into account the form of development contemplated in the relevant zone.
<p>Clearance from Overhead Powerlines</p>	<ul style="list-style-type: none"> • Clearance distances to powerlines should be included within the Design Code or a reference to the Minimum Safety Clearances (or where to obtain distances). • Setback distances to underground powerlines should also be inserted into the Code. • Planting of vegetation especially trees as per DTS requirements for dwellings should include setback distances to powerlines.

	<ul style="list-style-type: none"> • The Office for the Technical Regulator specifies maximum tree heights and species guide near power lines. This information should be inserted into the Code.
<p>Design in Urban Areas</p>	<ul style="list-style-type: none"> • PO 1.3 should be amended to seek that any building adjoining a public road or space should be designed so the main façade faces the primary street frontage. • PO 2.4 should include development with direct frontage or immediately adjoining public space should be designed to maximise opportunities for passive surveillance. Not only at ground level. • PO 3.1 should incorporate consideration of vertical and horizontal landscaping at an appropriate scale and size to proposed development. • Consideration of landscaping and its appropriateness in relation to its proximity to building footings should be considered. • PO 4.3 – green walls and roofs should be amended to specify landscaped roofs or walls. Could be interpreted as green in colour. • PO 7.1 (Earthworks) should consider earthworks on adjoining land. • PO 8.1 should include a measurable period where sunlight is available. The current Statement is too broad • PO 8.2 Landscaping should be included at a height to adequately screen/minimise/improve the appearance of retaining walls • PO 8.3 should be amended to read 500mm wide not deep. Deep could be interpreted as 500mm penetration into soil. Again appropriateness of landscaping near building footing needs to be considered. • PO 9.4 large blank walls should include visually interesting walls not only from a public realm perspective but areas where they are visible from neighbouring main/primary areas of Private Open Space • PO 16.3 should specify a minimum height above the flood height. • PO17.1 should read, unless adequate provision for the management of stormwater have been provided i.e. rear allotment drainage. • DTS/DPF 22.1 Retention Rainwater tanks - Providing guidelines for rainwater tanks sizing and by standardising it is a great initiative. <ul style="list-style-type: none"> ○ Hammerhead dwellings – the intention of increasing the retention rainwater tank to account for the additional runoff from impervious driveway is a good suggestion, but it is impractical because an above ground rainwater

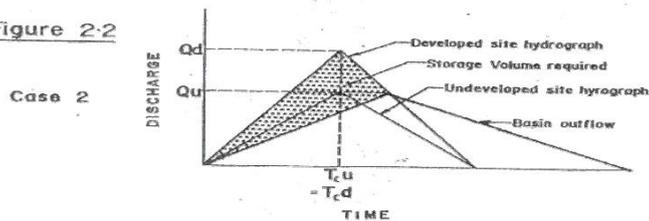
	<p>tank can only collect the roof run-off as per the requirements 1. Connect to at least 60% of the dwelling which would be exactly the same volume of runoff for the same roof size irrespective of the allotment layout. It is suggested to only have one table for both scenarios.</p> <ul style="list-style-type: none">• DTS/DPF 22.2 - 5-19 dwellings require a stormwater management system with water quality standards. The performance outcome states; the removal of litter, and other contaminants to the stormwater system, which triggers the litter/gross pollutant and oil/grease requirements. Bullet points (d) and (e) as per DTS/DPF41.1p2252 should be added.<ul style="list-style-type: none">○ (d) 90 per cent reduction of litter/gross pollutants compared to untreated stormwater runoff; and○ (e) no visible oils/grease for flows up to the 1 in 3 months' average return interval flood peak flow. <p>This requirement will require a MUSIC model to demonstrate the water quality achievements.</p> <p>In this size of subdivision it is almost not achievable to create the entire "treatment train" within the development. For example:</p> <ol style="list-style-type: none">a. At the lowest drainage point, a Gross Pollutant Trap (GPT) is required to satisfy the 90% reduction in litter/gross pollutant. A GPT does remove a portion of the total suspended solids, a portion of phosphorous and oil/grease flows, but removes limited nitrogen.b. In order to remove nitrogen, you normally require a natural treatment source such as a swale or wetland. A small wetland system, is not efficient, or maintainable. This normally connects directly into the existing council infrastructure, which discharges into open space areas, where nitrogen can be treated.
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ECOSOL GPT CAPTURE EFFICIENCY PERFORMANCE SUMMARY

Pollutants	Capture Efficiency	Details
Gross Pollutants (GP)	98%	Particulate >2000 micron
Total Suspended Solids (TSS)	61%	Particulate 20-2000 micron (mean averages)
Total Phosphorous (TP)	29%	Particulate and dissolved mean average efficiency less standard deviation
Total Nitrogen (TN)	1%	Particulate and dissolved mean average efficiency less standard deviation
Total Petroleum/Hydrocarbon (TPH)	99%	In dry weather emergency oil spill solutions
	23%	In a high flow event

- DTS22.3 Stormwater run-off for development creating 5-19 dwellings, p 2243
- Concern A:
 - The statement is too general, and can't be applied to all residential developments of a size between 5-19 dwellings.
 - The values specified under (i.) is based on the rational method of determining site run-off. This method is dependent on the area size, slope, type of vegetation, and rainfall intensity-frequency. General values cannot be used because it is site specific. Additional runoff coefficients should be provided for pavements, roofs, gardens etc. See: *Infrastructure Guidelines SA, standards and requirements for the Design and Construction of Infrastructure Assessment in South Australia.*
 - The figure below refers to the method suggested under this DTS.

Figure 2-2



- $Q_u = CIA$, (un-develop) where $C=0.35$, I is a value based on, (18.1%AEP and 30min), A = area of development,
- $Q_d = CIA$, where C - proportional factor between type C and area. I is the same value, and A =area of development.
- Therefore only the C factor varies between Q_d and Q_u .
- Concern B:
 - The statement does not allow the option to consult the council engineering department on the preferred solution for the development

which complies with the overall stormwater master plan of the area (if one exists).

- Concern C:
 - Currently the standard guideline in the Town of Gawler's Standards and Requirements for land development/land divisions requires the proposal to detain storms up to and including a 1% AEP (1-100yr) event within the boundaries of the site, without causing inundation of dwellings and surrounding properties. Applying Town of Gawler's guidelines of post development of 1% AEP retained to an 18.1% AEP, 5min, the storage volume required is almost 3 times more than applying the methodology under the DTS provision.

Table 9 - Coefficients of Runoff

Catchment Type	Coefficient of Runoff
<i>Predevelopment conditions</i>	0.1-0.5 (0.25)
<i>Low density residential areas - lot areas >2000 m² to 4000 m²</i>	0.2-0.5 (0.3)
<i>Residential areas - lot areas > 1000 m² to 2000 m²</i>	0.3-0.7 (0.5)
<i>Residential areas - lot areas > 600 m² to 1000 m²</i>	0.4-0.8 (0.6)
<i>Residential areas - lot areas > 450 m² to 600 m²</i>	0.5-0.8 (0.75)
<i>Residential areas - lot areas > 300m² to 450m²</i>	0.6-0.9 (0.8)
<i>Residential areas - lot areas <300 m²</i>	0.7-0.9 (0.9)
<i>Residential areas (medium density i.e. Units, including potential unit Development sites)</i>	0.7-0.9 (0.9)
<i>Commercial zones</i>	0.7-0.9 (0.9)
<i>Industrial zones</i>	0.9
<i>CBD</i>	0.9
<i>Residential road reserves</i>	0.75 -0.9
<i>Landscaped areas</i>	0.2-0.5 (0.35)
<i>Paved areas</i>	0.9
<i>Swimming pools, retention/detention basin, open channels, ornamental lake/wetlands</i>	1.0

Table 8 - Average Recurrence Intervals for Stormwater Drainage in Urban Areas

Stormwater Drainage System	Capacity (Minor event)	Capacity (Major event)
Urban Residential Areas and minor Commercial centres of 10 shops or less	5 yr. ARI (18% AEP)	100 yr. ARI (1% AEP)
Local Emergency Facilities (CBD)	20 yr. ARI (4.9% AEP)	200 yr. ARI (0.5% AEP)
Industrial areas	5 yr. ARI (18% AEP)	100 yr. ARI (1% AEP)
Low points where there is no overflow path and overflow may flood properties	100 yr. ARI (1% AEP)	100 yr. ARI (1% AEP)
Commercial areas	20 yr. ARI (4.9% AEP)	100 yr. ARI (1% AEP)

- DTS/DPF 23.5 Driveway design, p 2244

- It is suggested, this section should be in accordance with AS2890.1- off street car parking.
- The DTS/DPF 23.5 section should require transition sections if the average grade between boundary line and front of garage/carport is exceeding a 1:5 (20%).
 - 12.5% (1:8) for summit grade and 15% (1 in 6.7) for sag grade.
 - High side of the road. 1m transition section on both sides from the boundary and carport/garage at 12.5% (1 in 8). Ramp slope with a maximum of 20%, 1 in 4.
 - Low side of the road. 1m transition with a 10% (1 in 10) from the boundary and a maximum of 12.5% (1 in 8) to the front of the carport/garage. Ramp slope of 20% or 1 in 5.
- Turn around areas within the property are required if the driveway exits onto a collector road. The vehicle need to exits in a forward direction.
- Turn around areas within a property are also required when a property is located at the end of the dead end road and where there is no T-turn around provided.
- Turn around areas should be provided for shared driveways, vehicles need to exit a shared driveway in a forward direction onto public road.

ALL NON-RESIDENTIAL DEVELOPMENT

- DTS/DPF 41.1 Water quality standards
 - This section regarding stormwater treatment should comply with the state-wide performance target and the Environmental Protection (Water quality) policy 2003. This should be reflected above in the residential section – 5 bullets.
- DTS/DPF 41.3 – Stormwater management system
 - Refer to section, DTS22.3 for comments on stormwater management system.
 - Section (a) The runoff coefficient, of 0.35 for predevelopment is too high, it should around 0.25 as recommended by *Design and Construction of Infrastructure Assessment in South Australia*, published by local government Infrastructure Guidelines Board Inc.,

	<p>Table 8 p 71. This can only apply if it is a total Greenfields site.</p> <ul style="list-style-type: none"> • DTS/DPF 33.3 should include the requirement for additional provision of land to accommodate letter boxes and services such as water meters separate to minimum driveway widths. • Overshadowing provisions from Renewal Housing should be included within all design sections in the code and in particular relating to all residential development. • Overshadowing - PO 15.1 Development minimises overshadowing of the private open spaces of adjoining land by ensuring that ground level open space associated with existing residential buildings receive direct sunlight for a minimum of 2 hours between 9am and 3pm on 21 June (winter solstice).
<p>Design in Rural Areas</p>	<ul style="list-style-type: none"> • Rural design provisions to be reconsidered, in particular sections relating to higher density residential development, small allotment provisions etc. <p><u>RESIDENTIAL DEVELOPMENT – 3 BUILDING LEVELS OR LESS</u></p> <ul style="list-style-type: none"> • DTS 16.1 Water quality – 5- 19 dwellings - Sections (d) and (e) should be included – Refer to comments in Design in Urban Areas 22.2 DPF/DTS <ul style="list-style-type: none"> (d) 90 per cent reduction of litter/gross pollutants compared to untreated stormwater runoff; and (e) no visible oils/grease for flows up to the 1 in 3 months’ average return interval flood peak flow. • DTS16.2 Stormwater management plan - Refer to Design in Urban Areas DTS22.3 Stormwater run-off for development creating 5-19 dwellings • DTS/DPF 17.5 Driveway - See comments under Design in Urban Areas DTS/DPF 23.5 Driveway design, • DTS/DPF 22.3 driveways that service more than one dwelling p 2265. It is recommended that dot point (D) be amended as follows: A cross over with a width of 6m by 6m is required. The length of 6m may cross into the property boundary. <p><u>ALL NON-RESIDENTIAL DEVELOPMENTS</u></p> <ul style="list-style-type: none"> • DTS/DPF 29.1 Water Quality - Bullets (c) to (e) should be added:

	<p>(c) 45 per cent reduction in average annual total nitrogen. (d) 90 per cent reduction of litter/gross pollutants compared to untreated stormwater runoff; and (e) no visible oils/grease for flows up to the 1 in 3 months' average return interval flood peak flow.</p> <p><u>MINOR LAND DIVISION (UNDER 20 ALLOTMENTS)</u></p> <ul style="list-style-type: none"> • DTS 5.2 – Land divisions creating 5-19 non-residential allotments – stormwater management plan • See comments on Design in Urban Areas DTS 22.2 - 5-19 dwellings require a stormwater management system with water quality standards. • DTS 7.1 Water quality <ul style="list-style-type: none"> ○ Bullets (d) and (e) should be added. (d) 90 per cent reduction of litter/gross pollutants compared to untreated stormwater runoff; and (e) no visible oils/grease for flows up to the 1 in 3 months' average return interval flood peak flow. • PO 7.2 and DTS/DPF 7.2 <ul style="list-style-type: none"> ○ PO 7.2 and DTS/DPF 7.2 is the same as PO5.2 and DTS 5.2, should be omitted.
Housing Renewal	<ul style="list-style-type: none"> • Overshadowing PO 15.1 should be included in Design in Urban Areas provisions.
Interface between Land Uses	<ul style="list-style-type: none"> • No comment
Infrastructure and Renewable Energy Facilities	<ul style="list-style-type: none"> • Amend policy which provides guidance in relation to wind turbine setback to be more encapsulating of all urban type areas, e.g. <i>setback at least 2000 metres from defined and zoned township, settlement or urban areas (including deferred urban areas)</i>. • Seek to include policy which promotes the delivery of infrastructure in a timely manner as well set aside land identified for required infrastructure. • The Infrastructure and Renewable Energy Facilities Policy could be improved by including a Desired Outcome of selecting locations to avoid the clearance of native vegetation where possible and to minimise the impacts where this outcome is not possible • Change to: DO 1, Efficient provision of infrastructure networks and services, renewable

	<p>energy facilities and ancillary development in a manner that:</p> <ul style="list-style-type: none"> ○ suitably manages adverse visual impacts on natural and rural landscapes and residential amenity ○ preferably prevents the clearance of native vegetation and avoids culturally sensitive places. ○ If avoidance of impacts is not possible, development that minimises hazard, is environmentally and culturally sensitive. <ul style="list-style-type: none"> • The Design Code should clarify the opportunities and constraints for the various configurations of small scale wind turbines at a high level in the code, and in more detail through a practice guideline. • Include additional PO which seeks to minimise environmental impacts upon existing areas of native vegetation.
<p>Intensive Animal Husbandry and Dairies</p>	<ul style="list-style-type: none"> • Seek to include additional policy which limits particular land uses within flood prone areas, notable Rural type land uses include: <ul style="list-style-type: none"> ○ Intensive animal keeping ○ Cattle feedlots ○ Land based aquaculture ○ Chemical storage ○ Waste treatment and storage
<p>Land Division in Urban Areas</p>	<ul style="list-style-type: none"> • Remove Deemed-To-Satisfy criteria for land division as this will permit private certifiers/surveyors to act as relevant authorities in this regard. • Include policies which seek to achieve a co-ordinated approach to allotment configuration and the delivery and funding of physical and community infrastructure provision. This may include discussion relative to infrastructure schemes as and when detail in this space becomes clearer or commitments/security from developers via deeds. • Include policy which provides clarity in regards to the link between land division applications, built form and accompanying stormwater management plans. • Include policies which seek to promote links into and/or further expand upon walking and cycling networks to encourage active modes of travel. • Seek to include additional structure plans across all Council areas which highlight when and where a range of (traffic, stormwater, social etc.) infrastructure is required and how it will be funded. • Seek to include provisions which require allotments that are/will be connected to septic to have a greater minimum allotment size (e.g. minimum 1200sqm)

	<p><u>MAJOR LAND DIVISION (20+ ALLOTMENTS)</u></p> <ul style="list-style-type: none"> • DTS/DPF 9.1 Stormwater Management - Refer to Design in Urban Areas DTS22.3 Stormwater run-off for development creating 5-19 dwellings, p 2243, comments on the post development time specification and the pre development runoff coefficient. • PO9.2 and DTS/DPF 9.2 - Refer to Design in Urban Areas DTS22.3 Stormwater run-off for development creating 5-19 dwellings, p 2243, comments on the post development time specification and the pre development runoff coefficient. • DTS 9.3 - Bullets (d) and (e) should be added. (d) 90 per cent reduction of litter/gross pollutants compared to untreated stormwater runoff; and (e) no visible oils/grease for flows up to the 1 in 3 months' average return interval flood peak flow.
<p>Land Division in Rural Areas</p>	<ul style="list-style-type: none"> • Remove Deemed-To-Satisfy criteria for land division as this will permit private certifiers/surveyors to act as relevant authorities in this regard. Given that the Limited Land Division Overlay is proposed to apply throughout the proposed Town of Gawler Rural Zone, all land divisions are Restricted Development in any case. • Include the following policy 'Land division is designed to allocate adequate and suitable land for the preservation of existing vegetation of value including native vegetation, regulated and significant trees' as a Performance Outcome.
<p>Open Space and Recreation</p>	<ul style="list-style-type: none"> • Seek to include policies which endeavour to achieve a co-ordinated approach to delivering an appropriate provision of open space. • Adopt the hierarchal system to open space identified. <ul style="list-style-type: none"> ○ Regional ○ District ○ Neighbourhood ○ Local • Seek to include additional structure plans across all Council areas which identify where open space provision is required to adequately support the community.

Resource Extraction	<ul style="list-style-type: none"> • Seek to include policy/overlays which identify and protect known economically workable deposits of minerals from incompatible development. • Include policy which seeks the inclusion of a rehabilitation plan for a more proactive approach towards reclamation.
Site Contamination	<ul style="list-style-type: none"> • Seek to include policy which endeavours to identify site contamination issues, particularly in instances where more sensitive land uses are being proposed. • Seek to include policy which explores opportunities for site remediation.
Tourism Development	<ul style="list-style-type: none"> • Seek to include policy which guides suitable on-site car parking for certain types of facilities e.g.: <ul style="list-style-type: none"> ○ One car parking space per 10 sites to be used for accommodation for parks with less than 100 sites ○ One car parking space per 15 sites to be used for accommodation for parks with greater than 100 sites. • In regards to tourism development occurring in areas of environmental significance, additional policy should seek to minimise/mitigate the impact which the development and its ongoing operation will have on the immediate area. • In terms of landscaping policy potentially seek to promote the use of locally indigenous species to promote increased biodiversity and environmental sustainability more generally. • Add to DO 1: Tourism development in suitable locations that caters to the needs of visitors, and the environment.
Transport, Access and Parking	<ul style="list-style-type: none"> • Include policy which references current and relevant Australian Standards for parking facilities, cycling facilities and any other transport/parking infrastructure in this regard. • Include policy which aids in identifying when an independent Traffic Impact Study may be required through the Development Assessment process. Clarification that user pays principle should apply here. • Clarification as to how the Car Parking Fund will apply under the Code.
Waste Treatment and Management Facilities	<ul style="list-style-type: none"> • Include additional policy which provides greater clarity in regards to location and interface with other zones and areas. • Identify areas in which these types of facilities should not occur within.

	<ul style="list-style-type: none">• Seek to include policy which explores the opportunity for capturing and utilising gas emissions created for commercial use where feasible.• Seek to include policy specifically in regards to wastewater treatment being located outside of flood prone areas.
Workers Accommodation and Settlements	<ul style="list-style-type: none">• Seek to include policy which promotes access to local transport routes where appropriate – Including walking and cycling routes as many of these workers do not have access to private vehicles and can become isolated.

Technical and Numeric Variations

Technical and Numeric Variations	Feedback/Comments
9 metre height maximum TNV	<ul style="list-style-type: none"> • Current policy within the Residential (Gawler East) Zone allows a maximum 5 storeys in height within the Mixed Use Policy Area 3. The proposed TNV will result any development exceeding 9 metres in height requiring Public Notification. • Current Policy within the Residential Zone allows 1-3 storeys within the Evanston Gardens/Evanston South/Hillier Policy Area, and further allows 4+ storeys near the Tambelin Railway Station. The proposed TNV will result any development exceeding 9 metres in height requiring Public Notification.
2 storey height maximum TNV	<ul style="list-style-type: none"> • Current policy within the Residential (Gawler East) Zone allows a maximum 5 storeys in height within the Mixed Use Policy Area 3. The proposed TNV will result in any development exceeding 2 storeys requiring Public Notification. • Current Policy within the Residential Zone allows 1-3 storeys within the Evanston Gardens/Evanston South/Hillier Policy Area, and further allows 4+ storeys near the Tambelin Railway Station. The proposed TNV will result in any development exceeding 2 storeys requiring Public Notification.
Lot frontage minimum TNV	<ul style="list-style-type: none"> • Consideration needs to be given to the fact that 9m frontages will not be able to accommodate a double garage, and the impact this may have on traffic and vehicle parking options. • A blanket minimum may not be practical in certain areas, especially where there is existing street infrastructure (i.e. street trees, side entry pits, stobie poles etc.) • A minimum frontage to average depth ratio should be included in all residential type zones. An example within Council's current Development Plan is located within the Rural Living Zone where 'the frontage of an allotment to a public road should not be less than 33 1/3 percent of the average depth of that allotment'. Such policy endeavours to promote appropriate/sympathetic frontage widths particularly within an infill context.
Lot size minimum TNV	<ul style="list-style-type: none"> • 0.9ha affected area within the Rural Zone should be included • The proposed 2000m² allotment size is in line with current policy for Wheatsheaf, however for the Gawler South Policy Area this is only applicable for the area that is located on the escarpment. Existing allotment sizes in Gawler South Policy Area

	<p>currently vary from 200m² to 1.2ha. The prevailing character for the portion not located on the escarpment is approximately 800m², therefore this 2000m² would restrict further development within this zone. The Gawler South Policy Area would be better serviced as Suburban Neighbourhood as it would then be possible to apply a TNV of 2000m² for the area of the escarpment, with the rest of the policy area able to be designated a smaller allotment size.</p> <ul style="list-style-type: none"> • Technical and Numeric Variations for building height, frontage minimum and lot size minimum have been applied across the Residential (Hills) Zone and the Residential Gawler East Zone. Due to the sloping nature of the land within these Zones, it is recommended that the TNV for minimum allotment sizes be removed. It is not considered that the General Neighbourhood Zone is the most appropriate transition zone for these two Zones, and thus the TNV's will have a role to play if another zone were to be allocated (General Neighbourhood Zone lists minimum allotment sizes in the Policy rather than relying on the TNV). Much of the existing policy in the Residential Gawler East Zone and Residential (Hills) Zone seeks for development to be sensitive to the area's topography. Policy is essentially seeking for development to work with the lay of the land and to minimise cut and fill where possible. It is not considered that a 300m² allotment would necessarily allow for a good design outcome that would work with the topography of the land.
Local Heritage Places	<ul style="list-style-type: none"> • Places of Local Heritage value identified within the DPA that is currently under investigation shall be included within this list of Local Heritage Places. • Local Heritage Places are not considered to be Technical and Numeric Variations. Considered that these should be included under their own Part.
State Heritage Places	<ul style="list-style-type: none"> • State Heritage Places are not considered to be Technical and Numeric Variations. Considered that these should be included under their own Part.
Significant Trees	<ul style="list-style-type: none"> • Significant Trees are not considered to be Technical and Numeric Variations. Considered that these should be included under their own Part.
Concept Plans	<ul style="list-style-type: none"> • Recommend inclusion of existing concept and structure plans, in particular <ul style="list-style-type: none"> ○ Gawler East Structure Plan ○ Evanston Gardens/ Evanston South/Hillier Concept Plan

	<ul style="list-style-type: none"> • These will be particularly important should the Master Planned Suburban Neighbourhood Zone be applied to these Zones/Policy Areas Recommend inclusion of existing concept and structure plans
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- **Draft Practice Guideline (Interpretation of the Local Heritage Places Overlay, Historic Area Overlay and Character Area Overlay) 2019**

In addition to feedback on the draft Planning and Design Code Phase Three, Council also appreciates the opportunity to comment on the draft Practice Guideline (Interpretation of the Local Heritage Places Overlay, Historic Area Overlay and Character Area Overlay) 2019 and offers the following comments.

Part 3 – Local Heritage Places

In consideration of Local Heritage Places, the draft Practice Guidelines (the Guidelines) offer additional and welcome protection which is not evident in the Planning and Design Code policy provisions. In particular, the requirements for an application to demolish are of a satisfactory rigour.

Although demolition is to be Performance Assessed under the Code where it is now Non-complying development in many Development Plans across the State, it will be assessed by the local Council staff and Council Assessment Panels, who have an intimate knowledge and appreciation of the area. This is preferable to it being classified as Restricted development and assessed by the State Commission Development Panel, who would not have the same level of local knowledge. There will be a right of appeal for applicants, which is of some concern due to possible litigation costs for the relevant authority.

Preservation of Local Heritage Places is the overall intent of the Overlay and the inclusion of the clause in Part 3(2)(1) in the Guidelines regarding PO6.1 not being intended to “serve building owners who deliberately neglect their premises in order for them to fall into disrepair to enable demolition” is an excellent outcome. In saying this, it may be difficult to prove “deliberate” neglect and this word could be omitted.

The Local Heritage Place Impact Statement which must accompany any application to demolish Local Heritage Place is also commendable, adding robust testing by suitably qualified experts to the process.

Part 4 – Historic Areas

Heritage Overlays

Historic Area Statements are the foundation stones of the historic framework in the Code. They need to be full and robust descriptions of what exists of value, but cannot be “forward facing”. This is of concern, as the preservation and adaptive reuse of Local Heritage Places and Contributory Items is not dealt with clearly in the Code and should be strengthened.

The new system is purported to be easier for applicants to achieve development approval. The current proposition will make it much more difficult, expensive and time consuming as an Historic Area Impact Statement prepared by suitably qualified experts will be required and may include expert heritage advice, a structural engineer's report and a quantity surveyor's report. At the very least, expert heritage advice will be required to assess the application and, although a number of metropolitan councils have a free in-house heritage advisor service, many including regional councils do not.

Interpretation of Demolition Policy

Concern is expressed regarding the concentration on the front elevation of the building and building façade in PO6.1. The heritage value of any structure may not be visible to the public realm and Council suggests these terms are removed. The proposed demolition controls should be strengthened to include an assessment of the overall quality of the building and not just the façade.

Historic Area Impact Statements

Council supports the Historic Area Impact Statements as being essential to the assessment of buildings and structures of historic value. The relevant authority has the right to ask for engineering and quantity surveying reports, if required. This is an appropriate safeguard however this is likely to make the assessment process more arduous in the light of the deletion of Contributory Items from the Code.

Conclusion

The opportunity to comment on matters relating to the State Planning Reforms is greatly appreciated by Council.

The enormity of this comprehensive undertaking is understood and Council is committed to supporting a planning system which delivers good planning and design outcomes and, in addition, preserves the inherent heritage which makes this state unique.

Yours faithfully



Karen Redman
Mayor

Direct line: [REDACTED]
Email: [REDACTED]

Annexure A

Feedback concerning the following overlays:

- Local Heritage Place Overlay (CR20/10698)
- State Heritage Place Overlay (CR20/10697)
- Historic Area Overlay (CR20/10696)

(CR20/7063)

Local Heritage Place Overlay
Assessment Provisions (AP)

Desired Outcome (DO)

DO 1

Development maintains the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse.

Built Form

PO 1.1

The form and location of new buildings and structures maintains the heritage values of the Place.

DTS 1.1

None are applicable.

PO 1.2

Massing, ~~and~~ scale and placement of development maintains the heritage values of the Place and retains the visual prominence, principal elevations and views of the Place.

DTS 1.2

None are applicable.

PO 1.3

Design, ~~n~~ and architectural detailing and placement maintains the heritage values of the Place.

DTS 1.3 None are applicable.

PO 1.4

Development is consistent with boundary setbacks and setting.

DTS 1.4

None are applicable.

PO 1.5

Materials and colours are either consistent with or complement the heritage values of the Place without replication.

DTS 1.5

None are applicable.

PO 1.6

New buildings are not placed or erected between the front and secondary street boundaries and the façades of a Local Heritage Place.

DTS 1.6

None are applicable.

PO 1.7

Development of a Local Heritage Place retains all physical elements contributing to its heritage value.

DTS 1.7

None are applicable.

Alterations and Additions

PO 2.1

Alterations and additions complement the subject building and are sited to be unobtrusive, not conceal or obstruct heritage elements and detailing, or dominate the Place or its setting.

DTS 2.1

None are applicable.

PO 2.2

Encourage the adaptive reuse of Local Heritage Places by enabling compatible changes to buildings to accommodate new land uses to facilitate its conservation.

DTS 2.2

None are applicable.

Ancillary Development

PO 3.1

Ancillary development, including carports, outbuildings and garages, complements and does not dominate the heritage values of the Place.

DTS 3.1

None are applicable.

PO 3.2 Ancillary development, including carports, outbuildings and garages, and solar panels is located behind the building line of the principle building(s) sufficient and separated to redtain visual prominence.-

DTS 3.2

None are applicable.

PO 3.3

Advertising and advertising hoardings should be designed to complement the Local Heritage Place, be unobtrusive, not conceal or obstruct heritage elements and detailing, or dominate the building or its setting and be of a scale and integrated with the building elements of the Place.-

DTS 3.3 None are applicable.

Land Division

PO 4.1

Land division creates allotments that:

(a) are compatible with the surrounding pattern of subdivision of the Local Heritage Place; and

(b) are of a dimension to accommodate new development that reinforces and is compatible with the heritage values of the Local Heritage Place.

(c) allows the Local Heritage Place to retain its use and levels of amenity and functional performance.

DTS 4.1

None are applicable.

Landscape Context and Streetscape Amenity

PO 5.1 Individually heritage listed trees, parks, historic gardens and memorial avenues retained unless:

(a) trees / plantings are, or have the potential to be, a danger to life or property; or

(b) trees / plantings are significantly diseased and their life expectancy is short;

and in both cases-

(c) a suitable replacement program is proposed

DTS 5.1 None are applicable.

Demolition

PO 6.1

Local Heritage Places are not demolished, destroyed or removed in total or in part unless either of the following apply:

(a) the portion of the Place to be demolished, destroyed or removed is excluded from the extent of listing that is of heritage value;

(b) the structural integrity or condition of the building represents an unacceptable risk to public or private safety and is irredeemably beyond repair.

DTS 6.1

None are applicable.

~~PO 6.2~~

~~The demolition, destruction or removal of a building, portion of a building or other feature or attribute is appropriate where it does not contribute to the heritage values of the Place.~~

~~DTS 6.2~~

~~None are applicable.~~

Conservation Works

PO 7.1

Conservation works to ~~the exterior of~~ a Place match existing materials to be repaired and utilise traditional work methods.

DTS 7.1 None are applicable.

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State Heritage Place Overlay
Assessment Provisions (AP)
Desired Outcome (DO)

DO 1 Development maintains and enhances the heritage and cultural values of State Heritage Places through conservation, ongoing use and adaptive reuse.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Built Form

PO 1.1

The form of new buildings and structures maintains without domination the heritage values of the Place.

DTS 1.1

None are applicable.

PO 1.2

Massing, ~~g and~~ scale and siting of development maintains the heritage values, principal elevations and views of the Place.

DTS 1.2

None are applicable.

PO 1.3

-Design and architectural detailing maintains the heritage values of the Place.

DTS 1.3

None are applicable.

PO 1.4

Development is consistent with boundary setbacks and setting.

DTS 1.4

None are applicable.

PO 1.5

~~New m~~Materials and colours are either consistent with or complement the heritage values of the Place, without replication.

DTS 1.5

None are applicable.

PO 1.6

New buildings are not placed or erected between the front street boundary and the façade of a State Heritage Place and separated to distinguish the described portion.

DTS 1.6

None are applicable.

PO 1.7

Development of a State Heritage Place retains elements contributing to its heritage value including principal elevations and views of the Place.

DTS 1.7 None are applicable

Alterations and Additions

PO 2.1

Alterations and additions complement the subject building and are sited to be unobtrusive, not conceal or obstruct heritage elements and detailing, or dominate the Place or its setting.

-DTS 2.1

None are applicable.

Ancillary Development

PO 3.1

Ancillary development, including carports, outbuildings and garages, complement the heritage values of the Place.

DTS 3.1

None are applicable.

PO 3.2

Ancillary development, including carports, outbuildings and garages, is located behind the building line of the principal building(s).

DTS 3.2

None are applicable.

PO 3.3

Advertising and advertising hoardings are designed and located to complement the State Heritage Place, be unobtrusive, not conceal or obstruct heritage elements and detailing, or dominate the building or the setting and be of a scale and integration with the elements of the Place.-

DTS 3.3 None are applicable.

Land Division

PO 4.1

Land division creates allotments that:

- (a) are compatible with the surrounding pattern of subdivision of the State Heritage Place; and
- (b) are of a dimension to accommodate new development that reinforces and is compatible with the heritage values of the State Heritage Place;
- (c) do not compromise the setting, use or performance of the Place.-

DTS 4.1 None are applicable.

Landscape Context and Streetscape Amenity

PO 5.1 Individually heritage listed trees, parks, historic gardens and memorial avenues retained unless:

- (a) trees / plantings are, or have the potential to be, a danger to life or property; or
- (b) trees / plantings are significantly diseased and their life expectancy is short.

And in both case:

(c) a suitable replacement program is proposed

DTS 5.1 None are applicable.

Demolition

PO 6.1 State Heritage Places are not demolished, destroyed or removed in total or in part unless either of the following apply:

- (a) the portion of the Place to be demolished, destroyed or removed is excluded from the extent of listing that is of heritage value; or

(b) the structural condition of the Place represents an unacceptable risk to public or private safety and results from actions and unforeseen events beyond the control of the owner and is irredeemably beyond repair.

DTS 6.1 None are applicable.

Conservation Works

PO 7.1 Conservation works to the exterior of a Place and other features of identified heritage value match existing materials to be repaired and utilise traditional work methods.

DTS 7.1 None are applicable.

Class of Development / Activity
(referrals)

Except where:

- (i) the development is to be undertaken in accordance with a Heritage Agreement under the Heritage Places Act 1993; or
- (ii) the development is, in the opinion of the relevant authority, minor in nature or like for like maintenance and would not warrant a referral when considering the purpose of the referral

(ii)
the following forms of development:

- (a) demolition of internal or external significant building fabric;
- (b) freestanding advertisements, signs and associated structures that are visible from a public street, road or thoroughfare that abuts the State Heritage Place;
- (c) alterations or additions to buildings that:
 - ~~(ii) are visible from a public street, road or thoroughfare that abuts the State Heritage Place;~~
- may materially affect the context of a State Heritage Place; or
- (iv) involve ~~substantive any~~ physical impact to the fabric of significant buildings;
- (d) new buildings that:
 - ~~(i) are visible from a public street, road or thoroughfare that abuts the State Heritage Place; or~~
 - (ii) may materially affect the context of the State Heritage Place;
- (e) conservation repair works that are not representative of 'like for like' maintenance;
- (f) solar panels that are visible from a public street, road or thoroughfare that abuts the State Heritage Place;
- (g) land division;
- (h) the removal, alteration or installation of fencing where visible from a public street, road or thoroughfare that abuts the State Heritage Place; or
- (i) the removal of an individual tree or a tree within a garden or park of identified heritage significance.

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Historic Area Overlay
Assessment Provisions (AP)
Desired Outcome (DO)
DO 1

Retain and reinforce historic themes and characteristics through conservation, enhancement and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns in streetscapes and built form as expressed in the Historic Area Statement.

Built Form

PO 1.1

The form of new buildings and structures that are visible from the public realm are consistent with the prevailing historic attributes and characteristics of the historic area.

DTS 1.1 None are applicable

PO 1.2

Development is consistent with the prevailing building and visible external wall heights in the historic area.

DTS 1.2

None are applicable

PO 1.3

Design and architectural detailing of street facing buildings complement the prevailing characteristics in the historic area, including reinstatement of lost original detail.

DTS 1.3

None are applicable

PO 1.4

Development is consistent with the prevailing front and side boundary setback pattern in the historic area.

DTS 1.4

None are applicable

PO 1.5

Materials are either consistent with or complement those within the historic area.

DTS 1.5 None are applicable

Alterations and additions

PO 2.1

Alterations and additions complement the subject building and are sited to ensure they do not dominate the primary facade, and employ a contextual design approach, respectful of the side setbacks in design and placement and the original character.

DTS 2.1

Alterations and additions are fully contained within the roof space of an existing building or located to the rear with no external alterations made to the building elevation facing the primary street.

PO 2.2

Encourage the adaptive reuse of buildings that complement the prevailing historic values and character of the locality, by enabling complementary changes to buildings to accommodate new land uses, particularly to the rear.

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DTS 2.2

None are applicable

Ancillary development

PO 3.1 Ancillary development, including carports, outbuildings and garages, complements the historic character of the area and associated buildings, sited to ensure they do not dominate the primary facade, and employ a contextual design approach.

DTS 3.1

None are applicable

PO 3.2

Ancillary development, including carports, outbuildings and garages, are located behind the building line of the principal building(s), sited to ensure they do not dominate the primary facade, and employ a contextual design approach.

DTS 3.2

None are applicable

PO 3.3

Advertising and advertising hoardings-signage are located and designed to complement the building, be unobtrusive, not conceal or obstruct significant architectural elements and detailing, or dominate the building or its setting, through integration with the building elements.-

DTS 3.3

None are applicable

PO 3.4

Front fencing and gates are consistent with the traditional period, style and form of the associated built form and generally be low or open.-

DTS 3.4

None are applicable

Land Division

PO 4.1

Land division creates allotments that are capable of accommodating buildings of a bulk and scale that reflect existing buildings and setbacks in the historic area, without compromise to the setting and performance of existing buildings.-

DTS 4.1

None are applicable

Context and Streetscape Amenity

PO 5.1

The width and number of driveways and other vehicle access ways are consistent with the prevalent width of existing driveways of the historic area.

DTS 5.1 None are applicable

PO 5.2

Development maintains the valued landscape patterns and characteristics that contribute to the historic area, except where they compromise safety, create nuisance, or impact adversely on existing buildings or infrastructure.

DTS 5.2

None are applicable

Demolition

PO 6.1

Buildings and structures that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless:

- (a) the front elevation of the building has been substantially altered and cannot be reasonably, economically restored in a manner consistent with the building's original style; or
- (b) the existing building façade does not contribute to the historic character of the streetscape; or
- (c) the structural integrity or condition of the building is beyond economic repair.

And in all cases

(d) suitable replacement development satisfying PO1.1 to 1.5 is approved prior to demolition.

DTS 6.1

None are applicable

PO 6.2

Partial demolition of a building where that portion to be demolished does not contribute to the historic character of the streetscape.

DTS 6.2

None are applicable

PO 6.3

Buildings, or elements of buildings, that do not conform with the values described in the historic areas statement may be demolished, provided a suitable replacement development satisfying PO1.1 to 1.5 is approved prior to demolition.

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DTS 6.3

None are applicable

Ruins

PO 7.1

Development that conserves and complements features and ruins associated with former activities of significance including those associated with mining, farming and industry.

DTS 7.1

None are applicable