

## **DIT:Planning Reform Submissions**

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**From:** Leith Blacker <[REDACTED]>  
**Sent:** Thursday, 17 December 2020 10:55 PM  
**To:** DIT:Planning Reform Submissions  
**Cc:** DCLEP Development  
**Subject:** Phase 3 Submission - District Council of Lower Eyre Peninsula  
**Attachments:** DCLEP Submission - Phase 3.docx; Revised Resource Extraction Boundary.pdf

**Categories:** John

Mr Michael Lennon  
Chair  
State Planning Commission

Dear Sir,

### **RE: COUNCIL SUBMISSION TO DRAFT PLANNING & DESIGN CODE – PHASE 3**

Please find attached Council's submission on the Draft Planning & Design Code – Phase 3.

Council would like to thank the Commission for the opportunity to again comment on this extremely important document.

As you would be aware, as a regional Council, the District Council of Lower Eyre Peninsula has now been operating under Phase 2 of the Code since 31 July 2020. Whilst it is acknowledged that the Phase 3 implementation has a primary focus on metropolitan Councils, the implementation of Phase 3 will still have an impact on the existing Phase 2 Code. It is for this reason that Council feels that it is important that it again reiterate its concerns over some elements of the Code under which it has now been operating for over 4 months. Whilst various changes were made to the Phase 2 Code as a result of the previous tight 2 month consultation period in late 2019, many important policies relevant to many regional Councils were still overlooked.

Whilst a 'one size fits all' approach might sound good at a high level, it is not practical to apply this approach across both urban and regional areas. The Commission is urged to take a serious look at reviewing these relevant policies which can have a significant impact upon the social and economic fabric of regional South Australian Communities.

Should you have any queries in relation to any of the above please do not hesitate to contact myself at Council's Development Department on (08) [REDACTED].

Yours faithfully,

**LEITH BLACKER**  
**DIRECTOR DEVELOPMENT & ENVIRONMENTAL SERVICES**  
**DISTRICT COUNCIL OF LOWER EYRE PENINSULA**

## **Zones**

### **CARAVAN AND TOURIST PARK**

#### North Shields

- No T&NVs – should insert min site level 2.5m AHD & Min FFL 2.75m AHD

#### Sleaford Bay

- Hazards (Flooding) overlay should apply
- No T&NVs apply - should insert min site level & Min FFL

### **EMPLOYMENT**

#### Stamford

- T &NV to include min lot size of 1500m<sup>2</sup>

#### Coffin Bay

- T &NV to include min lot size of 1500m<sup>2</sup>
- Recommend T &NV to include setback of 4m from primary street frontage and 3m from secondary street frontage – to be consistent with current policy as allotments are generally small in size and setbacks in DTS/DPF 3.3 not appropriate for Coffin Bay industrial area

#### Cummins

- T &NV to include min lot size of 1500m<sup>2</sup>

#### General

- Include Land Division into Table 3 with applicable policies
- DTS/DPF – lot minimum size of 2500m<sup>2</sup> is too large for Lower Eyre Peninsula. Recommend that T & NV introduce min lot size of 1500m<sup>2</sup> with a minimum frontage of 25m

### **EMPLOYMENT (BULK HANDLING)**

#### Cummins

- Table 3 to include “Bulk handling facility including bunkers and silos for the reception, storage and dispatch of commodities in bulk” so it does not fall into “All other code assessed development “ - to exclude facilities from public notification

### **INFRASTRUCTURE ZONE**

#### Coffin Bay

- Recommend that Dwelling be included in Table 4 – Restricted Development

### **INFRASTRUCTURE (AIRFIELD)**

#### General

- Restriction of dwellings within specific area
  - o Previous Concept Plan Map LEP/2 highlighted areas within a certain distance of runway centre-line prolongations – the current Airfield Zone designates dwellings within the highlighted area as non-complying – the is important to retain and has not been retained in the Code

## **RECREATION ZONE**

### Coffin Bay

- Concerned envisaged uses are not included in Table 3 – therefore will require notification

### Louth Bay

- Concerned envisaged uses are not included in Table 3– therefore will require notification

## **RESOURCE EXTRACTION ZONE**

### Western Approach Road DK Quarries *Previously Water Protection*

- Concerned envisaged uses are not included in Table 3– therefore will require notification

### Pt Boston *Previously Mineral Extraction Precinct 21 in Mixed Use (Post Boston) Zone*

- Concerned envisaged uses are not included in Table 3– therefore will require notification

## **RURAL AQUACULTURE ZONE**

### Louth Bay North

- coastal areas overlay should apply (CT 5191/224)

### Pt Boston *Previously Land Based Aquaculture Precinct 20 in Mixed Use (Post Boston) Zone*

- Current policy provides for a min lot size of 10ha – Code zone provides for 1ha DTS/DPF 8.1 - T & NV to include min lot size of 10ha within this area

### General

- DTS/DPF 7.1 – 30m wide landscape buffer is considered unnecessary, recommend this be reduced to 10m which is consistent with current policy
- Concerned envisaged uses are not included in Table 3 including fish processing which includes the conduct of works for scaling, gilling, gutting, filleting, freezing, chilling, packing fish

## **RURAL ZONE**

### *Previously Water Protection*

- Overlay results in tighter restrictions to land division within this part of the zone - previous zone allowed for a small lot (1ha) to be created where property is >100 ha – this needs to be returned

### General

- DTS/DPF 12.1 – max floor area of agricultural building at 250m<sup>2</sup> is too restrictive. Currently farm buildings with a floor area less than 500m<sup>2</sup> are complying development within DCLEP
- DTS/DPF 13.1 and DTS/DPF 13.2 – restrictions on outbuilding and carport sizes and numbers within the Rural Zone are considered unnecessary and far too restrictive. This is the one zone within the Council area where large sheds are considered acceptable.
- Detached dwelling should be removed from the notification list – considered unnecessary to notify a dwelling in the rural zone – the majority of DCLEP council area comprises farm land and ancillary dwellings

## **RURAL SHACK SETTLEMENT ZONE**

### *Shelley Beach Kellidie Bay Previously Coastal Settlement Zone – Shelley Beach PA 2*

- Policy needs to allow for land division to create 26 allotments/ receiver allotments
- Policy needs to require:
  - new lots to be connected to the CWMS
  - dwellings setback in excess of 100m from CWMS
  - building setback of min 6m from coastal reserve boundary
- T & NV should include:
  - Min site and floor levels – min site level 2.45m AHD and min FFL 2.70m AHD
  - Min lot size 800m<sup>2</sup>
  - Min frontage 18m
  - Max building height of 5m (note DTS/DPF 2.3 allows for 6m)
  - Finished floor level of no more than 1m above natural ground level
  - Max site coverage of 50%

### *Coffin Bay Previously Policy Area 1*

- This is an extremely unique area which has been subject to very specific policies overtime which has resulted in small scale distinctive development – the proposed policies are insufficient to retain the desired character of this area
- T & NV should include:
  - Max building height of 5m and single storey (note DTS/DPF 2.3 allows for 6m)
  - Total floor area of 190m<sup>2</sup>
  - Finished floor level of no more than 1m above natural ground level
  - Min site and floor levels – min site level 2.45m AHD and min FFL 2.70m AHD
  - Min setback of 2m from coastal and/or road boundary and 1m from side boundaries
  - Max floor area for freestanding outbuildings 36m<sup>2</sup>, max wall height 2.7m, max overall height 3.3m

### *Sleaford Bay*

- T & NV should include Max building height single storey

### *Proper Bay Road (Near Tulka)*

- T & NV should include:
  - Min site and floor levels – min site level 2.3m AHD and min FFL 2.55m AHD

### *General*

- Zone needs to provide for outbuilding size max 120m<sup>2</sup> floor area, max height 4.2m, max wall height 3.3m unless otherwise specified

## **RURAL LIVING ZONE**

### Boston

- T & NV should include:
  - Min road frontage 25m
  - Min building setback from side and rear 5m

### Wangary

- T & NV should include:
  - Min road frontage 25m
  - Min building setback from side and rear 5m

### Tiatukia

- T & NV should include:
  - Min road frontage 25m
  - Min building setback from side and rear 5m

### General

- Zone needs to provide for outbuilding size max 180m<sup>2</sup> floor area, max height 6m, max wall height 4.5m unless otherwise specified – DTS/DPF 2.5 specifies a max floor area of 120m<sup>2</sup>, max wall height of 4m and total roof height of 5m

## **RURAL SETTLEMENT ZONE**

### Poonindie

- Aircraft Noise Exposure Overlay should apply

### North Shields

- Aircraft Noise Exposure Overlay should apply

### General

- Zone needs to provide for outbuilding size max 120m<sup>2</sup> floor area, max height 4.2m, max wall height 3.3m unless otherwise specified

## **NEIGHBOURHOOD ZONE**

### Point Boston *Previously Residential Precincts 16, 15, 17, 18 Mixed Use Point Boston Zone*

- No provision for the sequential development of residential precincts
- T & NV should be consistent with Scheme Description:
  - single storey dwelling height limit 5.2m and two storey development 8.2m - on specific lots
  - 40% site coverage
  - Outbuildings within Point Boston max floor area of 36m<sup>2</sup>, max wall height 2.7m and max height 3.3m
- The Scheme Description and Design Guidelines specify what type of dwelling can be built on what allotment

### General

- Zone needs to provide for outbuilding size max 120m<sup>2</sup> floor area, max height 4.2m, max wall height 3.3m unless otherwise specified

## **TOWNSHIP MAIN STREET ZONE**

Cummins

- Rezone land not fronting Bruce Terrace and Railway Terrace as Township Activity Centre - more appropriate

## **Overlays**

### **Aircraft Noise Exposure Overlay**

- This overlay should apply to land within a 3km radius of the airport
- The overlay should require that sensitive land uses within this 3km radius should be designed in accordance with *Australian Standard AS2021 – Acoustics – Aircraft Noise Intrusion – Building Siting and Construction*. The policy should advise that an application on land within this overlay should be accompanied by an acoustic assessment to establish compliance with the Australian Standard.

### **Coastal Areas Overlay**

#### Hazard Risk Minimisation

DTS/DPF 2.1

- the “standard sea flood risk level” as defined is the 1% AFE (Annual Exceedence Probability) sea flood level plus an allowance to accommodate 100yrs of land subsidence – how will applicants and assessors be aware of what this figure is?

PO 2.4

- will the mapping tool include 100 and 200 yr coastal retreat to enable assessment?

### **Dwelling Excision Overlay**

DTS/DPF 1.1 and PO 1.2

& DTS/DPF 1.2

- conflict between policy provisions– the assessment of land division in the rural zone allocates “All” Dwelling Excision Overlay policies to apply – DCLEP need to retain the right for the excise of one of two habitable dwellings

DTS/DPF 1.2(a)(iii)

- Length of driveway handle no more than 50m is too restrictive on large farming properties

### **Key Outback and Rural Route Overlay**

*Access – On site Queuing*

DTS/DPF 2.1

- Question why overlay only applies to western side of Tod Highway north of Wanilla?

### **Key Railway Crossings Overlay**

- Numerics will need updating if standards change
- This also applies to the other Transport route overlays where there are numerics referenced

#### **Limited Land Division Areas Overlay**

- This applies to Council's current Water Protection Zone which is proposed to be a Rural Zone with a Water Protection Overlay – this Overlay is taking away the rights of owners who under the current Development Plan can divide where:
  - One of two existing dwellings can be excised
  - Where the property is in excess of 100ha a small 1ha lot may be created for the owner's retirement or a relative employed on the farm

#### **Local Heritage Place Overlay**

- Due to time constraints – the inclusion of local heritage places in the consultation map viewer has not been checked

#### **Native Vegetation Overlay**

- Question the application of the Native Vegetation over the majority of the Council area?

#### **Resource Extraction Protection area Overlay**

- Refer to attached marked up map showing a suggested enlargement of that zone to encompass the DK quarries surrounding operations and not just the pit itself.

Whilst it is noted that the Overlay boundary was set based on the Mining License area, Council does not consider this an acceptable methodology for determining the extent of this Overlay. The impacts of the mining operations reach far beyond the licenced extraction area and Council strongly believes this should be taken into account as it is primarily the associated activities adjacent the licenced area that require the relevant policies to be applied.

#### **State Heritage place Overlay**

- Due to time constraints – the inclusion of state heritage places in the consultation map viewer has not been checked

## **General Policies**

### **Animal Keeping and Horse Keeping**

#### DTS/DPF 3.2 - Kennels

- Recommend Kennels be sited a minimum of 2000m from a township, settlement and urban areas / relevant zones

### **Design in Urban Areas**

#### DTS/DPF 22.1

- Capacity of tanks considered too small
  - Council currently requires min of 11,000 litres per bedroom within the Residential Zone and 15,000 litres within Settlement Zones
  - Note that Infrastructure and Renewable Energy DTS/DPF 11.2 requires minimum of 50,000 litres where a dwelling is not connected to mains water supply
  - min capacity of rainwater tanks be added to applicable zones via T & NV to maintain existing requirements –
    - 22 500 litres per bedroom within the Rural Zone, Rural Living Zone, Conservation Zone or Open Space Zone
    - 11 000 litres per bedroom within the Suburban Neighbourhood Zone
    - 15 000 litres per bedroom within the Rural Settlement Zone or Rural Shack Settlement Zone

### **Design in Rural Areas**

#### DTS/ DPF 12.1 (g) & (h) - Ancillary Development

- max wall height of 3m and max roof height of 5m too restrictive, particularly within rural areas and rural living zones where sheds are built to accommodate large boats, caravans, recreational vehicles etc

#### DTS/ DPF 12.3 (c) – Ancillary Development

- with maximum floor area limit of 60m<sup>2</sup> too restrictive, particularly within rural areas and rural living zones where sheds are built to accommodate large boats, caravans, recreational vehicles etc
- these parameters should be different that the design in urban area limits
- previously in Council's Development Plan there was no limit in Rural Areas for outbuildings and in Rural Living Zones a max floor area of 180m<sup>2</sup>

### **General**

- many of the policy provisions in regard to residential development are not considered applicable to rural areas



### **Interface between land uses**

#### PO 8.1 & DTS/DPF 8.1 - Electrical Interference

- Unsure how the presence of an existing fixed transmitter and receiver will be known to enable assessment

#### PO 9.2 - Interface with rural activities

- Recommend a DTS/DPF that sensitive receivers are sited at least 500m from the boundary of a site used for intensive animal husbandry

#### DTS/DPF 10.1 - Interface with Mines and Quarries

- Policy to also include Resource Extraction Zones

### **Marinas and on-water structures**

#### PO 1.3 - Navigation and Safety

- Possible DTS/DPF to read "All vessels moored to on-water structures to be located within property or license boundaries"

### **Resource Extraction**

- Recommend additional policies be included to address site rehabilitation

### **Tourism Development**

#### In rural Areas

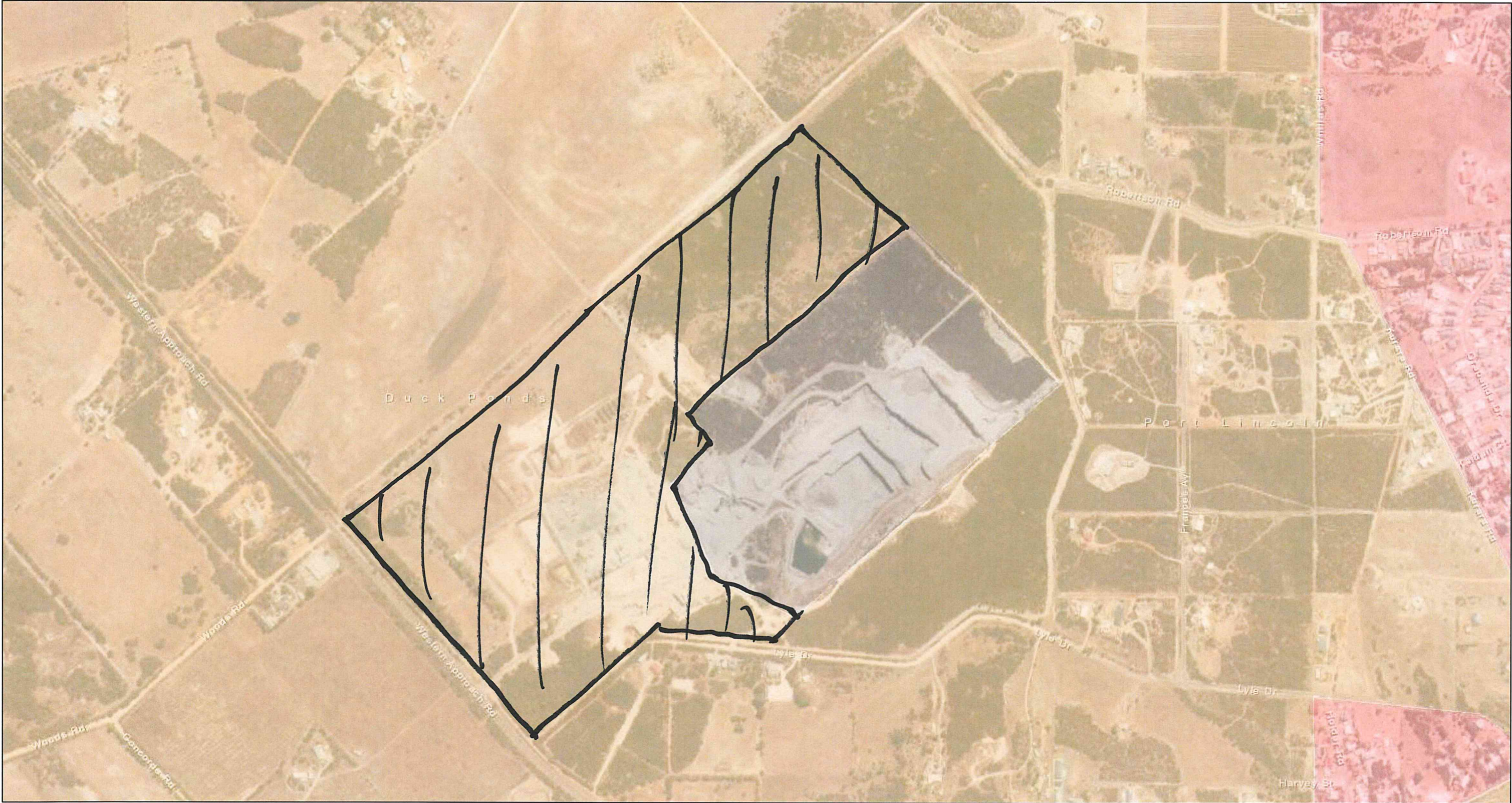
- No policy provisions to provide guidance for tourist development within rural areas eg linkages with agricultural production and processing, encourage re-use of existing buildings

### **Transport, Access and parking**

#### DTS/DPF 3.1 - Vehicle Access

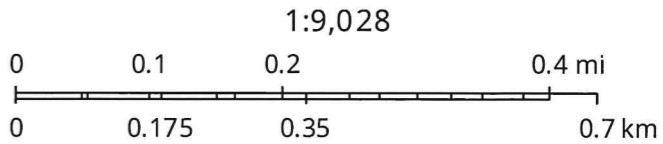
- Include (c) from an all-weather public road

# Planning and Design Code Consultation Map - Resource Extraction Zone Boundary



23/11/2019, 20:03:20

 = Proposed Expansion of Zone Boundary



Location SA