

28 February 2020

Department of Planning, Transport and Infrastructure
GPO Box 1815
ADELAIDE SA 5001

Via Email: DPTI.PlanningReform@sa.gov.au

Dear Sir/Madam

**Re: Submission – Planning and Design Code – Phase 3
Scotts Creek, Morgan**

This submission has been prepared by MasterPlan on behalf of Mr John Lester in relation to the subject land located at Lot 375 Scotts Creek Shack Road, Morgan. The subject land is more particularly described as Allotment 375 in Filed Plan 177257, Hundred of Elba, in the Area known as Scotts Creek, Morgan and is the whole of the land contained in Certificate of Title Volume 5721 Folio 825.

The land has been used as a camping ground and caravan parking area by our client since at least 1981. The owners wish to erect a dwelling on the subject land.

The subject land is located in the River Murray Zone and Flood Plain Policy Area as depicted on Maps MiMu/9 and MiMu/70 of the Mid Murray Development Plan. Within the Flood Plain Policy Area, all forms of development are non-complying with the exception of the replacement of a lawfully existing dwelling and subject to the elevated dwelling requirements, including connection to a CWMS Scheme. It is understood that the Scotts Creek CWMS Scheme extends to the immediate vicinity of the property adjoining the subject land and there is an opportunity to link in with the existing CWMS.

Our client's site is located in the immediate vicinity of the Scotts Creek shack area, and immediately adjacent an existing dwelling also located within the Flood Plain Policy Area.

The Planning and Design Code transitions the subject land to a Conservation Zone and a Dwelling Subzone with overlays relating to:

- Hazards (Bushfire Protection).
- Murray Darling Basin.
- Native Vegetation.
- River Murray Flood Plains.



- Water Resources.

Within the Conservation Zone, the Performance Outcomes include "Small-scale low impact land uses". One of the Deemed to Satisfy uses is listed as "camping ground".

In the Planning and Design Code, Non-complying Development is replaced with Restricted Development. In the Conservation Zone, a dwelling is Restricted Development with the following exception:

"Detached dwelling in the Dwelling Subzone where it would not result in more than one dwelling per allotment"

All of the existing Flood Plain Policy Area has been transitioned to a Dwelling Subzone.

The subject land will be located in the Dwelling Subzone and therefore a detached dwelling is not restricted development, but a Code assessed land use. The Desired Outcome of the Dwelling Subzone refers to "replacement dwellings and limited new dwellings located within a conservation area and therefore designed and located to minimise detrimental impacts...". The Performance Outcomes refer to "low-scale residential development" and "replacement dwellings or new dwellings".

Unlike the current zoning in the Development Plan, the Planning and Design Code provides development opportunities for a new dwelling on a site where there is no existing dwelling. Our client supports this change in policy approach, as it will provide for an appropriate performance-based assessment of dwelling proposals, rather than current situation where the designation of dwellings as non-complying also serves to strongly discourage such development on a policy basis.

The Policy Area contains a diverse range of land, and there are many areas where dwellings would not be appropriate. Other areas, such as our client's site, are located immediately adjacent existing nodes of development, with appropriate infrastructure (or the ability for appropriate infrastructure to be provided), and the ability to adequately protect future development from flooding. The approach taken in the Planning and Design Code adopts a performance-based approach which will allow for the consideration of each individual proposal on its merits.

Our client is supportive of the policy approach taken in the Planning and Design Code as it affects their land at Scotts Creek.

Yours sincerely

Michael Richardson
MasterPlan SA Pty Ltd

enc: Mr John Lester (via email).