

OFFICIAL

ENGAGEMENT REPORT

Section 73(7) of the *Planning, Development and Infrastructure Act 2016*

Miscellaneous Technical Enhancement Code Amendment

By the State Planning Commission



STATE
PLANNING
COMMISSION



Government of South Australia

Department for Trade
and Investment

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1 Purpose

This report has been prepared by the State Planning Commission (the Commission), being the Designated Entity, for consideration by the Minister for Planning (the Minister) in adopting the Miscellaneous Technical Enhancement Code Amendment (the Code Amendment).

The report details the engagement that has been undertaken, the outcomes of the engagement including a summary of the feedback made, the response to the feedback and the proposed changes to the Code Amendment. In addition, the report evaluates the effectiveness of the engagement and whether the principles of the Community Engagement Charter have been achieved. Any changes to the engagement plan during the process are also outlined.

2 Introduction

The Code Amendment was an opportunity to make technical changes to improve the performance, interpretation, and consistency of the Planning and Design Code (the Code), informed by the experience of planning practitioners and other users of the Code who have provided valuable feedback during its first year of operation.

The Commission has been monitoring and reviewing the Code and its performance to identify any areas where amendments may be required to ensure intended outcomes are better achieved. For the most part, it is considered the Code has been working well and the intent of the policy is generally being achieved. However, in the interest of ongoing improvements it is acknowledged that regular updates to particular policies and their effect on procedures is necessary in certain instances to ensure the appropriate outcomes and intent are being met and that the process is straightforward and efficient for users.

The Code Amendment focuses on:

- Technical matters
- Policy clarity and interpretation
- Consistency with drafting principles
- System efficiency and procedural matters.

It aims to improve the following key areas of the Code:

- Public notification tables
- Assessment pathways
- Overlays and referrals
- Definitions
- Restricted development
- Policy terminology
- Policy expansion
- Rules of Interpretation
- Character and heritage identification
- Classification tables / linkages.

It is important to emphasise that the Code Amendment focuses primarily on issues of a technical and/or operational nature. It is not intended to make substantial changes in policy positions which would affect underlying policy intent and outcomes. Items that seek to alter policy intent will require separate investigations and need to be progressed through another code amendment process.

Support preparing the Code Amendment, undertaking the engagement and preparing this report has been provided by Planning and Land Use Services staff from the Department for Trade and Investment (the Department).

3 Engagement Approach

The process for amending a designated instrument (including the process to amend the Code) is set out in the *Planning, Development and Infrastructure Act 2016* (the Act) which requires public engagement about the proposed changes to take place in accordance with the Community Engagement Charter through the preparation of engagement plan (the Engagement Plan). The purpose of this engagement was to:

- communicate and engage with regular users of the Code and other interested stakeholders about the Code Amendment in a timely and respectful manner
- provide public information about what the proposed Code Amendment seeks to achieve and its proposed changes
- define the parameters of the public consultation so that people know why feedback is being sought and how it will be used
- provide opportunities for discussion, information provision and feedback that are most convenient to stakeholders, thereby increasing the likelihood and quality of participation, and building trust and rapport
- allow sufficient time for stakeholders to receive, consider and respond to information provided
- respond to stakeholder questions and concerns during consultation
- capture and consider stakeholder feedback in the final drafting of the Code Amendment.

The engagement plan was peer reviewed by a third party prior to the commencement of engagement activities. There was no variation to the approved engagement plan during the consultation period.

3.1 Engagement Activities

Previous engagement

In July and August 2021, the Commission initiated a 'call for issues' to assist in informing the scope of the Code Amendment. This process called upon planning and development professionals, along with the public, to provide feedback on technical elements which should be addressed through the Code Amendment. A total of 42 written submissions were received by the Commission through this process.

The Department also held a workshop with planning staff from several councils to discuss key technical areas where the Code could be improved. In addition, technical issues reported via the PlanSA Service Desk were collated.

All submissions and issues raised by stakeholders were reviewed and form the basis of the changes proposed in the Code Amendment. While some of the submissions were outside the scope of the Code Amendment, they form a good basis for further investigations and a separate code amendment process.

Pre-consultation engagement

In April 2022, during the drafting and refining of the Code Amendment, and prior to commencing formal public consultation, planning staff from the Department held three workshops with key stakeholders to seek early feedback on some of the significant changes proposed in the draft Code Amendment. The workshops also provided an opportunity to 'close the loop' on issues identified during 2021's 'call for issues'.

Registration for workshops was through an expression of interest and the Department sought to ensure that there was representation at each workshop from both industry and council. The workshops were focused on the following key areas:

- Notifications tables
- Assessment pathways (new pathways policy and streamlining existing pathways for minor/common development)
- Policy refinement and definitions

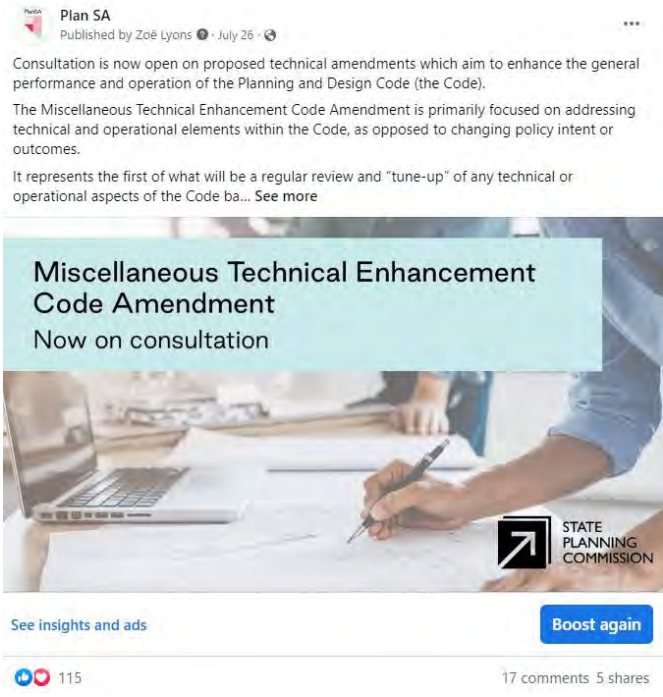
Workshop participants were generally supportive of most of the key changes proposed in the draft amendment and provided valuable feedback on how they could be improved.

Consultation activities during public consultation – 25 July 2022 to 23 September 2022

The following engagement activities were undertaken during the consultation period.

Consultation launch activities

Activity	Description and Target Audience
<p><u>Plan SA portal updated</u> with all key information</p>	<p>The PlanSA portal was updated with a banner on the homepage advertising the consultation, and provided the following information on the dedicated Code Amendment page:</p> <ul style="list-style-type: none"> • overview of the Code Amendment • the Code Amendment document • a fact sheet outlining the key changes in the Code Amendment with references to help people navigate the Code Amendment document • a set of 'frequently asked questions' about the Code Amendment • a link to the PlanSA Eventbrite page to register for one of the community information sessions • a submission form to provide feedback • contact details for all enquiries.
<p><u>Letter to key stakeholders</u></p>	<p>A personalised letter from the Commission was emailed to all key stakeholders, which provided an overview of the Code Amendment and invited feedback during consultation.</p>

Activity	Description and Target Audience
<p><u>Invitation to a private briefing on the Code Amendment to key stakeholders</u></p>	<p>The following stakeholders were provided with an invitation to join the PLUS Code Amendment team for a one-hour online ‘industry leaders briefing’ on the Code Amendment:</p> <ul style="list-style-type: none"> • South Australian planning industry peak body heads • South Australian local council leaders (CEO, Mayors and Elected Members) • Local Government Association representatives <p>In addition, the Chair of the Commission offered a private briefing with himself and PLUS staff members to representatives of Community Alliance SA.</p> <p>An invitation to a two-hour ‘practitioner’s briefing’ was also emailed to the 2,000 council and industry planning contacts who are registered with the PlanSA’s practitioner database.</p>
<p><u>Social Media</u></p>	<p>A social media campaign was used to promote the consultation. The campaign consisted of three posts scheduled across the 8-week consultation period promoting the community information sessions and the closing date for feedback.</p> <p>Each post was replicated across PlanSA Facebook, PlanSA Twitter and the Commission’s LinkedIn page.</p> <p>Paid advertising was utilised to boost” the PlanSA Facebook posts across the State.</p>  <p>The screenshot shows a Facebook post from Plan SA, published by Zoë Lyons on July 26. The post text reads: "Consultation is now open on proposed technical amendments which aim to enhance the general performance and operation of the Planning and Design Code (the Code). The Miscellaneous Technical Enhancement Code Amendment is primarily focused on addressing technical and operational elements within the Code, as opposed to changing policy intent or outcomes. It represents the first of what will be a regular review and "tune-up" of any technical or operational aspects of the Code ba... See more". Below the text is a graphic with the title "Miscellaneous Technical Enhancement Code Amendment Now on consultation" and the State Planning Commission logo. At the bottom of the post, there is a "Boost again" button and engagement statistics showing 115 reactions, 17 comments, and 5 shares.</p>

Activity	Description and Target Audience
<p><u>Print Advertising</u></p>	<p>An advertisement about the consultation was placed in the Sunday Mail on Sunday 7 August.</p>  <p>Have your say on technical improvements to the Planning and Design Code</p> <p>Consultation is now open on the Miscellaneous Technical Enhancement Code Amendment which aims to improve the general performance and operation of the South Australia's Planning and Design Code.</p> <p>The Code Amendment addresses technical and operational aspects of the Code, based on feedback from users following its first year of operation.</p> <p>Public consultation on the draft Code Amendment is open until 23 September 2022.</p> <p>Further information about this Code Amendment, including details on how to provide feedback and how to register to attend one of the online public information sessions, can be found on the PlanSA website: plan.sa.gov.au/en/mte</p>
<p><u>'Planning Ahead' article</u></p>	<p>An article was placed in the August edition of 'Planning Ahead', the PLUS monthly newsletter which has a subscriber base of just over 2,000 council, industry, and community contacts</p>

Stakeholder briefings on the Code Amendment

The following stakeholder briefings occurred. Each briefing was led by the PLUS Code Amendment team and was opened by a member of the Commission.

Activity	Description & Target Audience
<p>3 August 2022 - Planning practitioners briefing</p>	<p>This two-hour online briefing was attended by approximately 189 planning practitioners. A copy of the PowerPoint presentation was provided to participants.</p>
<p>9 August 2022 – Planning industry peak body leaders briefing</p>	<p>This one-hour online briefing was attended by 11 planning industry peak body leaders. A copy of the PowerPoint presentation was provided to participants.</p>
<p>10 August 2022 - Council leaders briefing</p>	<p>This one-hour online briefing was attended by 35 South Australian local council leaders – a mix of CEOs, Mayors, Elected Members and staff. It was also attended by a representative from the Local Government Association. A copy of the PowerPoint presentation was provided to participants.</p>
<p>10 August and 23 August - Briefings to Community Alliance SA representatives</p>	<p>These meetings were attended by two representatives from Community Alliance SA along with two PLUS staff and the Chair of the Commission.</p>

Activity	Description & Target Audience
August to September 2022 – tailored briefings as required	The PLUS Code Amendment team provided briefings at the regular PlanSA User and PlanSA Policy forums, as well as to the Local Government Assessment Manager forum and the Mount Lofty Ranges Planners meeting at their request.

Public information sessions on the Code Amendment

The following public information sessions occurred. Each briefing was led by PLUS Code Amendment team staff.

Despite promotion across all PlanSA channels, the low turn-out to these community information sessions indicates that - as might be expected - the broad and technical nature of the Code Amendment was of more interest to planning industry members than the wider South Australian community.

Activity	Description & Target Audience
16 August 2022 – Public information session #1	Attended by three people. A copy of the PowerPoint presentation was provided to participants.
18 August 2022 – Public information session #2	Attended by nine people. A copy of the PowerPoint presentation was provided to participants.

Availability of consultation materials

The Code Amendment document, fact sheet and frequently asked questions were made available:

- in hardcopy at the Planning and Land Use Services public reception area - Level 5, 50 Flinders Street, Adelaide
- electronically on the Plan SA website: plan.sa.gov.au/en/code_amendments.

Email and telephone enquiries

The following PlanSA contact details were provided throughout the consultation period. Both stakeholders and the broader public were invited to make contact if they had enquiries or wished to set up a meeting to discuss the Code Amendment.

- Phone: 1800 752 664
- Email: plansa@sa.gov.au

Media Coverage

There was no media coverage of the Code Amendment.

3.2 Mandatory Requirements

The following relevant mandatory engagement requirements relating to amending the Code (as prescribed in the Community Engagement Charter) were met:

1. Notice and consultation with council/s
2. Notice and consultation with the Local Government Association

4. Evaluation of Engagement

The engagement process for the Code Amendment was evaluated to ensure the principles of the Community Engagement Charter (the Charter) were met.

4.1 Performance Indicators for Evaluation

The minimum mandatory performance indicators were used to evaluate the engagement and gauge how successful the engagement was in meeting the Charter's principles.

Evaluation of Engagement by Community Members

The minimum mandatory performance indicators required an evaluation of responses from members of the community on the engagement. This includes an evaluation of whether (or to what extent) community members felt:

1. That the engagement **genuinely sought** their input to help shape the proposed Code Amendment.
2. **Confident their views were heard** during the engagement.
3. They were given an adequate **opportunity to be heard**.
4. They were given **sufficient information** so they could take an informed view.
5. **Informed** about why they were being asked for their view, and the way it would be considered.

This evaluation was conducted via an online survey emailed to those who either lodged a submission or attended information sessions during the consultation period. The survey was delivered to approximately 300 email addresses. A total of 42 people responded and completed the survey. The results of the evaluation are contained in Attachment 2 to this report.

Evaluation of Engagement by the Designated Entity

A further evaluation of the engagement process is required to be undertaken by (or on behalf of) the Designated Entity about whether (or to what extent) the engagement:

1. **Occurred early enough** for feedback to genuinely influence the planning policy, strategy or scheme.
2. **Contributed to the substance** of the final draft Code Amendment.
3. **Reached those identified** as communities or stakeholders of interest.
4. **Provided feedback to community** about the outcomes of the engagement.
5. Was **reviewed throughout** the process and **improvements put in place** or recommended for future engagement.

This evaluation was undertaken by the PLUS Communications and Engagement team on behalf of the Designated Entity.

4.2 Summary of the evaluation of the engagement against the Charter Principles

The following is a summary of the evaluation of the engagement against the five principles of the Charter. The full results of the evaluation can be found in Attachment 2.

(1) Engagement is genuine

People had faith and confidence in the engagement process

All communications about the Code Amendment emphasised that the proposed changes were not final, and that feedback was important in helping to shape how it would be finalised and implemented, if approved.

The survey results show that the majority of respondents (over 66%) either somewhat or strongly agreed that the consultation was genuine.

Evaluation statement	Strongly disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Strongly agree	Number of responses
I feel that my input was genuinely sought to help determine if the proposed Code Amendment was suitable for adoption, or if changes should be made	2.38%	7.14%	22.81%	38.10%	28.57%	42

(2) Engagement is inclusive and respectful

Affected and interested people had the opportunity to participate and be heard

The team strove to ensure that all interested parties had the time and opportunity to participate in the consultation process. Particular attention was given to providing local council and planning industry leaders and planning practitioners with private briefings and the opportunity to speak directly with the Code Amendment team about the proposed changes.

The survey results show that the majority of respondents (over 69%) either somewhat or strongly agreed that that they had adequate opportunity to be heard and to provide feedback.

Evaluation statement	Strongly disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Strongly agree	Number of responses
I was given adequate opportunity to be heard and to provide feedback on the Code Amendment	0.0%	7.14%	23.81%	45.24%	23.81%	42

(3) Engagement is fit for purpose

People were clear about the proposed change and how it would affect them

The communications included a fact sheet which outlined the key proposed changes with references to help navigate the Code Amendment document. The briefings and information sessions were designed to offer further explanation of the proposed changes and to provide time for questions.

The survey results show that majority of respondents (over 76%) either somewhat or strongly agreed that they were given sufficient information about the Code Amendment.

Evaluation statement	Strongly disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Strongly agree	Number of responses
I was given sufficient information to provide informed feedback on the Code Amendment	2.38%	16.67%	4.76%	45.24%	30.95%	42

(4) Engagement is informed and transparent

All relevant information was made available, and people could access it

People understood how their views would be considered in relation to finalising the Code Amendment

All communications emphasised that stakeholder feedback was important and would help inform how the proposed changes in the Code Amendment would be finalised and implemented, if approved.

The survey results indicate that majority of respondents (over 76%) either somewhat or strongly agreed that they were informed about why feedback was being sought and how it would be used.

Evaluation statement	Strongly disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Strongly agree	Number of responses
I was informed about why I was being asked for my feedback on the Code Amendment, and how my feedback would be used.	0.00%	11.90%	11.90%	52.38%	23.81%	42

(5) Engagement processes are reviewed and improved

The engagement was reviewed, and improvements recommended

The engagement plan was peer reviewed by a third party prior to commencing consultation. No changes were made to the engagement plan during consultation.

A post-consultation survey was conducted at the conclusion of the consultation period. Following the survey, the PLUS Code Amendment and engagement team discussed the feedback received about the engagement process during consultation and as part of the post-consultation survey.

One key piece of critical feedback noted by the team was that the Code Amendment proposed too many changes which made it hard for some people to have time to provide adequate feedback. The team have noted this feedback and will be considering how to better organise, format and reduce lengthy technical amendments in the future.

5 Engagement Outcomes

5.1 Feedback Received

Enquiries

A total of 15 enquiries were received through the PlanSA service desk, the majority of which were from council planning staff.

Written submissions

A total of 65 written submission were received. See Attachment 2.

Key issues

A wide range of feedback was received through all engagement activities in relation to the various changes proposed by the Code Amendment. Key areas of feedback related to:

- restricted development classifications
- assessment pathways
- building height definition / change of policy
- primary street setback policy
- public notification
- clarity and interpretation of policies.

5.2 Summary of submissions, Response and Recommendations

The following section provides a summary of the submissions received and the Commission's responses and recommendations in relation to the final Code Amendment for approval.

Rules of Interpretation (2.3.1)

The Code Amendment reviewed Part 1 – Rules of Interpretation specifically in relation to the application of spatial policy relevant to the site of a development, as well as spatial maintenance updates comprising minor or operational amendments. Specific feedback related to the proposed changes are discussed in 2.3.1.1 and 2.3.1.2 respectively.

Feedback:

General feedback on Part 1 – Rules of Interpretation sought clarification to ensure that a Designated Performance Feature (DPF) is only one way that a Performance Outcome (PO) can be satisfied in a Performance Assessment. Feedback also sought clarification on what constitutes a minor variation with respect to a deemed-to-satisfy assessment, with a further suggestion that limitations be applied to the number of minor variations which can be allowed.

Response:

Designated Performance Features

DPFs provide guidance about what is generally considered to satisfy the corresponding POs but do not derogate from the discretion of a relevant authority to determine that the outcome is met in another way.

While a DPF generally satisfies the relevant PO, this may not always be the case. Section 107 of the PDI Act establishes that performance assessed development will be assessed on its merits against the Code. Accordingly, the role of the relevant authority in a performance assessment is to consider all relevant policies on balance and determine whether the development warrants consent.

Parkins v Adelaide Hills Council Assessment Manager [2022] SAERDC 12, delivered by a Commissioner of the Environment, Resources and Development Court on 1 August 2022 made several important comments about the use of DPFs in a performance assessment, including:

1. A DPF is ‘advisory’ and is one way that a PO is satisfied. [74]
2. Although the Rules of Interpretation are silent on the issue of a ‘quantum departure’ from a DPF, ‘they do provide that a DPF does not derogate from the need to assess development on its merits against all relevant policies’. [75]
3. Departure from the terms of a DPF is not, of itself, grounds for refusal, although it is something that cannot be completely ignored. If nothing else, it will be a flag to the relevant authority to ensure that, by way of alternative, or the specific circumstances of the matter, the PO is met. [76]

Given the above determination, it is considered that the Rules of Interpretation regarding this matter are sufficiently clear that adherence to a DPF should not outweigh consideration of how a development proposal may satisfy all relevant POs. No further action will be taken at this juncture.

Minor Variations

Section 106(2) of the Act states: *If a relevant authority is satisfied that development is deemed-to-satisfy development except for 1 or more minor variations, the relevant authority must assess it as being deemed-to-satisfy.* Whilst the Act does not impose any limitation on the number of minor variations which may be allowable, it does allow that conditions be placed on the approval of a deemed-to-satisfy development to address any minor variation to make it consistent with the deemed-to-satisfy requirement.

In this way, the Code functions in the same way as the ‘Residential Code’ i.e., Schedule 4 Complying Development under the former Development Regulations 2008, which included “development that is assessed as being a minor variation from such a form” as those development types described in the Regulations.

Given the above, it is considered that the suggestion to place a limit on the number of minor variations which may be allowable for a deemed-to-satisfy development would require a more targeted review and is outside the scope of the Code Amendment.

Recommendation:

No changes recommended.

Application of Spatial Policy Relevant to the Site of the Development (2.3.1.1)

The Code Amendment reviewed Part 1 – Rules of Interpretation specifically in relation to the application of spatially based policy (zones, subzones and overlays) in circumstances where a zone, subzone or overlay only partly covers the site of a development. The Code Amendment proposed that the Rules of Interpretation be changed to include explanation and rules on how to determine relevant policy when a spatial layer applies to only part of a site that is the subject of a development application.

Feedback:

The proposed amendment was well supported. Clarification was however sought on whether this change would affect the application of some clauses of Schedule 4 of the Planning, Development and Infrastructure (General) Regulations 2017 (the Regulations) which refer to zones, subzones or overlays identified under the Code for the purposes of that paragraph.

Specifically, feedback queried how the proposed amendment would affect fencing which is exempt from requiring approval provided it is not located within the Hazards (Flooding) Overlay within the Code. Guidance was also sought on how to process development applications where the development site is affected by two different zones, particularly with respect to the category of development and public notification requirements.

Further feedback suggested that there is a need to review zone boundaries and the spatial application of subzones, overlays and Technical and Numeric Variations (TNVs) to adequately reflect the intent of the application of each and the policies contained within.

[Clarification: a wider review of the boundaries of various spatial layers and the intent of policies contained within is outside the scope of the Code Amendment.](#)

Response:

Feedback noted that currently, pursuant to schedule 4 of the Regulations, if a portion of a property is in a designated flood overlay, the fence will require approval even if the fence is located on a portion of the site not within the overlay.

Schedule 4 (1)(d) excludes fences from the definition of development other than:

(i) a fence in—

(A) a designated flood zone, subzone or overlay identified under the Planning and Design Code for the purposes of this subparagraph;

Part 5 of the Code identifies specifies areas as 'designated flood zone, subzone or overlay' for the purposes of clause 3(1) of the Regulations – Interpretation as the following:

- Coastal Areas Overlay
- Hazards (Flooding) Overlay
- River Murray Flood Plain Protection Area Overlay

Neither the Regulations, nor Part 5 of the Code stipulate that an exclusion under schedule 4 does not apply if only a *portion of the property* is affected by the overlay.

As such, the amendment is not changing how the Regulations, or indeed the Code should be applied in respect to policy provisions which are spatially based. Rather, the amendment is seeking to provide clarity in response to a property-based search of the Code via the 'What policies apply to an address' or 'What policies apply to a development at an address' Line of Enquiry Tools, which identifies all spatial layers which exist at the identified address. But does not determine what layers apply the location of the *development site* at an address. That is the role of the relevant authority.

The South Australian Property and Planning Atlas (SAPPA) ultimately defines the spatial extent and boundaries of zones, subzones and overlays established by the Code, and should be relied upon to

determine whether a policy of a zone, subzone or overlay would be applicable to the site of a development.

Recommendation:

No change recommended.

Spatial maintenance updates – comprising minor or operational amendments (2.3.1.2)

The Code Amendment proposed changes to Part 1 – Rules of Interpretation specifically in relation to minor or operational amendments to the Code’s spatial layers made on a regular basis to maintain a correct relationship between them and land parcels. The proposed changes would create a mechanism whereby changes to spatial layers are able to occur, without formal procedures, where the spatial application of the boundary of a zone, subzone or overlay is directly aligned or linked with the cadastre (being a parcel boundary or some other point or position within a parcel) and the cadastre is amended by the Surveyor-General.

Feedback:

Generally, the changes were supported. Other comments included:

- concern about the potential for this mechanism to be used for more significant adjustments to spatial layers, overlays in particular the need for these changes to be kept on record to inform users of the planning system
- queries whether this mechanism be extended to the spatial maintenance of other overlays which are not reliant upon changes to cadastre, but are changed by other factors such as:
 - adjustments to the Local Heritage Place Overlay where demolition approval of a Local Heritage Place has been granted and undertaken
 - adjustments to Bushfire or Flood Hazard Overlays as urban expansion changes risk levels through vegetation clearance or mitigation works
 - the application of the Advertising Near Signalised Intersections Overlay to sites where a new signalised intersection has been installed.

Response:

To provide greater clarity surrounding the specific overlays to which this mechanism will apply, and visibility of the rules which govern when and how specific overlays may be adjusted, it is proposed to make further amendments to Part 1 – Rules of Interpretation in response to feedback received.

The proposed changes will include a policy mechanism which relates to section 71 of the Act. This section enables a designated instrument to provide that:

A designated instrument may –

(e) other than in the case of a regional plan, provide that any matter or thing is to be determined, dispensed with or regulated according to the discretion of the Minister, the Commission, the Chief Executive or any other specified body or person.

Using this provision, it is proposed to incorporate material in the Rules of Interpretation which enables the Code to provide that the Minister may alter the spatial application of certain overlays in accordance with certain circumstances to be set out in the Code. The proposed changes will also include detail of the process by which these changes may be enacted, specifically that notification of such changes is incorporated into SAPPA, provided on the SA Planning Portal, and a recorded of in Part 13 – Table of Amendments of the Code.

It is considered that this proposal will increase the responsiveness of the Code and associated spatial layers in SAPPA to changes on the ground resulting from updated survey and cadastral data, as well as in certain specified circumstances, such as changes to signalised intersections, State maintained roads, and changes to heritage places that would affect heritage adjacency policy.

It is considered that for certain overlays where a more substantial change is required than the types of changes outlined above, amendments should continue to be made under section 76 of the Act (for the specific removal of errors, inconsistencies, or irrelevant material from the Code and SAPPA, including the addition or removal of a heritage place), or section 73 of the Act, where specific proponent-led code amendments are required to be undertaken in accordance with the Community Engagement Charter.

Recommendation:

AMEND Part 1- Rules of Interpretation to provide greater clarity regarding the specific overlays to be amended via routine maintenance updates to spatial layers under section 71 of the Act and the specific circumstances for which such updates would occur.

Part 2 – Zones and Sub Zones (2.3.2)

Conservation Zone - land division - PO 2.1 – Policy (2.3.2.1)

The amendment proposed to clarify that land division should avoid creating additional allotments with frontage to the coast or River Murray.

Feedback:

Support was received for this amendment with clarification sought as to whether ‘direct property access to waterfront areas’ is limited to parcels that abut the river’s edge or includes parcels that are separated by a public reserve (i.e., Crown land) and/or a public road.

Response:

It is considered appropriate to provide clarity through refinement of the policy that land division shouldn’t increase access to waterfront areas even for those areas separated by a public reserve (i.e., Crown land).

Recommendation:

AMEND PO 2.1 within the Conservation Zone to provide clarity that land division avoids an increase in direct property access to waterfront areas (including access via a public reserve).

Conservation Zone - land division – DTS/DPF 2.1 – Policy (2.3.2.2)

This amendment proposes to provide clarity for boundary realignments that they do not result in any additional allotments with frontage or direct access to the coast or the River Murray.

Feedback:

Support was received for this amendment with further clarification sought as to whether ‘direct property access to waterfront areas’ is limited to parcels that abut the river’s edge or includes parcels that are separated by a public reserve (i.e., Crown land) and/or a public road.

Response:

Further clarity should be provided through refinement of the policy that land division shouldn't increase access to waterfront areas even for those areas separated by a public reserve (i.e., Crown land).

Recommendation:

AMEND DTS/DPF 2.1 within the Conservation Zone to provide clarity that land division avoids an increase in direct property access to waterfront areas (including access via a public reserve)

Master Planned Zones – Site Dimensions and Land Division – Policy Review (2.3.2.3)

This amendment proposed changes to PO 11.3 of the Master Planned Township Zone and Master Planned Neighbourhood Zone to include a reference to Concept Plans to ensure consistency between concept plan policy within these zones and the Master Planned Renewal Zone.

Feedback:

Limited feedback was received on this, which was generally supportive of the proposed change. However, it was argued that there is insufficient definition of what constitutes a concept plan, as well as limited guidance on how to make an assessment against a concept plan where one is relevant to the site of a proposed development. It was further suggested that master plans be given statutory recognition through the inclusion of a relevant definition in Part 8 – Administrative Terms and Definitions.

Response:

The *Guide to the Planning and Design Code* provides an overview of the role of concept plans, as well as the circumstances where it may be appropriate for the Code to include a concept plan, including where:

- policy and zoning tools available in the Code cannot adequately address the development outcomes envisaged in the concept plan
- the subject concept plan has an active policy role in the future staging of development and provision of infrastructure.

Given the range of matters that are addressed by various concept plans within the Code (including provision of infrastructure, transition of building height, staging of subdivisions), as well as the varying scale at which concept plans are shown (from single allotments to entire townships), it is considered that should further guidance on the application and use of concept plans be required, it may be appropriate to provide this through updates to the *Guide to the Planning and Design Code* rather than through an amendment to the Code itself.

There are benefits in recognising master plans in the Code, however this needs to be considered against the range of tools and mechanisms already available in the planning system. It is a matter outside of the scope of the Code Amendment.

Recommendation:

No changes recommended.

Rural Zone – Detached Dwelling – Interface Between Land Uses – Linkages (2.3.2.4)

The amendment proposed a change to the applicable policies for performance assessed detached dwellings within the Rural Zone, to ensure that those provisions of the Interface Between Land Uses General Development Policies related to interface with rural activities, being PO 9.1-9.7 of the module, can be called up during assessment.

Feedback:

The proposed change was well supported and included a suggestion to replicate it in the Productive Rural Landscape Zone, given the level of similarity in the range of development types that are envisaged within it and the Rural Zone.

A further suggestion involved the similar application of Interface Between Land Uses General Development Policies to deemed-to-satisfy horticulture within the Productive Rural Landscape Zone as a related but separate issue.

Response:

Detached Dwellings

Due to the similarity between development types which are envisaged in both the Rural Zone and Productive Rural Landscape Zones, and the identified need for residential development within rural-type zones to address matters relating to the interface between rural and residential activities, it is considered appropriate to also apply PO 9.1-9.7 of the Interface Between Land Uses General Development Policies to a performance assessed detached dwelling within the Productive Rural Landscape Zone.

Horticulture

The deemed-to-satisfy pathway for horticulture within the Productive Rural Landscape Zone currently calls up the Interface between Land Uses [Activities Generating Noise or Vibration] DTS/DPF 4.1. It is noted that the other relevant provisions of this policy module which are linked to performance assessed horticulture within Table 3 of the zone, being PO 1.2, 4.2, 5.1, 9.1 and 9.6, do not contain associated DTS/DPF provisions and as such are not suitable for inclusion within the deemed-to-satisfy pathway. It is considered that should additional policy content be required to address matters of interface with rural activities for development within the deemed-to-satisfy assessment pathway, this would be more appropriately addressed via a separate code amendment to enable robust policy discussion on the matter in a targeted way. As such, no further change is recommended on this matter at this stage.

Recommendation:

ADD the following policy linkages for performance assessed detached dwelling in Table 3 of the Productive Rural Landscape Zone, including associated DTS/DPF provisions:

- Interface between Land Uses [Interface with Rural Activities]: PO 9.1, PO 9.2, PO 9.3, PO 9.4, PO 9.5, PO 9.6, PO 9.7

Rural Zone – Detached Dwelling – Linkages (2.3.2.5)

The amendment proposed a change to the applicable policies for performance assessed detached dwellings within the Rural Zone to prevent irrelevant provisions related to dwelling additions, rather than dwellings, being returned.

Feedback:

The proposed change was well supported.

Response:

N/A

Recommendation:

No changes recommended.

Rural Zone – Land Division / Boundary Realignment – Linkages (2.3.2.6)

The amendment proposed a change to the applicable policies for performance assessed land division within the Rural Zone to ensure that PO 11.3 of the zone is called up in assessment.

Feedback:

The proposed change was well supported. Feedback suggested that there needs to be sufficient policy to assess boundary realignments within the Rural Zone, notwithstanding the existence of the Environment and Food Production Areas (EFPA). There was also, a request for the inclusion of a Deemed-to-Satisfy / Designated Performance Feature (DTS/DPF) provision linked to PO 11.2 to recognise that where boundary realignments are proposed in Rural Zones, a minimum allotment size TNV for the more sensitive use should apply. Further feedback suggested that a similar review be undertaken for land division within the Productive Rural Landscape Zone.

Response:

Given that DTS/DPF 11.1 includes a minimum site area TNV for land division, including boundary realignments, it is considered unnecessary to also include a similar DTS/DPF provision and TNV linked to PO11.2. Furthermore, as PO 11.2 relates to the division of land for the purposes of facilitating a more intensive use of the land, it is considered that this should be assessed on merit against the PO, rather than through a DPF provision, noting that a DPF is only one way that a PO may be satisfied.

Regarding a similar review occurring for the Productive Rural Landscape Zone, there are no specific provisions identified for performance assessed land division within table 3 of the zone. As such, a land division within this zone would require performance assessment against all relevant provisions of the Code. Given the potential policy implications of programming in a specific pathway for land division within this zone, it is considered that such a review may be better suited to a more targeted code amendment with a specific focus on Rural Zone policy. As such, no further change is recommended at this stage.

Recommendation:

No changes recommended.

Urban Corridor Zones – Primary Road Corridor – Policy Review (2.3.2.7)

The amendment proposed to ensure the consistent use of terminology for ‘primary road’, ‘primary road corridor’, ‘primary road / public transport corridor’ across the Urban Corridor suite of zones by referring to ‘primary road corridor (i.e., a State maintained road)’.

Feedback:

There was a general level of support for the intent of the amendment. However, concerns were expressed, in relation to changes in development potential and unintended consequences of this change in terminology. These are summarised below:

- what happens with roads that are considered ‘primary road corridors’ but are council maintained. From this amendment it is not clear if the same policies can then be applied to council maintained roads within these zones
- a variety of policies would be affected by the proposed wording change and these should not be exclusive to development sites with frontages to State maintained roads
- a broader review of terminology in the Urban Corridor Zones is needed to provide greater consistency in the policy wording, other than where there is an intentional difference in policy terminology

- important setback and interface policies should not be removed from rezoned local streets. Minor roads need to retain TVN setbacks to protect them from inappropriate developments
- why is policy orienting some development towards the primary corridor rather than the quieter side street, which may suit shops and cafes.
- there should be more clear direction for properties within corridor zones which do not face a State maintained road, particularly as this relates to building envelope and setbacks
- additional policy may be required to ensure that local roads are still appropriately responded to and that development positively contributes to secondary frontages and lower order roads when being used as a primary frontage or a secondary frontage.

Response:

The proposed amendment was to provide clarity in the intent and interpretation of similar terms used within the suite of Urban Corridor Zones. It is acknowledged that the proposed amendments may have the potential to have unintended consequences for primary roads within zones which are not a State maintained.

It is considered that refinement in policy is required to address this issue. Given that applications using this policy will have a performance assessed pathway (rather than deemed-to-satisfy) it is reasonable to provide clarity/demonstrate that primary road corridors are typically State maintained (by instead using the term 'for example' over 'i.e.'). As such, the policy should not be limited to just this type of road and additional wording should be included to allow for a road which shares similar attributes to a State maintained road to also be considered a 'primary road corridor' and/or 'public road'.

A further review of the policies has identified that current wording within these zones refers to 'primary road corridor' when the intent of the policy is more so about the 'primary street frontage'. It is considered reasonable to amend the wording to provide clarity and ensure a consistent application and interpretation of policy when the intent is for a primary street frontage regardless of whether it is a primary corridor.

Whilst it is acknowledged that additional policy to address roads/streets which would not be considered a primary road corridor may be useful, this is considered outside the scope of this amendment. The Commission will continue to monitor development in these urban corridor areas and may look to respond accordingly through future policy amendments.

Recommendation:

AMEND the terminology across the Urban Corridor suite of zones by referring to 'primary road corridor (e.g., a State maintained road or a road with similar attributes)' except where mentioned in the following instruction below.

AMEND the term 'primary road corridor' to 'primary street frontage' in the following:

- Urban Corridor (Boulevard) Zone – PO 1.3, PO 1.5, DTS/DPF 1.5, PO 2.4
- Urban Corridor (Business) Zone – PO 1.4, PO 1.5, DTS/DPF 1.5, PO 2.3
- Urban Corridor (Living) Zone – PO 2.2, PO 6.2
- Urban Corridor (Main Street) Zone – DTS/DPF 1.3.

Urban Corridor Zones – Side Boundary Setback – Policy Review (2.3.2.8)

This amendment addressed a lack of synchronisation between the PO and the DTS/DPF in these zones to bring the PO into greater alignment with the overall intent on the zone.

Feedback:

There was a general level of support for this with some commentary and feedback received below:

- The change aligns with intended outcomes and the change in character sought.

- the reference to established character should be retained
- support for correcting inconsistencies between the PO and DPF, provided there are adequate policies applicable in Table 3 in relation to access to internal light and ventilation for neighbours and future property occupants of the development.
- side setbacks should be 3m above a 2-storey podium height to enable windows compliant with BCA for Class 2 Construction rather than blank walls (with murals) as is currently happening
- clarification/definition is needed as to what comprises the 'front part' or 'street facing elements', and what comprises those 'behind the street facing elements'.

Response:

The amendment sought to align the intent of the corresponding PO and DPF given they had been seeking different outcomes and the PO is seeking an outcome that is inconsistent with the overall intent of the zone. Any further change to policy position or inclusion of policy is outside the scope of this amendment. The Commission will continue to monitor development in these Urban Corridor areas and may look to respond accordingly through future policy amendments.

In terms of additional definitions to assist in policy interpretation within the urban corridor zones, the Commission considers that additional definitions and administrative terms should only be included in the Code where they support the policy intent. The Commission is also of the view that ordinary and common meanings have a place in policy interpretation, and that a separate definition should only be applied where the ordinary meaning of a term does not work with the policy intent. It is considered that the ordinary meaning and commonly understand context of these terms is sufficient to interpret the policy outcomes.

The Commission considers that there are adequate policies within Table 3 of the zones in relation to the amenity for residents. The policies within Part 4 - General Development Policies, in particular Design in Urban Areas - Residential Development - Medium and High Rise (including serviced apartments) provides sufficient guidance for residential amenity in multi-level buildings.

Recommendation:

No changes recommended.

Restricted Development Classification – Table 4 (2.3.2.9)

The amendment proposed to establish the following new principles to assist in determining what classes of development should be listed as a 'restricted' form of development:

- **Principle 1:** Warrants assessment by the Commission to consider the strategic implications and impacts.
For example, large-scale out-of-centre retail warrants State assessment as it may have a broader impact on the form and pattern of development across a region and could disrupt the role of activity centres in providing equitable and convenient access to shopping, administrative, cultural, entertainment and other facilities.
- **Principle 2:** Requires detailed investigations and assessment beyond that provided through a performance assessed pathway, and may require consideration of other documents outside of the Code.
For example, special industry has the potential to endanger or detrimentally affect the health of people and property and would therefore benefit from a more detailed assessment process.

A review of every Table 4 – Restricted Development Classification across all zones was undertaken to align the current listing of restricted land uses with these two principles.

Feedback:

There was positive feedback on the principles.

There were numerous comments on ensuring sufficient policy within the Code was present to make a performance assessment for those classes of development removed from the restricted classification.

It was suggested that zones should identify inappropriate forms of development to guide the relevant authority and applicants (like that of the previous non-complying list in Development Plans). The below lists the general comments received on the restricted development classification:

- ensure there is sufficient/appropriate policy that can be used for development types removed from restricted classification
- concerns about the removal of third party appeal rights for these land uses removed from restricted classification
- general support for the Council Assessment Panel / Assessment Manager being the relevant authority
- request for additional wording to guide the relevant authority and the proponent on the appropriateness of land uses not listed within zones, subzones or overlays. The Code is silent on development that is not envisaged, which poses difficulties when developments are subject of refusal, dispute or appeal the decision.
- No support for the removal of 'discouraged or inappropriate' development, as it relies on the judgment of the relevant authority
- request that restricted development should be subject to third party appeal rights as the State Commission Assessment Panel (SCAP) has often approved development that does not satisfy planning rules. Therefore, the Environment Resource and Development Court should be the ultimate decider not SCAP.
- Questions about how restricted development operates under the Code and Act with suggestions that all land use remain restricted until the review of the Code and Act are completed by the expert panel

Feedback relating to specific restricted classifications as part of the Code Amendment is discussed under their relevant section.

Response:

The restricted development classification is a procedural trigger applied under the Code to development that typically requires a more rigorous planning assessment by the Commission. The classification does not indicate whether a development is suitable: this determination is made based on the applicable policy (e.g., the DOs, POs and DTS/DPF criteria) or outcomes of an assessment.

The Code has been drafted in a manner which speaks to the types of development that are envisaged, not what is discouraged or inappropriate. The Commission considers that having a list of 'inappropriate' forms of development within zones is not required and is inconsistent with the principles of the Code.

It is acknowledged that Council Assessment Panels and Assessment Managers have the appropriate skills, qualifications and local knowledge to undertake an assessment of this nature.

Recommendation:

No changes recommended.

Industry listed as a restricted development classification (2.3.2.9.1)

Industry (with the exclusion of Light Industry) is listed as a restricted class of development in the majority of activity centre and employment type zones (except for the Strategic Employment Zone).

In all these zones, Special Industry is to remain as a restricted form of development. With other forms of industry (General or Light Industry) being removed as restricted development as they can be more appropriately assessed on their merits against the relevant Code policies.

Feedback:

There was a general level of support that some of these zones did not require industry being a restricted class of development and that special industry should be kept as restricted. However, a mixed level of support was received about which zones should have industry removed from the restricted classification. There were some concerns when an industry is within a more sensitive and/or lower intensity setting/zoning, for example a Township Zone. Comments include:

- supported for the Code's Interface between Land Uses policies under Part 4 General Development Policies being applied through the assessment pathways to assess against potential impacts to adjacent and more sensitive land uses
- support for employment type zones only. Not activity centres and/or townships
- broad agreement with the removal of industry from restricted however a floor area (m2) restricted trigger for 'industry' may assist in managing larger scale typically industrial or heavier industry land uses
- support as it allows councils to more effectively determine whether an application is for industry or light industry, with these decisions often pending specific expert consultant reports.

Response:

In zones where industry has been removed from being listed as a restricted class of development it is not proposed to establish any new assessment pathway (be that deemed-to-satisfy, or performance assessed) for any form of industry. This means that a relevant authority will have the whole of the Code, inclusive of any/all sections within Part 4 General Development Policies, to assess against an application for industry/general industry.

There are existing performance assessed pathways for light industry within these zones: Employment Zone, Strategic Innovation Zone, Suburban Business zone and Township Zone. No further changes are proposed for these pathways.

Additionally, the Desired Outcome (DO) and POs in each of these listed zones is considered to provide sufficient guidance to the envisaged land uses along with the scale of development anticipated for that zone. The intent and policy within these zones and the Code more broadly, would provide for the necessary direction to assess against any inappropriate form or scale of industry within an activity centre or township zone.

Recommendation:

No changes recommended.

Land Division within the Limited Land Division Overlay (2.3.2.9.2)

Given the specific overlay policy, land division does not warrant the additional requirements of a restricted pathway in zones where the Limited Land Division Overlay is applicable. The amendment removes the restricted classification when the overlay applies.

Feedback:

A mix of views was received in relation to this section of the Code Amendment. There was support for the proposed change as the intent and policy within the overlay provides clear assessment outcomes. Alternatively, it was suggested that the amendment is at odds with the principles and should remain as restricted given the State level interest in protecting key primary productive areas. Comments included:

- acceptance of the amendment noting that the intent of the Code is that the overlay policy will prevail over all other policies
- support for the amendment as the policy provides clear guidance to support or refuse a proposal.
- not supported

- the approach is considered to be strategically misaligned. The restricted pathway provides a better procedural framework to deal with these applications and it sends a strong message about protecting primary production land across the State.

Response:

The Limited Land Division Overlay spatially applies in the Code where historically land division, creating an additional allotment was discouraged. The areas affected by the overlay range from watershed areas and water protection areas to primary production land and township fringes. While the areas to which this overlay applies may be disconnected, there is an underlying intent for a policy response to the additional development expectations formed when a new allotment is created. Those concerns (e.g., potential environmental impacts on water supply areas; support for local character, impacts on infrastructure demand; and preservation of long-term opportunities for agricultural production) differ between areas. The Code provides a clear policy intent for no additional allotments where this overlay is spatially applied.

The Commission acknowledges the feedback received on this and the cumulative impacts of fragmentation of these strategic areas and importance of productive lands. It considers that it is important to provide for a consistent assessment approach along with consideration of the strategic implications and impacts that land division has in the Productive Rural Landscape Zone and Rural Zone when the Limited Land Division Overlay applies.

Recommendation:

AMEND by retaining land division when the Limited Land Division Overlay within Table 4 – Restricted Development Classification in the Productive Rural Landscape Zone and Rural Zone.

Dwelling within the Limited Dwelling Overlay (2.3.2.9.3)

Given the specific overlay policy, it is considered that a dwelling within the Limited Dwelling Overlay does not warrant the additional requirements of a restricted pathway, nor does it meet the new principles for application of this assessment pathway.

Feedback:

A mix of views was received in relation to this amendment. Most of the submissions were in support but some considered further refinement still necessary. Comments included:

- should be retained as restricted but support and agree with change to the reference of 'additional dwelling' to 'no new dwelling'
- the amendment is supported as the policy provides clear guidance to support or refuse the proposal.
- welcome that local assessment managers and assessment panels will be the relevant authority
- potential that new amendment to PO1.1 is now more confusing and inconsistent? – 'new' is often used to refer to a replacement building (common meaning), probably more so now that 'replacement' which has a more confined definition of replacing a same building already demolished within 3 years.

Response:

The Commission considers that the policy intent of the Limited Dwelling Overlay is clear for a relevant authority to make an appropriate decision for a dwelling and that it does not meet either principle to warrant restricted development classification.

The Commission does agree that a further refinement to policy could be beneficial.

Recommendation:

AMEND PO1.1 of the Limited Dwelling Overlay to replace the wording 'of a new dwelling' with 'of a dwelling'.

Dwellings within the Employment (Bulk Handling) Zone (2.3.2.9.4)

The amendment proposed to remove dwelling from the restricted development classification within the Employment (Bulk Handling) Zone. A review of all zones, in particular similar employment type zones, has found that the Employment (Bulk Handling) Zone is the only employment type zone which has dwelling listed as restricted.

Feedback:

A mix of views was received, including:

- this amendment is not supported as there are very limited circumstances when a dwelling could be proposed without a non-residential use. The assessment policy is not strong enough to enable this development type to be removed from the restricted classification
- this change to the restricted classification is supported.

Response:

The Commission considers that the policy intent of the Employment (Bulk Handling) Zone is clear with the types of land uses anticipated for this zone. Any application for a dwelling within this zone would not have any supportive policy and would be opposite to the clear DO of the zone.

Recommendation:

No changes recommended.

Dwelling and Land Division within the Deferred Urban Zone (2.3.2.9.5)

The amendment proposed to remove dwelling and land division from the restricted development classification within the Deferred Urban Zone. With the addition of policy guiding the appropriateness of a dwelling along with existing land division policy there is sufficient policy to undertake a performance assessment.

Feedback:

There was a general level of support with this amendment although some opposed the removal of the restricted classification. There was also some commentary on the proposed additional policy for a dwelling and that further refinement to policy could be required. Other comments included:

- a welcome that local assessment managers and assessment panels will be the relevant authority
- no support for the change of pathway but agreement with the introduction of new policy to guide dwellings in the Deferred Urban Zone
- support but would prefer a pathway to be able to give an early refusal to land divisions within the Deferred Urban Zone. However, the new PO 2.3 should assist with this.
- support but not for more than one dwelling on a site within the Deferred Urban Zone (noting the amendment states dwellings not dwelling). Question whether this is an error or there is expectation of more than one dwelling

Response:

The Commission considers that the policy intent of Deferred Urban Zone is clear with the types of land uses and form anticipated for this zone. It also confirms that neither a dwelling nor land division within this

zone meets the principles to warrant a restricted development classification. Should an application for a dwelling or land division within this zone occur, the policy is clear for the relevant authority to make a performance assessment against.

The Commission is mindful of feedback received on references to 'dwellings' in policy, however it is noted that this is a consistent approach across similar zones. While the PO and DTS/DPF refer to 'dwellings' it is considered that the intent of the policy, particularly the proposed DTS/DPF 2.3, makes it clear that only one dwelling is anticipated per allotment.

Recommendation:

No changes recommended.

Employment Zone – Various land uses (2.3.2.9.6)

The amendment proposed to remove the below land uses from the restricted development classification within the Employment Zone:

- waste reception, storage, treatment or disposal
- wrecking yard.

Feedback:

A mix of views was received in relation to this with an overall general level of support. Feedback raised the need to ensure sufficient policy is within the Code to assess against these land uses. Comments included:

- supports for removing 'waste reception, storage, treatment or disposal' to support the effective implementation of the Beverage Container Deposit Scheme
- need to ensure that there is sufficient policy to assess the impact of waste reception, storage, treatment or disposal or wrecking yards proposals. How will the impacts of industry on land uses outside of the notification area be dealt with?

Response:

It is not proposed to establish any new assessment pathways (be that deemed-to-satisfy, or performance assessed) for these types of land uses. This means that a relevant authority will have the whole of the Code, inclusive of any/all sections within Part 4 General Development Policies, to assess against an application for waste reception, storage, treatment or disposal or a wrecking yard. Further, these land uses within this zone do not match the principles established by the Commission to warrant a restricted development classification.

Additionally, the DO and POs of the Employment Zone is considered to provide sufficient guidance to the envisaged land uses along with the scale of development anticipated. The intent and policy within this zone, and the Code more broadly, would provide for the necessary direction to assess against any inappropriate form or scale of a development.

Recommendation:

No changes recommended.

Dwellings within the Rural Intensive Enterprise Zone (2.3.2.9.7)

The amendment proposed removing dwelling from the restricted development classification within the Rural Intensive Enterprise Zone. Given the clear policy direction provided by the zone, a dwelling is not considered

to warrant a restricted development classification and therefore a requirement for a detailed investigation and assessment.

Feedback:

There was support for the proposed changes.

Response:

N/A

Recommendation:

No changes recommended.

Land Division and Dwellings with the Rural Shack Settlement Zone (2.3.2.9.8)

The amendment proposed removing dwelling and land division from the restricted development classification within the Rural Shack Settlement Zone as the policy direction is clear for the relevant authority to undertake a performance assessment. Similarly, the zone also provides policy to guide land division including the circumstances where new allotments are considered appropriate (i.e., in instances where a TNV applies).

Feedback:

There was strong opposition to this amendment with most of the feedback received indicating that land division should be retained as restricted in this zone. Additionally, feedback indicated that should land division change to a performance assessment (rather than restricted) then the existing policy is not strong enough and intensification through the creation of allotments could occur in inappropriate locations.

There was a mixed response for dwellings to remain restricted with multiple submission not having concerns with this approach. Comments included:

- support for the removal of dwellings but land division should remain as restricted
- not supportive of the removal of land division from the restricted development table as land within these zones often has significant conservation values or is subject to risk from hazards
- this amendment is not supported. The more appropriate solution would be to amend the current restricted criteria to include the following:
 - *Detached Dwelling – that will not result in more than one dwelling on an allotment or lease site.*
- limited land division policies exist to assess a proposal within this zone, which should remain as the status quo
- the land division policy needs to be expanded and more TNV's applied if this form of development is to be removed from the restricted table in this zone.

Response:

Dwellings

The feedback received for the removal of dwellings as restricted was either supportive of this change or neutral.

The Commission considers there is sufficient policy to guide this form of development. Noting the restricted classification was for more than one dwelling on an allotment and the zone always anticipated a dwelling.

Land division

The feedback provided on land division is acknowledged. It is still considered that this form of development does not meet the principles and does not require the restricted development classification

within the Rural Shack Settlement Zone. This is in part noting that there are some locations where land division may be applicable, given there is a TNV which guides the appropriateness of such an application. Although, it is accepted and reasonable to provide a stronger policy direction for locations in which a TNV is not present and land division is not anticipated or could have adverse impacts should intensification occur. This policy refinement would bring in the current exclusion causes of the restricted classification into the PO to guide land division.

Recommendation:

AMEND PO 4.1 to provide clearer guidance as to when land division is appropriate.

Significant Interface Management Overlay triggering a restricted development classification (2.3.2.9.9)

This amendment proposed to clarify that land division for a sensitive use / receiver should not be undertaken when the Significant Interface Management Overlay is applicable. Additionally, it is proposed refining the land division policy trigger in Table 4 – Restricted Development Classification within the Rural Zone to refer to ‘sensitive use / receiver’ rather than for ‘residential’ purposes.

Feedback:

There was mixed feedback on this proposed amendment. Most was supportive of the changes in the policy wording to provide clarification for sensitive use / receiver. Opposition focused on not making certain classes of development restricted when this overlay applies. Comments included:

- make land division within the overlay (creating additional allotments in Port Adelaide Enfield) a restricted development
- work with state agencies to conduct a hazard risk study for the Lefevre Peninsula
- pursue a separate code amendment to review the Significant Interface Management Overlay’s boundaries and policy framework
- support for 350m setback from the sewerage ponds.

Response:

The Commission acknowledges the feedback and the desire for land division to be restricted where it currently applies within the Lefevre Peninsula and considered the refinement in policy will further assist and provide guidance to the relevant authority for the assessment of land division and inappropriate development proposals.

It is considered that a policy position change would be better undertaken and more appropriate via a separate code amendment to review the Significant Interface Management Overlay’s boundaries and policy framework for the Lefevre Peninsula along with specific and targeted community engagement.

Recommendation:

No changes recommended.

Hills Face Zone – Various land uses (2.3.2.9.10)

The amendment proposed to remove excavation, filling, and land division (for boundary realignments) from the restricted development classification within the Hills Face Zone; refine the policy for excavation and filling; and create additional policy to guide when land division, specifically boundary realignment, may be appropriate.

Feedback:

The proposed amendments were generally supported on the basis that there would be appropriate policy to assess an application of that nature. Comments included:

- clarification on the potential of conflicting policy is needed
- the wording of policy must be strong enough to ensure appropriate outcomes
- currently State assessed developments can use the entirety of the Code, as such the policies need to be strengthened in zones.
- need to include policies that address the management of the balance of the land such that the impacts of earthworks can be reasonably managed / mitigated e.g., through the appropriate siting and design of the built form / design, inclusion of landscaping / plantings and minimising / isolating the location of earthworks, screening or other improvements.
- the use of the realignment for purposes such as maintaining vegetation could result in very small allotments meeting DPFs
- a definition of natural ground level is required. The definition needs to consider the impact of previous site works undertaken and how they have impacted the original ground levels and the impacts of land that is built up on one side of boundary and excavated on the other side.
- excavation and filling should remain restricted in the Hills Face Zone as should land division. Large cut and fill to create a level surface to suit a standard project house or other development damages the appearance of the Adelaide Hills.
- policy has potential inconsistencies with excavation and filling policy within the Design in Urban Areas (Part 4 – General Development Policies)
- there is suitable policy guidance and some minor exception can be acceptable.
- support boundary realignment as performance assessed

Response:

Feedback queried if there was an inconsistency between the zoning policy and Design in Urban Areas Part 4 General Development Policies for excavation and filling. While there is a difference in the allowance for excavation, it is considered reasonable. This difference arises from an existing position and this amendment does not propose to change it. In terms of the assessment of an application, a performance assessment would be able use both policies to determine the appropriateness of a proposal which includes excavation/filling, noting that a zone policy prevails over a general development policy in the Rules of Interpretation hierarchy.

The Commission has recently been reviewing interpretation of natural ground level following the outcomes of some development applications and feedback received from stakeholders. From this, the Commission considers at this stage the most appropriate way to manage this is through a practice guideline which will detail the difference between natural ground level and a modified site. Whilst the creation of additional definitions within the Code for natural ground level or existing ground level have also been discussed, it was considered that this approach requires a more comprehensive review of height controls within the Code.

It is not proposed to establish any new assessment pathways (deemed-to-satisfy or performance assessed) for the land uses being removed from the restricted pathway. This means that a relevant authority will have the whole of the Code, inclusive of any/all sections within Part 4 General Development Policies, to assess an application for these uses. The Commission considers there are sufficient policies within the zone and general development policies to appropriately consider aspects such as siting and design of built form / design, landscaping, and minimising / isolating the location of earthworks forms of screening or other improvements.

Recommendation:

No changes recommended.

Notification Tables – Table 5 – Procedural Matters (PM) (2.3.2.10)

These proposed amendments to notification tables focused on the following matters:

- excluding minor development from notification
- correcting errors and inconsistencies
- consideration of whether frost fans and building on railway land should be notified
- variation to the demolition clauses to include partial demolition of a heritage place as requiring notification and amendments
- amendments to clarify that demolition includes partial demolitions and changes to allow a relevant authority to determine not to notify if a building is of no heritage value or not in keeping with features of identified heritage value.

Some of the more generalised comments around public notification outside of these sections included:

- notification should occur as much as possible
- there could be two types of notifications, including elevated notification with 3rd party appeal rights for substantial departures or major developments
- dwellings in rural zones should be notified given their potential to cause land use impacts
- the public notification trigger is difficult for relevant authority and applicants to interpret particularly where adherence to separate DTS/DPF is required
- clarification is required on whether notification provisions apply only to new builds, rather than a change of use within an existing building (which perhaps does not satisfy the exception criteria).

Response:

During the development of the Code the Commission established a series of principles to establish what forms of development warrant exemption from notification. The main principle used to populate public notification tables (Table 5) set out that accepted, deemed-to-satisfy, and types of development envisaged in the zone, should be exempt from notification other than where acceptable standards of built form or intensity are exceeded or where development is likely to result in substantial impact on amenity of adjacent dwellings on land in another zone.

The second principle set the former Development Regulations as a benchmark for forms of development that shouldn't be subject to notification (formally known as Category 1 development).

The third principle arose from feedback received through Phase 2 and 3 of the Code which identified a desire to notify developments where boundary walls exceed maximum length and height standards in neighbourhood-type zones.

The fourth principle was also developed in response to feedback on Phase 3 and identified that notification should occur for heritage buildings proposed to be demolished.

The Code Amendment has been developed with these principles in mind.

Matters that seek to make substantial change to an overall policy position are typically considered outside the scope of the Code Amendment unless specifically identified in the initiation documentation and require separate consideration.

Suggested changes to the scheme of public notification (e.g., creating two types of notification, with appeal rights) lie with the Act and are similarly outside the control of the Code Amendment.

Recommendation:

No changes recommended.

Notification Tables – Minor Development (2.3.2.10.1)

The amendment sought to make various changes to notification tables to address concerns from council planners and accredited professionals about having to notify minor development applications (and the resourcing required to do so) which 'trip' into a performance assessed pathway under the Code. The changes include:

- inserting rules into the Code that would allow a relevant authority to determine that a variation to one or more corresponding exclusions prescribed in Column B (of the notification table) is minor in nature, in which case the application will not require notification
- exclude minor forms of development (such as carport, deck, fence, retaining wall, outbuilding, pergola, verandah, swimming pool, shade sail etc) from public notification, unconditionally.

Feedback:

A mix of views was received in relation to this section of the Code Amendment although there was a general sense of support for the intent. Feedback was generally focused towards the 'minor variation' clause as well as the desire/need to notify in certain circumstances such as in historic areas, areas of streetscape importance or built areas where larger structures are proposed near allotment boundaries. Comments included:

- allow the relevant authority to use minor variations provides much needed flexibility
- a definition of minor variation that states nominated values related to allowable tolerances, e.g., a 5% variance value as a limit, is needed
- procedural matters should be clear and not subjective in the minor variation clause
- the DAP system should be enhanced to more easily allow a relevant authority to document what departures are considered minor and the rationale for decisions (in place of separate file note)
- a practice direction or similar to support the interpretation of what constitutes a 'minor variation' is needed
- policies relating to ancillary structures needs strengthening
- Decks/ fences/ retaining walls/ outbuildings etc. that are on residential boundaries and over a certain height should be notified
- retaining walls should be triggered on height rather than length
- retaining walls and earthworks that exceed prescribed minimums should be notified in the Hill Face Zone
- public notification based on building length or height should trigger notification to 'adjoining' landowners only, rather than adjacent landowners
- notification of minor development could be limited to immediately abutting properties
- some of the built form items listed could be of significant size and cause considerable impacts on neighbouring properties and their residents
- recommend consideration of a maximum size (area, height and/or volume) below which notification is not required
- consider adding earthworks as exempt from notification with 9m³ volume trigger.

Response:

Minor variation clause

The minor variation clause provides flexibility to deal with those situations in planning where the variation is trivial. An example of this would be a dwelling wall proposed to be built on an allotment boundary that exceeds the notification trigger of 11.5m by 100mm. The relevant authority can consider this variation in the context of the site, determine whether it is minor and, if so, not notify.

Importantly, the relevant authority is still required to assess the merits of the proposal against the relevant policies of the Code and the use of the minor variation clause is at the discretion of the relevant authority.

The process of determining a minor variation would be the same as that currently performed by relevant authorities in respect to minor variations for deemed-to-satisfy developments. The process of documenting decision the making in respect to public notification would also be the same.

The suggestion about enhancing the ePlanning system to document minor departures is noted and will be passed on to the development team at PlanSA.

The Commission is also working on a draft practice direction / guideline on the topic of minor variations for deemed-to-satisfy applications. It is proposed that minor variations in the context of notification exception clauses also be considered amongst this work.

Minor development

Excluding minor development from notification was based on feedback received through the Parliamentary Scrutiny process at the end of Phase 3 of the Code's implementation but couldn't be dealt with at that time. There was concern about the amount of notification being carried out in respect to minor developments that weren't subject to notification under the former system.

The intent of the amendments is to minimise unnecessary resource burden on councils and empower capably skilled decision makers by realigning notification practices with the benchmark set for minor developments under the former Development Regulations.

The Commission is of the view that there is sufficient policy in the Code (as there was in former Development Plans) to make sound assessment decisions in relation to these development types. Where there are gaps, such as in the case of decks, policies are proposed to be added as part of the Code Amendment.

Relevant authorities also have the ability under clause 1 of the notification tables to determine that a development is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development. This can be used for those classes of development not specifically identified in the table of notification exemptions.

Notification extent

Points raised about the extent of notification required (e.g., owners / occupiers within 60m of the development site) for developments that impact only on abutting neighbours is noted and understood. The extent of notification, however, is governed by the scheme of notification set out in the Act and is therefore outside the scope of amendments that can be made under the Code Amendment. This issue will be raised with the expert panel.

Recommendation:

No changes recommended.

Notification Tables – Errors and Inconsistencies (2.3.2.10.2)

The amendment aimed to correct a small number of identified errors, inconsistencies and repetition within and between zone public notification tables, including:

- reference to 'storey' instead of the correct term 'building level'
- duplication of light industry, warehouse and store in the Rural Shack Settlement Zone
- inconsistency between building on boundary policies and notification triggers
- inconsistency between notification tables regarding the exemption of 'land division' from notification
- inconsistency in the rural zones regarding the requirement to place public notices on the development site
- technical and typographical errors.

Feedback:

Generally, the changes proposed to correct errors and inconsistencies in the notification tables were supported, however there were concerns:

- removal of land division from public notification is not supported in the Hills Face Zone.
- there are problems with not placing a sign on land for Rural / Productive Rural Landscape Zone given that uses within these zones can have impacts well beyond the 60m notification area which is the distance applied for personal notification letters
- uncertainty whether land division should be exempt from public notification in the Conservation Zone as the creation of smaller parcels of land is something that the public traditionally comment on
- land division should not be exempt from notification in the Rural Shack Settlement Zone as the purpose of this zone is to limit further development in areas subject to coastal hazard risk
- there should be some delineation of what triggers notifications, but they should not necessarily be consistent between zones.

Response:

Land division

The intent of this change was to correct an inconsistency in the Code regarding the exemption of land division from public notification. In most instances (47 zones out of 65), 'land division' is exempt without exception. This amendment is seeking correct this inconsistency by exempting land division from public notification in the remaining 18 zones.

There is no consistent pattern as to why these zones don't exempt 'land division' from public notification when zones of a similar nature do. The Commission therefore remains satisfied that the amendment will ensure a consistent approach to notification.

Assessment and approval processes will remain for land division, where appropriate policies are available to address matters of siting, design and impact. Similar applies to future land use applications on divided land. Any broader change to land division notification procedures would need to be the subject of separate review and is outside the scope of the Code Amendment.

Placement of Public Notices

The decision not to require the placement of public notices on rural and remote zones was made by the Commission as part of the implementation of Phase 2 of the Code. The Productive Rural Landscape Zone was introduced in Phase 3 but was inadvertently missed in terms of the 'placement of notices' exemption. The Code Amendment is seeking to address this error. The consensus, based on feedback received in Phases 2 and 3, was that the placement of notification signs on land in rural areas is not practical.

Recommendation:

No changes recommended.

Notification Tables – Frost Fans (2.3.2.10.3)

The amendment reviewed the option of excluding frost fans from public notification but concluded for a range of reasons not to depart from the current position under which frost fans are required to be publicly notified.

Feedback:

The recommendation of the Commission was well supported with general agreement that frost fans can impact on the amenity of nearby residents and therefore warrant some form of public notification.

It was further recommended that a defined performance assessment pathway be developed for frost fans to assess this development type more effectively.

Response:

Allocating 'frost fans' to a specific assessment pathway requires further investigation as there are many variables that come into play when considering their impact on nearby sensitive receivers. It is therefore proposed to leave this for a future code amendment, perhaps one that is targeted towards rural land uses.

Recommendation:

No changes recommended.

Notification Tables – Building on railway land (2.3.2.10.4)

The amendment looked at the use 'building on railway land' and investigated why it was excluded from public notification given its potential impacts on amenity. The amendment proposed that the 'building on railway land' exemption from public notification be pared back to align with the former Development Regulations.

Feedback:

The proposed amendment was well supported. Clarification was sought on why building for the purposes of railway activities is not included in the Community Facilities Zone.

Response:

The exemption of 'building for the purposes of railway activities' was based on Clause 6(1)© of Schedule 9 of the former Development Regulations, which identified the following as not requiring public notification©(r) *the construction of a building for the purposes of, or a change in use to, railway activities in an industrial or commercial zone, or in a Public Purpose or Service Depot zone, as delineated in the relevant Development Plan*

The Code Amendment sought to maintain consistency with the zones identified in this clause (e.g., zones of an industrial or commercial nature). The Community Facilities Zone does not meet these criteria.

Recommendation:

No changes recommended.

Notification Tables – Demolition (2.3.2.10.5)

The amendment sought to clarify that demolition include partial demolitions with respect to public notification. It also reviewed the need to notify the demolition of buildings in the State Heritage Place Overlay and Historic Area Overlay where these buildings are of no heritage value nor in keeping with features of identified heritage value.

Feedback:

Feedback on this topic varied.

There was some level of support for the amendment, but yet there was also widespread concern about relying on opinions in relation to determining procedural matters, particularly when there are differences in opinions, e.g., applicants, heritage advisor and assessment managers. Other comments included:

- the amendment needs rewording for ease of navigation by the public
- why the amendment is needed if zone doesn't contain State Heritage Areas / Historic Areas

- clarity is needed about how heritage advice will be provided at the right time to support decision making and how long this will take
- concern that the clause could be misinterpreted with unintended outcomes
- the wording may inadvertently capture newly listed local heritage places
- demolition should not be excluded from notification as large numbers of historically important buildings are not listed within the Code.
- Advice is needed o' why 'partial demolition' of a State Heritage Place or Local Heritage Place requires public notification. Development within the Capital City Zone that includes partial demolition is captured as needing consultation when this is triggered, whereas under Development Plans, it was not notified.

Response:

The Commission acknowledges that the exception clause relating to demolition is protracted and could benefit from some adjustments to improve navigation. Adding a definition for 'excluded building' is considered the best way to improve and shorten the policy expression.

Concerns that the exception clause might be misinterpreted and inadvertently capture Local Heritage Places (as an example) are noted. It is not the intent of the amendment that this occurs. It is proposed that this issue be rectified by adding within the new definition a note that 'excluded buildings' do not include buildings that are specifically listed in Part 11 of the Code as a Local Heritage Place or a State Heritage Place in the South Australian Heritage Register.

Overall, this policy amendment provides important flexibility for demolitions in the Historic Area Overlay or State Heritage Areas where the building (or part thereof) is not of heritage value or consistent with the area's features of heritage importance. The current provisions are currently capturing outbuildings and other similar ancillary structures which is not the intent of the clause.

Importantly, a decision by the relevant authority to notify/not notify does not need to be made at the verification stage. This allows time to seek any necessary information to determine whether a building is of heritage value.

Again, the use of this clause is at the discretion of the relevant authority and assessment and an approval process remains for the demolition of State Heritage Places, Local Heritage Places and buildings in the Historic Area Overlay.

Recommendation:

CREATE new administrative definition for 'excluded building' to:

- support the refinement of the exception clause relating to demolition in public notification tables
- ensure that the policy clause does not inadvertently undo the intent to notify applications that involve the demolition of State and/or Local Heritage Places.

'excluded building means, for the purposes of Table 5 – Procedural Matters (PM) – Notification, a building, structure or landscape feature (or part thereof) that is:

- (a) *in an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building, structure or landscape feature (or part thereof) does not contribute to the buildings or features of identified heritage value within the State Heritage Area*
or
- (b) *in a Historic Area Overlay and the building (or part thereof):*
 - i. *is an ancillary building*
or
 - ii. *in the opinion of the relevant authority, does not demonstrate the historic characteristics as expressed in the Historic Area Statement.*

but does not include a building, structure or landscape feature (or part thereof) that is specifically listed in Part 11 of the Code as a Local Heritage Place or a State Heritage Place in the South Australian Heritage Register.'

AMEND the exception clauses relating to demolition in the public notification tables to improve and shorten expression through the use of the new defined term 'excluded building'.

Building Height – TNV and context – Policy refinement (2.3.2.11)

This amendment proposed refining policy for performance assessed developments across a variety of zones, by replacing ambiguous terms relative to height with more direct language. This change would promote consistency and create clarity regarding contextual circumstances.

Feedback:

Numerous submissions highlighted their support for the proposed changes and considered the amendments will provide clarity. Some however, expressed concern that the amendments would enable development to exceed the desirable building height.

Concern extended to examples where building height policy is seeking development that complements rather than is consistent with the existing character. There was a view that development should be consistent with the prevailing character to prevent height creep from abutting zones.

In some instances, it was argued that building height policy was originally developed through robust public consultation and implemented under the previous system and the proposed policy would undermine this work as it provides inadequate guidance relative to building height, creating a policy environment which may permit undesirable development outcomes.

Response:

Consistent versus complementary

A key goal of the Code was to consolidate the State's planning rules into one consistent policy set. In standardising zoning, the PO regarding building height is consistent across a zone, however the TNV can vary within a zone.

In selecting the term 'consistent' or 'complementary' the zone intent and DO is important. For example, it is desirable in some zones to have development that is consistent with the existing building heights, whereas for some areas a new and emerging character is being developed which is compatible with rather than consistent with the heights characterising the locality.

For this reason, it is appropriate to use these different policy phrases in different circumstances.

The use of these terms has been reviewed in this context and their application is considered appropriate and in line with the zone's broader intent.

Recommendation:

No changes recommended.

Building Height, Building Wall Setback and Wall Height – Policy Review (2.3.2.12)

This amendment sought to rectify the following matters:

- inconsistent use of 'south-facing' terminology
- ambiguity regarding rear and side boundary setbacks within neighbourhood-type zones
- building height and wall height inconsistencies in terms of where they should be measured from

In doing so it sought to align, where possible, with the former Development Regulations.

Feedback:

Mixed views were received on the amendments but there was a general sense of support towards those amendments relating to 'south-facing' terminology and improving the clarity of rear and side setback policy.

The primary area of contention was in relation to changing the 'building height' measurement point from 'the lower of finished or natural ground level' to the 'top of footings' in 'Residential Code' areas¹, despite this being the policy under the former system. Below is a summary of feedback received:

- measuring wall height from the top of the footing doesn't capture the true impact of a building wall or structure height
- the policy doesn't facilitate assessment of footing depth and impact
- concerns about building height being measured from the top of the footings when up to 1m of fill can occur for a deemed-to-satisfy development
- even on flatter sites, the additional height that footings can be above natural ground level can result in the wall having a substantial impact on adjacent properties
- various suburbs covered by 'Residential Code' zones are undulating and have relatively steep slopes – characteristics similar to the Hills Neighbourhood Zone
- the sloping nature of the land within Mount Barker's Master Planned Neighbourhood Zone does not support changing the measurement point from natural ground level to the top of footings
- ancillary buildings maintaining a wall height measured from natural ground level rather than the footings is supported
- wall height should be measured from natural ground or include a measurement for maximum footing height
- why is an ancillary building treated differently from a dwelling (e.g., two different measurement points) although it will have similar impacts on neighbouring properties?
- the building height definition is not appropriate where split-level homes work with the lie of the land
- consideration should be given to the inclusion of diagrams to assist with interpretation of the definition of building height particularly relating to the measurement of the vertical distance between the lower of natural or finished ground level
- the Neighbourhood Zone has been excluded from the list of zones which previously had Residential Code
- what is the measurement point specified by the applicable policy of the Code?
- typographical errors in the amendment instructions.

Response:

Building height measurement point

Whilst the proposed building height policy amendment for Residential Code areas comes from an established benchmark, the Commission acknowledges that the current Code policy framework does provide a cap on overall building height without it being artificially lifted with fill or by using deeper footings.

For now, the Commission is recommending that the measurement point for building height in Residential Code zones revert to the lower of natural or finished ground level as originally introduced by the Code.

¹ Are zones to which the former Residential Code policies under the former Development Regulations 2008 typically applied. Under the Code they are the General Neighbourhood Zone, Housing Diversity Neighbourhood Zone, Master Planned Neighbourhood Zone, Master Planned Renewal Zone, Master Planned Township Zone, Suburban Neighbourhood Zone, Urban Renewal Neighbourhood Zone and the Waterfront Neighbourhood Zone.

Current building height policies/TNVs in the Code provide sufficient tolerances for some fill and footing depth without compromising building design when building height is measured from ground level.

Note: This change will affect only the 8 Residential Code zones as all other zones in the Code have 'lower of natural or finished ground level' as the measurement point for building height.

The Commission will consider undertaking a separate piece of work to explore the relationship of building height vs wall height/post height the use of 'top of footings' as a measurement point and influencing matters such as retaining walls and trivial setbacks to avoid policy/notification triggers.

Wall height - measurement point for ancillary buildings

Feedback generally supported wall heights for ancillary buildings being measured from 'natural ground level'. This is proposed to be retained by the Commission.

Note: The Master Planned Township Zone and Master Planned Renewal Zone policy already had the measurement point for 'wall height' as 'natural ground level' and therefore will not need amending.

Building height, wall height and post height definitions

The changes to the definitions for building height and wall height (and new post height definition) are needed to provide the flexibility for Code policies to stipulate a different measurement point than that expressed in the definition. Where a policy in the Code expresses a measurement point that is different to the definition, the measurement point in the policy will prevail.

For example, the current definition for 'wall height' takes its measurement point from the 'top of the footings', however the policies for ancillary buildings state that it be taken from 'natural ground level'. With the proposed changes to definitions, the policy will now prevail to avoid any confusion – i.e., the measurement point will be taken from 'natural ground level' for ancillary buildings.

Split level homes / natural ground level / diagrams

Feedback is acknowledged regarding building height policy not being ideal where split level homes are proposed to work with the lie of topography. Currently the Commission is working on developing a practice guideline on 'natural ground level' and how it should be interpreted in the context of development and its relationship with finished ground level. Diagrams to assist with policy interpretation are proposed and it is hoped to have it ready for release in conjunction with the approval of the Code Amendment.

Recommendation:

AMEND building height policy in the following zones so that it is measured from the lower of natural or finished ground level:

- General Neighbourhood
- Housing Diversity Neighbourhood
- Master Planned Neighbourhood
- Master Planned Renewal
- Master Planned Township
- Suburban Neighbourhood
- Urban Renewal Neighbourhood
- Waterfront Neighbourhood

CORRECT policy numbering errors within the amendment instructions as needed.

Building Walls and Dwelling Walls – Policy Review (2.3.2.13)

Inconsistent wording in relation to walls for buildings and dwellings was identified in the Code. To capture all forms of land uses and provide consistency in terminology. The amendment proposed that ‘*dwelling walls*’ be amended to ‘*building walls*’, except in instances where the policy is specific to residential buildings only.

Feedback:

Feedback received was generally supportive of the proposal.

Some submissions sought clarification and/or amendments to the proposed policies as follows:

- why do the proposed policies relating to rear setbacks exclude ‘ancillary buildings and structures’ which would then enable them to be built on the boundary?
- do ‘walls’ relates to an alfresco under the main roof of a building or other open type structures which use posts rather than walls
- the amendments should be extended to similar policies which exist in the Business Neighbourhood Zone, in addition to the other suite of Neighbourhood Zones.
- consideration should be given to whether separate setback policies are needed which require greater setbacks for group dwellings and residential flat buildings
- instead of using the term ‘building’, the policies could use the phrase ‘buildings and/or built structures’ or ‘building and/or built forms’
- what constitutes an ‘ancillary building’ as it is not defined in the Code definitions?
- will the subject policy change capture all building types expected in a zone?
- will the Masterplanned Neighbourhood Zone policy changes enable non-residential uses to be allowed up to 3 storeys where they were not previously envisaged at that height?
- there are insufficient policies in the Neighbourhood Zone governing non-residential ancillary buildings, given 10.1 speaks only to residential ancillary buildings
- buildings on a boundary should be performance assessed rather than deemed-to-satisfy in certain zones
- existing Code rear setback distances in some zones are too small to provide meaningful and usable areas of open space and distances between buildings
- additional side and rear setback policies are needed to capture the siting of residential buildings that may not orientate to the front of the site.

Response:**Ancillary buildings and structures**

In relation to queries raised about why ancillary buildings and structures were excluded from policies relating to rear and side setbacks, it is noted that the policy change was intended to broaden the setback policy about the primary building on the land to other non-residential land uses (e.g., a pre-school) instead of just to dwellings. The policy change was not intended to broaden this to ancillary buildings and structures which may be proposed in addition to the primary building. This was intentional as it is often appropriate for ancillary buildings and structures (e.g., domestic sheds and other similar structures) to be built on the boundary. Additionally, there are other policies which guide assessment of such ancillary buildings.

Open structures

In relation to the query regarding whether policies for ‘walls’ also includes open structures such as an alfresco under the main roof, it is considered that the common meaning of wall applies being “an upright work or structure of stone, brick or similar material, serving for enclosure, division, support, protection etc., as one of the upright enclosing sides of a building or a room” (Macquarie Dictionary). Accordingly, the policies do not apply to open sided structures unless specifically stated so in the Code.

Business Neighbourhood Zone and Master Planned Renewal Zone

It is agreed to apply the same corrections to the relevant policies in the Business Neighbourhood Zone (in addition to those already proposed in all other Neighbourhood Zones). It is however considered that establishing new setback policies for group dwellings and residential flat buildings is out of the scope of post consultation changes to the Code Amendment.

The Commission has also identified that the same amendment should be applied to the Master Planned Renewal Zone as this zone is being added to the list of Neighbourhood-type zones.

Buildings / Structures

A submission suggested that instead of using the term 'building' that the policies could use the phrase 'buildings and/or built structures' or 'building and/or built forms', however this is not considered necessary as the PDI Act definitions set out that 'structure' which is subject to the Building Code provisions is included within the definition of 'building'.

Ancillary

Part 8 of the Code states that:

a term not defined in the following table will have its ordinary meaning unless the term is defined in the Planning, Development and Infrastructure Act 2016 or its Regulations (or any relevant practice direction or practice guideline issued by the State Planning Commission) in which case that meaning will apply.

The term 'ancillary' is commonly used throughout the Act, Regulations and Code with the Macquarie Dictionary defining it:

(a) 1. accessory; auxiliary. 2. An accessory, subsidiary or helping thing or person".

Relevant authorities use appropriate judgement on a case-by-case basis when determining the nature and elements of an application in this respect. This would equally apply to buildings ancillary to a dwelling as it would to another land use with a primary building on a site (e.g., a pre-school building could have an outbuilding which is considered ancillary).

Master Planned Neighbourhood Zone

In relation to broadening policies to all buildings instead of only residential buildings in the Master Planned Neighbourhood Zone it is considered that this will enable more control over appropriate height and setback outcomes as non-residential buildings did not previously have sufficient policy guiding these outcomes. The policies are considered complimentary to the Emerging Activity Centre Subzone policies.

Non-residential ancillary buildings

It is considered that there is sufficient zone and other policies (e.g., General Development Policies) to guide an assessment of non-residential ancillary buildings when such applications arise.

Building on boundaries

It is considered outside of the scope of the Code Amendment to make buildings on boundaries performance assessed instead of deemed- to-satisfy in certain zones (particularly post consultation).

Retaining walls and fences

A suggestion that a 3m height threshold could be reinstated into the Code for retaining walls and fences on boundaries to warrant notification is acknowledged. It is however considered that accredited relevant authorities are appropriately skilled to determine potential planning impacts of such structures without requiring public notification.

Setbacks

It is considered outside of the scope of the Code Amendment to increase the rear setback minimum dimensions in certain zones (particularly post consultation).

The suggestion for additional side and rear setback policies to capture the siting of certain residential buildings which may not orientate to the front of the site, is also considered outside the scope of the Code Amendment (particularly post consultation) and is sufficiently catered for in how a relevant authority can interpret policies in the Code more generally to address the specifics of applications on a case-by-case basis.

Recommendation:

AMEND the following policies of the Business Neighbourhood Zone as set out below:

PO 3.4, amend by replacing the words:

'~~Dwelling boundary walls~~ are limited in height and length to manage visual and overshadowing impacts on adjoining properties.'

With:

'Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.'

DTS/DPF 3.4, amend by replacing the words:

'Except where the ~~dwelling~~ is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below.'

With:

'Except where the building is a dwelling and is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below.'

PO 3.6(a), amend by replacing the words:

'(a) separation between ~~dwelling~~s in a way that complements the established character of the locality'

With:

'(a) separation between buildings in a way that complements the established character of the locality'

PO 3.7(a), amend by replacing the words:

'(a) separation between ~~dwelling~~s in a way that complements the established character of the locality'

With:

'(a) separation between buildings in a way that complements the established character of the locality'

AMEND the following policies of the Master Planned Renewal Zone as set out below:

DTS/DPF 7.1, amend by replacing the words:

'~~Dwelling~~-walls are set back consistent with a building envelope plan, or where none exists at least 900mm from the boundary of the allotment with the secondary street frontage.'

With:

'Building walls (except for ancillary buildings and structures) are set back consistent with a building envelope plan, or where none exists at least 900mm from the boundary of the allotment with the secondary street frontage.'

DTS/DPF 8.1, amend by replacing the words:

'Dwelling walls on side boundaries are consistent with a building envelope plan, or satisfy (a) or (b):...'

With:

'Building walls (except for ancillary buildings and structures) on side boundaries are consistent with a building envelope plan, or satisfy (a) or (b):....'

PO 9.1(a) and PO 10.1(a), amend by replacing the words

'separation between ~~dwelling~~s'

With:

'separation between buildings'

Drafting Note: blue text = new text, red-strikethrough = delete text.

Common and Minor Development – Overlay Relevance – Assessment Pathways (2.3.2.14)

The amendment proposed a review of the applicability of overlays to common development types such as dwellings, sheds, carports, and verandahs to simplify assessment pathways for standard and high frequency applications while at the same time ensuring that an overlay's policy outcomes are applied to a development where they are relevant. This review largely related to the application of overlays as a means of excluding certain development types from accepted and deemed-to-satisfy assessment pathways in area where these overlays apply.

Feedback:

The review of overlay exclusions which apply to various accepted and deemed-to-satisfy development types was generally supported, with several respondents indicating that the removal of overlay exclusions to avoid development being unnecessarily tripped into a performance assessed pathway is a positive move, whilst further feedback was received in relation to the appropriateness of exclusions for minor development types within certain overlays. The detail of this more specific feedback is discussed below.

Coastal Areas Overlay

Feedback suggested that the Coastal Areas Overlay should be retained as an overlay exclusion within the Rural Shack Settlement Zone, Coastal Waters and Offshore Island Zone and Open Space Zone, in addition to the Conservation Zone, for ancillary development including carports, outbuildings, verandahs, fences, retaining walls and swimming pools.

Future Road Widening Overlay and Future Local Road Widening Overlay

Mixed feedback was received in relation to the presence of this overlay as an exclusion to various forms of accepted development, with some suggesting that it is unnecessary for ancillary and minor development, and others suggesting these exclusions should remain. It was also noted that the mapping of various road widening plans could be more clearly differentiated in SAPPa to provide additional clarity and consistency for users of the system.

Clarification:

Changes to the mapping of road widening requirements in relation to the Future Road Widening Overlay rely on updates to the Metropolitan Adelaide Road Widening Plan (MARWP) prepared by the Commissioner of

Highways. In relation to the Future Local Road Widening Overlay, this mapping is based on road widening requirements for non-State maintained roads which were transitioned to the Code from previous Development Plans. Given the above, it is considered that any amendments to the mapping of road widening matters require further investigations with both Local and State Governments, and as such will not be considered for the Code Amendment.

Hazards (Flooding – General) Overlay

Feedback queried whether the Hazards (Flooding – General) Overlay should also be applied to Land Division.

Clarification:

The provisions of the Hazards (Flooding – General) Overlay relate solely to the siting and design of buildings to ensure that flood risks are minimised and do not relate to the creation of allotments. For this reason, it is not applicable to Land Division.

Historic Area Overlay – Accepted Development - Swimming Pools and Spa Pools

The removal of the exclusion for a swimming pool or spa pool from the accepted development pathway where located within the Historic Area Overlay was supported, with one submission questioning whether this exclusion should remain for an above ground pool, where this may be visible from the street, i.e., in the case of a side yard on a corner allotment.

Noise and Air Emissions Overlay

Feedback from one agency suggested that the Noise and Air Emissions Overlay should be applied to deemed-to-satisfy land division, ancillary accommodation and dwelling additions.

Scenic Quality Overlay

Feedback from one council opposed the removal of the Scenic Quality Overlay exclusion for deemed-to-satisfy ancillary accommodation and suggested that this exclusion should be expanded to deemed-to-satisfy land division, dwelling additions and outbuildings as the overlay seeks to ensure that development complements the natural and rural character of the locality.

Regulated and Significant Tree Overlay

Feedback suggested that the Significant Tree Overlay should be applied as an overlay exclusion to various accepted and deemed-to-satisfy development types.

Clarification:

The Regulated and Significant Tree Overlay contains policy which relates to the retaining of, or prevention of damage to Regulated and Significant Trees, including where this may occur as an outcome of a land division application. Tree-damaging activity is a class of development within the Code which requires assessment against the provisions of this overlay as a separate element of an assessment process. As such, the provisions of this overlay are not applied to development types other than Tree-Damaging Activity and Land Division.

Traffic Generating Development Overlay

Feedback suggested the removal of the Traffic Generating Development Overlay as an exclusion from the deemed-to-satisfy assessment pathway for land division within the General Neighbourhood Zone as all POs within the overlay contain relevant DTS/DPF provisions which, in the case of a land division, would be exceeded only if the proposal contained 50 or more additional allotments.

Water Resources Overlay

Feedback queried the removal of the Water Resources Overlay for deemed-to-satisfy detached, semi-detached and row dwellings, suggesting that the provisions of this overlay are relevant to the development of new dwellings to ensure that existing water courses are protected.

One submission suggested that the provisions of the overlay are important at both the land division and development stage for dwellings within the Master Planned Neighbourhood Zone as much of the land is currently undeveloped and retains natural creek lines. Another submission noted that the Hills Neighbourhood Zone does not include a deemed-to-satisfy pathway for detached, semi-detached or row dwellings, and as such, the proposed change would not affect assessment pathways within this zone. The third submission sought clarification that neighbourhood-type zones does not include the Urban Corridor (Business) Zone, given that the proposal seeks to remove the Water Resources Overlay as a deemed-to-satisfy exclusion for a range of development types.

[Clarification: Part 8 – Administrative Terms and Definitions includes a definition of “Neighbourhood-type Zone” which does not include the Urban Corridor \(Business\) Zone.](#)

Partial Demolition

Further investigations by PLUS identified that in some instances overlay exclusions have been unnecessarily applied to Partial Demolition within Table 1 – Accepted Development of the General Neighbourhood Zone, including:

- Coastal Areas
- Future Road Widening
- Hazards (Acid Sulfate Soils)
- Hazards (Flooding)
- River Murray Flood Plain Protection Area
- Significant Landscape Protection

It is considered that these exclusions are erroneous and serve no purpose in the assessment of a proposal to demolish a structure.

Response:

Minor Variations

Section 106(2) of the Act states:

If a relevant authority is satisfied that development is deemed-to-satisfy development except for 1 or more minor variations, the relevant authority must assess it as being deemed-to-satisfy.

Whilst the Act does not impose any limit on the number of minor variations which may be allowable, it does enable conditions to be placed on the approval of a deemed-to-satisfy development to address any minor variation to make it consistent with the deemed-to-satisfy requirement.

In this way, the Code functions in the same way as the Residential Code i.e., Schedule 4 Complying Development under the former Development Regulations, which included *development that is assessed as being a minor variation from such a form* as those development types described in the Regulations.

Given the above, it is considered that the suggestion to place a limit on the number of minor variations which may be allowable for a deemed-to-satisfy development would require a more targeted review, and as such is outside the scope of the Code Amendment.

Coastal Areas Overlay

Given that the Coastal Waters and Offshore Islands Zone, Rural Shack Settlement Zone and Open Space Zone are usually located in environmentally sensitive areas, and that the Coastal Areas Overlay often also

applies to these areas to manage environmental impacts, it is considered reasonable to retain the current overlay exclusions for these zones

NOTE: Some feedback queried whether the removal of overlay exclusions for fences and retaining walls within the accepted development pathway would result in additional policy being added to the requirements for these development types in Table 1 – Accepted Development Classification to make up for any short-fall. Given the changes to these development types largely relate to the proposed removal of the Coastal Areas Overlay as an exclusion for these development types and that it is recommended that in response to feedback received that the current exclusions remain in place, it is considered unnecessary to make any further changes in relation to this matter.

Future Road Widening Overlay and Future Local Road Widening Overlay

Given that no change was initially proposed in relation to overlay exclusions related to either the Future Road Widening Overlay or Future Local Road Widening Overlay, and that feedback received in relation to these overlays was evenly split in terms of support for and against such overlay exclusions to apply, no change is recommended in relation to this matter.

Historic Area Overlay – Accepted Development - Swimming Pools and Spa Pools

Given this proposed change was largely supported, or otherwise received little feedback to suggest otherwise, no further change is recommended in relation to this matter.

Noise and Air Emissions Overlay

Feedback from one agency suggested that the Noise and Air Emissions Overlay should be applied to deemed-to-satisfy land division, ancillary accommodation and dwelling additions. Given that the policy provisions of the Noise and Air Emissions Overlay relate to the design and siting of sensitive receivers, rather than the creation of allotments for such development types, it is not considered appropriate to apply policy provisions of the overlay to deemed-to-satisfy land division. Similarly, given that in most zones, the deemed-to-satisfy pathway for land division does not allow for the creation of additional allotments, only, the realignment of allotment boundaries, it is not considered necessary to exclude land division from the deemed-to-satisfy pathway where such development is proposed within this overlay.

Regarding ancillary accommodation and dwelling additions, given that both of these development types depend on the existence of a primary dwelling on the allotment, it is not considered appropriate to exclude these development types by virtue of being located within the overlay.

A further review of deemed-to-satisfy pathways throughout the Code has shown that in some cases the Noise and Air Emissions Overlay is not applied to detached, semi-detached and row dwellings as either an overlay exclusion, or as relevant policy provisions to be assessed against.

As this contains DTS/DPF provisions that would be relevant to the assessment of these dwellings, it is considered appropriate to insert reference to these specified overlay provisions in Column 5 – Overlays in all zones where these development types are listed in of Table 2 – Deemed-to-Satisfy Development Classification. It is further considered appropriate to insert reference to these specified overlay provisions in Column 5 – Overlays in all zones where these development types are listed in of Table 3 – Applicable Policies for Performance Assessed Development.

Regulated and Significant Tree Overlay

The Regulated and Significant Tree Overlay contains policy which relates to the retaining of, or prevention of damage to regulated and significant trees. Tree-damaging activity is a class of development within the Code which requires assessment against the provisions of this overlay as a separate element of an assessment process. As such, it is considered that the provisions of this overlay do not need to be applied to common and minor development types. One exception to this recommendation relates to the deemed-to-satisfy assessment pathway for a land division within the General Neighbourhood Zone as, unlike other zones, this pathway allows for the creation of up to 5 additional allotments not just to the realignment of

boundaries. As such, it is considered appropriate to insert reference to these specified overlay provisions relating to land division in Column 5 – Overlays of Table 2 – Deemed-to-Satisfy Development Classification in the General Neighbourhood Zone.

Scenic Quality Overlay

Whilst feedback suggested that land division could result in visual impacts related to the removal of vegetation or extensive earthworks through a subsequent application for development, the deemed-to-satisfy pathway for land division in most zones is available only where it involves the realignment of boundaries to reflect an existing approval for residential development or where proposed in conjunction with a deemed-to-satisfy dwelling. As such, it is considered unnecessary to apply an exclusion for deemed-to-satisfy land division within this overlay as dwellings themselves are excluded from the deemed-to-satisfy assessment pathway when located within the Scenic Quality Overlay. No change is recommended on this matter.

Regarding ancillary accommodation, dwelling additions and outbuildings, all three of these development types draw upon provisions from within the relevant zone and the General Development Policies which address matters related to building height, site area and setbacks, as well as the retention of private open space and soft landscaping. In the case of dwelling additions and outbuildings, there is currently no exclusion from the deemed-to-satisfy assessment pathway. Rather, DTS/DPF 4.1 of the Scenic Quality Overlay is applied to address matters related to excavation and filling, including ensuring that any scree slopes are landscaped. Given the similar policy requirements for these development types, it is considered appropriate to remove the overlay exclusion for deemed-to-satisfy ancillary accommodation, whilst also applying DTS/DPF 4.1 of the Scenic Quality Overlay to this development type to ensure matters relating to excavation and filling are addressed. It is considered appropriate to apply DTS/DPF 4.1 of the Scenic Quality Overlay to deemed-to-satisfy ancillary accommodation to facilitate a consistent approach to development within this assessment pathway.

Traffic Generating Development Overlay

Given that DTS/DPF 2.3 of the General Neighbourhood Zone only allows land division proposing up to 5 additional allotments, the threshold for the Traffic Generating Development Overlay would never be exceeded within the deemed-to-satisfy assessment pathway. As such, it is considered reasonable to remove the Traffic Generating Development Overlay as an exclusion from the deemed-to-satisfy assessment pathway for land division within the General Neighbourhood Zone.

Water Resources Overlay

DTS/DPF 1.5 of the Water Resources Overlay requires that a 20 metre buffer from the top of the existing banks of a watercourse is incorporated to reduce impacts of development on natural flow paths or the quality of water within a watercourse. It is considered appropriate to apply DTS/DPF 1.5 of the Water Resources Overlay to deemed-to-satisfy detached, semi-detached and row dwellings in zones where this overlay exclusion is removed.

Clarification:

Where a zone does not currently include an accepted or deemed-to-satisfy assessment pathway for a specified development type, no action will be taken in relation to the addition or removal of an overlay exclusion, or associated policy provisions, as such changes would have no effect. The purpose of this amendment is to refine existing assessment pathways rather than add new pathways for development types within a zone.

Partial Demolition

It is recommended that the following overlay exclusion be removed from Column 1 of Table 1 – Accepted Development in the row for partial demolition within the General Neighbourhood Zone:

- Coastal Areas
- Future Road Widening
- Hazards (Acid Sulfate Soils)
- Hazards (Flooding)
- River Murray Flood Plain Protection Area
- Significant Landscape Protection.

Recommendation:

AMEND column 1 of Table 1- Accepted Development Classification and Table 2 – Deemed-to-Satisfy Development Classification of the affected zones to ensure overlay exclusions are appropriately applied to specified development types.

AMEND column 5 of Table 2 – Deemed-to-Satisfy Development Classification to apply specified DTS/DPF provisions to deemed-to- development types in affected zones.

AMEND column 5 of Table 3 – Applicable Policies for Performance Assessed Development to make specific reference to the POs of the Noise and Air Emissions Overlay for detached dwellings, semi-detached dwellings and row dwellings.

Detached Dwellings in Master Planned Zones as an Accepted Development Pathway (2.3.2.15)

This amendment reviewed the accepted development pathway for detached dwellings within the Master Planned Zones and proposed removing unnecessary overlay exclusions for overlays which would have already been considered via the approval process for a Building Envelope Plan.

Feedback:

The amendment was well supported. Only two points of feedback were received, one of which suggested that the same amendment should be applied to semi-detached and row dwellings within the accepted development pathway of the Master Planned Renewal Zone.

The other feedback queried how amendments can be made to the accepted pathway for dwellings when it is unknown how the Bushfire Overlay Code Amendment will affect these forms of development.

Response:

The Master Planned Renewal Zone contains an accepted development pathway for both semi-detached and row dwellings which contains similar requirements to the pathway for detached dwellings, which requires, among other things, that the dwelling be designed in accordance with an approved Building Envelope Plan for the site. Given this, it is considered appropriate to also apply the amendments to the accepted development pathway for these dwelling types in the Master Planned Renewal Zone.

Regarding the removal of exclusions for the Hazards (Bushfire) Overlays from the accepted development pathway, the process for developing a Building Envelope Plan requires consideration of all overlays relevant to the site and ought not be approved in instances where an overlay issue cannot be readily addressed. As such, the removal of these overlays from the list of exclusions will not detract from changes to the policy or spatial application of these overlays via the Bushfire Overlay Code Amendment, as the requirements of these overlays will still need to be considered during the approval process for the Building Envelope Plan. No further change is recommended in relation to this matter.

Recommendation:

AMEND Table 1 – Accepted Development Classification of the Master Planned Renewal Zone to enable the return of the accepted development assessment pathway for semi-detached and row dwellings where a Building Envelope Plan applies except for where the following overlays apply:

- Character Area Overlay
- Heritage Adjacency Overlay
- Historic Area Overlay
- Local Heritage Place Overlay
- State Heritage Area Overlay
- State Heritage Place Overlay.

Detached Dwellings - Medium and High-Rise Development – Policy Relevance (2.3.2.16)

This amendment reviewed assessment pathways for all dwelling types within zones where three storey development (and above) is contemplated to ensure that policy provisions relating to medium and high-rise development is applied.

Feedback:

Feedback was generally supportive of the amendments; however, it was noted that the proposed changes did not capture all provisions within the Design in Urban Areas General Development Policies relating to medium and high-rise development. Specifically, it was noted that those provisions relating to requirements for landscaping, water sustainable urban design, and waste collection.

Other feedback suggested that because of the General Neighbourhood Zone and Suburban Neighbourhood Zone generally contemplate low-rise development, the provisions related to medium and high-rise development should not apply.

Response:

The proposed amendment includes provisions from Design in Urban Areas [Residential Development - Medium and High Rise (including serviced apartments)]: PO and DTS/DPF 26.1 – 30.1 inclusive. The amendment did not include those provisions from Design in Urban Areas [All Development - Medium and High Rise, which are currently applied to other forms of development where heights are anticipated above three levels, such as Residential Flat Buildings. It is considered that these additional provisions are appropriate to apply to all dwelling types in the identified zones to ensure that matters relating to external appearance, landscaping, water sensitive urban design and overlooking can be appropriately assessed.

Regarding the application of these policy provisions to various forms of dwellings within the Suburban Neighbourhood Zone, this zone incorporates TNVs for building height, which can allow up to three storeys depending on location. Conversely, the General Neighbourhood Zone does not include a TNV for building height, but rather has a fixed building height limit of 2 building levels and 9 metres in DTS/DPF 4.1, and the corresponding PO requires that buildings contribute to a low-rise suburban character.

The presence of provisions from the General Development Policies related to medium and high-rise development in a zone, or a portion of a zone which typically contemplates low rise development does not derogate from the need to assess the development against the building height policies of the zone. In line with the hierarchy of policies in Part 1 – Rules of interpretation, a zone policy will prevail over a General Development Policy.

As such, the presence of these policy provisions will fill a gap where a three-storey development is proposed within a zone that typically contemplates two-storey development and for which the relevant authority may believe such a proposal may have merit in that particular circumstance, thus allowing the relevant authority to draw on these provisions to make a proper assessment against all relevant policies of the Code. In the absence of such policies being specifically applied, the relevant authority is unable to draw in additional provisions to make an assessment and therefore certain matters related to medium-rise

development could not be addressed. Conversely, where a development is proposed that is less than three storeys – i.e., it is *low rise* – then provisions related to medium and high-rise development would not be applicable.

Section 102 of the *Planning Development and Infrastructure Act 2016* provides the following in relation to this matter:

102—Matters against which development must be assessed

1. *Subject to this Act, a development is an approved development if, and only if, a relevant authority has assessed the development against, and granted a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):*
 - a. —
 - i. *the relevant provisions of the Planning Rules;*

As such, it is considered appropriate to include these provisions within the affected zones.

Recommendation:

AMEND assessment pathways for all dwelling types within zones where three storey development (and above) is contemplated to ensure that Design in Urban Areas [All Development - Medium and High Rise] policy provisions are applied.

Discrete vs Discreet- Garages & Carports - Policy Review (2.3.2.17)

This amendment sought to amend PO 10.1 of the Established Neighbourhood Zone and Township Neighbourhood Zone to use the word “discreet” (instead of discrete) to ensure that carports and garages do not dominate the appearance of the associated dwelling when viewed from the street.

The proposed changes were supported, with no additional feedback provided.

Response:

N/A

Recommendation:

No changes recommended.

Discrete vs Discreet - Garages & Carports – Linkages (2.3.2.18)

This amendment looked to remove a duplication of policy related to carports and outbuildings within the Established Neighbourhood Zone and Township Neighbourhood Zone, namely that PO and DTS/DPF 10.1 of the zones, need not be applied to a carport or garage, given it duplicates policy that applies to these development types as part of the zone’s ancillary buildings and structures policy.

Feedback:

Feedback on this amendment was well supported as it was considered that PO and DTS/DPF 11.1 would adequately take matters of streetscape appearance into account, whilst ensuring that the development would not detract from the buildings on the site or on neighbouring properties. However, some suggested that PO and DTS/DPF10.1 should be retained in assessment pathways for carports and outbuildings due to the need to consider streetscape impacts, which was believed to not be addressed adequately by PO 11.1.

Response:

PO 10.1 and 11.1 of the Established Neighbourhood Zone and Township Neighbourhood Zone read as follows:

PO 10.1

Garages and carports are designed and sited to be discrete and not dominate the appearance of the associated dwelling when viewed from the street.

PO 11.1

Residential ancillary buildings and structures are sited and designed to not detract from the streetscape or appearance of buildings on the site or neighbouring properties.

Whilst some feedback suggested that the removal of PO 10.1 would eliminate the consideration of impacts on the streetscape or the associated dwelling, it is considered that PO 11.1 goes further than this to ensure that a carport or outbuilding will not detract from the streetscape, the associated dwelling and any other building on the site or buildings on neighbouring properties. Given this, a carport or outbuilding that a relevant authority considers as ‘dominating the appearance of the associated dwelling’ as per PO 10.1, would equally be seen to ‘detract from the appearance of buildings on the site’ under PO 11.1. Furthermore, whilst dominance would suggest matters of bulk and scale, ‘detracting from the appearance of’ could relate to any number of factors that may impact upon the appearance of buildings on site or the streetscape. It is considered that PO 11.1 adequately addresses the matters raised above and that no further action is required.

Recommendation:

No changes recommended.

Dwelling Alterations and Building Additions/Alterations – Assessment Pathways (2.3.2.19)

The amendment sought to create an accepted development pathway for building alterations where the development does not increase the total floor area and does not exceed the wall height and/or overall building height of the building. The proposed pathway would include exemptions for State Heritage Places or Areas and Local Heritage Places.

A further amendment was proposed to update the introductory text for Table 1 – Accepted Development Classification, Table 2 – Deemed-to-Satisfy Development Classification and Table 3 – Applicable Policies for Performance Assessed Development to clarify that alterations and additions must be assessed against the same provision as the existing development category unless alterations and/or additions are listed as a separate class of development.

Feedback:

Feedback on the proposed amendment was mixed, with several respondents supporting the change, whilst others opposed the amendment or suggested further improvements. Specific feedback is discussed below:

Building Height

Feedback suggested amending the criteria to ensure part b) is separated so that a proposal does not exceed the existing wall height of the existing building nor the overall building height.

Materials

Feedback expressed concern that that this change may have an unintended consequence of undoing any negotiation by planning staff to achieve best outcomes in terms of materials/colours/appearance of building by facilitating accepted development pathway to alter buildings, and that it may lead to use of cheaper and less desirable finishes. It was suggested that this outcome would be unlikely to eventuate if the accepted

pathway applies only to an existing building and can't be applied to approved buildings and therefore be changed prior to completion of the development.

Privacy Treatments

Concern was raised that the new pathway could allow approved privacy treatments of upper-level windows, such as screening or opaque glazing, to be removed

Encroachment

Further feedback expressed concern that there are no provisions in place to prevent public space encroachment e.g., verandahs, balconies, canopies, etc., nor are there any no provisions that consider the built form and character policies of the zone or subzone.

Historic Area Overlay

Feedback was provided regarding the wording of the assessment pathway as it related to alterations within the Historic Area Overlay, which included:

Where located within the Historic Area Overlay, there will be no external alterations made to a building façade visible from a street

The respondent expressed concern that this wording could allow substantial changes to the sides of the building to occur in a way which would detrimentally affect the historic value of the building, such as the total replacement of side walls beyond the façade. It was further suggested that representative buildings be specifically mentioned within the criteria.

Response:

Building Height

To provide clarity regarding the use of this assessment pathway, it is considered appropriate to separate the criteria relating to exceedance of wall height and overall building height under part b) to provide clarity that both criteria need to be met.

Materials

The proposed change provides an accepted development pathway for alterations to a building where specified criteria are met. For this pathway to apply, a building must first exist in order for an alteration to the building to be made. An alteration to an 'approved' building (i.e., one which is not yet constructed) would be a variation to an authorisation under Section 128 of the Act, which also includes the alteration of a condition imposed with respect to the development authorisation. No change is recommended in relation to this matter.

Privacy Treatments

To mitigate issues relating to overlooking of neighbouring properties, it is considered appropriate to amend the assessment pathway to ensure that previously approved privacy treatments are not altered via this pathway.

Encroachment

Regarding concerns that there are no provisions in place to prevent public space encroachment e.g., verandahs, balconies, canopies, etc., the construction of such additions to a building would require assessment against the relevant provisions of the Code, as they typically fall within the definition of development under the Act. Where they do not fall under the definition of development; by virtue of meeting an exclusion under Schedule 4 of the Act, they would not be subjected to assessment irrespective of whether or not the Code contains a specific pathway for building alterations. Where an alteration would be considered to meet the requirements of the accepted development pathway, it would

still be subject to an assessment under the Building Rules. No further change is recommended in this regard.

Historic Area Overlay

Regarding building alterations within the Historic Area Overlay, it is considered that the historic value of buildings may not necessarily be limited to the building's façade but may also include roofing materials, etc. As such, it is considered appropriate to amend the criteria to ensure that an alteration will not include any alteration to the external appearance of a building that is visible from the public realm where located within the Historic Area Overlay.

Further, it is considered that since the majority of representative buildings identified within the State are contained within the Historic Area Overlay, it is not necessary to make specific reference to representative buildings within the criteria. No change is recommended in relation to this matter.

Recommendation:

AMEND Table 1 – Accepted Development Classification to ensure that part 1(b) relating to exceedance of wall height and building height are listed as separate criteria.

AMEND Table 1 – Accepted Development Classification to require that where located within the Historic Area Overlay, there will be no alterations to the external appearance of the building where visible from the public realm

AMEND Table 1 – Accepted Development Classification to ensure that building alterations do not involve the removal or alteration of a previously approved privacy treatment.

Horticulture – Prescribed Surface Water Areas Overlay and Prescribed Wells Area Overlay – linkages (2.3.2.20)

This amendment proposed changes to the applicable policies for deemed-to-satisfy development classification for horticulture within the Productive Rural Landscape Zone, Rural Zone and Rural Horticulture Zone and changes to the applicable policies for performance assessed development for horticulture within the Productive Rural Landscape Zone, Resource Extraction Zone, Rural Zone, and Rural Horticulture Zone to ensure the relevant overlay policy provisions related to horticulture are called up in an assessment.

Feedback:

The proposed change was well supported. No specific feedback was received on this matter.

Response:

N/A

Recommendation:

No changes recommended.

Interface Height – Multiple Zones: Policy and TNV – Policy Review (2.3.2.21)

The amendment proposed to refine policy relating to interface height across multiple zones, specifically identifying and excluding various building treatments on street boundaries. It also sought to apply additional policy relative to interface height for certain classes of development in specific zones. These changes recognise street boundaries as a less sensitive receiver, whilst safeguarding residential development from undesirable impacts when adjacent particular zones.

Feedback:

The proposed amendments were largely supported, noting various submissions sought policy to be nuanced in a manner which recognises narrower streets. This was based on the notion that not all streets/roads are equal, and development can have a significant and negative impact on adjacent receivers where the distance between the two is small/narrow. This was considered particularly pertinent in historic streetscapes, with impacts upon heritage listed buildings flagged as a matter of ongoing importance.

Furthermore, the list of land uses under PO 3.3 and 3.8 were highlighted to need additional consideration.

Response:

The interface policy was drafted to address overshadowing for residential development or to address massing. The subject policy specifically references allotments used for residential purposes which, by default, eliminates street boundaries. As a result, the policy was refined to strengthen the link between abutting allotments rather than the road, noting a width of 6.5 metres has also been specified in part 6.6 to capture narrow roads and laneways.

Classes of Development

Upon review of the Township Main Street Zone and its envisaged land uses, it was deemed appropriate that Table 3 of PO 3.8 be expanded to include advertisement and community facility within the list of development classes. Both have the potential to create impacts similar to the land uses originally listed via the consultation process, warranting their inclusion.

Recommendation:

AMEND the following note (a) applying to relevant interface height TNV diagram(s)/figure(s) in Part 6.6 by replacing the following:

~~a. 45 degree plane measured from a height of 3 metres above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram (except where this boundary is a southern boundary or a street boundary)~~

With:

a. 45 degree plane measured from a height of 3 metres above natural ground level at the boundary of the allotment where abutting a residential use, or where the allotment is separated by a road less than 6.5 metres in width measured from the residential allotment boundary, within a neighbourhood-type zone as shown in the following diagram (except where this boundary is a southern boundary)

AMEND Table 3 – Applicable Policies for Performance Assessed Development in the Township Main Street Zone by applying the following additional classes of development:

Advertisement

Community facility

Drafting Note: blue text = new text, red-strikethrough = delete text.

Land Division – Site Contamination – Policy Relevance and Linkage (2.3.2.22)

The amendment proposed changes to the PO 1.1 of the site contamination general development policies performance assessed development for land division within all applicable zones to ensure that site contamination matters are appropriately addressed.

Feedback:

The proposed change was well supported, and no specific feedback was received.

Response:

N/A

Recommendation:

No changes recommended.

Non-Residential Outbuildings – New Policy and Assessment Pathways (2.3.2.23)

The amendment proposed to introduce policy and an assessment pathway to guide the development of non-residential ancillary structures and buildings in all zones where policy for ancillary buildings and structures policy applies. Changes were also proposed to the Design and Design in Urban Areas General Development Policy modules.

Feedback:

The proposed update was largely supported. There were suggestions that the policy could be refined to ensure ancillary structures are subordinate to the primary land use and do not include non-residential uses on residential sites. Additional policy was also suggested to address vehicle access, character and materials.

Requests were received to exclude the policy and assessment pathway from particular zones, including:

- Capital City Zone
- City Mainstreet Zone
- Community Facilities Zone
- Business Neighbourhood Zone
- Adelaide Park Lands Zone.

It was also requested that the policies and assessment pathways be added to the Township Zone.

A request was made to create policy linkages to ensure native vegetation is not removed and to prevent septic tanks and Community Wastewater Management Systems (CWMS) connections from being built over. Some councils were also concerned that non-residential buildings and structures could be built on residential allotments.

Response:

The purpose of these changes is to provide a streamlined pathway for minor structures that are ancillary and subordinate to the existing non-residential land use (for example a shed associated with a church). The proposed provisions provide requirements that ensure these developments are minor in nature.

Zoning

There is no DTS pathway within the Adelaide Park Lands Zone given the sensitive nature of the Adelaide Park Lands as an area of national significance. Given that in all other cases, the policy has only been applied to areas that contained the Ancillary Buildings and Structure Policy, these refinements are proposed to consistently apply.

Septic/CWMS

It is the Commission's intent to ensure that outbuildings have the appropriate policy in place to prevent septic tanks and CWMS connections from being built over (General Development Policies - Infrastructure

and Renewable Energy Facilities: DTS/DPF 12.2). This provision should currently be linked to outbuildings within all applicable zones.

Non-Residential Ancillary Uses

It is proposed to reword the PO to improve policy expression and to clarify that the policy applies to non-residential ancillary buildings that are associated with non-residential development. While this is implied using the term ‘ancillary’, which suggests it is related to a residential use if on a residential allotment, the wording could be made more explicit to reassure the community and councils about the intended outcome.

Native vegetation

It is appropriate to apply policies from the Native Vegetation Overlay to non-residential outbuildings which have a deemed-to-satisfy pathway.

Recommendation:

AMEND proposed PO X.3 by replacing:

~~‘Non-residential ancillary structures and buildings do not detract from the streetscape or appearance of buildings on the site or neighbouring properties.’~~

With:

‘Buildings and structures that are ancillary to an existing non-residential use do not detract from the streetscape character, appearance of buildings on the site of the development, or the amenity of neighbouring properties.’

AMEND clause (a) of proposed DTS/DPF X.3 to refer to non-residential ancillary buildings that are ancillary and subordinate to an existing non-residential use i.e.,

‘(a) are ancillary and subordinate to an existing non-residential use on the same site’

AMEND Table 2 – Deemed-to-Satisfy to apply Native Vegetation Overlay DTS 1.1 in the Classification Criteria.

Drafting Note: blue text = new text, red strikethrough = delete text.

Outbuildings - Accepted Development Criteria (2.3.2.24)

The amendment proposed to correct a duplication of criteria relating to the term outbuilding in the Accepted Development Table (Table 1) of several neighbourhood-type zones.

Feedback:

The amendments were well supported, although one submission was not clear why the policy was being removed.

Response:

The criteria referred to in this amendment is written twice in relation to ‘outbuilding’. Only the duplicate is proposed to be removed.

Recommendation:

No changes recommended.

Pool Fencing – Accepted Development Pathway (2.3.2.25)

The amendment sought to changes the accepted pathway for a swimming pool or spa pool across all relevant zones to include swimming pool safety features so that the pathway considers the prerequisite for an associated safety fence.

Feedback:

This amendment was well supported, with some feedback suggesting further clarification that swimming pool safety features includes pool fencing, and further refinement for instances where a boundary fence forms part of the swimming pool safety features. Feedback also noted that fencing is development within the Historic Area Overlay, and that this should be considered.

Other feedback suggested that in areas where excavation is classified as development in accordance with Schedule 3(1) of the Regulations, there should be an exemption for swimming pools to allow excavation associated with the installation of the pool under the accepted pathway.

Feedback also suggested a review of all references to swimming pool or spa pool within the Code to include in the reference 'and associated swimming pool safety features' as appropriate.

Clarification: Section 3 – Interpretation of the Planning, Development and Infrastructure Act 2016 defines swimming pool safety features as follows:

Swimming pool safety features - means a fence, barrier or other structure or equipment prescribed by the regulations for the purposes of this definition.

As such, it is considered unnecessary to specify that a swimming pool safety feature includes a fence.

Response:

Whilst Table 1 – Accepted Development Classification currently states that the minimum boundary setback for a swimming pool or spa pool should be not less than 1 metre, it is considered appropriate to clarify that this relates to the swimming pool or spa pool itself and does not relate to an associate safety feature i.e., a fence or barrier, as in some circumstances the boundary fence may form part of the associated safety features.

It is noted that fences are development within the Historic Area Overlay and therefore would require assessment, however, whilst a boundary fence may form part of the safety features associated with a swimming pool or spa pool, it is considered that any swimming pool safety features comprising fences which are internal to the site should not be subjected to performance assessment.

Regarding the suggestion of an exemption for swimming pools to allow excavation associated with the installation of the pool under the accepted pathway in areas where excavation and filling of land is development under Schedule 3(1) of the Regulations, it is considered that given excavation and filling may also be required in order to install associated safety features, and that depending on the proposed location of such features, these may be located at some distance from the pool itself, there is a potential for earthworks to extend well beyond the boundary of the pool. As such, it is not recommended that such an exception be incorporated into the accepted pathway for pools.

Recommendation:

AMEND Table 1 Accepted Development Classification – Swimming pool or spa pool and associated swimming pool safety features to clarify that the minimum setback from boundary fences does not apply to the location of a swimming pool safety feature.

AMEND references to 'swimming pool or spa pool' within the Code to include 'and associated swimming pool safety features' as appropriate.

Primary Street Setback – Use of Building Line (2.3.2.26)

The amendment sought to address concerns relating to the current definition and policy application of the term 'building line', including potentially undesirable outcomes resulting from its misapplication.

Changes to the definition are set out in section 2.3.8.2 of the Code Amendment and comprise the removal of the 1.5m projection allowance.

Feedback:

The policy adjustments were generally well supported. For the most part, comments focussed more on the street setbacks policies that are in the operational Code, to which this amendment is not seeking to make wholesale change. Feedback included:

- the 1m dispensation allowed in some zones can over time mean that dwellings could eventually be built to setbacks that are progressively closer and closer to street boundaries
- why hasn't the 1m allowance been applied to some zones?
- there is a need for the policy expression to align across zones
- the use of character is important to give detail to the policy and should be retained
- stronger policy is recommended for Historic Area and Character Area Overlays where the proposed policy change could result in negative streetscape outcomes, including corner sites, to ensure development adequate addresses both street frontages
- reference to 'primary street setback' criteria for development in the rural context is problematic due to the way buildings typically orientate to take advantage of views and landscape features etc., with limited relationship to the street
- how do you determine which part of the adjacent buildings to take the measurements from when they have multi frontages?
- agree to the first change regarding bay windows exclusions but do not agree to other changes regarding placement of houses and building lines
- what about battle-axe allotments?
- does the primary street setback of the dwelling affect the proposed new dwelling(s)?
- there are too many situations where a technical DTS front setback may be zero or extremely low, 5m should be the absolute minimum for DTS, regardless of adjoining buildings
- potential issues where the only abutting building is on a corner site as the resulting setback would be minimal (i.e., 1.0m)

Response:

Policy position change

The intent of this policy adjustment was to improve clarity of interpretation, not to make wholesale changes to policy position.

Matters such as disparities between zones of similar nature and requests for stronger policy in historic and character areas are noted but are beyond the scope of the Code Amendment and would need to be investigated separately.

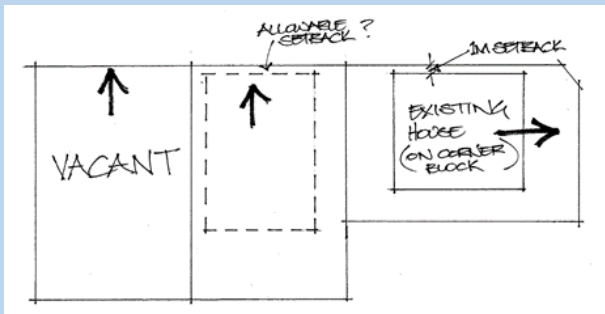
In terms of Code policy hierarchy, overlay policy sits above all. Therefore, in the case of the Historic Area Overlay (and similar for the Character Area Overlay) the following policy would take precedence over the setbacks that are expressed at the zone or subzone level:

PO 2.4

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

Corner sites

The point raised about reduced setbacks where a proposed dwelling site sits between a vacant block and a corner site containing a building is noted. Example from submission below:



A review of Code setback policies identifies that such a situation would require a greater setback. For example, in the General Neighbourhood Zone, a 5.0m setback would be required. It was not the intention of the Commission to make alterations to the current policy position and as such this will be corrected as part of the revised amendment instructions for the Code Amendment.

Existing building measurement point

The proposed table of setbacks explains in note (a) the way the setback of an existing building is determined:

- (a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback

In other words, it is to be measured from the wall that is closest to the street boundary, not just the front wall that is closest to the site of the proposed dwelling.

Township Zone

It has been identified that the Township Zone contains similar primary street setback policy expression to that of the Rural Settlement Zone. Whilst DTS/DPF 2.3 of the Township Zone currently does not use the term ‘building line’ and therefore reads correctly, the Commission is of the view that it should still share the new ‘table’ format. It is therefore proposed to include amendment instructions to convert DTS/DPF 2.3 of the Township Zone into a table format as part of the final amendment.

Recommendation:

AMEND primary street setback policy for the affected zones to reinstate policy for scenarios where a dwelling site sits between a vacant block and a corner site containing a building.

Example – General Neighbourhood Zone

Development Context	Minimum setback
There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings on the abutting sites minus 1m
There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed	The setback of the existing building on the abutting-site minus 1m

building and the existing building is not on a corner site.	
There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is on a corner site.	(b) Where the existing building shares the same primary street frontage – the setback of the existing building minus 1m (c) Where the existing building has a different primary street frontage - 5m
There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.	5m

Drafting Note: blue text = new text, red-strikethrough = delete text.

AMEND DTS/DPF 2.3 of the Township Zone to be consistent with the new table format for primary street setback policy.

Replacement Building – Overlay Exclusions: Coastal Flooding Overlay (2.3.2.27)

The amendment sought to change assessment pathways to exclude deemed-to-satisfy replacement buildings where they are located within the Coastal Flooding Overlay to prevent authorisation of proposed buildings below the standard sea flood risk level and sea level rise allowance.

Feedback:

This amendment was well supported, with only one piece of additional feedback which suggested that the Hazards (Flooding – General) Overlay should also be added to the list of overlay exclusions for a deemed-to-satisfy replacement building.

Response:

The Commission recognises that there are several buildings in hazard risk areas, some of which have existed for a considerable period of time and that they, as a result of natural processes and the effects of climate change, may now be more vulnerable than when they were originally developed.

The matter of replacement buildings in areas of hazard was raised with the Commission during the preparation of the Phase Three (Urban Areas) Code Amendment, where it was considered appropriate that where a building is to be replaced in a known hazard risk area, such as where coastal processes occur or an area subject to medium to high bushfire risk, an assessment of that risk should be undertaken rather than an automatic approval being granted that may result in risk to property and life.

Given that the Hazards (Flooding – General) Overlay addresses areas of known flood risk in a comparable way to the Coastal Flooding Overlay, it is considered appropriate to exclude replacement buildings from the deemed-to-satisfy assessment pathway where located within the overlay to ensure that known flood hazard risks may be considered via an assessment against relevant policy provisions.

Recommendation:

AMEND assessment pathways to exclude deemed-to-satisfy replacement buildings where they are located within the Hazards (Flooding - General) Overlay.

Tourist Accommodation – Total Floor Area – Rural Zones (2.3.2.28)

The amendment sought to change DTS/DPF 6.3 in both the Rural Zone and Productive Rural Landscape Zone to clarify the total floor area limitation for tourist accommodation to reinforce the intent of PO 6.3 that small-scale, ancillary tourist accommodation, sited in a manner which is sensitive to the core purpose of the zone (i.e., agricultural pursuits) is supported.

The amendment acknowledged concerns raised in the engagement report for the Phase Three (Urban Areas) release of the Code that the current drafting DTS/DPF 6.3 in the Rural Zone and Productive Rural Landscape Zone could be open to interpretation as to whether the total floor area should be applied per building or across multiple new buildings forming a single integrated tourist accommodation facility.

Feedback

While the proposed amendment was generally supported, there were suggestions for further changes, including:

- introducing more policy in the PO 6.3 around the scale of tourist accommodation in rural zones
- suggesting the term 'facility' insert (c) of DTS/DPF 6.3 is ambiguous and may require further refinement or deletion
- refinement of the proposed amended wording in DTS/DPF 6.3 to ensure that floor areas for existing buildings and new buildings are not counted separately will reinforce the intent for small-scale. The amended policy appears to allow for tourist accommodation within an existing building of 150m² in addition to a new building with a total floor area of 100m².
- Conversely, there was some suggestion that the total floor area of 100m² should not relate to the cumulative tourist accommodation facility but only to a single building. It is considered that PO 6.3 can adequately address multiple buildings forming a single integrated tourist facility.

Response:

The aim of the amendment was to address the possible interpretation of DTS/DPF 6.3 of the Rural Zone and Productive Rural Landscape Zone applying individually to multiple buildings (i.e., each individual building within an integrated tourist accommodation facility could be up to 100m² without triggering the policy) rather than to the cumulative floor area.

The Commission considers that enabling multiple buildings for the purposes of tourist accommodation of up to 100m² each could lead to the possibility of tourist accommodation of a scale that exceeds the intention of PO 6.3 to remain supplementary/ancillary to the core purpose of the respective zones for agricultural pursuits. It is therefore entirely appropriate that the floor area limitations relate to the cumulative total for a tourist accommodation facility for the purposes of the deemed-to-satisfy criteria.

In this regard, it is noted that there was some minor inconsistency in the proposed wording of DTS/DPF 6.3 clause (b)(ii) in the Code Amendment, whereby the words 'a total floor area' were omitted in the Productive Rural Landscape Zone. This will be corrected to ensure consistency in approach across the two zones.

Scale

Regarding suggestions that PO 6.3 should be further amended to include policy around the scale of tourist accommodation facilities, the following has been suggested:

Tourist accommodation is associated with the primary use of the land for primary production or primary production related value adding industry to enhance and provide authentic visitor experiences, and is of a scale that is ancillary to the primary use of the land and maintains the existing pleasant rural character.

To this end, it is noted that PO 6.4 in the Rural Zone and Productive Rural Landscape Zone provides this guidance in respect to the scale of tourist accommodation provided in new buildings, as follows:

PO 6.4

Tourist accommodation proposed in a new building or buildings are sited, designed and of a scale that maintains a pleasant rural character and amenity.

The related DTS/DPF 6.4 provides further guidance on appropriate setbacks and building heights to ensure buildings remain unobtrusive and maintain rural character and amenity. It is therefore not considered necessary or appropriate to expand PO 6.3 to duplicate this policy.

Existing buildings versus new buildings

With regard to concerns that the amended DTS/DPF criteria appears to allow for tourist accommodation within an existing building of 150m² in addition to a new building with a total floor area of 100m², it is considered appropriate to include an 'or' at the end of subclause (i) and before subclause (ii) in DTS/DPF 6.3 to clarify the intent for one scenario or the other, to ensure an appropriate small-scale. The term 'and' should also be applied following subclause (ii) to further reinforce this intent and clarify that each of the parent clauses (a) to (c) must be met.

Terminology – 'facility'

With regard to use of the term facility, this term is used throughout the Code in respect to a wide range of land uses (e.g., research facility, training facility, roadside service centre facility, parking facility, leisure and entertainment facility, emergency services facility, child care facility, health care facility), often without an associated land use definition in Part 7 of the Code. The term has also been used in respect to workers' accommodation in the Productive Rural Landscape Zone (DTS/DPF 9.1).

The ordinary meaning of a 'facility' is a place, building, amenity (or piece of equipment) provided for a particular purpose or activity and, on that basis, is considered appropriate in DTS/DPF 6.3 in respect to a facility for the purposes of tourist accommodation. This will be consistent with a range of land uses throughout the Code, although the word tourist accommodation is recommended to be included before the word facility in clause (c) to improve interpretation in this context.

Recommendation:

AMEND DTS/DPF 6.3 of the Rural Zone and Productive Rural Landscape Zone to:

- (a) include an 'or' at the end of subclause (i) and before subclause (ii) in DTS/DPF 6.3 to clarify the intent for one scenario or the other to ensure tourist accommodation maintains an appropriate small-scale and aligns with the intent of PO 6.3.
- (b) include the word 'and' at the end of subclause (ii) and before clause (c) to further reinforce this intent
- (c) include the word 'tourist accommodation' before the word 'facility' in clause (c) to improve interpretation of policy.

AMEND DTS/DPF 6.3 clause (b)(ii) of the Productive Rural Landscape Zone to refer to a total floor area in respect to an existing building to ensure a consistent approach across this zone and the Rural Zone in respect to tourist accommodation.

Part 3 – Overlays (2.3.3)***Affordable Housing Overlay – Referral Trigger (2.3.3.1)***

The amendment proposed to address two issues identified by the South Australian Housing Authority in relation to the Procedural Matters (PM) – Referrals section of the Affordable Housing Overlay:

- unnecessary referral of development applications by the South Australian Housing Authority to itself as the agency responsible for the provision of referral advice

- confusion regarding when an application should be referred.

Feedback:

A range of feedback was received on this matter, however, there was support for the South Australian Housing Authority to not have to refer its applications to itself. Those that raised concerns were generally of the view that the suggested changes to the referral trigger may discourage the provision of affordable housing by private developers. Feedback included:

- amendment drafting is very unclear
- referral criteria as proposed appears to require a referral only where the development is already proposing affordable housing and therefore doesn't capture developments where the applicant has not proposed to include affordable housing
- could the criteria require a referral for any development with 20 or more dwellings to allow the South Australian Housing Authority to provide advice or direction regarding the provision of affordable housing in the development?
- the South Australian Housing Authority should not be excluded from the referral trigger.

Some submissions provided revised wording for the consideration of the Commission.

Response:

The Commission acknowledges the feedback received about broadening the referral to capture all proposals within the Affordable Housing Overlay that involve 20 or more residential allotments and/or dwellings.

The policy of the Affordable Housing Overlay is to support the inclusion of affordable housing as part of larger residential developments and provides incentives for developers to take up this option. Where a proposal falls within the Affordable Housing Overlay, the relevant authority and the applicant can negotiate to include affordable housing as part of the application. This is done through assessment of the proposal against the Overlay's Assessment Provisions including:

Affordable Housing Overlay

PO 1.1

Development comprising 20 or more dwellings / allotments incorporates affordable housing.

PO 1.2

Development comprising 20 or more dwellings or residential allotments provides housing suited to a range of incomes including households with low to moderate incomes.

There may be circumstances where the relevant authority and the developer consider alternative solutions or have a preference to locate affordable housing outside of the proposed development site in – areas that benefit from being closer to shops and services and nodes of public transport. Referral is therefore not always needed.

Further, the South Australian Housing Authority only has direction on the conditions required to secure the provision of dwellings or allotments for affordable housing. It doesn't have the power to direct the inclusion of affordable housing as part of a development.

The Commission therefore remains of the view that the referral trigger should continue to apply only to proposals that are intending to include affordable housing consistent with the current referral arrangements.

Some rewording of the referral trigger is warranted to improve clarity in terms of:

- explaining under what circumstances 'affordable housing' is being proposed

- reducing the wording in the referral trigger by inserting a new administration definition for 'excluded land division'.

Recommendation:

CREATE new administrative definition for 'excluded land division' as follows to support the refinement of the referral trigger in the Affordable Housing Overlay:

***excluded land division** means, for the purposes of Affordable Housing Overlay – Procedural Matters (PM) – Referrals, land division that reflects the site boundaries illustrated and approved in an operative or existing development authorisation for residential development under the Development Act 1993 or Planning, Development and Infrastructure Act 2016.*

AMEND the referral trigger to read as follows:

*Except where the applicant for the development is the South Australian Housing Authority (or an agent acting on behalf of the South Australian Housing Authority), residential development or land division (other than **an excluded land division that reflects the site boundaries illustrated and approved in an operative or existing development authorisation for residential development under the Development Act 1993 or Planning, Development and Infrastructure Act 2016**):*

- that comprises 20 or more dwellings or residential allotments and **is described in the application documentation as the development is** intending to provide affordable housing or*
- that is described in the application documentation as intending to provide affordable housing and **where** the applicant is seeking to access one or more of the planning concessions outlined in the Affordable Housing Overlay DTS 3.1, 3.2 or 4.1 or*
- that is described in the application documentation as **intending to include including** affordable housing of any number of dwellings or residential allotments.*

Drafting Note: blue text = new text, red-strikethrough = delete text.

Coastal Areas Overlay – Policy Intent (2.3.3.2)

The amendment sought to undertake some specific policy improvements within the Coastal Areas Overlay to clarify intended outcomes and ensure greater consistency between POs and DTS/DPF.

Feedback:

Feedback received in submissions were mainly supportive of the proposed changes.

The Coast Protection Board (CPB) / Department for Environment and Water (DEW) did identify an issue in relation to DTS/DPF 2.2 of the Coastal Areas Overlay, however amendments to this policy were not proposed in the draft for consultation. Their view is that DTS/DPF 2.2 does not adequately cater for the 1m sea level rise which is set out in the corresponding PO 2.2. It was also pointed out that the criteria only addresses short-term flooding risk (i.e., minimum finished ground and floor levels via the TNVs). The submission proposed wording amendments that say, in addition to the TNV values, a development should also demonstrate that there are practical measures available to protect the development against an additional sea level rise of 0.7 m by the year 2100.

Response:

The matter raised in the submission from CPB/DEW about ensuring DPF 2.2 is consistent with the corresponding PO 2.2 is acknowledged as an oversight.

This is particularly as the wording at the very bottom of DPF 2.2 in the Code does include such a provision (but only where no TNV value is returned for a site) stating:

In instances where no value is specified (i.e., there is a blank field):

- a) *finished ground levels allow for sea level rise by being raised 0.3m or more above the standard sea flood risk level*
- b) *finished floor levels are 0.55m or more above the standard sea flood risk level*
- c) *practical measures can be implemented to provide future protection against an additional sea level rise of 0.7m plus an allowance to accommodate 100 years of land subsidence.*

Notwithstanding the apparent omission in the current policy framework, as the consultation draft of the Code Amendment did not propose any changes to this particular policy, it is considered inappropriate to undertake such a change to the Code Amendment post consultation. The Commission and the Department will however investigate addressing this matter through a future amendment process.

Recommendation:

No changes recommended.

Design Overlay – Referral – Referral Trigger (2.3.3.3)

The amendment proposed to change the referral trigger in the overlay to give the relevant authority the discretion to refer a variation to the Government Architect (or Associate Government Architect) should they consider it warranted.

Feedback:

Feedback received in submissions was generally supportive of the proposed changes to the referral trigger in the overlay. Other comments include

- the need to strengthen the referral trigger ensuring that all variation applications be referred to the Government Architect to ensure the original design quality and intent of a previously assessed design is maintained
- where an amendment to an approved proposal that has been subject to design review is proposed, it needs to be reviewed by a registered architect for design impact
- a new Practice Direction to guide the circumstances that may warrant a re-referral
- relevant authorities should err on the side of caution when considering whether to refer a variation application
- One submission suggested stronger provisions or penalties in the planning system relating to amendments or variations to approved buildings after the original authorisation is given including not completing landscaping or changing apartment plans after sale.
- an incorrect word in the proposed new referral wording.

Response:

The suggestion for a new Practice Direction to guide referrals to the Government Architect for variation applications is noted, as is the suggestion to err on the side of caution when authorities are using their discretion to determine these issues. However, it is considered that assessment managers have the skills and experience to determine whether a variation application to a previously authorised design could potentially result in adverse or significant changes compared to the original design. It is noted that assessment managers must be approved under the State's Accreditation Scheme for Relevant Authorities and that they are required to undertake ongoing professional development (including building and urban design related training).

It is further noted that in cases where a decision to refer a variation is not clear, an assessment manager could undertake informal discussions with the Government Architect or its support staff to help determine

whether a variation application warrants a referral (similar to what often happens with potential referrals to the State Heritage Branch).

Overall, the amendment strengthens provisions in relation to ensuring design changes via variation applications are appropriately referred where warranted, which currently is not the case. It is considered that the amendment sufficiently addresses this matter.

In relation to a submission seeking the introduction for penalties for developers not adhering to approved plans during/after construction, it is considered that appropriate compliance and enforcement provisions exist in the planning legislation on this matter.

Recommendation:

AMEND the wording in the proposed new referral criteria p(b) from:

(d) *(b) given development authorisation under the Planning, ~~Design~~ and Infrastructure Act 2016 or Development A993*

to:

(e) *(b) given development authorisation under the Planning, Development and Infrastructure Act 2016 or Development Act 1993*

Drafting Note: blue text = new text, red strikethrough = delete text.

Hazards (Flooding) Overlay – PO 3.5 a–d DTS/DPF 3.5 - Linkages (2.3.3.4)

The amendment sought to change policy linkages to ensure a consistent approach for the application of PO and DTS/DPF 3.5 of the Hazards (Flooding) Overlay to various development types.

Feedback:

Feedback from one respondent suggested amendments to DTS/DPF 3.5(e) should specifically mention garages as a type of building requiring a finished floor level that is at least 300mm above the height of a 1% AEP flood event.

Clarification: DTS/DPF 3.5(e) references 'buildings', which would include garages by default, as per the definition of 'building' provided by the *Planning, Development and Infrastructure Act, 2016*:

***building** means a building or structure or a portion of a building or structure (including any fixtures or fittings which are subject to the provisions of the Building Code), whether temporary or permanent, moveable or immovable [...]*

However, this is only one option to meet the DTS/DPF provision, as a carport or outbuilding with at least two open sides would satisfy DTS/DPF 3.5(c).

Further feedback suggested that DTS/DPF 2.1 of the Hazards (Flooding – General) Overlay be amended to make specific reference to storage or garages.

Clarification: PO 2.1 of this overlay requires that development is sited, designed and constructed to prevent the entry of floodwaters *where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings*. It is considered that as this overlay applies to areas of general flood risk, rather than high risk which is addressed by the Hazards (Flooding) Overlay, and that ongoing activities within a garage or outbuilding will typically not be compromised on an ongoing basis, that it is unnecessary to include outbuildings within the DTS/DPF provision.

Response:

N/A

Recommendation:

No changes recommended.

Heritage Adjacency Overlay – Referral (2.3.3.5)

The amendment proposed changing the referral trigger in the overlay to clarify that the relevant authority should be tasked with determining whether a proposed development may materially affect the context of a State Heritage Place and should be referred to the Heritage Minister, as existed under previous legislation.

Feedback:

Feedback received in submissions (particularly from councils) was generally supportive of the proposed changes, however some suggested that additional guidance should be built into the referral trigger wording and/or an associated practice direction be created to provide better guidance on determining whether a development may materially affect the context of a State Heritage Place.

Some submissions (including from the State Heritage Branch) were opposed to the proposed change to the referral trigger as they believe that relevant planning authorities may not have the appropriate expertise to determine whether a development may materially affect the context of a State Heritage Place. It was further suggested that the extent of the overlay mapping should define any development being referred (i.e., if a development is proposed within the mapped area of the overlay). An alternative referral trigger wording was proposed, which would require the relevant authority to consult with the Heritage Minister before determining whether a formal referral is required.

Another submission recommended that the relevant authority who determines whether a referral is required should be:

- the Australian Government in accordance with the *Environment Protection and Biodiversity Conservation Act 1999*, when the development is associated with a National Heritage Place
- the council's local heritage advisor, where this service is provided and the development is associated with a Local Heritage Place.

Response:

Under the former planning system, the relevant planning authority was empowered with the responsibility to determine if a development proposal would materially affect the context of a State Heritage Place, albeit sometimes based on informal discussions with heritage officers from the State Heritage Branch. This was generally considered to work well in practice however the wording of the referral trigger was not carried over into the Code.

The overlay mapping introduced with the Code now assists in defining the 'limits' of the area in which such a consideration needs to occur. In the old system relevant authorities may have undertaken referrals which were unnecessary as they were too far from a State Heritage Place to 'materially affect the context' of a place but were referred anyway out of an abundance of caution or misunderstanding. The new overlay now addresses that issue in that any development located outside of the mapped area does not require referral.

It is however considered that some discretion should still be provided to a relevant authority as many forms of development can be innocuous and not materially affect the context of an adjacent State Heritage

Place. An example may be a small verandah to be built to the rear of a dwelling which is located next door to a State Heritage Place.

It is further noted that an Accreditation Scheme now exists which requires relevant authorities (in this case Assessment Managers) to have appropriate skills and experience and to attend ongoing professional development. This provides an extra layer of protection (compared to the previous planning system) that appropriate judgement calls will be made when determining referrals for development adjacent State Heritage Places. Informal discussions with State Heritage Branch officers can still occur for situations where there is a higher level of doubt on undertaking a referral.

Recommendation:

No changes recommended.

Key Outback and Rural Routes Overlay - Policy consistency with other Transport Overlays (2.3.3.6)

The amendment proposed a range of policy changes and additional policies to align with the updated Urban Transport Overlay framework.

Feedback:

Submissions were generally supportive of the proposed amendments.

One submission suggested also duplicating a policy from the overlay into the Transport, Access and Parking General Development Policies in order to address mud and debris issues from non-residential uses on council roads.

The Department for Infrastructure and Transport (DIT) raised some minor points of clarification to improve interpretation and clarity in the proposed DTS/DPF policies in the overlay.

One submission disagreed with all the proposed changes as being merely 'technical' and require more rigorous analysis to fit better within the Expert Panel Review's Terms of Reference. It further noted that the impact of changes that roads and transport routes make in our communities is significant and cannot be underestimated.

Response:

Whilst the suggestion to duplicate an overlay policy to the Transport, Access and Parking General Development Policies of the Code is acknowledged, it is considered outside of the scope of the Code Amendment (post consultation) to undertake changes to a General Development Policies that weren't part of the consultation version, and which would have a policy implication for assessment.

The minor updates to wording of certain DTS/DPF policies in the overlay, as suggested by the DIT are supported.

In relation to the submission which opposed the extent of policy change occurring to the overlay and the potential impacts on communities, it is considered that the proposed amendments appropriate in terms of providing greater clarity and bringing into the Code existing best practice standards that the DIT already utilises in assessing applications referred to it. In this respect the proposed changes are considered technical and provide more clarity and certainty to processes that already occur.

A wording error was identified in the new part (c) of DTS/DPF 7.1 that requires correction to reflect the true intent of the new policy.

Recommendation:

AMEND DTS/DPF 4.1(a) from:

'where the development site is intended to serve between 1 and 6 dwellings, access to the site is from the local road network ~~and outside the tangent point shown in the following diagram:~~'

to:

'where a development site is intended to serve between 1 and 6 dwellings, access to the site is from the local road network (not being a Controlled Access Road) and is located outside of the bold lines shown in the following diagram:'

AMEND the introductory text in DTS/DPF 5.1 from:

'An access point satisfies ~~(a) or ((b) and (c)):~~'

to:

'An access point satisfies (a) and (c) or (b) and (c)'

AMEND DTS/DPF 7.1 so that it reads:

'Development does not:

- (a) decrease the capacity of an existing drainage point*
- (b) restrict or prevent the flow of stormwater to an existing drainage point and system*
- (c) ~~prevent~~ result in access points becoming stormwater flow paths directly onto the road.*

Drafting Note: blue text = new text, red strikethrough = delete text.

Major Urban Transport Routes Overlay - Revised policy and referral triggers (2.3.3.7)

The amendment sought to make several changes to the overlay to provide greater policy clarity and interpretation:

Feedback:

Submissions were generally supportive of the proposed amendments with some minor suggested wording changes and numbering corrections being raised.

One submission was concerned about the wording of a new policy inadvertently allowing for access points to be established too close to the tangent point of a corner with a Controlled Access Road.

A submission from the DIT raised some minor points of clarification to improve interpretation and clarity in the proposed DTS/DPF policies in the overlay.

One submission disagreed with all the proposed changes as being merely 'technical' and require more rigorous analysis to fit better within the Expert Panel Review's Terms of Reference. It further noted that the impact of changes that roads and transport routes make in our communities is significant and cannot be underestimated.

Response:

The Commission has decided to decline some of the suggested slight wording changes as the wording in the Code Amendment is considered to provide appropriate clarity. Others are supported as requiring correction

Issues raised regarding new policy inadvertently allowing for access points to be established too close to the tangent point of a corner with a Controlled Access Road, are acknowledged and requires correction in the Code Amendment.

In relation to the submission which opposed the extent of policy change occurring to the overlay and the potential impacts on communities, it is considered that the proposed amendments are appropriate in terms of providing greater clarity and bringing into the Code existing best practice standards that the DIT already utilises in assessing applications referred to it. In this respect the proposed changes are considered technical and provide more clarity and certainty to processes that already occur.

A wording error was identified in the new part (c) of DTS/DPF 7.1 that requires correction to reflect the true intent of the new policy.

Recommendation:

AMEND the error in the numbering in DTS/DPF 4.1 from ~~(a)~~ to (b) and subsequently (b) to (c).

AMEND DTS/DPF 4.1 (a) from:

'where the development site is intended to serve between 1 and 6 dwellings, access to the site is from the local road network ~~and outside the tangent point shown in the following diagram:~~'

to:

'where a development site is intended to serve between 1 and 6 dwellings, access to the site is from the local road network (not being a Controlled Access Road) and is located outside of the bold lines shown in the following diagram:'

AMEND the introductory text in DTS/DPF 5.1 from:

'An access point satisfies ~~(a) or ((b) and (c)):~~'

to:

'An access point satisfies (a) and (c) or (b) and (c)'

AMEND DTS/DPF 7.1 so that it reads:

'Development does not:

- (a) *decrease the capacity of an existing drainage point*
- (b) *restrict or prevent the flow of stormwater to an existing drainage point and system*
- (c) *prevent result in access points becoming stormwater flow paths directly onto the road.*

Drafting Note: blue text = new text, red-strikethrough = delete text.

Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay - Policy intent (2.3.3.8)

The amendment proposed changes to the PO 2.1 of the Assessment Provisions (AP) in the Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay to remove unnecessary word duplication in respect to water quality.

Feedback:

The proposed change was supported, and no was received on this matter.

Response:

N/A

Recommendation:

No changes recommended.

Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay - Policy intent (2.3.3.9)

The amendment recognised that existing DTS/DPF 2.3 in the Assessment Provisions of the Mount Lofty Ranges Supply Catchment (Area 2) Overlay is overly technical as it was intended to address management of winery wastewater within the catchment, whereas the associated PO 2.3 is intended to apply to a broader range of land uses beyond wineries.

The amendments also recognised that DTS/DPF 2.3 is not specifically called up in respect to any deemed-to-satisfy assessment pathway in rural-type zones given the industrial nature of wineries (and consequent need for more rigorous assessment), and that PO 2.3 is called up for a range of other performance assessed developments and activities in rural-type zones that may generate trade or industrial wastewater within the catchment. This includes agricultural buildings, aquaculture, breweries and cideries, industry, shops, tourist accommodation, and stores or warehouses.

The proposed amendments also acknowledged that wineries and distilleries processing more than 50 tonnes of grapes or other produce per year within the Mount Lofty Ranges Watershed Area trigger a referral to the EPA under Part 9 of the Code and must be licenced by the EPA and implement an environmental monitoring program. As part of these referrals, the EPA consider a range of technical matters to mitigate potential environmental impacts associated with these facilities (including wastewater management), requiring limited further assessment by the relevant authority beyond the EPA's expert assessment.

Feedback

The proposed amendment to DTS/DPF 2.3 was generally well supported. However, there was some suggestion that the proposed wording could be amended to align with terminology used in current SA public health regulations.

There was also a suggestion that previous policies in the former Barossa Council Development Plan specific to wineries and beverage production could be applied in the Rural and Productive Rural Landscape Zones or be included in a new General Development Policies applicable to these land uses.

Response:

Regarding suggestions to include previous Development Plan policy specifically relating to wineries and beverage production in rural-type zones or the general policies in the Code, a comprehensive suite of policies are included in the Code's General Beverage Production in Rural Areas policies to ensure the mitigation of potential amenity and environmental impacts of value-adding beverage production facilities such as wineries, distilleries, cideries and breweries.

Relevant policies are also included in the Rural Zone, Productive Rural Landscape Zone and Rural Horticulture Zone as well as within relevant overlays such as the Mount Lofty Ranges Water Supply Catchment Overlays and River Murray Flood Plain Protection and Water Protection Area Overlays. These policies were introduced following a review of former Development Plan policies and the former SA Planning Policy Library in respect to these uses and are considered adequate to appropriately address impacts relating to these uses in rural areas.

With respect to wastewater systems and proposed terminology in DTS/DPF 2.3, the *South Australian Public Health (Wastewater) Regulations 2013* refer to both an 'on-site wastewater system' or a 'community wastewater management system'. Under the Regulations and as defined in the Administrative Terms and Definitions in Part 8 of the Code, an on-site wastewater system also includes where the

wastewater collected and managed contains food or beverage waste or other trade waste and may include an aerated wastewater treatment system. On-site wastewater systems may also (but are not required to) be connected to a community wastewater management system or to SA Water sewerage infrastructure.

Given that DTS/DPF 2.3 is intended to address a range of developments and activities that may generate trade or industrial wastewater within the catchment and that involve on-site treatment and disposal of wastewater, it is considered appropriate to further amend the policy to also refer to an 'on-site wastewater' system to better align with terminology used in the SA Public Health (Wastewater) Regulations.

Recommendation:

AMEND DTS/DPF 2.3 (b) to also refer to an 'on-site' wastewater to better align with terminology used in the SA Public Health (Wastewater) Regulations.

Mount Lofty Ranges Water Supply Catchment (Area 1 and Area 2) Overlays – Referral (2.3.3.10)

The amendment sought to refine the wording of the referral triggers contained in the Procedural Matters (PM) Table of the Mount Lofty Ranges Water Supply Catchment (Area 1 and Area 2) Overlays to capture scenarios where any combination of a second habitable building in the form of a dwelling, tourist accommodation or workers' accommodation is proposed on the same allotment within the Mount Lofty Ranges Water Protection Area.

The amendment also sought to remove unintended referrals for developments that will not result in concurrent occupation of two habitable dwellings, tourist accommodation or workers accommodation on the same allotment.

Feedback

The proposed amendment was well supported; however, there was a suggestion that reference be made to 'decommissioning' after use of the word demolition.

It was queried whether the EPA agrees with the removal of referrals for developments that will not result in concurrent occupation of two habitable dwellings, tourist accommodation or workers accommodation on the same allotment, and whether a referral should still occur in these circumstances.

Response:

Regarding the suggestion to include the word decommissioning within the exceptions under each scenario, it is noted that the proposed amendment already includes reference to both the existing buildings being demolished and the existing on-site wastewater system being proposed to be decommissioned in order to be exempt from referral. Therefore, no further amendment is considered necessary.

In relation to the query as to whether the EPA (as the referral body) supports removal of unintended referrals, the EPA has indicated its support for the proposed amendment and wording in its feedback on the Code Amendment.

Recommendation:

No changes recommended.

Prescribed Surface Water Area Overlay – Terminology (2.3.3.11)

The amendment sought to amend terminology in relation to referral triggers in the Prescribed Surface Water Areas Overlay through use of the words ‘in addition to’ in respect to any water allocation that has already been granted under the *Landscape South Australia Act 2019* to ensure consistency of terminology across the various Prescribed Water Overlays.

Feedback

The proposed amendment was well supported.

While not directly related to the overlay, it was suggested that similar terminology should be included in referral triggers in the Murray-Darling Basin Overlay, given its similar aims in respect to the taking of water in addition to any allocation granted.

Further, while generally outside this issue of referral triggers, DEW suggested some further amendments to policies in the Prescribed Surface Water Overlay. These included:

- amendments to the DOs to clarify that the overlay relates to surface water only (i.e., DO 1 currently refers to water ‘resource’ areas and ‘water courses’)
- adjustments to wording in PO 1.2 to be clearer and consistent with wording in the other Prescribed Water Overlays

Response:

There is merit in amending similar triggers in the Murray-Darling Basin Overlay to align with the various Prescribed Water Overlays. Notably, and similar to the aims of the various Prescribed Water Overlays in respect to prescribed water areas, the Murray-Darling Basin Overlay aims to protect the Murray Darling Basin by ensuring activities involving the taking of water are done in a sustainable manner.

In relation to wording changes proposed to DO 1, DEW suggested the following to clarify that the overlay is intended to apply to surface water only:

DO 1 Sustainable water use in prescribed surface water areas that maintains the health and natural flow paths of surface water

While this is outside the issue of referrals addressed in this amendment, the amended wording is considered appropriate to improve policy clarity and reach of the overlay.

In relation to suggestions to adjust wording in PO 1.2 to better align with policy wording used in the other Prescribed Water Overlays, DEW has suggested that the words ‘have a lawful, sustainable and reliable water supply...’ in PO 1.2 be replaced with ‘has a lawful, sustainable and reliable water supply...’. Again, while this amendment is outside the issue of referrals addressed in the Code Amendment, the wording is considered appropriate to improve policy clarity and ensure consistency across the various Prescribed Water Overlays.

Recommendation:

AMEND DO 1 of the Prescribed Surface Water Areas Overlay to clarify that the overlay is intended to apply to surface water only.

AMEND PO 1.2 to replace the word “have” with ‘has’ in respect to development having a lawful, sustainable, and reliable water supply to ensure consistent terminology across the various Prescribed Water Overlays.

AMEND the referral trigger in the Procedural Matters (PM) Referrals table within the Murray-Darling Basin Overlay to use the term ‘in addition to’ in respect to any water allocation that has already been granted

under the *Landscape South Australia Act 2019* to ensure consistency of terminology with the various Prescribed Water Overlays.

Prescribed Water Resources Area Overlay – Referral (2.3.3.12)

The amendment sought to correct an error in the Procedural Matters (PM) – Referrals table within the Prescribed Water Resources Overlay, whereby the overlay does not currently include an exemption for developments that have already been granted access to water as is provided in the other prescribed water overlays.

The amendment proposed a referral exemption for the following classes of development and activities where a lawful water allocation already exists that can service the new development and where no additional water is required to be taken, thereby removing the need for unnecessary referrals in respect to water:

- horticulture
- activities requiring irrigation
- aquaculture
- industry
- intensive animal husbandry
- commercial forestry.

Feedback

The proposed amendment was well supported.

However, one submission noted that the amendment will now place the onus on the assessment authority to determine if a current approved water allocation exists and whether it has the capacity to service the new development. Clarification was also sought in respect to situations where the applicant is unable to quantify whether additional water may be required above their current allocation to service their proposed development.

Further, while generally outside this issue of referral triggers, DEW suggested some further amendments to policies in the Prescribed Water Resources Overlay, including:

- amendments to DO 1 to clarify that the overlay relates to the combination of all three water resources (surface water, watercourses and wells), not just surface water
- amendments to the wording of PO 1.1 to clarify that the policy should apply to prescribed water resource areas (not 'prescribed surface water' areas).

Response:

Under the former Development Regulations, water referrals were made to the relevant Minister or body when the development would be taking water from a prescribed water source in addition to any allocation that had already been granted under legislation. This required the relevant authority to determine whether a referral would be required as part of the development assessment process.

To make such a determination, the relevant authority must therefore seek the relevant information from the applicant in respect to the estimated water allocation requirements for the proposed development and details of any existing water allocation granted under legislation to make this determination. In some cases, the relevant authority may informally confer with the relevant body responsible for administering the *Landscape South Australia Act 2019* to assist in his determination.

This requirement has carried over into the new system in the referral triggers in the Prescribed Surface Water Areas Overlay, Prescribed Watercourses Overlay and Prescribed Wells Area Overlay in respect to certain classes of development and activities,. Therefore, with respect to assessment procedures, the relevant authority must continue to determine (as was the case under the previous system) whether a

referral would be required for proposals for certain classes of development lodged within the Prescribed Water Overlays. However, the same requirement was not carried over to the Prescribed Water Resources Area Overlay. This is considered an error which is proposed to be corrected by the Code Amendment.

In relation to suggestions to refine wording in DO 1 and PO 1.1 to clarify that the overlay applies to the combination of all three water resources (i.e., not just surface water), DEW has specifically suggested the following amendments:

***DO 1** Sustainable water use in prescribed water resource areas maintains the health and natural flow paths of surface water, watercourses and wells.*

PO 1.1

All development, but in particular development involving any of the following: [(a) to (f)] ...has a lawful, sustainable and reliable water supply that does not place undue strain on water resources in prescribed water resource areas.

While these amendments are outside the issue of referrals addressed in the Code Amendment, the proposed amended wording is considered appropriate to improve policy clarity and reach of the overlay.

Recommendation:

AMEND the wording of DO 1 and PO 1.1 in the Prescribed Water Resources Area Overlay to clarify the intent of the overlay to apply to all three water resources (surface water, watercourses and wells), not just surface water.

Representative Buildings – Character Area Overlay and Historic Area Overlay – Spatial Representation (2.3.3.13)

The amendment sought to improve access to and visibility of ‘Representative Buildings’ in the Character Area Overlay and the Historic Area Overlay. It proposed that this be achieved by amending the Historic Area Overlay and Character Area Overlay spatial mapping to show ‘Representative Buildings’ similar to the way they are displayed in the ‘Planning Reference’ section of SAPP. A.

Feedback:

The proposed amendment was well supported; however, significant feedback was received in relation to other related matters, including:

- the need for further work (including identification through the line of enquiry tool) and clearer policy around the role and purpose of Representative Buildings
- the omission of Representative Buildings from Form 1 enquiries is of some concern as this information is then not passed onto prospective property buyers and can prove problematic
- there are not enough ‘Representative Buildings’ identified and councils should be supported in adding more
- Historic Area Overlays should also include prescriptive development rules to ensure that any new buildings built in an historic area are built to a similar height and scale of the heritage buildings in the vicinity and street.
- ceiling heights should be prescribed, as this is the most consistent parameter of historic houses.

Response:

The scope of this amendment was limited to making ‘Representative Buildings’ more visible in the Code. As such, suggested changes to policy (or the inclusion of additional policy) in the Historic Area Overlay requires separate investigation before consideration as to whether a further code amendment is needed.

The Commission notes that the Government, as part of its review of the Planning System, has committed to providing increased guidance and support for elevating more Character Areas to Historic Areas to provide greater demolition control.

Other proposals initiated by the Government include providing a pathway for councils to review and update character and historic area statements to identify gaps and to address the community's desire to better protect character streetscapes.

Line of Enquiry / Form 1 Searches

Feedback regarding the line of enquiry system and Form 1 searches is acknowledged but requires additional resources and investment into the ePlanning system. These amendments are therefore beyond the scope of the Code Amendment.

Identification of more 'Representative Buildings'

Options are available in the new planning system for councils to undertake code amendments to investigate and identify new 'Representative Buildings' that demonstrate the historic characteristics expressed by Historic Area Statements. Through this process the merits of each new building are assessed with input from the community before being confirmed in the Code as a 'Representative Building'.

Recommendation:

No changes recommended.

River Murray Flood Plain Protection Area Overlay – Outbuildings - Policy intent (2.3.3.14)

The amendment sought to change DTS/DPF 5.4(a) of the overlay to reinforce the position that roller doors, removable panels and the like are located at opposing ends or sides (depending on whichever elevations face the direction of the river flow) to enable the flow through of flood waters, aligning with the referral trigger to the Minister responsible for administration of the *River Murray Act 2003* in the overlay.

Feedback:

The proposed amendment was well supported.

DEW also suggested that the same requirements that apply to domestic outbuildings in the overlay should also apply to agricultural buildings.

Response:

With respect to agricultural buildings, DEW has advised that many areas within a rural-type zone in the Code are within the 1956 floodplain and/or the 1% AEP (annual exceedance probability) and are therefore captured by the River Murray Flood Plain Protection Area Overlay. Consequently, applications for agricultural buildings in these areas can be, and have in the past been, lodged and referred. It is also common for these structures to be proposed with only one side incorporating an openable element, which can impede floodwaters and fluctuating pool levels.

It is also noted that the referral trigger in the overlay refers to construction of an agricultural building and an outbuilding. An agricultural building is also separately defined from an outbuilding in Part 7 of the Code as follows:

Means a building used wholly or partly for purposes associated with farming, commercial forestry, intensive animal husbandry, dairying or horticulture, or to support the operations of that use, but does not include frost fans or a building used wholly or partly for any of the following:

- *the processing or packaging of commodities*
- *the housing of animals for the purposes of intensive animal husbandry*
- *the purposes of a dairy.*

It is therefore considered appropriate to further amend PO 5.4 and the corresponding DTS/DPF 5.4 to also capture agricultural buildings in addition to outbuildings. This will also ensure better alignment with the referral trigger in the Procedural Matters (PM) – Referrals table in the overlay.

Recommendation:

AMEND PO 5.4 and DTS/DPF 5.4 of the River Murray Flood Plain Protection Area Overlay to include ‘agricultural buildings’ in addition to outbuildings to ensure that these structures are designed and sited to not impede floodwaters and fluctuating pool levels in a flood event.

AMEND Table 2 – Deemed-to-Satisfy Development Classification to call up amended DTS/DPF 5.4 of the River Murray Flood Plain Protection Area Overlay in respect to an agricultural building in the following zones:

- Rural Zone
- Rural Living Zone
- Rural Horticulture Zone
- Rural Intensive Enterprise Zone
- Productive Rural Landscape Zone

AMEND Table 3 – Applicable Policies for Performance Assessed Development to call up amended PO 5.4 of the River Murray Flood Plain Protection Area Overlay in respect to an agricultural building in the following zones:

- Rural Zone
- Rural Horticulture Zone
- Rural Intensive Enterprise Zone
- Productive Rural Landscape Zone

River Murray Flood Plain Protection Area Overlay – Outbuildings – Linkage (2.3.3.15)

This amendment sought to change the performance assessed pathway for outbuildings to provide guidance on the management of visual dominance of these structures from the waterfront by adding PO 4.2 of the River Murray Flood Plain Protection Area Overlay.

Feedback:

This amendment was well supported, with only one piece of additional comment which requested that PO 4.2 should be given a corresponding DTS/DPF criteria specifying that outbuildings and agricultural buildings clad in sheet metal are pre-colour treated or painted in a non-reflective colour. It was suggested that since the existing PO 4.1 relates to all buildings and structures, whilst DTS/DPF 4.1(e) is specific to outbuildings and agricultural buildings, that DTS/DPF 4.1(e) should instead become DTS/DPF 4.2, and that PO 4.2 should be amended to refer to agricultural buildings.

Response:

Given that PO 4.2 relates specifically to outbuildings and PO 4.1 contains an associated DTS/DPF provision which addresses both outbuildings and agricultural buildings, the suggested amendments are considered reasonable as a means of providing greater clarity regarding which policy provisions relate to outbuildings and agricultural buildings, as opposed to all other buildings and structures. It is considered

that PO and DTS/DPF 4.2 be amended accordingly, and that the assessment pathways for agricultural buildings should be consequently.

Recommendation:

AMEND PO 4.2 and DTS/DPF 4.2 of the River Murray Flood Plain Protection Area Overlay to provide greater clarity for the assessment of outbuildings and agricultural buildings and make subsequent changes to DTS/DPF 4.1 of the overlay to reflect this.

AMEND column 5 of Table 3 – Applicable Policies for Performance Assessed Development to make specific reference to the PO 4.2 of the River Murray Flood Plain Protection Area Overlay for performance assessed agricultural buildings.

River Murray Flood Plain Protection Area Overlay – Water Supply – New Policy (2.3.3.16)

The amendment sought to introduce a new PO in the River Murray Flood Plain Protection Area Overlay that recognises the need for development to have a lawful, sustainable and reliable water supply that does not place undue strain on water resources and the River Murray, in addition to existing policies that aim to protect life and property against risk of flooding.

The proposed policy complements similar policy in the related River Murray Tributaries Protection Area Overlay and focuses on particular land uses, including aquaculture, commercial forestry, horticulture, industry, intensive animal husbandry and other activities requiring irrigation.

Feedback

The proposed amendment was generally supported.

DEW suggested that horse keeping should be listed as a particular land use within the new policy given that it is also listed in the Procedural Matters (PM) – Referrals table of the overlay.

DEW also suggested that the DTS/DPF criteria that applies against similar POs in the various Prescribed Water Overlays should be applied in respect to the new PO 1.1 in the River Murray Flood Plain Protection Area Overlay. It was further suggested that this could similarly be extended to the existing PO 1.2 in the related River Murray Tributaries Protection Area Overlay and PO 1.1 in the related Murray-Darling Basin Overlay, which would also align with the exception criteria in the respective Procedural Matters tables in these overlays.

There was also a suggestion that the term ‘undue strain’ may be subject to interpretation and may warrant further explanation in the Code.

Response:

The inclusion of horse keeping within the list of particular land uses to which PO 1.1 should be applied, is appropriate given that horse keeping is specifically included as a particular class of development that may trigger a referral in the overlay, along with the other land uses and activities listed in proposed new PO 1.1.

Regarding suggestions by DEW to apply similar DTS/DPF criteria against the proposed new PO 1.1 in the River Murray Flood Plain Protection Overlay that exist within the various Prescribed Water Overlays (i.e., regarding having sufficient water capacity or does not involve taking water), it is noted that the Prescribed Water Overlays include the following DTS/DPF provision:

DTS/DPF X

Development satisfies either of the following:

(a) *the applicant has a current water licence in which sufficient spare capacity exists to accommodate the water needs of the proposed use*

or

(b) *the proposal does not involve the taking of water for which a licence would be required under the Landscape South Australia Act 2019.*

As the relevant referral body in respect to the Prescribed Water and River Murray Overlays and water licensing body, the Department's recommendations to include the above DTS/DPF criteria against the relevant POs across the various River Murray Overlays is considered appropriate. This will also ensure greater consistency with the Prescribed Water Overlays.

In relation to interpretation of the term 'undue strain', the Code does not currently provide any administrative definition for this term. Notably, a term not defined in Part 8 – Administrative Terms and Definitions of the Code will be taken to have its ordinary meaning, which in this case would be excessive, unwarranted or unsustainable pressure on water resources and the River Murray. Use of this term within the relevant PO is also qualified with respect to the need for a 'lawful' water supply (i.e., licence) to take water and its intent is therefore considered clear in the context of this policy.

Recommendation:

AMEND proposed new PO 1.1 of the River Murray Flood Plain Protection Area Overlay to also list 'horse keeping' as a particular land use to ensure consistency with the classes of development that trigger referrals in the Procedural Matters (PM) – Referrals table of the overlay.

AMEND proposed new DTS/DPF 1.1 in the Assessment Provisions (AP) of the River Murray Flood Plain Protection Area Overlay to include similar DTS/DPF criteria to the commensurate PO policies contained in the Prescribed Water Overlays with respect to development having sufficient water capacity or not involving the taking of water.

AMEND existing DTS/DPF 1.2 in the Assessment Provisions (AP) of the related River Murray Tributaries Protection Area Overlay and existing DTS/DPF 1.1 in the Assessment Provisions (AP) of the related Murray-Darling Basin Overlay to include similar DTS/DPF criteria to the commensurate PO policies contained in the Prescribed Water Overlays with respect to development having sufficient water capacity or not involving the taking of water.

River Murray Flood Plain Protection Area Overlay – Referrals (2.3.3.17)

The amendment sought to change referral triggers in the River Murray Flood Plain Protection Area Overlay to include additional exceptions for dwellings (or alterations or extension of an existing dwelling) and outbuildings that meet certain criteria; elevated shacks within the Rural Shack Settlement Zone; and transportable dwellings/cabins within a caravan or tourist park. This is intended to remove unnecessary referrals to the Minister for the River Murray.

The amendment also recognised that there has been a substantial increase in the number of referrals to the Minister for the River Murray since the full introduction of the Code, which is not practical, and that referrals for some development types are not needed where there is already a lawful water allocation that can service the proposed development.

Feedback

While the amendment was generally supported, DEW suggested some further policy refinements to address issues in the application of the proposed amendments to referral triggers. These are discussed under key headings below:

Agricultural buildings

The inclusion of agricultural buildings within the exception criteria originally intended for domestic outbuildings may be onerous and may not assist in reducing referrals or unnecessary referrals. A separate exception should therefore be included for agricultural buildings, given that they may typically need to be much larger than the existing 150m² and proposed 250m² threshold and may not necessarily be associated with an ancillary dwelling.

It was also recommended that this separate exception should be partially consistent with the *River Murray Act 'Exemption from Requirement to Refer' Gazette Notice 19 May 2005 p1290-1291* which applied under the former Development Regulations 2008, requiring farm buildings to have a 200m setback from the river and to avoid referrals of agricultural buildings within zones that have DTS/DPF criteria with specific size thresholds above 250m².

Outbuildings

The corresponding exception criteria in the former Development Regulations 2008 required all four subsections (i.e., A to D) to be met in respect to outbuildings in order to be exempt from needing a referral. The existing and proposed exception criteria in the Code in respect to outbuildings does not include the word 'and' after each clause and may require amendment.

It was also recommended that existing Part C (proposed as Part D in the Code Amendment) be amended to include wording consistent with the proposed wording for DTS/DPF 5.4 in the overlay (section 2.3.3.14 above) about multiple openings.

DEW also noted that while the exception criteria for outbuildings from the former Development Regulations 2008 that sought to avoid the construction of an outbuilding between a dwelling and the river (i.e. mainly in 'shack areas' but also any property adjoining the river) have transitioned to the Code and overlay (i.e. clause (j)(iii) part D), there are circumstances where a proposed building that meets parts A to C can still trigger a referral by virtue of the backyard of the property being closer to the river than the ancillary dwelling (part D), despite there being other neighbouring properties located between the river and this backyard. While it is understood that this may not be a frequent occurrence, the Commission considers this matter warrants further investigation and discussion with the Department outside of the Code Amendment.

Elevated dwellings

Consistent with the amendments proposed to DTS/DPF 5.4 of the overlay as part of the Code Amendment (section 2.3.3.14), which clarifies that outbuildings and agricultural buildings should incorporate openings on opposite sides (i.e., to facilitate more efficiently the flow of potential floodwaters), a similar amendment should be made to DTS/DPF 5.3 with regard to the undercroft areas of elevated dwellings. It should also be reflected in the Procedural Matters (PM) – Referrals table with respect to elevated dwellings within the Rural Shack Settlement Zone.

While not related to referrals, there was also a suggestion that PO 5.3 and DTS/DPF 5.3 be reviewed to consider allowing a greater amount of the undercroft areas of elevated dwellings to be enclosed (i.e., beyond the 15m² limit in the current policy for wet areas) to allow for storage and the like, as in former Development Plan policy. Similarly, there was some suggestion that additional policy be considered for inclusion in the Code (and potentially within the overlay) that limits the size of additions to single storey dwellings in some shack settlements, aligning with former Development Plan policy. These issues would, however, require significant further investigation and engagement and are beyond the scope of changes proposed by the Code Amendment in relation to referrals.

Terminology

Use of the term 'canals' in existing PO 4.3 of the overlay without reference to the River Murray is considered unclear, with suggestions to include specific reference to the River Murray to extend the intent of this policy to achieve a consistent character along the main river channel.

Other matters

DEW also identified an issue in respect to unnecessary referrals regarding excavating or filling of land within the overlay that are outside the 1956 flood plain. This is primarily due to the Regulations under the Act not referring to areas delineated or shown to be subject to inundation (which was the case under the former Development Regulations 2008), meaning that referrals for development involving only earthworks are triggered anywhere within the overlay by virtue of 'Flood Plain' being in the overlay title. While the Commission considers this matter warrants further investigation and discussion with the Department, it is beyond the scope of the Code Amendment.

Further, there was also a suggestion from a local authority that the floor area trigger for an outbuilding referral in the overlay should be consistent with the floor area parameter for outbuildings envisaged in the Rural Shack Settlement Zone.

A further suggestion was also made that the Minister for the River Murray should be regularly updated (e.g., annually) on the number and types of developments that are impacting on the River Murray.

Response:

Recommended changes from DEW are discussed under key headings below:

Agricultural buildings

The recommendation to include a separate exception for agricultural buildings (i.e., as distinct from outbuildings) is supported, noting that they may typically need to be much larger than the thresholds proposed in the exception criteria of the Procedural Matters (PM) – Referrals table in the overlay and may not necessarily be associated with an ancillary dwelling.

The suggestion to further amend the exceptions to avoid referrals of agricultural buildings within Zones that have DTS/DPF criteria with specific size thresholds above 250m² is also supported, noting that the Rural Zone and Rural Intensive Enterprise Zone both include DTS/DPF floor area criteria envisaging larger agricultural buildings up to 500m², while the Productive Rural Landscape Zone includes similar DTS/DPF floor area criteria envisaging agricultural buildings up to 350m².

Other rural-type zones such as the Rural Horticulture Zone include DTS/DPF floor area criteria envisaging smaller-scale agricultural buildings up to 200m², while zones such as the Rural Living Zone and Rural Neighbourhood Zone include DTS/DPF floor area criteria for small-scale non-residential and/or ancillary buildings up to 100m² or up to between 100-120m². The Rural Settlement Zone and Rural Shack Zone also both envisage ancillary buildings up to 60m², although there are no DTS/DPF floor area criteria for agricultural buildings in these zones either. The Rural Aquaculture Zone also does not include DTS/DPF floor area criteria for agricultural buildings but contemplates outbuildings up to 120m².

The suggestion to include a requirement for agricultural buildings to be setback at least 200m from the River Murray, based on the previous exemption that applied to farm buildings under the former Development Regulations 2008, is also supported to apply consistency in respect to former requirements and development on the ground. It is further noted that the land use definition for an agricultural building in Part 7 of the Code includes a range of farm buildings, including farm, horticultural, hay, implement and pump sheds, and silos.

Outbuildings

The suggestion that Parts A to E under (d)(iii) of the exceptions in the Procedural Matters (PM) – Referral table of the overlay should each be followed by an 'and' is noted, recognising that the corresponding exception criteria in the former Development Regulations 2008 required all four subsections (i.e., A to D) to be met in respect to outbuildings in order to be exempt from needing a referral. While 'and' is implied where consecutive subclauses are used in policies, writing conventions used in the Code identify that subclauses should use 'and' where all parts are collectively necessary and should be used after each subclause to ensure there is no doubt in the referral triggers, as existed under the former Development Regulations.

The suggestion that Part C (proposed as Part D in the amendment) should be changed to include wording consistent with the proposed wording for DTS/DPF 5.4 in the overlay about structures having multiple openings is supported to ensure greater consistency between the assessment provisions and referral triggers.

In relation to the suggestion that the floor area referral trigger for an outbuilding in the overlay should be consistent with the floor area parameter for outbuildings envisaged in the Rural Shack Settlement Zone (and in the context of feedback from DEW in relation to agricultural buildings above), the floor area trigger in the overlay was increased from the previous referral trigger in the former Development Regulations 2008 (previously 60m² floor area) to reduce unnecessary referrals for minor structures which can be appropriately assessed by local authorities. The referral trigger proposed in the Code Amendment of 150m² for outbuildings in the overlay is therefore considered appropriate.

Elevated dwellings

The suggestion to amend DTS/DPF 5.3 about undercroft areas of elevated buildings to be consistent with changes and wording proposed in the Code Amendment for DTS/DPF 5.4 (i.e., clarifying that outbuildings and agricultural buildings should incorporate openings on opposite sides to facilitate more efficiently the flow of potential floodwaters) is supported.

The suggestion to also include similar wording in the proposed exception criteria in the Procedural Matters (PM) – Referrals table in the overlay with respect to elevated dwellings within the Rural Shack Settlement Zone is also supported to provide consistency with amendments to DTS/DPF 5.3.

Terminology – ‘canals’

The suggestion to include specific reference to the River Murray (in addition to ‘canals’) in existing PO 4.3 to clarify and extend the intent of this policy to achieve a consistent character along the main river channel is supported.

Updates to the Minister for the River Murray

In relation to the suggestion that the Minister for the River Murray should be regularly updated on the number and types of developments that are impacting on the River Murray, the Commission understands that DEW issues a weekly River Murray Flow Report that contains information about water levels, flow rates and barrage operations as well as any navigation issues and construction activities. Regular monitoring reports are provided by SA Water and the Murray-Darling Basin Authority.

With regard to development occurring within the overlay in South Australia, new reporting services provided under the ePlanning system are available and being further developed to allow registered authorities to generate a range of reports in respect to development applications to assist with monitoring and reporting across Code areas.

Recommendation:

AMEND the exception criteria in the Procedural Matters (PM) – Referrals table of the River Murray Flood Plain Protection Area Overlay to:

- (a) include a separate exception for agricultural buildings (as distinct from outbuildings) that includes a more tailored range of floor area thresholds to recognise zones where larger agricultural buildings may be contemplated and a requirement for agricultural buildings to be setback at least 200m from the River Murray based on the previous exemption that applied to farm buildings under the former Development Regulations 2008 to ensure some consistency in approach and avoid unnecessary referrals of agricultural buildings within zones that contain DTS/DPF criteria with specific size thresholds above 250m²

- (b) include the word 'and' after Part C and before Part D in clause (d)(iii) in respect to outbuildings to clarify/reinforce that all four amended Parts (i.e., A-D) are to be met in order to be exempt from needing a referral
- (c) include wording in part (d)(iii) D with regard to structures having multiple openings that is consistent with the proposed wording for DTS/DPF 5.4 in the overlay to ensure greater consistency between the assessment provisions and referral triggers

AMEND existing DTS/DPF 5.3 of the River Murray Flood Plain Protection Area Overlay about the undercroft of elevated buildings to be consistent with proposed amendments to DTS/DPF 5.4 clarifying that buildings should incorporate openings on opposite sides to facilitate the flow of potential flood waters more efficiently.

AMEND part (d)(vii) of the exception criteria in the Procedural Matters (PM) – Referral table of the River Murray Flood Plain Protection Area Overlay in relation to referral of elevated dwellings within the Rural Shack Settlement Zone to reflect the proposed amended wording to DTS/DPF 5.3 above to ensure consistency.

AMEND existing PO 4.3 of the River Murray Flood Plain Protection Area Overlay to include a reference to development being setback from the River Murray and canals to provide clarity and extend the intent of this policy to seek a consistent character along the main river channel.

River Murray Tributaries Protection Area Overlay – Policy intent (2.3.3.18)

This amendment proposed changes to PO 1.2 within the River Murray Tributaries Protection Area Overlay to expand the range of prescribed water resources areas where undue strain on watercourses should not occur from the listed classes of development to promote sustainable water use and conservation of the riverine environment.

Feedback:

The proposed change was well supported. No specific feedback was received on this matter.

Response:

N/A

Recommendation:

No changes recommended.

River Murray Tributaries Protection Area Overlay – Referrals (2.3.3.19)

This amendment sought to change the referral triggers in the River Murray Tributaries Protection Area Overlay to remove the need for unnecessary referrals to the Minister for the River Murray for certain classes of development where a lawful water allocation already exists that can service the new development and where no additional water is required to be taken.

The amendment aimed to address similar referral issues raised in respect to the River Murray Flood Plain Protection Area Overlay in section 2.3.3.17.

Feedback

The proposed amendment was generally well supported.

However, similar to feedback received in relation to proposed changes to referral triggers in the Prescribed Water Resources Overlay (section 2.3.3.12), one submission noted that the amendment will now place the onus on the relevant assessment authority to determine if a current approved water allocation exists and whether it has the capacity to service the new development. Clarification was also sought in respect to situations where the applicant is unable to quantify whether additional water may be required above their current allocation to service the development.

Further, similar to feedback received in response to referrals in the River Murray Flood Plain Protection Area Overlay (section 2.3.3.17 above), there was a suggestion that the Minister for the River Murray should be regularly updated (e.g., annually) on the number and types of developments that are impacting on the River Murray.

In respect to issues 2.3.3.19 and 2.3.3.17, DEW also noted that the spatial application of the related Murray-Darling Basin Overlay takes in the entirety of both the River Murray Flood Plain Protection Area Overlay and the River Murray Tributaries Protection Area Overlay, which creates potential for and has resulted in duplication in referrals to the Minister for the same development (i.e., where the taking of prescribed water for a specified activity is proposed).

- While this warrants further consideration it would require significant further investigation and engagement and is beyond the scope of changes proposed by the Code Amendment.

Response:

In relation to suggestions that the amendment will place greater onus on the relevant assessment authority to determine if a current approved water allocation exists and whether it has the capacity to service the new development, the former Development Regulations 2008 required that water referrals were made to the relevant Minister or body when the development would be taking water in addition to any allocation that had already been granted under legislation from a prescribed water source. This required the relevant authority to determine whether a referral would be required as part of the development assessment process.

This referral requirement has carried over into the new system and is included in the referral triggers in the Prescribed Water Overlays (except for the Prescribed Water Resources Area Overlay, which is an error that is proposed to be corrected by the Code Amendment). The amendment therefore proposes to also include this referral trigger similarly in the River Murray Flood Plain Protection Area Overlay and the River Murray Tributaries Protection Area Overlay in respect to certain land uses and activities to provide consistency in respect to the River Murray as a significant Prescribed Watercourse.

Therefore, with respect to assessment procedures, the relevant authority must continue to determine (as was the case under the previous system) whether a referral would be required for proposals for certain classes of development lodged within the Prescribed Water Overlays (and now including the River Murray Overlays). The relevant authority must therefore seek information from the applicant in respect to the estimated water allocation requirements for the proposed development and details of any existing water allocation granted under legislation to make this determination. In some cases, the relevant authority may informally confer with the relevant body responsible for administering the *Landscape South Australia Act 2019* to assist in this determination.

In relation to the further suggestion that the Minister for the River Murray is regularly updated on the number and types of developments that are impacting on the River Murray, and as discussed in section 2.3.3.17 above, the Commission understands that DEW issues a weekly River Murray Flow Report that contains information about water levels, flow rates and barrage operations as well as any navigation issues and construction activities. Regular monitoring reports are provided by SA Water and the Murray-Darling Basin Authority.

With regard to development occurring within the overlay in South Australia, new reporting services provided under the ePlanning system are available and being further developed to allow registered

authorities to generate a range of reports in respect to development applications to assist with monitoring and reporting across Code areas.

Recommendation:

No change is recommended.

State Significant–Native Vegetation Areas Overlay - Referral Trigger (2.3.3.20)

The amendment sought to change the Procedural Matters (PM) – Referrals table in the State Significant Native Vegetation Overlay to require that where clearance is categorised as a ‘Level 1 clearance’ in an accredited consultant’s report, referral to the Native Vegetation Council is not required.

The amendment also acknowledged that the overlay provides a deemed-to-satisfy pathway for development where an application is accompanied by a report prepared in accordance with Regulation 18(2)(a) of the Native Vegetation Regulations 2017 that confirms that the clearance is categorised as ‘Level 1 clearance’.

Feedback

The proposed amendment was well supported.

However, there was one suggestion that more resources will now be required to assist the relevant assessment authority to confirm what constitutes a ‘Level 1 clearance’.

Response:

Development applications that involve the clearance of native vegetation, must be accompanied by a report prepared by an accredited consultant which contains a risk-based assessment determining the level of clearance proposed based on assessment criteria prescribed by the Native Vegetation Council. Notably, the report also assigns a level of clearance (ranging from Levels 1 to 4) to the proposal and this information is used by the relevant planning authority to determine whether a referral to the Native Vegetation Council is required.

Recommendation:

No change is recommended.

Traffic Generating Development Overlay – Referral (2.3.3.21)

The amendment sought to change the referral for ‘land division creating in excess of 50 allotments’ to ensure that a development referred under the new clause does not end up being referred twice for the same reasons.

Feedback:

Submissions were generally supportive of the proposed amendments.

One submission suggested that relevant policies should refer to ‘egress’ on to State maintained roads as well as ‘access’. Another submission queried the logic and structure of the existing policy framework in the overlay and the repetitive nature of the DTS criteria for multiple POs.

Response:

The minor updates to wording of certain DTS/DPF policies to include 'egress' as well as 'access' on to State maintained roads is declined as other transport referrals in the Code consistently just use the term 'access'.

Although queries were raised regarding the logic and intent of the existing overlay policies and referral trigger, it is considered that the overlay has been drafted correctly in terms of overall intent which is generally to capture a referral to the Commissioner of Highways for significant traffic generating type development on local roads within 250 metres of an Urban Transport Route or a Major Urban Transport Route. It is noted that even if all DTS criteria in the overlay are met for a development accessing a state-maintained road, a referral for a new access point may still be required under separate Transport Overlays.

–

Urban Transport Routes Overlay - Revised policy and referral triggers (2.3.3.22)

This amendment sought to make several changes to the overlay to provide greater policy clarity and interpretation and:

- streamline assessment pathways and reduce unnecessary referrals, in particular for small scale developments that have negligible or minor road network implications
- provide greater opportunities for relevant authorities to assess more common or minor forms of development
- better align policies with legislative requirements and responsibilities
- provide simpler policy criteria that better reflects practice
- reflect formal and informal feedback from industry as part of the Code's implementation.

Feedback:

Submissions were generally supportive of the proposed amendments.

Some minor suggested wording changes and numbering corrections were raised.

One submission raised concern about the wording of a new policy inadvertently allowing for access points to be established too close to the tangent point of a corner with a Controlled Access Road.

A submission from DIT raised some minor points of clarification to improve interpretation and clarity in the proposed DTS/DPF policies in the overlay.

One submission disagreed with all the proposed changes as being merely 'technical' and that they require more rigorous analysis to fit better within the Expert Panel Review's Terms of Reference. It further noted that the impact of changes that roads and transport routes make in our communities is significant and cannot be underestimated.

Another submission raised concerns about the amendments relating to a change of use from residential to shop/office in that such uses can still generate significant traffic movements even where the floor area is under 250m². Queries were also made on the other exemptions (listed in (i)-(v)) whether these were because an assessment is assumed to have been previously made.

Response:

The Commission has declined some wording changes as the wording in the amendment is considered to provide appropriate clarity. Others are supported as requiring correction.

Issues raised regarding new policy inadvertently allowing for access points to be established too close to the tangent point of a corner with a Controlled Access Road are acknowledged and agreed that it requires correction in the Code Amendment.

In relation to the submission which opposed the extent of policy change occurring to the overlay and the potential impacts on communities, it is considered that the proposed amendments to the overlay are appropriate in terms of providing greater clarity and bringing into the Code existing best practice standards that the DIT already utilises in assessing applications referred to it. In this respect the proposed changes are technical and provide more clarity and certainty to processes that already occur.

In relation to the submission which raised concern about proposed amendments relating to a change of use from residential to shop/office as well as querying other exemptions for change of use combinations, it is noted that all the proposed change of use situations are considered to raise negligible (and in some cases less) traffic movements or potential impacts to State-maintained roads. It is considered that the criteria should also be read in conjunction with other relevant DTS criteria that will apply to applications, with the total combination of such criteria ensuring safe and convenient vehicle movements should occur.

A wording error was identified in the new part (c) of DTS/DPF 7.1 that requires correction to reflect the intent of the new policy.

Recommendation:

AMEND the error in the numbering in DTS/DPF 3.1 so that it starts at (a) instead of (d)

AMEND the error in the numbering in DTS/DPF 4.1 so that it starts at (a) instead of (b)

AMEND DTS/DPF 4.1(a) from:

'where the development site is intended to serve between 1 and 6 dwellings, access to the site is from the local road network ~~and outside the tangent point shown in the following diagram:~~

to:

'where a development site is intended to serve between 1 and 6 dwellings, access to the site is from the local road network (not being a Controlled Access Road) and is located outside of the bold lines shown in the following diagram:

AMEND the introductory text in DTS/DPF 5.1 from:

'An access point satisfies ~~(a) or ((b) and (c)):~~

to:

'An access point satisfies (a) and (c) or (b) and (c)

AMEND DTS/DPF 7.1 so that it reads:

'Development does not:

- (a) decrease the capacity of an existing drainage point*
- (b) restrict or prevent the flow of stormwater to an existing drainage point and system*
- (c) ~~prevent~~ result in access points becoming stormwater flow paths directly onto the road.*

Drafting Note: blue text = new text, red-strikethrough = delete text.

Part 4 – General Development Policies (2.3.4)

Aquaculture – General Development Policies – Policy Review (2.3.4.1)

Th is amendment sought to update policies so that technical matters which are best dealt with through the licensing assessment process under the Aquaculture Act 2001 are not unnecessarily duplicated within a planning assessment. A DTS/DPF criteria is proposed to apply to various (but not all) POs in the General Development Policies, enabling a policy to be 'closed off' if the development already has approval for an aquaculture lease and/or licence (as applicable) granted under the Aquaculture Act 2001.

In addition, a range of other POs often considered to be superfluous to most standard marine aquaculture applications, are proposed to have a corresponding DTS/DPF to be able to easily close off that PO from an assessment if it is not relevant.

Feedback:

A detailed submission from Primary Industry and Regions SA (PIRSA) was received which was supportive of the majority of the proposed amendments. Additional POs were requested to be subject to the above-mentioned DTS/DPF criteria relating to where an aquaculture lease/licence has already been granted. This request included certain POs in other modules such as the Coastal Waters and Offshore Islands Zone, Coastal Areas Overlay and Marine Parks (Managed Use) Overlay.

Other suggestions were made for certain POs to be deleted or moved into other modules to apply more broadly to other land uses and not just to aquaculture developments.

A submission was received from the Coast Protection Board (CPB) opposing certain POs being subject to a DTS/DPF to 'close if off' if the application is already subject to a lease or licence approval. The Board stated that it has a statutory obligation to consider aquaculture developments referred to it in terms of a range of expert assessment matters such as coastal biodiversity, threatened species, migratory species, coastal hazards and coastal processes. It considers that such matters are not replicated via lease or licence applications under the *Aquaculture Act 2001*.

Response:

DTS/DPF Criteria

It is considered appropriate to remove the proposal in the amendment to apply a DTS/DPF criteria to POs 1.2, 2.1, 2.6, 2.10 and 4.1. These policies cover matters which the CPB may assess in a development application referral (with power of Direction) and as such should be left open to a performance assessment under the planning application and CPB referral.

EPA Consultation

A request to introduce EPA consultation via a proposed new DTS/DPF criteria for PO 2.3 is considered out of the scope of that allowed for in a DTS criteria (which need to be clear and not require further consultation or assessment).

Deletion and movement of policy

The request to delete or move into other modules, existing policies relating to:

- access, launching and maintenance facilities
- onshore storage, cooling and processing facilities

is not supported as it is possible that some aquaculture development applications (albeit rare) may include such features. It is also considered outside the scope of the Code Amendment to apply these policies to other land uses by moving them out of the Aquaculture General Development Policies and into other modules.

The request to delete PO 4.2 is not supported, given the importance of this matter being fundamental to the nature of an application. It is considered appropriate for an aquaculture development application to be subject to confirmation that structures will be removable or relocatable as part of the planning assessment.

Setbacks

The request to amend the setback distance in PO 2.10 from 1000m to 50m (to match forestry development) is not supported as marine aquaculture is considered to have potential different impacts to forestry (and the other proposed DTS criteria enables a lesser distance to be considered through the licensing process regardless).

Policy duplication

Other commentary regarding potential duplication of policies in the Aquaculture General Development Policies and other Code modules such as the Coastal Waters and Offshore Islands Zone or Coastal Areas Overlay are not supported. Whilst policies in other modules can sometimes duplicate similar assessment matters, they are also intended to apply to a broader range of land uses, not just aquaculture development. It is further noted that where any duplication or inconsistency may exist in other modules, appropriate weighting would be applied in an assessment to those which are most relevant to an aquaculture proposal (being those within the Aquaculture General Development Policies).

Recommendation:

DELETE the proposed new DTS/DPF criteria where it relates to POs 1.2, 2.1, 2.6, 2.10 and 4.1 of the Aquaculture General Development Policies.

Carport and Outbuilding – Internal Parking Dimensions – Linkages (2.3.4.2)

This amendment proposed to add Design in Urban Areas PO 23.1 or Design PO 19.1 (depending on zone) to deemed-to-satisfy and performance assessed pathways for carports and outbuildings to provide guidance on the assessment of internal dimensions for enclosed parking spaces.

Feedback:

This amendment was well supported. The little feedback received suggested that the minimum dimensions outlined by the DTS/DPF provisions are insufficient for larger common vehicles, and that these should be increased to ensure convenient and practical use of garages. It was further suggested that within historic areas, double garages on allotments of 15m or less should be stated as being inappropriate, with double garages sited to the rear of driveways or only on wider blocks greater than 18m and sited more than 6m behind the front facade.

Feedback also noted that the amendment instructions on consultation incorrectly referenced PO 19.1 of the Design in Urban Areas General Development Policies, as opposed to PO 19.1 of the Design General Development Policies in relation to carports and outbuildings. Similarly, it was identified that the amendment instructions should have referred to PO 23.1 of the Design in Urban Areas General Development Policies as opposed to DTS/DPF 23.1 as it relates to performance assessed carports and outbuildings.

Response:

The suggestions to increase the internal dimensions of carports and outbuildings to accommodate larger common vehicles, and to review requirements for these structures in relation to historic areas are noted. However, it is considered that these will require further investigation and consultation to inform any amendments and would need to be considered as part of a future code amendment. No further action is recommended at this time.

It is acknowledged that amendment instructions incorrectly identified PO19.1 of the Design in Urban Areas General Development Policies. In relation to amendments to Table 3 – Applicable Policies for Performance Assessed Development, the amendment should refer to the linking of PO 23.1 of the Design in Urban Areas General Development Policies to performance assessed carports and outbuildings, rather than DTS/DPF 23.1, to ensure consistency with other recommendations.

Recommendation:

AMEND instructions to clarify existing recommendations regarding:

- linking of PO 19.1 of the Design General Development Policies to performance assessed carports and outbuildings in Table 3 of specified zones
- linking of PO 23.1 of the Design in Urban Areas General Development Policies to performance assessed carports and outbuildings of–specified zones

Commercial Forestry - Forestry General Development Policies – Policy Review (2.3.4.3)

This amendment sought to address a small number of matters relating to commercial forestry policy, including:

- the status of commercial forestry as an anticipated use in the Rural Zone and the Productive Rural Landscape Zone
- planning judgements on scenic quality impacts
- setback policies.

Feedback:

The policy amendments were well supported although some clarification was sought on a couple of matters.

In relation to Forestry – General Development Policy PO 1.1, the PIRSA noted that forestry is the only development to have a specific scenic quality policy and that other developments appear to be managed through the Scenic Quality Overlay. By comparison, windfarms are specifically excluded from PO policies addressing visual impact. PIRSA contends that forestry should be managed in a similar way.

PIRSA also raised concern with the additional detail proposed to be added to Forestry – General Development Policy PO 1.4, in particular part (a) which they felt would be prejudicial towards forestry as the risk of fire originating from a plantation would be similar to the risk of fire originating from native vegetation. Clarification was also sought on when the 50m set back distance prescribed here applies and when the Native Vegetation Overlay / State Significant Native Vegetation Areas 500m set back applies.

One submission opposed the addition of 'commercial forestry' in the list of 'envisaged' uses (DTS/DPF 1.1) of the Rural and Productive Rural Landscape Zone as they felt that this would introduce a new use to these areas where it hasn't been before in terms of former Development Plan policies.

Response:

Scenic quality policies

Whilst the comparison with windfarms and the role of the Scenic Quality Overlay in assessment is noted, the Commission maintains its original position that commercial forestry may have impacts on the scenic qualities of a locality and that those impacts will evolve over the life of the development. Not all areas of scenic value are captured within the Scenic Quality Overlay and as such it remains necessary for the relevant authority to make an assessment on merit within the context of an individual development, its location and the assessment provisions of the relevant zone, subzone, overlays and Forestry General Development Policies.

Setback policy conflict / additional matters added to PO 1.4 Forestry – General Development Policy

The concerns of the PIRSA are noted in respect to the potential conflict between the setback policies of the Forestry – General Development Policies and the Native Vegetation Overlay:

Forestry – General Development Policies

PO 1.4 (as amended by the Code Amendment)

Commercial forestry plantations are separated from reserves gazetted under the National Parks and Wildlife Act 1972 and/or Wilderness Protection Act 1992 to minimise ~~fire risk and potential for weed infestation~~ potential impacts arising from:

- a) the spread of fires from the plantation into adjacent reserves
- b) the spread of pest plants and phytophthora
- c) the spread of non-indigenous plants species
- d) excessive nutrient loading of the soil or loading arising from surface water runoff
- e) soil compaction
- f) chemical spray drift.

DTS/DPF 1.4

Commercial forestry plantations and operations associated with their establishment, management and harvesting are set back 50m or more from a reserve gazetted under the National Parks and Wildlife Act 1972 and/or Wilderness Protection Act 1992.

Native Vegetation Overlay

PO 1.3

Intensive animal husbandry and agricultural activities are sited, set back and designed to minimise impacts on native vegetation, including impacts on native vegetation in an adjacent State Significant Native Vegetation Area, from:

- a) the spread of pest plants and phytophthora
- b) the spread of non-indigenous plants species
- c) excessive nutrient loading of the soil or loading arising from surface water runoff
- d) soil compaction
- e) chemical spray drift.

DTS/DPF 1.3

Development within 500 metres of a boundary of a State Significant Native Vegetation Area does not involve any of the following:

- a) horticulture
- b) intensive animal husbandry
- c) dairy
- d) commercial forestry
- e) aquaculture.

The State Significant Native Vegetation Area referred to in PO 1.3, DTS/DPF 1.3 applies to areas identified by DEW as having significant stands of native vegetation including selected reserves, national parks and heritage agreements. Mapping of the State Significant Native Vegetation Area Overlay also includes a 50-metre buffer area to capture development near these areas.

As commercial forestry is a performance assessed type of development (restricted in the Kangaroo Island Subzone) and PO 1.3 of the Native Vegetation Overlay provides a mechanism to address most of the issues proposed to be added to PO 1.4 of the Forestry – General Development Policies, PO 1.4, DTS/DPF 1.4 it is considered superfluous and can be deleted. Impact of fire spread from commercial forestry plantations will be added to PO 1.3 of the Native Vegetation Overlay.

The following note proposed to be added to DTS/DPF 3.1 of the Forestry – General Development Policies will be amended to reflect the above change and to align with current industry practice that allows for fire breaks and access tracks to be included within setback / buffer requirements:

'Note: The firebreak distances prescribed above may be included within the setback distance required for the purposes of DTS/DPF 1.3 and/or DTS/DPF 1.4.'

Addition of 'commercial forestry' in the list of 'envisaged' uses

The proposal to add 'commercial forestry' to the list of 'envisaged' uses (DTS/DPF 1.1) of the Rural and Productive Rural Landscape Zone reflects previous policy.

Whilst there may have been some areas with bespoke, local addition, policies in some of the former Development Plans, adding 'commercial forestry' as an 'envisaged' use in zones that contemplate rural and agricultural activities is not considered unreasonable. Concerns about introducing a new land use, preserving scenic rural landscapes, native vegetation clearance and enhancement can be addressed by other policies including the Forestry – General Development Policies as well as those contained in the environmental overlay suite such as the Scenic Quality Overlay, Significant Landscape Protection Overlay and Native Vegetation Overlay.

Recommendation:

DELETE PO 1.4, DTS/DPF 1.4 from the Forestry – General Development Policies.

AMEND PO 1.3 of the Native Vegetation Overlay to read:

PO 1.3

Intensive animal husbandry, commercial forestry and agricultural activities are sited, set back and designed to minimise impacts on native vegetation, including impacts on native vegetation in an adjacent State Significant Native Vegetation Area, from:

- (a) in the case of commercial forestry, the spread of fires from a plantation*
- (b) the spread of pest plants and phytophthora*
- (c) the spread of non-indigenous plants species*
- (d) excessive nutrient loading of the soil or loading arising from surface water runoff*
- (e) soil compaction*
- (f) chemical spray drift.*

AMEND the note that is proposed to be added to the bottom of DTS/DPF 3.1 of the Forestry – General Development Policies to read:

~~*'Note: The firebreak distances prescribed above may be included within the setback distance required for the purposes of DTS/DPF 1.3 and/or DTS/DPF 1.4.'*~~

'Note: Firebreaks prescribed above (as well as access tracks) may be included within the setback buffer distances prescribed by other policies of the Code.'

Drafting Note: blue text = new text, red-strikethrough = delete text.

Decks – Design, and Design in Urban Areas General Development Policies – Assessment Pathways (2.3.4.4)

This amendment proposed to create additional policy within the Design, and Design in Urban Areas module specific to decks to include assessment provisions that address overlooking. The amendment also proposed to create a deemed-to-satisfy and performance assessed pathway for decks in neighbourhood-type, residential employment, rural and recreation type zones linking the proposed new decks policy with overlay applicability and relevant General Development policies reflecting comparable development types such as a verandah.

Feedback:

Feedback for the inclusion of a deemed-to-satisfy pathway for decks was generally in support, however there was a range of comments suggesting ways in which the proposed policy provisions relating to decks could be strengthened to minimise possible impacts relating to overlooking, bulk/scale, deck height and the provision of soft landscaping.

Floor levels

It was suggested that further refinement to the policy is needed to address and/or clarify that when attached to the dwelling, the deck has a finished floor level consistent with the finished ground floor level of the dwelling, rather than a second floor. It was also suggested that a maximum height limit above natural ground level be considered for sloping sites where a large deck, although consistent with the ground floor level of the dwelling, may be significantly higher than natural ground level where the allotment slopes away from the dwelling.

Privacy screening

It was suggested that decks with multiple floor levels but forming one structure, should not be treated as one deck for the purposes of assessing outer perimeter screening, but rather, each floor level should be considered separately. It was further suggested that the transparency of materials for the screen needs to be considered to ensure that no direct or unreasonable overlooking occurs.

One submission suggested that maintaining the effective height of a boundary fence should form part of the DTS/DPF requirements, meaning that the height of the fence should be increased proportionate to the height of the deck.

Clarification: Given that in most instances, the construction or alteration of a standard residential fence up to 2.1m in height is not development, it is considered unreasonable to expect that a proposal to construct a deck should also force an applicant to seek approval for an increase in fence height that would be above the standard. Furthermore, an increase in fence height may also have amenity impacts on adjoining properties. As such, it is considered that matters of overlooking and privacy should be managed through privacy screening of the deck itself, and not through alterations to fences. No further action will be taken on this matter.

Size restriction of decks

Feedback from one respondent queried the proposed floor area cap on deemed-to-satisfy non-residential decks given that residential decks are often quite large, whilst another suggested that floor area criteria similar to those for outbuildings should be included to guide appropriate forms of deck development in a residential setting.

Soft landscaping

Feedback suggested that there needs to be consistency in how soft landscaping requirements are reflected across DTS/DPF provisions.

Response:

Floor levels

It is considered reasonable to clarify that when attached to the dwelling, a deck has a finished floor level consistent with the finished ground floor level of the dwelling, rather than a second floor, to minimise impacts related to overlooking.

Whilst the amendment did not propose a maximum finished floor height above natural ground level, it is considered to include such measures to ensure that decks on sloping sites do not have unreasonable amenity impacts on neighbouring sites.

Privacy Screening

It is considered appropriate to provide additional guidance on the provision of the transparency of privacy screening for decks by aligning policies related to the screening of decks with provisions in the Code which speak to the screening of balconies and terraces, and to clarify that on stepped or multi-level decks, screening is required for each section where the finished floor level exceeds 500mm above natural ground level.

To align with overlooking policies elsewhere in the Code, the Commission is of the view that the proposed policy PO X.2 be amended to reference 'direct overlooking' which is now defined.

Size restriction of decks

Although residential decks are often larger than the 25m² limit allowable by the DTS/DPF provision for non-residential decks, it is considered appropriate to contain this floor area limit as it is more likely that a deck associated with non-residential uses will have amenity impacts, or potential impacts related to light and noise on neighbouring properties, depending on the non-residential use to which it is ancillary.

Regarding applying a similar floor area limit on residential decks, currently a deck which is no greater than 500mm above ground level, and 900mm away from the boundary of an allotment has no floor area limit and is excluded from the definition of development under the Act, meaning that no assessment is needed. It is considered unnecessary to place floor area limits on a deemed-to-satisfy deck associated with a dwelling given that there is less likelihood of impacts related to light and noise, and that matters of overlooking can be addressed through policy relating to the addition of privacy screening.

Soft landscaping

It is considered appropriate to align policy provisions relating to the retention of soft landscaping with those changes to soft landscaping policies in section 2.3.4.6.

Recommendation:

AMEND DTS/DPF X.1 to include a maximum finished floor level of 1 metre above natural ground level, and to clarify that consistency with the finished floor level of a dwelling relates to the ground floor level of that dwelling.

AMEND PO X.2 to reference 'direct overlooking'.

AMEND DTS/DPF X.2 to provide guidance on transparency of privacy screening that is consistent with the requirements for balconies and terraces under DTS/DPF 10.1 of the Design in Urban Areas General Development Policies.

AMEND DTS/DPF X.2 to align policy provisions relating to the retention of soft landscaping with those changes to soft landscaping policies in section 2.3.4.6.

Design – PO 19.3 – Driveway Access General Development Policies – Policy Relevance (2.3.4.5)

This amendment proposed to adjust the wording of Design [All Residential development [Car parking, access and manoeuvrability]]: PO 19.3 to be consistent with equivalent provisions within the Design in Urban Areas module. It also proposed to remove linkages to Transport, Access and Parking PO 3.6 and associated DTS/DPF for various dwelling types and student accommodation in all zones where they apply in Table 3 – Applicable Policies for Performance Assessed Development to remove conflicting policy from this pathway.

Feedback:

This change was generally supported with a range of comments provided.

One submission suggested that DTS/DPF 19.3 should be amended to refer to driveways and access points on sites with a frontage to a public road of 10m or less having a width between 3.0 and 3.2 metres when measured *at the kerb*, rather than at the property boundary.

Another submission considered that 3.5m should be the benchmark width of driveway instead of 3.0m to 3.2m at the front property boundary to allow for more orderly vehicle movement from garages less than 7m from the street.

Other feedback suggested that reference to *domestic* waste collection be removed from the PO, instead only referring to *waste collection*, whilst also referring to maximising land available for pedestrian movements.

Further feedback suggested inclusion of a reference to having a minimum 0.5m (preference 1.0m) wide upright kerbing between crossover driveways to provide a pedestrian haven.

Response:

Regarding the suggestion to change the point of measurement from the property boundary to the kerb, it is not considered necessary to alter the PO as matters relating to the design and construction of access points and driveway crossovers on public land i.e., between the property boundary and the kerb, are managed via Section 221 of the *Local Government Act 1999*. Similarly, the suggestion to require upright kerbing between crossovers relates to the construction of an access point on public land, and therefore should be addressed via Section 221 of the *Local Government Act 1999*, as requirements for kerb design may differ between Local Government Areas.

Regarding the suggestion to increase the minimum width of the driveway from between 3.0 and 3.2 metres, to 3.5 metres, it is considered that such a change is outside the scope of this amendment, as it would require further investigation and consultation'. No action is suggested at this time.

Regarding the suggested removal of reference to domestic waste, given that the PO is contained within the Design General Development Policies under the heading 'All Residential Development', it is not considered necessary to adjust the PO.

It is considered appropriate to include a reference to pedestrian movements in PO 19.3 and to make subsequent amendments to PO 23.3 of the Design in Urban Areas General Development Policies to ensure consistency of application between the two policy modules.

Recommendation:

AMEND Design [All Residential development [Car parking, access and manoeuvrability]]: PO 19.3 to include reference to pedestrian movements.

AMEND Design i– Urban Areas [Residential Development - Low Rise [Car parking, access and manoeuvrability]]: PO 23.3 to include reference to pedestrian movements–

Design in Urban Areas DTS/DPF 19.1 - Soft Landscaping – Policy Review (2.3.4.6)

This amendment sought to amend Design in Urban Areas DTS/DPF19.1 and DTS/DPF 22.1 to be consistent in wording and explicitly state that common property is to be included in soft landscaping calculations.

Feedback:

Feedback on this change was mixed, with some respondents expressing support, including additional suggestions for improvement, while others opposed the change. Feedback in opposition suggested that the effect of this policy amendment is that some dwellings in a group dwelling or residential flat building, wherever there is common property, could have little or no direct access to soft landscaping which could lead to poor amenity and urban heat outcomes. It was suggested that this should be reconciled with refinement to DPF 22.1(a) such that where the average site area of the dwellings on the site is <150m², then 15% of the

total site should be soft landscaping as 10% soft landscaping across the total site is insufficient to offset this level of density / infill.

Other feedback suggested amending the soft landscaping thresholds within the table at DTS/DPF 19.1(k)(i), which currently reads 201-450, to be consistent with other bands within the table to ensure that an allotment with a site area between 200m² and 201m² is not unintentionally excluded by the provision.

It was also suggested that additional clarification is needed regarding the nature of plantings i.e., that soft landscaping uses indigenous plants or a comparable substance and that there needs to be greater consistency in how soft landscaping requirements are reflected across DTS/DPF provisions.

Response:

The proposed amendment sought ensure consistency between DTS/DPF 19.1 and DTS/DPF 22.1 of the Design in Urban Area Module. With that in mind, it is considered appropriate to amend the threshold in DTS/DPF 19.1(k) to provide further clarity regarding the minimum percentage of soft landscaping to be provided for allotments with a site area between 200m² and 450m².

Feedback regarding direct access to soft landscaping for group dwellings and residential flat buildings and impacts on amenity is noted, however it is acknowledged that in the case of these housing types, direct access may not always be possible, particularly in the case of an upper-level dwelling within a residential flat building. Regarding urban heat outcomes, it is considered that the location and amount of soft landscaping provided for a development will determine how these outcomes are managed.

In relation to requests for the percentage of required soft landscaping to be increased, it is noted that this would need further investigation and consultation to determine the appropriate amount of soft landscaping and the type/substance of vegetation to be provided. This may be undertaken as part of a future amendment, and as such no further change on this matter is recommended at this time.

It should also be noted that in the case of group dwellings and residential flat buildings, these dwelling types will require assessment against relevant POs through the performance assessed pathway, as no deemed-to-satisfy pathway exists in most zones. As such, a relevant authority will have discretion to determine whether the relevant PO is met, noting that a DPF provision illustrates only one way that an outcome may generally be achieved.

Recommendation:

AMEND DTS/DPF 19.1(k) and DTS/DPF 22.1(a) to provide further clarity regarding the minimum percentage of soft landscaping to be provided for allotments with a site area between 200m² – 450m².

Garage and Driveways – Design DTS/DPF 19.5, and Design in Urban Areas DTS/DPF 23.5 General Development Policies – Policy Review (2.3.4.7)

This amendment sought to refine policy in the Design and Design in Urban Areas General Development policy modules to ensure driveways are perpendicular with the street boundary. This update seeks to avoid the creation of angled driveways which can generate negative flow on effects to traffic and driver frustration.

Feedback:

The proposed update was largely supported. Some feedback received from the community sought to prevent double garages and dual driveways in character areas where homes have single driveway access.

It was proposed that DTS/DPF 23.5 be refined to further align with ‘Australia Standard Parking Facilities Part 1: Off-street car parking’ AS2890.1:2044 and provide more detailed guidance regarding driveway gradients to minimise the potential for vehicle damage.

Response:

The concept of policy preserving single driveway access in residential character areas is outside the scope of the Code Amendment. In historic areas and character areas, the historic statements or character statements describe the attributes of an area that are important. Councils could investigate this issue through future reviews.

The changes to DTS 19.5 are supported to provide greater certainty for the design of driveways and to ensure policies are consistent with Australian Standards.

Recommendation:

AMEND Part 4 – DTS/DPF 19.5(a) of the Design General Development Policies and DTS/DPF 23.5(a) of the Design in Urban Areas General Development Policies by replacing the following:

~~(a) the gradient from the place of access on allotment boundary to the finished floor level at the front of the garage or carport is not steeper than 1:4 on average~~

With

(a) *The gradient of the driveway does not exceed a grade of 1 in 4 and includes transitions to ensure a maximum grade change of 12.5% (1 in 8) for summit changes, and 15% (1 in 6.7) for sag changes, in accordance with AS 2890.1:2004 to prevent vehicles bottoming or scraping*

Drafting Note: blue text = new text, red-strikethrough – delete text.

Heavy Vehicle Parking - Transport, Access and Parking General Development Policy - Policy and Definition Review (2.3.4.8)

This amendment sought to introduce a suite of policies into the Transport, Access and Parking General Development Policy Module in relation to Heavy Vehicle Parking to minimise impacts associated with Heavy Vehicle Parking on local amenity.

Feedback:

The proposed change was well supported, with various suggestions seeking further refinement. These covered various matters including better wording, impacts associated with screening, a desire to see permitted times adjusted to reflect zoning, further guidance around noise, concerns relative to minor maintenance, and opportunity for greater alignment with Australian Standards.

Response:Ownership

The challenge with managing heavy vehicles in the planning system is that most of the issues are operational. For example, if the landowner allowed the vehicle to be driven by a person that was not a resident of a dwelling, it would be almost impossible for the council to enforce it and has limited effect on the development impact. As a result, PO11.1 and DTS/DPS 11.1 is proposed to be deleted.

Zoning/Hours of Operation

The correlation between zoning and hours of operation was flagged to require specific consideration as what is appropriate in a rural area may not be appropriate in an urban setting. The proposed DTS/DPF policy implies this land use would largely occur in rural and rural living zones, due to minimum site areas under DTS/DPF 11.2. This will be reinforced to specifically exclude neighbourhood-type zones (other than

Rural Living Zones). This is anticipated to also alleviate concerns related to entry/exit hours, as DTS/DPF criteria would not be applicable if the site is in a neighbourhood-type zone.

Maintenance

Maintenance of vehicles is an operational matter which is not defined as development under the Regulations. Policies guiding maintenance have therefore been removed from DTS/DPF 11.2.

Idling

Noise associated with trucks warming up or cooling down via idling was flagged as a common matter which Local Government receive complaints about. As a result, policy was introduced to limit this activity to five minutes. The time a vehicle idles on site is not however a planning assessment matter that can be guided by a point-in-time assessment but an operational matter that can be addressed through a range of environmental legislation. It is therefore recommended it be deleted from DTS/DPF 11.2.

Screening

Creating a focus on screening parked vehicles has the potential to create inadvertent impacts on amenity and streetscapes. This can be a result of people erecting lengths of fencing, which can be particularly out of character in Rural and Rural Living Zones. As a result, the policy has been amended to allow for a range of design solutions including screening, being sited behind buildings, landscaping or similar, to obscure views from adjoining properties and public roads.

Recommendation:

AMEND Part 4 – The Transport, Access and Parking General Development Policy Module by amending PO 11.1, DTS/DPF 11.2 and PO 11.4 as follows:

<i>Heavy Vehicle Parking</i>	
<i>PO 11.1</i> <i>Heavy vehicle parking only occurs on the same allotment as a dwelling and the vehicle is only owned and operated by a resident of the dwelling.</i>	<i>DPF/DTS 11.1</i> <i>None are applicable</i>
<i>PO 11.2</i> <i>Heavy vehicle parking and access is designed and sited so that the activity does not result in nuisance to adjoining neighbours as a result of dust, fumes, vibration, odour or potentially hazardous loads.</i>	<i>DTS/DPF 11.2</i> <i>Heavy vehicle parking occurs in accordance with the following:</i> <i>(a) the site is not located within a Neighbourhood-type Zone (except a Rural Living Zone)</i> <i>(b) the site is a minimum of 0.4 ha</i> <i>(c) where the site is 2 ha or more, no more than 2 vehicles exceeding 3,000 kilograms each (and trailers) are to be parked on the allotment at any time</i> <i>(d) where the site is between 0.4 ha and 2 ha, only one vehicle exceeding 3,000 kilograms (and</i>

	<p>one trailer) are to be parking on the allotment at any time (e) other than minor maintenance, no maintenance of the vehicle will occur on-site (f) the vehicle parking area achieves the following setbacks: (i) Behind the building line or 30m, whichever is greater (ii) 20m from the secondary street if it is a State Maintained Road (iii) 10m from the secondary street if it is a local road (iv) 10m from side and rear boundaries (g) parking and access areas (including internal driveways) should be sealed or have a surface that can be treated and maintained to minimise dust and mud nuisance (h) does not include refrigerated trailers or vehicles (i) vehicles only enter and exit the property in accordance with the following hours: (i) Monday to Saturday 6:00am and 9:30pm (ii) Sunday and public holidays between 9:30 am and 7:00 pm (j) the handling or trans-shipment of freight is not carried out on the property.</p>
<p>PO 11.3 Heavy vehicle parking is designed to enable vehicles to enter and exit a site safely and without creating a hazard to pedestrians and other vehicular traffic.</p>	<p>/DTS/DPF 11.3 Heavy vehicles: (a) can enter and exit the site in a forward direction; and (b) operate within the statutory mass and dimension limited for General Access Vehicles (as prescribed by the National Heavy Vehicle Regulator).</p>
<p>PO 11.4 Heavy vehicle parking is screened from views from adjoining properties and the public roads by existing buildings and landscaping.</p>	<p>DTS/DPF 11.4 None are applicable</p>

Drafting Note: blue text = new text, red-strikethrough = delete text.

Housing Renewal General Development Policies - Policy Review (2.3.4.9)

This amendment proposed to include an interpretation note to confirm that Housing Renewal – General Development Policies are applicable only to Housing Trust / community housing proposals.

Feedback:

The amendments were well supported.

Response:

N/A

Recommendation:

No changes recommended.

Land Division – General Development Policies – Policy Review (2.3.4.10)

This amendment reviewed policy provisions within the Land Division General Development Policies to remove duplication.

Feedback:

The proposed changes were well supported. Two submissions suggested additional amendments to PO 10.1 of the Land Division General Development Policies. These included a request to reduce the number of allotments referenced by the policy below the 20 allotment threshold to which the provision currently applies, and a slight revision of wording to ensure that development ‘does not impact downstream stormwater systems’, rather than ‘does not increase the peak flows in downstream systems’ as some older areas now undergoing infill development meaning the amount of impervious land is increasing and may exceed the capacity of the local stormwater network.

Response:

Regarding the suggested revision of wording from ‘does not increase the peak flows in downstream systems’ to ‘does not impact downstream stormwater systems’, it is considered that to simply state that land division ‘does not impact’ downstream systems without providing clarification may relate to a range of factors, including capacity, peak flow or other matters and is therefore not appropriate.

Given the support for the amendment as proposed, and that only one submission raised this issue, any future consideration of this matter should involve a more in-depth investigation of the level, and details of the potential impacts which should be considered. Similarly, it is considered that a reduction in the number of allotments referenced by the policy below the current 10 allotment threshold should be supported by further investigation. No further changes are recommended at this stage.

Recommendation:

No changes recommended.

Land Division – General Development Policies – Linkages (2.3.4.11)

This amendment reviewed assessment pathways with the aim of ensuring the Land Division General Development Policies to the performance assessed pathway for land division had a consistent approach to the application of policy provisions.

Feedback:

The proposed changes were supported, with no additional feedback provided.

Response:

N/A

Recommendation:

No change recommended.

Transport, Access and Parking – General Development Policy – Fences – Linkages (2.3.4.12)

This amendment sought to apply relevant policy provisions from the Transport, Access and Parking General Development Policy module to the performance assessed pathway for fences to address matters relating to preservation of sightlines

Feedback:

The proposed changes were well supported, with additional feedback provided from two respondents. One queried whether DTS/DPF 10.1 of the Transport, Access and Parking General Development Policies would also be applied to the performance assessed pathway for fences, as it was suggested that the diagram in this DTS/DPF provision incorrectly refers to a 4.5m corner cut-off, where a cut-off of 6m is required.

Clarification: DTS/DPF 10.1 of the Transport, Access and Parking General Development Policies requires that no development involving building work is undertaken within a 4.5m cut-off area. This contrasts with other provisions i.e., DTS/DPF 3.5 of the module which require that the creation of a new access point does not occur within 6m from the tangent point of an intersection of two or more roads. As such, there is no conflict between the diagram at DTS/DPF 10.1 and the requirements of DTS/DPF 3.5, as these distances relate to different matters.

Furthermore, where references to POs are made within Table 3 – Applicable Policies for Performance Assessed Development, any associated Designated Performance Feature will automatically apply, as outlined in the preamble to Table 3 in each Zone.

The other feedback queried whether the intent of PO 10.1 of the Transport, Access and Parking General Development Policies is to prevent development altogether (within the corner cut-off), or merely to regulate it. It was suggested by the respondent that if the former is the case, then the provision should be applied to performance assessed land division.

Clarification: DTS PO 10.1 of the Transport, Access and Parking General Development Policies requires that development is located and designed to ensure drivers can safely turn into and out of public road junctions, with the corresponding DTS/DPF provision relating to development involving building work not being located within the corner cut-off. Neither the PO or DTS/DPF prevent the location of any development from occurring within the corner cut-off, but merely require that any development proposed is located and designed appropriately, with the DTS/DPF illustrating one way of meeting this provision i.e., that no development involving building work be undertaken within the area. Given this, it is not considered necessary to apply this PO to performance assessed land division.

Response:

N/A

Recommendation:

No changes recommended.

Transport, Access and Parking – General Development Policy – Car Parking Rates Table – Review (2.3.4.13)

This amendment sought to change the Transport, Access and Parking Table 1 to position all land use classes on the 'class of development' column and all 'sub-classes' within the 'car parking rate' column, as well as to amend Transport, Access and Parking Table 2 to update references to the Urban Neighbourhood Zone and add specific car parking rates for the Urban Neighbourhood Zone within Bowden.

Feedback:

The proposed changes were generally supported.

Feedback relating to parking rates for Caravan and Tourist Parks suggested that a higher rate be applied for a park with over 100 sites. In relation to dwellings, it was suggested that a dwelling with four or more bedrooms requires a higher parking rate and queried why rear-loaded row dwellings require a lower parking rate than dwellings where access is from the primary street.

Regarding parking rates in the Urban Neighbourhood Zone at Bowden, it was suggested that the rate should remain at 3 per 100m² regardless of the associated floor level, as it was highlighted that areas of Bowden experience considerable parking shortfall and council has received numerous concerns about a lack of parking under earlier approvals.

Response:

As the aim of the amendment was to provide greater clarity in interpretation of car parking tables and in the case of the Urban Neighbourhood Zone at Bowden, to include specific rates which were present in the former City of Charles Sturt Development Plan it is not considered appropriate to make any further changes on relation to this matter as part of the Code Amendment. Any reconsideration of parking rates for various development types would require further investigation and consultation, and as such, it is not recommended to make any further change at this stage.

Recommendation:

No changes recommended.

Transport, Access and Parking – General Development Policy – Designated Parking Areas / Car Parking Rates – Interpretation (2.3.4.14)

This amendment sought to change Transport, Access and Parking DTS/DPF 5.1 to provide clarity on when each car parking rate is applicable, as well as to create a definition for a High Frequency Public Transit Area to be included in Transport, Access and Parking Table 2.

Feedback:

The proposed changes were supported.

Feedback suggested further guidance is needed on how to apply the minimum and maximum car parking rates specified by Table 2 – Off-Street Car Parking Requirements. It was also queried whether the intent of the parking rates was to signify that the relevant DPF is met when the minimum car parking rate has been provided, and the maximum car parking rate is specified to prevent an over-supply of car parking, or alternatively that the relevant authority can set a required car parking provision from within that range.

Clarification: Much like other circumstances where minimum and maximum values are applied to policy, for example via building height TNVs, these values represent, in the case of deemed-to-satisfy development, the acceptable range which would satisfy the DTS provision, and for performance assessed development, the range specified by the table in accordance with a DPF which would generally serve to satisfy the relevant PO. It is not the intent that a relevant authority would necessarily seek to prescribe a rate somewhere within the range, however, as per Part 1 - Rules of Interpretation, the DPF represents only one way of satisfying a PO and does not derogate from the relevant authority's discretion to make an assessment on balance when considered against all relevant policies. As such, no change is considered necessary.

Concern was also expressed that payment into a car parking fund may not necessarily address the issue of where to park cars in areas where there is already a shortage of parking spaces. The feedback noted that this matter would require further investigation and consultation and would need to occur as part of a separate amendment process.

Response:

N/A

Recommendation:

No changes recommended.

Part 5 – Specified matters and areas identified under the Act and Regulations (2.3.5)

There are no proposed changes to Part 5 of the Code as part of the Code Amendment.

Feedback:

While no changes were proposed in the Code Amendment a couple of suggested amendments / issues for consideration were raised in relation to Part 5 of the Code.

In relation to Table 2 of Part 5, which specifies matters that can be reserved for later assessment, it was suggested that this list be broadened to include matters of site contamination, stormwater, wastewater disposal, landscaping, native vegetation clearance and final materials and finished.

Issues were raised regarding the 'designated area' prescribed in Part 5 of the Code for the purposes of Clause 3 of Schedule 3 of the Regulations. This clause relates to excavation/filling in areas of potential flood hazard and if the conditions are not met becomes a form of 'development' requiring assessment. Clarification was sought why this clause doesn't have a volume threshold like other similar clauses in the Schedule 9 of the Regulations.

Response:

Reserved matters

The suggested listing of additional reserved matters is noted; however, it is considered that such an amendment would require further investigation and should be subject to further consultation with practitioners and the community to ensure that the impacts are fully understood.

This will be considered as part of a future code amendment.

Clause 3 of Schedule 3 to the Planning, Development and Infrastructure (General) Regulations 2017

This clause was carried over into the Regulations from Schedule 2 of the former Development Regulations 2008 – Additional acts and activities constituting development:

3. *Any excavating or filling (or excavation and filling) of land, or the forming of a levee or mound, in a Watercourse Zone, Watercourse Policy Area, Flood Zone, Flood Policy Area or Flood Plain delineated by the relevant Development Plan, or in any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan, but not including the excavation or filling (or excavating and filling) of land—*

In developing the Code consideration was given to what areas Clause 3 should apply. Recent enquiries have suggested that the inclusion of the Coastal Areas Overlay (for coastal flooding reasons) as one such area is too broad, particularly without the threshold allowance of 9m³.

The Commission understands the concern but is mindful of the need to ensure that areas impacted by flooding and drainage pathways are not affected by inappropriate excavation and/or filling. Whether or not a change to the Regulations is needed or alteration to the designated areas in Part 5 is required need more detailed consideration and would be better addressed through a separate code amendment or the Flooding Hazards Mapping Update Code Amendment by the Chief Executive.

Recommendation:

No changes recommended.

Part 6 – Index of Technical and Numeric Variations (2.3.6)

There are no proposed Code changes to Part 6 of the Code as part of the Code Amendment.

Feedback:

Some feedback was received in relation to Part 6, but it principally related to the issue of interface height policy/diagrams. Refer to 'Interface Height – Multiple Zones: Policy and TNV – Policy Review (2.3.2.21).

Response:

N/A

Recommendation:

No changes recommended.

Part 7 – Land Use Definitions (2.3.7)

This amendment proposed improvements to the Land Use Definitions to provide greater clarity in their interpretation and relationship with policy.

Feedback:

A range of additional feedback which typically related to the inclusion of additional definition of various topics and their appropriate assessment policies was received. Topics included:

- campground and provide appropriate policy to against
- multiple dwelling or boarding house and insert additional policies for assessment
- trade training facility
- winery - suggested that common meaning remains open to misrepresentation.
- special events
- distillery
- brewery
- boundary build
- adult entertainment premises and adult products and services premises

- land uses referred to in the Strategic Employment Zone should have a definition under Part 7 of the Code

Other comments were that:

- it is unclear if the 'part of building inclusions' will complicate the land use assessment in cases where the main land use is something and also has an office component.
- there are many instances where part of a building is used as an alternative land use, however, does not trigger a change of land use.

Feedback relating to specific definitions will be discussed under the relevant section below.

Response:

The Commission takes a cautious approach to the creation of land use definitions and considers that additional definitions should be included only where they clearly support policy intent. The Commission is also of the view that ordinary and common meanings have a place in policy interpretation and that separate definitions should be applied only where the ordinary meaning does not support policy intent. It is for this reason that no further definitions are proposed to be added to the Code at this stage, except for adult entertainment premises, and adult products and services premises which are to be included as part of this amendment.

Adult entertainment premises and adult products and services premises

It is considered reasonable to include new definitions for adult entertainment premises and adult products and services premises. Refer to—section: Adult Entertainment Premises - New Definition (2.3.7.13) – New Section – for further discussion.

Part of a building

Refer to section Office – Amend (2.3.7.6) for further discussion on 'part of a building'.

Recommendation:

No changes recommended.

Ancillary Accommodation – Amend (2.3.7.1)

This amendment sought to clarify the interpretation of 'utilities' within the ancillary accommodation definition, as well as to consider further refinements to provide additional information about the outcomes sought by this land use.

Feedback:

Mixed feedback was received in relation to this proposed change. Whilst there was support for providing additional clarification of this definition, concerns were raised that this amendment could potentially limit certain types of ancillary accommodation where a separate utility connection could be beneficial. Some feedback also sought further clarity regarding what exactly constitutes ancillary accommodation. Comments include:

- a greater level of clarity is still required. Applicants are seeking to construct buildings with all the elements of a dwelling and to call them ancillary accommodation or other forms of development (studio), but not a dwelling
- amending the term ancillary accommodation to refer to residence that is not self-contained and does not have separate connections to utilities and services such as sewerage, wastewater and waste control systems is supported

- a definition of a self-contained residence is needed
- often ancillary accommodation proposals share the same facilities as the dwelling. Sometimes a separate waste control system, due to complications with changes or connecting to the existing system, or reluctance to install a singular larger system, is reasonable. Therefore, it would be better if incorporated into the policy and left as an assessment consideration, rather than being in the definition
- clarification around shared services is supported; however self-contained is subjective and should be defined
- recommend greater clarity be provided in the distinction between ‘ancillary accommodation’, ‘outbuilding’ and ‘dwelling addition’ for freestanding ‘rumpus room’ or ‘studio’ style buildings.

Response:

The Commission acknowledges comment regarding the provision of separate services or utilities and the potential impacts that this may have on applications. Concerns regarding instances where the provision of a separate waste control system could potentially make a proposal no longer ancillary accommodation (which it otherwise would have been) and therefore an undefined use are noted. However, it is considered that this may have already been the case with the current definition given it also required that ancillary accommodation share the same utilities as the primary dwelling. This amendment sought to clarify what is meant by utilities to respond to stakeholder feedback. The additional details and specifics within the definition does not change what the original intent and context of the definition, being that ancillary accommodation ‘shares the same utilities of the existing dwelling.

Where a proposal for ancillary accommodation includes a separate waste control system, and the relevant authority considers that the proposal would therefore not meet the definition of ancillary accommodation. The proposal would be considered an undefined use and therefore default to an ‘all other Code assessed’ performance assessed pathway. In such circumstances, the relevant authority would be able to determine which Code provisions are relevant to the proposal. This does not derogate from the relevant authority’s discretion to use the policies assigned to ancillary accommodation as a guide, along with any other relevant policies they see fit.

The current definition already excludes a dwelling from being considered ancillary accommodation. A dwelling is defined as a building or part of a building used as a self-contained residence. The proposed additional dot point (b) emphasis this point. It is considered that the definition of dwelling / self-contained residence is understood in a planning context along with case law to guide what this land use entails.

At this stage, the Commission considers that there is sufficient detail in definition to appropriately determine that a land use as ancillary accommodation. However, for applications which describe this land use as something else, it is up to the relevant authority to determine the nature of development during the verification stage, regardless of how the applicant describes it.

Recommendation:

No changes recommended.

Caravan and Tourist Park – Amend (2.3.7.2)

This amendment sought to clarify that the land use term ‘Caravan and Tourist Park’ is considered a form of ‘Tourist Accommodation’ as it had been suggested that there was ambiguity and may be causing some uncertainty when assessing these forms of development.

Feedback:

There was a general level of support for the amendment. Concerns were raised that including caravan and tourist park as a form of tourist accommodation could result in this form of development in inappropriate locations or areas not envisaged (for example the Rural Zone). Comments include:

- support in principle but clarification needed for the term 'campground'
- could result in unintended consequences, such as proposals for caravan parks in rural areas, as they will be able to be assessed as a form of tourist accommodation. If it is to be included then perhaps additional policy is required to control scale, bushfire requirements and access.

Response:

In terms of additional policy required to control scale, bushfire requirements and access. It is considered that the policy is already within the Code. The scale and form of a tourist accommodation will be guided by policy within the zone. While policy relating to bushfire requirement and access would sit within the relevant bushfire overlay should they spatially apply to the site of the application.

The Code does not currently contain a definition for campground as the Commission considers that the common understood meaning is sufficient. However, it will continue to monitor and take note on any feedback regarding this to inform future amendments.

Recommendation:

No changes recommended.

Commercial Forestry – Amend (2.3.7.3)

The amendment proposed to make a slight refinement to the definition to align with some of the feedback received and to assist in achieving the intent sought by the definition.

Feedback:

There was support for the proposed changes to the definition as they were considered reasonable and provided the clarification needed.

Response:

N/A

Recommendation:

No changes recommended.

Educational Establishment – Amend (2.3.7.4)

The amendment proposed to move away from the term 'establishment' to a more contemporary term for describing this land use and terminology more consistent with other definitions.

Feedback:

There was support for the proposed for updating the terminology from 'establishment' to 'facility'.

Response:

N/A

Recommendation:

No changes recommended.

Indoor Recreation Facility – Amend (2.3.7.5)

The amendment proposed to provide clarity relating to the interpretation and potential limitations of this definition by just referring to ‘a building’.

Feedback:

There was support for the proposed changes to the definition as they were considered reasonable and provided the clarification needed.

Response:

N/A

Recommendation:

No changes recommended.

Office – Amend (2.3.7.6)

The amendment proposed to provide clarity relating to the interpretation and potential limitations of this definition by just referring to ‘a building’.

Feedback:

There was support for the proposed changes to the definition as they were considered reasonable and provided the clarification needed.

One submission questioned whether the inclusion of the words ‘part of a building’ will complicate the land use assessment in cases where the main land use includes an office component. It was noted that there are many instances where a part of a building is used as an alternative land use, however, this does not trigger a change of land use.

Response:

The Commission considers that this amendment provides clarity in the intent of the definition. Rather than relying upon users needing to refer to Section 3 – Interpretations of the PDI Act, where a *‘building means a building or structure or a portion of a building or structure’*.

In terms of a certain class of development having an associated ‘office’, it is considered that regardless of this amendment, per Section 3, an office could already have been part of a building depending on the size, scale and nature of the office component. Should the relevant authority consider the office component to be ancillary and/or subordinate to the existing or proposed land use, the office would not trigger a change of land use.

Recommendation:

No changes recommended.

Pre-school – Amend (2.3.7.7)

This amendment proposed to change the term ‘pre-school’ to ‘child care facility’ to incorporate the intent of the definition and the land uses listed within it. The use of the term facility would assist to acknowledge that it is more than just a ‘pre-school’ or ‘child care centre’, which both have a commonly understood meaning and type of operation.

Feedback:

There was support for the proposed changes to the definition as they were considered reasonable and provided the clarification needed. One issue that arose is how the difference in car parking rates is present in Transport, Access and Parking Table 1 – General Off-Street Car Parking Requirements, as there are currently different rates for a child care centre and pre-school.

Response:

There was support for this proposed change in terminology and no further refinement required.

In terms of the commentary around difference in car parking rates for different forms of child care facilities. It is not uncommon to have different parking rates for different development types within the same definition given they may function slightly differently, i.e., a child care centre versus other forms of child care facilities more generally. Also, other definitions with the Code have multiple rates, for example an educational facility has different rates for a primary school compared with a secondary school.

However, this is not related to the definition of child care facilities as such, rather a policy consideration, thus it is not proposed to change car parking rates generally as part of this amendment.

Recommendation:

No changes recommended.

Renewable Energy Facility – Policy Refinement (2.3.7.8)

The amendment proposed to amend the restricted table within the Conservation, Rural and Hills Face Zone to add the exclusion of domestic use for solar photovoltaic panels (roof or ground mounted) and battery storage facilities.

Feedback:

There was support for amending the restricted table rather than the definition, but further clarity was sought on the use of the term domestic use.

Response:

When initially considering the amendment, the Commission did consider the use of the term domestic use and how this may be interpreted and whether a definition or further clarification was needed. One approach considered would be to clarify the size/scale of what is ‘domestic use’. However, this may not always be useful as the scale and size of a renewable energy facility may vary and still be of ‘domestic scale’ depending on the existing or proposed land use. It is for the relevant authority to determine if the proposal is for domestic use, which can be fact and degree and dependent on site-specific details. For this reason, no further refinement to the policy or the term domestic use is proposed at this time. The Commission will, however, continue to monitor how the term is being applied at the assessment level.

Recommendation:

No changes recommended.

Tourist Accommodation – Amend (2.3.7.9)

The amendment proposed to provide greater clarification around what is meant by this form of development and whether it should also incorporate other associated ancillary elements.

Feedback:

There was support for this amendment as it provides clarity in what this land use incorporates. Comments include:

- supported except for the inclusion of caravan and tourist park
- supported and agrees that this level of clarification is appropriate.

Response:

Refer to section on Caravan and Tourist Park – Amend (2.3.7.2) for further discussion on this inclusion into the Tourist Accommodation definition.

Recommendation:

No changes recommended.

Workers Accommodation – Amend (2.3.7.10)

This amendment proposes to provide greater clarification and a consistent approach to the assessment of workers' accommodation.

Feedback:

There was a general level of support for this amendment. Feedback included:

- supported but would like to remove 'or similar'
- supported as the inclusion of the term 'or similar' will support planners to ensure developments that are similar to, but not exactly prescribed, have the same development requirements as those prescribed
- additional assessment provisions are needed to assess workers' accommodation in the Rural Zone.
- a PO should be developed that considers the siting/location of workers accommodation in relation to the land that provides the employment opportunities.

Response:

With respect to the feedback wanting to keep the term 'or similar', it is considered that the amendment also made within part (c) by starting the list with 'including' does not limit other such seasonally intensive rural activities from meeting the definition of workers accommodation but provides a guide to these forms of workers accommodation.

The purpose of this amendment was to provide clarity in the definition and expand the types of seasonal activities. Any further change to the policy relating to this definition within the Rural Zone or any other zones is out the scope of this amendment.

Recommendation:

No changes recommended.

Heavy Vehicle Parking – New Definition (2.3.7.11)

The amendment proposed to include a definition for Heavy Vehicle Parking. The absence of a definition could result in the proposed policy for heavy vehicle parking (as part of the Code Amendment – see Heavy Vehicle Parking - Transport, Access and Parking General Development Policy - Policy and Definition Review (2.3.4.8)) being applied incorrectly or to areas not intended by the policy.

Feedback:

There was support for the inclusion of the definition to support the new policy added to the Code with some commentary seeking further clarity on the definition regarding the parking of caravans.

Response:

With respect to the concerns raised about parking of a caravan on the property potentially being caught up in this definition. It is considered that this is clarified— within the Regulations specifically, Schedule 4 - Exclusions from definition of development—general:

(5)(2)(f) - The parking of a caravan or motor-home of any weight on land used for residential purposes by a person who is an occupant of a dwelling situated on that land;

Recommendation:

No changes recommended.

Function Venue – New Definition (2.3.7.12)

The amendment proposed to include a definition for function venue following a review of the ordinary meaning of this term. It is considered the Code could benefit by creating a new definition for function venue to provide clarity in policy interpretation and assessment pathways.

Feedback:

There was support for this new definition to be included within the Code. Some of the feedback received sought further clarification if the definition were to include 'one off' type functions as the current drafting does leave it open for an interpretation for this. Comments include:

- various different land uses may be used to host events, conferences etc. from time to time as an ancillary activity to the ordinary use. To avoid confusion, the definition should be amended to: 'Premises primarily or regularly used for the hosting of events'
- querying whether the plural nature of the definition is deliberate which would reasonably afford one-off functions as an ancillary activity to the primary use. This definition does not appear to capture a one-off large-scale event (i.e., music concert).

Response:

Feedback wanting clarification as to whether the intent of the definition is to capture one off or time-to-time functions is noted and it is considered that a refinement to the proposed definition is required. The suggestion to include the word 'primarily' is appropriate as it is not the intent of the definition to capture one-off or ancillary activities to main land use. Also, by including the term 'primarily', this would keep terminology similar within the definitions of the Code, with 'shop' and 'service trade premises' describing the definition with 'premises used primarily....'.

Recommendation:

AMEND definition to include the word 'primarily' to provide clarification on the intent of the definition and related policy.

Adult Entertainment Premises – New Definition (2.3.7.13) – New Section

The amendment proposed to include a definition for adult entertainment premises into the Code. **This is a post consultation amendment.**

Feedback:

There was feedback received that the Code should have a definition for adult entertainment premises akin to the definition within the revoked Adelaide (City) Development Plan.

Response:

The Commission acknowledges the merits of the request for this definition to be included into the Code as this is a land use for which some relevant authorities (in particular, the City of Adelaide) receive applications. Without the definition in the Code, it has been indicated there is now an increased uncertainty of designation of the class of development for applications which can result in an undefined/ inconsistency of language used for this type of land use. This is particularly noted in cases where an existing approval exists for a licensed premises, but the use of such premises for adult entertainment will not necessarily trigger a change of use.

As part of this amendment, the Commission does not propose to include any additional policies or assessment pathways associated with this land use definition.

The definition description has been guided by the previous wording within the revoked Adelaide (City) Development Plan. In addition, clarification provided that the definition does not include / fall within the land use term 'personal or domestic services establishment' / 'shop'.

The Commission further recommends that an accompanying definition for 'adult products and services premises' based on the definition contained within the Adelaide (City) Development Plan be included within the Code to provide similar guidance in relation to a change of use from an existing shop to a premises that sells adult products and services.

Recommendation:

CREATE a new definition for adult entertainment premises.

CREATE a new definition for adult products and services premises.

AMEND the definition for 'shop' and 'personal or domestic services establishment' to exclude the two new definitions.

Part 8 – Administrative Terms and Definitions (2.3.8)

This amendment proposed to make improvements to administrative definitions to provide greater clarity in interpretation and the relationship with policy.

Feedback:

Feedback received on administrative terms and definitions, other than those specific to a proposed amendment, was for the inclusion of additional terms to be included into Code. Comments included:

- suggest that 'neighbourhood-type zones' be amend to either add Business Neighbourhood Zone to the definition or changing the name of the Zone to 'Business Zone'.
- include Township Zone to address inconsistency with the *Guide to the Planning and Design Code*
- concerns with the definition of primary street (frontage) - what is the primary street for a corner site with a corner cut-off? What about a site with one road frontage that wraps around part of the site? Which boundary is the primary street (frontage)?
- habitable room - recommends a new definition for designated corridor/hallways be included
- a definition for 'minor in nature' – in particular in reference to State Heritage Place Overlay
- code lacks the need to demonstrate the building are connected (like party walls on plan of division, etc), hard to define a dwelling as semi-detached.

Feedback relating to specific administrative terms or definitions as part of the Code Amendment will be discussed under their relevant section below.

Response:

The Commission takes a cautious approach to definitions and considers that additional definitions and administrative terms should only be included in the Code where they clearly support the policy intent. Also, the Commission is of the view that ordinary and common meanings have a place in policy interpretation and that a separate definition should only be applied where the ordinary meaning does not work with the policy intent. It is for this reason, other than those already added, no other terms or definition at this stage are to be added to the Code as part of the Code Amendment.

It is considered reasonable to amend Neighbourhood-type Zone. Refer to section: Neighbourhood-type Zone - Amend (2.3.8.9) – New Section – for further discussion.

Recommendation:

No changes recommended.

Building Height – Amend (2.3.8.1)

The amendment proposed to alter the definition for 'building height' to include the option for the measurement point to be taken from a point specified by the policy in which the term is used, rather than from the measurement point specified in the definition.

Feedback:

There was a general level of support with most comments concerning the definition relating to the use of and interaction with policy on where the measurement for height is to be taken from. Feedback included:

- preference is to use natural ground level alone to be the relevant reference for measuring purposes. This definition does not appear to consider a dwelling built on stumps or posts, or if there has been any fill put on the site
- amendment is supported; however, it is recommended that additional words be inserted to provide a clearer interpretation outcome. A corresponding diagram for measuring the building height on a sloping site would further strengthen clarity of the definition
- the Code should refer to 'ceiling heights' and this should be added into the definition
- definition does not work on sloping land, particularly if the building is split level, as it can result in a height that does not reflect that the building has been designed to reduce impacts and could result in the building requiring public notification when it has minimal impact beyond the site
- building height should be the preferred measure over wall height and used consistently across Zones.

Response:

The points raised and the policy response are set out in the section *Building Height, Building Wall Setback and Wall Height – Policy Review (2.3.2.12)*.

Recommendation:

No changes recommended.

Building Line – Amend (2.3.8.2)

This amendment sought to address concerns relating to the current definition and policy application of the term ‘building line’, including potentially undesirable outcomes resulting from its misapplication. Changes to primary street setback policy are set out in section 2.3.2.26 of the Code Amendment and comprise amendments to consider the revised definition set out in this section (2.3.8.2).

Amendments to the ‘building line’ definition comprise the removal of the 1.5m projection allowance, which will be moved to policy instead.

Feedback:

There was general level of support for the revised definition. Most feedback was towards the policy adjustments discussed in section 2.3.2.26 of the Code Amendment. The following feedback was specific to the definition:

- will it only be for ancillary structures and not dwellings?
- it would be more appropriate for the building line to be drawn parallel to the road boundary at the closest point of the dwelling/structure to the road boundary (or several parallel lines relating to the relevant setbacks at each end of the dwelling)
- proposed changes may allow protrusions (some major) to not to be considered as the building line. This could result in porches /porticos/verandahs protruding considerably further forward than the current 1.5m restriction.

Response:

The building line definition will now only be used for the purpose of delineating the front of an existing dwelling for policy that requires ancillary structures such as carports and outbuildings to be set back behind the existing dwelling’s building line.

The 1.5m protrusion allowance was added to the ‘building line’ definition as part of the development of the Code based on the thought that the term would be used for new dwellings. This however caused issue with policy interpretation and as a result the Code Amendment is seeking to return to the original application/definition for ‘building line’.

Whilst the 1.5m protrusion allowance has been removed from the definition it will remain part of Code policy for new dwellings by instead forming part of the interpretation notes beneath each of the zone primary street setback tables:

- (a) *any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table*

Recommendation:

No changes recommended.

Wall Height – Amend (2.3.8.3)

The amendment proposed to alter the definition for 'wall height' to include the option for the measurement point to be taken from a point specified by the policy in which the term is used, rather than from the measurement point specified in the definition.

Feedback:

- supported in principle but policy correction/clarification required in public notification tables
- 'wall height' as a definition should be measured from the lower of natural or finished ground levels. This would also provide consistency with the 'building height' definition
- preference is to use natural ground level alone to be the relevant reference for measuring purposes. This definition does not appear to consider a dwelling built on stumps or posts, or if there has been any fill put on the site
- the code needs to clarify if the retaining wall is considered to be the footings of the wall. Alternative reference to the 'footings' being a consistent floor height any adjoining structure or natural ground level would provide further guidance.

Response:

The points raised and the policy response are set out in the section *Building Height, Building Wall Setback and Wall Height – Policy Review (2.3.2.12)*.

Recommendation:

No changes recommended.

Catalyst Site – New Definition (2.3.8.4)

The amendment proposed to create a new definition in the Code for 'catalyst site'.

Feedback:

Feedback included:

- support for the new definition
- should there be greater explanation of what a catalyst site is rather than just a site area?
- the term 'catalyst site' and description should be removed from the Code
- the provisions are so vague and ambiguous they should be removed
- the solution is to clarify and stipulate the provisions and meaning. Strongly urge the Commission to remove catalyst sites from the Code completely.

Response:

This amendment does not seek to change existing policy intent. Rather, it defines the term 'catalyst site' to assist with clear and consistent interpretation of the term when used within the Code.

Removing the term 'catalyst site' from the Code would be a policy change and outside the scope of the Code Amendment.

Recommendation:

No changes recommended.

Direct Overlooking – New Definition (2.3.8.5)

The amendment proposed to include the term 'direct overlooking' into the Code to provide clarity on the distance and/or angle to which overlooking was 'direct' and the policy needs to be taken into consideration in an assessment.

Feedback:

There was a mixed response for this proposed definition. There was broad support for the definition of direct overlooking to be within the Code to assist in consistent interpretation, however, some feedback questioned the distance to which it was considered 'direct' and if a greater distance should be applied. Comments include:

- supported - however it will be difficult to apply in areas where distant views are anticipated such as within coastal areas. Additional policy would assist to allow for the application of distant view considerations
- 15 metres is not a useful definition of direct overlooking and is generally not supported by community expectations. At 15 metres, it is considered that detail can be made out that would be detrimental to the amenity of neighbouring private open space and an owner's right to enjoyment
- although we support the introduction of a definition for direct overlooking, we feel the 15m as proposed is insufficient as overlooking of POS / habitable windows could still occur from this distance. Recommend the definition is amended to provide a distance in the order of 30m
- a sectional diagram would assist with clarification of the distance and/or angle to which overlooking is 'direct'
- direct overlooking from upper level habitable areas should restrict views within a horizontal distance of 15 metres to adjacent windows and 30 metres to outdoor areas beyond a 30 degree angle from the plane of the wall
- direct overlooking new definition should be amended to increase the new included distance, and have sloping land more explicitly recognised
- concerns that overlooking from a deck is only captured by the associated PO. This should be reference in DTS/DPF criteria as well to ensure deemed-to-satisfy development addresses overlooking from decks.

Response:

The Commission acknowledges the feedback received on the proposed distance to which overlooking is considered direct. It understands that what a person considers direct overlooking can be subjective in terms of what a reasonable distance might be. The approach the Commission has taken with a 15 metres radius is considered a conservative approach and one which reflects some of the previous policy positions with the revoked Development Plans (acknowledging not all). It should be noted that at 15 metres as a measurement for direct overlooking, South Australia has one of the more generous distances when compared with other State's policy and interpretation of direct. The Code proposes '15 metres measured from the centre line of the overlooking window and not less than 45-degree angle'. While interstate examples range from a radius of between 7.5 metres and 9 metres with a 45-degree angle.

Also, the 15-metre requirement aligns with the distance requirements already within policy, see Design DTS 10.2 (b)(i), which is part of a deemed-to-satisfy pathway. It would then be contradictory policy to then have a different distance in the corresponding PO 10.2.

In terms of additional diagrams, it is considered that this stage the illustrations proposed in Column C are sufficient to interpret the intent of the definition.

Given this is a new definition into the Code, this definition and interaction with the policy will continually be monitored and assess feedback received to see if any further refinement is required in future amendments.

Policies specific to decks to be addressed in Decks – Design, and Design in Urban Areas General Development Policies – Assessment Pathways (2.3.4.4).

Recommendation:

No changes recommended.

High Frequency Public Transit Area – New Definition (2.3.8.6)

The amendment proposed to include a definition for ‘high frequency public transit area’ to help simplify the table of car parking rates relating to ‘designated areas’. See *Transport, Access and Parking – General Development Policy – Designated Parking Areas / Car Parking Rates – Interpretation (2.3.4.14)* for further detail.

Feedback:

The new definition was well supported. One of the submissions further recommended that these areas and designated areas be spatially applied in SAPP.

Response:

The suggested spatial enhancements are noted but are outside of the scope of the Code Amendment.

Recommendation:

No changes recommended.

Post Height – New Definition (2.3.8.7)

The amendment proposed to create a new definition in the Code for ‘post height’ to complement the existing definition for ‘wall height’.

Feedback:

The inclusion of a definition for ‘post height’ was well supported. A small number suggested that the measurement point should be taken from natural ground level.

Response:

The policy response to the topic of post/wall height measurement points is discussed above in the section relating to *Building Height, Building Wall Setback and Wall Height – Policy Review (2.3.2.12)*.

Recommendation:

No changes recommended.

Gross Density - Delete (2.3.8.8)

The amendment proposed to delete the definition of ‘gross density’.

Feedback:

Feedback supported this amendment as the term was not used in Code policies anyway. The small number opposed recommended that the definition be retained as a useful point of reference for comparison against net density and for when it is referenced in broader strategy and policy considerations.

Response:

Definitions act as a slave to policy. As the term 'gross density' is not used in Code policy it does not need to be defined and should be removed.

Recommendation:

No changes recommended.

Neighbourhood-type Zone - Amend (2.3.8.9) – New Section

The amendment proposed to include Township Zone, Master Planned Renewal Zone and Business Neighbourhood Zone within the term of Neighbourhood-type Zone. **This is a post consultation amendment.**

Feedback:

There was feedback received on the term Neighbourhood-type zone. 'Neighbourhood type' is repeatedly referenced in the Code and submissions felt that not all plausible zones had been included into this administrative term. Comments include:

- Business Neighbourhood Zone - suggest either adding this zone to the definition or changing the name of the Business Neighbourhood Zone to e.g., Business Zone only
- Include Township Zone to address inconsistency with the *Guide to the Planning and Design Code*

Response:

The Commission considered that the two suggestion zones, being the Township Zone, Master Planned Renewal Zone and the Business Neighbourhood Zone, are reasonable to include these into the term of 'Neighbourhood-type Zone'. In reviewing other zones within the Code, it is reasonable to also include the Master Planned Renewal Zone (nothing, the two other master planned type zones are listed. Given that the DOs and POs of these zones envisage land uses akin to the other listed zones and would benefit from the policy related to Neighbourhood-type Zone also being applied.

Recommendation:

AMEND the term Neighbourhood-Type Zone within Part 8 - Administrative Terms and Definitions to include Business Neighbourhood Zone, Master Planned Renewal Zone and Township Zone

Part 9 – Referrals (2.3.9)

Environment Protection Authority Referrals - Review of Interpretation and Referral Triggers (2.3.9.1)

With respect to Part 9 of the Code (which relates to land use specific referrals) the Code Amendment sought to:

- include an interpretation note for Part 9.1 of the Code to provide greater clarity when referrals under this section area required
- in relation site contamination – land division, remove class 3 activity as needing to be referred as well as reference to the SAPPAs as the source of truth for ground water prohibition areas

Feedback:

The recommendation of the Commission was well supported. The Environment Protection Authority reaffirmed the need to make amendments to Item 9A, Clause 3 of Schedule 9 to the Regulations prior to the proposed changes to Part 9 occurring.

Response:

Changes to the Regulations are noted and will occur to support the amendment.

Recommendation:

No changes recommended.

Part 10 – Significant Trees (2.3.10)

There are no proposed changes to Part 10 of the Code as part of the Code Amendment.

Feedback:

Despite no changes being proposed, a couple of points were raised about regulated and significant trees. Noting that the overlay policy is not appropriately linked, and relevant authorities are unable to assess the impacts of a proposed development on regulated or significant trees unless tree damaging activity is selected as an element.

Response:

The verification and assessment process requires the relevant authority to consider whether a development may result in tree-damaging activity. If so, then tree damaging activity would be an element of the development proposal and will require assessment against the applicable policies for performance assessment. This is to be raised with PlanSA to if any improvements to the DAP system can be made in relation to this matter.

Recommendation:

No changes recommended.

Part 11 – Local Heritage Places (2.3.11)

Listing of State Heritage Places (2.3.11.1)

To improve visibility of State Heritage Place details in the Code and to compliment the State Heritage Places Overlay, this a proposed to include the list of current State Heritage Places in Part 11. Changes to Part 1 – Rules of Interpretation are also proposed to explain that where there is a discrepancy between the Code's list of:

- State Heritage Places and the South Australian Heritage Register, the Register will prevail
- Local Heritage Places and the South Australian Heritage Register, the Code will prevail.

Feedback:

The inclusion of State Heritage Place details into Part 11 of the Code was well supported. There was a suggestion that this could be further refined to include a list of the Representative Buildings.

At times there have been instances where the Code has been incorrect, for a variety of reasons, and that if the Code were to prevail in these instances, this could have an impact on the ability to apply the Local Heritage Overlay policies.

There was also preference for referring to the South Australian Heritage Register (the Heritage Register) in the Code via a link to the Heritage Register.

Response:

The Act governs the listing and removal of Local Heritage Places under the Code. The Code is therefore the source of truth in respect to Local Heritage Place listings. Similarly, the Heritage Register is the source of truth for State Heritage Places being governed by the *Heritage Places Act 1993*. Whilst there are, at times, inconsistencies between the Heritage Register and heritage listings in the Code, it is not possible to step outside the function established by the respective the head powers.

It remains necessary to articulate that where there is a discrepancy between the Code's list of State Heritage Places and the Heritage Register, the Heritage Register will prevail. Conversely, a discrepancy between the Code's Local Heritage Places listing and the South Australian Heritage Register, the Code will prevail.

The suggestion to include a link in the Code to the Heritage Register for the purposes of confirming accurate details in relation to State Heritage Places has merit and is already proposed in respect to the suggested additions to Part 1 of the Code. As a further improvement, a similar link should be added before the proposed list of State Heritage Places in Part 11.

Recommendation:

AMEND the amendment instructions to include a 'hyperlink' to the South Australian Heritage Register (<https://www.environment.sa.gov.au/topics/heritage/sa-heritageregister>) prior to the proposed table of State Heritage Places in Part 11 of the Code.

Part 12 – Concept Plans (2.3.12)

There are no proposed Code changes to Part 12 of the Code as part of the Code Amendment.

Feedback:

No specific feedback received.

Response:

N/A

Recommendation:

No changes recommended.

Part 13 – Table of Amendments (2.3.13)

There are no proposed Code changes to Part 12 of the Code as part of the Code Amendment.

Feedback:

No specific feedback received.

Response:

N/A

Recommendation:

No changes recommended.

6 Summary of recommended changes

Recommended changes to the consultation version of the Code Amendment are detailed within Section 5.3 above. Key changes to the consultation version include:

Rules of Interpretation

- Providing further clarification regarding the nature of recurring spatial maintenance updates, including the spatial layers which may be updated and the circumstances for which such updates would take place be included in Part 1 – Rules of Interpretation.

Public Notification

- Inclusion of a new administrative definition for ‘excluded building’ to support the refinement of the exception clause relating to demolition in public notification tables and ensure that the policy clause does not inadvertently undo the intent to notify applications that involve the demolition of State and/or Local Heritage Places.

Building Height Measurement Point

- Maintaining the current position of the operational Code i.e., that building height is measured from the lower of finished or natural ground level.

Restricted Development

- Reinstate land division as a restricted form of development in the Productive Rural Landscape Zone and Rural Zone where the Limited Land Division Overlay applies.
- Refinements to policy within the Rural Shack Settlement Zone to make clear the limited circumstances in which a land division may be considered appropriate within the zone.

Assessment Pathways: Decks

- Further policy refinements to the proposed policy provisions for decks to address floor height, retention of soft landscaping, and height and nature of privacy screening treatments.

Overlay Relevance: Minor Development Types

- Removal or addition of overlays from the list of exclusions for particular development types where requested by feedback and considered appropriate.
- Reinstating current overlay exclusions for particular developments where located within the Coastal Areas Overlay to minimise the impact of development in sensitive areas.
- Application of relevant policies from certain overlays to a development type where an exclusion has been removed to ensure that the matters addressed by the overlay are taken into consideration.

Definitions: Adult Entertainment Premises and Adult Products and Services Premises

- Inclusion of a Land Use Definition for ‘Adult Entertainment Premises’ and ‘Adult Products and Services Premises’ to ensure that where an existing approval exists for a Licensed Premises or shop, the use of such premises for adult entertainment or the sale of adult products will trigger a change of use.

Attachments

- 1 Evaluation Results
- 2 Copy of Submissions Received

Attachment 1 - Evaluation Results

Results of the survey of the engagement

Evaluation statement	Strongly disagree	Somewhat Disagree	Neither agree nor disagree	Somewhat Agree	Strongly agree	Number of responses
I feel that my input was genuinely sought to help determine if the proposed Code Amendment was suitable for adoption, or if changes should be made	2.38%	7.14%	22.81%	38.10%	28.57%	42
I was given adequate opportunity to be heard and to provide feedback on the Code Amendment	0.00%	7.14%	23.81%	45.24%	23.81%	42
I was given sufficient information to provide informed feedback on the Code Amendment	2.38%	16.67%	4.76%	45.24%	30.95%	42
I was informed about why I was being asked for my feedback on the Code Amendment, and how my feedback would be used.	0.00%	11.90%	11.90%	52.38%	23.81%	42

Results and evaluation of designated entity's engagement

The engagement was evaluated by the PLUS Communication and Engagement team

	Evaluation statement	Response options (<i>Select answer</i>)
1	Engagement occurred early enough for feedback to genuinely influence the planning policy, strategy or scheme (Principle 1)	<ul style="list-style-type: none"> ▪ Engaged when there was opportunity for input into scoping <p><i>Early engagement occurred with local council and industry stakeholders prior to consultation and prior the first draft of the Code Amendment.</i></p> <p><i>The consultation period ran for 8 weeks seeking feedback on the proposed changes in the Code Amendment.</i></p>
2	Engagement contributed to the substance of the Code Amendment (Principle 1)	<ul style="list-style-type: none"> ▪ In a significant way <p><i>The changes proposed in the Code Amendment were based on feedback received from key council and industry stakeholders during the first year of the Code's operation.</i></p>
3	The engagement reached those identified as the community of interest (Principle 2)	<ul style="list-style-type: none"> ▪ Representatives from most community groups participated in the engagement <p><i>The key community of interest for the Code Amendment were planning industry and council practitioners and leaders. This community participated and were represented in the engagement process.</i></p>
4	Engagement included the provision of feedback to community about outcomes of their participation	<ul style="list-style-type: none"> ▪ Formally (report or public forum) <p><i>This engagement report, along with the finalised Code Amendment (if approved), will be emailed to all those who participated in the engagement process.</i></p>
5	Engagement was reviewed throughout the process and improvements put in place, or recommended for future engagement (Principle 5)	<ul style="list-style-type: none"> ▪ Reviewed and recommendations noted <p><i>This engagement process has been reviewed and recommendations have been noted for future engagement on technical code amendments.</i></p>

Attachment 2 – Copy of Submissions Received

From: [Lewig, Jessica](#)
To: [DTI:PlanSA Submissions](#)
Subject: Submission - Miscellaneous Technical Enhancement Code Amendment - City of Tea Tree Gully
Date: Wednesday, 14 September 2022 3:12:59 PM
Attachments: [Miscellaneous Technical Enhancement Code Amendment - CTTG Submission.pdf](#)

Dear Code Amendment Team

Please find attached a submission on the Miscellaneous Technical Enhancement Code Amendment on behalf of the City of Tea Tree Gully Council.

If you have any questions relating to the submission, please do not hesitate to contact me on the details below.

Kind regards

Jessica Lewig | Strategic Urban Planner
City of Tea Tree Gully
Civic Centre, 571 Montague Road,, Modbury

PO Box 571,
www.teatreegully.sa.gov.au



Think green - read on the screen

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Mr Craig Holden
Chair
State Planning Commission
GPO Box 1815
Adelaide SA 5001

14 September 2022
Our ref: D22/169608

Via email: plansasubmissions@sa.gov.au

Dear Mr Holden

Miscellaneous and Technical Enhancement Code Amendment – City of Tea Tree Gully Submission

Thank you for the opportunity to provide feedback on the Miscellaneous and Technical Enhancement Code Amendment released for public consultation from 25 July 2022 to 23 September 2022.

At its meeting on 13 September 2022, Council considered the proposed Code Amendment and its effects on the City of Tea Tree Gully. At that meeting Council endorsed the attached submission which outlines concerns identified with the Code Amendment, as well as potential scope for further amendment, which is submitted for your consideration.

It is noted that the proposed amendments to the Planning and Design Code are largely welcomed, and are anticipated to improve the day-to-day operation of the Code. In particular, the following are considered to address concerns which have been previously raised by Council staff:

- Improvement to linkages and classification tables
- Changes to public notification requirements for minor structures
- Updated Rules of Interpretation
- Improved assessment pathways for minor development
- Clarification regarding referral triggers by Overlays
- Improved assessment pathways for minor development affected by state-significant Overlays
- New policy for assessment of decks and building alterations/additions.

Council commends the State Planning Commission for its inaugural review of the Planning and Design Code, acknowledging the large body of work which has been undertaken to date. Further, the commitment to continuously review and improve the technical operation of the Code is welcomed.

Should you have any questions regarding the content of Council's submission, please do not hesitate to contact Jessica Lewig, Strategic Urban Planner, on [redacted] or via email [redacted]

Yours sincerely

A handwritten signature in black ink, appearing to read "Ryan McMahon", with a stylized flourish at the end.

Ryan McMahon
Chief Executive Officer

CTTG Miscellaneous and Technical Enhancements Code Amendment - Submission

Ref#	Relevant Zone / Overlay / General Policy / development type	Issue
1	Desired Character Statements	The removal of Desired Character Statements from planning policy is one of the biggest losses in the transition to the Code. These statements helped to define the historic and current character of an area, provided key guidance for future development and assisted councils in the development assessment process. The former Development Plan also provided greater specificity and a more relevant strategic framework to support both the existing and future development of these areas, which stemmed from extensive community consultation and council investment over many years
2	Representative Buildings	Representative Buildings should be identified in the Code. It is noted that the Code Amendment seeks to change the layer on SAPPA (South Australian Planning and Property Atlas) which identifies a property is a Representative Building is through a layer in SAPPA. Confirmation that the Line of Enquiry tool in the Online Code will identify whether a property is a Representative Buildings.
3	Design quality and environmental performance (general)	The policies contained within 'Design in Urban Areas' General Development module in relation to design, landscaping, water sensitive design and environmental performance, should apply to all dwellings to provide a higher level of amenity and environmental protection for future residents. Within the deemed to satisfy assessment pathways, these policies only apply to a limited number of dwelling types. Additionally, Interface Between Land Uses policies should be included for Deemed to Satisfy applications. Currently these policies are only called up in a Performance Assessment.
4	Swimming Pools and associated safety features	Welcome the accepted pathway. Recommend clarification that 'safety features' includes pool fencing.
5	Ancillary Accommodation	Assessment provisions have not been provided for: additional car parking, privacy, levels, stormwater, one per site, and Private Open Space has been reduced. Additionally, there are concerns that the updated definition of 'Ancillary accommodation' does not clearly define the meaning of 'self-contained residence'.

6	Significant/Regulated tree overlay	Regulated and Significant Trees Overlay policy not appropriately linked. Unable to assess the impact of a proposed development on Regulated or Significant trees unless 'Tree Damaging Activity' is selected as an element of development.
7	Carports	Often do not trigger driveway provisions of the Code. Policy relating to the location of carports in front of doorways to dwellings is not linked appropriately.
8	Battleaxe development in the HDN Zone	Performance Outcome (PO) 31.4 and Deemed-to-Satisfy/Designated Performance Feature (DTS/DPF) 31.4 have contradictory wording PO 31.4 - Battleaxe development is appropriately sited and designed to respond to the existing neighbourhood context. DTS/DPF 31.4 - Dwelling sites/allotments are not in the form of a battleaxe arrangement.
9	Overlooking from benched levels	The Code is lacking policy addressing privacy from ground level dwellings, which are raised above natural ground level or sit substantially higher than a neighbour's yard. Whilst amendments are proposed to the definition of 'direct overlooking' there are still concerns as these provisions do not address overlooking from benched levels
10	Definitions – Semi-detached dwellings	The Code lacks the need to demonstrate the buildings are connected (like party walls on plan of division, etc.). Hard to define a dwelling as semi-detached without title information.
11	Urban Activity Centre Zone	A verandah has no assessment pathway within the zone. Whilst changes to linkages are proposed in neighbourhood-type zones, there remains a lack of policy for ancillary structures within this Zone.
12	Heat loading / energy efficiency policies	Recommend additional policy(ies) regarding head loading, particularly light-coloured roofs and materials, including for South Australian Housing Authority/community housing developments.
13	Urban Tree Canopy and Stormwater Management Overlay	Urban Tree Canopy and Stormwater Management Overlays don't apply to mixed use zones or commercial zones, and don't apply to commercial developments. Recommend amendments to where and when these overlays apply and/or improve sustainability policies which apply to mixed use zones and commercial developments.
14	Site coverage	Recommend amending the site coverage policies so that a dwelling proposed without covered outdoor area has a reduced site coverage policy to allow for any future covered outdoor area to go up to the standard site coverage policy.

15	Domestic storage	The Code should include domestic storage provisions (such as minimum cubic metres) for dwellings on small sites (potentially <300sqm).
16	Internal dimensions of garages	Design in Urban Areas DTS/DFP 23.1 - The internal dimensions of garages should be both longer and wider than the Australian Standards, to ensure the garage can accommodate popular makes and models of vehicle, the opening of internal doors and some storage space in the event no other dedicated storage areas are required.
17	Hazards (Flooding – Evidence Required) Overlay	DTS/DPF 1.1 - 300mm above top of kerb. Promotes poor outcomes on the low side of the street in areas where they may not actually be flood risk (evidence required). It also unnecessarily knocks a lot of minor development being deemed-to-satisfy, and therefore has to be performance-assessed. It is noted that the Commission is undertaking a State-wide Hazards (Flooding) Code Amendment.
18	Building height – changes to definitions	Concerns that the proposed building height measurement from top of footings (rather than from natural ground level) may result in increased footing sizes which may have detrimental impacts on neighbouring properties.
19	Building alterations/additions assessment pathways	Provide a Deemed-to-Satisfy pathway for roofing change from Colourbond to tiled and vice versa, noting that a Building Rules Assessment will be required.
20	Primary setback definition changes	Concerns that the proposed change will allow protrusions (even major protrusions) to not be considered as the building line. This may result in porches/porticos/verandahs protruding considerably further forward than the current 1.5m restriction. Recommendation that a minimum front setback may be necessary in the instances where an existing secondary frontage can be considered to contribute to the minimum front setback requirement.
21	Definition of ‘direct overlooking’	Recommend that the definition include reference to ‘upper level windows’ in line with existing policy Concerns they overlooking from a deck is only captured by the associated Performance Outcome *i.e. under a Performance Assessment). This should be referenced in the DTS/DPF criteria as well to ensure Deemed to Satisfy development addresses overlooking from decks.

From: [Michael Kobas](#)
To: [DTI:PlanSA Submissions](#)
Cc: [Steve Hooper](#)
Subject: Submission – Miscellaneous Technical Enhancement Code Amendment
Date: Tuesday, 20 September 2022 12:25:23 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.jpg](#)
[MTE Code Amendment - submission .pdf](#)

To whom it may concern,

On behalf of the City of Port Adelaide Enfield, please find attached a submission on the *Miscellaneous Technical Enhancement Code Amendment*.

Regards,

Michael Kobas

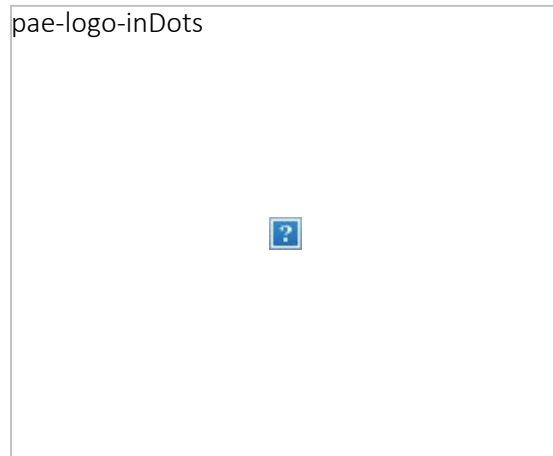
Urban Planner

163 St Vincent Street Port Adelaide SA 5015

PO Box 110 Port Adelaide SA 5015

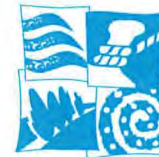
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www.cityofpae.sa.gov.au



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CITY OF
Port Adelaide Enfield

20 September 2022

State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

Sent via email plansasubmissions@sa.gov.au

Dear State Planning Commission

Submission – Miscellaneous Technical Enhancement Code Amendment

I refer to the above Code Amendment that has been released for consultation. The City of Port Adelaide Enfield has reviewed the amendment and provides its technical comments in the enclosed submission. In addition, the submission includes further policy suggestions for the Planning and Design Code.

As a general comment, Council appreciates the Commission's intent for ongoing review and improvement of the Planning and Design Code, to ensure it remains up-to-date and easier to interpret. As evidence of this, the document's numerous references to pre-consultation feedback and workshops with planning practitioners is acknowledged.

Council supports many of the policy and procedural adjustments that are proposed by the amendment. As one example, new discretionary powers for Councils (regarding notification of minor developments) are appreciated as a practical improvement to the planning system.

However, as noted in its past submissions on the Code, its past correspondence to the Commission, and its discussions with departmental staff, Council reiterates its concern with the Code Amendment's treatment of the *Significant Interface Management Overlay*. It is acknowledged that the overlay applies to several Councils across the state, and there may be practical reasons for a single policy approach (from a state perspective). From a local perspective, the amendment's proposal (a slight wording change) is considered to be an insufficient policy response to the issues previously raised by Council. Further detail on this is given in the attachment.

Thank you for the invitation to make a submission. If you require further information or would like to discuss this matter, please contact Michael Kobas, Urban Planner on telephone or email

Yours sincerely

Steve Hooper
Manager Development Services

Enc: Technical Submission – Miscellaneous Technical Enhancement Code Amendment

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Technical Submission – Miscellaneous Technical Enhancement Code Amendment

Section	Policy issue	Proposed Policy and Comment	Suggested amendment
2.3.2.9.9	Significant Interface Management Overlay	<p>The proposed inclusion of additional wording (relating to land division) is not opposed <i>per se</i>, but it does not address the broader issues raised by Council regarding (1) the Lefevre Peninsula’s industrial hazard risk, (2) the practicality of the Overlay’s wording, and (3) the way it has been treated by applicants.</p> <p>Port Adelaide Enfield’s experience with the Overlay was recently demonstrated in its August 2022 Council Assessment Panel meeting, whereby:</p> <ul style="list-style-type: none"> • An application was lodged for a residential land division in Osborne (to divide 1 allotment into 3) • The proposal was deemed to be not seriously at variance with the Code • The Overlay policy sought, among other things, that <i>“Intensification of sensitive uses and / or sensitive receivers is not undertaken to avoid increasing resident... exposure to potential adverse hazards or emissions unless... it can be demonstrated that the site of the proposed development is not unreasonably impacted by the hazard... from a relevant source...”</i> • The applicant commissioned a consultant report in support of the land division • In Council’s assessment of the consultant’s report, <i>“the [consultant’s] study concluded that considerable time would be required to conduct a proper interrogation of publicly available data and therefore the author concluded that Council should accept the assumption that local, state and federal government would have acted if there were actually hazards in the locality and that in fact there must not be any unreasonable hazards, as Council permits existing residential and community land uses to continue.”</i> • The application was refused, as it <i>“does not satisfactorily address the Significant Interface Management Overlay, Desired Outcome 1 and Performance Outcome 1.1 in that it has been not sufficiently demonstrated that the hazards from nearby industrial</i> 	<ul style="list-style-type: none"> • Make land division within the overlay (creating additional allotments in Port Adelaide Enfield) a Restricted Development • Work with state agencies to conduct a hazard risk study for the Lefevre Peninsula • Pursue a separate Code Amendment to review the Significant Interface Management overlay’s boundaries and policy framework

Section	Policy issue	Proposed Policy and Comment	Suggested amendment
		<p><i>land uses have ceased or been reduced to a level to no longer unreasonably impact the subject site."</i></p> <p>Empirically, it appears that the technical data required for a satisfactory hazard risk assessment is not readily available to applicants or their consultants. If this lack of availability does not change, applicants will be unable to meet the Overlay's policy requirements, and Council may be compelled to refuse future land division applications that seek to create additional allotments.</p> <p>While the intent of the overlay is noted, the practical difficulty of the policy wording (in its current form) is difficult to resolve. In this context, Council reiterates the need for a hazard risk study to be undertaken for the Lefevre Peninsula. In its 2013 report, Recommendation 5 of the <i>Parliamentary Select Committee: Land Uses on Lefevre Peninsula</i> was that <i>"...relevant state agencies conduct a hazard risk study of the Port Adelaide Enfield Council's Restricted Residential Policy Area 14 [now the Significant Interface Management overlay]"</i>.</p> <p>If a study were conducted, its outcomes could properly inform any changes to the overlay's policies and boundaries. This would allow future land division applicants to 'know where they stand' in terms of hazard risk.</p> <p>According to its 2016 response tabled in Parliament, the State Government of the day declined to pursue such a hazard study, and noted, among other things, the pending introduction of the <i>Planning, Development and Infrastructure Act</i>, and the anticipated establishment of the Planning and Design Code.</p> <p>Now in 2022, the Act and the Code are established, but in Council's view, they are yet to address the broader planning issue of industrial hazard risk and assessment.</p>	

Section	Policy issue	Proposed Policy and Comment	Suggested amendment
		<p>Returning to the Code Amendment, page 29 outlined some principles to help the Commission determine when a given development should be classed as Restricted. Principle 2 suggests an opportunity may exist for an application that:</p> <p><i>“Requires detailed investigations and assessment beyond that provided through a performance assessed pathway, and may require consideration of other documents outside of the Code.”</i></p> <p>On the face of it, land divisions (when required to make a hazard risk assessment) would seem consistent with this principle. In addition, it is noted that the Code Amendment seeks special industry to become a Restricted Development in certain zones. While not all industries on the Lefevre Peninsula (at risk of generating hazards) would meet the legal definition of a special industry, their offsite impacts (in the event of a hazard) may have greater consequences than a special industry.</p>	
2.3.3.4	Hazards (Flooding) overlay	<p>It is proposed to change some policy linkages for the Hazards (Flooding) Overlay, to ensure better flood management (and consistent treatment) for various ancillary residential development types. This change has not been applied to garages, however.</p> <p>Under the former planning system, Council dealt with applications where the finished floor level of a garage (forming part of the main dwelling structure) was noticeably lower than the finished floor level of the dwelling. In these cases, some developers argued that since the garage was not ‘habitable’, a lower finished floor level was acceptable. However, in the event of flooding (and flooded garages), residents will almost certainly raise complaints with Council (instead of the developer) and expect Council to resolve it. As a physical solution (years after construction) could be impractical, this suggests that the policy guidance for finished floor levels (of garages) should be more direct.</p>	<p>Amend DTS/DPF 3.5(e) to read:</p> <p><i>“Buildings comprise one of the following...a building (including any garage) with a finished floor level that is at least 300mm above the height of a 1% AEP flood event”</i></p>
2.3.3.4	Hazards (Flooding) overlay	<p>Regarding DTS/DPF 3.5(d), the expression of <i>“Buildings comprise one of the following...any post construction with open sides”</i> is not entirely clear.</p>	<p>Reword the policy to express its intent more clearly</p>

Section	Policy issue	Proposed Policy and Comment	Suggested amendment
		This wording could be read as referring to a post (i.e. a pole), although posts <i>per se</i> might not be relevant to flooding. Alternatively, it could be read as referring to a point in time (i.e. post-construction).	
2.3.3.4	Hazards (Flooding) overlay	<p>It is noted that the overlay lacks the following reference (which appears in the Hazards (Flooding – General) overlay):</p> <p><i>“Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished ground and floor level not less than... [relevant TNV cited] ... In instances where no finished floor level value is specified, a building incorporates a finished floor level at least 300mm above the height of a 1% AEP flood event.”</i></p> <p>The last sentence (referring to 300mm above a 1% AEP flood event) is considered appropriate to add to this overlay as well.</p>	Include a DTS/DPF requirement to the Hazards (Flooding) Overlay, of 300mm above a 1% AEP flood level event (for land that does not have a floor level TNV)
2.3.3.4	Hazards (Flooding) overlay	Existing DTS/DPF 2.1 could benefit from a wording change that makes specific reference to garaging or storage.	Reword DTS/DPF 2.1 to: <i>“Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping, storage, or garages incorporate a finished ground and floor level not less than...”</i>
2.3.3.7	Major Urban Transport Routes overlay	The inclusion of a diagram (guiding the location of access points for sites with 1-6 dwelling units) is supported. However, the removal of the existing policy reference to a 6-metre tangent point distance is not supported. If the policy wording is silent on a distance, applicants may argue that a smaller distance is acceptable.	For proposed DTS/DPF 4.1(a), retain the reference to <i>“...a minimum of 6.0m from the tangent point...”</i>
2.3.4.5	Design overlay	It is suggested that the accompanying DTS/DPF 19.3 is amended to set the driveway measurement point from the boundary of the site, rather than the kerb. In Council’s experience, a measurement point from the kerb has required additional driveway flaring (to ensure there is sufficient space for vehicle manoeuvring). It is understood that the current PLUS/DIT project on crossovers is also considering this broader issue.	Amend DTS/DPF 19.3 to read <i>“Driveways and access points on sites with a frontage to a public road of 10m or less have a width between 3.0 and 3.2 metres measured at the kerb</i>

Section	Policy issue	Proposed Policy and Comment	Suggested amendment
			<i>and are the only access point provided on the site."</i>
2.3.4.7	Driveway and crossover gradients	It is noted that the gradients in clause (a) may conflict with the gradients specified in Australian Standard 2890.1:2004. It is also noted that Australian Standard 2890.2 stipulates additional requirements for commercial vehicles, but it is unclear if the policy provides dedicated guidance for such vehicles.	Amend DTS/DPF 23.5(a) to read <i>"The gradient of the driveway does not exceed a maximum grade of 1 in 4 and includes transitions to ensure a maximum grade change of 12.5% (1 in 8) for summit changes, and 15% (1 in 6.7) for sag changes, in accordance with AS 2890.1:2004 to prevent vehicles bottoming or scraping"</i>
2.3.4.8	Heavy vehicle parking – definition	<p>The introduction of a definition for heavy vehicle parking is supported in principle. As noted in the Code Amendment, the planning issues with heavy vehicles include manoeuvrability, parking, offsite nuisance, and the like. On this basis, the weight of the vehicle <i>per se</i> is not the apparent issue, although it serves as a clear definition.</p> <p>A related question is whether vehicular dimensions could serve as a better definition. Put another way, it is unclear if the definition should also refer to small/medium/heavy rigid vehicles and articulated vehicles. If adopted, these terms would also ensure a tighter connection with Australian Standard 2890.2, which never refers to vehicle weights.</p>	Consider whether the larger vehicle types listed in Australian Standard 2890.2 (e.g. SRV and HRV) should also be mentioned in the definition
2.3.4.10	Land division and peak flows	As written, the policy assumes that the pre-development peak discharge rates for a given location are adequately managed by its local stormwater network. This assumption may be reasonable in more recent developments/estates (which have often assumed a higher percentage of impervious land in their modelling), but older developments (of 20 years or more) have often assumed a lower percentage of impervious land, given their historically lower densities. With some older areas now undergoing infill development, the amount of impervious land is increasing, and may exceed the capacity of the local stormwater network.	Amend PO 10.1 to read <i>"Land division creating 20 or more non-residential allotments includes a stormwater management system designed to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure that the development does</i>

Section	Policy issue	Proposed Policy and Comment	Suggested amendment
		<p>This scenario could then be compounded by the local network being unable to accommodate the stormwater flows generated by the upstream developments.</p> <p>As a result, the Code may need to be more proactive in encouraging upstream developments to help prevent downstream flooding risk – as opposed to merely not increasing pre-development peak flow rates of the (upstream) network in question.</p>	<p><i>not impact downstream stormwater systems”</i></p>
2.3.4.12	Transport, Access and Parking	<p>The introduction of additional policy for corner cut-offs is supported. However, it is not entirely clear if the intent of the new PO 10.1 is to prevent development altogether (within the corner cut-off), or merely to regulate it. If it is the former, consideration should be given to transferring this PO to the Land Division General Development Policy, which in effect could help facilitate the transfer of such land to Council at the land division stage (enabling tighter control at the post-development stage).</p>	<ul style="list-style-type: none"> Consider whether PO 10.1 should be added to the Land Division General Development Policy
2.3.8	Direct overlooking	<p>The insertion of a definition/diagrams for ‘direct overlooking’ is supported in principle. However:</p> <ul style="list-style-type: none"> It is unclear why a distance of 15 metres was chosen. Overlooking complaints made to Councils can exceed this distance. It is unclear why an angle of 45 degrees (from windows) was chosen. Overlooking would still appear possible from a wider angle, especially from wide windows. From a neighbour’s perspective, it may appear that the Council only ‘cares’ about overlooking within an arbitrary angle. The diagrams for balcony overlooking imply a narrower overlooking angle than the policy’s wording (which seems to apply to any angle). There is a possibility that applicants will argue the diagram’s (more specific) angles trump the (more open) wording. Ideally the diagram and wording would not have such a discrepancy. 	<ul style="list-style-type: none"> Consider a deeper overlooking distance than 15 metres Increase the diagram’s 45-degree angle (in the absence of explicit justification) For balconies, consider a tighter consistency between the diagram’s angles and the policy’s wording

Section	Policy issue	Proposed Policy and Comment	Suggested amendment
2.3.8	Wall height	<p>The adjustment to the definition of ‘wall height’ is noted. However:</p> <ul style="list-style-type: none"> • It is not entirely clear if the definition applies to walls with windows, or walls with gable ends or parapets. • The top of footings (the suggested starting point for measurement) may not be at or near ground level in all cases • It is not entirely clear how such measurements would be applied to exposed slabs on sloping sites. <p>In some cases, a wall of up to 3 metres will meet the provisions of the Code, but the continuous vertical element may be higher (when incorporating exposed slabs, retaining walls, and the like). It is unclear if the Code Amendment has catered for this scenario.</p>	<ol style="list-style-type: none"> 1. Confirm if the definition provides clear guidance for the following scenarios: <ul style="list-style-type: none"> • Walls with windows • Walls with gable ends or parapets • Footings that may not be at ground level • Exposed slabs on sloping sites 2. Consider an amended definition, being the distance directly between the existing or proposed finished surface level (whichever is lowest) to the highest relative point, including all continuous vertical elements (such as footings and gable ends).
N/A	Terminology	<p>It is noted that the Code Amendment (and Part 7 of the Code) makes no reference to the term ‘multiple dwelling’. As Council still receives applications for multiple dwellings on occasion, there is considered to be value in reinstating the term, noting that it existed in the <i>Development Regulations 2008</i>.</p>	<p>Add a definition for ‘multiple dwelling’ to Part 7 of the Code</p>
N/A	Part 5 – Coastal areas	<p>Part 5 of the Code lists <i>Specified Matters and Areas Identified Under the Planning, Development and Infrastructure (General) Regulations 2017</i>.</p> <p>Table 1 includes a row that for the excavation/filling of land in the Coastal Areas Overlay (per Schedule 3, Clause 3(1) of the Regulations). Unlike other clauses in Schedule 3, clause 3 has no volume threshold. This implies that excavation/filling of any volume is development (apart from the exceptions listed in the subclauses). It is unclear if the clause’s silence (on thresholds) was intentional.</p>	<p>Confirm if this clause should include an explicit volume trigger for excavation/filling in the Coastal Areas overlay. (This may require a Regulation change.)</p>

From: [Peter Jansen](#)
To: [DTI:PlanSA Submissions](#)
Cc: [Michelle Whibley](#); [MEnglish](#); [Leandro Lopez Digon](#); [Sally Jenkin](#)
Subject: City of Salisbury - MTE Code Amendment Submission
Date: Wednesday, 21 September 2022 11:30:26 AM
Attachments: [image539ce0.JPG](#)
[2022Sep15_MiscellaneousTechnicalCodeAmendment-SubmissionbyCityofSalisbury.pdf](#)

To whom it may concern,

Please find attached the City of Salisbury submission.

Note that this is an Administration submission as endorsement isn't available until after the closing period.

Please also note that the Council Caretaker period has restricted Council consideration of this matter, and has potentially fettered responses from Councils.

It is possible that the City of Salisbury Council will have amendments to the Administrative submission , and if so, will be provided after the meeting.

It is expected that receipt of these later comments will still occur and be taken into account.

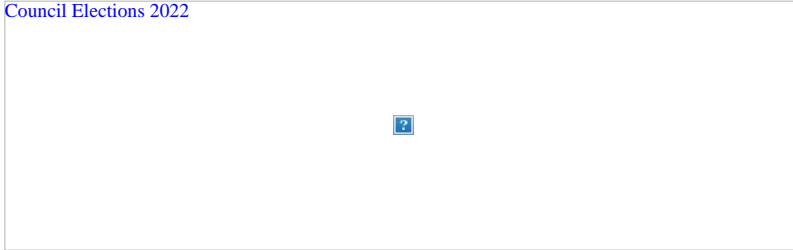
Thank you

Peter Jansen
Senior Policy Planner
Economic Development & Urban Policy

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[Council Elections 2022](#)



The City of Salisbury acknowledges that we are on the traditional Country of the Kaurna people of the Adelaide Plains and pays respect to Elders past and present We recognise and respect their cultural heritage, beliefs and relationship with the land We acknowledge that they are of continuing importance to the Kaurna people living today

The City of Salisbury advises that, in order to comply with its obligations under the State Records Act 1997 and the Freedom of Information Act 1991, email messages may be monitored and/or accessed by Council staff and (in limited circumstances) third parties The contents of this email are confidential and may be subject to copyright This email is intended only for the addressee(s) If you have received this email in error please immediately advise the sender by return email and delete the message from your system Use, disclosure or reproduction of this email by anyone other than the intended recipient(s) is strictly prohibited No representation is made that the email is free of viruses or other defects Virus scanning is recommended and is the responsibility of the recipient All references to 'email' include references to attachments to the email



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15 September 2022

Code Amendment Team
Planning and Land Use Services
Department for Trade and Investment
GPO Box 1815
ADELAIDE SA 5001

Dear Sirs

Re: Miscellaneous Technical Enhancement Code Amendment - Submission by City of Salisbury

Thank you for the opportunity to make comments on the Code Amendment.

I can advise that the City of Salisbury supports the detailed policy changes identified in the Code Amendment, noting the extent of changes to matters such as public notification exclusions and errors, the building height policy guidance and terminology, removal of minor development that is not intended to be affected by Overlays, changes to the portal inquiry system, the Affordable Housing Overlay referral trigger change, the update to the Major Urban Transport Routes Overlay to reflect the Austroads Guide to Road Design, the additional policy of assessment of decks and screening, the inclusion of Heavy Vehicle Parking policy and definition, and the changes to the Land Use Definitions and Administrative Terms.

Due to the specific nature of the items identified in the Code Amendment, Council will be making a separate submission on matters of interest to the *Expert Panel Implementation Review of the Planning, Development and Infrastructure Act and Planning and Design Code*.

The City of Salisbury supports the continued review of the Planning and Design Code in order to improve development assessment policy, and wishes you well in this endeavour.

I advise that this submission has been made by the Administration, as Council endorsement does not occur until after the submission due date. Should any changes be required as a result of Council consideration, an updated submission will be provided.

Should you consider a need to discuss the matter, please contact Peter Jansen on

Yours faithfully

Michelle English
General Manager City Development
D:
E:

34 Church St, Salisbury, South Australia, 5108
P: 08 8406 8222
W: www.salisbury.sa.gov.au

From: [PlanSA Submissions](#)
To: [DT1:PlanSA Submissions](#)
Subject: Public Consultation submission for Miscellaneous Technical Enhancement Code Amendment
Date: Wednesday, 21 September 2022 4:20:24 PM
Attachments: [Attachment A - Amendment Instructions - CoM comments - Edited2.docx](#)

PlanSA,

Submission Details

Amendment: Miscellaneous Technical Enhancement Code Amendment

Customer type: Council

Given name: City of Marion

Family name: City of Marion

Organisation: City of Marion

Email address:

Phone number:

My overall view is: I am impartial about the Code Amendment

Comments: Council has a number of comments/queries in regards to the Code Amendment. Attached is a marked up version of 'Attachment A - Amendment Instructions', containing Council's comments alongside the relevant criteria the subject of change within the Amendment. The document has been edited so that only the criteria being commented on is included. The document is in word version and should be opened in 'Track Changes - Simple Markup' so that Council comments can be easily read. Some comments may require to be opened further by pressing on a little arrow on the bottom right hand side, to provide additional detail.

Attachment 1: Attachment_A_-_Amendment_Instructions_-_CoM_comments_-_Edited2.docx, type application/vnd.openxmlformats-officedocument.wordprocessingml.document, 1.8 MB

Attachment 2: No file uploaded

Attachment 3: No file uploaded

Attachment 4: No file uploaded

Attachment 5: No file uploaded

Sent to proponent email: plansasubmissions@sa.gov.au

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ATTACHMENT A – PROPOSED CODE POLICY – AMENDMENT INSTRUCTIONS

Note:

Changes proposed by the Code Amendment are outlined as follows:

- Proposed Code changes are in *italics*
- Deletion shown by red text with strikethrough e.g. ~~remove text~~
- Amendments to sections shown by green text with underline e.g. add text.

2.3.2.7 Urban Corridor Zones – Primary Road Corridor – Policy Review

Within the Urban Corridor (Boulevard) Zone, Urban Corridor (Business) Zone, Urban Corridor (Main Street) Zone, and Urban Corridor (Living) Zone, replace reference to:

“primary road”, “primary road corridor”, “primary road / public transport corridor” with

“primary road corridor (i.e. a State maintained road)”

2.3.2.8 Urban Corridor Zones – Side Boundary Setback – Policy Review

Within the Urban Corridor (Living) Zone PO 2.4, Urban Corridor (Business) Zone PO 2.6 and Urban Corridor (Boulevard) Zone PO 2.6 replace the following words:

Buildings set back from side boundaries (other than street and zone boundaries) to provide separation between buildings in a way that complements the established character of the locality and enables access to natural sunlight and ventilation for neighbouring buildings.

With

Buildings are:

- (a) sited on side boundaries for parts of the building located towards the front part of the allotment to achieve a continuity of street façade to the street*
- (b) setback from side boundaries for parts of the building located behind the street facing elements, to enable building separation to provide access to natural ventilation and sunlight.*

2.3.2.9 Restricted Development Classification – Table 4

Within the Limited Dwelling Overlay, amend PO 1.1 with the following:

<i>PO 1.1 Development does not result in the establishment of <u>a new dwelling</u> an additional dwelling.</i>	<i>DTS/DPF 1.1 A new dwelling replaces an existing dwelling within the same allotment.</i>
--	--

Within the Hills Face Zone, amend PO 3.1 and DTS/DPF 3.1 with the following:

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<p>PO 3.1 Excavation and/or filling of land outside townships and urban areas is:</p> <ul style="list-style-type: none"> a) kept to a minimum so as to preserve the natural form of the land and native vegetation b) only undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment. c) <u>directly required for the portion of a building that is fully underground, an underground dwelling, pool, underground tank, cellar, pipeline or waste disposal and treatment system.</u> 	<p>DTS/DPF 3.1 The depth of earthworks does not exceed:</p> <ul style="list-style-type: none"> a) in the case of excavation, 2m <u>below natural ground level.</u> b) in the case of filling of land, 1m <u>above natural ground level.</u>
--	---

<p><i>Filling</i></p>	<p><i>Any of the following:</i></p> <ul style="list-style-type: none"> a) filling where the height of fill is less than 1m above natural ground level b) filling that is directly required for an underground dwelling, underground tank, or cellar.
<p>Horticulture involving olive growing</p>	
<p>Special Industry Industry</p>	<p>Light Industry</p>
<p>Intensive animal husbandry</p>	
<p>Land division</p>	<p><u>land division that is a boundary realignment</u></p>
<p>Landfill</p>	
<p>Prescribed mining operations</p>	

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Renewable energy facility	<p>Solar photovoltaic panels (roof mounted)</p> <p><u>Any of the following:</u></p> <p>(a) <u>solar photovoltaic panels (roof or ground mounted).</u></p> <p>(b) <u>Battery Storage Facility</u></p> <p><u>For Domestic use (i.e. principally used to supply and/or store electricity to the existing use of land)</u></p>
Residential flat building	
Telecommunications facility	
Transport depot	
Waste reception, storage, treatment or disposal	
Wrecking yard	

2.3.2.10 Notification Tables

Within every list zone below, amend Table 5 – Procedural Matters (PM) Notification as described below:

Affected Zone	Amendment
All Zones	<p>In Part 2 – Zones and Subzones – in relation to ‘Table 5 – Procedural Matters (PM) – Notification’ insert the following text immediately after the last paragraph of the ‘Interpretation’ section:</p> <p><u>‘A relevant authority may determine that a variation to 1 or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.’</u></p>

2.3.2.11 Building Height – TNV and context – Policy refinement

Within the Urban Neighbourhood Zone, amend PO 2.2 as follows:

Building height is consistent with the form expressed in the Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer; ~~and otherwise or~~ positively responds to the local context including the site's frontage, depth, and adjacent primary street width.

Within the Urban Corridor (Boulevard) Zone PO 3.1, Urban Corridor (Business) Zone PO 3.1, Urban Corridor (Living) Zone PO 3.1 and Urban Corridor (Main Street) Zone PO 3.1, amend as follows:

Building height is consistent with the form expressed in the Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer ~~and otherwise or~~ positively responds to the local context including the site's frontage, depth, and adjacent primary corridor or street width.

Within the Housing Diversity Neighbourhood Zone, amend PO 3.1 as follows:

Building height is consistent with the form expressed in any relevant Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer and is otherwise or is generally low rise, or complements the height of nearby buildings.

2.3.2.12 Building Height, Building Wall Setback and Wall Height – Policy Review

Part 8 – Administrative Terms and Definitions

Within Part 8 – Administrative Terms and Definitions, amend 'Building height' in (Column A) by replacing the definition (in Column B) with the following:

Means the maximum vertical distance between the lower of the natural or finished ground level or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) at any point of any part of a building and the finished roof height at its highest point, ignoring any antenna, aerial, chimney, flagpole or the like. For the purposes of this definition, building does not include any of the following:

(a) flues connected to a sewerage system

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- (b) telecommunications facility tower or monopole
- (c) electricity pole or tower (d) or any similar structure

Within Part 8 – Administrative Terms and Definitions, amend ‘Wall height’ in (Column A) by replacing the definition (in Column B) with the following:

Means the height of the wall measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) ~~but excluding~~ noting that the height measurement does not include any part of the wall that is concealed behind an eave or similar roof structure and not visible external to the land

Within Part 8 – Administrative Terms and Definitions, amend by inserting (in alphabetical order) the following new term and definition for ‘Post height’:

Term (Column A)	Definition (Column B)	Illustrations Column C
<u>Post height</u>	<i><u>Means the height of the post measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) noting that the height measurement does not include any part of the post that is concealed behind an eave or similar roof structure and not visible external to the land</u></i>	

General Neighbourhood Zone

Within the General Neighbourhood Zone amend DTS/DPF 4.1 by replacing the following words:

Building height (excluding garages, carports and outbuildings) no greater than:

- (a) 2 building levels and 9m and
- (b) wall height that is no greater than 7m except in the case of a gable end.

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With:

Building height (excluding garages, carports and outbuildings) measured from the top of the footings no greater than 2 building levels and 9m and wall height that is no greater than 7m (not including a gable end).

Within the General Neighbourhood Zone amend DTS/DPF 7.1(b)(i) by replacing the words

'(i) exceed 3m in height from the top of footings'

With

'(i) exceed 3m in wall height'

Within the General Neighbourhood Zone amend DTS/DPF8.1 by replacing the following:

Other than walls located on a side boundary, building walls are set back from side boundaries:

- (a) at least 900mm where the wall height is up to 3m*
- (b) other than for a wall facing a southern side boundary, at least 900mm plus
1/3 of the wall height above 3m
and*
- (c) at least 1900mm plus 1/3 of the wall height above 3m for walls facing a southern side boundary.*

With:

Other than walls located on a side boundary, building walls are set back from side boundaries in accordance with the following:

- (a) where the wall height does not exceed 3m - at least 900mm*
- (b) for a wall that is not south facing and the wall height exceeds 3m - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings*
- (c) for a wall that is south facing and the wall height exceeds 3m - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings.*

Within the General Neighbourhood Zone amend DTS/DPF 11.1(h) by replacing the words

'(h) have a wall height or post height not exceeding 3m (and not including a gable end)'

With

'(h) have a wall height or post height not exceeding 3m above natural ground level (and not including a gable end)'.

Hills Neighbourhood Zone

Within the Hills Neighbourhood Zone amend DTS/DPF 8.1 by replacing the words:

Building walls not sited on side boundaries set back from the side boundary at least:

- (a) *on sites with a site gradient greater than 1-in-8:*
 - (i) *Other than a wall facing a southern boundary, 1900mm*
 - (ii) *For walls facing a southern boundary, at least 1900mm plus 1/3 of the wall height above 3m measured from the top of the footings*
- (b) *on sites with a site gradient less than 1-in-8, and other than walls located on a side boundary:*
 - (i) *at least 900mm where the wall is up to 3m measured from the top of the footings*
 - (ii) *other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m measured from the top of the footings*
 - (iii) *for walls facing a southern side boundary, at least 1900mm plus 1/3 of the wall height above 3m measured from the top of the footings.*

With:

Building walls not sited on side boundaries set back from the side boundary in accordance with the following:

- (a) *on sites with a site gradient greater than 1-in-8:*
 - (i) *at least 1900mm*
 - (ii) *for a wall that is south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level.*
- (b) *on sites with a site gradient less than 1-in-8:*
 - (i) *where the wall height does not exceed 3m measured from the lower of natural or finished ground level - at least 900mm*
 - (ii) *for a wall that is not south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level*
 - (iii) *for a wall that is south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level.*

Housing Diversity Neighbourhood Zone

Within the Housing Diversity Neighbourhood Zone amend DTS/DPF 3.1 by replacing the words

'Building height (excluding garages, carports and outbuildings) is no greater than.'

With

'Building height (excluding garages, carports and outbuildings) measured from the top of the footings is no greater than.'

Within the Housing Diversity Neighbourhood Zone amend DTS/DPF 3.1(b) by replacing the words

'(b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) - 2 building levels up to a maximum height of 9m.'

With

'(b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) - 2 building levels up to a maximum height of 9m measured from the top of the footings.'

Within the Housing Diversity Neighbourhood Zone amend DTS/DPF 6.1(b)(i) by replacing the words

'(i) exceed 3m in height from the top of footings'

With

'(i) exceed 3m in wall height'.

Within the Housing Diversity Neighbourhood Zone amend DTS/DPF 7.1 by replacing the words:

Other than walls located on a side boundary, building walls are set back from side boundaries:

- (a) at least 900mm for a wall height less than 3m*
- (b) at least 900mm plus 1/3 of the wall height above 3m.*

With:

Other than walls located on a side boundary, building walls are set back from side boundaries in accordance with the following:

- (a) where the wall height does not exceed 3m - at least 900mm*
- (b) where the wall height exceeds 3m - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings.*

Within the Housing Diversity Neighbourhood Zone amend DTS/DPF 10.1(h) by replacing the words

'(h) have a wall height or post height not exceeding 3m (and not including a gable end)'

With

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'(h) have a wall height or post height not exceeding 3m above natural ground level (and not including a gable end).'

Master Planned Neighbourhood Zone

Within the Master Planned Neighbourhood Zone amend DTS/DPF 9.1 replacing the following words:

Building walls not sited on side boundaries set back from side boundaries consistent with a building envelope plan, or are set back:

- (a) 900mm for a wall height less than 3m and*
- (b) 900mm plus 1/3 of the wall height above 3m.*

With:

Building walls not sited on side boundaries are set back from side boundaries consistent with a building envelope plan, or are set back in accordance with the following:

- (a) where the wall height does not exceed 3m - at least 900mm*
- (b) where the wall height exceeds 3m - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings.*

Within the Master Planned Neighbourhood Zone amend DTS/DPF 17.1(h) by replacing the words

'(h) have a wall height or post height not exceeding 3m (and not including a gable end).'

With

'(h) have a wall height or post height not exceeding 3m above natural ground level (and not including a gable end).'

Suburban Neighbourhood Zone

Within the Suburban Neighbourhood Zone amend DTS/DPF 7.1(b)(i) by replacing the words

'(i) exceed 3m in height from the top of footings'

With

'(i) exceed 3m in wall height'.

Within the Suburban Neighbourhood Zone amend DTS/DPF 8.1 by replacing the following words:

Other than walls located on a side boundaries, building walls are set back from side boundaries:

- (a) at least 900mm where the wall is up to 3m measured from the top of the footings*
- (b) other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m*

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- (c) *at least 1.9m plus 1/3 of the wall height above 3m for walls facing a southern side boundary.*

With:

Other than walls located on a side boundary, building walls are set back from side boundaries in accordance with the following:

- (a) *where the wall height does not exceed 3m - at least 900mm*
(b) *for a wall that is not south facing and the wall height exceeds 3m - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings*
(c) *for a wall that is south facing and the wall height exceeds 3m - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings.*

Within the Suburban Neighbourhood Zone amend DTS/DPF 11.1(h) by replacing the words

'(h) have a wall height or post height not exceeding 3m (and not including a gable end)'

With

'(h) have a wall height or post height not exceeding 3m above natural ground level (and not including a gable end).'

2.3.2.13 Building Walls and Dwelling Walls – Policy Review

Established Neighbourhood Zone

Within the Established Neighbourhood Zone, amend DTS/DPF 7.1(b) by replacing the words

'(b) where no side boundary setback value is returned in (a) above, and except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (i) or (ii) below:'

With

'(b) where no side boundary setback value is returned in (a) above, and except where the building is a dwelling and is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (i) or (ii) below:'

Within the Established Neighbourhood Zone amend PO 9.1(a) by replacing the words

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'(a) separation between dwellings in a way that complements the established character of the locality'

With

*'(a) separation between **buildings** in a way that complements the established character of the locality'.*

General Neighbourhood Zone

Within the General Neighbourhood Zone, amend DTS/DPF 9.1 by replacing the words:

'Dwelling walls are set back from the rear boundary at least:

- (a) if the size of the site is less than 301m²—*
 - (i) 3m in relation to the ground floor of the dwelling*
 - (ii) 5m in relation to any other building level of the dwelling*
- (b) if the size of the site is 301m² or more—*
 - (i) 4m in relation to the ground floor of the dwelling*
 - (ii) 6m in relation to any other building level of the dwelling.'*

With:

*'**Building walls (excluding ancillary buildings and structures)** are set back from the rear boundary at least:*

- (a) if the size of the site is less than 301m²—*
 - (i) 3m in relation to the ground floor of the building*
 - (ii) 5m in relation to any other building level of the building*
- (b) if the size of the site is 301m² or more—*
 - (i) 4m in relation to the ground floor of the building*
 - (ii) 6m in relation to any other building level of the building.'*

(i)

Hills Neighbourhood Zone

Within the Hills Neighbourhood Zone, amend DTS/DPF 7.1 by replacing the words

'Except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below:'

With

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'Except where the building is a dwelling and is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below.'

Within the Hills Neighbourhood Zone amend PO 8.1(a) by replacing the words

'separation between dwellings in a way that complements the established character of the locality' with

'separation between buildings in a way that complements the established character of the locality'.

Within the Hills Neighbourhood Zone amend PO 9.1(a) by replacing the words

'separation between dwellings in a way that complements the established character of the locality' with

'separation between buildings in a way that complements the established character of the locality'.

Housing Diversity Neighbourhood Zone

Within the Housing Diversity Neighbourhood Zone amend DTS/DPF 8.1 by replacing the words:

'Dwelling walls are set back from the rear boundary at least:

- (a) 3m for the first building level or 0m where the rear boundary abuts a laneway*
- (b) 5m for any second building level*
- (c) 5m plus any increase in wall height over 7m for buildings of 3 building levels and above.'*

With:

'Building walls (excluding ancillary buildings and structures) are set back from the rear boundary at least:

- (a) 3m for the first building level or 0m where the rear boundary abuts a laneway*
- (b) 5m for any second building level*
- (c) 5m plus any increase in wall height over 7m for buildings of 3 building levels and above.'*

Neighbourhood Zone

Within the Neighbourhood Zone, amend DTS/DPF 9.1 by replacing the words:

'Dwelling walls are set back from the rear boundary at least:

- (c) if the size of the site is less than 301m²—*
 - (i) 3m in relation to the ground floor of the dwelling*
 - (ii) 5m in relation to any second building level of the dwelling*
 - (iii) 5m plus an additional 1m setback added for every 1m height increase above a wall height of 7m.*
- (d) if the size of the site is 301m² or more—*
 - (i) 3m in relation to the ground floor of the dwelling*
 - (ii) 5m in relation to any second building level of the dwelling*
 - (iii) 5m plus an additional 1m setback added for every 1m height increase above a wall height of 7m.'*

With:

'Building walls (excluding ancillary buildings and structures) are set back from the rear boundary at least:

- (a) if the size of the site is less than 301m²—*
 - (i) 3m in relation to the ground floor of the building*
 - (ii) 5m in relation to any second building level of the building*
 - (iii) 5m plus an additional 1m setback added for every 1m height increase above a wall height of 7m.*
- (b) if the size of the site is 301m² or more—*
 - (i) 3m in relation to the ground floor of the building*
 - (ii) 5m in relation to any second building level of the building*
 - (iii) 5m plus an additional 1m setback added for every 1m height increase above a wall height of 7m.'*

Suburban Neighbourhood Zone

Within the Suburban Neighbourhood Zone amend DTS/DPF 9.1 by replacing the words:

'Dwelling walls are set back from the rear boundary at least:

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- (a) if the size of the site is less than 301 square metres—
 - (i) 3m in relation to the ground floor of the dwelling
 - (ii) 5m in relation to any other building level of the dwelling
- (b) if the size of the site is 301 square metres or more—
 - (i) 4m in relation to the ground floor of the dwelling
 - (ii) 6m in relation to any other building level of the dwelling.’

With:

‘Building walls (excluding ancillary buildings and structures) are set back from the rear boundary at least:

- (a) if the size of the site is less than 301 square metres—
 - (i) 3m in relation to the ground floor of the building
 - (ii) 5m in relation to any other building level of the building
- (b) if the size of the site is 301 square metres or more—
 - (i) 4m in relation to the ground floor of the building
 - (ii) 6m in relation to any other building level of the building.’

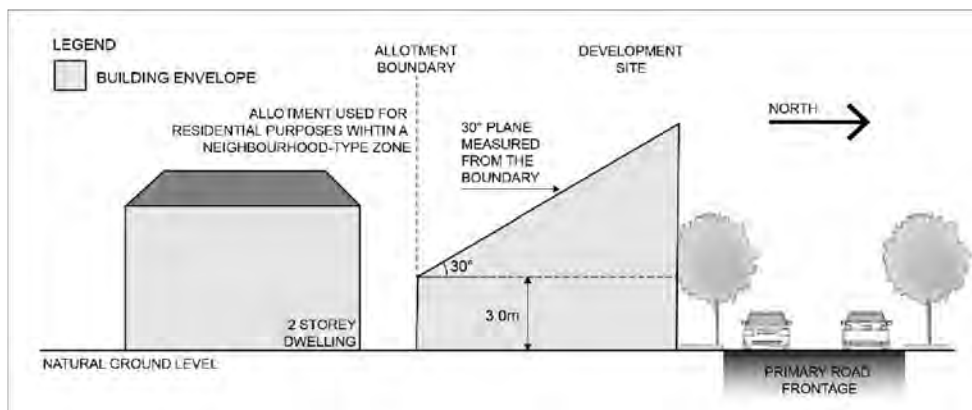
2.3.2.14 Common and Minor Development – Overlay Relevance – Assessment Pathways

Within Table 2 – Deemed-to-Satisfy Development Classification, **insert** reference to specified Overlays in Column 5 – Class of Development in the rows beginning with the following Classes of Development wherever they appear in the identified Zones:

Development Type	Overlays	Zones
Detached Dwelling Row Dwelling Semi-detached Dwelling	Traffic Generating Development Overlay: DTS/DPF 1.1, 1.2, 1.3	All
	Water Protection Area Overlay: DTS/DPF 5.1, 5.2	
	Gas and Liquid Petroleum Pipelines Overlay: DTS/DPF 1.1	
	Gas and Liquid Petroleum Pipelines (Facilities) Overlay: DTS/DPF 1.1	

2.3.2.21 Interface Height – Multiple Zones: Policy and TNV – Policy Review

Within the Community Facilities Zone DTS/DPF 2.3, Employment Zone DTS/DPF 3.7, Local Activity Centre Zone DTS/DPF 3.3, Recreation Zone DTS/DPF 3.2, Strategic Employment Zone DTS/DPF 4.2, Suburban Business Zone DTS/DPF 3.3, Suburban Main Street Zone DTS/DPF 3.3, Township Activity Centre Zone DTS/DPF 3.4, Township Main Street Zone DTS/DPF 3.3, Urban Activity Centre Zone DTS/DPF 3.3, replace the diagram with the following



2.3.2.23 Non Residential Outbuildings – New Policy and Assessment Pathways

Within all relevant zones where ancillary buildings and structures policy currently exist, as well as within the Design, and Design in Urban Areas General Development Policies, insert the following Performance Outcome (PO) and DTS/DPF relative to Ancillary Buildings and Structures:

PO X.3

Non-residential ancillary structures and buildings do not detract from the streetscape or appearance of buildings on the site or neighbouring properties. DTS/DPF X.3

Non-residential ancillary buildings and structures:

- (a) are ancillary and subordinate to an existing use on the same site*
- (b) have a floor area not exceeding the following:*

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<i>Allotment size</i>	<i>Floor Area</i>
<i><500</i>	<i>60m²</i>
<i>>501</i>	<i>80m²</i>

(c) are not constructed, added to or altered so that any part is situated:

i. in front of any part of the building line of the main building to which it is ancillary or

ii. within 900mm of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads) (d) in the case of a garage or carport, the garage or carport:

i. is set back at least 5.5m from the boundary of the primary street

(e) if situated on a boundary (not being a boundary with a primary street or secondary street), do not exceed a length of 11.5m unless:

i. a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary and

ii. the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent

2.3.2.25 Pool Fencing – Accepted Development Pathway

Within each of the following zones, amend Table 1 Accepted Development Classification by replace ‘Swimming pool or spa pool’ with ‘Swimming pool or spa pool and associated Swimming Pool Safety Features’:

-

2.3.2.26 Primary Street Setback – Use of Building Line

Within each of the following zones, amend the identified DTS/DPF X.X by replace with the following:

Business Neighbourhood Zone – DTS/DPF 3.2

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<p>PO 3.2 Buildings are set back from primary street boundaries consistent with the existing streetscape.</p>	<p>DTS/DPF 3.2 Buildings setback from the primary street boundary in accordance with the following table:</p>				
	<table border="1"> <thead> <tr> <th data-bbox="667 280 1010 347">Development Context</th> <th data-bbox="1010 280 1366 347">Minimum setback</th> </tr> </thead> <tbody> <tr> <td data-bbox="667 347 1010 593"> <p><i>There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.</i></p> </td> <td data-bbox="1010 347 1366 593"> <p><i>The average setback of the existing buildings</i></p> </td> </tr> </tbody> </table>	Development Context	Minimum setback	<p><i>There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.</i></p>	<p><i>The average setback of the existing buildings</i></p>
	Development Context	Minimum setback			
	<p><i>There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.</i></p>	<p><i>The average setback of the existing buildings</i></p>			
	<table border="1"> <tbody> <tr> <td data-bbox="667 593 1010 907"> <p><i>There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.</i></p> </td> <td data-bbox="1010 593 1366 907"> <p><i>The setback of the existing building on the abutting site</i></p> </td> </tr> </tbody> </table>	<p><i>There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.</i></p>	<p><i>The setback of the existing building on the abutting site</i></p>		
<p><i>There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.</i></p>	<p><i>The setback of the existing building on the abutting site</i></p>				
<table border="1"> <tbody> <tr> <td data-bbox="667 907 1010 1220"> <p><i>There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.</i></p> </td> <td data-bbox="1010 907 1366 1220"> <p><i>5m</i></p> </td> </tr> </tbody> </table>	<p><i>There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.</i></p>	<p><i>5m</i></p>			
<p><i>There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.</i></p>	<p><i>5m</i></p>				
<p><i>For the purposes of DTS/DPF 3.2:</i></p> <p><i>(a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback</i></p> <p><i>(b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table</i></p>					

PO 5.1
Buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.

DTS/DPF 5.1

Buildings setback from the primary street boundary in accordance with the following table:

Development Context	Minimum setback
<i>There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.</i>	<i>The average setback of the existing buildings on the abutting sites minus 1m</i>
<i>There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.</i>	<i>The setback of the existing building on the abutting site minus 1m</i>
<i>There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.</i>	<i>5m</i>

For the purposes of **DTS/DPF 5.1**:

- (a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback
- (b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table

PO 5.1
Buildings are set back from primary street boundaries consistent with the existing streetscape.

DTS/DPF 5.1
Buildings setback from the primary street boundary in accordance with the following table:

Development Context	Minimum setback
<i>There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.</i>	<i>The average setback of the existing buildings on the abutting sites</i>
<i>There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.</i>	<i>The setback of the existing building on the abutting site</i>
<i>There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.</i>	<i>8m</i>

For the purposes of DTS/DPF 5.1:

- (a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback*
- (b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table*

2.3.3 Part 3 – Overlays

2.3.3.3 Design Overlay – Referral

Within the Design Overlay, amend the Procedural Matters (PM) table by replace the following words in the Class of Development / Activity column:

'Except where the development comprises a variation to an application that has previously:

- (a) been referred to the Government Architect or Associate Government Architect or*
- (b) been given development authorisation under the Planning, Design and Infrastructure Act 2016 or Development Act 1993'*

with the following:

Except where the development comprises a variation to an application that has either been:

- (a) previously been referred to the Government Architect or Associate Government Architect or*
- (b) ~~been~~ given development authorisation under the Planning, **Design** and Infrastructure Act 2016 or Development Act 1993 and*
- (c) the variation to that application is, in the opinion of the relevant authority, minor in nature or would not warrant a referral when considering the purpose of the referral*

2.3.3.7 Major Urban Transport Routes Overlay - Revised policy and referral triggers

Within the Major Urban Transport Routes Overlay, amend DTS/DPF 7.1 to the following:

DTS/DPF 7.1

Development does not:

- (a) decrease the capacity of an existing drainage point*
- (b) restrict or prevent the flow of stormwater to an existing drainage point and system*
- (c) prevent access points becoming stormwater flow paths direct onto the road.*

2.3.3.21 Traffic Generating Development Overlay – Referral

Within the Traffic Generating Overlay, amend DTS/DPF 1.1, DTS/DPF 1.2 and DTS/DPF 1.3 to the following

DTS/DPF 1.1

Access is obtained directly from a State Maintained Road where it involves any of the following types of development:

- a) building, or buildings, containing in excess of 50 dwellings*
- b) land division creating 50 or more additional allotments*
- c) commercial development with a gross floor area of 10,000m² or more*
- d) retail development with a gross floor area of 2,000m² or more*
- e) a warehouse or transport depot with a gross leasable floor area of 8,000m² or more*
- f) industry with a gross floor area of 20,000m² or more*
- g) educational facilities with a capacity of 250 students or more.*

DTS/DPF 1.2

Access is obtained directly from a State Maintained Road where it involves any of the following types of development:

- a) building, or buildings, containing in excess of 50 dwellings*
- b) land division creating 50 or more additional allotments*
- c) commercial development with a gross floor area of 10,000m² or more*
- d) retail development with a gross floor area of 2,000m² or more*
- e) a warehouse or transport depot with a gross leasable floor area of 8,000m² or more*
- f) industry with a gross floor area of 20,000m² or more*
- g) educational facilities with a capacity of 250 students or more.*

DTS/DPF 1.3

Access is obtained directly from a State Maintained Road where it involves any of the following types of development:

- a) building, or buildings, containing in excess of 50 dwellings*
- b) land division creating 50 or more additional allotments*
- c) commercial development with a gross floor area of 10,000m² or more*
- d) retail development with a gross floor area of 2,000m² or more*
- e) a warehouse or transport depot with a gross leasable floor area of 8,000m² or more*

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- f) *industry with a gross floor area of 20,000m² or more*
- g) *educational facilities with a capacity of 250 students or more.*

Within the Traffic Generating Overlay, amend the Procedural Matters (PM) – Referrals table by replacing Class of Development / Activity:

Except where all of the relevant deemed-to-satisfy criteria are met, any of the following classes of development that are proposed within 250m of a State Maintained Road:

- a. *land division creating 50 or more additional allotments*
- b. *commercial development with a gross floor area of 10,000m² or more*
- c. *retail development with a gross floor area of 2,000m² or more*
- d. *a warehouse or transport depot with a gross leasable floor area of 8,000m² or more*
- e. *industry with a gross floor area of 20,000m² or more*
- f. *educational facilities with a capacity of 250 students or more.*

With the following:

Except where all of the relevant deemed-to-satisfy criteria are met, any of the following classes of development that are proposed within 250m of a State Maintained Road:

- a. *except where a proposed development has previously been referred under clause (b) - a building, or buildings, containing in excess of 50 dwellings*
- b. *except where a proposed development has previously been referred under clause (a) - land division creating 50 or more additional allotments*
- c. *commercial development with a gross floor area of 10,000m² or more*
- d. *retail development with a gross floor area of 2,000m² or more*
- e. *a warehouse or transport depot with a gross leasable floor area of 8,000m² or more*
- f. *industry with a gross floor area of 20,000m² or more*
- g. *educational facilities with a capacity of 250 students or more.*

2.3.3.22 Urban Transport Routes Overlay - Revised policy and referral triggers

Within the Urban Transport Routes Overlay, amend DTS/DPF 1.1(b)(i) to the following:

DTS/DPF 1.1(b)(i)

~~(+)~~ *it will not result in more than one access point servicing the development site*

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Within the Urban Transport Routes Overlay, amend DTS/DPF 3.1 to the following:

DTS/DPF 3.1

An existing access point satisfies (a), (b) or (c):

(a) *it will not service, or is not intended to service, more than 6 dwellings*

(b) *it is not located on a Controlled Access Road and will not service development that will result in a larger class of vehicle expected to access the site using the existing access*

(c) it is not located on a Controlled Access Road and development constitutes:

(i) a change of use between an office <500m² gross leasable floor area and a consulting room <500m² gross leasable floor area or vice versa

(ii) a change in use from a shop to an office, consulting room or personal or domestic services establishment

(iii) a change of use from a consulting room or office <250m² gross leasable floor area to shop <250m² gross leasable floor area

(iv) a change of use from a shop <500m² gross leasable floor area to a warehouse <500m² gross leasable floor area

(v) an office or consulting room with a <500m² gross leasable floor area

(vi) a change of use from a residential dwelling to a shop or office or consulting room or personal or domestic services establishment with <250m² gross leasable floor area.

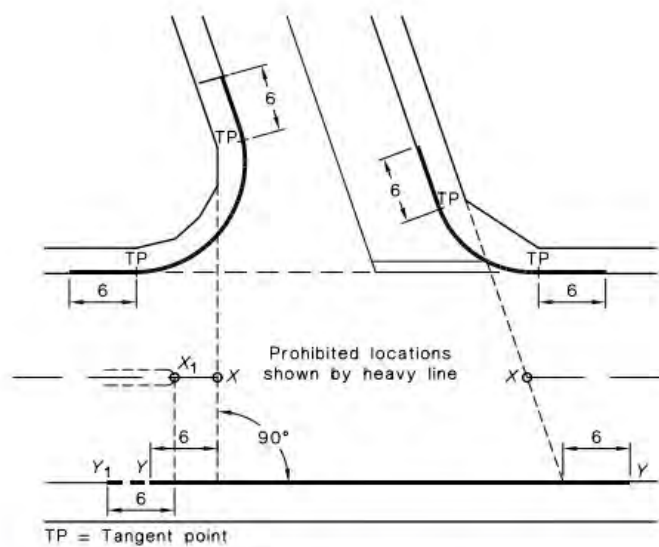
Within the Urban Transport Routes Overlay, amend DTS/DPF 4.1 to the following:

DTS/DPF 4.1

A new access point satisfies (a), (b) or (c):

(a) *where the development site is intended to serve between 1 and 6 dwellings, access to the site is from the local road network and outside the tangent point shown in the following diagram:*

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NOTE:

The points marked X_1 and X are respectively at the median end on a divided road and at the intersection of the main road centre-line and the extensions of the side road property lines shown as dotted lines, on an undivided road. On a divided road, dimension $Y-Y$ extends to Point Y_1 .

(b) where the development site is intended to serve between 1 and 6 dwellings ~~and access from a local road (being a road that is not a State Maintained Road) is not available~~, the new access:

- (vi) is not located on a Controlled Access Road
- (vii) is not located on a section of road affected by double barrier lines
- (viii) will be on a road with a speed environment of 70km/h or less
- (ix) is located outside of the bold lines on the diagram shown in the diagram following part (a)
- (x) is located a minimum of 6m from a median opening or pedestrian crossing

(c) where DTS/DPF 4.1 part (a) and (b) do not apply and access from an alternative local road at least 25m from the State Maintained Road is not available, and the access is not located on a Controlled Access Road, the new access is separated in accordance with the following:

Within the Urban Transport Routes Overlay, amend DTS/DPF 7.1 to the following:

DTS/DPF 7.1

Development does not:

- (a) decrease the capacity of an existing drainage point
- (b) restrict or prevent the flow of stormwater to an existing drainage point and system
- (c) prevent access points becoming stormwater flow paths direct onto the road.

2.3.4 Part 4 – General Development Policies

2.3.4.4 Decks – Design, and Design in Urban Areas General Development Policies – Assessment Pathways

Within Part 4 – General Development Policies – Design, and Design in Urban Areas insert the following Performance Outcome (PO) and DTS/DPF:

<p>POX.1</p> <p><i>Decks are designed and sited to:</i></p> <p><i>complement the associated building form</i></p> <p><i>minimise impacts on the streetscape through siting behind the building line of the principal building (unless on a significant lotment or open space)</i></p> <p><i>(a) minimise cut and fill and overall massing when viewed from adjacent land.</i></p>	<p>DTS/DPF X.1 Decks:</p> <p><i>(a) where ancillary to a dwelling:</i></p> <p><i>(i) are not constructed, added to or altered so that any part is situated:</i></p> <p><i>A. in front of any part of the building line of the dwelling to which it is ancillary or</i></p> <p><i>B. within 900mm of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads)</i></p> <p><i>(ii) are set back at least 900mm from side or rear allotment boundaries</i></p> <p><i>(iii) when attached to the dwelling, has a finished floor level consistent with the finished floor level of the dwelling</i></p> <p><i>(iv) where associated with a residential use, retains a total area of soft landscaping in accordance with (A) or (B), whichever is less:</i></p> <p><i>A. a total area is determined by the following table:</i></p>
<p>Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m²)</p>	<p>Minimum percentage of site</p>
<p><150</p>	<p>10%</p>

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	<table border="1"> <tr> <td>150-200</td> <td>15%</td> </tr> <tr> <td>201-450</td> <td>20%</td> </tr> </table>	150-200	15%	201-450	20%
150-200	15%				
201-450	20%				
	<table border="1"> <tr> <td>>450</td> <td>25%</td> </tr> </table> <p style="text-align: center;"><i>B. the amount of existing soft landscaping prior to the development occurring.</i></p> <p><i>(b) where in association with a nonresidential use:</i></p> <p><i>(i) are set back at least 2 metres from the boundary of an allotment used for residential purposes.</i></p> <p><i>(ii) are set back at least 2 metres from a public road.</i></p> <p><i>(iii) have a floor area not exceeding 25m².</i></p>	>450	25%		
>450	25%				
<p>POX.2</p> <p><i>Decks are designed and sited to minimise overlooking of habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones through suitable floor levels, screening and siting taking into account the slope of the subject land, existing vegetation on the subject land, and fencing</i></p>	<p>DTS/DPFX.2</p> <p><i>Decks with a finished floor level 500mm or more above natural ground level facing side or rear boundaries shared with a residential use in a neighbourhood-type zone incorporate screening permanently fixed to the outer edge of the deck not less than 1.5 m above the finished floor level.</i></p>				
<p>POX.3</p> <p><i>Decks used for outdoor dining, entertainment or other commercial uses provide carparking in accordance with the primary use of the deck.</i></p>	<p>DTS/DPF X.3</p> <p><i>Decks used for commercial purposes do not result in less on-site car parking for the primary use of the subject land than specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.</i></p>				

Table 2 – Deemed-to-Satisfy Development Classification

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Within the above listed 'Applicable Zones', amend Table 2 – Deemed-to Satisfy Development Classification by inserting Deck and associated polices per the below:

<i>Class of Development</i>	<i>Zone</i>	<i>General Development Policies</i>	<i>Subzone</i>	<i>Overlay</i>
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<p>Deck Except where any of the following apply:</p> <ul style="list-style-type: none"> • Coastal Areas Overlay • Historic Area Overlay • Local Heritage Place Overlay • Significant Landscape Protection Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<p>Land Use and Intensity (pertinent zone policies) Ancillary Structure and Building (pertinent zone policies)</p>	<p><u>Design - Insert new DTS/DPF X.1, DTS/DPF X.2 and X.3 contained in Recommendation 1.</u></p> <p><u>Or</u></p> <p><u>Design in Urban Areas - Insert new DTS/DPF X.1, DTS/DPF X.2 and X.3 contained in Recommendation 1.</u></p> <p>Clearance from Overhead Powerlines DTS/DPF 1.1</p> <p><u>Design [All development [Earthworks and sloping land] DTS/DPF 8.1</u></p> <p><u>Or</u></p> <p><u>Design in Urban Areas [All development [Earthworks and sloping land] DTS/DPF 8.1</u></p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services] DTS/DPF 12.2</p>	<p>Nil.</p>	<p>Character Preservation District Overlay [Earthworks] DTS/DPF 4.1</p> <p>Future Local Road Widening Overlay [Future Road Widening] DTS/DPF 1.1</p> <p>Native Vegetation Overlay [Environmental Protection] DTS/DPF 1.1</p> <p>Scenic Quality Overlay [Earthworks] DTS/DPF 4.1</p> <p>State Significant Native Vegetation Areas Overlay [Environmental Protection] DTS/DPF 1.1</p>
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2.3.4.6 Design in Urban Areas DTS/DPF 19.1 - Soft Landscaping – Policy Review

Within the General Development Policies – Design in Urban Areas, amend DTS/DPF 19.1(k) to the following:

“DTS/DPF19.1 (k)

retains a total area of soft landscaping for the entire development site, including any common property, with a minimum dimension of 700mm in accordance with (i) or (ii), whichever is less:

(i) a total area as determined by the following table:

<i>Dwelling Site area (or in the case of residential flat building or group dwelling(s), average site area) (m2)</i>	<i>Minimum percentage of site</i>
<i><150</i>	<i>10%</i>
<i>150-20</i>	<i>15%</i>
<i>201-450</i>	<i>20%</i>
<i>>450</i>	<i>25%</i>

Within the General Development Policies – Design in Urban Areas, amend DTS/DPF 22.1(a) to the following:

a total area as determined by the following table:

with

“a total area for the entire development site, including any common property, as determined by the following table:

<i>Dwelling Site area (or in the case of residential flat building or group dwelling(s), average site area) (m2)</i>	<i>Minimum percentage of site</i>
<i><150</i>	<i>10%</i>
<i>150-20</i>	<i>15%</i>
<i>201-450</i>	<i>20%</i>
<i>>450</i>	<i>25%</i>

2.3.4.8 Heavy Vehicle Parking - Transport, Access and Parking General Development Policy - Policy and Definition Review

Within Part 4 – General Development Policies, amend the Transport, Access and Parking Module by inserting (at the end of the module) the following Performance Outcomes (PO), DPF/DTS (Designated Performance Feature / Deemed-To-Satisfy) and heading:

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<i>Heavy Vehicle Parking</i>	
<p>PO 11.1 <i>Heavy vehicle parking only occurs on the same allotment as a dwelling and the vehicle is only owned and operated by a resident of the dwelling.</i></p>	<p>DPF/DTS 11.1 <i>None are applicable</i></p>
<p>PO 11.2 <i>Heavy vehicle parking and access is designed and sited so that the activity does not result in nuisance to adjoining neighbours as a result of dust, fumes, vibration, odour or potentially hazardous loads.</i></p>	<p>DPF/DTS 11.2 <i>Heavy vehicle parking occurs in accordance with the following:</i></p> <ul style="list-style-type: none"> <i>(a) the site is a minimum of 0.4 ha</i> <i>(b) where the site is 2 ha or more, no more than 2 vehicles exceeding 3,000 kilograms each (and trailers) are to be parked on the allotment at any time</i> <i>(c) where the site is between 0.4 ha and 2 ha, only one vehicle exceeding 3,000 kilograms (and one trailer) are to be parking on the allotment at any time</i> <i>(d) other than minor maintenance, no maintenance of the vehicle will occur on-site</i> <i>(e) the vehicle parking area achieves the following setbacks:</i> <ul style="list-style-type: none"> <i>(i) Behind the building line or 30m, whichever is greater</i> <i>(ii) 20m from the secondary street if it is a State Maintained Road</i> <i>(iii) 10m from the secondary street if it is a local road</i> <i>(iv) 10m from side and rear boundaries</i> <i>(f) parking and access areas (including internal driveways) should be sealed or have a surface that can be treated and maintained to minimise dust and mud nuisance</i> <i>(g) does not include refrigerated trailers or vehicles</i> <i>(h) vehicles only enter and exit the property in accordance with the following hours:</i>

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	<p>(i) Monday to Saturday 6:00am and 9:30pm</p> <p>(ii) Sunday and public holidays between 9:30 am and 7:00 pm</p> <p>(i) the handling or trans-shipment of freight is not carried out on the property</p>
<p>PO 11.3 Heavy vehicle parking ensures that vehicles can enter and exit a site safely and without creating a hazard to pedestrians and other vehicular traffic.</p>	<p>DPF/DTS 11.3 Heavy vehicles:</p> <p>(a) can enter and exit the site in a forward direction; and</p> <p>(b) operate within the statutory mass and dimension limited for General Access Vehicles (as prescribed by the National Heavy Vehicle Regulator).</p>
<p>PO 11.4 Heavy vehicle parking is screened from views from adjoining properties and the public roads by existing buildings and landscaping.</p>	<p>DPF/DTS 11.4 None are applicable</p>

2.3.4.12 Transport, Access and Parking General Development Policy – Fences – Linkages

Within the below listed 'Applicable Zones', Table 3 – Applicable Policies for Performance Assessed Development for Fence by including the following linkages:

General Development Policies – [Transport, Access & Parking \[Sightlines\] PO 2.2](#)

General Development Policies – [Transport, Access & Parking \[Corner CutOffs\] PO 10.1](#)

Applicable Zones

**2.3.4.13 Transport, Access and Parking – General Development Policy
– Car Parking Rates Table – Review**

Within Part 4 – General Development Policies – Transport, Access and Parking amend Table 1 – General Off-Street Parking Requirements by replacing the table with the following

Class of Development	Car Parking Rate (unless varied by Table 2 onwards) Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type
Residential Development	
<i>Detached dwelling</i>	<i>Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.</i> <i>Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</i>
<i>Group Dwelling</i>	<i>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</i> <i>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</i> <i>0.33 spaces per dwelling for visitor parking where development involves 3 or more dwellings.</i>
<i>Residential Flat Building</i>	<i>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</i> <i>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</i> <i>0.33 spaces per dwelling for visitor parking where development involves 3 or more dwellings.</i>
<i>Row Dwelling where vehicle access is from the primary street</i>	<i>Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.</i> <i>Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</i>

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<p><i>Row Dwelling where vehicle access is not from the primary street (i.e. rearloaded)</i></p>	<p><i>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</i></p> <p><i>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</i></p>
<p><i>Semi-Detached Dwelling</i></p>	<p><i>Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.</i></p> <p><i>Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</i></p>
<p>Tourist</p>	
<p><i>Caravan and park tourist park</i></p>	<p><i>Parks with 100 sites or less - a minimum of 1 space per 10 sites to be used for accommodation.</i></p> <p><i>Parks with more than 100 sites - a minimum of 1 space per 15 sites used for accommodation.</i></p> <p><i>A minimum of 1 space for every caravan (permanently fixed to the ground) or cabin.</i></p>

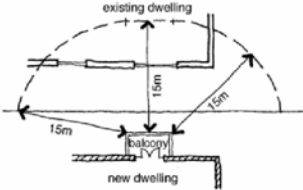
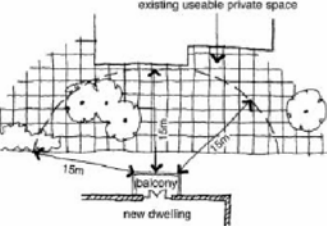
2.3.8 Part 8 – Administrative Terms and Definitions

In Part 8 - Administrative Terms and Definitions, update the Administrative Terms and Definitions Table as follows:

<p><i>Term (Column A)</i></p>	<p><i>Definition (Column B)</i></p>	<p><i>Illustrations (Column C)</i></p>
<p><i>Building height</i></p>	<p><i>Means the maximum vertical distance between the lower of the natural or finished ground level <u>or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency)</u> at any point of any part of a building and the finished roof height at its highest point, ignoring any antenna, aerial, chimney, flagpole or the like. For the purposes of this definition,</i></p>	

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	<p>building does not include any of the following:</p> <ul style="list-style-type: none"> (e) flues connected to a sewerage system (f) telecommunications facility tower or monopole (g) electricity pole or tower (h) or any similar structure. 	
<p>Building line</p>	<p>In relation to a building on a site, means a line drawn parallel to the wall or of the building closest to the boundary of the site that faces the primary street (and any existing projection from <u>that wall of</u> the building such as a verandah, porch, balcony, awning or bay window is not to be taken to form part of the building for the purposes of determining the relevant wall of the building. provided that the projection is not more than 1.5m).</p>	
<p><u>Catalyst site</u></p>	<p><u>Means a site greater than 1500m², which may include one or more allotments.</u></p>	
<p><u>Direct overlooking</u></p>	<p><u>In relation to direct overlooking from a window, is limited to an area that falls within a horizontal distance of 15 metres measured from the centre line of the overlooking window and not less than 45 degree angle from the plane of the wall containing the overlooking window.</u></p> <p><u>In relation to direct overlooking from a deck, balcony or terrace, is limited to an area that falls within a horizontal distance of 15m measured from any point of the overlooking deck, balcony or terrace.</u></p>	<p><u>Overlooking window</u></p>

		<p><u>Overlooking deck,</u></p>  <p><u>balcony or terrace</u></p> 
<p><u>Post height</u></p>	<p><u>Means the height of the post measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) noting that the height measurement does not include any part of the post that is concealed behind an eave or similar roof structure and not visible external to the land.</u></p>	
<p><u>Wall height</u></p>	<p><u>Means the height of the wall measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) but excluding noting that the height measurement does not include any part of the wall that is concealed behind an eave or similar roof structure and not visible external to the land.</u></p>	

From: [Simon McMahon](#)
To: [DTI:PlanSA Submissions](#)
Cc: [Craig Jones](#); [Jonathan Luke](#)
Subject: City of Onkaparinga Submission - Miscellaneous Technical Enhancement Code Amendment by the State Planning Commission
Date: Wednesday, 21 September 2022 5:00:55 PM
Attachments: [image001.png](#)
[Letter - State Planning Commission - Misc Technical Enhancement Code Amendment Submission.pdf](#)

Good afternoon

Please find attached the City of Onkaparinga's submission in relation to Miscellaneous Technical Enhancement Code Amendment by the State Planning Commission.

Should you require further information or clarification, please do not hesitate to contact Craig Jones, Development Policy Planner on [redacted] or via email on [redacted]

Could you please confirm receipt of the attached submission.

Kind regards

Katrina French
Acting Mayor Liaison Officer (Acting)
Civic Events and EM Liaison Officer
Corporate
Ph [redacted]

www.onkaparingacity.com



23 September 2022
Our ref: 5805729
Your ref:18918403

Mr Craig Holden
Chair
State Planning Commission
C/ - Code Amendment Team, Planning and Land Use Services
Department for Trade and Investment

via email: plansasubmissions@sa.gov.au

Dear Mr Holden

Submission – Miscellaneous Technical Enhancement Code Amendment by the State Planning Commission

Thank you for the opportunity to provide comment on the Miscellaneous Technical Enhancement Code Amendment by the State Planning Commission, which was considered by Council at its meeting held on 20 September 2022.

We understand that this Code Amendment represents the first of what will be a regular review and tune-up of technical and/or operational aspects of the Code based on stakeholder feedback.

Whilst we have focused our response to the matters within scope of the Code Amendment as contained in the attachment to this letter, on review of the Code Amendment against previous matters we have raised regarding the structure and operation of the Code, we believe there remains a number of outstanding issues as follows:

- **Minor variations**

We seek greater clarification on minor variations. Without direction of what constitutes a “minor variation” this creates uncertainty and is open to interpretation and can prove difficult to defend a refusal of any variation. The Rules of Interpretation refers to variations that “generally meet” the corresponding Performance Outcome (PO). These terms are not defined and potentially introduce inconsistency when consideration of ‘minor’ is at the assessor’s discretion during assessment.

We have further concern regarding the number of times that a variation can be undertaken where a Deemed to Satisfy (DTS) pathway is followed. This lack of clarity creates a system where a series of minor variations could be applied where ultimately the development application fails short in every DTS criteria. There does not appear to be a disincentive to prevent this occurring. In addition, repeated requests and review against the originally approved plans for relatively minor issues is time consuming for assessment practitioners and can ultimately alter the initial application to a point a new development should be warranted.

We request consideration be given to the number of times a variation can occur under the DTS pathway before a performance assessed pathway should be applied.

- Notification

We generally support the proposed refinement to Table 5 – Procedural Matters (PM) – Notification in Part 2 – Zones and Subzones that would allow a relevant authority to determine that a variation to one or more corresponding exclusions prescribed is minor in nature (meaning there is little to no impact) and therefore the application would not require notification. That said, noting there may be more than one variation allowed, we question whether some limitations should be applied to avoid misrepresentation and misinterpretation.

We note the other side to notification in the Code, is that the PDI Act has entirely removed the third-party appeal rights of representors. This is of a significant concern to us as community involvement in the planning process is paramount. This change does not meet community expectations and has created additional angst in response to development occurring throughout our council area. Council staff are now providing a greater mediation role between parties, particularly after a decision has been made, leading to increased requests for review either through complaints via Elected Members or pending a judicial review.

The impending review of the current planning system should involve a comprehensive focus on the loss of local community voices and participation in planning.

- Definitions

We note a number of definitions were not transitioned or introduced into the Code and the continued lack of definitions of 'winery', 'multiple dwelling' and 'glamping' is problematic for assessment.

- Winery

We note the Code introduced an in-policy term 'beverage production facilities' to cover such uses as wineries, distilleries, cideries and breweries, however this is without any further definition under Part 7 Land Use Definitions.

We have concerns how beverage production facilities is defined as it would seem that it can comprise any of 'fermentation, distillation, manufacturing, storage, packaging and bottling activities...' (as per Part 4 - General Development Policies Beverage Production in Rural Areas PO 1.3).

Although storage, packaging and bottling activities could be a component(s) or ancillary operation(s) to a winery (or distilleries, cideries and breweries), they should not be considered as a standalone activity as beverage production facilities (particularly in a Rural zone) in comparison to the primary front end activity i.e. the processing of the raw material.

We have been advised that the 'common' or 'ordinary' meaning of 'winery' would be sufficient however noting the above, it remains open to misrepresentation. We request greater clarity and certainty around this through the application of appropriate definitions.

- Multiple dwelling

We have noted the removal of this definition from the Code based more on the tenure of the building rather than the land use itself. However, applications comprising accommodation for greater than five persons when combined with physical and internal works within a building are still common. Despite displaying some characteristics of a large family living in the same dwelling, the building is occupied in a different way to a family group of otherwise related persons, often resulting in impacts to nearby residential properties in terms of a lack of on-site car parking, waste and insufficient open space.

As an example, we have received an application where there are 10 bedrooms which are proposed to be lockable and a tenancy agreement/lease will be required. We question the need for public notification and possible change in the nature of building classification and associated fire safety issues. As this cannot be categorised as 'student accommodation', there is no definition provided for 'boarding house', nor can it be considered akin to a typical residential dwelling by way of its operation, we recommend further review of this omission and consideration of a new definition for 'shared residential accommodation'.

- Deemed to Satisfy minimum criteria

We are concerned it is now considered that the 'minimums' provided for in DTS have less weight than under the former Development Plan and due to the generic and non-prescriptive nature of the Performance Outcomes, variation in assessment prevails. An example of our concern is, if the PO is assumed to be satisfied, then minimum allotment sizes specified in a DTS provision do not need to be met.

With an emphasis on performance outcomes, there is a reduced emphasis on achieving DTS parameters which has become problematic during assessment. The failure to meet a DTS/DPF leaves assessment open to interpretation and increased subjectivity which can be confusing for the community.

- Hazards (Bushfire - Medium Risk) and Hazards (Bushfire – High Risk)

We reiterate our concerns regarding the conflict with the provisions of the Ministerial Building Standard Requirements MBS 008 – Designated Bushfire Prone Areas – Additional Requirements.

We remain concerned that in the creation of new allotments applicants are not considering dwelling design and siting and configuration on the allotment and location of water storage tanks to meet building compliance with MBS 008 concerning setbacks from boundaries for access to water supply/storage tanks and fittings noting this is significantly impacted by allotment size and width, which is determined at land division stage.

We note the impending Bushfire Code Amendment and will seek that the hazard overlays be appropriately placed and identify these issues.

We understand that a broader review is to be conducted by an external expert panel on the *Planning, Development and Infrastructure Act 2016* and the Planning and Design Code (in addition to the legislated review of the 30 Year Plan for Greater Adelaide Update 2017) as it relates to infill policy, trees, character, heritage and car parking. We are pleased to see this review aligns to the following additional matters we have previously identified, including:

- Tree Protection

We consider urban greening and the retention of tree canopy cover a priority to help address climate change impacts. Council will continue to advocate for increased levels of tree protection, retention and management of significant, regulated and mature trees, and importantly where consideration is given to the economic value of trees. This consideration would treat the tree as an asset for councils and the community.

Policy capturing the economic value of trees is used interstate and upheld in the court system with calculation of a tree's amenity value using a range of criteria including its life expectancy, size, rarity, importance in the landscape and presence of other trees. Adoption of a similar system could ensure that trees are valued as important community assets and we welcome the same approach through the Planning and Design Code.

- Character

We remain concerned with the removal of Desired Character Statements as one of the biggest losses in the transition to the Code. These statements helped to define the historic and/or current character of an area and provided key guidance for future development with greater specificity. Desired Character Statements were created from extensive community consultation and council investment over many years.

The lack of forward-facing policies will inevitably result in a loss of vision for our local areas, which will ultimately affect the character and amenity noting character cannot be limited to just one individual element or feature in isolation. The interrelationship between the various elements of an area and interaction with the landscape creates a 'sense of place' and these features differ from one area to the next and should be referenced and embedded in the Code.

- Heritage

We have previously expressed concern that policy lacks specific design guidance to consider the true local context and built form character which varies between areas not being captured in the Historic Area Statements. We continue to have concern with the lack of forward-facing criteria in Historic Area Statements for new development to be assessed against, rather than merely listing the existing character elements.

We continue to support both the introduction of the Character and Historic Area Overlay Design Advisory Guidelines and the Style Identification Advisory Guidelines to assist an assessment concerning distinct character value. We note however both documents only perform as guides or planning 'tools' with no legislative status, given that they do not form an integral part of the Code. Both documents also rely solely on the voluntary responsibility of the applicant to undertake a detailed 'Contextual Design Analysis' notwithstanding the benefits it may offer in the preliminary stages of an application. It is considered that if these guidelines are important, then this should be reflected by their incorporation into the Code.

One area of outstanding concern is demolition of local heritage places. We note it must be proven that the building is 'irredeemably beyond repair' yet the Code policy simply refers to an unacceptable risk to public or private safety and uninhabitable and beyond repair. We believe that to determine if a structure is 'irredeemably beyond repair', there should be a mandatory requirement for a Heritage Impact Assessment or an economic viability report for justification.

We also note the issue of wilful neglect as a means to attaining demolition approval still occurs and should be strongly discouraged. A review of the penalties applied in this situation to act as a deterrent should form part of the broader Act and Code review.

We look forward to the upcoming opportunities to provide further detailed comments on matters that respond to our Council and community who are calling for us to continue our commitment to respond to the impacts of climate change by reducing emissions and building community resilience. A strong response to climate change and focus on sustainability is key to maintaining liveability in our city, managing risks and reducing future costs.

Should you have any questions or wish to discuss the matters raised above further, please do not hesitate to contact Craig Jones, Development Policy Planner on _____ or _____

Yours sincerely



Simon McMahon
Acting Mayor

Attachment 1

CITY OF ONKAPARINGA COMMENTS

Council's Development Policy team, Planning team, Building and Development Compliance team and Technical Services team (where relevant) have reviewed the Code Amendment and provide the following comments.

Note: Zones, Overlays and other matters not applied or relevant to the City of Onkaparinga have not been listed and no comment provided.

2.3.1 PART 1 – RULES OF INTERPRETATION

2.3.1.1 Application of Spatial Policy Relevant to the Site of the Development	
Comment	We support this amendment in principle to apply the policies relevant to the spatial location of a development. That said, we consider there needs to be some strengthening in how the 'Interface between Land Uses' in Part 4 – General Development Policies are called up.

2.3.1.2 Spatial maintenance updates – comprising minor or operational amendments	
Comment	We support this amendment in principle subject to the work only being undertaken by the Surveyor-General and for routine minor or operational cadastral changes.

2.3.2 PART 2 – ZONES AND SUB ZONES

2.3.2.1 Conservation Zone - land division - PO 2.1 – Policy	
Comment	We support this amendment.

2.3.2.3 Master Planned Zones – Site Dimensions and Land Division – Policy Review	
Comment	<p>We support this amendment in principle but note a Concept Plan's purpose is not to show allotments / sites. In addition, a Master Plan is not a statutory document, so we further question why reference is made to this.</p> <p>For PO 11.3 to have any real effect, we consider further work is required on outlining what can be shown in a Concept Plan and likewise, giving statutory recognition (or definition in Part 7 or 8) to 'Master Plan'.</p>

2.3.2.4 Rural Zone – Detached Dwelling – Interface Between Land Uses – Linkages	
Comment	We support this amendment.

2.3.2.5 Rural Zone – Detached Dwelling – Linkages	
Comment	We support this amendment.

2.3.2.6 Rural Zone – Land Division / Boundary Realignment - Linkages	
Comment	We support this amendment.

2.3.2.9 Restricted Development Classification – Table 4	
<p>We have fundamental issues with this part of the Code Amendment and more so how restricted development operates under the Code and Act.</p> <p>We note the Commission's position to the difference in how non-complying and restricted development are assessed, with the Code drafted to speak to the types of development that are envisaged, not what is discouraged or inappropriate. The reliance of the system on the Code being silent on development that is not envisaged or desired poses significant difficulties in the defence of developments that are the subject of refusal, dispute or appeal.</p> <p>We recognise that no policy or set of policies can ever address all possible scenarios that may arise. We accept that at times that there must be exception to the intent of any policy or set of policies.</p> <p>That said, we consider the Code needs to contain greater guidance providing support to the defence of sound refusals or to guide undesirable proposals in the face of the inevitable exceptions to the rule argument. We suggest wording to the effect of '<i>kinds of development not envisaged or desired for a zone, subzone or overlay should generally not be approved unless it is overwhelmingly shown to benefit the public interest or definitively supports the desired outcomes.</i>' That would at least place some onus on proponents to demonstrate that the public interest would be served by a development.</p> <p>Noting the Code Amendment commentary "Council Assessment Panels and Managers have the appropriate skills, qualifications and local knowledge to undertake an assessment of this nature", however maintaining land uses as restricted development rather than performance assessed is a very much second best option to our above desired change.</p> <p>We suggest land uses should remain as restricted until the review of the Code and Act are completed by the Expert Planning Panel.</p>	

2.3.2.9.1. Industry listed as a restricted development classification

Comment	<p>We support the amendment for the Employment Zone.</p> <p>We do not support the amendment to remove 'Industry' from the restricted development classification in the following zones</p> <ul style="list-style-type: none"> • Suburban Business Zone • Local Activity Centre Zone • Suburban Activity Centre Zone • Suburban Main Street Zone • Township Zone, and • Urban Activity Centre Zone.
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2.3.2.9.2. Land Division within the Limited Land Division Overlay	
Comment	<p>We accept this amendment to some extent noting the intent of the Code is that the Overlay will prevail over all other policies.</p> <p>However, without support of reference to the kinds of development not envisaged or desired for a zone, subzone or area should generally not be approved unless it is overwhelmingly shown to benefit the public interest or definitively supports the desired outcomes, the Code poses significant difficulties in the defence of developments that are the subject of refusal, dispute or appeal.</p>
2.3.2.9.5. Dwelling and Land Division within the Deferred Urban Zone	
Comment	<p>We accept this amendment to some extent however we do not support more than one 'dwelling' on a site within our Deferred Urban Zone. Noting the amendment has 'dwellings' not 'dwelling' we question whether this is an error or there is expectation of more than one dwelling on a site?</p>
2.3.2.9.6. Employment Zone – Various land uses	
Comment	<p>We support this amendment.</p>
2.3.2.9.10. Hills Face Zone – Various land uses	
Comment	<p>We support the amendment for 'Excavation' and 'Filling' noting there is suitable policy guidance and some minor exception can be acceptable.</p> <p>We support boundary realignment as Performance Assessed noting this is consistent with the Development Regulations 2008 (ceased) Part 4(17)(6)(c) which prescribed that a Statement of Effect for non-complying development involving a boundary realignment was not required.</p>
2.3.2.10.1. Notification Tables – Minor Development	
Comment	<p>We support this amendment.</p>
2.3.2.10.2. Notification Tables – Errors and Inconsistencies	
Comment	<p>We support boundary realignment being removed from Table 5 - Procedural Matters (PM) – Notification. We note this would be consistent with the approach under Schedule 9 of the Development Regulations 2008 (ceased) which made non-complying boundary realignments, a Category 1 form of development.</p> <p>We do not support the removal of Land Division from Table 5 - Procedural Matters (PM) – Notification of the Hills Face Zone.</p> <p>Land Division is listed in Table 4 of the zone as currently a restricted form of development in the Hills Face Zone and is publicly notified. The application of restricted status reflects the importance of a policy that significantly constrains development of a kind that has the potential to increase population, activity levels, demands on natural resources or contamination of resources natural character of this area of elevated terrain.</p>

	<p>The community, particularly those who reside within or close to it, are familiar with its character and function and the policies that are intended to protect it. They are guided by them and rely upon them. In these circumstances, notification of development that may be contrary to those policies is of community interest is warranted and assists in maintaining community interest, limited participation and engenders some degree of confidence in the planning system.</p> <p>Removal from the requirement to publicly notify is another step that removes community participation and confidence in the planning system.</p>
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2.3.2.10.3. Notification Tables – Frost Fans

Comment	We support this amendment.
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2.3.2.10.4. Notification Tables – Building on railway land / Temporary public service depot

Comment	We support this amendment.
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2.3.2.10.5. Notification Tables – Demolition

Comment	We support this amendment.
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2.3.2.11 Building Height – TNV and context – Policy refinement

Comment	We support this amendment.
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2.3.2.12 Building Height, Building Wall Setback and Wall Height – Policy Review

Part 8 – Administrative Terms and Definitions

Comment	We support this amendment.
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2.3.2.13 Building Walls and Dwelling Walls – Policy Review

Comment	We support this amendment.
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2.3.2.14 Common and Minor Development – Overlay Relevance – Assessment Pathways

Comment	We support this amendment in principle however we have concerns in relation to the open number of 'minor variations' that can be applied as previously mentioned.
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2.3.2.15 Detached Dwellings in Master Planned Zones as an Accepted Development Pathway

Comment	We support this amendment.
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2.3.2.16 Detached Dwellings - Medium and High Rise Development – Policy Relevance	
Comment	We support this amendment.
2.3.2.17 Discrete vs Discreet - Garages & Carports - Policy Review	
Comment	We support this amendment.
2.3.2.18 Discrete vs Discreet - Garages & Carports - Linkages	
Comment	We support this amendment.
2.3.2.19 Dwelling Alterations and Building Additions/Alterations – Assessment Pathways	
Table 1 – Accepted Development Classification	
Comment	We support this amendment.
Table 2 – Deemed-to-Satisfy Development Classification	
Comment	We support this amendment.
Table 3 – Applicable Policies for Performance Assessed Development	
Comment	We support this amendment.
2.3.2.20 Horticulture – Prescribed Surface Water Areas Overlay and Prescribed Wells Area Overlay – linkages	
Comment	We support this amendment.
2.3.2.21 Interface Height – Multiple Zones: Policy and TNV – Policy Review	
Comment	We support this amendment.
2.3.2.22 Land Division – Site Contamination – Policy Relevance and Linkage	
Comment	We support this amendment.
2.3.2.23 Non Residential Outbuildings – New Policy and Assessment Pathways	
Comment	We support this amendment.
2.3.2.24 Outbuildings - Accepted Development Criteria	

Comment	We support this amendment.
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2.3.2.25 Pool Fencing – Accepted Development Pathway

Comment	We support this amendment in principle however noting fencing can be development (a fence in the Historic Area Overlay) and seek further refinement to where the swimming pool barrier is also a boundary fence.
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2.3.2.26 Primary Street Setback – Use of Building Line

Comment	We support this amendment.
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2.3.2.27 Replacement Building – Overlay Exclusions: Coastal Flooding Overlay

Comment	We support this amendment.
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2.3.2.28 Tourist Accommodation – Total Floor Area – Rural Zones

Comment	We support this amendment.
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2.3.3 PART 3 – OVERLAYS

2.3.3.1 Affordable Housing Overlay – Referral Trigger

Comment	We support this amendment in principle however the drafting of the revised section has become difficult to read; as such we suggest further refinement to adjust the ease of reading.
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2.3.3.2 Coastal Areas Overlay – Policy Intent

Comment	We support this amendment.
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2.3.3.4 Hazards (Flooding) Overlay – PO 3.5 and DTS/DPF 3.5 – Linkages

Comment	We support this amendment.
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2.3.3.5 Heritage Adjacency Overlay - Referral

Comment	We support this amendment.
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2.3.3.7 Major Urban Transport Routes Overlay - Revised policy and referral triggers

Comment	We support this amendment noting that council would still assess any new driveway location against the requirements and recommendations of Australian Standard AS 2890.1 Off Street parking which indicates all new access points (including domestic driveways) should be located 6m away from the tangent point unless the property would be otherwise denied an access.
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2.3.3.8 Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay - Policy intent	
Comment	We support this amendment.

2.3.3.9 Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay - Policy intent	
Comment	<p>We support this amendment however we note in the proposed DTS/DPF 2.3 (a) the wording should be altered as per below to reflect the same terminology as the South Australian Public Health (Wastewater) Regulations 2013. In addition, it should also capture where there is an 'onsite wastewater management system'.</p> <p><i>from</i></p> <p>(a) a sewer or community wastewater management system with sufficient hydraulic and treatment capacity to accept the inflow</p> <p><i>to</i></p> <p>(a) a sewer or an <u>onsite wastewater management system</u> or community wastewater management <u>scheme</u> with sufficient hydraulic and treatment capacity to accept the inflow</p>

2.3.3.10 Mount Lofty Ranges Water Supply Catchment (Area 1 and Area 2) Overlays – Referral	
Comment	We support this amendment.

2.3.3.11 Prescribed Surface Water Area Overlay - Terminology	
Comment	We support this amendment.

2.3.3.12 Prescribed Water Resources Area Overlay – Referral	
Comment	We support this amendment.

2.3.3.13 Representative Buildings – Character Area Overlay and Historic Area Overlay – Spatial Representation	
Comment	<p>We support this amendment.</p> <p>On a technical issue, the omission of this information on Form 1s is of some concern given this information is then not passed onto prospective property buyers. By not indicating that a 'representative building' exists on the Title does not alert</p>

	prospective purchasers of a property's historical significance and this can prove problematic.
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2.3.3.18 River Murray Tributaries Protection Area Overlay - Policy intent	
Comment	We support this amendment.

2.3.3.19 River Murray Tributaries Protection Area Overlay - Referrals	
Comment	We support this amendment.

2.3.3.20 State Significant Native Vegetation Areas Overlay - Referral Trigger	
Comment	We support this amendment.

2.3.3.21 Traffic Generating Development Overlay – Referral	
Comment	We support this amendment.

2.3.3.22 Urban Transport Routes Overlay - Revised policy and referral triggers	
Comment	We support this amendment noting that council would still assess any new driveway location against the requirements and recommendations of Australian Standard AS 2890.1 Off Street parking which indicates all new access points (including domestic driveways) should be located 6m away from the tangent point unless the property would be otherwise denied an access.

2.3.4 PART 4 – GENERAL DEVELOPMENT POLICIES

2.3.4.1 Aquaculture – General Development Policies – Policy Review	
Comment	We support this amendment.

2.3.4.2 Carport and Outbuilding – Internal Parking Dimensions – Linkages	
Comment	We support this amendment.

2.3.4.3 Commercial Forestry – Forestry General Development Policies – Policy Review	
Comment	We support this amendment.

2.3.4.4 Decks – Design, and Design in Urban Areas General Development Policies – Assessment Pathways	
Comment	<p>We support this amendment in principle however noting in DTS/DPF X.1 Decks:</p> <p><i>(a) where ancillary to a dwelling;</i></p> <p><i>(iii) when attached to the dwelling, has a finished floor level consistent with the finished floor level of the dwelling</i></p> <p>We consider further refinement to the policy is needed to address and/or clarify that it is from the 'ground' floor level (single storey, not second storey).</p> <p>We also seek further criteria where a deck is sited on sloping land and is elevated above the natural ground level at a greater height than the associated dwelling as this can result in a substantial and imposing built form. Likewise, a floor area criteria (similar to an outbuilding) should be included to guide appropriate forms of deck development in a residential setting.</p> <p>In addition, we note that in a high bushfire area, the CFS require that decks are enclosed underneath, which can be further visually imposing.</p> <p>We also suggest that in all Zone Table 5 - Procedural Matters (PM) – Notification that there should be criteria where decks exceeding DTS/DPFs trigger the need for notification.</p>

2.3.4.5 Design – PO 19.3 – Driveway Access General Development Policies – Policy Relevance	
Comment	We support this amendment.

2.3.4.6 Design in Urban Areas DTS/DPF 19.1 - Soft Landscaping – Policy Review	
Comment	We support this amendment.

2.3.4.7 Garage and Driveways – Design DTS/DPF 19.5, and Design in Urban Areas DTS/DPF 23.5 General Development Policies – Policy Review	
Comment	We support this amendment.

2.3.4.8 Heavy Vehicle Parking - Transport, Access and Parking General Development Policy - Policy and Definition Review	
Comment	We support this amendment.

2.3.4.10 Land Division – General Development Policies – Policy Review	
Comment	We support this amendment.

2.3.4.11 Land Division – General Development Policies – Linkages

Comment	We support this amendment.
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2.3.4.12 Transport, Access and Parking General Development Policy – Fences – Linkages

Comment	We support this amendment.
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2.3.4.13 Transport, Access and Parking – General Development Policy – Car Parking Rates Table – Review

Comment	We support this amendment.
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2.3.4.14 Transport, Access and Parking – General Development Policy – Designated Parking Areas / Car Parking Rates – Interpretation

Comment	We support this amendment.
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2.3.5 PART 5 – SPECIFIED MATTERS AND AREAS IDENTIFIED UNDER THE ACT AND REGULATIONS

We note there are no proposed Code changes to Part 5.

2.3.6 PART 6 – INDEX OF TECHNICAL AND NUMERIC VARIATIONS

We note there are no proposed Code changes to Part 6.

2.3.7 PART 7 – LAND USE DEFINITIONS**2.3.7.1 Ancillary Accommodation – Amend**

Comment	We support this amendment.
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2.3.7.2. Caravan and Tourist Park – Amend

Comment	<p>We support this amendment in principle, but we seek further clarification on the definition of 'campground' (noting it is excluded from column B).</p> <p>Using the common definition, we note a campground is defined as 'a place where people on holiday can put up their tents, park their caravan etc, often with toilets, water etc.</p> <p>We note that many caravan and tourist parks also provide spaces for tents; as such we question why campground is excluded and/or does not have a definition within the Code.</p>
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2.3.7.3. Commercial Forestry – Amend

Comment	We support this amendment.
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2.3.7.4. Educational Establishment – Amend	
Comment	We support this amendment.
2.3.7.5. Indoor Recreation Facility – Amend	
Comment	We support this amendment.
2.3.7.6. Office – Amend	
Comment	We support this amendment.
2.3.7.7. Pre-school – Amend	
Comment	We support this amendment.
2.3.7.8. Renewable Energy Facility – Policy Refinement	
Comment	We support this amendment in principle but are seeking further clarification on the meaning of 'For domestic use (i.e. principally used to supply and/or store electricity to the existing use of land) noting the zones listed will include non-residential land uses - will domestic use include 'all' lawfully approved uses on the subject site?
2.3.7.9. Tourist Accommodation – Amend	
Comment	We support this amendment.
2.3.7.10. Workers Accommodation – Amend	
Comment	We support this amendment.
2.3.7.11. Heavy Vehicle Parking – New Definition	
Comment	We support this amendment.
2.3.7.12. Function Venue – New Definition	
Comment	We support this amendment.
2.3.8 Part 8 – Administrative Terms and Definitions	
2.3.8.1. Building Height – Amend	
Comment	We support this amendment.

2.3.8.2. Building Line – Amend

Comment	We support this amendment.
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2.3.8.3. Wall Height – Amend

Comment	<p>We support this amendment in principle but zone DTS/DPF building and wall height correlation to Table 5 - Procedural Matters (PM) – Notification requires further consideration.</p> <p>For example, in the General Neighbourhood Zone, Building Height DTS/DPF 4.1: Building height (excluding garages, carports and outbuildings) no greater than:</p> <ul style="list-style-type: none"> • 2 building levels and 9m, and • wall height that is no greater than <u>7m</u> except in the case of a gable end. <p>Table 5 - Procedural Matters (PM) – Notification Exceptions (Column B)</p> <p>Except development that:</p> <ul style="list-style-type: none"> • does not satisfy General Neighbourhood Zone DTS/DPF 4.1, or • involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary <p>(b) the <u>height of the proposed wall</u> (or post height) exceeds <u>3m</u> measured from the <u>top of footings</u></p> <p>We note that a wall less than 3m in height, but on top of a 1.4m retaining wall presents less than the building height of 7m however it would result in a total development height of 4.4m on the boundary, however this does not appear to trigger the need for notification.</p> <p>We consider the Code needs to clarify if the retaining wall is or is not considered the footings of the wall. Alternative reference to the 'footings' being a consistent floor height any adjoining structure or natural ground level would provide some guidance.</p>
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2.3.8.5. Direct Overlooking – New Definition

Comment	We support this amendment.
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2.3.8.6. High Frequency Public Transit Area – New Definition

Comment	We support this amendment.
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2.3.8.7. Post Height – New Definition

Comment	We support this amendment.
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2.3.8.8. Gross Density - Delete

Comment	We support this amendment.
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2.3.9 PART 9 – REFERRALS**2.3.9.1 Environment Protection Authority Referrals**

Comment	We support this amendment.
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2.3.10 PART 10 – SIGNIFICANT TREES

We note there are no proposed Code changes to Part 10.

2.3.11 PART 11 – LOCAL HERITAGE PLACES**2.3.11.1 Listing of State Heritage Place**

Comment	We support this amendment.
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2.3.12 PART 12 – CONCEPT PLANS

We note there are no proposed Code changes to Part 12.

From: [Melissa Marschall](#)
To: [DTI:PlanSA Submissions](#)
Cc: [Jake Vaccarella](#); ["Jordan Hunt"](#)
Subject: OCORR6645-22 - 3/CON/SUR/1 - Submission on Miscellaneous Technical Enhancement Code Amendment
Date: Friday, 23 September 2022 9:50:55 AM
Attachments: [IMG1Logo_png.png](#)
[IMG2Facebook_gif.gif](#)
[IMG3cupdate_png.png](#)
[IMG4electionbanner1a_jpg.jpeg](#)
[Submission to MTECA - FINAL.pdf](#)

Code Amendment Team
Planning and Land Use Services
Department for Trade and Investment

Dear Sir/Madam,

Please find attached Council's submission on the Miscellaneous Technical Enhancement Code Amendment.

Thank you.

Kind regards,

Melissa Marschall

Executive Assistant
Development & Environmental Services

Mid Murray Council | PO Box 28, Mannum SA 5238

Web: www.mid-murray.sa.gov.au

Mid Murray Council



We acknowledge the Aboriginal and Torres Strait Islander peoples of Australia as the Traditional Custodians of the lands and waters on which we meet and work. We pay respect to Elders past and present, recognising their important and ongoing role and connection to this ancient and beautiful land. We are committed to working together on our reconciliation journey.

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Ref: 3/CON/SUR/1/MM

23 September 2022

Code Amendment Team
Planning and Land Use Services
Department for Trade and Investment
GPO Box 1815
ADELAIDE SA 5001

Via email: plansasubmissions@sa.gov.au

Dear Sir/Madam,

Please find below a detailed response on behalf of Mid Murray Council to the Miscellaneous Technical Enhancement Code Amendment (MTECA), which is currently on public consultation until 23 September 2022.

As part of our review, we have identified the amendments which we believe will directly affect our Council area, and have provided commentary as to whether the Council support, oppose or support with recommended alterations to the Code Amendment (opposition or recommended alterations can be found in red in the 'comments' column of the table).

In addition to the changes outlined in the MTECA consultation document, we have identified other issues with the Planning and Design Code, which we believe can be resolved as part of this Amendment.

These recommendations are included in the 'recommended additional minor amendments' heading of the table below.

If you have any questions in respect to our submission, please feel free to contact me at the Cambrai office on _____ or via email at postbox@mid-murray.sa.gov.au.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Jake McVicar', is positioned above the printed name.

Jake McVicar
Director – Development and Environmental Services

All correspondence to PO Box 28, Mannum SA 5238 ABN 88 313 305 455
Email postbox@mid-murray.sa.gov.au Web www.mid-murray.sa.gov.au

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CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
<u>RULES OF INTERPRETATION</u>		
<p><u>Application of Spatial Policy Relevant to the site of the Development</u></p> <p>The Code currently does not have an interpretation around when a zone, subzone, or overlay only partly covers an allotment.</p>	<p>The following to be inserted in Part 1 of the Code:</p> <p><i>Application of Spatially Based Policies and Rules</i></p> <p><i>Where a zone, subzone, overlay or technical and numeric variation (TNV) does not spatially apply to the whole of a site that is the subject of the development application, the spatially based rules of the zone (including assessment pathway exclusions), subzone, overlay or TNV are only applicable to the portion of the site to which the zone, subzone, overlay or TNV spatially covers. Reference to the South Australian Property and Planning Atlas of the SA planning database will be made to determine whether a zone, subzone, overlay or TNV is relevant to the site of the proposed development application.</i></p>	<p>This amendment is supported.</p>
<p><u>Spatial maintenance updates – comprising minor or operational amendments</u></p> <p>Version updates are regularly made, generally comprising of minor or operational amendments to the spatial layers.</p>	<p>The following to be inserted in Part 1 of the Code:</p> <p><i>Cadastral updates</i></p> <p><i>The zones, subzones and overlays of the Code are referenced to the cadastral boundaries shown in SAPP. In the majority of cases a zone, subzone or overlay boundary is directly aligned with a cadastral boundary. In the case of roads the zone, subzone or overlay boundaries are often aligned with the centreline of that road.</i></p> <p><i>When cadastral boundaries are resurveyed and amended by the Surveyor-General there are often boundaries that are, as a result, found to be</i></p>	<p>This amendment is supported.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
	<p><i>incorrectly spatially located and as a result of the re-survey, are represented in SAPPA in a different geographic location.</i></p> <p><i>Where the spatial application of the boundary of a zone, subzone or overlay is directly aligned or linked with the cadastre (being a parcel boundary or some other point or position within a parcel) and the cadastre is amended by the Surveyor-General resulting in the movement of a cadastral boundary, the spatial application of the boundary of the zone, subzone or overlay will also move proportionate with the amended cadastre. This ensures that the existing approved spatial application of the boundary of the zone, subzone or overlay with the cadastre is maintained.</i></p>	
<u>ZONES</u>		
<p><u>Conservation Zone</u></p> <p>Amendment to PO 2.1 of the Zone, as it does not currently clarify that land division should avoid creating additional allotments with frontage to the coast or River Murray to capture conservation areas that do not directly abut waterfront areas.</p>	<p>AMEND – PO 2.1 to the following:</p> <p>Land division supports the management or improvement of the natural environment including avoiding:</p> <ul style="list-style-type: none"> a) further fragmentation of land that may reduce effective management of the environment b) parcel arrangements that increase direct property access to waterfront areas c) additional allotments with frontage to the coast or River Murray. 	<p>This amendment is supported.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
<p><u>Conservation Zone</u></p> <p>Land division policy within the Conservation Zone does not currently recognise the location of the zone adjacent the River Murray nor the policy intent to limit land division that results in parcel arrangements that increase direct property access to waterfront areas.</p>	<p>AMEND - DTS/DPF 2.1(b) as follows:</p> <p>b) for a boundary realignment that does not result in any additional allotments with frontage or direct access to the coast or River Murray and will satisfy one of the following:</p>	<p>This amendment is supported.</p>
<p><u>Rural Zone</u></p> <p>Policy provisions relating to matters of interface between sensitive receivers and rural land uses are not being called up for Performance Assessed detached dwellings the Rural Zone, and therefore are not available to a relevant authority for a development's assessment.</p>	<p>ADD - the following policy linkages for Performance Assessed Detached Dwelling in Table 3 of the Rural Zone, including associated DTS/DPF provisions:</p> <ul style="list-style-type: none"> • Interface between Land Uses [Interface with Rural Activities]: PO 9.1, PO 9.2, PO 9.3, PO 9.4, PO 9.5, PO 9.6, PO 9.7 	<p>This amendment is supported as it provides for a detailed assessment against provisions relating to interface impacts.</p>
<p><u>Rural Zone</u></p> <p>Additional policy guidance is required for the assessment of Land Divisions, including Boundary Realignments within the Rural Zone</p>	<p>ADD - PO 11.3 and DPF 11.3 in the policies applicable to a Boundary Realignment proposal.</p>	<p>This amendment is supported as it provides more detailed assessment provisions for boundary realignment proposal.</p>
<u>RESTRICTED DEVELOPMENT</u>		
<p><u>Industry</u></p> <p>Industry currently listed as Restricted within the following Zones, with the only exception being Light Industry:</p> <ul style="list-style-type: none"> • Employment Zone 	<p>AMEND – this restricted trigger to include special industry as opposed to Industry</p>	<p>This amendment is supported as it allows Council to more effectively determine whether a DA is for Industry or Light Industry, with these decisions often pending specific expert consultant reports.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
<ul style="list-style-type: none"> • Township Zone • Township Activity Centre Zone • Township Activity Centre Zone 		
<p><u>Land Division within the Limited Land Division Overlay</u></p> <p>It is considered that the policy which generally applies to land division in the Code provides adequate direction to a relevant authority for assessment purposes.</p>	<p>REMOVE - land division when the Limited Land Division Overlay applies in Table 4 – Restricted Development Classification in the Productive Rural Landscape Zone, Rural Zone, and Rural Horticulture Zone.</p>	<p>This amendment is supported as the policy provide clear guidance to support or refusal proposal.</p>
<p><u>Dwelling within the Limited Dwelling Overlay</u></p> <p>The policy which generally applies to dwellings in the Code provides adequate direction to a relevant authority for assessment of a dwelling application.</p>	<p>REMOVE - dwelling when the Limited Dwelling Overlay applies from Table 4 – Restricted Development Classification in the Rural Zone and Rural Horticulture Zone</p> <p>AMEND - PO 1.1 of the Limited Dwelling Overlay to the following to make it clear that no new dwellings are envisaged:</p> <p><i>PO 1.1 - Development does not result in the establishment of a new dwelling</i></p>	<p>This amendment is supported as the policy provide clear guidance to support or refusal proposal.</p>
<p><u>Dwellings within the Employment (Bulk Handling) Zone</u></p> <p>A dwelling other than when it is ancillary to a non-residential land use (and where it will not result in more than one dwelling on an allotment)</p>	<p>REMOVE - dwelling from Table 4 – Restricted Development Classification in the Employment (Bulk Handling) Zone</p>	<p>This amendment is not supported, as there is very limited circumstances when a dwelling could be proposed without a non-residential use. We feel that the assessment policy is not strong enough to enable this development type to be removed from the Restricted Classification.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
is given a restricted development classification in this zone.		
<p><u>Dwelling and Land Division within the Deferred Urban Zone</u></p> <p>Within the Deferred Urban Zone, only development that will not result in more than one dwelling on an allotment are permitted. Land division is also restricted in the zone except for land division that does not create additional allotments other than for the purpose of providing public infrastructure. Neither of these two land uses is considered to warrant a restricted development classification or detailed investigation and assessment.</p>	<p>REMOVE - dwelling and land division from Table – 4 Restricted Development Classification within the Deferred Urban Zone</p> <p>CREATE - new PO 2.3 to provide guidance for a dwelling within the Deferred Urban Zone:</p> <p>PO 3.1 Land division is limited to that which:</p> <ul style="list-style-type: none"> a) corrects anomalies in the placement of allotment boundaries with respect to the location of existing buildings or structures or b) enables the provision of public infrastructure. <p>DTS/DPF 3.1 Land division for any of the following:</p> <ul style="list-style-type: none"> a) the alteration of allotment boundaries, where no additional allotments are created b) the purpose of providing public infrastructure. 	<p>This amendment is supported as it enables Council to effectively assess proposal which seek to resolve minor anomalies or provide for the provision of infrastructure.</p>
<p><u>Employment Zone – Removal of Various Land Uses from Restricted Classification</u></p> <p>The following two land uses are proposed to be removed from the restricted development classification listing:</p>	<p>REMOVE - the following listed land uses from Table 4 – Restricted Development Classification in the Employment Zone –</p> <ul style="list-style-type: none"> • Waste reception, storage, treatment or disposal; and • Wrecking yard 	<p>This amendment is supported.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
<ul style="list-style-type: none"> Waste reception, storage, treatment or disposal Wrecking yard 		
<p><u>Land Division and Dwellings within the Rural Shack Settlement Zone</u></p> <p>Within the Rural Shack Settlement Zone, a dwelling is currently restricted other than a detached dwelling that will not result in more than one dwelling on an allotment. Land division is also restricted in the zone except for land division that creates an allotment for an existing dwelling, is for the purpose of creating a public road or reserve or is for a minor boundary realignment to remove a minor anomaly.</p>	<p>REMOVE - dwelling and land division from the restricted table in Rural Shack Settlement Zone</p>	<p>This amendment is not supported. We believe the more appropriate solution would be to amend the current Restricted Criteria to the following:</p> <p>Detached Dwelling (Exclusion) – that will not result in more than one dwelling on an allotment <u>or lease site</u>.</p> <p>Furthermore, limited land division policies exist to assess a proposal within this Zone, so we feel that this should remain as the status quo.</p>
NOTIFICATION TABLES		
<p><u>Notification Tables – Minor Development</u></p> <p>Currently public notification requirements often trip relatively minor applications into a performance assessed pathway under the Code. This creates additional work for planning authorities over and above notifications that occurred under the former development system under the Development Act 1993.</p>	<p>AMEND - the interpretation section of each zone public notification table (Table 5) together with Part 1 – Rules of Interpretation by inserting rules into the Code that would allow a relevant authority to determine that a variation to one or more corresponding exclusions prescribed in Column B is minor in nature, in which case the application will not require notification.</p> <p>AMEND - each zone public notification table (Table 5) so that the following minor forms of development are not subject to public notification (or subjected to notification exception criteria in Column B):</p>	<p>This amendment is supported as it limits the need to notify minor forms of development</p>

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	<ul style="list-style-type: none"> • Air handling unit, air conditioning system or exhaust fan • Carport • Deck • Fence • Outbuilding • Pergola • Private bushfire shelter • Retaining wall • Shade sail • Solar photovoltaic panels (roof mounted) • Swimming pools or spa pool • Verandah • Water tank. 	
<p><u>Notification of small scale developments</u></p> <p>Public notification tables currently notify smaller developments (ie. outbuilding, fence, retaining wall, etc.) where they exceed height or length on a boundary.</p>	<p>AMEND public notification tables removing the need for notification for small scale developments</p>	<p>This amendment is supported.</p>
<p><u>Rural Shack Settlement Zone – Light Industry, Warehouse, Store</u></p> <p>Within the Rural Shack Settlement Zone, Item 2 of the public notification table excludes the</p>	<p>Item 4 of the same table refers to the same form of development. On review, Item 4 was established when it was determined that like land uses would be provided with their own 'row' in the notification</p>	<p>This amendment is supported.</p>

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<p>following form of development from public notification:</p> <p><i>Any development involving any of the following (or of any combination of any of the following): ...</i></p> <p><i>(h) light industry, warehouse or store (or any combination thereof) where the total floor area of the buildings plus any outdoor space used for any of these uses is less than 80m²</i></p>	<p>table where the same 'exception' criteria were to be applied (in this instance a maximum 80m² combined total floor area before public notification is triggered).</p> <p>Reference to light industry, warehouse and store in Item 2 of the public notification table is therefore an error and should be removed.</p>	
<p><u>Land Division</u></p> <p>There is an inconsistency in the zone public notification tables regarding the exemption of 'land division' from public notification. In most instances (47 zones out of 65) 'land division' is exempt without exception (e.g. no exception criteria has been applied in Column B).</p>	<p>Exempt the land division within the following Zones from requiring notification:</p> <ul style="list-style-type: none"> • Conservation Zone • Employment (Bulk Handling) Zone • Infrastructure Zone • Infrastructure (Airfield) Zone • Rural Shack Settlement Zone 	<p>This amendment is supported, as regardless of whether land division is envisaged, it does not warrant notification.</p>
<p><u>Additional notification trigger in Township Zone</u></p> <p>Currently proposed developments are not notified where they involve building a wall on an allotment boundary that exceeds 3 metres in height or 11.5 metres in length.</p>	<p>AMEND public notification table to include the following for Clause 2, 3 and 4:</p> <p><i>3. involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary (not being a boundary with a primary street or secondary street or an excluded boundary) and:</i></p> <p><i>(a) the length of the proposed wall (or structure) exceeds 11.5m (other than where the proposed wall abuts an existing wall or</i></p>	<p>This amendment is supported.</p>

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	<p><i>structure of greater length on the adjoining allotment)</i></p> <p><i>or</i></p> <p><i>the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment).</i></p>	
<p><u>Frost Fans</u></p> <p>Frost fans were raised by one Council as a land use activity that was being unnecessarily bogged down by notification red tape.</p>	<p>No changes are recommended as Frost Fans are a common source of complaint</p>	<p>Support the approach to not amend the notification aspect, however recommend that a defined performance assessment pathway be developed so as to more effectively assess this development type.</p>
<u>ASSESSMENT POLICY LINKAGES</u>		
<p><u>Interface Height</u></p> <p>Within the Township Main Street Zone and Recreation Zone the only policy relating to interface height is the building envelope.</p>	<p>CREATE PO 3.8 in Township Main Street Zone and PO 3.3 in Recreation Zone which states:</p> <p><i>Buildings on an allotment fronting a road that is not a State Maintained road, and where land on the opposite side of the road is within a neighbourhood-type zone, provides an orderly transition to the built form scale envisaged in the adjacent zone to complement the streetscape character.</i></p>	<p>This amendment is supported.</p>
<p><u>Horticulture – Prescribed Surface Water Areas Overlay and Prescribed Wells Area Overlay – linkages</u></p>	<p>REMOVE - Prescribed Surface Water Areas Overlay and Prescribed Wells Area Overlay from the list of Overlay exclusions for Deemed-to-Satisfy</p>	<p>This amendment is supported, as it creates consistency between the Overlay requirements.</p>

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<p>Certain overlay policy provisions are not being called up for Horticulture even though they are specifically related to this development type.</p>	<p>Horticulture where it appears in Table 2 of all relevant Zones.</p> <p>ADD - the following Overlay DTS/DPF provisions to the Deemed-to-Satisfy pathway for Horticulture where it appears in Table 2 of Zones:</p> <ul style="list-style-type: none"> • Prescribed Surface Water Areas Overlay DTS/DPF 1.2 • Prescribed Wells Area Overlay DTS/DPF 1.1 ADD PO1.1 of the Murray-Darling Basin Overlay to the Performance Assessed pathway for Horticulture where it appears in Table 3 of Zones. 	
<p><u>Land Division – Site Contamination – Policy Relevance and Linkage</u></p> <p>Part 9.1 of the Code (Referral Body: Environment Protection Authority) specifies that a referral is required for Performance Assessed Land Division in certain circumstances, however, the policy provisions of the Site Contamination General Development Policies are not linked to this development type.</p>	<p>ADD - PO and DTS/DPF 1.1 of the Site Contamination General Development Policies to any Performance Assessed Land Division to ensure that site contamination matters are appropriately addressed.</p>	<p>This amendment is supported.</p>
<p><u>Non-Residential Outbuildings – New Policy and Assessment Pathways</u></p> <p>While assessment pathways for outbuildings currently exist, relevant policies are typically related to residential outbuildings. As such, non-residential outbuildings will often default to Performance Assessed where they are not</p>	<p>CREATE - an additional performance outcome in all applicable zones for Ancillary Structures and Buildings not specifically in association with a dwelling.</p> <p>ADD - new policy provisions to existing pathways for outbuildings, carports and verandahs to allow for</p>	<p>This amendment is supported.</p>

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ancillary to a dwelling (e.g., a shed for a church or a school in a neighbourhood-type zone).	assessment of these development types where not in association with a dwelling.	
<p><u>Pool Fencing – Accepted Development Pathway</u></p> <p>Although an Accepted Pathway exists for a swimming pool or spa pool, at present this does not consider the prerequisite for an associated safety fence. As a result, there is no way to achieve an Accepted Development Pathway for a swimming pool as the associated safety fence must be performance assessed.</p>	<p>AMEND – The Accepted Pathway for ‘Swimming pool or spa pool’ across pertinent zones to include ‘and Swimming Pool Safety Features’.</p>	<p>This amendment is supported.</p>
<p><u>Tourist accommodation – total floor area</u></p> <p>Policy interpretation was unclear as whether the DPF was to apply per building or across multiple new buildings forming a single integrated tourist accommodation facility.</p>	<p>AMEND DTS/DPF 6.3(b) of the Rural Zone and Productive Rural Landscape Zone to the following:</p> <p><i>(b) in relation to the area used for accommodation: where in a new building, or buildings, does not exceed a cumulative total floor area of 100sqm</i></p>	<p>We agree that the DPF should be clearer, however the total floor area of 100sqm should not relate to the cumulative tourist accommodation facility but only to a single building. We believe the PO can adequately deal with multiple buildings forming a single integrated tourist accommodation facility.</p>
<u>OVERLAYS</u>		
<p><u>River Murray Flood Plain Protection Area Overlay – Outbuildings – Policy Intent</u></p> <p>DTS/DPF 5.4(a) of the River Murray Flood Plain Protection Area Overlay does not currently make it clear that roller doors, removable panels and the like should be located at ‘opposing’ ends or</p>	<p>AMEND - DTS/DPF 5.4(a) to clarify that roller doors, removable panels and the like should be located at opposing ends or sides to enable the flow through of flood waters, and to align with the wording used in part (j)(iii)(C) of the ‘Procedural Matters (PM) – Referrals’ table.</p>	<p>This amendment is supported.</p>

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sides to enable the flow through of flood waters in a flood event		
<p><u>River Murray Flood Plain Protection Area Overlay – Outbuildings – Linkage</u></p> <p>PO 4.2 of the River Murray Flood Plain Protection Area Overlay does not currently apply to Performance Assessed Outbuildings, even though the provision itself is specifically related to this form of development.</p>	<p>ADD - PO 4.2 of the River Murray Flood Plain Protection Area Overlay to the Performance Assessed pathway for Outbuildings to ensure provide guidance on the management of visual dominance of these structures from the waterfront.</p>	<p>This amendment is supported.</p>
<p><u>River Murray Flood Plain Protection Area Overlay – Water Supply – New Policy</u></p> <p>Need for new policy in the River Murray Flood Plain Protection Area Overlay that recognises the need for development to have a lawful, sustainable and reliable water supply that does not place undue strain on water resources and the River Murray in addition to existing policies that aim to protect life and property against risk of flooding.</p>	<p>CREATE - a new Performance Outcome in the River Murray Flood Plain Protection Area Overlay that specifically requires that development has a lawful, sustainable and reliable water supply that does not place undue strain on water resources in prescribed water areas to complement policies in the River Murray Tributaries Protection Area Overlay and various Prescribed Water Overlays.</p> <p>AMEND Table 3 – Applicable Policies for Performance Assessment Development for a range of rural and employment type zones to call up the new Performance Outcome in the assessment of particular performance assessed land uses and activities located in the River Murray Flood Plain Protection Area Overlay.</p>	<p>This amendment is supported.</p>
<p><u>River Murray Flood Plain Protection Area Overlay – Referrals</u></p> <p>The Department for Environment and Water has identified an increase in the number of referrals</p>	<p>AMEND - the referral triggers to include the following relevant additional exceptions:</p> <ul style="list-style-type: none"> i. <i>is the construction of an agricultural building, enclosed shed, garage or similar outbuilding:</i> 	<p>This amendment is supported, however it is suggested that the outbuilding floor area parameter for a RM referral be consistent with</p>

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<p>received by the Minister for the River Murray since the full introduction of the Code, which is not practical.</p>	<ul style="list-style-type: none"> • <i>that is ancillary to an existing building;</i> • <i>where the enclosed shed, garage or similar outbuilding will not have a total floor area of more than 150m²;</i> • <i>where the agricultural building will not have a floor area of more than 250m²;</i> • <i>that is located outside the 1956 River Murray Flood Plain or will have on opposite sides either removable panels or at least 2 doors so as not to impede flood waters;</i> • <i>that will not be located closer to the River Murray than the building to which it is ancillary.</i> <p><i>ii. is the construction of a dwelling (or the alteration or extension of an existing dwelling) that is located outside the 1956 River Murray Floodplain and not closer than 100m to the River Murray; or</i></p> <p><i>iii. is the construction of an elevated dwelling that is located within the Rural Shack Settlement Zone and has an open undercroft area or an undercroft area –</i></p> <ul style="list-style-type: none"> <i>A. that when enclosed, is enclosed using roller doors, removable panels or other material that can be easily opened or removed during times of flood</i> <i>B. that is not a habitable room</i> <i>C. that will have enclosed areas for a toilet, shower or laundry facilities not exceeding a combined maximum floor area of 15m²; or</i> <p><i>iv. is the construction of a transportable dwelling or cabin, or a removable annexe, within an existing caravan or tourist park.</i></p> <p>AMEND - the referral triggers to also remove the need for referral to the Minister for the River Murray for certain classes of development where a lawful water allocation already exists that can service the</p>	<p>the floor area parameter envisaged within the Rural Shack Settlement Zone.</p>

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	new development, and where no additional water is required to be taken.	
<p><u>River Murray Tributaries Protection Area Overlay – Policy intent</u></p> <p>The Department for Environment and Water has identified that PO 1.2 in the Assessment Provisions of the River Murray Tributaries Protection Area Overlay appears to be limited to surface water while the listed classes of development and activities in the performance outcome are also likely to use prescribed underground and watercourse water resources.</p>	<p>AMEND - PO 1.2 to expand the range of prescribed water resources areas where undue strain on watercourses should not occur from the listed classes of development.</p>	<p>This amendment is supported.</p>
<p><u>River Murray Tributaries Protection Area Overlay – Referrals</u></p> <p>Referral to the Minister for the River Murray for certain classes of development within the River Murray Tributaries Protection Area Overlay is considered unnecessary where there is already a lawful water allocation that can service the new development, and where no additional water allocation is required.</p>	<p>AMEND - the referral triggers to remove the need for referral to the Minister for the River Murray for certain classes of development where a lawful water allocation already exists that can service the new development and where no additional water is required to be taken</p>	<p>This amendment is supported.</p>
<p><u>Key Outback and Rural Routes Overlay</u></p> <p>Changes are primarily proposed to align with similar changes in this Amendment in respect to the related Urban Transport Routes Overlay and Major Urban Transport Routes Overlay, to ensure consistency across the various transport</p>	<p>AMEND - PO 3.1 and DTS/DPF 3.1 under a new heading 'Access – Location (Spacing) – Existing Access Points' include a new part (c)(iv) to address a change of use from a residential dwelling to a shop or office or consulting room or personal or domestic services establishment with</p>	<p>The proposed amendments to this Overlay are supported as they bring consistency with the other Transport Overlays. The new policy 8.1 is useful for proposed developments located in road reserve.</p>

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overlays in the Code and reflect contemporary requirements and standards:	<p>AMEND - PO 7.1 and DTS/DPF 7.1 to include the addition of a new part (c) that ensures development does not prevent access points becoming stormwater flow paths directly onto roads.</p> <p>CREATE - a new PO 8.1 and DTS/DPF 8.1 under a new heading 'Building on Road Reserves' to address encroachment of buildings or structures that may encroach onto, above or below road reserves.</p>	
<p><u>State Significant Native Vegetation Overlay</u></p> <p>DTS/DPF 1.1(b) in the Assessment Provisions (AP) of the State Significant Native Vegetation Overlay currently provides a Deemed-to-Satisfy pathway for development where an application is accompanied by a report prepared in accordance with Regulation 18(2)(a) of the Native Vegetation Regulations 2017 that confirms that the clearance is categorised as 'Level 1 clearance'. Notwithstanding this, a referral to the Native Vegetation Council is currently triggered in the overlay for all classes of development (other than land divisions) that involve a Level 1 clearance, which is counter to the Deemed-to-Satisfy pathway.</p>	<p>AMEND - the Procedural Matters (PM) – Referrals in the State Significant Native Vegetation Overlay to require that where the clearance is categorised as a 'Level 1 clearance' in an accredited consultant's report, referral is not required to the Native Vegetation Council.</p>	This amendment is supported.
<p><u>Prescribed Water Resources Area Overlay</u></p> <p>An error exists in the Procedural Matters (PM) – Referrals table within the Prescribed Water Resources Overlay, whereby the overlay does not include an exemption for developments that</p>	<p>AMEND - the referral triggers to remove the need for referral to the Chief Executive of the Department of the Minister responsible for the administration of the Landscape South Australia Act 2019 for certain classes of development where a lawful water</p>	This amendment is supported.

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have already been granted access to water as is provided in the various other Prescribed Water Overlays in the Code.	allocation already exists that can service the new development and where no additional water is required to be taken, ensuring consistency across the various Prescribed Water Overlays in the Code.	
<u>GENERAL DEVELOPMENT POLICIES</u>		
<p><u>Carport and Outbuilding – Design Module</u></p> <p>Policy provisions from the Design in Urban Areas and Design General Development Policies relating to garage dominance and the internal dimensions of enclosed parking spaces do not currently apply to applications for carports or garages which are not under the main roof of a dwelling.</p>	<p>ADD - Design in Urban Areas PO 23.1 or Design PO 19.1 (depending on Zone) to Deemed-to-Satisfy and Performance Assessed pathways for Carports and Outbuildings in to provide guidance for the assessment of internal dimensions for enclosed parking spaces.</p> <p><i>PO 19.1 - Enclosed parking spaces are of a size and dimensions to be functional, accessible and convenient.</i></p>	<p>This amendment is supported, as it encourages better design outcomes for Garages and Carports.</p>
<p><u>Decks</u></p> <p>Proposals for decks are deemed development under the circumstances set out in Schedule 4 of the Planning, Development and Infrastructure (General) Regulations 2017 and currently require assessment against Code.</p>	<p>CREATE - additional policy within the Design, and Design in Urban Areas module specific to decks to include assessment provisions that address overlooking.</p> <p>CREATE - a deemed-to-satisfy and performance assessed pathway for decks in neighbourhood-type, residential employment, rural and recreation type zones linking the proposed new decks policy, with overlay applicability and relevant General Development policies reflecting comparable development types such as a verandah.</p>	<p>This amendment is supported.</p>
<p><u>Design – Driveways and Access Points</u></p>	<p>AMEND - PO 19.3 - Driveways and access points are located and designed to facilitate safe access</p>	<p>This amendment is supported as it refines the policy relating to Driveways and access points.</p>

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<p>Feedback has identified that policy provisions related to driveways and access points have been applied inconsistently across some zones</p>	<p>and egress while maximising land available for street tree planting, domestic waste collection, landscaped street frontages and on street parking.</p>	
<p><u>Heavy Vehicle Parking</u></p> <p>Parking of a vehicle exceeding 3000 kg is classified as development under the PDI Act. However, no formal definition or assessment policy exists.</p>	<p>CREATE - a new land use definition for heavy vehicle parking (refer to the definitions section of this Code Amendment for further details)</p> <p>CREATE - the following policies:</p> <p>PO 11.1 - Heavy vehicle parking only occurs on the same allotment as a dwelling and the vehicle is only owned and operated by a resident of the dwelling.</p> <p>PO 11.2 - Heavy vehicle parking and access is designed and sited so that the activity does not result in nuisance to adjoining neighbours as a result of dust, fumes, vibration, odour or potentially hazardous loads.</p> <p>DPF/DTS 11.2 - Heavy vehicle parking occurs in accordance with the following:</p> <ol style="list-style-type: none"> a) the site is a minimum of 0.4 ha. b) where the site is 2 ha or more, no more than 2 vehicles exceeding 3,000 kilograms each (and trailers) are to be parked on the allotment at any time. c) where the site is between 0.4 ha and 2 ha, only one vehicle exceeding 3,000 kilograms (and one trailer) are to be parking on the allotment at any time. d) other than minor maintenance, no maintenance of the vehicle will occur on-site. e) the vehicle parking area achieves the following setbacks: <ol style="list-style-type: none"> I. Behind the building line or 30m, whichever is greater; II. 20m from the secondary street if it is a State Maintained Road; III. 10m from the secondary street if it is a local road; IV. 10m from side and rear boundaries; 	<p>This amendment is supported as it will effectively assist in assessing heavy vehicle proposals. The policies include sufficient grounds for support or refusal.</p>

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	<p>f) parking and access areas (including internal driveways) should be sealed or have a surface that can be treated and maintained to minimise dust and mud nuisance.</p> <p>g) does not include refrigerated trailers or vehicles.</p> <p>h) vehicles only enter and exit the property in accordance with the following hours:</p> <ul style="list-style-type: none"> i. Monday to Saturday 6:00am and 9:30pm; ii. Sunday and public holidays between 9:30 am and 7:00 pm; <p>i) the handling or trans-shipment of freight is not carried out on the property.</p> <p>PO 11.3 Heavy vehicle parking ensures that vehicles can enter and exit a site safely and without creating a hazard to pedestrians and other vehicular traffic.</p> <p>DPF/DTS 11.3 - Heavy vehicles:</p> <ul style="list-style-type: none"> a) can enter and exit the site in a forward direction; and b) operate within the statutory mass and dimension limited for General Access Vehicles (as prescribed by the National Heavy Vehicle Regulator). <p>PO 11.4 - Heavy vehicle parking is screened from views from adjoining properties and the public roads by existing buildings and landscaping.</p>	
<p><u>Land Division – Policy Linkages</u></p> <p>It has been identified that not all the policy provisions from the Land Division general Development Policies are linked to Performance Assessed Land Divisions within zones.</p> <p>Specifically:</p> <p><i>Design and Layout: PO 2.8: Land division is designed to preserve existing vegetation of</i></p>	<p>ADD - PO 2.8 and PO 3.11 of the Land Division General Development Policies to the Performance Assessed pathway for “Land Division” in all zones to ensure a consistent approach to the application of policy provisions from this module.</p>	<p>This amendment is supported as it further expands the assessment criteria for land division proposals.</p>

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<p><i>value including native vegetation and regulated and significant trees.</i></p> <p><i>Roads and Access: PO 3.11: Local streets are designed to create low-speed environments that are safe for cyclists and pedestrians.</i></p>		
<p><u>Transport, Access and Parking – Fence Policy - Sightlines</u></p> <p>The policy provisions currently applied to a Performance Assessed Fence in various zones do not address matters related to preservation of sightlines between vehicles and pedestrians where fences are located adjacent to driveways or corner sites.</p>	<p>APPLY - relevant policy provisions from the Transport, Access and Parking General Development Policy module to Performance Assessed Fences to address matters relating to preservation of sightlines:</p> <p>PO 10.1 - Development is located and designed to ensure drivers can safely turn into and out of public road junctions.</p> <p>PO 2.2 - Walls, fencing and landscaping adjacent to driveways and corner sites are designed to provide adequate sightlines between vehicles and pedestrians.</p>	<p>This amendment is supported as it enables more effective assessment criteria for fencing.</p>
<u>LAND USE DEFINITIONS</u>		
<p>Ancillary Accommodation</p>	<p>AMEND - to include:</p> <p>Means accommodation that:</p> <ul style="list-style-type: none"> a) is located on the same allotment as an existing dwelling; and b) is not a self-contained residence; and c) contains no more than 2 bedrooms or rooms or areas capable of being used as a bedroom; and 	<p>This amendment to the definition I supported, as it makes it very clear as to what criteria need to be satisfied.</p>

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	d) is subordinate to and <i>does not have separate connection to utilities and services (such as electricity, gas, water, telecommunications, sewerage system, wastewater system or waste control system) to those servicing the existing dwelling</i>	
Commercial Forestry	<p>AMEND - to include:</p> <p>Means the practice of planting <i>and managing plantation forests</i> that are intended to be harvested for wood products or other commercial purposes, including through the commercial exploitation of the carbon absorption capacity of the forest.</p> <p><i>Definition now excludes horticulture, cropping, and farming.</i></p>	This amendment is supported.
Educational establishment	<p>AMEND - to include:</p> <p>Change definition to Educational <i>Facility</i>:</p> <p>Means a primary school, secondary school, reception to year 12 school, college, university or technical institute, and includes an associated <i>child care facility</i> or institution for the care and maintenance of children.</p>	This amendment is supported.
Heavy Vehicle Parking (no definition)	<p>CREATE definition for heavy vehicle parking:</p> <p><i>Means the parking of any vehicle exceeding 3 000 kg in weight (including the weight of any attached trailer) on land used for residential purposes.</i></p>	This amendment is supported.

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Indoor recreation facility	<p>AMEND - to include:</p> <p>Means a building or part of a building designed or adapted primarily for recreation or fitness pursuits.</p>	This amendment is supported.
Office	<p>AMEND - to include:</p> <p>Means a building or part of a building used for administration or the practice of a profession, but does not include a consulting room or premises where materials are stored for sale or manufacture.</p>	This amendment is supported.
Pre-school	<p>AMEND - definition to Child care facility:</p> <p>Means a place primarily for the care or instruction of children of less than primary school age, children with special needs or out-of-school-hours care (including vacation care) and not resident on the site.</p> <p>Definition includes a pre-school.</p>	This amendment is supported.
Tourist accommodation	<p>AMEND - to include:</p> <p>Means premises in which temporary or short-term accommodation is provided to travellers on a commercial basis. This use may also include:</p> <ul style="list-style-type: none"> a) onsite services and facilities primarily for the use by guests; b) facilities for the management of the accommodation. 	This amendment is supported as it more broadly captures associated elements of accommodation facilities.

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
	This definition now includes a Caravan and Tourist Park but excludes a residential park.	
Worker's accommodation	<p>AMEND - to include:</p> <p>Means premises used to accommodate workers on a temporary basis while they carry out employment:</p> <ul style="list-style-type: none"> a) on the same site as the workers' accommodation; or b) in mining or petroleum extraction; or c) in seasonally intensive rural activities including fruit picking, pruning, animal shearing, meat processing, bulk handling or freight handling; or d) in the construction of essential infrastructure. 	This amendment is supported.
Function venue (no definition)	<p>CREATE - Definition for Function Centre:</p> <p>Means premises used for the hosting of events, conferences, conventions, receptions or functions.</p>	Support the inclusion of this new definition.
<u>ADMINISTRATIVE DEFINITIONS</u>		
Building Height	<p>AMEND to include:</p> <p><i>Means the maximum vertical distance between the lower of the natural or finished ground level or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) at any point of any part of a building and the finished roof</i></p>	<p>This amendment is supported; however, it is recommended that the following additional words (shown in red), be inserted to provide a clearer interpretation outcome:</p> <p><i>Means the maximum vertical distance between the lower of the natural or finished ground level or a measurement point specified by the</i></p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
	<p>height at its highest point, ignoring any antenna, aerial, chimney, flagpole or the like.</p> <p>For the purposes of this definition, building does not include any of the following:</p> <ul style="list-style-type: none"> (a) flues connected to a sewerage system (b) telecommunications facility tower or monopole (c) electricity pole or tower (d) or any similar structure 	<p>applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) at any point of any part of a building and the finished roof height at its highest point on the same vertical plane, ignoring any antenna, aerial, chimney, flagpole or the like. For the purposes of this definition, building does not include any of the following:</p> <ul style="list-style-type: none"> (a) flues connected to a sewerage system (b) telecommunications facility tower or monopole (c) electricity pole or tower (d) or any similar structure. <p>A corresponding diagram for measuring the building height on a sloping site would further strengthen clarity of the definition.</p>
Gross density	REMOVE definition.	Support this amendment.
<p><u>Building Line</u></p> <p>In relation to a building on a site, means a line drawn parallel to the wall on the building closest to the boundary of the site that faces the primary street (and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not to be taken to form part of the building for the purposes of determining the relevant wall of the building.</p>	<p>AMEND - In relation to a building on a site, means a line drawn parallel to the wall of the building closest to the boundary of the site that faces the primary street and any existing projection from that wall of the building such as a verandah, porch, balcony, awning or bay window is not to be taken to form part of the building.</p>	<p>This amendment is supported.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
provided that the projection is not more than 1.5m).		
<p><u>Wall Height</u></p> <p>Means the height of the wall measured from the top of its footings but excluding any part of the wall that is concealed behind an eave or similar roof structure and not visible external to the land.</p>	<p>AMEND - Means the height of the wall measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) noting that the height measurement does not include any part of the wall that is concealed behind an eave or similar roof structure and not visible external to the land.</p>	<p>This amendment is supported.</p>
<p>Direct Overlooking (new definition)</p>	<p>CREATE definition for direct overlooking:</p> <p><i>In relation to direct overlooking from a window, is limited to an area that falls within a horizontal distance of 15 metres measured from the centre line of the overlooking window and not less than 45 degree angle from the plane of the wall containing the overlooking window.</i></p> <p><i>In relation to direct overlooking from a deck, balcony or terrace, is limited to an area that falls within a horizontal distance of 15m measured from any point of the overlooking deck, balcony or terrace.</i></p> <p>Images also included to assist with definition:</p>	<p>Support this amendment.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
<p>Post height (new definition)</p>	<p>CREATE definition for post height:</p> <p><i>Means the height of the post measured from the top of its footings of a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) noting that the height measurement does not include any part of the post that is concealed behind an eave or similar roof structure and not visible external to the land.</i></p>	<p>Support this amendment.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
<u>REFERRALS</u>		
<p><u>EPA Referrals</u></p> <p>Under the Development Regulations 2008 (now ceased), schedule 8 required a referral to the Environment Protection Authority (EPA): Development that involves, or is for the purposes of, an activity specified in Schedule 22 (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level).</p> <p>The EPA has noted that the inclusion of Class 3 activities for referrals appears to be an administrative error as these activities were not identified in any consultation version of the Code. Further adding to this, is that the referral trigger for Site Contamination – Change in the use of land to a more sensitive use only refers to class 1 and class 2 activities with no requirements for a class 3 activity.</p>	<p>The proposed solutions to these issues are as follows:</p> <p>CREATE - an interpretation noted for Part 9.1 of the Code to confirm when referrals are required:</p> <p><i>For the purposes of item 9 of the table in clause 3 of schedule 9 of the Planning Development and Infrastructure (General) Regulations 2017, development that involves, or is for the purposes of, an activity specified in the table below, requires a referral to the Environment Protection Authority, including:</i></p> <ul style="list-style-type: none"> • <i>development that reaches a threshold specified in the table below;</i> • <i>development with the capacity or potential to operate above the threshold level specified in the table below; or</i> • <i>an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level specified in the table below.</i> <p><i>The above does not apply for the purposes of items 9A and 9AB of the table in clause 3 of schedule 9 of the Planning Development and Infrastructure (General) Regulations 2017, which relate to site contamination and land division.</i></p> <p>AMEND - the Class of Development / Activity Site Contamination – Land Division Class to removed class 3 activity needing to be referred and inclusion of the reference to South Australian Property and Planning Atlas.</p>	<p>This amendment are supported as they enable referrals for the expansion of existing facilities which have a major environmental significance.</p> <p>The removal of class 3 is an appropriate deletion from the site contamination referral criteria.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
<u>RECOMMENDED ADDITIONAL MINOR AMENDMENTS</u>		
<p><u>Agricultural Building – Definition</u></p> <p>Current definition does not require the agricultural building to be located on the same site/land as the associated land use.</p>	<p>AMEND - to include:</p> <p>Means a building used wholly or partly for purposes associated with farming, commercial forestry, intensive animal husbandry, dairying or horticulture land use, or to support the operations of that lawful use of the land, but does not include frost fans or a building used wholly or partly for any of the following:</p> <p>the processing or packaging of commodities</p> <p>the housing of animals for the purposes of intensive animal husbandry</p> <p>the purposes of a dairy.</p>	<p>The amendment ensures that a proposed agricultural building be associated with a lawful land use.</p>
<p><u>Definition of Waste – Administrative</u></p> <p>The definition of waste within Part 8 of the Planning and Design Code defers to the <i>Environment Protection Act 1993</i>.</p> <p>The definition is prescribed by section 4 of this Act and also has exclusions, which are not readily apparent and cannot be readily confirmed by the Environment Protection Authority when a relevant authority is determining the nature of development. The EPA has already received at least two enquiries attempting to confirm whether a use falls within the definition of waste.</p>	<p>ADD - the definition of waste to Part 8 of the Planning and Design Code (i.e. copy and paste the definition of waste within section 4(1) of the above Act)</p>	<p>This Amendment would negate the relevant authority having to consider the exclusions to the definition within section 4(2) of the EPA Act</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
<p><u>Design General Module – Policy Gap</u></p> <p>There is no policy within the Design or Design in Urban Areas General Development Policies (GDPs) that relate to the external materials and finishes of low-rise dwellings.</p> <p>This has resulted in an influx of ‘shed houses’ in areas which have an established character, such as Coffin Bay, as there are no applicable policies allowing us to consider the materiality and external appearance of the dwelling.</p>	<p>CREATE - new policies to the Design GDPs that apply to dwellings and dwelling additions within neighbourhood type zones which guide external materials and design.</p> <p>These policies could be adapted from Design in Urban Areas PO and DTS/DPF 12.5 and 12.6 which apply to medium-high rise development.</p>	<p>This amendment would result in better design outcomes and provide stronger policy to refuse poorly designed buildings.</p>
<p><u>Earthworks in Conservation Zone</u></p> <p>Land within the Conservation Zone is commonly within the Coastal Areas Overlay. Earthworks exceeding 9 cubic metres are development within this Overlay and it is common for earthworks to exceed 9 cubic metres.</p> <p>There are no exclusions for earthworks within Table 5 of the Zone and accordingly, an assessment to determine whether the earthworks are ‘minor in nature’ is required for each development application including earthworks.</p>	<p>ADD - the following exclusion to Table 5 of the Conservation Zone:</p> <p>Class of development (Column A): Earthworks</p> <p>Exceptions (Column B): Except any of the following:</p> <ol style="list-style-type: none"> 1. Earthworks that exceed a depth of 1 metre 2. Earthworks that are situated within a Hazards (Flooding) Overlay or River Murray Flood Plain Protection Area Overlay 	<p>This amendment would negate a proposal which includes earthworks exceeding 9 cubic metre requiring public notification. It is noted that a wastewater disposal system often requires more than 9 cubic metres of earthworks.</p>
<p><u>Placement of Notices - Exemptions for Performance Assessed Development within the Conservation Zone</u></p> <p>Nearly the entire coast of the Eyre Peninsula is within the Conservation Zone, with some exceptions to this within coastal townships. Outside of townships, the Zone boundary typically dissects allotments which are partially</p>	<p>ADD - the following exemption for both performance assessed and restricted development to Table 5 of the Conservation Zone:</p> <p>Pursuant to regulation 47(6)(c) of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i>, the requirement to place a notice on the relevant land under section 107(3)(a)(ii)/ 110(2)(a)(iv) [delete irrelevant section] of the</p>	<p>This amendment would negate the need for a sign on the land within the Conservation Zone.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
<p>within the Conservation Zone and partially within the Rural Zone. Generally speaking, the road frontage is within the Rural Zone and the coastal interface is within the Conservation Zone.</p> <p>The following exemption for the placement of notices applies in the Rural Zone:</p> <p><i>Pursuant to regulation 47(6)(c) of the Planning, Development and Infrastructure (General) Regulations 2017, the requirement to place a notice on the relevant land under section 107(3)(a)(ii) of the Planning, Development and Infrastructure Act 2016 does not apply in the Rural Zone.</i></p> <p>The above exemption does not apply within the Conservation Zone. Therefore, it is common for a development to be situated within the Conservation Zone, require notification and the sign is placed on the road frontage in accordance with Practice Direction 3, which is usually within the Rural Zone. This results in an inconsistent 'notification practice' within the Rural Zone.</p>	<p><i>Planning, Development and Infrastructure Act 2016 does not apply to development where the entire public road frontage of the relevant land is within the Rural Zone.</i></p>	
<p><u>Rural Living Zone - Side and Rear Setbacks</u></p> <p>The Planning and Design Code applies large side and rear setbacks for dwellings (20 metres) and no side and rear setbacks for ancillary structures such as outbuildings.</p> <p>The setbacks for dwellings are difficult to achieve and the lack of setbacks for outbuildings is resulting in outbuildings being sited in a</p>	<p>REPLACE Rural Living Zone DTS/DPF 2.1(a) with the following:</p> <p>a) <i>are setback as follows:</i></p> <ul style="list-style-type: none"> i. <i>for allotments with an area of 1ha or more:</i> <ul style="list-style-type: none"> A. <i>20m from the primary street and rear boundaries</i> B. <i>10m from side and secondary street boundaries</i> ii. <i>for allotments with an area less than 1ha:</i> 	<p>These amendments would reinforce more appropriate setback patterns within the Rural Living Zone.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
<p>manner that is inconsistent with a rural character and amenity.</p>	<p>A. 20m from the primary street and rear boundaries B. 5m from side and secondary street boundaries</p> <p>ADD the following to Rural Living Zone DTS/DPF 2.5: <i>Have a 5m setback to side and rear allotment boundaries</i></p>	
<p><u>Township Activity Centre Zone - Low-impact structures</u></p> <p>Many township centres include existing dwellings.</p> <p>The Township Activity Centre Zone does not exclude outbuildings and carports from public notification.</p>	<p>ADD - outbuildings and carports to '3' of Table 5 within the Township Activity Centre Zone.</p>	<p>This amendment would resolve minor structure having to be all code assessed.</p>
<p><u>Water Front Neighbourhood Zone – Policy Gap</u></p> <p>No direction for river front development such as pontoons, moorings, jetties and other river associated development. Lack of environmental policies in regard to the river.</p>	<p>ADD - River Murray Flood Plain Protection Area Overlay to sites within the Waterfront Neighbourhood Zone.</p>	<p>This amendment would result in better development outcomes.</p>
<p><u>Rural Shack Settlement Zone – Policy Gap</u></p> <p>No limit on number of outbuildings on an allotment, which is inconsistent with what is expected in the Rural Living Zone and Rural Zones, Zones which typically comprise of much larger allotments.</p>	<p>ADD - Designated Performance Features limit the number of outbuildings allowed on an allotment within this Zone.</p>	<p>This amendment would assist Council in minimising overdevelopment of Shack sites.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
<p><u>Internal Alterations and Additions – Accepted Development</u></p> <p>Accepted development pathway doesn't take into account the flood plain issues.</p> <p>The current pathway allows for internal walls on the ground level and other internal alterations which are generally not appropriate in the flood plain to have a pathway for approval without any assessment.</p>	<p>Request alteration to the <i>Planning, Development and Infrastructure (General) Regulations 2017</i> to include River Murray flood plain concerns into the exemption.</p>	<p>This amendment would enable Council to assess development in a floodplain.</p>
<p><u>Contaminated Lands Hierarchy – Sensitive Uses</u></p> <p>Change of use applications require significant site investigations, even when the land is obviously not contaminated.</p>	<p>Suggest an update to Practice Direction 14 to increase development types exempt from requiring a PSI (ie. Churches)</p>	<p>This amendment would mitigate against very simple developments from being required to provide a PSI.</p>

From: [Carly Walker](#)
To: [DT1:PlanSA Submissions](#)
Subject: Submission on the Miscellaneous Technical Enhancement Code Amendment
Date: Friday, 23 September 2022 10:04:13 AM
Attachments: [image001.gif](#)
[image002.jpg](#)
[Submission MTE Code Amendment Final.pdf](#)

Good morning.

Thank you for the opportunity to comment on the Miscellaneous Technical Enhancement Code Amendment.

Please find attached a submission on behalf of the City of Burnside for your consideration.

Should you have any questions or comments in relation to the attached submission, you are invited to contact Magnus Heinrich on



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23 September 2022

Code Amendment Team
Planning and Land Use Services
Department for Trade and Investment
GPO Box 1815
ADELAIDE SA 5001

By email: plansasubmissions@sa.gov.au

Dear Sir/Madam

Submission on the Miscellaneous Technical Enhancement Code Amendment

Reference is made to the Miscellaneous Technical Enhancement Code Amendment (MTE Code Amendment), which commenced public consultation on 25 July 2022. The following comments are provided for your consideration.

The City of Burnside would like to start by expressing our support for some aspects of the Technical Enhancement Code Amendment. For instance, mapping Representative Buildings goes some way to providing greater clarity to prospective purchasers and planning practitioners on which buildings exhibit traditional building character. The inclusion of Swimming Pools and Swimming Pool Safety Barriers within the Deemed-to-Satisfy pathway, particularly within the Historic Area Overlay, are also welcome changes that will reduce the burden of assessment posed by the current system.

Notwithstanding the above points, the amendments to the Code detailed below are of concern to the City of Burnside and are tabled for your consideration.

- A. 2.3.2.11 – Amendment to the performance outcomes relating to height for the Urban Corridor (Living) Zone, Urban Corridor (Boulevard) Zone and the Community Facilities Zone

The building heights afforded by the existing TNV's contained within the Urban Corridor (Living) Zone, the Urban Corridor (Boulevard) Zone and the Community Facilities Zone are on the limit of what is appropriate within the context of their respective localities. By replacing the word 'and' with 'or' and removing the word 'otherwise' within the height performance outcomes, an applicant is able to build a case to bypass the effect of the TNV, in order to achieve a greater height. Combined with a lack of clear and robust policy guidance controlling maximum heights, the resulting performance outcomes lack certainty and are likely to result in undesirable height outcomes in the future developments.

Suggested amendment: In the absence of structural changes to the overall content of the provisions, performance outcomes 3.1 (Urban Corridor Living and Boulevard Zone) and 2.1

(Community Facilities Zone) should remain unchanged from the form expressed in the existing Planning and Design Code.

B. 2.3.2.9 - General Industry removed from the Restricted Assessment Pathway

The removal of Industry (General Industry) from the Restricted Assessment pathway and replacement with Special Industry Zone in the Local Activity Centre Zone, Suburban Business Zone, Suburban Activity Centre Zone and Strategic Innovation Zone is concerning. General Industry land uses involve storage and manufacturing, distribution, processing, testing, servicing, repairs and salvage, which inherently are associated with a broad range of amenity impacts.

By substituting Industry for Special Industry, General Industry uses will fall within a performance assessed pathway, which carries with it a variety of consequences. Firstly, it sends a message to potential applicants that this class of development has merit within the applicable Zone. As the strength of the performance outcomes pertaining to land use are not as robust as they should be in these Zones, it may be difficult to refuse inappropriate uses.

Many existing centres in Burnside are surrounded by residential uses where the introduction of General Industry uses would attract noisy, smelly and potentially contaminating type uses in greater volumes. The motivations for the proposed pathway change are questioned, as it seems that it is driven by a desire to redistribute the assessment pathway away from the SCAP, rather than to achieve sound planning outcomes.

Allowing General Industry uses to permeate into activity centres will prevent them from becoming vibrant mixed-use hubs, which is an overarching policy direction sought for underperforming centres. Whilst some Light Industry type uses may be appropriate in limited instances, widespread General Industry should not be encouraged.

We further question why General Industry and Special Industry uses have not been included into the Restricted Development pathway for the full suite of Neighbourhood-type Zones including the Established Neighbourhood Zone, General Neighbourhood Zone, Suburban Neighbourhood Zone, Hills Neighbourhood Zone and the Housing Diversity Neighbourhood Zone. Desired Outcomes for these Zones specifically speak against uses that would compromise residential amenity such as General Industry, which should be enough justification to include it within and Impact Assessable pathway.

Suggested amendment: Add General Industry to the Restricted Development Pathway within the Local Activity Centre Zone, Suburban Business Zone, Suburban Activity Centre Zone, Strategic Innovation Zones, Established Neighbourhood Zone, General Neighbourhood Zone, Suburban Neighbourhood Zone, Hills Neighbourhood Zone and the Housing Diversity Neighbourhood Zone.

C. 2.3.2.10 - Procedural Matters – ‘Minor’

Reference is made to the addition of a “minor clause” within Part 2, Table 5 – Procedural Matters – across all Zones and Subzones. In the absence of a practice direction or consistent guideline, we oppose the inclusion of the following clause within the procedural matters section: ‘a relevant authority may determine that a variation to 1 or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.’

Allowing for discretion in determining whether public notification is required increases the uncertainty in an assessment process. It also increases the burden of decision making

required by the Relevant Authority and their delegates, which takes up valuable time in a time-restricted assessment process. From a resource perspective, the risk of judicial challenge increases, along with the pressure on Council resources.

Suggested amendment: To provide greater clarity, remove the proposed minor clause contained in Table 5 - Procedural Matters across all Zones.

D. 2.3.2.10 - Demolition and Partial Demolition of a Dwelling in the Established Neighbourhood and other Zones

Column B, Table 5 – Notification Tables in the Procedural Matters section of the Established Neighbourhood Zone (and a variety of other zones) outlines the following revised exclusion clause:

Except any of the following:

- 1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)*
- 2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).’*

There are two fundamental issues with this clause. Firstly, the use of the words “except any of the following” and lack of punctuation, allows the person interpreting the provision to choose which clause they wish to apply. For example, a person could argue that a Bungalow listed as a Local Heritage Place and located in a Historic Area Overlay would not require public notification as it may not be in keeping with the historic attributes identified in the Historic Area Statement applicable to the area.

Secondly, the use of the clause “...or where the relevant authority believes that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated) requires that a character assessment is carried out during the verification process. There are several reasons why this is not appropriate, for instance it adds additional complexity to the verification process, which is already a time-consuming exercise. It also extends a level of discretion to the Relevant Authority which is not desired and will result in additional resource demands (i.e. heritage advice) at the beginning of the application process. In instances where a demolition application has been approved without public notification being undertaken, the public’s trust in Council may be eroded and inadvertently may lead to more challenges in the Environment, Resource and Development Court.

Suggested amendment: Replace the words “Except any of the following” with “except where:” and use semi-colons after each phrase. Amend the public notification tables for all Zones to remove the words “...or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated.”

E. 2.3.2.9 – Restricted Development Classification - Boundary Realignment in the Hills Face Zone

DTS/DPF 14.2(c) in the Hills Face Zone is not considered to be strong enough to prevent new boundaries intersecting existing stands of trees. The effect of this provision is further

complicated by PO 2.1 of the Hazard (Bushfire – High Risk) Overlay that seeks to ensure that structures, including fences, are clear of vegetation cover. Where a boundary intersects an existing stand of trees, this provision is likely to trump DTS/DPF 14.2 (Hills Face Zone) which may be used to justify the removal of stands of remnant vegetation and habitat. The further loss of mature canopy must be avoided if we are to adapt to a warming climate.

Suggested amendment: Amend DTS/DPF 14.2(c) to prevent realigned boundaries from intersecting stands of existing vegetation.

F.2.3.2.12 – Building Height, Building Wall Height of the Suburban Neighbourhood Zone/General Neighbourhood Zone vs Established Neighbourhood Zone/ Hills Neighbourhood Zone

The Suburban Neighbourhood Zone and General Neighbourhood Zones occupy the largest extent of the Burnside local government area. The proposed return to the “Residential Code” days, where the building height and boundary walls are measured from the top of footings, instead of the lower of natural or finished ground level is a backward step. With an allowable height Technical Numerical Variation (TNV) of 9m, and up to 1m of fill/retaining permitted without approval, a combined height of 10m above natural ground level will become the normal scale of dwellings across the Council area.

There are several consequences of this policy change. Firstly, dwellings up to 10m above natural ground level (inclusive of fill) will be assessed by external accredited consultants as part of a deemed-to-satisfy pathway without consideration of the effects on adjoining amenity. Secondly, it avoids public notification for dwellings with a building height between 9m and 10m as measured above the pre-development ground level. Finally, it may result in increased overlooking from the first-floor level, where there isn’t a requirement to screen the view under existing Code Policy. As many of the affected suburbs are undulating, there is a public expectation that planning assessments of a large house will require a careful assessment of the visual and shadow impacts. Such a change is unlikely to be well received by the community.

A careful balance needs to be struck between streamlining assessments and managing bulk and scale; this Council is of the view that time savings should not be made at the cost of the amenity of our suburbs.

Suggested amendment: Amend the Building Height and Wall Height Administrative Definitions, found within Part 8, including the associated DTS/DPF within all Zones, to consistently reference a measurement above lower of natural ground level or finished ground level.

G. 2.3.2.16 - Detached Dwellings - Medium and High-Rise Development – Policy Relevance

The connection of the Performance Outcomes nominated in the Code Amendment package are not supported in the Suburban Neighbourhood Zone or the General Neighbourhood Zone. These Zones seek “low-rise” suburban character, which is defined as “...up to and including two building levels.” What relevance do Medium and High-Rise provisions have in an area that seeks a maximum of two building levels? Provisions relating to common areas in a community title arrangement, such as Performance Outcome 30.1 (Design in Urban Areas), also have no relevance to detached dwellings.

If the design outcomes sought by some of these provisions is desired for two storey detached dwellings, then, where directly relevant, they are added to the Residential Development - Low Rise section as contained in the General Policy module: Design in Urban Areas.

Suggested amendment: Remove the connection of the following performance outcomes to a detached dwelling in the General Neighbourhood Zone and Suburban Neighbourhood Zone: PO [Outlook and Visual Privacy] PO 26.1, PO 26.2; [Private Open Space] PO 27.1; [Residential amenity in multi-level buildings] PO 28.1, PO 28.2, PO 28.3, PO 28.4, PO 28.5, PO 28.6, PO 28.7; [Dwelling Configuration] PO 29.1, PO 29.2; [Common Areas] PO 30.1.

H. 2.3.2.26 – Primary Street Setback – Use of Building Line

For instances where there is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building, DTS/DPF 3.2 (Business Neighbourhood Zone) and DTS/DPF 5.1 (Established Neighbourhood Zone) seeks that a building is setback “the average setback of existing buildings.” We question why “abutting or adjoining” has not been included like the other zones. Whilst a minor omission, it could lead to misunderstanding on where the front setback is taken from.

Suggested amendment: That DTS/DPF 3.2 (Business Neighbourhood Zone) and DTS/DPF 5.1 (Established Neighbourhood Zone) are amended to: “The average setback of existing buildings on abutting sites.”

I. 2.3.4.4 – Decks – Assessment Pathways and Screening

In response to an existing policy gap, the Code Amendment seeks to assign decks (greater than 500mm) to a Deemed-to-Satisfy pathway where located outside of the Local Heritage Place Overlay, State Heritage Place Overlays and Historic Area Overlay. The criteria within this provision further seeks privacy screening to a minimum of 1.5m above finished floor level, without any guidance on the extent of transparency, nor any guidance on the extent of screening along the exposed side and rear edges.

Unscreened decks can have the greatest impact on residential amenity and should be subject to a performance assessed pathway where a judgement can be made about the extent of transparency being achieved, with the application of a condition controlling the timing of installation (i.e. prior to commencement of use). Without this level of scrutiny, overlooking complaints are expected to increase, along with an increased compliance burden.

Suggested amendment: Remove decks from the Deemed-to-Satisfy Pathway and assign to a Performance Assessed Pathway. Furthermore, amend the relevant DTS/DPF criteria in line with the following:

“Decks with a finished floor level 500mm or more above natural ground level facing side or rear boundaries shared with a residential use in a neighbourhood-type zone incorporate screening permanently fixed to all outer edges of the deck:

- (i) not less than 1.5m above the finished floor level; and*
- (ii) not less than 25% transparency.*

A diagram should also be provided that shows an acceptable outcome for screening.

J. 2.3.8 – Part 8 – Administrative Definition of Direct Overlooking

This change seeks to re-introduce a definition of direct overlooking, previously found in the South Australian Design Guidelines, which states:

“In relation to direct overlooking from a window, is limited to an area that falls within a horizontal distance of 15 metres measured from the centre line of the overlooking window and not less than 45-degree angle from the plane of the wall containing the overlooking window.”

“In relation to direct overlooking from a deck, balcony or terrace, is limited to an area that falls within a horizontal distance of 15m measured from any point of the overlooking deck, balcony or terrace.”

When read in conjunction with performance outcomes 10.1 and 10.2 (Design) and 10.1, 10.2 and 16.1 (Design in Urban Areas), the effect of these definitions places a focus on the application of privacy screening only where a habitable room window or private open space area of an adjoining residential use is located within 15m of a proposed upper level window or deck. By not extending the remit of these definitions beyond the 15m distance, there is a general acceptance that direct overlooking does not occur beyond a 15m separation and therefore does not require screening. This is not the case and this policy is unlikely to be widely accepted by most residents across Burnside and therefore not supported.

It is unfortunate that the scope of PO 10.1/10.2 and DTS/DPF 10.1/10.2 (Design and Design in Urban Areas) has not been broadened to look at direct overlooking within the context of sloping sites. Any significant filling of land, as envisaged by the change to the definition of building height and wall height, is likely to have a potential impact on adjoining properties, particularly with respect to overlooking from ground level windows and entertainment areas, as well as upper level windows. Many residential areas across Burnside are located on undulating sites which, due to the increased finished floor level, will overlook adjoining dwellings.

Suggested amendment: Either remove the definition of direct overlooking or seek to amend the definition of direct overlooking to ensure that the separation between the deck/habitable room window and open space/habitable room window is extended to 30m between the points of overlooking. An additional provision is also requested in General Module (Design or Design in Urban Areas) that seeks to limit the extent of overlooking from ground level windows/decks on sloping sites.

K. Previous policy concerns

The City of Burnside would like to take this opportunity to reiterate a policy concern that was raised during the transition to the Phase Three Planning and Design Code, that has not been addressed.

The loss of public notification for Shops, Offices and Consulting Rooms in the General Neighbourhood Zone, Suburban Neighbourhood Zones, Established Neighbourhood Zone and Hills Neighbourhood Zones is still a concern. Regardless of the floor space, Shops, Offices and Consulting rooms will have some level of impact on surrounding residential uses, which can range from increased vehicle and delivery movements, hours of operation, noise and odours. There is a reasonable expectation amongst the public that a non-residential use in a residential area should be subject to public notification, regardless of the floor space proposed.

Suggested amendment: Amend the Public Notification Tables for the General Neighbourhood Zone, Suburban Neighbourhood Zone, Established Neighbourhood Zone

and Hills Neighbourhood Zone to ensure that Shops, Offices and Consulting rooms (irrespective of floor space) are subject to public notification.

L. General Observations about the Planning and Design Code since its introduction

Finally, we wish to bring your attention to the following two areas of policy that require attention.

PO 8.1 (Neighbourhood Zones) seeks that side setbacks are managed to ensure that adjoining neighbours are afforded *(b) access to natural light and ventilation*. This outcome appears to conflict with PO 3.1 (Interface between land uses), which seeks that overshadowing of habitable room windows of adjacent residential land in a neighbourhood-type zone is minimised to maintain access to direct winter sunlight.

A two storey dwelling on an east-west orientated site is unlikely to cast shadow that will afford the neighbour “access to direct winter sunlight.” However, when measured against PO 8.1 (Neighbourhood Zones) it is more likely that the adjoining neighbour will be afforded access to ‘natural light.’ The intention of policy in this area requires refinement to ensure that the outcomes sought are consistent, as well as realistic and achievable.

Currently, there is a lack of clarity in the Planning and Design Code around whether two storey Ancillary Accommodation is envisaged within a Neighbourhood-type zone and, where a two-level building is proposed, what type of privacy screening needs to be achieved. The above matters should be addressed in any future Technical Code Amendments to be pursued.

If you would like any further information in relation to the City of Burnside’s submission, please contact Magnus Heinrich, Group Manager City Development and Safety, on Ph. 8366 4200 or email

Yours sincerely

A handwritten signature in black ink, appearing to read 'Barry Cant', written in a cursive style.

Barry Cant
Director Environment and Place

From: [David Brown](#)
To: [DTI:PlanSA Submissions](#)
Subject: Miscellaneous Technical Enhancement Code Amendment - Submission City of Unley
Date: Friday, 23 September 2022 10:13:32 AM
Attachments: [image001.png](#)
[Letter to SPC - Misc Tech Enhance Code Amendment - Signed CEO.pdf](#)

Please find attached a submission by the City of Unley for consideration regarding the Miscellaneous Technical Enhancement Code Amendment.

Thanks

 **David Brown RPIA**
Principal Urban Planner
Economic Development &
Strategic Projects (*Mon, Tues & Fri*)
City of Unley | *Kaurna Country*

unley.sa.gov.au



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23 September 2022

State Planning Commission
GPO Box 1815
Adelaide SA 5001

*Attention: Code Amendment Team
Planning and Land Use Services
Department for Trade and Investment
(plansasubmissions@sa.gov.au)*

Dear Commission

**CITY OF UNLEY RESPONSE
MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT**

The City of Unley appreciates the opportunity to contribute to the Miscellaneous Technical Enhancement Planning & Design Code Amendment.

It is appreciated that the Amendment is a broad collection of technical enhancements across all elements of the Code. However, the scale of the documents (Amendment 268 pages and Attachment A 282 pages – total of 550 pages) is overwhelming, even though a structure and index links was provided.

The scale and presentation of documents limits clear, digestible and genuine engagement with practitioners, let alone the public, in accord with the aims of the Community Engagement Charter. More focussed and confined themes may have helped.

While purported to be minor technical enhancements and clarifications, some of the innocuous changes pose significant policy implications.

It is trusted that the submissions when received will be consolidated, analysed and meaningful responses and justification provided to all the issues and commentary raised, to allow for full disclosure of reasoning of any changes.

The Commission has indicated that the Code has been working well and the update to policy and procedures is simply to clarify intent and help efficiency. However, it is evident there are poor planning process and development design outcomes that require more careful and comprehensive refinement. A number of additional refinements that were suggested in 2021 have not been addressed.

CITY of VILLAGES

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The Expert Panel Planning System Implementation Review will afford an opportunity for a broader and deeper analysis to address more comprehensive issues around poor design and process outcomes

Regarding areas where issues of concern have been canvassed in the Miscellaneous Technical Enhancement Planning & Design Code Amendment, the following further comments are provided on the review outcomes and proposals:

State Heritage Buildings – include list in Code

The inclusion of a list of State Heritage Places in the Code is positive.

Representative Buildings - only partly identified

The improvement to identify Representative Buildings in a spatial Overlay and in turn include in Section 7 Statements is positive for property purchasers and the public.

However, only limited areas of the Historic Area Overlay have Representative Buildings mapped while other areas are not mapped. While it is purported the policies equally apply for Representative Buildings, mapped or not, a difference in status can be argued and where not mapped will not be readily identifiable.

A process should be facilitated, and if necessary, a Code Amendment, to complete comprehensive mapping of all Representative Buildings to provide the clear identification of the historic status of such buildings in all cases.

Urban Corridor Zones – Primary Road Corridor and Building Envelope

Clarification of the reference to 'primary corridor (i.e. a State Maintained Road)' as a consistent reference is helpful.

However, not all Urban Corridor Zone properties face a State Maintained Road. In the case of frontage to a different 'primary road', eg Rose terrace Wayville, there is no comparable or specific policy to address the building envelope arrangement and setbacks etc to this alternative primary frontage.

This clarification should be included in definition or in the Zone policy.

Public Notification

The clarifications to technical interpretation are positive.

However, there are still fundamental issues that arise with the proposed approach:

- criteria should be as clear, consistent and unequivocal as possible to avoid opinion open to judgement, inconsistency and challenge, eg demolition of elements 'not in keeping with heritage value or historic attributes', 'minor variations' from policy criteria (length, height) for individual elements. While it can be beneficial to reduce unwarranted notification it does pose risk of what's 'minor';

- public notification process clarified to limit notification to those affected adjacent property owners/occupiers and relevant to the subject element and that comment is only applicable for that element, and not others;
- a more tailored notification be considered, eg previous Category 2A approach, for limited policy variations to specific elements of development, eg boundary wall;
- current informal public notification may suit majority of variation from policy, but for more serious deviation and major development it should attract an elevated level of notification with 3rd party appeal rights, eg previous Category 3 approach. This would allow for appropriate natural justice, interrogation and reasoning for decisions on non-envisaged development, more substantial departures from design policy, major development and where inherent impacts. The proposed reduction in Restricted development, and its 3rd party appeals rights, reinforces this need with that type of more substantial policy departure under performance assessment.

The lack of reasonable public notification and exclusion of reasonable rights of other parties leads to alienation of neighbours, complaints, extensive investigations and time to respond. Reasonable scope of public notification would largely address problems of awareness and cases of warranted opportunity for a say.

Restricted Development Reduction

It has been proposed that various land uses are removed from the Restricted pathway and include in the Performance Assessment pathway.

For example, in neighbourhood Zones all industry except light industry was Restricted. It is proposed the broader range of all industrial (except special industry with noxious emissions), not be Restricted development in Neighbourhood Zones. Also Wrecking Yard and Waste reception, storage treatment or disposal are to be removed from Restricted in Employment Zones (eg Goodwood Road (north) and South Road (south)).

It is unclear whether there is sufficient general policy to properly guide performance assessment and avoid unintended and/or negative outcomes for these changes. The proposals have not been sufficiently justified.

Further, such a change makes an indication of more options than may be reasonable and can lead to a considerable investment of an applicants', and planning authority's, energy, resources and time on dubious proposals.

Also, the usual public notification and 3rd party appeal rights are removed.

Urban Corridor Boulevard/Living Zones – Side Setbacks

The original Development Plan desired character for these zones, and the translated Performance Outcome (PO), sought buildings with notable side separation to complement the boulevard, living amenity and landscape setting desired character intent.

The Designated Performance Feature (DPF) in the Urban Corridor Boulevard/Living Zones allowed development to be 'boundary to boundary' for all levels, for the first 18 metres from the street. Boundary to boundary development at the street will not achieve separation between buildings in a way that complements the desired character and zone intent for a landscape setting and living amenity.

The PO should not be changed, other than to reflect what the desired character is, and the incorrect DPF translation should be changed to reflect that PO. The current DPF seems in reverse to the intent and if a practical compromise was being sought the side setback should apply from the first 18 metres from the street to maintain the effect of visual separation in the streetscape.

Urban Corridor Living Zone – Policies which apply to detached dwellings

Redress of policies for detached dwellings that might be more than 2 storey is positive.

Design in Urban Areas – Soft Landscaping

The clarification that 'soft landscaping' is a percentage of the 'whole development site' to address multiple dwelling scenarios is positive.

The percentage and amount of space around buildings remains low and requires further specific design review.

Further, what constitutes 'soft landscaping' in terms of nature of plants and desired quality is unclear. Previous such policy for landscaping clarified need to include indigenous trees, shrubs and groundcovers and be of comparable substance to development. Rather it seems an area simply available for landscaping is enough.

Additional policy should be included to clarify what type and scale of planting the soft landscaping should comprise.

Fencing

Inclusion of Transport, Access & Parking [Sightlines] for intersection corners is positive.

Accepted Building Alterations

Building alterations being 'Accepted' when of "no real consequence" is a subjective determination and broadening this scope is inappropriate. Could lead to change of floor area and not keeping building footprint, and substantial level of external elevation and materials changes. Only minor indiscernible changes should be 'Accepted'.

Both pose implications upon the nature of a building and its design quality which are important to streetscapes in corridors, main streets and historic areas.

Broadening opportunity for 'Accepted' changes is not considered warranted, but clearer description for what might be minor and indiscernible extent of changes would be helpful.

Future Road Widening Overlay

The affected sites within the Overlay on SAPPA appear inconsistent or not shown correctly with only reference to portions of Unley Road, King William Road, Goodwood Road, Greenhill Road, Glen Osmond Road and areas surrounding the train / tram network.

Further, to satisfy the primary policy intent a development must be located outside the 6m Consent Area, C Type Requirement or the Strip Requirement of the Metropolitan Adelaide Road Widening Plan. SAPPA needs to introduce a drop-down box that differentiates between these road widening matters and provides clarification as to their meaning and finding the Metropolitan Adelaide Road Widening Plan.

Land Use Definitions

Ancillary Dwelling

Clarification that an Ancillary Dwelling is to share the same allotment as the associated dwelling, is not self-contained and does not have separate connection to utilities and services makes the nature and form of the accommodation clearer.

However, self-contained is a subjective term and an apparent conflict arises in that generally such development, eg a 'granny flat', is self-contained in that they have a bedroom, living area, kitchen and bathroom.

The concept of 'self-contained' in this context should be defined.

Administrative Definitions

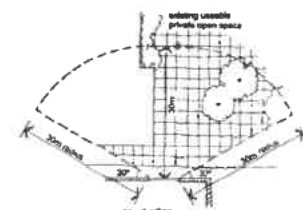
Direct Overlooking

New definition of 'direct overlooking' be confined to a viewshed of 15 metres and 45 degrees. A very confined and limited protected area for mitigation of views.



Open and direct views reach well beyond these limits.

The prior Unley Development Plan made reference to 15 metres for windows but 30 metres for private open space areas and an angle of 30 degrees.

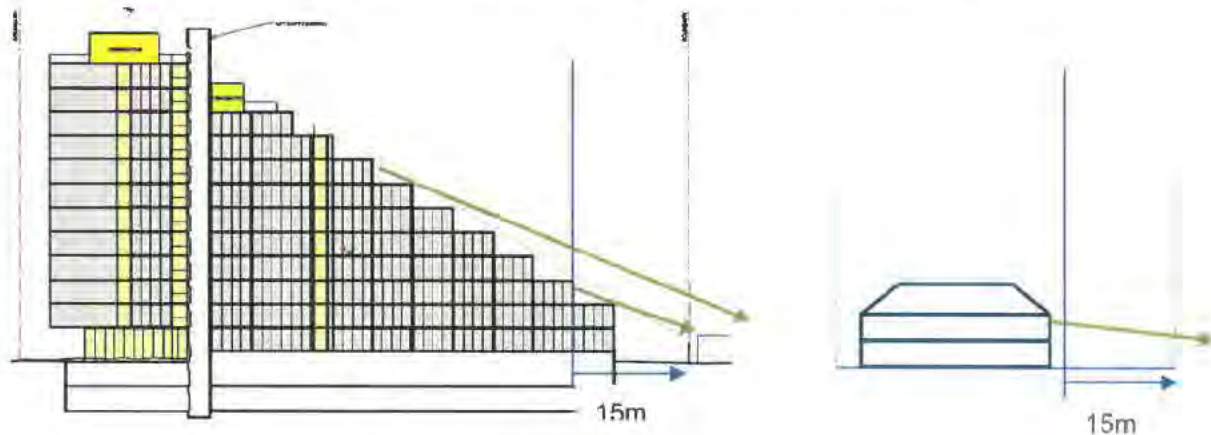


If necessary to alter current performance assessment that can be tailored to the context, a more reasonable and effective definition than an arbitrary measurement should be considered.

Low rise dwelling properties that are back-to-back with typical back yards would be beyond 15 metres and leave wide open views.

Multi-storey medium/high rise development needs more nuanced treatment to orientate and mitigate unreasonable views from high vantage points.

Arbitrary distance quantification is not appropriate, effective or fair.



Building Height and Wall Height/Post Height

Technical Clarification of definitions is beneficial.

Wall Height/Post Height reflects height from top of supporting footings to underside of eaves.

Building Height reflects height from adjacent ground level to top of roof, excluding antenna, aerial, chimney, flagpole or the like.

In policy terms Building Height should be preferred as this better reflects the true height, presentation and impacts beyond the subject site. Various approaches are used within general policy and different zone policy for heights of development leading to different scenarios and outcomes.

Building Height should be the preferred measure and used consistently across zones and policy to appropriately quantify suitable development scale in the context of adjoining sites, neighbours and locality.

Outstanding Issues

A suite of issues for enhancement were raised in 2021 regarding the proposed Miscellaneous Technical Enhancement Planning & Design Code Amendment. Copy attached. While some have been canvassed some remain outstanding. For example:

- Historic Area Overlay – Character Statements and policy refinement;
- Established Neighbourhood Zone – Policy and design improvement;
- Housing Diversity Neighbourhood Zone – Detached Dwelling Hammerhead Site Area clarification, like the General Neighbourhood Zone;
- Outbuildings - policy for atypical two-storey outbuildings design and impact issues, like guidance for other built forms;
- Site Coverage – more nuanced policy with limit for dwelling to allow for later covered outdoor areas and reconcile current penalty when included;

- Urban Corridor Zones – the building envelope policy reference to a boundary shared with a residential property in a Neighbourhood Zone rather than a zone boundary compromises the well-considered and orderly and proper long-established demarcation between respective zones and can lead to compounding intrusion and impacts into Neighbourhood Zones;
- The Building Envelope should be applied from the designated zone boundary. Non-Urban Corridor Zones - Building Interface Envelope Policy should be consistent 300 and applied to all zones for development over 3 storey;
- Hazards (Flooding) Overlays –floor levels for all buildings need to be addressed and policy refined;
- Urban Tree Canopy and Stormwater Management Overlays - limited zone and commercial developments application should be made more universal;
- Design in Urban Areas, Façade Treatment - improved policy and design;
- Design in Urban Areas, Stormwater and WSUD – inconsistent water quality criteria and specific limits to outflows for all forms of development;
- Design in Urban Areas, Internal Garage Dimensions (and Storage) - AS 2890 - 2004 outdated with dimensions insufficient for current typical range of car sizes and preferences. Additional adequate separate storage areas are required to help keep the available garage spaces free for vehicles.
- Heat loading / energy efficiency – lack of effective yet simple policy;
- Transport Access and Parking, Off-Street Bicycle Parking Requirements – inconsistent application of bicycle parking rates;
- Car stacking / car parking policies – lack of policy when becoming more common in larger or more valuable developments;
- Design in Urban Areas, Waste - policy lacking, inconsistent and outdated to address orderly and practical management and servicing of sites.
- A definition for a 'deck' and similar raised paved area is required. The nature of materials in regard to consequences is immaterial. Clarify and afford consistency in relation to impacts for raised finished levels and changes more than 1.0 metre above natural or existing ground level;
- Privacy from ground level – building floor levels, site fill, paving and decks can often be raised well above ground level and present privacy impacts;
- The Deep Soil policy aims to support trees with development. The typical reasonable assumption would be 'deep soil' means natural ground. A simple but clear definition is required: eg *Natural ground soft landscape area, with no impeding building structure or feature above or below, to sustain growth of required canopy trees*. Intent is being compromised by use of garden planter areas over concrete ground floors which lack appropriate substance and ongoing quality of soil for sustaining required mature trees and providing opportunity for infiltration of water.

Conclusion

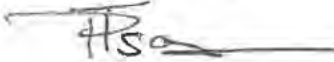
The Expert Panel Planning System Implementation Review will afford an opportunity for a broader and deeper analysis to address more comprehensive issues around poor design and process outcomes.

COUNCIL RESPONSE - MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT

It is trusted that these comments will be given further consideration and the issues that have been raised addressed by review of the nature and implications of the proposed amendments.

If there are any queries, or opportunity to contribute to further enhancement of policy, please contact Mr David Brown, Principal Policy Planner on _____ or _____

Yours sincerely



Peter Tsokas
Chief Executive Officer

13 August 2021

State Planning Commission
Attorney-General's Department
Planning Land Use Services



Miscellaneous Technical Enhancements Code Amendment

Suggested Issues

The information below is a summary of currently identified anomalies and enhancements identified by Unley during the initial operation of the Code. They arise from practitioner experience and are provided on a practitioner level. They are not formally endorsed by Council and may necessarily reflect the final position, or all, of Councils ultimate concerns.

The Local Government Association (LGA) and Eastern Region Alliance of Councils (ERA) submissions have also been supported at the practitioner level and canvass these and further issues.

Overlays

Historic Area Overlay

In the Historic Statements expression is inconsistent between different Statements, eg maximum building height uses different policy wording, even when the same outcome is anticipated.

Drafting of Statements were completed before the policy suite being finalised compromising content and expression.

Policy vague, without priority and lacking in guidance (eg 'complementary', 'reasonable' etc) for good design outcomes reflecting context, patterns and main dwelling setting. . In particular there is a lack of clarity about two storey dwellings and the subservient presence of associated elements, eg carport, garage, ensuite etc The DPF requiring second storey elements to be more than 45 degrees back from the front building line does not apply to new dwellings only additions – should be the same.

Typical rear yard swimming Pools, outbuildings and other structures are always Performance Assessed, even though meet usual criteria and of no consequence. While in back yard and behind original building they could be DTS.

Representative Buildings - only partly identified

Only limited areas have Representative Buildings mapped (not listed) and other areas not. The policies in the Historic Area Overlay should specifically refer to Representative Buildings to provide a clear purpose and role of these buildings, whether identified or not. There may be a future opportunity to consider technical amendment to map all Representative Buildings and provide clarity for all users (owners, applicants and assessors) on the status of buildings.

The lack of ready identification for users of the system, and for Section 7's – if not individual buildings then at least that the site is in the Overlay and the implications of this – needs to be addressed to provide upfront clarity for purchasers and developers.

Currently the only way of determining whether a property is a Representative Building or in the Overlay is through a layer in SAPPA which is not appreciated or easily found by members of the public. The Line of Enquiry tool in the Online Code should identify whether a property is a Representative Building or in Overlay.

Urban Tree Canopy & Stormwater Management Overlays

Urban Tree Canopy and Stormwater Management Overlays don't apply to mixed use zones or commercial zones, and don't apply to commercial developments in Neighbourhood Zones.

Application should be universal to all zones and forms of development with improved and tailored sustainability policies for respective residential, mixed use and commercial developments.

General policy in likes of Design in Urban Areas across a range of development types and uses is inconsistent, incomprehensive and unrefined.

See attached.

Hazards (Flooding) Overlays

Replacement buildings are Deemed-to-Satisfy in many zones however there are no requirements in relation to Flooding-General Overlay. There could be FFL implications for these buildings so it is recommended that the Overlay policies are applied to Replacement Buildings in Table 2.

Policy needs refinement to three layers, high, medium and low risk, where simpler tailored practical policy could be maintained, and particularly in the case of low risk a suitable DTS criteria. Top of Kerb is not necessarily a good guide and its usually more about free-board of floor to ground level to address low overland water flows.

Determining heights relative to AEP levels relies on data not often readily available to applicants or assessors, particularly for simpler development.

Zones

Neighbourhood

Established Neighbourhood Zone PO/DPF 7.1

The wording of the PO anticipates boundary development, whereas the DPF anticipates boundary development only in some circumstances. It should be reworded to be clearer established settings should be maintained and boundary development limited, and not adjacent to street frontages, but clarify when and in what circumstances boundary development should occur.

Housing Diversity Neighbourhood Zone – Detached Hammerhead Site Area

The HDN zone TNV contains minimum site areas for a range of dwelling types but does not provide a separate site area for detached dwellings in a hammerhead configuration or clarify that any driveway handle is not included in the minimum site area. By contrast, the General Neighbourhood Zone does provide policy specific to hammerhead dwellings. Specifying a minimum site area for hammerhead dwellings ensure the allotment is practical and functional.

Outbuildings

There is a lack of any policy linkages for two-storey outbuildings, built form, setbacks, overlooking, overshadowing etc issues that need consistent similar guidance to other built forms.

Public Notification

Dwelling additions that exceed height are notified when they simply match the existing roof height and from and should avoid notification.

Notification for 'on boundary' should be defined to include structures within a certain distance, eg 600mm, of boundary to prevent the situation arising where a 100mm setback avoids notification but not the implications.

Fencing

Table 3 in some (all?) neighbourhood zones only list 2 GDP policies as being applicable to fences: Clearance from Overhead Powerlines PO 1.1 & DiUA [All Development [Fences and Walls]] PO 9.1.

The following policy should be added: GDP> Transport, Access & Parking [Sightlines] PO 2.2 so that vehicle sightlines can be considered as part of fence assessments

Site Coverage

Recommend amending the site coverage policies so that a dwelling proposed *without* covered outdoor area has a reduced site coverage policy to allow for any future covered outdoor area to go up to the standard site coverage policy.

Non-Residential

Urban Corridor Boulevard/Living Zones – Side Setbacks

The PO seeks buildings which provide separation in a way that complements the established character of the locality. The DPF allows dwellings to be 'boundary to boundary' for all levels, for the first 18m from the street. Boundary to boundary development at the street will not achieve 'separation between buildings in a way that complements the established character' or zone / policy nature / intent. The DPF doesn't reflect the PO.

See attached.

Urban Corridor Living Zone – Policies which apply to detached dwellings

Table 3 only prescribes 'Low Rise' (up to two storey development) policies for detached dwellings so there aren't the correct policies applicable for 3 storey detached dwellings, a potential common form of development.

Urban Corridor Zones – Building Interface Envelope (DPF 4.1 & 4.2)

The building envelope policy in Urban Corridor Zones was amended in the final version of the Code such that it now only applies to a boundary shared with a residential property in a Neighbourhood zone. Fails to address where the development site is separated by a local road or laneway and low-rise frontage should be respected.

The qualitative interface policy refers to 'primary corridor (i.e. a State Maintained Road)'. It is assumed that 'primary corridor' should be taken to be a State Maintained Road (in which case the policy would benefit from clarification) however now all Urban Corridor properties face a State Maintained Road.

Non-Urban Corridor Zones - Building Interface Envelope Policy

The Building Envelope policy in Urban Corridor Zones was amended prior to implementation to allow a TNV to determine whether a 30° or 45° envelope applied, however the Building Envelope policy which is applied on other zones has remained at 45°. It is not considered appropriate for a more enabling policy to apply outside of the Urban Corridor Zones

Change of use between consult room, office and shop (excluding higher intensity forms, eg restaurant/café) is hampered by respective car parking criteria. With an established situation there often is a current shortfall of parking, but these interchangeable lane uses (shop excluding higher intensity forms, eg restaurant/café) is generally of no undue consequence to parking situation.

General Policy

Design in Urban Areas – Façade Treatment (DPF 20.2)

The policy seeks a range of façade treatments to improve streetscape outcomes. The wording of the policy could be clearer, particularly in distinguishing between 'Building Wall' and 'Building Line'.

Design in Urban Areas – Soft Landscaping (DPF 22.1)

The policy requires a minimum percentage of the 'site' to be soft landscaping, however for multi dwelling sites it's not clear whether the minimum percentage of the *site* is calculated using the 'whole development site', 'site exclusive to each dwelling exclusive of common areas' or 'average site area'.

Design in Urban Areas – Stormwater and WSUD (DPF 36.1 and 42.1)

The policy for managing stormwater on-site for volume and quality is lacking scope and direction, and any DPF/DTS. There is much reference material to address this.

Further, the water quality criteria from General Policy for Design should be equally applicable in Design in Urban Areas.

Quantity of discharge from sites should be clear and pragmatic and together with range of policy for not increasing outflow and overloading systems and downstream areas, a simple coefficient for all development (which flood modelling is premised on) should be adopted, eg less than 0.4. This would make outcomes equal and consistent for all properties and not related to what current existing (above or below) site cover and discharge rate may be.

Design in Urban Areas – Internal Garage Dimensions (DPF 23.1)

The minimum internal garage dimensions (5.4m x 5.4m for double garage) are in practice insufficient to cater for current typical range of car sizes.

Further, insufficient room is provided for personal access and less ambulant people around vehicles and should be increased.

Critical Waste Bin Storage areas and adequate movement paths to the street, and General Storage and adequate access paths, should be additional to internal area of garages and parking of vehicles.

Design in Urban Areas – Driveways (DPF 23.5(b))

The policy intends to ensure driveways are angled for safe and convenient vehicle access, however clearer and practical wording is required.

Privacy from ground level

The Code is lacking policy addressing privacy from ground level dwellings which are raised above natural ground level or sit substantially higher than a neighbour's yard.

Heat loading / energy efficiency policies

Recommend additional policy(ies) regarding heat loading, particularly light-coloured roofs and materials

Transport Access and Parking - Table 3 – Off-Street Bicycle Parking Requirements

The bicycle parking rates for RFB and residential component of a multi-storey building are only provided for City of Adelaide.

Bicycle parking rates for these uses are equally applicable outside the CoA.

Car stacking / car parking policies

Becoming more common in larger or more valuable developments whereby additional policies regarding their application and use in developments should be addressed.

Design in Urban Areas – Waste (DPF 23.5(b))

The policy is convoluted, lacking and inconsistent across development types and does not adequately address orderly or practical management and servicing of waste relative to intensity of development and site context.

There is a limit regarding individual dwellings intensity and contemporary multiple Mobile Garbage Bins (MGB) servicing from street, eg number dwellings/bins and/or available street frontage less crossovers, trees, poles etc and on-street truck capacity.

Beyond a defined limit of space communal systems are then required. For example, for intermediate scale development may be possible to use larger shared on-site bins but still collected from the street where there is sufficient verge space. Where there is not sufficient space or for larger scale and intensive development, there should be on-site storage and collection (ie truck forward in and forward out).

A comprehensive review and analysis of the methodology for contemporary waste management should be undertaken and effective criteria established for the range of development scenarios waste management requirements, eg based upon the *Zero Waste South Australian Better Practice Guide Waste Management in Residential or Mixed Use Developments 2014* and Local Government, private operators and consultants contemporary understanding of waste servicing, traffic management and development good design.

The three-bin system explored in this analysis in 2014 is now out of date with many now adopting a 4 bin system which affects bin numbers, storage areas and weekly collection visits.

Contact

This material has been compiled by David Brown, Principal Policy Planner, City of Unley.
Queries and further liaison should be directed to _____ or _____

From: [PlanSA Submissions](#)
To: [DTI:PlanSA Submissions](#)
Subject: Public Consultation submission for Miscellaneous Technical Enhancement Code Amendment
Date: Friday, 23 September 2022 11:10:06 AM

PlanSA,

Submission Details

Amendment: Miscellaneous Technical Enhancement Code Amendment

Customer type: Council

Given name: Peter

Family name: Jansen

Organisation: City of Salisbury

Email address:

Phone number:

My overall view is: I support the Code Amendment

Comments: This is a supplemental submission on behalf of the City of Salisbury Development Services team who wish to comment on two matters not identified in the written submission of Council. 1. Direct Overlooking new definition should be amended to increase the new included distance, and have sloping land more explicitly recognised. 2. Public Infrastructure and Transport Overlay amendment - as it applies to Future Local Road Widening Ancillary Development. It is considered that Ancillary Accommodation and Dwelling Extensions, and Carports/Outbuildings /Verandahs/Retaining Walls./Swimming Pools must be changed to a YES applicability to the Overlay. Costs associated with the instances of the relocation or demolition of the structures should a local road widening be required should trigger an assessment by an Authority so that a determination can be made of future implications. The non inclusion will result in Councils incurring unnecessary costs when dealing with local road widening requirements.

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Attachment 2: No file uploaded

Attachment 3: No file uploaded

Attachment 4: No file uploaded

Attachment 5: No file uploaded

Sent to proponent email: plansasubmissions@sa.gov.au

From: [Caitlin Rorke-Wickins](#)
To: [DTI:PlanSA Submissions](#)
Cc: [scurran](#)
Subject: Miscellaneous Technical Enhancement Code Amendment Submission
Date: Friday, 23 September 2022 11:12:47 AM
Attachments: [image001.png](#)
[MTE Code Amendment Council Administration Response Cover Letter Signed by Manager Business and Strategy \(A2908994\).pdf](#)
[MTE Code Amendment West Torrens Administration Response \(A2909158\).pdf](#)

To whom it may concern,

Please find attached administration response to the Miscellaneous Technical Enhancement Code Amendment.

If you require any additional information or clarification, please contact Sue Curran, Manager Strategy and Business on _____ or _____

Kind regards,

Caitlin Rorke-Wickins
Team Leader Strategic Planning
City Of West Torrens
165 Sir Donald Bradman Drive

cid:image001.png@01D8C39C.2F7438D0



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23 September 2022

Mr Craig Holden
State Planning Commission
Via: PlanSA Portal

Dear Mr Holden,

RE: Miscellaneous Technical Enhancement Code Amendment

Thank you for the opportunity to provide comment on the Miscellaneous Technical Enhancement Code Amendment (MTE Code Amendment). The following provides an overview of the City of West Torrens's Administration's submission with more detailed commentary attached.

This is the first of many MTE Code Amendments and in the spirit of providing constructive feedback it should be noted that in addition to the large volume of documentation, it was also in a cumbersome format which is not user friendly. Therefore, to support non-specialists and community members to better engage with the Code Amendment process, it would be useful for consideration to be given to how the presentation of information can be improved for future Code Amendments, particularly of this nature. As an example, Council specific information could be provided, and/or the amendments displayed through the line of enquiry tool to enable a non-specialist to navigate the potential impacts of the changes and facilitate submissions.

Of note, some of the amendments were not necessarily viewed by the Administration as being of a technical and operational nature, but likely to change outcomes and/or policy intent. Some amendments appear to have far greater implications than intimated by the overview of the Code Amendment and warrant further investigation, consideration and targeted/easily understood consultation i.e.:

- changes from restricted development pathway to performance assessed pathway
- referral trigger for the Affordable Housing Overlay and implications for attaining affordable housing by private developers
- changes proposed to the Rules of Interpretation (with particular reference to the Aircraft Noise Overlay)
- changes to public notification should be further investigated and more widely consulted with community
- Amendments that impact streetscape such as building line and setback.

The Administration does not support changes that have the potential to change policy intent or introduce unnecessary risk to developers, stakeholders and relevant authorities, such as changes to rules of interpretation that may affect the application of the ANE Overlay (item 2.3.1.1), removal of the Water Resources Overlay to enable DTS pathway for dwellings in Neighborhood-type Zones (item 2.3.2.14) or changes policy for example building heights in a variety of Zones including the Urban Corridor Zones (item 2.3.2.11).

If you require any additional information or clarification, please contact Sue Curran, Manager
Strategy and Business on or

Yours sincerely

A handwritten signature in black ink that reads "Sue Curran". The signature is written in a cursive, flowing style.

Sue Curran
Manager Strategy and Business

Encl: City of West Torrens submission on the MTE Code Amendment

Miscellaneous Technical Enhancement Code Amendment Administration Submission



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What is Proposed in the Code Amendment (City of West Torrens)

2.3.1 Part 1 – Rules of Interpretation

2.3.1.1 Application of Spatial Policy Relevant to the Site of the Development

Issue

Feedback received has raised questions about the application of spatially based policy (zones, subzones and overlays) in circumstances where a zone, subzone or overlay only partly covers the site of a development.

Proposed Code Change

AMEND Part 1 – Rules of Interpretation to include explanation and rules on how to determine relevant policy when a spatial layer only applies to part of a site that is the subject of a development application.

'Application of Spatially Based Policies and Rules

Where a zone, subzone, overlay or technical and numeric variation (TNV) does not spatially apply to the whole of a site that is the subject of the development application, the spatially based rules of the zone (including assessment pathway exclusions), subzone, overlay or TNV are only applicable to the portion of the site to which the zone, subzone, overlay or TNV spatially covers. Reference to the South Australian Property and Planning Atlas of the SA planning database will be made to determine whether a zone, subzone, overlay or TNV is relevant to the site of the proposed development application.'

Comment

Clarity to interpretation in theory is supported, but the Administration query the impact of more complex overlays that intersect a property and how the rules of interpretation are to be applied.

Suggest careful consideration be exercised around where this amendment may not be suited such as the implications of this change to the Aircraft Noise Exposure Overlay, which does not follow property boundaries as evident in image one below and depending on the ANEF level can produce different development outcomes:

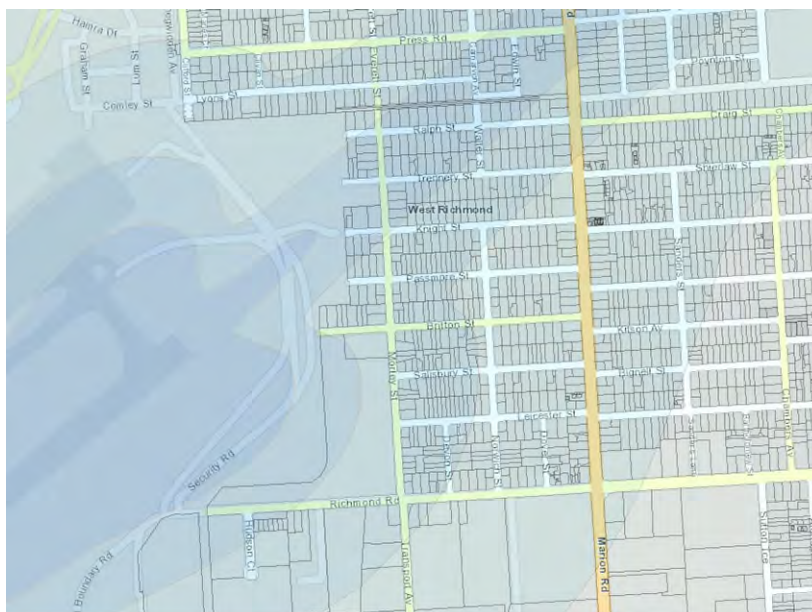


Image One: Aircraft Noise Exposure Overlay intersecting through allotments

Suggest that there is a need to review Zone boundaries and the spatial application of subzones, overlays and TNV to adequately reflect the intent of the application of each and the policies contained within. Could further consider not capturing in Rules of Interpretation but rather identify in overlay or TNV where this type of interpretation is relevant.

2.3.1.2 Spatial Maintenance Updates – Comprising Minor or Operational amendments

Issue

Updates comprising minor or operational amendments to the spatial layers of the Code contained within the SA planning database are made on a regular basis in order to maintain a correct relationship between spatial layers and land parcels.

Proposed Code Change

AMEND Part 1 – Rules of Interpretation to include explanation and rules on how spatial layers are updated in order to maintain correct relationships with cadastre or roads.

Comment

Query whether these changes will be recorded somewhere to ensure if any queries about the change, information can be easily found and understood.

2.3.2 Part 2 – Zones and Sub Zones

Zone Specific

Conservation Zone – land division – PO 2.1 – Policy Review

Conservation Zone – land division – DTS/DPF 2.1 – Policy Review

Master Planned Zones – Site Dimensions and Land Division – Policy Review

Rural Zone – Detached Dwelling – Interface Between Land Uses – Linkages

Rural Zone – Detached Dwelling – Linkages

Rural Zone – Land Division / Boundary Realignment – Linkages

2.3.2.7 Urban Corridor Zones – Primary Road Corridor – Policy Review

Issue

Different terminology is currently used to describe the primary corridor – for example primary corridor (i.e. a State maintained road) and primary road corridor.

Proposed Code Change

AMEND policy to ensure consistent use of terminology across the Urban Corridor suite of zones by referring to “primary road corridor (i.e. a State maintained road)”

Comment

Through the transition to the Code reference to State maintained roads was added to identify which road is a primary frontage, and therefore avoid any confusion or anomaly that could otherwise lead to local roads being considered as a primary road.

In the policy, where the terms primary corridor and primary road corridor are used or similar terms, they are intended to mean the same.

Reference to a State maintained road should be consistent instead of multiple terms is supported.

Additional policy may be required to ensure that local roads are still appropriately responded to and that development positively contributes to secondary frontages and lower order roads when being used as a primary frontage or a secondary frontage. For example, Urban Corridor (Boulevard) PO 1.3 and DTS/DPF 1.3 (below) only provides consideration to the primary road corridor and soon to be amended to reflect State maintained road and would benefit from identifying that the development positively contribute to the secondary frontage or frontages to lower order roads. Noting that interface policy only is called up when opposite a Neighbourhood type zone.

<p>PO1.3 Dwellings developed in conjunction with non-residential uses that positively contribute to making the public realm of the primary road corridor, open space frontage and pedestrian thoroughfares safe, walkable, comfortable, pleasant and vibrant places.</p>	<p>DTS/DPF 1.3 Dwellings in mixed use buildings to be located at the upper floor levels of buildings.</p>
--	---

Examples of where Urban Corridor (Main Street) exists over allotments where there is no state maintained road frontage, see below 6 Ebor Rd, Mile End



Image Two: 6 Ebor Ave, Mile End

Lastly, the Administration recommend a broader review of terminology in the Urban Corridor Zones to provide greater consistency in the policy wording.

2.3.2.8 Urban Corridor Zones – Side Boundary Setback – Policy Review

Issue

The Urban Corridors Zones are intended to allow for increased density and activity along key corridors and transport routes. Despite such policy existing prior to the Code, many of the areas in these zones are still in a period of ‘transition’ and do not have an established character.

As a result, the policy contained within these zones needs to balance the desire for urban renewal and the existing built form.

One of the policies that creates confusion in this regard is the Urban Corridor (Living) Zone Performance Outcome (PO) 2.4 and the Designated Performance Feature (DPF) 2.4, noting that:

- The PO anticipates that side setbacks complement the established character; and
- The DPF has no regard to established character and prescribes setbacks of 0 to 2 metres, relative to the building height and proximity to the primary street frontage.

Accordingly, the PO and DPF are seeking different outcomes and the PO is seeking an outcome that is inconsistent with the overall intent of the Zone.

Proposed Code Change

AMEND Urban Corridor (Boulevard) Zone PO 2.6, Urban Corridor (Business) Zone PO 2.6 and Urban Corridor (Living) Zone PO 2.4 to clarify that building from boundary to boundary towards the front of the allotment is envisaged.

Comment

They do have an established character, however the character anticipated by the policy isn't yet advanced 'on-the-ground' and is in a state of transition. There appears to be a gap in providing guidance for Code users on what is a suitable separation to enable access to natural ventilation and sunlight for the parts of the building not sited towards the front part of the allotment. Seek guidance on what is suitable separation particularly when building envelope policy is not called up for an assessment.

2.3.2.9 Restricted Development Classification – Table 4

Industry listed as a restricted development classification

Issue

Review of Industry being listed as restricted development across all applicable zones to align with the new principles

Proposed Code Change

AMEND Table – 4 Restricted Development Classification within the following zones that have Industry listed (with the exclusion of Light Industry) and replace it with Special Industry as a restricted class of development.

Class of Development	Exclusions
Special Industry Industry	Light Industry

- Employment Zone
- Strategic Innovation Zone
- Suburban Business Zone
- Capital City Zone
- City Main Street Zone
- Local Activity Centre Zone
- Suburban Activity Centre Zone
- Suburban Main Street Zone
- Township Zone
- Township Activity Centre Zone
- Township Activity Centre Zone
- Urban Activity Centre Zone

Note: that Special Industry is not a Restricted Class of Development when located in the Gillman Subzone, National Naval Shipbuilding Subzone or the Significant Industry Subzone of the Strategic Employment Zone. This is to remain.

Comment

Suggest general industry should be captured in the restricted development table failing that there should be more policy to enable decision making.

Are there enough provisions for an assessment to be undertaken (appears to rely predominately on general interface provisions)? Are there enough provisions for refusal? Restricted development versus a performance assessed assessment have significant differences (touched on further in item 2.3.2.9.6.)

Confirmation that should this change occur, that the assessment would be *All other Code assessed*, enabling the relevant authority to call up all relevant policy within the Code to the assessment and public notification.

Land Division within the Limited Land Division Overlay

Dwelling within the Limited Dwelling Overlay

Dwellings within the Employment (Bulk Handling) Zone

Dwelling and Land Division within the Deferred Urban Zone

2.3.2.9.6 Employment Zone – Various land uses

Issue

Review of the restricted classification of all land uses within the Employment Zone to align with the new principles.

Proposed Code Change

REMOVE the following listed land uses from Table 4 – Restricted Development Classification in the Employment Zone

- Industry,
- Waste reception, storage, treatment or disposal; and
- Wrecking yard

Comment

What zone envisages these development types? Noting the new planning system does not have a non-complying process equivalent. There appears to a gap in the process that enables the relevant authority for a performance assessed application of a type of development that is not envisaged or restricted to not proceed with an assessment. Suggest a similar process as that outlined in Practice Direction 4- Restricted and Impact Assessed Development for other relevant authorities for select types of development.

Currently restricted development is assessed by the Commission if it resolves to proceed to assessment of the development. There are clear procedures in place as per Practice Direction 4- Restricted and Impact Assessed Development.

The previous zone that was replaced by the Employment Zone (WT Commercial Zone) which listed General Industry as a non-complying use is now proposed through this amendment to be performance assessed. Suggest the Department review and test assessment policy for the above uses before removing from restricted development.

Suggest that these Employment Zone changes not be implemented until further consideration of a process for other relevant authorities to deem whether the proposed development demonstrates the following and considered suitable for an assessment:

- social, economic or environmental benefit to the current or future community; and
- the development responds to a demonstrated need or demand for the proposed land use in the locality.

Dwellings within the Rural Intensive Enterprise Zone

Land Division and Dwellings with the Rural Shack Settlement Zone

Significant Interface Management Overlay triggering a restricted development classification

Hills Face Zone – Various land uses

2.3.2.10 Notification Tables – Table 5 – Procedural Matters (PM)

2.3.2.10.1 Notification Tables – Minor Development

Issue

Concerns were raised by council planners and accredited professionals about public notification requirements to adjoining landowners for relatively minor applications which 'trip' into a performance assessed pathway under the Code. This creates additional work for planning authorities over and above notifications that occurred under the former development system under the *Development Act 1993*. This appears partly due to structural differences between the former and new development systems in how the notification requirements are prescribed.

Proposed Code Change

AMEND the interpretation section of each zone public notification table (Table 5) together with Part 1 – Rules of Interpretation by inserting rules into the Code that would allow a relevant authority to determine that a variation to one or more corresponding exclusions prescribed in Column B is minor in nature, in which case the application will not require notification.

AMEND each zone public notification table (Table 5) so that the following minor forms of development are not subject to public notification (or subjected to notification exception criteria in Column B):

- Air handling unit, air conditioning system or exhaust fan
- Carport
- Deck
- Fence
- Outbuilding
- Pergola
- Private bushfire shelter
- Retaining wall
- Shade sail
- Solar photovoltaic panels (roof mounted)
- Swimming pools or spa pool
- Verandah
- Water tank.

Comment

Supportive of the change to all zone as below:

A relevant authority may determine that a variation to 1 or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.'

There is merit in reconsidering a two tiered system for public notification. The 'who' gets notified needs to be considered rather than a blanket 'adjacent land'- some instances it may be appropriate to notify more or less properties to reflect level of impact the proposed development may have. There appears to be instances on smaller allotments with more minor development types that there is an over notification, while on larger allotments with development that is likely to have impacts felt more broadly than the 60 metres is not adequate.

2.3.2.10.2 Notification Tables – Errors and Inconsistencies

Issue

To correct identified errors, inconsistencies and repetition that exists within and between zone public notification tables.

Proposed Code Change

AMEND each zone public notification table (Table 5) by correcting any identified errors or notable inconsistencies between zone notification tables of similar theme (e.g., rural zones, neighbourhood zones, activity centre zones which should generally be consistent in the classes of development listed as not requiring notification in Column A and the exception criteria applied [Column B]). Specifically address:

- incorrect reference to ‘storey’ instead of the defined term ‘building level’ in the exception criteria applying to development undertaken by the South Australian Housing Trust (SAHT).
- ~~duplication of light industry, warehouse and store in the public notification table of the Rural Shack Settlement Zone~~
- inconsistency between notification triggers and on-boundary development policy within zones
- inconsistency across zones in relation to the exclusion of land division from public notification
- ~~inconsistency between the Productive Rural Landscape Zone and other rural zones in relation to the placement of public notification notices~~
- technical and/or typographical errors.

Comment

This amendment appears to improve:

- consistency in reference to building level in lieu of use of reference to storeys.
- consistency in triggers and on-boundary development policy within zones.
- consistency across zones in relation to the exclusion of land division from public notification.

No further comment is provided.

Notification Tables – Frost Fans

2.3.2.10.4 Notification Tables – Building on railway land / Temporary public service depot

Issue

Questions have been raised as to why ‘building on railway land’ is listed as a class of development that is not subject to public notification given that it could take any form and nuisance impacts are unknown.

Proposed Code Change

AMEND all zone public notification tables (Table 5) except that applying to the Remote Areas Zone and Coastal Waters and Offshore Island Zone, by deleting ‘building work on railway land’ wherever it occurs. AMEND all zone public notification tables (Table 5) except that applying to the Commonwealth Facilities Zone, to include the following additional class of development and corresponding exception:

Class of Development (Column A)	Exceptions (Column B)
1. Railway line	Except where located outside of a rail corridor or rail reserve.

AMEND the public notification tables (Table 5) of the following zones:

- Employment Zone

- Employment (Bulk Handling) Zone
- Employment (Enterprise) Zone
- Infrastructure Zone
- Strategic Employment Zone

to include the following additional class of development and corresponding exception:

Class of Development (Column A)	Exceptions (Column B)
1. Building for the purposes of railway activities	None specified

Comment

The proposal appears to provide exemptions from public notification be pared back to align with the former Development Regulations.

No comment is provided.

2.3.2.10.5 Notification Tables – Demolition

Issue

Some participants questioned whether the exception applying to ‘demolition’ includes partial demolition, and requested a review of the need to notify demolition of buildings in Historic Areas.

Proposed Code Change

AMEND the exception clause in Column B of the notification table as it applies to ‘demolition’ to also reference ‘partial demolition’.

AMEND the exception clause in Column B of the notification table as it applies to ‘demolition’ to provide a relevant authority with the ability to determine that a building is not of heritage value and therefore does not require public notification.

Comment

Support inclusion of partial demolition.

The discretionary element is concerning, with the onus on the person undertaking assessment, which adds a layer of complexity. Public notification tables need to provide certainty to applicants, relevant authorities and the community. They should not be open to disagreement between the relevant authority and applicant to demonstrate whether the building is in keeping with the historical attributes. Suggest that it may be better to retain the status quo and for relevant authorities to rely on Item 1 of the public notification tables as a means of not undertaking notification.

2.3.2.10.6 Notification Tables – Examples

Issues – Policy, Pathways and Linkages

2.3.2.11 Building Height – TNV and context – Policy refinement

Issue

Most zones include a policy guiding building heights, some of which require a development to satisfy two outcomes: a building height specified in a Technical and Numeric Variation (TNV) and a positive response to the local context. Other zones require the achievement of only one of these outcomes. Zones that require a development to achieve both building height outcomes may unnecessarily constrain development to align with the existing context, rather than facilitating urban renewal and

increased density anticipated by taller building heights. It is also likely to result in inconsistent application of the same policy.

Proposed Code Change

AMEND the following Performance Outcomes to ensure that they only require development to meet one of two building height outcomes:

- Urban Neighbourhood Zone PO 2.2
- Urban Corridor (Boulevard) Zone PO 3.1
- Urban Corridor (Business) Zone PO 3.1
- Urban Corridor (Living) Zone PO 3.1
- Urban Corridor (Main Street) Zone PO 3.1
- Housing Diversity Neighbourhood Zone PO 3.12
- Local Activity Centre Zone PO 3.1
- Suburban Activity Centre Zone PO 3.1
- Employment Zone PO 3.3
- Township Activity Centre Zone PO 3.2
- Township Main Street Zone PO 3.1
- Urban Activity Centre Zone PO 3.1
- Suburban Main Street Zone PO 3.1

AMEND the following Performance Outcomes to ensure consistent terminology is used for Technical and Numeric Variations:

- Strategic Innovation Zone PO 3.1
- Capital City Zone PO 4.1
- City Main Street Zone PO 3.1
- Community Facilities Zone PO 2.1

Comment

The TNV heights for the Urban Corridor Zones were carefully selected as part of the DPA and were considered the maximum appropriate height on an area or site-by-site basis.

This policy amendment could easily be interpreted as permitting a building height to exceed the TNV, where it is considered that the development ‘positively responds’ to the context and site conditions etc. This qualitative policy provides no certainty for surrounding property occupants and could in fact undermine the criteria outlined in the other ‘bonus height’ policies. For example, a development could reference a nearby development which met the required criteria and benefited from significant development sites policy and use this as justification for their development responding to the local context.

This policy amendment is not supported.

2.3.2.12 Building Height, Building Wall Setback and Wall Height – Policy Review

Issue

South facing terminology inconsistencies

Following implementation of Phase 3 of the Code feedback was received that there is inconsistent wording in relation to the term ‘south facing’ which is defined in Part 8 of the Code as:

In relation to building orientation, a side wall is south facing if the wall is orientated anywhere between E20°N/W20°S and E30°S/W30°N.

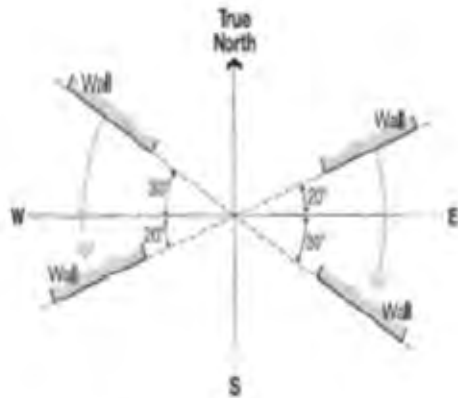


Figure 1: Part 8 example of South facing walls.

Use of the words ‘wall facing a southern boundary’ (which is not defined) has been used in some sections of the Code rather than the defined ‘south facing’ terminology above.

Wall height measurement inconsistencies

Similarly, inconsistent wording throughout the Code has been identified between the defined term ‘wall height’ with Part 8 of the Code (Administrative Terms & Definitions) defining ‘wall height’ as:

Means the height of the wall measured from the top of its footings but excluding any part of the wall that is concealed behind an eave or similar roof structure and not visible external to the land.

However, the phrase ‘wall height measured from the lower of natural or finished ground level’ has been identified throughout the Code.

Other inconsistencies such as ‘wall height measured from the top of the footings’ have also been identified.

The reference to wall height being measured from the top of the footings is doubling up reference to ‘top of the footings’ as the defined term in Part 8 of the Code which outlines that ‘wall height’ is to be measured from the top of its footings.’

Building height measurement inconsistencies

Whilst the definition of ‘wall height’ in Part 8 of the Code is taken from ‘the top of its footings’, Part 8 of the Code defines ‘building height’ as:

Means the maximum vertical distance between the lower of the natural or finished ground level at any point of any part of a building and the finished roof height at its highest point, ignoring any antenna, aerial, chimney, flagpole or the like. For the purposes of this definition, building does not include any of the following:

- (a) flues connected to a sewerage system*
- (b) telecommunications facility tower or monopole*
- (c) electricity pole or tower*
- (d) or any similar structure.*

Feedback has been raised about why the measurement point is different between wall height and building height.

Side and rear setback confusion

There has also been some confusion regarding the interpretation of wall setbacks policies from side and rear boundaries particularly within the neighbourhood-type zones, with the typical DTS/DPF standard wording being transferred from the former Residential Code wording as follows:

General Neighbourhood Zone – DTS/DPF 8.1

Other than walls located on a side boundary, building walls are set back from side boundaries:

(a) at least 900mm where the wall height is up to 3m

(b) other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m

and

(c) at least 1900mm plus 1/3 of the wall height above 3m for walls facing a southern side boundary.

General Neighbourhood Zone – DTS/DPF 9.1

(a) Dwelling walls are set back from the rear boundary at least:

if the size of the site is less than 301m²—

(i) 3m in relation to the ground floor of the dwelling

(ii) 5m in relation to any other building level of the dwelling

(b) if the size of the site is 301m² or more—

(i) 4m in relation to the ground floor of the dwelling

(ii) 6m in relation to any other building level of the dwelling.

Proposed Code Change

AMEND the definitions for ‘wall height’ and ‘building height’ in Part 8 – Administrative Terms and Definitions to include the option for the measurement point to be taken from a point specified by the policy in which the term is used, rather than from the measurement point specified in the definition.

CREATE a definition for ‘post height’ in Part 8 – Administrative Terms and Definitions with its meaning to take the same (or similar) form to ‘wall height’ (as amended above).

AMEND policy that references ‘wall facing a southern boundary’ (or similar) to refer instead to ‘south facing’ throughout the Code.

AMEND policy that references ‘wall height above top of footings’ (or similar) to refer simply to ‘wall height.’

AMEND ‘building height’ DTS/DPF policy (but not for ancillary buildings or structures) in the following zones so that the measurement is taken from ‘the top of footings’, consistent with the former

Residential Code policy for complying dwellings:

- General Neighbourhood
- Housing Diversity Neighbourhood
- Master Planned Neighbourhood
- Master Planned Renewal
- Master Planned Township
- Suburban Neighbourhood
- Urban Renewal Neighbourhood
- Waterfront Neighbourhood

AMEND ‘wall height’ and ‘post height’ DTS/DPF policy for ‘ancillary buildings and structures’ in the following zones so that the measurement is taken from ‘natural ground level’, consistent with the former Residential Code policy for complying outbuildings, carports and verandahs.

- General Neighbourhood
- Housing Diversity Neighbourhood
- Master Planned Neighbourhood
- Suburban Neighbourhood
- Urban Renewal Neighbourhood
- Waterfront Neighbourhood

AMEND side building wall setback DTS/DPF policy for all neighbourhood-type zones to ensure consistency across zones, improve clarity of policy and consistency with Residential Code policy expression and application.

Comment

Proposal appears to bring consistency in terms with reliance on definitions, rather than replicate the definition within policy which at times appears to create confusion.

Concern remains where measured from top of footings, particularly when considering that there may be fill up to 1.0m in height, creating an overall building height of an additional metre on top of the wall height.

2.3.2.13 Building Walls and Dwelling Walls – Policy Review

Issue

Feedback has identified that there is inconsistent wording within the ‘Housing Diversity Neighbourhood Zone’ rear boundary setback and side boundary setback provisions between ‘*dwelling walls*’ and ‘*boundary walls*’. Concern has been raised that use of the term ‘*dwelling walls*’ does not capture non-residential built form that is also envisaged within the Zone.

A similar issue has been identified within the Master Planned Neighbourhood and Township Zones where the term ‘residential buildings’ has been used rather than ‘buildings’ for the DTS/DPF for building height. Concern has been raised that the use of the word ‘residential’ will not capture non-residential built form such as ‘pre-schools’ and ‘consulting rooms’ which are also envisaged land uses within the zones.

Proposed Code Change

AMEND reference from ‘*dwelling walls*’ to ‘*building walls*’ for all side and rear setback provisions (excluding ancillary buildings and structures) within Neighbourhood Type Zones except where the policy is specific to residential buildings.

Comment

Can see the need to capture non-residential buildings within side and rear setback policy but raise impact of change on non-traditional types of dwellings (as an example residential flat buildings) that may orientate the front of the dwelling not in alignment with the site. Suggest additional policy is formulated to capture appropriate siting in these instances or a PO that can push these scenarios into a performance assessed pathway to ensure that siting is optimal not only for setbacks but POS, car parking etc. but manage impacts of built form on adjoining properties

2.3.2.14 Common and Minor Development – Overlay Relevance – Assessment Pathways

Issue

Overlays are, in some cases, preventing a DTS or accepted development pathway and/or applying additional policies where it is unnecessary to do so. This adds complexity, cost and time to the assessment process with no overall community benefit.

Proposed Code Change

It is recommended that overlay applicability be applied in accordance with Tables 2-6 above. Note, where relevant overlay policy would allow for a Deemed-to-Satisfy Pathway to be maintained, relevant provisions from the overlay will be applied, rather than as an Overlay Exclusion.

Precise details of the zones to be amended are contained in ATTACHMENT A, and the corresponding Part of the Code and issue/topic identified

Comment

The presentation of this information and change does not enable the reader to clearly understand what is proposed.

The extent of the policy change is not fully understood and clarification is sought. Attachment A indicates a number of development types that will remove an overlay or overlays to enable the DTS pathway to operate more efficiently. Clarity is sought around the removal of the Water Resources Overlay in Neighbourhood-type Zones to better facilitate DTS pathway for detached dwellings, dwelling addition, row-dwelling and semi-detached dwellings. Confirmation is sought whether neighbourhood type zones capture the Urban Corridor Business Zone.

If it does, what is the implication of removing Water Resources Overlay from DTS pathway for dwellings in neighbourhood type zones - specifically for an application that presents a change in land use in parts of Thebarton either with existing zoning (Urban Corridor Business) or through possible future Code Amendments to land in Thebarton as industrial uses vacate adjacent the River Torrens (see image three).



Image Three: Water Resources Overlay in relation to land subject to recently approved proposal to initiate a Code Amendment and the Urban Corridor (Boulevard) Zone in Thebarton

Whilst the policies contained in the Water Resources Overlay do not specifically refer to dwellings, a number of the policies speak to this using the term development or identify the intent of overlay. Specifically the overlay as per DO2 seeks:

Maintain the conveyance function and natural flow paths of watercourses to assist in the management of flood waters and stormwater runoff.

There is concern that possible Code Amendments will unlock a DTS a pathway (depending on zone sought) for new dwellings (detached, semi-detached and row dwellings) that remove consideration of key policy contained in the Water Resources Overlay such as:

- PO 1.1 Watercourses and their beds, banks, wetlands and floodplains (1% AEP flood extent) are not damaged or modified and are retained in their natural state, except where modification is required for essential access or maintenance purposes.
- PO 1.2 Development avoids interfering with the existing hydrology or water regime of swamps and wetlands other than to improve the existing conditions to enhance environmental values.
- PO 1.5 Development that increases surface water run-off includes a suitably sized strip of vegetated land on each side of a watercourse to filter runoff to:
 - reduce the impacts on native aquatic ecosystems
 - minimise soil loss eroding into the watercourse.

Council Administration have not been able to test this, but seek assurance from the Department that new development in areas currently within the Water Resources Overlay retains the intent of this overlay during the DTS assessment of certain land uses including dwellings.

2.3.2.15 Detached Dwellings in Master Planned Zones as an Accepted Development Pathway

2.3.2.16 Detached Dwellings – Medium and High Rise Development – Policy Relevance

Issue

Feedback has indicated that provisions related to medium and high-rise residential development are not applied to detached dwellings and dwelling additions in Table 3 of the Urban Corridor (Living) Zone, even though the zone allows for medium-rise developments of three storeys. As such, matters related to landscaping, rainwater tanks and tree planting are unable to be adequately assessed against policy provisions specifically related to medium-rise development.

Note: Whilst this issue had been raised in relation to the Urban Corridor (Living) Zone, it has been identified that a range of other Neighbourhood-type Zones also allow for various dwelling types at heights of three storeys or above. As such, the investigations and feedback will also take these additional zones into account.

Proposed Code Change

AMEND assessment pathways for all dwelling types within zones where three storey development (and above) is contemplated to ensure that policy provisions relating to medium and high-rise development is applied.

Comment

Proposed amendment seeks consistency in application of policy in assessing all dwelling types where three storeys or above. There still appears to a gap in linkage to WSUD, tree planting landscaping for medium-rise detached dwellings.

No further comment.

2.3.2.17 Discrete vs Discreet – Garages & Carports – Policy Review

Issue

Feedback has suggested that Performance Outcome 10.1 of the Established Neighbourhood Zone and Township Neighbourhood Zone contains a typo that alters the meaning of the overall provision. The typo relates to the spelling of the word discreet/discrete.

It has also been suggested that PO 10.1 needn't be applied to a carport or garage as it duplicates policy that applies to these development types as part of the zone ancillary buildings and structures policy.

Proposed Code Change

AMEND Performance Outcome 10.1 of the Established Neighbourhood Zone and Township Neighbourhood Zone to use the word “discreet” (instead of discrete)

REMOVE linkages to PO and DTS/DPF 10.1 for Carports and Outbuildings within the Established Neighbourhood Zone and Township Neighbourhood Zone

Comment

The proposed amendment appears to result in the provision seeking garages and carports to be unobtrusive or inconspicuous. This outcome is consistent with the nature of the outcomes sought in the Established Neighbourhood.

No further comment.

2.3.2.18 Discrete vs Discreet – Garages & Carports – Linkages

Issue

It has been suggested that PO 10.1 need not be applied to a carport or garage, given it duplicates policy that applies to these development types as part of the zone ancillary buildings and structures policy.

Proposed Code Change

REMOVE linkages to PO and DTS/DPF 10.1 for Carports and Outbuildings within the Established Neighbourhood Zone and Township Neighbourhood Zone

Comment

Support change, on the basis that PO 11.1 identifies that residential ancillary buildings and structures are sited and designed to not detract from the streetscape or appearance of buildings on the site or neighbouring properties.

No further comment.

2.3.2.19 Dwelling Alterations and Building Additions/Alterations – Assessment Pathways

Issue

Feedback has highlighted that the Code does not identify ‘building alterations and/or additions’ as a class of development which is assigned to assessment pathways or can be selected for use using the Line of Enquiry functionality on the Portal. As a result, alterations and/or additions are defaulting to the ‘all other Code assessed’ performance assessed pathway, which requires a full merit-based assessment (and in some cases public notification). Furthermore, the planning authority is required to consider the whole of the Code and identify the relevant assessment provisions to the proposal.

In comparison, ‘dwelling additions’ have a Deemed-to-satisfy pathway within most neighbourhood-type zones, and ‘Internal building work’ is prescribed as accepted in all zones, other than those located within the State or Local Heritage Place Overlays or State Heritage Area Overlay.

Part 5, Division 1, Section 57(1)(c) of the *Planning, Development and Infrastructure Act* requires rules and standards to be proportionate, suited to relevant conditions, and as far as is reasonably practicable and appropriate, minimise regulatory burden.

Further, the Code Drafting Principles promote the use of Accepted or Deemed-to-satisfy assessment pathways for a class of development that is commonly expected in the zone and where it can be assessed solely on quantitative, prescriptive criteria.

It is therefore appropriate to consider whether a streamlined assessment pathway could be provided for building alterations/and or additions.

Proposed Code Change

CREATE an accepted development pathway for building alterations where the development does not increase the total floor area and does not exceed the wall height and/or overall building height of the existing building. Include exemptions for State Heritage Places or Areas and Local Heritage Places.

AMEND the introductory text for *Table 1 – Accepted Development Classification*, *Table 2 – Deemed-to-Satisfy Development Classification* and *Table 3 – Applicable Policies for Performance Assessed*

Development to clarify that alterations and additions must be assessed against the same provision as the existing development category, unless alterations and/or additions are listed as a separate class of development.

Portal Changes

CREATE a new development type *Building alterations*

CREATE a note on the PlanSA Portal under ‘What policies apply to a development at an address?’ that provides advice on how to search for alterations and/or additions as follows:

For Alterations / Additions to an existing building (including internal building work), select the associated development type listed below and the Building alterations/additions development type. For example, or an alteration to a shop, select ‘Shop’ and ‘Building alterations’.

Comment

This amendment requires further investigation, specifically the change from internal alterations to building alterations, noting that internal alterations will not present the same impact on the streetscape as building alterations and may enable development that does not fully consider the context of locality (use of materials, heritage adjacency), or provide for appropriate mitigation of overlooking, potential encroachment of public space.

Horticulture – Prescribed Surface Water Areas Overlay and Prescribed Wells Area Overlay – linkages

2.3.2.21 Interface Height – Multiple Zones: Policy and TNV – Policy Review

Issue

The Designated Performance Features (and Deemed-to-Satisfy Criteria) (DTS/DPF) relating to interface heights are inconsistent across several zones. For example, some of the interface building envelopes do not apply to the primary street frontage and most zones contain separate policy regarding the interface height adjacent a road.

This may result in misinterpretation or inconsistent application of interface heights.

Proposed Code Change

AMEND the TNV Interface Height policies in Part 6.6 of the Code to include ‘(except where this boundary is a street boundary)’

AMEND the interface height policies within the relevant Zones to replace ‘primary street boundary’ with ‘street boundary’ or add reference to ‘(except where this boundary is a street boundary)’

AMEND all diagrams within Interface Height TNV and policies to ensure consistent wording and interpretation

CREATE a PO 3.8 in the Township Main Street Zone and a PO 3.3 in the Recreation Zone to relate to built form scale adjacent neighbourhood-type zones

AMEND Table 3 of the Township Main Street Zone to apply new PO 3.8 to the following classes of development:

- Consulting Room
- Dwelling
- Office
- Residential flat building
- Shop
- Store

AMEND Table 3 of the Recreation Zone to apply new PO 3.3 to the following classes of development:

- Shop

Comment

Change in application of interface heights requires further investigation of the proposed change and impact on the streetscapes and sensitive receivers. A consistent and generic approach across zones may not be appropriate given the intent of each of the impacted zones, the tailoring of policy may be appropriate, further investigation is warranted.

2.3.2.22 Land Division – Site Contamination – Policy Relevance and Linkage

Issue

Part 9.1 of the Code (Referral Body: Environment Protection Authority) specifies that a referral is required for Performance Assessed Land Division in certain circumstances, however, the policy provisions of the Site Contamination General Development Policies are not linked to this development type, which makes it difficult for a user to ascertain whether a referral would be required. Zone Classification Tables (i.e., Tables 1-4) classify various development types to the respective assessment pathways. Relevant provisions are assigned to a development type, which are then available to relevant authorities to use when assessing a proposed development. Only the provisions assigned to a development type in a Classification Table can be used in an assessment.

Proposed Code Change

ADD PO and DTS/DPF 1.1 of the Site Contamination General Development Policies to any Performance Assessed Land Division to ensure that site contamination matters are appropriately addressed.

Comment

Support the inclusion of site contamination provisions being called up for land division applications.

No further comment.

2.3.2.23 Non Residential Outbuildings – New Policy and Assessment Pathways

Issue

While assessment pathways for outbuildings currently exist, relevant policies are typically related to residential outbuildings. As such, non-residential outbuildings will often default to Performance Assessed where they are not ancillary to a dwelling (e.g., a shed for a church or a school in a neighbourhood-type zone).

Proposals for outbuildings are development under the circumstances set out in Schedule 4 of the *Planning, Development and Infrastructure (General) Regulations 2017* (the General Regulations) and currently require assessment against the Code. However, the Regulations do not specify that an outbuilding must be ancillary to a dwelling, but only that it is ancillary to another building on the site. To streamline the assessment pathway, there is merit in refining the policy framework to address outbuildings that are not associated with a dwelling.

Proposed Code Change

CREATE an additional performance outcome in all applicable zones for Ancillary Structures and Buildings not specifically in association with a dwelling.

ADD new policy provisions to existing pathways for outbuildings, carports and verandahs to allow for assessment of these development types where not in association with a dwelling.

Comment

Do not support the inclusion of these types of structures when not residential in nature. Consideration of use including what is to be stored in these structures and location form key elements in the assessment.

2.3.2.24 Outbuildings – Accepted Development Criteria

Issue

Feedback was raised that within the Housing Diversity Neighbourhood Zone, Table 1 – Accepted Development had a duplication for ‘outbuilding’ located on or abutting a boundary (not being a boundary with a primary or secondary street). The duplication essentially repeated the same policy with a slight variation in wording.

Proposed Code Change

REMOVE all instances where a duplication has occurred, remove Outbuilding criteria 10 in Table 1 – Outbuildings.

Comment

No further comment.

2.3.2.25 Pool Fencing – Accepted Development Pathway

Issue

Although an Accepted Pathway exists for a swimming pool or spa pool, at present this does not consider the prerequisite for an associated safety fence.

As a result, there is no way to achieve an Accepted Development Pathway for a swimming pool as the associated safety fence must be performance assessed.

This slows assessment timeframes as it involves planners in what is ultimately a Building Rules matter. The matter is considered problematic and thus warrants updating to better reflect one of the key goals of the Code, which is to ensure planning policy is consistent and clear, ultimately making the planning process quicker, simpler and more equitable.

Proposed Code Change

AMEND – The Accepted Pathway for ‘Swimming pool or spa pool’ across pertinent zones to include ‘and Swimming Pool Safety Features’.

Comment

No further comment.

2.3.2.26 Primary Street Setback – Use of Building Line

Issue

Concerns have been raised with the current definition and policy application of the term ‘building line’ as it is leading to potentially undesirable outcomes.

Proposed Code Change

AMEND the Building line term to reflect the removal of the 1.5m projection policy

AMEND the policy for primary street setback across all zones listed below. The removal of the building line reference within policy should provide for clear interpretation of the requirement for the primary street setback.

Business Neighbourhood Zone – DTS/DPF 3.2

City Living Zone – DTS/DPF 3.1

Employment Zone – DTS/DPF 3.1

Established Neighbourhood Zone – DTS/DPF 5.1

General Neighbourhood Zone – DTS/DPF 5.1

Golf Course Estate Zone – DTS/DPF 4.1

Hills Neighbourhood Zone – DTS/DPF 5.1

Home Industry Zone – DTS/DPF 3.1

Neighbourhood Zone – DTS/DPF 5.1

Rural Neighbourhood Zone – DTS/DPF 3.1
Rural Settlement Zone – DTS/DPF 2.1
Suburban Business Zone – DTS/DPF 3.4
Suburban Neighbourhood Zone – DTS/DPF 5.1
Township Neighbourhood Zone – DTS/DPF 5.1
Urban Corridor (Boulevard) Zone – DTS/DPF 2.4
Urban Corridor (Business) Zone – DTS/DPF 2.3
Urban Corridor (Living) Zone – DTS/DPF 2.2
Urban Renewal Neighbourhood Zone – DTS/DPF 3.1
Waterfront Neighbourhood Zone DTS/DPF 5.1
Housing Diversity Neighbourhood Zone – DTS/DPF 4.1
Master Planned Neighbourhood Zone – DTS/DPF 6.1
Master Planned Renewal Zone – DTS/DPF 6.1
Master Planned Township Zone DTS/DPF 6.1
Strategic Employment Zone – DTS/DPF 3.3
Urban Neighbourhood Zone – DTS/DPF 2.5

Comment

This has the potential to significantly alter the character of streetscapes. Existing policy (as written in Code) does not alter the ability for an applicant/developer to lodge something different to what the Code currently provides for and be performance assessed within the context of its immediate locality. This change is significant and requires a thorough review of impact, particularly on the Established Neighbourhood Zone where setbacks are often part of the pattern of development and form the character of the Zone and captured via Character Area Overlay.

Replacement Building – Overlay Exclusions: Coastal Flooding Overlay

Tourist Accommodation – Total Floor Area – Rural Zones

Part 3 – Overlays

2.3.3.1 Affordable Housing Overlay – Referral Trigger

Issue

The following issues have been identified by the South Australian Housing Authority in relation to the Procedural Matters (PM) – Referrals section of the Affordable Housing Overlay:

- Unnecessary referral of development applications by the South Australian Housing Authority to itself as the agency responsible for the provision of referral advice.
- Confusion regarding when an application should be referred.

Proposed Code Change

AMEND the referral trigger to exclude from the referral trigger development applications where the applicant is the South Australian Housing Authority.

AMEND the referral trigger to focus on the three matters submitted by the South Australian Housing Authority in their example above.

Comment

No objection to SAHA developments not requiring referral unless the proposal does not seek to meet PO 1.1 and the intent of the overlay.

Query PO 1.1 which states:

Development comprising 20 or more dwellings/allotments incorporates affordable housing.

The referral provides a discretionary element, that referral is required if the development comprises 20 or more dwellings or residential allotments and the development is intending to provide affordable housing. Whilst PO 1.1 seeks that development of this scale incorporates affordable housing. There appears to be a conflict between the referral and the policy intent.

2.3.3.2 Coastal Areas Overlay – Policy Intent

Issue

The Department for Environment and Water has identified some specific policy improvements within the Coastal Areas Overlay to better clarify intended outcomes and ensure greater consistency between Performance Outcomes and Deemed-to-Satisfy Criteria/Designated Performance Features. This includes:

- expanding the range of potential impacts to the marine and onshore coastal environment from development in PO 4.1 to address other potential impacts not currently identified in the Performance Outcome, in particular the spread of diseases
- ensuring the range of potential impacts identified in PO 4.7 aligns with those identified in the accompanying Deemed-to-Satisfy Criteria/Designated Performance Feature (DTS/DPF 4.7).

Proposed Code Change

AMEND PO 4.1 to ensure that development will not unreasonably affect the marine and onshore coastal environment by way of spread of diseases in addition to other listed potential impacts within the Performance Outcome.

AMEND DTS/DPF 4.7 to include reference to ‘cobbles’ in addition to removal of shell grit or sand by development to ensure wording is consistent with the accompanying Performance Outcome (PO 4.7).

Comment

No response required broadens policy to address impacts not captured in the Code currently or alignment between performance outcome and designated performance feature.

No further comment.

2.3.3.3 Design Overlay – Referral

Issue

The Design Overlay currently contains a clause that exempts a referral to the Government Architect where it relates to a variation of a development application that has either previously been referred to the Government Architect (or Associate Government Architect) or been granted development authorisation under legislation.

Provision should be included in the referral trigger to allow discretion to the relevant authority to refer a variation to the Government Architect (or Associate Government Architect) should they consider it warranted, particularly where the variation may be more significant or could impact on the Office of Design and Architecture South Australia's Principles of Good Design.

Proposed Code Change

AMEND the exemption clause in the referral trigger in the Overlay to allow discretion to the relevant authority to refer a variation to the Government Architect (or Associate Government Architect) should they consider it warranted taking into account the purpose of the referral.

Comment

No response required - provides increased flexibility to allow discretion to the relevant authority to refer a variation to the Government Architect (or Associate Government Architect) should they consider it warranted. Should update Practice Direction to reflect any change.

2.3.3.4 Hazards (Flooding) Overlay – PO 3.5 and DTS/DPF 3.5 – Linkages

Issue

Feedback has suggested that the current wording of PO and DTS/DPF 3.5 of the Hazards (Flooding) Overlay implies that this policy should apply to habitable buildings as well as non-habitable structures such as verandahs, carports or outbuildings. However, it has been identified that this policy has been applied inconsistently for various development types across different zones.

Proposed Code Change

AMEND policy linkages to ensure a consistent approach for the application of PO and DTS/DPF 3.5 of the Overlay to various development types.

Comment

No further comment.

2.3.3.5 Heritage Adjacency Overlay – Referral

Issue

The current wording for the referral trigger in the Heritage Adjacency Overlay is not explicit in respect to which authority, body or individual determines whether a development may materially affect the context of a State Heritage Place.

Proposed Code Change

AMEND the referral trigger in the Overlay to clarify that the relevant authority should be tasked with the responsibility to determine if a proposed development may materially affect the context of a State Heritage Place and should be referred to the Heritage Minister, as existed under previous legislation.

Comment

Support inclusion of *Development which in the opinion of the relevant authority materially affects the context within which the State Heritage Place is situated* within the Code. Under the former planning system, the relevant planning authority was clearly charged with the responsibility to determine if a

proposal would materially affect the context of a State Heritage Place, albeit sometimes based on informal discussions with heritage officers from the Department for Environment and Water prior to making this determination. This was considered to work well in practice.

No further comment.

Key Outback and Rural Routes Overlay - Policy consistency with other Transport Overlays

2.3.3.7 Major Urban Transport Routes Overlay - Revised policy and referral triggers

Issue

Following further review, the Department for Transport and Infrastructure (DIT) has suggested several updates to the suite of transport overlays in the Code, including the Major Urban Transport Routes Overlay.

This includes a review against a range of technical guideline sources (e.g., Austroads Guide to Road Design) used by DIT to ensure consistent values are applied within the various transport overlays. The suggested changes aim to provide greater policy clarity and interpretation and achieve the following:

- streamline assessment pathways and reduce unnecessary referrals, in particular for small scale developments that have negligible or minor road network implications
- provide greater opportunities for relevant authorities to assess more common or minor forms of development
- better align policies with legislative requirements and responsibilities
- provide simpler policy criteria that better reflects actual practice
- reflect formal and informal feedback from industry as part of the Code's implementation.

Suggested policy changes (with the exception of some quantitative values) also align with separate but related changes proposed in this Amendment for the Urban Transport Routes Overlay and Key Outback and Rural Routes Overlay, to ensure consistency across the various transport overlays in the Code.

Proposed Code Change

CREATE a new part (c)(vi) in DTS/DPF 3.1 to address a change in use from residential to a small-scale commercial or non-residential use to streamline assessment pathways for this common and minor scale development type and reduce unnecessary referrals.

AMEND DTS/DPF 4.1 part (a) to be more concise and improve policy interpretation.

AMEND the quantitative criteria in respect to the separation between access points in the table in DTS/DPF 4.1 part (c) to include updated requirements for development intended to serve between 1 and 6 dwellings as distinct from other forms of development on a 60 km/h speed limit road, to streamline assessment pathways for this common and minor scale development type and reduce unnecessary referrals.

CREATE a new part (a) in DTS/DPF 5.1 that recognises established usage of prior access for smaller scale residential developments (i.e., between 1 and 6 dwellings) with very low traffic generation and network implications to remove the need to justify existing established access for this scale of development, streamline assessment and reduce unnecessary referrals.

AMEND the introductory statement in DTS/DPF 5.1 to ensure the new item (a) above is addressed and that proposed development satisfies either part (a) or both parts (b) & (c), ensuring that development is either minor scale residential

development and uses an existing access point or that consideration is given to both vehicular and pedestrian sightlines for other and larger scale forms of development.

AMEND the quantitative criteria in respect to both an 'access point serving 1-6 dwellings' and 'access point serving all other development' in DTS/DPF 5.1 part (b) to align with relevant and contemporary Austroads technical guidelines.

CREATE a new part (c) in DTS/DPF 7.1 to ensure development does not result in access points becoming stormwater flow paths directly onto roads.

Comment

No further comment.

Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay - Policy intent

Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay - Policy intent

Mount Lofty Ranges Water Supply Catchment (Area 1 and Area 2) Overlays – Referral

Prescribed Surface Water Areas Overlay – Terminology

Prescribed Water Resources Area Overlay – Referral

2.3.3.13 Representative Buildings – Character Area Overlay and Historic Area Overlay – Spatial Representation

Issue

Feedback has raised the need to improve access to and visibility of ‘Representative Buildings’ in the Character Area Overlay and the Historic Area Overlay and whether the policies of both overlays should specifically refer to representative buildings to provide a clear purpose and role of these buildings.

Proposed Code Change

AMEND the Historic Area Overlay and Character Area Overlay spatial mapping to show ‘Representative Buildings’ similar to the way they are currently displayed in the ‘Planning Reference’ section of SAPP.

Comment

The improved visibility of representative buildings is supported. Suggest that there is further work to be done, including identification through the line of enquiry tool, and clearer policy around the role and purpose of representative buildings.

River Murray Flood Plain Protection Area Overlay – Outbuildings – Policy Intent

River Murray Flood Plain Protection Area Overlay – Outbuildings – Linkage

River Murray Flood Plain Protection Area Overlay – Water Supply – New Policy

River Murray Flood Plain Protection Area Overlay – Referrals

River Murray Tributaries Protection Area Overlay – Policy Intent

River Murray Tributaries Protection Area Overlay – Referrals

State Significant Native Vegetation Areas Overlay – Referral

2.3.3.21 Traffic Generating Development Overlay – Referral

Issue

A possible anomaly has been identified with respect Traffic Generating Development Overlay – whereby development for over 50 dwellings is currently not addressed, notwithstanding that land division involving the creation of 50 or more additional allotments is.

Proposed Code Change

That DTS/DPF 1.1 – 1.3 in the overlay captures built form applications proposing in excess of 50 dwellings ensures that such applications are assessed against the overlay.

That the referral to the Commissioner of Highways be amended to enable referral of development proposing a building containing more than 50 dwellings to the Commissioner of Highways at the built form stage of the development (add a new clause).

AMEND the existing referral for 'land division creating in excess of 50 allotments' to ensure that a development referred under the new clause does not end up being referred twice for the same reasons.

Comment

No further comment

2.3.3.22 Urban Transport Routes Overlay - Revised policy and referral triggers

Issue

The Department for Transport and Infrastructure (DIT) has suggested a number of updates to the suite of transport overlays in the Code, including the Urban Transport Routes Overlay.

This includes a review against a range of technical guideline sources (e.g. Austroads Guide to Road Design) used by DIT to ensure consistent values are applied within the various transport overlays. The suggested changes aim to provide greater policy clarity and interpretation and:

- streamline assessment pathways and reduce unnecessary referrals, in particular for small scale developments that have negligible or minor road network implications
- provide greater opportunities for relevant authorities to assess more common or minor forms of development
- better align policies with legislative requirements and responsibilities
- provide simpler policy criteria that better reflects actual practice
- reflect formal and informal feedback from industry as part of the Code's implementation.

Suggested policy changes (with the exception of some quantitative values) also align with separate but related changes proposed in this Amendment for the Major Urban Transport Routes Overlay and Key Outback and Rural Routes Overlay to ensure consistency across the various transport overlays in the Code.

Proposed Code Change

REMOVE superfluous numbering in DTS/DPF 1.1 part (b)(i) and DTS/DPF 3.1 part (b) to correct an error and improve interpretation.

CREATE a new part (c)(vi) in DTS/DPF 3.1 to address a change in use from residential to a small-scale commercial or non-residential use to streamline assessment pathways for this common and minor scale development type and reduce unnecessary referrals.

AMEND DTS/DPF 4.1 part (a) to be more concise and improve policy interpretation.

AMEND the quantitative criteria in respect to the separation between access points in the table in DTS/DPF 4.1 part (c) to include updated requirements for development intended to serve between 1 and 6 dwellings as distinct from other forms of development on a 60 km/h speed limit road, to streamline assessment pathways for this common and minor scale development type and reduce unnecessary referrals.

CREATE a new part (a) in DTS/DPF 5.1 that recognises established usage of prior access for smaller scale residential developments (i.e., between 1 and 6 dwellings) with very low traffic generation and network implications to remove the need to justify existing established access for this scale of development, streamline assessment and reduce unnecessary referrals.

AMEND the introductory statement in DTS/DPF 5.1 to ensure the new item (a) (above) is addressed and that proposed development satisfies either part (a) or both parts (b) & (c), ensuring that development is

either minor scale residential development and uses an existing access point or that consideration is given to both vehicular and pedestrian sightlines for other and larger scale forms of development.

AMEND the quantitative criteria in respect to both an 'access point serving 1-6 dwellings' and 'access point serving all other development' in DTS/DPF 5.1 part (b) to align with relevant and contemporary Austroads technical guidelines.

CREATE a new part (c) in DTS/DPF 7.1 to ensure development does not result in access points becoming stormwater flow paths directly onto roads.

Comment

No further comment

Part 4 – General Development Policies

Aquaculture – General Development Policies – Policy Review

2.3.4.2 Carport and Outbuilding – Internal Parking Dimensions – Linkages

Issue

Feedback has suggested that policy provisions from the Design in Urban Areas and Design General Development Policies relating to garage dominance and the internal dimensions of enclosed parking spaces do not currently apply to applications for carports or garages which are not under the main roof of a dwelling. In particular, this relates to the following provisions of the Design in Urban Areas General Development Policies:

- Design in Urban Areas [Residential Development - Low Rise [External appearance]] DTS/DPF 20.1
- Design in Urban Areas [Residential Development - Low Rise [Car parking, access and manoeuvrability]] DTS/DPF 23.1

Note: Whilst this issue has been raised in relation to the Design in Urban Areas General Development Policies, equivalent policies are contained within the Design General Development Policies:

- Design [All Residential development [Garage appearance]] PO 14.1
- Design [All Residential development [Car parking, access and manoeuvrability]] PO 19.1

As such, discussion will also consider these provisions.

Zone Classification Tables (i.e., Tables 1-4) classify various development types to the respective assessment pathways. Relevant provisions are assigned to a development type, which are then available to a relevant authority to use when assessing a proposed development. Only the provisions assigned to a development type in a Classification Table can be used in an assessment.

Proposed Code Change

ADD Design in Urban Areas PO 23.1 or Design PO 19.1 (depending on Zone) to Deemed-to-Satisfy and Performance Assessed pathways for Carports and Outbuildings in to provide guidance for the assessment of internal dimensions for enclosed parking spaces.

Comment

Discussion and review is required generally about the internal dimensions contained in the Code for carports and garages, however the proposed amendment seeks to provide important policy linkage based on the development type.

No further comment

Commercial Forestry - Forestry General Development Policies – Policy Review

2.3.4.4 Decks – Design, and Design in Urban Areas General Development Policies – Assessment Pathways

Issue

Proposals for decks are deemed development under the circumstances set out in Schedule 4 of the *Planning, Development and Infrastructure (General) Regulations 2017* and currently require assessment against Code. A greater number of decks are requiring approval than anticipated, in part, due to the general increase in home improvement activity, which is burdening the planning system with minor matters.

Feedback has highlighted that the Code does not include specific provisions for the assessment of decks and as a result, the planning authority is required to consider the whole of the Code and identify the

relevant assessment provisions for the proposal. In addition, decks are defaulting to the performance assessed pathway, which requires a full merit-based assessment (and in some cases public notification). Part 5, Division 1, Section 57(1)(c) of the *Planning, Development and Infrastructure Act 2016* requires rules and standards to be proportionate, suited to relevant conditions, and as far as is reasonably practicable and appropriate, minimise regulatory burden.

It is therefore appropriate to consider whether there is an opportunity to streamline the assessment pathway for decks that may be attached to a dwelling or other building or stand alone.

Proposed Code Change

CREATE additional policy within the Design, and Design in Urban Areas module specific to decks to include assessment provisions that address overlooking.

CREATE a deemed-to-satisfy and performance assessed pathway for decks in neighbourhood-type, residential employment, rural and recreation type zones linking the proposed new decks policy, with overlay applicability and relevant General Development policies reflecting comparable development types such as a verandah.

NOTE: In order to ensure consistency across different development types within a given Zone, relevant policy provisions from the Design in Urban Areas General Development Policies should be applied to Decks where provisions from this module are called up for other development types within a Zone. In all other cases, the relevant provisions of the Design General Development Policies.

Comment

The inclusion of a DTS pathway is supported in neighbourhood-type zones, however concern still remains around screening in some instances where it may create undue impact due to height of screening required to mitigate potential overlooking and decking matching the FFL due to site conditions even in areas that are considered 'flat'.

Further consideration to decks when not ancillary to dwellings e.g. commercial require a performance assessed pathway with appropriate policy captured to assess use, siting, overlooking etc. Appears there are policy gaps in the Code for this type of development.

2.3.4.5. Design – PO 19.3 – Driveway Access General Development Policies – Policy Relevance

Issue

Feedback has identified that policy provisions related to driveways and access points have been applied inconsistently across some zones, as well as cases where multiple equivalent policy provisions from different modules are being called up for a single development type. This issue relates to the following policy provisions:

- Design in Urban Areas [Residential Development - Low Rise [Car parking, access and manoeuvrability]]: PO 23.3
- Design [All Residential development [Car parking, access and manoeuvrability]]: PO 19.3
- Transport, Access and Parking [Vehicle Access]: PO 3.6

Zone Classification Tables (i.e., Table 1-4) classify various development types to the respective assessment pathways. Relevant provisions are assigned to a development type, which are then available to a relevant authority to use when assessing a proposed development.

Only the provisions assigned to a development type in a Classification Table can be used in an assessment.

Proposed Code Change

AMEND wording of Design [All Residential development [Car parking, access and manoeuvrability]]: PO 19.3 to be consistent with equivalent provisions within the Design in Urban Areas module.

REMOVE linkage to Transport, Access and Parking PO 3.6 and associated DTS/DPF for the following development types in all relevant Zones where they apply in Table 3 – Applicable Policies for Performance Assessed Development to remove conflicting policy from this pathway.

Comment

No further comment

2.3.4.6. Design in Urban Areas – DTS/DPF 19.1 - Soft Landscaping – Policy Review

Issue

Part 4 of the Code - General Development Policies, Design in Urban Areas contains two provisions in relation to soft landscaping for residential development. DTS/DPF 19.1 outlines soft landscaping provisions of ancillary buildings and DTS/DPF 22.1 provides soft landscaping provisions for all low-rise residential development. These provisions contain slightly different wording in relation to the minimum dimension needed for soft landscaping.

Feedback has also highlighted confusion of the application of the soft landscaping policies for group dwellings and residential flat buildings that contain common property as it is not explicit if the common property is included or excluded in the calculations of soft landscaping percentage.

Proposed Code Amendment

AMEND Design in Urban Areas DTS/DPF 19.1 and DTS/DPF 22.1 to be consistent in wording and explicitly state that common property is to be included in soft landscaping calculations.

Comment

The effect of this policy amendment / interpretation is that some dwellings in a group dwelling or RFB (wherever there is common property) could have little or no direct access to soft landscaping which could lead to poor amenity and urban heat outcomes.

2.3.4.7. Garage and Driveways – Design DTS/DPF 19.5, and Design in Urban Areas DTS/DPF 23.5 General Development Policies – Policy Review

Issue

Design General Module DTS/DPF 19.5 and Design in Urban Areas General Module DTS/DPF 23.5 relate to the design of driveways. However, the policy can be difficult to interpret, particularly in relation to the angle of driveways relative to a road.

Proposed Code Change

AMEND Design General Module DTS/DPF 19.5 and Design in Urban Areas General Module DTS/DPF 23.5 to provide clarity.

Comment

No further comment

2.3.4.8. Heavy Vehicle Parking - Transport, Access and Parking General Development Policy - Policy and Definition Review

Issue

The parking of any vehicle exceeding 3,000 kg (including the weight of any attached trailer) on land used for residential purposes is development under the *Planning Development and Infrastructure Act 2016*, unless it is:

- the parking of a caravan or motor-home of any weight on land used for residential purposes by a person who is an occupant of a dwelling situated on that land or
- a special circumstances which applies due to the previous dwelling being destroyed by a bushfire.

However, there is no policy contained within the Code specifically guiding the assessment of heavy vehicle parking. Similarly, there is no definition contained within the Code regarding this land use.

Proposed Code Change

CREATE new policy within the Transport, Access and Parking General Module to guide the assessment of heavy vehicle parking

CREATE a new land use definition for heavy vehicle parking (refer to the definitions section of this Code Amendment for further details)

Comment

No further comment

2.3.4.9. Housing Renewal General Development Policies - Policy Review

Issue

The Housing Renewal General Development Policies were written to apply to Housing Trust / Community Housing proposals. However, there is nothing in the Code to exclude the policies from being applied to 'All Code Assessed Development' – performance assessed development that is not a Housing Trust or community housing proposal. In addition, several of the Housing Renewal policies conflict with the Design and Design in Urban Areas policies.

As a result, some General Development Policies applicable to dwellings are conflicting and, given that no hierarchy applies to General Development Policies, it is not clear which policies should be applied to 'All Code Assessed Development'.

Proposed Code Change

CREATE an interpretation note for the Housing Renewal General Development Policies to confirm that the policies are applicable only to Housing Trust / Community Housing proposals

Comment

No further comment

2.3.4.10. Land Division – General Development Policies – Policy Review

Issue

Feedback received since the inception of the Code has identified policy duplication within the Land Division General Development Policies.

Proposed Code Change

AMEND the Land Division General Development Policies to remove duplicated policy

Comment

No further comment

2.3.4.11. Land Division – General Development Policies – Linkages

Issue

Feedback received since the inception of the Code has identified that not all the policy provisions from the Land Division general Development Policies are linked to Performance Assessed Land Divisions within zones.

Proposed Code Changes

ADD PO 2.8 and PO 3.11 of the Land Division General Development Policies to the Performance Assessed pathway for "Land Division" in all zones to ensure a consistent approach to the application of policy provisions from this module.

Comment

No further comment

2.3.4.12. Transport, Access and Parking – General Development Policy – Fences – Linkages

Issue

Feedback has indicated that the policy provisions currently applied to a Performance Assessed Fence in various zones do not address matters related to preservation of sightlines between vehicles and pedestrians where fences are located adjacent to driveways or corner sites.

From a planning perspective, all development must be assessed against the relevant provisions of the Code (see section 102(1)(a)(i) of the Act. Code content must therefore be directly relevant to the assessment of development.

Proposed Code Change

APPLY relevant policy provisions from the Transport, Access and Parking General Development Policy module to Performance Assessed Fences to address matters relating to preservation of sightlines

Comment

Applies policy critical for assessing and ultimately maintaining sightlines.

No further comment

2.3.4.13. Transport, Access and Parking – General Development Policy – Car Parking Rates Table - Review

Issue

Transport, Access and Parking Tables 1 and 2 prescribe the intended car parking rates for various forms of development. The following issues have been identified regarding these tables:

- Some car parking rates are listed which fit multiple definitions. For example, car parking rates exist for both a pre-school and a child care centre which is a type of pre-school
- Car parking rates in the Urban Neighbourhood Zone at Bowden are more onerous than the car parking rates that existed within the City of Charles Sturt Development Plan, creating challenges for delivering the scale and intensity of development envisaged for the transit-oriented development.

As a result, some of the car parking rates are not easily understood or consistently applied.

Proposed Code Change

AMEND Transport, Access and Parking Table 1 to position all land use classes on the 'class of development' column and all 'sub-classes' within the 'car parking rate' column

AMEND Transport, Access and Parking Table 2 to update references to the Urban Neighbourhood Zone and add specific car parking rates for the UN Zone within Bowden

Comment

Appears to provide greater alignment and less capacity for conflicting policy between development type and car parking table.

No further comment.

2.3.4.14. Transport, Access and Parking – General Development Policy – Designated Parking Areas / Car Parking Rates – Interpretation

Issue

Car parking rates applied to development through the Transport, Access and Parking General Development Policies are structured to enable alternative rates to be applied in Designated Areas where reduced car parking rates are appropriate and/or where a car parking fund exists to offset any car parking shortfalls.

However, the interpretation is not readily apparent in some instances, including:

- Which Table is most appropriate for identifying the relevant rate
- Whether the Table 2 – Criteria are applicable to a Designated Area.

This can result in confusion during the assessment of a development and may result in the car parking rates being applied inconsistently.

Proposed Code Changes

AMEND Transport, Access and Parking DTS/DPF 5.1 to provide clarity on when each car parking rate is applicable

CREATE a definition for a High Frequency Public Transit Area

AMEND Transport, Access and Parking Table 2 to include reference to the High Frequency Public Transit Area where appropriate

REMOVE the Table 2 – Criteria within Transport, Access and Parking Table 2

AMEND the interpretation notes for Transport, Access and Parking Table 2 to reflect the removal of the Table 2 – Criteria

Comment

Supported on the following understanding:

Appears amendments clarify how and when to apply designated area rates. A further improvement would be for SAPPa to map 'High Frequency Public Transit Area' and/or 'Designated Areas' to provide greater clarity of when these rates apply.

It is also recommended that guidance be provided on how to apply the minimum and maximum car parking rates.

Part 5 – Specified matters and areas identified under the Act and Regulations

There are no proposed Code changes to Part 5 of the Code as part of this Code Amendment

Part 6 – Index of Technical and Numeric Variations

There are no proposed Code changes to Part 6 of the Code as part of this Code Amendment

Part 7 – Land Use Definitions

Issue

Improvements to the Land Use and Administrative Definitions in the Code – specifically a review of Part 7 – Land Use Definitions and Part 8 – Administrative Terms and Definitions to provide greater clarity in interpretation and relationship with policy.

Proposed Code Changes

AMEND Part 7 – Land Use Definition in relation to the following definitions or terms:

- Ancillary accommodation
- Caravan and tourist park
- Commercial forestry
- Educational establishment
- Indoor recreation facility
- Office
- Pre-school
- Tourist accommodation
- Workers accommodation

CREATE new definitions for Part 7 – Land Use Definition in relation to the following terms:

- Heavy vehicles parking
- Function venue

2.3.7.1. Ancillary Accommodation – Amend

Comment

No further comment

2.3.7.2. Caravan and Tourist Park – Amend

Comment

No further comment

2.3.7.3. Commercial Forestry – Amend

2.3.7.4. Educational Establishment – Amend

Comment

No further comment

2.3.7.5. Indoor Recreation Facility – Amend

Comment

No further comment

2.3.7.6. Office – Amend

Comment

No further comment

2.3.7.7. Pre-school – Amend

Comment

No further comment

2.3.7.8. Renewable Energy Facility – Policy Refinement

2.3.7.9. Tourist Accommodation – Amend

Comment

No further comment

2.3.7.10. Workers Accommodation – Amend

2.3.7.11. Heavy Vehicle Parking – New Definition

Comment

No further comment

2.3.7.12. Function Venue – New Definition

Comment

No further comment

Part 8 – Administrative Terms and Definitions

Issue

Improvements to the Land Use and Administrative Definitions in the Code – specifically a review of Part 7 – Land Use Definitions and Part 8 – Administrative Terms and Definitions to provide greater clarity in interpretation and relationship with policy.

Proposed Code Changes

AMEND Part 8 – Administrative Terms and Definitions in relation to the following term:

- Building height
- Building line
- Wall height

CREATE new definition Part 8 – Administrative Terms and Definitions in relation to the following terms:

- Catalyst site
- Direct overlooking
- High frequency public transit area
- Post height

REMOVE Gross Density from Part 8 – Administrative Terms and Definitions

2.3.8.1. Building Height – Amend

Comment

Refer to comments in 2.3.2.12

2.3.8.2. Building Line – Amend

Comment

Refer to comments in 2.3.2.26

2.3.8.3. Wall Height – Amend

Comment

Refer to comments in 2.3.2.12

2.3.8.4. Catalyst Site – New Definition

Comment

No comment

2.3.8.5. Direct Overlooking – New Definition

Comment

No comment

2.3.8.6. High Frequency Public Transit Area – New Definition

Comment

Support the inclusion of this definition but would also recommend these areas and designated areas are spatially applied in SAPP.

2.3.8.7. Post Height – New Definition

Comment

No Comment

2.3.8.8. Gross Density – Delete Definition

It is recommended this definition be retained as a useful point of reference for comparison against net density and for when it is referenced in broader strategy and policy considerations.

Part 9 – Referrals

2.3.9.1. Environment Protection Authority Referrals - Review of Interpretation and Referral Triggers

Issue

Under the *Development Regulations 2008* (now ceased), schedule 8 required a referral to the Environment Protection Authority (EPA):

Development that involves, or is for the purposes of, an activity specified in Schedule 22 (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level)

The above ensured that alterations to an activity of major environmental significance required a referral. No similar preamble is included in Part 9.1 of the Code and as a result, the EPA has advised that some activities of major environmental significance are not being referred to them. This has resulted in works being approved that increase the risk of pollution or environmental harm and present challenges for the subsequent EPA licence. Accordingly, the EPA has requested that similar wording be contemplated in Part 9.1 of the Code.

Additionally, Class 3 activities are low risk potentially contaminating activities and do not warrant EPA involvement through the referral process. To assist and provide further clarity, the inclusion of the reference within the South Australian Property and Planning Atlas when land division is proposed to land within a groundwater prohibition area.

Proposed Code Change

CREATE an interpretation noted for Part 9.1 of the Code to confirm when referrals are required

AMEND the Class of Development / Activity Site Contamination – Land Division Class to removed class 3 activity needing to be referred and inclusion of the reference to South Australian Property and Planning Atlas.

Comment

Appears that the proposed interpretation to be included in Part 9.1 will add clarity to instances when developments are required to be referred to the EPA in line with previous Development Act particularly where capacity for a licensed premises may increase.

No further comment.

Part 10 – Significant Trees

There are no proposed Code changes to Part 10 of the Code as part of this Code Amendment

Part 11 – Local Heritage Places

2.3.11.1. Listing of State Heritage Places

Issue

As part of this Amendment it is proposed to include a list of current State Heritage Places in the Code, similar to the way Local Heritage Places are listed in Part 11 – Local Heritage Places. This is to improve visibility of State Heritage Place details in the Code to complement the State Heritage Places Overlay. As State Heritage Places are governed by a separate Act – the *Heritage Places Act 1993* – and that listings can be added and removed at any time under that Act (subject to the processes of that Act), it is considered necessary to also include explanation in Part 1 the Code that State Heritage Places identified in the Code (by the State Heritage Places Overlay, the Heritage reference layer of the SA Planning Database and the list proposed to be added to Part 11 Code) are point in time references and that the State Heritage Register should be relied on in the event of any inconsistency.

Proposed Code Change

AMEND the title of ‘Part 11 – Local Heritage Places’ to ‘Part 11 – Heritage Places’

AMEND Part 11 of the Code to include the list of current State Heritage Places currently mapped in the State Heritage Places Overlay. It is recommended that the list include the follow details:

- Property address
- Descriptions / extent of listing
- Section 16 Criteria
- State Heritage ID

AMEND Part 1 of the Code to include rules of interpretation that explain that where there is a discrepancy between the Code’s list of:

- State Heritage Places and the South Australian Heritage Register, the Register will prevail
- Local Heritage Places and the South Australian Heritage Register, the Code will prevail.

Comment

Support inclusion of State Heritage Places.

Part 12 – Concept Plans

There are no proposed Code changes to Part 12 of the Code as part of this Code Amendment

Part 13 – Table of Amendments

Part 13 of the Code – Table of Amendments: Updates to the publication date, Code version number, amendment type and summary of amendments within the ‘Table of Planning and Design Code Amendments’ to reflect the amendments to the Code

From: [Douglas Roberts](#)
To: [DTI:PlanSA Submissions](#)
Subject: OE2022-1402 - 18.85.1.001 - Miscellaneous Technical Code Amendment
Date: Friday, 23 September 2022 12:22:53 PM
Attachments: [ATT00001.png](#)
[ATT00002.png](#)
[ATT00003.png](#)
[ATT00004.png](#)
[BWC MTCA Response_OI2022-1401.pdf](#)

Good afternoon

Please find attached Barunga West Council response to the Miscellaneous Technical Code Amendment.

Best Regards
Douglas Roberts
Development Services Officer

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Ref: OL2022-1401

20 September 2022

Code Amendment Team
 Planning and Land Use Services
 Department of Trade and Investment
 GPO Box 1815
 Adelaide SA 5001

**RE: SUBMISSION REGARDING THE MISCELLANEOUS TECHNICAL CODE AMENDMENT FROM THE
 BARUNGA WEST COUNCIL**

The Barunga West Council has taken the opportunity to prepare a submission for consideration on some of the proposed amendments to the policy provisions within the Planning and Design Code that has the potential to have significant impacts on residential development and development patterns, especially within Fisherman's Bay and Port Broughton.

In relation to the proposed changes within 2.3.2 Part 1 – Zones and Sub Zones, the Barunga West Council supports the proposed inclusion and changes outlined in items 2.3.2.1 up to and including 2.3.2.8 as outlined in Attachment A – Proposed Code Policy – Amendment Instructions.

Particular reference has been made to Section 2.3.2.9 – Restricted Development Classifications – Table 4 with the following comments provided by the Barunga West Council:

Overlay, Zone or Sub Zone	Proposed Changes	Comments
Rewording of PO 1.1 within the Limited Land Division Overlay	Deleting and additional dwelling and replacing with a new dwelling	Changes are supported by the Barunga West Council
Rural Zone – Table 4 regarding land divisions	Amending the wording by removing residential and replacing with sensitive use or sensitive receiver	Changes are supported by the Barunga West Council
Conservation Zone – Restricted Development	By adding exceptions to the restricted renewable energy facility land use for solar mounted solar panels and battery storage facilities	Changes are supported by the Barunga West Council as renewable energy facilities need to be assessed on their merit rather than be restricted if

		we want to reach the renewable energy targets
Employment Zone	Removing Industry, waste reception, storage, treatment or disposal and wrecking yards from the restricted list and including Special Industry as a restricted land use	Changes are supported by the Barunga West Council as Special Industry has the potential to have significant impacts on sensitive receivers and therefore inclusion is supported.
Employment (Bulk Handling) Zone	Dwelling is removed from the restricted list and no other land use specified.	Changes are supported by the Barunga West Council as it allows for greater flexibility, especially in rural environments for value adding activities and other compatible land uses.
Rural Shack Settlement Zone	Removal of dwelling and Land Division from the Restricted Development category	Changes are supported by the Barunga West Council for the reasons explained below, especially in relation to the Fisherman's Bay development

1.1 - Historical Information:

Fisherman Bay was first established in the 1920's when a number of local fisherman commenced constructing shacks and other structures on private farmland. In 1974 the landowner indicated his intent to sell and the single parcel of land was purchased (a single freehold title) by a group of 10 families who owned shacks at Fisherman Bay. These families formed a partnership for the investment, and established Fisherman Bay Management Pty Ltd (FBM) to look after their interests and to run the settlement. Over the last 46 years there have been several changes to the make-up of the partnership, with some partners selling and other membership changing hands via inheritance.

Shack owners who have constructed shacks or other structures on the land visit the facilities regularly themselves as well as providing a holiday destination for other relatives and visitors for personal enjoyment. The only income that was initially generated by FBM was through the Licence Agreements issued to each of the shack owners, where the license fee was collected in advance.

The existing leased shack sites vary from well-established accommodation to basic accommodation on varying sized allotments.

In October 2017, DAC approved the application, subject to the following conditions:

- Construction of a seawall
- Construction of an effluent, treatment and collection system;
- Construction of roadworks and associated stormwater management system;
- Fire certification of all allotments.

The last two (2) years has culminated in the finalisation of documentation and appropriate contracts to allow the freeholding of allotments at Fisherman's Bay. As indicated the freehold allotments vary in size with a significant number of the allotments in the vicinity of 250 to 320m² with an irregular development pattern. The majority of the allotments have some degree of built form where many of the allotment owners indicating that they are prepared to rebuild when all of the existing services such as powerline relocation, stormwater management and wastewater disposal system has been completed to adequately services the newly created freehold allotments.

The Barunga West Council is committing significant financial investment (powerline relocation, stormwater management and waste water disposal system) that is based on the current allotment numbers, sizes and configurations. Additional allotments, via way of performance assessed land divisions, will significantly constrain the infrastructure roll out and place additional stain on this sensitive coastal area.

What is currently being experienced by the Barunga West Council is existing landholders are buying two allotments and wanting to create 3 allotments and there is no policy within the zone to adequately assess such proposals:

The existing policy existing in the Rural Shack Settlement Zone at Fisherman Bay in relation to land divisions:

Land Division		
Performance Outcome	DTS/DPF Criteria	Comments
<p>PO 4.1</p> <p>Allotments are of suitable size and dimension to contribute to a pattern of development that is consistent with the shack settlement.</p>	<p>DTS/DPF 4.1</p> <p>Development accords with the following:</p> <p>a) no additional allotments are created or</p> <p>b) site areas (or allotment areas in the case of land division) are not less than:</p>	<p>The existing policy for land divisions does not alleviate the scenario outlined above but rather states that such a proposal cannot be assessed as DTS and would therefore be assessed on merit. As there is not defined minimum allotment size there is the potential of significant</p>

	<p>In relation to DTS/DPF 4.1, in instances where:</p> <p>c) more than one value is returned in the same field, refer to the <i>Minimum Site Area Technical and Numeric Variation</i> layer in the SA planning database to determine the applicable value relevant to the site of the proposed development</p> <p>d) no value is returned for DTS/DPF 4.1(b) (i.e. there is a blank field), then none are applicable and the relevant development cannot be classified as deemed-to-satisfy unless DTS/DPF 4.1(a) is met.</p>	<p>intensification and the creation of allotment where the size of any future built form is compromised due to other factors such as boundary offsets and setback from the coast as required by the Coastal Protection Board.</p> <p><u>The Barunga West Council therefore requests that land divisions remain as restricted development.</u></p>
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The Barunga West Council supports the proposed changes to the restricted development in the Township and Township Activity Centre Zone.

Transportable Dwellings

The Barunga West Council is finding it challenging to assess a recent influx of transportable dwellings proposed within this community. It is understood that other regional Councils are dealing with similar issues.

Transportable dwellings pose the issue with their overall form, style and visual character. Displaying a typical rectangular profile, these forms of development provide minimal articulation, visual interest and have the potential to create an eyesore in local communities. It is recognised that there is an 'affordable housing' argument that should be given considered, especially in this current market where building costs have skyrocketed and trade persons are difficult to source in regional areas. However, there needs to be a balance better affordable housing that does not compromise the amenity of the locality.

Notwithstanding, the Planning and Code is considered to have a shortfall in *design* provisions that would assist to require improved building. A key shortfall of the 'design' related provisions that applies to rural areas is that the 'Design' General Development Policies are different to those contained within the 'Design in Urban Areas' General Development Policies.

A simple 'fix' could be the inclusion of Performance Outcome 20.2 of the Design in Urban Areas General Development Policies into the 'Design' General Development Policies:

External Appearance	
<p>PO XXX</p> <p>Dwelling elevations facing public streets and common driveways make a positive contribution to the streetscape and the appearance of common driveway areas.</p>	<p>DTS/DPF XXX</p> <p>Each dwelling includes at least 3 of the following design features within the building elevation facing a primary street, and at least 2 of the following design features within the building elevation facing any other public road (other than a laneway) or a common driveway:</p> <ul style="list-style-type: none"> (a) a minimum of 30% of the building wall is set back an additional 300mm from the building line (b) a porch or portico projects at least 1m from the building wall (c) a balcony projects from the building wall (d) a verandah projects at least 1m from the building wall (e) a minimum 30% of the width of the upper level projects forward from the lower level primary building line by at least 300mm <p>a minimum of two different materials or finishes are incorporated on the walls of the front building elevation, with a maximum of 80% of the building elevation in a single material or finish.</p>

This Performance Outcome is useful as it would apply to all forms of dwellings within all Zones and not just relate to transportable dwellings. While it is appreciated that common driveways are not typical within regional areas, it would be useful if such an application is approved. It also provides increased application of the policy across a wider area of regional councils.

The argument is based on the fact that the suggested inclusion in the 'Design' module is an existing P&D Code policy. The Barunga West Council is not seeking to create a new policy but rather apply this across other areas where it would be useful to assess dwelling applications.

Reference has been made to Section 2.3.2.10 – Notification Tables and the Barunga West Council supports the changes to increase the length of walls on the boundary from 11m to 11.5m, which provides consistency for all the zones.

Reference has been made to Part 1 – Zones and Subzones – Barunga West Council supports the proposed changes within the zones and subzones suggested for the zones and subzones within the Barunga West Council area and as detailed on pages 127 to and including page 145 of Attachment A.

Reference has also been made to Part 4 – General Development Policies - Barunga West Council supports the proposed changes within the zones and subzones for the suggested changes to the building walls and Dwelling Walls within the zones and subzones within the Barunga West Council area and as detailed on pages 146 to and including page 162 of Attachment A.

A review of Part 7 – Land Use Definitions – The Barunga West Council supports the proposed changes.

In relation to the Part 8 - Administrative Terms and Definitions the Barunga West Council offers the following comments as the definition of a Catalyst Site only relates to the City Main Street Zone and therefore has no impact on rural councils. With regards to the changes to the direct overlooking from a window should be retained as having the sill of the window 1.5 metres above the finished floor level on the upper floor. Overlooking from a deck, balcony or terrace as proposed makes no sense as you are still able to look into the adjoining property with the suggested changes and therefore achieves no effective result.

Reference has been made to Part 9 – Referrals and the notes of Interpretation the Barunga West Council supports the proposed changes remove class 3 from the Clause 1(4) of Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Reference has been made to Part 11 – Local Heritage Places – The Barunga West Council supports amending Part 11 – Local Heritage Places by renaming the heading from Local Heritage Place to Heritage Places as many in the community see Local Heritage Places as having lesser value, but the term 'Heritage Places' gives more credence to the fact that the places has some heritage value and character that needs to be preserved and carefully restored or modified to ensure the historical significance is not lost with renovations or additions.

In relation to the State Heritage Places is an idea supported by the Barunga West Council in that if there is any inconsistency between the Register and the State Heritage Places listed in Part 11 of the Planning and Design Code, an entry in the Register will prevail to the extent of any inconsistency.' This approach is in line with the same approach taken in the Barossa Valley and the McLaren Vale area is so much of there is inconsistencies between the zone policy and the policy contained in the Character Preservation Area, then the policy in the Character Preservation Area prevails.

Reference has also been made to Part 12 – Concept Plans – The Barunga West Council does not have any Concept Plans contained in the Planning & Design Code and therefore the proposed changes have no impact.

The Barunga West Council thanks the Planning and Land Use Services Group for the opportunity to provide constructive input to the proposed changes outlined in the Miscellaneous Technical Code Amendment.



Trevor V White
Planning Consultant/Assessment Manager
Barunga West Council

From: [Sally Roberts](#)
To: [DTI:PlanSA Submissions](#)
Subject: Miscellaneous Technical Enhancement Code Amendment Submission
Date: Friday, 23 September 2022 12:27:20 PM
Attachments: [image001.png](#)
[image003.png](#)
[Submission Misc Tech Enhancement.pdf](#)
[Final Submission - Misc Tech Enhancement CA Consultation Submission - Sept 22.pdf](#)

Dear Code Amendment Team

Please find attached letter and submission in relation to the Miscellaneous Technical Enhancement Code Amendment.

Kind regards
Sally

Sally Roberts

Manager Strategic Development
Alexandrina Council

Phone:

Email:

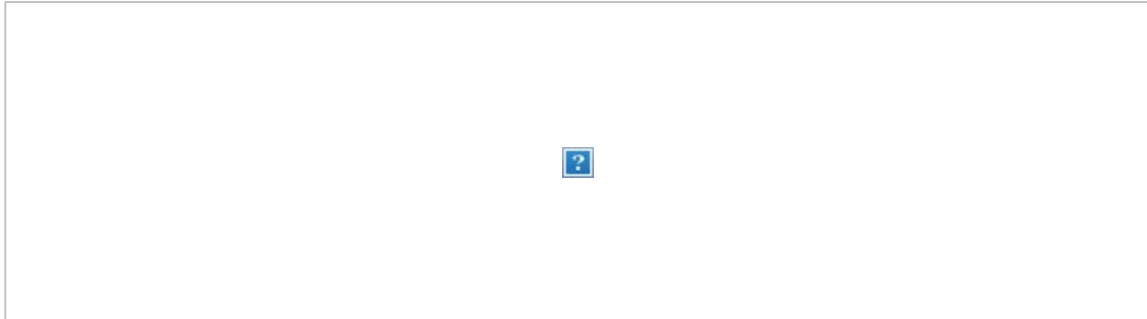
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PO Box 21 • 11 Cadell Street GOOLWA SA 5214



[Acknowledgement of Country](#)

The Alexandrina Council region intersects with the traditional lands of the following Aboriginal Nations and Clan, Ngarrindjeri Kukabrak (Nation), Ramindjeri lakinyeri (Clan of the Ngarrindjeri Nation), Peramangk Kukabrak (Nation), Kaurna Yerta (Country). In the spirit of reconciliation we acknowledge the Traditional Owners of this region and acknowledge their connections to the land, waters and community.

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File: 3.3.001
SR:NM

23 September 2022

Code Amendment Team
Planning and Land Use Services
Department for Trade and Investment

By Email: plansasubmissions@sa.gov.au

Dear Code Amendment Team

Miscellaneous Technical Enhancement Code Amendment

Thank you for the opportunity to provide input into the Miscellaneous Technical Enhancement Code Amendment (CA).

Council has reviewed and considered the CA that has sought to make improvements to the new planning system following input from the industry. Council would like to commend the State Planning Commission for listening to the planning sector and those working within it to continue to improve and evolve the states' planning system.

Overall the amendments are generally supported with the attached submission highlighting those areas that are still of concern to Council.

I trust that the submission is clear however should you have any queries please contact Sally Roberts, Manager Strategic Development on

Kind regards

Nigel Morris
Chief Executive Officer

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Section	Proposed Amendment	Comment	Recommendation
Part 1 – Rules of Interpretation			
2.3.1.1.	Application of Spatial Policy Relevant to the Site of the Development	Amend Rules of Interpretation to include explanation and rules on how to determine relevant policy when a spatial layer only applies to part of a site that is subject of a development application.	Support Provides further clarity around the spatial application of policy.
2.3.1.2.	Spatial maintenance updates – comprising minor or operational amendments	Amend Rules of Interpretation to include explanation and rules on how spatial layers are updated in order to maintain correct relationships with cadastre or roads	Support
Part 2 – Zones and Sub Zones			
2.3.2.1.	Conservation Zone – land division – PO 2.1 – Policy	Amend PO 2.1 of the Conservation Zone to clarify that land division should avoid creating additional allotments with frontage to the coast or River Murray. Additional policy being introduced into the Conservation Zone to reiterate that newly created allotments (including those that are realigned) should not create new river or coastal frontages.	Support This ensures consistency with existing policies within the Coastal Areas and River Murray Floodplain Overlays.
2.3.2.2.	Conservation Zone – land division – DTS/DPF 2.1 – Policy	Amend DTS/DPF 2.1 (b) of the Conservation to include reference to the River Murray to clarify that land division should avoid creating additional allotments with frontage to the River Murray Additional policy being introduced into the Conservation Zone to reiterate that newly created allotments (including those that are realigned) should not create new river or coastal frontages.	Support This ensures consistency with existing policies within the River Murray Floodplain Overlays.
2.3.2.3.	Master Planned Zones – Site Dimensions and Land Division – Policy Review	Inclusion of reference to ‘Concept Plans’ in PO 11.3 of the Master Planned Township Zone and Master Planned Neighbourhood Zone.	Support Ensures concept plans (if applicable) are considered within the policy.
2.3.2.4.	Rural Zone – Detached Dwelling – Interface Between Land Uses – Linkages	Link ‘interface between land use’ policies for dwellings in rural areas. This ensures that the assessment of dwellings consider interface impacts with existing and desired rural land use activities.	Support Ensures more consistent assessment of dwellings in rural areas.

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2.3.2.5.	Rural Zone – Detached Dwelling – Linkages	'Dwelling addition' design/siting policies are being called up within the Code when assessing new dwellings. This amendment creates a new link ensuring new dwellings are assessed against PO 5.3, which prescribes setbacks, design and scale provisions for dwellings.	Support This has been identified internally as an issue and will improve the assessment of dwellings in rural areas.
2.3.2.6.	Rural Zone – Land Division / Boundary Realignment - Linkages	PO 11.3, which is a policy that guides land division and boundary realignments, is not currently being called up by the Code for land division applications. This amendment seeks to create a new link ensuring this policy is applied.	Support This will ensure better guidance when assessing dwellings within the Rural Zone.
2.3.2.9.	Restricted Development Classification – Table 4		
2.3.2.9.1.	Industry listed as a restricted development classification	<p>Proposal to remove 'industry' from Restricted forms of development across all zones and replace with 'Special Industry'.</p> <p>Special Industry is a more intensive form of industry where the methods of manufacture adopted or goods used/stored are likely to cause or create significant nuisance (i.e. dust, fumes, vapours smells etc.) or result in the discharge of foul liquid or blood or other substances which are liable to become foul.</p> <p>This amendment results in less impacting forms of industry to be assessed by the local authority rather than the State.</p>	Partial Support Support within the Employment Zones however feel should remain as restricted in the Activity Zones where industrial type activities would not necessarily be appropriate particularly where these types of zones apply within townships.
2.3.2.9.2.	Land Division within the Limited Land Division Overlay	While the assessing policy remains unchanged and land divisions that create additional allotments should not be supported where this overlay applies, it does provide a level of encouragement for developers / landowners to submit applications. It then does open up the ability for appeal rights that Council will need to manage.	Do not support Retain land division as a restricted development within the Limited Land Division Overlay areas.
2.3.2.9.3.	Dwelling within the Limited Dwelling Overlay	Similarly to the above, the construction of new dwellings within the Limited Dwelling Overlay (i.e. the Currency Creek paper township) is no longer proposed to be	Do not support Retain dwellings as restricted development in

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		<p>Restricted Development. The justification for this is that the policy is strong enough to refuse dwellings in this location and that this can be done by the local authority rather than the SCAP. In an area where you absolutely do not want dwellings, being restricted provides a clear deterrent to an applicant.</p> <p>Support the change to the wording from 'additional dwelling' to 'no new dwelling' which assists in removing the ambiguity in the policy.</p>	<p>the Limited Dwelling Overlay.</p> <p>Support Agree with change to the reference of 'additional dwelling' to 'no new dwelling'.</p>
2.3.2.9.5.	Dwelling and Land Division within the Deferred Urban Zone	<p>Currently within the Deferred Urban Zone, only development that will not result in more than one dwelling on an allotment is permitted. More than one dwelling is currently restricted development.</p> <p>The proposed amendment seeks to remove 'dwellings' and 'land divisions' from the restricted development category and make all dwellings and land divisions 'performance assessed'.</p> <p>The proposed amendment also seeks to introduce a new policy which states that dwellings should be located on an allotment used and ancillary to primary production, and will not result in more than one dwelling on an allotment.</p>	<p>Do not support Not supportive for similar reasons as outlined for the limited dwelling and land division overlay. At a minimum, retain land divisions in the Deferred Urban Zone as restricted development.</p> <p>Support Agree with introduction of new policy to guide dwellings and additional dwellings in the Deferred Urban Zone.</p>
2.3.2.9.6.	Employment Zone – Various land uses	<p>Proposal to remove 'waste reception, storage, treatment or disposal' and 'wrecking yard' from the restricted development category within the Employment Zone.</p> <p>The Employment Zone supports a diverse range of low-impact light industrial, commercial and business activity land uses.</p> <p>It is considered that there is sufficient policy within the Employment Zone to manage these types of land uses by the local authority.</p>	<p>Support</p>

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2.3.2.9.8.	Land Division and Dwellings within the Rural Shack Settlement Zone	<p>The Rural Shack Settlement Zone applies to existing river shack areas including Goolwa Channel Drive and Mundoo Channel Drive, Hindmarsh Island.</p> <p>Within the Rural Shack Settlement Zone, a dwelling is currently restricted other than a detached dwelling that will not result in more than one dwelling on an allotment. Land division is also restricted in the zone except for land division that creates an allotment for an existing dwelling, is for the purpose of creating a public road or reserve or is for a minor boundary realignment to remove a minor anomaly.</p> <p>The proposal is to remove dwellings and land divisions from the restricted table in the Rural Shack Settlement Zone.</p> <p>It is considered that other forms of dwellings can be adequately managed by the local authority, however the removal of land divisions from the restricted category may result in applications for further division and fragmentation of sensitive coastal land.</p>	<p>Partial support At a minimum, retain land divisions in the Rural Shack Settlement Zone as restricted forms of development.</p> <p>Support removal of dwellings.</p>
2.3.2.10.	Notification Tables – Table 5 – Procedural Matters (PM)		
2.3.2.10.1.	Notification Tables – Minor Development	<p>Outbuildings, decks and other ancillary structures are proposed to no longer require notification in Neighbourhood Zones (regardless of whether they exceed boundary length or height provisions). This will help reduce the number of Assessment Panel reports and is more consistent with the former Development Regulation requirements.</p> <p>This amendment also proposed to amend the interpretations section of each zone’s public notification table, and Part 1 – Rules of Interpretation by inserting rules into the Code that would allow a relevant authority to determine that a variation to one or more corresponding exclusions prescribed in Column B is</p>	<p>Support The removal of minor structures from the need to be notified will improve assessment timeframes and reduce Assessment Panel reports.</p> <p>The new ‘minor’ rules of interpretation will assist in staff determining that applications are minor, in the context of what would normally be notified.</p>

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		<p>minor in nature, in which case the application will not require notification.</p> <p>For example, a building that may marginally exceed a building height policy (i.e. 100mm above) could be determined as minor in the context of the increase above the notified requirement, rather than considering if the development as a whole is minor.</p>	
2.3.2.10.2.	Notification Tables – Errors and Inconsistencies	<p>This amendment proposes a number of changes to notification, specifically:</p> <ul style="list-style-type: none"> • correct inconsistencies between terminology used in assessment policies and notification triggers • correct inconsistency between notification triggers and on-boundary development within zones • Remove the requirement to place a sign on land in the Productive Rural Landscape Zone (signs are currently exempt in a Rural Zone). Signs in the Productive Rural Landscape Zone are ineffective as a notification tool, given they are only A3 in size and barely visible on country and rural roads. • Technical and/or typographical errors 	Support
2.3.2.10.3.	Notification Tables – Frost Fans	<p>It has been suggested that frost fans be removed from notification, as they are a form of development which is usually anticipated within horticultural areas.</p> <p>Frost fans are usually a common source of complaint, particularly in areas where dwellings are less dispersed, therefore it has not been recommended to remove frost fans from notification.</p>	<p>Support</p> <p>The local authority still has discretion to determine a frost fan is 'minor' and does not warrant notification, in scenarios where limited frost fans are proposed and they are well setback from sensitive receivers.</p>
2.3.2.10.4.	Notification Tables – Building on railway land / Temporary public service depot	Concerns were raised that all 'building on railway land' type developments are exempt from notification, when	Support

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		<p>they could take any form and nuisance impacts are unknown.</p> <p>It is proposed to amend the notification table so that building on railway land be pared back, such that only 'railway line' and 'building for the purposes of railway activities' are exempt from notification</p>	
2.3.2.10.5.	Notification Tables – Demolition	<p>The Code currently prescribes the demolition of Local Heritage Places and State Heritage Places as a form of development which requires notification. Demolition of buildings within a Historic Area Overlay currently require notification.</p> <p>Concern has been raised as 'partial demolition' is not included within the notification clause.</p> <p>The Code is proposed to be amended such that demolition includes 'partial demolition' ensuring that partial demolition of heritage places is captured as a notifiable development.</p> <p>Furthermore, it is proposed that buildings in State Heritage Areas (i.e. Goolwa State Heritage Area) and within a Historic Area Overlay are exempt from notification where, in the opinion of the relevant authority, the building is not in keeping with the features of identified heritage value in the State Heritage Area, or in keeping with the historic attributes identified in the Historic Area Statement.</p>	<p>Support</p> <p>Support the inclusion of 'partial demolition'.</p> <p>Support as the amendment will give the Relevant Authority the power to determine that the building is not in keeping with the historic attributes identified in the Historic Area or State Heritage Area.</p>
2.3.2.11.	Building Height – TNV and context – Policy refinement	<p>Amendment of Code policies where a PO relating to building height sometime seeks a different outcome as expressed within a TNV.</p> <p>Amendments proposed to ensure consistent terminology is used for TNV's and ensure that PO's only require development to meet one of two building height outcomes (either expressed within the PO or TNV).</p>	Support

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2.3.2.12.	Building Height, Building Wall Setback and Wall Height – Policy Review	Amendments to definitions of ‘building height’ and ‘wall height’ and inclusion of new definition ‘post height’. (discussed in part 8 – definitions 2.3.8.1 -	Do not support Refer to Part 8, 2.3.8.1
2.3.2.13.	Building Walls and Dwelling Walls – Policy Review	<p>The Code policies reference ‘dwelling walls’ and ‘building walls’ and there is inconsistency in the used term across the various neighbourhood type zones, particularly noting that the term ‘dwelling walls’ then limits the policy to apply to dwellings only, and not other forms of non-residential development which may be envisaged within a particular neighbourhood type zone.</p> <p>The proposed amendment seeks to change reference from ‘dwelling walls’ to ‘building walls’ for all side and rear setback provisions within neighbourhood type zones where the policy is specified to residential buildings.</p>	Support
2.3.2.14.	Common and Minor Development – Overlay Relevance – Assessment Pathways	Deemed to Satisfy (DTS) pathway are proposed to be extended to include identified development types in many Overlays. For example, outbuildings and other ancillary structures may now have a DTS pathway in most Overlays (but not in Heritage, Historic or Native Vegetation Overlays).	Support
2.3.2.15.	Detached Dwellings in Master Planned Zones as an Accepted Development Pathway	<p>Accepted Development pathways for a detached dwellings within a Master Planned Zone is not available in locations where certain overlays are applied.</p> <p>Detached dwellings can only be designated as an accepted development where a Building Envelope Plan has been established.</p> <p>It is proposed to amend the Code such that a number of Overlays are removed from the accepted criteria in Table 1 of Master Planned Zones which will open up more accepted pathways for dwellings and realise the intent of the zone.</p>	Support

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2.3.2.17.	Discrete vs Discreet - Garages & Carports - Policy Review	Correction of a typo relating to the spelling of the word discreet/discrete (to use the word 'discreet').	Support
2.3.2.18.	Discrete vs Discreet - Garages & Carports - Linkages	Removal of linkages to PO and DTS/DPF 10.1 for carports and outbuildings as this is replicated in PO and DTS/DPF 11.	Support
2.3.2.19.	Dwelling Alterations and Building Additions/Alterations – Assessment Pathways	An assessment pathway has been added for Dwelling and Building Additions.	Support
2.3.2.20.	Horticulture – Prescribed Surface Water Areas Overlay and Prescribed Wells Area Overlay – linkages	Correct Code to call up all relevant policies relating to horticulture development and remove Prescribed Surface Water Areas Overlay and Prescribed Wells Area Overlay from the list of Overlay exclusions for Deemed-to-Satisfy Horticulture.	Support
2.3.2.21.	Interface Height – Multiple Zones: Policy and TNV – Policy Review	Minor technical changes to interface height policies for consistent interpretation, and inclusion of a new interface height policy for development in a Township Main Street Zone	Support
2.3.2.22.	Land Division – Site Contamination – Policy Relevance and Linkage	Ensuring that site contamination policies are called up for land division applications, ensuring matters relating to site contamination are appropriately considered during the assessment.	Support
2.3.2.23.	Non-Residential Outbuildings – New Policy and Assessment Pathways	Outbuildings are not just domestic sheds, as an outbuilding by definition is a building ancillary to another building erected on the site. For example, a shed at the rear of a church. The Code does not have any assessment pathway for non-residential outbuildings, and it is proposed to create new policies and assessment pathways for outbuilding, carports and verandahs to allow for the assessment of these types of development where not associated with a dwelling	Support
2.3.2.24.	Outbuildings - Accepted Development Criteria	Removal of duplication of outbuilding accepted criteria policy	Support
2.3.2.25.	Pool Fencing – Accepted Development Pathway	Inclusion of accepted assessment pathway for pool fencing, to avoid pool fencing requiring a planning consent	Support
2.3.2.26	Primary Street Setback – Use of Building Line	Will ensure ancillary buildings are sited behind the building line.	Support

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2.3.2.27	Replacement Building – Overlay Exclusions: Coastal Flooding Overlay	Assessment pathways to exclude Deemed-to-Satisfy Replacement Buildings where they are located within the “Coastal Flooding Overlay”.	Support
2.3.2.28.	Tourist Accommodation – Total Floor Area – Rural Zones	<p>The current wording DTS/DPF 6.3 in the Rural Zone and Productive Rural Landscape Zone is open to interpretation whether the total floor area should be applied per building or across multiple new buildings forming a single integrated tourist accommodation facility.</p> <p>The Commission has noted that the potential interpretation of DTS/DPF 6.3 as applying individually to multiple buildings (i.e. each individual building within an integrated tourist accommodation facility could be up to 100m² without triggering the policy) rather than to the cumulative total floor area in tourist accommodation use associated with a parcel of land is inconsistent with the intent of PO 6.3.</p> <p>It is proposed to amend DTS/DPF to reflect that the intent is to be a cumulative total.</p>	<p>Support with amendment Generally support this interpretation, and noted that this is only a DTS/DPF trigger. However, PO 6.3 should also be amended to include policy around scale. For example:</p> <p><i>PO 6.3 Tourist accommodation is associated with the primary use of the land for primary production or primary production related value adding industry to enhance and provide authentic visitor experiences, and is of a scale that is ancillary to the primary use of the land and maintains the existing pleasant rural character.</i></p>
Part 3 – Overlays			
2.3.3.1.	Affordable Housing Overlay – Referral Trigger	Minor change to remove referral to SA Housing Authority for their own developments.	Support
2.3.3.2.	Coastal Areas Overlay – Policy Intent	Amendments to PO 4.1 and DTS/DPF 4.7 which are policy improvements within the Coastal Areas Overlay to better clarify intended outcomes based on feedback from the Department for Environment and Water.	Support

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2.3.3.4.	Hazards (Flooding) Overlay – PO 3.5 and DTS/DPF 3.5 - Linkages	Amendment of linkages to flooding policy PO and DTS/DPF 3.5 to ensure all intended types of development are captured and to ensure consistency in application.	Support
2.3.3.5.	Heritage Adjacency Overlay - Referral	Amendment of the referral trigger in the Overlay to clarify that the relevant authority is tasked with the responsibility to determine if a proposed development may materially affect the context of a State Heritage Place, which is consistent with previous legislation.	Support
2.3.3.7.	Major Urban Transport Routes Overlay - Revised policy and referral triggers	Updates to the suite of transport provisions following review against a range of technical guideline sources (e.g. Austroads Guide to Road Design) to provide greater policy clarity and interpretation.	Support
2.3.3.8.	Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay - Policy intent	Amendments to minor duplication of words 'water quality' in PO 2.1.	Support
2.3.3.10.	Mount Lofty Ranges Water Supply Catchment (Area 1 and Area 2) Overlays – Referral	Amendments to referral triggers to clarify the intent to capture referrals for second dwellings (other than where the existing dwelling is to be demolished), tourist accommodation and workers' accommodation.	Support
2.3.3.12.	Prescribed Water Resources Area Overlay – Referral	Amendments to the referral triggers to remove the need for a statutory referral for certain classes of development where a lawful water allocation already exists that can service the new development.	Support
2.3.3.13.	Representative Buildings – Character Area Overlay and Historic Area Overlay – Spatial Representation	Amendments to the Historic Area Overlay and Character Area Overlay spatial mapping to show 'Representative Buildings' similar to the way they are currently displayed in the 'Planning Reference' section of SAPPA. This will result in better visibility of representative buildings on spatial mapping and in application of the Code.	Support
2.3.3.14.	River Murray Flood Plain Protection Area Overlay – Outbuildings - Policy intent	Amendments to DTS/DPF 5.4(a) to clarify that doors/removable panels etc. should be located on opposing sides or ends and facing the direction of water flow to enable to the flow of floodwater. This is consistent with previous policy in the Development Plan.	Support
2.3.3.15.	River Murray Flood Plain Protection Area Overlay – Outbuildings – Linkage	Linking PO 4.2 to outbuilding assessments, as this policy relates to this form of development but is not currently applied for outbuildings.	Support

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2.3.3.16.	River Murray Flood Plain Protection Area Overlay – Water Supply – New Policy	Creation of a new PO in the River Murray Flood Plain Protection Area Overlay that specifically requires that development has a lawful, sustainable and reliable water supply that does not place undue strain on water resources in prescribed water areas to complement policies in the River Murray Tributaries Protection Area Overlay and various Prescribed Water Overlays.	Support
2.3.3.17.	River Murray Flood Plain Protection Area Overlay - Referrals	<p>Currently there are too many referrals for a number of developments, which has resulted in more referrals in the Code compared to the former system. It is proposed to amend the referral triggers to remove the need for referrals for dwellings, outbuildings and other buildings subject to specific criteria.</p> <p>This will reduce processing time for a large number of development applications.</p>	Support
2.3.3.18.	River Murray Tributaries Protection Area Overlay – Policy intent	Minor amendment to PO 1.2 to expand the range prescribed water resources areas where undue strain on watercourses should not occur from the listed classes of development.	Support
2.3.3.19.	River Murray Tributaries Protection Area Overlay – Referrals	Amendments to the referral triggers to remove the need for a statutory referral for certain classes of development where a lawful water allocation already exists that can service the new development.	Support
2.3.3.20.	State Significant Native Vegetation Areas Overlay - Referral Trigger	Amendment to the referral triggers to remove the need for a referral to the Native Vegetation Council for 'Level 1 clearance' as categorised in an accredited consultant's report	Support
2.3.3.21.	Traffic Generating Development Overlay – Referral	Currently there is a referral trigger to the Commissioner for Highways where more than 50 allotments are proposed within a Traffic Generating Development Overlay. This amendment seeks to also include '50 dwellings' in the instance that a land division may not be proposed.	Support
2.3.3.22.	Urban Transport Routes Overlay - Revised policy and referral triggers	Updates to the suite of transport provisions following review against a range of technical guideline sources (e.g. Austroads Guide to Road Design) to provide greater policy clarity and interpretation.	Support

**Miscellaneous Technical Enhancement Code Amendment
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Part 4 – General Development Policies			
2.3.4.1.	Aquaculture – General Development Policies – Policy Review	Updates to the suite of aquaculture policies to better allow policies to be satisfied if a licence is already granted under the Aquaculture Act 2001, as well as removal of superfluous policy.	Support
2.3.4.2.	Carport and Outbuilding – Internal Parking Dimensions – Linkages	Inclusion of design provisions to be applicable to carports and outbuildings to provide guidance for the assessment of internal dimensions for enclosed parking spaces.	Support
2.3.4.3.	Commercial Forestry - Forestry General Development Policies – Policy Review	Inclusion of commercial forestry as an envisaged use within the Rural Zone and Productive Rural Landscape Zone, as well as amendments to commercial forestry setback provisions	Support
2.3.4.4.	Decks – Design, and Design in Urban Areas General Development Policies – Assessment Pathways	Creation of an assessment pathway for decks. This will result in quicker assessment timeframes for decks, which currently do not have an assessment pathway and require assessment against the full Code. The new policy provides better guidance for the assessment of decks.	Support
2.3.4.5.	Design – PO 19.3 – Driveway Access General Development Policies – Policy Relevance	Amendments to the Design module PO 19.3 to be consistent with equivalent provisions in the Design in Urban Areas module, and correct policy linkages to avoid conflicting policy.	Support
2.3.4.6.	Design in Urban Areas DTS/DPF 19.1 - Soft Landscaping – Policy Review	Amendment to soft landscaping policies to ensure consistent wording and state common property is included in soft landscaping calculations.	Support
2.3.4.7.	Garage and Driveways – Design DTS/DPF 19.5, and Design in Urban Areas DTS/DPF 23.5 General Development Policies – Policy Review	Design General Module DTS/DPF 19.5 and Design in Urban Areas General Module DTS/DPF 23.5 relate to the design of driveways. However, the policy can be difficult to interpret, particularly in relation to the angle of driveways relative to a road. It is proposed to amend the wording of the policy to provide clearer interpretation and supported by a figure.	Support
2.3.4.8.	Heavy Vehicle Parking - Transport, Access and Parking General Development Policy - Policy and Definition Review	Currently no policy exists for heavy vehicle parking. It is proposed to create a new definition (discussed in Part 7 below) and create new policy which guides the assessment of heavy vehicle parking. The new policy is designed to discourage heavy vehicle parking in residential areas and ensure environmental/interface impacts are addressed.	Support

**Miscellaneous Technical Enhancement Code Amendment
Alexandrina Council – Consultation Submission**

2.3.4.9.	Housing Renewal General Development Policies - Policy Review	Creation of a note to state that Housing Renewal General Development Policies are only applicable to Housing Trust / Community Housing proposals	Support
2.3.4.10.	Land Division – General Development Policies – Policy Review	Removal of some duplicated land division policies.	Support
2.3.4.11.	Land Division – General Development Policies – Linkages	Create linkages to land division policies PO 2.8 and PO 3.11 which is not currently linked to land division applications and should be linked.	Support
2.3.4.12.	Transport, Access and Parking – General Development Policy – Fences – Linkages	Application of relevant policies from the Transport, Access and Parking module to performance assessed development applications for fences, particularly for policies which related to development on corner allotments and vehicle sightlines.	Support
2.3.4.13.	Transport, Access and Parking – General Development Policy – Car Parking Rates Table – Review	Some car parking rates are listed which fit multiple definitions, for example, car parking rates exist for both a pre-school and a childcare centre which is a type of pre-school. The proposed amendment does not seek to change the parking rates for these developments, but rather re-organise the car parking rate tables to ensure consistency.	Support
2.3.4.14.	Transport, Access and Parking – General Development Policy – Designated Parking Areas / Car Parking Rates – Interpretation	The interpretation of which rates to apply with respect to the tables.	Support
Part 7 – Land Use Definitions			
2.3.7.1.	Ancillary Accommodation – Amend	<p>The amendment to include 'is not a self-contained residence' is supported, however the definition may actually result in unintended impacts for our assessment, particularly around the inclusion of the connection to utilities wording in part (d)</p> <p><i>(d) is subordinate to and does not have separate connection to utilities and services (such as electricity, gas, water, telecommunications, sewerage system, wastewater system or waste control system) to those servicing the existing dwelling.</i></p>	<p>Do not support</p> <p>We often have ancillary accommodation proposals that share the same facilities as the dwelling, but sometimes would have a separate waste control system due to complications with changes or connecting to the existing system, or reluctance to install a singular larger system.</p>

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Alexandrina Council – Consultation Submission**

			It would therefore be better if incorporated into the policy and left as an assessment consideration, rather than being in the definition. This would also then allow for a distinction between water catchment areas, where one system is preferred, and less water sensitive areas.
2.3.7.2.	Caravan and Tourist Park – Amend	Concerns with deletion of this definition and inclusion in the definition of tourist accommodation.	Do not support Could result in unintended consequences, such as proposals for caravan parks in rural areas, as they will be able to be assessed as a form of tourist accommodation. If it is to be included then perhaps additional policy is required to control scale, bushfire requirements and access.
2.3.7.3.	Commercial Forestry – Amend	Minor changes to the definition to better accommodate farm-scale forestry.	Support
2.3.7.4.	Educational Establishment – Amend	Changes from the word 'establishment' to 'facility' to better capture multiple forms of educational facilities.	Support
2.3.7.5.	Indoor Recreation Facility – Amend	It is reasonable to anticipate that an indoor recreation facility may only occupy part of a building, rather than an entire building. This amendment seeks to include the words 'or part of a building' to allow flexibility to apply the land use term to partial land use changes (i.e. a personal training gym within a shopping centre complex)	Support
2.3.7.6.	Office – Amend	Similar to the issue with the indoor recreation facility definition, the definition of 'office' is proposed to be	Support

**Miscellaneous Technical Enhancement Code Amendment
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		amended to include 'or part of a building' to provide further clarity that suggests a standalone office within a building can be classed as an 'office'	
2.3.7.7.	Pre-school – Amend	Proposal to change the definition from 'pre-school' to 'child care facility' and include an additional component to allow for out-of-school hour's care (include vacation care). This addition seeks to capture all forms/places or care for children and provide clearer guidance.	Support
2.3.7.8.	Renewable Energy Facility – Policy Refinement	The current definition for renewable energy facility inadvertently captures domestic scale energy facilities, such as solar panels and battery storage. In a number of zones, renewable energy facilities are listed as 'restricted' forms of development, meaning the SCAP is the relevant authority. It is proposed to amend the restricted development tables in all zones, and include exemptions for renewable energy facilities that are for solar panels and battery storage facilities for domestic use only.	Support
2.3.7.9.	Tourist Accommodation – Amend	Concerns with the new definition that includes 'caravan and tourist park' for reasons discussed in 2.3.7.2 above. Otherwise supportive of the changes to the definition.	Partial support Do not support the inclusion of caravan and tourist parks within the definition of tourist accommodation. Support other minor amendments to the definition to capture ancillary onsite facilities and facilities for the management of accommodation
2.3.7.10.	Workers Accommodation – Amend	Minor changes to the definition of workers accommodation to include additional activities that	Support with exception Issue with deletion of 'or similar'.

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		workers accommodation may be associated with, including bulk handling or freight facilities.	
2.3.7.11.	Heavy Vehicle Parking – New Definition	<p>Heavy vehicle parking currently requires approval, unless it meets the exemptions under the Regulations, which include exemptions for vehicles under 3000kg, a caravan/motor home on and used for residential purposes by a person who is an occupant of a dwelling situated on that land or special circumstances which apply due to the previous dwelling being destroyed by bushfire.</p> <p>The new definition in the Code seeks to capture 'heavy vehicle parking' as a defined land use, which includes the parking of any vehicle exceeding 3000kg in weight (including attached trailers) on land used for residential purposes.</p>	<p>Support</p> <p>The definition assists the authority in the assessment of applications of such nature.</p>
2.3.7.12.	Function Venue – New Definition	Function Venue definition included – broad definition to include indoor and outdoor venues.	<p>Support</p> <p>The inclusion of a definition for a function venue provides a broad definition to capture various commercial activities and uses within the Code.</p>
Part 8 – Administrative Terms and Definitions			
2.3.8.1.	Building Height – Amend	Building Height – changes to the administrative definitions to include natural ground level, although there is still a reference to the lower of the finished level or natural ground level (rather than our preference for natural ground level alone to be the relevant reference for measuring purposes).	<p>Do not support</p> <p>Preference is to use natural ground level alone to be the relevant reference for measuring purposes. This definition does not appear to take into account a dwelling built on stumps or posts, or if there has been any fill put on the site. Therefore,</p>

**Miscellaneous Technical Enhancement Code Amendment
Alexandrina Council – Consultation Submission**

			if a dwelling is elevated on posts or the site has been filled then a dwelling can become higher than the zone height provisions. Although aligning with the old Residential Code areas this has caused problems particularly in areas where views are being taken advantage of.
2.3.8.2.	Building Line – Amend	This term is now only going to apply to ancillary structures.	Support.
2.3.8.3.	Wall Height – Amend	Refer to 2.3.8.1	Do not support.
2.3.8.4.	Catalyst Site – New Definition	Reference made to catalyst sites within policy without a clear definition of what this is.	Support
2.3.8.5.	Direct Overlooking – New Definition	Direct Overlooking administrative definition included – radius of 15 metres from a window or balcony included and 45 degree angle from a window only.	Support with exception Support the definition however difficult to apply in areas where distant views are anticipated such as within coastal areas. Additional policy would assist to allow for the application of distant view considerations. .
2.3.8.7.	Post Height – New Definition	This is related to the wall and building height measurements and requires some further investigation as to the impact of this new definition as it refers back to a measurement from the top of the footing and does not necessarily take into account the natural ground level.	Support with exception. Definition supported provided taken from natural ground level.
2.3.8.8.	Gross Density - Delete	Definition being deleted and being replaced with 'net residential density' which is an existing definition and is a more useful measure for where it applies.	Support

Part 9 – Referrals

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2.3.9.1.	Environment Protection Authority Referrals - Review of Interpretation and Referral Triggers	Support the amendments. The amendments to referral triggers to remove class 3 activities from requiring referral are noted to be an administrative error when drafting the Code and were never supposed to be captured. Class 3 activities are considered very low risk and applications for development on sites with class 3 activities do not warrant EPA referral, but are still assessed under the Code.	Support
Part 11 – Local Heritage Places			
2.3.11.1.	Listing of State Heritage Places	Support the inclusion of State Heritage Places list in the Code, and disclaimer that they may not be up to date and to refer to the SA Heritage Register. This provides more visibility of State Heritage Places within the Code, and ensures that Local and State Heritage Places are captured in the same document under separate headings.	Support
Other Comments	Policy Call Up	It has been stated on a number of occasions that there is sufficient policy within the Code to assist with making decisions. This is accepted however it needs to be ensured that this policy is being called up at the right time. For example when calling up the policy for a detached dwelling in a Neighbourhood Zone the environmental performance policies within the General Development Policies - Design in Urban Areas are not called up. These are great policies that should be called up when dwellings are being constructed across all neighbourhood type zones.	
	Conservation Zone	There is no assessment pathway for a verandah, whilst there is for other structures such as outbuildings, carports and dwelling addition.	Provide a performance assessment pathway for a verandah.
	Hazards (Flooding – Evidence Required) Overlay –PO 1.1 Linkages	Link PO 1.1 to applications for land division.	

From: [Aaron Curtis](#)
To: [DTI:PlanSA Submissions](#)
Cc: [Gary Mavrinac](#)
Subject: FW: Miscellaneous Technical Enhancement Code Amendment
Date: Friday, 23 September 2022 12:36:24 PM
Attachments: [-WRD4019.jpg](#)
[Letter to PLUS 23.09.22 RE MTE Code Amendment.pdf](#)

Dear Sir/Madam,

Please find attached submission in respect to the Miscellaneous Technical Enhancement Code Amendment.

Regards

Aaron Curtis
Manager Development Services |

From: DTI:PlanSA No Reply <DTI.PlanSANOReply@sa.gov.au>
Sent: Monday, 25 July 2022 4:55 PM
Subject: [EXTERNAL] Miscellaneous Technical Enhancement Code Amendment

CAUTION: This Message originated outside your organization. Treat all attachments and hyperlinks with suspicion.

OFFICIAL

Good afternoon,

Consultation is now open on the [Miscellaneous Technical Enhancement Code Amendment](#).

The Miscellaneous Technical Enhancement Code Amendment proposes a series of technical amendments which aim to enhance the general performance and operation of the Planning and Design Code (the Code), based on feedback from stakeholders.

Consultation is open from **25 July to 23 September 2022**. All relevant information about the Miscellaneous Technical Enhancement Code Amendment, including information on how to provide feedback, can be found on the [PlanSA portal](#).

In addition, the Planning and Land Use Services Code Amendment Team would like to invite to you an online **practitioners briefing** on this Code Amendment from **10am - 12pm on Wednesday 3 August**.

An overview of the proposed changes will be provided, with a chance to ask questions at the end.

The briefing will be conducted via ZOOM. Visit the Planning and Land Use Services Eventbrite page to register your attendance: [planSAevents.eventbrite.com](#)

Should this briefing time not suit you, the team will be providing the same briefing and overview at the PlanSA Policy Forum on 19 August.

Should you have any questions, please contact the Code Amendment Team on 1800 752 664 or via email at: plansa@sa.gov.au.

Kind regards,

PlanSA

Planning & Land Use Services | Department for Trade and Investment

E PlanSA@sa.gov.au | W plan.sa.gov.au

P 1800 752 664

Image removed by sender.





23 September 2022

Planning and Land Use Services
Department for Trade and Investment

By email: plansasubmissions@sa.gov.au

Dear Sir/Madam,

RE: MISCELLANEOUS TECHNICAL ENHANCEMENTS CODE AMENDMENT

Thank you for opportunity to make submission in respect to the Miscellaneous Technical Enhancements Code Amendment.

The Barossa Council administration broadly supports the amendment which seeks to address technical and operational elements to improve the general performance and operation of the Planning and Design Code.

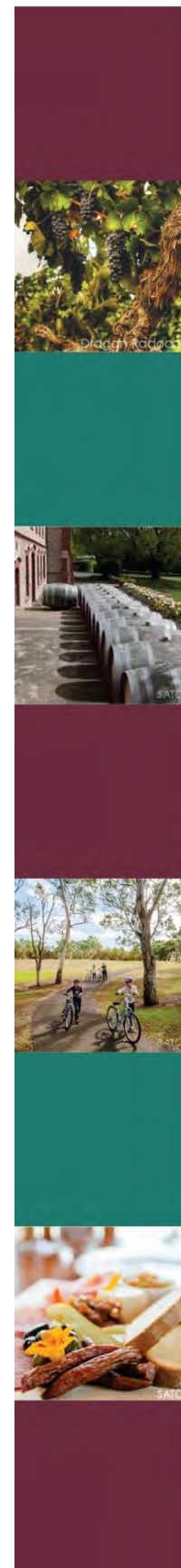
Some of the matters that we specifically support are:

- In relation to the matter of frost fans, we agree with the commentary contained within the consultation document that frost fans can impact on the amenity of nearby residents and therefore warrant some form of public notification;
- We support the removal of public notice signs being required for developments within the Productive Rural Landscape Zone;
- We support the removal of restricted classification for land division within the Limited Land Division Overlay, such that these applications will be assessed by the Council's Assessment Panel or Assessment Manager, but we do flag that land division subject to the Character Preservation Act may be prohibited in circumstances where it will create an additional allotment for residential development. In this circumstance, the Commision may be wish to retain a 'restricted' classification for such land division as it relates to the Character Preservation District;
- We support the explicit reference to safety features within applicable Table 1 Accepted Development Classification tables attached to 'swimming pool or spa pool', so as to enable such developments to be treated as 'accepted' development.

While we support many of the proposed enhancements within the amendment, there are some aspects of the enhancements that we would like to flag for further consideration and there are some omissions that we would like addressed within the amendment.

The following table sets out relevant issues/concerns and offers solution:

Concern/Issue	Suggested solution
<u>Public Notification – Boundary development</u>	
We broadly support the reduction in ancillary developments subject to public notification. Notwithstanding,	Subject retaining walls to public notification, perhaps where they are proposed on a boundary and exceed



premium wine food tourism heritage lifestyle community

<p>the removal of retaining walls from notification is questioned, especially where the retaining wall is of more substantive height (ie. > 1.5m). High retaining walls on boundary can have material impacts upon neighbours in respect to visual and privacy impact and it is considered that adjacent landowners and occupiers should be afforded opportunity to make submission in these circumstances through a public notification process.</p>	<p>1.5m (examples of references to 1.5m within the Hills Neighbourhood Zone and Character Preservation District Overlay).</p>
<p><u>Public Notification – Dwellings in Rural Zone, Productive Rural Landscape Zone</u></p> <p>Dwellings are excluded from public notification within Table 5 of the Rural Zone and Productive Rural Landscape Zone. Excluding dwellings from public notification is questioned as it is considered there are circumstances where public notification may be warranted. Dwellings may result in land use conflict as a result of encroachment upon incompatible activities such as a winery or frost fan. Public notification is considered to be warranted in these instances, especially where such dwellings are not associated with primary production and/or where below a prescribed TNV. Adjacent landowners and occupiers will often be able to provide important insight into local conditions or activities that might inform the Relevant Authority's consideration of whether the proposal is acceptable.</p>	<p>Exclude dwellings from the public notification exemption in Table 5 of the Rural Zone and Productive Rural Landscape Zone or insert appropriate conditions within Column 2 as to when public notification shall apply, such as for example:</p> <p>Except dwelling that does not satisfy any of the following:</p> <ul style="list-style-type: none"> - Is not associated with primary production; - Does not accord with DTS/DPF 5.1, 5.2 or 5.3
<p><u>Performance Outcome 1.1, Rural Zone:</u></p> <p>Performance Outcome 1.1 of the Rural Zone makes explicit reference to "The productive value of rural land for a range of primary production activities and associated value adding, processing, warehousing and distribution is supported, protected and maintained". DTS/DPF 1.1 lists forms of development that are regarded as satisfying the Performance Outcome. Given that the Performance Outcome is expressed in a way that uses should support, protect and maintain the productive value of rural land, there is an inherent tension in that some forms of development listed within the DTS/DPF may have no relationship with primary production, yet are translated as meeting this Performance Outcome of the Rural Zone because the list of</p>	<p>Remove uses within the DTS/DPF 1.1 that are not directly associated with primary production or alternatively amend the expression within the DTS/DPF 1.1 to make it clear that these forms of development must be associated with primary production.</p>

<p>uses is not subject to a qualification. Examples where this scenario can arise are in respect to the following uses:</p> <ul style="list-style-type: none"> - Dwelling - Industry - Shop - Tourist accommodation - Transport distribution - Warehouse <p>In relation to dwellings, the other tension is that a dwelling can be proposed below a TNV yet still be interpreted by this DTS/DPF as meeting the Performance Outcome.</p>	
<p><u>Performance Outcome 2.1, Rural Zone and Productive Rural Landscape Zone</u></p> <p>Performance Outcome 2.1 of the Rural Zone and Productive Rural Landscape Zone seek "Development is provided with suitable vehicle access". While this Performance Outcome is not subject to amendment under this Code Amendment, we have found shortcomings with the DPF in that the DTS/DPF 2.1 seeks "Development is serviced by an all-weather traffickable public road". For larger scale developments, the surface of the road is only one of the considerations as to whether the road access is suitable for the development. For example, is the road wide enough to facilitate two-way movements, does the surface need to be sealed due to the high volume of projected movements. The present construction of the DTS/DPF means that there is limited capacity for Council's to negotiate upgrade to a rural road where the proposed development will exceed the capacity of the existing road.</p>	<p>Amend the DTS/DPF 2.1 to either delete the current reference to provide greater flexibility for the Relevant Authority to address instances where the road width and/or surface is not adequate for the type of land use, or otherwise broaden the principles that should be taken into account when determining whether the vehicle access is suitable.</p>
<p><u>Swimming pool and spa pool safety features:</u></p> <p>The Code amendment makes explicit reference to safety features associated with all references to 'swimming pool or spa pool' within applicable Table 1 Accepted Development Classification Tables. Notwithstanding, the amendment does not appear to make corresponding changes to references within other parts of the Code where 'swimming pool or spa pool' is made. For example, changes to Table 5 – public notification tables within the</p>	<p>Review all references to 'swimming pool or spa pool' within the Planning and Design Code and include in the reference 'and associated swimming pool safety features'.</p>

<p>Amendment make reference to swimming pool or spa pool but there is no corresponding reference to safety features.</p>	
<p><u>Ancillary accommodation:</u></p> <p>We support the amendments to the definition of 'ancillary accommodation'. However, there is a void of policy within the Code specific to ancillary accommodation that can be used to assess an application for performance assessment against.</p>	<p>Similar to the proposed approach within this Code Amendment to decks, we support additional performance assessed policies that are specific to ancillary accommodation.</p>
<p><u>Winery and Beverage Policies, Rural Zone and Productive Rural Landscape Zone</u></p> <p>Substantive policies relating to winery and beverage production contained within the previous Primary Production Zone of the Barossa Development Plan have not transitioned to the Planning and Design Code. As this form of development is common within the Barossa Council, but equally within many of the peri-urban Councils surrounding metropolitan Adelaide, there is strong desire that such policies are reintroduced, in some form within the Planning and Design Code. These policies could also be expanded to include other forms of beverage production such as cideries and distilleries. Previous policies within the Barossa Development Plan were found to be effective in respect to:</p> <ul style="list-style-type: none"> - Establishing appropriate buffers for wineries and beverage production facilities from sensitive receivers; - Triggering public notification where buffers were not achieved for sensitive receivers; - Place obligation that the use should be directly associated with the use of the land (ie. a minimum area of vineyards required to be linked with the winery). 	<p>Reintroduce planning policies from the previous Barossa Development Plan within the Rural Zone and Productive Rural Landscape Zone, specific to wineries and beverage production, or alternatively contain such policies within a new General Module applicable to such forms of development.</p>
<p><u>Tourist accommodation:</u></p> <p>The commentary within the consultation document makes reference to the DTS/DPF 6.3 of the Rural Zone as providing "applicable floor area guidance appropriate to support <u>small-scale, ancillary tourist accommodation...</u>" (my underlining).</p>	<p>Insert reference to 'small-scale' within Performance Outcome 6.4 of the Rural Zone.</p>

<p>While the proposed amendment seeks to make the DPF policy clearer that it is the cumulative total, the Performance Outcome itself makes no reference to small-scale and it is therefore open to all scales of tourist accommodation being submitted. The DTS/DPF is one way the Performance Outcome can be met. Previous policy within the Primary Production (Barossa Valley Region) desired Land Use of the Barossa Development Plan made reference to "<u>diversification of existing farming activities through small scale tourist accommodation</u>". (my underlining)</p> <p>The other issue found with the current policy is that DTS/DPF 6.3 (b) and (c) relate to the size, scale and number of tourist accommodation which has no relationship to the Performance Outcome 6.3 which refers to "tourist accommodation being associated with the primary use of the land for primary production...".</p>	<p>Shift DTS/DPF 6.3(b) and (c) to the DTS/DPF 6.4 that corresponds with Performance Outcome 6.4 which directly relates to "new building or buildings being sited, designed and of a scale to maintain a pleasant rural character and amenity".</p>
<p><u>Camp Ground:</u></p> <p>A campground is a term that is not defined within the Planning and Design Code, despite there being an exclusion within the definition of 'Tourist Accommodation' in Part 7 of the Code to it. We question the rationale for excluding a campground from the definition as we consider a campground takes on a similar character to that of tourist accommodation. Given that a campground is excluded from this definition, it will be 'all other code assessed'. There are limited policies that directly relate to campground within the Planning and Design Code that can be used to assess against, noting that policies applicable to tourist accommodation cannot be applied as a campground is excluded from the definition.</p>	<p>Amend the definition of 'tourist accommodation' to make explicit that a campground is included rather than excluded within the definition. Alternatively, insert a definition for campground and provide appropriate policy within the Code suitable to assess a campground against.</p>
<p><u>Function centres</u></p> <p>The DTS/DPF 6.5(b) associated with Performance Outcome 6.5 refers to the number of persons attending a function, yet the Performance Outcome 6.5 refers to "Function centres are associated with the primary use of the land for primary production or primary production related value adding industry". The DTS/DPF 6.5(b)</p>	<p>Shift DTS/DPF 6.5(b) to the DTS/DPF 6.6 that corresponds to Performance Outcome 6.6 which directly relates to "Function centres are sited, designed and of a scale that maintains a pleasant natural and rural character and amenity".</p>

<p>therefore does not appropriately relate to the Performance Outcome.</p> <p>Noting that a new definition is proposed for 'Function Venue' within the proposed Amendment, will current references within the Rural Zone to Function Centre be amended to that of a 'Function Venue'?</p> <p>In the proposed definition of 'Function Venue', how will the definition address scenarios like a cellar door or restaurant that are used for functions such as weddings on occasions.</p>	<p>Update applicable references to Function Centre within the Rural Zone to 'Function Venue'.</p> <p>Include within the list of exclusions a shop and cellar door. In addition, after the words "Means premises used" insert "primarily" to reflect that facilities that host occasional events/functions are not necessarily a 'function venue'.</p>
<p><u>Multiple Dwelling</u></p> <p>The Development Regulations 2008 previously contained a definition for 'Multiple Dwelling' and this definition was as follows: Means 1 dwelling occupied by more than 5 persons who live independently of one another and share common facilities within that dwelling". The definition has not transitioned over to the Planning and Design Code. It is noted that within the document initiating this Code Amendment, a reference was made that this this definition would be considered under the Code Amendment but a recommendation to address this matter is not contained within the recommended changes.</p> <p>While it is appreciated that the definitions do not determine what constitutes a change in land use, the previous definition provided some guidance as to the maximum number of persons that could live independently within the same building without a development authorisation. The absence of definition has left open to interpretation when shared use of a dwelling by multiple persons constitutes a change in land use. The National Construction Code does address Class 1b use but the definition in the NCC refers to more than 12 persons living within one building. Uses in the nature of a boarding house can impact upon the amenity of a locality by way of parking pressures, demand on utilities and the like. In addition, there is a void of policy in the Code to address such developments.</p>	<p>Insert new definition for multiple dwelling or boarding house within the Code and insert additional policies for assessment within appropriate Zones.</p>
<p><u>Special Event:</u></p>	

<p>The Development Regulations 2008 previously contained a definition to "special event" which read as follows: "Means a community, cultural, arts, entertainment, recreational, sporting or other similar event that is to be held over a limited period of time". This definition has not translated into the Planning and Design Code. There are differing interpretations as to whether a one off or annual event is a change of land use for which a development authorisation is required. Some guidance in respect to how special events should be interpreted would be of assistance.</p>	<p>Insert clause within the PDI (General) Regulations that a special event is not 'development', subject to appropriate terms in relation to the length of the event and the frequency of events.</p>
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As we understand it is not within scope to address spatial anomalies and local technical anomalies under this Code Amendment, we have not made reference to the many previous omissions and anomalies flagged as part of the phase three transition to the Planning and Design Code, which we note are yet to be resolved. We would like to take this opportunity to restate our desire to have these matters addressed and we would welcome opportunity to meet with staff from PLUS to discuss.

I thank you for the opportunity to make submission in respect to the Miscellaneous Technical Enhancements Code Amendment and we look forward to receiving feedback on how our submission will be addressed within the final Code Amendment implementation.

Yours sincerely,



Aaron Curtis

Manager – Development Services

From: [Emily McLuskey](#)
To: [DTI:PlanSA Submissions](#)
Cc: [Eleanor Walters](#); [DTI:Plan SA](#)
Subject: NPSP Submission - Miscellaneous Technical Enhancement Code Amendment
Date: Friday, 23 September 2022 2:11:54 PM
Attachments: [image001.png](#)
[NPSP Submission - MTE Code Amendment - 23 September 2022 \(A488392\).pdf](#)

Dear Mr Holden,

Please find attached a submission from the City of Norwood Payneham & St Peters in relation to the Miscellaneous Technical Enhancement Code Amendment.

Should you have any queries or wish to discuss further, please feel free to contact me on

Kind regards,

Emily McLuskey
Senior Urban Planner

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Website www.npsp.sa.gov.au



File Number: fA12021
Enquiries To: Emily McLuskey
Direct Telephone:



City of
Norwood
Payneham
& St Peters

23 September 2022

Mr Craig Holden
Chair
State Planning Commission
By email: saplanningcommission@sa.gov.au

Dear Mr Holden

MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT

Thank you for the opportunity to provide comment on the *Miscellaneous Technical Enhancement Code Amendment*. The Council's submission is attached for your consideration, in addition to the comments below.

The Council supports the intent of the Code Amendment, to improve minor and technical aspects of the Code. As the Code has been in operation in Greater Adelaide for 18 months, it is timely to undertake a detailed review of how it has been working in practice, both in terms of policy interpretation and procedural application.

Given the magnitude of the Code and the length of time it has been operational, it is not surprising that this Code Amendment is extensive and covers a broad range of changes. However, the scale and level of detail included in this Amendment has made it very challenging and resource intensive to review and provide feedback, for practitioners and even more so for community members. This has also proved time consuming in responding to enquiries and requests to help the understanding of the community about the proposed Code changes. In this respect, it is requested that future technical Code Amendments are smaller in scale by being focused on particular themes or sections of the Code and/or by being undertaken more frequently with a reduced volume of proposed changes. This would assist stakeholders to better understand and respond to the changes and allow for improved communication and consultation processes.

It is understood this Code Amendment is intended to be limited to minor changes which do not result in meaningfully different development outcomes. However, some of the proposed changes will affect development outcomes and the assessment process of several different development types, and it is considered that additional analysis, explanation and examples should have been provided for some of these changes. There are a number of previously suggested amendments by this Council and other practitioners which have not been included on the basis they are outside the scope of this amendment, but they are considered to result in no more substantial policy change than what has been included. A range of additional suggested amendments have been included at the end of the attached submission, along with other changes which are more substantial but are considered important and necessary improvements to the Code. The Council would like to see a clear pathway and programmed resourcing for how and when these remaining amendments will be progressed.

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Norwood SA 5067

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Cultural Vitality
Economic Prosperity
Environmental
Sustainability

Thank you again for the opportunity to participate in this Code Amendment process. The Council looks forward to continue contributing to improvements to policies and processes associated with the Code.

Should you require any additional information or clarification, please contact Emily McLuskey on
or

Yours sincerely

A handwritten signature in black ink, appearing to read 'Carlos Buzzetti', with a long horizontal flourish extending to the right.

Carlos Buzzetti
GENERAL MANAGER, URBAN PLANNING & ENVIRONMENT

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<p>2.3.1.1</p>	<p align="center">Application of Spatial Policy Relevant to the Site of the Development</p> <p>Where a zone/subzone/overlay/TNV does not apply to the whole of a site, the spatially based rules are only applicable to the relevant portion of the site.</p> <p>Supported – subject to comments</p> <p>Will this change also affect the application of some clauses in the Regulations which refer to zones or overlays as set out in the Code? For example, pursuant to Schedule 4, certain fencing is exempt from requiring approval provided it is not within a specified flood overlay. Currently, if a portion of a property is in the designated flood overlay, the fence will require approval even if the fence is located on a portion of the site which is not within the overlay. However, we assume this change would mean that approval is not required if the fence is not within the overlay, which is supported.</p> <p>Can further guidance be provided about how to process development applications where the development site is affected by 2 different zones, particularly with respect to category of development, notification requirements etc?</p>
<p>2.3.1.2</p>	<p align="center">Spatial Maintenance Updates</p> <p align="center">Minor spatial amendments to occur outside of a Code Amendment</p> <p>Supported</p> <p>Will there be a public record of these minor amendments in case we need to reference changes to a particular site over time?</p>
<p>2.3.2.7</p>	<p align="center">Urban Corridor Zones – Primary Road Corridor Policy Review</p> <p align="center">Consistency of terminology</p> <p>Not supported – alternative recommendation</p> <p>We acknowledge the inconsistencies in terminology used in the Urban Corridor Zones. However, we do not support a blanket amendment to “primary road corridor (i.e. a State Maintained Road)”.</p> <p>There are roads in NPSP Urban Corridor Zones which will form the primary frontage of a development site but are not a State Maintained Road (e.g. King William Street and The Parade West Kent Town). A variety of policies will be affected by the proposed wording change and these should not be exclusive to development sites with frontages to State Maintained Roads. For example, some policies which would be affected by the change relate to active frontages and building heights and these issues are just as relevant to development sites which are not on State Maintained Roads. If there are policies which are intended to only apply to State Maintained Roads, there should be a clear policy purpose for this distinction (noting that many arterial road issues should or could be addressed through relevant Overlays).</p> <p>We also note there are policies which refer to ‘primary street frontage’, ‘primary frontage’, ‘primary street boundary’, ‘primary street’ etc which are not affected by the proposed policy change. While we don’t think these should be amended to refer to ‘State Maintained Road’ we do recommend a broader review of terminology in the UC Zones to provide greater consistency in the policy wording, other than where there is an intentional difference in policy terminology. Clarification should also be provided for what constitutes a primary frontage. For example, the former Schweppes factory site in Payneham, which was rezoned to Urban Corridor through a 2021 Ministerial Development Plan Amendment, has 4 street frontages, any or all of which could have served as a primary frontage for future development.</p> <p>For reference, an assessment of the policies which will be affected by the proposed change and those which won’t be affected but use similar terminology are outlined in Attachment A.</p>
<p>2.3.2.8</p>	<p align="center">Urban Corridor Zones – Side Boundary Setback</p> <p align="center">Correcting inconsistencies between side setback POs (referencing existing character) and DPFs (prescribing side setbacks which may be inconsistent with existing character)</p> <p>Supported – subject to comments</p> <p>We support correcting inconsistencies between the PO and DPF, provided there are adequate policies applicable in Table 3 in relation to access to internal light and ventilation for neighbours and future property occupants of the development.</p>

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2.3.2.9	<p align="center">Restricted Development</p> <p align="center">Employment Zone – Industry, Wrecking Yard, Waste Treatment no longer restricted Local Activity Centre / Suburban Activity Centre / Suburban Main Street Zones – Industry no longer restricted Suburban Business – Special Industry now restricted</p>
	<p>Partially supported - refer to comments</p> <p>The changes to restricted development are generally supported in terms of the Council Assessment Panel / Assessment Manager being the relevant authority, however it is important there are adequate policies to address firstly when and where these land uses are anticipated or appropriate and secondly interface between land uses, as discussed in more detail below.</p> <p>With respect to when these land uses are appropriate, we acknowledge that a land use being identified as restricted is not an indication of whether the land use is appropriate or not, as was the case with former non-complying developments. However, in reality a land use being identified as restricted is still a deterrent for applicants given the additional processing, third party appeal rights etc. For these land uses to be removed from a restricted development classification in Table 4, there needs to be clear policy direction at the zone level about what land uses are anticipated. For example, the Employment Zone policies refer to 'low-impact' and 'compatible' land uses and Suburban Business Zone policies refer to uses with 'low level off-site impacts'. This may help to discourage general industry and similarly impactful land uses in these zones. However, the policies for the Local and Suburban Activities Centres and Suburban Main Street Zone are less instructive about the level of impact which is anticipated in the zone and encourage a broader range of uses. This may make it harder to discourage industry uses, despite the fact that industry is more likely to be at odds with the intent of these zones (e.g. with respect to street activation and services to the local community). As such, we consider additional policy is required in Local and Suburban Activity Centre and Suburban Main Street Zones to discourage impactful industry uses.</p> <p>With respect to interface between land uses, in NPSP all of the affected zones have interfaces with sensitive zones or properties, and therefore in many locations general industry will not be appropriate. It is important the general development policies provide clear and instructive guidance for development adjacent to sensitive receivers and are able to be applied to the development. As such, if these uses are removed from Table 4, it is recommended these uses are 'all other Code Assessed' to allow the assessing planner to select the policies relevant to the site circumstances. It is also recommended that additional policy is included in Interface Between Land Uses which speaks against impactful non-residential uses at the interface with sensitive zones or receivers.</p>
2.3.2.10.1	<p align="center">Notification tables – Minor Departure from Notification criteria</p> <p align="center">Ability for RA to determine a variation to one or more notification triggers is minor</p> <p>Supported</p> <p>In addition to this change, we would recommend an enhancement to the DAP which more easily allows the relevant authority to document what departures are considered minor and the rationale for this decision (for both a departure from notification criteria and when the development is considered minor). Currently we need to fill out a separate file note to document this decision, which is time consuming, cumbersome and does not ensure good record keeping and monitoring.</p> <p align="center">Notification Tables – Minor Structures</p> <p align="center">Various minor structures will no longer require notification (e.g. fence, outbuilding, retaining wall etc)</p> <p>Supported - subject to comments</p> <p>We support this change, subject to a strengthening of policies relating to ancillary structures. Refer to the additional recommended inclusion outlined below titled: Amendments to PO for ancillary buildings to provide consistency with DPF. This recommendation is proposed whether or not the change to the notification tables is made through this Code Amendment as it is considered a current policy gap for performance assessed developments.</p>
2.3.2.10.2	<p align="center">Notification Tables – building levels</p> <p align="center">Some tables reference 'storeys' but should reference 'building levels'</p> <p>Supported</p>

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	<p align="center">Notification Tables – Land Division</p> <p align="center">Most zones exempt land division from notification but some zones (incl UC Zones don't). Update tables so zones exempt land division from notification</p> <p>Supported</p>
<p>2.3.2.10.5</p>	<p align="center">Notification Tables – Demolition</p> <p align="center">Clarify partial demolition constitutes demolition for notification purposes Introduce exemption from notification for buildings in HAO</p> <p>Supported subject to amendment</p> <p>We generally support this amendment, however we are concerned the clause could be misinterpreted with unintended outcomes.</p> <p>It is possible for a SHP or LHP to be not in keeping with the historic attributes identified in the applicable HAS (e.g. it is a unique building constructed in a different era or style to the surrounding area). In this circumstance, someone could interpret the clause to mean the demolition of the SHP or LHP does not require notification on the basis that the demolition is consistent with clause 2. If the exception is re-worded to be an 'or' then this should resolve this issue, as outlined below</p> <p><i>'Except any of the following: development that involves:</i></p> <ol style="list-style-type: none"> <i>1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</i> <p align="center"><i>or</i></p> <i>2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).'</i>
<p>2.3.2.11</p>	<p align="center">Building Height – TNV and context</p> <p align="center">Amend PO wording so development should either comply with TNV or the meet a qualitative test</p> <p align="center">Urban Corridor Zones</p> <p align="center"><i>Building height is consistent with the [TNV] and otherwise or positively responds to the local context including the site's frontage, depth, and adjacent primary corridor or street width.</i></p> <p>NOT SUPPORTED</p> <p>The TNV heights for the Urban Corridor Zones were carefully selected and consulted upon with the community as part of the 2013 DPA and were considered the maximum appropriate height on either an area or site-by-site basis and supported with nuanced height policy and Concept Plans. The Significant Development Sites policy and Affordable Housing policy allows additional 'bonus' height above the TNV when certain criteria are met. As contained in submissions on the draft P& D Code, we do not support the concept of these 'bonus height' policies, which undermine the policy meaning of "maximum" height. That said, they do at least provide a numerical 'limit' to height increase and require certain criteria to be met.</p> <p>This policy amendment could easily be interpreted as permitting a building height to exceed the TNV, where it is considered that the development 'positively responds' to the context and site conditions etc. This qualitative policy provides no certainty for the community and surrounding property occupants and could in fact undermine the criteria outlined in the other 'bonus height' policies. For example, a an applicant could reference a nearby development which has a different maximum building height TNV, or a site which achieved additional height through the significant development sites policy, and use this as justification for their development responding to the local context.</p> <p>We recommend this policy is amended to:</p> <p><i>Building height is consistent with the [TNV] and otherwise or and positively responds to the local context including the site's frontage, depth, and adjacent primary corridor or street width.</i></p>

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	<p align="center">Housing Diversity Neighbourhood Zone <i>Building height is consistent with the [TNV] and is otherwise or is generally low rise, or complements the height of nearby buildings.</i></p> <p align="center">Local Activity Centre, Suburban Activity Centre, Employment Zones <i>Building height is consistent with the [TNV] and is otherwise or is generally low rise to complement the established streetscape and local character.</i></p> <p>Supported We note that the TNV in some HDN Zone locations in NPSP is 3 storeys, however the qualitative test would generally prevent a development exceeding 2 storeys in areas where the TNVs is 2 storeys.</p> <p align="center">Suburban Main Street <i>Building height is consistent with the [TNV] and otherwise or is low-to-medium rise, where the height commensurate with the development site's frontage and depth as well as the main street width, to complement the main street character.</i></p> <p>NOT SUPPORTED Medium rise is defined as 3-6 storeys whereas the SMS Zone areas in NPSP have a TNV of 2 storeys. We also note the policy seeks development which "complement(s)" rather than is "consistent with" the main street character. As such, this policy (as amended) could allow building heights which exceed the TNV and result in associated poor development outcomes.</p> <p align="center">Community Facilities Zone <i>Building height is consistent with the [TNV] or otherwise is generally consistent with the prevailing character of the locality and height of nearby buildings.</i></p> <p>Supported NPSP does not currently have TNVs specified for CF Zone</p>
<p>2.3.2.12</p>	<p align="center">South facing wall - Policy review Consistently use the term 'south facing' rather than 'wall facing a southern boundary'</p> <p>Supported</p> <p align="center">Wall height definition Wall height definition amended so it's taken from footings or natural ground level, depending on what the policy says.</p> <p>Comments We acknowledge this amendment is providing clarification and correcting inconsistencies and therefore we don't oppose this amendment in principle. We also acknowledge that since the use of Rescode provisions, wall height in some circumstances / areas has been measured from the top of the footings. However, we remain concerned about the potential maximum wall heights (particularly boundary walls) which can be achieved given Design in Urban Areas DTS 8.1 allows for fill up to 1m high, potentially resulting in boundary walls which are 4m high above neighbouring ground level and 11.5m long. The potential impact of a wall this long and high, particularly through a DTS pathway, is not considered reasonable. It would be preferable if a lower fill level or boundary wall height was permissible through DTS, and higher levels of fill or larger boundary walls can be assessed through a performance assessed pathway.</p> <p>We support ancillary buildings maintaining a wall height measured from natural ground level rather than the footings, as ancillary buildings are more commonly adjacent to private open space / areas with visual outlook on neighbouring properties and are generally expected to be minor structures. As such, wall heights should be measured from NGL to minimise visual impact, particularly through DTS pathways.</p> <p align="center">Building Height definition Some zones (typically former Rescode) will have building height measured from top of the footings rather than NGL</p> <p>NOT SUPPORTED As per the comments above, we are concerned about building height being measured from the top of the footings when up to 1m of fill can occur for a DTS development. We acknowledge there is a difference in how wall and building heights are measured, but there is greater flexibility in designing total building height (i.e. through reduced ceiling heights, roof pitch and design etc) and a total building height of 10m is considered excessive and unnecessary in many circumstances, at least through a DTS pathway.</p>

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2.3.2.13	<p align="center">Setbacks</p> <p align="center">Changes from 'dwelling' to 'building' to ensure policies apply to non-residential buildings</p> <p>Supported (with further changes for consistency) Support change from 'dwelling' to 'building' to capture non-residential buildings. We recommend this change also extends to the Business Neighbourhood Zone, which although is not a neighbourhood zone, does have a mix of residential and commercial uses envisaged. Specifically, the following BN Zone policies should be reviewed:</p> <p>PO 3.4 <i>Dwelling</i> boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining residential properties.</p> <p>DTS/DPF 3.4 Except where the <i>dwelling</i> is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b):...</p> <p>PO 3.6 <i>Buildings</i> are set back from side boundaries to provide:</p> <ul style="list-style-type: none"> a) separation between <i>dwelling</i>s in a way that complements the established character of the locality b) access to natural light and ventilation for neighbours. <p>PO 3.7 <i>Buildings</i> are set back from rear boundaries to provide:</p> <ul style="list-style-type: none"> a) separation between <i>dwelling</i>s in a way that complements the established character of the locality b) access to natural light and ventilation for neighbours c) open space recreational opportunities d) space for landscaping and vegetation. <p>We also recommend consideration be given to whether separate setback policies should be developed which require greater setbacks for group dwellings and RFBs which often extend for almost the full length of a property and present an overall larger bulk and scale than typical detached or semi-detached dwellings.</p>
2.3.2.14	<p align="center">Overlays – Natural Resources and Environment Overlays</p> <p align="center">Applicability of Stormwater Management Overlay</p> <p>Comments We recommend that SMO policies are applied to dwelling additions above a specified floor area, noting that an additional SMO policy may need to be developed to ensure the requirements are commensurate with the scale of development.</p> <p align="center">Overlays – Affordable Housing</p> <p>Note Table 5 indicates the Affordable Housing Overlay doesn't apply to detached, semi-detached and row dwellings but it looks like it does in the Code? Perhaps this is an error?</p> <p align="center">Overlays – Future Road Widening</p> <p>Note Table 5 indicates the Future Road Widening Overlay doesn't apply to ancillary structures, but it looks like it does in the Code. Is this intended to change or is this an error?</p>
2.3.2.16	<p align="center">Detached dwellings – Medium and High Rise policy relevance</p> <p align="center"><i>Med & high rise policies don't apply to detached dwellings (i.e. 3 storey detached dwellings are missing policies)</i></p> <p>Supported subject to amendments We initially raised this anomaly for suggested policy change, however the changes in the Code Amendment do not address the policy gap issues we raised with PLUS, which were primarily concerned with a lack of landscaping, tree planting and WSUD (specifically water retention and reuse) policies and waste collection for multiple dwelling sites. While we support including the additional policies as proposed, there are several other Design in Urban Areas policies which should be applied to detached dwellings in this zone (particularly landscaping and WSUD) to ensure 3+ storey detached dwellings can be assessed against appropriate policy. However, we note there appears to be a lack of specific or instructive WSUD</p>

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	policy which should also be considered through this Code Amendment, or a separate Code Amendment if it is outside the scope of the MTE CA. This policy should be developed as a priority.
2.3.2.17	<p align="center">Discrete vs Discreet</p> <p align="center"><i>Discrete used instead of discreet. Amendment to use discreet</i></p> <p>Supported</p>
2.3.2.18	<p align="center">Established Neighbourhood PO 10.1</p> <p align="center"><i>Unnecessary application of this policy to carports and garages which are proposed as separate elements as DPF 11.1 has the same effect</i></p> <p>Supported</p>
2.3.2.19	<p align="center">Building Alterations – Assessment Pathways</p> <p align="center"><i>Clarification that a reference to a land use includes: change of use, construction of, or alteration to 'Building alterations' substituted into Table 1 in lieu of 'Internal Alterations'</i></p> <p>NOT SUPPORTED</p> <p>We support the clarification that reference to a land use can include an 'alteration' of a building containing that land use. However, we do not support the substitution of 'Internal Alterations' with 'Building Alterations' for the reasons outlined below.</p> <p>External building alterations could have meaningful physical impacts even outside the HAO. Examples include changes to privacy treatments on upper-level windows, substantial changes to building design in the Character Area Overlay or zones which provide specific design guidance such as high street zones (e.g. altering the façade to include large expanses of glazing or bricking up windows). We note that in some circumstances these changes could constitute a variation to a previous approval in its own right, but this will not always be the case. With respect to the HAO clause, substantial changes to the sides of the building could occur in a way which detrimentally affect the historic value of the building, such as the total replacement of side walls beyond the facade.</p> <p>It is considered the following current criteria relating to internal building work provides sufficient flexibility to allow minor external changes to occur through an accepted pathway: <i>"Other than where located within the HAO there will be no alteration to the external appearance of the building to any significant degree"</i>. On numerous occasions in the past, this clause has allowed us to process internal fit out applications as accepted (or previously Sch1A) where the fit out requires minor external changes. More substantial external alterations can be assessed with consideration given to potential impacts on the streetscape or neighbouring properties.</p>
2.3.2.21	<p align="center">Interface Height – Building Envelope Policy</p> <p align="center"><i>Amend building envelope policy in various zones such that it does not apply where the residential property / zone is separated by a road</i></p> <p>NOT SUPPORTED</p> <p>In the transition to the Code, the building envelope policy in Urban Corridor Zones was amended such that it no longer applied where the site was separated from the residential property / zone by a road, and only applied where the site shared a boundary with the residential property. NPSP previously objected to this change in our Phase 3 Code submission.</p> <p>Similarly, we do not support the proposed change to building envelope policy in other zones. We are of the view the building envelope policy provides a more appropriate transition to sensitive receivers than the qualitative policy relating to transition in scale across the road, particularly in circumstances where the road which separates the properties is very narrow.</p>
2.3.2.22	<p align="center">Land Division – Site Contamination Policy</p> <p align="center"><i>Link site contamination policy to performance assessed land divisions</i></p> <p>Supported</p>

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2.3.2.23	Non-residential outbuildings <i>Include policies relating to non-residential outbuildings</i>
	Supported We note that the outbuilding should be used for genuinely ancillary and secondary purposes (e.g. storage or car parking) and not as an additional area for undertaking the a commercial use, so as to avoid potentially issues affecting neighbours, such as noise / odour / smoke etc. In instances where the outbuilding is used for an expansion of the existing non-residential use and is causing impact issues, this will need to be addressed through compliance action.
2.3.2.24	Outbuildings – Accepted criteria <i>Amend Table 1 to remove duplicated</i>
	Supported
2.3.2.25	Pool fencing – Accepted Development Pathway <i>Amend Table 1 such that swimming pool safety features associated with a pool are accepted</i>
	Supported
2.3.2.26	Primary Street Setback – Use of ‘building line’ <i>Amend front setback policies to allow dwellings to be the average setback of both adjoining dwellings where one of those setbacks is a secondary street setback and removing clause relating to adjoining dwellings separated by a road</i>
	Supported This change is generally supported, however we recommend stronger policy is included the Historic Area and Character Area Overlays where the proposed policy change could result in negative streetscape outcomes. For example HAO PO 2.4 could be amended as follows: HAO & CAO PO 2.4 <i>Development is consistent with the prevailing front and side boundary setback pattern in the character area, provided the development does not detrimentally affect the streetscape or the setting of adjacent buildings which demonstrate the historic characteristics as expressed in the Historic Area Statement.</i> We also recommend additional policy is included in the HAO and CAO regarding development of corner sites, to ensure development adequate addresses both street frontages.
2.3.2.27	Replacement Building – Overlay Exclusions: Coastal Flooding Overlay <i>Exclude DTS Replacement Buildings from Coastal Flooding Overlay</i>
	Supported – but note recommended amendment We have no objection to the amendment as proposed, however we have previously recommended that the Hazards (Flooding – General) Overlay also be an exclusion for DTS replacement buildings. Currently there are no FFL requirements applied to Replacement Buildings which are affected by the Flooding – General Overlay. This is considered to present an unreasonable level of risk. As such, the Flooding – General Overlay should be an exclusion for a DTS pathway for replacement buildings, or at least the relevant Overlay DTS policies should be applied in Table 2, so that replacement buildings meet the necessary FFL requirements.
2.3.3.1	Affordable Housing Overlay – Referral Trigger <i>Remove unnecessary referral to SAHA when SAHA is the applicant. Also amend referral trigger to resolve processing confusion</i>
	Suggest revision The referral criteria as proposed appears to only require a referral where the development is already proposing affordable housing, but this doesn’t capture developments where the applicant has not proposed to include affordable housing. Could the criteria require a referral for any development with 20 or more dwellings to allow SAHA to provide advice or direction regarding the provision of affordable housing in the development?

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2.3.3.3	<p style="text-align: center;">Design Overlay Referral <i>Allow a discretionary referral to Gov Architect for variation applications</i></p> <p>Supported – subject to comments Support the ability to refer variations to the Government Architect, however it is recommended that the relevant authority err on the side of caution to allow the Government Architect to determine what variations are minor or do not affect the intent of the referral to avoid “minor” changes, such as changes to materials, from negatively affecting the original intended design outcome.</p>
2.3.3.4	<p style="text-align: center;">Hazards (Flooding) Overlay <i>Correct inconsistencies and errors in application of H(F)O policies</i></p> <p>Supported</p>
2.3.3.5	<p style="text-align: center;">Heritage Adjacency Overlay <i>Amend referral wording to clarify the RA can determine whether development materially affects SHP</i></p> <p>Supported</p>
2.3.3.7	<p style="text-align: center;">Major Urban Transport Routes Overlay <i>Revised policy and referral triggers – e.g. change of use from residential to small office / consulting room no longer requires referral</i></p> <p>Supported</p>
2.3.3.13	<p style="text-align: center;">Representative Buildings in SAPP <i>Spatially map RBs in HAO in SAPP</i></p> <p>Supported subject to comments We support the inclusion of Representative Buildings (RBs) in the spatial mapping of the Historic Area Overlay in SAPP as this will improve visibility of which properties are identified as RBs.</p> <p>However, we recommend the line of enquiry Code tool should also identify RBs, and the HAO policy should be clearer about the purpose and role of RBs. We note these require significant system changes or are considered outside the scope of this Code Amendment. However, it is our opinion that referencing RBs in the HAO policy does not ‘change the goal posts’ with respect to RBs that already exist.</p> <p>RBs are defined (in part) as: <i>“buildings which display characteristics of importance in a particular area”</i></p> <p>The HAO demolition policy PO 7.1 anticipates the retention of buildings which: <i>“demonstrate the historic characteristics as expressed in the Historic Area Statement”</i></p> <p>Therefore, we are of the view that since RBs are recognised as having characteristics important to the local area, and the demolition policy seeks the retention of buildings which demonstrate historic characteristics in the HAS (which is reflective of the local area), RBs are envisaged as being retained by PO 7.1 (noting this is not to the exclusion of other buildings). Therefore, it is not considered a policy ‘shift’ to recognise RBs (in <u>addition</u> to other contributing buildings) in this policy. On this basis we recommend PO 7.1 is amended through this Code Amendment, or if not, a subsequent Code Amendment be prioritised to clarify the purpose and role of RBs.</p>
2.3.3.21	<p style="text-align: center;">Traffic Generating Development Overlay <i>Policy and referral changes to provide consistency in land use applications with 50+ dwellings and land divisions with 50+ allotments</i></p> <p>Supported</p>
2.3.3.22	<p style="text-align: center;">Urban Transport Routes Overlay <i>Revised policy and referral triggers – e.g. change of use from residential to small office / consulting room no longer requires referral</i></p> <p>Supported</p>

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<p>2.3.4.2</p>	<p align="center">Carport & Outbuilding internal dimensions linkages</p> <p align="center"><i>Improve policy linkages to ensure minimum internal dimensions are applied to all carports and garages</i></p> <p>Supported Subject to comments</p> <p>This amendment is supported, however we consider the minimum dimensions outlined in DiUA 23.1 are insufficient for larger common vehicles and should be increased to ensure convenient and practical use of garages.</p>
<p>2.3.4.4</p>	<p align="center">Decks – Assessment Pathways</p> <p align="center"><i>Provide policies and assessment pathways specific to decks</i></p>
	<p>Supported – subject to comments</p> <p>The inclusion of policies and assessment pathways specific to decks is supported, however we have the following concerns:</p> <p>We recommend including policy to ensure privacy screens associated with decks are not so high that they have an unreasonable visual impact on neighbouring properties. That is, there should be a maximum as well as a minimum screen height for DTS decks and a deck which has a FFL that requires a screen which exceeds the maximum should be performance assessed. A DPF policy should be included for performance assessed decks to articulate that where a deck FFL is so high that the necessary screening height for privacy results in an adverse visual impact on neighbours, the deck FFL should be reduced.</p> <p>DTS X.1 (a)(iii) states: <i>“when attached to the dwelling, has a finished floor level consistent with the finished floor level of the dwelling”</i></p> <p>Recommend this is amended to require the FFL to be <i>no greater than</i> the FFL of the dwelling as the proposed policy currently reads as though a deck with a lower FFL would be excluded from the DTS pathway. There doesn't appear to be a maximum FFL for decks which are not attached to a dwelling; this could also be specified as being no higher than the FFL of the dwelling or an otherwise specified maximum FFL, at least for the purposes of a DTS pathway.</p> <p>A deck associated with a commercial use could result in unreasonable noise or other impacts for neighbours. e.g. a deck accommodating a beer garden, outdoor dining or entertainment area. Decks associated with commercial developments should be excluded from a DTS pathway to allow an appropriate assessment of impacts and a greater setback from boundaries. Additionally, Table 3 should include relevant 'Interface between land uses' policies. The policies as drafted also indicate that a deck associated with a commercial use does not need to be in line with or behind the main building. While there are many mixed use or commercial streetscapes where this may be suitable and beneficial for active frontages, this will not be the case in every circumstance and should be reconsidered. Finally, PO X.2 refers to 'minimising' overlooking and we recommend this is amended to "prevent 'direct overlooking'".</p>
<p>2.3.4.6</p>	<p align="center">Soft landscaping policy</p> <p align="center"><i>Include minimum dimension for soft landscaping in DIUA 19.1. Amend DPF 22.1 to clarify the soft landscaping requirement applies to the whole site, not individual sites for group / RFBs.</i></p> <p>NOT SUPPORTED – alternative recommendation</p> <p>The effect of this policy amendment / interpretation is that some dwellings in a group dwelling or RFB could have little or no direct access to soft landscaping which could lead to poor amenity, increased energy costs and urban heat outcomes. The POS requirements in Design In Urban Areas Table 1 are very minimal at any rate, particularly the 24m² for sites <301m². During consultation on the Code, PLUS staff explained that other policy parameters such as soft landscaping requirements and site coverage would essentially regulate the size of backyards, however this proposed amendment removes the soft landscaping requirement, which could have a flow on effect resulting in a reduction in private yard sizes. Additionally, there is no site coverage requirement in the HDN Zone (where group dwellings and RFBs are most common) and in NPSP there is no minimum site area for RFBs in the HDN Zone.</p> <p>If the intent of this policy amendment is retained, we recommend a further amendment to DPF 22.1(a) such that where the average site area of the dwellings on the site is <150m², 15% of the total site should be soft landscaping as 10% soft landscaping across the total site is considered insufficient to offset this level of density / infill.</p>

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2.3.4.7	<p align="center">Driveways – DIUA 23.5 <i>Reword policy relating to driveway angle to clarify how to apply the policy</i></p> <p>Supported</p>
2.3.4.9	<p align="center">Housing Renewal Policies <i>Include advisory note to clarify that Housing Renewal Policies should only be applied to Housing Trust Community Housing proposals</i></p> <p>Supported</p>
2.3.4.10	<p align="center">Land Division Policy Review <i>Consolidate repeated policies</i></p> <p>Supported</p>
2.3.4.11	<p align="center">Land Division Policy Linkages <i>Include Land Division PO 2.8 and 3.11 in relevant Table 3s (currently missing)</i></p> <p>Supported</p>
2.3.4.12	<p align="center">Fences – Policy Linkages (sightlines) <i>Link policies relating to preservation of sightlines for fences</i></p> <p>Supported</p>
2.3.4.13	<p align="center">Car parking rates table review <i>Amend car parking rates table to align land use wording with definitions and avoid conflicting car parking rates for sub-classes of the same land use</i></p> <p>Supported</p>
2.3.4.14	<p align="center">Car parking rates for designated areas <i>Amendments to reduce confusion on whether a property falls within a designated area or not</i></p> <p>Supported</p> <p>We support any amendments which clarify how and when to apply designated area rates, however a further improvement would be for SAPPa to map 'High Frequency Public Transit Area' and/or 'Designated Areas'.</p> <p>It is also recommended that guidance be provided on how to apply the minimum and maximum car parking rates. It is our interpretation that a development has satisfied the relevant DPF + Table 2 when the minimum car parking rate has been provided, and the maximum car parking rate is specified to prevent an over-supply of car parking which may undermine the overall policy intent of encouraging alternative forms of transport. The alternative interpretation (which we do not think is applicable) is that the relevant authority can set a required car parking provision from within that range – i.e. can require the applicant to apply above the minimum requirement, provided it is no more than the maximum.</p>
2.3.7.1	<p align="center">Definition – Ancillary Accommodation <i>Amend land use definition</i></p> <p>Supported – subject to comments</p> <p>We recommend greater clarity is provided in the distinction between 'ancillary accommodation', 'outbuilding' and 'dwelling addition' for freestanding 'rumpus room' or 'studio' style buildings. Freestanding rumpus rooms or studios are a really common form of residential development. They are typically designed to be an occupied room associated with the main house and normally do not have facilities typical of a granny flat, such as a bathroom or kitchenette. We have historically lodged these as 'habitable outbuildings' but this is not an ideal description, given outbuildings are defined as a non-habitable building. We don't typically use 'ancillary accommodation' if they don't appear to be intended as accommodation separate to the main house. We also note that in the DAP 'Ancillary Accommodation' falls under the category of 'New Housing' which these proposals are clearly not, and to submit such applications under 'New Housing' could misrepresent the nature of accommodation available in a particular area. We have also not typically used 'dwelling addition' where they are detached from the main dwelling.</p> <p>Discussions with other Councils have indicated a variety of approaches to what elements are selected for this type of development. As such, clarification or guidance on what element should be selected for rumpus rooms / studios would be appreciated and would ensure a consistent approach across relevant authorities.</p>

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2.3.7.4	<p align="center">Definitions – Educational Establishment - Amend definition from 'Education Establishment' to 'Educational facility'</p> <p>Definitions - Indoor recreation facility / Office - Amend definition to include part of a building for this use</p> <p align="center">Definitions – Preschool - Redefine as 'Child care facility', which includes preschool</p> <p align="center">Definitions – Tourist accommodation - Amend definition to reference ancillary services</p>
2.3.7.5	
2.3.7.6	
2.3.7.7	
2.3.7.9	
	Supported
2.3.7.12	<p align="center">Definition – Function venue</p> <p align="center"><i>New land use definition</i></p>
	<p>Supported – subject to comments</p> <p>Various different land uses may be used to host events, conferences etc from time-to-time as an ancillary activity to the ordinary use. To avoid confusion, we recommend the definition is amended to: <i>Premises primarily or regularly used for the hosting of events...</i></p>
2.3.8.1	<p align="center">Definition – Building Height</p> <p align="center"><i>Amend definition to allow the policy to specify where to measure the building height from</i></p>
	Refer to comments in 2.3.2.12
2.3.8.2	<p align="center">Definition – Building line</p> <p align="center"><i>Amendment to building line definition</i></p>
	Refer to comments in 2.3.2.26
2.3.8.3	<p align="center">Definition – Wall Height</p> <p align="center"><i>Amend definition to allow the policy to specify where to measure the wall height from</i></p>
	Refer to comments in 2.3.2.12
2.3.8.5	<p align="center">Definition – Direct Overlooking</p> <p align="center"><i>Include definition for direct overlooking</i></p>
	<p>NOT SUPPORTED</p> <p>Although we support the introduction of a definition for direct overlooking, we feel the 15m as proposed is insufficient as overlooking of POS / habitable windows could still occur from this distance. Recommend the definition is amended to provide a distance in the order of 30m</p>
2.3.8.6	<p align="center">Definition – High Frequency Public Transit Area</p> <p align="center"><i>Include definition of High Frequency Public Transit Area</i></p>
	<p>Supported</p> <p>As outlined in 2.3.4.14, we support the inclusion of this definition but would also recommend these areas and designated areas are spatially demonstrated in SAPPa if possible.</p>
2.3.8.7	<p align="center">Definition - Post height</p> <p align="center"><i>Include definition for post height</i></p>
	Supported
2.3.8.8	<p align="center">Gross Density – delete definition</p>
	<p>NOT SUPPORTED</p> <p>It is recommended this definition be retained as a useful point of reference for comparison against net density and for when it is referenced in broader strategy and policy considerations</p>
2.3.9.1	<p align="center">EPA Referral</p> <p align="center"><i>Amendments to EPA Referral Triggers</i></p>
	No comment
2.3.11.1	<p align="center">Listing of State Heritage Places</p> <p align="center"><i>Include list of SHPs</i></p>
	Supported

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Minor and Technical Changes

The following are suggested changes which are minor or technical and are recommended to be included in the current Code Amendment

Business Neighbourhood – Policies applicable to Shops, Offices and Consulting Rooms

The following are the *Land Use and Intensity* policies in the BN Zone

PO 1.1 *Housing and accommodation types appropriate to the locality complemented by shops, offices, consulting rooms and other non-residential uses that do not materially impact residential amenity.*

PO 1.2 *Business and commercial land uses complement and enhance the prevailing or emerging neighbourhood character.*

PO 1.3 *Changes in the use of land between similar businesses encourages the efficient reuse of commercial premises and supports continued local access to a range of services compatible to the locality.*

Although each of these 3 policies appear to be relevant to shops, offices and consulting rooms, Table 3 is not consistent in the policies that are applied to each land use:

Business Neighbourhood Zone Table 3	
Land Use	Zone Policies (Land Use and Intensity)
Consulting Room	PO 1.1, PO 1.2, PO 1.3
Office	PO 1.1, PO 1.2
Shop	PO 1.1

Recommend the policies applied in Table 3 are amended to be more consistent across these land uses

Boundary Development – Differences between Accepted and DTS for Carports and Verandahs

The tables below illustrate differences between accepted and DTS pathways for common ancillary development types in different neighbourhood zones. Comments included below each comparison provide recommended amendments for greater consistency

General Neighbour.	Accepted	DTS
Carport	<p>8. <i>If situated on or abutting a boundary (not being a boundary with a primary street) - a length not exceeding 11m unless:</i></p> <ul style="list-style-type: none"> a) <i>a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary; and</i> b) <i>the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent.</i> <p>9. <i>If the carport abuts or is situated on the boundary of the allotment (not being a boundary with a primary street):</i></p> <ul style="list-style-type: none"> a) <i>it will not result in all relevant walls or structures located along the boundary exceeding 45% of the length of the boundary; and</i> b) <i>it will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or abut the proposed wall or structure.</i> 	<p><i>Ancillary Buildings and Structures</i> DTS/DPF 11.1</p> <p>(e) <i>if situated on a boundary (not being a boundary with a primary street or secondary street), do not exceed a length of 11.5m unless:</i></p> <ul style="list-style-type: none"> i. <i>a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary and</i> ii. <i>the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent</i> <p>(f) <i>if situated on a boundary of the allotment (not being a boundary with a primary street or secondary street), all walls or structures on the boundary will not exceed 45% of the length of that boundary</i></p> <p>(g) <i>will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or about the proposed wall or structure</i></p>

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The length of an accepted carport can be 11m whereas the length of an accepted verandah as well as the length of a DTS carport or DTS verandah, is 11.5m. These should be consistent.

Verandah	8. Length - does not exceed 11.5m if any part of the structure abuts or is situated on a boundary of the allotment.	<p>Ancillary Buildings and Structures DTS/DPF 11.1</p> <p>(h) if situated on a boundary (not being a boundary with a primary street or secondary street), do not exceed a length of 11.5m unless:</p> <p>iii. a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary and</p> <p>iv. the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent</p> <p>(i) if situated on a boundary of the allotment (not being a boundary with a primary street or secondary street), all walls or structures on the boundary will not exceed 45% of the length of that boundary</p> <p>(j) will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or about the proposed wall or structure</p>
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The criteria for an accepted verandah does not include parameters relating to a maximum of 45% of development along the boundary length or boundary structures not being within 3m of another boundary structure. This could lead to an accepted development resulting in an overall greater level of boundary development than a DTS development. The accepted criteria for a verandah should be consistent with a carport.

Note, the same issue applies for a verandah in the Housing Diversity Zone.

Established Neighbour.	Accepted	DTS
Carport	N/A – no accepted pathway	<p>(e) if situated on a boundary (not being a boundary with a primary street or secondary street), a length not exceeding 8m unless:</p> <p>v. a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary and</p> <p>vi. the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent</p> <p>(f) if situated on a boundary of the allotment (not being a boundary with a primary street or secondary street), all walls or structures on the boundary not exceeding 45% of the length of that boundary</p> <p>(g) will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or about the proposed wall or structure</p>

Not sure why there isn't an accepted pathway for carports if there is a DTS pathway?

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Verandah	8. Length - does not exceed 8m if any part of the structure abuts or is situated on a boundary of the allotment	<p>DTS / DPF 11.1</p> <ul style="list-style-type: none"> i. if situated on a boundary (not being a boundary with a primary street or secondary street), a length not exceeding 8m unless: <ul style="list-style-type: none"> i. a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary and ii. the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent ii. if situated on a boundary of the allotment (not being a boundary with a primary street or secondary street), all walls or structures on the boundary not exceeding 45% of the length of that boundary iii. will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or abut the proposed wall or structure
<p>As per the comments for the GN Zone, we recommend the accepted criteria for a verandah should include parameters relating to 45% boundary development and no boundary structures within 3m of another structure, to be consistent with the DTS criteria.</p>		

Table 5 – Interpretation

We note a s76 Code Amendment following the ERD Committee review of the Phase 3 Code resulted in some amendments to the interpretation clauses and wording across Table 5 procedural matters tables. However, we consider the tables are still difficult to interpret and should be further revised.

We consider the following amendment should be made to the ‘minor test’ contained in Clause 1 to clarify the relevant authority only needs to apply the minor test to the element(s) which triggered notification. e.g. in the case of a dwelling addition at the rear of a Local Heritage Place, the partial demolition of the Local Heritage Place triggers notification but this could be considered minor, without the need for the planner to apply the minor test to the dwelling addition which in its own right doesn’t require notification:

***Development** An element of the development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners of occupiers of land in the locality of the site of the development.*

It is also recommended the interpretation clause is revised to provide a clearer intent. For example the following clause implies that if there are 2 elements in the development, and one of those elements is excluded from notification then the whole development is excluded from notification even if the other element in its own right would require notification. It is recommended this is amended to clarify this is not the case:

Where a development or an element of a development falls within more than one class of development listed in Column A, it will be excluded from notification if it is excluded (in its entirety) under any of those classes of development. It need not be excluded under all applicable classes of development.

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Clarify interpretation of 'site' for Table 1 – Private Open Space

Dwelling Type	Minimum Rate
Dwelling (at ground level, other than a residential flat building that includes above ground dwellings)	Total private open space area: (a) Site area < 301m ² : 24m ² located behind the building line. (b) Site area ≥ 301m ² : 60m ² located behind the building line. Minimum directly accessible from a living room: 16m ² / with a minimum dimension 3m.

We have previously had an applicant of a group dwelling development form the view that because the average site area for the dwellings was <301m² (taking into account common area), all dwellings could have the minimum 24m² POS despite some dwellings having an individual site area which exceeded 301m². In support of this view, he referenced that site area for group dwellings is commonly referenced as an average site area across the site (e.g. the minimum site area specified at the zone level).

Recommend Table 1 is refined to clarify how to calculate and apply POS requirements for group dwellings / RFBs)

DTS Land Division criteria

Land divisions in General Neighbourhood and Housing Diversity Neighbourhood Zone (and perhaps other zones) can be DTS if they meet the following criteria:

GN Zone DTS 2.3

Division of land satisfies (a), (b) or (c):

- a) reflects the site boundaries illustrated and approved in an existing development authorisation under the Development Act 1993 or Planning, Development and Infrastructure Act 2016 where the allotments are used or are proposed to be used solely for residential purposes

or

Land Division DTS 1.1

Division of land satisfies (a) or (b):

- a) reflects the site boundaries illustrated and approved in an operative or existing development authorisation for residential development under the Development Act 1993 or Planning, Development and Infrastructure Act 2016 where the allotments are used or are proposed to be used solely for residential purposes

The term 'development authorisation' is defined in the Act as "any assessment, decision, permission, consent, approval, authorisation or certificate required by this Act...". Although it's exceptionally unlikely, given building consents can be issued prior to planning consents, it is possible for a land division to be DTS on the basis the dwellings have received a building consent without having received a planning consent.

Recommend 'development authorisation' is replaced with 'planning consent' or 'development approval'.

Non-residential uses in neighbourhood zones

The policies relating to non-residential uses in many residential zones refers to a site which 'abuts an Activity Centre'. We've recently had a query as to whether a property which is directly adjacent to the Activity Centre but is separated by a road, counts as a property which 'abuts' the Activity Centre. Assuming this reflects the intent of the policy, it would be useful for the policy be amended to the effect of 'the development site shares a boundary with a property in an Activity Centre'

Recommend definition is provided for for 'abuts' or clarification is provided in the policy.

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Amendments to PO for ancillary buildings to provide consistency with DPF

The policy relating to ancillary buildings in many neighbourhood zones provides the following PO:

PO 11.1 Residential ancillary buildings and structures are sited and designed to not detract from the streetscape or appearance of buildings on the site or neighbouring properties.

This PO appears to focus two desired outcomes: 1) on impacts on the streetscape and 2) not detracting from the appearance of buildings on the site or neighbouring properties. While some ancillary buildings could have an impact on the street (e.g. carports), the more relevant concerns for most ancillary buildings is 1) impacts on neighbouring properties with respect to visual outlook / access to light and 2) the siting of the outbuilding and how much of the subject land should be developed (e.g. limiting the size of the ancillary structure, retaining soft landscaping etc). These issues are addressed in the DPF but not reflected in the PO.

When an ancillary building is performance assessed, the PO is the relevant policy which is applied. Although the DPF refers to limiting impacts on neighbours and maximising soft landscaping, the fact that these are not reflected in the PO makes it difficult to push for these outcomes in a performance assessed development. For example, an applicant could argue that if their outbuilding in the rear of the site doesn't have a streetscape impact and doesn't 'detract from the appearance of buildings', then it meets the PO, notwithstanding any visual impacts on the neighbour.

Recommend amending the PO to reflect the full scope and intent of the criteria in the DPF, or at least recommend including policies such as DiUA PO 20.3 (visual impact) and PO 22.1 (soft landscaping) in Table 3 for ancillary structures in residential zones. This recommendation also extends to the new ancillary buildings policy outlined in amendment 2.3.2.23. We also recommend a review of the other structures proposed to be exempt from notification to ensure there are adequate policies able to be applied to assess impacts on neighbouring properties

DIUA PO 4.1 – Access to Sunlight

Design in Urban Areas PO 4.1

Buildings are sited, oriented and designed to maximise natural sunlight access and ventilation to main activity areas, habitable rooms, common areas and open spaces.

This policy is useful for encouraging / supporting developments to improve access to natural light for future occupants of a development, however it does not appear to be included in Table 3 for many residential development types.

Recommend this policy is included in Table 3 for more developments

Ancillary Accommodation – Potential for overlooking from mezzanines or second storeys

None of the policies applicable to ancillary accommodation in Table 2 or 3 in most neighbourhood zones specifically limit the building to one storey or prevent there being a mezzanine. Although Ancillary Development DPF 11.1 limits wall heights to 3m and overall building height to 5m, we have recently had a DTS ancillary accommodation which included a mezzanine and dormer windows which could easily result in direct overlooking of neighbours.

Recommend that DTS ancillary accommodation is always limited to a single level (with no mezzanine) and a performance assessed ancillary accommodation includes POs relating to overlooking so we can ensure appropriate privacy treatments are included on any windows.

Definition – 'Terrace Arrangement'

'Terrace arrangement' is defined as: "a group of 3 or more detached dwellings erected side by side and abutting each other but not joined by way of a party wall or party walls." It's not clear whether a terrace dwelling must be lodged in the same application as other dwellings, or if they can be lodged separately (particularly in a large subdivision where allotments have been sold separately).

Recommend clarification is provided to indicate whether or not dwellings must be lodged in the same application to meet the definition of terrace arrangement.

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Design in Urban Areas DTS/DFP 23.4

DiUA DTS/DPF 23.4 states (in part):

Vehicle access to designated car parking spaces satisfy (a) or (b):

(b) where newly proposed, is set back:

- i. 0.5m or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner*

We previously sought advice from PLUS staff as to whether 'street furniture' or 'utility infrastructure' includes on-street traffic calming devices such as speed humps or chicanes. The advice received was that the intent of the policy was to capture infrastructure that exists between the bottom of the kerb and the property boundary, so would not include speed humps or chicanes etc.

It would be preferable for the DTS criteria in the Code to only permit DTS development in circumstances where there were no obstructions to the driveway. While the modification of road infrastructure such as speed humps and chicanes can (at least currently) be dealt with through the Section 221 process, applicants often leave their S221 application to much later in the process, and an applicant may incorrectly assume the modification of road infrastructure is a fait accompli if they've received a planning consent or development approval. If Council staff are undertaking the DTS planning assessment, we can obviously discuss this issue with the applicant during our assessment. However, where planning consent is issued by a private Accredited Professional, the developer may not give any thought to this issue until much later in the process (at which point it is harder to resolve). I also note that relocating or modifying speed humps and chicanes can be very expensive and difficult. For example, relocation of one speed hump can have a flow on effect to other infrastructure on the street if there's a need to maintain prescribed distances between humps / chicanes. When the Design Standard for vehicle crossovers is introduced and an associated Section 221 permit is no longer required, it is even more imperative that the Code policies and/or Design Standards consider infrastructure in the street.

Recommend DTS/SPF 23.4 is amended (or other policy is developed) to allow street infrastructure such as speed humps and chicanes are considered as part of a DTS assessment.

Character Area Overlay – Alterations and Additions PO 3.2

Character Area Overlay PO 3.2 relates to adaptive reuse but is under the heading 'alterations and additions'.

Recommend moving PO 3.2 to its own heading 'Adaptive Reuse'

Definition of Mezzanine

A mezzanine is currently defined as:

an intermediate floor within a building level that is open to the floor below and does not extend over the whole floor space.

We have had some proposed developments where the mezzanine has occupied almost the same floor space as the floor below, and have had the potential to result in similar impacts as a second building level, such as higher wall heights and potential overlooking. It is recommended this definition is reviewed, or new policies are introduced to limit these impacts, such as a mezzanine occupying a maximum percentage of the floor space below and requirements to prevent overlooking

NPSP Submission - Additional Recommended Inclusions to MTE Code Amendment

Changes to Policy Wording and Application

The following are changes to policy wording or application, or in some cases where new policies may be required to fill a policy gap. As such, the below suggestions may be considered outside the scope of this Code Amendment, but are recommended for consideration by the Commission

Spatial Application of Urban Tree Canopy & Stormwater Management Overlay

The UTC and SM Overlays don't apply to non-residential developments in Neighbourhood Zones and also don't apply to any developments in mixed use and other non-residential zones. While there are some General Development Policies relating to landscaping and stormwater, they are not as extensive nor as prescriptive as the Overlay policies, and even still these are often not prescribed in Table 3s. This is a missed opportunity and results in an inconsistent approach to tree planting/ retention and stormwater management across the metropolitan area and will undermine achieving the targets set out in the *30 Year Plan*. For example, a detached dwelling in the Business Neighbourhood Zone does not require a new tree(s) or rainwater tank*, whereas an adjacent detached dwelling in the Established Neighbourhood Zone does.

**Note that Table 3 in many zones appears to incorrectly list UTC & SM Overlay policies even though those Overlays don't apply in those zones.*

Recommend UTC and SM Overlays are applied to most or all zones and include additional policies to cater to non-residential developments. Alternatively, ensure the General Development Policies place a similar requirement for the planting of trees and rainwater capture / reuse, commensurate with the scale / impact of the land use.

Land Stability Policies

The Code does not have sufficient policies relating to land stability, including when land instability poses a risk to development and also when development poses a risk to land stability.

Recommend an Overlay is created where land instability can be mapped, and General Development Policies can be created which are not location specific.

Privacy from Ground Level

The Code is lacking policy relating to privacy from the ground level of buildings which are raised above natural ground level and/or which sit substantially higher than a neighbour's yard. There are policies which deal with upper-level overlooking, and Design PO 10.2 which deals with overlooking from 'balconies, terraces and decks', however none appear to address overlooking from within the dwelling, or in raised yards more generally.

Recommend including additional policies in Design in Urban Areas which require developments to not result in unreasonable levels of overlooking of neighbouring residential properties, and for these to be applied in relevant Table 3s.

Heat loading / roof colour

Energy efficiency policies should encourage light coloured roofs to minimise heat loading. Urban heat mapping demonstrates a significant difference between light and dark coloured roofs.

Recommend including additional policies (or modify existing policies) seeking lighter coloured roofs in the interest of energy efficiency, noting however that the roofs should not result in unreasonable glare on adjacent properties or the surrounding landscape.

Car stacking policies

The Code lacks policy guidance for car stackers (i.e. semi-automated / automated vehicle parking system for stacking cars in a car park). This is becoming an assessment consideration for this Council and has implications for manoeuvring areas, queuing areas and access considerations.

Recommend including policies which provide guidance for when car stackers may be appropriate (e.g. only for residential, not for commercial developments, only for staff parking spaces, maximum number of spaces serviced by a car stacker, noise limits for the equipment etc). Note that the Victorian planning scheme addresses car stackers, where these are not supported for commercial developments.

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Design in Urban Areas – External Appearance DPF 20.2

DTS/DPF 20.2 states:

Each dwelling includes at least 3 of the following design features within the *building elevation facing a primary street*, and at least 2 of the following design features within the *building elevation facing any other public road* (other than a laneway) or a common driveway:

- a) a minimum of 30% of the *building wall* is set back an additional 300mm from the *building line*
- b) a porch or portico projects at least 1m from the *building wall*
- c) a balcony projects from the *building wall*
- d) a verandah projects at least 1m from the *building wall*
- e) eaves of a minimum 400mm width extend along the width of the *front elevation*
- f) a minimum 30% of the width of the upper level projects forward from the *lower level primary building line* by at least 300mm

a minimum of two different materials or finishes are incorporated on the walls of the *front building elevation*, with a maximum of 80% of the *building elevation* in a single material or finish.

The above policy uses a range of terms referring to parts of the building, including:

- (front) building elevation (facing a primary street) (facing any other public road)
- building wall
- building line
- front elevation
- lower-level primary building line

Although these generally refer to different parts of the building, the policy would benefit from greater consistency and clarity with the terminology:

For part (a) it is unclear what constitutes the building wall as distinct from the building line.

For part (c) there is no specified distance for a balcony projection.

For part (e) it is unclear if the 400mm eaves must extend along the full width of the building and/or should be on either side of the building. For example how would this policy apply to building facades which include a gable (such as a villa style) or parapet.

Recommend the number of different terms used to describe the facade or parts of the facade are reduced and define these terms were possible. Provide clearer wording for parts (a), (b), and (e)

Site Coverage

A dwelling meeting the maximum site coverage without any covered outdoor area can be processed as DTS. Any subsequent applications for covered outdoor area or outbuildings are difficult to assess as, while providing covered outdoor area is generally supported, the development would exceed the maximum site coverage.

Recommend providing two alternate criteria for site coverage policies: a lower amount (e.g. 55%) for a dwelling excluding covered outdoor area or outbuildings, and a higher amount (e.g. 60%) for a dwelling and covered outdoor area or outbuildings.

Private Open Space

Table 1 – Private Open Space – Dwelling at ground level

Total private open space area:

1. Site area <301m²: 24m² located behind the building line.
2. Site area ≥ 301m²: 60m² located behind the building line.

Minimum directly accessible from a living room: 16m² / with a minimum dimension 3m.

POS totalling 24m² is considered insufficient for many dwellings on <301m². Previously AGD staff have advised that this is sufficient POS on the basis that a combination of the required POS + soft landscaping + site coverage will result in a sufficient yard space for occupants. However, for dwellings with shared common area, the soft landscaping policy does not require soft landscaping in areas exclusive to each dwelling (it could be proposed in common areas only) and in the Housing Diversity Neighbourhood Zone there is no site coverage policy. As a result, a group dwelling or dwelling in a ground level RFB on a site <301 m² could only have 24m² of POS in its exclusive site.

Recommend providing a more varied POS requirement which provides a more appropriate size of POS, particularly for sites <301 m²

NPSP Submission - Additional Recommended Inclusions to MTE Code Amendment

Boundary walls with parapets

(Example policy)

General Neighbourhood DPF 7.1

Except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below:

- a) side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height*
- b) side boundary walls do not:
 - i) exceed 3m in height from the top of footings ...**

The policy is not clear as to whether the boundary wall height should include or exclude parapets on the front of the structure (e.g. a parapet on the front of a garage which is located on the side boundary).

Recommend the policy is amended to include a clause catering to parapets, or the policy could clarify that parapets on the facade are not included in the boundary wall height. (Note this should also be consistent with public notification triggers in Table 5).

Established Neighbourhood Zone PO/DPF 7.1

PO 7.1

Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.

DTS/DPF 7.1

Dwellings do not incorporate side boundary walls where a side boundary setback value is returned in (a) below:

Minimum Side Boundary Setback

Specified side setback distance

or

(b) where no side boundary setback value is returned in (a) above, and except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (i) or (ii) below:

- i. side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height*
- ii. side boundary walls do not:
 - A. exceed 3.2m in height from the lower of the natural or finished ground level*
 - B. exceed 8m in length*
 - C. when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary**

encroach within 3m of any other existing or proposed boundary walls on the subject land.

The wording of the PO anticipates boundary development, whereas the DPF anticipates boundary development only in some circumstances. As written, the policy could be interpreted one of two ways:

1. DTS/DPF 7.1 was written to prevent boundary development occurring for DTS dwelling additions (for sites where a side setback is given in the TNV) but boundary development can / should be contemplated during a performance assessed assessment given PO 7.1 is written in a way which expects boundary development to occur; or
2. DTS/DPF 7.1 was written to discourage boundary development even in a performance assessment pathway, and that PO 7.1 only expects boundary development to occur where no side setback has been specified.

We are aware that PO/DPF 8.1 provides specific guidance about side setbacks but that policy is not considered to help clarify this PO 7.1.

NPSP Submission - Additional Recommended Inclusions to MTE Code Amendment

Recommend the policy is reworded to be clearer as to when and in what circumstances boundary development should occur. If the intent was that boundary development *should not* occur where a side setback is specified, or at least be subject to a contextual assessment, we would suggest the PO be revised with something to the effect of:

Dwelling boundary walls:

- (a) occur in areas where boundary development is consistent and complementary to the established character of the locality; and
- (b) are limited in height and length to manage visual and overshadowing impacts on adjoining properties

If the intent was to prevent boundary development from occurring through a DTS pathway, but allow a contextual assessment of boundary walls through a PA pathway, we would suggest using two separate policies – one in Table 2 and another in Table 3.

Historic and Character Area Overlay Policies

Most policies in the Historic and Character Area Overlay are worded very generically making them difficult to apply to developments. Additionally, most policies don't refer to the Area Statements which contain more useful policy guidance; PO 1.1 does refer to the Statement but this policy is very general and it would be better other policies also referred to the Statement, for example:

PO 2.2

Development is consistent with the prevailing building and wall heights *expressed in the Area Statement and the surrounding locality.*

This would provide a more direct and clearer link to the Statements and make the policies easier to apply

Historic and Character Area Overlay Building Heights

The following policies are an example of HAO / Zone policies applicable to College Park

Established Neighbourhood Zone DTS/DPF 4.1: *Building height (excluding garages, carports and outbuildings) is no greater than... 2 levels*

HAO PO 2.2: *Development is consistent with the prevailing building and wall heights in the historic area.*

Historic Area Statement NPSP 1: *Building Height: Single storey, two storey in some locations*

The framework for building heights across the Established Neighbourhood Zone + Historic / Character Area Overlay + Historic / Character Area Statement is complex and causes confusion for applicants and community members trying to interpret the Code and understand the development expectations for a site. The zone / TNV provide a numerical figure, the Overlay policies refers to the 'historic area' (and it's not clear whether this is the surrounding locality or the overlay more broadly), and the Statement describes typical heights in the area covered by that Statement. Although the rules of interpretation clarify that Overlay policies take precedence over Zone policies in the event of any inconsistencies, because of the way the Code policies are presented in the Line of Enquiry format, this hierarchy isn't clear and applicants and owners have expressed confusion about the conflicting policies.

There is an opportunity to significantly review the policy framework for historic and character areas to simplify the combination of policies / guidelines / documents which need to be taken into account during an assessment in these areas. However, in the context of this current Code Amendment, the following is recommended:

- HAO / CAO PO 2.2 be amended to specifically refer to the building height given in the Area Statement
- The Line of Enquiry tool is amended to provide greater clarity to users on how to interpret any inconsistencies between zone and overlay policies

General Neighbourhood Zone – Group dwellings & RFBs frontage width

General Neighbourhood PDF 2.1

Minimum frontage widths:

Group Dwellings: 15m (total) // Dwelling within a residential flat building: 15m (total)

A total development site of 15m is generally insufficient to accommodate setbacks, car parking, manoeuvring etc associated with group dwellings and residential flat buildings.

Recommend increasing the frontage width to 18m

NPSP Submission - Additional Recommended Inclusions to MTE Code Amendment

Hammerhead / Battle Axe Developments

The Code lacks guidance on where hammerhead or battle axe developments are appropriate, particularly for historic and character areas.

Recommend including guidance in the Area Statements as to whether hammerhead developments are a typical feature in the locality

Housing Diversity Neighbourhood Zone – Detached Hammerhead Site Area/Frontage in TNV

Housing Diversity Neighbourhood TNV applicable in NPSP:

Minimum site area:	Minimum frontage
<i>Detached dwelling is 330 sqm;</i>	<i>Detached dwelling is 9m;</i>
<i>Semi-detached dwelling is 300 sqm;</i>	<i>Semi-detached dwelling is 8m;</i>
<i>Row dwelling is 200 sqm;</i>	<i>Row dwelling is 5m;</i>
<i>Group dwelling is 200 sqm</i>	<i>Group dwelling is 18m;</i>
	<i>Residential flat building is 18m</i>

The TNV does not distinguish a minimum site area or frontage width for detached dwellings on hammerhead / battleaxe allotments.

In the Development Plan the minimum site areas for detached dwellings were as follows:

Minimum site area (square metres):	Minimum frontage (metres):
<i>Detached dwelling (double garage) – 350</i>	<i>Detached dwelling (double garage) – 12.5</i>
<i>Detached dwelling (single garage) – 330</i>	<i>Detached dwelling (single garage) – 9</i>
<i>Detached dwelling (hammerhead) – 330 (exclusive of the driveway handle)</i>	<i>Detached dwelling (hammerhead) – 4</i>

It is understood that the omission of site area and frontage widths for hammerhead dwellings in the Code TNV was intentional and the Department considers that detached dwellings on hammerhead sites can be assessed on their merits with consideration given to the standard requirements for detached dwellings. However, the site area for detached dwellings (330m²) is insufficient as a total site area if it includes the driveway handle and the frontage width (9m) is too wide for a driveway handle. Hammerhead dwellings are relatively common form of infill development within the HDN Zone. It is considered much more practical for a separate site area and frontage width to be specified for these developments to provide a greater level of consistency and upfront information for applicants

Recommend including a site area and frontage width requirement in the TNV for detached dwellings on a hammerhead / battle-axe allotments. It is noted that this currently exists for the General Neighbourhood Zone as demonstrated below:

<u>Dwelling Type</u>	<u>Minimum site/allotment area per dwelling</u>	<u>Minimum site/allotment frontage</u>
<u>Detached dwelling (not in a terrace arrangement)</u>	300m ² (exclusive of any battle-axe allotment 'handle')	9m where not on a battle-axe site 5m where on a battle-axe site

NPSP Submission - Additional Recommended Inclusions to MTE Code Amendment

Glare from roofs

Although some accepted / DTS criteria relate to ancillary structures not being constructed of highly-reflective material, there appears to be no Code policies relating to glare or reflection from roofs with respect to potential impacts on neighbours (Interface Between Land Uses PO 7.1 only relates to visual impact for motorists and climate impacts).

Recommend a General Development Policy is included and appropriate applied to manage glare from reflective materials, with respect to impacts on adjacent property occupants.

Car parking in front yard

We have had some applications and enquiries seeking to establish a commercial use with car parking in front of the building in circumstances where this would have a negative streetscape impact, but have not had relevant policy to discourage this. We note that car parking in the front yard is discouraged in some, but not many, zones.

Recommend including a new General Development Policy which encourages car parking at the rear of sites rather than in front of buildings, where this is consistent with the locality.

Off-street bicycle parking requirements

The designated areas include a limited number of zones and therefore there are no bicycle parking requirements in many zones. While the relevant policy (Transport Access and Parking PO 9.1) refers to 'adequately sized' bicycle parking facilities, there are no prescriptive requirements in the policy or the table which has led to poorly considered bicycle facility.

We recommend amending the designated areas to include additional zones such as Local Activity Centre, Community Facilities, Employment and Recreation Zones. Also recommend including a requirement to meet bike parking dimensions and other physical design requirements set out in the relevant Australian Standard.

Environmental Performance Policies

We recommend additional policies are included in the Code to provide more detailed guidance for improved environmental performance, so as to 'raise the bar' with respect to climate responsive buildings. Although there are some environmental performance policies included in the Code, these are often not applied to developments in Table 3.

Attachment A – Urban Corridor Policy Comparison

Below is an analysis of Urban Corridor policies which refer to variations on “primary road corridor”, “primary frontage”, “primary street” etc.

Text in **red** will be affected by the proposed Code Amendment and would therefore only apply to State Maintained Roads.

Text in **blue** will not be affected by the proposed Code Amendment.

Above each PO is a brief description of the general intent or purpose of the policy

Urban Corridor (Boulevard)

<p>DO1 BUILT FORM / CONSISTENT FACADE Buildings that achieve a consistent, tall, uniform facade to frame the primary road corridor primary road corridor (ie a State maintained road) that are consistently well set back with areas of significant open space in front, other than in specified areas where a lesser or no setback is desired. Buildings accommodate a mix of compatible residential and non-residential uses including shops and other business activities at ground and lower floor levels with residential land uses above.</p>	
<p>PO 1.3 ACTIVE / VIBRANT FRONTAGE Dwellings developed in conjunction with non-residential uses that positively contribute to making the public realm of the primary road corridor primary road corridor (ie a State maintained road), open space frontage and pedestrian thoroughfares safe, walkable, comfortable, pleasant and vibrant places.</p>	<p>DTS/DPF 1.3 Dwellings in mixed use buildings to be located at the upper floor levels of buildings.</p>
<p>PO 1.5 ACTIVE / VIBRANT FRONTAGE Ground floor uses positively contribute to an active primary road corridor primary road corridor (ie a State maintained road) and open space frontage.</p>	<p>DTS/DPF 1.5 Shop, office, or consulting room uses located on the ground floor level of mixed use buildings fronting the primary road corridor primary road corridor (ie a State maintained road).</p>
<p>PO 2.1 BUILT FORM / CONSISTENT FRAMING Buildings contribute to a consistent framing of the primary road corridor primary road corridor (ie a State maintained road), open space and public spaces and provide visual relief from building mass at street level.</p>	<p>DTS/DPF 2.1 Buildings: <ul style="list-style-type: none"> a) include a clearly defined podium or street wall with a maximum height of 2 levels or 8 metres b) have levels above the defined podium or street wall setback a minimum of 2m from that wall. </p>
<p>PO 2.3 ACTIVE INTERFACE / PASSIVE SURVEILLANCE Buildings designed to create visual connection between the public realm and ground level interior, to ensure an active interface with the primary street frontage and maximise passive surveillance.</p>	<p>DTS/DPF 2.3 Minimum 50% of the ground floor primary frontage of buildings are visually permeable, transparent or clear glazed.</p>
<p>PO 2.4 BUILT FORM / CONSISTENT STREETSCAPE EDGE Buildings setback from the primary street boundaries to provide a consistent streetscape edge with generous landscaping and tall articulated building facades, except in locations where a lesser or no setback is desired to achieve a more prominent, strongly defined, and continuous built form presence to the primary road corridor primary road corridor (ie a State maintained road).</p>	<p>DTS/DPF 2.4 The building line of buildings setback from the primary street boundary: <ul style="list-style-type: none"> a) not less than: <i>TNV</i> or <ul style="list-style-type: none"> b) where no value is returned in DTS/DPF(a): <ul style="list-style-type: none"> i. at least the average setback to the building line of existing buildings on adjoining sites which face the same primary street (including those buildings that would adjoin the site if not separated by a public road or a vacant allotment) ii. where there is only one existing building on adjoining sites which face the same primary street (including those that would adjoin if not separated by a public road or a vacant allotment), not less than the setback to the building line of that building. </p>

Attachment A – Urban Corridor Policy Comparison

	<p>In instances where (a) or (b) do not apply, then none are applicable and the relevant development cannot be classified as deemed-to-satisfy.</p>
<p>PO 3.1 BUILDING HEIGHT Building height consistent with the form expressed in the Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer and otherwise positively responds to the local context including the site's frontage, depth, and adjacent primary corridor primary road corridor (ie a State maintained road) or street width.</p>	<p>DTS/DPF 3.1 Except where a Concept Plan specifies otherwise, development does not exceed the following building height(s): <i>TNV</i> In relation to DTS/DPF 3.1, in instances where:</p> <ul style="list-style-type: none"> a) more than one value is returned in the same field, refer to the Maximum Building Height (Levels) Technical and Numeric Variation layer or Maximum Building Height (Metres) Technical and Numeric Variation layer in the SA planning database to determine the applicable value relevant to the site of the proposed development b) only one value is returned (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other c) no value is returned (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)), then none are applicable and the relevant development cannot be classified as deemed-to-satisfy.
<p>PO 4.2 BUILT FORM TRANSITION ON SECONDARY STREETS Buildings on an allotment fronting a road that is not the primary corridor (ie a State maintained road) primary road corridor (ie a State maintained road) and where land on the opposite side of the road is within a neighbourhood-type zone, provides an orderly transition to the built form scale envisaged in the adjacent zone to complement the streetscape character.</p>	
<p>PO 5.1 SIGNIFICANT DEVELOPMENT SITES Consolidation of significant development sites (a site with a frontage over 25m to a primary road corridor primary road corridor (ie a State maintained road) and over 2500m² in area, which may include one or more allotments) to achieve increased development yield provided that off-site impacts can be managed and broader community benefit is achieved in terms of design quality, community services, affordable housing provision, or sustainability features.</p>	<p>DTS/DPF 5.1 Development on significant development sites (a site with a frontage over 25m to a primary road corridor primary road corridor (ie a State maintained road) and over 2500m² in area) up to 30% above the maximum building height specified in DTS/DPF 3.1 (rounded to the nearest whole number) where it:</p> <ul style="list-style-type: none"> a) incorporates the retention, conservation and reuse of a building which is a listed heritage place or an existing built form and context that positively contributes to the character of the local area b) includes more than 15% of dwellings as affordable housing; or c) includes at least: <ul style="list-style-type: none"> (i) three of the following: <ul style="list-style-type: none"> A. high quality open space that is universally accessible and is directly connected to, and well integrated with, public realm areas of the street B. high quality, safe and secure, universally accessible pedestrian linkages that connect through the development site C. active uses are located on the public street frontages of the building, with any above ground car parking located behind

Attachment A – Urban Corridor Policy Comparison

	<ul style="list-style-type: none"> D. a range of dwelling types that includes at least 10% of 3+ bedroom apartments E. a child care centre <p>and</p> <ul style="list-style-type: none"> (ii) three of the following: <ul style="list-style-type: none"> A. a communal useable garden integrated with the design of the building that covers the majority of a rooftop area supported by services that ensure ongoing maintenance B. living landscaped vertical surfaces of at least 50m2 supported by services that ensure ongoing maintenance C. passive heating and cooling design elements including solar shading integrated into the building D. higher amenity through provision of private open space in excess of minimum requirements by 25% for at least 50% of dwellings.
<p>PO 5.2 SIGNIFICANT DEVELOPMENT SITES Development on a significant development site (a site with a frontage over 25m to a primary road corridor primary road corridor (ie a State maintained road) and over 2500m² in area) designed to minimise impacts on residential uses in adjacent zones with regard to intensity of use, overshadowing, massing and building proportions.</p>	<p>DTS/DPF 5.2 Development on a significant development site (a site with a frontage over 25m to a primary road corridor primary road corridor (ie a State maintained road) and over 2500m² in area) that: <ul style="list-style-type: none"> a) is constructed within zone's Interface Building Height provision as specified DTS/DPF4.1 b) locates non-residential activities and higher density elements towards the primary road corridor primary road corridor (ie a State maintained road) c) locates taller building elements towards the primary road corridor primary road corridor (ie a State maintained road). </p>
<p>PO 6.1 NO ADDITIONAL CROSSOVERS Development does not result in additional crossovers on the primary street frontage, except where rationalising existing crossovers on consolidated sites and is designed to minimise conflicts with pedestrians and cyclists and minimise disruption to the continuity of built form</p>	<p>DTS/DPF 6.1 Vehicular access to be provided: <ul style="list-style-type: none"> a) via side streets or rear lanes provided there is no negative impact on residential amenity within the zone and in adjacent zones; or b) where it consolidates or replaces existing crossovers. </p>

Attachment A – Urban Corridor Policy Comparison

URBAN CORRIDOR (BUSINESS) ZONE

<p>D01 BUILDING ORIENTATION A medium rise mixed use zone with a strong focus on employment, which accommodates a diverse range of commercial and light industrial land uses together with compatible medium density residential development oriented towards a primary road corridor primary road corridor (ie a State maintained road).</p>	
<p>PO 1.4 ACTIVE / VIBRANT FRONTAGES Dwellings primarily developed in conjunction with non-residential uses to support local business, activities and contribute to making the primary road corridor primary road corridor (ie a State maintained road) and pedestrian thoroughfares safe, walkable, comfortable, pleasant and vibrant places</p>	<p>DTS/DPF 1.4 Dwellings developed in conjunction with non-residential uses sited: a) at upper levels of buildings with non-residential uses located at ground level or b) behind non-residential uses on the same allotment.</p>
<p>PO 1.5 ACTIVE / VIBRANT FRONTAGES Ground floor uses positively contribute to an active primary road corridor primary road corridor (ie a State maintained road).</p>	<p>DTS/DPF 1.5 Shop, office, or consulting room uses located on the ground floor level of mixed use buildings fronting the primary road corridor primary road corridor (ie a State maintained road).</p>
<p>PO 2.2 ACTIVE FRONTAGE / PASSIVE SURVEILLANCE Buildings designed to create visual connection between the public realm and ground level interior, to ensure an active interface with the primary street frontage and maximise passive surveillance.</p>	<p>DTS/DPF 2.2 Minimum 50% of the ground floor primary frontage of buildings are visually permeable, transparent or clear glazed.</p>
<p>PO 2.3 BUILT FORM / CONSISTENT STREETSCAPE EDGE Buildings setback from the primary street boundaries contribute to the consistent established streetscape, except in locations where no setback is desired to achieve a more prominent, strongly defined, and continuous built form presence to the primary road corridor primary road corridor (ie a State maintained road).</p>	<p>DTS/DPF 2.3 The building line of buildings set back from the primary street boundary: a) not less than: TNV or b) where no value is returned in DTS/DPF(a): i. at least the average setback to the building line of existing buildings on adjoining sites which face the same primary street (including those buildings that would adjoin the site if not separated by a public road or a vacant allotment) ii. where there is only one existing building on adjoining sites which face the same primary street (including those that would adjoin if not separated by a public road or a vacant allotment), not less than the setback to the building line of that building. In instances where (a) or (b) do not apply, then none are applicable and the relevant development cannot be classified as deemed-to-satisfy.</p>
<p>PO 3.1 BUILDING HEIGHT Building height consistent with the form expressed in the Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer and positively responds to the local context including the site's frontage, depth, and adjacent primary corridor primary road corridor (ie a State maintained road) or street width.</p>	<p>DTS/DPF 3.1 Except where a Concept Plan specifies otherwise, development does not exceed the following building height(s): TNV In relation to DTS/DPF 3.1, in instances where: a) more than one value is returned in the same field, refer to the Maximum Building Height (Levels) Technical and Numeric Variation layer or Maximum Building Height (Metres) Technical and Numeric</p>

Attachment A – Urban Corridor Policy Comparison

	<p>Variation layer in the SA planning database to determine the applicable value relevant to the site of the proposed development</p> <ul style="list-style-type: none"> b) only one value is returned (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other c) no value is returned (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)), then none are applicable and the relevant development cannot be classified as deemed-to-satisfy.
<p>PO 4.2 BUILT FORM TRANSITION ON SECONDARY STREETS Buildings on an allotment fronting a road that is not the primary corridor (ie a State maintained road) primary road corridor (ie a State maintained road) and where land on the opposite side of the road is within a neighbourhood-type zone, provides an orderly transition to the built form scale envisaged in the adjacent zone to complement the streetscape character.</p>	
<p>PO 5.1 SIGNIFICANT DEVELOPMENT SITES Consolidation of significant development sites (a site with a frontage over 25m to a primary road corridor primary road corridor (ie a State maintained road) and over 2500m² in area, which may include one or more allotments) to achieve increased development yield provided that off-site impacts can be managed and broader community benefit is achieved in terms of design quality, community services, affordable housing provision, or sustainability features.</p>	<p>DTS/DPF 5.1 Development on significant development sites up to 30% above the maximum building height specified in DTS/DPF 3.1 (rounded to the nearest whole number) where it:</p> <ul style="list-style-type: none"> a) incorporates the retention, conservation and reuse of a building which is a listed heritage place or an existing built form and context that positively contributes to the character of the local area b) includes more than 15% of dwellings as affordable housing; or c) includes at least: <ul style="list-style-type: none"> (i) three of the following: <ul style="list-style-type: none"> A. high quality open space that is universally accessible and is directly connected to, and well integrated with, public realm areas of the street B. high quality, safe and secure, universally accessible pedestrian linkages that connect through the development site C. active uses are located on the public street frontages of the building, with any above ground car parking located behind D. a range of dwelling types that includes at least 10% of 3+ bedroom apartments E. a child care centre and (ii) three of the following: <ul style="list-style-type: none"> A. a communal useable garden integrated with the design of the building that covers the majority of a rooftop area supported by services that ensure ongoing maintenance B. living landscaped vertical surfaces of at least 50m² supported by services that ensure ongoing maintenance C. passive heating and cooling design elements including solar shading integrated into the building

Attachment A – Urban Corridor Policy Comparison

	D. higher amenity through provision of private open space in excess of minimum requirements by 25% for at least 50% of dwellings.
<p>PO 5.2 SIGNIFICANT DEVELOPMENT SITES Development on a significant development site (a site with a frontage to a primary road corridor primary road corridor (ie a State maintained road) and over 2500m2 which may include one or more allotments) designed to minimise impacts on residential uses in adjacent zones with regard to intensity of use, overshadowing, massing and building proportions.</p>	<p>DTS/DPF 5.2 Development that:</p> <ul style="list-style-type: none"> a) is constructed within zone's Interface Building Height provision as specified DTS/DPF 4.1 b) locates non-residential activities and higher density elements towards the primary road corridor primary road corridor (ie a State maintained road) c) locates taller building elements towards the primary road corridor primary road corridor (ie a State maintained road).
<p>PO 6.1 NO ADDITIONAL CROSSOVERS Development does not result in additional crossovers on the primary street frontage, except where rationalising existing crossovers on consolidated sites and is designed to minimise conflicts with pedestrians and cyclists and minimise disruption to the continuity of built form.</p>	<p>DTS/DPF 6.1 Vehicular access to be provided:</p> <ul style="list-style-type: none"> a) via side streets or rear lanes provided there is no negative impact on residential amenity within the zone and in adjacent zones or b) where it consolidates or replaces existing crossovers.

Attachment A – Urban Corridor Policy Comparison

URBAN CORRIDOR (LIVING) ZONE

<p>DO 1 BUILDING ORIENTATION A mixed use area with a strong residential focus that provides a diverse range of medium density housing options primarily in multi-level medium rise buildings supported by compatible non-residential land uses oriented towards a primary road corridor primary road corridor (ie a State maintained road), high frequency public transport route, activity centre or significant open space.</p>	
<p>PO 2.1 BUILT FORM / STREETSCAPE Buildings positively contribute to a continuous framing of the primary road / public transport corridor primary road corridor (ie a State maintained road) and public realm, and provide visual relief from building scale and massing from the ground level public realm.</p>	<p>DTS/DPF 2.1 Buildings: a) include a clearly defined podium or street wall with a maximum building height of 2 building levels or 8m in height b) have levels above the defined podium or street wall setback a minimum of 2m from that wall.</p>
<p>PO 2.2 BUILT FORM / CONSISTENT STREETSCAPE EDGE Buildings setback from the primary street boundaries are consistent with the established streetscape, except in locations where no setback is desired to achieve a more prominent, strongly defined, and continuous built form presence to the primary road corridor primary road corridor (ie a State maintained road).</p>	<p>DTS/DPF 2.2 The building line of buildings set back from the primary street boundary: a) not less than: <i>TNV</i> or b) where no value is returned in DTS/DPF(a): i. at least the average setback to the building line of existing buildings on adjoining sites which face the same primary street (including those buildings that would adjoin the site if not separated by a public road or a vacant allotment) ii. where there is only one existing building on adjoining sites which face the same primary street (including those that would adjoin if not separated by a public road or a vacant allotment), not less than the setback to the building line of that building. In instances where (a) or (b) do not apply, then none are applicable and the relevant development cannot be classified as deemed-to-satisfy.</p>
<p>PO 3.1 BUILDING HEIGHT Building height consistent with the form expressed in the Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer and positively responds to the local context including the site's frontage, depth, and adjacent primary corridor primary road corridor (ie a State maintained road) or street width.</p>	<p>DTS/DPF 3.1 Except where a Concept Plan specifies otherwise, development does not exceed the following building height(s): <i>TNV</i> In relation to DTS/DPF 3.1, in instances where: a) more than one value is returned, refer to the Maximum Building Height (Levels) Technical and Numeric Variation layer or Maximum Building Height (Metres) Technical and Numeric Variation layer in the SA planning database to determine the applicable value relevant to the site of the proposed development b) only one value is returned (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other c) no value is returned (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)), then none are applicable and the relevant development cannot be classified as deemed-to-satisfy.</p>

Attachment A – Urban Corridor Policy Comparison

<p>PO 4.2 BUILT FORM TRANSITION ON SECONDARY STREETS Buildings on an allotment fronting a road that is not the primary corridor (ie a State maintained road) primary road corridor (ie a State maintained road) and where land on the opposite side of the road is within a neighbourhood-type zone, provides an orderly transition to the built form scale envisaged in the adjacent zone to complement the streetscape character.</p>	
<p>PO 5.1 SIGNIFICANT DEVELOPMENT SITES Consolidation of significant development sites (a site with a frontage over 25m to a primary road corridor primary road corridor (ie a State maintained road) and over 2500m2 in area, which may include one or more allotments) to achieve increased development yield provided that off-site impacts can be managed and broader community benefit is achieved in terms of design quality, community services, affordable housing provision, or sustainability features.</p>	<p>DTS/DPF 5.1 Development on significant development sites up to 30% above the maximum building height specified in DTS/DPF 3.1 (rounded to the nearest whole number) where it:</p> <ul style="list-style-type: none"> a) incorporates the retention, conservation and reuse of a building which is a listed heritage place or an existing built form and context that positively contributes to the character of the local area b) includes more than 15% of dwellings as affordable housing; or c) includes at least: <ul style="list-style-type: none"> (i) three of the following: <ul style="list-style-type: none"> A. high quality open space that is universally accessible and is directly connected to, and well integrated with, public realm areas of the street B. high quality, safe and secure, universally accessible pedestrian linkages that connect through the development site C. active uses are located on the public street frontages of the building, with any above ground car parking located behind D. a range of dwelling types that includes at least 10% of 3+ bedroom apartments E. a child care centre and (ii) three of the following: <ul style="list-style-type: none"> A. a communal useable garden integrated with the design of the building that covers the majority of a rooftop area supported by services that ensure ongoing maintenance B. living landscaped vertical surfaces of at least 50m2 supported by services that ensure ongoing maintenance C. passive heating and cooling design elements including solar shading integrated into the building D. higher amenity through provision of private open space in excess of minimum requirements by 25% for at least 50% of dwellings.
<p>PO 6.1 NO ADDITIONAL CROSSOVERS Development does not result in additional crossovers on the primary street frontage, except where rationalising existing crossovers on consolidated sites and is designed to minimise conflicts with pedestrians and cyclists and minimise disruption to the continuity of built form.</p>	<p>DTS/DPF 6.1 Vehicular access to be provided:</p> <ul style="list-style-type: none"> a) via side streets or rear lanes provided there is no negative impact on residential amenity within the zone and in adjacent zones or b) where it consolidates or replaces existing crossovers.

Attachment A – Urban Corridor Policy Comparison

PO 6.2 CAR PARKING LOCATION

Development is designed to ensure car parking is located avoid negative impacts on the ~~primary corridor~~ primary road corridor (ie a State maintained road) streetscape.

DTS/DPF 6.2

Vehicle parking garages located behind buildings away from the primary main street frontage.

Attachment A – Urban Corridor Policy Comparison

URBAN CORRIDOR (MAIN STREET) ZONE

<p>PO 1.3 Ground floor uses contribute to a safe, active and vibrant main street.</p>	<p>DTS/DPF 1.3 ACTIVE FRONTAGE Shop, office, or consulting room uses located on the ground floor level of buildings fronting the primary road corridor primary road corridor (ie a State maintained road).</p>
<p>PO 2.6 BUILT FORM / ACTIVE STREETScape Buildings sited on the primary street boundary to achieve a continuity of built form frontage to the main street, with the occasional section of building set back to create outdoor dining areas, visually interesting building entrances and intimate but vibrant spaces.</p>	<p>DTS/DPF 2.6 Buildings with a 0m setback from the primary street boundary, with the exception of minor setbacks to accommodate outdoor dining areas.</p>
<p>PO 3.1 BUILDING HEIGHT Building height is consistent with the form expressed in the Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer and otherwise positively responds to the local context including the site's frontage, depth, and adjacent primary corridor primary road corridor (ie a State maintained road) or street width.</p>	<p>DTS/DPF 3.1 Except where a Concept Plan specifies otherwise, development does not exceed the following building height(s): <i>TNV</i> In relation to DTS/DPF 3.1, in instances where:</p> <ul style="list-style-type: none"> a) more than one value is returned in the same field, refer to the Maximum Building Height (Levels) Technical and Numeric Variation layer or Maximum Building Height (Metres) Technical and Numeric Variation layer in the SA planning database to determine the applicable value relevant to the site of the proposed development b) only one value is returned (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other c) no value is returned (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)), then none are applicable and the relevant development cannot be classified as deemed-to-satisfy.
<p>PO 4.2 BUILT FORM TRANSITION ON SECONDARY STREETS Buildings on an allotment fronting a road that is not the primary corridor (ie a State maintained road)-primary road corridor (ie a State maintained road) and where land on the opposite side of the road is within a neighbourhood-type zone, provides an orderly transition to the built form scale envisaged in the adjacent zone to complement the streetscape character.</p>	
<p>PO 5.1 SIGNIFICANT DEVELOPMENT SITES Consolidation of significant development sites (a site with a frontage over 25m to a primary road corridor primary road corridor (ie a State maintained road) and over 1500m2 in area, which may include one or more allotments) to achieve increased development yield, provided that off-site impacts can be managed and broader community benefit is achieved in terms of design quality, community services, affordable housing provision, or sustainability features.</p>	<p>DTS/DPF 5.1 Development on significant development sites (a site with a frontage over 25m to a primary road corridor primary road corridor (ie a State maintained road) and over 1500m2 in area, which may include one or more allotments) up to 30% above the maximum building height specified in DTS/DPF 3.1 (rounded to the nearest whole number) where it:</p> <ul style="list-style-type: none"> a) incorporates the retention, conservation and reuse of a building which is a listed heritage place or an existing built form and context that positively contributes to the character of the local area b) includes more than 15% of dwellings as affordable housing or c) includes at least:

Attachment A – Urban Corridor Policy Comparison

	<ul style="list-style-type: none"> i. three of the following: <ul style="list-style-type: none"> A. high quality open space that is universally accessible and is directly connected to, and well integrated with, public realm areas of the street B. high quality, safe and secure, universally accessible pedestrian linkages that connect through the development site C. active uses are located on the public street frontages of the building, with any above ground car parking located behind D. a range of dwelling types that includes at least 10% of 3+ bedroom apartments; E. a child care centre ii. three of the following: <ul style="list-style-type: none"> A. a communal useable garden integrated with the design of the building that covers the majority of a rooftop area supported by services that ensure ongoing maintenance; B. living landscaped vertical surfaces of at least 50m2 supported by services that ensure ongoing maintenance C. passive heating and cooling design elements including solar shading integrated into the building D. higher amenity through provision of private open space in excess of minimum requirements by 25% for at least 50% of dwellings.
<p>PO 5.2 SIGNIFICANT DEVELOPMENT SITES Development on a significant development site (a site with a frontage over 25m to a primary road corridor primary road corridor (ie a State maintained road) and over 1500m2 in area, which may include one or more allotments) designed to minimise impacts on residential uses in adjacent zones with regard to intensity of use, overshadowing, massing and building proportions.</p>	<p>DTS/DPF 5.2 Development on a significant development site (a site with a frontage over 25m to a primary road corridor and over 1500m2 in area, which may include one or more allotments) that: <ul style="list-style-type: none"> a) is constructed within the zone's Interface Building Height provision as specified DTS/DPF 4.1 b) locates non-residential activities and higher density elements towards the primary road corridor c) locates taller building elements towards the primary road corridor </p>
<p>PO 6.2 Development is designed to ensure car parking is located to avoid negative impacts on the main street rhythm and activation.</p>	<p>DTS/DPF 6.2 CAR PARKING LOCATION Vehicle parking garages located behind buildings away from the primary main street frontage.</p>

From: [PlanSA Submissions](#)
To: [DTI:PlanSA Submissions](#)
Subject: Public Consultation submission for Miscellaneous Technical Enhancement Code Amendment
Date: Friday, 23 September 2022 3:06:03 PM
Attachments: [CGVC_Response_to_MTE_Code_Amendment.pdf](#)

PlanSA,

Submission Details

Amendment: Miscellaneous Technical Enhancement Code Amendment
Customer type: Council
Given name: Henry
Family name: Beesley
Organisation: Clare and Gilbert Valleys Council
Email address:
Phone number:
My overall view is: I support the Code Amendment
Comments: See attached.
Attachment 1: [CGVC_Response_to_MTE_Code_Amendment.pdf](#), type application/pdf, 330.0 KB
Attachment 2: No file uploaded
Attachment 3: No file uploaded
Attachment 4: No file uploaded
Attachment 5: No file uploaded
Sent to proponent email: plansasubmissions@sa.gov.au



CLARE & GILBERT
VALLEYS COUNCIL

23 September 2022

Dear Sir/Madam,

Re: Miscellaneous Technical Enhancement Code Amendment

I write on behalf of the Clare and Gilbert Valleys Council (CGVC) in response to the Miscellaneous Technical Enhancement Code Amendment currently on public consultation. Thank you for giving the CGVC the chance to review and provide a written submission in response to this code amendment.

To provide some background, the CGVC is a relatively small Council with limited resources. We have recently seen substantial staff turnover, with two new planning officers (including myself) commencing this year. As a result of this turnover/transition period, the CGVC was unable to provide an input into the pre-consultation phase of the MTE code amendment in which the technical amendments that make up the MTE code amendment were initially raised by relevant stakeholders.

In reviewing technical amendments forming part of the MTE code amendment, the CGVC is generally supportive of the technical amendments put forward. We believe the changes will result in improved outcomes, will see a number of anomalies/errors we frequently come across (namely to do with POs not being generated for specific forms of development or the wrong POs being applied) rectified and the further refinement to both the tourist accommodation definition and tourist accommodation in a Rural Zone assessment criteria, which will be of great benefit to us.

We understand that this consultation period is a chance to review and comment on the technical amendments put forward in the early days of this code amendment. We also understand that this process will be one that is repeated at various intervals (be it annually or bi-annually). With this in mind, there are two matters that are not raised as part of the MTE code amendment that the CGVC wishes to be considered as part of the next available MTE code amendment process (or preferably if possible, this code amendment):

- **Dwellings/Dwelling Additions** – We could like to see 'Design in Urban Neighbourhood DO/DPF 20.2 applied to dwellings (of all typologies) and dwelling additions in the Neighbourhood Zone, Rural Neighbourhood Zone, Township Zone and Rural Living Zone. This provision relates to articulation of front facades. From time to time a dwelling will be submitted in these zones (typically a detached dwelling) that will feature limited façade articulation. However, as this provision is not generated via the applicable policy document, we are unable to assess against this provision. The only two provisions that relate to front elevations we have to assess against are 'Design – PO 11.1 and 11.2', which relate to dwellings consisting of a window that presents to the street (for passive surveillance) and a front door/entry that provides a legible entry point for visitors. The lack of PO/DPF 20.2 has seen dwellings with a poor presentation/lack of articulation to the streetscape approved,



CLARE & GILBERT VALLEYS COUNCIL

whereas if this policy was available for us to assess against, applicants could be held to a higher standard of articulation. Noting that this provision is applicable in a suburban Adelaide context, we see no reason as to why this couldn't be applied to the zones identified in the CGVC area, and other rural Councils, to strive for better design outcomes. Good design outcomes should be across the State, not just metropolitan areas

- **Agricultural Buildings in Rural Zone** – There is an anomaly where the accepted development pathway requires that an agricultural building be finished in pre-coloured steel sheeting or painted a non-reflective colour. Most agricultural buildings we see are zincalume, thus the accepted development pathway cannot be applied. However, when assessing the same proposal against the Deemed to Satisfy assessment criteria, no mention of pre-treated colours or painted surfaces are mentioned. Essentially outbuildings that would otherwise be accepted development but cannot be as they are proposed to be clad in zincalume are signed off as Deemed to Satisfy where the use of zincalume sheeting is not queried at all. Zincalume either has to be a DTS consideration or the requirement for pre-sheeted/painted surfaces at the accepted development level needs to be dropped.

To summarise, the CGVC is supportive of the technical amendments put forward as part of this MTE amendment however if possible, we would like to see the above adopted within this code amendment or a future code amendment as quickly as possible.

We look forward to being more involved in the next MTE code amendment process.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Henry Beesley'.

Henry Beesley
Planning Officer - Development & Community

From: [PlanSA Submissions](#)
To: [DT1:PlanSA Submissions](#)
Subject: Public Consultation submission for Miscellaneous Technical Enhancement Code Amendment
Date: Friday, 23 September 2022 3:21:08 PM
Attachments: [MTE_Code_Amendment_Cover_Letter.pdf](#)
[MTE_Code_Amendment_Council_comments.pdf](#)

PlanSA,

Submission Details

Amendment: Miscellaneous Technical Enhancement Code Amendment
Customer type: Council
Given name: Glenn
Family name: Searle
Organisation: Mount Barker District Council
Email address:
Phone number:
My overall view is: I am impartial about the Code Amendment
Comments: see attached documents
Attachment 1: [MTE_Code_Amendment_Cover_Letter.pdf](#), type application/pdf, 67.6 KB
Attachment 2: [MTE_Code_Amendment_Council_comments.pdf](#), type application/pdf, 698.5 KB
Attachment 3: No file uploaded
Attachment 4: No file uploaded
Attachment 5: No file uploaded
Sent to proponent email: plansasubmissions@sa.gov.au



**MOUNT BARKER
DISTRICT COUNCIL**

Reference: DOC/22/122635

23 September 2022

Mr. Craig Holden
Chair
State Planning Commission
GPO BOX 1815
ADELAIDE SA 5001

Dear Mr. Holden,

RE: Miscellaneous Technical Enhancement Code Amendment – Mount Barker Council comments

I write in response to the Miscellaneous Technical Enhancement Code Amendment (MTE Code Amendment) that the State Planning Commission has prepared and released for public consultation.

Council staff support the regular review of the Code and we note the depth and breadth of the review that the Commission has undertaken. We are especially encouraged that the Commission are seeking to implement feedback received from Councils, industry and the community in the 12 months since the implementation of the Code.

Council staff have undertaken a detailed review of the Code Amendment and Attachment A and provide the attached spreadsheet outlining our thoughts and comments. We note that the majority of the changes proposed are relatively minor and fix grammatical, spelling or interpretation errors currently within the Code.

However, there are some areas, such as the definition of ancillary accommodation, boundary realignments, deemed to satisfy assessment pathways and the removal of Overlays that Council believes requires a greater level of investigations before these can be implemented.

Council staff remain committed to working with the State Planning Commission in the review of the Code and the implementation of the MTE Code Amendment.

Please do not hesitate to contact Glenn Searle, Senior Strategic Planner, on
or email: should you require any further information.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'M Walker', with a large loop and a trailing flourish.

Madeleine Walker
Manager Strategic and Community Planning

SECTION	ISSUE	SUPPORT (Y/N)?	COMMENTS
	Limited Dwelling Overlay		<ul style="list-style-type: none"> • Can this be applied to the St. Ives paper town?
2.3.1.2	Spatial maintenance updates	Investigations required	<ul style="list-style-type: none"> • How would maintenance updates work with the new bushfire mapping that will need to change with urban expansion (i.e. changing from medium areas to urban)? • How would this work with changed flood conditions through mitigation works? • Can Local Heritage Items be removed when demolition approval has been granted and undertaken? • Will there be a public record of these minor amendments in case we need to reference changes to a particular site over time?
2.3.2.3	Master Planned Zones – Site dimensions and land division	Yes	<ul style="list-style-type: none"> • Support - Adding the word “concept plan” to PO 11.3 – this isn’t very impactful on Mount Barker as our concept plans don’t show allotment layouts (just access, creeks, etc.
2.3.2.4	Rural Zone – Detached Dwelling Interface between land uses – linkages	Yes	<ul style="list-style-type: none"> • Support – this adds needed assessment criteria
2.3.2.5	Rural Zone – detached dwellings - linkages	Yes	<ul style="list-style-type: none"> • Support – currently an incorrect PO is being called up, this amendment rectifies this problem
2.3.2.6	Rural Zone – land division / boundary realignment - linkages	Yes	<ul style="list-style-type: none"> • Support - the linkage of policy. • However, the Commission needs to ensure that there is sufficient policy to assess boundary realignments notwithstanding the existence of the EFPA.
2.3.2.9	Restricted Development Table 4		
2.3.2.9.1	Industry (Employment,	More work required	<ul style="list-style-type: none"> • Not sure why the SCAP were the Relevant Authority in the first place. • The addition of Special Industry is supported.

	Suburban Business, LAC, SAC, Township, Township Activity Centre and Urban Activity Centre Zone		<ul style="list-style-type: none"> • However, the Commission needs to ensure that there is sufficient policy to assess the impact of industrial land uses in close proximity to residential land uses as occurs in Mount Barker Councils LAC, SAC, Township, Township Activity Centre and Urban Activity Centre Zones.
2.3.2.9.2	Land Division within the Limited Land Division Overlay	No	<ul style="list-style-type: none"> • This does nothing to deal with boundary realignments which are the predominant form of land division within the areas covered by the Limited Land Division Overlay • We recommend that new policy is introduced to deal with situation where boundary realignment occurs • This policy needs to apply land division principles from the SAPPL Mount Lofty Ranges Watershed Area Overlay that deal with boundary realignments • <i>Land division should only occur if no additional allotments are created wholly or partly in the Mount Lofty Ranges Watershed and where one or more of the following applies:</i> <ul style="list-style-type: none"> (a) <i>the proposal is for a minor readjustment of allotment boundaries to correct an anomaly in the placement of those boundaries with respect to the location of existing buildings or structures.</i> (b) <i>the proposal is to alter the boundaries of an allotment in order to improve the management of the land for the purpose of primary production and/or the conservation of natural features.</i> • <i>Land should not be divided, nor allotment boundaries rearranged when the proposal is likely to result in an increased risk of pollution of surface or underground water.</i> • <i>The realignment of boundaries should not result in the creation of development potential for a dwelling and associated wastewater management system, where no potential currently exists.</i>
2.3.2.9.3	Limited Dwelling Overlay	Yes	<ul style="list-style-type: none"> • Support • However, the PO & DTS seem to be at odds with each other • “PO 1.1: Development does not result in the establishment of a new dwelling”

			<ul style="list-style-type: none"> • “DTS/DPF 1.1: A new dwelling replaces an existing dwelling within the same allotment” • PO 1.1 says no new dwelling, but DTS/DPF 1.1 says a new dwelling is ok if it replaces an existing dwelling
2.3.2.9.5	Dwelling and land division within the Deferred Urban Zone	Yes	<ul style="list-style-type: none"> • Support • We would prefer a pathway to be able to give an early no to land divisions within the deferred urban zone. • However, the new PO 2.3 should assist with the assessment
2.3.2.9.6	Employment Zone	More work required	<ul style="list-style-type: none"> • The Commission needs to ensure that there is sufficient policy to assess the impact of waste reception, storage, treatment or disposal or wrecking yards proposals. • How will the impacts of industry on land uses outside of the notification area be dealt with?
2.3.2.9.9	Significant Management Overlay	Yes	<ul style="list-style-type: none"> • Support – This appears to reinstate the intent of the Dev Plan 350m setback from the sewerage ponds
	Rural Zone	Yes	<ul style="list-style-type: none"> • Support – No concerns as Zone is contained within the EFPA so land division for new residential allotments could not be supported
	Local Activity Centre Zone	More work required	<ul style="list-style-type: none"> • Support the addition of special industry but are there enough provisions within the zone/policy to adequately assess inappropriate industrial land uses? • This has not been shown to be the case in the Code Amendment document
	Productive Rural Landscape Zone	More work required	<ul style="list-style-type: none"> • It appears that all of our Productive Rural Landscape Zone is contained within the EFPA so land division for new residential allotments could not be supported • But the “investigations” listed are flawed as boundary realignment within this area has no policy that would be useful to assess it (PO 1.1 and DTS/DPF 1.1 as listed are not helpful as they only deal with the creation of an additional allotment) • We recommend that new policy is introduced to deal with situation where boundary realignment occurs • This policy needs to apply land division principles from the SAPPL Mount Lofty Ranges Watershed Area Overlay that deal with boundary realignments

			<ul style="list-style-type: none"> • <i>Land division should only occur if no additional allotments are created wholly or partly in the Mount Lofty Ranges Watershed and where one or more of the following applies:</i> <ul style="list-style-type: none"> (a) <i>the proposal is for a minor readjustment of allotment boundaries to correct an anomaly in the placement of those boundaries with respect to the location of existing buildings or structures.</i> (b) <i>the proposal is to alter the boundaries of an allotment in order to improve the management of the land for the purpose of primary production and/or the conservation of natural features.</i> • <i>Land should not be divided, nor allotment boundaries rearranged when the proposal is likely to result in an increased risk of pollution of surface or underground water.</i> • <i>The realignment of boundaries should not result in the creation of development potential for a dwelling and associated wastewater management system, where no potential currently exists.</i>
	Suburban Activity Zone	Investigations required	<ul style="list-style-type: none"> • Support the addition of special industry but are there enough provisions within the zone/policy to assess new industrial land uses?
	Suburban Main Street Zone	Investigations required	<ul style="list-style-type: none"> • Support the addition of special industry but are there enough provisions within the zone/policy to assess new industrial land uses?
	Township Zone (this is located at the old Chapmans site)	Investigations required	<ul style="list-style-type: none"> • What will be the interaction between the sub-zone, the Township Zone and this policy change? • This has not been shown to be the case in the Code Amendment document
	Township Main Street Zone	Investigations required	<ul style="list-style-type: none"> • This Zone is located over the historic Hahndorf main street, therefore it is extremely important to ensure that there is satisfactory policy to deal with industrial land uses within this State significant tourist locality
	Urban Activity Centre Zone	Investigations required	<ul style="list-style-type: none"> • Support the addition of special industry but are there enough provisions within the zone/policy to discourage new industrial land uses? • This has not been shown to be the case in the Code Amendment document


2.3.2.10	Notification Tables		
	Multiple Zones – Demolition (or partial demolition) of a State or Local Heritage Place	No	<ul style="list-style-type: none"> • The wording of this exception may inadvertently capture newly listed local heritage places that don't fit in with a listed style building that listed in the Historic Area Statement (for example an art-deco building located within a Federation style Historic Area Statement). • A way around this issue could be to have the exception as: <ul style="list-style-type: none"> ○ The building is a State or Local Heritage Building <li style="text-align: center;">OR ○ The Relevant Authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated • The only other fix for this issue to undertake a comprehensive review of all State and Local Heritage items to ensure that they have historic attributes that are identified in the Historic Area Statement. • The next step would be to ensure that any Code Amendment that elevates a Local Heritage Item updates the Historic Area Statement
	Neighbourhood Zone	Yes	<ul style="list-style-type: none"> • Support - Increasing the length of the boundary wall from 11m to 11.5m seems minor
	Township Zone	Yes	<ul style="list-style-type: none"> • Support - Former Chapmans site - Increasing the length of the boundary wall from 8m to 11.5m is acceptable
	All Zones (adding minor rule)	Yes	<ul style="list-style-type: none"> • Support – the Relevant Authority should be able to consider something as minor in the context of the locality
	Caravan and Tourist Park Zone Table 5 Clause 3	Yes	<ul style="list-style-type: none"> • No issues with allowing for the construction of minor developments such as: Air con units, carport, fence, outbuilding, retaining wall, shade sail, solar PV, swimming pool, verandah, water tank
	Community Facilities Zone Table 5 clause 3	Yes	<ul style="list-style-type: none"> • The allowance for the construction of minor developments is supported as the listed forms aren't tall or dominant. • Generally, parcels of land within the Community Facilities Zone are large and contain facilities that are run by State or Local Government.

	Conservation Zone Table 5 clause 2	More work required	<ul style="list-style-type: none"> • Not sure about having land division as a form of development exempt from public notification – conservation parks are increasingly used for commercial and recreational land uses and not just for conservation purposes. These the creation of smaller parcels of land for these uses is something that the public traditionally comment on.
	Employment Zone Table 5 clause 4	Yes	<ul style="list-style-type: none"> • The allowance for the construction of minor developments is supported as the listed forms aren't tall or dominant. • In addition the forms of development listed generally aren't likely to impact neighbouring land uses
	Established Neighbourhood Zone Table 5 clause 3	More work required	<ul style="list-style-type: none"> • There needs to be some limits on the size of the structures (height, length, length on boundary, footprint, etc.) that are exempt from public notification. • If there are no limits in place then Council's will deal with an increased number of complaints from neighbours when large structures are constructed on or near the boundary
	Home Industry Table 5 clause 4	More work required	<ul style="list-style-type: none"> • There needs to be some limits on the size of the structures (height, length, length on boundary, footprint, etc.) that are exempt from public notification. • If there are no limits in place then Council's will deal with an increased number of complaints from neighbours when large structures are constructed on or near the boundary
	Housing Diversity Neighbourhood Zone Table 5 clause 6	More work required	<ul style="list-style-type: none"> • There needs to be some limits on the size of the structures (height, length, length on boundary, footprint, etc.) that are exempt from public notification. • If there are no limits in place then Council's will deal with an increased number of complaints from neighbours
	Local Activity Centre Zone Table 5 clause 4	More work required	<ul style="list-style-type: none"> • There needs to be some limits on the size of the structures (height, length, length on boundary, footprint, etc.) that are exempt from public notification. • If there are no limits in place then Council's will deal with an increased number of complaints from neighbours


	Master Planned Neighbourhood Zone Table 5 clause 7	More work required	<ul style="list-style-type: none"> • There needs to be some limits on the size of the structures (height, length, length on boundary, footprint, etc.) that are exempt from public notification. • If there are no limits in place then Council's will deal with an increased number of complaints from neighbours
	Neighbourhood Zone Table 5 clause 2 & clause 5	No	<ul style="list-style-type: none"> • Whilst understanding that the Code already makes 3 storey residential flat buildings undertaken by SAHT exempt from notification it should be noted that the TNV for the zone is 2 storey. • What is the reason that a residential flat building by SAHT exempt from notification while the same building undertaken by a private citizen not exempt? • There needs to be some limits on the size of the structures (height, length, length on boundary, footprint, etc.) that are exempt from public notification. • If there are no limits in place then Council's will deal with an increased number of complaints from neighbours
	Open Space Zone Table 5 clause 2	Yes	<ul style="list-style-type: none"> • Support - Council owns all of the land within the OS Zone so no concerns as we will be in control of the size of buildings that are constructed within this zone/locality.
	Productive Rural Landscape Zone Sign on land	No	<ul style="list-style-type: none"> • Major concerns with not placing a sign on land as for the Rural/Productive Rural Landscape Zone. • Uses within these zones can have impacts well outside of the 60 metre area (i.e. smell, dust, vibration, heavy vehicles, noise, hours of operation, light spill, etc.). Given this how would nearby residents going to be informed about a new development application? • The Code/Act should allow for land uses which will have an impact outside of the land boundaries to be notified in writing to all properties within a 500 metre radius
	Productive Rural Landscape Zone Table 5 clause 2	Yes	<ul style="list-style-type: none"> • Support - minor structures (in the context of the zone – decks, fences and pergolas) being exempt from notification

Recreation Zone Table 5 clause 4	Yes	<ul style="list-style-type: none"> • Support - The allowance for the construction of minor developments is supported as the listed forms aren't tall or dominant. Plus they are all forms of development associated with recreation grounds
Resource Extraction Zone Table 5 clause 2	Yes	<ul style="list-style-type: none"> • Support - this zone is located around the old Brukunga Mine area - any of the minor developments would not be an issue in this zone
Rural Zone Table 5 clause 2	Yes	<ul style="list-style-type: none"> • Support - minor structures (in the context of the zone - decks, fences and pergolas) being exempt from notification
Rural Living Zone Table 5 clause 3	More work required	<ul style="list-style-type: none"> • There needs to be some limits on the size of the structures (height, length, length on boundary, footprint, etc.) that are exempt from public notification. • If there are no limits in place then Council's will deal with an increased number of complaints from neighbours
Rural Neighbourhood Zone Table 5 clauses 2 & 5	More work required	<ul style="list-style-type: none"> • There needs to be some limits on the size of the structures (height, length, length on boundary, footprint, etc.) that are exempt from public notification. • If there are no limits in place then Council's will deal with an increased number of complaints from neighbours • Not sure why residential flat buildings (by SAHT) are being encourage/considered within a Rural Neighbourhood Zone - especially when the zone is set up for detached dwellings on large allotments.
Strategic Employment Zone Suburban Business Zone Suburban Main Street Zone Urban Activity Centre Zone	Yes	<ul style="list-style-type: none"> • Support - unlike the other zones listed above these are predominantly commercial or industrial zones. As such, they have less residential development which may be impacted by large structures within close proximity to the boundary. • As long as the excludes flues, stacks, etc. from the definition of air handling, air conditioning system or exhaust fan then there is no issue.

	Suburban Activity Centre Zone Table 5 clause 4	More work required	<ul style="list-style-type: none"> • There needs to be some limits on the size of the structures (height, length, length on boundary, footprint, etc.) that are exempt from public notification. • If there are no limits in place then Council's will deal with an increased number of complaints from neighbours
	Township Neighbourhood Zone Table 5 clause 3	More work required	<ul style="list-style-type: none"> • Located in Nairne and Hahndorf • There needs to be some limits on the size of the structures (height, length, length on boundary, footprint, etc.) that are exempt from public notification. • If there are no limits in place then Council's will deal with an increased number of complaints from neighbours
	Township Main Street Zone Table 5 clause	More work required	<ul style="list-style-type: none"> • This zone is located within the Hahndorf State Heritage Area – so not sure about excluding some forms of development that could significantly affect the look of a building or the streetscape (solar PV, verandah, exhaust fan, a/c, shade sail, outbuilding, fence, etc) • There needs to be some limits on the size of the structures (height, length, length on boundary, footprint, etc.) that are exempt from public notification. • If there are no limits in place then Council's will deal with an increased number of complaints from neighbours
	Urban Neighbourhood Zone	Yes	<ul style="list-style-type: none"> • Support – this zone is located adjacent the Mount Barker railway station and contains a bus terminal and some commercial buildings.
2.3.2.11	Building Height – TNV and Context		
	Urban Neighbourhood Zone	Yes	<ul style="list-style-type: none"> • Support - This Zone is located adjacent the Mount Barker railway station. The current max building height TNV is 5 stories, but the site currently has small scale buildings – so the current context won't come into account.
	Housing Diversity Neighbourhood Zone	Unsure	<ul style="list-style-type: none"> • The map below shows sections of the HDN Zone (located in Mount Barker) that are located adjacent to areas that have a TNV for 5 storey development. • The proposed amendment will allow for building height to take into context/complement nearby development. How will the policy in the Code ensure that there isn't a building height creep from adjacent zones through the HDN Zone?

			<ul style="list-style-type: none"> It should be noted that Council spent a considerable amount of time negotiating building heights with the community when these were considered in the Regional Town Centre Zone DPA (2016). 
	Local Activity Centre Zone	Yes	<ul style="list-style-type: none"> Support - LAC's generally have a max building height TNV of 2 stories, this is in line with the Low Rise definition

	Suburban Activity Centre Zone	Yes	<ul style="list-style-type: none"> • Support - SAC's generally have a max building height TNV of 2 stories, this is in line with the Low Rise definition
	Employment Zone	Yes	<ul style="list-style-type: none"> • No max building height currently in the Employment Zone but most of the existing buildings are 2 stories in height
	Township Main Street Zone	Yes	<ul style="list-style-type: none"> • TMS located in Hahndorf and Nairne – neither of these has a max building height TNV. But the desired character for these areas is for 2 stories.
	Suburban Main Street Zone	No	<ul style="list-style-type: none"> • Current policy talks about low to medium rise – this could allow for up to 6 storeys which would not be envisaged within the Gawler Street Precinct (which is an Historic Area).
	Community Facilities Zone	No	<ul style="list-style-type: none"> • Current Code policy states that building height can be consistent with the prevailing character of the locality and the height of nearby buildings. • Mountain Pool is located adjacent a 3 storey and 5 storey TNV (in different zones). Which suggests that a higher building could be acceptable in this locality if an adjacent building is 5 storeys. This site also sits at the intersection of the Neighbourhood Zone and the Rural Living Zone, meaning that building heights will need to be carefully considered.

				
2.3.2.12	Building Height, Building Wall Setback and Wall Height			
	Post height definition	Yes	<ul style="list-style-type: none"> • Support – the definition mirrors the wall height definition 	
	Established Neighbourhood Zone	Yes	<ul style="list-style-type: none"> • Support - DTS/DPF 8.1 • Acceptable as this is talking about building setbacks and measures from the lower of natural or finished ground level 	
	Home Industry Zone	Yes	<ul style="list-style-type: none"> • Support – This fixes the inconsistencies between wording in DTS/DPF 3.3 	
	Housing Diversity Neighbourhood Zone	No	<ul style="list-style-type: none"> • Why is building height (in this instance) measured from the top of the footings and not from natural ground level as in the current Code definition? • What's to stop someone from placing 600mm of fill and 400mm (above ground level) footings and having a building that is 1 metre taller than natural ground level and 1 metre taller than the TNV? 	


			<ul style="list-style-type: none"> • PO 6.1 – if this is meant to deal with visual and overshadowing impacts of boundary walls why are we measuring from top of footings and not natural ground level?
	Master Planned Neighbourhood Zone	No	<ul style="list-style-type: none"> • Accepted table – given the sloping nature of the land within Mount Barker’s MPN Zone we do not support the changing of measuring building height from natural ground level to the top of footing height • DTS/DPF 5.1 – same as above – don’t support measuring building height from the top of the footing (how does this outcome support residential character?) • DTS/DPF 17.1 – support the addition of natural ground level – but this begs the question of why this references natural ground level but other provisions don’t?
	Neighbourhood Zone	Yes	<ul style="list-style-type: none"> • Support - Zone policies that are being amended already refer to boundary walls (not total building height), so no major change
	Productive Rural Landscape Zone	Yes	<ul style="list-style-type: none"> • Support - DTS/DPF 14.1 (c) this policy already refers to walls so (not total building height), so no major change (also already refers to distance from natural ground level)
	Rural Zone	Yes	<ul style="list-style-type: none"> • Support - DTS/DPF 13.1 (c) this policy already refers to walls so (not total building height), so no major change (also already refers to distance from natural ground level)
	Rural Living Zone	Yes	<ul style="list-style-type: none"> • Support - DTS/DPF 2.5 (c) this policy already refers to walls so (not total building height), so no major change (also already refers to distance from natural ground level)
	Rural Neighbourhood	Yes	<ul style="list-style-type: none"> • Support - DTS/DPF 2.1 – this one is ok as building height (by definition) refers to natural ground level (unless otherwise stated)
	Township Neighbourhood Zone	Yes	<ul style="list-style-type: none"> • Support - DTS/DPF 7.1 (b)(ii) A – this already relates to boundary walls – the change in wording just clarifies this • Support - DTS/DPF 8.1 (b) – support as this clarifies where the height measurement is to come from (natural ground / finished ground level)
	Township Zone	Yes	<ul style="list-style-type: none"> • Support - DTS/DPF 2.6 - support as this clarifies where the height measurement is to come from (natural ground / finished ground level) • Support - DTS/DPF 2.7 (a) - this already relates to boundary walls – the change in wording just clarifies this

	General Development Policies – Housing Renewal	Yes	<ul style="list-style-type: none"> • Support - DTS/DPF 6.1 - this already relates to boundary walls – the change in wording just clarifies this
2.3.2.13	Building Walls and Dwelling Walls – Policy Review		
	Established Neighbourhood Zone	Yes	<ul style="list-style-type: none"> • Support - DTS/DPF 6.1 (c) – this is a good pick up that will ensure that all buildings are covered by setback requirements and not just dwellings or residential structures • Support - DTS/DPF 7.1 & 7.1 (b) - this is a good pick up that will ensure that all buildings are covered by setback requirements and not just dwellings or residential structures • Support - DTS/DPF 9.1 (a) - this is a good pick up that will ensure that all buildings are covered by setback requirements and not just dwellings or residential structures
	Housing Diversity Neighbourhood Zone	More work required	<ul style="list-style-type: none"> • DTS/DPF 5.1 – what constitutes an “ancillary building”? This term is not defined within Part 7 or 8 of the Code. • The current provision will capture all building types but will this change capture all types of buildings that can be constructed in the HDN Zone? • If it doesn’t capture all building types then changes should be made to the policy to ensure that it does capture all building types.
	Master Planned Neighbourhood Zone	More work required	<ul style="list-style-type: none"> • PO 5.1 and DTS/DPF 5.1 – This may allow for 3 storey (or low to medium rise) shops, offices, consulting rooms, schools as the change is from dwelling walls to buildings walls. • We would suggest keeping the status quo and creating new policy to deal with non-residential development • This is similar for the other provisions listed – is the separation distance, wall height, etc. similar (with similar assessment considerations) for residential development and non-residential development within this zone? • How does this work with the Emerging Activity Centre Subzone?

	Neighbourhood Zone	More work required	<ul style="list-style-type: none"> • PO 7.1 and DTS/DPF 7.1 – fine • DTS/DPF 9.1 – excludes ancillary buildings and structures however PO 10.1 and DTS/DPF 10.1 talks only provide requirements for residential ancillary buildings. Since the Zone allows for a range of non-residential land uses could a non-residential ancillary structure slip through the cracks and have no policy governing wall height, size, etc?
	Rural Neighbourhood Zone	Yes	<ul style="list-style-type: none"> • Support - DTS/DPF 6.1
	Township Neighbourhood Zone	Yes	<ul style="list-style-type: none"> • Support - DTS/DPF 6.1 (c) • Support - DTS/DPF 7.1 • Support - DTS/DPF 9.1 (a)
	Township Zone	Yes	<ul style="list-style-type: none"> • Support - PO 2.5 & DTS/DPF 2.5
2.3.2.14	Removing Overlays		
	Scenic Quality	More work required	<ul style="list-style-type: none"> • Seeing that the Scenic Quality Overlay is all about ensuring that development complements the natural and rural character of the locality shouldn't land division, ancillary accommodation, dwelling extensions and outbuildings be covered by it? • These forms of development have the ability to change the natural character of a site either through new structures or the removal of vegetation. • This Overlay would provide policy that would allow for more nuanced assessment of the visual impacts of a proposal. • With land division for arguments sake, you could consider the visual impact of removing vegetation or extensive earthworks on the visual amenity
	Water Resources Overlay	No	<ul style="list-style-type: none"> • This overlay is required at both the land division and the dwelling stage as the Master Planned Neighbourhood Zone as approximately 80% of the land is still open farmland / paddocks. • The creeks in the aerial photo below are still in their natural setting and any land division or residential development will need to take into account surface water, overland flow paths and creeks.



- This will also need to cover the Housing Diversity Neighbourhood Zone as a similar situation exists within Nairne where open farmland / paddocks (along with the dams and drainage lines) be converted to residential areas.

			
<p>2.3.2.15</p>	<p>Detached Dwellings in the Master Planned Neighbourhood Zone – Accepted Development Pathway</p>	<p>No</p>	<ul style="list-style-type: none"> • How can amendments be made to the accepted pathway for dwellings when we do not know how the Bushfire Overlay Code Amendment will affect these forms of development? • The pre-consultation version of the Bushfire CA showed significant changes to Mount Barker’s bushfire overlays • Whereas the issues highlighted in the Code Amendment documentation seem to mainly affect the Line of Enquiry tool. So is this an assessment issue or a Portal functionality issue?

2.3.2.16	Detached dwellings – 3 stories – Housing Diversity Neighbourhood Zone	More work required	<ul style="list-style-type: none"> • Support – The addition of extra policies to minimise impacts from overlooking, and to increase privacy. • However, this support is balanced by the need for the Commission to undertake additional research into the definition of direct overlooking as this has not been explored fully (see comments in section 2.3.8.5).
2.3.2.17	Discrete vs Discreet (typo)	Yes	<ul style="list-style-type: none"> • Support
2.3.2.18	Garage and carport linkages in Established Neighbourhood Zone and Township Neighbourhood Zone	Yes	<ul style="list-style-type: none"> • Support
2.3.2.19	Dwelling alterations and building additions/alteration – Assessment pathways	More work required	<ul style="list-style-type: none"> • Does there need to be a statement from the applicant that the use or intensity is not changing (i.e. internal alterations to consulting rooms (doctors) adding more consulting rooms)? • How would that statement be incorporated in the assessment?
2.3.2.20	Horticulture – Prescribed surface water areas overlay and Prescribed wells area overlay - Linkages	Yes	<ul style="list-style-type: none"> • Support
2.3.2.21	Interface Height – Various Zones	Yes	<ul style="list-style-type: none"> • Support - This clarifies poorly worded policy – essentially the policy as written would contradict the diagram in the Code and would apply to all boundaries equally, including the street frontage

2.3.2.22	Land division – Site Contamination - Linkage	Yes	<ul style="list-style-type: none"> • Support – The Commission need to ensure that PO 1.1 and DTS/DPF 1.1 are linked to all relevant dwelling forms of development for all zones.
2.3.2.23	Non-residential Outbuildings	More work required	<ul style="list-style-type: none"> • Support – Introducing policy to enable small-scale non-residential outbuildings to be assessed and to go through a DTS pathway. • However, there will need to linkages to ensure that native vegetation is not removed and that septic tanks and cwms connections are not built over (see General Development Policies, Infrastructure and Renewable Energy Facilities PO 12.1 and DTS/DPF 12.1 as well as PO 12.2 and DTS/DPF 12.2)
2.3.2.24	Outbuildings – Accepted Development Criteria	Yes	<ul style="list-style-type: none"> • Support - A building with a length greater than 11.5 metres would be unlikely to meet the 40m² requirement (criteria 6)
2.3.2.25	Pool fencing – Accepted development	Yes	<ul style="list-style-type: none"> • Support
2.3.2.26	Primary Street Setback – Use of building line	Yes	<ul style="list-style-type: none"> • Support • Council has previously taken a similar position in regards to front setbacks
2.3.2.28	Tourist Accommodation – Total Floor Areas – Rural Zones	More work required	<ul style="list-style-type: none"> • Proposed DTS/DPF 6.3 (b) (i) states: <i>new “building, or buildings, does not exceed a cumulative total floor area of 100m²”</i> • While Proposed DTS/DPF 6.3 (b) (ii) states: <i>“where in an existing building, does not exceed a total floor area of 150m²”</i> • The amended wording of the two DTS/DPF policies appears to allow for tourist accommodation within an existing building of 150m² as well as a new building with a total 100m².

			<ul style="list-style-type: none"> If the aim is to ensure that tourist accommodation remains small scale then these provisions need to be amended to ensure that floor areas for existing buildings and new buildings aren't separate.
2.3.3	Overlays		
2.3.3.1	Affordable housing overlay – referral trigger	Yes	<ul style="list-style-type: none"> Support - I would assume that if there is no agreement in place for the affordable housing (to deliver it) then the referral coming back from the SAHA would not be supportive
2.3.3.3	Hazards (Flooding) Overlay	Yes	<ul style="list-style-type: none"> Support
2.3.3.5	Heritage Adjacency Overlay - Referral	Yes	<ul style="list-style-type: none"> Support
2.3.3.7	Major Urban Transport Routes Overlay	Yes	<ul style="list-style-type: none"> Support This overlay only applies to land directly adjoining the South Eastern Freeway Seeing that individual developments (shops, offices, dwellings) will not be allowed access to the freeway these changes are of no consequence
2.3.3.9	Mount Lofty Ranges Water Supply Catchment Overlay (Area 2)	Yes	<ul style="list-style-type: none"> Support removing the double up of the wording
2.3.3.10	Mount Lofty Ranges Water Supply Catchment Area 1 & 2 - Referrals	Yes	<ul style="list-style-type: none"> Support - Changes are proposed to close a loophole in regards to workers accommodation and to also ensure that only those applications where 2 habitable buildings concurrently on the same site are referred
2.3.3.11	Prescribed Surface Water Area Overlay - terminology	Yes	<ul style="list-style-type: none"> Support - Seems to be a straightforward change to clarify wording/interpretation

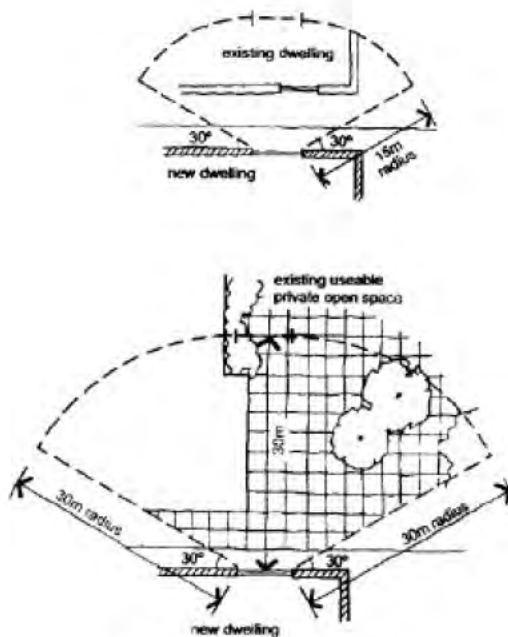
2.3.3.12	Prescribed Surface Water Area Overlay – Terminology	More work required	<ul style="list-style-type: none"> • Understand those listed land uses that already have a water allocation won't be referred. • But this now means that the Relevant Authority consideration is: <ul style="list-style-type: none"> a) Do they have a current approved water allocation? and b) Will the proposed use exceed the amount of water currently allocated? • Will the RA need to ask for this information at the lodgement/verification stage? • What happens in situations where the applicant doesn't know or can't quantify whether they will require additional water over their current allocation?
2.3.3.13	Representative Buildings – Historic Area Overlay – Spatial Representation	Yes	<ul style="list-style-type: none"> • Support – This is a welcome addition that allows for Representative buildings to be found in the SAPPA
2.3.3.18	River Murray Tributaries Protection Area – Policy intent	Yes	<ul style="list-style-type: none"> • Support – wording improvement
2.3.3.19	River Murray Tributaries Protection Area - Referrals	More work required	<ul style="list-style-type: none"> • Understand those listed land uses that already have a water allocation won't be referred. • But this now means that the Relevant Authority consideration is: <ul style="list-style-type: none"> c) Do they have a current approved water allocation? and d) Will the proposed use exceed the amount of water currently allocated? • Will the RA need to ask for this information at the lodgement/verification stage? • What happens in situations where the applicant doesn't know or can't quantify whether they will require additional water over their current allocation?
2.3.3.20	State Significant Native Vegetation Areas – Overlay – Referral trigger	More work required	<ul style="list-style-type: none"> • This proposes to allow for 'level 1' clearance to occur without a referral to the Native Vegetation Council. • More resources will be required to assist the RA to work out what is and is not level 1 native vegetation clearance.

2.3.3.21	Traffic Generating Development Overlay - Referral	Yes	<ul style="list-style-type: none"> • Support • The change will capture DA's with 50 or more dwellings, which isn't presently the case
2.3.3.22	Urban Transport Routes Overlay – Revised policy and referrals	Unsure	<ul style="list-style-type: none"> • DTS/DPF 3.1 – a change from a residential dwelling to a shop/office can still generate significant vehicle movements – even when they are less than 250m² – I would assume that the other exemptions (listed in (i)-(v)) are because an assessment is assumed to have been previously made
2.3.4	General Policies		
2.3.4.2	Carport and Outbuilding – Internal parking dimensions	Yes	<ul style="list-style-type: none"> • Support – this adds car parking width requirements to garages and carports that aren't under the main roof (where they currently don't exist)
2.3.4.3	Commercial Forestry – Policy Review	No	<ul style="list-style-type: none"> • The addition of Commercial Forestry to the list of envisaged developments in the Productive Rural Landscape Zone is not like for like (it was previously non-complying in the Native Vegetation Buffer Policy Area 3 and the Rural Landscape Protection Policy Area 26). • This will introduce a new use to these areas where it hasn't been before and therefore this should be undertaken by way of a dedicated Code Amendment and consultation process and not hidden within a broader document
2.3.4.4	Decks – Design, and Design in Urban Areas – Assessment Pathways	More work required	<ul style="list-style-type: none"> • The transparency of materials for the screen needs to be considered to ensure that direct or unreasonable overlooking occurs
2.3.4.5	Design – PO 19.3 – Driveway Access	Yes	<ul style="list-style-type: none"> • Support
2.3.4.6	Design in Urban Areas – Soft Landscaping	Yes	<ul style="list-style-type: none"> • Support
2.3.4.8	Heavy Vehicle Parking – Transport Access	No	<ul style="list-style-type: none"> • Seeing that this is general policy that can apply to any zone the operational times should reflect that.

	and Parking – Policy and Definition Review		<ul style="list-style-type: none"> • The proposed times of 6am to 9:30pm Monday to Saturday and 9:30am to 7pm on Sundays and public holidays are excessive for anything apart from large rural living allotments or rural zones. • Either the policy needs to be changed to consider different localities (for operational times) or two separate operational times should be included
2.3.4.9	Housing Renewal – Policy Review	Yes	<ul style="list-style-type: none"> • Support - The interpretation note will stop conflicts between policies in “all code assessed developments”
2.3.4.10	Land division – General Policies – Policy Review	Yes	<ul style="list-style-type: none"> • Support - PO 3.8 & DTS/DPF 3.8 – duplication of policy – support removal • Support - PO 10.2 & DTS/DPF 10.2 – duplication of policy – support removal
2.3.4.11	Land division - linkages	Yes	<ul style="list-style-type: none"> • Support - Linking PO 2.8 and PO 3.11 to performance assessed land division applications is supported
2.3.4.12	Transport, Access and Parking General Development Policy - Fences	Yes	<ul style="list-style-type: none"> • Support – adding policies to performance assessed fence applications to deal with corner cut off situations
2.3.4.13	Transport, Access and Parking – car parking rates table	Yes	<ul style="list-style-type: none"> • Support - No changes to the actual rates – the changes involve PLUS ensuring that 2 different car parking rates don’t get applied to the same land use
2.3.4.14	Transport, Access and Parking – car parking rates - interpretation	Yes	<ul style="list-style-type: none"> • Support - Adding further clarification to how to interpret areas that are exempt from reduced car parking requirements
2.3.7	Land Use Definitions		
2.3.7.1	Ancillary accommodation	More work required	<ul style="list-style-type: none"> • A greater level of clarity in definitions and policy is required to separate out different forms of ancillary buildings (granny flats, second dwellings, rumpus rooms and outbuildings). • Currently Council are seeing applications with all the elements of a dwelling (bedrooms, kitchen, bathroom, laundry) but to avoid assessment as a second

			<p>dwelling or granny flat these applications are described as ancillary accommodation, studio or other such descriptions (along with rooms being relabelled).</p> <ul style="list-style-type: none"> • Once these buildings have been constructed, they have the ability to be used as dwellings or rented on short stays platforms such as Airbnb. • The description listed in the Code Amendment documentation as well as the proposed definition does not provide this level of clarity to determine the element(s), correct assessment pathway and reach any true intent of the policy. • To avoid confusion the proposed definition should clearly separate out second dwellings, granny flats or buildings that contain all elements of a dwelling from those rumpus rooms or studio applications (i.e. subordinate to the main dwelling)
	Child care facility	Yes	<ul style="list-style-type: none"> • Support - Preschool being changed into child care facility
2.3.7.2	Caravan and Tourist Park	Yes	<ul style="list-style-type: none"> • Support - Added caravan and tourist park to the inclusion (definition) of Tourist Accommodation
2.3.7.3	Commercial forestry	Yes	<ul style="list-style-type: none"> • Support - Seems reasonable to clarify the definition
2.3.7.4	Educational establishment	Yes	<ul style="list-style-type: none"> • Support - Updating the terminology from establishment to facility – no issue
2.3.7.5	Indoor recreation facility	Yes	<ul style="list-style-type: none"> • Support - Added the words “or part of a building” to allow for situations where an indoor rec facility doesn’t form a whole building
2.3.7.6	Office	Yes	<ul style="list-style-type: none"> • Support - Added the words “or part of a building” to allow for situations where an office doesn’t form a whole building
2.3.7.7	Pre-school	Yes	<ul style="list-style-type: none"> • Support - Amended the definition of pre-school (changed to child care facility) and included the word ‘pre-school’ to the includes (column C). • No major impacts from a policy perspective
2.3.7.8	Renewable Energy Facility	Yes	<ul style="list-style-type: none"> • Support - Adding exclusions for domestic solar and battery storage for the Conservation Zone and Rural Zone • Currently the Code could be interpreted to capture domestic facilities and make them go through a restricted development path

2.3.7.9	Tourist Accommodation	Unsure	<ul style="list-style-type: none"> • Support – the expanded definition. • But how would the new additions (onsite service facilities and/or facilities for the management) work with the floor area requirements added in Section 2.3.2.28 and DTS/DPF 6.3 (b) (i) and (ii)?
2.3.7.10	Workers Accommodation	Yes	<ul style="list-style-type: none"> • Support - Updated the definition of workers accommodation to allow for it to be used in association or support of bulk handling and freight handling (at the request of Viterra)
2.3.7.11	Heavy vehicle parking	More work required	<ul style="list-style-type: none"> • Support – the new definition added to the Code as one did not previously exist • However, there needs to be clarification that this does not include the occupation of a caravan for residential purposes (i.e. a dwelling plus caravan both being inhabited)
2.3.7.12	Function centre	Yes	<ul style="list-style-type: none"> • Support - Support the addition of this definition
2.3.8	Administrative Definitions		
2.3.8.1	Building Height	Yes	<ul style="list-style-type: none"> • Support - Allows for the Code to apply its own measurement of building height in certain circumstances
2.3.8.2	Building Line	Unsure	<ul style="list-style-type: none"> • Need to check how this is to be implemented – will it only be for ancillary structures and not dwellings?
2.3.8.3	Wall height	Yes	<ul style="list-style-type: none"> • Support - Allows for the Code to apply its own measurement of wall height in certain circumstances
2.3.8.5	Direct Overlooking	No	<ul style="list-style-type: none"> • Councils previous Development Plan listed the following requirement for direct overlooking: • Direct overlooking from upper level habitable areas should restrict views within a horizontal distance of 15 metres to adjacent windows and 30 metres to outdoor areas beyond a 30 degree angle from the plane of the wall as shown in following diagram:

			 <p style="text-align: center;"><i>Area likely to be primarily affected by overlooking from upper level windows</i></p>
			<p>Council does not see why the threshold should be reduced from 30 metres, nor has the Commission adequately prosecuted their case for this reduction</p> <ul style="list-style-type: none"> • Clarification should be provided as to what constitutes an upper level?
2.3.8.6	High Frequency Public Transit Area	Yes	<ul style="list-style-type: none"> • Support - Mount Barker is not located within Metropolitan Adelaide so this amendment does not affect us
2.3.8.7	Post Height	Yes	<ul style="list-style-type: none"> • Support - Seems to match the definition of wall height – no issues
2.3.8.8	Gross Density	Yes	<ul style="list-style-type: none"> • Support – Gross density is not used in the Code policies anyway

2.3.9	Referrals		
2.3.9.1	EPA referral	Yes	<ul style="list-style-type: none"> • Support - Preamble – support – this will make sure that all applications that need to be referred occur (the EPA have reported that some expansions or incremental increases to uses/thresholds have not been referred) • Part 9 – Referrals – Part 9.1 - Site contamination – removing class 3 activity as a referral requirement – the EPA have advised PLUS that class 3 activities should never have been listed
2.3.11.1	Local Heritage Places	Yes	<ul style="list-style-type: none"> • Support - Allowing for local and state heritage places to be listed

From: [Adina Teaha](#)
To: [DT1:PlanSA Submissions](#)
Subject: Response to Miscellaneous Technical Enhancement Code Amendment
Date: Friday, 23 September 2022 3:52:20 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.jpg](#)

To the Code Amendment Team,

The Port Pirie Regional Council appreciate the chance to comment on the amendment to the Miscellaneous Technical Enhancement Code. The amendments have the support of the Council after consideration. However, the Council supports the insertion of more details in relation to the following:

- Establish a performance-based assessment process for evaluating solar farms in the Rural Zone.
- Establish a performance-based assessment process for a shop in the Suburban Neighbourhood Zone.
- Establish a performance-based assessment process for evaluating horse keeping in the Rural Living Zone.
- Create a performance-based assessment process for keeping animals in the Rural Living Zone and Rural Zone. The Code currently permits the keeping of horses in the Rural Zone, but not the keeping of other animals, such as goats, sheep, cattle, or lamas, for which our council receives requests.
- The Suburban Neighbourhood Zone's DPF 11.1(b) stipulates that outbuilding floor areas should not exceed 60m². The floor area falls short of both the standards set by our community and the previous Development Plan policies, therefore it is recommended that the area be increased for this Council to 100m². You might wish to add this to the above as an exclusionary policy or make a TNV.
- The introduction of a new question at the lodgement stage or under the Affordable Housing Overlay that asks the applicant to specify whether a development, such as a dwelling or a land division, is being done for affordable housing reasons in accordance with the applicable scheme.
- With regard to DPF 2.1 of the Suburban Neighbourhood Zone:
 - With no exclusionary condition for the lack of a connection to public utilities like sewer and water, the policy permits site areas as small as 300m². It is therefore requested that the policy be updated to take into account how newly divided land should be handled in cases where it is not connected to communal or public services.
 - The policy permits developers to submit a single application for numerous dwellings prior to receiving approval for a land division. The construction of infrastructure, which would typically be addressed during the land division consent, is not taken into account by this policy. As a result, it is considered that the policy should eliminate the option of supporting more than one dwelling before receiving authorisation for the division.
- In accordance with DPF 3.2 of the Hazards (Bushfire - General Risk) Overlay, habitable buildings must be entirely contained within an asset protection zone that is 50 metres from unmanaged grasslands and 100 metres from hazardous bushland vegetation. Given that portions of Council's Suburban Neighbourhood Zone are included in this overlay and may include allotments as small as 300m², this policy is thought to only apply to places with a high bushfire risk. It is therefore suggested that this policy be examined in order to determine whether such rules apply to areas with general bushfire risk and this policy be updated to not apply to areas within the Suburban Neighbourhood Zone.
- According to the Council's former Development Plan (prior to the BDP), the following locations are now included in the Community Facilities Zone, but they were once part of the zone currently known as the Suburban Activity Centre Zone. To guarantee that allotments are recorded within the Suburban Activity Centre Zone, it is requested that this zone anomaly be corrected. Alternatively, Council prefers that it be changed to the Suburban Neighbourhood Zone given that the area has been established for residential use.
 - Allotments. CT6089/769, CT6089/771, CT6089/768, CT6089/767, CT6089/766, CT6087/518, CT6119/926, CT6087/516 and CT6087/515

If you have any questions about any of the above, don't hesitate to contact me.

Warm Regards,

Adina Teaha

Planning Officer

Development & Regulation

Port Pirie Regional Council

115 Ellen Street, Port Pirie (PO Box 45) SA 5540



www.pirie.sa.gov.au



Please consider your environmental responsibility before printing this e-mail

From: [Matthew Field](#)
To: [DTI:PlanSA Submissions](#)
Subject: City of Adelaide submission to the Miscellaneous Technical Enhancement Code Amendment
Date: Friday, 23 September 2022 4:01:58 PM
Attachments: [image001.gif](#)
[Attachment 1 - Submission MTE Code Amendment.pdf](#)
[Attachment 2 - City of Adelaide - Submission on Miscellaneous Technical Code Amendment - February 2020.pdf](#)
[Attachment 3 - City of Adelaide - Submission on Miscellaneous Technical Code Amendment - 13 August 2021.pdf](#)
[City of Adelaide - MTE Code Amendment - Cover Letter.pdf](#)

Att: Code Amendment Team

Please find attached the City of Adelaide's submission to the Miscellaneous Technical Enhancement Code Amendment, initiated by the State Planning Commission on 6 December 2021.

If there are any questions relating to the submission, please let me know.

Kind regards

Matthew Field
Acting Team Leader, City Policy & Heritage

Kurna Country
25 Pirie Street
Adelaide, South Australia, 5000



www.cityofadelaide.com.au

City of Adelaide tampendi, ngadlu Kurna yertangga banbabanbalyarnendi (inbarendi). Kurna meyunna yaiya mattanya Womma Tarndanyako.

Parnako yailtya, parnuko tappa purruna, parnuko yerta ngadlu tampendi. Yellaka Kurna meyunna itto yailtya, tappa purruna, yerta kuma burro martendi, burro warriappendi, burro tangka martulyaiendi.

Kumarta yaiya miyurna iyangka yalaka ngadlu tampinhi.

City of Adelaide acknowledges that we are meeting on the traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past and present.




We recognise and respect their cultural heritage, beliefs, and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations."

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CoA Reference No: ACC2022/115657

	Number	Change Topic	Council Administration position	CoA Comment
1.	2.3.1.1.	Changes to Rules of Interpretation	Support 	
2.	2.3.1.2	Changes to cadastral boundary determinations due to land division	Support 	
3.	2.3.2.9	Restricted Development Classification in the Capital City Zone and City Main Street Zone. Only retains Special Industry as RD. Industry and light industry become Performance Assessed.	Not Supported 	<p>The City of Adelaide does not support the changes unless it is demonstrated that appropriate protections are in place for economic growth and amenity. The changes to amend industry from Restricted Development to Performance Assessed pathways, whilst has the potential to be workable this pathway requires the policy settings to be in place to enable adequate protections to the sensitive land uses, city streets and economic conditions.</p> <p><u>Economic Growth Risk</u></p> <p>The City has progressively changed its land use policies to support a thriving commercial and residential hub. Industrial impacting land uses have purposely not been supported for the last 30 years or so, which has seen the residential quality of the city improve over time. Industrial land uses have moved to more appropriate locations and quality high density residential and offices have become the predominant land uses.</p> <p>It is important to ensure no industry development stifles any future development and growth opportunities. Given the intensity of inner-city development, one impacting site could negatively impact future residential and economic growth of the City. Whilst industry may be the</p>


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				<p>highest and best use for some sites at one point, it may dampen investment for others in the longer term.</p> <p><u>Amenity/Interface Policies</u></p> <p>At this stage, it has not been demonstrated that the potential impacts from industry development can adequately be managed through the assessment process. It is noted, that lower impacting light industry uses such as bakeries, distilleries and micro brewery's could be uses supported with appropriate policies. Changes to a Performance Assessed pathway needs to be supported by more policy to ameliorate impacts to future and existing sensitive high density residential and commercial land uses. Additional policy is needed around scale, buffers, hours of operation, heavy vehicle movements on city streets, noise impact to sensitive noise receivers, vibrations and dust. It is also noted, the City of Adelaide has previously advised that the Interface Between Land Uses GDP – Environment Noise Policy refers to the Environment Protection (Noise) Policy criteria 2009 which has not been updated to reflect the new PDI Act. It is unclear what policy will be applied in the proposed Capital City Zone. It is important that heavy vehicles and other externalities do not impact the successful places within city streets.</p> <p>In summary, at this stage, the risks to other economic growth opportunities are too great and this amendment is not supported.</p>
4.	2.3.2.10	<p>Notification Tables – All Zones</p> <p>Introduction of a minor test</p> <p><u>'A relevant authority may determine that a variation to 1 or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.'</u></p>	<p>Not Supported</p> 	<p>The procedural matters should be clear and not be subjective in order to de-risk developments (supporting developers and other stakeholders). The proposed amendment would effectively broaden the scope of what could be excluded from public notification. However, as it is subjective, it could result in decisions being made and then later challenged in the court system.</p> <p>It is noted, one Assessment Manager could consider one building level to be a minor change and another could view this as extreme. A community member or third party, could disagree and challenge this decision.</p> <p>To support clear decisions, CoA would prefer the Code Amendment process is used to determine notification processes rather than allowing</p>



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				<p>variations at the Development Assessment stage. This will support the consistency of assessment practice across the State and provide developers and stakeholders with more certainty of processes of notification.</p> <p>If there is a desire for less notification, it is recommended that the notification tables be re-drafted to be clear about what is and isn't required to be notified. We note, there is potential for notification tables to be changed so the exception in Column B doesn't directly relate to a DTS/DPF. This will give a buffer to enable minor departures from the policy to not require notification.</p> <p>However, if this proposed amendment is to occur there is a need for a Practice Direction for all relevant authorities to make the determination of minor in nature consistently.</p>
5.	2.3.2.10	<p>Notification Tables – Adelaide Park Lands Zone</p> <p>Introduces an additional test (underlined) for relevant authorities to exempt notification for</p> <ol style="list-style-type: none"> the demolition (or partial demolition) of a State or Local heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and <u>where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the</u> 	<p>Not Supported</p> 	<p>This comment applies to all Notification tables 2.3.2.10 Notification Tables</p> <p>The amendment is not supported for the following reasons:</p> <p><u>Application to zones</u> It is unclear why this amendment is needed given there are no current State Heritage Areas or Historic Area Overlays in the Adelaide Park Lands, Capital City, Main Street and City Riverbank Zones.</p> <p><u>Subjective</u></p> <p>Procedural matters should not be subjective to provide certainty to developers and other stakeholders. The Amendments open risk of poor interpretation resulting in decisions that can be challenged. Judicial review and challenges to the Courts frustrate the process and hinder development outcomes and community faith in the development system.</p> <p>To support clear decisions, this Code Amendment Process should be used for determining notification rather than allowing variation at the Development Assessment stage. This will support the consistency of practice across the State and support developers and stakeholder with more certainty of process.</p>






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		<u>State Heritage Area or Historic Area Statement.</u>		<u>Further assessment</u>
		2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or <u>where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated</u>).		<p>The procedural matters should not require further assessment in order to verify the application. The amendments propose assessment of the heritage value in the State Heritage Areas or the Historic Attributes in the Historic Area Statement in order to determine whether it is notified. It is unclear how relevant heritage advice will be provided at the right time to support this decision, the timeframes required, and how this process will work when there are differences in opinion (e.g. applicants, heritage advisors and assessment managers). The practicality of this amendment is difficult to undertake during the validation process. This is not efficient and could result in errors.</p> <p>CoA recommends that the notification tables be re-drafted to be clear about what is and what isn't required to be notified.</p>
6.	2.3.2.10	Notification Tables – Adelaide Park Lands Zone Remove some developments from notification	Support 	Support the amendment as it will have minimal impact in the Adelaide Park Lands.
7.	2.3.2.10	Notification Tables – Business Neighbourhood Zone Demolition amendment	Not Supported 	<p>Not support, refer to comment above on all Public Notification Tables (line 5).</p> <p>The changes will not be applicable in the Business Neighbourhood Zone for the Melbourne Street Sub Zone as there are not any Historic Area Overlays or the State Heritage Area.</p>






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8.	2.3.2.10	Notification Tables – Business Neighbourhood Zone Remove some developments from notification	Support 	
9.	2.3.2.10	Notification Tables – Business Neighbourhood Zone Remove some developments from notification	Support in principle 	
10.	2.3.2.10	Notification Tables – Capital City Zone Demolition amendment	Not Support 	See comment above on all Public Notification Tables (line 5)
11.	2.3.2.10	Notification Tables – City Living Zone Removal of developments from notification	Partially 	Decks/ fences/ retaining walls/ outbuildings etc that are on residential boundaries and are over a certain height should be notified as they can negatively impact on outlook and amenity.
12.	2.3.2.10	Notification Tables – City Living Zone Demolition of local and state heritage places where they do not meet state heritage area or historic area statement attributes.	Not Supported 	See comment above on all Public Notification Tables (line 5)






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13.	2.3.2.10	Notification Tables – City Living Zone To exclude railway line	Support 	
14.	2.3.2.10	Notification Tables – City Main Street Zone	Not Supported 	However, it is noted that this would not be impacted in this zone.
15.	2.3.2.10	Notification Tables – City Main Street Zone Removal of some developments from needing notification	Partially 	Decks/ fences/ retaining walls/ outbuildings etc that are on residential boundaries and are over a certain height should be notified as they can negatively impact on outlook and amenity.
16.	2.3.2.10	Notification Tables – City Main Street Zone To exclude railway line	Support (not relevant in CoA) 	
17.	2.3.2.10	Notification Tables – City Riverbank Zone Demolition of local and state heritage places where they do not meet state heritage area or historic area statement attributes.	Not Supported 	See Comment Above on all Public Notification Tables (line 5)






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18.	2.3.2.10	Notification Tables – City Riverbank Zone Removal of minor developments from needing notification	Partially 	
19.	2.3.2.10	Notification Tables – City Riverbank Zone Removal of some developments from needing notification	Partially 	
20.	2.3.2.10	Notification Tables – City Riverbank Zone To exclude railway line	Support (not relevant in CoA) 	
21.	2.3.2.10	Notification Tables – Community Facilities Zone Removal of minor developments from needing notification	Support. 	See comment above on all Public Notification Tables (line 5)
22.	2.3.2.10	Notification Tables – Community Facilities Zone Demolition of local and state heritage places where they do not meet state heritage area or historic area statement attributes.	Not Supported 	See comment above on all Public Notification Tables (line 5)





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23.	2.3.2.10	Notification Tables – Community Facilities Zone To exclude railway line	Support (not relevant in CoA) 	However, it is noted that this would not be impacted in this zone.
24.	2.3.2.11	Building Height – TNV and context – Policy refinement Amendments to Capital City Zone, City MainStreet Zone and Community Facilities Zone Minor changes to align to other state-wide zones.	Support 	
25.	2.3.2.12	Building Height, Building Wall Setback and Wall Height – Policy Review Changes to building height definition and application	Support 	
26.		<i>Part 4 – General Development Policies Changes to expression of policy</i>	Support 	
27.	2.3.2.13	Building Walls and Dwelling Walls City Living Zone Change from dwelling to building.	Support 	

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28.	2.3.2.14	Common and Minor Development Overlay Swimming pools or spa pool in Historic Overlay can be Accepted development	Support 	
29.	2.3.2.14	Common and Minor Development Overlay	Partially support 	Additional references should be made to the Historic Area Overlay, Significant Tree Overlay, State Heritage Place Overlay and Local Heritage Place Overlay.
30.	2.3.2.16	Detached Dwellings – Medium and High Rise Development Policy Relevance. City Living Zone	Partially support 	It is noted, that there is need to apply policies to landscaping, tree planting and WSUD.
31.	2.3.2.17	Dwelling alterations and building additions/alterations – assessment pathways	Not Supported 	<p>This amendment is not support as it reduces the design integrity of the Planning and Design Code. Many Planning and Design Code policies have been carefully designed to support good design however, this amendment will erode their purpose. For example, activation policies, built form and character policies, interface, movement, access, advertisements etc and the Design in Urban Areas General Development Module etc. The ability for these matters to be altered without proper assessment is not supported as it could lead to poor design and poor neighbourhood outcomes.</p> <p>There should be a clear distinction between internal building alterations and external building alterations as the impacts are completely different. For instance, internal alterations are not visually visible from the streetscape while external building alteration such as bricking in windows and doors fronting the street could potentially have a negative impact on the activation and the attractiveness of the streetscape which is particularly important along streets with high pedestrian usage. The</p>





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				<p>City of Adelaide seeks to achieve high quality experiences for residents, workers and visitors by improving public spaces within the city, through passive surveillance, creating vibrant spaces and interesting pedestrian environments. By listing external alterations as an accepted class of development without proper assessment removes the Assessment Managers ability to ensure any of the above happens.</p> <p>There are no provisions in place to prevent public space encroachment e.g. verandahs, balconies, canopies etc nor are there any no provisions that consider the built form and character policies of the Zone or Subzone</p> <p>If the amendment is accepted, it is recommended that the following changes are made:</p> <ul style="list-style-type: none">• Include more criteria activation policies, built form and character policies, interface, movement, access, advertisements etc and the Design in Urban Areas General Development Module etc.• Distinguish between internal and external buildings alterations• Include the Historic Area Overlay as an exception• Include Heritage Adjacency Overlay as an exception• Ensure any building alterations that affect the building setback do not fall into the accepted development classification criteria• Ensure building alterations do not encroach into public space (without approval)• Policies to ensure passive design such as window shade and size and orientation of internal rooms.• Screening policies are included.
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32.	2.3.2.20	Non-Residential Outbuildings – New Policy and Assessment Pathways	Support with amendments 	Whilst we support this amendment, we request that these policies do not apply in the Capital City Zone, City Mainstreet Zone, Community Facilities Zone, Business Neighborhood Zone and Adelaide Park Lands Zone. In addition, further policies should include: <ul style="list-style-type: none"> • vehicle access, • keeping in character and not visually dominating the streetscape • Design, materials and character compatible with the area
33.	2.3.2.21	Interface Height – Multiple Zones Community Facilities Zone – Changes to refer to street boundary.	Support 	
34.	2.3.2.22	Land Division – Site Contamination -Policy Relevance and Linkage The change means that Site Contamination policy PO 1.1 is relevant to Land Division Applications.	Support 	
35.	2.3.2.23	Non-Residential Outbuildings – New Policy and Assessment Pathways Provides new policies for ancillary buildings and structures for existing uses.	Support 	

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36.	2.3.2.24	Outbuildings - Accepted Development Criteria	Not Supported 	It is unclear why this policy will be removed as it appears to be reasonable policy. We would support the retention of this policy.
37.	2.3.2.25	Pool Fencing Expand term to include “associated Swimming Pool Safety Features”	Support 	
38.	2.3.2.26	Primary Street Setback – Use of Building Business Neighbourhood Zone 3.2 City Living Zone	Partially support 	There is a need for the policy expression to align across zones. The use of character is important to give detail to the policy. It is suggested that ‘character’ is retained consistently.
39.	2.3.3.1	Affordable Housing Overlay – Referral Trigger	Partially Support 	<p>CoA supports the exclusion of the referral trigger by the SA Housing Authority.</p> <p>CoA does not support the changes to remove the Overlay as the driver for the Affordable Housing delivery.</p> <ol style="list-style-type: none"> 1. CoA Does not support lack advise sought from the SA Housing Authority 2. CoA Does not support the amendment drafting as is very unclear <p><u>Need for SA Housing Authority referral</u></p> <p>The proposed amendment is interpreted that if affordable housing is not provided then the referral is not needed. However, this contravenes the policies of the Affordable Housing Overlay including DO 2 and PO 1.1 and P1.2. Whilst we appreciate that some negotiations may not be</p>





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			<p>finalised until after the dwellings have been built, we would seek that the Planning system be used to condition affordable housing to be delivered. Any variation to this should be further assessed.</p> <p>These policies seek a delivery of affordable housing by the private sector. With the removal of the referral, it is unclear why any developer would opt into the affordable housing delivery.</p> <p>In addition, how does the Assessment Manager intended to assess the failure to deliver affordable housing without the comments from the SA Housing Authority.</p> <p>Development certainty is paramount, it is considered that if there is “opt in” approach provided, the lack of clarity will impact property prices and land economics.</p> <p>CoA continues to advocate for the delivery of Affordable Housing by the private sector within the planning system.</p> <p><u>Current policy drafting is unclear</u></p> <p>The drafted policy is very unclear with superfluous policy conditions. It also creates unnecessary complexity that confuses the intent of a referral.</p> <p>Part (a) and (c) need to be consolidated as it seems that if the development or land division (which is development) involved affordable housing it is to be referred.</p> <p>Part (b), relates to <i>planning concessions outlined in the Affordable Housing Overlay DTS 3.1, 3.2 or 4.1</i>. Part b should refer to the PO not the DTS. As the DTS is one way of achieving the PO. However, it is unclear if the SA Housing Authority would have the jurisdiction over these provisions when they relate to planning and design matters.</p> <p>In addition, the need to assess this during the validation is overly complex. The process now requires at validation an assessment of site areas and whether they are reduced, a density assessment, a building</p>
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				height assessment and a parking rate assessment. This is unreasonable at validation.
40.	2.3.3.4	Design Overlay – Referral	Support in principle with Practice Directions provided 	It is recommended that Practice Directions are provided to guide this and reduce the risk of procedural error and reduction of design intent. Whilst it is recognised that there is a need to minimise unnecessary procedural steps, it is important for the intent of the Government Architect’s responses to be maintained to the fullest integrity. For example, simple matters of materials substitution can substantially change the appearance and durability of the building and these should be reviewed by the Government Architect. Given the contextual nuanced approach that the Government Architect facilitates, it is suggested that further guidance is provided for the Assessment Manager to exercise this power in contextual manner.
41.	2.3.3.5	Heritage Adjacency Overlay – Referral	Support in principle with Practice Directions provided 	To complement the operation of this, Practice Directions are required to further guide this.
42.	2.3.3.7	Major Urban Transport Overlay – Revised policy and referral triggers	Support 	
43.	2.3.3.13	Representative Buildings – Character Area Overlay and Historic Area Overlay- Spatial Representation	Support 	Whilst this applies this does not impact the City of Adelaide. The CoA does not have any representative buildings or a Character Area Overlay.






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44.	2.3.3.21	Traffic Generating Development Overlay	Support 	The City of Adelaide does not have any State Maintained Roads. The ring route is a State Maintained Road. The changes will have a limited impact to CoA.
45.	2.3.4.2	Carport and Outbuilding – internal parking dimensions Applicable Zones <ul style="list-style-type: none"> • <i>Business Neighbourhood Zone</i> • <i>City Living Zone</i> 	Support 	<p>Whilst this amendment is supported, it noted that larger common vehicles should be considered to ensure universal design and convenient use of vehicles. It is noted, additional width is needed so people can easily manoeuvre in tight spaces.</p> <p>In addition, there needs to be adequate space to future proof electric vehicle charging points and circulation to waste areas.</p>
46.	2.3.4.4	Decks – Design, and Design in Urban Areas General Development Policies – Assessment Pathways	Not Supported 	<p>These policies are too prescriptive for an urban context with various built form typologies.</p> <p>It is suggested, the PO is amended as follows:</p> <p>POX.1</p> <p><i>Residential Decks are designed and sited to:</i></p> <p>(a) <i>complement the associated building form</i></p> <p>(b) <i>minimise impacts on the streetscape and adjoining neighbours through siting behind the building line of the principal building (unless on a significant allotment or open space)</i></p> <p>(c) <i>minimise cut and fill and overall massing when viewed from adjacent land.</i></p> <p>If there is a need for a DTS, more nuanced policy is needed to address various zones.</p>





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47.	2.3.4.5	Design – PO 19.3 – Driveway Access General Development Policies – Policy Relevance	Support with amendments 	To support all modes, suggest the following amendment <i>PO 19.3</i> <i>Driveways <u>and access points</u> are located and designed to facilitate safe access and egress while maximising land available for street tree planting, <u>pedestrian movement</u>, <u>domestic waste collection</u>, <u>landscaped street frontages</u> and on- street parking.</i>
48.	2.3.4.6	Design In Urban Areas DTS/DPF – Soft Landscaping	Support with amendments 	Note, the CoA would support higher proportions of soft landscaping.
49.	2.3.4.7	Garage and Driveways – Design DTS/DPF 19.5, and Design in Urban Areas DTS/DPF 23.5 General Development Policies – Policy Review	Support 	
50.	2.3.4.8	Heavy Vehicle Parking - Transport, Access and Parking General Development Policy - Policy and Definition Review	Support 	Unlikely to impact CoA given the DTS of 0.4 ha.
51.	2.3.4.9	2.3.4.9 Housing Renewal General Development Policies - Policy Review	Support 	




Attachment 1 – City of Adelaide Submission to the Miscellaneous Technical Enhancement Code Amendment

CoA Reference No: ACC2022/115657

52.	2.3.4.10	Land Division – General Development Policies	Support 	
53.	2.3.4.13	Transport, Access and Parking – General Development Policy	Support 	
54.	2.3.4.14	Transport, Access and Parking – General Development Policy – Designated Parking Areas / Car Parking Rates – Interpretation	Support 	
55.	2.3.7	Land use definitions	Support with amendments 	<p>The proposed Amendment includes the term “part of a building” for Indoor recreation facility and Office. It is unclear if the “part of building inclusions” will complicate the land use assessment in cases where the main land use is something and also has an office component. There are many instances where part of a building is used as an alternative land use however, does not trigger a change of land use. It is considered that this change will trigger development where it does not necessarily need to. Offices are components of many land uses however, the themselves is not a land use in its own right.</p> <p>More refinement is needed to ensure unnecessary change of land use applications are not triggered by small uses. Clarification of scale and times needs could be helpful to support fact and degree considerations of when a change of use is required.</p> <p>In respect to function venues. It would be good to clarify the definition in relation to other land uses that also perform a function venue e.g. Tourist Accommodation, Community Facilities, Convention Centres, Hotels and Pubs.</p>

Attachment 1 – City of Adelaide Submission to the Miscellaneous Technical Enhancement Code Amendment

CoA Reference No: ACC2022/115657

56.	2.3.8	Administrative terms and definitions	Support 	
57.	2.3.9.1	EPA Referrals	Support 	
58.	2.3.11	Local heritage places	Not Supported 	The SA Heritage Register prevail. We understand this is the spirit of the legislation. There have been instances where the Planning and Design Code has been incorrect for a variety of reasons and despite being known have taken consideration time to correct. If the Planning and Design Code were to prevail in these instances, this could have an impact on the ability to apply the Local Heritage Overlay policies and there would an impact to the Local Heritage Place or State Heritage Place.



CITY OF
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28 February 2020

Mr Michael Lennon
Chair - State Planning Commission
GPO Box 1815
ADELAIDE SA 5000

Sent via e-mail: saplanningcommission@sa.gov.au

Dear Mr Lennon

Draft Planning & Design Code – Consultation Response

Thank you for the opportunity for the City of Adelaide to provide a response on the draft Planning and Design Code.

The City of Adelaide has a fundamental commitment to the role of good planning in shaping a vibrant, sustainable, competitive, and liveable capital city. The effective initiation and implementation of the new Planning and Design Code is critical to achieving the City of Adelaide's goals and aspirations on behalf of our ratepayers, investors, community and visitors.

The City of Adelaide is unique in South Australia, a capital city, economic hub, site of national heritage significance, and centre for culture and urban living. Business and residential growth is critical to enabling the city to thrive, and an efficient, user-friendly planning system with strong design principles is necessary to support this.

Please find attached the City of Adelaide's response to the Draft Planning and Design Code (Urban) (the Draft Code), released for public consultation on 1 October 2019. Please note, that the updated classification tables to the Draft Code released by the State Planning Commission on 23 December 2019 have not been reviewed. The large volume of additional material released without extension to the consultation timeframe has made review of this material impractical in terms of the resources required to consider the volume of content, and the Council's internal processes for endorsement of submissions.

The City of Adelaide would like to acknowledge the State Planning Commission in recognising the unique and important role of the City of Adelaide as the State's capital city in the Draft Code. However, as a result of our extensive analysis undertaken during the consultation period, the Draft Code requires considerable amendment. In its current form, the Draft Code has the potential to result in unintended consequences for the future of our environment, community and economy and must be resolved prior to implementation.

Our core observations with the Draft Code are:

- it is incomplete as a development assessment tool and needs significant updating
- Significant and effective policies from the current Adelaide (City) Development Plan are excluded and would need to be considered in the Code to enable the effective planning for city growth.



- the Draft Code adds unnecessary onus, cost, and time to the assessment of some developments that could be improved with our suggested amendments, and
- the Draft Code has the potential to compromise good planning practice and our feedback includes process improvements to achieve quality development outcomes.

The City of Adelaide's submission outlines 15 key recommendations that should be addressed prior to the implementation of the Planning and Design Code. We also request the opportunity to be heard on these recommendations by the State Planning Commission.

The City of Adelaide welcomes and commends the recently extended implementation date for the Planning and Design Code as a valuable opportunity to ensure that critical issues of completeness, quality, consistency, and implementation readiness are resolved prior to the Code coming into effect as the State's most significant instrument for development assessment. Council seeks to continue to collaborate with and assist the State Government during this period to address issues raised and opportunities for improvement identified in this submission.

I wish to also advise you that Council has resolved to delay the pursuit of the Pre-Transition DPA until after implementation of the Planning and Design Code. I also note that the Lot Fourteen Development Plan Amendment is yet to be finalised by the State Government, and that any changes to this DPA need to be reflected in the new Code.

I look forward to your earliest response to our feedback. Please contact Shanti Ditter, Associate Director, Planning Design and Development on [redacted] to discuss further.

Regards



Klinton Devenish
Director Place Portfolio

CC:
DPTI – DPTI.PlanningReformSubmissions@sa.gov.au



PLANNING AND DESIGN CODE PHASE 3 SUBMISSION

City of Adelaide

28 February 2020

DOCUMENT PROPERTIES

Contact for enquiries and proposed changes

If you have any questions regarding this document, please contact:

Contact Officer: Rick Hutchins
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Program: Planning, Design and Development
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Email:

Record Details

HPRM Reference: ACC2020/28829
HPRM Container: 2018/04459

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ACKNOWLEDGMENT OF COUNTRY

We acknowledge that Adelaide is on the traditional country of the Kurna people of the Adelaide Plains. We respect their Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today. We also extend that respect to other Aboriginal Language Groups and other First Nations.

EXECUTIVE SUMMARY

This submission forms the City of Adelaide's response to the Draft Planning and Design Code (Urban) (the Draft Code) that was released for public consultation on 1 October 2019. It represents Council's fundamental commitment to the role of good planning in shaping a vibrant, sustainable, competitive, and liveable capital city.

The City of Adelaide is unique in South Australia; the state's capital city, economic hub, site of national heritage significance, and centre for culture and urban living. Business and residential growth will help the City thrive into the future, and an efficient, user-friendly planning system with strong design principles will support and facilitate this.

The City of Adelaide welcomes the recently extended implementation date for the Planning and Design Code as a valuable opportunity to ensure that critical issues of completeness, quality, consistency, and implementation readiness are resolved prior to the Code coming into effect. Council seeks ongoing collaboration to assist the State Government during this period to address issues raised in this submission. This submission includes a substantial evidence base, through an audit of where the Adelaide (City) Development Plan policies have or have not landed in the Draft Code and the impacts of these changes which have been discussed with the Department of Planning staff (see Attachment A.2). This has assisted Council to identify important policies which are currently missing in the Draft Code and a risk to the future of the City, which are subsequently recommended to be re-included in the Code (see Attachment A.1).

The City of Adelaide has 4 main concerns with the Draft Code:

1. As a development assessment tool, the Draft Code is incomplete.
2. Exclusion of significant and effective policies within the current Adelaide (City) Development Plan risks the future social, economic and physical prosperity of the City.
3. The Draft Code adds unnecessary onus, cost, and time to the assessment of some developments.
4. Failings of process are likely to result in the Draft Code undermining good planning practice and lead to compromised development outcomes.

These points are elaborated upon below.

As a development assessment tool, the Draft Code is incomplete

The draft documents on public consultation are insufficient to enable understanding and communication of, thus compromising Council's and the community's ability to prepare for the full impact and implications of the Draft Code on City development.

Public realm matters have not been addressed within the Draft Code, nor have any Design Standards released for consultation. Without these policy documents being in place is likely to undermine the capacity of the planning system to protect and enhance the quality of the public realm, resulting in uncertainty about how public land is used and managed.

The absence of a mechanism to replace existing sections of the *Local Government Act 1999* reduces the City of Adelaide's ability to manage impacts upon City businesses, residents and visitors caused by unregulated use of public roads and footpaths and is a fundamental concern of the Council. We request the State Government urgently address this matter in consultation with Council.

Exclusion of significant and effective policies risks the future of the City

From the earliest stages of planning reform, the State Government communicated that the initial Planning and Design Code would comprise current Development Plan policies in the new format. In effect a "like for like" transition was proposed to precede future changes to policy content that was to be developed in consultation with councils, community and stakeholders.

The current version of the Draft Code does not represent that commitment. Policy intent, content and tools fundamental to the City of Adelaide's ability to sustain and enhance the quality of its streets and buildings are absent from the Draft Code, and must be reinstated or replaced with suitable alternatives to avoid poor development outcomes that will potentially have a negative effect on the look and feel of our City. Amongst lost policies are those relating to demolition, economic activity, land use, design and character, the public realm and pedestrian movement.

The Draft Code raises Council's real concerns for the future, including the potential for an increased number of vacant sites as a result of premature demolition, a lower quality of built form and public realm than is currently enjoyed by the city's residents, workers, and visitors. The Code has the potential to negatively impact the quality of the pedestrian experience, and result in more conflict in the City environment resulting from potential incompatible land uses, traffic, noise, and management of waste.

The exclusion of important policies also removes or limits opportunities that currently exist in support of sustainable transport, economic development, sustainability and climate change adaptation, equity and diversity, and the arts. Many of these policies have been developed over time with considerable research and engagement and have been tried and tested over many years.

In 2019, the City of Adelaide declared a 'Climate Change Emergency'. It is critically important to Council that all tiers of government work together to take urgent action to manage risks related to climate change, and the new planning system should play a role in this.

The Draft Code lacks policies that assist with recognising unique attributes of local areas to ensure important and heritage places and areas are protected. This point extends to the nationally registered importance of the Adelaide Park Lands.

Unnecessary onus, cost, and time in development assessment

Through error or oversight, the effect of some parts of the Draft Code on the City of Adelaide will result in:

- increased public notification requirements,
- less certainty in determining particular classes of development,
- more complex and potentially longer and more costly assessment processes.

There are instances in which implementation of the Draft Code would require that applications that are simple and straightforward under the current Development Plan, are processed according to a more onerous assessment process and require public notification despite their low community impact or desirable development outcome.

Process is compromising quality development outcomes

The once in a generation opportunity presented by system-wide reform comes with a responsibility to consider the best available sources of knowledge and good practice to shape the future of our State.

The Draft Code has been prepared with a lack of community and stakeholder engagement, and it lacks evidence-based investigations to support significant policy shifts. The City of Adelaide is concerned that the community is not aware or does not fully understand the level of changes proposed to planning policies that affect their area or property.

In the City of Adelaide, the Draft Code introduces significant policy change relating to retail development and residential areas encouraging more a mixed-use development pattern which will create very different outcomes on the ground to those facilitated through the current system. The City of Adelaide has not been consulted on these shifts in policy direction, nor made aware of any compelling reasons or evidence base for the change. This potentially will undo 40 years of consistently applied policy that has supported growing the city population through a range of housing choices.

Preliminary commercial advice (Attachment A.11) has been obtained by Council regarding the Draft Code's proposal to enable within the City Living Zone a change of land use to 50sqm of a building to a commercial use as a 'Deemed to Satisfy' (DTS) development application. The advice affirms the 50sqm DTS proposal would weaken the business and economic role of main streets, reduce amenity in residential areas, reduce residential population in residential areas, and not foster public transport. The advice outlines main streets are experiencing insufficient demand, thus this proposal to increase supply, in particular through the DTS approval process, in locations other than main streets has insufficient basis and is at odds with fostering vibrant main streets and pleasant residential areas.

Finally, the lack of progress and consultation on essential implementation tools required for the Code's functioning, such as, the map viewer and ePlanning platform creates uncertainty for the City of Adelaide in its efforts to be business ready for implementation of the new planning system. This impacts not only the functioning of the planning system but the councils' business operations and ability to adequately service its customers and community.

City of Adelaide recommendations to State Government

The following list outlines all the recommendations that are made throughout this submission. The recommendations are found under the relevant subheading under Section 5.

1. Request to commence collaboration with the State Planning Commission on a Regional Plan for the City.
2. Request the State Planning Commission collaborate with the City of Adelaide to ensure that all relevant public realm matters are encapsulated appropriately in either the Planning and Design Code or a City of Adelaide Design Standard.
3. Enable regulation of the use of public roads through one of the following options (in order of preference):
 - a. Amending the PDI Act; or
 - b. Not proclaiming Schedule 6, Part 7 (Amendment of the LG Act), to allow for further investigations to be undertaken to understand the impacts and put appropriate measures in place to avoid adverse impacts; or
 - c. Development of a Practice Direction and/or Practice Guideline to clearly state that the planning approvals process should not consider construction matters or management of the use the public realm and that these remain within the ambit of Sections 221 222 of the LG Act; and

- d. Ensure public realm matters are encapsulated appropriately in either the Planning and Design Code or a specific City of Adelaide Design Standard prior to implementation of the Planning and Design Code; and
 - e. Investigate whether under the PDI Act, any standard conditions on a Development Application may resolve some matters currently dealt with by a Section 221/222 permit; and
 - f. Investigate the further legislative impacts of the amendment and put in place appropriate measures to ensure procedural processes are effective prior to implementation of the Planning and Design Code.
4. Include universal design principles within the Code and/or within relevant Design Standards prior to implementation (refer Attachment A.1 and A.2).
 5. Include existing Development Plan policies in the Planning and Design Code, as detailed in Attachment A.1 and A.2 of this submission.
 6. Include non-envisaged land use list to provide clarity and certainty to the community about what is envisaged, that will facilitate achievement of mandated assessment timeframes.
 7. Reword the procedural matters tables within all Zones applying to the City of Adelaide so that unnecessary public notification in the city for minor applications does not occur.
 8. List all envisaged land uses and development types within Zone classification tables and provide policies for their assessment to streamline processing and avoid envisaged land uses defaulting to the classification of all other code assessed development.
 9. Implement consistent language to describe forms of development throughout the Planning and Design Code, using defined terms wherever possible.
 10. Ensure classification tables in the City Zone reflect the common development types that occur in the local context enabling simpler and more efficient assessment of these applications.
 11. Implement a launch date that allows sufficient time to achieve the following:
 - Undertake comprehensive testing of the Planning and Design Code to identify significant policy changes, errors, missing content and/or unintended consequences to allow for required policy amendments;
 - Undertake additional consultation on changes to the Planning and Design Code arising from Phase 3 submissions (in preference to not making changes to the Draft Code following consultation on the basis that changes would delay introduction of the Planning and Design Code);
 - Notify every South Australian of the changes proposed to their property to meet the intent of the PDI Act and Community Engagement Charter;
 - Test the effect of the proposed Planning and Design Code in the ePlanning system (as originally proposed for in the announced transition process); and
 - Provide adequate time to prepare for the full implementation of the changes, including the considerable integration works required to Council's business systems in order to maintain current business operations and service levels to our community.
 12. Reinststate the policies developed collaboratively by the City of Adelaide and DPTI in good faith, and/or clearly communicate why this body of work was excluded from the Draft Code.
 13. Ensure forms of development assessed on merit currently are not classified as restricted under the Planning and Design Code, but rather performance assessed with reference to appropriate policies to be included in the Planning and Design Code.

14. Include comprehensive policies within the Planning and Design Code to assist with assessment or allow for matters to be conditioned, to streamline assessments.

15. Insert into Part 5 (Designated Areas) of the Planning and Design Code the following indicated in blue text:

Relevant authority - Commission	
Areas identified for the purposes of clause 4(1) of Schedule 6 of the Regulations – Buildings exceeding 4 storeys	Design Overlay <i>excluding where it applies to the City of Adelaide.</i>

1. INTRODUCTION

1.1 Scope of submission

This submission forms the City of Adelaide's response to the Draft Planning and Design Code (Urban) (the Draft Code), released for public consultation on 1 October 2019. Once finalised, the Draft Code will guide all future development in the City of Adelaide, replacing the Adelaide (City) Development Plan with its specific zones and policies that have been developed and refined over the last 5 decades.

A document of some 3,031 pages, the Draft Code has presented a significant undertaking for the City of Adelaide to interpret and consider its implications for the future of the City. Council has invested significant resources for this task, with the comprehensive analysis undertaken forming the basis of this submission.

In this context, it is important to note that updated classification tables to the October 2019 Draft Code released by the Department for Planning, Transport and Infrastructure (DPTI) on 23 December 2019 have not been reviewed in preparing this submission. The large volume of additional material released without extension to the consultation timeframe has made review of this material impossible in terms of the resources required to consider the volume of content.

The research and investigations undertaken to inform this submission have also been undertaken with the purpose of providing a clear record and line of sight between the current Adelaide (City) Development Plan and Draft Code that will be useful for future reference and audit purposes.

1.2 Planning reform context

The inception of the current planning reforms was in 2013 with the formation of the Expert Panel. The Expert Panel's vision for South Australia's new planning system was to create an 'effective, efficient and enabling planning system that:

Is simple, transparent, easy to understand and user-oriented

Is outcome-focussed, evidence-driven and open to innovation

Provides streamlined processes for investment at any scale

Is responsive to changing circumstances and priorities

*Places a premium on professionalism and integrity.*¹

Following a program of community and stakeholder engagement and the publication of 3 reports on the Expert Panel's findings, reform progressed with the gazettal of the *Planning and Development Act 2016* (SA) (the PDI Act).

Subsequently, various permeations of *Planning, Development and Infrastructure Regulations* have been developed to enable the new system to be brought into effect, with some gazetted and others still in progress. State Planning Policies provide the strategic land use planning framework for the state as a whole

The current stage of reform is the Planning and Design Code, described by the SA Planning Portal as:

¹ South Australia's Expert Panel, 'The Planning System we want on planning reform', December 2014, p 11.

the cornerstone of South Australia's new planning system. The Code will replace all development plans to become the single source of planning policy for assessing development applications across the state.

The Planning and Design Code is proposed to be implemented alongside an ePlanning tool through which the development assessment process will be conducted exclusively online.

1.3 City of Adelaide context

The City of Adelaide is a unique part of South Australia in many ways: the capital city of South Australia, an economic hub, a site of national heritage significance, and a centre for culture, lifestyle, and urban living. Each of these characteristics has been supported over the decades by a robust urban planning framework that has stood the test of time, in both the strategic and the day to day management of development and the urban environment.

Adelaide is a City Designed for Life. We know that built form and the urban environment contributes to overall liveability of a place, the wellbeing of its people and the richness of the experiences it offers. That is why people movement, accessibility and the built environment is not just about development for growth's sake. It's about evolving with the community's needs to shape and define the place we love. Our pioneering spirit ensures we stay ahead of the development curve, being thoughtfully innovative in shaping policies, prioritising our community's wellbeing as we evolve Adelaide's renowned character and heritage by design.

The City of Adelaide strongly supports development in the City, just as it supports high quality public spaces, sustainable landscapes, connected communities, protecting heritage for future generations, and vibrancy in arts and culture.

Business and residential growth will help the City thrive into the future, and an efficient, user-friendly planning system with strong design principles supports this.

1.4 Key issues and recommendations

The most significant finding of the City of Adelaide's review of the Draft Code is that it is not ready for implementation. On 7 February 2020, it was announced that the 1 July 2020 deadline for implementation, as stipulated in the PDI Act would be amended to a date to be set by proclamation in the SA Government Gazette, although the Minister for Planning has suggested that this will be September 2020.

Whilst this delay in implementation is commended, a primary recommendation of this submission is that the State Government extend the implementation not to just a date, but to ensure that critical issues of completeness, quality, consistency, training and business readiness are resolved prior to the Planning and Design Code coming into effect as the State's most significant instrument for development assessment.

The need for more time is further exemplified by the underdeveloped status of the ePlanning system and the training and implementation program required to enable a smooth transition to use of the Planning and Design Code.

Four significant concerns with the Draft Code underpin the need for more time to develop the Draft Code to a fit for purpose standard:

1. As a development assessment tool, the Draft Code is incomplete

Design standards for development, policies to address the public realm and arrangements for use of public realm must be in place for the real implications of application of the Draft Code to be understood.

2. Significant and effective policies have been excluded from the Draft Code

A vast range and number of policies including those relating to demolition, design, character and local context and must be reinstated or replaced with suitable alternatives. The exclusion of these policies creates uncertainty in the assessment process and

invites poor development outcomes that have a negative effect on the look and feel of our City.

3. The Draft Code adds unnecessary onus, cost, and time to the assessment of some developments

Through error or oversight, the effect of some parts of the Draft Code on the City of Adelaide is excessive public notification requirements, less certainty in determining class of development and lack of specific policy leading to more complex, and accordingly longer and more costly assessment process.

4. Failings of process have resulted in the Draft Code undermining good planning practice and compromising quality development outcomes

There is a need to address the weaknesses in the Draft Code that have occurred as a result of poor community and stakeholder engagement, and a lack of evidence-based investigations to support significant policy changes.

Unresolved, these issues pose real risks to the future environment, community and economy of the City of Adelaide. The matters identified are not critique for critique's sake, but rather represent the City of Adelaide's fundamental commitment to the role of good planning in shaping a smart, green, liveable and creative capital city.

1.5 Guide to the submission

In preparing this submission the City of Adelaide has undertaken extensive analysis and scenario testing of the Draft Code and its practical implications for development assessment. This analysis has informed the submission as presented in the following sections:

- Section 2 describes the unique nature of the City of Adelaide in an urban planning context, forming a reference point for consideration of impacts of the Draft Code
- Section 3 examines the Draft Code's alignment with strategic directions established in the State Planning Policies and City of Adelaide Strategic Plan 2016-2020
- Section 4 identifies the successful aspects of the Draft Code from the City of Adelaide's perspective
- Section 5 identifies recommendations to amendments to the Draft Code, based on the detailed analysis included in the Attachments A.1, A.2, A.3 and A.10.
- Section 6 details policy change, key issues and recommendations by zone, based on the detailed analysis included in the Attachments A.1 and A.2
- Attachments A.1 through A.11 form the detailed analysis of the Draft Code, specifically:
 - City of Adelaide Draft Code amendment document – proposed rewording and additional policies to be added
 - Audit of Adelaide (City) Development Plan against Draft Code
 - Draft Code testing using City of Adelaide development application examples
 - Low Risk Application study
 - City of Adelaide proposed Historic Area Statements
 - Commentary on Draft Practice Directions released 1 October 2019
 - Legal advice obtained by City of Adelaide relating to public realm matters
 - Detailed analysis of how the State Planning Policies have been captured in the Draft Code

- Recommendations for improvement to Part 1 – Rules of Interpretation of the Planning and Design Code
- Recommendations for improvement to Parts 7 and 8 – Land use definitions and Administrative definitions of the Planning and Design Code
- Preliminary commercial advice on impacts of policy introducing increased mixed-use development to residential areas and impacts on Main Streets

2. A UNIQUE HISTORY

The City of Adelaide occupies a special place in the context of Greater Adelaide and South Australia – effectively constituting the “heart” of our State.

Colonel William Light planned the “Capital City of Adelaide”, with the proposed built form surrounded by park lands, a design of international quality and importance. The Park Lands and City Layout are nationally recognised for their heritage value, reinforcing their cultural significance and contribution to sense of place.

In 2020, Adelaide welcomes ever increasing numbers of workers, students, tourists, visitors from the wider metropolitan area, and a growing population of residents. As well as being a centre of commerce, employment, and economic growth, the City is a vibrant cultural hub, it embraces research and development fostered by world class universities, numerous international arts festivals, and the world’s most significant collection of Aboriginal art and artefacts.

From an urban planning and local governance perspective, the needs and aspirations of the City of Adelaide are different to those of its immediate local government neighbours and other councils further afield. This distinction is acknowledged by a range of stakeholders including Australian and State governments, other councils and the Local Government Association, the Capital City Committee, and specifically by South Australia’s peak urban planning authority the State Planning Commission in its release of a dedicated section on the City of Adelaide in the *30-Year Plan for Greater Adelaide*.

This unique role in South Australia has historically made the City of Adelaide the subject of urban planning innovation, with examples including but not limited to:

- The *City of Adelaide Development Control Act 1976* providing for five yearly reviews to create a Plan, creation of innovative desired character statements, and City based decision-making arrangements for development
- The *City of Adelaide Act 1998* establishing a Capital City Committee - a unique collaborative governance measure through which senior elected representatives of the State Government and Council oversee common initiatives and coordination of functions
- The *Adelaide Park Lands Act 2005* establishing the Adelaide Park Lands Authority, a subsidiary of the Council with a board comprising both Council and State appointed members tasked with advising on the future of the unique Adelaide Park Lands
- The current *Development Regulations 2008 (SA)* have a number of City of Adelaide specific policies which were transitioned across from the *City of Adelaide Development Control Act 1976*. These policies have represented the legacy of the City’s leadership in planning and are important controls that were established to protect the city’s identity. These include:
 - provisions which require consent for demolition within the City which has proved critically important in minimising the unnecessary and premature demolition of buildings leading to vacant sites which provide little or no social, economic or physical value to the city, reduce activation opportunities and negatively affect city streetscapes; and
 - specific provisions relating to when advertising requires development approval or when it doesn’t.
- The *Planning, Development and Infrastructure (General) Regulations 2017* remove these unique clauses, requiring the City of Adelaide to fall into line with state-wide provisions. Creating consistency across the state is a key reason for the reform and City of Adelaide appreciates that having state-wide provisions would simplify things.

However, the historical reason for the City of Adelaide demolition and advertising provisions is steeped in history stemming back to the *City of Adelaide Plan 1974*, prior to the state-wide *Development Act 1993*. No rationale has been provided in support for removing these regulations. This may erode the legacy of the City's leadership in good planning practice and outcomes and risks the unique context that has helped shaped our capital city.

3. STRATEGIC ALIGNMENT

3.1 Alignment of the Planning and Design Code with State Planning Policies

The new planning system establishes a new policy framework and hierarchy. With the PDI Act and associated Regulations, the new planning system creates three key policy documents:

1. The State Planning Policies (SPPs) represent the highest-level policy document in the new planning system and provides planning objectives for the long-term vision for the entire state.
2. Regional Plans form the strategic documents that relate to a region.
3. The Planning and Design Code guides development assessment.

Regional Plans have not been developed in the new system, but will, for the time being, rely on the 30-year Plan for Greater Adelaide. This document does not provide the strategic focus the City seeks. There is risk that without a City focussed Regional Plan in place, the Council's strategic goals may not be achieved with the new planning system. Council would like to commence working with the State Planning Commission on a Regional Plan for our State's capital.

It is a requirement of the PDI Act that each document must be consistent with a higher-order document, to ensure that the long-term vision and strategic goals of an area can be facilitated and achieved.

The table below is a high-level assessment of the extent to which the Draft Code policies for the City of Adelaide contribute to achieving the SPPs, compared to the current City of Adelaide Development Plan. This analysis demonstrates there are many SPPs at risk of not being achieved unless recommendations for improving the Planning and Design Code are implemented. A thorough and detailed analysis is provided in Attachment A.8.

Recommendations

1. Request to commence collaboration with the State Planning Commission on a Regional Plan for the City.

State Planning Policies Objectives	P&DC alignment with SPP
<p>1 - Integrated Planning Integrated planning coordinates the strategic use of land with the necessary services and infrastructure. It can influence how a city or region grows and evolves, which if done well, creates liveable and sustainable places that contribute to our prosperity.</p>	Partially achieved
<p>2 - Design Quality Good design improves the way our buildings, streets and places function, making them more sustainable, more accessible, safer and healthier. The integration of design within the planning system encourages creative solutions to complex social, economic and environmental challenges including those arising from our changing settlement patterns.</p>	Not Achieved
<p>3 - Adaptive Reuse Adaptive reuse of buildings, sites and places in both urban and rural settings can have cultural, social, economic and environmental benefits. It can rejuvenate neighbourhoods and strengthen a sense of place and familiarity with the surrounding environment. A strong link to the past can enhance a sense of place, history and belonging and unlock new opportunities and promote innovation in design.</p>	Partially achieved
<p>4 - Biodiversity South Australia's unique biodiversity contributes to our quality of life, supports our economy and provides life-supporting functions such as clean air, water, sea and land. Maintaining and enhancing a healthy, biologically diverse environment ensures greater resilience to climate change, increases productivity and supports a healthy society.</p>	Not achieved
<p>5 - Climate Change Climate change will impact all areas of our society. Our future prosperity, the liveability of our cities and towns, the health and wellbeing of our communities and the resilience of our built and natural environment all depend on how well we adapt to and mitigate the impacts of climate change.</p>	Not Achieved
<p>6 - Housing Supply and Diversity Housing is an essential part of people's health and wellbeing. Our planning system must enable the sufficient and timely supply of land and a variety of housing choices at appropriate locations. With the changing composition of our community and our desire to live more sustainably, our housing supply needs to become more diverse in both metropolitan Adelaide and regional township locations.</p>	Partially achieved
<p>7 - Cultural Heritage South Australia's cultural heritage reflects the diversity, unique features and key moments in our state's history and contributes to our community's understanding of its sense of place and identity. The enduring, living, spiritual and cultural connection to the land by South Australia's First Peoples is recognised and acknowledged as an essential part of our cultural heritage.</p>	Partially achieved
<p>8 - Primary Industry South Australia's agriculture, forestry, fisheries and aquaculture industries are fundamental to our prosperity and identity. Along with their associated tourism and service industries—and the infrastructure that supports their production and marketing—primary industry value chains are major generators of economic activity and employment in each of the regions of the state.</p>	Partially achieved
<p>9 - Employment Lands Providing a suitable supply of land for employment uses is critical to support job growth and the economic prosperity of the communities. The planning system needs to support the diversification of our economy and remove barriers to innovation. It is critical that the right signals are sent to the market to attract interest, investment and tourism opportunities across South Australia.</p>	Insufficiently achieved

<p>10 - Key Resources</p> <p>Our valuable mineral and energy resources are the property of the Crown and are managed by the state on behalf of all South Australians. The mineral and energy resource sectors will continue to fuel economic development, support the growth and development of our communities, and provide an income stream to help fund infrastructure and support construction affordability.</p>	Partially achieved
<p>11 - Strategic Transport and Infrastructure</p> <p>The economic and social prosperity of South Australia relies on a transport system that is safe, integrated, coordinated, dependable and sustainable. Transport systems that provide effective connectivity underpin access for business to local, national and international markets; link people with employment, goods and services by providing travel choices; and contribute to a healthier and more connected society.</p>	Not achieved
<p>12 - Energy</p> <p>The provision of sustainable, reliable and affordable energy is essential in meeting the basic needs of communities and ensuring the long-term supply of key services across South Australia. Industries and business rely on energy for their viability while households rely on it daily to support their lives, health and comfort. The production of energy and associated infrastructure also contributes significantly to the state's economy.</p>	Partially achieved
<p>13 - Coastal Environment</p> <p>The South Australian coastal and marine environment has high intrinsic, aesthetic, social, environmental and economic values. It includes beaches, oceans, dune systems, tidal waters, wetlands and cliffs. The natural features of the coastal environment also provide vital habitat, contribute to our biodiversity and play an important role in protecting development and human occupation from flooding and erosion.</p>	Partially achieved.
<p>14 - Water Security and Quality</p> <p>Water is one of South Australia's most valuable natural resources. Access to a safe and reliable water supply is essential to support our communities and our diverse economy. Our water dependent ecosystems also rely on access to water so that they can continue to provide cultural, aesthetic, amenity, recreational and tourism benefits. It is therefore vital that we continue to protect and plan for our water now and into the future.</p>	Partially achieved
<p>15 - Natural Hazards</p> <p>Natural hazards are an integral part of the South Australian landscape and have the potential to impact on people, property, infrastructure, our economy and the environment. As we continue to grow and develop we need to plan for and mitigate risks from these hazards</p>	Partially achieved
<p>16- Emissions and Hazardous Activities</p> <p>Protecting communities and the environment from exposure to industrial emissions and hazards and site contamination is fundamental to the creation of healthy cities and regions. At the same time, it is critical that South Australia's industrial and infrastructure capacity and employment levels are preserved.</p>	Partially achieved.

3.2 City of Adelaide Strategic Plan 2016-2020

The Draft Code has been analysed against the City of Adelaide Strategic Plan 2016-2020 to demonstrate how the new planning system may impact Councils strategic goals. Please note, the City of Adelaide 2020-2024 Strategic Plan is currently undergoing drafting and consultation.

Objective	Action	Analysis of the Draft Planning and Design Code
SMART	<ul style="list-style-type: none"> Develop and promote an international City brand that showcases the smart, liveable, green and cultural advantages of Adelaide 	<ul style="list-style-type: none"> The Planning and Design Code will be important to ensure development achieves and enhances the city brand; 'Adelaide: Designed For Life'. Development needs to support the brand as one of the most liveable cities in the world by showcasing best practice design. The Draft Code does not emphasize this. Amendments to the Planning and Design Code, proposed as part of this submission may assist in supporting this action. However, emphasis of the importance of the City brand, may be better placed in a City of Adelaide Regional Plan which Council would like to discuss further with the Commission.
GREEN	<ul style="list-style-type: none"> Improve energy performance and use of renewable energy in Council and privately-owned buildings, including consideration of solar heating, solar energy generation and battery storage Work with private property owners and the State Government to embed better environmental performance into new and existing developments Identify opportunities for building adaptation and re-use that supports heritage aspirations while reducing carbon emissions and waste Work with all City stakeholders to increase public and private greening with street trees, gardens, community gardens, green walls and roofs, providing incentives where appropriate 	<ul style="list-style-type: none"> The Planning and Design Code has opportunity to respond to a changing climate and ensuring our built form, transport and waste systems are resilient. A number of actions set out in the City of Adelaide's Carbon Neutral Action Plan have not been met and have been delayed by the Planning Reform process. The City of Adelaide remains committed to ensuring development responds to our changing climate and appropriately manages our built form, transport and waste systems to ensure they are resilient. Amendments to the Planning and Design Code, proposed as part of this submission are sought to reduce the risks associated with climate change.
LIVEABLE	<ul style="list-style-type: none"> Encourage growth in the full range of residential property development in a mixed-use environment in a manner that respects the human scale and different character of districts in the City Promote and protect Adelaide's built character and heritage 	<ul style="list-style-type: none"> The Draft Code loses much of the fine grain detail that will reinforce the human scale and different character of districts in the City. There is a need to reinstate and enhance this policy to support contextual design. Whilst the Draft Code proposes a framework for heritage which is considered appropriate, the policies and statements

	through our operations, incentives, policies and direct investment, while working with and advocating to Federal and State governments for an increase in City buildings protected under State or Local Heritage regulations	relating to protection of heritage in the Draft Code require strengthening in order to protect Adelaide's built character and heritage.
CREATIVE	<ul style="list-style-type: none"> Increase public art and cultural expression in private development by using planning levers and requirements 	<ul style="list-style-type: none"> The Draft Code proposed no policies that guide public art and cultural expression in Development. Nor have levers been utilised to support public art in development. Amendments to the Planning and Design Code, proposed as part of this submission would provide policies to encourage development to value add to the city through creative expression.

4. WHAT THE DRAFT CODE DOES WELL

4.1 Recognising the City of Adelaide

The Draft Code preserves a number of the City of Adelaide's specific Zones and includes with several Subzones, acknowledging the uniqueness and importance of the City and North Adelaide to the state.

4.2 Structure and layout

The Draft Code modules (Zones, Subzones, Overlays and General Development Policies (GDP)) consistent structure is logical and assists with understanding. The use of subheadings within these modules makes particular policies easy to find. It is understood that all modules will utilise the previously promoted table format by implementation of the Planning and Design Code, with performance outcomes and deemed-to-satisfy or designated performance features sitting in side-by-side columns. This will significantly assist the readability and understanding of the Planning and Design Code.

The structure for the administrative and land use definitions (parts 7 and 8 of the Draft Code) is excellent. The use of an 'includes' and 'excludes' column are very useful. Whilst the tables require additional definitions to be added (see detailed discussion on this below), the structure is a good starting point and will assist to provide clarity in the future, and reduce the need for preliminary legal advice to determine the true nature of development.

4.3 Framework for heritage conservation

Whilst the policies require strengthening (see detailed discussion on this below), the framework for heritage that the Draft Code proposes is considered appropriate to maintain these unique and important places and areas. Additionally, the roll-over of all listed State Heritage Places and Local Heritage Places is valued by Council, with the City of Adelaide having 27% of South Australia's listed heritage places.

4.4 Water Sensitive Urban Design

The introduction of improved water sensitive urban design (WSUD) principles. However, the Planning and Design Code would benefit from WSUD principles appearing under all subheadings within the 'Design in Urban Areas' GDP. WSUD should be an aspiration for all development types, from small scale residential to high scale; this is currently not the case in the Draft Code.

The Draft Code WSUD policy will more easily enable CoA's aspiration of a liveable City but require further strengthening particularly in relation to the WSUD "deemed-to-satisfy" policies. Additionally, the provision of readily available guidelines for applicants would assist understanding, and combined with an appropriately implemented compliance mechanism will ensure the new planning system achieves WSUD.

4.5 Rationalisation of policy

A core objective of the planning reform was to achieve a rationalisation in policies across the State. The Draft Code has removed duplication of policy.

5. RECOMMENDATIONS FOR AMENDMENTS TO THE DRAFT CODE

The matters summarised below must be resolved prior to the finalisation and implementation of the Planning and Design Code. Unresolved, these issues pose real risks to the future environment, community and economy of the City of Adelaide.

The program of planning reform initiated in 2013 is a once in a generation event, and an immense task to embark upon and complete. South Australia's Expert Panel on Planning Reform established clear directions for the new planning system, intended to benefit all South Australians. Since the panel's ideas for reform were published in 2014, significant work has occurred, but the process has in part lost sight of the directions for reform, and how to best achieve the desired outcomes for a new planning system.

The matters identified here are not intended as critique for critique's sake, but rather represent the City of Adelaide's fundamental commitment to the role of good planning in shaping a vibrant, sustainable, competitive, and liveable capital city.

5.1 The Draft Planning and Design Code is incomplete

The City of Adelaide has thoroughly considered the consultation version of the Draft Code.² Regrettably, key policy elements with direct bearing on the implementation of the Code in the City of Adelaide have not been provided for comment, and the status of these elements is unclear.

In effect and based on the information provided, the City of Adelaide is unable to understand, communicate, or prepare for the full impact and implications of the Planning and Design Code on the City's landscapes and communities. Specific examples are described in the following table.

² The updated classification tables to the Draft Code released by SPC on 23 December 2019 have not been reviewed. The large volume of additional material released without extension to the consultation timeframe has made review of this material impracticable in terms of the resources required to consider the volume of content, and the council's internal processes for endorsement of submissions.

MISSING PIECES in the Draft Code/system	RISKS for the City of Adelaide
<p>Public realm</p> <p>Following requests for draft Design Standards, DPTI confirmed in December 2019 that none had been developed to date. The PDI Act requires that aspects of development relating public realm, infrastructure and encroachment be assessed against the P&D Code or Design Standards.³</p> <p>Further, the P&D Code does not include adequate provisions relating to development or activity in the public realm for the City of Adelaide.</p>	<p>Protection, coordination and enhancement of the public realm cannot be achieved through development control, resulting in reduced quality of the public realm, reduced safety and reduced visual amenity, and more uncertainty and conflict around the use of public land.</p>
<p>Approvals under sections 221 and 222 of the <i>Local Government Act 1999</i></p> <p>The PDI Act amends Sections 221 and 222 of the <i>Local Government Act 1999 (SA)</i> (LG Act) with the effect that activities currently requiring a council-issued permit will no longer require a permit if the activity forms part of an approved development application under the PDI Act.</p> <p>This relates to activities such as use of public roads (e.g. road closures, erection of cranes, encroachments), use or changes to public footpaths (e.g. outdoor dining, changes to crossovers) etc.</p>	<p>Unregulated use of public roads and footpaths (e.g. road closures, crane erection, outdoor dining, crossover changes) may lead to negative impacts upon:</p> <ul style="list-style-type: none"> • Conflicting legislative requirements whereby public consultation on changes to a public road are not able to be undertaken; • Use and enjoyment of the public realm; • Public safety, public liability and indemnity Maintenance and repair; • Local trade; • Occupiers of private land.

³ *Planning Development and Infrastructure Act 2016 (SA)* s 102 and 69.

MISSING PIECES in the Draft Code/system	RISKS for the City of Adelaide
<p>Universal Design</p> <p>The PDI Act provides principles of good planning, including that <i>“built form and the public realm should be designed to be inclusive and accessible to people with differing needs and capabilities (including through the serious consideration of universal design practices)”</i>.^[1]</p> <p>The Draft Code does not provide enough principles relating to universal design, nor are these principles applied to all development types, minimising their application in achieving universal design.</p>	<p>Unable to require universal design in development to provide access to people of all abilities in the City of Adelaide.</p>

Recommendations

2. Request the State Planning Commission collaborate with the City of Adelaide to ensure that all relevant public realm matters are encapsulated appropriately in either the Planning and Design Code or a City of Adelaide Design Standard.
3. Enable regulation of the use of public roads through one of the following options (in order of preference):
 - a. Amending the PDI Act; or
 - b. Not proclaiming Schedule 6, Part 7 (Amendment of the LG Act), to allow for further investigations to be undertaken to understand the impacts and put appropriate measures in place to avoid adverse impacts; or
 - c. Development of a Practice Direction and/or Practice Guideline to clearly state that the planning approvals process should not consider construction matters or management of the use the public realm and that these remain within the ambit of Sections 221 222 of the LG Act; and
 - d. Ensure public realm matters are encapsulated appropriately in either the Planning and Design Code or a specific City of Adelaide Design Standard prior to implementation of the Planning and Design Code; and
 - e. Investigate whether under the PDI Act, any standard conditions on a Development Application may resolve some matters currently dealt with by a Section 221/222 permit; and
 - f. Investigate the further legislative impacts of the amendment and put in place appropriate measures to ensure procedural processes are effective prior to implementation of the Planning and Design Code
4. Include universal design principles within the Planning and Design Code (refer Attachment A.1 and A.2) and/or within relevant Design Standards prior to implementation.

Public Realm – a missing piece

The PDI Act provides that developments must be assessed against the ‘planning rules’.⁴ The PDI Act defines ‘planning rules’ as including the Planning and Design Code and ‘Design Standards’, which relate to public realm or infrastructure matters.⁵ Many developments within the City of Adelaide have an impact or propose development on or within the public realm.

The Draft Code released 1 October 2019, does not provide any policies relating to the public realm, nor were any Design Standards released for consultation. Without policies in place, when the Planning and Design Code is implemented, many public realm matters may be at risk of not having a policy framework within which these would be appropriately dealt with. This is currently a missing element of the planning reform and significant risk to Council.

Additionally, the PDI Act makes amendments to Sections 221 and 222 of the *Local Government Act 1999* (SA) (LG Act). These sections relate to permits currently issued by Council for work and development within the public realm. In summary, these amendments mean that anything that would currently require a Section 221 or 222 permit to be issued by Council, if approved by a future development application under the PDI Act, a permit will no longer be required.

Whilst Council supports streamlining processes and removing red tape, these amendments appear to have not considered some fundamental and important processes of permits and poses a significant risk to Council.

Legal advice has been sought regarding the amendments. This advice outlines the risks for Council of this not being adequately resolved prior to implementation of the Planning and Design Code (legal advice provided in Attachment A.7). In summary the legal advice is as follows:

- If an application shows road closures or a crane on a plan that is granted Development Approval, a permit from Council would not be required. This would lead to an odd public policy outcome where an applicant for approval under the PDI Act can sidestep the clear legislative intent of the Parliament that certain alterations or use of public roads must be subject to public consultation.
- Council’s public realm policy documents need to be transferred to either policies within the Planning and Design Code or to a City of Adelaide Design Standard in the new planning system to be considered in the planning assessment process.
- The practical implementation of s 102(11)(b) which allows Council to charge fees for public realm matters is unclear.
- The requirement for, for example, the State Commission Assessment Panel to ‘consult’ with Council on anything that would otherwise be dealt with by s 221/22 of the LG Act, does not provide a timeframe for this process within the Planning, Development and Infrastructure (General) Regulations 2017, but does provide new statutory assessment timeframes. It is unclear how this ‘consultation’ will occur, and the timeframe involved.
- Matters relating to public indemnity insurance and liabilities are at risk of not being dealt with.
- It is unclear if Council wanted to undertake maintenance to a road and required public realm elements be removed to allow this, if this would be possible and if so, how it would occur.

⁴ *Planning, Development and Infrastructure Act 2016* (SA) s 102(1)(a).

⁵ *Planning, Development and Infrastructure Act 2016* (SA) s 69.

- It is also unclear what powers Council has to hold an encroachment owner accountable should their encroachment fall into disrepair.

Whilst Council staff have been discussing with DPTI staff possible ways to mitigate the unintended consequences of this legislative amendment, this must be resolved prior to the implementation of phase 3. This could put several public realm matters relating to construction, public consultation, liabilities, public indemnity insurance etc. at risk.

It is essential that these matters be dealt with and implemented at the same time the Planning and Design Code is implemented.

5.2 Loss of important policies risks the future look and feel of our City

From the earliest stages of development of the new planning system, DPTI communicated that the initial Planning and Design Code would comprise current Development Plan policies in the new Planning and Design Code format, in effect a “like for like” transition to precede future changes to policy content developed in consultation with councils, community and stakeholders.

The current version of the Draft Code does not represent that commitment. Policy intent, content and tools fundamental to the City of Adelaide’s ability to sustain and enhance the quality of its streets and buildings are absent from the Draft Code, and have not been replaced with substantive planning policy to the detail or rigour necessary to enable good development outcomes, evidenced by the review and testing of the Draft Code contained in Attachments A.1 through A.4.

Amongst current Adelaide (City) Development Plan policies excluded from the Draft Code are best-practice, evidence-based policies that directly contribute to the quality of environment and experience the city provides to its residents, workers, and visitors.

Attachments A.1 through A.3 illustrate in detail the extent and significance of policy loss in the City of Adelaide, while the following table summarises the policy losses of greatest impact, relating to:

- Demolition
- Design and character, appreciation of local context, and views
- Heritage, heritage adjacency, and the Adelaide Park Lands
- Movement, including policies relating to pedestrians, car and bicycle parking, integrated transport and land use planning, and emerging transport
- Land use
- Noise, waste management and energy efficiency
- Crime Prevention through Urban Design
- Public art
- Affordable housing and apartment quality

Policies EXCLUDED from the Draft Code	RISKS for the City of Adelaide
<p>Demolition</p> <p>In response to the unique and historic context, currently all demolition in the City of Adelaide requires planning consent. Demolition of a building is not supported until such a time as a replacement development on the site is granted Development Approval.</p> <p>Under the Draft Code no provision is made for demolition control in the City of Adelaide other than for a listed heritage place. This policy has been in place since the 1980s being an effective policy mechanism.</p>	<p>Unnecessary and premature demolition of buildings leading to vacant sites which provide little or no economic benefit to the city, reduce activation opportunities and negatively affect city streetscapes.</p>

Policies EXCLUDED from the Draft Code	RISKS for the City of Adelaide
<p>Design and character</p> <p>Policy tools to sustain local character and facilitate good design outcomes have been removed across the City of Adelaide (Refer below Section 5. Zone Summaries and Attachment A.2 Development Plan to Code Audit). Specific examples include the following policies lost in the Capital City and City Living Zones, however policy omissions across all Zones applying to the City of Adelaide have been identified.</p> <p>Policies absent from Capital City Zone:</p> <ul style="list-style-type: none"> • Human scale, a comfortable pedestrian environment, and intimate, active, inclusive and walkable spaces • Maintenance of Adelaide's distinct / historic grid pattern • The role of North Terrace as a cultural boulevard, King William Street as the commercial spine and Pulteney Street and Morphett Street as mixed-use commercial boulevards • Design solutions to ensure and facilitate good land use co-existence outcomes • Design of small-scale external alterations, e.g. shopfront alterations and canopies over footpaths • Application of podiums and associated design guidelines • Spacing between tower buildings to enable sunlight access to the public realm • Design and appearance of buildings e.g. façade composition, articulation and modelling with regard to settlement pattern Built form aspects of interface with the City Living Zone • Adaptability of ground floor levels through minimum ceiling to floor level heights. <p>Policies absent from City Living Zone:</p> <ul style="list-style-type: none"> • Design guidance to ensure buildings and additions are compatible with existing development (rather than a generic Deemed to Satisfy measure, e.g. for front setback) • Built form elements e.g. massing, frontage and setback widths, façade articulation • Local characteristics e.g. grand buildings on East Terrace, importance of landscaped grounds to historic character 	<p>Poorly designed development that does not respond to its context.</p> <p>Lowered quality of the built form and streetscapes that make the City:</p> <ul style="list-style-type: none"> • Economically attractive • Liveable • Walkable • Attractive to visitors • Competitive • Unique in the local character of its precincts and neighbourhoods. <p>Complaints due to poor outcomes being generated with little or no avenue for recourse.</p>



Policies EXCLUDED from the Draft Code	RISKS for the City of Adelaide
<p>Inappropriate land uses</p> <p>Explicit listing of land uses which are <i>not envisaged</i> in a Zone.</p> <p>Under the Draft Code land uses not explicitly envisaged default to a performance assessed development assessment pathway, but no suitable additional policies are included to guide an assessment.</p> <p>Additionally, some proposed Zones open up land use opportunities that are inappropriate for an area.</p> <p>The draft City Living Zone now has a more mixed-use approach than the intended residential focus, with shops, offices and consulting rooms under 50sqm being Deemed to Satisfy. This is not a provision that is contained anywhere within the Adelaide (City) Development Plan currently and has the potential to facilitate the infiltration on non-residential land uses within an historic residential area. This is not supported.</p> <p>Preliminary commercial advice affirms the 50sqm DTS proposal would weaken the business and economic role of main streets, reduce amenity in residential areas, reduce residential population in residential areas, and not foster public transport. The advice outlines main streets are experiencing insufficient demand, thus this proposal to increase supply, in particular through the DTS approval process, in locations other than main streets has insufficient basis and is at odds with fostering vibrant main streets and pleasant residential areas.</p>	<p>Establishment of land uses in areas where they are currently considered inappropriate due to potential for negative impacts and conflict, or where they compromise the intended land use profile of an area.</p> <p>Weakening of business and economic role of main streets and reduction in residential amenity.</p> <p>Council will have difficulty in assessing inappropriate development applications and will have no policy to refuse these applications against.</p>

Policies EXCLUDED from the Draft Code	RISKS for the City of Adelaide
<p>Appreciation of local context</p> <p>Desired Character Statements have been excluded from the Draft Code and the proposed Zones provide limited detail describing or requiring compatibility with the local context. The Draft Code uses Desired Outcomes, which are often very broad in application and do not provide enough detail about the local context.</p> <p>Existing Desired Character Statements have been drafted and refined over almost four decades, over which time they have facilitated good development outcomes that are suited to the contextually different localities within the City of Adelaide.</p> <p>Additionally, the Draft Code lacks policies relating to the streetscape in terms of height, roof form and pitch, scale, building materials, colours and detailing. These are important elements in ensuring a structure does not detract from the streetscape.</p>	<p>Undesirable change to the character, look and feel of local areas as the result of incompatible and inappropriate development.</p>
<p>Pedestrians</p> <p>Policy tools to protect and enhance pedestrian movement has been removed from the City of Adelaide Zones, and the General Development Policy modules do not relate to the complexity of the pedestrian network required for the City of Adelaide. Specific exclusions are:</p> <ul style="list-style-type: none"> • Policies that address the relationship of development with the human scale, and the intent to achieve a comfortable pedestrian environment • Map and policies addressing the core pedestrian area and envisaged pedestrian links⁶ • Policies to avoid creation of wind tunnels 	<p>Poor outcomes for pedestrian movement and the comfort of pedestrians moving within and through the City of Adelaide.</p>

⁶ City of Adelaide has identified a need to update these maps. The Draft Code currently does not provide adequate reference to the pedestrian network of the City and it is considered that this substantial change is beyond the scope of generation 1 of the Planning and Design Code and therefore must be reinstated.



Policies EXCLUDED from the Draft Code	RISKS for the City of Adelaide
<p>Car and bicycle parking</p> <p>The Draft Code increases car parking rates in some circumstances and reduces bicycle parking rates unique to the City of Adelaide.</p> <p>The Draft Code excludes the requirement for development to provide accessible car parks for holders of a Disability Parking Permit.</p>	<p>A backwards step for sustainable transport.</p> <p>Less development potential and economic development potential in the City due to excessive car parking requirements.</p> <p>The City's welcoming of people of all abilities is compromised.</p>
<p>Land use definitions</p> <p>Definitions of land uses for which the City of Adelaide receives applications, including but not limited to:</p> <ul style="list-style-type: none"> • Adult entertainment premises • Adult products and services premises • Amusement machine centre • Licenced premises • Licenced entertainment premises • Community centre • Health care facilities • Events <p>See Attachment A.10 for more detailed review of land use definitions.</p>	<p>Increased uncertainty of development assessment outcomes for applicants and the City of Adelaide resulting from undefined land uses and/or inconsistency of language.</p> <p>Increased legal review and costs to applicants, the community and Council.</p>

Policies EXCLUDED from the Draft Code	RISKS for the City of Adelaide
<p>Waste Management</p> <p>Adequate policies to require developments to accommodate appropriate waste management, particularly in the high-scale city context.</p>	<p>Developments without suitable consideration of waste management that:</p> <ul style="list-style-type: none"> • Reduce the quality of life for occupants and neighbours. • Result in waste storage/overflow that extends to public roads and spaces. • Increases waste management costs to the council i.e. increased collections, response to complaints, regulation of environmental health matters. • Increased negative environmental impact.
<p>Noise</p> <p>Detailed noise policies appropriate to assess noise impacts in a high-density mixed-use area. The policies in the current Development Plan were developed in 2006 with the collaboration and support of the State government. These are important policies and assist in achieving a co-existence of land uses that contributes to the vibrancy and success of the City and should be reinstated.</p> <p>The City of Adelaide is one of a handful of cities recognised worldwide as a UNESCO City for Music. Facilitating music in the City of Adelaide is contingent on good planning policy that mitigates the impacts of noise on more sensitive land uses.</p>	<p>Reduced amenity, increased conflict and increased noise compliance problems.</p> <p>A backwards step in facilitating the international recognition of Adelaide as a City for Music.</p>



Policies EXCLUDED from the Draft Code	RISKS for the City of Adelaide
<p>Heritage</p> <p>The draft policies contained within the State Heritage Place Overlay, Local Heritage Place Overlay and Historic Area Overlay are not comprehensive to ensure the protection of these unique and important places and areas.</p> <p>The details provided in the Commission’s draft Historic Area Statements, released 23 December 2019, have not included important detail identified by Council to identify the key characteristics and elements of importance that determine the prevailing styles and patterns of development in our areas. As currently proposed, their usefulness in assisting the development assessment process is of concern.</p>	<p>Inadequate policies or recognition of important attributes of an area to ensure protection our unique and important heritage places and areas.</p>
<p>Heritage adjacency</p> <p>Principles regarding development adjacent a listed heritage place or within a historic area are not contained within the Draft Code.</p>	<p>Reduction of/negative impact upon heritage value of significant places and streetscapes resulting from an inability to manage the impacts of adjacent development.</p>
<p>Adelaide Park Lands</p> <p>Policies to clearly specify inappropriate land uses and built form development.</p> <p>Zone specific policies relating to movement and parking, advertising and fencing.</p>	<p>Unclear direction for the Adelaide Park Lands.</p>
<p>Integrated transport and land use planning</p> <p>Policy tools to adequately manage transport and land use planning matters. This is particularly relevant to the City of Adelaide in which roads are under care and control of Council.</p> <p>The Draft Code provides overlays and principles for ‘traffic generating developments’ and ‘major urban transport routes’, but these overlays do not apply to the City of Adelaide.</p>	<p>Less transport efficiency in the City and greater incidence of transport/traffic and land use conflict, ultimately reducing the quality of the City environment for all.</p>

Policies EXCLUDED from the Draft Code	RISKS for the City of Adelaide
<p>Diversity in Housing</p> <p>Adequate policies to address, encourage or provide for a range of housing types, tenures or costs for the widely differing social and economic needs of residents.</p>	<p>Reduced equity and diversity in the City's residential population.</p>
<p>Apartment Quality</p> <p>Quantitative minimum floor space requirement for 'studio' apartments, nor alternative policy measure to require minimum standard for liveability.</p>	<p>Poor quality residential development detrimental to quality of life for City residents.</p> <p>Reputational risk to the City of Adelaide brand 'Design for Life', impacting future growth and demand.</p>
<p>Height Limits</p> <p>Australian Height Datum reference for the Obstacle Limitation Surface has been omitted. This is crucial for assessment purposes and determining whether a referral to Adelaide Airport Limited is required.</p>	<p>Unclear impact of development on airport operations.</p>
<p>Energy Efficient Design</p> <p>Policies to encourage and facilitate energy efficient design as proposed in the <i>Natural Resources and Development Discussion Paper</i> released by the State Planning Commission in August 2018.</p>	<p>A step backwards in sustainability and climate change adaptation for the City. At odds with Carbon Neutral agreement between City of Adelaide and State Government.</p> <p>Increased costs and reduced quality of life for City residents.</p> <p>Reputational risk to the City of Adelaide brand 'Design for Life'.</p>
<p>Emerging transport</p> <p>Policies to encourage and facilitate emerging transport technologies as proposed in the <i>Integrated Movement Systems Discussion Paper</i> released by the State Planning Commission in August 2018.</p>	<p>Missed opportunity to proactively facilitate emerging transport technologies and encourage innovative, efficient, sustainable transport systems.</p>

Policies EXCLUDED from the Draft Code	RISKS for the City of Adelaide
<p>Built Form Interface</p> <p>Omitted from Draft Code.</p>	<p>No ability to mitigate impacts of high-rise or scale development abutting lower scale or public realm areas.</p>
<p>Regulated and Significant Trees</p> <p>The Draft Code Map viewer provides a Significant Tree Overlay, however there is no corresponding Overlay within the Draft Code. There is a 'Regulated Tree Overlay', however the PDI Regulations and Development Plans make a clear distinction between significant and regulated trees and have different policy tests for each. This has not been carried over to the Draft Code.</p>	<p>Confusing policies relating to trees, or omissions of necessary policies creates uncertainty for assessment process as well as uncertainty for the future of tree protection in the State.</p>
<p>Temporary development</p> <p>Policies relating to land use or development applications of a temporary nature. The City of Adelaide receives multiple applications each year of this nature, particularly in relation to our role as the festival and cultural capital of the State.</p>	<p>Reduced understanding of how temporary applications will be assessed and processed in the future.</p>
<p>Views</p> <p>Explicit recognition and protection of important views and vistas are not identified within the Zone. Whilst some have been recognised in the Historic Area Statements, it is not a conclusive list as per the current Adelaide (City) Development Plan.</p>	<p>Landmark views in the City are not protected through development assessment and may be lost, reducing the amenity of our city for residents, visitors and tourists.</p>
<p>Crime Prevention through Urban Design</p> <p>Safety policies within the <i>Design in Urban Areas General Development Policy</i> module have limited application particularly in the City of Adelaide context.</p>	<p>Lost ability to contribute through internationally recognised best practice to community safety in public places utilising good design.</p>

Policies EXCLUDED from the Draft Code	RISKS for the City of Adelaide
<p>Public Art</p> <p>Adelaide (City) Development Plan Living Culture policies providing guidance on assessment of applications for public art, including consideration of design, materials, locations and safety.</p>	<p>No tools available to assess the numerous applications for public art received each year.</p>

Recommendations

5. Include existing Development Plan policies in the Planning and Design Code, as detailed in Attachment A.1 and A.2 of this submission.
6. Include non-envisaged land use list to provide clarity and certainty to the community about what is envisaged, and support achievement of assessment timeframes.

Uncertainty in demolition control

Through previous submission on the planning reform, the City of Adelaide has raised the importance of demolition controls within the City.

Currently, demolition within the City of Adelaide requires planning consent. This is a historic, unique and important policy to the City to avoid the unnecessary and premature demolition of buildings leading to vacant sites which provide little or no economic benefit to the city, reduce activation opportunities and negatively affect city streetscapes.

The gazetted *Planning, Development and Infrastructure (General) Regulations 2017* allows the demolition of buildings without development approval, other than a listed heritage place or where it is otherwise identified in the Planning and Design Code. In the *State Planning Commission's Guide – Key Changes to the PDI (General) Regulations 2017*, it was stated that in response to feedback received during consultation, the City of Adelaide would be an area designated by the Planning and Design Code that would require development approval for the demolition of a building.

This has not eventuated in the current Draft Code, in which 'demolition' is not listed in any classification table within any Zone within the City of Adelaide, other than demolition of a State Heritage or Local Heritage Place. Nor is the City of Adelaide excluded from this clause of the PDI Regulations, in Part 5 (Designated Areas) of the Draft Code.

On 22 August 2019, the Lord Mayor wrote to the Minister for Planning about the importance of maintaining demolition controls within the City of Adelaide.

On 8 November 2019, the Minister for Planning replied to the Lord Mayor's letter, stating:

"I am advised by the Department of Planning, Transport and Infrastructure (the department) the recently released consultation draft of the Planning and Design Code (the Code) contains demolition control within the City."

This advice contradicts the Draft Code, in which reference to demolition of buildings within any Zone classification table within the City of Adelaide is absent.

5.3 Some development assessment will take longer and cost more

An aim of the planning reform process as per the Expert Panel's recommendations was to streamline development assessment, reduce unnecessary cost and time, and provide clarity and certainty for applicants, planning authorities and communities.

As it stands, the Draft Code incorporates barriers to more streamlined development assessment, specifically as a result of the imprecise guidance provided for pathways of development due to minimal development types identified within the classification tables of each Zone.

There are many instances in which implementation of the Draft Code would subject applications that are simple and straightforward under the current Development Plan to a more onerous assessment process and require public notification despite their low community impact or desired development outcome.

Attachments A.1 through A.3 illustrate these changes in detail, while the table below summarises some of the most critical concerns with this aspect of the Draft Code. Aspects of the Draft Code with potential to increase the time and cost of development assessment specifically relate to:

- Determination of relevant authorities
- Missing land uses and forms of development within classification tables
- Increased requirements for public notification and specialist technical advice

The City of Adelaide supports making additional improvements to the Draft Code to reduce cost and complexity for simple applications for envisaged development and to save business and the community time and cost. Attachment A.4 (which has previously been provided to DPTI and the State Planning Commission) illustrates how the Planning and Design Code could make improvements to current practices to streamline what can be described as "low risk" applications.

Additionally, it is not clear whether the Planning and Design Code will result in financial impacts to development feasibility. The financial impact of the Planning and Design Code has not been tested. Increased construction costs may impact development opportunities in the city.

Parts of the Draft Code that INCREASE TIME AND COST of development assessment	RISKS for the City of Adelaide
<p>Classification of envisaged land uses</p> <p>'Envisaged land uses' identified in zone provisions are not consistently reflected in the associated zone classification tables.</p> <p>Envisaged land uses omitted from the classification tables are classified as <i>all other Code assessed development</i>, meaning:</p> <ul style="list-style-type: none"> • Public notification is required other than where applications are determined to be minor (minor is undefined), and • The Council Assessment Panel (CAP) is the relevant authority 	<p>Through procedural anomaly, the council bears the time and cost of performance assessment and public notification of applications for:</p> <ul style="list-style-type: none"> • Land uses that are explicitly envisaged by the zone policies, or • Minor applications which are adjacent another Zone due to narrow Zone boundaries or large parcel cadastres.
<p>Common forms of development are not classified</p> <p>The classes of development listed within the Draft Code's classification tables appear to be based on a suburban metropolitan context and do not reflect common application types that the City of Adelaide receives, such as 'external alterations to shop/restaurant/office/consulting rooms', 'installation of verandah/canopy above footpath', 'public art'.</p>	<p>The lack of definition and reference to appropriate policies for types of development common to the City of Adelaide will make their assessment more complex, likely increasing time and cost and reducing certainty in the assessment process.</p>
<p>Inconsistent and undefined terminology</p> <p>Residential development, dwelling, apartment are all terms used in the Draft Code. Some are not defined, making the difference between these terms, if any, unclear.</p>	<p>Reduces clarity, makes assessment more complex and provides less certainty to the applicant and community.</p>

Parts of the Draft Code that INCREASE TIME AND COST of development assessment	RISKS for the City of Adelaide
<p>Increased public notification</p> <p>The wording of ‘the site of the development is adjacent land to land in a different zone’ and ‘all other Code assessed development’ used in many City of Adelaide Zones may lead to increased public notification due to the boundaries of the Zones and land parcels and/or many envisaged forms of development not being listed within the relevant classification tables.</p> <p>Applications which should be subject to public notification, such as demolition of a State Heritage Place or Local Heritage Place is not required in the Draft Code. However, an application for ‘conservation work’ to a heritage place would default to ‘all other code assessed development’ and would require public notification. This is an adverse outcome of the Draft Code and is not supported.</p> <p>Whilst the Phase 3 P&D Code (Urban Areas) - Code Amendment – Update Report, released by the Commission on 23 December 2019, provides that the public notification triggers will be amended to avoid these unintended consequences, the proposed wording for these has not been released for consultation.</p>	<p>Notification of conservation works to a heritage place but not demolition of a heritage place.</p> <p>A substantially higher number of applications will be subject to public notification, at increased time and cost with no material benefit.</p> <p>Council is unclear what sort of applications will require public notification, and therefore cannot forecast how many applications may fall into this process and need to be assessed by the CAP.</p>
<p>Exemptions to Placement of Notices</p> <p>None of the City of Adelaide zones in the Draft Code state exemptions for placement of notices within the procedural matters table. In the City context where development is often not at ground level, the placement of notices at ground level is unnecessary. The increase in applications subject to notification under the Draft Code further exacerbates this burden to no obvious benefit.</p>	<p>Increased time and cost in placement and removal of notices in windows at ground level, where ground level notification is not relevant.</p>

Parts of the Draft Code that INCREASE TIME AND COST of development assessment	RISKS for the City of Adelaide
<p>Requirement to assess minor applications</p> <p>The City of Adelaide receives a large volume of applications for development it considers to be minor and low risk. Examples include some forms of change of land use, advertising, and external alterations to buildings.</p> <p>These applications are currently assessed on merit, and under the Draft Code they do not comply with Deemed to Satisfy criteria and will remain performance assessed.</p> <p>Attachment A.4 illustrates how the Draft Code could be amended to streamline assessment of “low risk” applications in the City of Adelaide.</p>	<p>Low impact developments continue to require a merit/performance development assessment, increasing time and cost for all involved.</p>
<p>Specialist support for applications</p> <p>The Draft Code will require some applications to provide expensive specialist or technical advice in instances when it is not necessarily required to assess the application. For example, demolition of a non-listed building within a Historic Area may require a report from either a structural engineer, heritage specialist or quantity surveyor.</p>	<p>Additional application costs may impact development opportunities.</p>

Recommendations

7. Reword the procedural matters tables within all Zones applying to the City of Adelaide so as to not unnecessarily increase public notification in the city for minor applications.
8. List all envisaged land uses and development types within Zone classification tables and provide policies for their assessment to streamline processing and to avoid envisaged land uses defaulting to the classification of *all other code assessed development*.
9. Implement consistent language to describe forms of development throughout the Planning and Design Code, using defined terms wherever possible.
10. Ensure classification tables in the City Zones reflect the common development types that occur in the local context enabling simpler and more efficient assessment of these applications.

5.4 The development of the Code is undermining good planning practice and outcomes

The once in a generation opportunity presented by system-wide reform comes with a responsibility to consider the best available sources of knowledge and good practice in seeking to shape the future of our State.

From the earliest stages of planning reform, the City of Adelaide has consistently expressed a desire to collaborate with the State Government to ensure the new planning system provides for a thriving, sustainable city that is of value to all South Australians. The reform process overall and development of the Draft Code in particular has not enabled this desire to be realised. While that is a concern in itself, there is a broader concern of how the persistent flaws in the reform process will manifest in the implementation of the system, and the outcomes it produces.

Opportunities to engage, collaborate, investigate and test in pursuit of the core objective of good planning practice in the PDI Act, have not been realised due to a focus on the previously set deadline for implementation of 1 July 2020. The result is a flawed planning system that runs the risk of unintended and perverse outcomes, inefficient implementation, confusion and frustration amongst all stakeholders, and ultimately detrimental impacts to landscapes and communities. With this date to be removed and replaced by a new date to be set by proclamation, there is now an opportunity to make significant improvements to the reform process.

Compromised Planning Practice	RISKS to the City of Adelaide
<p>Community Engagement Charter</p> <p>A core objective of the PDI Act is to provide a scheme for community participation regarding the initiation and development of planning policies.⁷ The Community Engagement Charter envisages an engagement process which “<i>matches the significance of the planning change</i>”. The Commission’s engagement plan identifies that “<i>everyone who lives in South Australia is affected by the Code</i>”. The scope, approach, activities and reach of the engagement undertaken by the State Planning Commission has been less than that stated and does not match the level of potential impact proposed by the Draft Code.</p>	<p>The community and Council are not aware or do not understand the level of changes to planning policies to their area or property.</p>

⁷ *Planning, Development and Infrastructure Act 2016 (SA) s 12(1)(b).*

Compromised Planning Practice	RISKS to the City of Adelaide
<p>Evidence-based policy</p> <p>The Draft Code includes significant policy changes with broad-reaching implications. No evidence-based rationale or analysis of impacts and management strategies has been provided for these changes. Examples include:</p> <ul style="list-style-type: none"> • Gross leasable floor area caps in areas which currently do not have this restriction (e.g. the proposed Urban Corridor (Main Streets) Zone and City Main Streets Zone) • Conversely, gross leasable floor areas allowing commercial uses within the City Living Zone, possibly causing impacts to residential amenity, but providing no evidence of impacts of taking commercial land uses away from Main Streets. • Quantitative setback provisions in the proposed City Living Zone which do not relate to the established pattern of development within these areas. 	<p>Unknown consequences to the changing retail market.</p> <p>Undesired land use pattern changes likely.</p>
<p>Systems and processes that support policy implementation</p> <p>The Draft Code was designed for an <i>ePlanning</i> format but was not ready for the consultation. Undertaking consultation on such a complicated document in the current manner is arguably not <i>'fit for purpose'</i>.</p> <p>The state-wide ePlanning solution will not provide all business requirements of Council, however the full impacts of this remain unclear. Consultation on the ePlanning solution has been limited. Council will have to work undertake significant integration works, but the specific details of what this involves remains unclear.</p> <p>The Draft Code Map viewer that was released with the consultation had many errors, relating to ambiguities with technical and numerical variations. Additionally, it is unclear whether a property selected is a listed heritage place itself or adjacent a heritage place. This creates confusion.</p>	<p>Council may not be business ready for implementation of the new planning system, impacting services to the community.</p> <p>Planning zoning and policies which apply to a property will not be clear to the customer when the new planning system is implemented.</p>



Compromised Planning Practice	RISKS to the City of Adelaide
<p>Local influence over planning decisions</p> <p>1. Development types moved from merit to restricted</p> <p>The Draft Code proposes some (but limited) land uses or forms of development be ‘restricted’ which are currently merit forms of development. This does not reflect the current Development Plan, in terms of undesired land use or development, nor does it necessarily reflect complexity. It is unclear the basis or need for this outcome.</p> <p>2. Relevant authorities</p> <p>The PDI Regulations states that developments over 4 storeys within Metropolitan Adelaide and identified within the Planning and Design Code will be assessed by the State Commission Assessment Panel.⁸</p> <p>The Draft Code applies the ‘Design Overlay’ for the purposes of this clause which applies to the City of Adelaide, meaning that all development over 4-storeys within the City of Adelaide would be assessed by the State Planning Commission. DPTI Administration have conceded this is an error and that Part 5 of the Planning and Design Code should state that this clause applies where the Design Overlay applies, except for the City of Adelaide.</p>	<p>Loss of ability to assess applications that are currently assessed by Council. This further erodes Council’s role as a legitimate assessment body.</p>
<p>Conditions of development</p> <p>As outlined in section 5.2 of this report, there are many critically important policies which have been omitted or significantly weakened in the Draft Code. The new planning system does not allow you to condition matters if not dealt with within the P&D Code.</p>	<p>Reduced policies in P&D Code may mean matters are not able to be adequately addressed during the assessment process or by way of a condition.</p>

Recommendations

- Commend the Minister for Planning and State Planning Commission for delaying the implementation of the Planning and Design Code and ePlanning solution but recommend that a new implementation date only be set that provides sufficient time to allow for the following to be achieved:

⁸ *Planning, Development and Infrastructure (General) Regulations 2017 (SA) Sch 6(4).*

- a. Full and comprehensive testing of the Planning and Design Code to identify significant policy changes, errors, missing content and/or unintended consequences to allow for required policy amendments;
 - b. Enable additional consultation on changes to the Planning and Design Code arising from Phase 3 submissions (in preference to not making changes to the Planning and Design Code following consultation on the basis that changes would delay introduction of the Planning and Design Code);
 - c. Ensure every South Australian is notified of the changes proposed to their property to meet the PDI Act and Community Engagement Charter;
 - d. The opportunity to test the effect of the proposed Planning and Design Code in the ePlanning system (as originally proposed for in the announced transition process); and
 - e. Provide adequate time to prepare for the full implementation of the changes, including the considerable integration works required to Council's business systems in order to maintain current business operations and service levels to our community.
12. Reinstate the policies developed collaboratively by the City of Adelaide and DPTI in good faith, and/or clearly communicate why this body of work was excluded from the Draft Code.
13. Ensure forms of development assessed on merit currently are not classified as restricted under the Planning and Design Code, but rather performance assessed with reference to appropriate policies to be included in the Code.
14. Provide comprehensive policies within the Planning and Design Code to assist with assessment or allow for matters to be conditioned, to truly streamline assessments.
15. Insert into Part 5 (Designated Areas) of the Planning and Design Code the following indicated in blue text:

Relevant authority - Commission	
Areas identified for the purposes of clause 4(1) of Schedule 6 of the Regulations – Buildings exceeding 4 storeys	Design Overlay <i>excluding where it applies to the City of Adelaide.</i>

Has South Australia’s Community Engagement Charter been upheld?

Table 4.1 summarises the City of Adelaide’s greatest concerns with the community and stakeholder engagement process with reference to the principles of South Australia’s Community Engagement Charter, and suggestions to realign the Code development process with those principles.

Community Engagement Charter Principle	Evidence of non-alignment	Proposed action to align
Engagement is genuine	No opportunity for consideration of the revised Code between close of Phase 3 consultation and implementation in July 2020. In effect this means either significant changes arising from Phase 3 will not be consulted on, or no significant changes will be made based on Phase 3 submissions.	<ul style="list-style-type: none"> • Delay implementation to enable additional consultation on changes to the Code arising from Phase 3 submissions and ensure every South Australian is notified of the changes proposed to their property to meet the PDI Act and Charter. • Reinstate the policies developed by the City of Adelaide and DPTI in good faith, and/or clearly communicate why this body of work was excluded from the Draft Code.
Engagement is inclusive and respectful	<p>Significant collaborative policy work undertaken by the City of Adelaide and DPTI is not reflected in the Draft Code, without explanation.</p> <p>The governance framework for making changes post consultation is also unclear.</p>	
Engagement is fit for purpose	The Draft Code was released with extensive errors. A majority of the consultation period has had to be used to note errors, rather than focus on whether the policies are sufficient, can be applied appropriately or identify what is missing.	
Engagement is informed and transparent	<p>Many of the City of Adelaide’s areas have had policies removed, new policies created, or areas rezoned completely. No evidence base for these decisions has been provided by the State Planning Commission, making it unclear as to how or why some things have been drafted and whether the Commission understands the history of some policies/areas and the impact that these changes will create.</p> <p>The release of an update report, updated classification tables and Phase 3 Historic Area Statements on 23 December 2019 has not allowed for an informed consultation period for the community or Council.</p>	
Engagement processes are reviewed and improved	The Commission has acknowledged the complexity of the Code and its accessibility; however, it remains unclear how this issue will be resolved in the interest of the community and ensuring sufficient engagement of the Code has occurred.	

6. RECOMMENDATIONS BY ZONE / OVERLAY / GDP

The Draft Code contains a number of city-specific Zones and several Subzones within the City of Adelaide, acknowledging the uniqueness and importance of the City and North Adelaide. Notwithstanding this, every Zone in the City has had some level of change; being either a reduction in policy to adequately reflect the local context or needs of the area or a proposed rezoning that does not provide the necessary policy requirements for the area (refer Section 5 above).

6.1 Zone change overview

The following table lists each of the Zones and Subzones proposed within the City of Adelaide under the Draft Code, with more details on each of the recommendations provided in Section 6.2.

The policy changes recommended can be found in Attachment A.1 - *City of Adelaide P&D Code amendment document – proposed rewording and additional policies to be added*. With the detailed analysis and reasoning within Attachment A.2 - *Audit of Adelaide (City) Development Plan into draft Planning and Design Code*.

Development Plan		Draft Code		Level of Policy Change ⁹	Draft Recommendation for Submission
Zone	Policy Area(s)	Zone	Subzone(s)		
Capital City	14	City Main St	Rundle Mall Rundle St Hindley St Gouger/Grote St	MODERATE	Support only with policy changes
	-	Capital City	-	MODERATE	Support only with policy changes
City Frame	-	Capital City	City Frame	MODERATE	Support only with policy changes
City Living	30	Capital City Zone	City Frame	MODERATE	Support only with policy changes
	All excluding 30	City Living Zone	Medium-High Intensity	MODERATE	Support only with policy changes
Adelaide Historic (Conservation)	-	City Living	-	HIGH	Support only with policy changes
	1, 3, 5, 7, 10, 12	City Living Zone	North Adelaide Low Intensity	HIGH	Recommend this apply to all of North Adelaide

⁹ Some of the HIGH ratings, relate to the fact that the current zone is proposed as a new Zone and our preliminary research has identified a number of policy changes for these areas as a result.

Development Plan		Draft Code		Level of Policy Change ⁹	Draft Recommendation for Submission
Zone	Policy Area(s)	Zone	Subzone(s)		
North Adelaide Historic (Conservation)	2, 4, 6, 8, 11		-	HIGH	Recommend the North Adelaide Low Intensity Subzone applies to these areas also
	15		Medium-High Intensity	HIGH	Support only with policy changes
	9	Community Facilities		HIGH	NOT Support. Still considering alternative Zones.
Institutional (St Andrews)	-	Community Facilities	-	MODERATE	NOT Support. Recommend the Capital City Zone / City Frame Subzone applies, but only with policy changes to deal with over height developments.
Riverbank Zone	27	City Riverbank	Health	MODERATE	Support only with policy changes
Riverbank Zone	28	City Riverbank	Entertainment	MODERATE	Support only with policy changes
Institutional (Government House)	-	City Riverbank	Cultural Institutions	HIGH	NOT Support. Recommend Government House form its own subzone of the City Riverbank Zone.
Institutional (University/Hospital)	West of Frome St	City Riverbank	Cultural Institutions	HIGH	Support only with policy changes
	East of Frome St	City Riverbank	Innovation	HIGH	Awaiting outcomes of Lot 14 DPA
Main St (Adelaide)	-	Urban Corridor (Main St)	-	HIGH	NOT Support. Recommend City Main Street Zone with own Subzone.
Main St (Hutt)	-	Urban Corridor (Main St)	-	HIGH	NOT Support. Recommend City Main Street Zone with own Subzone.
Main St (Melbourne East)	-	Urban Corridor (Main St)	-	HIGH	NOT Support. Recommend City Main Street Zone with own Subzone.

Development Plan		Draft Code		Level of Policy Change ⁹	Draft Recommendation for Submission
Zone	Policy Area(s)	Zone	Subzone(s)		
Main St (O'Connell)		Urban Corridor (Main St)		HIGH	NOT Support. Recommend City Main Street Zone with own Subzone.
Mixed Use (Melbourne West)		Suburban Activity Centre		HIGH	NOT Support. Recommend Business Neighbourhood Zone.
Park Lands Zone	All except 19, 21 and 25	City Park Lands Zone		HIGH	Support only with policy changes
	19, 21	City Park Lands Zone	Eastern Park Lands	HIGH	Recommend removal of Subzone and policy change to Zone to encapsulate needs of all areas within the Park Lands
	25	City Park Lands Zone	Adelaide Oval	HIGH	Recommend removal of Subzone and policy change to Zone to encapsulate needs of all areas within the Park Lands

*

6.2 Zone / Overlay or General Development Policy Summaries

The following sheets provide a summary of the analysis of the extent of policy change for each of the proposed Zones, overlays or general development policies that may apply within the City of Adelaide. They make recommendations on amendments required in the final Planning and Design Code for the City of Adelaide to be satisfied that all necessary policy requirements are catered for within the new planning system, so as not avoid the risk of adverse outcomes.

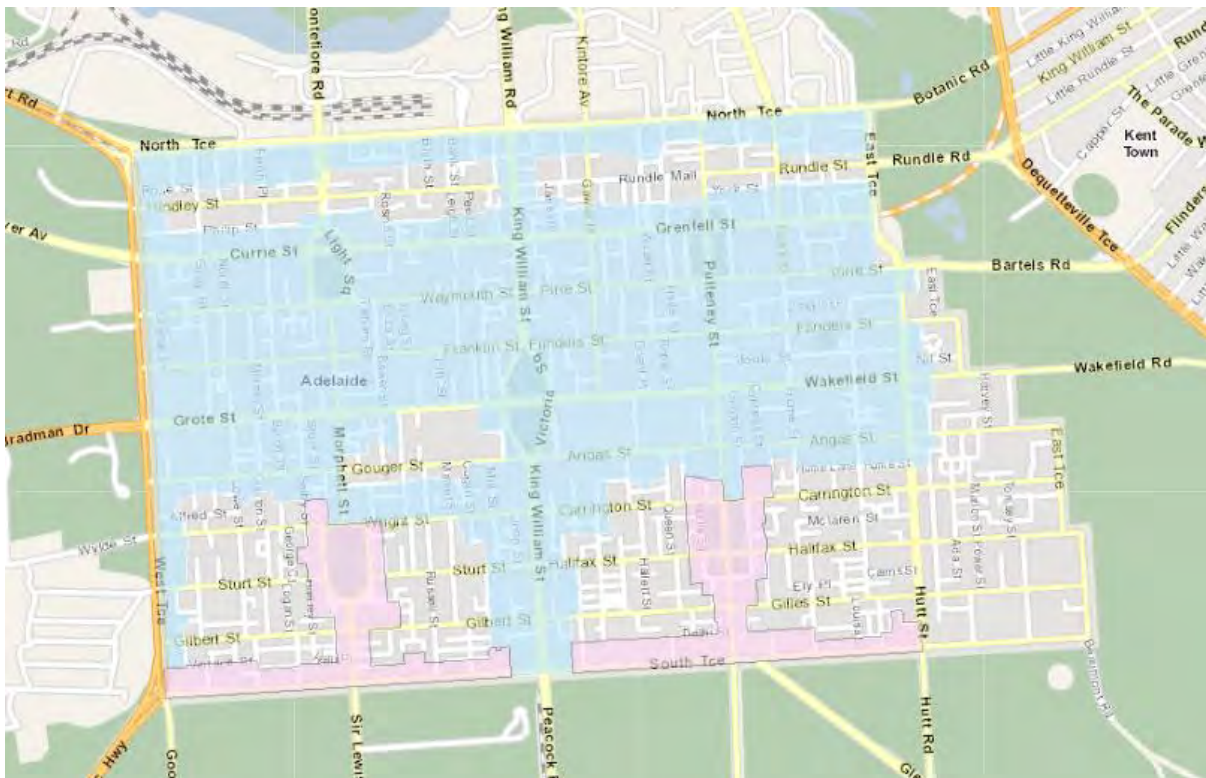
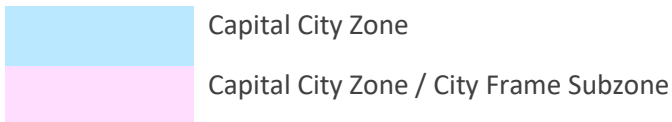
Capital City Zone

Subzones: City Frame Subzone

Replaces: Capital City Zone, Central Business Policy Area 13, City Frame Zone, City Living Zone / South Terrace Policy Area 30

Spatial changes: Excludes Gouger Street, Grote Street, Rundle Mall, Hindley Street and Rundle Street which fall within the City Main Street Zone under the Draft Code.

Spatial Application



Overview:

This Zone continues to recognise the City as the capital of South Australia and retains a number of existing policies that effectively guide high quality development in the City.

Notwithstanding this, a significant volume of effective policy has not transitioned to the new zone, creating potential for negative impacts on the City of Adelaide. Detailed analysis of the zone and recommended changes are included in Attachments A.1 and A.2. In summary, the main concerns with the Capital City Zone are:

- **No acknowledgment of local features** relevant to good development outcomes for the City of Adelaide. For example, there is no reference to Adelaide's distinct grid pattern, or the roles of North Terrace as a cultural boulevard, King William Street as the commercial spine, and Pulteney Street and Morphett Street as mixed-use commercial boulevards.

- **Lack of detailed design policies** to guide development that contributes positively to the look and feel of streets. For example, guidelines for reinforcing horizontal and vertical elements of streetscapes, articulation of buildings, use of podiums, and spacing between tower buildings to protect access to sunlight.
- **Loss of pedestrian-friendly policies** – an absence of policy to address human scale and quality of the pedestrian environment, and loss of policies designed to ensure pedestrian movement is given priority and ease over the dominance of vehicles. For example, the Core Pedestrian Areas has been excluded from the Zone as has the prohibition of multi-level carparks within the Core Pedestrian Area. These policies should be reinstated as they are important in ensuring pedestrian network is given priority and ease over the dominance of the use of vehicles.
- **Loss of built form interface policies** which will impact adjacent City Living Zones in ensuring an appropriate transition between the high-scale and intensity of the Capital City Zone and lower-scale and intensity of the City Living Zone.

Recommendation:

The City of Adelaide supports this Zone subject to the relevant additions and amendments described in Attachment A.1 City of Adelaide P&D Code amendment document and Attachment A.2 City of Adelaide audit documentation.





City Riverbank Zone

Subzones: Health Subzone, Entertainment Subzone, Cultural/Institutions Subzone, Innovation Subzone

Replaces: Institutional (Government House) Zone, Institutional (University/Hospital) Zone
Riverbank Zone, Health Policy Area 27, Entertainment Policy Area 28

Spatial changes: includes Government House within Cultural/Institutions Subzone, introduces new Innovation subzone into area east of Frome Road which was previously Institutional (University/Hospital Subzone)

Spatial Application

	Riverbank Zone / Health Subzone
	Riverbank Zone / Entertainment Subzone
	Riverbank Zone / Cultural/Institutions Subzone
	Riverbank Zone / Innovation Subzone



Overview:

The City Riverbank Zone consolidates 3 existing Zones and 2 Policy Areas, located on the northern side of North Terrace.

There are some important existing policies which have not yet been adequately transitioned to the new zone. Detailed analysis of the zone and recommended changes are included in Attachments A.1 and A.2. In summary the main concerns with the City Riverbank Zone are:

- **No recognition of the vice-regal functions of Government House** and inappropriate inclusion of the Government House land within the Cultural and Institutions Subzone of the City Riverbank Zone.
- **Loss of built form interface policies** between North Terrace and River Torrens Valley across all subzones.
- **Loss of planning controls over land uses which are undesired**, with no adequate new policies provided to guide assessment of undesired land uses to maintain a distinction between the adjacent Capital City Zone.
- **Removal of existing policy to protect River Torrens water quality** noting the importance to the visual, economic, hydrological, recreational, and biodiversity value of the River Torrens for the City of Adelaide.
- **Removal of existing envisaged land uses.**

- **Innovation Subzone policies** which do not yet reflect City of Adelaide consultation feedback to the Lot Fourteen Development Plan Amendment (nor feedback from other submissions), noting that the Ministerial Lot Fourteen DPA has not yet been finalised by State Government.
- **Insufficient policies to protect operation of hospital helipad** and potential gaps in system of referral for development which could affect helipad operations (including during construction), in addition to referrals which exist in relation to the operation of Adelaide Airport.
- **No recognition of Park Lands** location and the natural environment of the River Torrens Valley.
- **Removal of key spatial information** currently communicated within Figures, such as reference to the “central pathway” which extends through this zone.

Recommendation:

It is recommended that the current Government House Zone be transitioned to a new “Government House Subzone” within the proposed City Riverbank Zone to provide adequate recognition of Government House and its unique vice-regal functions and ancillary land uses. Proposed Subzone provided in Attachment A.1 City of Adelaide P&D Code amendment document

The City of Adelaide supports the remainder of the proposed Zone subject to the relevant additions and amendments described in Attachment A.1 City of Adelaide P&D Code amendment document and Attachment A.2 City of Adelaide audit documentation.

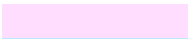

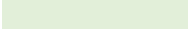
City Living Zone

Subzones: North Adelaide Low Intensity Subzone (NALISZ) and Medium-High Intensity Subzone (MHISZ)

Replaces: North Adelaide Historic (Conservation) Zone (including Policy Areas 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12 and 15), Adelaide Historic (Conservation) Zone and City Living Zone (including Policy Area 29, 31, 32 and 33).

Spatial changes: None in North Adelaide. In South Adelaide, the new Zone includes the former City Living Zone and Adelaide Historic (Conservation) Zone but excludes Policy Area 30.

Spatial Application

	City Living Zone
	City Living Zone / North Adelaide Low Intensity Subzone
	City Living Zone / Medium-High Intensity Subzone



Overview:

The Draft Code proposes amendments to this Zone which currently applies to the City's southern residential areas. The Draft Code also proposes to apply this Zone to the residential areas of North Adelaide. There are some significant changes proposed to this Zone that may impact the future of these areas. Detailed analysis of the Zone and recommended changes are included in Attachments A.1 and A.2.

The main concerns with the City Living Zone are:

- **The Zone no longer reinforces or identifies the primacy of this area as the key residential districts of the City.** Preliminary commercial advice affirms that the Draft Code's proposal to allow change of use applications from residential to

office/shop/consulting room of 50sqm gross leasable floor area as a deemed to satisfy pathway would weaken the business and economic role of main streets, reduce amenity in residential areas, reduce residential population in residential areas, and not foster public transport. The advice outlines main streets are experiencing insufficient demand, thus this proposal to increase supply, in particular through the DTS approval process, in locations other than main streets has insufficient basis and is at odds with fostering vibrant main streets and pleasant residential areas.

- **The Zone lacks design detail and guidance to ensure buildings and additions are compatible.** Such as:
 - The policies do not take into account ceiling to floor level clearances having regard to the prevailing building height within the locality.
 - Many of the built form elements such as requiring buildings to be massed vertically or comprise of narrow frontage elements with generous front and side setbacks with well-articulated building façades have not been included.
 - All detail regarding design advice and/or references to design being driven by historic forms and landmarks had been removed. Some of the policy to guide future development could be included in the Historic Area Statements. Council is not satisfied with the Historic Area Statements that have been prepared by the SPC to date.
 - The zone doesn't provide for some of the local characteristics of the area.
 - Features such as driveway widths and location and boundary setbacks has been diminished and should be strengthened.
- **Landscaped open space** has been removed however has not been replaced with appropriate alternative policy.
- **Catalyst site provisions** may apply over the entire City Living Zone, due to ambiguous drafting, rather than just for the East Terrace area as in the current Development Plan. If they apply, the catalyst site policies have less controls over height than Significant Development Sites.
- **No advertising policies** are provided within the Zone and the advertisements General Development policies that apply to this zone are not consistent with the current requirements for these areas.

Recommendation:

The City of Adelaide supports this Zone subject to the relevant additions and amendments described in Attachment A.1 City of Adelaide P&D Code amendment document.

In addition, the North Adelaide Low Intensity Subzone should apply to all areas of the former North Adelaide H(C)Z, with the exception of PA 9 and PA15.

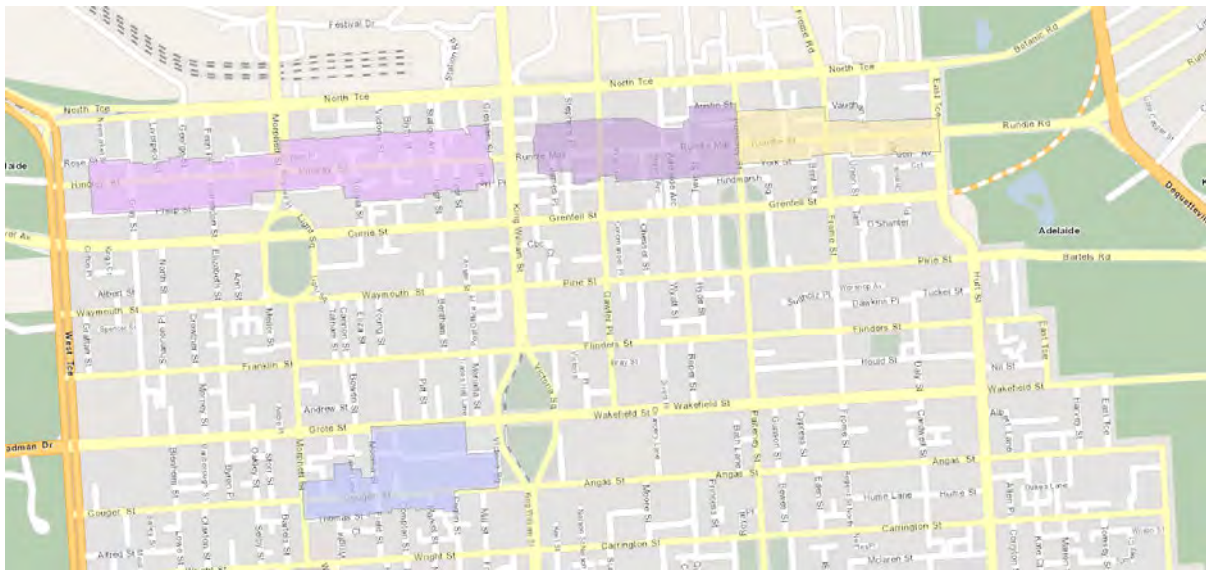
City Main Street Zone

Replaces: Capital City Zone (part) / Main Street Policy Area 14

Spatial changes: Hindley Street, Rundle Mall, Rundle Street, southern side of Grote Street, Gouger Street.

Spatial Application

	Gouger/Grote Subzone
	Rundle Mall Subzone
	Rundle Street Subzone
	Hindley Subzone



Overview:

This new Zone continues to recognise mixed use areas of the City as an important provider of shopping, hospitality, commercial, community, cultural and entertainment facilities for the City supported by medium to high density and residential development.

Notwithstanding this, there is some effective policy that has not transitioned to the new zone, creating potential for negative impacts on the public realm within the City of Adelaide.

Detailed analysis of the zone and recommended changes are included in Attachments A.1 and A.2. In summary, the main concerns with the City Main Street Zone are:

- **Important components of achieving human scale at street level within the City's Main Streets**, such as through the incorporation of verandahs to provide pedestrian shelter and sense of openness to the sky and the treatment of upper floor levels is missing.
- **Setbacks to create outdoor dining is not characteristic** to the character, layout of the City or universal design principles. Building entrances should not be setback unless they are original shop frontages.
- **Daytime activation policy** needs further work. Whilst small scale licensed premises, night clubs or bars are supported in some locations, their impact to day time activation needs to be managed through reducing their presence and scale on the streetscape during the day.

- **Vehicle access impacting main street continuity and fine grain activation.** Given the fine grain intensity of these locations, there is more than one street frontage that needs to be considered. To limit the impact on the pedestrian environment and economic vibrancy of these locations there is a need to ensure the vehicle garaging is sleeved or at basement. Only putting vehicle garages behind buildings will have a detrimental impact on economic vibrancy of these locations.

Recommendation:


- *The City of Adelaide supports this Zone subject to the relevant additions and amendments described in Attachment A.1 City of Adelaide P&D Code amendment document and Attachment A.2 City of Adelaide audit documentation.*
- *Note, it is recommended that the following Subzones are added: Hutt Street, O'Connell Street, Melbourne Street West and Halifax and Sturt Street. Note that this is subject to policy intent being transferred across to reflect the nuanced land use, built form and transport policies.*

Community Facilities Zone

Subzones: None

Replaces: North Adelaide Historic (Conservation) Zone / Women's and Children's Policy Area 9 and I1 Institutional (St Andrews) Zone

Spatial Application

 Community Facilities Zone



Overview:

This proposed new Zone for the City of Adelaide replaces a policy area in an Historic (Conservation) Zone and one of what were three Institutional Zones in the Adelaide (City) Development Plan. No Institutional Zones remain in the Code.

The purpose of the new Zone is to provide a range of public and private community, educational, recreational and health care facilities.

In summary, the issues of concern include:

- **The Code does not define terms** except 'educational' and 'indoor recreation centre'. It is not clear what a public community facility or private community facility could be, that is not health, education or recreation related.
- **Residential land uses are not supported in this Zone** but are currently considered on their merits in the areas this Zone is proposed to apply. This is a concern, particularly with the Park Lands frontages of these areas.

- **Inconsistency in application of the Zone.** Other Community Facility Zones proposed by the Code around greater Adelaide contain some but not all private and public hospitals, some but not all private and public schools but not kindergartens, some council facilities, but no residential land uses. The question arises whether the Community Facility Zone is the 'right' zone when the City contains many hospitals, schools etc that are in other zones.
- **Change to height limits proposed.** Currently, development north of Kermode Street can go to a maximum height of 14 levels or 43m. The Code proposes a maximum height in this locality of 6 storeys. In addition, currently along King William Road north of Kermode Street, the height limit is 2 storeys. The Code lifts this to 6 storeys, which is a considerable increase.

In summary, the allocation of the Community Facility Zone to the Women's and Children's Policy Area 9 and I1 Institutional (St Andrews) Zone represents a significant change in potential land uses from the existing Development Plan. The land use purpose of the Community Facility Zone is ill-defined and has been applied inconsistently across the City and Greater Adelaide. An appropriate Zone should be applied based on research as to what might be the most desirable land use to allow flexibility for the future.

Recommendation:

*The City of Adelaide **does not support** this Zone.*

The City of Adelaide suggests that a more appropriate and consistent Zone for these localities be investigated collaboratively between CoA and SPC.

The Capital City Zone / City Frame Subzone may be appropriate for the existing Institutional (St Andrew's) Zone, however the over-height provisions of this Zone should not apply to this area.

Further investigations as to appropriate Zoning for the existing Women's and Children's Policy Area 9 is still required.

See Attachment A.1 City of Adelaide P&D Code amendment document and Attachment A.2 City of Adelaide audit documentation for detailed analysis.

Suburban Activity Centre Zone

Replaces: Mixed Use (Melbourne West) Zone.

Spatial changes: No change.

Spatial Application

 Suburban Activity Centre Zone



Overview:

This new Zone envisages the area as an active retail precinct that includes neighbourhood scale shopping, business, entertainment and recreational facilities that provides for the daily and weekly shopping needs of the community.

New policies introduced are significantly different to what currently applies to the zone in terms of land use and built form requirements. Detailed analysis of the zone and recommended changes are included in Attachments A.1 and A.2. In summary, the main concerns with the Suburban Activity Centre Zone are:

- **The zone is not the right fit for the area** as the area envisages an active retail precinct that includes neighbourhood scale shopping, business, entertainment and recreational facilities that provides for the daily and weekly shopping needs of the community. The changed role of the Melbourne West will detract from the function of Melbourne Street east and many land uses listed are not appropriate for the area e.g. service trade premises and petrol filling stations.
- **The built form policies are contrary and different to the character of the area** that contains a high number of buildings with heritage status. No regard has been given to the historic pattern of development or existing building setbacks. The new zone encourages buildings to be built to the front boundary which is contrary to what is prescribed within the current zone that seeks to reinforce the historic siting pattern of buildings set back from boundaries in a landscaped setting.

Detailed analysis of the Suburban Activity Centre Zone can be found in Attachment A.2.

Recommendation:

- *The City of Adelaide does not support the use of this Zone.*
- *The City of Adelaide recommends that the Business Neighbourhood Zone is a more appropriate zone for Melbourne West subject to bespoke current policy being carried across.*

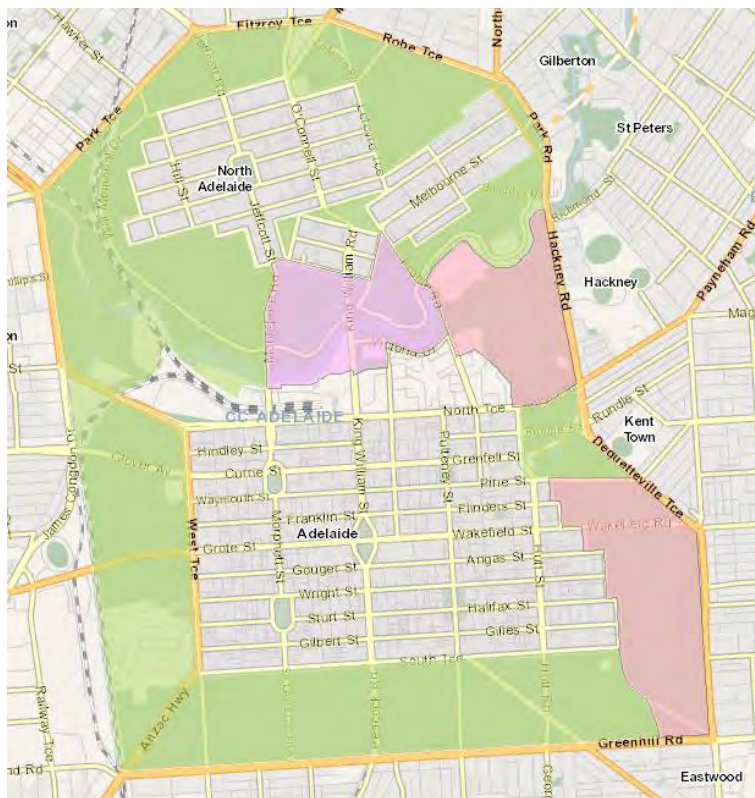
Park Lands Zone

Subzones: Eastern Park Lands Sub Zones and Adelaide Oval Sub Zone

Replaces: Park Lands Zone and its 11 Policy Areas

Spatial changes: Adelaide Oval Policy Area has been retailed. The Eastern Park Lands Policy Area includes (Botanic Policy Area and Eastern Park Lands Policy Areas).

Spatial Application



Overview:

It is acknowledged that the Adelaide (City) Development Plan Park Lands Zone is out of date. However, it is considered that full implementation of the Adelaide Park Lands Management Strategy would require further investigation before policy should be incorporated.

In considering the Draft Code, there is need to be pragmatic and retain the policy intent of the current Adelaide (City) Development Plan.

Whilst the recognition of the special attributes of the Adelaide Park Lands is reflected through the inclusion of a dedicated Zone in the Draft Code, there are areas in the proposed Zone that require further work.

The following provides an overview of the **key recommendations**:

1. **Renaming** City Park Lands Zone to Adelaide Park Lands Zone.

2. **Including the six (6) Squares** in the Adelaide Park Lands Zone as they are a part of the Adelaide Park Lands.
3. **Deleting the subzones** in favour of comprehensive Zone wide policies.
4. **Strengthening policies** to prevent inappropriate development (land uses and built form) in the Adelaide Park Lands Zone noting the removal of the current non-complying pathway.
5. **Including more descriptive policies within the 'Desired Outcomes'** of the Zone to protect and enhance the unique features of the Adelaide Park Lands.
6. **Revising the 'Built-form and Character'** provisions to provide greater clarity regarding new buildings in the Adelaide Park Lands, including the incorporation of the City of Adelaide's Park Lands Building Design Guidelines (under development) into the P&D Code; or being adopted as a Design Standard to further support high quality Park Lands building design.
7. **Including the unique planning considerations of the current zone** on matters relating to movement and parking, advertising and fencing (rather than the general policy that applies across other zones that does not adequately recognise the unique qualities of the Adelaide Park Lands).
8. Including **minor types of development that are currently not subject to notification** to continue to be exempt from public notification.
9. **Reinstating or including new mapping and / or concept plans** to support a clearer statutory planning framework.
10. Including educational establishment, hotel and public infrastructure as **Code Assessed (Performance Assessed) Development** rather than Restricted Development.

Recommendation:

The City of Adelaide supports this Zone only if necessary amendments are undertaken in accordance with the above listed recommendations and subject to the relevant additions and amendments described in Attachment A.1 City of Adelaide P&D Code amendment document and Attachment A.2 City of Adelaide audit documentation.

Urban Corridor (Main Street) Zone

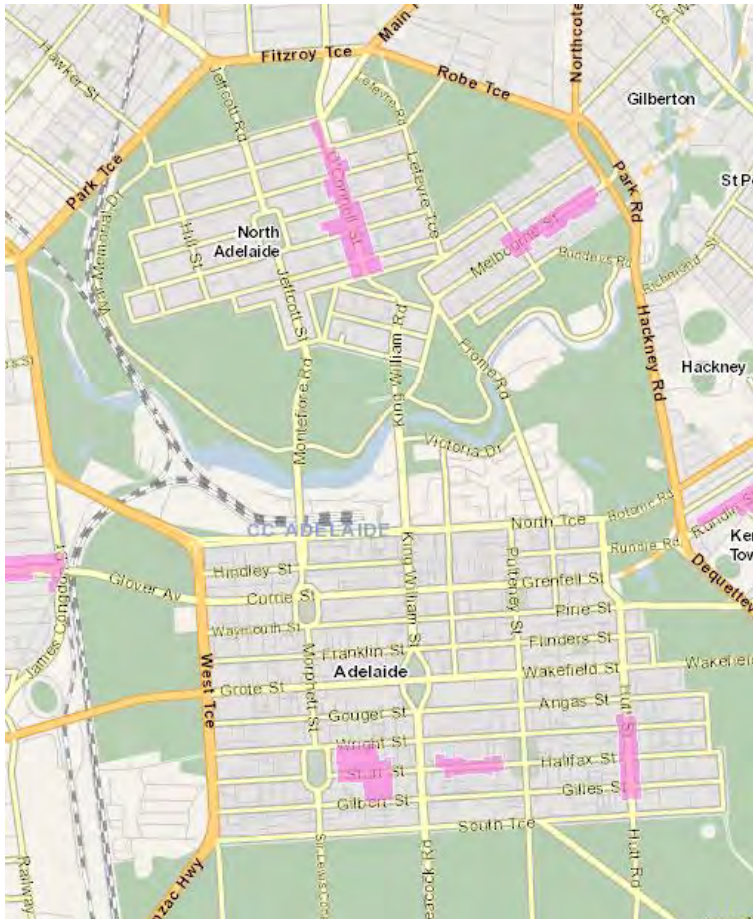
Subzones: Nil

Replaces: Main Street (O’Connell) Zone, Main Street (Melbourne East) Zone, Main Street (Hutt) Zone and Main Street (Adelaide) Zone

Spatial changes: Nil

Spatial Application

 Urban Corridor (Main Street) Zone



Overview:

These areas are some of the State’s earliest Main streets with historic building stock that provides character that supports a vibrant and attractive area to reside, set up businesses and visit. These areas are underpinned by dynamic economic activity with a strong retail focus.

This proposed Zone does not recognise the City as the capital of South Australia and dilutes a number of existing policies that effectively guide high quality development in the City. There is a need to reinstate the retail opportunities and reinforce the heritage values and character of these main streets.

An evidence base indicating the economic implications of the proposed retail hierarchy has not been provided and an informed study is required prior to making such substantial policy change to some of the State’s earliest main streets.

In summary, the concerns with the Urban Corridor (Main Street) Zone applying to these proposed areas are:

- **Change to land use and intensity without evidence or analysis.** The land use strategy of the existing main streets has been changed without analysis shared through the consultation.
- **Reduction in fine grain building detailing.** All of the City of Adelaide Main Streets have a strong built form pattern from its historic built form. This needs to be recognised in detail in the policy.
- **Catalyst sites policy has been replaced with Significant Development Sites** which still impacts adjacent Historic Areas and the overall form of main streets. Whilst it appears to be a reduction of impact there are still some concerns. The incentive policy approach is not supported as the main street form and character should be reinforced rather than an adhoc approach to building height and intensity. Interfaces to historic areas need to be carefully curated as the historic areas typically have small sites and have limited ability to manage the impact of the adjacent zone.
- **Movement** requirements reflecting the needs of the City are simply not captured in this proposed Zone.

Recommendation:

The City of Adelaide seeks the replacement of this zone with the City Main Street Zone. Each existing main street will be a subzone to support clear directions for the City of Adelaide and localised nuisance where necessary.

Additions and amendments have been described in Attachment A.1 City of Adelaide P&D Code amendment document and Attachment A.2 City of Adelaide audit documentation.

State Heritage Place Overlay

Function: Mechanism for identification of Individual State Heritage Places in the Code.

Replaces: Development Plan Council Wide Heritage and Conservation and Heritage, Conservation - North Adelaide and Table Adel/1- State Heritage Places

Overview:

The State Heritage Place (SHP) Overlay is the mechanism for identifying individual SHPs in the Code and replaces Table Adel/1 State Heritage Places and the Council Wide policies in the Development Plan.

The Overlay provides the policy settings for the assessments of development applications affecting SHPs. It also contains the referral trigger for applications to be referred to the heritage Minister.

Note: The pathway by which the application is assessed is found in the Zone.

City of Adelaide has the following comments on the State Heritage Place Overlay;

- The Draft Code does not require **public notification** for development applications seeking demolition of a SHP. This is not supported.
- The criteria for assessing whether **demolition** should be approved are rigorous and should be adequate to prevent unwarranted demolition. And, the heritage Minister now has the power to 'direct' that a SHP not be demolished. This is significant change as previously the Minister could only provide advice.
- The Draft Code does not provide an **adjacency provisions** and should be incorporated into the Code to enable development adjacent to SHPs to be sympathetic.
- There are inconsistencies with the Code's **use of terms**, even when those terms have been defined to have specific meanings. Minor corrections of terminology are required.
- The **land division** Performance Objectives in the Code should be expanded to enable applications to be refused in situations where the SHP should be able to retain enough land to enable flexible future uses. This is to prevent SHPs remaining on small land parcels that do not allow any future development and hence, substantially limit use options for the future.
- Performance Objectives are recommended to be added to the Code, relating to the following matters which are currently not accounted for within the Draft Code:
 - **Fencing**
 - **Landscaping**
 - **Views and vistas**
 - **Land use**
- The **referral triggers** are generally adequate with the following provisos.
 - The referral trigger includes a provision that allows the relevant authority not to refer a 'minor' application to the heritage Minister. There is concern that DA planners do not have the knowledge or experience to feel confident that works are 'minor', in which case, referrals to the heritage Minister will occur as they currently do.

Recommendation:

Support the State Heritage Place Overlay subject to the relevant additions and amendments described in Attachment A.1 City of Adelaide P&D Code amendment document and Attachment A.2 City of Adelaide audit documentation.

Local Heritage Place Overlay

Function: Mechanism for identification of Individual Local Heritage Places in the Code.

Replaces: Development Plan Council Wide Heritage and Conservation and Heritage, Conservation - North Adelaide and Table Adel/2- Local Heritage Places, Table Adela/3 – Local Heritage Places (Townscape) and Table Adel/4 – Local Heritage Places (City Significance).

Note: *The LHP Overlay should be read in conjunction with the Practice Guideline - (Interpretation of LHP Overlay, Historic Area Overlay and Character Area Overlay) 2019.*

Overview:

The Local Heritage Place (LHP) Overlay is the mechanism for identifying individual LHPs in the Code and replaces Tables Adel/2, 3 and 4 and the Council Wide policies in the Development Plan.

The Overlay provides the policy settings for the assessments of development applications affecting LHPs.

Note: there are no referral triggers for LHPs. This maintains the current situation where Council staff provide advice on development affecting LHPs. However, in some instances this will need to be achieved in reduced assessment timeframes.

Note: The pathway by which the application is assessed is found in the Zone.

City of Adelaide has the following comments on the Local Heritage Place Overlay;

- The Draft Code does not require **public notification** for development applications seeking demolition of a LHP. This is not supported.
- Unlike for SHPs, the criteria for assessing whether **demolition** should be approved does not include the provision that the reasons for demolition result from ‘the actions and unforeseen events beyond the control of the owner’. This could enable demolition applications caused by neglect to be approved. The Performance Objective should be amended to include this clause.
- An application for the total or part demolition of an LHP will require a **Local Heritage Place Impact Assessment** to be submitted. This is a justification for the proposed demolition and must be accompanied by appropriately qualified experts ranging from heritage professionals to structural engineers. The provision of these reports will be expensive for the applicant and for Council to seek an independent expert advice or review of the report.
- The Draft Code does not provide any **adjacency provisions** and should be incorporated into the Code to enable development adjacent to LHPs to be sympathetic.
- There are inconsistencies with the Code’s **use of terms**, even when those terms have been defined to have specific meanings. Minor corrections of terminology are required.
- The **land division** Performance Objectives in the Code should be expanded to enable applications to be refused in situations where the SHP should be able to retain enough land to enable flexible future uses. This is to prevent SHPs remaining on small land parcels that do not allow any future development and hence, substantially limit use options for the future.
- Performance Objectives are recommended to be added to the Code, relating to the following matters which are currently not accounted for within the Draft Code:
 - **Fencing**

- **Landscaping**
- **Views and vistas**
- **Land use**

Recommendation:

Support the Local Heritage Place Overlay subject to the relevant additions and amendments described in Attachment A.1 City of Adelaide P&D Code amendment document and Attachment A.2 City of Adelaide audit documentation.

Historic Area Overlay

Function: Mechanism for replacing Historic (Conservation) Zones in the Code.

Replaces: North Adelaide Historic (Conservation) Zone including Policy Areas 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 15) and Adelaide Historic (Conservation) Zone.

Zones and Subzones: The HA Overlay sits over the City Living Zone and includes 2 new Subzones; the North Adelaide Low Intensity Subzone and the Medium-High Intensity Subzone.

Spatially: The HA Overlay applies to all the area that was previously covered by the North Adelaide HCZ and Adelaide HCZ with the exception of former Policy Area 9. This PA covers the site of the Women's and Children's Hospital and has been designated to be a Community Facilities Zone in the Code.

Note: *The Historic Area Overlay should be read in conjunction with the Practice Guideline - (Interpretation of LHP Overlay, Historic Area Overlay and Character Area Overlay) 2019.*

Overview:

The Historic Area (HA) Overlay is the mechanism for replacing all HCZs in the Code and replaces the 2 existing HCZs as described above. The Overlay sits over a base, but City specific residential Zone; the City Living Zone. The Overlay does not apply to all the Zone, just the area that was covered by the previous North Adelaide HCZ and Adelaide HCZ.

The Overlay provides the policy settings for the assessment of development applications for all sites contained within the boundaries of the Overlay.

Note: there are no referral triggers for the HA Overlay. Council staff will provide advice on development affecting sites in the HA Overlay.

Note: Unlike many other councils, the City of Adelaide does not have 'contributory items'.

Note: The pathway by which an application is assessed is found in the Zone.

City of Adelaide has the following comments on the Historic Area Overlay;

- This Overlay was originally named the 'Local Heritage Area Overlay'. It is recommended that this name be re-utilised as the use of the **word 'heritage'** encourages the Overlay to be considered as an area where the retention of appropriate buildings occur as opposed to their replacement.
 - If this recommendation is not taken up, the **Planning, Development and Infrastructure (General) Regulations 2017** will need to be amended to reflect the 'Historic Area Overlay' to ensure that the Overlay is valid.
- The **Historic Area Statements** currently in the Code are not adequate to protect these important and unique areas and should be expanded to more adequately address the characteristics of the locality.
- **Demolition:**
 - will be supported if the façade of the building has been substantially altered and cannot be reasonably, economically restored in a manner consistent with the building's original style. The term 'reasonably, economically restored' needs to be defined.
 - A criterion for demolition is if 'the building facade does not contribute to the historic character or the streetscape.' It is unclear the extent of this provision. What will occur if a building has a tall fence to the street or vegetation blocking the view? Will that enable demolition to occur?
 - An assessment of the 'structural integrity or condition of the building being beyond economic repair'. The Practice Guideline instructs that the economic

cost of repair should be balanced against replacement costs, but no further guidance is provided and is required.

- An application for the demolition of any building within the HA Overlay will require a Heritage Area Impact Assessment to be submitted. This is a justification for demolition and must be accompanied by appropriately qualified experts ranging from heritage professionals to structural engineers and quantity surveyors. The provision of these reports will be expensive for the applicant and for Council to seek an independent expert advice or review of the report.
- There is concern that the HA Overlay does not adequately reinforce the importance of the **design of new development** being based on the context.
- The patterns of existing **vehicle parking arrangements** (ie driveways and their locations) should be considered in any new development.
- The HA Overlay contains a Performance Objective that requires that valued **landscape elements** (which are not defined but presumably including public realm elements such as trees, verges, driveway locations, light poles) be maintained except where they compromise safety, create nuisance, or adversely impact on existing buildings or infrastructure. The meaning and implications of this PO is not clear.

Recommendation:

Support the Historic Area Overlay subject to the relevant additions and amendments described in Attachment A.1 City of Adelaide P&D Code amendment document and Attachment A.2 City of Adelaide audit documentation.

Summary Sheet:

Regulated Tree Overlay

Replaces: Regulated Tree policy; Significant Tree policy

Overview:

There is one Overlay proposed by the Planning and Design Code: the 'Regulated Tree Overlay' which generally applies across the City of Adelaide and is triggered by trees that satisfy the criteria of a 'regulated tree'. The Overlay applies to Adelaide, Adelaide Hills Council townships and parts of the Mount Barker Council and this is illustrated on the Consultation Map Viewer found on the SA Planning Portal.

The Consultation Map Viewer also includes a 'Significant Tree Overlay' which represents the list of 'significant trees' contained in Table Adel/5 of the City of Adelaide Development Plan.

However, there is no reference to the Significant Tree Overlay in the Regulated Tree Overlay policy. In addition, there is current policy relating to 'significant trees' which is missing from the Regulated Tree Overlay. Specifically:

- no policy which recognises the importance of significant trees as a habitat for native fauna
- no policy on replacement trees (where a significant tree has been removed)
- no policy on fencing type to protect significant trees during development.

Recommendation:

- *The City of Adelaide supports this General Development Policy Module subject to the relevant additions and amendments described in Attachment A.1 City of Adelaide P&D Code amendment document and Attachment A.2 City of Adelaide audit documentation.*

Summary Sheet

General Development Policy: Transport, Access and Parking

Replaces: Council Wide Transport and Access (Access and Movement; Pedestrian Access; Bicycle Access; Public Transport; Traffic and Vehicle Access; Car Parking)

Overview:

As the capital city of our state, the City of Adelaide is a significant hub for all forms of transport and access. The high volumes of movement through the City of Adelaide daily requires effective planning policies to ensure that all forms of movement can coexist and not diminish the amenity or negatively impact the function of the City.

The Draft Code provides a General Development Policy, as well as some Overlays and details within Zones relating to these matters. It is apparent from reviewing these various areas of the Draft Code, that several important policies that the City of Adelaide currently relies on, have been omitted from the Code. In particular, there are Overlays such as the 'traffic generating development' and 'urban transport routes overlay' which only apply to roads under the care and control of the State Government. Subsequently, these policies do not have any application within the City and have the resultant effect that there are insufficient policies to adequately address the transport, access and movement needs of the City.

City of Adelaide has the following comments to make specifically on the 'transport, access and parking' general development policy module:

- The Draft Code must reinstate the following policies:
 - Ensuring protection of the City's **fine urban grain** and active frontage by directing off-street parking away from street frontages.
 - Maintaining an **uninterrupted pedestrian and cycle pathway**.
 - limit the location of **multi-level car parks or non-ancillary car parking** use to particular locations throughout the City.
 - Include public transport routes **mapping** and the **pedestrian** routes mapping to ensure maintenance of attractive, comfortable, legible and safe pedestrian and cycling environments.
 - **Car parking rates** have changed and in some cases are higher than current rates outlined in the Adelaide (City) Development Plan which is a poor outcome.
 - There is also a reduction on **bicycle parking** requirements in some circumstances and some land uses are not listed as requiring consideration of a bicycle rate.
 - **Disabled vehicle parking rates**.
 - **Design principles** relating to parking areas, pedestrian comfort, waste movement etc. requires strengthening.
 - Increased policies on other sustainable forms of transport and emerging technologies is needed.

Recommendation:

- *The City of Adelaide supports this General Development Policy Module subject to the relevant additions and amendments described in Attachment A.1 City of Adelaide P&D Code amendment document and Attachment A.2 City of Adelaide audit documentation.*

Summary Sheet

New General Module: Design in Urban Areas

Replaces: Council Wide Living Culture; Community Facilities; City Living; Environmental; Housing Choice; Student Accommodation; Built Form and Townscape; Squares and Public Spaces; Centres and Main Streets

Overview:

The Design in Urban Areas Module reflects design-related policies derived largely from the South Australian Planning Policy Library (SAPPL). It is acknowledged that the Draft Code incorporates best practice policy relating to Water Sensitive Urban Design (WSUD), however would benefit from WSUD principles appearing under all subheadings within this Module and therefore applying to all development types.

Further to review of this module and consideration of the principles of good planning (section 14, *Planning, Development and Infrastructure Act 2016*), this module still requires further policy work to achieve the design excellence aspired for a vibrant City.

A summary of the key gaps has been provided below using the key 'Principles of Good Design':

- **Contextual Development:**

The Design in Urban Areas contains many policies that can apply broadly to development outside of the city. However, the Adelaide (City) Development Plan contains bespoke policy that is unique to the city context due to its compact and high-scale built form and its historic built form pattern. In particular:

- A contextual assessment should also include consideration of a context's 'built environment'; the current DO1 of Design in Urban Areas places emphasis on a 'natural' surrounding.
- There is no specific policy guiding the design of public art. The current Development Plan policy not only supports the incorporation of art within a building but also seeks innovative and creative architecture so that the building is a piece of art-in-itself.
- The Code has not introduced anything to replace the principle of 'Landscaped Open Space' which plays an important role in maintaining the established character of areas by ensuring landscaped space around buildings and heritage places in the residential areas south and north of City of Adelaide.
- There are no provisions within the Code that encourages the use of indigenous tree species.
- The Code speaks at a very high level requiring fine-grain detail at street level to reinforce human scale and only applies to buildings of 4 or more building levels. Human scale element plays an important part of the diversity, character and comfort of the pedestrian environment. It would be beneficial if the Code was more prescriptive on what is expected in built form terms in the City.
- Other than corner sites, no policy of articulation and modelling of buildings has been incorporated into the Code for all development.
- There is no policy which supports innovative and interesting skylines to contribute to the overall design and performance of the building.
- There is limited policy which supports the provision of pedestrian links connected to publicly accessible open space and plazas.
- Limited design policy for fencing and walls and there is no limit on height of fencing and walls forward of the building line.

- There is no policy that addresses the design of development on, over, encroaching upon, or opening on to public spaces, including verandahs or outdoor dining.
- **Durable Development:**
Policy within the current Adelaide (City) Development Plan that supports universal design has not been carried across. In particular:
 - residential development policy that seeks regard to adaptable housing standards as set out in the 'Australian Standard AS 4299: Adaptable Housing'.
 - finished ground floor levels of buildings that are at grade and/or level with the footpath.
- **Performing and Sustainable Development:**
Policy within the current City of Adelaide Development Plan seeks to facilitate a high-quality living environment for its residents. In particular:
 - There is no policy which supports a mix of housing types to meet the widely differing social and economic needs of residents.
 - The Interface between Land Uses Module contains policy which seeks to protect access to daylight and sunlight of neighbouring residential premises; however, there are no minimum requirements for ensuring protection of the development site's private open space, landscaped open space or communal open space from unreasonable levels of overshadowing. The built form interface component of the code is lacking.
 - There is no minimum floor space area for studios. The purpose is to provide a high-quality living environment for all future residents in varying accommodation.
 - The Code policy requires buildings to be designed and sited to maximise ventilation and light to main activity areas, habitable rooms, common areas and open space; however, the Code does not contain provisions on how this can be achieved. The maximum distance of 8 metres from a window that provides natural light and ventilation to a room (which could be used as a Deemed to Satisfy policy).
 - There is no policy which restricts the use of light wells as the primary source of daylight for living rooms or the appropriate dimensions of a light-well to be used as a source of daylight to other rooms.
 - The private open space requirements within the Code are higher than what the Adelaide (City) Development Plan stipulates. Many sites within the City are small and the high provision of open space required by the Code could potentially physically prohibit the ability to build dwellings within the City.
 - The Adelaide (City) Development Plan has more specific policy relating to distances from bedrooms to parking areas and access ways to minimise disturbance for occupants which has not been carried across.
 - There is no policy which ensures that the useable space within a dwelling/apartment is not compromised by internal structural columns.
 - There is no policy to protect dwellings/serviced apartments from noise associated with common access ways (for example, incorporation of acoustic core filled doors with airtight rubber seals for all entry doors into common access ways).
 - Further policy is needed that guides energy efficient outcomes and the incorporation of efficient energy use technologies such as geo-exchange and embedded, distributed energy generation systems such as cogeneration, wind power, fuel cells and solar photovoltaic panels that supplement the energy needs of the building.

Other Policies:

- **Crime Prevention Through Urban Design (CPTUD):**
The Code does not cover all CPTUD principles within the Development Plan for the City of Adelaide. In particular, design of shopfronts that provide security whilst ensuring visual permeability. These provisions are used frequently in the assessment of development proposals.
- **Student Accommodation:**
To ensure quality living environments for students, it is recommended that the Code include a policy that seeks provision of a room that is suitable in size to accommodate a single bed, book shelves, a desk and workspace and a cupboard/wardrobe to provide a quality living environment for students.
- **Demolition:**
Under the Draft Code, no provision is made for demolition control in the City of Adelaide apart for a listed heritage place. Unnecessary and premature demolition of buildings leading to vacant sites which provide little or no economic benefit to the city, reduce activation opportunities and negatively affect city streetscapes.
- **Waste Management:**
There is limited policy relating to the provision of a dedicated area for collection and sorting of on-site waste.

Recommendation:

The City of Adelaide supports this General Development Policy Module subject to the relevant additions and amendments described in Attachment A.1 City of Adelaide P&D Code amendment document and Attachment A.2 City of Adelaide audit documentation.

Summary Sheet

Other New General Modules (of note):

Advertisements

Infrastructure and Renewable Energy Facilities

Interface between Land Uses

Replaces: Advertising; Squares and Public Spaces; Park Lands; MOSS (Metropolitan Open Space System); Telecommunications Facilities.

Overview:

There are several General Modules proposed for the Draft Code which will address the majority of the current policies within the Adelaide (City) Development Plan.

This summary sheet will focus on policy gaps that exist within some of the General Modules:

Advertisements:

The policies that guide temporary advertisement hoardings or shrouds generally and for the screening of construction sites has not been carried across.

Sky signs (undesired) and LED signs are lacking detail in the Code and guidance on these structures is paramount in the City.

In addition, current advertisement policies contained within Zones are predominately missing in the Draft Code Zones and should be reinstated.

Infrastructure and Renewable Energy Facilities:

Although this module addresses the provision of renewable energy facilities, it is also important development minimises the consumption of non-renewable resources and uses alternative energy generation systems. Currently, the Adelaide (City) Development Plan contains policy that supports alternative energy generation systems.

Interface between Land Uses:

Due to the intensity and diversity of uses in the City, it is important that there is responsible co-existence between different desired uses to avoid land use conflict. Importantly, responsible co-existence between different desired land uses ensures the viability of more populous City with thriving businesses. Council's noise management policies currently play an important role in achieving this.

Currently, the Adelaide (City) Development Plan incorporates well regarded best practice noise policy that is recommended to be carried across to the Code.

Recommendation:

The City of Adelaide supports this General Module subject to the relevant additions and amendments described in Attachment A.1 City of Adelaide P&D Code amendment document and Attachment A.2 City of Adelaide audit documentation.

Summary Sheet:

What is missing from the Planning and Design Code?

Overview:

This Summary Sheet seeks to outline the missing elements from the Code that currently the City of Adelaide has the benefit of using during assessment of development. These are in addition to those outlined by the other Summary Sheets (Design in Urban Areas; Transport, Access and Parking, Other General Modules (of note), Regulated Tree Overlay and Heritage and Historic Area Overlays).

- **Managing Public Realm:**

Many developments within the City of Adelaide have an impact or propose development on or within the public realm. The Draft Code has not released any policies relating to the public realm nor were any Design Standards released for consultation. This is currently a missing element of the planning reform and significant risk to Council. Without policies in place, when the Code is implemented, many public realm matters may be at risk of not having a policy framework within which these would be appropriately dealt with.

- **Social Infrastructure**

The Code provides for a diversity of dwelling sizes however there isn't anything that specifically addresses, encourages or provides for a range of housing types, tenures or costs for the widely differing social and economic needs of residents. Some sort of formal provision or incentive should be built into the structure of the Code to ensure developments are required to provide for a variety of accommodation to meet the needs of low income people, student housing, social housing, housing for single people, large and small families, people with disabilities and people with other complex needs whilst ensuring integration with existing residential communities.

Recommendation:

- *The City of recommends that the State Planning Commission addresses these gaps as a matter of priority.*

ATTACHMENTS

- Attachment A.1** City of Adelaide P&D Code amendment document – proposed rewording and additional policies to be added

- Attachment A.2** Audit of Adelaide (City) Development Plan into draft Planning and Design Code

- Attachment A.3** Code Testing using City of Adelaide examples

- Attachment A.4** Low Risk Application study

- Attachment A.5** City of Adelaide proposed Historic Area Statements

- Attachment A.6** **Commentary on draft Practice Directions / Guidelines**
 - A.6A – Draft Practice Guideline – Interpretation of Local Heritage Place Overlay, Historic Area Overlay and Character Area Overlay 2019
 - A.6B – Draft Practice Direction – Site Contamination Assessment

- Attachment A.7** Legal advice obtained by City of Adelaide relating to public realm matters

- Attachment A.8** Detailed analysis of how the State Planning Policies have been captured in the Draft Code

- Attachment A.9** Recommendations for improvement to Part 1 – Rules of Interpretation of the Planning and Design Code

- Attachment A.10** Recommendations for improvement to Parts 7 and 8 – Land Use Definitions and Administrative Definitions of the Planning and Design Code

- Attachment A.11** Preliminary commercial advice on impacts of policy introducing increased mixed-use development to residential areas and impacts on Main Streets

Attachment A.1

City of Adelaide P&D Code amendment document – proposed rewording and additional policies to be added

Attachment A.1 contains the City of Adelaide's edited version of the Planning and Design Code (Phase 3) released for consultation on 1 October 2019.

This document is not in final form and is recommended that it be used for ongoing future collaboration and discussions with DPTI to finalise the changes to the Planning and Design Code. The changes made are based on the Development Plan Code Analysis for the various relevant zones within the City of Adelaide which tracked the location of current Development Plan policy, identified what is missing, what errors have been made and provides a response and recommendations in regard to the direction of future Code policy (found in Attachment A.2).

The blue text highlights the edits Council has recommended to be made to the policy.

Community Facilities Zone

Table 1 – Accepted Development Classification

<p>Class of Development The following Classes of Development are classified as Accepted Development subject to meeting the 'Accepted Development Classification Criteria'</p>	<p>Accepted Development Classification Criteria</p>
<p>Building work on railway land</p>	<p>4 Building work is associated with a railway 5 It is situated (or to be situated) on railway land 6 It is required for the conduct or maintenance of railway activities.</p>
<p>Internal building work Except where any of the following apply:</p> <ul style="list-style-type: none"> • Historic Area Overlay • Local Heritage Place identified in the Local Heritage Place Overlay • State Heritage Area Overlay • State Heritage Place identified in the State Heritage Place Overlay 	<p>7 There will be no increase in the total floor area of the building 8 There will be no alteration to the external appearance of the building.</p>
<p>Private bushfire shelters Except where any of the following apply:</p> <ul style="list-style-type: none"> • Character Preservation District Overlay • Coastal Areas Overlay • Hazards (Acid Sulfate Soils) Overlay • Hazards (Flooding) Overlay • Character Area Overlay • Historic Area Overlay • Local Heritage Place Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<p>9 The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system 10 Primary street setback – at least as far back as the building to which it is ancillary 11 Secondary street setback – at least 900mm from the boundary of the allotment 12 At least 6m from the corner of an allotment which abuts the intersection of two or more roads (other than where a 4m x 4m allotment cut-off is already in place).</p>

<ul style="list-style-type: none"> • Native Vegetation Overlay • State Significant Native Vegetation Overlay • Ramsar Wetlands Overlay • River Murray Flood Plain Overlay • Sloping Land Overlay • Water Resources Overlay 	
<p>Shade sail Except where any of the following apply:</p> <ul style="list-style-type: none"> • Character Preservation District Overlay • Coastal Areas Overlay • Hazards (Acid Sulfate Soils) Overlay • Character Area Overlay • Historic Area Overlay • Local Heritage Place Overlay • State Heritage Area Overlay • State Heritage Place Overlay • Native Vegetation Overlay • State Significant Native Vegetation Overlay • Ramsar Wetlands Overlay • River Murray Flood Plain Overlay • Sloping Land Overlay • Water Resources Overlay 	<p>22 The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system</p> <p>23 Shade sail consists of permeable material</p> <p>24 The total area of the sail - does not exceed 40m²</p> <p>25 No part of the shade sail will be:</p> <p>(a) 3m above ground or floor level (depending on where it is situated) at any place within 900mm of a boundary of the allotment</p> <p>(b) 5m above ground or floor level (depending on where it is situated) within any other part of the allotment</p> <p>26 Primary street setback – at least as far back as the building line of the building to which it is ancillary</p> <p>27 If any part of the sail will be situated on a boundary of the allotment, the length of sail along a boundary does not exceed 8m</p> <p>28 In a case where any part of the sail or a supporting structure will be situated on a side boundary of the allotment – the length of the sail and any such supporting structure together with all relevant walls or structures located along the boundary will not exceed 45% of the length of the boundary.</p>
<p>Solar photovoltaic panels (roof mounted) Except where any of the following apply:</p> <ul style="list-style-type: none"> • Historic Area Overlay • Local Heritage Place identified in the Local Heritage Place Overlay • State Heritage Area Overlay • State Heritage Place identified in the State Heritage Place Overlay 	<p>10 Panels are installed parallel to the roof of a building and with the underside surface of the panel not being more than 100mm above the surface of the roof</p> <p>11 Panels and associated components do not overhang any part of the roof</p> <p>12 Does not apply to system with a generating capacity of more than 5MW that is to be connected to the State's power system.</p>

<p>Spa pool Swimming pool Except where any of the following apply:</p> <ul style="list-style-type: none"> • Character Preservation District Overlay • Coastal Areas Overlay • Hazards (Acid Sulfate Soils) Overlay • Hazards (Flooding) Overlay • Character Area Overlay • Historic Area Overlay • Local Heritage Place Overlay • State Heritage Area Overlay • State Heritage Place Overlay • Native Vegetation Overlay • State Significant Native Vegetation Overlay • Ramsar Wetlands Overlay • River Murray Flood Plain Overlay • Sloping Land Overlay • Water Resources Overlay 	<p>16 The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system</p> <p>17 It is ancillary to a building erected on the site</p> <p>18 Allotment boundary setback – not less than 1m</p> <p>19 Primary street setback – at least as far back as the building line of the building to which it is ancillary</p> <p>20 Location of filtration system from a building on an adjoining allotment:</p> <p>(a) not less than 5m where the filtration system is located inside a solid structure that will have material impact on the transmission of noise</p> <p>(b) not less than 12m in any other case.</p>
<p>Water tank (above ground)</p> <ul style="list-style-type: none"> • Character Preservation District Overlay • Coastal Areas Overlay • Hazards (Flooding) Overlay • Character Area Overlay • Historic Area Overlay • Local Heritage Place Overlay • State Heritage Area Overlay • State Heritage Place Overlay • Native Vegetation Overlay • State Significant Native Vegetation Overlay • Ramsar Wetlands Overlay • River Murray Flood Plain Overlay • Sloping Land Overlay • Water Resources Overlay 	<p>15 The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system</p> <p>16 The tank is part of a roof drainage system</p> <p>17 Total floor area - not exceeding 15m²</p> <p>18 The tank is located wholly above ground</p> <p>19 Tank height – does not exceed 4m above natural ground level</p> <p>20 Primary street setback – at least as far back as the building line of the building to which it is ancillary</p> <p>21 In the case of a tank made of metal – the tank is pre-colour treated or painted in a non-reflective colour.</p>

<p>Water tank (underground) Except where any of the following apply:</p> <ul style="list-style-type: none"> • Character Preservation District Overlay • Coastal Areas Overlay • Hazards (Acid Sulfate Soils) Overlay • Native Vegetation Overlay • State Significant Native Vegetation Overlay • Ramsar Wetlands Overlay • Sloping Land Overlay • Water Resources Overlay 	<p>7 The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system</p> <p>8 The tank (including any associated pump) is located wholly below the level of the ground.</p>
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Table 2 – Deemed-to-Satisfy Development Classification

Class of Development The following Classes of Development are classified as Deemed-to-Satisfy Development subject to meeting the 'Deemed-to-Satisfy Development Classification Criteria'	Deemed-to-Satisfy Development Classification Criteria			
	Provisions referred to are Deemed-to-Satisfy Criteria Where a development comprises more than one Class of Development the relevant criteria will be taken to be the sum of the criteria for each Class of Development.			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Advertisement Except where any of the following apply: <ul style="list-style-type: none"> • Advertising Near Signalised Intersections Overlay • Character Area Overlay • Character Preservation District Overlay • Coastal Areas Overlay • Hazards (Flooding) Overlay • Historic Area Overlay • Local Heritage Place Overlay • Mt Lofty Ranges Catchment (Area 2) Overlay • Native Vegetation Overlay 	None	Clearance from Overhead Powerlines: DTS 1.1 Advertisements [Appearance]: DTS 1.1, 1.3, 1.4, 1.5 Advertisements [Proliferation of Advertisements]: DTS 2.1, 2.2 Advertisements [Advertising Content]: DTS 3.1 Advertisements [Amenity Content]: DTS 4.1 Advertising [Safety]: DTS 5.1, 5.2, 5.3, 5.4, 5.5	None	Airport Building Heights (Aircraft Landing Area) Overlay: All DTS 1.1 Airport Building Heights (Regulated) Overlay: All DTS 1.1, 1.2 Building Near Airfields Overlay: DTS 1.1, 1.2 Defence Aviation Area Overlay: DTS 1.1, 1.3 Hazards (Acid Sulfate Soils) Overlay: DTS 1.1 Future Road Widening Overlay: DTS 1.1 Key Outback and Rural Routes: 8.1 Major Urban Transport Routes

				<p>Overlay: 8.1, 10.1</p> <p>Native Vegetation Overlay: DTS 1.1, 1.3</p> <p>State Significant Native Vegetation Overlay: DTS 1.1</p>
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Working Draft

<p>Class of Development</p> <p>The following Classes of Development are classified as Deemed-to-Satisfy Development subject to meeting the 'Deemed-to-Satisfy Development Classification Criteria'</p>	<p>Deemed-to-Satisfy Development Classification Criteria</p> <p>Provisions referred to are Deemed-to-Satisfy Criteria Where a development comprises more than one Class of Development the relevant criteria will be taken to be the sum of the criteria for each Class of Development.</p>			
	<p>Zone</p>	<p>General Development Policies</p>	<p>Subzone (applies only in the area affected by the Subzone)</p>	<p>Overlay (applies only in the area affected by the Overlay)</p>
<ul style="list-style-type: none"> • Non-stop Corridor Overlay • Ramsar Wetlands Overlay • River Murray Flood Plain Overlay • Sloping Land Overlay • State Heritage Area Overlay • State Heritage Place Overlay • State Significant Native Vegetation Overlay • Water Resources Overlay 				<p>Urban Transport Routes: 8.1</p>

Working

Table 3 – Applicable Policies for Performance Assessed Development

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Advertisement	None	Clearance from Overhead Powerlines: PO 1.1 Advertisements [Appearance]: PO 1.1, 1.3, 1.4 Advertisements [Proliferation of Advertisements]: PO 2.1, 2.2 Advertisements [Advertising Content]: PO 3.1 Advertisements [Amenity Content]: PO 4.1 Advertising [Safety]: PO 5.1, 5.2, 5.3, 5.4, 5.5	None	Advertising Near Signalised Intersections: All Airport Building Heights (Aircraft Landing Area): All Airport Building Heights (Regulated): All Building Near Airfields: All Character Area: All Character Preservation District: All Coastal Areas: All Defence Aviation Area: All Future Road Widening: All Hazards (Acid Sulfate Soils): All Hazards (Flooding): All Historic Area: All Key Outback and Rural Routes: All Local Heritage Place: All

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
				Major Urban Transport Routes: All Mt Lofty Ranges Catchment (Area 2): All Native Vegetation: All Non-stop Corridor: All Ramsar Wetlands: All River Murray Flood Plain: All Sloping Land: All State Heritage Area: All State Heritage Place: All State Significant Native Vegetation: All Urban Transport Routes: All
Demolition of a State or Local Heritage Place	None	None	None	Local Heritage Place: All State Heritage Place: All
Demolition within the Historic Area Overlay or	All	None	None	Historic Area: All State Heritage Area: All

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
State Heritage Area Overlay				
Tree Damaging Activity	None	None	None	Regulated Trees: All
All other Code Assessed Development	All	All	None	Any Relevant Overlay: All

Table 4 –Restricted Development Classification

Class of Development The following Classes of Development are classified as Restricted subject to any 'Exclusions'	Exclusions
None Specified	

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Assessment Provisions

Desired Outcomes (DO)

DO 1

Provision of a range of public and private community, educational, recreational and health care facilities.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Land Use and Intensity

PO 1.1

Development is associated with or ancillary to the provision of community, educational, recreational and / or health care services.

DTS/DPF 1.1

Development comprises one or more of the following land uses:

- Consulting room
- Educational establishment
- Indoor recreation facility
- Office
- Place of worship
- Pre-school
- Recreation area
- Shop

PO 1.2

Integration and coordination of adjoining land uses to enhance accessibility and efficiency in service delivery.

DTS/DPF 1.2

None are applicable.

PO 1.3

Development avoids inhibiting or prejudicing future delivery of community, educational, recreational or health care services.

DTS/DPF 1.3

None are applicable.

PO X

Temporary use of vacant or underdeveloped land that is not likely to be the subject of long-term development in the short term. Temporary uses of vacant or underdeveloped land are to be landscaped, screened and/or treated so that negative impacts to the public realm are minimised.

DTS/DPF X

None are applicable.

Built Form and Character

PO 2.1

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

DTS/DPF 2.1

Building height does not exceed a maximum height specified in the *Building Height Technical and Numeric Variations Overlay*.

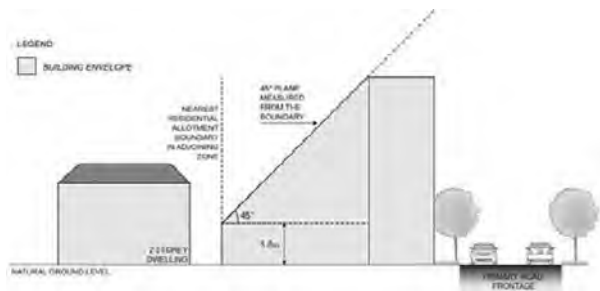
Interface Height

PO 3.1

Buildings mitigate visual impacts of building massing on residential development within a neighbourhood zone.

DTS/DPF 3.1

Buildings constructed within a building envelope provided by a 45 degree plane measured from a height of 3 metres above natural ground level at the allotment boundary of a residential allotment within a neighbourhood zone as shown in the following diagram (except where this boundary is a southern boundary in which case DTS/DPF 3.2 will apply, or where this boundary is the primary street boundary):

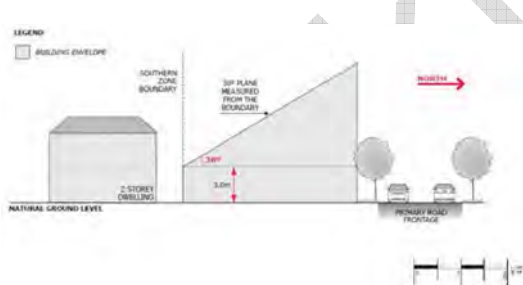


PO 3.2

Buildings mitigate overshadowing of residential development within a neighbourhood zone.

DTS/DPF 3.2

Buildings on sites with a southern boundary adjoining a residential allotment within a neighbourhood zone are constructed within a building envelope provided by a 30 degree plane grading north measured from a height of 3m above natural ground level at the southern boundary, as shown in the following diagram:



Demolition

PO X

Building demolition is to be refrained unless Development Approval for a replacement development has been granted. Demolition may only be granted for documented reasons of public health or safety agreed by the planning authority or alternatively agreed by a statutory order. If replacement development has not commenced within 12 months of the granting of Development Approval, landscaping of the site is to be undertaken.

DTS/DPF X

None are applicable

PO X

Adequate car parking should be provided within the site area of the development to meet the demand generated by the development as [Table 1 – General Off-Street Car Parking Requirements](#); and
(a) car parking rates lower than the minimum may be appropriate where there is readily accessible and

frequent public transport in the locality or it can be demonstrated that a lower provision is warranted, such as for the following reasons:

- (i) the nature of development;
- (ii) existing heritage places on or adjacent to the development site which dictates the development of the site in a manner which hampers the provision of on-site parking;
- (iii) the opportunity to exploit shared car parking areas between uses based upon compatible hours of peak operation;
- (iv) use of a car share scheme; or
- (v) suitable arrangements for any parking shortfall to be met elsewhere or by other means.

DTS/DPF X

None are applicable.

Procedural Matters (PM)

Notification of Performance assessed development

All classes of development are excluded from notification except where it involves any of the following:

- (a) the site of the development is adjacent land to land in a different zone
- (b) development identified as "all other code assessed development" in Community Facilities Zone Table 3

Note

This document contains City of Adelaide edited version of the Planning and Design Code (Phase 3) released for consultation on 1 October 2019.

Blue text highlights the edits Council has made to the policy.

The changes made are based on the Development Plan Code Analysis for the Capital City Zone, City Frame and City Living Policy Area 30. This document tracked the location of current Dev Plan policy, identified what is missing, what errors have been made and provides a response and recommendations in regard to the direction of future Code policy.

City Living Zone

Table 1 – Accepted Development Classification

Class of Development The following Classes of Development are classified as Accepted Development subject to meeting the 'Accepted Development Classification Criteria'	Accepted Development Classification Criteria
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Working Draft

Class of Development The following Classes of Development are classified as Accepted Development subject to meeting the 'Accepted Development Classification Criteria'	Accepted Development Classification Criteria
Carport Except where any of the following apply: <ul style="list-style-type: none"> • Historic Area Overlay • Local Heritage Place Overlay • State Heritage Place Overlay • Sloping Land Overlay 	<ol style="list-style-type: none"> 1. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system 2. It is ancillary to a dwelling erected on the site 3. Primary street setback – at least 5.5m from the primary street boundary and as far back as the building line of the building to which it is ancillary 4. Secondary street setback – at least 900mm from the boundary of the allotment (if the land has boundaries on two or more roads) 5. Total floor area - does not exceed 40m² 6. Post height - does not exceed 3m measured from natural ground level (and not including a gable end) 7. Building height - does not exceed 5m 8. If situated on or abutting a boundary (not being a boundary with a primary street or secondary street) – a length not exceeding 10m unless: <ol style="list-style-type: none"> (a) a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary; and (b) the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent 9. If the carport abuts or is situated on the boundary of the allotment (not being a boundary with a primary street or secondary street): <ol style="list-style-type: none"> (c) it will not result in all relevant walls or structures located along the boundary exceeding 45% of the length of the boundary; and (d) it will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or abut the proposed wall or structure 10. The total roofed area of all existing or proposed buildings on the allotment does not exceed 60% of the area of the allotment

Class of Development The following Classes of Development are classified as Accepted Development subject to meeting the 'Accepted Development Classification Criteria'	Accepted Development Classification Criteria
	11. Door opening for vehicle access – does not exceed, in total, 7m in width or 50% of the width of the allotment frontage (whichever lesser) 12. Internal dimensions – does not exceed 3.2m in width and 6m in length between all fences, walls and doors 13. The carport: (a) is located so that vehicle access: i. is provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land; or ii. will use a driveway that: A. is not located within 6 metres of an intersection of 2 or more roads or a pedestrian actuated crossing; and B. will not interfere with an item of street furniture (including directional signs, lighting, seating and weather shelters), other infrastructure, or a tree; or iii. if adjacent a kerbed road, will be via a kerb that is designed to allow a vehicle to roll over it; and (b) is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the carport when the work is completed is not steeper than 1:4 on average; and 14. The centre of the driveway at the public road boundary is no more than 25 degree deviation from the centre of the front of the covered car parking space for which it provides vehicle access 15. The access point does not involve the removal or relocation of mature street trees, street furniture or utility infrastructure services.
Internal building work Except where any of the following apply: <ul style="list-style-type: none"> • A Local Heritage Place identified in the Local Heritage Place Overlay • A State Heritage Place identified in the State Heritage Place Overlay 	1. There will be no increase in the total floor area of the building 2. There will be no alteration to the external appearance of the building.
Outbuilding (in the form of a garage) Except where any of the following apply:	1. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system

Class of Development The following Classes of Development are classified as Accepted Development subject to meeting the 'Accepted Development Classification Criteria'	Accepted Development Classification Criteria
<ul style="list-style-type: none"> • Historic Area Overlay • Local Heritage Place Overlay • State Heritage Place Overlay • Sloping Land Overlay 	<ol style="list-style-type: none"> 2. It is detached from and ancillary to a dwelling erected on the site. 3. Primary street setback – at least 5.5m from the primary street boundary and as far back as the building line of the building to which it is ancillary 4. Secondary street setback – at least 900mm from the boundary of the allotment (if the land has boundaries on two or more roads) 5. Total floor area - does not exceed 40m² 6. Wall height - does not exceed 3m measured from natural ground level (and not including a gable end) 7. Building height - does not exceed 5m 8. If situated on or abutting a boundary (not being a boundary with a primary street or secondary street) – a length not exceeding 10m unless: <ol style="list-style-type: none"> (a) a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary; and (b) the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent 9. If the outbuilding abuts or is situated on the boundary of the allotment (not being a boundary with a primary street or secondary street): <ol style="list-style-type: none"> (a) it will not result in all relevant walls or structures located along the boundary exceeding 45% of the length of the boundary; and (b) it will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or abut the proposed wall or structure 10. Total roofed area of all existing and proposed buildings on the allotment - does not exceed 60% 11. Internal dimensions – exceed 3.2m in width and 6m in length between all walls and doors 12. Door opening for vehicle access – does not exceed, in total, 7m in width or 50% of the width of the allotment frontage (whichever lesser) 13. The garage: <ol style="list-style-type: none"> (a) is located so that vehicle access: <ol style="list-style-type: none"> i. is provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land; or ii. will use a driveway that: <ol style="list-style-type: none"> A. is not located within 6 metres of an intersection of

Class of Development The following Classes of Development are classified as Accepted Development subject to meeting the 'Accepted Development Classification Criteria'	Accepted Development Classification Criteria
	<p>2 or more roads or a pedestrian actuated crossing; and</p> <p>B. will not interfere with an item of street furniture (including directional signs, lighting, seating and weather shelters), other infrastructure, or a tree; or</p> <p>iii. if adjacent a kerbed road, will be via a kerb that is designed to allow a vehicle to roll over it; and</p> <p>(b) is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the carport when the work is completed is not steeper than 1:4 on average; and</p> <p>(c) The centre of the driveway at the public road boundary is no more than 25 degree deviation from the centre of the front of the covered car parking space for which it provides vehicle access</p> <p>14. If clad in sheet metal—is pre-colour treated or painted in a non-reflective colour.</p>
<p>Outbuilding (not being a garage)</p> <p>Except where any of the following apply:</p> <ul style="list-style-type: none"> • Historic Area Overlay • Local Heritage Place Overlay • State Heritage Place Overlay <p>Sloping Land Overlay</p>	<ol style="list-style-type: none"> 1. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system 2. It is detached from and ancillary to a dwelling erected on the site 3. Primary street setback – at least as far back as the building line of the building to which it is ancillary 4. Secondary street setback – at least 900mm from the boundary of the allotment (if the land has boundaries on two or more roads) 5. Side boundary setbacks – at least 900mm from the boundary of the allotment 6. Total floor area does not exceed 40m² 7. Wall height - does not exceed 3m measured from natural ground level (and not including a gable end) 8. Building height - does not exceed 5m 9. If situated on or abutting a boundary (not being a boundary with a primary street or secondary street) – a length not exceeding 10m unless: <ol style="list-style-type: none"> (a) a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary; and (b) the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent 10. If the outbuilding abuts or is situated on the boundary of the allotment (not being a boundary with a primary street or secondary street): <ol style="list-style-type: none"> (a) it will not result in all relevant walls or structures located along the boundary exceeding 45% of the

<p>Class of Development</p> <p>The following Classes of Development are classified as Accepted Development subject to meeting the 'Accepted Development Classification Criteria'</p>	<p>Accepted Development Classification Criteria</p>
	<p>length of the boundary; and</p> <p>(b) will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or abut the proposed wall or structure</p> <p>11. Total roofed area of all existing and proposed buildings on the allotment - does not exceed 60%</p> <p>If clad in sheet metal—is pre-colour treated or painted in a non-reflective colour.</p>

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Class of Development The following Classes of Development are classified as Accepted Development subject to meeting the 'Accepted Development Classification Criteria'	Accepted Development Classification Criteria
<p>Outbuilding (not being a garage)</p> <p>Except where any of the following apply:</p> <ul style="list-style-type: none"> • Historic Area Overlay • Local Heritage Place Overlay • State Heritage Place Overlay • Sloping Land Overlay 	<ol style="list-style-type: none"> 1. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system 2. It is detached from and ancillary to a dwelling erected on the site 3. Primary street setback – at least as far back as the building line of the building to which it is ancillary 4. Secondary street setback – at least 900mm from the boundary of the allotment (if the land has boundaries on two or more roads) 5. Side boundary setbacks – at least 900mm from the boundary of the allotment 6. Total floor area does not exceed 40m² 7. Wall height - does not exceed 3m measured from natural ground level (and not including a gable end) 8. Building height - does not exceed 5m 9. If situated on or abutting a boundary (not being a boundary with a primary street or secondary street) – a length not exceeding 10m unless: <ol style="list-style-type: none"> (a) a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary; and (b) the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent 10. If the outbuilding abuts or is situated on the boundary of the allotment (not being a boundary with a primary street or secondary street): <ol style="list-style-type: none"> (a) it will not result in all relevant walls or structures located along the boundary exceeding 45% of the length of the boundary; and (b) will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or abut the proposed wall or structure 11. Total roofed area of all existing and proposed buildings on the allotment - does not exceed 60% 12. If clad in sheet metal—is pre-colour treated or painted in a non-reflective colour.
<p>Shade sail</p> <p>Except where any of the following apply:</p>	<ol style="list-style-type: none"> 1. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system

Class of Development The following Classes of Development are classified as Accepted Development subject to meeting the 'Accepted Development Classification Criteria'	Accepted Development Classification Criteria
<ul style="list-style-type: none"> • Historic Area Overlay • Local Heritage Place Overlay • State Heritage Place Overlay • Sloping Land Overlay 	<ol style="list-style-type: none"> 2. Shade sail consists of permeable material 3. The total area of the sail - does not exceed 40m² 4. No part of the shade sail will be: <ol style="list-style-type: none"> (a) 3m above ground or floor level (depending on where it is situated) at any place within 900mm of a boundary of the allotment (b) 5m above ground or floor level (depending on where it is situated) within any other part of the allotment 5. Primary street setback – at least as far back as the building line of the building to which it is ancillary 6. If any part of the sail will be situated on a boundary of the allotment, the length of sail along a boundary does not exceed 8m 7. In a case where any part of the sail or a supporting structure will be situated on a side boundary of the allotment – the length of the sail and any such supporting structure together with all relevant walls or structures located along the boundary will not exceed 45% of the length of the boundary.
<p>Solar photovoltaic panels (roof mounted)</p> <p>Except where any of the following apply:</p> <ul style="list-style-type: none"> • Historic Area Overlay • A Local Heritage Place identified in the Local Heritage Place Overlay • A State Heritage Place identified in the State Heritage Place Overlay 	<ol style="list-style-type: none"> 1. Panels are installed parallel to the roof of a building and with the underside surface of the panel not being more than 100mm above the surface of the roof 2. Panels and associated components do not overhang any part of the roof 3. Does not apply to system with a generating capacity of more than 5MW that is to be connected to the State's power system.
<p>Spa pool Swimming pool</p> <p>Except where any of the following apply:</p> <ul style="list-style-type: none"> • Historic Area Overlay • Local Heritage Place Overlay • State Heritage Place Overlay • Sloping Land Overlay 	<ol style="list-style-type: none"> 1. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system 2. It is ancillary to a dwelling erected on the site 3. Allotment boundary setback – not less than 1m 4. Primary street setback – at least as far back as the building line of the building to which it is ancillary 5. Location of filtration system from a dwelling on an adjoining allotment: <ol style="list-style-type: none"> (a) not less than 5m where the filtration system is located inside a solid structure that will have material impact on the transmission of noise (b) not less than 12m in any other case.

Class of Development The following Classes of Development are classified as Accepted Development subject to meeting the 'Accepted Development Classification Criteria'	Accepted Development Classification Criteria
Temporary Storage of Council Equipment	Appropriate measures are incorporated for: (a) dust control; (b) appropriate screening including landscaping; (c) containment of litter and waste; and (d) appropriate securing of the site.
Verandah Except where any of the following apply: <ul style="list-style-type: none"> • Historic Area Overlay • Local Heritage Place Overlay • State Heritage Place Overlay 	<ol style="list-style-type: none"> 1. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system 2. It is ancillary to a dwelling erected on the site 3. Primary street setback – as far back as the building line of the building to which it is ancillary 4. Total floor area - does not exceed 40m² 5. Post height - does not exceed 3m measured from natural ground level 6. Building height - does not exceed 5m 7. Length - does not exceed 10m if any part of the structure abuts or is situated on a boundary of the allotment 8. Total roofed area of all existing and proposed buildings on the allotment - does not exceed 60%.
Water tank (above ground) Except where any of the following apply: <ul style="list-style-type: none"> • Historic Area Overlay • Local Heritage Place Overlay • State Heritage Place Overlay • Sloping Land Overlay 	<ol style="list-style-type: none"> 1. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system 2. The tank is part of a roof drainage system 3. Total floor area - not exceeding 15m² 4. The tank is located wholly above ground 5. Tank height – does not exceed 4m above natural ground level 6. Primary street setback – at least as far back as the building line of the building to which it is ancillary 7. In the case of a tank made of metal – the tank is pre-colour treated or painted in a non-reflective colour.
Water tank (underground) Except where any of the following apply: <ul style="list-style-type: none"> • Sloping Land Overlay 	<ol style="list-style-type: none"> 1. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system 2. The tank (including any associated pump) is located wholly below the level of the ground.

Table 2 – Deemed-to-Satisfy Development Classification

Class of Development	Deemed-to-Satisfy Development Classification Criteria			
	Zone	General Development Policies	Subzone	Overlay
<p>The following Classes of Development are classified as Deemed-to-Satisfy Development subject to meeting the 'Deemed-to-Satisfy Development Classification Criteria'</p>	<p>Provisions referred to are Deemed-to-Satisfy Criteria</p> <p>Where a development comprises more than one Class of Development the relevant criteria will be taken to be the sum of the criteria for each Class of Development.</p>			
<p>Carport</p> <p>Except where any of the following apply:</p> <ul style="list-style-type: none"> • Historic Area Overlay • Local Heritage Place Overlay • Sloping Land Overlay • State Heritage Place Overlay 	<p>[Building Setbacks]: DTS/DPF 3.1, 3.2, 3.3</p>	<p>Design in Urban Areas [All Development - Earthworks]: 7.1</p> <p>Design in Urban Areas [All Residential Development - Ancillary Development]: DTS 16.1, 16.2</p> <p>Design in Urban Areas [Residential Development - 3 Building Levels or Less [External Appearance]: DTS 18.1, 20.1</p> <p>Design in Urban Areas [Residential Development - 3 Building Levels or Less - Private Open Space]: DTS 20.1</p> <p>Design in Urban Areas [Residential Development - 3 Building Levels or Less Car parking, Access and Manoeuvrability]: All</p> <p>Design in Urban Areas [Residential Development - 4 or More Building Levels or Less - Outlook and Visual Privacy]: DTS 27.1</p> <p>Transport, Access and Parking [Vehicle Access]: DTS 3.1, 3.4, 3.5, 3.6</p>	None	None

Class of Development The following Classes of Development are classified as Deemed-to-Satisfy Development subject to meeting the 'Deemed-to-Satisfy Development Classification Criteria'	Deemed-to-Satisfy Development Classification Criteria Provisions referred to are Deemed-to-Satisfy Criteria Where a development comprises more than one Class of Development the relevant criteria will be taken to be the sum of the criteria for each Class of Development.			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Dwelling addition Except where any of the following apply: <ul style="list-style-type: none"> North Adelaide Low Density Subzone Aircraft Noise Exposure Overlay Airport Building Heights (Regulated) Historic Area Overlay Local Heritage Place Overlay Sloping Land Overlay State Heritage Place Overlay 	[Built Form and Character]: DTS 2.2 [Building Setbacks]: DTs3.1, 3.2, 3.3, 3.4,3.5 [Site Dimensions and Land Division]: DTS 5.1	Clearance from Overhead Powerlines: DTS 1.1 Infrastructure and Renewable Energy Facilities [Water Supply]: DTS 11.1, 11.2 Infrastructure and Renewable Energy Facilities [Wastewater Services]: DTS 12.1,12.2 Design in Urban Areas [All Development - Earthworks]: 7.1 Design in Urban Areas [All Residential Development – External Appearance]: DTS 14.1 Design in Urban Areas [All Residential Development – Outlook and Amenity]: DTS 15.1 Design in Urban Areas [All Residential Development – 3 Building Levels or Less – External Appearance]: DTS 18.1, 18.2, 18.3 Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Overlooking / Visual Privacy]: DTS 19.1	Medium–High Intensity Subzone [Built Form and Character]: DTS2.1, 2.2, 2.3, 2.4	None
				None

Class of Development The following Classes of Development are classified as Deemed-to-Satisfy Development subject to meeting the 'Deemed-to-Satisfy Development Classification Criteria'	Deemed-to-Satisfy Development Classification Criteria Provisions referred to are Deemed-to-Satisfy Criteria Where a development comprises more than one Class of Development the relevant criteria will be taken to be the sum of the criteria for each Class of Development.			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Private Open Space]: DTS 20.1, 20.2, 20.3 Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Landscaping]: DTS 22.1, 22.2 Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Waste Storage]: DTS 24.1 Design in Urban Areas [Residential Development - 4 or More Building Levels or Less – Outlook and Visual Privacy]: DTS/DPF 27.1		
		Interface Between Land Uses [Activities Generating Noise or Vibration]: DTS 3.1, 3.2, 3.3 Interface Between Land Uses [Activities Generating Noise or Vibration]: DTS 4.4 Site Contamination: DTS 1.1		

Class of Development The following Classes of Development are classified as Deemed-to-Satisfy Development subject to meeting the 'Deemed-to-Satisfy Development Classification Criteria'	Deemed-to-Satisfy Development Classification Criteria Provisions referred to are Deemed-to-Satisfy Criteria Where a development comprises more than one Class of Development the relevant criteria will be taken to be the sum of the criteria for each Class of Development.			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Outbuilding (in the form of a garage) Except where any of the following apply: <ul style="list-style-type: none"> • Historic Area Overlay • Local Heritage Place Overlay • Sloping Land Overlay • State Heritage Place Overlay 	[Building Setbacks]: DTs3.1, 3.2, 3.3, 3.4, 3.5	Design in Urban Areas [All Development - Earthworks]:7.1 Design in Urban Areas [All Residential Development – Ancillary Development]: DTS 16.1 , 16.2 Design in Urban Areas [Residential Development – 3 Building Levels or Less – External Appearance]: DTS 18.1 Design in Urban Areas [Residential Development - 3 Building Levels or Less - Private Open Space]: DTS/DPF 20.1	None	None

Class of Development The following Classes of Development are classified as Deemed-to-Satisfy Development subject to meeting the 'Deemed-to-Satisfy Development Classification Criteria'	Deemed-to-Satisfy Development Classification Criteria Provisions referred to are Deemed-to-Satisfy Criteria Where a development comprises more than one Class of Development the relevant criteria will be taken to be the sum of the criteria for each Class of Development.			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		Design in Urban Areas [Residential Development - 3 Building Levels or Less Car parking, Access and Manoeuvrability]: All Design in Urban Areas [Residential Development - 4 or More Building Levels or Less - Outlook and Visual Privacy]: DTS/DPF 27.1 Transport, Access and Parking [Vehicle Access]: DTS 3.1, 3.4-3.5, 3.6	North Adelaide Low Intensity Subzone 2.1, 2.3 Medium-High Intensity Subzone [Built Form and Character DTS/DPF 2.2, 2.3, 2.4, 2.5	
Outbuilding (not being a garage) Except where any of the following apply: <ul style="list-style-type: none"> • Historic Area Overlay • Local Heritage Place Overlay • Sloping Land Overlay • State Heritage Place Overlay 	[Building Setbacks: DTS/DPF 3.1, 3.2, 3.3, 3.4, 3.5]	Design in Urban Areas [All Development - Earthworks]: 7.1 Design in Urban Areas [All Residential Development - Ancillary Development]: PO 16.1, 16.2 Design in Urban Areas [Residential Development - 3 Building Levels or Less - Private Open Space]: DTS/DPF 20.1 Design in Urban Areas [Residential Development - 4 or More Building Levels or Less - Outlook and Visual Privacy]: DTS/DPF 27.1	North Adelaide Low Intensity Subzone 2.1, 2.3 Medium-High Intensity Subzone [Built Form and Character DTS/DPF 2.2, 2.3, 2.4, 2.5	None

<p>Verandah Except where any of the following apply:</p> <ul style="list-style-type: none"> • Historic Area Overlay • Local Heritage Place Overlay • State Heritage Place Overlay • Sloping Land Overlay 	<p>[Building Setbacks: DTS/DPF 3.1, 3.2, 3.3, 3.4, 3.5]</p>	<p>Design in Urban Areas [All Residential Development – Ancillary Development]: PO 16.1, 16.2</p>	<p>North Adelaide Low Intensity Subzone 2.1, 2.3 Medium-High Intensity Subzone [Built Form and Character DTS/DPF 2.2, 2.3, 2.4, 2.5]</p>	<p>None</p>
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Table 3 - Applicable Policies for Performance Assessed Development

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone	Overlay
	<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p>			
Carport	[Building Setbacks]: PO 3.1, 3.2, 3.3, 3.4, 3.5	Design in Urban Areas [All Residential Development – Ancillary	North Adelaide Low Intensity Subzone: PO 2.1, 2.2, 2.3	Historic Area: All Local Heritage Place: All

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Development]: PO 17.1, 17.2</p> <p>Design in Urban Areas [Residential Development – 3 Building Levels or Less – External Appearance]: PO 18.1</p> <p>Design in Urban Areas [Residential Development – 3 Building Levels or Less – Car parking, Access and Manoeuvrability]: All</p> <p>Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.4, 3.5, 3.6</p>	<p>Medium-High Intensity Subzone [Built Form and Character]: PO 2.2, 2.3, 2.4</p>	<p>State Heritage Place: All</p>
Consulting room	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Design in Urban Areas [External Appearance]: PO 1.4</p> <p>Design in Urban Areas [Residential Development – All Development – Safety]: PO 2.1, 2.2</p>	<p>Medium – High Intensity Subzone: All</p> <p>North Adelaide Low Density</p>	<p>Aircraft Noise Exposure: All</p> <p>Design Overlay: All</p> <p>Historic Area: All</p> <p>Local Heritage Place: All</p> <p>Sloping Land: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Design in Urban Areas [Residential Development – All Development – Landscaping]: PO 3.1</p> <p>Design in Urban Areas [Car Parking Appearance]: PO 6.1, 6.2, 6.4, 6.5, 6.6</p> <p>Design in Urban Areas [Water Sensitive Design]: PO 42.142.3</p> <p>Design in Urban Areas [Water Supply]: PO 12.1, 12.2</p> <p>Interface Between Land Uses [General Land Use Compatibility]: PO 1.2</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2</p>	Subzone: All	<p>State Heritage Place: All</p> <p>Traffic Generating Development: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Transport, Access and Parking [Movement Systems]: PO 1.4 All</p> <p>Transport, Access and Parking [Sightlines]: PO 2.1</p> <p>Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.5, 3.6, 3.2, 3.3, 3.4, 3.9</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: PO 6.1, 6.2, 6.6, 6.7</p> <p>Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: PO 7.1</p> <p>Transport, Access and Parking [Bicycle Parking in Designated Areas]: PO 9.1</p>		
Demolition of a State or Local Heritage Place	All	None	None	Historic Area: All Local Heritage Place: All

				State Heritage Place: All
Demolition within the Historic Area Overlay	All	None	None	Historic Area: All

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Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Dwelling addition	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1, 11.2</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2</p> <p>Design in Urban Areas [All Residential Development – External Appearance]: PO 14.1</p> <p>Design in Urban Areas [All Residential Development – Outlook and Amenity]: PO 15.1</p> <p>Design in Urban Areas [All Residential Development – 3 Building Levels or Less – External Appearance]: PO 19.1, 19.2, 19.3 18.1, 18.3</p>	<p>Medium – High Intensity Subzone: All</p> <p>North Adelaide Low Density Subzone: All</p>	<p>Aircraft Noise Exposure: All</p> <p>Historic Area: All</p> <p>Local Heritage Place: All</p> <p>Sloping Land: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Design in Urban Areas [All Residential Development – 3 Building Levels or Less –Overlooking / Visual Privacy]: PO 19.1</p> <p>Design in Urban Areas [All Residential Development – 3 Building Levels or Less –Private Open Space]: PO 20.1, 20.2, 20.3</p> <p>Design in Urban Areas [All Residential Development – 3 Building Levels or Less –Landscaping]: PO 22.1, 22.2</p> <p>Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Waste Storage]: PO 24.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Site Contamination: PO 1.1</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.4</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Detached Dwelling	<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p>			
	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1, 11.2</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2</p> <p>Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.5, 3.6</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1</p> <p>Design in Urban Areas [All Development – External Appearance]: PO 1.1, 1.3</p> <p>Design in Urban Areas [All Development –</p>	<p>Medium – High Intensity Subzone: All</p> <p>North Adelaide Low Density Subzone: All</p>	<p>Aircraft Noise Exposure: All</p> <p>Design Overlay: All</p> <p>Historic Area: All</p> <p>Local Heritage Place: All</p> <p>Sloping Land: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Vehicle Parking Areas]: PO 6.1</p> <p>Design in Urban Areas [All Development - Earthworks]: PO 7.1</p> <p>Design in Urban Areas [All Development - Walls and Fences]: PO 8.1</p> <p>Design in Urban Areas [All Residential Development - External Appearance]: PO 14.1, 14.2</p> <p>Design in Urban Areas [All Residential Development - Outlook and Amenity]: PO 15.1</p> <p>Design in Urban Areas [All Residential Development - Access and Servicing]: PO 16.1</p> <p>Design in Urban Areas [All Residential Development - Flooding]: PO 17.1</p> <p>Design in Urban Areas [All Residential Development - 3 Building Levels or Less - External Appearance]: PO 19.1, 19.2, 19.3 18.1, 18.3</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Design in Urban Areas [All Residential Development – 3 Building Levels or Less –Overlooking / Visual Privacy]: PO 20.1 19.1</p> <p>Design in Urban Areas [All Residential Development – 3 Building Levels or Less –Private Open Space]: PO 21.1, 21.2, 21.3 20.1, 20.2, 20.3</p> <p>Design in Urban Areas [All Residential Development – 3 Building Levels or Less –Landscaping]: PO 22.1, 22.2</p> <p>Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Water Sensitive Design]: PO 23.1, 23.2, 23.3 22.1, 22.2, 22.3</p> <p>Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Car Parking and</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Manoeuvrability]: PO 24.1, 24.2, 24.3, 24.4, 24.5, 24.6</p> <p>Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Waste Storage]: PO 25.1 All</p> <p>Interface Between Land Uses [General Land Use Compatibility]: PO 1.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.4</p> <p>Site Contamination: PO 1.1</p>		
Educational establishment	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Design in Urban Areas [All Development]: All</p>	Medium – High Intensity Subzone: All	<p>Aircraft Noise Exposure: All</p> <p>Design Overlay: All</p> <p>Historic Area: All</p>

		<p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Non Residential Development]: All P</p>	<p>North Adelaide Low Density Subzone: All</p>	<p>Local Heritage Place: All</p> <p>Sloping Land: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development: All</p>
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Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Interface Between Land Uses [General Land Use Compatibility]: PO 1.2</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2</p> <p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1</p> <p>Transport, Access and Parking [Movement Systems]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		Transport, Access and Parking [Sightlines]: All Transport, Access and Parking [Vehicle Access]: All Transport, Access and Parking [Access to People with Disabilities]: All Transport, Access and Parking [Vehicle Parking Rates]: All Transport, Access and Parking [Vehicle Parking Areas]: All Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All Transport, Access and Parking [Bicycle Parking in Designated Areas]: All		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
	<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p>			
Fence	None	Design in Urban Areas [All Development – Fences and Walls]: All	None	Historic Area: All Local Heritage Place: All Sloping Land: All State Heritage Place: All
Land division	[Site Dimensions and Land Division]; PO 5.1	None	North Adelaide Low Density Subzone: All	None
Office	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [External Appearance]: PO 1.4</p> <p>Design in Urban Areas [Car Parking Appearance]: PO 6.1, 6.4, 6.5</p> <p>Design in Urban Areas [All Development - 4 or More Building Levels]: All</p>	<p>Medium – High Intensity Subzone: All</p> <p>North Adelaide Low Density Subzone: All</p>	<p>Aircraft Noise Exposure: All</p> <p>Design Overlay: All</p> <p>Historic Area: All</p> <p>Local Heritage Place: All</p> <p>Sloping Land: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Design in Urban Areas [Water Supply]: PO 12.1, 12.2</p> <p>Design in Urban Areas [All Non-Residential Development]: All</p> <p>Design in Urban Areas [Water Sensitive Design]: PO 42.1, 42.3</p> <p>Interface Between Land Uses [General Land Use Compatibility]: PO 1.2</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2, 4.4</p> <p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p> <p>Interface Between Land Uses [Solar Reflectivity and Glare]: PO 7.1</p> <p>Infrastructure and Renewable Energy</p>		

		<p>Facilities [Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2</p> <p>Transport, Access and Parking: All</p> <p>Transport, Access and Parking [Movement Systems]: PO 1.4</p> <p>Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.5, 3.6</p>	
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Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: PO 6.1, 6.6</p> <p>Transport, Access and Parking [Bicycle Parking in Designated Areas]: PO 9.1</p>		
Outbuilding (in the form of a garage)	<p>[Built Form and Character]: PO 2.2, [Building Setbacks]: PO 3.1, 3.2, 3.3, 3.4, 3.5</p>	<p>Design in Urban Areas [All Development - Earthworks]: PO 7.1</p> <p>Design in Urban Areas [All Residential Development - Ancillary Development]: PO 16.1, 16.2</p> <p>Design in Urban Areas [Residential Development - 3 Building Levels or Less - External Appearance]: PO 18.1</p> <p>Design in Urban Areas [Residential Development - 3 Building Levels or Less - Private Open Space]:</p>	<p>North Adelaide Low Intensity Subzone [Built Form and Character]: PO 2.1, 2.2, 2.3</p> <p>Medium-High Intensity Subzone [Built Form and Character]: PO 2.2, 2.3, 2.4, 2.5</p>	<p>Historic Area: All</p> <p>Local Heritage Place: All</p> <p>State Heritage Place: All</p>

		<p>PO 20.1</p> <p>Design in Urban Areas [Residential Development – 3 Building Levels or Less – Car parking, Access and Manoeuvrability]: All</p>	
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Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Design in Urban Areas [Residential Development - 4 or More Building Levels or Less - Outlook and Visual Privacy]: PO 27.1</p> <p>Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.4, 3.5, 3.6</p>		
Outbuilding (not being a garage)	<p>[Built Form and Character]: PO 2.2, [Building Setbacks]: PO 3.1, 3.2, 3.3, 3.4, 3.5</p>	<p>Design in Urban Areas [All Residential Development – Ancillary Development]: PO 16.1, 16.2</p>	<p>North Adelaide Low Intensity Subzone [Built Form and Character]: PO 2.1, 2.2, 2.3</p> <p>Medium-High Intensity Subzone [Built Form and Character]: PO 2.2, 2.3, 2.4, 2.5</p>	<p>Historic Area: All</p> <p>Local Heritage Place: All</p> <p>State Heritage Place: All</p>

<p>Residential flat building</p>	<p>All</p>	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.2</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2</p> <p>Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, 3.9</p>	<p>Medium – High Intensity Subzone: All</p> <p>North Adelaide Low Density Subzone: All</p>	<p>Affordable Housing: All</p> <p>Aircraft Noise Exposure: All</p> <p>Design Overlay: All</p> <p>Historic Area: All</p> <p>Local Heritage Place: All</p> <p>Sloping Land: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development: All</p>
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Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: PO 6.1</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Residential Development]: All</p> <p>Design in Urban Areas [Residential Development – 3 Building Levels or Less]: All</p> <p>Design in Urban Areas [Residential Development – 4 Or More Building Levels (Including Serviced Apartments)]: All</p> <p>Design in Urban Areas [Group Dwellings, Residential Flat Buildings and Battle- Axe Development]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p>		
		<p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.3, 4.4</p> <p>Site Contamination: PO 1.1</p>		
Retirement facility	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.2</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2</p> <p>Transport, Access and Parking [Movement Systems]: All</p> <p>Transport, Access and Parking [Sightlines]: All</p> <p>Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, 3.9</p>	<p>Medium – High Intensity Subzone: All</p> <p>North Adelaide Low Density Subzone: All</p>	<p>Affordable Housing: All</p> <p>Aircraft Noise Exposure: All</p> <p>Design Overlay: All</p> <p>Historic Area: All</p> <p>Local Heritage Place: All</p> <p>Sloping Land: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Transport, Access and Parking [Access for People with Disabilities]: All</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: All</p> <p>Transport, Access and parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Residential Development]: All</p> <p>Design in Urban Areas [Residential Development – 3</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Building Levels or Less]: All</p> <p>Design in Urban Areas [Residential Development – 4 Or More Building Levels (Including Serviced Apartments)]: All</p> <p>Design in Urban Areas [Group Dwellings, Residential Flat Buildings and Battle-Axe Development]: All</p> <p>Design in Urban Areas [Supported Accommodation, Housing for Aged Persons, and People with Disabilities]: All</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2, 4.3, 4.4</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Interface Between Land Uses [Air Quality]: PO 5.2</p> <p>Interface Between Land Uses [Light Spill]: All</p> <p>Interface Between Land Uses [Solar Reflectivity and Glare]: PO 7.1</p> <p>Site Contamination: PO 1.1</p>		
Row dwelling	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.2</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2</p> <p>Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.5, 3.6</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1</p>	<p>Medium – High Intensity Subzone: All</p> <p>North Adelaide Low Density Subzone: All</p>	<p>Affordable Housing: All</p> <p>Aircraft Noise Exposure: All</p> <p>Design Overlay: All</p> <p>Historic Area: All</p> <p>Local Heritage Place: All</p> <p>Sloping Land: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Design in Urban Areas [All Development - Car Parking Appearance]: PO 6.1</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development - 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Residential Development]: All</p> <p>Design in Urban Areas [All Residential Development - External Appearance]: PO 14.1, 14.2</p> <p>Design in Urban Areas [All Residential Development - Outlook and Amenity]: PO 15.1</p> <p>Design in Urban Areas [All Residential Development - Access and Servicing]: PO 16.1</p> <p>Design in Urban Areas [All Residential Development - Flooding]: PO 18.1</p>		

		<p>Design in Urban Areas [Residential Development - 3 Building Levels or Less]: All</p> <p>Design in Urban Areas [All Residential Development - 3 Building Levels or Less - External</p>		
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Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Appearance]: PO 19.1, 19.2, 19.3</p> <p>Design in Urban Areas [All Residential Development — 3 Building Levels or Less — Overlooking / Visual Privacy]: PO 20.1</p> <p>Design in Urban Areas [All Residential Development — 3 Building Levels or Less — Private Open Space]: PO 21.1, 21.2, 21.3</p> <p>Design in Urban Areas [All Residential Development — 3 Building Levels or Less — Landscaping]: PO 22.1, 22.2</p> <p>Design in Urban Areas [All Residential Development — 3 Building Levels or Less — Water Sensitive Design]: PO 23.1, 23.2, 23.3</p> <p>Design in Urban Areas [All Residential</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Development — 3-Building Levels or Less — Car Parking and Manoeuvrability]: PO24.1, 24.2, 24.3, 24.4, 24.5, 24.6</p> <p>Design in Urban Areas [All Residential Development — 3-Building Levels or Less — Waste Storage]: PO-25.1</p> <p>Design in Urban Areas [Residential Development - 4 or More Building Levels]: All</p> <p>Design in Urban Areas [Group Dwellings]: All</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.4</p> <p>Site Contamination: PO 1.1</p>		

<p>Semi detached dwelling</p>	<p>All</p>	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.2</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2</p>	<p>Medium – High Intensity Subzone: All</p> <p>North Adelaide Low Density Subzone: All</p>	<p>Aircraft Noise Exposure: All</p> <p>Design Overlay: All</p> <p>Historic Area: All</p> <p>Local Heritage Place: All</p> <p>Sloping Land: All</p> <p>State Heritage Place: All</p>
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Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.5, 3.6</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1</p> <p>Design in Urban Areas [All Development – Car Parking Appearance]: PO 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7</p> <p>Design in Urban Areas [All Residential Development – External Appearance]: PO 14.1, 14.2</p> <p>Design in Urban Areas [All Residential Development – Outlook and Amenity]: PO 15.1, 15.2</p> <p>Design in Urban Areas [All Residential Development – Access and Servicing]: PO 16.1</p>		Traffic Generating Development: All

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Design in Urban Areas [All Residential Development – Flooding]: PO 17.1</p> <p>Design in Urban Areas [All Residential Development – 3 Building Levels or Less – External Appearance]: PO 18.1, 18.2, 18.3</p> <p>Design in Urban Areas [All Residential Development – 3 Building Levels or Less –Overlooking / Visual Privacy]: PO 19.1</p> <p>Design in Urban Areas [All Residential Development – 3 Building Levels or Less –Private Open Space]: PO 20.1, 20.2, 20.3</p> <p>Design in Urban Areas [All Residential Development – 3 Building Levels or Less –Landscaping]: PO 21.1, 21.2</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Water Sensitive Design]: PO 22.1, 22.2, 22.3</p> <p>Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Car Parking and Manoeuvrability]: All PO 24.1, 24.2, 24.3, 24.4, 24.5, 24.6</p> <p>Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Waste Storage]: All PO 25.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Site Contamination: PO 1.1</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
	<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p>			
Shop	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Design in Urban Areas [All Development – External Appearance]: PO 1.1, 1.2, 1.3, 1.4, 1.5</p> <p>Design in Urban Area [All Development-Safety]: PO 2.1, 2.2, 2.3, 2.4</p> <p>Design in Urban Area [All Development-Environmental Performance]: PO 4.2, 4.3</p> <p>Design in Urban Areas [All Development - Car Parking Appearance]: PO 6.1, 6.2, 6.4, 6.5</p> <p>Design in Urban Areas [All Non Residential Development - Water Sensitive Design]: PO 41.1, 41.3</p> <p>Design in Urban Areas [All Development - Washdown]: PO 42.1</p> <p>Design in Urban Areas [Water Supply Site Facilities/Waste Storage]: PO 12.1, 12.2</p> <p>Interface Between Land</p>	<p>Medium – High Intensity Subzone: All</p> <p>North Adelaide Low Density Subzone: All</p>	<p>Aircraft Noise Exposure: All</p> <p>Design Overlay: All</p> <p>Historic Area: All</p> <p>Local Heritage Place: All</p> <p>Sloping Land: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development: All</p>

		<p>Uses [General Land Use Compatibility]: PO 1.2</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Infrastructure and Renewable Energy</p>	
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Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Facilities [Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2</p> <p>Transport, Access and Parking [Movement Systems]: All PO 1.4</p> <p>Transport, Access and Parking [Vehicle Access]: All PO 3.1, 3.5, 3.6</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: PO 6.1, 6.2, 6.6, 6.7</p> <p>Transport, Access and Parking [Bicycle Parking in Designated Areas]: PO 9.1</p>		
Student accommodation		Clearance from Overhead Powerlines: PO 1.1	Medium – High Intensity	Affordable Housing: All

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.2</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2</p> <p>Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, 3.9</p> <p>Transport, Access and Parking [Access for People with Disabilities]: All</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: All</p> <p>Transport, Access and parking [Undercroft and Below Ground</p>	<p>Subzone: All</p> <p>North Adelaide Low Density Subzone: All</p>	<p>Aircraft Noise Exposure: All</p> <p>Design Overlay: All</p> <p>Historic Area: All</p> <p>Local Heritage Place: All</p> <p>Sloping Land: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Garaging and Parking of Vehicles]: All</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Residential Development]: All</p> <p>Design in Urban Areas [Residential Development – 3 Building Levels or Less]: All</p> <p>Design in Urban Areas [All Residential Development – 4 Or More Building Levels (Including Serviced Apartments)]: All</p> <p>Design in Urban Areas [Group Dwellings, Residential Flat Buildings and Battle-Axe Development]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Design in Urban Areas [Student Accommodation]: All</p> <p>Interface Between Land Uses [General Land Use Compatibility]: PO 1.1, 1.2</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2, 4.3, 4.4</p> <p>Interface Between Land Uses [Air Quality]: PO 5.2</p> <p>Interface Between Land Uses [Light Spill]: All</p> <p>Site Contamination: PO 1.1</p>		
Supported accommodation	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.2</p>	<p>Medium – High Intensity Subzone: All</p> <p>North Adelaide Low</p>	<p>Affordable Housing: All</p> <p>Aircraft Noise Exposure: All</p> <p>Design Overlay: All</p> <p>Historic Area: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2</p> <p>Transport, Access and Parking [Movement Systems]: All</p> <p>Transport, Access and Parking [Sightlines]: All</p> <p>Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, 3.9</p> <p>Transport, Access and Parking [Access for People with Disabilities]: All</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: All</p> <p>Transport, Access and parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All</p>	Density Subzone: All	<p>Local Heritage Place: All</p> <p>Sloping Land: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development: All</p>

		Design in Urban Areas [All Development]: All		
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Working Draft

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Residential Development]: All</p> <p>Design in Urban Areas [Residential Development – 3 Building Levels or Less]: All</p> <p>Design in Urban Areas [All Residential Development – 4 Or More Building Levels (Including Serviced Apartments)]: All</p> <p>Design in Urban Areas [Group Dwellings, Residential Flat Buildings and Battle-Axe Development]: All</p> <p>Design in Urban Areas [Student Accommodation]: All</p> <p>Design in Urban Areas [Supported Accommodation]: All</p> <p>Interface Between Land Uses</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>[Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2, 4.3, 4.4</p> <p>Interface Between Land Uses [Air Quality]: PO 5.2</p> <p>Interface Between Land Uses [Light Spill]: All</p> <p>Interface Between Land Uses [Solar Reflectivity and Glare]: PO 7.1</p> <p>Site Contamination: PO 1.1</p>		
Tree Damaging Activity	None	None	None	Regulated Trees: All
All other Code Assessed Development	All	All	Medium – High Intensity Subzone: All North Adelaide Low Density Subzone: All	Any Relevant Overlay: All

Table 4 – Restricted Development Classification

Class of Development The following Classes of Development are classified as Restricted subject to any 'Exclusions'	Exclusions
Development associated with or ancillary to any existing non-residential or institutional activity identified on any relevant Concept Plan contained in the <i>Concept Plan Technical and Numeric Data Overlay</i> within the site, or on a directly adjoining site, identified on the Concept Plan.	
Shop	Shop that comprises a change in use of an existing building that has been lawfully used as a shop, office or consulting room (or any combination thereof) Shop with a gross leasable floor area less than 200m ² Shop located on a site with a frontage to an arterial or collector road or adjacent a Main Street zone and it has a gross leasable floor area less than 1000m ² .

Assessment Provisions (AP)

Desired Outcomes (DO)

DO 1

Adelaide's main residential living districts with a range of stand-alone and paired cottages, terrace or row housing, and low to medium scale contemporary buildings.

DO X

~~Low-rise and , (with medium rise in certain areas), low to medium-density housing that supports a range of needs and lifestyles located within easy reach of a diversity of services and facilities that support city living. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.~~

DO X

~~Conservation of heritage values and historic character established by areas of intact and architecturally diverse historic townscapes.~~

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Land Use and Intensity

PO 1.1

~~Primarily residential development accommodating a range of housing choices.~~

DTS/DPF 1.1

Development comprises one or more of the following land uses:

- Dwelling
- Residential Flat Building
- Retirement Facility
- Supported Accommodation

PO 1.2

~~None are applicable.~~

~~Non-residential development provides a range of services to the local community primarily in the form of small scale commercial uses, community services:~~

- ~~(a) commercial uses including small scale offices, consulting rooms and personal or domestic services establishment;~~
- ~~(b) community services such as educational establishments, community centres, places of worship, pre-schools, childcare and other health and welfare services;~~
- ~~(c) services and facilities ancillary to the function or operation of supported accommodation or retirement housing;~~
- ~~(d) open space and recreation facilities.~~

~~DTS/DPF 1.2~~

~~Development comprises one or more of the following land uses:~~

~~Child care centre~~

~~Community centre~~

~~Consulting room~~

~~Office~~

~~Place of worship~~

~~Pre-school~~

~~Educational establishment~~

~~Library~~

~~Recreation area~~

PO X

The following land uses are not envisaged: **REQUIRES FURTHER REVIEW**

- (a) Adult entertainment premises;
- (b) Adult products and services premises;
- (c) Amusement machine centre;
- (d) Art gallery;
- (e) Auditorium;
- (f) Cinema;
- (g) Car park except where ancillary to an approved or existing use;
- (h) Conference centre;
- (i) Hospital;
- (j) Industry;
- (k) Licensed entertainment premises;
- (l) Passenger terminal;
- (m) Road transport terminal;
- (n) Service trade premises;
- (o) Theatre except in Policy Area 15;
- (p) Transport depot;
- (q) Warehouse;
- (r) Animated Advertisements;
- (s) Third party advertising;
- (t) Advertisements at roof level where the sky or another building forms the background when viewed from ground level;
- (u) Backpackers hostel except:
 - a. in Policy Areas 3, 4, 9 and 15
 - b. on King William Road frontages in Policy Area 8
- (v) Bank except:
 - a. on Tynte Street frontages in Policy Area 4
 - b. on King William Road frontages in Policy Area 8
 - c. on Melbourne Street frontages in Policy Area 11
 - d. in Policy Area 15
- (w) Clinic except:

- a. (i) where directly associated with the Calvary Hospital site on Fig HS/1
- b. (ii) from an existing non-residential premises in Policy Area 5 and 15
- c. (iii) in Policy Area 9

(x) Community centre except:

- a. (i) in Policy Area 4 and 15
- b. (ii) east of Jeffcott Street in Policy Area 5

(y) Consulting room except:

- a. (i) where directly associated with the Calvary Hospital site on Fig HS/1
- b. (ii) from an existing non-residential premises in Policy Area 5
- c. (iii) on King William Road frontages in Policy Area 8
- d. (iv) in Policy Area 9
- e. (v) on Melbourne Street frontages in Policy Area 11
- f. (vi) in Policy Area 15

(z) Day care centre (other than a child care centre) except:

- a. (i) in Policy Areas 4, 7, 9 and 15
- b. (ii) east of Jeffcott Street in Policy Area 5
- c. (iii) where directly associated with the Helping Hand Aged Care site on Fig HS/3

(aa) Educational establishment except:

- a. (i) where directly associated with the St Dominic's Priory College site on Fig HS/2
- b. (ii) east of Jeffcott Street in Policy Area 5
- c. (iii) in Policy Areas 3, 4, 9 and 15
- d. (iv) on King William Road frontages in Policy Area 8
- e. (v) where directly associated with the Lincoln College site on Fig LF/1
- f. (vi) where directly associated with the St Ann's College site on Fig SW/1
- g. (vii) where directly associated with the St Mark's College site on Fig C8/1

(bb) Emergency shelter except:

- a. (i) east of Jeffcott Street in Policy Area 5
- b. (ii) in Policy Areas 4, 7, 9 and 15

(cc) Hotel except:

- a. (i) in Policy Areas 3, 4 and 9
- b. (ii) on King William Road frontages in Policy Area 8

(dd) Indoor recreation centre except:

- a. (i) on Tynte Street frontages in Policy Area 4
- b. (ii) in Policy Area 9 and 15

(ee) Leisure studio except:

a. (i) on Tynte Street frontages in Policy Area 4

b. (ii) in Policy Area 9 and 15

(ff) Licensed premises except on Tynte Street frontages in Policy Area 4

(gg) Motel except:

a. (i) in Policy Areas 3, 4, 9 and 15

b. (ii) on King William Road frontages in Policy Area 8

(hh) Multiple dwelling except:

a. (i) in Policy Areas 3, 5, 7, 8, 9 and 15

b. (ii) on land identified as St Ann's Colleges on Fig SW/1

(ii) Museum except in Policy Areas 4, 8 and 15

(jj) Nursing home except:

a. (i) on Archer Street frontages in Policy Area 4

b. (ii) both north of Tynte Street and west of Mansfield Street in Policy Area 4

c. (iii) east of Jeffcott Street in Policy Area 5

d. (iv) in Policy Areas 7, 9 and 15

e. (v) where directly associated with the Helping Hand Aged Care site on FigHS/3

(kk) Office except:

a. (i) from an existing non-residential premises in Policy Area 5

b. (ii) on King William Road frontages in Policy Area 8

c. (iii) in Policy Area 9 and 15

d. (iv) on Melbourne Street frontages in Policy Area 11

e. (v) where directly associated with the Helping Hand Aged Care site on FigHS/3

(ll) Public library except in Policy Areas 4, 8 and 15

(mm) Research laboratory except:

a. (i) where directly associated with the Calvary Hospital site on Fig HS/1

b. (ii) on Archer Street frontages in Policy Area 4

c. (iii) on King William Road frontages in Policy Area 8

d. (iv) in Policy Area 9 and 15

(nn) Restaurant in Policy Area 4 except on Tynte Street

(oo) Serviced apartment except:

a. (i) in Policy Areas 3, 4, 9 and 15

b. (ii) on King William Road frontages in Policy Area 8

(pp) Shop except:

a. (i) on Tynte Street frontages in Policy Area 4

b. (ii) the site of the North Adelaide Primitive Methodist Church located on Wellington Square in Policy Area 4

c. (iii) on King William Road frontages in Policy Area 8

d. (iv) on Melbourne Street frontages in Policy Area 11

e. (v) on Kermode Street frontages in Policy Area 9

f. (vii) where directly associated with the Calvary Hospital site on Fig HS/1

PO X

Restricting the introduction, expansion or intensification of non-residential uses in the Zone.

DTS/DPF X

None are applicable.

~~PO 1.3~~

~~Non-residential development compatible with the residential character and amenity of a neighbourhood.~~

~~DTS/DPF 1.3~~

~~None are applicable.~~

PO 1.4

Shops, consulting rooms and offices of a scale to maintain the residential amenity of the area and not prejudice the function and development of the City Main Street Zone.

DTS/DPF 1.4

Non-residential land uses limited to land lawfully used for non-residential purposes and to comprise land uses more in conformity with the intended residential amenity. Non-residential land uses are to be compatible with the residential character and amenity of a neighbourhood and of a scale and role that does not prejudice the envisaged development of non-residential zones.

~~Other than a change in the use of an existing building that has been lawfully used as a shop, office or consulting room (or any combination thereof), or where located with a frontage to an arterial or collector road or adjacent to an Urban Corridor, City Main Street or Capital City Zone, shops, offices or consulting rooms do not exceed 50m² in gross leasable floor area (individually or combined).~~

PO 1.5

Development associated with or ancillary to any existing non-residential or institutional activity identified on any relevant Concept Plan contained in the *Concept Plan Technical and Numeric Data Overlay* is contained within the site identified on the Concept Plan, or any directly adjoining site, to avoid detrimental impact on adjacent residential amenity.

DTS/DPF 1.5

None are applicable

PO X

St Ann's College on Fig SW/1, Lincoln College on Fig LF/1, Aquinas College on Fig C5/1 and Kathleen Lumley College on Fig F/1 will provide student accommodation and education activities. Development of these long established institutions are to meet community needs and future requirements whilst reinforcing the heritage values and amenity of the area.

DTS/DPF X

None are applicable.

PO X

Calvary Hospital on Fig HS/1 will provide hospital uses such as patient care, research, consulting rooms, visitor accommodation and ancillary services. Development of this long established institution is to meet community needs and future requirements whilst reinforcing the heritage values and amenity of the area.

DTS/DPF X

None are applicable.

PO X

St Dominic's Priory College on Fig HS/2 will continue to be associated with educational land uses. Development of this long established institution is to meet community needs and future requirements whilst reinforcing the heritage values and amenity of the area.

DTS/DPF X

None are applicable.

PO X

Helping Hand Aged Care on Fig HS/3 provides a valuable multi-functional aged care facility providing a variety of levels of care and accommodation for the elderly community. Development of this long established institution is to meet community needs and future requirements whilst reinforcing the heritage values and amenity of the area.

DTS/DPF X

None are applicable.

Built Form and Character

PO X

Residential development in the form of detached, semi-detached or group dwellings, residential flat buildings or alterations and additions to existing buildings designed to maintain a low scale at street level to complement the existing character established by the original historic dwelling stock. Dwellings will be varied but consistent with the prevailing rhythm of buildings and space.

DTS/DPF X

None are applicable.

PO X

Buildings that respect the generally lower scale of residential buildings and provide a transition of built form at site boundaries.

DTS/DPF X

None are applicable.

PO X

Development that contributes to the landscape character of private and public open spaces and incorporate attractive landscaping to street frontages where building set-backs permit.

DTS/DPF X

None are applicable.

PO X

Infill development will take reference from the siting, form and key elements of existing buildings to ensure a highly attractive and compatible streetscape.

DTS/DPF X

None are applicable.

PO X

The predominant building scale and heritage places in the immediate locality will be referenced by new buildings/additions, particularly if they address public streets. Buildings will be well articulated and fenestration, contain frequent openings in building facades and incorporate verandahs, balconies and other features to ensure development complements the historic development pattern of the area.

DTS/DPF X

None are applicable.

PO X

In a locality where single storey development prevails, low profile solutions to 2 storey development that are located to the rear of an existing building, may be appropriate subject to ensuring there are no adverse impacts on the historic character of the streetscape and overshadowing and privacy impacts on neighbouring land.

DTS/DPF X

None are applicable.

PO X

Within the south-east of the City, development designed to complement the existing streetscape comprising the more spacious settings on the main east-west streets, Carrington, Halifax and Gilles Streets and the intimacy of the smaller streets and laneways.

DTS/DPF X

None are applicable.

PO X

Residential development at a greater density than prescribed within the *Numeric Variation Overlay* to only occur where buildings visible from the primary street frontage are consistent with character of the relevant Subzone/ Historic Area Statements or the street where prescribed (e.g. single storey detached dwellings) and only in the following circumstances:

- (a) on land greater than 2000m²; or
- (b) on land where the existing site area is 250m² or less and the development replaces a building that is not an identified Heritage Place; and
- (c) in either case, the resultant lot size should not vary more than 20% from that required.

DTS/DPF X

None are applicable.

PO 2.1

The number of dwellings increased in the zone while maintaining residential amenity.

DTS/DPF 2.1

The number of dwellings in the zone increased by:

- a. redevelopment of poor quality vacant and underutilised buildings or sites that are in discord with the desired outcomes of the zone and relevant sub zone;
- b. adaptation and conversion of non-residential buildings to residential uses; or
- c. development in upper levels of existing buildings, or by increasing the height of buildings or roof volumes, or on sites behind existing buildings.

PO 2.2

Development contributes to a predominantly low-rise residential character.

DTS/DPF 2.2

The building height:

- (a) Building height is not greater than any maximum, or less than any minimum, specified in the *Maximum Building Height Levels Technical and Numeric Variation Overlay*, the *Maximum Building Height Metres Technical and Numeric Variation Overlay*, or the *Minimum Building Height Levels Technical and Numeric Variation Overlay*; and/or
- (b) to take reference from the prevailing building heights (including the floor to ceiling clearances of each level) within the locality, with particular reference to adjacent heritage places.

PO X

Development up to the maximum building height is appropriate where:

- (a) the scale of the proposed building is compatible with scale and siting of adjacent buildings; and
- (b) there is no adverse impacts on the established residential amenity.

DTS/DPF X

None are applicable.

PO X

Development that proposes a building higher than the prevailing building height is to contribute to the character of a locality by ensuring the taller building elements are setback from street frontages to avoid a detrimental impact on the prevailing character.

DTS/DPF X

None are applicable

~~PO 2.3~~

~~Development designed to provide a strong built form edge to the Park Lands and Wellington Square through the regular siting and pattern of buildings addressing the primary street frontage.~~

~~DTS/DPF 2.3~~

~~None are applicable.~~

~~PO 2.4~~

~~Buildings on sloping areas constructed to take advantage of the landfall to provide semi-basement floors and views from upper levels southwards over the City, provided overlooking is adequately addressed through appropriate design.~~

~~DTS/DPF 2.4~~

~~None are applicable.~~

PO X

New roof forms designed to reinforce the prevailing character and pattern of historic roof forms in terms of the shape, pitch, angle and materials.

DTS/DPF X

None are applicable.

PO X

Verandahs or balconies over footpaths are not envisaged other than alterations to existing non-residential corner buildings or where development is sited on property boundaries to the major street frontage.

DTS/DPF X

None are applicable.

Fences

PO X

Fencing to a street frontage (including any secondary street frontage) and returning along the side boundaries to the alignment of the main face of the principal building on the land, to:

- (a) be of a traditional style and detailing compatible with the style of the building, or for a new building, its design is to reference and complement fencing styles historically associated with the streetscape;
- (b) be on the primary street frontage, comprise low fencing or fencing with an open character combined with solid pillars and plinths or other similar palisade fencing styles that allow views of the associated building, by their height and design;
- (c) comprise materials compatible with traditional fencing materials such as stone and cast iron, brick, stone

or rendered pillars and plinths or other traditional materials such as timber or well detailed masonry, but should not include metal sheeting; and

- (d) ensure solid masonry fences are not built on the primary street frontage other than where it is required to be consistent with fencing of identified heritage value on the development site.

DTS/DPF X

None are applicable.

PO X

Fencing on corner sites designed to return on the secondary street frontage at the same height up to the alignment of the main face of the building on the land. The remaining rear section of side fences on a secondary street frontage to be constructed of traditional materials such as brick, rendered masonry and timber and not exceed 1.8m above ground level.

DTS/DPF X

None are applicable.

PO X

Fencing on rear and side property boundaries (behind the main face of the building), are to not exceed 2m above ground level and constructed of traditional materials, including corrugated metal sheeting. Side fences or walls greater than 1.2m forward of the main face of a building are not envisaged and are to be of a scale that allows oblique views of buildings.

DTS/DPF X

None are applicable.

Residential Flat Buildings and Group Dwellings

PO X

Residential flat buildings or group dwellings designed to have the appearance of a detached dwelling when viewed from the primary street frontage.

DTS/DPF X

None are applicable.

Row Dwellings

PO X

Row dwellings where prescribed as appropriate designed to ensure:

- (a) vehicle access can be provided from laneways or minor streets;
- (b) garaging is not incorporated into the principal street frontage of the building;
- (c) there is a maximum of 6 dwellings in any one group; and
- (d) they are not located overlooking the Park Lands or along the frontage of a major street.

DTS/DPF X

None are applicable.

Building Setbacks

PO X

Development consistent with the front, side and rear allotment boundaries where a consistent setback prevails in the locality.

DTS/DPF X

None are applicable.

PO X

Buildings designed to minimise impact on adjacent low scale housing in terms of massing and

overshadowing.

DTS/DPF X

Building envelope consistent with Figure 1, except where a variation to the building envelope demonstrates minimal adverse impacts upon adjacent low scale housing in terms of massing and overshadowing through alternative design methods:

- (a) to minimise building mass at the interface, buildings should be constructed within a building envelope provided by a 45-degree plane, measured from a height of 3m above natural ground level at the allotment.

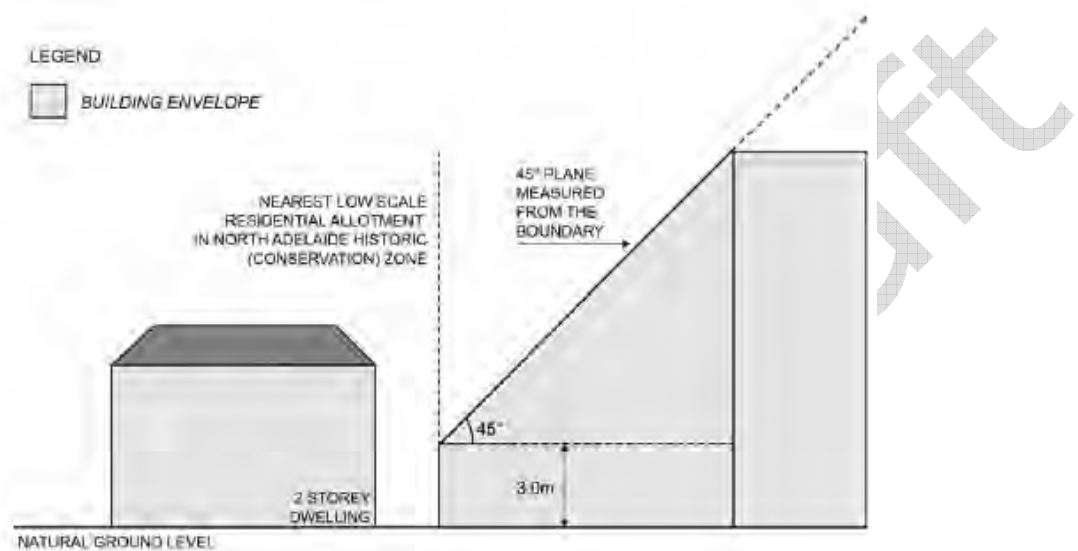


Figure 1

PO 3.1

Buildings setback from primary street boundaries to maintain the prevailing setbacks established by adjoining buildings complement the existing streetscape character.

DTS/DPF 3.1

Building setbacks at least (whichever is the lesser):

- a. 6m; or
- b. the average of existing buildings on the adjoining sites that face the same street.

PO 3.2

Buildings set back from secondary street boundaries to maintain a pattern of separation between building walls and public thoroughfares and reinforce a streetscape character.

DTS/DPF 3.2

Buildings no closer than 900mm to the secondary street boundary.

PO 3.3

Buildings set back from side boundaries to provide:

- (a) separation between dwellings in a way that complements the established character of the locality; and
- (b) access to natural light and ventilation for neighbours.

DTS/DPF 3.3

Other than walls located on a side boundary, buildings are set back from side boundaries:

- (a) at least 900mm where the wall is up to 3m measured from the top of the footings;
- (b) other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m measured from the top of the footings; and
- (c) at least 1900mm plus 1/3 of the wall height above 3m measured from the top of the footings for

walls facing a southern side boundary.

PO 3.4

Buildings ~~are~~ setback from rear boundaries to provide:

- (a) access to natural light and ventilation for neighbours;
- (b) open space recreational opportunities; and
- (c) space for landscaping and vegetation.

DTS/DPF 3.4

Buildings ~~are~~ set back from the rear boundary at least:

- (a) 3m for the ground floor level; and
- (b) 5m for first floor building level.

PO 3.5

Boundary walls are limited in height and length to manage impacts on adjoining properties.

DTS/DPF 3.5

For buildings that do not have a common wall, any wall sited on a side boundary:

- (a) does not exceed 3m in height from the top of the footings;
- (b) does not exceed 8m in length;
- (c) when combined with other walls on the boundary, does not exceed 45% of the length of the boundary; and
- (d) is setback at least 3m from any existing or proposed boundary walls.

Daylight and Sunlight

PO X

Development designed to minimise overshadowing on sensitive uses.

DTS/DPF X

- (a) Development designed to minimise overshadowing on sensitive uses by ensuring:
- (b) north-facing windows to habitable rooms of existing dwellings in the City Living Zone receive at least 3 hours of direct sunlight over a portion of their surface between 9.00am and 3.00pm on 21 June;
- (c) ground level open space of existing residential buildings in the City Living Zone receive direct sunlight for a minimum of 2 hours between 9.00am and 3.00pm on 21 June to at least the smaller of the following:
 - i. half of the existing ground level open space; or
 - ii. 35m² of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres).

Catalyst Sites **Relocate Policy to new East Terrace Subzone**

PO 4.1

~~Development on catalyst sites (sites greater than 1500-2500m², including one or more allotment), on land with a frontage to East Terrace) developed with medium to high scale residential uses.~~

~~DTS/DPF 4.1~~

~~None are applicable.~~

PO 4.2

~~Small scale shops, cafes and restaurants generally integrated with residential development and located on ground or first floor levels to increase street level activity facing the Park Lands.~~

~~DTS/DPF 4.2~~

~~None are applicable.~~

~~PO 4.3~~

~~Development designed to manage impacts in relation to building height, building proportions and traffic impacts, and avoid land uses, or intensity of land uses, that adversely affect residential amenity.~~

~~DTS/DPF 4.3~~

~~None are applicable.~~

~~PO 4.4~~

~~Parts of a development on a catalyst site that exceed the maximum building height specified in DPF 2.2 designed to minimise visual impacts on sensitive uses in the adjoining zones and to maintain the established or desired character of the area.~~

~~DTS/DPF 4.4~~

~~Parts of a building above the maximum building height specified in DPF 2.2 include additional setbacks, avoid tall sheer walls, centrally locate taller elements, and provide variation of light and shadow through articulation.~~

Site Dimensions and Land Division

PO 5.1

Allotments created for residential purposes that are of suitable size and dimension and maintain a regular allotment pattern compatible with the housing pattern consistent with the character of the locality.

DTS/DPF 5.1

Development, except on Catalyst Sites, accords with the following:

- a) site areas (or allotment areas in the case of land division) not less than:
 - i. the minimum allotment size specified in the Minimum Allotment Size Technical and Numeric Variation Overlay; or
 - ii. the average site area of the adjoining allotments where the *Minimum Allotment Size Technical and Numeric Variation Overlay* does not apply; and
- b) site frontages not less than:
 - i. the minimum specified in the *Minimum Allotment Frontage Technical and Numeric Variation Overlay*; or

the frontage of the adjoining sites where the *Minimum Allotment Frontage Technical and Numeric Variation Overlay* does not apply.

PO X

The division of land in the form of a hammerhead allotment or similar allotment arrangement, such as a community title land division that includes a shared driveway, accords with the following:

- (a) have a frontage to a public road and a 'handle' width of not less than 5m and not more than 6m to enable the provision of landscaping on both sides of a driveway for its full length and a driveway pavement of not more than 3.5m in width;
- (b) locate allotment boundaries to provide a separation distance of 2m from the future driveway pavement and a bedroom window of a neighbouring dwelling;
- (c) ensure that on-site car parking can be accommodated on the site of an existing dwelling;
- (d) avoid the repetition of driveways immediately adjacent to each other; and
- (e) include fencing treatment along the length of the driveway that is consistent with the character of the area.

Car Parking, Movement and Access

PO 6.1

Car parking located and designed to ~~provide for the maximum utilisation of land and~~ minimise the visual impact on the residential amenity and character of the zone.

DTS/DPF 6.1

None are applicable.

PO X

Undercroft parking is not envisaged unless expressed specifically for a site.

DTS/DPF X

None are applicable.

PO X

Other than low scale residential development, car parking to be provided at basement level to optimise use of land and to limit the visual impact on the amenity and historic streetscape character.

DTS/DPF X

None are applicable.

PO X

Redevelopment of larger consolidated parcels, to incorporate car parking at basement level to optimise the use of land and to limit the visual impact on the amenity of the area. Additional surface car parking and above ground car parking to be avoided except in the case of low scale residential development.

DTS/DPF X

None are applicable.

PO X

Development is to establish a clear hierarchy of movement corridors through large sites to create a legible and permeable street pattern.

DTS/DPF X

None are applicable.

PO 6.2

Access to parking and service areas located and designed to minimise the impacts to pedestrian environments and maintain the residential scale and pattern of development.

DTS/DPF 6.2

Access to parking and service areas that:

- (a) are provided from minor streets, or side or rear lanes provided road width is suitable and the traffic generation does not unreasonably impact residential amenity; and
- (b) remove the visual impact of existing car parking, access and egresses to the area by siting any new car parking away from street frontages.

PO X

Vehicle access to land to be made via minor streets, rear lanes and existing crossovers wherever possible. In a street where vehicle access does not prevail on the primary street frontage, new crossovers are to be avoided.

DTS/DPF X

None are applicable.

PO X

New vehicle crossovers to be:

- (a) of minimum width to preserve and enhance street character;
- (b) designed to narrow the crossover width towards the road pavement and located to avoid the need to remove historic kerbing and significant trees;
- (c) separated from each other and located to ensure on-street car parking spaces are retained; and
- (d) placed to avoid relocation of utility and infrastructure inspection points, poles and equipment.

DTS/DPF X

None are applicable.

PO X

Adequate car parking provided within the development site to meet the demand generated by the development as **Table 1 – General Off-Street Car Parking Requirements**. Car parking rates lower than the minimum may be appropriate where there is readily accessible and frequent public transport in the locality or it can be demonstrated that a lower provision is warranted, such as for the following reasons:

- (a) the nature of development;
- (b) existing heritage places on or adjacent to the development site which dictates the development of the site in a manner which hampers the provision of on-site parking;
- (c) the opportunity to exploit shared car parking areas between uses based upon compatible hours of peak operation;
- (d) use of a car share scheme; and/or
- (e) suitable arrangements for any parking shortfall to be met elsewhere or by other means.

DTS/DPF X

None are applicable.

Concept Plans

PO 7.1

Development is compatible with the outcomes sought by any relevant Concept Plan contained within the Concept Plans Technical and Numeric Variation Overlay.

DTS/DPF 7.1

None are applicable.

Advertisements

PO X

Advertisements that:

- (a) do not exceed 0.2m² (exception of the Wellington Square frontages (sited between 2 and 38 Wellington Square where larger advertisements may be appropriate));
- (b) are limited in number;
- (c) do not exceed 3m above natural ground level or an abutting footpath or street.
- (d) do not project from a wall of a building.

DTS/DPF X

None are applicable.

PO X

Projecting advertising displays located beneath verandahs or awnings extending over the footpath.

DTS/DPF X

None are applicable.

PO X

Internally illuminated advertisements are only envisaged in the major streets otherwise external illumination of advertisements is envisaged.

DTS/DPF X

None are applicable.

Procedural Matters (PM)

Notification of Performance Assessed Development

Note: For public notification requirements refer to Practice Direction: Notification for Performance Assessed Development.

All classes of performance assessed development are excluded from notification except where they involve any of the following:

- (a) the site of the development is adjacent land ~~to land~~ in a different zone
- (b) development involving a change of use from residential use to non-residential use
- (c) development identified as “all other code assessed development” in City Living Zone Table 3
- (d) development exceeding the height specified in DPF 2.2

North Adelaide Low Intensity Subzone

Assessment Provisions (AP)

Desired Outcomes (DO)

DO1

Low rise low density housing on large allotments in an open landscaped setting.

DO2

An important part of the town plan of Adelaide and the city grid layout, containing large grand dwellings on landscaped grounds.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Land Use and Intensity

PO 1.1

Dwellings complement the low-density or very-low density character of the neighbourhood.

DTS/DPF 1.1

None are applicable.

Site Coverage

PO 2.1

Building footprints consistent with the character and pattern of the prevailing open landscaped character of the neighbourhood.

DTS/DPF 2.1

The development does not result in a total roofed area (excluding eaves of a dwelling) on the site exceeding 50%.

Built Form and Character

PO X

New development that respects the low scale, environmental quality, character and historic value of the area through the incorporation of a high standard of design, materials and landscaping.

DTS/DPF X

Buildings that complement the historic built form by:

- (a) utilising stone, brick and/or brick render as the main external finish to walls;
- (b) ensuring coated surfaces visible from the street are finished in natural render, limewash, cement or mineral paints (plastic coatings or renders are not envisaged); and
- (c) avoiding brightly coloured or highly reflective surfaces.

Building Setbacks

PO 2.1

Buildings setback from primary street boundaries to complement the existing streetscape character.

DTS/DPF 2.1

Building setback from the primary street boundary at least the average setbacks of the dwellings on the adjoining allotments.

PO 2.2

Buildings set back from secondary street boundaries to maintain a pattern of separation between building walls and public thoroughfares and reinforce the neighbourhood's streetscape character.

DTS/DPF 2.2

None are applicable.

PO 2.3

Buildings setback from side boundaries to provide separation between dwellings in a way that is consistent with the established streetscape of the locality.

DTS/DPF 2.3

Building setback from side boundary at least the average side setbacks of the dwellings on the adjoining allotments.

PO 2.4

Buildings on sloping areas constructed to take advantage of the landfall to provide semi-basement floors and views from upper levels southwards over the City, provided overlooking is adequately addressed through appropriate design.

DTS/DPF 2.4

None are applicable.

Medium-High Intensity Subzone

Assessment Provisions (AP)

Desired Outcomes (DO)

DO1

Low to medium rise housing in a variety of forms with an eclectic mix of non-residential land uses interspersed (including as mixed-use development) that complement the area's urban residential amenity.

DO2

Redevelopment of existing non-residential sites into integrated mixed-use developments to increase the

residential population and vibrancy of the area.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Land Use and Intensity

PO 1.1

Development of medium density accommodation types for living, including dwellings and supported accommodation.

DTS/DPF 1.1

Residential development in the form of detached, semi-detached or row dwellings, or alterations and additions to existing buildings.

Built Form and Character

PO 2.1

Development contributes to a low - medium rise urban residential character.

DTS/DPF 2.1

Building height is not greater than the maximum, or less than the minimum, requirements specified in the *Building Height Technical and Numeric Variation Overlay* or *Concept Plan Technical and Numeric Variation Overlay*.

PO X

Buildings designed to have a strong horizontal emphasis with clearly defined and segmented vertical elements. Façades will be well articulated with finer details that contribute positively to the public realm, including modelled façades, verandahs, fenestration and balconies.

DTS/DPF X

None are applicable.

Building Setbacks

PO 2.2

Buildings setback from primary street boundaries to complement the existing streetscape character.

DTS/DPF 2.2

Building setbacks at least ~~(whichever is the lesser):~~

~~(a) 6m; or~~

(b) the average of existing buildings on the adjoining sites that face the same street.

PO 2.3

Buildings set back from secondary street boundaries to maintain a pattern of separation between building walls and public thoroughfares and reinforce a streetscape character.

DTS/DPF 2.3

Buildings no closer than 600mm to the secondary street boundary.

PO 2.4

Buildings are setback from rear boundaries to provide:

- (c) access to natural light and ventilation for neighbours;
- (d) open space recreational opportunities; and
- (e) space for landscaping and vegetation.

DTS/DPF 2.4

Buildings are set back from the rear boundary at least:

- (a) 3m for the ground and first floor level; and
- (b) an additional 3m for each level above the first floor level.

Boundary Walls

PO 2.5

Boundary walls are limited in height and length to mitigate adverse impacts on the amenity of adjoining land users, include through an unreasonable loss of natural sunlight and ventilation.

DTS/DPF 2.5

For buildings that do not have a common wall, any wall sited on a side boundary:

- (a) does not exceed 3m in height from the top of the footings;
- (b) does not exceed 8m in length;
- (c) when combined with other walls on the boundary, does not exceed 45% of the length of the boundary; and
- (d) is setback at least 3m from any existing or proposed boundary walls.

East Terrace Subzone

Assessment Provisions (AP)

Desired Outcomes (DO)

DO1

Grand buildings set on attractive, landscaped grounds in a Park Lands edge setting.

DO2

Development will continue to provide a high level of amenity with a mix of residential dwelling types and styles, that are complementary in design to the many State and Local Heritage Places.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Land Use and Intensity

PO 1.1

Non-residential development is only envisaged on sites fronting Wakefield Street or on a catalyst site, where non-residential development is appropriate at the ground and or first floor and residential development above.

DTS/DPF 1.1

None are applicable.

Built Form and Character

PO 2.1

Development to continue the traditional siting patterns of large buildings set in generous, high quality landscaped grounds with substantial front and side boundary set-backs to frame East Terrace and provide a distinct edge to the City.

DTS/DPF 2.1

Landscaped open space arranged and planted in a manner that:

- (a) provides for the retention of existing significant vegetation;
- (b) maintains and enhances the established predominant amenity and landscape character of the locality;

and

(c) respects the amenity of abutting residential allotments to the rear.

PO 2.2

Private properties will be defined by formal fencing which allows for views to, and an appreciation of, the distinctive garden setting and spacious character at-ground underpinned by the rhythm of front and side boundary setbacks.

DTS/DPF 2.1

None are applicable.

Catalyst Sites

PO 4.1

Development on catalyst sites (sites greater than ~~1500~~ 2500m², including one or more allotment), ~~on land with a frontage to East Terrace~~ developed with medium to high scale residential uses.

DTS/DPF 4.1

None are applicable.

PO 4.2

Small scale shops, cafes and restaurants generally integrated with residential development and located on ground ~~or first floor levels to increase street level activity facing the Park Lands.~~

DTS/DPF 4.2

None are applicable.

PO 4.3

Development designed to manage impacts in relation to building height, building proportions and traffic impacts, and avoid land uses, or intensity of land uses, that adversely affect residential amenity.

DTS/DPF 4.3

None are applicable.

PO 4.4

Parts of a development on a catalyst site that exceed the maximum building height specified in DPF 2.2 designed to minimise visual impacts on sensitive uses in the adjoining zones and to maintain the established or desired character of the area.

DTS/DPF 4.4

Parts of a building above the maximum building height specified in DPF 2.2 include additional setbacks, avoid tall sheer walls, centrally locate taller elements, and provide variation of light and shadow through articulation.

Note

This document contains City of Adelaide edited version of the Planning and Design Code (Phase 3) released for consultation on 1 October 2019.

Blue text highlights the edits Council has made to the policy.

The changes made are based on the Development Plan Code Analysis for the Capital City Zone, and Main Street Policy Area 14. ~~City Frame and City Living Policy Area 30.~~

It has also been recommended that the areas proposed to transition to the Urban Corridor (Main Street) Zones be transitioned to this zone (the City Main Street Zone).

Some of the policy also assumes that the Core Pedestrian Area Map Adel/1 (Overlays 2, 2A and 3) and Map Adel/1 (Overlay 1) are being transitioned to the Planning and Design Code.

This document tracked the location of current Dev Plan policy, identified what is missing, what errors have been made and provides a response and recommendations in regard to the direction of future Code policy.

City Main Street Zone

Table 1 – Accepted Development Classification

Class of Development The following Classes of Development are classified as Accepted Development subject to meeting the 'Accepted Development Classification Criteria'	Accepted Development Classification Criteria
Internal building work Except where any of the following apply: <ul style="list-style-type: none"> • A Local Heritage Place identified in the Local Heritage Place Overlay • A State Heritage Place identified in the State Heritage Place Overlay 	1 There will be no increase in the total floor area of the building 2 There will be no alteration to the external appearance of the building.

<p>Shade sail Except where any of the following apply:</p> <ul style="list-style-type: none"> Local Heritage Place Overlay State Heritage Place Overlay 	<ol style="list-style-type: none"> The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system Shade sail consists of permeable material The total area of the sail - does not exceed 40m² No part of the shade sail will be: <ol style="list-style-type: none"> 3m above ground or floor level (depending on where it is situated) at any place within 900mm of a boundary of the allotment 5m above ground or floor level (depending on where it is situated) within any other part of the allotment Primary street setback – at least as far back as the building line of the building to which it is ancillary If any part of the sail will be situated on a boundary of the allotment, the length of sail along a boundary does not exceed 8m In a case where any part of the sail or a supporting structure will be situated on a side boundary of the allotment – the length of the sail and any such supporting structure together with all relevant walls or structures located along the boundary will not exceed 45% of the length of the boundary.
<p>Solar photovoltaic panels (roof mounted) Except where any of the following apply:</p> <ul style="list-style-type: none"> A Local Heritage Place identified in the Local Heritage Place Overlay A State Heritage Place identified in the State Heritage Place Overlay 	<ol style="list-style-type: none"> 19 Panels are installed parallel to the roof of a building and with the underside surface of the panel not being more than 100mm above the surface of the roof 20 Panels and associated components do not overhang any part of the roof 21 Does not apply to system with a generating capacity of more than 5MW that is to be connected to the State's power system.
<p>Temporary Storage of Council Equipment</p>	<p>Appropriate measures are incorporated for:</p> <ol style="list-style-type: none"> dust control; appropriate screening including landscaping; containment of litter and waste; and appropriate securing of the site.
<p>Water tank (underground)</p>	<ol style="list-style-type: none"> The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system The tank (including any associated pump) is located wholly below the level of the ground.

Table 2 – Deemed-to-Satisfy Development Classification

Class of Development	Deemed-to-Satisfy Development Classification Criteria
The following Classes of Development are	<p>Provisions referred to are Deemed-to-Satisfy Criteria</p> <p>Where a development comprises more than one Class of Development the relevant criteria will be taken to be the sum of the criteria for each Class of Development.</p>

classified as Deemed-to-Satisfy Development subject to meeting the 'Deemed-to-Satisfy Development Classification Criteria'	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
<p>Advertisement Except where any of the following apply:</p> <ul style="list-style-type: none"> • Design Overlay • Local Heritage Place Overlay • State Heritage Place Overlay 	None	<p>Clearance from Overhead Powerlines: DTS 1.1</p> <p>Advertisements [Appearance]: DTS 1.1, 1.3, 1.4, 1.5</p> <p>Advertisements [Proliferation of Advertisements]: DTS 2.1, 2.2</p> <p>Advertisements [Advertising Content]: DTS 3.1</p> <p>Advertisements [Amenity Content]: DTS 4.1</p> <p>Advertising [Safety]: DTS 5.1, 5.2, 5.3, 5.4, 5.5</p>	None	<p>Local Heritage Place Overlay</p> <p>State Heritage Place Overlay</p>
<p>Change of use in an existing building (that does not involve any building work or modification that would otherwise require planning consent) from:</p> <ul style="list-style-type: none"> • an office to a consulting room or shop • a shop to an office or consulting room • a dwelling to an office or consulting room 	None	None	None	None

<p>Class of Development</p> <p>The following Classes of Development are classified as Deemed-to-Satisfy Development subject to meeting the 'Deemed-to-Satisfy Development Classification Criteria'</p>	<p>Deemed-to-Satisfy Development Classification Criteria</p> <p>Provisions referred to are Deemed-to-Satisfy Criteria</p> <p>Where a development comprises more than one Class of Development the relevant criteria will be taken to be the sum of the criteria for each Class of Development.</p>			
	<p>Zone</p>	<p>General Development Policies</p>	<p>Subzone</p> <p>(applies only in the area affected by the Subzone)</p>	<p>Overlay</p> <p>(applies only in the area affected by the Overlay)</p>
<p>an office or consulting room to a dwelling(s) other than on the ground floor</p>				

Working Draft

Table 3 - Applicable Policies for Performance Assessed Development

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone	Overlay
	<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p>			
			(applies only in the area affected by the Subzone)	(applies only in the area affected by the Overlay)
Advertisement	None	Clearance from Overhead Powerlines: PO 1.1 Advertisements [Appearance]: PO 1.1, 1.2, 1.3, 1.4, 1.5 Advertisements [Proliferation of Advertisements]: PO 2.1, 2.2 Advertisements [Advertising Content]: PO 3.1 Advertisements [Amenity Content-Impact]: PO 4.1 Advertising [Safety]: PO 5.1, 5.2, 5.3, 5.4, 5.5	None	Airport Building Heights (Regulated): All Local Heritage Place: All State Heritage Place: All
Apartment	All	Clearance from Overhead Powerlines: PO 1.1 Infrastructure and Renewable Energy	Rundle Street: All Rundle Mall: All Hindley Street: All	Affordable Housing: All Airport Building Heights (Regulated): All Design Overlay: All

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone	Overlay
		<p>Facilities [Water Supply]: PO 11.2</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2</p> <p>Transport, Access and Parking [Sightlines]: All</p> <p>Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8</p> <p>Transport, Access and Parking [Access for People with Disabilities]: PO 4.1</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1</p> <p>Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: PO 7.1</p> <p>Transport, Access and Parking [Bicycle Parking]: PO 9.1, 9.2</p>	<p>Gouger and Grote Street: All</p>	<p>Local Heritage Place: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development Overlay: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Residential Development]: All</p> <p>Design in Urban Areas [Residential Development – 3 Building Levels or Less]: All</p> <p>Design in Urban Areas [Residential Development – 4 Or More Building Levels (Including Serviced Apartments)]: All</p> <p>Design in Urban Areas [Group Dwellings, Residential Flat Buildings and Battle-Axe Development]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Interface Between Land Uses [General Land Use Compatibility]: PO 1.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.3, 4.4</p> <p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p> <p>Interface Between Land Uses [Solar Reflectivity and Glare]: PO 7.1</p> <p>Site Contamination: PO 1.1</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone	Overlay
	<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p>			
Child Care Centre	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Non Residential Development]: All</p> <p>Interface Between Land Uses [General Land Use Compatibility]: PO 1.2</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2</p> <p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p>	<p>Rundle Street: All</p> <p>Rundle Mall: All</p> <p>Hindley Street: All</p> <p>Gouger and Grote Street: All</p>	<p>Airport Building Heights (Regulated): All</p> <p>Design Overlay: All</p> <p>Local Heritage Place: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development Overlay: All</p>

Class of Development	Applicable Policies		
	Zone	General Development Policies	Subzone Overlay
		<p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1</p> <p>Transport, Access and Parking [Movement Systems]: All</p> <p>Transport, Access and Parking [Sightlines]: All</p> <p>Transport, Access and Parking [Vehicle Access]: All</p> <p>Transport, Access and Parking [Access to People with Disabilities]: All</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: All</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: All</p> <p>Transport, Access and Parking [Undercroft and Below Ground</p>	<p>(applies only in the area affected by the Subzone)</p> <p>(applies only in the area affected by the Overlay)</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Garaging and Parking of Vehicles]: All</p> <p>Transport, Access and Parking [Bicycle Parking in Designated Areas]: All</p> <p>Site Contamination: PO 1.1</p>		
Consulting Room	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Non Residential Development]: All P</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities</p>	<p>Rundle Street: All</p> <p>Rundle Mall: All</p> <p>Hindley Street: All</p> <p>Gouger Street: All</p>	<p>Airport Building Heights (Regulated): All</p> <p>Design Overlay: All</p> <p>Local Heritage Place: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development Overlay: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p>		<p>Generating Noise or Vibration]: PO 4.1, 4.2, 4.3</p> <p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1</p> <p>Transport, Access and Parking [Movement Systems]: All</p> <p>Transport, Access and Parking [Sightlines]: All</p> <p>Transport, Access and Parking [Vehicle Access]: All</p> <p>Transport, Access and Parking [Access to People with Disabilities]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Transport, Access and Parking [Vehicle Parking Rates]: All</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: All</p> <p>Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All</p> <p>Transport, Access and Parking [Bicycle Parking in Designated Areas]: All</p>		
Demolition of a State or Local Heritage Place	All	None	None	<p>Local Heritage Place: All</p> <p>State Heritage Place: All</p>
Dwelling	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.2</p>	<p>Rundle Street: All</p> <p>Rundle Mall: All</p> <p>Hindley Street: All</p>	<p>Affordable Housing: All</p> <p>Airport Building Heights (Regulated): All</p> <p>Design Overlay: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone	Overlay
		<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p>		
		<p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2</p> <p>Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.2, 3.3, 3.4, 3.5, 3.6</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Residential Development]: All</p> <p>Design in Urban Areas [Residential Development – 3 Building Levels or Less]: All</p>	<p>Gouger and Grote Street: All</p>	<p>Local Heritage Place: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development Overlay: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p>		
		<p>Design in Urban Areas [Residential Development – 4 Or More Building Levels (Including Serviced Apartments)]: All</p> <p>Design in Urban Areas [Group Dwellings, Residential Flat Buildings and Battle-Axe Development]: All</p> <p>Interface Between Land Uses [General Land Use Compatibility]: PO 1.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.3, 4.4</p> <p>Site Contamination: PO 1.1</p>		
Hotel	All	Clearance from Overhead Powerlines: PO 1.1	Rundle Street: All Rundle Mall: All	Airport Building Heights (Regulated): All Design Overlay: All

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone	Overlay
		<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p>		
		<p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Non Residential Development]: All</p> <p>Interface Between Land Uses [General Land Use Compatibility]: PO 1.2</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2, 4.3, 4.5, 4.6</p> <p>Interface Between Lands Uses [Air Quality]: PO 5.2</p> <p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p>	<p>Hindley Street: All</p> <p>Gouger and Grote Street: All</p>	<p>Local Heritage Place: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development Overlay: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1</p> <p>Transport, Access and Parking [Movement Systems]: All</p> <p>Transport, Access and Parking [Sightlines]: All</p> <p>Transport, Access and Parking [Vehicle Access]: All</p> <p>Transport, Access and Parking [Access to People with Disabilities]: All</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: All</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone	Overlay
		<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p>		
		<p>Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All</p> <p>Transport, Access and Parking [Bicycle Parking in Designated Areas]: All</p>		
Licensed Entertainment Premises	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Non Residential Development]: All</p> <p>Interface Between Land Uses [General Land Use Compatibility]: PO 1.2</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p>	<p>Rundle Street: All</p> <p>Rundle Mall: All</p> <p>Hindley Street: All</p> <p>Gouger and Grote Street: All</p>	<p>Airport Building Heights (Regulated): All</p> <p>Design Overlay: All</p> <p>Local Heritage Place: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development Overlay: All</p>

Class of Development	Applicable Policies		
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone) Overlay (applies only in the area affected by the Overlay)
		<p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2, 4.5, 4.6</p> <p>Interface Between Lands Uses [Air Quality]: PO 5.2</p> <p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1</p> <p>Transport, Access and Parking [Movement Systems]: All</p> <p>Transport, Access and Parking [Sightlines]: All</p> <p>Transport, Access and Parking [Vehicle</p>	

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Access]: All</p> <p>Transport, Access and Parking [Access to People with Disabilities]: All</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: All</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: All</p> <p>Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All</p> <p>Transport, Access and Parking [Bicycle Parking in Designated Areas]: All</p>		
Licensed Premises	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or</p>	<p>Rundle Street: All</p> <p>Rundle Mall: All</p> <p>Hindley Street: All</p> <p>Gouger and Grote Street: All</p>	<p>Airport Building Heights (Regulated): All</p> <p>Design Overlay: All</p> <p>Local Heritage Place: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p> <p>More Building Levels]: All</p> <p>Design in Urban Areas [All Non Residential Development]: All</p> <p>Interface Between Land Uses [General Land Use Compatibility]: PO 1.2</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2, 4.5, 4.6</p> <p>Interface Between Lands Uses [Air Quality]: PO 5.2</p> <p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1</p>		<p>State Heritage Place: All</p> <p>Traffic Generating Development Overlay: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1</p> <p>Transport, Access and Parking [Movement Systems]: All</p> <p>Transport, Access and Parking [Sightlines]: All</p> <p>Transport, Access and Parking [Vehicle Access]: All</p> <p>Transport, Access and Parking [Access to People with Disabilities]: All</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: All</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: All</p> <p>Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		Transport, Access and Parking [Bicycle Parking in Designated Areas]: All		
Office	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Non Residential Development]: All P</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2, 4.3</p>	<p>Rundle Street: All</p> <p>Rundle Mall: All</p> <p>Hindley Street: All</p> <p>Gouger and Grote Street: All</p>	<p>Airport Building Heights (Regulated): All</p> <p>Design Overlay: All</p> <p>Local Heritage Place: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development Overlay: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p>		<p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1</p> <p>Transport, Access and Parking [Movement Systems]: All</p> <p>Transport, Access and Parking [Sightlines]: All</p> <p>Transport, Access and Parking [Vehicle Access]: All</p> <p>Transport, Access and Parking [Access to People with Disabilities]: All</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone	Overlay
		<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p>		
		<p>Transport, Access and Parking [Vehicle Parking Areas]: All</p> <p>Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All</p> <p>Transport, Access and Parking [Bicycle Parking in Designated Areas]: All</p>	<p>(applies only in the area affected by the Subzone)</p>	<p>(applies only in the area affected by the Overlay)</p>
Residential Flat Building	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.2</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2</p> <p>Transport, Access and Parking [Vehicle</p>	<p>Rundle Street: All</p> <p>Rundle Mall: All</p> <p>Hindley Street: All</p> <p>Gouger and Grote Street: All</p>	<p>Affordable Housing: All</p> <p>Airport Building Heights (Regulated): All</p> <p>Design Overlay: All</p> <p>Local Heritage Place: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development Overlay: All</p>

Class of Development	Applicable Policies		
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone) Overlay (applies only in the area affected by the Overlay)
<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p>		<p>Access]: PO 3.1, 3.2, 3.3, 3.4, 3.5, 3.6</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Residential Development]: All</p> <p>Design in Urban Areas [Residential Development – 3 Building Levels or Less]: All</p> <p>Design in Urban Areas [Residential Development – 4 Or More Building Levels (Including Serviced Apartments)]: All</p> <p>Design in Urban Areas [Group Dwellings,</p>	

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone	Overlay
		<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p>		
		<p>Residential Flat Buildings and Battle-Axe Development]: All</p> <p>Interface Between Land Uses [General Land Use Compatibility]: PO 1.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.3, 4.4</p> <p>Site Contamination: PO 1.1</p>	(applies only in the area affected by the Subzone)	(applies only in the area affected by the Overlay)
Restaurant	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Non Residential Development]: All</p>	<p>Rundle Street: All</p> <p>Rundle Mall: All</p> <p>Hindley Street: All</p> <p>Gouger and Grote Street: All</p>	<p>Airport Building Heights (Regulated): All</p> <p>Design Overlay: All</p> <p>Local Heritage Place: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development Overlay: All</p>

Class of Development	Applicable Policies		
	Zone	General Development Policies	Subzone Overlay
		<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p>	
		<p>Interface Between Land Uses [General Land Use Compatibility]: PO 1.2</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2, 4.5, 4.6</p> <p>Interface Between Lands Uses [Air Quality]: PO 5.2</p> <p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1</p>	

Class of Development	Applicable Policies		
	Zone	General Development Policies	Subzone Overlay
<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p>			
		<p>Transport, Access and Parking [Movement Systems]: All</p> <p>Transport, Access and Parking [Sightlines]: All</p> <p>Transport, Access and Parking [Vehicle Access]: All</p> <p>Transport, Access and Parking [Access to People with Disabilities]: All</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: All</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: All</p> <p>Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All</p> <p>Transport, Access and Parking [Bicycle Parking in Designated Areas]: All</p>	<p>(applies only in the area affected by the Subzone)</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Shop	All	Clearance from Overhead Powerlines: PO 1.1	Rundle Street: All	Airport Building Heights (Regulated): All
		Design in Urban Areas [All Development]: All	Rundle Mall: All	Design Overlay: All
		Design in Urban Areas [All Development – 4 or More Building Levels]: All	Hindley Street: All	Local Heritage Place: All
		Design in Urban Areas [All Non Residential Development]: All	Gouger and Grote Street: All	State Heritage Place: All
		Interface Between Land Uses [General Land Use Compatibility]: PO 1.2		Traffic Generating Development Overlay: All
		Interface Between Land Uses [Hours of Operation]: PO 2.1		
		Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3		
		Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2		
		Interface Between Land Uses [Light Spill]: PO 6.1, 6.2		
		Infrastructure and Renewable Energy		

Class of Development	Applicable Policies		
	Zone	General Development Policies	Subzone Overlay
		<p>Facilities [Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1</p> <p>Transport, Access and Parking [Movement Systems]: All</p> <p>Transport, Access and Parking [Sightlines]: All</p> <p>Transport, Access and Parking [Vehicle Access]: All</p> <p>Transport, Access and Parking [Access to People with Disabilities]: All</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: All</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: All</p> <p>Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All</p> <p>Transport, Access and</p>	<p>(applies only in the area affected by the Subzone)</p> <p>(applies only in the area affected by the Overlay)</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		Parking [Bicycle Parking in Designated Areas]: All		
Student Accommodation	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.2</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2</p> <p>Transport, Access and Parking [Movement Systems]: PO 1.1</p> <p>Transport, Access and Parking [Sightlines]: All</p> <p>Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, 3.9</p> <p>Transport, Access and Parking [Access for People with Disabilities]: All</p>	<p>Rundle Street: All</p> <p>Rundle Mall: All</p> <p>Hindley Street: All</p> <p>Gouger and Grote Street: All</p>	<p>Affordable Housing: All</p> <p>Airport Building Heights (Regulated): All</p> <p>Design Overlay: All</p> <p>Local Heritage Place: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development Overlay: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p>		<p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: All</p> <p>Transport, Access and parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All</p> <p>Transport, Access and Parking [Bicycle Parking in Designated Areas]: PO 9.1, 9.2</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Residential Development]: All</p> <p>Design in Urban Areas [Residential Development – 3 Building Levels or Less]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone	Overlay
		<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p>		
		<p>Design in Urban Areas [All Residential Development – 4 Or More Building Levels (Including Serviced Apartments)]: All</p> <p>Design in Urban Areas [Group Dwellings, Residential Flat Buildings and Battle- Axe Development]: All</p> <p>Design in Urban Areas [Student Accommodation]: All</p> <p>Interface Between Land Uses [General Land Use Compatibility]: PO 1.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2, 4.3, 4.4</p> <p>Interface Between Land Uses [Air Quality]: PO 5.2</p>	<p>(applies only in the area affected by the Subzone)</p>	<p>(applies only in the area affected by the Overlay)</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		Interface Between Land Uses [Light Spill]: All Site Contamination: PO 1.1		
Tree damaging activity	None	None	None	Regulated Trees: All
All other Code Assessed Development	All	All	All	Any Relevant Overlay: All

Table 4 – Restricted Development Classification

Class of Development The following Classes of Development are classified as Restricted subject to any 'Exclusions'	Exclusions
Industry	Light Industry

Assessment Provisions

Desired Outcomes (DO)

DO 1

A mixed use zone providing important shopping, hospitality, commercial, community, cultural and entertainment facilities for the City supported by medium to high density and residential development. Non-residential activities including shops, restaurants and licensed premises will positively contribute to the day and evening economies, public safety, walkability and City vibrancy.

DO 2

Well-designed and diverse medium to high density accommodation options, including dwellings, supported accommodation, student accommodation, short term accommodation developed in conjunction with non residential development. ~~either as part of a mixed use development or wholly residential development.~~

DO 2

Development with built form positively contributing to:

- a. a streetscape that is visually interesting at human-scale comprising articulated buildings with a high level of fenestration and balconies oriented towards the street; and
- b. a fine-grain public realm comprising buildings with active frontages that are designed to reinforce the street rhythm **and intimate character**, that consider the facades, articulation and massing of existing buildings and any spaces between them, and provide narrow tenancy footprints at ground level.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Land Use and Intensity

PO 1.1

A **vibrant** mix of land uses adding to the vitality of the area and extend activities outside shop hours including restaurants, educational, community and cultural facilities and visitor and residential accommodation **that contribute to the vibrancy of the city.**

DTS/DPF 1.1

Development comprises one or more of the following land uses:

● **Apartments**

- Child Care Centre
- Consulting Room
- Dwelling
- Hotel
- Licensed Entertainment Premises
- Licensed Premises

- Office
- Supported Accommodation
- Restaurant
- Residential flat building
- Shop
- Student Accommodation
- Tourist Accommodation

PO 1.2

Retail, office, entertainment and recreation related uses supplemented by other businesses that provide a range of goods and services to the city and the surrounding district.

DTS/DPF 1.2

None are applicable.

~~DTS/DPF 1.2~~

~~Shops, office or consulting rooms do not exceed 2,000m² total gross leasable floor area in a single building.~~

PO 1.3

Small-scale licensed entertainment premises, night clubs or bars and lands uses typically closed during the day designed to contribute to day and evening street activation. ~~not to detract from the vitality of the area when closed.~~

DTS/DPF 1.3

None are applicable.

PO 1.4

Dwellings, including residential flat buildings, developed in conjunction with non-residential uses to support business, entertainment and recreational activities that contribute to making the main street locality and pedestrian thoroughfares safe, walkable, comfortable, pleasant and vibrant places.

DTS/DPF 1.4

Dwellings, including residential flat buildings, developed in conjunction with non-residential uses sited:

- a. at upper levels of buildings with non-residential uses located at ground level; or
- b. behind non-residential uses on the same allotment.

~~PO 1.5~~

~~Development of well-designed and diverse medium to high density accommodation options, including dwellings, supported accommodation, student accommodation, short term accommodation, either as part of a mixed use development or wholly residential development.~~

~~DTS/DPF 1.5~~

~~None are applicable.~~

PO X

Multi-level, non-ancillary vehicle parking structures are not located within:

- (a) the Core Pedestrian Area shown on Map Adel/1 (Overlays 2, 2A and 3).
- (b) on frontages to East Terrace, Rundle Street, Gawler Place, Hindley Street, Hutt, Melbourne, O'Connell, Sturt and Halifax Street.

DTS/DPF X

None are applicable

PO X

Multi-level, non ancillary vehicle parking structures within buildings developed in conjunction with

commercial, retail or other non-carpark uses on street frontages especially at ground level.

DTS/DPF 1.6

None are applicable.

Activation

PO 1.7

Ground floor level uses generating high levels of pedestrian activity and contribute to an active and vibrant main street.

DTS/DPF 1.7

~~Shop, restaurant, office, or consulting room uses located on the ground floor level of buildings.~~

None are applicable.

PO X

Temporary use temporary use of vacant or underdeveloped land that is not likely to be the subject of long-term development in the short term. Temporary uses of vacant or underdeveloped land are to be landscaped, screened and/or treated so that negative impacts to the public realm are minimised.

DTS/DPF X

None are applicable.

PO X

Non-residential land uses at ground floor level such as shops and restaurants that support and maximise pedestrian activity to provide visual interest and positively contribute to public safety, walkability and vibrancy by achieving all of the following:

- (a) building articulation and fenestration;
- (b) frequent window openings;
- (c) land uses that spill out onto the footpath;
- (d) verandahs, balconies awnings and other features that provide weather protection.

DTS/DPF X

None are applicable.

PO X

Car parking elements to be sleeved to ensure an activated street frontage.

DTS/DPF X

None are applicable.

PO X

Temporary use of vacant or underdeveloped land for up to 24 months that is not likely to be the subject of long-term development in the short term are to be landscaped, screened and/or treated so that negative impacts to the public realm are minimised.

DTS/DPF X

None are applicable.

Built Form and Character

PO 2.1

Buildings:

- a. designed to ~~to~~ reinforce the street edge and grid pattern of the city streets;

- b. designed to include a podium/street wall and upper level setback that responds to local context, including the scale and context of adjacent built form, to ensure a cohesive and consistent streetscape and ~~positively contribute to a sense of enclosure~~ **maintain a sense of spaciousness and openness to the sky to achieve human scale at street level**;
- c. ~~designed to incorporate verandahs, canopies or pedestrian shelters to contribute towards a continuity of verandahs and maintain a sheltered, high amenity pedestrian environment;~~ **designed to incorporate verandahs, canopies or pedestrian shelters to contribute towards a continuity of verandahs and maintain a sheltered, high amenity pedestrian environment;**
- d. with a rich visual design that has regard to above street level fenestration, balconies, parapets, architectural detailing and ornamentation.

DTS/DPF 2.1

None are applicable.

PO 2.2

Buildings and structures designed to complement and respond to the established fine grained main street character by:

- a. ensuring, veranda profile, and materials of construction are consistent with and positively respond to adjacent traditional main street buildings; and
- b. complementing the traditional shop-front elements, such as narrow buildings and tenancy footprints, with frequently repeated frontages, and clear-glazed narrow shop front displays above raised display levels [base stall boards] and recessed entries.

DTS/DPF 2.2

None are applicable.

PO 2.3

Buildings designed to create visual connection between the public realm and ground level interior, to ensure an active interface with the main street and maximise passive surveillance.

DTS/DPF 2.3

The ground floor primary frontage of buildings provide at least ~~5 metres or 6-50%~~ **5 metres or 6-50%** of the street frontage ~~(whichever is greater)~~ as an entry / foyer or display window to a shop or other community or commercial use that provides pedestrian interest and activation.

~~PO 2.4~~

~~Buildings provide a high amenity pedestrian environment by providing shelter and shade over footpaths.~~

~~DTS/DPF 2.4~~

~~Buildings that provide a continuity of verandas, canopies, awnings or other pedestrian shelters.~~

PO 2.4

Buildings are adaptable and flexible to accommodate a range of land uses.

DTS/DPF 2.4

The ground floor of buildings contain a minimum floor to ceiling height of 3.5m.

PO 2.5

Building heights where the height is commensurate with the scale of development along the main street and complements the height of buildings in the adjacent zone.

DTS/DPF 2.5

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

Notes with respect to Building Heights:

- There are **no minimum building heights** shown on the Consultation Map Viewer
- Recommend that the 'minimum building height' become a separate DTS/DPF and PO.

PO 2.6

Building height complements the height of buildings in the adjacent zone to manage the interface with low-rise residential development.

DTS/DPF 2.6

Building height is not less than any minimum, specified by the *Minimum Building Height Levels Technical and Numeric Variation Overlay*.

PO X

Development that reinforces the Mainstreets as important pedestrian promenades and vibrant places

DTS/DPF X

None are applicable.

PO 2.7

Buildings sited on the primary street boundary to achieve a continuity of built form frontage to the main street, ~~with the occasional section of building set back to create outdoor dining areas, visually interesting building entrances and intimate but vibrant spaces.~~

DTS/DPF 2.7

~~Buildings with a 0m setback from the primary street boundary, with the exception of minor setbacks to accommodate outdoor dining areas.~~

PO 2.8

In secondary streets and laneways (off the main street) building setbacks above the street wall may be relatively shallow or non-existent to create intimate spaces through a greater sense of enclosure.

DTS/DPF 2.8

Buildings with a 0m setback from the secondary street boundary.

PO 2.9

High rise built form on the northern side of Rundle Mall, Rundle Street, Hindley Street and Gouger Street incorporating slender tower elements, spaces between buildings or other design techniques that enable natural sunlight access to the southern footpath.

DTS/DPF 2.9

None are applicable.

PO X

Innovative and interesting skylines that contribute to the overall design quality, identity and performance of the building.

DTS/DPF X

Incorporate an architectural roof feature within the design of the building by:

- creating a feature that forms part of its overall architectural form and composition;
- ensuring visual compatibility with nearby towers and other structures whilst maintaining architectural distinction;
- providing sky line features capable of being viewed over great distances;
- including modelled parapets and compatibility of podia height at street alignment;
- integrating plant and fixtures within the roof top design; and/or
- incorporating roof top gardens and terraces.

PO X

Development to provide and maintain pedestrian shelter, access and through-site links in accordance with the walking routes identified within **Map Adel/1 (Overlays 2, 2A and 3)**. Such facilities to be appropriately designed and detailed to enhance the pedestrian environment, have regard to the mobility needs of people with disabilities, and be safe, suitable and accessible.

DTS/DPF X

None are applicable.

PO X

Corner buildings adjacent to street intersections and buildings along a routes identified within **Map Adel/1 (Overlay 4)** should provide weather protection for pedestrians in the form of verandahs, awnings or canopies. Where verandahs or awnings are provided which block street lighting, they should include additional lighting beneath the canopy.

DTS/DPF X

None are applicable.

Demolition

PO X

Building demolition is to be refrained unless Development Approval for a replacement development has been granted. Demolition may only be granted for documented reasons of public health or safety agreed by the planning authority or alternatively agreed by a statutory order. If replacement development has not commenced within 12 months of the granting of Development Approval, landscaping of the site is to be undertaken.

DTS/DPF X

None are applicable.

Access and Movement

PO 4.1

Access to, and movement within, the Main Street Zone to be universally accessible, easy, safe, comfortable, convenient and legible for people of all abilities, with priority given to pedestrians, and cyclists and public transport.

DTS/DPF 4.1

None are applicable.

PO 4.2

Vehicular access points associated with vehicle parking areas and/or multi level, non ancillary carparking structures are not situated along Rundle Street, Hindley Street, Gawler Place, O'Connell, Melbourne, Hutt, Sturt or Halifax Street or across primary City access and secondary City access roads identified in Map Adel/1 (Overlay 1).

DTS/DPF 4.2

None are applicable.

PO 4.3

Development is designed to ensure car parking areas are **designed and positioned** to avoid negative impacts on the main street rhythm and activation.

DTS/DPF 4.3

Vehicle parking areas are ~~garages~~ **sleeved, located in the basement and/or located behind buildings away**

from the ~~primary main~~ street frontage.

PO 4.4

Development does not result in additional crossovers on the main street, **except where rationalising existing crossovers on consolidated sites and is designed** to minimise conflicts with pedestrians and cyclists and minimise disruption to the continuity of built form.

DTS/DPF 4.4

Vehicular access to be provided:

- (a) via side streets or rear lanes provided there is no negative impact on **active floor space**, residential amenity within the zone and in adjacent zones; or
- (b) where it consolidates or replaces existing crossovers.

PO X

Pedestrian movement based on a network of pedestrian malls, arcades and lanes, linking the surrounding Zones and giving a variety of north-south and east-west links.

DTS/DPF X

None are applicable.

PO X

Adequate car parking to be provided within the site area of the development to meet the demand generated by the development as Table 1 – General Off-Street Car Parking Requirements; and

- (a) car parking rates lower than the minimum may be appropriate where there is readily accessible and frequent public transport in the locality or it can be demonstrated that a lower provision is warranted, such as for the following reasons:
 - (i) the nature of development;
 - (ii) existing heritage places on or adjacent to the development site which dictates the development of the site in a manner which hampers the provision of on-site parking;
 - (iii) the opportunity to exploit shared car parking areas between uses based upon compatible hours of peak operation;
 - (iv) use of a car share scheme; or
 - (v) suitable arrangements for any parking shortfall to be met elsewhere or by other means.

DTS/DPF X

None are applicable.

PO X

Undercroft parking is not appropriate within the Zone.

DTS/DPF X

None are applicable.

PO X

The finished ground floor level of buildings designed to be at grade and/or level with the footpath to provide direct universal pedestrian access and street level activation.

DTS/DPF X

None are applicable.

PO X

Development that contributes to the quality of the public realm as a safe, secure and accessible environment for pedestrian movement. Development designed and detailed to enhance the pedestrian environment for safe and universal access.

DTS/DPF X

None are applicable.

PO X

Development designed to maintain and enhance continuous footpaths to ensure:

- (a) ensure pedestrian flow is free and uninterrupted; and
- (b) maintain and enhance the pedestrian permeability in areas identified in Map Adelaide XXX.

DTS/DPF X

Development designed to reflect the significance of the paths and increase the permeability of the pedestrian network identified within Map Adel/1 (Overlay 2) NEED OVERLAY MAP and/or Concept Plan by ensuring:

- (a) pedestrians are not disrupted or inconvenienced by badly designed or located vehicle access ramps in footpaths or streets; and
- (b) vehicle and service entry points are kept to a minimum to avoid adverse impact on pedestrian amenity.

PO X

Development to provide weather protection for pedestrians in the form of verandahs, awnings or canopies with adequate lighting to support pedestrian safety and movement.

DTS/DPF X

Clearance should be aligned to adjoining buildings and above the existing footpath level for a minimum of:

- (a) 3m above the existing footpath level for verandahs, awnings or canopies;
- (b) 2.5m for advertisements; and
- (c) 2.3 m for temporary structures, retractable canopies.

PO X

Vehicular access points associated with multi-level and/or non-ancillary car parks located outside areas identified outside the Core Pedestrian Area (insert map to reflect Overlay2A), designed to minimise disruption to pedestrians, cyclists, public transport and traffic flow.

DTS/DPF X

None are applicable.

PO X

Vehicular access points located to minimise conflict with public transport, pedestrian and cyclist movement and/or activity on any major pedestrian thoroughfare.

PO X

Multi-level car parks or non-ancillary car parking use of an existing building to only be established where it can be demonstrated that there is a need that is not adequately satisfied by other parking facilities in the locality.

DTS/DPF X

None are applicable.

PO X

Multi-level car parks and short stay public use of ancillary car parking spaces are discouraged at ground floor street frontages in the Primary Pedestrian Area identified in Map Adel/1 (Overlays 2, 2A and 3). Multi-level car parks, short stay public use of ancillary car parking spaces or non-ancillary car parking use of an existing building may be appropriate where it:

- (a) is located away from ground floor street frontages to major streets;
- (b) ensures vehicle access is from the road with less pedestrian activity in instances where a site has access to more than one road frontage;
- (c) has no more than one entry lane and one exit lane;
- (d) has a controlled exit at the property boundary to stop vehicles before travelling across the footpath;
- (e) has no more than one left in and one left out access point;

- (f) avoids access points along high concentration public transport routes identified in Map Adel/1 (Overlay 4); and
- (g) with respect to ancillary parking, is provided at basement level, or undercroft if located behind other uses which provide activity on the street frontage.

In areas outside the Core and Primary Pedestrian Areas identified in Map Adel/1 (Overlays 2, 2A and 3), car parking may be provided to serve a development within the site of the development or elsewhere. Where car parking is provided, it should be:

- (a) provided with vehicle access points that do not cross major walking routes identified in Map Adel/1 (Overlay 2); and
- (b) located away from frontages to major streets wherever possible.

DTS/DPF X
None are applicable.

PO X
Multi-level car parks or non-ancillary car parking use of an existing building should only be established where it can be demonstrated that there is a need which is not adequately satisfied by other parking facilities and public transport services in the locality.

DTS/DPF X
None are applicable.

PO X
Where vehicular access to a development is gained by an existing crossing in the Core Pedestrian Area identified in Map Adel/1 (Overlay 2A), there should be no increase in the number of parking spaces served by the crossing, nor any increase in the number of existing crossings serving that development.

DTS/DPF X
None are applicable.

PO X
Buildings located along primary and secondary access roads sited to avoid the need for vehicles to reverse on to the road (unless the dimensions of the site make this impractical).

DTS/DPF X
None are applicable.

PO Development should have regard to the bicycle routes identified within Map Adel/1 (Overlay 3) by:
(a) limiting vehicular access points; and
(b) ensuring that vehicles can enter and leave the site in a forward direction, thereby avoiding reverse manoeuvres.

Procedural Matters (PM)

Notification of Performance assessed development

Note: For public notification requirements refer to Practice Direction: Notification for Performance Assessed Development.

All classes of development are excluded from notification except where it involves any of the following:

- (a) the site of the development is adjacent land to land in a different zone
- (b) development identified as “all other code assessed development” in City Main Street Zone Table 3
- (c) shop, office or consulting room in excess of the gross leasable floor area specified in DTS/DPF 1.2.

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Rundle Street Sub Zone

Assessment Provisions (AP)

Desired Outcomes (DO)

DO1

Rundle Street developed as an important shopping, leisure, dining and gathering place, complemented by compatible residential accommodation in upper levels.

DO2

Development along Rundle Street is informed by the local context, including the existing built form and heritage buildings of relatively consistent scale and massing that were built in the nineteenth and early twentieth century with façades that typically provide a high proportion of solid-to-void, a high level of articulation (including ornamentation and fenestration) and a combination of high-quality materials).

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Land Use and Intensity

PO 1.1

A premium retail and leisure area comprising an active restaurant and shopping precinct and a mix of land uses, including residential on upper levels, that extend activity into the evening to enhance the vibrancy of the area.

DTS/DPF1.1

None are applicable.

PO 1.2

Licensed entertainment premises, nightclubs or bars:

- a. small in scale;
- b. secondary to the primary land uses mix of the street;
- c. located above or below ground level;
- d. limited in numbers;
- e. do not detract from the streets daytime activation; and
- f. minimise negative impacts on nearby residential development.

DTS/DPF 1.2

None are applicable.

Built Form and Character

PO 2.1

Buildings with frontage to Rundle Street (west of Frome Street) to be informed by the local context when transitioning from podium element within the streetscape to taller set-back elements taller to protect the human scale of the main street.

DTS/DPF 2.1

Buildings with frontage to Rundle Street (west of Frome Street):

- (a) include a clearly defined podium or street wall with a maximum building height of 6 building levels in height; and
- (b) have levels above the defined podium or street wall setback a minimum of 3m from that wall.

PO 2.2

Buildings with frontage to Rundle Street (west of Frome Street) designed to reinforce the prevailing datum heights and parapet levels of the street by design elements that provide a clear distinction between levels above and below the prevailing datum line.

DTS/DPF 2.2

None are applicable.

PO 2.3

Buildings with frontage to Rundle Street (east of Frome Street):

- (a) incorporate podium elements to reconcile the scale relationship between the taller elements and the existing streetscape; and
- (b) designed to reinforce the prevailing datum heights and parapet levels of the street.

DTS/DPF 2.3

Buildings fronting Rundle Street (east of Frome Street):

- (a) include a maximum podium/street wall height that is consistent with one of the adjacent buildings facing the street and does not exceed 13m;
- (b) include an upper level setback, measured from the street wall, of not less than 3m stepping up to a height of 6 storeys, then a further setback of not less than 3m stepping up to the maximum overall height; and
- (c) design elements that create a clear distinction between the 13m and 22m datum lines.

PO 2.4

Buildings with frontage to Rundle Street:

- (a) carefully designed so that the historic main street character is retained and enhanced;
- (b) consistent with the intimate scale and intricate and diverse architectural features of Rundle Street;
- (c) maintain the continuity of building facades retaining the subtle diversity and variety of roof and parapet lines and the horizontal massing of the townscape;
- (d) incorporate a vertical emphasis in the composition of their street facades and the disposition and proportioning of openings; and
- (e) ensure upper levels of buildings are designed to reduce visual mass from the human scale of the main street.

DTS/DPF 2.4

None are applicable.

Rundle Mall Sub Zone

Assessment Provisions (AP)

Desired Outcomes (DO)

DO1

Rundle Mall developed as the State's premier shopping destination.

DO2

Development informed by Rundle Mall's strong and unique character, vibrancy and sense of place, established by a pedestrian space framed by continuous built form made-up of active frontages that are fine-grain and visually interesting from the public realm, and framed with a strong sense of arrival from King William Street and Pulteney Street and the adjoining minor streets, arcades and laneways.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Land Use and Intensity

PO 1.1

A premier retail area consisting of a mix of complementary land uses that include a wide range of specialty and larger scale shops and mixed business and land uses, including residential and office on upper levels, that extend activity into the evening to enhance public safety and the vibrancy of the area.

DTS/DPF 1.1

None are applicable.

Built Form and Character

PO 2.1

Buildings positively contribute to the built form framing Rundle Mall's public realm by responding the local context and provide visual relief at ground level from building height and massing.

DTS/DPF 2.1

Buildings:

- (a) include a clearly defined podium or street wall with a maximum building height of 6 building levels; and
- (b) have levels above the defined podium or street wall setback of 3m or more from that wall.

Movement and Access

PO 3.1

Pedestrian movement network made up of pedestrian malls, arcades and lanes that are safe, legible, comfortable and universally designed, and link the surrounding areas to provide a variety of north-south routes to Rundle Mall and east-west links for people moving between buildings.

DTS/DPF 3.1

None are applicable.

PO 3.2

Access for on-site servicing and deliveries from minor streets and private lanes wherever possible, rather than from Rundle Mall.

DTS/DPF 3.2

None are applicable.

Hindley Street Sub Zone

Assessment Provisions (AP)

Desired Outcomes (DO)

DO1

Development of:

- (a) Hindley Street (east of Morphett Street) as the pre-eminent evening and late night entertainment hub for metropolitan Adelaide with complementary shopping, hospitality, mixed business and high-density living; and
- (b) Hindley Street (west of Morphett Street) as a main street with a range of retail, educational, mixed business, cultural, short-stay accommodation and hospitality uses and high-density living.

DO2

Development along Hindley Street to be cognisant of a streetscape characterised by nineteenth century buildings that are predominantly 2 and 3 storeys with buildings forming a continuous built form edge along the street frontage.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Land Use and Intensity

PO 1.1

Hindley Street (east of Morphett Street) comprising a mix of land uses making the area the City's primary focus for late night hospitality and entertainment.

DTS/DPF 1.1

None are applicable.

PO 1.2

Late night entertainment on Hindley Street (east of Morphett Street) designed and managed to integrate effectively with day time and evening land use activities.

DTS/DPF 1.2

None are applicable.

PO 1.3

Hindley Street (west of Morphett Street) comprising a mix of business, educational, cultural, short-stay accommodation, hospitality and retail activities with licensed premises integrating effectively with day time and evening land use activities.

DTS/DPF 1.3

None are applicable.

Built Form and Character

PO 2.1

Buildings informed by local context that frame Hindley Street and nearby public realm, and provide overall visual relief from building mass at ground level.

DTS/DPF 2.1

Buildings:

- (a) include a clearly defined podium or street wall with a maximum building height of 6 building levels in height; and
- (b) have levels above the defined podium or street wall setback of 3m or more from that wall.

PO 2.2

Buildings fronting Hindley Street designed to reinforce the prevailing datum heights and parapet levels of the street through articulated facades that provide a clear distinction between levels above and below the prevailing datum line.

DTS/DPF 2.2

None are applicable.

PO 2.3

Buildings fronting Hindley Street:

- (a) enhanced by the refurbishment of nineteenth century buildings;
- (b) complemented by contextual new development that provides a visually interesting built form, positively contributes to the existing and desired character and provides a safe, active and intimate human scale; and
- (c) maintain the rhythm and visually continuity of verandahs, awnings, parapets and facade lines and other architectural details at podium level.

DTS/DPF 2.3

None are applicable.

Gouger and Grote Street Sub Zone

Assessment Provisions (AP)

Desired Outcomes (DO)

DO1

Development of:

- (a) Gouger Street as a mix of retail, restaurant, commercial and mixed business uses, including professional services, wholesaling and culturally diverse community activities that contribute to the unique character and vibrancy of the street during the day and evening; and
- (b) Grote Street as an active restaurant and shopping street that complements the main entrance and vibrancy of the Adelaide Central Market and supports the retail, community and diverse cultural functions of the area.

DO2

Development of Gouger Street to respect a cohesive streetscape derived from the predominant 2 to 3 storey high buildings along the street edge.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Land Use and Intensity

PO 1.1

Gouger and Grote Streets continue to develop as an active restaurant and shopping precinct complementing the main entry points and activity of the adjacent Adelaide Central Market, while also supporting the retail, community and diverse cultural function of the wider precinct.

DTS/DPF 1.1

None are applicable.

PO 1.2

Licensed entertainment premises, nightclubs or bars that:

- (a) are small in scale;
- (b) secondary to the primary land uses mix of the street;

- (c) are located above or below ground level;
- (d) limited in numbers;
- (e) do not detract from the streets daytime activation; and
- (f) minimise negative impacts on nearby residential development.

DTS/DPF 1.2

None are applicable.

PO 1.3

Mix of land uses within 'Chinatown' around Moonta Street reinforced and opportunities for new precincts, such as in minor streets and lanes, established.

DTS/DPF 1.3

None are applicable.

Built Form and Character

PO 2.1

Buildings informed by local context frame Gouger Street and nearby public realm, and provide overall visual relief from building mass at ground level.

DTS/DPF 2.1

Buildings:

- (a) include a clearly defined podium or street wall with a maximum building height of 6 building levels in height; and
- (b) have levels above the defined podium or street wall setback of 3m or more from that wall.

PO 2.2

Buildings fronting Gouger Street designed to reinforce the prevailing datum heights and parapet levels of the street through articulated facades that provide a clear distinction between levels above and below the prevailing datum line.

DTS/DPF 2.2

None are applicable.

Hutt Street South Sub Zone

Assessment Provisions (AP)

Desired Outcomes (DO)

DO1

INSERT TEXT FOR SUBZONE

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

INSERT TEXT FOR SUBZONE

Melbourne Street East Sub Zone

Assessment Provisions (AP)

Desired Outcomes (DO)

DO1

INSERT TEXT FOR SUBZONE

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

INSERT TEXT FOR SUBZONE

O'Connell Street Sub Zone

Assessment Provisions (AP)

Desired Outcomes (DO)

DO1

INSERT TEXT FOR SUBZONE

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

INSERT TEXT FOR SUBZONE

Adelaide Sub Zone (this is to replace the Main Street (Adelaide) Zone – is there a better name for this?)

Assessment Provisions (AP)

Desired Outcomes (DO)

DO1

INSERT TEXT FOR SUBZONE

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

INSERT TEXT FOR SUBZONE

Attachment A.1 City of Adelaide P&D Code amendment document

Note

This document contains City of Adelaide edited version of the Planning and Design Code (Phase 3) released for consultation on 1 October 2019.

Blue text highlights the edits Council has made to the policy.

The changes made are based on the Development Plan Code Analysis for the Capital City Zone, City Frame and City Living Policy Area 30. This document tracked the location of current Dev Plan policy, identified what is missing, what errors have been made and provides a response and recommendations in regard to the direction of future Code policy.

Capital City Zone

Table 1 – Accepted Development Classification

Class of Development The following Classes of Development are classified as Accepted Development subject to meeting the 'Accepted Development Classification Criteria'	Accepted Development Classification Criteria
Shade sail Except where any of the following apply: <ul style="list-style-type: none"> • Local Heritage Place Overlay • State Heritage Place Overlay • Sloping Land Overlay 	<ol style="list-style-type: none"> 1. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system 2. Shade sail consists of permeable material 3. The total area of the sail - does not exceed 40m² 4. No part of the shade sail will be: <ol style="list-style-type: none"> a. 3m above ground or floor level (depending on where it is situated) at any place within 900mm of a boundary of the allotment b. 5m above ground or floor level (depending on where it is situated) within any other part of the allotment 5. Primary street setback – at least as far back as the building line of the building to which it is ancillary 6. If any part of the sail will be situated on a boundary of the allotment, the length of sail along a boundary does not exceed 8m 7. In a case where any part of the sail or a supporting structure will be situated on a side boundary of the allotment – the length of the sail and any such supporting structure together with all relevant walls or structures located along the boundary will not exceed 45% of the length of the boundary.

Attachment A.1 City of Adelaide P&D Code amendment document

<p>Solar photovoltaic panels (roof mounted) Except where any of the following apply:</p> <ul style="list-style-type: none"> • A Local Heritage Place identified in the Local Heritage Place Overlay • A State Heritage Place identified in the State Heritage Place Overlay 	<ol style="list-style-type: none"> 1. Panels are installed parallel to the roof of a building and with the underside surface of the panel not being more than 100mm above the surface of the roof 2. Panels and associated components do not overhang any part of the roof 3. Does not apply to system with a generating capacity of more than 5MW that is to be connected to the State's power system.
<p>Temporary Storage of Council Equipment</p>	<p>Appropriate measures are incorporated for:</p> <ol style="list-style-type: none"> (a) dust control; (b) appropriate screening including landscaping; (c) containment of litter and waste; and (d) appropriate securing of the site.
<p>Water tank (underground)</p>	<ol style="list-style-type: none"> 1. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system 2. The tank (including any associated pump) is located wholly below the level of the ground.

Working Draft

Attachment A.1 City of Adelaide P&D Code amendment document

Table 2 – Deemed-to-Satisfy Development Classification (from update 20 December 2019)

Class of Development The following Classes of Development are classified as Deemed-to-Satisfy Development subject to meeting the 'Deemed- to-Satisfy Development Classification Criteria'	Deemed-to-Satisfy Development Classification Criteria Provisions referred to are Deemed-to-Satisfy Criteria Where a development comprises more than one Class of Development the relevant criteria will be taken to be the sum of the criteria for each Class of Development.			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Advertisement Except where any of the following apply: <ul style="list-style-type: none"> Advertising Near Signalised Intersections Overlay Local Heritage Place Overlay State Heritage Place Overlay 	[Advertisements]: DTS 8.1	Clearance from Overhead Powerlines: DTS 1.1 Advertisements [Appearance]: DTS 1.1, 1.3, 1.4, 1.5 Advertisements [Proliferation of Advertisements]: DTS 2.1, 2.2 Advertisements [Advertising Content]: DTS 3.1 Advertisements [Amenity Content]: DTS 4.1 Advertising [Safety]: DTS 5.1, 5.2, 5.3, 5.4, 5.5	None	Airport Building Heights (Regulated): All DTS Building Near Airfields Overlay: DTS 1.1

Class of Development The following Classes of Development are classified as Deemed-to-Satisfy Development subject to meeting the 'Deemed- to-Satisfy Development Classification Criteria'	Deemed-to-Satisfy Development Classification Criteria Provisions referred to are Deemed-to-Satisfy Criteria Where a development comprises more than one Class of Development the relevant criteria will be taken to be the sum of the criteria for each Class of Development.			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Change of use in an existing building (that does not involve any building work or modification that would otherwise require planning consent) from: <ul style="list-style-type: none"> • an office to a consulting room or shop • a shop to an office or consulting room • a dwelling to an office or consulting room • an office or consulting room to a dwelling(s) other than on the ground floor 	None	None	None	None

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Table 3 – Applicable Policies for Performance Assessed Development

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Advertisement	[Advertisements]: PO 8.1	Clearance from Overhead Powerlines: PO 1.1 Advertisements [Appearance]: PO 1.1, 1.2, 1.3, 1.4, 1.5 Advertisements [Proliferation of Advertisements]: PO 2.1, 2.2 Advertisements [Advertising Content]: PO 3.1 Advertisements [Amenity Content]: PO 4.1 Advertising [Safety]: PO 5.1, 5.2, 5.3, 5.4, 5.5	City Frame: All	Advertising Near Signalised Intersections: All Local Heritage Place: All State Heritage Place: All

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Apartment	All	Clearance from Overhead Powerlines: PO 1.1 Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.2 Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2	City Frame: All	Affordable Housing: All Airport Building Heights (Regulated): All Design Overlay: All Local Heritage Place: All Noise and Air Emissions: All State Heritage Place: All

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Transport, Access and Parking [Movement System]: PO 1.1, 1.4</p> <p>Transport, Access and Parking [Sightlines]: PO 2.1</p> <p>Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8</p> <p>Transport, Access and Parking [Access for People with Disabilities]: PO 4.1</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1</p> <p>Transport, Access and Parking [Undercroft and Below Garaging and Parking of Vehicles]: PO 7.1</p>		Traffic Generating Development: All

		<p>Transport, Access and Parking [Bicycle Parking]: PO 9.1, 9.2</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Residential Development]: All</p> <p>Design in Urban Areas [Residential Development – 3 Building Levels or Less]: All</p> <p>Design in Urban Areas [Residential Development – 4 Or More Building Levels (Including Serviced Apartments)]: All</p> <p>Design in Urban Areas [Group Dwellings, Residential Flat Buildings and Battle-Axe Development]: All</p> <p>Interface Between Land Uses [General Land Use Compatibility]: PO 1.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.3, 4.4</p> <p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p>		
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Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Interface Between Land Uses [Solar Reflectivity and Glare]: PO 7.1</p> <p>Site Contamination: PO 1.1</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Child Care Centre	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Non Residential Development]: All</p> <p>Interface Between Land Uses [General and Use Compatibility]: PO 1.2</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p>	City Frame: All	<p>Airport Building Heights (Regulated): All</p> <p>Design Overlay: All</p> <p>Local Heritage Place: All</p> <p>Noise and Air Emissions: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2, 4.5</p> <p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p> <p>Interface Between Land Uses [Solar Reflectivity and Glare]: PO 7.1</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1</p> <p>Transport, Access and Parking [Movement Systems]: All</p> <p>Transport, Access and Parking [Sightlines]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Transport, Access and Parking [Vehicle Access]: All</p> <p>Transport, Access and Parking [Access to People with Disabilities]: All</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: All</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: All</p> <p>Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All</p> <p>Transport, Access and Parking [Bicycle Parking in Designated Areas]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Consulting Room	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Non Residential Development]: All P</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p>	City Frame: All	<p>Airport Building Heights (Regulated): All</p> <p>Design Overlay: All</p> <p>Local Heritage Place: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2</p> <p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1</p> <p>Transport, Access and Parking [Movement Systems]: All</p> <p>Transport, Access and Parking [Sightlines]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Transport, Access and Parking [Vehicle Access]: All</p> <p>Transport, Access and Parking [Access to People with Disabilities]: All</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: All</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: All</p> <p>Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All</p> <p>Transport, Access and Parking [Bicycle Parking in Designated Areas]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Demolition of a State or Local Heritage Place	All	None	None	Local Heritage Place: All State Heritage Place: All
Dwelling	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.2</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2</p> <p>Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.2, 3.3, 3.4, 3.5, 3.6</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1</p>	City Frame: All	<p>Affordable Housing: All</p> <p>Airport Building Heights (Regulated): All</p> <p>Design Overlay: All</p> <p>Local Heritage Place: All</p> <p>Noise and Air Emissions: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		Design in Urban Areas [All Development]: All Design in Urban Areas [All Development – 4 or More Building Levels]: All Design in Urban Areas [All Residential Development]: All Design in Urban Areas [Residential Development – 3 Building Levels or Less]: All Design in Urban Areas [Residential Development – 4 Or More Building Levels (Including Serviced Apartments)]: All		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		Design in Urban Areas [Group Dwellings, Residential Flat Buildings and Battle-Axe Development]: All Interface Between Land Uses [General Land Use Compatibility]: PO 1.1 Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2 Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.3, 4.4, 4.5 Site Contamination: PO 1.1		
Hotel	All	Clearance from Overhead Powerlines: PO 1.1	City Frame: All	Airport Building Heights (Regulated): All Design Overlay: All

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Non Residential Development]: All</p> <p>Interface Between Land Uses [General Land Use Compatibility]: PO 1.2</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2, 4.3, 4.5, 4.6</p>		<p>Local Heritage Place: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		Interface Between Lands Uses [Air Quality]: PO 5.2 Interface Between Land Uses [Light Spill]: PO 6.1, 6.2 Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1 Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1 Transport, Access and Parking [Movement Systems]: All Transport, Access and Parking [Sightlines]: All		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		Transport, Access and Parking [Vehicle Access]: All Transport, Access and Parking [Access to People with Disabilities]: All Transport, Access and Parking [Vehicle Parking Rates]: All Transport, Access and Parking [Vehicle Parking Areas]: All Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All Transport, Access and Parking [Bicycle Parking in Designated Areas]: All		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Licensed Entertainment Premises	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Non Residential Development]: All</p> <p>Interface Between Land Uses [General Land Use Compatibility]: PO 1.2</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p>	City Frame: All	<p>Airport Building Heights (Regulated): All</p> <p>Design Overlay: All</p> <p>Local Heritage Place: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2, 4.5, 4.6</p> <p>Interface Between Lands Uses [Air Quality]: PO 5.2</p> <p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1</p> <p>Transport, Access and Parking [Movement Systems]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		Transport, Access and Parking [Sightlines]: All Transport, Access and Parking [Vehicle Access]: All Transport, Access and Parking [Access to People with Disabilities]: All Transport, Access and Parking [Vehicle Parking Rates]: All Transport, Access and Parking [Vehicle Parking Areas]: All Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		Transport, Access and Parking [Bicycle Parking in Designated Areas]: All		
Licensed Premises	All	Clearance from Overhead Powerlines: PO 1.1 Design in Urban Areas [All Development]: All Design in Urban Areas [All Development – 4 or More Building Levels]: All Design in Urban Areas [All Non Residential Development]: All Interface Between Land Uses [General Land Use Compatibility]: PO 1.2 Interface Between Land Uses [Hours of Operation]: PO 2.1	City Frame: All	Airport Building Heights (Regulated): All Design Overlay: All Local Heritage Place: All State Heritage Place: All Traffic Generating Development: All

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2, 4.5, 4.6</p> <p>Interface Between Lands Uses [Air Quality]: PO 5.2</p> <p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		Transport, Access and Parking [Movement Systems]: All Transport, Access and Parking [Sightlines]: All Transport, Access and Parking [Vehicle Access]: All Transport, Access and Parking [Access to People with Disabilities]: All Transport, Access and Parking [Vehicle Parking Rates]: All Transport, Access and Parking [Vehicle Parking Areas]: All Transport, Access and Parking [Undercroft and Below Ground		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		Garaging and Parking of Vehicles]: All Transport, Access and Parking [Bicycle Parking in Designated Areas]: All		
Office	All	Clearance from Overhead Powerlines: PO 1.1 Design in Urban Areas [All Development]: All Design in Urban Areas [All Development – 4 or More Building Levels]: All Design in Urban Areas [All Non Residential Development]: All	City Frame: All	Airport Building Heights (Regulated): All Design Overlay: All Local Heritage Place: All State Heritage Place: All Traffic Generating Development: All

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2, 4.3</p> <p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		Transport, Access and Parking [Movement Systems]: All Transport, Access and Parking [Sightlines]: All Transport, Access and Parking [Vehicle Access]: All Transport, Access and Parking [Access to People with Disabilities]: All Transport, Access and Parking [Vehicle Parking Rates]: All Transport, Access and Parking [Vehicle Parking Areas]: All Transport, Access and Parking [Undercroft and Below Ground		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		Garaging and Parking of Vehicles]: All Transport, Access and Parking [Bicycle Parking in Designated Areas]: All		
Residential Flat Building	All	Clearance from Overhead Powerlines: PO 1.1 Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.2 Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2 Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.2, 3.3, 3.4, 3.5, 3.6	City Frame: All	Affordable Housing: All Airport Building Heights (Regulated): All Design Overlay: All Local Heritage Place: All Noise and Air Emissions: All State Heritage Place: All Traffic Generating Development: All

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Residential Development]: All</p> <p>Design in Urban Areas [Residential Development – 3 Building Levels or Less]: All</p> <p>Design in Urban Areas [Residential Development – 4 Or More Building Levels (Including Serviced Apartments)]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Design in Urban Areas [Group Dwellings, Residential Flat Buildings and Battle-Axe Development]: All</p> <p>Interface Between Land Uses [General Land Use Compatibility]: PO 1.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.3, 4.4</p> <p>Site Contamination: PO 1.1</p>		
Restaurant	All	<p>Clearance from Overhead Powerlines: PO 1.1</p>	City Frame: All	<p>Airport Building Heights (Regulated): All</p> <p>Design Overlay: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Non Residential Development]: All</p> <p>Interface Between Land Uses [General Land Use Compatibility]: PO 1.2</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2, 4.5</p>		<p>Local Heritage Place: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Interface Between Lands Uses [Air Quality]: PO 5.2</p> <p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1</p> <p>Transport, Access and Parking [Movement Systems]: All</p> <p>Transport, Access and Parking [Sightlines]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Transport, Access and Parking [Vehicle Access]: All</p> <p>Transport, Access and Parking [Access to People with Disabilities]: All</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: All</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: All</p> <p>Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All</p> <p>Transport, Access and Parking [Bicycle Parking in Designated Areas]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Shop	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Non Residential Development]: All</p> <p>Interface Between Land Uses [General Land Use Compatibility]: PO 1.2</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3</p>	City Frame: All	<p>Airport Building Heights (Regulated): All</p> <p>Design Overlay: All</p> <p>Local Heritage Place: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2</p> <p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1</p> <p>Transport, Access and Parking [Movement Systems]: All</p> <p>Transport, Access and Parking [Sightlines]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		Transport, Access and Parking [Vehicle Access]: All Transport, Access and Parking [Access to People with Disabilities]: All Transport, Access and Parking [Vehicle Parking Rates]: All Transport, Access and Parking [Vehicle Parking Areas]: All Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All Transport, Access and Parking [Bicycle Parking in Designated Areas]: All		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Student Accommodation	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.2</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2</p> <p>Transport, Access and Parking [Movement Systems]: PO 1.1</p> <p>Transport, Access and Parking [Sightlines]: All</p> <p>Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, 3.9</p>	City Frame: All	<p>Affordable Housing: All</p> <p>Airport Building Heights (Regulated): All</p> <p>Design Overlay: All</p> <p>Local Heritage Place: All</p> <p>Noise and Air Emissions: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Transport, Access and Parking [Access for People with Disabilities]: All</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: All</p> <p>Transport, Access and parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All</p> <p>Transport, Access and Parking [Bicycle Parking]: PO 9.1, 9.2</p> <p>Design in Urban Areas [All Development]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Residential Development]: All</p> <p>Design in Urban Areas [Residential Development – 3 Building Levels or Less]: All</p> <p>Design in Urban Areas [All Residential Development – 4 Or More Building Levels (Including Serviced Apartments)]: All</p> <p>Design in Urban Areas [Group Dwellings, Residential Flat Buildings and Battle-Axe Development]: All</p> <p>Design in Urban Areas [Student Accommodation]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		Interface Between Land Uses [General Land Use Compatibility]: PO 1.1 Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2, 3.3 Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2, 4.3, 4.4 Interface Between Land Uses [Air Quality]: PO 5.2 Interface Between Land Uses [Light Spill]: All Site Contamination: PO 1.1		
Tree damaging activity	None	None	None	Regulated Trees: All
All other Code Assessed Development	All	All	City Frame: All	Any Relevant Overlay: All

Table 4 –Restricted Development Classification

Class of Development The following Classes of Development are classified as Restricted subject to any 'Exclusions'	Exclusions
Multi-Level Carpark in Core Pedestrian Area	
Industry	Light Industry

Assessment Provisions

Desired Outcome (DO)

DO 1

A Zone that is the economic and cultural focus of the State, and includes a range of residential, employment, community, educational, innovation, recreational, tourism and entertainment facilities. It is anticipated that additional opportunities for population and employment growth will be created.

DO 2

High intensity and large scaled development with high street walls that reinforce the distinctive grid pattern layout of the City with active non-residential ground level uses to positively contribute to public safety, inclusivity and vibrancy. [Design quality of buildings and public spaces is a priority in this zone.](#)

DO 3

[Buildings and public spaces of quality design that respond to site context and broader streetscape.](#)

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Land Use

PO 1.1

A [vibrant](#) mix of residential, retail, community, civic and cultural, health, educational, recreational, tourism and entertainment facilities [that will increase the city's vibrancy.](#)

DTS/DPF 1.1

The following types of development, or combinations thereof, are envisaged:

- (a) Apartments
- (b) Child Care Centre
- (c) Consulting Room
- (d) Dwelling

- (e) Educational Establishment
- (f) Hospital
- (g) Hotel
- (h) Licensed Entertainment Premises
- (i) Licensed Premises
- (j) Library
- (k) Office
- (l) Supported Accommodation
- (m) Residential Flat Building
- (n) Restaurant
- (o) Shop
- (p) Student Accommodation
- (q) Tourist Accommodation

PO 1.2

Development that reinforces King William Street as the commercial spine of the City.

DTS/DPF X

None are applicable.

PO X

Development along Pulteney Street and Morphett Street that includes mixed use commercial land uses.

DTS/DPF X

None are applicable.

Activation

PO 2.1

Non-residential land uses at ground floor level such as shops and restaurants that support and maximise pedestrian activity to provide visual interest and positively contribute to public safety, walkability and vibrancy by achieving all of the following:

- (a) building articulation and fenestration;
- (b) frequent window openings;
- (c) land uses that spill out onto the footpath;
- (d) verandahs, balconies awnings and other features that provide weather protection.

None are applicable.

PO 2.2

Land uses typically closed during the day, such as licensed premises and licensed entertainment premises, that support ancillary uses suited to daytime and evening activation at street-level and compatible with surrounding land uses, in particular residential development.

DTS/DPF 2.2

None are applicable.

PO X

Ground and first floor level car parking elements to be sleeved by residential or non-residential land uses (such as shops, offices and consulting rooms) to ensure an activated street frontage.

DTS/DPF X

None are applicable.

PO X

Temporary use of vacant or underdeveloped land for up to 24 months that is not likely to be the subject of long-term development in the short term are to be landscaped, screened and/or treated so that negative impacts to the public realm are minimised.

DTS/DPF X

None are applicable.

Built form and Character

PO 3.1

A contextual design response that manages differences in scale and building proportions to maintain a cohesive streetscape and frame city streets.

DTS/DPF 3.1

None are applicable

PO X

Buildings designed to have a strong horizontal emphasis with clearly defined and segmented vertical elements. At street level, the use of solid materials will be appropriately balanced with glazed areas to provide visual interest and activity.

DTS/DPF X

None are applicable

PO X

Buildings designed to ensure tall façades are well articulated with finer details that contribute positively to the public realm, including modelled façades, canopies, fenestration and balconies.

DTS/DPF X

None are applicable

PO 3.2

Buildings designed to reinforce the prevailing datum heights and parapet levels of the street through design elements that provide a clear distinction between levels above and below the prevailing datum line.

DTS/DPF 3.2

Except where the site is located within the area identified on **Concept Plan ##** (land within Dev Plan Policy Area 13), buildings be designed to include a podium/street wall height and upper level setback (in the order of 3-6 metres) that:

- (a) relates to the scale and context of adjoining built form;
- (b) provides a human scale at street level;
- (c) creates a well-defined and continuity of frontage;
- (d) gives emphasis and definition to street corners to clearly define the street grid;
- (e) contributes to the interest, vitality and security of the pedestrian environment;
- (f) maintains a sense of openness to the sky for pedestrians and brings daylight to the street; and
- (g) achieves pedestrian comfort by minimising micro climatic impacts (particularly shade/shelter, wind tunnelling and downward drafts).

PO X

Buildings aligned and built to the street frontage, except where a setback is required to provide a contextual response to a heritage place.

DTS/DPF X

None are applicable.

PO X

Strongly modelled building façades that incorporate a vertical composition that reflect the proportions of existing frontages and ensure that architectural detailing is consistent around corners and along minor streets and laneways.

DTS/DPF X

None are applicable.

PO X

Development incorporating art that is accessible to the public and contextually relevant.

DTS/DPF X

None are applicable.

PO X

Development that reinforces North Terrace as an important pedestrian promenade and cultural boulevard.

DTS/DPF X

None are applicable.

PO X

Development on key corner sites at the entrances to the City grid and Squares will create landmark buildings that provide a strong built form edge and pedestrian scale detailing to both street frontages.

DTS/DPF X

None are applicable.

PO X

Innovative and interesting skylines that contribute to the overall design quality, identity and performance of the building.

DTS/DPF X

Incorporate an architectural roof feature within the design of the building by:

- (a) creating a feature that forms part of its overall architectural form and composition;
- (b) ensuring visual compatibility with nearby towers and other structures whilst maintaining architectural distinction;
- (c) providing sky line features capable of being viewed over great distances;
- (d) including modelled parapets and compatibility of podia height at street alignment;
- (e) integrating plant and fixtures within the roof top design; and/or
- (f) incorporating roof top gardens and terraces.

PO 3.3

Development along The Terraces (North, East, South and West) designed to positively contribute to a continuous built form to frame the Park Lands and city edge.

DTS/DPF 3.3

None are applicable.

PO 3.4

Development along the City's boulevards (as identified in Capital City Zone Table 5.1) designed to provide a visible sense of arrival into the City with buildings built to the street boundary at ground level and strongly define junctions where located on a corner site.

DTS/DPF 3.4

None are applicable.

PO 3.5

Development along the City's boulevards (as identified in Capital City Zone Table 5.1) designed to maximise views to the Park Lands and civic landmarks and not clutter existing view corridors to the Adelaide Hills as when viewed from the public realm.

DTS/DPF 3.5

None are applicable.

PO 3.6

Development fronting Victoria, Hindmarsh, Whitmore, Hurtle and Light Squares designed to provide a comfortable pedestrian and recreation environment by enabling direct sunlight to a majority of the square.

DTS/DPF 3.6

Development enables direct sunlight to a minimum of 75% of the landscaped part of each Square at the September equinox.

PO 3.7

Development fronting Victoria, Hindmarsh, Whitmore, Hurtle and Light Squares designed to reinforce the enclosure of the Squares with a continuous built-form with no upper level setbacks.

DTS/DPF 3.7

None are applicable.

PO 3.8

Provision of outdoor eating and drinking facilities associated with cafes and restaurants fronting Victoria, Hindmarsh, Whitmore, Hurtle and Light Squares to positively contribute to activity, and create a focus for leisure, in the squares.

DTS/DPF 3.8

None are applicable.

PO 3.9

Development along minor streets and laneways that is informed by its local context and designed to provide a sense of enclosure, and enable fine-grain uses at street-level to create an intimate, active, inclusive and walkable public realm.

DTS/DPF 3.9

None are applicable.

PO 3.10

Buildings north of the City Main Street Zone designed to enable natural sunlight access to the southern footpath of the Main Street.

DTS/DPF 3.10

Buildings north of the City Main Street Zone incorporate narrow and setback tower elements and provide spaces between buildings.

PO X

Buildings set back at higher levels above the street wall to provide views to the sky and create a comfortable pedestrian environment within important pedestrian areas.

DTS/DPF X

None are applicable.

PO X

Development that maintains the existing built-form pattern and structure of streets and laneways.

DTS/DPF X

None are applicable.

PO X

Development to provide and maintain pedestrian shelter, access and through-site links in accordance with the walking routes identified within Map Adel/1 (Overlays 2, 2A and 3). Such facilities to be appropriately designed and detailed to enhance the pedestrian environment, have regard to the mobility needs of people with disabilities, and be safe, suitable and accessible.

DTS/DPF X

None are applicable.

PO X

Corner buildings adjacent to street intersections and buildings along a high concentration public transport route or along public transport pedestrian routes identified within Map Adel/1 (Overlay 4) designed to provide weather protection for pedestrians in the form of verandahs, awnings or canopies. Where verandahs or awnings block street lighting, additional lighting beneath the canopy is to be incorporated.

DTS/DPF X

None are applicable.

Building Height

PO 4.1

Development not exceeding the maximum building height desired for the location unless, notwithstanding its height, it positively responds to the local context that forms the desired future character of the locality, achieves the desired outcomes of the Zone and the anticipated city form expressed in the *Maximum Building Height Levels Technical and Numeric Variation Overlay* and the *Maximum Building Height Metres Technical and Numeric Variation Overlay*.

DTS/DPF 4.1

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

PO 4.2

Development within the maximum building height specified in the *Building Height Technical and Numeric Variation Overlay* unless it includes additional

design quality, environmental or sustainability features.

DTS/DPF 4.2

Development not exceeding the maximum building height specified in *in Maximum Building Height Levels Technical and Numeric Variation Overlay* unless it has regard to the context that forms the positive character of the locality and is sympathetic to the character of the Zone and the anticipated city form expressed:

- (a) incorporates the retention, conservation and reuse of a building which is a listed heritage place or an existing built form and context that positively contributes to the character of the local area;
- (b) includes more than 15% of dwellings as affordable housing; or
- (c) includes at least:
 - (i) three of the following:
 - A. the development provides an orderly transition up to an existing taller building or prescribed maximum height on the *Maximum Building Height Levels Technical and Numeric Variation Overlay*, the *Maximum Building Height Metres Technical and Numeric Variation Overlay*;
 - B. high quality open space that is universally accessible and is directly connected to, and well integrated with, public realm areas of the street;
 - C. high quality, safe and secure, universally accessible pedestrian linkages that connect through the development site;
 - D. no on site car parking is provided;
 - E. active uses are located on at least 75% of the public street frontages of the building, with any above ground car parking located behind;
 - F. a range of dwelling types that includes at least 10% of 3+ bedroom apartments;
 - G. the building is adjacent to the Park Lands;
 - H. the impact on adjacent properties is no greater than a building of the maximum height on the *Maximum Building Height Levels Technical and Numeric Variation Overlay*, the *Maximum Building Height Metres Technical and Numeric Variation Overlay* in relation to sunlight access and overlooking; and
 - (ii) three of the following sustainable design measures are provided:
 - A. a communal useable garden integrated with the design of the building that covers the majority of a rooftop area supported by services that ensure ongoing maintenance;
 - B. living landscaped vertical surfaces of at least 50m² supported by services that ensure ongoing maintenance;
 - C. passive heating and cooling design elements including solar shading integrated into the building;
 - D. higher amenity through provision of private open space in excess of minimum requirements by 25% for at least 50% of dwellings;
 - E. solar photovoltaic cells on the majority of the available roof area, supported by services that ensure ongoing maintenance.

PO 4.3

Buildings designed to achieve optimal height and floor space yields.

DTS/DPF 4.3

New development has a minimum building height of:

- (a) not less than half of the maximum building height specified in DTS/DPF 5.1;
- (b) 8 building levels (with a minimum of 28m) in the **Central Business Area Sub-Zone (INSERT INTO TNV)**; or
- (c) 3 building levels (with a minimum of 11.5m), or 4 building levels (with a minimum of 15m) on sites fronting South Terrace, in the City Frame Sub-Zone;
- (d) other than where:
- (e) a lower building height is necessary to achieve compliance with the Commonwealth Airports (Protection of Airspace) Regulations;
- (f) the site of the development adjoins the City Living Zone and a lesser building height is required to positively manage the interface with low-rise residential development;
- (g) the site of the development adjoins a heritage place, or contains a heritage place; or
- (h) the development includes the construction of a building in the same, or substantially the same, position as a building which was demolished, as a result of significant damage caused by an event within the previous three years where the new building has the same, or substantially the same, layout and external appearance as the previous building.

Interface

PO 5.1

Development designed to manage the interface with the City Living Zone and the ~~Adelaide Historic (Conservation) Zone~~ in relation to building height, overshadowing, massing, building proportions, traffic impact, overlooking and by avoiding land uses, or intensity of land uses, that adversely affect residential amenity.

DTS/DPF 5.1

Building height does not exceed a maximum height specified in the *Building Height Technical and Numeric Variations Overlay*.

PO 5.2

Parts of a development that exceed the maximum building height specified in DTS/DPF 5.1 and that adjoin the City Living Zone boundaries carefully designed to minimise negative visual and amenity impacts to residential living areas and outdoor open space.

DTS/DPF 5.2

Parts of a building above the maximum building height specified in DTS/DPF 5.1 include additional setbacks, avoid tall sheer walls, centrally locate taller elements, provide variation of light and shadow through articulation and create visual interest.

PO X

Development adjacent to land in the City Living Zone designed to minimise overshadowing on sensitive uses.

DTS/DPF X

Development adjacent to land in the City Living Zone designed to minimise overshadowing on sensitive uses by ensuring:

- (a) north-facing windows to habitable rooms of existing dwellings in the City Living Zone receive at least 3 hours of direct sunlight over a portion of their

surface between 9.00am and 3.00pm on 21 June;

- (b) ground level open space of existing residential buildings in the City Living Zone receive direct sunlight for a minimum of 2 hours between 9.00am and 3.00pm on 21 June to at least the smaller of the following:
 - (i) half of the existing ground level open space; or
 - (ii) 35m² of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres).

Demolition

PO X

Building demolition is to be refrained unless Development Approval for a replacement development has been granted. Demolition may only be granted for documented reasons of public health or safety agreed by the planning authority or alternatively agreed by a statutory order. If replacement development has not commenced within 12 months of the granting of Development Approval, landscaping of the site is to be undertaken.

DTS/DPF X

None are applicable

Access and Movement

PO 6.1

Access to, and movement within, the Capital City Zone to be universally accessible, easy, safe, comfortable, convenient and legible for people of all abilities, with priority given to pedestrians, and cyclists and public transport.

DTS/DPF 6.1

None are applicable.

PO X

Pedestrian movement based on a network of pedestrian malls, arcades and lanes, linking the surrounding Zones and giving a variety of north-south and east-west links.

DTS/DPF X

None are applicable.

Access

PO X

The finished ground floor level of buildings designed to be at grade and/or level with the footpath to provide direct universal pedestrian access and street level activation.

DTS/DPF X

None are applicable.

PO X

Development that contributes to the quality of the public realm as a safe, secure and accessible environment for pedestrian movement. Development designed and detailed to enhance the pedestrian environment for safe and universal access.

DTS/DPF X

None are applicable.

PO X

Development **Core, Primary and Secondary Pedestrian Areas identified within Map Adel/1 (Overlays 2, 2A and 3)**, designed to maintain and enhance continuous footpaths to ensure:

- (a) ensure pedestrian flow is free and uninterrupted; and
- (b) maintain and enhance the pedestrian permeability in areas **identified in Map Adelaide XXX.**

DTS/DPF X

Development designed to reflect the significance of the paths and increase the permeability of the pedestrian network identified within Map Adel/1 (Overlay 2) **NEED OVERLAY MAP and/or Concept Plan** by ensuring:

- (a) pedestrians are not disrupted or inconvenienced by badly designed or located vehicle access ramps in footpaths or streets; and
- (b) vehicle and service entry points are kept to a minimum to avoid adverse impact on pedestrian amenity.

PO X

Development to provide weather protection for pedestrians in the form of verandahs, awnings or canopies with adequate lighting to support pedestrian safety and movement.

DTS/DPF X

Clearance should be aligned to adjoining buildings and above the existing footpath level for a minimum of:

- (a) 3m above the existing footpath level for verandahs, awnings or canopies;
- (b) 2.5m for advertisements; and
- (c) 2.3 m for temporary structures, retractable canopies.

PO 7.1

Vehicular access points associated with multi-level and/or non-ancillary car parks located **outside areas identified outside the Core Pedestrian Area (insert map to reflect Overlay2A)**, designed to minimise disruption to pedestrians, cyclists, public transport and traffic flow.

DTS/DPF 7.1

None are applicable.

PO X

~~On are located on a secondary road frontage, maintains pedestrian amenity or utilise an existing crossover.~~

PO 7.2

Vehicular access points ~~associated with multi-level and/or non-ancillary car parks within the Core and Primary Pedestrian Areas identified in Map Adel/1 (Overlay 2A) located to minimise~~ ~~minimise interruption to street frontages and conflict with public transport, pedestrian and cyclist movement and/or activity on any major pedestrian thoroughfare.~~

~~Locate vehicular access points associated with multi-level and/or non-ancillary car parks away from primary street frontages.~~

PO X

The number of access points on primary city access roads identified in **Map Adel/1 (Overlay 1)** to be limited to minimise traffic and pedestrian inconvenience, interference with public transport facilities and adverse effects on the environment.

DTS/DPF X

None are applicable.

DTS/DPF 7.2

Vehicle access points are not envisaged in the following locations:

- (a) Core and Primary Pedestrian Area **(insert map)**
- (b) on any of the frontages to North Terrace, East Terrace, King William Street, Rundle Street, Hindley Street, Currie Street, Waymouth Street (to the east of Light Square), Victoria Square, Pirie Street (to the west of Pulteney), Light Square, Hindmarsh Square or Grenfell Street or Gawler Place;
- (c) where they conflict with existing or projected pedestrian movement and/or activity;
- (d) where they would cause undue disruption to traffic flow; and
- (e) where it involves creating new crossovers in North Terrace, Rundle Street, Hindley Street, Currie Street and Waymouth Street (east of Light Square), Grenfell Street and Pirie Street (west of Pulteney Street), Victoria Square, Light Square, Hindmarsh Square, Gawler Place and King William Street or access across primary City access and secondary City access roads identified in **Map Adel/1 (Overlay 1). NEED OVERLAY MAP and/or Concept Plan.**

~~DTS/DPF 7.2~~

~~Vehicular access points associated with multi-level and/or non-ancillary car parks not located on any of the frontages to North Terrace, East Terrace, King William Street, Rundle Street, Hindley Street, Currie Street, Waymouth Street (to the east of Light Square), Victoria Square, Pirie Street (to the west of Pulteney), Light Square, Hindmarsh Square or Grenfell Street or Gawler Place.~~

PO X

Development designed to provide and maintain pedestrian shelter, access and through-site links in accordance with the walking routes identified within **Map Adel/1 (Overlays 2, 2A and 3)**. Such facilities are to be appropriately designed and detailed to enhance the pedestrian environment, have regard to the mobility needs of people with disabilities, and be safe, suitable and accessible.

DTS/DPF X

None are applicable.

PO X

Off-street parking in the Core Pedestrian Area identified in Map Adel/1 (Overlay 2A) will only be appropriate where:

- (a) parking is ancillary to another activity carried out on the land;
- (b) it can be provided without loss of pedestrian amenity; and
- (c) it is not separately created on a strata title or community title basis (unless in association with another title held on the site).

DTS/DPF X

None are applicable.

PO X

Multi-level car parks or non-ancillary car parking use of an existing building to only be established where it can be demonstrated that there is a need that is not adequately satisfied by other parking facilities in the locality.

DTS/DPF X

None are applicable.

PO X

Multi-level car parks and short stay public use of ancillary car parking spaces are discouraged at ground floor street frontages in the **Primary Pedestrian Area identified in Map Adel/1 (Overlays 2, 2A and 3)**. Multi-level car parks, short stay public use of ancillary car parking spaces or non-ancillary car parking use of an existing building may be appropriate where it:

- (a) is located away from ground floor street frontages to major streets;
- (b) ensures vehicle access is from the road with less pedestrian activity in instances where a site has access to more than one road frontage;
- (c) has no more than one entry lane and one exit lane;
- (d) has a controlled exit at the property boundary to stop vehicles before travelling across the footpath;
- (e) has no more than one left in and one left out access point;
- (f) avoids access points along high concentration public transport routes identified in Map Adel/1 (Overlay 4); and
- (g) with respect to ancillary parking, is provided at basement level, or undercroft if located behind other uses which provide activity on the street frontage.

In areas outside the Core and Primary Pedestrian Areas identified in Map Adel/1 (Overlays 2, 2A and 3), car parking may be provided to serve a development within the site of the development or elsewhere. Where car parking is provided, it should be:

- (a) provided with vehicle access points that do not cross major walking routes identified in Map Adel/1 (Overlay 2); and
- (b) located away from frontages to major streets wherever possible.

DTS/DPF X

None are applicable.

PO X

Multi-level car parks or non-ancillary car parking use of an existing building should only be established where it can be demonstrated that there is a need which is not adequately satisfied by other parking facilities and public transport services in the locality.

DTS/DPF X

None are applicable.

PO X

Where vehicular access to a development is gained by an existing crossing in the Core Pedestrian Area identified in Map Adel/1 (Overlay 2A), there should be no increase in the number of parking spaces served by the crossing, nor any increase in the number of existing crossings serving that development.

DTS/DPF X

None are applicable.

PO X

Buildings located along primary and secondary access roads sited to avoid the need for vehicles to reverse on to the road (unless the dimensions of the site make this impractical).

DTS/DPF X

None are applicable.

PO Development should have regard to the bicycle routes identified within Map Adel/1 (Overlay 3) by:

- (a) limiting vehicular access points; and
- (b) ensuring that vehicles can enter and leave the site in a forward direction, thereby avoiding reverse manoeuvres.

Advertisements

PO 8.1

Advertisements use simple graphics and be restrained in their size, design and colour.

DTS/DPF 8.1

In Chesser Street, French Street and Coromandel Place advertisements not located more than 3.7m above natural ground level or an abutting footpath or street.

Table 5.1 - City Boulevards

West Terrace, North Terrace, East Terrace, South Terrace, Currie Street, Grenfell Street, Franklin Street, Flinders Street, Grote Street, Wakefield Street, Morphett Street, King William Street and Pulteney Street.

Procedural Matters (PM)

Notification

- (a) development identified as “all other code assessed development” in Capital City Zone Table 3
- (b) development that exceeds the maximum building height specified in DTS/DPF 5.1 where the site of the development is adjacent land to land in a different zone except the City Park Lands Zone.

All classes of performance assessed development are excluded from notification except where they involve any of the following:

City Frame Sub-Zone

Assessment Provisions (AP)

Desired Outcomes (DO)

DO 1

A Sub-Zone primarily containing medium to high scale residential development supported by a mix of shops, personal services, restaurants and community and hospitality uses, to create an active and visually continuous edge to the Park Lands and Squares. [\(and buildings to overlook or be oriented towards the Park Lands and Squares and pedestrian and cycle routes\)](#)

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Land Use

PO 1.1

Medium to high scale residential development supported by a mix of shops, personal services, restaurants and community and hospitality uses [at ground level](#).

DTS/DPF 1.1

Development:

- (a) wholly medium to high scale residential types of development, supported accommodation or tourist accommodation; or
(b) medium to high scale residential development types of development with ground level non-residential land uses which comprise:

- Consulting room
- Hotel
- Indoor recreation facility
- Licensed entertainment premises
- Office
- Pre-school
- Personal or domestic services establishment
- Restaurant
- Shop or group of shops

PO 1.2

Additions to existing wholly non-residential development may occur [in limited numbers](#) where it is located and/or designed in a manner that does not unreasonably impact negatively upon adjacent residential land uses.

DTS/DPF 1.2

None are applicable.

PO 1.3

Small scale licensed entertainment premises, nightclubs or bars designed and sited to maintain day and evening activation at street level and where they do not unreasonably negatively impact dwellings contained within the same building or adjacent residential development.

DTS/DPF 1.3

None are applicable.

Design and Appearance

PO 2.1

Development to encourage a uniform streetscape established through a largely consistent front setback. Landscaping and small variations in front setback may occur where they will assist in softening the continuous edge of new built form, reinforce the sense of address and provide a higher amenity streetscape and pedestrian environment which is shaded by street trees and other mature vegetation.

DTS/DPF 2.1

None are applicable.

PO 2.2

Buildings create visual interest and active street frontages to maximise passive surveillance of the streets, squares and / or **Adelaide Park Lands**.

DTS/DPF 2.2

The ground floor primary frontage of buildings provide at least 70% of the street frontage as visually permeable, transparent or clear glazed.

Missing Policy:

- The ground floor of buildings contain a minimum floor to ceiling height of 3.5 metres
- Development on land abutting the City Living Zone avoid tall, sheer walls at the interface by ensuring walls greater than 3 metres in height are set back at least 2 metres from the rear allotment boundary with further articulation at the upper levels
- Catalyst site policies (although the zone policies have absorbed the catalyst site policies)

Note

This document contains City of Adelaide edited version of the Planning and Design Code (Phase 3) released for consultation on 1 October 2019.

Blue text highlights the edits Council has made to the policy.

The changes made are based on the Development Plan Code Analysis for the Park Lands Zone and associated policy areas. This document tracked the location of current Dev Plan policy, identified what is missing, what errors have been made and provides a response and recommendations in regard to the direction of future Code policy.

City Adelaide Park Lands Zone

Table 1 – Accepted Development Classification

Class of Development The following Classes of Development are classified as Accepted Development subject to meeting the 'Accepted Development Classification Criteria'	Accepted Development Classification Criteria
Internal building work Except where any of the following apply: <ul style="list-style-type: none"> • A Local Heritage Place identified in the Local Heritage Place Overlay • A State Heritage Place identified in the State Heritage Place Overlay 	7 There will be no increase in the total floor area of the building 8 There will be no alteration to the external appearance of the building.
Shade sail Except where any of the following apply: <ul style="list-style-type: none"> • Local Heritage Place Overlay • State Heritage Place Overlay • Sloping Land Overlay 	22 The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system 23 Shade sail consists of permeable material 24 The total area of the sail - does not exceed 40m ² 25 No part of the shade sail will be: <ul style="list-style-type: none"> (a) 3m above ground or floor level (depending on where it is situated) at any place within 900mm of a boundary of the allotment (b) 5m above ground or floor level (depending on where it is situated) within any other part of the allotment 26 Primary street setback — at least as far back as the building line of the building to which it is ancillary 27 If any part of the sail will be situated on a boundary of the allotment, the length of sail along a boundary does not exceed 8m 28 In a case where any part of the sail or a supporting structure will be situated on a side boundary of the allotment — the length of the sail and any such supporting structure together with all relevant walls or structures located along the boundary will not exceed 45% of the length of the boundary.

<p>Solar photovoltaic panels (roof mounted)</p> <p>Except where any of the following apply:</p> <ul style="list-style-type: none">• A Local Heritage Place identified in the Local Heritage Place Overlay	<p>16 Panels are installed parallel to the roof of a building and with the underside surface of the panel not being more than 100mm above the surface of the roof</p> <p>17 Panels and associated components do not overhang any part of the roof</p>
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Working Draft

<ul style="list-style-type: none"> A State Heritage Place identified in the State Heritage Place Overlay 	18 Does not apply to system with a generating capacity of more than 5MW that is to be connected to the State's power system.
<p>Water tank (underground)</p> <p>Except where any of the following apply:</p> <ul style="list-style-type: none"> Sloping Land Overlay 	<p>7 The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system</p> <p>8 The tank (including any associated pump) is located wholly below the level of the ground.</p>

Table 2 – Deemed-to-Satisfy Development Classification

<p>Class of Development</p> <p>The following Classes of Development are classified as Deemed-to-Satisfy Development subject to meeting the 'Deemed-to-Satisfy Development Classification Criteria'</p>	<p>Deemed-to-Satisfy Development Classification Criteria</p> <p>Provisions referred to are Deemed-to-Satisfy Criteria</p> <p>Where a development comprises more than one Class of Development the relevant criteria will be taken to be the sum of the criteria for each Class of Development.</p>			
	<p>Zone</p>	<p>General Development Policies</p>	<p>Subzone</p> <p>(applies only in the area affected by the Subzone)</p>	<p>Overlay</p> <p>(applies only in the area affected by the Overlay)</p>
<p>Temporary advertisements</p> <p>Except where any of the following apply:</p> <ul style="list-style-type: none"> Hazards (Flooding) Local Heritage Place State Heritage Place 	<p>[Advertisements]: 4.2</p>	<p>None</p>	<p>None</p>	<p>None</p>
<p>Temporary public service depots associated with public infrastructure, Park Lands management and construction activities</p>	<p>DTS 1.4</p>	<p>None</p>	<p>None</p>	<p>None</p>

Class of Development The following Classes of Development are classified as Deemed-to-Satisfy Development subject to meeting the 'Deemed-to-Satisfy Development Classification Criteria'	Deemed-to-Satisfy Development Classification Criteria Provisions referred to are Deemed-to-Satisfy Criteria Where a development comprises more than one Class of Development the relevant criteria will be taken to be the sum of the criteria for each Class of Development.			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Except where any of the following apply: <ul style="list-style-type: none"> • Hazards (Flooding) • Local Heritage Place • Major Urban Transport Routes • Sloping Land • State Heritage Place • Traffic Generating Development • Urban Transport Routes 				

Table 3 - Applicable Policies for Performance Assessed Development

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Demolition of a State or Local Heritage Place	None	None	None	Local Heritage Place: All State Heritage Place: All
Restaurant	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Design in Urban Areas [External Appearance]: PO 1.4</p> <p>Design in Urban Areas [Car Parking Appearance]: PO 6.1, 6.4, 6.5</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1, PO 6.1, PO 6.2</p> <p>-</p> <p>Transport, Access and Parking [Movement Systems]: PO 1.4</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater</p>	<p>Adelaide Oval: All</p> <p>Eastern Parklands: All</p> <p>None</p>	<p>Future Road Widening: All</p> <p>Hazards (Flooding): All</p> <p>Key Railway Crossings: All</p> <p>Local Heritage Place: All</p> <p>Major Urban Transport Routes: All</p> <p>Sloping Land: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating</p> <p>Development: All</p> <p>Urban Transport Routes: All</p>

		Services]: PO 12.1, 12.2		
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Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.5, 3.6</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: PO 6.1, 6.6</p>		
Shop	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Design in Urban Areas [External Appearance]: PO 1.4</p> <p>Design in Urban Areas [Car Parking Appearance]: PO 6.1, 6.4, 6.5</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p> <p>Transport, Access and Parking [Movement Systems]: PO 1.4</p>	<p>Adelaide Oval: All</p> <p>Eastern Parklands: All</p>	<p>Future Road Widening: All</p> <p>Hazards (Flooding): All</p> <p>Key Railway Crossings: All</p> <p>Local Heritage Place: All</p> <p>Major Urban Transport Routes: All</p> <p>Sloping Land: All</p> <p>State Heritage Place: All</p> <p>Traffic Generating Development: All</p> <p>Urban Transport Routes: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2</p> <p>Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.5, 3.6, 4.1, –</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1 (Add point in relation access walking as predominant mode of transport, and add point in relation to public transport)</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: PO 6.1, 6.2, 6.4, 6.6</p>		

<p>Temporary public service depots associated with public infrastructure, Park Lands management and construction activities</p>	<p>PO 1.4</p>	<p>None</p>	<p>None</p>	<p>Future Road Widening: All Hazards (Flooding): All Key Railway Crossings: All Local Heritage Place: All Major Urban Transport Routes: All Sloping Land: All State Heritage Place: All</p>
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Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
				Traffic Generating Development: All Urban Transport Routes: All
Tree damaging activity	None	None	None	Regulated Tees: All
All other Code Assessed Development	All	All	Adelaide Oval: All Eastern Parklands: All	Any Relevant Overlay: All

Table 4 – Restricted Development Classification

Class of Development	Exclusions
The following Classes of Development are classified as Restricted subject to any 'Exclusions'	
Educational Establishment	
Hotel	

Public infrastructure	
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Assessment Provisions (AP)

Desired Outcome (DO)

DO 1

A unique world renown publicly accessible and well connected open space that forms part of the Metropolitan Open Space System linking the City, inner suburbs, hills and coast that creates a distinctive landscaped park setting supports an extraordinary range of outdoor recreation uses, environmental value, cultural heritage and social connections.

DO 2

Contains a range of unenclosed landscapes including urban address, formal park, sports and recreation, woodland and riparian connected through a variety of movement paths for various modes to access and recreate within the Park Lands. The Adelaide Park Lands provide a variety of levels of activity supporting a range of interfaces to the surrounding urban areas, comfort and amenity levels. Ranging from mirco, small, medium, large to major hubs supporting passive recreation through to large events and major sporting events. —passive and active recreational activities with a high level of amenity, including a safe and connected walking and cycling network, natural areas, sporting fields and club facilities, formal cultural gardens, public artwork and passive recreation areas, as well as opportunities to support a variety of temporary events, such as festivals, concerts and sporting events.

DO 3

The six city squares include Hindmarsh Square, Hurtle Square, Whitmore Square, Victoria Square, Light Square and Wellington Square. These squares provide a formal park setting providing a focal point for the outdoor recreational needs and social connections of city residents, workers and visitors. Access to the squares will be progressively strengthened to remove the barriers to access by the existing road and car parking networks.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Land Use and Intensity

PO 1.1

A diverse range of open space, recreation and sporting activities.

DTS / DPF 1.1

Development comprises one or more of the following land uses:

Conservation work

Multi-purpose tourism, cultural, community and/or recreational use ancillary to an outdoor recreation use

Cemetery except within existing site boundaries

Play facilities

Outdoor Recreation area (informal and formal)

Ancillary Shop

Ancillary Restaurant

Special Events

Hotel except within existing site boundaries

Education establishment within existing site boundaries

Licensed premises ancillary to a multi-purpose recreation facility

Sporting field or club facility

Structures associated with a public facility such as bike and vehicle parking, picnic / barbeque area, shelter and toilet.

PO XX

Land uses other than those listed in DTS/DPF 1.1 is inappropriate

PO XX

Development within the Park Lands provides a range of publicly accessible land uses for more than one user group.

DTS/DPF XX

None are applicable

PO 1.2

Shops and restaurants ~~that in appropriate areas of the Park Lands:~~

- (a) providing a range of goods and services for the users of activities in the Park Lands and where such goods and services are not otherwise conveniently located; and
- (b) positively contributing to Park Lands activation ~~and setting without being visually prominent.~~

DTS / DPF 1.2

Shops and restaurants ~~that are:~~

- (a) ancillary to a recreational use, club ~~and or~~ sporting facility;
- (b) temporary ~~except where located~~ located in area marked XXX on map (reference park numbers, include Botanic Park, Eastern Park Lands, Southern Park Lands Policy Areas, Western Park Lands Policy Areas, River Torrens West Policy Area Area Marked F on Map Adelaide 48)
- (c) not exceeding 50 ~~100~~m² in gross leasable floor space; and
- (c) not increasing the building footprint.

PO 1.3

Special events and formal recreation uses of a temporary or transient nature limiting their impacts on the amenity of residential areas and the recreational use of the open and natural character of the Park Lands.

DTS/DPF 1.3

None are applicable

PO 1.4

The use of land or buildings to house temporary public service depots or site compounds associated with public infrastructure, Park Lands management and construction activities where the duration and scale of impacts to the Park Lands and adjacent Zones are minimised.

DTS / DPF 1.4

Temporary public service depots or site compounds:

- (a) occupy land for no longer than 3 months; and
- (b) ensure waste litter and water are contained on site.

PO 1.5

The adaptive reuse of existing buildings to ~~where~~ development:

- a) supports higher utilisation of buildings by multiple community groups,
- b) improves the design quality and appearance of the building,
- c) minimises the need to increase the building footprint,
- d) progressively returns alienated land to the Park Lands uses; and
- e) and positively contributes to the cultural value, amenity and activation of the Park Lands.

DTS/DPF 1.5

None are applicable

Built Form and Character

PO XX

Development comprises one or more of the following built form:

Advertising
Art Sculptures
Bridges to support pedestrian and cycling infrastructure
Bike parking
Conservation works
Earthworks
Golf course
Landscaping and associated works
Lighting
Monuments
Multi-purpose recreation, tourism, cultural and community buildings and structures
Outbuildings
Public toilets
Shade structures
Temporary advertising
Tree Damaging Activity
Vehicle parking

Development

PO XX

Development in the Squares that supports the outdoor relaxation, enjoyment and leisure of the City's population. The landscaped areas should be enlarged to support visual and functional amenity. Development should:

- a) Provide ease of movement for pedestrian and cyclists accessing the squares
- b) Reduce and rationalise car parking and vehicular areas to enhance the squares visual and functional amenity as premier public spaces

c) Retain and enhance large canopy trees

d) Minimise buildings, structures, utilities and service facilities

e) Incorporate high quality design

PO 1.6

New Development should that seek to reduces and minimises the building footprint and hard surfaces on the landscaped and open setting of the Park Lands and should only be considered where:

- (a) it is ancillary to the use and enjoyment of open space;
- (b) rationalises and reduces the overall building footprint within the Park Lands the development is the replacement of an existing building;
- (c) built form buildings provides a low scale (up to 3 storeys) and contextual design response that complements the heritage values, open space function and natural and cultural character of the area;
- (d) important views are retained;
- (e) enhances natural creek channels and water courses as major landscape and stormwater management features;
- (f) built form is high quality and complements its setting when viewed from all perspectives; the building design contextual and of high quality so that it complements its setting when viewed from all perspectives;
- (g) provides complementary recreation, sporting or tourism facilities that could not otherwise have been provided in the area zone; and
- (h) the building is designed to be enable multi-use purpose and can be used by more than one user by different group.

DTS/DPF 1.6

None are applicable

PO 1.7

The redevelopment of existing buildings and structures within the following sites in a way that is ancillary and complementary to existing uses, including:

- (a) Torrens Lake – boating facilities
- (b) Police Barracks and Old Adelaide Gaol – adaptation of existing buildings and supportive public uses
- (c) Adelaide and Botanic High Schools – education and related facilities
- (d) National Wine Centre – Multi-purpose event complex – tourism related facilities within the existing site boundaries
- (e) Adelaide Botanic Garden – restaurants, function facilities and passive recreation facilities
- (f) Adelaide Zoo – a range of ancillary activities that add to the zoo as a key city attraction
- (g) Golf Course and club house – club facilities and restaurants
- (h) West Terrace Cemetery – chapel, visitor and interpretative centre and operational facilities
- (i) North Adelaide and Adelaide Central Train Station – rail services facilities
- (j) Adelaide Aquatic Centre – Consolidate and replace existing buildings with recreational sporting, clubrooms and associated administrative functions

DTS/DPF 1.7

None are applicable

~~PO 1.8~~

~~Development at the Adelaide Aquatic Centre site to consolidate and replace existing buildings with recreational sporting clubrooms, facilities and associated administrative functions.~~

DTS/DPF 1.8

None are applicable

PO 1.9

Development of public infrastructure is appropriate within existing roads, railway corridors or the O-Bahn corridor where it does not create any additional impact on the amenity of the Adelaide Park Lands and enhances pedestrian access through the Park Lands.

DTS/DPF 1.9

None are applicable

~~Built Form and Character~~

~~PO 2.1~~

~~A contextual design response that complements the heritage values, open space function, natural and cultural character of the area. and is suitably screened by landscaping~~

DTS/DPF 2.1

None are applicable.

PO 2.2

Development includes lighting that positively contributes to wayfinding, public safety, security, activity and amenity within the Park Lands.

DTS/DPF 2.2

None are applicable.

PO 2.3

Utility and supply services, holding tanks, sub-stations, power lines and other utility facilities that are unobtrusive and where practicable placed underground.

DTS/DPF 2.3

None are applicable.

PO 2.4

Development sited and designed to minimise negative amenity impacts on residential uses. in the City Living Zone.

DTS/DPF 2.4

None are applicable

PO 2.5

Development sited and designed to reinforce the National Heritage values, landscape character and cultural (indigenous and post-colonial) heritage values.

PO 2.5

New monuments that retain from the heritage values and contribute to enjoyment of the Park Lands.

Natural / Cultural Landscape Character

PO 3.1

Development that protects and enhances and improves public access to: areas of special landscape character including (identified in Concept Plan XX X(To be prepared):

- a) the avenue of Moreton Bay Figure trees along War Memorial Drive;
- b) a group of trees at the north west corner of Park No 2;
- c) the Casuarinas in Park 3 adjacent to Main North Road;
- d) the Pinus canariensis in Park 4;
- e) the Araucarias in Parks 4 and 5 adjacent to LeFevre Road;
- f) a stand of trees in Park 6 along LeFevre and Kingston Terraces;
- g) the avenue of Palms along Robe Terrace;
- h) the olive groves in Parks 7 and 8 between Mann Road and Park Road;
- i) the stand of Eucalyptus trees adjoining MacKinnon Parade west;
- j) the mixed exotic and Australian native plantings surrounding the University Oval in Park 12.; the formal character of the avenue of Plane trees in Botanic Park and in Frome Road;
- k) the avenue of Moreton Bay Figure trees in the Botanic Gardens;
- l) the significant avenue of Plane trees and significant individual trees in Park 14;
- m) the Kensington Gardens tramway embankment;
- n) a central row of Peppercorn trees and Eucalypts along the tributary and Wakefield Road in Park 15;
- o) the Olive Grove between the tributary and East Terrace in Park 15;
- p) the dominant groups of Eucalypts at the northern, southern, western and Fullarton Road edges of Park 16;
- q) the Olive Grove in the north western corner of Park 16;
- r) the avenues of trees along the cycle paths of Park 16;
- s) the Glover Playground;
- t) the remnant native vegetation to the area south of Victoria Racecourse;
- u) the old Engineering and Water Supply Reservoir mound within the Southern Park Lands;
- v) Veale Gardens;
- w) The historic Glenside carriage ways row of stately elm trees;
- x) areas of remnant native vegetation;
- y) the olive groves adjacent the Police Barracks in Park 27 South;
- z) the stand of Eucalypts between the railway and the river in Park 27 north;
- aa) the trees, particularly the Moreton Bay Figs on the northern side of the Adelaide Oval, together with buildings of heritage value;
- bb) the Pioneer Women's Memorial Garden in Park 12;
- cc) the Palm trees surrounding the Parade Ground in Park 12;
- dd) the Women's War Memorial Gardens;
- ee) the avenue of Elms along Victoria Drive;
- ff) areas and items of indigenous;
- gg) areas of post-colonial cultural heritage value significance.
- hh) the Pennington Gardens (west);
- ii) Osmond Gardens;
- jj) Himeji Gardens; and
- kk) the Creswell Gardens.

DTS/DPF 3.1

None are applicable.

PO 3.2

Development is sited and designed to maintain the visual distinction between the predominantly open landscape character of the Park Lands and the built-form of adjacent Zones.

DTS/DPF 3.2

None are applicable.

PO 3.3

Development sensitive to native biodiversity and incorporates ways to protect and improve biodiversity through its design.

DTS/DPF 3.3

None are applicable.

~~PO 3.4~~

~~Development enhances natural creek channels and watercourses as a major landscape and stormwater management feature.~~

DTS/DPF 3.4

None are applicable.

Advertisements

PO 4.1

Small permanent advertisements or advertising hoardings only in association with an existing or approved uses within the Park Lands building.

DTS/DPF 4.1

None are applicable.

PO 4.2

Temporary advertisements relating to a local event of a religious, educational, cultural, social or recreational character or to an event of a political character limited in size and number and not detract from the open and natural character of the zone.

DTS / DPF 4.2

~~Temporary~~ Advertisements:

- (a) not exceeding 2m² on a building or site;
- (b) not displayed more than 1 month prior to the event and 1 week after the event concludes except for an advertisement that relates to a federal, State or local government election; and
- (c) do not:
 - (i) move or flash;
 - (ii) reflect light so as to be an undue distraction to motorists;
 - (iii) be internally illuminated; or
 - (iv) be used to principally advertise brands or products.

Fencing

PO XX

Additional permanent fencing is not envisaged except around play spaces where the open character is maintained.

DTS/DPF XX

None are applicable

Movement, access and parking

PO XX

Development provides universal public access to the Park Lands

PO 5.2

Development should support the open space values and activation of the Adelaide Park Lands by avoiding car parking on the Park Lands. Additional vehicle car parking should only be provided where development has provided adequate:

- Walking infrastructure
- Cycling infrastructure
- Optimisation of the public transport network to access the Park Lands
- Utilisation of on-street car parking
- Utilisation of drop off and pick up areas
- Utilisation of shared vehicle parking within existing car parks
- Rationalisation of existing vehicle parking
- Utilising existing road network

Development should support accessible vehicle access by siting buildings close to existing road networks to reduce the need for access roads and to utilise the on-street network where possible.

DTS/DPF XX

Development does not restrict public access to land within the zone and ensures the Park Lands are universally accessible.

DTS/DPF 5.2

None are applicable.

PO 5.3

Car parking in the zone should be reduced and limited to only serve activities within the Park Lands unless otherwise permitted in the relevant sub-zone.

DTS/DPF XX

None are applicable.

PO XX

Rationalisation and reconfiguring of existing car parking should result in no increase to existing parking in Park 1, Park 2, Park 13 and Park 14, Park 16 and Park 23.

DTS/DPF XX

None are applicable.

PO 5.4

Public infrastructure that provides shared pedestrian and cycling links that maintain and enhanced connectivity throughout the Park Lands

DTS/DPF 5.4

None are applicable.

PO 5.5

Development to support walking and cycling as primary modes of transport to and within the Park Lands.

DTS/DPF 5.5

None are applicable.

DTS/DPF 5.3

None are applicable.

PO 5.4

Public vehicle access limited to existing roads.

DTS/DPF 5.4

None are applicable.

Procedural Matters (PM)

Notification of Performance assessed development

Note: For public notification requirements refer to Practice Direction: Notification for Performance Assessed Development.

All classes of development are excluded from notification except where it involves any of the following:

- (a) the site of the development is adjacent land to land in a different zone
- (b) development identified as "all other code assessed development" in Adelaide City Park Lands Zone Table.

~~Eastern Park Lands Sub Zone~~

~~Assessment Provisions (AP)~~

~~Desired Outcomes (DO)~~

~~DO 1~~

~~Formal and informal recreation that provides tourism, education, research and informal recreational enjoyment including, the Zoological Gardens, Botanic Gardens, Botanic Park, the National Wine Centre and Victoria Park, carefully managed to sensitively balance the interaction between the built, natural and landscaped environment.~~

~~Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria~~

~~Land Use and Intensity~~

~~PO 1.1~~

~~A range of community, tourism, educational and recreational uses for the wider community.~~

~~DTS/DPF 1.1~~

~~Development comprises one or more of the land uses listed in DTS 1.1 of the Zone.~~

~~Built Form and Character~~

~~PO 2.1~~

~~National Wine Centre contained within its existing site boundaries and that will not result in an increase in~~

total floor area.

DTS/DPF 2.1

None are applicable.

PO 2.2

The upgrading or replacement of existing buildings, structures and facilities in the Zoological and Botanic Gardens minimises negative visual impact as when viewed from outside of the subzone.

DTS/DPF 2.2

None are applicable.

PO 2.3

Maintain or improve views to the Zoo from the River Torrens/ Karrawirra Parri Valley when fencing, structures or buildings are upgraded or replaced.

DTS/DPF 2.3

None are applicable.

PO 2.4

Fencing to the northern boundary of the Botanic Gardens to improve visual continuity and access between the Botanic Gardens and Botanic Park and visually improves this aspect to the Botanic Garden.

DTS/DPF 2.4

None are applicable.

Movement and Access

PO 3.1

Maintain car parking for Park Lands users and visitors at the following locations:

- (a) in designated car parks along the Hackney and Fullarton Road frontages; and
- (b) limited parking on the inner racecourse track area at Victoria Park (in an area south of the cycle track east of Halifax Street) but only when races and special events are being held.

DTS/DPF 3.1

None are applicable.

Adelaide Oval Sub Zone

Assessment Provisions (AP)

Desired Outcomes (DO)

DO 1

A sub zone providing a centre for important outdoor civic, leisure and cultural functions for the City based on Elder Park, Adelaide Oval and Memorial Drive tennis courts with development of the River Bank as the premier cultural and tourism area of the City.

The premier sporting and tourism area of the City supporting large scale outdoor civic, leisure, sporting and cultural activities of national significance, incorporating Adelaide Oval, Adelaide Riverbank, Elder Park, Memorial Drive tennis precinct and the Torrens Parade Ground.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Land Use and Intensity

PO 1.1

A vibrant mix of recreational facilities to meet the needs of the state.

~~DTS/DPF 1.1~~

~~Development comprises one or more of the land uses listed in DTS 1.1 of the Zone.~~

~~PO 1.2~~

~~Community, cultural, tourism, shop, restaurant or licensed premises located adjacent to the southern bank of the River Torrens between Montefiore Road and King William Road.~~

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DTS/DPF 1.2

None are applicable

PO 1.3

Special events on Elder Park and Adelaide Oval activate this precinct.

DTS/DPF 1.3

None are applicable

PO 1.4

Community, cultural and tourism uses in association with the Torrens Training Depot and Parade Ground.

DTS/DPF 1.4

None are applicable

Built Form and Character

PO 2.2

Development of the Adelaide Oval:

- (a) — protects and maintains the cultural significance and heritage value of Adelaide Oval; and
- (b) — continues the distinct built form character of Adelaide Oval;

DTS/DPF 2.2

None are applicable.

PO 2.3

Buildings associated with the continuation of formal recreational uses associated with Adelaide Oval and Memorial Drive within existing site boundaries.

DTS/DPF 2.3

None are applicable.

City Riverbank Zone

Table 1 — Accepted Development Classification

<p>Class of Development The following Classes of Development are classified as Accepted Development subject to meeting the 'Accepted Development Classification Criteria'</p>	<p>Accepted Development Classification Criteria</p>
<p>Internal building work Except where any of the following apply:</p> <ul style="list-style-type: none"> • A Local Heritage Place identified in the Local Heritage Place Overlay • A State Heritage Place identified in the State Heritage Place Overlay 	<p>9— There will be no increase in the total floor area of the building</p> <p>10— There will be no alteration to the external appearance of the building.</p>
<p>Shade sail</p>	<p>29— The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system</p>

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Note

This document contains City of Adelaide edited version of the Planning and Design Code (Phase 3) released for consultation on 1 October 2019.

Blue text highlights the edits Council has made to the policy.

The changes made are based on the Development Plan Code Analysis for the Capital City Zone, City Frame and City Living Policy Area 30. This document tracked the location of current Dev Plan policy, identified what is missing, what errors have been made and provides a response and recommendations in regard to the direction of future Code policy.

City Riverbank Zone

Table 1 – Accepted Development Classification

Class of Development The following Classes of Development are classified as Accepted Development subject to meeting the 'Accepted Development Classification Criteria'	Accepted Development Classification Criteria
Internal building work Except where any of the following apply: <ul style="list-style-type: none"> • A Local Heritage Place identified in the Local Heritage Place Overlay • A State Heritage Place identified in the State Heritage Place Overlay 	9 There will be no increase in the total floor area of the building 10 There will be no alteration to the external appearance of the building.
Shade sail	29 The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system

<p>Except where any of the following apply:</p> <ul style="list-style-type: none"> Local Heritage Place Overlay State Heritage Place Overlay Sloping Land Overlay 	<p>30 Shade sail consists of permeable material</p> <p>31 The total area of the sail - does not exceed 40m²</p> <p>32 No part of the shade sail will be:</p> <p>(a) 3m above ground or floor level (depending on where it is situated) at any place within 900mm of a boundary of the allotment</p> <p>(b) 5m above ground or floor level (depending on where it is situated) within any other part of the allotment</p> <p>33 Primary street setback – at least as far back as the building line of the building to which it is ancillary</p> <p>34 If any part of the sail will be situated on a boundary of the allotment, the length of sail along a boundary does not exceed 8m</p> <p>35 In a case where any part of the sail or a supporting structure will be situated on a side boundary of the allotment – the length of the sail and any such supporting structure together with all relevant walls or structures located along the boundary will not exceed 45% of the length of the boundary.</p>
<p>Solar photovoltaic panels (roof mounted)</p> <p>Except where any of the following apply:</p> <ul style="list-style-type: none"> A Local Heritage Place identified in the Local Heritage Place Overlay A State Heritage Place identified in the State Heritage Place Overlay 	<p>19 Panels are installed parallel to the roof of a building and with the underside surface of the panel not being more than 100mm above the surface of the roof</p> <p>20 Panels and associated components do not overhang any part of the roof</p> <p>21 Does not apply to system with a generating capacity of more than 5MW that is to be connected to the State's power system.</p>
<p>Temporary Storage of Council Equipment</p>	<p>Appropriate measures are incorporated for:</p> <p>(a) dust control;</p> <p>(b) appropriate screening including landscaping;</p> <p>(c) containment of litter and waste; and</p> <p>(d) appropriate securing of the site.</p>
<p>Water tank (underground)</p> <p>Except where any of the following apply:</p> <ul style="list-style-type: none"> Sloping Land Overlay 	<p>9 The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system</p> <p>10 The tank (including any associated pump) is located wholly below the level of the ground.</p>

Table 2 – Deemed-to-Satisfy Development Classification

Class of Development The following Classes of Development are classified as Deemed-to-Satisfy Development subject to meeting the 'Deemed-to-Satisfy Development Classification Criteria'	Deemed-to-Satisfy Development Classification Criteria Provisions referred to are Deemed-to-Satisfy Criteria Where a development comprises more than one Class of Development the relevant criteria will be taken to be the sum of the criteria for each Class of Development.			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Change of use in an existing building (that does not involve any building work or modification that would otherwise require planning consent) from: <ul style="list-style-type: none"> a shop to an office or consulting room an office or consulting room to a shop except within Government House Sub-Zone. 	None	None	None	None

Table 3 - Applicable Policies for Performance Assessed Development

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
Advertisement	[Advertising]: PO 3.1	Clearance from Overhead Powerlines: PO 1.1 Advertisements [Appearance]: PO 1.1, 1.3, 1.4, 1.5 Advertisements [Proliferation of Advertisements]: PO 2.1, 2.2 Advertisements [Advertising Content]: PO 3.1 Advertisements [Amenity Content]: PO 4.1 Advertising [Safety]: PO 5.1, 5.2, 5.3, 5.4, 5.5	None	Airport Building Heights (Regulated): All Design: All Local Heritage Place: All State Heritage Place: All
	All	Clearance from Overhead Powerlines: PO 1.1 Design in Urban Areas [All Development]: All Design in Urban Areas [All	Health: All Entertainment: All Innovations: All Cultural Institutions: All	Airport Building Heights (Regulated): All Design: All Local Heritage Place: All Sloping Land: All

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Non Residential Development]: All P</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2</p> <p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1</p>		State Heritage Place: All

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1</p> <p>Transport, Access and Parking [Movement Systems]: All</p> <p>Transport, Access and Parking [Sightlines]: All</p> <p>Transport, Access and Parking [Vehicle Access]: All</p> <p>Transport, Access and Parking [Access to People with Disabilities]: All</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: All</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All</p> <p>Transport, Access and Parking [Bicycle Parking in Designated Areas]: All</p>		
Demolition of a State or Local Heritage Place	All	None	None	<p>Local Heritage Place: All</p> <p>State Heritage Place: All</p>
Hotel	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Non</p>	<p>Health: All</p> <p>Entertainment: All</p> <p>Innovations: All</p> <p>Cultural Institutions: All</p>	<p>Airport Building Heights (Regulated): All</p> <p>Design: All</p> <p>Local Heritage Place: All</p> <p>Sloping Land: All</p> <p>State Heritage Place: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		Residential Development]: All Interface Between Land Uses [Hours of Operation]: PO 2.1 Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2 Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2, 4.5, 4.6 Interface Between Lands Uses [Air Quality]: PO 5.2 Interface Between Land Uses [Light Spill]: PO 6.1, 6.2 Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1 Infrastructure and Renewable Energy Facilities		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>[Wastewater Services]: PO 12.1</p> <p>Transport, Access and Parking [Movement Systems]: All</p> <p>Transport, Access and Parking [Sightlines]: All</p> <p>Transport, Access and Parking [Vehicle Access]: All</p> <p>Transport, Access and Parking [Access to People with Disabilities]: All</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: All</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: All</p> <p>Transport, Access and Parking [Undercroft and</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Below Ground Garaging and Parking of Vehicles]: All</p> <p>Transport, Access and Parking [Bicycle Parking in Designated Areas]: All</p>		
Licensed premises	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Non Residential Development]: All</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p>	<p>Health: All</p> <p>Entertainment: All</p> <p>Innovations: All</p> <p>Cultural Institutions: All</p>	<p>Airport Building Heights (Regulated): All</p> <p>Design: All</p> <p>Local Heritage Place: All</p> <p>Sloping Land: All</p> <p>State Heritage Place: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2, 4.5, 4.6</p> <p>Interface Between Lands Uses [Air Quality]: PO 5.2</p> <p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1</p> <p>Transport, Access and Parking</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>[Movement Systems]: All</p> <p>Transport, Access and Parking [Sightlines]: All</p> <p>Transport, Access and Parking [Vehicle Access]: All</p> <p>Transport, Access and Parking [Access to People with Disabilities]: All</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: All</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: All</p> <p>Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		Transport, Access and Parking [Bicycle Parking in Designated Areas]: All		
Light industry	All	Clearance from Overhead Powerlines: PO 1.1 Design in Urban Areas [All Development]: All Design in Urban Areas [All Development – 4 or More Building Levels]: All Design in Urban Areas [All Non Residential Development]: All P Interface Between Land Uses [Hours of Operation]: PO 2.1 Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2	Health: All Entertainment: All Innovations: All Cultural Institutions: All	Airport Building Heights (Regulated): All Design: All Local Heritage Place: All Sloping Land: All State Heritage Place: All

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2</p> <p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1</p> <p>Transport, Access and Parking [Movement Systems]: All</p> <p>Transport, Access and Parking [Sightlines]: All</p> <p>Transport, Access and Parking</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>[Vehicle Access]: All</p> <p>Transport, Access and Parking [Access to People with Disabilities]: All</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: All</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: All</p> <p>Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All</p> <p>Transport, Access and Parking [Bicycle Parking in Designated Areas]: All</p>		
Office	All	Clearance from Overhead	Health: All Entertainment: All	Airport Building Heights (Regulated): All

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Powerlines: PO 1.1</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Non Residential Development]: All P</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2</p>	<p>Innovations: All</p> <p>Cultural Institutions: All</p>	<p>Design: All</p> <p>Local Heritage Place: All</p> <p>Sloping Land: All</p> <p>State Heritage Place: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1</p> <p>Transport, Access and Parking [Movement Systems]: All</p> <p>Transport, Access and Parking [Sightlines]: All</p> <p>Transport, Access and Parking [Vehicle Access]: All</p> <p>Transport, Access and Parking [Access to People with Disabilities]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Transport, Access and Parking [Vehicle Parking Rates]: All</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: All</p> <p>Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All</p> <p>Transport, Access and Parking [Bicycle Parking in Designated Areas]: All</p>		
Restaurant	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4</p>	<p>Health: All</p> <p>Entertainment: All</p> <p>Innovations: All</p> <p>Cultural Institutions: All</p>	<p>Airport Building Heights (Regulated): All</p> <p>Design: All</p> <p>Local Heritage Place: All</p> <p>Sloping Land: All</p> <p>State Heritage Place: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>or More Building Levels]: All</p> <p>Design in Urban Areas [All Non Residential Development]: All</p> <p>Interface Between Land Uses [Hours of Operation]: PO 2.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2</p> <p>Interface Between Lands Uses [Air Quality]: PO 5.2</p> <p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p> <p>Infrastructure and Renewable Energy Facilities</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>[Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1</p> <p>Transport, Access and Parking [Movement Systems]: All</p> <p>Transport, Access and Parking [Sightlines]: All</p> <p>Transport, Access and Parking [Vehicle Access]: All</p> <p>Transport, Access and Parking [Access to People with Disabilities]: All</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: All</p> <p>Transport, Access and Parking</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>[Vehicle Parking Areas]: All</p> <p>Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All</p> <p>Transport, Access and Parking [Bicycle Parking in Designated Areas]: All</p>		
Serviced apartments	All	<p>Clearance from Overhead Powerlines: PO 1.1</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.2</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2</p> <p>Transport, Access and Parking</p>	<p>Health: All</p> <p>Entertainment: All</p> <p>Innovations: All</p> <p>Cultural Institutions: All</p>	<p>Affordable Housing: All</p> <p>Airport Building Heights (Regulated): All</p> <p>Design: All</p> <p>Local Heritage Place: All</p> <p>Noise and Air Emissions: All</p> <p>Sloping Land: All</p> <p>State Heritage Place: All</p>

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>[Vehicle Access]: PO 3.1, 3.2, 3.3, 3.4, 3.5, 3.6</p> <p>Transport, Access and Parking [Vehicle Parking Rates]: PO 5.1</p> <p>Design in Urban Areas [All Development]: All</p> <p>Design in Urban Areas [All Development – 4 or More Building Levels]: All</p> <p>Design in Urban Areas [All Residential Development]: All</p> <p>Design in Urban Areas [Residential Development – 3 Building Levels or Less]: All</p> <p>Design in Urban Areas [Residential Development – 4 Or More Building Levels (Including</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Serviced Apartments): All</p> <p>Design in Urban Areas [Group Dwellings, Residential Flat Buildings and Battle-Axe Development]: All</p> <p>Interface Between Land Uses [General Land Use Compatibility]: PO 1.1</p> <p>Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2</p> <p>Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.4</p> <p>Site Contamination: PO 1.1</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
	<p>The following policies are applicable to the assessment of the identified Class of Development.</p> <p>Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development.</p> <p>Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.</p>			
Shop	All	Clearance from Overhead Powerlines: PO 1.1 Design in Urban Areas [All Development]: All Design in Urban Areas [All Development – 4 or More Building Levels]: All Design in Urban Areas [All Non Residential Development]: All Interface Between Land Uses [Hours of Operation]: PO 2.1 Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2 Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2	Health: All Entertainment: All Innovations: All Cultural Institutions: All	Airport Building Heights (Regulated): All Design: All Local Heritage Place: All Sloping Land: All State Heritage Place: All

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Interface Between Land Uses [Light Spill]: PO 6.1, 6.2</p> <p>Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1</p> <p>Transport, Access and Parking [Movement Systems]: All</p> <p>Transport, Access and Parking [Sightlines]: All</p> <p>Transport, Access and Parking [Vehicle Access]: All</p> <p>Transport, Access and Parking [Access to People with Disabilities]: All</p>		

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone (applies only in the area affected by the Subzone)	Overlay (applies only in the area affected by the Overlay)
		<p>Transport, Access and Parking [Vehicle Parking Rates]: All</p> <p>Transport, Access and Parking [Vehicle Parking Areas]: All</p> <p>Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: All</p> <p>Transport, Access and Parking [Bicycle Parking in Designated Areas]: All</p>		
Tree Damaging Activity	None	None	None	Regulated Trees: All
All other Code Assessed Development	All	All	Health: All Entertainment: All Innovations: All	Any Relevant Overlay: All

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone	Overlay
			Cultural Institutions: All	

Table 4 – Restricted Development Classification

Class of Development	Exclusions
The following Classes of Development are classified as Restricted subject to any 'Exclusions'	
Nil	

Assessment Provisions (AP)

Desired Outcome (DO)

DO 1

Exemplary design quality and architecture that is contemporary and innovative, respectful of the heritage buildings, Park Lands setting and civic functions of the locality.

DO 2

A fine grained precinct with a quality public realm that is inviting and comfortable for pedestrians.

DO 3

Strong visual and physical connections between important buildings, public spaces, the Park Lands and other key destinations.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Land Use and Intensity

PO 1.1

A diverse range of land uses that connect the city centre to the natural environment of the River Torrens and Park Lands with clusters of related activities, such as:

- (a) clinical health, training, education and research;
- (b) entertainment, tourism and accommodation;
- (c) education and administration;
- (d) innovative science and employment; and
- (e) Community and cultural institutions.

DTS/DPF 1.1

Development comprises one or more of the following land uses:

- (a) Advertisement
- (b) Community centre
- (c) Consulting room
- (d) Office
- (e) Convention centre
- (f) Educational establishment
- (g) Entertainment venue
- (h) Helicopter landing facility
- (i) Hospital
- (j) Hotel
- (k) Licensed premises in association with hotel, restaurant, shop or the like
- (l) Land division
- (m) Light industry (including high technology and research based activity)
- (n) Motel
- (o) Restaurant
- (p) Shop
- (q) Serviced apartments
- (r) Tourist accommodation.

PO X

Temporary use of vacant or underdeveloped land that is not likely to be the subject of long-term development in the short term. Temporary uses of vacant or underdeveloped land are to be landscaped, screened and/or treated so that negative impacts to the public realm are minimised.

DTS/DPF X

None are applicable.

Built Form and Character

PO 2.1

Building heights within the zone providing an orderly transition in scale, with lower buildings located towards the Adelaide Park Lands, Adelaide Botanic Garden and River Torrens and taller buildings towards North Terrace and other City Boulevards identified in City Riverbank Zone Table 5.1.

DTS/DPF 2.1

None are applicable

PO 2.2

Development:

- (a) contributes to the activation of the public realm by presenting an attractive human scaled pedestrian-oriented frontage at ground level that adds interest, ~~and~~ vibrancy ~~and~~ passive surveillance;
- (b) that incorporates well defined and accessible public spaces that provide civic entries to the Zone;
- (c) contributes to pedestrian comfort by minimising micro climatic impacts;
- (d) maintains a sense of openness to the sky for pedestrians and allow sunlight access to the public realm, particularly plaza areas during the Spring and Autumn; ~~and~~
- (e) provides a clear sense of address to each building;
- (f) compatible with the topography of the site and change in character from a strong city edge on the southern side of North Terrace to the landscaped setting provided by the River Torrens and Adelaide Park Lands; and
- (g) designed to respect the landscape setting and biodiversity provided by the Torrens Valley and Adelaide Park Lands.

DTS/DPF 2.2

None are applicable.

PO X

Development that provides strong visual and physical connections between important buildings, public spaces and the leisure and recreation activities of the River Torrens and Park Lands.

DTS/DPF X

None are applicable.

PO 2.3

Development reinforces the grand boulevard character of North Terrace and King William Road, by reflecting the patterns of landscaped spaces and built form, building proportions and scale.

DTS/DPF 2.3

None are applicable.

PO 2.4

Coordinated development providing public spaces and landscaping, including deep plantings, that soften the dominance of buildings, provide a range of spaces that are suitable for group meetings and social activities and spaces for passive enjoyment.

DTS/DPF 2.4

None are applicable.

PO 2.5

Pedestrian shelter and public art designed as an integral part of built form, open space and landscaping.

DTS/DPF 2.5

None are applicable.

PO 2.6

The contribution of heritage buildings enhanced by ensuring:

- (a) buildings can be adapted and reused for modern purposes while protecting important heritage fabric
- (b) views and physical connections to heritage buildings and their important heritage features is maintained
- (c) the ground level interface with heritage buildings incorporates publicly accessible spaces and active land uses that support public access where appropriate.

DTS/DPF 2.6

None are applicable.

Demolition

PO

Building demolition is to be refrained unless Development Approval for a replacement development has been granted. Demolition may only be granted for documented reasons of public health or safety agreed by the planning authority or alternatively agreed by a statutory order. If replacement development has not commenced within 12 months of the granting of Development Approval, landscaping of the site is to be undertaken.

DTS/DPF

None are applicable

Advertising

PO 3.1

Advertisements designed to achieve an overall consistency of appearance and be of a type, scale and image that complement the zone.

DTS/DPF 3.1

None are applicable.

Movement, parking and access

PO 4.1

Development designed to encourage pedestrian/bicycle circulation (as illustrated in Rb/2 and 3) at the North Terrace level and create or maintain:

- (a) connections between North Terrace and the River Torrens linear park at key pedestrian focal points;
- (b) east-west connections through the city; and
- (c) existing pedestrian and cycling connections, including the Gawler Greenway, Outer Harbor Greenway and River Torrens Linear Park trail to be maintained.

DTS/DPF 4.1

None are applicable.

PO 4.2

A central pedestrian pathway (as illustrated within Figures Rb/1, 2, and 3) designed as a single plane surface and maintained to:

- (a) allow people to walk and ride through and within the Zone from East to West and connect with the North to South pathways; and
- (b) link key buildings and public areas within the Zone.

DTS/DPF 4.2

None are applicable.

PO 4.3

Pedestrian and bicycle movement prioritised and designed to be free from vehicle conflict.

DTS/DPF 4.3

None are applicable.

PO 4.4

Development to provide a safe night-time environment along streetscapes, pedestrian and cycle paths and building surrounds by the arrangement of buildings and active building frontages that enhance casual surveillance and provide appropriate lighting and clear lines of sight.

DTS/DPF 4.4

None are applicable.

PO X

Development to provide the majority of car parking spaces in undercroft/basement areas. Vehicle parking provided at ground level or above, designed to:

- (a) minimise the extent of parking visible from public areas to that which is required for emergency service vehicles, temporary event parking and set down (drop off) functions;
- (b) ensure they are not located along ground floor street frontages or detract from the provision of active street frontages; and
- (c) incorporate façade treatments along major street frontages that are sufficiently enclosed and detailed to complement neighbouring buildings and screen vehicle parking from view from public areas and other buildings.

DTS/DPF X

None are applicable.

PO X

Adequate car parking to be provided within the site area of the development to meet the demand generated by the development as Table 1 – General Off-Street Car Parking Requirements; and

- (a) car parking rates lower than the minimum may be appropriate where there is readily accessible and frequent public transport in the locality or it can be demonstrated that a lower provision is warranted, such as for the following reasons:
 - (i) the nature of development;
 - (ii) existing heritage places on or adjacent to the development site which dictates the development of the site in a manner which hampers the provision of on-site parking;
 - (iii) the opportunity to exploit shared car parking areas between uses based upon compatible hours of peak operation;
 - (iv) use of a car share scheme; or
 - (v) suitable arrangements for any parking shortfall to be met elsewhere or by other means.

DTS/DPF X

None are applicable.

Water Management

PO X

Development to incorporate a range of water sensitive urban design measures that minimise water quality impacts on the River Torrens, such as stormwater treatment, harvesting and reuse.

DTS/DPF X

None are applicable.

Table 5.1 – City Boulevards

North Terrace, Morphett Street and King William Road.

Procedural Matters (PM)

Notification of Performance assessed development

Note: For public notification requirements refer to Practice Direction: Notification for Performance Assessed Development.

All classes of development are excluded from notification except where it involves any of the following:

- (a) the site of the development is adjacent land to land in a different zone
- (b) development identified as “all other code assessed development” in Riverbank Zone Table 3
- (c) development exceeding the maximum building height specified in DTS/DPF 2.1 of the Health sub zone
- (d) development exceeding the maximum building height specified in DTS/DPF 2.1 of the Entertainment sub zone
- (e) development exceeding the maximum building height specified in DTS/DPF 2.3 of the Innovation sub zone
- (f) development exceeding the maximum building height specified in DTS/DPF 2.4 of the Entertainment sub zone

Health Subzone

Assessment Criteria (AC)

Desired Outcomes (DO)

DO 1

A health precinct that creates an identifiable and unified city precinct with strong connections to the Torrens River, North Terrace, the Royal Adelaide Hospital and wider city.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Land Use and Intensity

PO 1.1

A range of health and education facilities that support the establishment of an internationally recognised health and biomedical precinct.

DTS/DPF 1.1

Land uses such as health centre, lighting for night operations and associated communication equipment for helicopter landing facility are envisaged. The types of development envisaged within the zone, except:

- (a) Community centre;
- (b) Convention centre;
- (c) Entertainment venue;
- (d) Hotel;
- (e) Serviced apartments; and
- (f) Tourist accommodation

PO X

Buildings along Montefiore Road (between North Terrace and the central pathway shown in Figures Rb/2 and 3) will contain a range of uses that are complementary to both the Health SubZone and the adjoining

Entertainment SubZone and will include temporary accommodation, tourist accommodation, conference facilities, hotels and serviced apartments and designed to integrate and activate the street frontage and provide direct pedestrian access from Montefiore Road, Festival Drive and North Terrace

Built Form and Character

PO 2.1

Buildings that have a positive scale relationship to the North Terrace edge of the Capital City Zone and provide a grand entrance to the City from the west.

DTS/DPF 2.1

Buildings fronting North Terrace not exceeding 15 building levels and 53m in building height.

PO 2.2

Where buildings exceed 15 building levels or 53m in building height they will be of exemplary design and meet the Commonwealth Airports (Protection of Airspace) Regulations.

DTS/DPF 2.2

None are applicable.

PO 2.3

Buildings north of the central pathway (illustrated within Figure Rb/2 and 3) designed to provide an active edge to the River Torrens and of a low scale commensurate with the landscape setting.

DTS/DPF 2.3

None are applicable.

PO 2.4

Development to provide a satisfactory interface to roads and railways by addressing issues of access, safety, security, noise, air emissions and vibration so that:

- (a) the effective and efficient operation of the road system and rail service adjacent to the Zone is not detrimentally affected; and
- (b) the potential for adverse impacts on hospital occupants and activities as a result of road traffic and the operation of rail services adjacent to the Zone is minimised.

DTS/DPF 2.4

None are applicable.

PO 2.5

Development sited and designed to enable the continued operation of rail and road services within and adjacent to the Zone.

DTS/DPF 2.5

None are applicable.

Movement, Parking and Access

PO X

Buildings designed to integrate and activate the street frontage and provide direct pedestrian access from Montefiore Road, Festival Drive and North Terrace.

DTS/DPF X

None are applicable.

PO X

Buildings are to be serviced by vehicular access points from North Terrace and Port Road that provide for convenient, safe and legible controlled access for ambulances, emergency drop-off for the public and general goods and services vehicles, as well as vehicle access for patient drop-off, and visitor and staff parking.

DTS/DPF X

None are applicable.

Entertainment Subzone

Assessment Criteria (AC)

Desired Outcomes (DO)

DO 1

A prominent, vibrant and safe public plaza that provides a focal point for the Riverbank precinct and is supported by a vibrant mix of land uses that encourage use by city workers, residents, families, students, youth, children and tourists.

DO 1

A principal public space for significant public events that caters for large numbers of visitors and events but also safe and convivial when lesser numbers of people are present. Strong visual permeability through the site will be important in maintaining the legibility of this place as part of the City and Riverbank.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Land Use and Intensity

PO 1.1

Development of a range of cultural, parliamentary, office, entertainment, retail, public arts and cultural activities and conference and ancillary land uses.

DTS/DPF 1.1

The types of development envisaged include: ~~within the zone, except~~

- (a) Auditorium;
- (b) Casino;
- (c) Carparking;
- (d) Cinemas;
- (e) Concert halls;
- (f) Conference centres;
- (g) Cultural facility;
- (h) Licensed premises and Licensed entertainment premises;
- (i) Motels;
- (j) Public spaces;
- (k) Theatres; and
- (l) Tourist accommodation.
- ~~(m) Community centre~~
- ~~(n) Educational establishment~~
- ~~(o) Helicopter landing Facility~~
- ~~(p) Hospital~~
- ~~(q) Light industry~~
- ~~(r) Motel~~

PO X

Land uses such as cafes, restaurants and small-scale specialty shops at ground level that activate public spaces during the day and evening.

DTS/DPF X

None are applicable.

PO 1.2

Residential development only where it is demonstrated that noise, light spill and other impacts on residential amenity associated with the envisaged mix of uses and a vibrant public plaza can be

adequately addressed.

DTS/DPF 1.2

None are applicable.

Built Form and Character

PO X

Development that is designed to maintain views and showcase, respect and build on existing landmark and heritage buildings including the Festival Centre, Parliament Houses, Convention Centre, Adelaide Railway Station and Casino.

DTS/DPF X

None are applicable.

PO X

The architectural expression of the built form will respond to the rich character of the local setting with contemporary juxtapositions providing new settings for heritage places.

DTS/DPF X

None are applicable.

PO X

Regeneration of the existing Festival Plaza (Southern Plaza) and car park to address structural and functional deficiencies to reinforce and enhance the area as the primary cultural and entertainment hub and provide high quality spaces for public use, including significant public events.

DTS/DPF X

None are applicable.

PO 2.1

Building heights providing the greatest level of intensity and scale south of the central pathway.

DTS/DPF 2.1

Buildings south of the central pathway not exceeding 20 building levels and 71m in building height.

PO 2.2

Where buildings exceed 20 building levels or 71m in building height they will be of exemplary design, located south of the central pathway and meet the Commonwealth Airports (Protection of Airspace) Regulations.

DTS/DPF 2.2

None are applicable.

PO 2.3

Buildings north of the central pathway designed to provide an active edge to the River Torrens and of a low scale commensurate with its landscape setting.

DTS/DPF 2.3

None are applicable.

PO 2.4

Buildings along King William Road designed to enable views through to important State Heritage buildings and the public plaza area.

DTS/DPF 2.4

None are applicable.

PO 2.5

A new public plaza developed on a single plane minimising grade changes across the site so as to maximise pedestrian connectivity.

DTS/DPF 2.5

None are applicable.

PO X

Incorporate safe and convenient pedestrian paths.

DTS/DPF X

None are applicable.

Innovation Subzone (SUBJECT OF THE DPA – CoA comments were submitted as part of the consultation process)

Assessment Criteria (AC)

Desired Outcomes (DO)

DO 1

An innovation precinct accommodating a range of commercial, educational and research activities supported by a mix of compatible employment generating land uses including tourism, hospitality, cultural, entertainment and retail activities.

DO 2

A range of low to high rise buildings within a landscaped setting that respond to heritage buildings on the site and transition down in height and scale towards the Adelaide Park Lands and the Adelaide Botanic Garden.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Land Use and Intensity

PO 1.1

Development of innovative commercial, educational and research activities supported by a mix of compatible employment generating land uses.

DTS/DPF 1.1

The types of development envisaged within the zone.

PO 1.2

Small scale retail development to meet the day to day needs of workers and visitors to the precinct.

DTS/DPF 1.2

Shops not exceeding 250m² total gross leasable floor area.

PO 1.3

A range of small to medium scale services and facilities serving the area such as child care facilities, personal services establishment and the like.

DTS/DPF 1.3

None are applicable.

PO 1.4

Higher impact land uses such commercial development (including high technology and research based activity) clustered in key nodes where compatible with adjoining uses.

DTS/DPF 1.4

None are applicable.

Built Form and Character

PO 2.1

A high standard of contemporary architectural design, which incorporates vertical rhythms, proportions, compositions, materials, parapet or balcony heights. A combination of solid and glass finishes used to

produce visual interest on all sides.

DTS/DPF 2.1

None are applicable.

PO 2.2

Buildings adjacent to the Adelaide Botanic Garden or Park Lands sited and designed to create view corridors to and from the Adelaide Botanic Garden.

DTS/DPF 2.2

None are applicable.

PO 2.3

Buildings of a height and scale that minimise impacts on the Adelaide Botanic Garden and Park Lands as well as referencing the scale of buildings facing North Terrace and Frome Road.

DTS/DPF 2.3

Buildings not exceeding 15 building levels and 53m in building height.

PO 2.4

Where buildings exceed 15 building levels or 53m in building height they will be of exemplary design, located centrally within the site and meet the Commonwealth Airports (Protection of Airspace) Regulations.

DTS/DPF 2.4

None are applicable.

PO X

Development fronting North Terrace to:

- (a) maintain the existing pattern of building form and open space, providing greater grassed or landscaped areas at grade to North Terrace; and
- (b) ensure architectural compatibility with the red brick and stucco buildings which extend east from the Frome Road/North Terrace intersection.

DTS/DPF X

None are applicable.

Open Space

PO 3.1

Development on the eastern portion of the site:

- (a) results in an open park like setting complementary to the Adelaide Botanic Garden;
- (b) carefully managed to sensitively balance its interaction with surrounding uses such as the Adelaide Zoo, Adelaide Botanic Garden and the Adelaide Park Lands;
- (c) minimises uses or activities that would alienate the area from public usage;
- (d) provides opportunities for tourism, education, research, informal recreation and cultural enjoyment;
- (e) improves pedestrian links through the area, and improve the public realm and use and enjoyment of the Adelaide Park Lands; and
- (f) provides greater exposure and accessibility for the Adelaide Botanic Garden and North Terrace frontage.

DTS/DPF 3.1

None are applicable.

Cultural Institutions Subzone

Assessment Criteria (AC)

Desired Outcomes (DO)

DO 1

The cultural and institutional heart of the City comprising of a vibrant cluster of cultural and institution uses including tertiary education, research, libraries and museums that attract students, professionals, workers and visitors to the city.

DO 2

Well designed and functional buildings set within a landscaped setting and public spaces that provides pedestrian and cyclist friendly streetscapes and active street frontages that facilitate positive social interaction.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Land Use and Intensity

PO 1.1

A diverse range of cultural and institutional uses including tertiary education, research, library, museums and galleries.

DTS/DPF 1.1

The types of development envisaged within the zone, except:

- (a) Convention centre
- (b) Entertainment venue
- (c) Helicopter landing facility
- (d) Hospital
- (e) Motel
- (f) Serviced apartments
- (g) Tourist accommodation.

Built Form and Character

PO 2.1

Development that emphasises the horizontal grouping of building elements and uses vertical proportions in projections and in the disposition of openings into the design of the facade.

DTS/DPF 2.1

None are applicable.

PO 2.2

Buildings with modelled and textured facades of predominantly masonry appearance similar to the early buildings that contribute to the established historical character of the zone.

DTS/DPF 2.2

None are applicable.

PO X

Development that:

- (a) is compatible in design and siting with existing buildings; and
- (b) maintains the established set-back pattern of alternating buildings and landscaped spaces along the North Terrace frontage.

DTS/DPF 2.2

None are applicable.

PO X

Buildings that maintain the existing landscaped open space between the buildings and the street boundary, unless greater pavement area is required for pedestrians.

DTS/DPF 2.2

None are applicable.

PO 2.3

Buildings that complement the form, appearance, materials and finishes of existing buildings in the locality, including the predominant:

- (a) Red brick or masonry walls; ~~and~~
- (b) Slate, shingles, terra cotta tiles or copper for exposed roofs; and
- (c) the use of ornament and decoration in building facades and roof forms to ensure additions are compatible with nearby buildings in form and appearance.

DTS/DPF 2.3

None are applicable.

PO 2.4

Building heights within the zone that transition down to the Park Lands from the height of existing buildings established along North Terrace.

DTS/DPF 2.4

Buildings located:

- (a) along road and Park Lands frontages not exceeding 3 building levels and 11.5m in building height; and
- (b) away from road and Park Lands frontages not exceeding 6 building levels and 22m in building height.

PO X

Retain open space between or in front of existing buildings along the North Terrace, Frome Road, Kintore Avenue and Victoria Drive frontages are inappropriate.

DTS/DPF X

None are applicable.

PO X

Expansion of existing activities will be accommodated by sensitive infill development with the construction of new buildings within present sites or on vacant land currently used for car parking, in accordance with coordinated master plans of the major institutions.

DTS/DPF X

None are applicable.

PO 2.5

Pleasant and interesting lawn and paved landscaped areas that create spaces suitable for a variety of activities ranging from those suitable for group meetings and social activities to those for quiet retreat and relaxation.

DTS/DPF 2.5

None are applicable.

PO X

The landscaped edge along North Terrace that provide shade for pedestrians while enhancing northward views from North Terrace. Landscaping design to the north of North Terrace that incorporates large, high-crowned trees that allows views through to the forecourt spaces of the many significant cultural and institutional buildings.

DTS/DPF X

None are applicable.

PO X

Conserve the plantings between the boundary fence and the University buildings along the Victoria Drive frontage.

DTS/DPF X

None are applicable.

Movement, Car Parking and Access

PO X

Maintain and further develop the pedestrian links in north-south and east-west directions as illustrated in Map Adel/1 (Overlay 2A), Maps Adel/45 and 50 and Figure I/3.

DTS/DPF X

None are applicable.

PO X

The North Terrace frontage is a prime section of the City's 'cultural boulevard' in which the improvement of pedestrian amenity and ease of pedestrian movement across North Terrace will be a priority.

DTS/DPF X

None are applicable.

PO X

Improvements to the northern footpaths will be integrated with redevelopments of the Museum, State Library, Royal Adelaide Hospital and university forecourts to provide greater levels of visibility and access to these buildings.

DTS/DPF X

None are applicable.

Government House Subzone

Assessment Criteria (AC)

Desired Outcomes (DO)

DO 1

Continue to serve vice-regal functions and accommodate uses ancillary to that function.

DO 2

The environmental character of the Zone will remain predominantly landscaped park, with no further major development taking place.

Land Use and Intensity

PO 1.1

Government House and its ancillary uses are the only desired activities envisaged. All other uses are not envisaged.

DTS/DPF 1.1

None are applicable.

Built Form and Character

PO 2.1

Development that is not substantial or visually intrusive.

DTS/DPF 2.1

None are applicable.

PO 2.2

Alterations or minor additions to Government House itself and other outbuildings are appropriate, subject to their deference to and conformity with the character of existing buildings in the Government House grounds.

DTS/DPF 2.2

None are applicable.

PO 2.3

Small garden-associated structures such as pavilions, gazebos, or greenhouses are appropriate.

DTS/DPF 2.3

None are applicable.

PO 2.4

Development that does not detrimentally affect the establishment and growth of the landscape features of the Zone.

DTS/DPF 2.4

None are applicable.

PO 2.5

Prince Henry Gardens will continue to provide significant pedestrian shelter and amenity. This avenue of trees and other plantings will be maintained as a contrast to the built form south of North Terrace, through replacement planting wherever necessary.

Advertisements

PO 3.1

Integrated low free-standing signs that are non-illuminated and limited in size and number.

DTS/DPF 3.1

None are applicable.

Carparking and Access

PO 4.1

No additional vehicle access points are envisaged

DTS/DPF 4.1

None are applicable.

PO 4.2

Provision of on-site parking to serve the needs of Government House should be provided on-site. No other parking is to be developed in the Zone

DTS/DPF 4.2

None are applicable.

Affordable Housing Overlay

Assessment Provisions (AP)

Desired Outcomes (DO)

DO 1.

Affordable housing that includes a range of affordable dwelling types is integrated into residential and mixed use development.

DO 2

Development that caters for a variety of household structures.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Land Division

PO 1.1

Development comprising 20 or more dwellings provides housing suited to a range of incomes including households with low – moderate incomes.

DTS/DPF 1.1

Development comprising 20 or more dwellings or residential allotments includes a minimum of 15% affordable housing except where:

- a. it can be demonstrated that any shortfall in affordable housing has been provided in a previous stage of development; or
- b. it can be demonstrated that any shortfall in affordable housing will be accommodated in a subsequent stage or stages of development.

PO 1.2

Affordable housing is distributed throughout the development to avoid an overconcentration of affordable housing.

DTS/DPF 1.2

None are applicable.

Built Form and Character

PO 2.1

Affordable housing is designed to complement the design and character of residential development within the development area.

DTS/DPF 2.1

None are applicable.

Affordable Housing Incentives

PO 3.1

Allotments created for affordable housing are a suitable size and dimension that provide a high standard of occupant amenity and integrate with residential neighbourhoods.

DTS/DPF 3.1

Where constituting affordable housing, the minimum site area specified for a dwelling can be reduced by up to 20%.

PO 3.2

To support the provision of affordable housing building heights may be increased above the maximum specified in the *Building Heights Technical and Numeric Variations Data Overlay*. **Development designed to designed to minimise negative visual and amenity impacts on surrounding residents and streetscape.**

PLAY WITH WORDS MORE

DTS/DPF 3.2

Where a mixed-use development or apartment building includes at least 15% affordable housing, the maximum building height specified can be increased by 1 storey in City Living, General Neighbourhood, Housing Diversity Neighbourhood Greenfield Neighbourhood, Masterplanned Suburban Neighbourhood zones, and up to 30% in any other zone.

Movement and Car Parking

PO 4.1

Sufficient car parking is provided to meet the needs of occupants of affordable housing.

Working Draft

DTS/DPF 4.1

Dwellings constituting affordable housing are provided with car parking in accordance with the following:

- a. 0 carpark for an apartment; and
- b. 1 carpark per dwelling for any other dwelling.

Procedural Matters (PM)

Referrals		
Class of Development / Activity	Referral Body	Purpose of Referral
Development for the purposes of the provision of affordable housing (applying the criteria determined under regulation 4 of the <i>South Australian Housing Trust Regulations 2010</i>)	Minister responsible for administering the <i>South Australian Housing Trust Act 1995</i>	To enable commitment and obligations on the provision of dwellings or allotments for affordable housing to be executed.

Regulated Tree

Overlay Assessment

Provisions (AP) Desired

Outcome (DO)

DO 1

The conservation of regulated trees to provide aesthetic and environmental benefits and to mitigate tree loss through appropriate development and redevelopment.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Tree Retention and Health

PO 1.1

Regulated trees are retained where they make an important visual contribution to local character and amenity.

DTS / DPF 1.1

None are applicable.

PO 1.2

Regulated trees listed as rare or endangered under the National Parks and Wildlife Act 1972 are conserved.

DTS / DPF 1.2

A tree not listed as rare or endangered.

PO 1.3

A tree damaging activity not in connection with other development is undertaken to:

- (a) remove a diseased tree where its life expectancy is short;
- (b) mitigate an unacceptable risk to public or private safety due to limb drop or the like;
- (c) rectify or prevent extensive damage to a building of value :
 - (i) a Local Heritage Place;
 - (ii) a State Heritage Place;
 - (iii) a substantial building of value;

and there is no reasonable alternative to rectify or prevent such damage other than to undertake a tree damaging activity;

- (d) reduce an unacceptable hazard associated with a tree within 20m of an existing residential, tourist accommodation or other habitable building from bushfire;
- (e) treat disease or otherwise in the general interests of the health of the tree;
- (f) maintain the aesthetic appearance and structural integrity of the tree.

DTS / DPF 1.3

None are applicable.

PO 1.4

A tree damaging activity in connection with other development is undertaken to accommodate the reasonable development of land in accordance with the relevant zone or subzone where it might not otherwise be possible and, in the case of a significant tree, all reasonable development options and design solutions have been considered to prevent substantial tree- damaging activity occurring.

DTS / DPF 1.4

None are applicable.

Ground work affecting trees

PO 2.1

Regulated trees, including their root systems, are not unduly compromised by excavation and / or filling of land, or the sealing of surfaces within the vicinity of the tree to support their retention and health.

DTS / DPF 2.1

Regulated trees are protected during the course of development by protecting the tree's branches and roots by the erection of a secure fence prior to commencement of any work on site to prevent any disturbance to such area, for example by compaction, excavation, filling or contact causing damage to branches, trunks, or root systems. Fencing is to:

- (a) consist of a 2m high solid, chain mesh, steel or similar fabrication with posts at 3m intervals;
- (b) incorporate on all sides a clearly legible sign displaying the words "Tree Protection Area"; and
- (c) not be erected closer to the tree than a distance equal to half of the height of the tree or the full width of the branch spread (whichever is lesser).

Land Division

PO 3.1

Land division results in an allotment configuration that enables its subsequent development and the retention of regulated trees as far as is reasonably practicable.

DTS/DPF 3.1

Land division where:

- (a) there are no regulated trees located within or adjacent to the plan of division; or
- (b) the application demonstrates that an area exists to accommodate subsequent development of proposed allotments after an allowance has been made for a tree protection zone around any regulated tree within and adjacent to the plan of division.

Procedural Matters (PM)

Referrals		
Class of Development / Activity	Referral Body	Purpose of Referral
None	None	None

General Comments

Other than in DO1, the HA Overlay doesn't have the general principles that reinforce using the existing built form as the basis for a contextual design response. The Nth Ad and Ad HCZ reinforces this over and over again. Is one DO enough or should every PO be reinforced with the importance of contextual design?

Do we want to link everything back to the HA Statement to tighten it up or leave it loose by just saying 'in the historic area'?

Re PO5.2 – This PO is suggesting that valued landscape elements, presumably including public realm elements (like trees, verges, driveway locations, light poles) be maintained except where they compromise safety, create nuisance, or adversely impact on existing buildings or infrastructure. Could this be applied to street trees as a justification for removal ie tree roots damaging a building, or underground services?

Include in the Practice Direction advice to cover that Demolition PO 6.1b does not mean that if the façade is obscured by a tall fence or vegetation, that that provision will then apply.

Historic Area Overlay

Assessment Provisions (AP)

DO 1

Reinforce historic themes and characteristics through conservation and contextually ~~responsive development~~, design and adaptive reuse that responds to ~~and reinforces~~ existing coherent patterns in built form, ~~the setting of buildings and ancillary structures and streetscapes and built form~~ as expressed in the ~~Historic Area Statement~~ Historic Area Statement.

Built Form

PO 1.1

The form of ~~new buildings and structures~~ development that ~~are~~ is visible from the public realm ~~are~~ is consistent with the prevailing historic attributes and characteristics ~~of the historic area as expressed in the~~ Historic Area Statement.

DTS 1.1

None are applicable

PO 1.2

Development is consistent with the prevailing building heights and wall heights ~~in the historic area as expressed in the~~ Historic Area Statement.

DTS 1.2

None are applicable

PO 1.3

~~Design and a~~ Architectural detailing of street facing buildings complement the prevailing characteristics ~~in the historic area as expressed in the~~ Historic Area Statement.

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 as expressed in the~~ Historic Area Statement.

DTS 1.4

None are applicable

PO 1.5

Materials are either consistent with or complement those [within historic area expressed in the Historic Area Statement](#).

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.

DTS 2.1

Alterations and additions are fully contained within the roof space of an existing building 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 themes and characteristics](#) of the locality, by enabling complementary changes to buildings to accommodate new land uses [that are facilitated by dispensation in relation to other planning guidelines](#).

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 [as expressed in the Historic Area Statement](#).

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).

DTS 3.2

None are applicable

PO 3.3

Advertising and advertising hoardings 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.

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 [as expressed in the Historic Area Statement](#).

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 [and vehicle parking patterns in the historic area as expressed in the Historic Area Statement](#).

DTS 4.1

None are applicable

Context and Streetscape Amenity

PO 5.1

The width of driveways and other vehicle access ways are consistent with the prevalent width, [pattern and location](#) of existing driveways [of the historic area as expressed in the Historic Area Statement](#).

DTS 5.1

None are applicable

PO 5.2

Development maintains the valued landscape patterns and characteristics that contribute to the [historic area 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~~ Development that demonstrates the historic characteristics as expressed in the ~~Historic Area Statement~~ [Historic Area Statement](#) ~~are is~~ 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 building façade does not contribute to the historic character of the streetscape [as expressed in the Historic Area Statement](#); or
- (c) the structural integrity or condition of the building is beyond economic repair.

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 [as expressed in the Historic Area Statement](#).

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 Area Statement](#), may be demolished.

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.

The objectives of this PO is difficult to understand. What is a feature associated with a former activity of significance that isn't a ruin? A slag heap, railway siding? Why are only mining farming and industry identified?

DTS 7.1

None are applicable

Procedural Matters (PM)

Referrals	
Development Type	Referral Body
None	None

Working Draft

Historic Area Statement

Historic Area Overlays identify areas that comprise unified, consistent streetscape characteristics of an identifiable historic, economic or social theme associated with an earlier era of development. They comprise built form characteristics, and at times natural features and sub-division patterns that provide a legible connection to the historic development of the local area. Development within the Overlay will preserve these attributes.

The redevelopment of existing places, through refurbishment or adaptive reuse, will maintain, and where possible enhance or reinforce, this unified, consistent historic streetscape character.

New development will be generally limited to the replacement of places that either do not contribute towards this unified, consistent historic streetscape character, or towards the rear of sites that do, so as to not adversely impact the legibility and interpretation of the prevailing historic, economic or social themes as viewed from the public realm.

Example – Large Estate

Heritage Characteristics	Prevailing Characteristics
Era of Development	-1880 to 1900. -1930 to 1940.
Subdivision Pattern	-Site areas of 1500- 3000 square metres. -Street frontages, 30 metres. -Generous front set-backs (e.g. 11 metres). -Side set-backs between 4 and 8 metres so as to maintain a total spacing between neighbouring dwelling walls, of some 12 metres.
Architectural Buildings	-Victorian and Turn-of-the-Century Villas/Mansions. -Tudors and Bungalows (1930-40's).
Materials	-Consistent with the materials contained within the architectural building.
Setting and Public Realm	-Wide streets. -Substantial trees. -Expansive allotments, street frontages and gardens. -Heywood Park.
Fencing	-Low and essentially open-style fencing. -May also include masonry pier and plinth fence with decorative open sections of up to 1.8 metres in total height.
Height	-Single storey built scale to the streetscape. -Second storey elements should be integrated sympathetically into the dwelling design.

Example – Large allotments, single level

Heritage Characteristics	Examples
Historical Period	-1900s-1920s

Attachment A.1 City of Adelaide P&D Code amendment document

Subdivision Pattern	<ul style="list-style-type: none"> -Large allotments, fronting wide -Single-storey detached -Detached dwellings should have a primary street frontage not less than 18 metres.
Architectural Buildings	<ul style="list-style-type: none"> - Bungalows - Edwardian (Queen Anne) - Federation - Tudor Style
Materials	<ul style="list-style-type: none"> -Retention of original finishes and unpainted stone
Setting and Public Realm	<ul style="list-style-type: none"> -Tree lined avenues -Front gardens important design element -Landscaping around the dwelling
Fencing	<ul style="list-style-type: none"> -Front fencing is compatible with the period and style of the dwelling -Solid and high front fences are generally inappropriate (may be considered on roads of high traffic volume) -Lower more open fencing that allows an appreciation of the detailing of the dwelling, such as timber picket and paling, wire mesh with timber or tube framing, woven crimped wire, and masonry with galvanised steel ribbon. - Side and rear fences in traditional materials.
Height	<ul style="list-style-type: none"> -No more than one storey above natural ground level, except where the predominant height in the immediate locality is two storey. -In this instance development should not be more than two storeys above the natural ground level.

Example – Narrow Village

Heritage Characteristics	Examples
Historical Period	-Late 19 th Century (1870s to 1890s)
Subdivision Pattern	<ul style="list-style-type: none"> -Narrow allotments of varying widths -Closely spaced early small dwellings and narrow streets -Centred on the triangle created by Main North Road, Carter Street, Highbury Street and Argyle street.
Architectural Buildings	<ul style="list-style-type: none"> -Single fronted cottages -Attached cottages -Corner shops -Church

Materials	<ul style="list-style-type: none"> -Bluestone or sandstone with brick quoins around doors and window openings and wall corners -Sometimes rendered quoins -Side and rear walls are usually red brick or random rubble (stone) or river stone construction. -Roof cladding corrugated iron with OF profile gutters
Setting and Public Realm	<ul style="list-style-type: none"> -Village Character -Narrow Streets
Fencing	-Original front fences should be maintained and restored.
Height	- PDC refers to maximum height of 9 metres or 2 storeys.

Example – Grand/Mansion 1 – 750+

Heritage Characteristics	Prevailing Characteristics
Era and/or style of development	-Predominantly turn of the 20 th century, with valued dwellings to approximately 1940
Subdivision Pattern	<ul style="list-style-type: none"> -Site areas of 750 - 1200 square metres. -Street frontages of around 15 metres. -Front set-backs in the order of 7 metres. -Side set-backs between 1 and 4 metres so as to maintain a total spacing between neighbouring dwelling walls, of some 4metres.
Architectural Buildings	<ul style="list-style-type: none"> -Victorian and Turn-of-the-Century Villas (asymmetrical and symmetrical) -double-fronted cottages -limited complementary, Inter-war era styles
Materials	-Consistent with the materials associated with the architectural styles of the subject building and streetscape.
Setting and Public Realm	<ul style="list-style-type: none"> -Wide streets. -Substantial trees. -Expansive allotments, street frontages and gardens. -Original parks and street layouts.
Fencing	<ul style="list-style-type: none"> - Low, open fencing reflective of the architectural style of the subject building -May also include masonry pier and plinth fence with decorative open sections of up to 1.8 metres in total height.
Height	<ul style="list-style-type: none"> -Single and two storey built scale to the streetscape. -building wall heights in the order of 3.6 metres - total roof heights in the order of 5.6 metres or 6.5 metres -roof pitches in the order of 27 degrees and 35 degrees.

Example – Grand/Mansion 2 – 1200+

Heritage Characteristics	Prevailing Characteristics
Era and/or style of development	-Predominantly turn of the 20 th century, with valued dwellings to approximately 1940
Subdivision Pattern	-Site areas of 1200- 3000 square metres. -Street frontages of 30 metres or more. -Generous front set-backs (e.g. 11 metres). -Side set-backs between 4 and 8 metres so as to maintain a total spacing between neighbouring dwelling walls, of some 12 metres.
Architectural Buildings	-Victorian and Turn-of-the-Century Villas/Mansions. -1930s-1940s International Styles -Gentleman's Tudors and Bungalows
Materials	-Consistent with the materials associated with the architectural styles of the subject building and streetscape.
Setting and Public Realm	-Wide streets. -Substantial trees. -Expansive allotments, street frontages and gardens. -Original parks and street layouts.
Fencing	- Low, open fencing reflective of the architectural style of the subject building -May also include masonry pier and plinth fence with decorative open sections of up to 1.8 metres in total height.
Height	-Single and two storey built scale to the streetscape.

Example – Township (mixed / residential)

Heritage Characteristics	Prevailing Characteristics
Era and/or style of development	- Turn of 20 th Century
Subdivision Pattern	- Traditional grid land division pattern - Within the main street/town centre, consistent setbacks and strong building line with little interruption. Buildings square to the street.
Architectural Buildings	-Within the main street/town centre, distinctive built form reflecting mix of civic, commercial and retail activities -Verandahs and parapets - Traditional railway architecture including workshops and industrial buildings - Small, humble worker's accommodation, including single and double fronted cottages and row cottages -More prosperous stone/masonry villas surrounded by gardens/landscaping

Materials	<ul style="list-style-type: none"> -Consistent with the materials associated with the architectural styles of the subject building and streetscape. -CGI roofing -Weatherboard/fibro -Local stone/masonry
Setting and Public Realm	<ul style="list-style-type: none"> - Stone kerbing - Wide streets in original layout - Traditional parks/gardens - Maintenance of rural character and scenic views
Fencing	<ul style="list-style-type: none"> -Rural style fencing - Low, open fencing reflective of the architectural style of the subject building
Height	<ul style="list-style-type: none"> -Predominantly single storey where residential or retail -Two storeys associated with grand, civic or commercial activities -Roof pitches between 30-45 degrees, reflecting traditional styles

Working Draft

General Comments

Adjacent Development

Definitions are required for the terms 'a danger to property', 'significantly diseased' and what is a 'short' life expectancy.

Keep the words consistent with the Definitions as per Attach 4 of the Practice Guideline.

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~~ (not necessary – see Definition of conservation).

Land Use

PO

Land uses that enable the sympathetic adaptation of heritage places to new uses.

DTS

None are applicable.

Built Form

PO 1.1

The form of new buildings and structures ~~maintains does not detrimentally affect~~ the heritage values of the Place.

DTS 1.1

None are applicable.

PO 1.2

Massing and scale of development ~~maintains does not detrimentally affect~~ the heritage values of the Place.

DTS 1.2

None are applicable.

PO 1.3

Design and architectural detailing ~~maintains does not detrimentally affect~~ 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.

DTS 1.5

None are applicable.

PO 1.6

~~New buildings are~~ Development is not placed or erected between the front street boundary and the façade

Attachment A.1 City of Adelaide P&D Code amendment document

~~of a Local Heritage Place or in a position that continues the alignment of the façade of the Place.~~
Integrate additions to the rear or side of Heritage Places and avoid additions in front of elements of heritage significance.

DTS 1.6

None are applicable.

PO 1.7

Development of a ~~Local Heritage~~ Place retains 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~~ Place and are sited to be unobtrusive, not conceal or obstruct ~~heritage elements of heritage value 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.

DTS 2.2

None are applicable.

Ancillary Development

PO 3.1

Ancillary development, including carports, outbuildings and garages, complements 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 principle al building(s).

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 of heritage value~~, or dominate the ~~building~~ Place or its setting.

DTS 3.3

None are applicable.

Fencing

PO

Fencing to the street boundary, any secondary street frontage and returning along the side boundaries to the alignment of the main face of a Heritage Place is designed and constructed to be compatible with and complementary to the Place.

DTS

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) retain enough land surrounding the Place to enable future development that can accommodate a variety of future land uses.

DTS 4.1

None are applicable.

Landscape Context and Streetscape Amenity

PO

Landscaping that achieves the desired landscape context and streetscape amenity consistent with the heritage values of the Place.

DTS

None are applicable.

~~Landscape Context and Streetscape Amenity~~ Move to Demolition

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; or
- (b) the structural integrity or condition of the ~~building~~ 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.

PO 6.2

The demolition, destruction or removal of a ~~building a component of the site~~, portion of a ~~building~~ Place 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.

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.

DTS 5.1

None are applicable.

Conservation Works

PO 7.1

Conservation works to [the identified elements of heritage value of a Place exterior of a Place](#) match existing materials [of heritage value](#) to be repaired and utilise traditional work methods.

DTS 7.1

None are applicable.

Views and Vistas

PO

Retain and reinstate important views and vistas to heritage places from public roads as well as between any elements of identified heritage significance.

DTS

None are applicable.

Procedural Matters (PM)

Referrals		
Class of Development / Activity	Referral Body	Purpose of Referral
None	None	None

Working Draft

General Comments

Adjacency provisions are missing, although the change I made to referral trigger d(ii) might be enough.

The use of terminology is not consistent even with the Definitions in the Practice Guideline.

In the referral trigger (ii) Maddie raised the question of whether or not the average planner would be able to make a judgement about whether works to a heritage place were minor or not. I've suggested that all alts and adds get referred.

Definitions are required for the terms 'a danger to property', 'significantly diseased' and what is a 'short' life expectancy.

See other comments in yellow in the Referral triggers.

State Heritage Place Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

DO 1

Development maintains 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

Land Use

PO 1.1

Land uses that enable the sympathetic adaptation of heritage places to new uses.

Built Form

PO 1.1

The form of new buildings and structures ~~maintains~~ does not detrimentally affect the heritage values significance of the Place.

DTS 1.1

None are applicable.

PO 1.2

Massing and scale of development ~~maintains~~ does not detrimentally affect the heritage values significance of the Place.

DTS 1.2

None are applicable.

PO 1.3

Design and architectural detailing ~~maintains~~ does not detrimentally affect the heritage values significance of the Place.

DTS 1.3

None are applicable.

PO 1.4

Development is consistent with boundary setbacks and setting.

Attachment A.1 City of Adelaide P&D Code amendment document

DTS 1.4

None are applicable.

PO 1.5

Materials and colours are either consistent with or complement the heritage values significance of the Place.

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.~~

What about the situation where the street faces north and the façade of the SHP faces west or buildings placed in line with the façade?

Integrate additions to the rear or side of Heritage Places and avoid additions in front of elements of heritage significance.

DTS 1.6

None are applicable.

PO 1.7

Development of a State Heritage Place retains elements contributing to its heritage value significance.

DTS 1.7

None are applicable.

Alterations and Additions

PO 2.1

Alterations and additions complement the subject building Place 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 significance 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

Attachment A.1 City of Adelaide P&D Code amendment document

Place, be unobtrusive, not conceal or obstruct heritage elements and detailing, or dominate the building Place or the setting.

DTS 3.3

None are applicable.

Fencing

PO

Fencing and gates to the street boundary, any secondary street frontage and returning along the side boundaries to the alignment of the main face of a Heritage Place are designed and constructed to be compatible with and complementary to the Place.

DTS

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 significance of the State Heritage Place.
- (c) retain enough land surrounding the Place to enable future development that can accommodate a variety of future land uses.

DTS 4.1

None are applicable.

Landscape Context and Streetscape Amenity

PO

Landscaping that achieves the desired landscape context and streetscape amenity consistent with the heritage values of the Place.

DTS 4.1

None are applicable.

~~Landscape Context and Streetscape Amenity~~ (Move under Demolition)

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.~~

~~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:

Attachment A.1 City of Adelaide P&D Code amendment document

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

PO X

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.

DTS X

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 original~~ **existing original** materials of heritage **significance** to be ~~repaired~~ **repaired** and utilise traditional work methods.

DTS 7.1

None are applicable.

Views and Vistas

PO X

Retain and reinstate important views and vistas to heritage places from public roads as well as between any elements of identified heritage significance.

DTS X

None are applicable

Procedural Matters (PM)

Referrals		
Class of Development / Activity	Referral Body	Purpose of Referral
<p>Except where:</p> <ul style="list-style-type: none"> (i) the development is to be undertaken in accordance with a Heritage Agreement under the <i>Heritage Places Act 1993</i>; or (ii) the development is, in the opinion of the relevant authority, minor in nature or like for like repair or replacement of materials of heritage significance maintenance and would not warrant a referral when considering the purpose of the 	<p>The Minister responsible for administering the <i>Heritage Places Act 1993</i></p>	<p>To provide expert assessment and direction to the relevant authority on the potential impacts of development on State Heritage Places.</p>

<p>referral see General Comments</p>		
<p>the following forms of development:</p> <ul style="list-style-type: none">(a) demolition of internal or external significant building fabric of heritage significance;(b) freestanding advertisements, signs and associated structures that are visible from a public street, road or		

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Referrals		
Class of Development / Activity	Referral Body	Purpose of Referral
<p>thoroughfare that abuts the State Heritage Place;</p> <p>Why 'freestanding' ads only? Note that PO3.1 says there are no DTSs or DPFs for ads on a SHP. Therefore, shouldn't all be referred or are they trying to allow the rel auth to not have to refer a sign attached to a building?</p> <p>Isn't that the point of signage? If its not visible, why have it?</p> <p>(c) alterations or additions to buildings Places that:</p> <p>(i) are visible from a public street, road or thoroughfare that abuts the State Heritage Place I think all alts and adds should be referred also to get around the problem of DA planners not being confident about what will impact on a SHP and what won't;</p> <p>(ii) may materially affect the context of a State Heritage Place; or</p> <p>(iii) involve substantive (not necessary and needs a definition if included) physical impact to the fabric of significant buildings Places;</p> <p>(d) new buildings development that:</p> <p>(i) are is visible from a public street, road or thoroughfare that abuts the State Heritage Place; or all work to old buildings should be referred for specialist heritage advice</p> <p>(ii) may materially affect the context of the a State Heritage Place; does this deal with the adjacency issue?</p> <p>(e) conservation repair works that are not representative of 'like for like' works that involve the repair or replacement of materials of</p>		

<p>heritage significance maintenance;</p> <p>(f) solar panels that are visible from a public street, road or thoroughfare that abuts the State Heritage Place;</p> <p>(g) land division;</p> <p>(h) the removal, alteration or installation of fencing where visible from a public street, road or thoroughfare that abuts the State Heritage Place; or</p> <p>(i) the removal of an individual tree of identified heritage significance or a tree within a garden or park of identified heritage significance.</p>		
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Working Draft

Design Overlay

Assessment Provisions (AP)

Desired Outcomes (DO)

DO 1

Development that positively contributes to the liveability, durability and sustainability of the built environment through high-quality design.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

General

PO 1.1

Medium to high rise buildings and state significant development demonstrate high quality design.

DTS/DPF 1.1

None are applicable.

Procedural Matters (PM)

Referrals		
Class of Development / Activity	Referral Body	Purpose of Referral
<p>Development:</p> <p>2) within the area of the overlay located within the Corporation of the City of Adelaide where the total amount to be applied to any work, when all stages of the development are completed, exceeds \$10,000,000;</p> <p>3) within the area of the overlay located within the City of Port Adelaide Enfield where the total amount to be applied to any work, when all stages of the development are completed, exceeds \$3 000 000;</p> <p>4) within all other areas of the overlay, that involves the erection or construction of a building that exceeds 4 building levels except the area of the overlay located within the Corporation of the City of Adelaide;</p> <p>5) except where it relates to a variation of an application if the development has previously— (a) been referred to the Government Architect; or</p>	<p>Government Architect</p>	<p>To provide expert design advice to the Relevant Authority, including how development:</p> <ul style="list-style-type: none"> • responds to the surrounding context and contributes to the quality and character of a place; • contributes to inclusiveness, connectivity, and universal design of the built environment; • enables buildings and places that are fit for purpose, adaptable and long-lasting; • contributes to desirable places and communities

Referrals		
Class of Development / Activity	Referral Body	Purpose of Referral
(b) been given development authorisation under the Act.		<p>that promote investment;</p> <ul style="list-style-type: none"> • optimises performance and public benefit; and • supports sustainable and environmentally responsible development.

Working Draft

Interface between Land Uses

Assessment Provisions (AP)

Desired Outcome (DO)	
<p>DO 1</p> <p>Development located and designed to mitigate adverse effects on neighbouring and proximate land uses to reduce potential for conflict.</p>	
Performance Outcome (PO)	<ul style="list-style-type: none"> • Deemed to Satisfy Criteria (DTS) (required for development to be classified as Deemed-to-Satisfy) • Designated Performance Feature (DPF) (used for development to be assessed on its merits against the applicable policies of the Planning and Design Code)
General Land Use Compatibility	
<p>PO 1.1</p> <p>Sensitive receivers designed and sited to protect residents and occupants from adverse impacts generated by lawfully existing land uses and land uses desired in the zone does not unreasonably interfere with the operation of these non-residential uses desired in the relevant zone or subzone.</p>	<p>None are applicable.</p>
<p>PO 1.2</p> <p>Development adjacent to a site containing an existing sensitive receiver or zone primarily intended to accommodate sensitive receivers designed to minimise adverse impacts.</p>	<p>None are applicable.</p>
Hours of Operation	
<p>PO 2.1</p> <p>Non-residential development does not unreasonably impact the amenity of existing sensitive receivers or an adjacent zone primarily for sensitive receivers through hours of operation having regard to:</p> <ul style="list-style-type: none"> (a) the nature of the development; (b) measures to mitigate off-site impacts; (c) the extent to which the development is desired in the zone; and 	<p>DTS/DPF 2.1</p> <p>Consulting room, office and shop hours of operation are limited to 7am – 9pm Monday to Friday and 8am – 5pm Saturday inclusive.</p>

<p>Performance Outcome (PO)</p>	<ul style="list-style-type: none"> • Deemed to Satisfy Criteria (DTS) (required for development to be classified as Deemed-to-Satisfy) • Designated Performance Feature (DPF) (used for development to be assessed on its merits against the applicable policies of the Planning and Design Code)
<p>(d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.</p>	
<p>PO 2. Licensed premises and licensed entertainment premises or similar to be located, designed and operated to:</p> <ul style="list-style-type: none"> (a) reinforce the character desired in the relevant zone or subzone; (b) ensure continued enjoyment of the locality by incorporating best practice measures to effectively manage the behaviour of users moving to and from such land uses. 	<p>None are applicable.</p>
<p>PO 2. Ancillary activities that have minimal disturbance to residents.</p>	<p>DTS/DPF 2. Activities such as deliveries, collection, movement of private waste bins, goods, empty bottles and the like to occur:</p> <ul style="list-style-type: none"> (a) before 10.00pm; and (b) after 7.00am Monday to Saturday or after 9.00am on a Sunday or Public Holiday.
<p>Overshadowing</p>	
<p>PO 3.1 Overshadowing of habitable room windows of adjacent residential land uses not unreasonably interrupted to maintain access to direct winter sunlight.</p>	<p>DTS/DPF 3.1 North-facing windows of habitable rooms of adjacent residential land uses receive at least 3 hours of direct sunlight over their surface between 9.00 am and 3.00 pm on 21 June.</p>

Performance Outcome (PO)	<ul style="list-style-type: none"> • Deemed to Satisfy Criteria (DTS) (required for development to be classified as Deemed-to-Satisfy) • Designated Performance Feature (DPF) (used for development to be assessed on its merits against the applicable policies of the Planning and Design Code)
<p>PO 3.2</p> <p>Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses not unreasonably interrupted to maintain access to direct winter sunlight.</p>	<p>DTS/DPF 3.2</p> <p>Development maintains 2 hours direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in accordance with the following:</p> <ul style="list-style-type: none"> (a) for ground level private open space, the smaller of the following: <ul style="list-style-type: none"> (i) half of the existing ground level open space; or (ii) 35m² of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m); (b) for ground level communal open space, at least half of the existing ground level open space.
<p>PO 3.3</p> <p>Development does not unduly reduce the generating capacity of existing rooftop solar energy facilities taking into account:</p> <ul style="list-style-type: none"> (a) the form of development contemplated in the relevant zone; (b) the orientation of the solar energy facilities to operate effectively and efficiently; and (c) the extent to which the solar energy facilities are already overshadowed. 	<p>DTS/DPF 3.3</p> <p>Sunlight to solar panels maintained for a minimum of 2 consecutive hours between 9.00am and 3.00pm solar time on 22 June.</p>
<p>PO 3.4</p> <p>Development that incorporates moving parts, including windmills and wind farms, located and operated to not cause unreasonable nuisance to nearby dwellings and tourist accommodation caused by shadow flicker.</p>	<p>None are applicable.</p>

<p>Performance Outcome (PO)</p>	<ul style="list-style-type: none"> • Deemed to Satisfy Criteria (DTS) (required for development to be classified as Deemed-to-Satisfy) • Designated Performance Feature (DPF) (used for development to be assessed on its merits against the applicable policies of the Planning and Design Code) 					
<p>Activities Generating Noise or Vibration</p>						
<p>PO 4.1</p> <p>Development that emits noise (other than music noise) does not unreasonably impact acoustic amenity at the nearest existing sensitive receivers.</p>	<p>DTS/DPF 4.1</p> <p>Predicted noise at the nearest existing sensitive receiver achieves the relevant Environment Protection (Noise) Policy criteria.</p>					
<p>PO 4.2</p> <p>Areas for the on-site manoeuvring of service and delivery vehicles, plant and equipment, outdoor work spaces (and the like) are designed and sited to not unreasonably impact the amenity of adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers due to noise and vibration by adopting techniques including:</p> <ul style="list-style-type: none"> (a) locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers; (b) when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers; (c) housing plant and equipment within an enclosed structure or acoustic enclosure; and (d) providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone. 	<p>DTS/DPF 4.2</p> <p>None are applicable.</p> <p>The noise level associated with the combined operation of plant and equipment such as air conditioning, ventilation and refrigeration systems that will achieve the following noise levels:</p> <table border="1" data-bbox="842 1182 1441 2009"> <thead> <tr> <th data-bbox="842 1182 1046 1249">Assessment location</th> <th data-bbox="1046 1182 1441 1249">Plant noise level</th> </tr> </thead> <tbody> <tr> <td data-bbox="842 1249 1046 2009">Externally at the nearest existing or envisaged noise sensitive location</td> <td data-bbox="1046 1249 1441 2009"> <ul style="list-style-type: none"> a. 55 dB(A) during daytime (7.00am to 10.00pm) and 45 dB(A) during night time (10.00pm to 7.00am) when measured and adjusted in accordance with the relevant environmental noise legislation except where it can be demonstrated that a high background noise exists; and b. 50 dB(A) during daytime (7.00am to 10.00pm) and 40 dB(A) during night time (10.00pm to 7.00am) in or adjacent to a residential zone when measured and adjusted in accordance with the relevant environmental noise legislation except where it can be demonstrated that a high background noise exists. </td> </tr> </tbody> </table>		Assessment location	Plant noise level	Externally at the nearest existing or envisaged noise sensitive location	<ul style="list-style-type: none"> a. 55 dB(A) during daytime (7.00am to 10.00pm) and 45 dB(A) during night time (10.00pm to 7.00am) when measured and adjusted in accordance with the relevant environmental noise legislation except where it can be demonstrated that a high background noise exists; and b. 50 dB(A) during daytime (7.00am to 10.00pm) and 40 dB(A) during night time (10.00pm to 7.00am) in or adjacent to a residential zone when measured and adjusted in accordance with the relevant environmental noise legislation except where it can be demonstrated that a high background noise exists.
Assessment location	Plant noise level					
Externally at the nearest existing or envisaged noise sensitive location	<ul style="list-style-type: none"> a. 55 dB(A) during daytime (7.00am to 10.00pm) and 45 dB(A) during night time (10.00pm to 7.00am) when measured and adjusted in accordance with the relevant environmental noise legislation except where it can be demonstrated that a high background noise exists; and b. 50 dB(A) during daytime (7.00am to 10.00pm) and 40 dB(A) during night time (10.00pm to 7.00am) in or adjacent to a residential zone when measured and adjusted in accordance with the relevant environmental noise legislation except where it can be demonstrated that a high background noise exists. 					

Performance Outcome (PO)	<ul style="list-style-type: none"> • Deemed to Satisfy Criteria (DTS) (required for development to be classified as Deemed-to-Satisfy) • Designated Performance Feature (DPF) (used for development to be assessed on its merits against the applicable policies of the Planning and Design Code)
<p>PO 4.</p> <p>Licensed premises or licensed entertainment premises or similar incorporating appropriate noise attenuation measures.</p>	<p>DTS/DPF 4.2</p> <p>Development achieves the following when assessed at:</p> <p>(a) the nearest existing noise sensitive location in or adjacent to that Zone:</p> <ul style="list-style-type: none"> (i) music noise (L10, 15 min) less than 8 dB above the level of background noise (L90,15 min) in any octave band of the sound spectrum; and (ii) music noise (LA10, 15 min) less than 5 dB(A) above the level of background noise (LA90,15 min) for the overall (sum of all octave bands) A-weighted levels; or <p>(b) the nearest envisaged future noise sensitive location in or adjacent to that Zone:</p> <ul style="list-style-type: none"> (i) music noise (L10, 15 min) less than 8dB above the level of background noise (L90,15 min) in any octave band of the sound spectrum and music noise (L10, 15 min) less than 5dB(A) above the level of background noise (LA90,15 min) for the overall (sum of all octave bands) A-weighted levels; or (ii) music noise (L10, 15 min) less than 60dB(Lin) in any octave band of the sound spectrum and the overall (LA10,15 min) noise level is less than 55 dB(A). <p><i>Note: A report regarding noise associated with licensed premises or licensed entertainment premises or similar prepared by an acoustic engineer should specify the noise attenuation measures and address other typical noise sources to ensure those sources do not result in unreasonable interference.</i></p>

Performance Outcome (PO)	<ul style="list-style-type: none"> • Deemed to Satisfy Criteria (DTS) (required for development to be classified as Deemed-to-Satisfy) • Designated Performance Feature (DPF) (used for development to be assessed on its merits against the applicable policies of the Planning and Design Code)
<p>intended to accommodate sensitive receivers;</p> <p>(c) housing plant and equipment within an enclosed structure or acoustic enclosure; and</p> <p>(d) providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.</p>	
<p>PO 4.3</p> <p>Fixed plant and equipment in the form of pumps and/or filtration systems for a swimming pool or spa positioned and/or housed to not cause unreasonable noise nuisance to adjacent sensitive receivers.</p>	<p>DTS/DPF 4.3</p> <p>The pump and/or filtration system is ancillary to a dwelling erected on the same site and is:</p> <p>(a) enclosed in a solid acoustic structure that is located at least 5m from the nearest habitable room located on an adjoining allotment; or</p> <p>(b) located at least 12m from the nearest habitable room located on an adjoining allotment.</p>
<p>PO 4.4</p> <p>External noise into bedrooms minimised by separating or shielding these rooms from service equipment areas and fixed noise sources located on the same or an adjoining allotment.</p>	<p>DTS/DPF 4.4</p> <p>Adjacent land is used for residential purposes.</p>
<p>PO 4.</p> <p>Noise sensitive development incorporating adequate noise attenuation measures into their design and construction to provide occupants with reasonable amenity when exposed to noise sources such as major transport corridors (road, rail, tram and aircraft), commercial centres, entertainment premises and the like, and from activities and land uses contemplated in the relevant Zone and SubZone provisions.</p>	<p>DTS/DPF 4.</p> <p>Noise attenuation measures to achieve the following:</p> <p>(c) satisfaction of the sleep disturbance criteria in the bedrooms or sleeping areas of the development as defined by the limits recommended by the World Health Organisation;</p> <p>(d) the maximum satisfactory levels in any habitable room for development near major roads, as provided in the Australian/New Zealand Standard AS/NZS 2107:2000 - 'Acoustics - Recommended</p>

<p>Performance Outcome (PO)</p>	<ul style="list-style-type: none"> • Deemed to Satisfy Criteria (DTS) (required for development to be classified as Deemed-to-Satisfy) • Designated Performance Feature (DPF) (used for development to be assessed on its merits against the applicable policies of the Planning and Design Code) 																		
	<p>Design Sound Levels and Reverberation Times for Building Interiors'; and</p> <p>(e) noise level in any bedroom, when exposed to music noise (L10) from existing entertainment premises, being:</p> <ul style="list-style-type: none"> (i) less than 8 dB above the level of background noise (L90,15 min) in any octave band of the sound spectrum; and (ii) less than 5 dB(A) above the level of background noise (LA90,15 min) for the overall (sum of all octave bands) A-weighted levels. <p>Background noise within the habitable room can be taken to be that expected in a typical residential/apartment development of the type proposed, that is inclusive of internal noise sources such as air conditioning systems, refrigerators and the like as deemed appropriate.</p> <p>Unless otherwise demonstrated, the minimum background noise to be used will be:</p> <table border="1" data-bbox="847 1422 1461 1668"> <thead> <tr> <th>Octave Band Centre Frequency (Hz)</th> <th>Minimum Background Noise Level (L_{as, 15}) dB (A)</th> </tr> </thead> <tbody> <tr><td>63</td><td>10</td></tr> <tr><td>125</td><td>12</td></tr> <tr><td>250</td><td>14</td></tr> <tr><td>500</td><td>14</td></tr> <tr><td>1000</td><td>12</td></tr> <tr><td>2000</td><td>10</td></tr> <tr><td>4000</td><td>8</td></tr> <tr><td>Overall Sum</td><td>21</td></tr> </tbody> </table> <p>on the basis of the windows being closed for the noise sensitive development and any existing entertainment premises complying with the relevant legislation relating to noise emission.</p> <p><i>Note: The report prepared by a suitably qualified acoustic engineer at the planning application submission stage should identify existing noise sources, identify the appropriate level of sound attenuation required and specify the noise attenuation measures that will be applied to the proposal.</i></p>	Octave Band Centre Frequency (Hz)	Minimum Background Noise Level (L _{as, 15}) dB (A)	63	10	125	12	250	14	500	14	1000	12	2000	10	4000	8	Overall Sum	21
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<p>Performance Outcome (PO)</p>	<ul style="list-style-type: none"> • Deemed to Satisfy Criteria (DTS) (required for development to be classified as Deemed-to-Satisfy) • Designated Performance Feature (DPF) (used for development to be assessed on its merits against the applicable policies of the Planning and Design Code) 				
<p>PO 4</p> <p>Attached dwellings/serviced apartments designed to minimise transmission of sound between dwellings/serviced apartments and particularly protect bedrooms from possible noise intrusion.</p>	<p>Attached dwellings/ serviced apartments designed to ensure:</p> <ul style="list-style-type: none"> (a) Appropriate stacking and horizontal location of rooms, e.g. bedrooms over bedrooms and bedrooms next to bedrooms; (b) Bedrooms not sharing a wall with a living room* or a garage of another dwelling; and (c) Bedrooms not located above or below a living room* of another abutting dwelling. 				
<p>PO 4.5</p> <p>Outdoor areas associated with licensed premises (such as beer gardens or dining areas) designed and/or sited to not cause unreasonable noise impact on existing adjacent sensitive receivers.</p>	<p>DTS/DPF 4.4</p> <p>None are applicable.</p>				
<p>PO 4.6</p> <p>Development incorporating music achieves suitable acoustic amenity when measured at the boundary of an adjacent sensitive receiver or zone primarily intended to accommodate sensitive receivers.</p>	<p>DTS/DPF 4.6</p> <p>Development incorporating music includes noise attenuation measures that will achieve the following noise levels:</p> <table border="1" data-bbox="842 1496 1449 2078"> <thead> <tr> <th>Assessment location</th> <th>Music noise level</th> </tr> </thead> <tbody> <tr> <td>Externally at the nearest existing or envisaged noise sensitive location</td> <td> <ul style="list-style-type: none"> a. Less than 8dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum ($L_{OCT10,15} \leftarrow L_{OCT90,15} + 8dB$); and b. less than 5 dB(A) above the level of background noise ($LA_{90,15 min}$) or the overall (sum of all octave bands) A-weighted level. </td> </tr> </tbody> </table>	Assessment location	Music noise level	Externally at the nearest existing or envisaged noise sensitive location	<ul style="list-style-type: none"> a. Less than 8dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum ($L_{OCT10,15} \leftarrow L_{OCT90,15} + 8dB$); and b. less than 5 dB(A) above the level of background noise ($LA_{90,15 min}$) or the overall (sum of all octave bands) A-weighted level.
Assessment location	Music noise level				
Externally at the nearest existing or envisaged noise sensitive location	<ul style="list-style-type: none"> a. Less than 8dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum ($L_{OCT10,15} \leftarrow L_{OCT90,15} + 8dB$); and b. less than 5 dB(A) above the level of background noise ($LA_{90,15 min}$) or the overall (sum of all octave bands) A-weighted level. 				

Performance Outcome (PO)	<ul style="list-style-type: none"> • Deemed to Satisfy Criteria (DTS) (required for development to be classified as Deemed-to-Satisfy) • Designated Performance Feature (DPF) (used for development to be assessed on its merits against the applicable policies of the Planning and Design Code)
<p>PO 4.</p> <p>Speakers are not be placed on the fascias of premises or on the pavement adjacent to the premises to ensure continued enjoyment of other land in the locality.</p>	
Air Quality	
<p>PO 5.1</p> <p>Development with the potential to emit harmful or nuisance-generating air pollution incorporates air pollution control measures to prevent harm to human health or unreasonably impact the amenity of existing sensitive receivers within the locality and zones primarily intended to accommodate sensitive receivers.</p>	<p>DTS/DPF 5.1</p> <p>None are applicable.</p>
<p>PO 5.2</p> <p>Development that includes chimneys or exhaust flues (including cafes, restaurants and fast food outlets) is designed to minimise nuisance or adverse health impacts to nearby sensitive receivers by:</p> <ol style="list-style-type: none"> (a) incorporating appropriate treatment technology before exhaust emissions are released; and (b) locating and designing chimneys or exhaust flues to maximise dispersion of exhaust emissions taking into account the location of nearby sensitive receivers. 	<p>DTS/DPF 5.2</p> <p>None are applicable.</p>

Performance Outcome (PO)	<ul style="list-style-type: none"> • Deemed to Satisfy Criteria (DTS) (required for development to be classified as Deemed-to-Satisfy) • Designated Performance Feature (DPF) (used for development to be assessed on its merits against the applicable policies of the Planning and Design Code)
Light Spill	
PO 6.1 External lighting positioned and designed to not cause unreasonable light spill impact on adjacent sensitive receivers.	DTS/DPF 6.1 None are applicable.
PO 6.2 External lighting is not hazardous to motorists and cyclists.	DTS/DPF 6.2 None are applicable.
Solar Reflectivity / Glare	
PO 7.1 Development designed and comprised of materials and finishes that do not unreasonably cause a distraction to adjacent road users and pedestrian areas or unreasonably cause heat loading and micro-climatic impacts on adjacent buildings and land uses as a result of reflective solar glare.	DTS/DPF 7.1 None are applicable.
Electrical Interference	
PO 8.1 Development in rural and remote areas does not unreasonably diminish or result in the loss of existing communication services due to electrical interference.	DTS/DPF 8.1 The building or structure: <ul style="list-style-type: none"> (a) is no greater than 10m in height, measured from existing ground level; or (b) is not within a line of sight between an existing fixed transmitter and fixed receiver (antenna) other than where an alternative service is available (via a different fixed transmitter or cable).

Performance Outcome (PO)	<ul style="list-style-type: none"> • Deemed to Satisfy Criteria (DTS) (required for development to be classified as Deemed-to-Satisfy) • Designated Performance Feature (DPF) (used for development to be assessed on its merits against the applicable policies of the Planning and Design Code)
Interface with Rural Activities	
<p>PO 9.1</p> <p>Sensitive receivers located and designed to mitigate impacts from lawfully existing horticultural and farming activities including chemical spray drift and noise.</p>	<p>DTS/DPF 9.1</p> <p>None are applicable.</p>
<p>PO 9.2</p> <p>Sensitive receivers located and designed to mitigate potential impacts from lawfully existing intensive animal husbandry activities and not prejudice the continued operation of these activities.</p>	<p>None are applicable.</p>
<p>PO 9.3</p> <p>Sensitive receivers located and designed to mitigate potential impacts from lawfully existing land-based aquaculture activities and not prejudice the continued operation of these activities.</p>	<p>DTS/DPF 9.3</p> <p>Sensitive receivers are located at least 200m from the boundary of a site used for land-based aquaculture and associated components in other ownership.</p>
<p>PO 9.4</p> <p>Sensitive receivers located and designed to mitigate potential impacts from lawfully existing dairies including associated wastewater lagoons and liquid/solid waste storage and disposal facilities and not prejudice the continued operation of these activities.</p>	<p>DTS/DPF 9.4</p> <p>Sensitive receivers sited at least 500m from the boundary of a site used for a dairy and associated wastewater lagoon(s) and liquid/solid waste storage and disposal facilities in other ownership.</p>
<p>PO 9.5</p> <p>Sensitive receivers located and designed to mitigate potential impacts from lawfully existing facilities used for the handling, transportation and storage of bulk commodities (recognising the potential for extended hours of operation) and not</p>	<p>DTS/DPF 9.5</p> <p>Sensitive receivers are located at least 300m from the boundary of a site used for the handling, transportation and storage of bulk commodities in other ownership.</p>

Performance Outcome (PO)	<ul style="list-style-type: none"> • Deemed to Satisfy Criteria (DTS) (required for development to be classified as Deemed-to-Satisfy) • Designated Performance Feature (DPF) (used for development to be assessed on its merits against the applicable policies of the Planning and Design Code)
prejudice the continued operation of these activities.	
<p>PO 9.6</p> <p>Setbacks and vegetation plantings along allotment boundaries should be incorporated to mitigate the potential impacts of chemical spray drift and other impacts associated with agricultural and horticultural activities.</p>	None are applicable.
<p>PO 9.7</p> <p>Urban development should not prejudice existing agricultural and horticultural activities through appropriate separation and design techniques.</p>	None are applicable.
Interface with Mines and Quarries (Rural and Remote Areas)	
<p>PO 10.1</p> <p>Sensitive receivers are separated from existing mines to minimise adverse impacts from noise, dust and vibration.</p>	<p>DTS/DPF 10.1</p> <p>Sensitive receivers are located no closer than 500m from the boundary of a Mining Production Tenement under the <i>Mining Act 1971</i>.</p>

Infrastructure and Renewable Energy Facilities

Assessment Provisions (AP)

Desired Outcomes (DO)

DO 1

Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and that suitably manages adverse visual impacts on natural and rural landscapes and residential amenity.

DO 2

Development compatible with the long-term sustainability of the environment that minimises consumption of non-renewable resources and utilises alternative energy generation systems.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

General

PO 1.1

Development located and designed to minimise hazard or nuisance to adjacent development and land uses.

DTS/DPF 1.1

None are applicable.

PO 1.2

Locate infrastructure and utility services including the supply of water, gas, and electricity in common trenches or conduits.

DTS/DPF 1.2

None are applicable.

PO 1.3

Provision made for utility services to the development site, including provision for the supply of water, gas and electricity and for the satisfactory disposal and potential re-use of sewage and waste water, drainage and storm water from the development site.

DTS/DPF 1.3

None are applicable.

Visual Amenity

PO 2.1

The visual impact of above ground infrastructure networks and services, renewable energy facilities (excluding wind farms), energy storage facilities and ancillary development from townships, scenic routes and public roads is minimised and managed by:

- (a) utilising features of the natural landscape to obscure views where practicable;
- (b) siting development below ridgelines where practicable;
- (c) avoiding visually sensitive and significant landscapes;
- (d) using materials and finishes with low reflectivity and colours that complement the surroundings;
- (e) using existing vegetation to screen buildings; and
- (f) incorporating landscaping or landscaped mounding around the perimeter of a site and between adjacent allotments accommodating, or zoned to primarily accommodate sensitive receivers.

DTS/DPF 2.1

None are applicable.

PO 2.2

Substations, pumping stations, battery storage facilities, maintenance sheds and other ancillary structures incorporate vegetation buffers to reduce adverse visual impacts on adjacent land.

DTS/DPF 2.2

None are applicable.

PO 2.3

Surfaces exposed by earthworks associated with installation of storage facilities, pipework, penstock, substations and other ancillary plant are reinstated and revegetated to reduce adverse visual impacts on adjacent land.

DTS/DPF 2.3

None are applicable.

Rehabilitation

PO 3.1

Progressive rehabilitation (incorporating revegetation) of disturbed areas, ahead of or upon decommissioning of areas used for renewable energy facilities and transmission corridors.

DTS/DPF 3.1

None are applicable.

Hazard Management

PO 4.1

Infrastructure and renewable energy facilities and ancillary development located and operated to not adversely impact maritime or air transport safety, including the operation of ports, airfields and landing strips.

DTS/DPF 4.1

None are applicable.

PO 4.2

Facilities for energy generating, power storage and transmission separated from dwellings, tourist accommodation and frequently visited public places (such as viewing platforms / lookouts) to reduce risks to public safety from fire or equipment malfunction.

DTS/DPF 4.2

None are applicable.

PO 4.3

Bushfire hazard risk minimised for renewable energy facilities by providing appropriate access tracks, safety equipment, and water tanks and establishing cleared areas around substations, battery storage and operations compounds.

DTS/DPF 4.3

None are applicable.

Electricity Infrastructure and Battery Storage Facilities

PO 5.1

Electricity infrastructure located to minimise visual impacts through techniques including:

- (a) siting utilities and services:

- (i) on areas already cleared of native vegetation; or
- (ii) where there is minimal interference or disturbance to existing native vegetation or biodiversity; and

(b) grouping utility buildings and structures with non-residential development, where practicable.

DTS/DPF 5.1

None are applicable.

PO 5.2

Electricity supply (excluding transmission lines) serving new development in urban areas and townships installed underground, excluding lines having a capacity exceeding or equal to 33kV.

DTS/DPF 5.2

None are applicable.

PO 5.3

Battery storage facilities co-located with substation infrastructure where practicable to minimise the development footprint and reduce environmental impacts.

DTS/DPF 5.3

None are applicable.

Telecommunication Facilities

PO 6.1

Where technically feasible, telecommunications facilities seek to reduce visual impact by incorporating techniques such as:

- (c) avoiding proliferation of facilities in a local area;
- (d) co-locating with other communications facilities;
- (e) locating antennae as close as practical to support structures ; and
- (f) screening using landscaping and existing vegetation, particularly for equipment shelters and huts.

DTS/DPF 6.1

None are applicable.

PO 6.2

Telecommunications facilities sited and designed to minimise visual impact having regard to:

- (c) the size, scale, context and characteristics of existing structures, heritage, landforms and vegetation so as to be compatible with the local environment;
- (d) incorporating the facility within an existing structure that may serve another purpose; and
- (e) using existing buildings and vegetation for screening.

DTS/DPF 6.2

None are applicable.

PO 6.3

Telecommunication infrastructure to be removed when it is redundant or no longer required for transmission.

DTS/DPF 6.3

None are applicable.

Renewable Energy Facilities

PO 7.1

Renewable energy facilities located as close as practicable to existing transmission infrastructure to facilitate connections and minimise environmental impacts as a result of extending transmission infrastructure.

DTS/DPF 7.1

None are applicable.

Renewable Energy Facilities (Wind Farm)

PO 8.1

Visual impact of wind turbine generators on the amenity of residential and tourist development reduced through appropriate separation.

DTS/DPF 8.1

Wind turbine generators are:

- (a) setback at least 1,200m from the base of the turbine to non-associated (non-stakeholder) dwellings and tourist accommodation;
- (b) setback at least 2,000m from the base of a turbine to any of the following zones:
 - i. Settlement Zone;
 - ii. Township Zone;
 - iii. Rural Living Zone; or
 - iv. Rural Neighbourhood Zone

with an additional 10m setback per additional metre over 150m overall turbine height (measured from the base of the turbine).

PO 8.2

The visual impact of wind turbine generators on natural landscapes managed by:

- (a) designing wind turbine generators to be uniform in colour, size and shape;
- (b) coordinating blade rotation and direction; and
- (c) mounting wind turbine generators on tubular towers as opposed to lattice towers.

DTS/DPF 8.2

None are applicable.

PO 8.3

Wind turbine generators and ancillary development minimise potential for bird and bat strike.

DTS/DPF 8.3

None are applicable.

PO 8.4

Wind turbine generators incorporate recognition systems or physical markers to minimise the risk to aircraft operations.

DTS/DPF 8.4

No Commonwealth air safety (CASA / ASA) or Defence requirement is applicable.

PO 8.5

Meteorological masts and guidewires identifiable to aircraft through the use of colour bands, marker balls, high visibility sleeves or flashing strobes.

DTS/DPF 8.5

None are applicable.

Renewable Energy Facilities (Solar Power)

PO 9.1

Solar power facilities generating 5MW or more are not located on land of high environmental, scenic or cultural value.

DTS/DPF 9.1

None are applicable.

PO 9.2

Solar power facilities allow for movement of wildlife by:

- (a) incorporating wildlife corridors and habitat refuges; and
- (b) avoiding the use of extensive security or perimeter fencing; or
- (c) incorporating fencing that enables the passage of small animals without unreasonably compromising the security of the facility.

DTS/DPF 9.2

None are applicable.

PO 9.3

Amenity impacts of solar power facilities minimised through separation from sensitive receivers.

DTS/DPF 9.3

Solar power facilities are setback at least:

- (a) 500 metres from conservation areas;
- (b) 100 metres from Township, Settlement, Rural Neighbourhood and Rural Living Zones; and
- (c) 30 metres from adjoining land.

PO 9.4

Solar power facilities incorporate landscaping within setbacks from adjacent road frontages and boundaries of adjacent allotments accommodating non-host dwellings.

DTS/DPF 9.4

None are applicable.

Hydropower / Pumped Hydropower Facilities

PO 10.1

Hydropower / pumped hydropower facility storage designed and operated to minimise the risk of storage dam failure.

DTS/DPF 10.1

None are applicable.

PO 10.2

Hydropower / pumped hydropower facility storage designed and operated to minimise water loss through increased evaporation or system leakage, with the incorporation of appropriate liners, dam covers, operational measures or detection systems.

DTS/DPF 10.2

None are applicable.

PO 10.3

Hydropower / pumped hydropower facilities on existing or former mine sites minimise environmental impacts from site contamination, including from mine operations or water sources subject to such processes, now or in the future.

[DTS/DPF 10.3](#)

None are applicable.

Water Supply

[PO 11.1](#)

Development connected to an appropriate water supply to meet the ongoing requirements of the intended use.

[DTS/DPF 11.1](#)

Development is connected, or will be connected, to a reticulated water scheme or mains water supply with the capacity to meet the on-going requirements of the development.

[PO 11.2](#)

Dwellings connected to a reticulated water scheme or mains water supply with the capacity to meet the requirements of the intended use. Where this is not available an appropriate rainwater tank or storage system for domestic use is provided.

[DTS/DPF 11.2](#)

A dwelling is connected, or will be connected, to a reticulated water scheme or mains water supply with the capacity to meet the requirements of the development. Where this is not available it is instead serviced by a rainwater tank or tanks capable of holding at least 50,000 litres of water which is:

- (a) exclusively for domestic use; and
- (b) connected to the roof drainage system of the dwelling.

Wastewater Services

[PO 12.1](#)

Development is connected to an approved common waste water disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate on-site service is provided to meet the on-going requirements of the intended use in accordance with the following:

- (a) it is wholly located and contained within the allotment of the development they will service.
- (b) in areas where there is a high risk of contamination of surface, ground, or marine water resources from on-site disposal of liquid wastes are to include disposal systems that minimise the risk of pollution to those water resources
- (c) ensures septic tank effluent drainage fields and other waste water disposal areas located away from watercourses and flood prone, sloping, saline or poorly drained land to minimise environmental harm.

[DTS/DPF 12.1](#)

Development is connected, or will be connected, to an approved common waste water disposal service with the capacity to meet the requirements of the development. Where this is not available it is instead serviced by an on-site waste water treatment system in accordance with the following:

- (a) is wholly located and contained within the allotment of development it will service; and
- (b) ensures no part of a septic tank effluent drainage field or any other waste water disposal system is located:
 - i. within 50m of a watercourse, bore, well or dam;
 - ii. on any land with a slope greater than 20% (1-in-5), or a depth to bedrock or seasonal or permanent water table less than 1.2m; and

- iii. on land that is waterlogged, saline, part of a runway area or likely to be inundated by a 10% AEP flood event.

[PO 12.2](#)

Effluent drainage fields and other waste water disposal areas maintained to ensure the effective operation of waste systems and minimise risks to human health and environmental harm.

[DTS/DPF 12.2](#)

Development is not built on, or encroaches within, an area that is, or will be, required for a sewerage system or waste control system.

Working Draft

Temporary Facilities

PO 13.1

In rural and remote locations, development that is likely to generate significant waste material during construction, including packaging waste, makes provision for a temporary on-site waste storage enclosure to minimise the incidence of wind-blown litter.

DTS/DPF 13.1

A waste collection and disposal service will be used to dispose of the volume of waste and at a rate it is generated.

PO 13.2

Temporary facilities to support the establishment of renewable energy facilities (including borrow pits, concrete batching plants, laydown, storage, access roads and worker amenity areas) are sited and operated to minimise environmental impact.

DTS/DPF 13.2

None are applicable.

Working Draft

Note

This document contains City of Adelaide edited version of the Planning and Design Code (Phase 3) released for consultation on 1 October 2019.

Blue text highlights the edits Council has made to the policy.

The changes made are based on the Development Plan Code Analysis for the Capital City Zone, City Frame and City Living Policy Area 30. This document tracked the location of current Dev Plan policy, identified what is missing, what errors have been made and provides a response and recommendations in regard to the direction of future Code policy.

Transport, Access and Parking

Assessment Provisions (AP)

Desired Outcomes (DO)

DO 1

A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users with priority given to public transport, pedestrian and cyclist safety and access.

DO XX

Development that supports a shift towards active and sustainable transport modes (i.e. public transport, mobility as a service, cycling and walking) in order to promote affordable, healthy and communities.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Movement Systems

PO 1.1

Development integrated with the existing transport system and designed to minimise its potential impact on the functional performance of the transport system.

DTS/DPF 1.1

None are applicable.

PO 1.2

Development is designed to discourage commercial and industrial vehicle movements through residential areas streets and adjacent other sensitive receivers.

DTS/DPF 1.2

None are applicable.

PO 1.3

~~Industrial, commercial and service vehicle movements, loading areas and designated parking spaces are separated from passenger vehicle car parking areas to ensure efficient and safe movement and minimise potential conflict.~~

Facilities for the loading and unloading of courier, delivery and service vehicles and access for emergency vehicles should be provided on-site as appropriate to the size and nature of the development. Such facilities should be screened from public view and designed, where possible, so that vehicles may enter and leave in a forward direction.

DTS/DPF 1.3

Commercial vehicle facilities in compliance with the requirements recommended in Australian Standard AS 2890:2: Off-Street Parking - Part 2: Commercial Vehicle Facilities.

PO 1.4

Development sited and designed so that queuing, loading, unloading and turning of all traffic likely to be generated avoids interrupting the operation of public roads, bicycle paths, public transport and queuing on public roads and pedestrian paths.

DTS/DPF 1.4

None are applicable.

All vehicle manoeuvring occurs onsite.

Sightlines

PO 2.1

Maintenance or enhancement of sightlines at intersections, pedestrian and cycle crossings, and crossovers to allotments for motorists, cyclists and pedestrians to ensure safety for all road users and pedestrians.

DTS/DPF 2.1

None are applicable.

PO 2.2

Walls, fencing and landscaping adjacent to driveways and corner sites are designed to provide adequate sightlines between vehicles, cyclists, public transport users and pedestrians.

DTS/DPF 2.2

None are applicable.

Vehicle Access

PO 3.1

Safe and convenient access that minimises impact or interruption on the operation of public roads.

DTS/DPF 3.1

The access is:

- (a) provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land; and
- (b) not located within 6m of an intersection of 2 or more roads or a pedestrian actuated crossing;
- (c) Access does not result in traffic hazards or vehicle queuing on footpaths or public roads; and
- (d) Located on minor streets and lanes where possible.

PO 3.2

Where development incorporating vehicular access ramps ensures vehicles can enter and exit a site safely and without creating a hazard to pedestrians, cyclists and other vehicular traffic.

DTS/DPF 3.2

None are applicable.

PO 3.3

Access points sited and designed to accommodate the type and volume of traffic likely to be generated by the development or land use whilst supporting a comfortable pedestrian and cyclist environment.

DTS/DPF 3.3

None are applicable.

PO 3.4

Attachment A.1 City of Adelaide P&D Code amendment document

Access points sited and designed to minimise any adverse impacts on neighbouring properties and road networks.

DTS/DPF 3.4

None are applicable.

PO 3.5

Access points located so as not to interfere with mature street trees, existing street furniture (including directional signs, lighting, seating and weather shelters), public transport services, cyclist infrastructure or infrastructure services to maintain the appearance of the streetscape, preserve local amenity and minimise disruption to utility infrastructure assets.

DTS/DPF 3.5

The access point does not involve the removal or relocation of public transport stops, bikeways, mature street trees, street furniture or utility infrastructure services.

PO 3.6

Driveways and access points are separated and minimised in number to optimise the provision of on-street visitor parking (where on-street parking is appropriate).

DTS/DPF 3.6

Driveways and access points:

- (a) for sites with a frontage to a public road of 20m or less, one access point no greater than 3.5m in width is provided.
- (b) for sites with a frontage to a public road greater than 20m:
 - i. a single access point no greater than 6m in width is provided; or
 - ii. not more than two access points with a width of 3.5m each are provided.
- (c) In all cases, garaging and parking structures (including the width of any support structure) provided on a public street frontage or on a laneway that functions as the dwellings primary frontage should be of a width less than 50 percent of the allotment width on that frontage.

PO 3.7

Access points appropriately separated from level crossings to avoid interference and ensure their safe ongoing operation.

DTS/DPF 3.7

None are applicable.

PO 3.8

Driveways, access points, access tracks and parking areas are designed and constructed to allow adequate movement and manoeuvrability having regard to the types of vehicles that are reasonably anticipated.

DTS/DPF 3.8

None are applicable.

PO 3.9

Development designed to ensure vehicle circulation between activity areas occurs within the site without the need to use public roads.

DTS/DPF 3.9

None are applicable.

PO XX

Attachment A.1 City of Adelaide P&D Code amendment document

Facilities for loading and unloading of courier, delivery and service vehicles and access for emergency vehicles should be provided onsite as appropriate to the size and nature of the development. Facilities should be designed to enable vehicles to enter and leave in a forward direction.

DTS/DPF xx9

None are applicable.

PO XXX Buildings located along primary and secondary access roads should be sited to avoid the need for vehicles to reverse on to the road.

PO XX Vehicular access to development located within the Core and Primary Pedestrian Areas identified in **Map Adel/1 (Overlay 2A)** should be limited and designed to minimise interruption to street frontages.

Where vehicular access to a development is gained by an existing crossing in the Core Pedestrian Area identified in **Map Adel/1 (Overlay 2A)**, there should be no increase in the number of parking spaces served by the crossing, nor any increase in the number of existing crossings serving that development.

PO XX The number of access points on primary city access roads identified in **Map Adel/1 (Overlay 1)** should be limited to minimise traffic and pedestrian inconvenience, interference with public transport facilities and adverse effects on the environment.

Access for People with Disabilities

PO 4.1

Development sited and designed to provide safe, dignified and convenient access for people with a disability. Access should be provided through the principle entrance subject to heritage considerations. Internal building design such as hallways and lifts should be designed to enable adequate maneuvering for people with mobility aids.

DTS/DPF 4.1

None are applicable.

PO XX

Access roads should within development should:

- a) include platforms across roadways at pedestrian crossing points;
- b) Not have steep gradients;
- c) Have level surface passenger loading areas.

DTS/DPF 4.1

Development should provide car parking spaces for people with disabilities.

DTS/DPF 4.1

Disabled car parking should be provided as follows:

- a) A minimum of 1 car parking space in every 15 spaces provided with any form of development should function as a car parking space suitable for use by people with disabilities and other people with small children and prams so they can easily be loaded/unloaded from vehicle side doors;
- b) Every second parking space provided for people with special needs shall be reserved for the exclusive use of people with disabilities (i.e. 1 in 30 spaces); and
- c) Development should be adaptable to enable car parking areas to be retrofitted

Attachment A.1 City of Adelaide P&D Code amendment document

PO XX

Development including the parking areas for older people and people with high needs and or disabilities should:

- (a) be conveniently located on site within easy walking distance;
- (b) be adequate service areas for residents, staff, service providers and visitors;
- (c) include separate and appropriately marked storage places for people with disabilities and spaces for small electrically powered vehicles;
- (d) have slip-resistant surfaces with low gradients;
- (e) allow ease of vehicle manoeuvrability;
- (f) be designed to allow the full opening of all vehicle doors; and
- (g) minimise the impact of car parking on adjacent residences due to visual intrusion, noise and emission of fumes.
- (h) the gradient of the car parking space not steeper than 1:20.

DTS/DPF XX

None are applicable.

Vehicle Parking Rates

PO 5.1

The provision of sufficient on-site vehicle parking and specifically marked accessible car parking places to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:

- (a) availability of on-street car parking
- (b) shared usage of other parking areas
- (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site the provision of vehicle parking may be shared
- (d) Walkable distance to public transport stops

DTS/DPF 5.1

Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using Transport, Access and Parking Table 1 – General Off-Street Car Parking Requirements or Transport, Access and Parking Table 2 – Off-Street Vehicle Parking Requirements in Designated Areas, whichever is relevant.

PO XX

Development provides parking for people with a disability and other people with small children at a rate of 1 car parking space in every 15 spaces provided within any form of development.

PO XX

Every second parking space provided for people with special needs shall be reserved for the exclusive use of people with a disabilities (i.e. 1 in 30 spaces)

Vehicle Parking Areas

PO 6.1

Vehicle parking areas that are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.

DTS/DPF 6.1

Movement between vehicle parking areas within the site can occur without the need to use a public road.

PO 6.2

Vehicle parking areas appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as [avoiding lightspill and glare, noise attenuation](#), ensuring they are attractively developed and landscaped, screen fenced, and the like.

DTS/DPF 6.2

None are applicable.

PO 6.3

Vehicle parking areas designed to ~~provide opportunity for integration~~ and shared-use of adjacent car parking areas to reduce the total extent of vehicle parking areas and access points.

DTS/DPF 6.3

None are applicable.

PO 6.4

Pedestrian linkages between parking areas and the development are provided and are safe and convenient.

DTS/DPF 6.4

None are applicable.

PO 6.4

Vehicle parking areas designed to:

- (b) include adequate provision for manoeuvring and individually accessible car standing areas;
- (c) enable, where practical, vehicles to enter and leave the site in a forward direction;
- (d) minimise interruption to the pattern of built form along street frontages;
- (e) provide for access off minor streets and for the screening from public view of such car parking areas by buildings on the site wherever possible;
- (g) minimise loss of existing on-street parking spaces arising through crossovers and access;

PO 6.4

PO 6.5

Vehicle parking areas that are likely to be used during non-daylight hours are provided with floodlit entry and exit points to ensure clear visibility to users. [Lighting should be provided within parking areas to support a comfortable use.](#)

DTS/DPF 6.5

None are applicable.

PO 6.6

Loading areas and designated parking spaces for [loading and unloading of courier, delivery, service vehicles](#) service vehicles provided within the boundary of the site.

Attachment A.1 City of Adelaide P&D Code amendment document

DTS/DPF 6.6

Loading areas and designated parking spaces are wholly located within the site.

PO 6.7

On-site visitor parking spaces are sited and designed to be accessible to all visitors at all times.

DTS/DPF 6.7

None are applicable.

PO X

Development designed to ensure safe and convenient on-site car parking for resident and visitor vehicles.

DTS/DPF X

None are applicable.

PO X

Garages and parking structures designed and located so that they do not visually dominate the street frontage.

DTS/DPF X

None are applicable.

PO X

Multi level car parks should be:

- (a) located away from ground floor street frontages to major streets;
 - (b) ensures vehicle access is from the road with less pedestrian activity in instances where a site has access to more than one road frontage;
 - (c) has no more than one entry lane and one exit lane;
 - (d) has a controlled exit at the property boundary to stop vehicles before travelling across the footpath;
 - (e) has no more than one left in and one left out access point;
 - (f) avoids access points along public transport routes and bikeways; and
 - (g) with respect to ancillary parking, is provided at basement level, or undercroft if located behind other uses which provide activity on the street frontage.
- (a) does not cross major walking routes; and
 - (b) located away from frontages to major streets wherever possible.

Undercroft and Below Ground Garaging and Parking of Vehicles

PO 7.1

Undercroft and below ground garaging of vehicles designed to enable safe entry and exit from the site without compromising pedestrian or cyclist comfort and safety or causing conflict with other vehicles.

DTS/DPF 7.1

None are applicable.

PO 7.1

Car parking within a basement or undercroft designed to ensure:

- (a) the width of access driveways is kept to a minimum and does not detract from the streetscape;
- (b) driveways provide safe and convenient access and egress;
- (c) access is restricted to one driveway or one point of access and egress;
- (d) vehicles can exit in a forward direction and not compromise pedestrian safety or cause conflict with other vehicles; and
- (e) the height of the car park ceiling does not exceed 1m above the finished ground floor level to ensure

minimal impact on the streetscape.

DTS/DPF 7.1

None are applicable.

Internal Roads and Parking Areas in Residential Parks and Caravan and Tourist Parks

PO 8.1

Internal road and vehicle parking areas surfaced to prevent dust becoming a nuisance to park residents and occupants.

DTS/DPF 8.1

None are applicable.

PO 8.2

Traffic circulation and movement within the park that is pedestrian friendly and promotes low speed vehicle movement

DTS/DPF 8.2

None are applicable.

Bicycle Access Parking in Designated Areas

PO 9.1

The provision of adequately sized on-site bicycle parking facilities to encourage cycling as an active transport mode supporting community health.

DTS/DPF 9.1

Areas and / or fixtures are provided for the parking and storage of bicycles at a rate not less than the amount calculated using Transport, Access and Parking Table 3 - Off Street Bicycle Parking Requirements.

PO 9.2

Bicycle parking facilities provide for the secure storage and tethering of bicycles in a place where casual surveillance is possible, is well lit and signed for the safety and convenience of cyclists and to deter property theft.

DTS/DPF 9.2

None are applicable.

Onsite secure bicycle parking facilities

1) for residents and employees (long stay) should be:

- (a) located in a prominent place;
- (b) located at ground floor level;
- (c) located undercover;
- (d) located where passive surveillance is possible, or covered by CCTV;
- (e) well lit and well signed;
- (f) close to well used entrances;
- (g) accessible by cycling along a safe, well lit route;
- (h) take the form of a secure cage with locking rails inside or individual bicycle lockers; and
- (i) in the case of a cage have an access key/pass common to the building access key/pass.

2) for short stay users (i.e. bicycle rails) should be:

- (a) directly associated with the main entrance;

- (b) located at ground floor level;
- (c) located undercover;
- (d) well lit and well signed;
- (e) located where passive surveillance is possible, or covered by CCTV; and
- (f) accessible by cycling along a safe, well lit route.

PO 9.3

Non-residential development incorporates end-of-journey facilities for employees such as showers, changing facilities and secure lockers, and signage indicating the location of the facilities to encourage cycling as a mode of journey-to-work transport.

DTS/DPF 9.3

None are applicable.

PO XX

Pedestrian Access

PO XX

Development supports pedestrians by providing shelter and reducing conflicts with other modes.

PO XX

Development should reflect the significance of paths and increase the permeability of the pedestrian network.

DTS/DPF XX

(a) pedestrians are not disrupted or inconvenienced by badly designed or located vehicle access ramps in footpaths or streets; and

(b) vehicle and service entry points are kept to a minimum to avoid adverse impact on pedestrian amenity.

PO XX

Corner buildings adjacent to street intersections and buildings along a high concentration public transport route or along public transport pedestrian routes identified should provide weather protection for pedestrians in the form of verandahs, awnings or canopies. Where verandahs or awnings are provided which block street lighting, they should include additional lighting beneath the canopy.

DTS/DPF XX

None are applicable.

PO XX

Within the Core, Primary and Secondary Pedestrian Areas identified within Map Adel/1 (Overlays 2, 2A and 3), development should be designed to support the establishment and maintenance of continuous footpaths so that pedestrian flow is free and uninterrupted. Pedestrian access should be provided at ground level mid-block between all streets.

DTS/DPF XX

None are applicable.

PO XX

Attachment A.1 City of Adelaide P&D Code amendment document

Development should provide and maintain pedestrian shelter, access and through-site links in accordance with the walking routes identified within [Map Adel/1 \(Overlays 2, 2A and 3\)](#) and the provisions of the Zone or Policy Area in which it is located. Such facilities should be appropriately designed and detailed to enhance the pedestrian environment, have regard to the mobility needs of people with disabilities, and be safe, suitable and accessible.

DTS/DPF XX

None are applicable.

Public transport integration

PO XX

Development along public transport routes should:

- (a) ensure there are pedestrian links through the site if needed to provide increased access to public transport;
- (b) provide shelter (e.g. verandahs) for pedestrians against wind, sun and rain;
- (c) provide interest and activity at street level; and
- (d) where possible, avoid vehicle access across public transport routes. Where unavoidable, vehicle access should be integrated into the design of the development whilst retaining active street frontages.

Loading and servicing

PO XX

Adequate off-street facilities for loading and unloading of courier, delivery and service vehicles and access for emergency vehicles.

Table 1 – General Off-Street Car Parking Requirements

Class of Development	Car Parking Rate (unless varied by Table 3 onwards)
Residential Development	
Detached Dwelling	1 or 2 bedroom dwelling – 1 space per dwelling. 3 or more bedroom dwelling – 2 spaces per dwelling.
Group Dwelling	1 or 2 bedroom dwelling – 1 space per dwelling. 3 or more bedroom dwelling – 2 spaces per dwelling. 0.33 spaces per dwelling for visitor parking where development involves 3 or more dwellings.

Residential Flat Building	1 or 2 bedroom dwelling – 1 space per dwelling. 3 or more bedroom dwelling – 2 spaces per dwelling.
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Class of Development	Car Parking Rate (unless varied by Table 3 onwards) Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.
	0.33 spaces per dwelling for visitor parking where development involves 3 or more dwellings.
Row Dwelling	1 or 2 bedroom dwelling – 1 space per dwelling. 3 or more bedroom dwelling – 2 spaces per dwelling.
Semi-Detached Dwelling	1 or 2 bedroom dwelling – 1 space per dwelling. 3 or more bedroom dwelling – 2 spaces per dwelling.
Aged / Supported Accommodation	
Aged person's accommodation	0.3 spaces per bed.
Nursing home	0.3 spaces per bed.
Retirement village	1 or 2 bedroom dwelling – 1 space per dwelling. 3 or more bedroom dwelling – 2 spaces per dwelling. 0.2 spaces per dwelling for visitor parking.
Supported accommodation	0.3 spaces per bed.
Residential Development (Other)	
Ancillary accommodation	No additional requirements beyond those associated with the main dwelling.
Residential park	1 or 2 bedroom dwelling – 1 space per dwelling. 3 or more bedroom dwelling - 2 spaces per dwelling. 0.2 spaces per dwelling for visitor parking.
Workers' accommodation	0.5 spaces per bed plus 0.25 spaces per bed for visitor parking.
Tourist	
Caravan park / tourist park	Parks with 100 sites or less – a minimum of 1 space per 10 sites to be used for accommodation.

Class of Development	Car Parking Rate (unless varied by Table 3 onwards) Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.
	Parks with more than 100 sites - a minimum of 1 space per 15 sites used for accommodation. A minimum of 1 space for every caravan (permanently fixed to the ground) or cabin.
Tourist accommodation	1 car parking space per accommodation unit / guest room.
Commercial Uses	
Auction room/ depot	1 space per 100m ² of building floor area plus an additional 2 spaces.
Automotive collision repair	3 spaces per 100m ² of gross leasable floor area plus 1 space for each vehicle being serviced, repaired or fitted with accessories, including vehicles waiting to be repaired, fitted with accessories or collected by owners.
Bulky goods outlet	3 spaces per 100m ² of gross leasable floor area.
Call centre	8 spaces per 100m ² of gross leasable floor area.
Motor repair station	3 spaces per 100m ² of gross leasable floor area plus 1 space for each vehicle being serviced, repaired or fitted with accessories, including vehicles waiting to be repaired, fitted with accessories or collected by owners.
Office	4 spaces per 100m ² of gross leasable floor area.
Retail fuel outlet	6 spaces per service bay, plus 50% of the spaces calculated to be provided for ancillary uses
Service trade premises	4 spaces per 100m ² of gross leasable floor area 1 space per 100m ² of outdoor area used for display purposes.
Shop other than a bulky goods outlet or restaurant	7 spaces per 100m ² of gross leasable floor area where not located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle

Class of Development	Car Parking Rate (unless varied by Table 3 onwards) Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.
	<p>parking, vehicle loading and unloading, and the storage and collection of refuse are shared.</p> <p>6 spaces per 100m² of gross leasable floor area where located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared.</p>
Community and Civic Uses	
Childcare centre	0.25 spaces per child
Library	4 spaces per 100m ² of total floor area.
Community facility	10 spaces per 100m ² of total floor area.
Hall / meeting hall	0.2 spaces per seat.
Place of worship	1 space for every 3 visitor seats.
Pre-school	1 per employee plus 0.25 per child (drop off/pick up bays)
Educational establishment	<p>For a primary school - 1.1 space per full time equivalent employee plus 0.25 spaces per student.</p> <p>For a secondary school - 1.1 per full time equivalent employee plus 0.16 spaces per student</p> <p>For a tertiary institution - 0.8 per student based on the maximum number of students on the site at any time.</p>
Health Related Uses	
Hospital	5 spaces per bed.
Consulting room	4 spaces per 100m ² of gross leasable floor area.

Class of Development	Car Parking Rate (unless varied by Table 3 onwards) Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.
Recreational and Entertainment Uses	
Amusement machine centre	1 space per 10m ² of total floor area.
Bowling club	10 spaces per bowling green.
Cinema complex	0.33 spaces per seat.
Concert hall / theatre	0.33 spaces per seat.
Hotel	1 space for every 2m ² of total floor area in a public bar plus 1 space for every 6m ² of total floor area available to the public in a lounge, beer garden or other licensed area.
Indoor recreation facility	7 spaces per 100m ² of total floor area For a squash court or tennis court – 4 spaces per court.
Restaurant	Premises with a dine-in service only - 0.4 spaces per seat. Premises with a dine-in and take-away services - 0.55 spaces per seat. [Note: requirements associated with a drive-through service are to be considered separately to the parking rates mentioned herein]
Industry/Employment Uses	
Fuel depot	If employee numbers are known - 1 space per employee with a minimum of 2 spaces per premises. If employee numbers are unknown - 1.85 spaces per 100m ² of total floor area with a minimum of 2 spaces per premises.
Industry	If employee numbers are known - 1 space per employee with a minimum of 2 spaces per premises. If employee numbers are unknown - 1.85 spaces per 100m ² of total floor area with a minimum of 2 spaces per premises.

Class of Development	Car Parking Rate (unless varied by Table 3 onwards) Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.
Store	<p>If employee numbers are known - 1 space per employee with a minimum of 2 spaces per premises.</p> <p>If employee numbers are unknown - 1.85 spaces per 100m² of total building floor area with a minimum of 2 spaces per premises.</p>
Timber yard	<p>If employee numbers are known - 1 space per employee with a minimum of 2 spaces per premises.</p> <p>If employee numbers are unknown - 1.85 spaces per 100m² of total floor area with a minimum of 2 spaces per premises.</p>
Warehouse	<p>If employee numbers are known - 1 space per employee with a minimum of 2 spaces per premises.</p> <p>If employee numbers are unknown - 1.85 spaces per 100m² of total floor area with a minimum of 2 spaces per premises.</p>
Other Uses	
Funeral Parlour	1 space per 5 seats in the chapel plus 1 space for each vehicle operated by the parlour.
Radio or Television Station	5 spaces per 100m ² of total building floor area.

Table 2 – Off-Street Vehicle Parking Requirements in Designated Areas

Class of Development	Car Parking Rate		Designated Areas
	Minimum number of spaces	Maximum number of spaces	
Development generally			
All classes of development	No minimum.	<p>No maximum except in within the Primary Pedestrian Area shown on Map Adel/1 (Overlay 2A):</p> <p>Where maximum is</p> <ul style="list-style-type: none"> 1 space for each dwelling with a total floor area less than 75 square metres 2 spaces for each dwelling with a total floor area between 75 square metres and 150 square metres 3 spaces for each dwelling with a total floor area greater than 150 square metres. <p>Multi-unit dwelling: 1 visitor space for each 6 dwellings.</p>	<p>Capital City Zone (except in primary pedestrian area)</p> <p>City Main Street Zone</p> <p>City Riverbank Zone</p> <p>Adelaide Park Lands</p>
Non-residential development			

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<p>Non-residential development excluding tourist accommodation</p>	<p>3 spaces per 100m² of gross leasable floor area.</p>	<p>5 spaces per 100m² of gross leasable floor area.</p>	<p>Urban Activity Centre Zone Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone Community Facilities Zone City Living Zone</p>
<p>Non-residential development excluding tourist accommodation</p>	<p>3 spaces per 100m² of gross leasable floor area.</p>	<p>6 spaces per 100m² of gross leasable floor area.</p>	<p>Where located in accordance with the Table 2 - Criteria: Business Neighbourhood Zone Education and Innovation Zone Suburban Activity Centre Zone Suburban Business and Innovation Zone Suburban Main Street Zone Urban Activity Centre Zone</p>

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Class of Development	Car Parking Rate		Designated Areas
	Minimum number of spaces	Maximum number of spaces	
Tourist accommodation	Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.		
	1 space for every 4 bedrooms up to 100 bedrooms plus 1 space for every 5 bedrooms over 100 bedrooms	1 space per 2 bedrooms up to 100 bedrooms and 1 space per 4 bedrooms over 100 bedrooms	Urban Activity Centre Zone Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone City Living Zone Community Facilities Zone
Residential development			
Residential component of a multi-storey building	Dwelling with no separate bedroom – 0.25 spaces per dwelling	None specified.	Urban Activity Centre Zone Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone City Living Zone Community Facilities Zone
	1 bedroom dwelling – 0.75 spaces per dwelling 2 bedroom dwelling – 1 space per dwelling 3 or more bedroom dwelling – 1.25 spaces per dwelling 0.25 spaces per dwelling for visitor parking.		
Residential flat building	Dwelling with no separate bedroom – 0.25 spaces per dwelling	None specified.	Urban Activity Centre Zone Urban Corridor (Boulevard) Zone

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	1 bedroom dwelling – 0.75 spaces per dwelling		Urban Corridor (Business) Zone City Living Zone Community Facilities Zone
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Class of Development	Car Parking Rate		Designated Areas
	Minimum number of spaces	Maximum number of spaces	
	Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type. 2 bedroom dwelling – 1 space per dwelling 3 or more bedroom dwelling – 1.25 spaces per dwelling 0.25 spaces per dwelling for visitor parking.		Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone City Living Zone Community Facilities Zone

Table 2 - Criteria:

The designated area is wholly located within Metropolitan Adelaide and any part of the area satisfies one of the following:

- (b) is within 400 metres of a bus interchange⁽¹⁾
- (c) is within 400 metres of an O-Bahn interchange⁽¹⁾
- (d) is within 400 metres of a passenger rail station⁽¹⁾
- (e) is within 400 metres of a passenger tram station⁽¹⁾
- (f) is within 400 metres of the Adelaide Parklands.

[NOTE(S): (1) Measured from an area that contains any platform(s), shelter(s) or stop(s) where people congregate for the purpose waiting to board a bus, tram or train, but does not include areas used for the parking of vehicles.]

Table 3 – Off-Street Bicycle Parking Requirements

The bicycle parking rates apply within designated areas located within parts of the State identified in the Schedule to Table 3.

Class of Development	Bicycle Parking Rate Where a development comprises more than one development type, then the overall bicycle parking rate will be taken to be the sum of the bicycle parking rates for each development type.
Aged care (nursing home and retirement village)	1 per 7 people the facility is capable of accommodating and 1 per 60 people the facility is capable of accommodating.
Child care centre	1 per 20 employees 1 per 40 children
Community centre	1 per 1500 square metres of gross leasable floor area for employees and 2 + 1 per 1500 square metres of gross leasable floor area.
Consulting Room	1 space per 20 employees plus 1 space per 20 consulting rooms for customers.
Educational establishment	For a secondary school – 1 space per 20 full-time time employees plus 10 percent of the total number of employee spaces for visitors. For tertiary education – 1 space per 20 employees plus 1 space per 10 full time students.
Hospital	1 space per 15 beds plus 1 space per 30 beds for visitors.
Indoor recreation facility	1 space per 4 employees plus 1 space per 200m ² of gross leasable floor area for visitors.
Licensed Premises	1 per 20 employees 1 per 60 square metres total floor area. 1 per 40 square metres of bar floor area 1 per 120 square metres lounge and beer garden floor area 1 per 60 square metres dining floor area 1 per 40 square metres gaming room floor area.
Multi-level car parking station	1 per 20 employees plus 5 percent of the total number of proposed car parking spaces.

Attachment A.1 City of Adelaide P&D Code amendment document

Office	1 space for every 200m ² of gross leasable floor area plus 2 spaces plus 1 space per 1000m ² of gross leasable floor area for visitors.
Recreation area	1 per 1500 spectator seats for employees. 1 per 250 visitors and customers.
Dwelling	1 for every dwelling/apartment with a total floor area less than 150 square metres. 2 for every dwelling/apartment with a total floor area greater than 150 square metres. 1 for every 10 dwellings for visitors
Residential flat building	1 space for every 4 dwellings for residents plus 1 for every 10 dwellings for visitors.
Residential component of a multi-storey building	1 space for every 4 dwellings for residents plus 1 space for every 10 dwellings for visitors.
Shop	1 space for every 300m² of gross leasable floor area plus 1 space for every 600m² of gross leasable floor area for customers. 1 per 20 employees 1 per 50 seats
Tourist accommodation	1 space for every 20 employees plus 2 for the first 40 rooms and 1 for every additional 40 rooms for visitors.

Schedule to Table 3	
Designated Area	Relevant part of the State
	The bicycle parking rate applies to a designated area located in a relevant part of the State described below.
All zones	City of Adelaide
Business Neighbourhood Zone Education and Innovation Zone Suburban Activity Centre Zone Suburban Business and Innovation Zone Suburban Main Street Zone Urban Activity Centre Zone Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone	Metropolitan Adelaide

Working Draft

Site Contamination

Assessment Provisions (AP)

Desired Outcome (DO)

DO 1

Protection of human health and the environment wherever site contamination has been identified or is suspected to have occurred.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

PO 1.1

Ensure land/buildings and/or water, including underground water is suitable for sensitive use in circumstances where it is, or may have been, subject to site contamination as a result of previously established uses of land or activities in the vicinity of the land.

DTS/DPF 1.1

(a) Development:

- i. does not incorporate a change of use of land;
- ii. incorporates a change of use of land that is not a more sensitive use of land than previously established uses of the land;
- iii. in respect of which the applicant is able to furnish, or the relevant authority is in possession of, a site contamination audit report less than 5 years old under Part 10A of the Environment Protection Act 1993 to the effect:
 - a that site contamination does not exist (or no longer exists) at the land; or
 - b that any site contamination at the land has been cleared or addressed to the extent necessary to enable the land to be suitable for sensitive use; or
- iv. the allotment was the subject of consent granted under the Development Act 1993 or the Planning Development and Infrastructure Act 2016 on or after 1 September 2009 in relation the division of the land.

(b) Information of the suitability of land for the proposed land use to be provided as part of the development application and to include:

- i. the provision of a report of the land use history and condition of the site;
- ii. where the report reveals that contamination is suspected or identified, a detailed site assessment report that determines whether site contamination poses an actual or potential risk to human health and the environment, either on or off the site, of sufficient magnitude to warrant remediation appropriate to the proposed land use;
- iii. where remediation is warranted, a remediation and/or management strategy prepared in consultation with an independent Environmental Auditor, Contaminated Land, endorsed by the EPA;
- iv. a site audit report, prepared by an independent Environmental Auditor, Contaminated Land, endorsed by the EPA, that states that in the opinion of the Auditor, the site is suitable for the intended uses(s), or for certain stated uses(s) and also states any conditions pertaining to the use(s).

Note

This document contains City of Adelaide edited version of the Planning and Design Code (Phase 3) released for consultation on 1 October 2019.

Blue text highlights the edits Council has made to the policy.

The changes made are based on the Development Plan Code Analysis for the Capital City Zone, City Frame and City Living Policy Area 30. This document tracked the location of current Dev Plan policy, identified what is missing, what errors have been made and provides a response and recommendations in regard to the direction of future Code policy.

Design in Urban Areas

Assessment Provisions (AP)

Desired Outcome (DO)

DO 1

Development that is:

- (a) contextual – by considering, recognising and carefully responding to its natural surroundings and positively contributing to the character of the immediate area;
- (b) durable – fit for purpose, adaptable and long lasting;
- (c) inclusive – by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and also promote the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors alike; and
- (d) sustainable – by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

ALL DEVELOPMENT

External Appearance

PO X

Buildings that enhance public environment and achieve a high standard of external appearance by:

- (a) the use of high-quality durable materials and finishes that age well to minimise ongoing maintenance requirements;
- (b) providing a high degree of visual interest through articulation and fenestration;
- (c) ensuring lower levels are well integrated with and contribute to a vibrant public realm; and
- (d) maintaining a sense of openness to the sky and daylight to public spaces, open space areas and existing buildings.

DTS X

Buildings designed to:

- (a) utilise a combination (or thereof) of the following external materials and finishes:
 - i. masonry;
 - ii. natural stone;
 - iii. prefinished materials that minimise staining, discolouring or deterioration, and avoiding painted surfaces particularly above ground level; and
- (b) avoid large blank facades and incorporate design features within blank walls on side boundaries which have the potential to be built out.

PO X

Designing building facades fronting street frontages, access ways, driveways or public spaces at an appropriate scale, rhythm and proportion that responds to the use of the building, the desired character of the locality and the modelling and proportions of adjacent buildings.

DTS X

None are applicable.

PO 1.1

Buildings that reinforce and define corners through architectural form, changes in setback, articulation, materials, colour and massing (including height, width, bulk, roof form and slope) and addresses all street frontages.

DTS 1.1

None are applicable.

PO 1.2

Where zero or minor setbacks are desirable, development provides shelter over footpaths to positively contribute to the walkability and comfort of the public realm.

DTS 1.2

None are applicable.

PO 1.3

Buildings (other than ancillary buildings, group dwellings or buildings on a battle-axe allotment) designed so the main façade faces the primary street frontage of the land on which they are situated.

DTS 1.3

None are applicable.

PO

Entrances to multi-storey buildings are safe, attractive, welcoming, functional and contribute to streetscape character.

DTS / DPF

Entrances to multi-storey buildings:

- (a) oriented towards the street;
- (b) clearly visible and easily identifiable from the street and vehicle parking areas;
- (c) designed to be prominent, accentuated and a welcoming feature if there are no active or occupied ground floor uses;
- (d) provide shelter, a sense of personal address and transitional space around the entry;
- (e) located as close as practicable to the lift and / or lobby access to minimise the need for long access corridors; and
- (f) avoid the creation of potential areas of entrapment.

PO 1.4

Plant, exhaust and intake vents and other technical equipment integrated into the building design to minimise visibility from the public realm and negative impacts on residential amenity by:

- (a) positioning plant and equipment discretely, in unobtrusive locations as viewed from public roads and spaces;
- (b) screening rooftop plant and equipment from view; and
- (c) when located on the roof of non-residential development, locating the plant and equipment as far as practicable from adjacent sensitive land uses.

DTS / DPF 1.4

Development does not incorporate any structures that protrude beyond the roofline.

PO 1.5

The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and [locating or](#) screening them from public view (such as fencing, landscaping and built form) taking into account the form of development contemplated in the relevant zone.

DTS 1.5

None are applicable.

[Safety and Surveillance](#)

PO 2.1

Development maximises opportunities for passive surveillance of the public realm by providing clear lines of sight, appropriate lighting and the use of visually permeable screening wherever practicable.

DTS 2.1

~~None are applicable.~~

Development that maximises visibility of the public realm by:

- (a) orientating windows, doors and building entrances towards the street, open spaces, car parks, pedestrian routes and public transport stops;
- (b) avoiding high walls, blank facades, carports and landscaping that obscures direct views to public areas;
- (c) arranging living areas, windows, pedestrian paths and balconies to overlook recreation areas, entrances and car parks;
- (d) positioning recreational and public space areas so they are bound by roads on at least two road frontages or overlooked by development;
- (e) creating a complementary mix of day and night-time activities, such as residential, commercial, recreational and community uses, that extend the duration and level of intensity of public activity;
- (f) locating public toilets, telephones and other public facilities with direct access and good visibility from well-trafficked public spaces;
- (g) ensuring that rear service areas and access lanes are either secured or exposed to surveillance; and
- (h) ensuring the surveillance of isolated locations through the use of audio monitors, emergency telephones or alarms, video cameras or staff e.g. by surveillance of lift and toilet areas within car parks.

PO 2.2

Development designed to differentiate public, communal and private areas.

DTS 2.2

~~None are applicable.~~

Development that promotes territoriality or sense of ownership through physical features that express ownership and control over the environment and provide a clear delineation of public and private space by:

- (a) clear delineation of boundaries marking public, private and semi-private space, such as by paving, lighting, walls and planting;
- (b) dividing large development sites into territorial zones to create a sense of ownership of common space by smaller groups of dwellings; and
- (c) locating main entrances and exits at the front of a site and in view of a street.

PO 2.3

Buildings designed with safe, perceptible and direct access from public street frontages and vehicle parking areas.

DTS 2.3

~~None are applicable.~~

Development that provides awareness through design of what is around and what is ahead so that legitimate users and observers can make an accurate assessment of the safety of a locality and site and plan their behaviour accordingly by:

- (a) avoiding blind sharp corners, pillars, tall solid fences and a sudden change in grade of pathways, stairs or corridors so that movement can be predicted;
- (b) using devices such as convex security mirrors or reflective surfaces where lines of sight are impeded;
- (c) ensuring barriers along pathways such as landscaping, fencing and walls are permeable;
- (d) planting shrubs that have a mature height less than 1 metre and trees with a canopy that begins at 2 metres;
- (e) adequate and consistent lighting of open spaces, building entrances, parking and pedestrian areas to avoid the creation of shadowed areas; and
- (f) use of robust and durable design features to discourage vandalism.

PO 2.4

Development at street level designed to maximise opportunities for passive surveillance of adjacent public realm.

DTS 2.4

None are applicable.

PO 2.5

Common areas and entry points of buildings (such as the foyer areas of residential buildings), and non-residential land uses at street level, maximise passive surveillance from the public realm to the inside of the building at night.

DTS 2.5

None are applicable.

PO X

Buildings designed to minimise access between roofs, balconies and windows of adjacent buildings to maximise security and safety.

DTS X

None are applicable.

PO X

Designing permanent structures over the footpaths designed to ensure continued pedestrian movement.

DTS /DPF X

Structures that:

- (a) are setback a minimum of 600mm from the kerb edge or 1 metre from a street tree, light pole or street furniture element;
- (b) will not narrow the footpath width to less than 1.8m;
- (c) have a minimum vertical clearance height of 2.5m above the footpath level;
- (d) are not less than 600mm high above the footpath level; and
- (e) not encroach horizontally more than 150mm into the public road.

PO X

Where posts are required to support permanent structure, to be located 600mm from the kerb edge and 1m from a street tree, light pole or street furniture element.

DTS X

None are applicable.

Landscaping

PO X

Landscaping that:

- (a) forms an integral part of the design of development;

- (b) is selected and designed for water conservation;
- (c) incorporates local indigenous species suited to the site and development;
- (d) is provided to all areas of communal open space, drainage and shared car parking areas;
- (e) fosters human scale;
- (f) protects predominant landscape features; and
- (g) provides for the retention of trees.

DTS X

None are applicable.

PO X

Landscaping incorporating local indigenous species suited to the site and development and consistent with the character of the area.

DTS X

None are applicable.

PO X

Development designed and sited to retain:

- (a) existing trees of substantial size and merit; and
- (b) existing street-trees and accommodate and protect their normal growth pattern.

DTS X

None are applicable.

PO 3.1

Landscaped (including trees), permeable open spaces incorporated to:

- (a) minimise heat absorption and reflection;
- (b) maximise shade and shelter;
- (c) maximise stormwater infiltration; and
- (d) enhance the appearance of land and streetscapes.

DTS 3.1

None are applicable.

PO X

Driveways commencing from a primary street frontage and terminating at or near the rear of a site, such as in hammerhead allotments and shared driveways in group dwelling developments, are to be located, landscaped and fenced to minimise detrimental impact on the streetscape appearance and the amenity of neighbouring residential properties.

DTS X

None are applicable.

Environmental Performance

PO 4.1

Buildings sited, oriented and designed to maximise natural sunlight access and ventilation to main activity areas, habitable rooms, common areas and open spaces.

DTS 4.1

~~None are applicable.~~

Locate living areas, private open space and communal open space in a position that will receive sunlight by:

- (a) providing a minimum of two hours of direct sunlight solar time on 22 June to:
 - i. at least one habitable room window (excluding bathroom, toilet, laundry or storage room windows);
 - ii. to at least 20% of the private open space; and
 - iii. communal open space, where the space provides the primary private open space for any adjacent residential development.

- (b) Ensuring a maximum distance of 8m from habitable room window to living, dining, bedroom or kitchen.
- (c) Appropriate orientation of the building to:
 - i. maximise north/south facing facades;
 - ii. ensure the north facade receives good direct solar radiation;
 - iii. minimise east/west facades to protect the building from summer sun and winter winds;
 - iv. narrow floor plates to maximise floor area receiving good daylight; and/or
 - v. minimise the ratio of wall surface to floor area.

PO 4.2

Buildings sited and designed to maximise passive environmental performance and minimise energy consumption and reliance on mechanical systems, such as heating and cooling.

DTS 4.2

~~None are applicable.~~

Buildings designed to:

- (a) minimise energy consumption by:
 - i. window orientation and shading;
 - ii. adequate thermal mass including night time purging to cool thermal mass;
 - iii. appropriate insulation by insulating windows, walls, floors and roofs; and sealing of external openings.
 - iv. maximising natural ventilation including the provision of openable windows;
 - v. appropriate selection of materials, colours and finishes; and
 - vi. incorporation of efficient energy use technologies such as geo-exchange and embedded, distributed energy generation systems such as cogeneration, wind power, fuel cells and solar photovoltaic panels that supplement the energy needs of the building.
- (b) Development designed to provide natural ventilation of habitable rooms by:
 - i. positioning window and door openings to encourage cross ventilation from cooling summer breezes;
 - ii. installing small low-level windows on the windward side and larger raised openings on the leeward side to maximise airspeed in the room;
 - iii. installing higher level casement or sash windows, clerestory windows or operable fanlight windows to facilitate convective currents;
 - iv. selecting windows which the occupants can reconfigure to funnel breezes such as vertical louvred, casement windows and externally opening doors;
 - v. ensuring the internal layout minimises interruptions to airflow;
 - vi. limiting building depth to allow for ease of cross ventilation; and/or
 - vii. draught proofing doors, windows and other openings."

PO 4.3

Buildings incorporate climate responsive techniques and features such as building and window orientation, use of eaves, verandahs and shading structures, water harvesting, at ground landscaping, green walls, green roofs and photovoltaic cells.

DTS 4.3

None are applicable.

PO X

Roofs orientated and pitched to facilitate the efficient use of solar collectors and photovoltaic cells.

DTS X

Roof incorporating an area of at least 10m² that:

- (a) faces between 30° east and 20° west of north respectively; and
- (b) has a pitch of greater than 18°.

Water Sensitive Design

PO 5.1

Development sited and designed to maintain natural hydrological systems without negatively impacting:

- (a) the quantity and quality of surface and groundwater;
- (b) the depth and directional flow of surface and groundwater; or
- (c) the quality and function of natural springs.

DTS 5.1

None are applicable.

PO X

Development likely to result in risk of export of sediment, suspended solids, organic matter, nutrients, oil and grease include stormwater management systems designed to minimise pollutants entering stormwater.

DTS/DPF X

Development includes stormwater management systems designed to achieve the following gross pollutant outcomes:

- (a) 80% reduction in average annual total suspended solids;
- (b) 60% reduction in average annual total phosphorus;
- (c) 45% reduction in average annual total nitrogen;
- (d) 90% reduction of litter/gross pollutants compared to untreated stormwater runoff; and
- (e) no visible oils/grease for flows up to the 1-in-3 month average return interval flood peak flow.

PO X

Water discharged from a development site to be of a physical, chemical and biological condition equivalent to or better than its pre-developed state.

DTS X

None are applicable.

PO X

Development includes stormwater management systems to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure the carrying capacities of downstream systems are not overloaded.

DTS/DPF X

Development includes stormwater management systems that:

- (a) maintain a pre-development peak flow rate from the site, based upon a 0.35 runoff coefficient for the 20-year ARI (5% AEP) 30 minute storm, unless a lower performance measure is specified in an approved catchment based Stormwater Management Plan;
- (b) maintains the stormwater runoff time to peak to match that of the pre-development; and
- (c) manages up to and including the 100-year ARI flood event (1% AEP) to avoid flooding of buildings.

Erosion Control

PO X

Development designed and located to prevent erosion.

DTS/DPF X

None are applicable.

Car parking appearance

PO 6.1

Development facing the street designed to minimise the negative impacts of any semi-basement and under-croft car parking on streetscapes.

DTS/DPF 6.1

The protrusion of semi-basement and undercroft car parking structures does not exceed 1.2m above

finished ground level and is screened through appropriate plantings, except in a location or zone where a continuous ground floor façade aligned with the front property boundary is desired.

PO 6.2

Vehicle parking areas appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.

DTS 6.2

None are applicable.

PO 6.3

Pedestrian connections that are safe, legible, direct and accessible are provided between parking areas and the development.

DTS 6.3

None are applicable.

PO 6.4

Street level vehicle parking areas that are open to the sky are landscaped to provide shade and reduce solar heat absorption and reflection.

DTS / DPF 6.4

Vehicle parking areas that are open to the sky and comprise 10 or more car parking spaces include a shade tree with a mature canopy of 4m diameter spaced for each 10 car parking spaces provided and a landscaped strip on any road frontage of a minimum dimension of 1m.

PO 6.5

Vehicle parking areas are landscaped along public frontages, allotment boundaries and between double rows of parking spaces.

DTS / DPF 6.5

Vehicle parking areas comprising 10 or more car parking spaces contain a vegetated landscaped strip of a minimum dimension of:

- (a) 1m along all public road frontages and allotment boundaries; and
- (b) 0.6m between double rows of car parking spaces.

PO 6.6

Vehicle parking areas and associated driveways are landscaped to shade and positively contribute to amenity.

DTS 6.6

None are applicable.

PO 6.7

Vehicle parking areas and accessways incorporate integrated stormwater management techniques such as permeable or porous surfaces, infiltration systems, drainage swales or rain gardens that integrate with landscaping requirements.

DTS 6.7

None are applicable.

PO X

Buildings are to be set back from rear access ways to provide adequate maneuverability.

DTS X

The minimum setback from a rear access way is as follows:

- (a) where the access way is wider than 6.5m – no set back
- (b) where the access way is less than 6.5m in width, a setback distance equal to the additional width

required to make the access way 6.5 metres or more

PO X

Garaging and parking structures (including the width of any support structure) provided on a public street frontage or on a laneway that functions as the dwellings primary frontage should be of a width less than 50 percent of the allotment width on that frontage.

DTS X

None are applicable.

PO X

Multi-level car parks designed to:

- (a) be located away from ground floor street frontages;
- (b) ensure vehicle access is from the road with less pedestrian activity;
- (c) there is no more than one entry lane and one exit lane;
- (d) have a controlled exit at the property boundary to stop vehicles before travelling across the footpath;
- (e) has no more than one left in and one left out access point;
- (f) avoid access points along high concentration public transport routes;
- (g) with respect to ancillary parking, is provided at basement level, or undercroft if located behind other uses which provide activity on the street frontage;
- (h) provide active street frontages and land uses such as commercial, retail or other non-car park uses, along ground floor street frontages to maintain pedestrian interest and activity at street level;
- (i) be of a high quality design and complement the surrounding built form in terms of height, bulk and scale;
- (j) provide surveillance, lighting and direct sightlines along clearly defined and direct walkways, through and within car parking areas and to lift and toilet areas;
- (k) ensure corner sites with two major street frontages, be set back from the major street frontages, with commercial or other non-car park floor space in front of and screening the car parking building;
- (l) be on a site with only one major street frontage, include screening so that any car parking is not visible from the public realm either day or night, and detailed to complement neighbouring buildings in a manner consistent with desired character in the relevant Zone and subzone;
- (m) incorporate treatments to manage the interface with adjacent housing, such as careful use of siting and use of materials and landscaping;
- (n) ensure there are no vehicle access points across major walking routes; and
- (o) provide safe and secure bicycle parking spaces.

DTS X

None are applicable.

Earthworks

PO 7.1

Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.

DTS / DPF 7.1

Development does not involve either:

- (a) excavation exceeding a vertical height of 1m;
- (b) filling exceeding a vertical height of 1m; or
- (c) a total combined excavation and filling vertical height of 2m or more.

Fences and walls

PO 8.1

Fences, walls and retaining walls of sufficient height to maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight.

DTS 8.1

~~None are applicable.~~

Fences and walls abutting streets (excluding service lanes) that:

- (a) are articulated and detailed to provide visual interest;
- (b) are compatible with the associated development and with any existing attractive fences and walls in the locality;
- (c) enable visibility of buildings from and to the street to enhance safety and allow surveillance;
- (d) assist development to address the street; and
- (e) are no greater more than 1.2m high if solid (forward of the building line). This height may be increased to 2m if the fence has openings which make it more than 50% transparent.

PO 8.2

Landscaping incorporated on the low side of retaining walls that are visible from public roads and public open space to minimise visual impacts.

DTS / DPF 8.2

A vegetated landscaped strip 500mm deep or more is provided against the low side of a retaining wall.

Building Services

PO

Services including gas and water meters conveniently located, screened from public view and integrated with the façade design.

DTS/DPF

None are applicable.

Building Adaptability

PO

Buildings designed to be adaptable and flexible to allow for a range of land uses without the need for significant alterations to the building and respond to changing economic and social conditions.

DTS/DPF

Ground floor level of buildings have a minimum floor to ceiling height of 3.5m.

PO

Buildings, where practical are refurbished, adapted and reused to ensure an efficient use of resources.

DTS/DPF

None are applicable.

Roof Top Plant and Ancillary Equipment

PO

Roof top plant and ancillary equipment that projects above the ceiling of the top storey that:

- (a) is designed to minimise the visual impact; and
- (b) is screened from view, including the potential view looking down or across from existing or possible higher buildings, or included in a decorative roof form that is integrated into the design of the building.

DTS/DPF

None are applicable.

Public Art

PO

Development where appropriate, integrates public art into the design of new or refurbished building sites in a manner that:

- (a) demonstrates artistic excellence and innovation in design;

- (b) incorporates high quality materials;
- (c) enhances the setting of new development;
- (d) is integrated into the design of the building and the surrounding environment;
- (e) considers any existing public art works; and
- (f) does not hinder sight lines or create entrapment spots.

DTS/DPF

Public art may be in the following form and locations:

- (a) treating the building as a piece of art in itself;
- (b) locating art in publicly accessible locations such as near main entrances, lobbies and street frontages;
- (c) using water as a landscaping element including animating spaces with fountains, pools and waterfalls, for which the re-use of stormwater is encouraged;
- (d) designing paving so it becomes a piece of art in itself;
- (e) using lighting to enhance the architectural characteristics of a building; or
- (f) providing spaces within the development for accommodating temporary or outdoor gallery opportunities.

Site Facilities/Waste Storage

PO

Development greater than 2000 m² of total floor area manages waste by:

- (a) containing a dedicated area for the collection and sorting of construction waste and recyclable building materials;
- (b) on-site storage and management of waste;
- (c) disposal of non-recyclable waste; and
- (d) incorporating waste water and stormwater re-use including the treatment and re-use of grey water.

DTS/DPF

None are applicable.

Demolition

PO

Building demolition is to be refrained unless Development Approval for a replacement development has been granted. Demolition may only be granted for documented reasons of public health or safety agreed by the planning authority or alternatively agreed by a statutory order. If replacement development has not commenced within 12 months of the granting of Development Approval, landscaping of the site is to be undertaken.

ALL DEVELOPMENT - 4 OR MORE BUILDING LEVELS

External Appearance

PO 9.1

Buildings positively contribute to the character of the local area by responding to local context.

DTS 9.1

None are applicable.

PO 9.2

Fine-grain detail at street level and a mixture of materials at lower building levels near the public interface are provided to reinforce a human scale.

DTS 9.2

None are applicable.

PO X

Buildings to create new features that contribute to an areas character where there is little or no established building pattern.

DTS X

None are applicable.

PO 9.3

Buildings designed to reduce visual mass by breaking up building façades into distinct elements.

DTS 9.3

None are applicable.

PO X

The height, scale and massing of buildings that reflect and reinforce:

- (a) the consistent parapet lines, floor levels, height and massing with existing buildings;
- (b) the prevailing pattern of visual sub-division of neighbouring building frontages where frontages display a character pattern of vertical and horizontal sub-divisions;
- (c) avoid massive unbroken facades; and
- (d) ground, middle and rooftop levels.

DTS X

None are applicable.

PO 9.4

Boundary walls visible from public land include visually interesting treatments to break up large blank elevations.

DTS 9.4

None are applicable.

PO X

The design, external materials, colours and finishes of buildings that have regard to their surrounding townscape context, built form and public environment.

DTS X

None are applicable.

PO 9.5

External materials and finishes are of high quality, durable and age well to minimise ongoing maintenance requirements and contribute to positively to the public realm.

DTS / DPF 9.5

Buildings utilise a combination (or thereof) of the following external materials and finishes:

- (a) masonry;
- (b) natural stone; and
- (c) pre-finished materials that minimise staining, discolouring or deterioration.

PO 9.6

Street facing building elevations designed to provide attractive, high quality and pedestrian friendly street frontages.

DTS / DPF 9.6

Building street frontages incorporate:

- (a) active uses such as shops or offices;
- (b) prominent entry areas for multi-storey buildings (where it is a common entry);
- (c) habitable rooms of dwellings; and
- (d) areas of communal public realm with public art or the like, where consistent with the Zone and/or sub zone provisions.

PO 9.7

Entrances to multi-storey buildings are safe, attractive, welcoming, functional and contribute to streetscape character.

DTS / DPF 9.7

Entrances to multi-storey buildings:

- (a) oriented towards the street;
- (b) clearly visible and easily identifiable from the street and vehicle parking areas;
- (c) designed to be prominent, accentuated and a welcoming feature if there are no active or occupied ground floor uses;
- (d) provide shelter, a sense of personal address and transitional space around the entry;
- (e) located as close as practicable to the lift and / or lobby access to minimise the need for long access corridors; and
- (f) avoid the creation of potential areas of entrapment.

PO 9.8

Building services, plant and mechanical equipment that:

- (a) do not dominate street frontages and are of high-quality materials; and/or
- (b) are screened from view from the public realm.

DTS 9.8

None are applicable.

Landscaping

PO 10.1

Development facing a street provides a well landscaped area that contains a deep soil space to accommodate a tree of a species and size adequate to provide shade, contribute to tree canopy targets and soften the appearance of buildings.

DTS / DPF 10.1

Buildings provide a 4m by 4m deep soil space in front of the building to accommodate a medium to large tree, except where no building setback from front property boundaries is desired.

PO 10.2

Deep soil zones provided to retain existing vegetation or provide areas that can accommodate new deep root vegetation, including tall trees with large canopies to provide shade and soften the appearance of multi storey buildings.

DTS / DPF 10.2

Multi-storey development provides deep soil zones and incorporate trees at not less than the following rates, except in a location or zone where full site coverage is desired:

Site-area	Minimum-deep-soil-area	Minimum-dimension	Tree/-deep-soil-zones
<300m ²	10m ²	1.5m	1-small-tree/-10m ² -deep-soil
300-1500m ²	7%·site·area	3m	1·medium·tree·/-·30m ² ·deep·soil
>1500m ²	7%·site·area	6m	1·large·or·medium·tree·/-·60m ² ·deep·soil
Tree-size-and-site-area-definitions			
Small-tree	4-6m·mature·height·and·<4m·canopy·spread		
Medium-tree	6-12m·mature·height·and·4-8m·canopy·spread		
Large-tree	12m·mature·height·and·>8m·canopy·spread		
Site-area	The·total·area·for·development·site,·not·average·area·per·dwelling		

PO 10.3

Deep soil zones provided with access to natural light to assist in maintaining vegetation health.

DTS 10.3

None are applicable.

PO 10.4

Unless separated by a public road or reserve, development sites adjacent to any zone that has a primary purpose of accommodating low rise residential development incorporate a deep soil zone along the common boundary, to enable medium to large trees to be retained or established to assist in screening new buildings of 3 or more storeys in height.

DTS / DPF 10.4

Building elements of 3 or more storeys in height are set back at least 6m from a zone boundary in which a deep soil zone area is incorporated.

Environmental

PO 11.1

Development minimises detrimental micro-climatic impacts on adjacent land and buildings.

DTS 11.1

None are applicable.

PO 11.2

Development incorporates sustainable design techniques and features such as window orientation, eaves and shading structures, water harvesting, green walls, and roof designs that enable the provision of rain water tanks (where they are not provided elsewhere on site), green roofs and photovoltaic cells.

DTS 11.2

None are applicable.

PO 11.3

Development of 5 or more storeys, or 21m or more in height (as measured from natural ground level and excluding rooftop mounted mechanical plant and equipment), designed to minimise the impacts of wind through measures such as:

- (a) a podium at the base of a tall tower and aligned with the street to deflect wind away from the street;
- (b) substantial verandahs around a building to deflect downward travelling wind flows over pedestrian areas;
- (c) the placement of buildings and use of setbacks to deflect the wind at ground level; and /or
- (d) avoid tall shear facades that create windy conditions at street level.

DTS 11.3

None are applicable.

Site Facilities / Waste Storage

PO 12.1

Development provides dedicated area for on-site collection and sorting of recyclable materials and refuse, green organic waste and wash bay facilities for the ongoing maintenance of bins that is adequate in size considering the number and nature of the activities they will serve and the frequency of collection.

DTS 12.1

None are applicable.

PO 12.2

Communal waste storage and collection areas located, enclosed and designed to be screened from view from the public domain, open space and dwellings.

DTS 12.2

None are applicable.

PO 12.3

Communal waste storage and collection areas designed to be well ventilated and located away from habitable rooms.

DTS 12.3

None are applicable.

PO 12.4

Communal waste storage and collection areas designed to allow waste and recycling collection vehicles to enter and leave the site without reversing.

DTS 12.4

None are applicable.

PO 12.5

For mixed use developments, non-residential waste and recycling storage areas and access provide opportunities for on-site management of food waste through composting or other waste recovery as appropriate.

DTS 12.5

None are applicable.

Car Parking

PO 13.1

Multi-level vehicle parking structures designed to contribute to active street frontages and complement neighbouring buildings.

DTS/ DPF 13.1

Multi-level vehicle parking structures within buildings to:

- (a) provide land uses such as commercial, retail or other non-car parking uses along ground floor street frontages; and
- (b) incorporate facade treatments along major street frontages that are sufficiently enclosed and detailed to complement adjacent buildings and limit impacts of light pollution .

PO 13.2

Multi-level vehicle parking structures within buildings complement the surrounding built form in terms of height, massing and scale.

DTS 13.2

None are applicable.

ALL RESIDENTIAL DEVELOPMENT

External Appearance

PO 14.1

Dwellings incorporate windows facing primary street frontages to encourage passive surveillance and make a positive contribution to the streetscape.

DTS/DPF 14.1

Each dwelling with a frontage to a public street includes at least one window with a total window area of at least 2m² facing the primary street, from a habitable room that has a minimum room dimension of 2.7m.

PO 14.2

Dwellings incorporate entry doors within street frontages to address the street and provide a legible entry point for visitors.

DTS/DPF 14.2

Dwellings with a frontage to a public street have the entry door facing the public street.

Outlook and Amenity

PO 15.1

Primary living rooms have an external outlook to provide a high standard of amenity for occupants.

DTS / DPF 15.1

Buildings designed to ensure primary living rooms (other than kitchens):

- (a) incorporate a window with an external outlook towards the street frontage or private open space; and
- (b) do not depend on lightwells to provide the primary source of daylight and outlook.

PO 15.2

Bedrooms separated or shielded from active communal recreation areas, common access areas and vehicle parking areas and access ways to mitigate noise and artificial light intrusion.

DTS 15.2

None are applicable.

Development designed to ensure bedrooms are separated or shielded from parking areas and access ways

by:

- (a) setting back bedroom windows a minimum of 2m from common driveways and parking areas;
- (b) installation of a solid fence at least 1.8m above the level of the driveway and/or parking area; and/or
- (c) incorporating a window sill height at least 1.5m above the level of the parking area and/or driveway.

Accessibility

PO

Universal design features are incorporated to provide options for people living with disabilities or limited mobility and / or to facilitate ageing in place.

DTS

None are applicable.

Housing Diversity

PO

Development comprising of a range of housing types, tenures and cost, to meet the widely differing social and economic needs of residents.

DTS

None are applicable.

Landscaping

PO X

Tree planting provided to:

- (a) contribute shade and shelter;
- (b) improve outlook for occupants of buildings;
- (c) reduce the apparent mass of buildings;
- (d) contribute to biodiversity;
- (e) mitigate urban heat; and
- (f) improve the amenity and character of streetscapes and contribute to attractive vistas.

DTS / DPF X

Tree planting is provided in accordance with the following tables:

(a)

Allotment-size	Tree-size* and number required per dwelling
<450m ²	1 small tree per dwelling
450-800m ²	1 medium tree
800m ² +	1 large tree

*refer Table DTS X Tree Size

Table DTS-21.2 Tree Size			
Tree-Size	Mature-Height	Mature-spread	Min-soil-area
Small	4-6m	2-4m	10m ² and min. dimension of 1.5m
Medium	6-12m	4-8m	30m ² and min. dimension of 2m
Large	>12m	>8m	60m ² and min. dimension of 4m

Table DTS X Tree Size

- (b) The following discounts apply where existing trees are retained on the subject land that are not a species identified in Regulation 3F(4)(b):

Retained tree height	Retained tree spread	Retained soil area within development site	Discount applied
4-6m	<4m	10m ² and min dimension of 1.5m	2 small
6-12m	4-8m	30m ² and min dimension of 3m	2 medium
>12m	>8m	60m ² and min dimension of 6m	2 large

- (c) Trees can be replaced with smaller trees in accordance with the following rates:

Tree size*	Equivalent planting
Medium tree	2 small trees
Large tree	4 small trees or 2 medium trees

*refer Table DTS X Tree Size

Ancillary Development

PO 16.1

Residential ancillary buildings and structures sited and designed to not detract from the streetscape or appearance of buildings on the site or neighbouring properties in terms of height, roof form and pitch, scale, building materials, colours and detailing.

DTS / DPF 16.1

Residential ancillary buildings and structures:

- (b) are not being constructed, added to or altered so that any part is situated:
- i. in front of any part of the building line of the dwelling to which it is ancillary; or
 - ii. within 900mm of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads);
- (c) in the case of a garage or carport, the garage or carport is setback at least 5.5m from the boundary of the primary street;
- (d) not exceeding 7m or 50% of the site frontage (whichever is the lesser) when facing a primary street or secondary street;
- (e) if situated on a boundary (not being a boundary with a primary street or secondary street), a length not exceeding 10m unless:
- i. a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary; and
 - ii. the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent;
- (f) if situated on a boundary of the allotment (not being a boundary with a primary street or secondary street), all walls or structures on the boundary not exceeding 45% of the length of that boundary;
- (g) will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or abut the proposed wall or structure;

- (h) have a wall height or post height not exceeding 3m above natural ground level;
- (i) have a roof height where no part of the roof is more than 5m above the natural ground level; and
- (j) if clad in sheet metal, is pre-colour treated or painted in a non-reflective colour.

PO 16.2

Ancillary buildings and structures do not impede on-site functional requirements such as private open space provision, car parking requirements or result in over-development of the site.

DTS / DPF 16.2

Ancillary buildings and structures do not result in:

- (a) less private open space than specified in Design in Urban Areas Table 1 – Outdoor Open Space;
- (b) less on-site car parking than specified in Transport, Access and Parking Table 1 - Off-street Car Parking Requirements; and
- (c) the total roofed floor area of all existing or proposed ancillary building(s) or structure(s) exceeding 60m².

PO 16.3

Fixed plant and equipment in the form of pumps and/or filtration systems for a swimming pool or spa positioned and/or housed to not cause unreasonable noise nuisance to adjacent sensitive receivers.

DTS/DPF 16.3

The pump and/or filtration system is ancillary to a dwelling erected on the same site and is:

- (a) enclosed in a solid acoustic structure that is located at least 5m from the nearest habitable room located on an adjoining allotment; or
- (b) located at least 12m from the nearest habitable room located on an adjoining allotment.

Flooding

PO 17.1

Residential accommodation sited, designed and constructed to prevent the entry of floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.

DTS / DPF 17.1

Residential accommodation has a ground finished floor level 300mm above the top of the kerb level of the primary street.

RESIDENTIAL DEVELOPMENT - 3 BUILDING LEVELS OR LESS

External appearance

PO 18.1

Garaging designed to not detract from the streetscape or [visually dominate from street](#) appearance of a dwelling.

DTS/DPF 18.1

Garages and carports facing a street:

- (a) do not exceed 7m in width or 50% of the sites frontage (whichever is less); and
- (b) are situated so that no part of the garage or carport will be in front of any part of the building line of the dwelling
- (c) are setback at least 5.5m from the boundary of the primary street; and
- (d) unless the dwelling has two storeys along the street frontage:
 - i. have single width car parking with a maximum garage door not exceeding 3.5m on sites with a frontage of 12m; or less
 - ii. have a garage door not exceeding 50% of the site frontage or 7m (whichever is less) on sites

with a frontage greater than 12m.

PO X

Building set-backs that complement the prevailing set-backs in the street in relation to:

- (a) street frontages; and
- (b) side and rear boundaries.

DTS X

Where setbacks vary the following setbacks apply:

- (a) the same distance as one or the other of the adjoining buildings, provided the difference between the set-backs of the 2 adjoining buildings is less than or equal to 2m; or
- (b) not less than the average of the set-backs of the adjoining buildings, if the difference between the set-backs of the adjoining buildings is greater than 2m.

PO 18.2

Dwelling facades make a positive contribution to streetscapes and common areas by providing variation of light and shadow and creating a sense of depth.

DTS/DPF 18.2

Each dwelling includes at least 3 of the following design features within each façade facing a public road or common driveway:

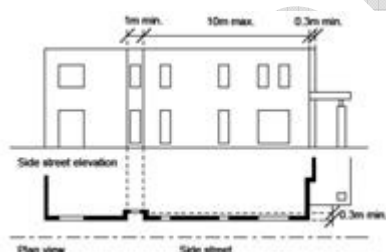
- (a) a minimum of 30% of the façade is setback an additional 300mm from the primary building line;
- (b) a porch or portico that projects at least 1m from the building façade that is open on at least 2 sides;
- (c) a balcony that projects from the building façade;
- (d) a verandah that projects at least 1m from the building façade;
- (e) eaves surrounding the dwelling of a minimum 450mm width;
- (f) 3a minimum 30% of the upper level projects forward from the lower level primary building line.

PO 18.3

The apparent mass of larger buildings is reduced when viewed from adjoining allotments or public streets.

DTS/DPF 18.3

Buildings of 2 or more building levels and a length exceeding 20m adjacent a secondary street or side boundary incorporate a step back of the building façade of more than 300mm for a minimum length of 1m, at least every 10m.



Overlooking / Visual Privacy

PO 19.1

Development mitigates direct overlooking of habitable rooms and private open spaces of dwellings.

DTS / DPF 19.1

Upper level windows facing side or rear boundaries shared with an allotment put to residential use:

- (a) are permanently obscured to a height of 1.5m above finished floor level that is fixed or not capable of being opened more than 200mm;
- (b) have sill heights greater than or equal to 1.5m above finished floor level; or
- (c) incorporate screening to a height of 1.5m above finished floor level; and
- (d) the building will not have a balcony or terrace on an upper building level, other than where the longest

side of that balcony or terrace will face a road (including any road reserve), or reserve (including any land held as open space), and is at least 15m from the private open space of any other dwelling.

Residential Amenity

PO X

Dwellings that provide a high-quality living environment.

DTS / DPF X

Dwellings provide the following minimum internal floor areas:

- (a) studio (where there is no separate bedroom): 35m²;
- (b) 1 bedroom dwelling/apartment: 50m²;
- (c) 2 bedroom dwelling/apartment: 65m²; and
- (d) 3+ bedroom dwelling/apartment: 80m² plus an additional 15m² for every additional bedroom over 3 bedrooms.

Note: Dwelling/apartment "unit size" includes internal storage areas but does not include balconies or car parking as part of the calculation.

Private Open Space

PO 20.1

Dwellings provided with suitable sized areas of usable private open space to meet the needs of occupants.

DTS / DPF 20.1

Private open space provided in accordance with Design in Urban Areas Table 1 - Outdoor Open Space.

PO 20.2

Private open space positioned to provide convenient access from internal living areas.

DTS / DPF 20.2

Private open space is directly accessible from a habitable room, other than a bedroom or study.

PO 20.3

Private open space is positioned and designed to:

- (a) provide useable outdoor space that suits the needs of occupants;
- (b) achieve comfortable year-round use by having a northerly aspect;
- (c) minimise overlooking from adjacent buildings;
- (d) take advantage of natural features of the land and desirable orientation and vistas;
- (e) be located away from bedroom windows on adjoining land to minimise acoustic impacts;
- (f) animate the street frontage by encouraging activity between buildings and public streets;
- (g) adequately define public and private space when located forward of the building; and
- (h) prolong activity along street frontages by protecting against inclement weather.

DTS / DPF 20.3

A portion of the private open space specified in DTS 20.1 can be provided forward of the primary building line where:

- (a) the area is fenced to a maximum height of 1.8m;
- (b) the area incorporates a verandah with a minimum dimension of 1.5m
- (c) an area is provided behind the primary building line that has the minimum dimensions identified in DTS 20.1;

Landscaping

PO 21.1

Soft landscaping incorporated into development to:

- (a) minimise heat absorption and reflection;
- (b) contribute shade and shelter;

- (c) provide for stormwater infiltration and biodiversity; and
- (d) enhance the appearance of land and streetscapes.

DTS / DPF 21.1

Residential development incorporates areas for soft landscaping with a minimum dimension of 0.5 metres provided in accordance with the following:

(a)

Dwelling-site-area-(or-in-the-case-of-residential-flat-or-group-average-site-area)-(square-metres)	%-of-site-
<200	15%
201--450	20%
>450	25%

; and

- (b) 25% of any land between the road boundary and the primary building line is provided for soft landscaping with a minimum dimension of 0.5 metres.

PO 21.2

Tree planting provided to:

- (g) contribute shade and shelter;
- (h) improve outlook for occupants of buildings;
- (i) reduce the apparent mass of buildings;
- (j) contribute to biodiversity;
- (k) mitigate urban heat; and
- (l) improve the amenity and character of streetscapes and contribute to attractive vistas.

DTS / DPF 21.2

Tree planting is provided in accordance with the following tables:

(a)

Allotment-size	Tree-size*-and-number-required-per-dwelling
<450m ²	1-small-tree-per-dwelling
450-800m ²	1-medium-tree
800m ² +	1-large-tree

*refer Table DTS 21.2 Tree Size

Table-DTS-21.2-Tree-Size			
Tree-Size	Mature-Height	Mature-spread	Min-soil-area
Small	4-6m	2-4m	10m ² -and-min-dimension-of-1.5m
Medium	6-12m	4-8m	30m ² -and-min-dimension-of-2m
Large	>12m	>8m	60m ² -and-min-dimension-of-4m

Table DTS 21.2 Tree Size

- (d) The following discounts apply where existing trees are retained on the subject land that are not a species identified in Regulation 3F(4)(b):

Retained tree height	Retained tree spread	Retained soil area within development site	Discount applied
4-6m	<4m	10m ² and min dimension of 1.5m	2 small
6-12m	4-8m	30m ² and min dimension of 3m	2 medium
>12m	>8m	60m ² and min dimension of 6m	2 large

(e) Trees can be replaced with smaller trees in accordance with the following rates:

Tree size*	Equivalent planting
Medium tree	2 small trees
Large tree	4 small trees or 2 medium trees

*refer Table DTS 21.2 Tree Size

Water Sensitive Design

PO 22.1

Residential development designed to capture and re-use stormwater to:

- (a) maximise conservation of water resources;
- (b) manage peak stormwater runoff flows and volume to ensure the carrying capacities of downstream systems are not overloaded; and
- (c) manage stormwater runoff quality.

DTS / DPF 22.1

Residential development in the form of:

- (a) detached, semi-detached or row dwellings include a retention rainwater tank storage:
 - i. connected to at least 80% of the roof area of the dwelling (row dwelling), or at least 60% of the roof area of the dwelling (detached and semi-detached dwellings);
 - ii. connected to all toilets and either the laundry cold water outlets or hot water service;
 - iii. that has a minimum total capacity in accordance with Table 1, and
 - iv. the roof is at least 80% of the impervious area; or

Table 1: Retention Rainwater Tank

Allotment size (m ²)	Minimum site % perviousness	Minimum rainwater tank volume	Additional site permeability discount opportunity	
			Site % perviousness	Minimum rainwater tank volume (L)
<200	15%	2,000		
201-400	20%	3,000	30%	2,000
400-500	25%	5,000	35%	3,000

- (a) hammerhead dwellings have driveways and pathways constructed of a minimum of 50% permeable or porous material and include a retention rainwater tank storage:
 - i. connected to at least 60% of the roof area of the dwelling;
 - ii. connected to all toilets and either the laundry cold water outlets or hot water service; and
 - iii. that has a minimum total capacity in accordance with Table 2.

Table 2: Retention Rainwater Tank Option

Allotment-size-(m ²)	Site-%-pervious-ness	Rainwater-tank-volume-(L)
<200	15%	2,000
201-400	20%	3,000
401-500	25%	5,000

PO 22.2

Development creating 5-19 dwellings includes stormwater management systems that minimise the discharge of sediment, suspended solids, organic matter, nutrients, bacteria, litter and other contaminants to the stormwater system, watercourses or other water bodies.

DTS 22.2

Development creating 5-19 dwellings is accompanied by an approved Stormwater Management Plan that achieves the following stormwater runoff outcomes:

- (a) 80 per cent reduction in average annual total suspended solids;
- (b) 60 per cent reduction in average annual total phosphorus; and
- (c) 45 per cent reduction in average annual total nitrogen.

PO 22.3

Development creating 5-19 dwellings includes a stormwater management system designed to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure the carrying capacities of downstream systems are not overloaded.

DTS 22.3

Development creating 5-19 dwellings

- (a) maintains:
 - i. a pre-development peak flow rate from the site based upon a 0.35 runoff coefficient for the 5-year ARI (18.1% AEP) 30 minute storm; and
 - ii. the stormwater runoff time to peak to match that of the pre-development condition; or
- (b) capture and retain the difference in pre-development runoff volume (based upon a 0.35 runoff coefficient) vs post development runoff volume from the site for a 5-year ARI (18.1% AEP) 30 minute storm; and
- (c) manage site generated stormwater runoff up to and including the 100 –year ARI flood event (1% AEP) to avoid flooding of buildings.

Car parking, access and manoeuvrability

PO 23.1

Covered car parking spaces are of dimensions to be functional, accessible and convenient.

DTS / DPF 23.1

Covered car parking spaces:

- (a) where enclosed by fencing or walls, have:
 - i. a minimum internal width of 3.2m and length of 6.0m for a single space;
 - ii. a minimum internal width of 6.0m and length of 6.0m for a double space (side by side); and
 - iii. a minimum internal width of 3.2m and length of 11m for a double space (tandem); or
- (b) where not enclosed by fencing, walls or garage doors, have:
 - i. a minimum width of 3.0m and minimum length of 5.5m for a single space;
 - ii. a minimum width of 5.2m and minimum length of 5.5m for a double (side by side) space; and
 - iii. a minimum width of 3.0m and minimum length of 10.4m for a double (tandem) space.

PO 23.2

Uncovered car parking space are of dimensions to be functional, accessible and convenient.

DTS / DPF 23.2

Uncovered car parking spaces have a minimum width of 2.4m and a minimum length of 5.5m.

PO 23.3

Driveways and access points located and designed to facilitate safe access and egress while maximising land available for street tree planting, landscaped street frontages and on-street parking.

DTS / DPF 23.3

Driveways and access points:

- (a) for sites with a frontage to a public road of 12m or less, have a maximum width of 3.2m measured at the property boundary and are the only access point provided on the site; or
- (b) for sites with a frontage to a public road greater than 12m:
 - i. have a maximum width of 6m measured at the property and are the only access point provided on the site; or
 - ii. have a maximum width of 3.2 metres measured at the property boundary and no more than two access points are provided on site.

PO 23.4

Vehicle access is safe, convenient, minimises interruption to the operation of public roads and does not interfere with street infrastructure or street trees.

DTS / DPF 23.4

Vehicle access to designated car parking spaces:

- (a) is provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land
- (b) where newly proposed, is setback:
 - (a) 500mm or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner;
 - (b) 2m or more from a street tree unless consent is provided from the treeowner;
 - (c) 6m or more from the tangent point of an intersection of 2 or more roads or a pedestrian-actuated crossing.

PO 23.5

Driveways are designed to enable safe and convenient vehicle movements from the public road to on-site parking spaces.

DTS/ DPF 23.5

Driveways are designed and sited so that:

- (a) the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage or carport when work is completed is not steeper than 1:4 on average; and
- (b) the centre of the driveway at the public road boundary is no more than 25 degree deviation from the centre of the front of the covered car parking space for which it provides vehicle access.

PO 23.6

Driveways and access points are designed and distributed to optimise the provision of on-street visitor parking (where on-street parking is appropriate).

DTS / DPF 23.6

Where on-street parking is available directly adjacent the site, parking is retained in accordance with the following requirements:

- (a) 1 on-street car park per 3 proposed dwellings (rounded up to the nearest whole number); and
- (b) minimum car park length of 6m.

PO X

Where there is a side or rear laneway abutting the land, access to the parking area is to be from the laneway,

rather than the main street frontage.

DTS X

None are applicable.

Waste storage

PO 24.1

Provision is made for the convenient storage of waste bins in a location screened from public view.

DTS / DPF 24.1

Dwellings are provided with:

- (a) an area of 3m² or more for the storage of waste (separate from any designated car parking spaces or private open space) is provided behind the building line; and
- (b) a continuous unobstructed path of travel with a minimum width of 800mm between the waste bin storage area and the street.

Storage Facilities

PO X

Development that does not provide ground level private open space or has less than 50m² of private open space is to incorporate adequate areas for the storage of goods and chattels other than food and clothing either:

- (a) in the dwelling (but not including a habitable room);
- (b) in a garage, carport or outbuilding; or
- (c) within an on-site communal facility.

DTS X

Dwellings provided with a covered secure storage area of not less than 8 cubic metres

Design of Transportable Dwellings

PO 25.1

The sub-floor space beneath transportable buildings enclosed to give the appearance of a permanent structure.

DTS 25.1

None are applicable.

RESIDENTIAL DEVELOPMENT - 4 OR MORE BUILDING LEVELS (INCLUDING SERVICED APARTMENTS)

Outlook and Visual Privacy

PO 26.1

Ground level dwellings have a satisfactory short range visual outlook to public, communal or private open space.

DTS / DPF 26.1

Buildings:

- (a) provide a habitable room at ground and ~~or~~ first level with a window facing toward the street; and
- (b) limit the height / extent of solid walls or fences facing the street to 1.2m high above the footpath level or, where higher, to 50% of the site frontage.

PO 26.2

The visual privacy of ground level dwellings within multi-level buildings is protected.

DTS / DPF 26.2

The finished floor level of ground level dwellings in multi-storey developments is raised by up to 1.2m.

Private Open Space

PO 27.1

Dwellings provided with suitable sized areas of usable private open space to meet the needs of occupants.

DTS / DPF 27.1

Private open space provided in accordance with Design in Urban Areas Table 1 - Outdoor Open Space.

Apartment Amenity

PO 28.1

Residential accommodation within multi-level buildings have habitable rooms, windows and balconies designed and positioned to be separated from those of other dwellings and accommodation to provide visual and acoustic privacy and allow for natural ventilation and the infiltration of daylight into interior and outdoor spaces.

DTS / DPF 28.1

Habitable rooms and balconies of independent dwellings and accommodation are separated by at least 6m from one another where there is a direct 'line of sight' between them and 3m or more from a side or rear property boundary.

PO X

Light wells used as a source of daylight, ventilation, outlook and sunlight provided:

- (a) lightwells are not living rooms only source of outlook;
- (b) lightwells up to 18m have a minimum horizontal dimension of 3m or 6m if overlooked by bedrooms; and
- (c) lightwells higher than 18m have a minimum horizontal dimension of 6m or 9m if overlooked by bedrooms.

PO 28.2

Balconies are designed, positioned and integrated into the overall architectural form and detail of the development to:

- (a) respond to daylight, wind, and acoustic conditions to maximise comfort and provide visual privacy; and
- (b) allow views and casual surveillance of the street while providing for safety and visual privacy of nearby living spaces and private outdoor areas.

DTS / DPF 28.2

Balconies utilise a combination (or thereof) of the following design elements:

- (a) sun screens;
- (b) pergolas;
- (c) louvres;
- (d) green facades; or
- (e) openable walls.

PO 28.3

Balconies are of sufficient size and depth to accommodate outdoor seating and promote indoor / outdoor living.

DTS / DPF 28.3

Balconies open directly from a habitable room and incorporate:

- (a) a minimum dimension of 2m or more and are well proportioned to accommodate a table and 2 chairs; or
- (b) a minimum dimension of 2.4m and are well proportioned to accommodate a table and 4 chairs.

Site Facilities and Storage

PO 28.4

Dwellings are provided with sufficient space for storage to meet likely occupant needs.

DTS / DPF 28.4

Dwellings (not including student accommodation ~~or serviced apartments~~) are provided with storage at the following rates:

- (a) studio: 6m³ or more;
- (b) 1 bedroom dwelling / apartment: 8m³ or more;
- (c) bedroom dwelling / apartment: 10m³ or more; and
- (d) 3+ bedroom dwelling / apartment: 12m³; and
- (e) 50% or more of the storage volume is provided within the dwelling.

~~**PO 28.5**~~

~~Universal design features are incorporated to provide options for people living with disabilities or limited mobility and / or to facilitate ageing in place.~~

~~**DTS 28.5**~~

~~None are applicable.~~

PO X

Common mailbox structure located close to the main pedestrian entrance.

DTS X

None are applicable.

Apartment Configuration

PO 29.1

Buildings containing in excess of 10 dwellings provide a variety of dwelling sizes and a range in the number of bedrooms per dwelling to contribute to housing diversity.

DTS / DPF 29.1

Buildings containing in excess of 10 dwellings provide at least one of each of the following:

- (a) studio (where there is no separate bedroom) **with a floor area of at least 35m²**;
- (b) 1 bedroom dwelling / apartment with a floor area of at least 50m²;
- (c) 2 bedroom dwelling / apartment with a floor area of at least 65m²; and
- (d) 3+ bedroom dwelling / apartment with a floor area of at least 80m², and any dwelling over 3 bedrooms provides an additional 15m² for every additional bedroom.

PO 29.2

Dwellings located on the ground floor of multi-level buildings with 3 or more bedrooms have the windows of their habitable rooms overlooking internal courtyard space or other public space, where possible.

DTS 29.2

None are applicable.

PO X

Buildings designed to ensure internal structural columns align with the position of internal walls to provide useable space.

DTS X

None are applicable.

Common Areas

PO 30.1

The size of lifts, lobbies and corridors is sufficient to accommodate movement of bicycles, strollers, mobility aids and visitor waiting areas.

DTS / DPF 30.1

Common corridor or circulation areas:

- (a) have a minimum ceiling height of 2.7m;
- (b) provide access to no more than 8 dwellings; and
- (c) incorporate a wider section of apartment entries where the corridors exceed 12m in length from a core.

Car Parking Areas

PO X

Car parking areas designed and located to:

- (a) be close and convenient to dwellings/apartments;
- (b) be lit at night;
- (c) be well ventilated if enclosed;
- (d) avoid headlight glare into windows; and
- (e) clearly define visitor parking.

DTS X

None are applicable

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GROUP DWELLINGS, RESIDENTIAL FLAT BUILDINGS AND BATTLE-AXE DEVELOPMENT

Amenity

PO 31.1

Dwellings are of a suitable size to provide high standard of amenity for occupants.

DTS / DPF 31.1

Dwellings have a minimum internal floor area in accordance with the following table:

Bedrooms	Minimum internal floor area
Studio (where there is no separate bedroom)	35m ²
1 bed	50m ²
2 bed	65m ²
3+ bed	80m ² , and any dwelling over 3 bedrooms provides an additional 15m ² for every additional bedroom

PO 31.2

The orientation and siting of buildings minimises impacts on the amenity, outlook and privacy of occupants and neighbours.

DTS / DPF 31.1

None are applicable.

PO 31.3

Development maximises the number of dwellings that face public open space and public streets and limits dwellings oriented towards neighbouring properties.

DTS 31.3

None are applicable.

Communal Open Space

PO 32.1

Communal open space provided where private open space provision is inadequate to meet the needs of occupants or where the nature of the development is such that private open space is not ordinarily provided.

DTS 32.1

None are applicable.

Car parking, access and manoeuvrability

PO 33.1

Driveways and access points are designed and distributed to optimise the provision of on-street visitor parking (where on-street parking is appropriate).

DTS / DPF 33.1

Where on-street parking is available directly adjacent the site, parking is retained in accordance with the following requirements:

- (a) 1 on-street car park per 3 proposed dwellings (rounded up to the nearest whole number); and
- (b) minimum car park length of 6m.

PO 33.2

The number of vehicular access points onto public roads is minimised to reduce interruption of the footpath and positively contribute to public safety and walkability.

DTS / DPF 33.2

Access to group dwellings or dwellings within a residential flat building provided via a single common driveway.

PO 33.3

Driveways, access points, access tracks and parking areas are designed and constructed to allow adequate movement and manoeuvrability of the types of vehicles that are reasonably anticipated.

DTS / DPF 33.3

Battle-axe driveways and driveways that service more than one dwelling satisfy the following:

- (a) a width of 3m or more;
- (b) for driveways servicing three or more dwellings which exceed 30m in length, incorporate a least one vehicle passing point with a width of 5m or more and a length of 6m or more, and an additional passing point at least every 30m thereafter;
- (c) locate the passing point in (b) within 12m of the primary street boundary; and
- (d) a width of 5m or more for at least the first 6m from the primary street boundary where located on an arterial road.

PO 33.4

Driveways that service more than one dwelling are designed to allow passenger vehicles to enter and exit the site in a safe and convenient manner.

DTS / DPF 33.4

Driveways providing access to more than one dwelling allow a B85 passenger vehicle to enter and exit all dedicated car parks and garages in a forward direction without requiring more than a 2-point-turn manoeuvre.

PO 33.5

Dwellings are adequately separated from common driveways and manoeuvring areas.

DTS/DPF 33.5

Dwellings are at least 1.5m from any vehicle movement path required to achieve DTS 34.3.

Landscaping

PO 34.1

Landscaping is provided between dwellings and common driveways to improve the outlook for occupants and improve the appearance of common areas.

DTS/ DPF 34.1

Other than where located directly in front of a garage or directly adjacent a building entry door, soft landscaping with a minimum dimension of 1m is provided between a dwelling and common driveway.

PO 34.2

Landscaping is provided that improves the appearance of common driveways.

DTS / DPF 34.2

Where a common driveway is located directly adjacent the side or rear boundary of the site, soft landscaping with a minimum dimension of 1m is provided between the driveway and site boundary (excluding along the perimeter of a passing point required in DTS 34.3).

Site Facilities / Waste Storage

PO 35.1

Provision is made for suitable mailbox facilities close to the major pedestrian entry to the site or conveniently located considering the nature of accommodation and mobility of occupants.

DTS 35.1

None are applicable.

PO 35.2

Provision is made for suitable external clothes drying facilities.

DTS 35.2

None are applicable.

PO 35.3

Provision is made for suitable household waste and recyclable material storage facilities conveniently located away, or screened, from public view.

DTS 35.3

None are applicable.

PO 35.4

Waste and recyclable material storage areas are located away from dwellings.

DTS / DPF 35.4

Dedicated waste and recyclable material storage areas are located at least 3m from any habitable room window.

PO 35.5

Provision is made for on-site waste collection where 10 or more bins are to be collected at any one time.

DTS 35.5

None are applicable.

SUPPORTED ACCOMMODATION, HOUSING FOR AGED PERSONS, AND PEOPLE WITH DISABILITIES

Siting and Configuration

PO 36.1

Supported accommodation and housing for aged persons and people with disabilities located where on-site movement of residents is not unduly restricted by the slope of the land.

DTS 36.1

None are applicable.

Movement and Access

PO 37.1

Development designed to support safe and convenient access and movement for residents by providing:

- (a) ground-level access or lifted access to all units;
- (b) level entry porches, ramps, paths, driveways, passenger loading areas and areas adjacent to footpaths that allow for the passing of wheelchairs and resting places;
- (c) car parks with gradients no steeper than 1-in-40, and of sufficient area to provide for wheelchair manoeuvrability; and
- (d) kerb ramps at pedestrian crossing points.

DTS 37.1

None are applicable.

Communal Open Space

PO 38.1

Development designed to provide attractive, convenient and comfortable indoor and outdoor communal areas to be used by residents and visitors alike.

DTS 38.1

None are applicable.

PO 38.2

Communal open space provided where private open space provision is inadequate to meet the needs of occupants or where the nature of the development is such that private open space is not ordinarily provided (such as supported accommodation).

DTS 38.2

None are applicable.

Site Facilities / Waste Storage

PO 39.1

Development designed to provide storage areas for personal items and specialised equipment such as small electric powered vehicles, including facilities for the recharging of small electric powered vehicles.

DTS 39.1

None are applicable.

PO 39.2

Provision is made for suitable mailbox facilities close to the major pedestrian entry to the site or conveniently located considering the nature of accommodation and mobility of occupants.

DTS 39.2

None are applicable.

PO 39.3

Provision is made for suitable external clothes drying facilities.

DTS 39.3

None are applicable.

PO 39.4

Provision is made for suitable household waste and recyclable material storage facilities conveniently located away, or screened, from view.

DTS 39.4

None are applicable.

PO 39.5

Waste and recyclable material storage areas are located away from dwellings.

DTS / DPF 39.5

Dedicated waste and recyclable material storage areas are located at least 3m from any habitable room window.

PO 39.6

Provision is made for on-site waste collection where 10 or more bins are to be collected at any one time.

DTS 39.6

None are applicable.

PO 39.7

Services including gas and water meters conveniently located and screened from public view.

DTS 39.7

None are applicable.

STUDENT ACCOMMODATION**PO 40.1**

Student accommodation is designed to provide safe, secure, attractive, convenient and comfortable living conditions for residents, including an internal layout and facilities that are designed to provide sufficient space and amenity for the requirements of student life and promote social interaction.

DTS / DPF 41.1

Student accommodation provides:

- (a) a range of living options that meet a variety of accommodation needs, such as one bedroom, two bedroom and disability access units;
- (b) common or shared facilities to enable a more efficient use of space, including:
 - i. shared cooking, laundry and external drying facilities;
 - ii. internal and external communal and private open space provided in accordance with Design in Urban Areas Table 1 - Outdoor Open Space;
 - iii. common storage facilities at the rate of 8 cubic metres for every 2 dwellings or students;
 - iv. common on-site parking to meet anticipated demand in accordance with Transport, Access and Parking Table 1 - Off-street Car Parking Requirements ; and
 - v. secure and sheltered bicycle parking at the rate of one space for every 2 students.
- (c) bedrooms of a suitable size to accommodate a single bed, book shelves, a desk and workspace, and a cupboard/wardrobe.

PO 40.2

Student accommodation designed to provide easy adaptation of the building to accommodate an alternative use of the building in the event it is no longer required for student housing.

DTS 40.2

None are applicable.

ALL NON-RESIDENTIAL DEVELOPMENT

Water Sensitive Design

PO 41.1

Development likely to result in risk of export of sediment, suspended solids, organic matter, nutrients, oil and grease include stormwater management systems designed to minimise pollutants entering stormwater.

DTS/DPF 41.1

Development includes stormwater management systems designed to achieve the following gross pollutant outcomes:

- (a) 80 per cent reduction in average annual total suspended solids;
- (b) 60 per cent reduction in average annual total phosphorus;
- (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 month average return interval flood peakflow.

PO 41.2

Water discharged from a development site to be of a physical, chemical and biological condition equivalent to or better than its pre-developed state.

DTS 41.2

None are applicable.

PO 41.3

Development includes stormwater management systems to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure the carrying capacities of downstream systems are not overloaded.

DTS / DPF 41.3

Development includes stormwater management systems that:

- (a) maintain a pre-development peak flow rate from the site, based upon a 0.35 runoff coefficient for the 20-year ARI (5% AEP) 30 minute storm, unless a lower performance measure is specified in an approved catchment based Stormwater Management Plan;
- (b) maintains the stormwater runoff time to peak to match that of the pre-development; and
- (c) manages up to and including the 100-year ARI flood event (1% AEP) to avoid flooding of buildings.

Wash-down and Waste Loading and Unloading

PO 42.1

Areas for activities including loading and unloading, storage of waste refuse bins in commercial and industrial development or wash-down areas used for the cleaning of vehicles, plant or equipment that are:

- (a) designed to contain all wastewater likely to pollute stormwater within a bunded and roofed area to exclude the entry of external surface stormwater run-off;
- (b) paved with an impervious material to facilitate wastewater collection;
- (c) of sufficient size to prevent 'splash-out' or 'over-spray' of wastewater from the wash-down area; and
- (d) designed to drain wastewater to either:
 - i. a treatment device such as a sediment trap and coalescing plate oil separator with subsequent disposal to a sewer, private or Community Wastewater Management Scheme; or

- ii. a holding tank and its subsequent removal off-site on a regular basis.

DTS 42.1

None are applicable.

Waste Management

PO

Development that does not result in emission of atmospheric, liquid or other pollutants, or cause unacceptable levels of smell and odour that would detrimentally affect the amenity of adjacent properties or its locality. Land uses such as restaurants, shops, cafés or other uses that generate smell and odour that:

- (a) ensure extraction flues, ventilation and plant equipment are located in appropriate locations that will not detrimentally affect the amenity of adjacent occupiers in terms of noise, odours and the appearance of the equipment;
- (b) ensure ventilation and extraction equipment and ducting have the capacity to clean and filter the air before being released into the atmosphere; and
- (c) ensure the size of the ventilation and extraction equipment is suitable and has the capacity to adequately cater for the demand generated by the potential number of patrons.

Activation

PO

Street facing building elevations designed to provide attractive, high quality and pedestrian friendly street frontages.

DTS / DPF

Building street frontages incorporate:

- (a) active uses such as shops or offices;
- (b) prominent entry areas for multi-storey buildings (where it is a common entry);
- (c) habitable rooms of dwellings; and
- (d) areas of communal public realm with public art or the like, where consistent with the Zone and/or sub zone provisions.

PO

Retail frontages designed to provide interest to passing pedestrians at street level and relief to building mass.

DTS/DPF:

Development designed to:

- (a) provide views into and out of buildings;
- (b) provide interest and active window displays;
- (c) provide external light fittings, where street lighting is blocked e.g. under verandahs;
- (d) use transparent glass, open mesh or transparent security shutters that allow views into and out of the building; and/or
- (e) incorporate detailed architectural facade treatment

Outdoor Dining

PO

Outdoor dining that:

- (a) is located outside the associated premises;
- (b) provides sufficient set-backs and clearances from kerbs, property boundaries and buildings;
- (c) is located in an area safe for patrons where the security of the building is not compromised;
- (d) ensures the dining area is set back from the building line at street intersections;
- (e) ensures unimpeded pedestrian flow through free and uninterrupted pedestrian paths; and

(f) ensures wheelchair access to pedestrian ramps is not compromised.

DTS

None are applicable.

PO

Structures that:

- (a) are of high quality design and form an integral part of the streetscape;
- (b) maintain public access; and
- (c) maintain views of significant sightlines, buildings and landmarks.

DTS

None are applicable.

Safety and Surveillance

PO

Shopfronts designed to incorporate security features that complement the frontage and allow window shopping out of hours.

DTS/DPF

Security grilles designed to:

- (a) be transparent and illuminated to complement the appearance of the frontage;
- (b) provide for window shopping; and
- (c) allow for the spill of light from the shop front onto the street.

Solid shutters with less than 75% permeability are not acceptable.

Table 1 - Outdoor Open Space

Dwelling Type	Dwelling / Site Configuration	Minimum Rate
Detached dwelling Semi-detached dwelling Row dwelling Group dwelling	Site area >1,000m ²	Total area: 20% of total site area Adjacent to habitable room: 10% total site area / minimum dimension 4m.
	Site area 500m ² – 1,000m ²	Total area: 80m ² Adjacent to habitable room: 24m ² / minimum dimension 4m.
	Site area 300m ² - 500m ²	Total area: 60m ² Adjacent to habitable room: 16m ² / minimum dimension 4m.
	Site area <300m ²	Total area: 24m ² Adjacent to habitable room: 16m ² / minimum dimension 3m

Cabin or caravan (permanently fixed to the ground) in a Residential Park Zone or Caravan and Tourist Park Zone		Total area: 16m ² , which may be uses as second car parking space, provided on each site intended for residential occupation.
Apartments	Dwellings at ground level:	
	- All types	15m ² / minimum dimension 3m
	Dwellings located above ground level:	
	- Studio	4m ² / minimum dimension 1.8m
	- One bedroom dwelling	8m ² / minimum dimension 2.1m
	- Two bedroom dwelling	11m ² / minimum dimension 2.4m
	- Three + bedroom dwelling	15 m ² / minimum dimension 2.6m

Working Draft

Working Draft

Land Division in Urban Areas

Assessment Provisions (AP)

Desired Outcome (DO)

DO 1

Land division that:

- (a) creates allotments having appropriate dimensions and shape for intended use;
- (b) allows efficient provision of new infrastructure and optimum use of existing underutilised infrastructure;
- (c) integrates and allocates adequate and suitable land for the preservation of site features of value including significant vegetation, watercourses, water bodies and other environmental features;
- (d) supports energy efficiency in building orientation;
- (e) creates a compact urban form that supports active travel, walkability and the use of public transport; and
- (f) avoids areas of high natural hazard risk.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

ALL LAND DIVISION

Allotment configuration

PO 1.1

Land division creates allotments suitable for their intended use taking into account physical characteristics of the land, preservation of environmental and cultural features of value and the prevailing context and character of the locality.

DTS/DPF 1.1

Land division for the:

- (a) minor adjustment of allotment boundaries to remove an anomaly in existing boundaries with respect to the location of existing buildings or structures where no additional allotments are created; or
- (b) creation of a single additional allotment for residential purposes where:
 - i. the allotment will contain a single lawfully existing dwelling or an approval for a single dwelling exists and is operative;
 - ii. access is provided via a lawfully existing driveway or access point or an access point for which approval under the Local Government Act exists and is operative; and
 - iii. the resulting allotment achieves any minimum site area and frontage width specified by the relevant zone or a relevant Technical and Numeric Variation Overlays.

PO X

The size, shape, orientation and layout of allotments in any land division (or development creating sites likely to be divided into allotments) to:

- (a) enable land to be efficiently and effectively used for its intended use;
- (b) allow development that reinforces and achieves the desired character of the locality, as expressed in the relevant Zone and Subzone;
- (c) enable development that is energy efficient; and
- (d) where the land abuts a side or rear laneway, be designed to facilitate vehicle access to allotments from the laneway rather than the main street frontage.

DTS X

None are applicable

Design and Layout

PO 2.1

Land division results in a pattern of development that minimises the likelihood of future earthworks and retaining walls

DTS 2.1

None are applicable.

PO 2.2

Land division enables appropriate treatment of the interface between potentially conflicting land uses and/or zones.

DTS 2.2

None are applicable.

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PO 2.3

Land division maximises the number of allotments that face public open space and public streets.

DTS 2.3

None are applicable.

PO 2.4

Land division integrated with site features, adjacent land uses, the existing transport network and available infrastructure.

DTS 2.4

None are applicable.

PO 2.5

Development and infrastructure provided and staged in a manner that supports an orderly and economic provision of land, infrastructure and services.

DTS 2.5

None are applicable

PO 2.6

Land division results in watercourses being retained within open space and land subject to flooding free from development.

DTS 2.6

None are applicable.

PO 2.7

Land division results in street patterns that are legible and connected to the surrounding street network.

DTS 2.7

None are applicable.

PO 2.8

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.

DTS 2.8

None are applicable.

DTS 2.9

Land division resulting in allotments of varying size to encourage housing diversity and of an adequate area and dimension to accommodate:

- (a) the siting and construction of a dwelling that reinforces the desired character of the locality;
- (b) the provision of private open space; and
- (c) safe and convenient vehicle access and parking.

DTS 2.9

None are applicable.

Roads and Access

PO 3.1

Land division provides allotments with access to a public road.

DTS 3.1

None are applicable.

PO 3.2

Street patterns and intersections designed to enable the safe and efficient movement of pedestrian, cycle and vehicular traffic.

DTS 3.2

None are applicable.

PO 3.3

Land division does not impede access to publicly owned open space and recreation facilities.

DTS 3.3

None are applicable.

PO 3.4

Road reserves provide for safe and convenient movement and parking of projected volumes of vehicles, and allow for the efficient movement of service and emergency vehicles.

DTS 3.4

None are applicable.

PO 3.5

Road reserves provide for footpaths, cycle lanes and shared-use paths, and accommodate street tree planting, landscaping and street furniture.

DTS 3.5

None are applicable.

PO 3.6

Road reserves accommodate stormwater drainage and public utilities.

DTS 3.6

None are applicable.

PO 3.7

Road reserves provide unobstructed vehicular access and egress to and from individual allotments and sites.

DTS 3.7

None are applicable.

PO 3.8

Street patterns and intersections designed to enable the safe and efficient movement of pedestrian, cycle and vehicular traffic.

DTS 3.8

None are applicable.

PO 3.9

Roads, open space and thoroughfares provided establish safe and convenient linkages to the surrounding open space and transport network.

DTS 3.9

None are applicable.

PO 3.10

Public streets include tree planting to provide shade and enhance the amenity of streetscapes.

DTS 3.10

None are applicable.

PO 3.11

Local streets designed to create low-speed environments that are safe for cyclists and pedestrians.

DTS 3.11

None are applicable.

Infrastructure

PO 4.1

Land division incorporates public utility services within road reserves or within dedicated easements.

DTS 4.1

None are applicable.

PO 4.2

Waste water, sewage and other effluent is capable of being disposed of from each allotment without unreasonable risk to public health or the environment.

DTS/DPF 4.2

Each allotment can be connected to any of the following:

- (a) a waste water treatment plant that has the hydraulic volume and pollutant load treatment and disposal capacity for the maximum predicted wastewater volume generated by subsequent development of the proposed allotments; or
- (b) a form of on-site waste water treatment and disposal that meets relevant public health and environmental standards.

PO 4.3

Septic tank effluent drainage fields and other waste water disposal areas maintained to ensure the effective operation of waste systems and minimise risks to human health and environmental harm.

DTS / DPF 4.3

Development is not built on, or encroaches within, an area that is, or will be, required for a sewerage system or waste control system.

PO 4.4

Constructed wetland systems, including associated detention and retention basins, sited and designed to ensure public health and safety is protected including by minimising potential public health risks arising from the breeding of mosquitoes.

DTS 4.4

None are applicable.

PO 4.5

Constructed wetland systems, including associated detention and retention basins, sited and designed to allow sediments to settle prior to discharge into watercourses or the marine environment.

DTS 4.5

None are applicable.

PO 4.6

Constructed wetland systems, including associated detention and retention basins, sited and designed to function as a landscape feature.

DTS 4.6

None are applicable.

MINOR LAND DIVISION (UNDER 20 ALLOTMENTS)

Open Space

PO 5.1

Land division proposing an additional allotment under 1 hectare in area provides or supports the provision of open space.

DTS 5.1

None are applicable.

PO 5.2

Land division creating 5-19 non-residential allotments includes a stormwater management system designed to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure the carrying capacities of downstream systems are not overloaded.

DTS 5.2

Land division creating 5-19 non-residential allotments is accompanied by an approved Stormwater Management Plan and manages up to and including the 100 –year ARI flood event (1% AEP) to avoid flooding of buildings and:

- (a) maintain
 - i. a pre-development peak flow rate from the site based upon a 0.35 runoff coefficient for the 5-year ARI (18.1% AEP) 30 minute storm; and
 - ii. the stormwater runoff time to peak to match that of the pre-development; or
- (b) capture and retain the difference in pre-development runoff volume (based upon a 0.35 runoff coefficient) vs post development runoff volume from the site for a 5-year ARI (18.1% AEP) 30 minute storm; and
- (c) manage site generated stormwater runoff up to and including the 100 –year ARI flood event (1% AEP) to avoid flooding of buildings.

Solar Orientation

PO 6.1

Land division for residential purposes facilitates solar access for energy efficiency through allotment orientation.

DTS 6.1

None are applicable.

Water Sensitive Design

PO 7.1

Land division creating 5-19 allotments includes stormwater management systems that minimise the discharge of sediment, suspended solids, organic matter, nutrients, bacteria, litter and other contaminants to the stormwater system, watercourses or other water bodies.

DTS 7.1

Land division creating 5-19 allotments is accompanied by an approved Stormwater Management Plan and achieves the following stormwater runoff outcomes:

- (a) 80 per cent reduction in average annual total suspended solids;
- (b) 60 per cent reduction in average annual total phosphorus;
- (c) 45 per cent reduction in average annual total nitrogen.

PO 7.2

Land division creating 5-19 non-residential allotments includes a stormwater management system designed to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure the carrying capacities of downstream systems are not overloaded.

DTS / DPF 7.2

Land division creating 5-19 non-residential allotments includes a storm water management system designed to:

- (a) maintain a pre-development peak flow rate from the site based upon a 0.35 runoff coefficient for the 20-year ARI (5% AEP) 30 minute storm, unless a lower performance measure is specified in an approved catchment based Stormwater Management Plan;

- (b) maintain the stormwater runoff time to peak to match that of the pre-development; and
- (c) manage site generated stormwater runoff up to and including the 100 –year ARI flood event (1%AEP).

MAJOR LAND DIVISION (20+ ALLOTMENTS)

Open Space

PO 8.1

Land division allocates or retains, evenly distributed, high quality areas of open space to improve residential amenity and provide urban heat amelioration.

DTS 8.1

None are applicable

PO 8.2

Land allocated for open space is suitable for intended active and passive recreational use considering gradient and potential for inundation.

DTS / DPF 8.2

Where provided, no more than 20% of open space:

- (a) has a slope in excess of 1 in 4; and
- (b) is comprised of watercourses, wetlands or detention basins.

PO 8.3

Land allocated for active recreation is of a size and has dimensions capable of accommodating a range of active recreational activities.

DTS 8.3

None are applicable.

Water Sensitive Design

PO 9.1

Land division creating 20 or more residential allotments includes a stormwater management system designed to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure the carrying capacities of downstream systems are not overloaded.

DTS/DPF 9.1

Land division creating 20 or more residential allotments is accompanied by an approved Stormwater Management Plan and manages up to and including the 100 –year ARI flood event (1% AEP) to avoid flooding of buildings and:

- (a) maintains pre-development peak 5-year ARI (18.1% AEP) flow rate from the site, and maintains the time to peak to match that of the pre-development; or
- (b) captures and retains the difference in pre-development volume vs post development volume from the site for a 5-year ARI (18.1% AEP) 30 minute storm; or where there is no adequate local drainage scheme to connect to, captures and retains post development volume from the site for a 5 year ARI (18.1% AEP) 30 minute storm.

PO 9.2

Land division creating 20 or more non- residential allotments includes a stormwater management system designed to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure the carrying capacities of downstream systems are not overloaded.

DTS/DPF 9.2

Land division creating 20 or more non- residential allotments is accompanied by an approved Stormwater Management Plan and manages up to and including the 100 –year ARI flood event (1% AEP) to avoid flooding of buildings and:

- (a) maintains pre-development peak 20-year ARI (5% AEP) flow rate from the site and, maintains the time to peak to match that of the pre-development; or
- (b) captures and retains the difference in pre-development volume vs post development volume from the site for a 20-year ARI (5% AEP) 30 minute storm; where there is no adequate local drainage scheme to connect to, captures and retains post development volume from the site for a 20 year ARI (5% AEP) 30 minute storm.

PO 9.3

Land division creating 20 or more allotments includes stormwater management systems that minimise the discharge of sediment, suspended solids, organic matter, nutrients, bacteria, litter and other contaminants to the stormwater system, watercourses or other water bodies

DTS 9.3

Land division creating 20 or more allotments is accompanied by an approved Stormwater Management Plan and achieves the following stormwater runoff outcomes:

- (a) 80 per cent reduction in average annual total suspended solids;
- (b) 60 per cent reduction in average annual total phosphorus;
- (c) 45 per cent reduction in average annual total nitrogen.

Solar Orientation

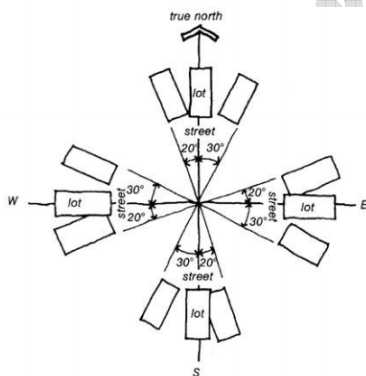
PO 10.1

Land division for residential purposes facilitates solar access for energy efficient through allotment orientation and allotment dimensions.

DTS/DPF 10.1

Land division results in:

- (a) at least 80% of allotments oriented so that their long axis conforms with figure 10.1:



- a. 80% of allotments with an east-west orientation having a minimum frontage of 15m
- b. no more than 20% of allotments are located on the south side of east-west oriented streets.

Advertisements

Assessment Provisions (AP)

Desired Outcome (DO)

DO 1

Advertisements and advertising hoardings are designed appropriate to context, are efficient and effective in communicating with the public, are limited in number to avoid clutter, and do not create hazard.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Appearance

PO 1.1

Advertisements are compatible and integrated with the design of the building and/or land they are located on.

DTS/DPF 1.1

Advertisements attached to a building:

- (a) if located below canopy level, are flush with a wall;
- (b) if located at canopy level, are in the form of a fascia sign;
- (c) if located above a canopy:
 - i. are flush with a wall;
 - ii. do not have any part rising above parapet height; and
 - iii. are not attached to the roof of the building.
- (d) if attached to the side of a verandah, do not exceed the width of the verandah or project from the verandah;
- (e) if attached to the front of a verandah, do not exceed the length of the verandah or project from the verandah;
- (f) if attached to a two storey building, have no part located above the finished floor level of the second storey of the building; and
- (g) where they are flush with a wall, do not, in combination with any other existing sign, cover more than 15% of the building facade to which they are attached.

PO 1.2

Advertisements ~~or advertising hoarding~~ designed to conceal their supporting ~~structures advertising hoarding~~ from view.

DTS 1.2

None are applicable.

PO 1.3

Advertising located so as to not encroach on public land or the land of an adjacent allotment.

DTS/DPF 1.3

Advertisements and/or advertising hoardings are:

- (a) completely contained within the boundaries of the site; or
- (b) if a road widening is applicable, advertising and/or advertising hoarding are completely contained within the proposed property boundary realignment.

PO 1.4

Where possible advertisements on public land are integrated with existing structures and infrastructure.

DTS/DPF 1.4

An advertisement on public land:

- (a) achieves Advertisements DTS/DPF 1.1; or
- (b) is integrated with a bus shelter and it is not to be illuminated.

PO 1.5

Advertisements and/or advertising hoarding of a scale and size appropriate to the character of the locality.

DTS / DPF 1.5

Advertising and/or advertising hoardings meet the area and height requirements set out in [Advertisements Table 1 – Maximum Size and Height Requirements](#)

Proliferation of Advertisements

PO 2.1

Proliferation of advertisements minimised to avoid visual clutter and untidiness.

DTS/DPF 2.1

No more than one advertisement is displayed on each public road per occupancy.

PO 2.2

Multiple-business or activity advertisements co-located and coordinated to avoid visual clutter and untidiness.

DTS/DPF 2.2

Advertisements for multiple-business or activity complex incorporating information regarding each business or activity in a single advertisement fixture or structure.

Advertising Content

PO 3.1

Content of advertisements primarily limited to information relating to the lawful use of land they are located on.

DTS/DPF 3.1

An advertisement does not contain third party content.

Amenity Impacts

PO 4.1

Light spill from advertisement illumination does not unreasonably compromise amenity of adjacent and proximate sensitive receivers.

DTS/DPF 4.1

An advertisement does not incorporate any illumination.

Safety

PO 5.1

Advertisements and/or advertising hoardings erected on a verandah or project from a building wall designed and located to allow for safe and convenient pedestrian access.

DTS/DPF 5.1

An advertisement with a minimum clearance of 2.5m between the top of the footway and base of the underside of the sign.

PO 5.2

Advertisements and/or advertising hoardings do not distract or create a hazard to drivers through excessive illumination.

DTS/DPF 5.2

No advertisement illumination is proposed.

PO 5.3

Advertisements and/or advertising hoardings do not create a hazard to drivers by:

- (a) being liable to interpretation by drivers as an official traffic sign or signal;
- (b) obscuring or impairing a driver's view of official traffic signs or signals; or
- (c) obscuring or impairing a driver's view of features of a road that are potentially hazardous (such as junctions, bends, changes in width and traffic control devices) or other road or rail vehicles at/or approaching level crossings.

DTS/DPF 5.3

DTS/DPF 1.1, 1.2, 5.1, 5.2 and 5.5 are met.

PO 5.4

Advertisements and/or advertising hoardings do not create a hazard by distracting drivers from the primary driving task at a location where the demands on driver concentration are high.

DTS/DPF 5.4

An advertisement and/or advertising hoarding not located along or adjacent to a road having a speed limit of 80km/h or more.

PO 5.5

Advertisements and/or advertising hoardings provide sufficient clearance from the road carriageway to allow for safe and convenient movement by all road users

DTS/DPF 5.5

Where the advertisement or advertising hoarding is:

- (a) on a kerbed road with a speed zone of 60km/h or less, the advertisement or advertising hoarding is located at least 0.6m from the roadside edge of the kerb;
- (b) on an unkerbed road with a speed zone of 60km/h or less, the advertisement or advertising hoarding is located at least 5.5m from the edge of the seal; or
- (c) on any other kerbed or unkerbed road, the advertisement or advertising hoarding is located a minimum of the following distance from the roadside edge of the kerb or the seal:
 - i. 110 km/h road – 14m
 - ii. 100 km/h road – 13m
 - iii. 90 km/h road – 10m
 - iv. 70 or 80 km/h road – 8.5m

Vending Machines and Automatic Teller Machines

PO X

Development of vending machines, automatic teller machines and fast food outlets that:

- (a) maintain the character and continuity of activity along street frontages;
- (b) maintain good visibility from the street or public places for security; and
- (c) not disrupt pedestrian movement.

DTS / DPF X

None are applicable.

PO X

Advertisements on vending machines and automatic teller machines are restrained in size and style.

DTS / DPF X

None are applicable.

Temporary Advertisement Hoardings

PO X

Temporary advertisement hoardings or shrouds required for the screening of construction sites or for creating visual interest that are:

- (a) of a high standard of design;
- (b) displayed only during the period of construction;
- (c) comprised of high quality opaque, solid and non-reflective material that is durable, low maintenance and appropriate to the City context;
- (d) required to conceal wiring and conduits; and
- (e) do not create undue risk to public or private safety.

DTS / DPF X

None are applicable

Outdoor Dining Signage and Advertisements

PO X

Signage and advertisements associated with outdoor dining identifying the business name or logo, or advertises goods sold on glass and canvas screens and umbrellas that:

- (a) complement the amenity of the premises;
- (b) are of an appropriate design and consistent with the desired character of the locality;
- (c) does not exceed a portion that covers 10% of the total available space on each outdoor dining item, up to half of which can be commercial advertisements in the form of product logos used or sold by the premises;
- (d) are non illuminated or animated; and
- (e) does not include third party advertising on outdoor dining items.

DTS / DPF X

None are applicable

Table 1 – Maximum Size and Height Requirements

Advertisements and Advertising Hoardings			
P&D Code Zone	Type of Advertisement	Advertised area	Maximum height (metres)
Urban Activity Centre Suburban Activity Centre	Attached to building	Does not exceed 25 per cent of the ground floor wall area on the façade the sign is placed	N/A
	Freestanding	does not exceed 5m ² per side	8
Township Activity Centre	Attached to building	X	N/A
	Freestanding	Sign face does not exceed 5m ² per side	6
Suburban Main Street	Attached to building	X	N/A
	Freestanding	Sign face does not exceed 4m ² per side	6
Township Main Street	Attached to building	X	X
	Freestanding	X	X
Suburban Business and Innovation Business Neighbourhood	Attached to building	Does not exceed 25 per cent of the ground floor wall area on the façade the sign is placed	N/A
	Freestanding	X	X
Employment	Attached to building	X	N/A
	Freestanding	Sign face does not exceed 8m ² per side	6
Suburban Employment	Attached to building	X	N/A
	Freestanding	X	X
City Living	Attached to building	no greater than 0.2 square metres in area, with the exception of the Wellington Square frontages of non-residential sites in the south eastern part of the Square (sited between 2 and 38 Wellington Square,	N/A

P&D Code Zone	Type of Advertisement	Advertised area	Maximum height (metres)
		where larger advertisements may be appropriate	
	Freestanding	no greater than 0.2 square metres in area, with the exception of the Wellington Square frontages of non-residential sites in the south eastern part of the Square (sited between 2 and 38 Wellington Square, where larger advertisements may be appropriate	X
Urban Corridor (Boulevard) Urban Corridor (Business) Urban Corridor (Living) Urban Corridor (Main Street)	Attached to building	Does not exceed 25 per cent of the ground floor wall area on the façade the sign is placed	X
	Freestanding	X	X
Rural	Attached to building	2m ²	X
Horticulture Viticulture	Freestanding	2m ²	X
Peri-Urban	Attached to building	X	X
	Freestanding	X	X
Township Settlement	Attached to building	X	X
	Freestanding	X	X
Urban Neighbourhood	Attached to building	X	X
	Freestanding	X	X
Capital City	Attached to building	X	X
City Main Street	Freestanding	X	X

P&D Code Zone	Type of Advertisement	Advertised area	Maximum height (metres)
Home Industry	Attached to building	X	X
	Freestanding	X	X
Neighbourhood	Attached to building	X	X
Rural Living etc.	Freestanding	X	X

Working Draft

Attachment A.2

Audit of Adelaide City Development Plan into Draft Planning and Design Code

Attachment A.2 contains an audit of where the Adelaide (City) Development Plan (25 July 2019) policies have or have not landed in the Draft Code and the impacts of these changes. It provides information on why these policies are important to the City of Adelaide and makes recommendations as to which policies should be reinstated within the Planning and Design Code.

These tables have been used in transition meetings between the City of Adelaide staff and DPTI staff. And is included as an attachment to show the evidence base for our findings and recommendations. The City of Adelaide seeks to continue discussing these tables to ensure important policies that have been identified as missing within the Draft Code are re-included in the Planning and Design Code.



Zone	Policy area(s)	1 - Included in the Code and retains same policy intent	2 - Wording changed but policy intent remains (OK)	3 - Included in the Code but policy intent changed (NOT OK)	4 - Not included in the Code but OK to remove	5 - Not included in the Code and should be reinstated
	Living Culture	0%	50%	0%	0%	50%
General comments						
Number	Description	Transition category	Where has it been included?	Comments		
Policy Objectives						
1	The City of Adelaide as the prime meeting place and cultural focus for the people of metropolitan Adelaide and the State.	2	Capital City Zone DO 1			
2	The City of Adelaide as a major focus for tourism, conventions, leisure, entertainment, sport and recreation, education, cultural development and the arts.	2	Capital City Zone DO 1			
3	Development that enhances the public environment and provides interest at street level.	5		include the following PO within General Development Policies - Design in Urban Areas (All Development) under the heading 'External Appearance'. <i>PO</i> <i>Buildings that enhance public environment and achieves a high standard of external appearance by:</i> <i>(a)the use of high-quality materials and finishes.</i> <i>(b)providing a high degree of visual interest through articulation,</i> <i>(c)ensuring lower levels are well integrated with, and contribute to a vibrant public realm</i>		
Principles of Development Control						
1	Development should, where appropriate, integrate public art into the design of new or refurbished building sites in a manner which is integrated with and commensurate in scale with, the new or refurbished buildings. For the purpose of enhancing the public environment, public art should: (a) demonstrate artistic excellence and innovation in design; (b) be made of high quality materials; (c) enhance the setting of new development; (d) be integrated into the design of the building and the surrounding environment; (e) consider any existing public art works; and (f) not hinder sight lines or create entrapment spots. Design Techniques (these are ONE WAY of meeting the above Principle) 1.1 Design solutions may include: (a) treating the building as a piece of art in itself; (b) locating art in publicly accessible locations such as near main entrances, lobbies and street frontages; (c) using water as a landscaping element including animating spaces with fountains, pools and waterfalls, for which the re-use of stormwater is encouraged; (d) designing paving so it becomes a piece of art in itself; (e) using lighting to enhance the architectural characteristics of a building; or (f) providing spaces within the development for accommodating temporary or outdoor gallery opportunities.	5		There is no specific policy guiding the design of public art. It is recommended this PDC is included as a PO and DTS/DPF within Design in Urban Area (All Development) under a new heading 'Public Art' and worded as follows: <i>PO</i> <i>Development where appropriate, integrates public art into the design of new or refurbished building sites in a manner that:</i> <i>(a) demonstrates artistic excellence and innovation in design;</i> <i>(b) incorporates high quality materials;</i> <i>(c) enhances the setting of new development;</i> <i>(d) is integrated into the design of the building and the surrounding environment;</i> <i>(e) considers any existing public art works; and</i> <i>(f) does not hinder sight lines or create entrapment spots.</i> <i>DTS/DPF</i> <i>Public art may be in the following form and locations:</i> <i>(a) treating the building as a piece of art in itself;</i> <i>(b) locating art in publicly accessible locations such as near main entrances, lobbies and street frontages;</i> <i>(c) using water as a landscaping element including animating spaces with fountains, pools and waterfalls, for which the re-use of stormwater is encouraged;</i> <i>(d) designing paving so it becomes a piece of art in itself;</i> <i>(e) using lighting to enhance the architectural characteristics of a building; or</i> <i>(f) providing spaces within the development for accommodating temporary or outdoor gallery opportunities</i>		
NEW CONTENT IN THE CODE (insert below)						
NO NEW POLICIES PROPOSED WITHIN THE CODE						

Zone		1 - Included in the Code and retains same policy intent	0%	
Policy area(s) Community Facilities		2 - Wording changed but policy intent remains (OK)	0%	
		3 - Included in the Code but policy intent changed (NOT OK)	0%	
		4 - Not included in the Code but OK to remove	100%	
		5 - Not included in the Code and should be reinstated	0%	
	code seems very deficient on the social side of planning. Other than car parking and use listing in the Zone there don't seem to be any guidelines for assessing childcare centres or community facilities. I am not sure where the social side of the			
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Policy Objectives				
4	Community and social facilities and services that promote greater equity, are located for convenient access by residents, workers and visitors and that form a focus for residential development.	4	in the	Other than being listed as an appropriate use within a zone and car parking standards there are no specific policies within the Code on Community facilities
5	Location of appropriate community facilities (e.g. schools, hospitals and other institutions) where they are conveniently accessible to the population they serve.	4		As Above
Principles of Development Control				
2	Community facilities should: (a) be located conveniently in relation to the population they serve; (b) be designed for multi-purpose use where possible; (c) meet the demonstrated needs of the various communities who will use them; (d) be safe and easy to reach on foot, by bicycle and by public transport; (e) be situated in suitable locations; and (f) not unreasonably impact on the amenity of the surrounding locality through excessive traffic generation.	4		As Above
3	The redevelopment, alteration or change of use of community facilities should ensure the adequate provision of such facilities.	4		As Above
4	Childcare facilities should be incorporated into large scale employment, commercial, shopping, higher education, tourism, entertainment, health and leisure development.	4		There are no specific policies within the code on childcare facilities except for car parking standards.
NEW CONTENT IN THE CODE (insert below)				
NO NEW POLICIES PROPOSED WITHIN THE CODE				

Zone		1 - Included in the Code and retains same policy intent	0%	
Policy area(s)	Housing Choice	2 - Wording changed but policy intent remains (OK)	25%	
		3 - Included in the Code but policy intent changed (NOT OK)	0%	
		4 - Not included in the Code but OK to remove	13%	
		5 - Not included in the Code and should be reinstated	63%	
		General comments		
Number	Description	Transition category	Where has it been included?	Comments
Policy Objectives				
OBJ 6	A variety of housing options which supplement existing types of housing and suit the widely differing social, cultural and economic needs of all existing and future residents.	5		The social side of housing except for affordable housing seems to be lacking from the Code. It is recommended the following PO be included within Design in Urban Areas GDP [All Residential Development] under a new heading 'Housing Diversity': <i>PO</i> <i>Development comprising of a range of housing types, tenures and cost, to meet the widely differing social and economic needs of residents.</i> <i>DTS</i> <i>None are applicable.</i>
OBJ 7	A range of long and short term residential opportunities to increase the number and range of dwellings available whilst protecting identified areas of special character and improving the quality of the residential environment.	4		
OBJ 8	A broad range of accommodation to meet the needs of low income, disadvantaged and groups with complex needs whilst ensuring integration with existing residential communities.	5		"As Above"
Principles of Development Control				
5	Development should comprise of a range of housing types, tenures and cost, to meet the widely differing social and economic needs of residents.	5		The Code addresses a diversity of of dwelling sizes but does not go beyond this. The social side of housing needs to be addressed more fully or at least encouraged. It is recommended the policy above is included.
6	Development should provide a variety of accommodation to meet the needs of low income people, student housing, social housing, housing for single people, large and small families, people with disabilities and people with other complex needs These forms of housing should be distributed throughout the Council area to avoid over-concentration of similar types of housing in a particular area and should be of a scale and appearance that reinforces and achieves the desired character of the locality, as expressed in the relevant Zone and Policy Area.	5	General Development Policies - Design in Urban Areas (Residential Development 4 or more Bulding Levels) PO 29.1	The Code addresses a diversity of of dwelling sizes but does not go beyond this. The social side of housing needs to be addressed more fully or at least encouraged. It is recommended the policy above is included.
7	Residential development should be designed to be adaptable to meet people's needs throughout their lifespan to ensure that changes associated with old age, special access and mobility can be accommodated. Design Technique (this is ONE WAY of meeting the above Principle) 7.1 Buildings constructed in accordance with the requirements set out in Australian Standard AS 4299: 'Adaptable Housing'.	2	General Development Policies - Design in Urban Areas (Residential Development 4 or more Bulding Levels) PO 28.5	Universal Design should apply to all residential development to ensure people can age in place. It is recommended PO 28.5 is relocated and applied to all residential development under a new heading 'Accessibility'.
8	Residential development for older people and people with disabilities should be: (a) located within easy walking distance to essential facilities such as convenience shops, health and community services and public transport; (b) located where on-site movement of residents is not unduly restricted by the slope of the land; (c) located and designed to promote interaction with other sections of the community, without compromising privacy; (d) of a scale and appearance that reinforces the desired character of the locality; and (e) provided with access to public and private open space and landscaping to meet the needs of residents.	2	(b) General Development Policies - Design in Urban Areas PO 36.1 (e) General Development Policies - Design in Urban Areas PO 38.2	

Number	Description	Transition category	Where has it been included?	Comments
9	<p>The City Living Zone, Adelaide Historic (Conservation) Zone and North Adelaide Historic (Conservation) Zone should develop as follows:</p> <p>(a) Residential areas should comprise a wide range of housing alongside a diversity of community facilities, with many heritage places conserved. Residential amenity should be enhanced and attractive townscape qualities reinforced.</p> <p>(b) Adelaide was once a predominantly residential City. The character in the south east corner continues to reflect this historical pattern with distinctive dwelling types and earlyshops from the mid to late 19th century. This historic importance is identified by the Adelaide Historic (Conservation) Zone within which development should complement and protect the historic character. In the south east and south west corners, groups of mid to late 19th housing remain amidst development from the 20th century. This early housing is identified within Historic (Conservation) Areas where development should complement and protect the historic character.</p> <p>(c) North Adelaide is associated with the foundation of the City of Adelaide. It retains many buildings and sites of State and Local Heritage value and provides strong cultural and historic evidence of the creation of the colony, the establishment of early settlement and the development of the capital city over time. North Adelaide contains excellent examples of a diverse range of residential architecture from all periods of the City's development, which individually and as groups, reflect the periods of economic prosperity of the City and the social composition of the colonial population. The remaining historic housing is an essential and defining element of North Adelaide's cultural value and is a microcosm of housing styles and periods in the State as a whole. The historic value of the residential parts is such that they are identified as the North Adelaide Historic (Conservation) Zone within which development should complement and protect the historic character.</p> <p>(d) The City Living Zone fronting South Terrace, and between Whitmore and Hurtle Squares, is suited to medium density mixed use development, accompanied by community and commercial activities. East Terrace is suited to medium rise housing.</p> <p>(e) The interface between established non-residential uses with neighbouring residential properties should be effectively managed, recognising the legitimate rights of commercial and community activities whilst protecting the amenity of residents.</p> <p>(f) Small scale, small size, ancillary businesses and activities which provide a local service to residents</p>	5	City Living Zone DO 2 PO 1.3, PO 1.4,	<p>The historic elements important to the character of the Conservation Areas should be included within the Historic Area Statements as recommended within Council's submission.</p> <p>In addition, it is recommended that DTS 1.4 within the City Living Zone is rewritten as follows to ensure that non-residential land uses are limited to land lawfully used for non-residential purposes:</p> <p><i>DTS/DPF 1.4</i> <i>Non-residential land uses limited to land lawfully used for non-residential purposes and to comprise land uses more in conformity with the intended residential amenity. Non-residential land uses should be of a scale and role to not prejudice the envisaged development of non-residential zones.</i></p>
NEW CONTENT IN THE CODE (insert below)				

Zone	Policy area(s)	Student Accommodation	1 - Included in the Code and retains same policy intent	0%
			2 - Wording changed but policy intent remains (OK)	80%
			3 - Included in the Code but policy intent changed (NOT OK)	0%
			4 - Not included in the Code but OK to remove	0%
			5 - Not included in the Code and should be reinstated	20%
General Development Policies - Supported Accommodation (Student Accommodation)				
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Policy Objectives				
9	High-quality student accommodation that creates an affordable, safe, healthy and comfortable living environment.	2	General Development Policies - Design in Urban Areas PO 40.1	
Principles of Development Control				
10	Residential development specifically designed for the short-term occupation of students may provide reduced internal floor areas, car parking, storage areas and/or areas of private open space provided that: (a) residents have access to common or shared facilities that enable a more efficient use of space (such as cooking, laundry, common rooms or communal open space); (b) every living room has a window that provides an external outlook and maximises access to natural light; (c) the development is designed to enable easy adaptation or reconfiguration to accommodate an alternative use; (d) the development is designed to maximise opportunities to access natural ventilation and natural light; (e) private open space is provided in the form of balconies and/or substituted with communal open space (including rooftop gardens, common rooms or the like) that is accessible to all occupants of the building; and (f) the internal layout and facilities provide sufficient space and amenity for the requirements of student life and promote social interaction.	2	(a), (c), (e), covered in General Development Policies - Design in Urban Areas DTS/DPF 40.1 (b) covered in General Development Policies - Design in Urban Areas PO 15.1 (d) covered in General Development Policies - Design in Urban Areas PO 4.1 (f) covered in General Development Policies - Design in Urban Areas PO 40.1	
11	Internal common areas should be capable of being used in a variety of ways to meet the study, social and cultural needs of students.	2	General Development Policies - Design in Urban Areas DTS/DPF 40.1	
12	Development should provide secure long-term storage space in both communal and private areas.	2	General Development Policies - Design in Urban Areas DTS/DPF 40.1	
13	Student accommodation with shared living areas should ensure bedrooms are of a suitable size to accommodate a single bed, book shelves, a desk and workspace, and a cupboard/wardrobe.	5		To ensure quality living environments and private space for students include as part of the General Development Policies - Design in Urban Areas DTS/DPF 41.1(c): <i>DTS/DPF 41.1(c)</i> <i>(c) bedrooms of a suitable size to accommodate a single bed, book shelves, a desk and workspace, and a cupboard/wardrobe.</i>
NEW CONTENT IN THE CODE (insert below)				
DESIGN IN URBAN AREAS - STUDENT ACCOMMODATION				
DTS/DPF 41.1	Student accommodation provides: (b) common or shared facilities to enable a more efficient use of space, including: iv. common on-site parking to meet anticipated demand in accordance with Transport, Access and Parking Table 1 - Off-street Car Parking Requirements ; and v. secure and sheltered bicycle parking at the rate of one space for every 2 students.			No car parking requirements for student accommodation are listed within Table 1. Supported

Zone		1 - Included in the Code and retains same policy intent	0%	
Policy area(s)	Land Division	2 - Wording changed but policy intent remains (OK)	25%	
		3 - Included in the Code but policy intent changed (NOT OK)	0%	
		4 - Not included in the Code but OK to remove	0%	
		5 - Not included in the Code and should be reinstated	75%	
		General Development Policies - Land Division in Urban Areas		
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Policy Objectives				
10	Land in appropriate localities divided into allotments in an orderly, economic and environmentally sustainable manner that meets the needs of the community and is consistent with the desired character of the Zone and Policy Areas.	5	Covered partly in General Development Policy - Land Division in Urban Areas PO 1.1	Reword General Development Policy - Land Division in Urban Areas PO 1.1 a follows to ensure consideration is given to the character of the locality: <i>"Land division creates allotments suitable for their intended use taking into account physical characteristics of the land, preservation of environmental and cultural features of value and the prevailing context and character of the locality."</i>
Principles of Development Control				
14	Land division should create allotments that allow for the provision of built form which reinforces the desired character of the locality and accords with Council Wide provisions and Zone and Policy Area provisions.	5	Covered partly in General Development Policy - Land Division in Urban Areas PO 1.1	"As Above"
15	The size, shape, orientation and layout of allotments in any land division (or development creating sites likely to be divided into allotments) should: (a) enable land to be efficiently and effectively used for its intended use; (b) allow development that reinforces and achieves the desired character of the locality, as expressed in the relevant Zone and Policy Area; (c) enable development that is energy efficient; and (d) where the land abuts a side or rear laneway, be designed to facilitate vehicle access to allotments from the laneway rather than the main street frontage.	2	(a), (c) covered in General Development Policies - Land Division in Urban Areas DO 1(a) and (d) and PO 1.1	"As Above"
16	Residential allotments should be of varying size to encourage housing diversity and should provide adequate area and dimension to accommodate: (a) the siting and construction of a dwelling that reinforces the desired character of the locality; (b) the provision of private open space; and (c) safe and convenient vehicle access and parking.	5		Land divisions should provide allotments of varying sizes to enable a diversity of housing. It is recommended the following PO be included in Land Division in Urban Areas GDP under the heading 'Design and Layout': <i>PO 2.9 Land division resulting in allotments of varying size to encourage housing diversity and of an adequate area and dimension to accommodate: (a) the siting and construction of a dwelling that reinforces the desired character of the locality; (b) the provision of private open space; and (c) safe and convenient vehicle access and parking. DTS 2.9 None are applicable.</i>
NEW CONTENT IN THE CODE (insert below)				
	LAND DIVISION IN URBAN AREAS			
DO 1	Land division that: (a) creates allotments having appropriate dimensions and shape for intended use; (b) allows efficient provision of new infrastructure and optimum use of existing underutilised infrastructure; (c) integrates and allocates adequate and suitable land for the preservation of site features of value including significant vegetation, watercourses, water bodies and other environmental features; (d) supports energy efficiency in building orientation;			Supported.

Number	Description	Transition category	Where has it been included?	Comments
	(e) creates a compact urban form that supports active travel, walkability and the use of public transport; and (f) avoids areas of high natural hazard risk.			
	ALL LAND DIVISION Allotment configuration			
DTS/DPF 1.1	Land division for the: (a) minor adjustment of allotment boundaries to remove an anomaly in existing boundaries with respect to the location of existing buildings or structures where no additional allotments are created; or (b) creation of a single additional allotment for residential purposes where: i. the allotment will contain a single lawfully existing dwelling or an approval for a single dwelling exists and is operative; ii. access is provided via a lawfully existing driveway or access point or an access point for which approval under the Local Government Act exists and is operative; and iii. the resulting allotment achieves any minimum site area and frontage width specified by the relevant zone or a relevant Technical and Numeric Variation Overlays.			Supported.
	Design and Layout			
PO 2.1	Land division results in a pattern of development that minimises the likelihood of future earthworks and retaining walls			Supported.
PO 2.2	Land division enables appropriate treatment of the interface between potentially conflicting land uses and/or zones.			Supported.
PO 2.3	Land division maximises the number of allotments that face public open space and public streets.			Supported.
PO 2.4	Land division integrated with site features, adjacent land uses, the existing transport network and available infrastructure.			Supported.
PO 2.5	Development and infrastructure provided and staged in a manner that supports an orderly and economic provision of land, infrastructure and services.			Supported.
PO 2.6	Land division results in watercourses being retained within open space and land subject to flooding free from development.			Supported.
PO 2.7	Land division results in street patterns that are legible and connected to the surrounding street network.			Supported.
PO 2.8	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.			Supported.
	Roads and Access			
PO 3.1	Land division provides allotments with access to a public road.			Supported.
PO 3.2	Street patterns and intersections designed to enable the safe and efficient movement of pedestrian, cycle and vehicular traffic.			
PO 3.3	Land division does not impede access to publicly owned open space and recreation facilities.			Supported.
PO 3.4	Road reserves provide for safe and convenient movement and parking of projected volumes of vehicles, and allow for the efficient movement of service and emergency vehicles.			Supported.
PO 3.5	Road reserves provide for footpaths, cycle lanes and shared-use paths, and accommodate street tree planting, landscaping and street furniture.			Supported.
PO 3.6	Road reserves accommodate stormwater drainage and public utilities.			Supported.
PO 3.7	Road reserves provide unobstructed vehicular access and egress to and from individual allotments and sites.			Supported.
PO 3.8	Street patterns and intersections designed to enable the safe and efficient movement of pedestrian, cycle and vehicular traffic.			Supported.
PO 3.9	Roads, open space and thoroughfares provided establish safe and convenient linkages to the surrounding open space and transport network.			Supported.
PO 3.10	Public streets include tree planting to provide shade and enhance the amenity of streetscapes.			Supported.
PO 3.11	Local streets designed to create low-speed environments that are safe for cyclists and pedestrians.			Supported.
	Infrastructure			
PO 4.1	Land division incorporates public utility services within road reserves or within dedicated easements.			Supported.
PO 4.2	Waste water, sewage and other effluent is capable of being disposed of from each allotment without unreasonable risk to public health or the environment.			Supported.
DTS/DPF 4.2	Each allotment can be connected to any of the following: (a) a waste water treatment plant that has the hydraulic volume and pollutant load treatment and disposal capacity for the maximum predicted wastewater volume generated by subsequent development of the proposed allotments; or (b) a form of on-site waste water treatment and disposal that meets relevant public health and environmental standards.			Supported, however this is not an issue for the City.

Number	Description	Transition category	Where has it been included?	Comments
PO 4.3	Septic tank effluent drainage fields and other waste water disposal areas maintained to ensure the effective operation of waste systems and minimise risks to human health and environmental harm.			Supported, however this is not an issue for the City.
DTS/DPF 4.3	Development is not built on, or encroaches within, an area that is, or will be, required for a sewerage system or waste control system.			Supported, however this is not an issue for the City.
PO 4.4	Constructed wetland systems, including associated detention and retention basins, sited and designed to ensure public health and safety is protected including by minimising potential public health risks arising from the breeding of mosquitoes.			
PO 4.5	Constructed wetland systems, including associated detention and retention basins, sited and designed to allow sediments to settle prior to discharge into watercourses or the marine environment.			Supported however not applicable to the City.
PO 4.6	Constructed wetland systems, including associated detention and retention basins, sited and designed to function as a landscape feature.			Supported
	MINOR LAND DIVISION (UNDER 20 ALLOTMENTS) Open Space			
PO 5.1	Land division proposing an additional allotment under 1 hectare in area provides or supports the provision of open space.			Supported.
PO 5.2	Land division creating 5-19 non-residential allotments includes a stormwater management system designed to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure the carrying capacities of downstream systems are not overloaded.			Supported.
DTS 5.2	Land division creating 5-19 non-residential allotments is accompanied by an approved Stormwater Management Plan and manages up to and including the 100 –year ARI flood event (1% AEP) to avoid flooding of buildings and: (a) maintain i. a pre-development peak flow rate from the site based upon a 0.35 runoff coefficient for the 5-year ARI (18.1% AEP) 30 minute storm; and ii. the stormwater runoff time to peak to match that of the pre-development; or (b) capture and retain the difference in pre-development runoff volume (based upon a 0.35 runoff coefficient) vs post development runoff volume from the site for a 5-year ARI (18.1% AEP) 30 minute storm; and (c) manage site generated stormwater runoff up to and including the 100 –year ARI flood event (1% AEP) to avoid flooding of buildings.			Supported.
	Solar Orientation			
PO 6.1	Land division for residential purposes facilitates solar access for energy efficiency through allotment orientation.			Supported.
	Water Sensitive Design			
PO 7.1	Land division creating 5-19 allotments includes stormwater management systems that minimise the discharge of sediment, suspended solids, organic matter, nutrients, bacteria, litter and other contaminants to the stormwater system, watercourses or other water bodies.			Supported.
DTS 7.1	Land division creating 5-19 allotments is accompanied by an approved Stormwater Management Plan and achieves the following stormwater runoff outcomes: (a) 80 per cent reduction in average annual total suspended solids; (b) 60 per cent reduction in average annual total phosphorus; (c) 45 per cent reduction in average annual total nitrogen.			Supported.
PO 7.2	Land division creating 5-19 non-residential allotments includes a stormwater management system designed to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure the carrying capacities of downstream systems are not overloaded.			Supported.
DTS/DPF 7.2	Land division creating 5-19 non-residential allotments includes a storm water management system designed to: (a) maintain a pre-development peak flow rate from the site based upon a 0.35 runoff coefficient for the 20-year ARI (5% AEP) 30 minute storm, unless a lower performance measure is specified in an approved catchment based Stormwater Management Plan; (b) maintain the stormwater runoff time to peak to match that of the pre-development; and (c) manage site generated stormwater runoff up to and including the 100 –year ARI flood event (1% AEP).			Supported.

Zone				1 - Included in the Code and retains same policy intent	0%
Policy area(s)	Building Appearance and Neighbourhood...			2 - Wording changed but policy intent remains (OK)	14%
				3 - Included in the Code but policy intent changed (NOT OK)	0%
				4 - Not included in the Code but OK to remove	43%
				5 - Not included in the Code and should be reinstated	43%
General comments					
Number	Description	Transition category	Where has it been included?	Comments	
Policy Objectives					
OBJ 11	Low scale residential development designed to be attractive, visually compatible with surrounding development and consistent with the desired character of the Zone and Policy Area.	5		Development that is visually compatible with surrounding development is important to ensure consistency and for ensuring the character of the area is maintained and built upon. INSERT the following PO within General Development Policies - Design in Urban Areas (All Development) under the heading 'External Appearance'. <i>PO</i> <i>Designing building facades fronting street frontages, access ways, driveways or public spaces at an appropriate scale, rhythm and proportion that responds to the use of the building, the desired character of the locality and the modelling and proportions of adjacent buildings.</i>	
OBJ 12	Development that enhances the public environment.	4			
Principles of Development Control					
17	Low scale residential development should: (a) protect existing site features, including vegetation and items or features of heritage value; (b) provide sufficient open space for the planting of trees to: (i) complement and enhance the existing landscape character; (ii) provide amenity for residents; and (iii) screen storage, service and parking areas. (c) protect remaining trees from damage to their root systems; and (d) incorporate building footing designs that allow root growth of existing trees.	4			
18	Low scale residential development should be compatible with the desired character of the locality, as expressed in the Zone and Policy Area in terms of: (a) building height; (b) building mass and proportion; (c) external materials, patterns, textures, colours and decorative elements; (d) ground floor height above natural ground level; (e) roof form and pitch; (f) facade articulation and detailing, and window and door proportions; (g) verandahs, eaves, parapets and window sun screens; and (h) driveway crossovers, fence style and alignment.	5		Development that is visually compatible with surrounding development is important to ensure consistency and for ensuring the character of the area is maintained and built upon. Insert as a PO within General Development Policies - Design in Urban Areas (All Development) under the heading 'External Appearance'.	
19	Low scale residential development abutting streets, access ways or driveways should include fenestration and well lit and easily identifiable doorways facing towards the street, access way or driveway so that buildings provide an easily identifiable entrance and facilitate passive surveillance of the street, accessway or driveway.	2	General Development Policies - Design in Urban Areas PO 1.3, PO 2.1, PO 2.4, PO 14.1, PO 14.2		
20	The visual bulk of low scale residential development adjacent to street frontages and private open space should be minimised through colour, building materials, detailing, setback, articulation and fenestration.	5		Include as a PO within General Development Policies - Design in Urban Areas (All Development) under the heading 'External Appearance'.	
21	Low scale residential development should incorporate attractive and pleasant communal spaces, access ways and driveways through: (a) landscaping and paving creating variety and visual interest; and (b) built form fronting communal spaces, access ways and driveways incorporating variety in appearance, such as through variation in colour, materials, setbacks and form. Communal spaces, access ways and driveways which are lengthy and contain no variety in appearance should be avoided.	4			

Number	Description	Transition category	Where has it been included?	Comments
NEW CONTENT IN THE CODE (insert below)				
DESIGN IN URBAN AREAS - RESIDENTIAL DEVELOPMENT - 3 Building levels or Less				
PO 18.3	The apparent mass of larger buildings is reduced when viewed from adjoining allotments or public streets.			Supported.
DTS/DPF 18.3	Buildings of 2 or more building levels and a length exceeding 20m adjacent a secondary street or side boundary incorporate a step back of the building façade of more than 300mm for a minimum length of 1m, at least every 10m.			REQUIRES FURTHER REVIEW - It is questionable whether this approach will produce a desirable outcome, In some streets a greater setback would be required
PO 21.1	Landscaping Soft landscaping incorporated into development to: (a) minimise heat absorption and reflection; (b) contribute shade and shelter; (c) provide for stormwater infiltration and biodiversity; and (d) enhance the appearance of land and streetscapes.			Supported. This should apply to 'All Development' not just for buildings less than 3 building levels.
DTS / DPF 21.1	Residential development incorporates areas for soft landscaping with a minimum dimension of 0.5 metres provided in accordance with the following: (b) 25% of any land between the road boundary and the primary building line is provided for soft landscaping with a minimum dimension of 0.5 metres.			REQUIRES FURTHER REVIEW. IT is questionable whether the minimum dimension is enough to provide a quality area of soft landscaping. A 1 metre minimum dimension is normally applied. It is recommended the minimum 1 metre dimension is required.
PO 21.2	Tree planting provided to: (a) contribute shade and shelter; (b) improve outlook for occupants of buildings; (c) reduce the apparent mass of buildings; (d) contribute to biodiversity; (e) mitigate urban heat; and (f) improve the amenity and character of streetscapes and contribute to attractive vistas.			Supported. This should apply to 'All Residential Development' not just for buildings less than 3 building levels. It is recommended this PO be included as a PO within Design in Urban Areas GDP [All Residential Development] under a new heading 'Landscaping'.
DTS/DPF 21.2	Tree planting is provided in accordance with the following tables: (b) The following discounts apply where existing trees are retained on the subject land that are not a species identified in Regulation3F(4)(b): (c) Trees can be replaced with smaller trees in accordance with the following rates:			REQUIRES FURTHER REVIEW. The way the DTS are written is very confusing making it difficult to understand. It is recommended the DTS 12.2 is rewritten in a manner that is easy to interpret.
PO 25.1	Design of Transportable Dwellings The sub-floor space beneath transportable buildings enclosed to give the appearance of a permanent structure.			Supported.
DESIGN IN URBAN AREAS - ALL DEVELOPMENT				
PO 1.1	Buildings that reinforce corners through changes in setback, articulation, materials, colour and massing (including height, width, bulk, roof form and slope).			Supported. Revise as follows to better address the issues: <i>Buildings that reinforce and define corners through architectural form, changes in setback, articulation, materials, colour and massing (including height, width, bulk, roof form and slope) and addresses all street frontages.</i>
PO 1.2	Where zero or minor setbacks are desirable, development provides shelter over footpaths to positively contribute to the walkability and comfort of the public realm.			Supported.
PO 1.4	Plant, exhaust and intake vents and other technical equipment integrated into the building design to minimise visibility from the public realm and negative impacts on residential amenity by: (a) positioning plant and equipment discretely, in unobtrusive locations as viewed from public roads and spaces; (b) screening rooftop plant and equipment from view; and (c) when located on the roof of non-residential development, locating the plant and equipment as far as practicable from adjacent sensitive land uses.			Supported.
DTS / DPF 1.4	Development does not incorporate any structures that protrude beyond the roofline.			Supported.
PO 1.5	The negative visual impact of outdoor storage, waste management, loading and service areas is 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.			Supported. Revise wording as follows: <i>The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and locating or screening them from public view (such as fencing, landscaping and built form) taking into account the form of development contemplated in the relevant zone.</i>

Number	Description	Transition category	Where has it been included?	Comments
PO 3.1	Landscaped (including trees), permeable open spaces incorporated to: (a) minimise heat absorption and reflection; (b) maximise shade and shelter; (c) maximise stormwater infiltration; and (d) enhance the appearance of land and streetscapes.			An additional PO should also be included in the General Development Policies - Design in Urban Areas (all Development) under the heading 'Landscaping' and worded as follows: <i>Landscaping that:</i> (a) forms an integral part of the design of development; (b) is selected and designed for water conservation; (c) incorporates local indigenous species suited to the site and development; (d) is provided to all areas of communal open space, drainage and shared car parking areas; (e) fosters human scale; (f) protects predominant landscape features; and (g) provides for the retention of trees.

Zone		1 - Included in the Code and retains same policy intent	0%	
		2 - Wording changed but policy intent remains (OK)	0%	
		3 - Included in the Code but policy intent changed (NOT OK)	0%	
		4 - Not included in the Code but OK to remove	0%	
		5 - Not included in the Code and should be reinstated	100%	
Dwelling Set-backs				
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Policy Objectives				
OBJ 13	Building set-backs that complement the prevailing set-backs in the street.	5		Buildings that reflect the prevailing setbacks in the street are important to ensure consistency and for ensuring the character of the area is maintained and built upon. It is recommended this provision is included as a PO within General Development Policies - Design in Urban areas (Residential Development - 3 Building Levels or Less) under the heading 'External Appearance'.
Principles of Development Control				
22	To reinforce the pattern and character of individual streets, set-backs of low scale residential development should be consistent with the prevailing set-back in the locality in relation to: (a) street frontages; and (b) side and rear boundaries. Design Techniques (these are ONE WAY of meeting the above Principle) 22.1 In relation to 22(a), in instances where set-backs vary, development (excluding open porches, etc) should be set back: (a) the same distance as one or the other of the adjoining buildings, provided the difference between the set-backs of the two adjoining buildings is less than or equal to 2 metres; or (b) not less than the average of the set-backs of the adjoining buildings, if the difference between the set-backs of the adjoining buildings is greater than 2 metres.	5		Buildings that reflect the prevailing setbacks in the street are important to ensure consistency and for ensuring the character of the area is maintained and built upon. It is recommended this provision is included as a PO and DTS/DPF within General Development Policies - Design in Urban Areas (Residential Development - 3 Building Levels or Less) under the heading 'External Appearance'.
NEW CONTENT IN THE CODE (insert below)				
NO NEW POLICIES				

Zone			1 - Included in the Code and retains same policy intent	0%
Policy area(s) Building Siting			2 - Wording changed but policy intent remains (OK)	33%
			3 - Included in the Code but policy intent changed (NOT OK)	33%
			4 - Not included in the Code but OK to remove	33%
			5 - Not included in the Code and should be reinstated	0%
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Policy Objectives				
OBJ 14	Low scale residential development sited to: (a) protect and maintain the desired character of the relevant Zone or Policy Area; (b) ensure adequate daylight to dwellings and sunlight to private open space; and (c) protect neighbouring amenity.	4	(c) Daylight and sunlight addressed in General Development Policies - Design in Urban Areas PO 4.1	The siting and character of the area is reflected in the appropriate zones and sub-zones.
Principles of Development Control				
23	The set-back of low scale residential development from side and rear boundaries should progressively increase as the height of the development increases and side boundary walls should be located and limited in length and height to: (a) minimise the visual impact on adjoining properties; (b) minimise the overshadowing of adjoining properties; (c) reduce the risk of damage to significant trees on adjoining properties taking into account potential damage to root systems; and (d) maximise energy efficiency.	2	Design in Urban Areas GDP [Residential Deve - 3 Building Levels or Less PO 18.3 and DTS/DPF 18.3	Designing development to ensure that it minimises overshadowing, visual bulk, reduces risk to significant tree and maximises energy efficiency are important aspects that should be considered. Include in General Development Policies - Design in Urban Areas (All Development as a PO under a new heading 'Amenity'.
24	External noise intrusion and vehicle headlight glare to bedrooms should be minimised by separating or shielding bedroom windows from shared driveways and car parking areas. Design Techniques (these are ONE WAY of meeting the above Principle) 24.1 Bedroom windows set back from common driveways and parking areas a minimum of 2 metres; 24.2 Provision of an intervening solid fence at least 1.8 metres above the level of the driveway and/or parking area; and/or 24.3 Provision of a window sill height at least 1.5 metres above the level of the parking area and/or driveway.	3	General Development Policies - Design in Urban Areas PO 15.2	Include the design techniques outlined in PDC 24 as DTS/DPF 15.2 within the Design in Urban Areas GDP [All Residential Development] under the heading 'Outlook and Amenity' as follows: <i>DTS 15.2</i> <i>Development designed to ensure bedrooms are separated or shielded from parking areas and access ways by:</i> <i>(a) setting back bedroom windows a minimum of 2 metres from common driveways and parking areas;</i> <i>(b) installation of a solid fence at least 1.8 metres above the level of the driveway and/or parking area; and/or</i> <i>(c) incorporating a window sill height at least 1.5 metres above the level of the parking area and/or driveway.</i>
NEW CONTENT IN THE CODE (insert below)				
NO NEW POLICY				

Zone		1 - Included in the Code and retains same policy intent	0%
Policy area(s)	Daylight and Sunlight	2 - Wording changed but policy intent remains (OK)	60%
		3 - Included in the Code but policy intent changed (NOT OK)	0%
		4 - Not included in the Code but OK to remove	0%
		5 - Not included in the Code and should be reinstated	40%
General comments			
Number	Description	Transition category	Where has it been included?
Policy Objectives			
OBJ 15	The protection of access to daylight and sunlight and the amenity of neighbouring residential premises.	2	General Development Policies - Design in Urban Areas PO 4.1
Principles of Development Control			
25	Low scale residential development should ensure an adequate level of sunlight to: (a) ground level private or communal open space of adjacent residential development; (b) upper level balconies which provide the primary private open space area for any adjacent residential development; (c) communal open space which provides the primary private open space for any adjacent residential development; and (d) habitable room windows of adjacent residential development. Design Technique (this is ONE WAY of meeting part of the above Principle) 25.1 In relation to Principle 26(d), habitable rooms have windows with a horizontal distance between any facing building, measured perpendicular to the face of the window, of 0.9 metres minimum which is clear to the sky (i.e. 0.9 metres between fascias/gutters).	2	General Development Policies - Design in Urban Areas PO 4.1
26	Low scale residential development should be designed to ensure habitable rooms, private open space and communal open space, where such communal open space provides the primary area private open space, are the main recipients of sunlight.	2	General Development Policies - Design in Urban Areas PO 4.1
27	Development within or adjoining the City Living Zone, the Adelaide Historic (Conservation) Zone or the North Adelaide Historic (Conservation) Zone should maintain at least two hours of direct sunlight between 9.00am and 3.00pm solar time on 22 June to either the northern facade or at least one ground floor habitable room window (excluding bathroom, toilet, laundry or storage room windows), of any neighbouring residential property and to at least 20 percent of that property's private open space, private landscaped open space or communal open space, where such communal open space provides the primary private open space for any adjacent residential development. Where the existing period of direct sunlight is less than two hours per day or covers less than 20 percent of open space, development should not further reduce it.	5	The policies in reard to daylight and sunlight are very broad and do not set standards on what is considered to be appropriate levels of sunlight. This policy should apply to all development within or adjoining the City Living Zone. INSERT Policy as a PO and DTS within the City Living Zone under a new heading 'Daylight and Sunlight' and include within the Capital City Zone under the heading 'Interface'.
28	Within the City Living Zone, the Adelaide Historic (Conservation) Zone or the North Adelaide Historic (Conservation) Zone, sunlight to solar panels should be maintained for a minimum of 2 consecutive hours between 9.00am and 3.00pm solar time on 22 June provided it does not restrict the reasonable development of adjoining sites.	5	There are no provisions in regard to solar panels of a domestic nature within the Code. It is recommended this policy be included as a DTS within the Interface Between land Uses GDP under the heading 'Overshadowing'..
NEW CONTENT IN THE CODE (insert below)			
DESIGN IN URBAN AREAS - ALL DEVELOPMENT			
PO 4.1	Buildings sited, oriented and designed to maximise natural sunlight access and ventilation to main activity areas, habitable rooms, common areas and open spaces.		Supported. This PO should be expanded further to include appropriate standards for acceptable sunlight levels for development. Include Council Wide PDC7 from Adelaide (City) Development Plan as DTS/PDF 4.1
PO 8.1	Fences, walls and retaining walls of sufficient height to maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight.		Supported.
PO 4.2	Buildings sited and designed to maximise passive environmental performance and minimise energy consumption and reliance on mechanical systems, such as heating and cooling.		Supported.

Zone			1 - Included in the Code and retains same policy intent	0%
Policy area(s) Private Open Space			2 - Wording changed but policy intent remains (OK)	43%
			3 - Included in the Code but policy intent changed (NOT OK)	14%
			4 - Not included in the Code but OK to remove	14%
			5 - Not included in the Code and should be reinstated	29%
	General comments			
Number	Description	Transition category	Where has it been included?	Comments
Policy Objectives				
OBJ 16	Private open space to meet the requirements of occupants of low scale residential development for outdoor activities.	2	General Dev Policies - Design in Urban Area PO 20.3	
Principles of Development Control				
29	Low scale residential development should provide private open space for each dwelling.	2	General Dev Policies - Design in Urban Area PO 20.1 and DTS/DPF 20.1	
30	Private open space should be directly accessible from a living room and in the form of: (a) ground level courtyard or other private open space screened from adjacent properties and public areas (e.g. public roads, public open space); or (b) balconies, terraces, roof gardens, decks or other elevated outdoor areas provided the amenity and visual privacy of adjacent properties is protected.	2	General Dev Policies - Design in Urban Area PO 20.2 and DTS/DPF 20.2	
31	Low scale residential development should provide private open space of sufficient area, dimension and shape and be appropriately located to be functional for the occupants' needs and should satisfy the following: (a) residential dwellings with ground level habitable rooms to include private open space which satisfies the following table: residential dwellings with no ground level habitable rooms to include private open space in the form of balconies, terraces, roof gardens, decks or other elevated outdoor areas directly accessible from a habitable room which satisfies the following table:	3	General Dev Policies - Design in Urban Area PO 20.1 and DTS/DPF 20.1	REQUIRES FURTHER REVIEW. The private open space requirements within the Code are higher than what the Adelaide City Dev stipulates. Many sites within the City are small and the high provision of open space required by the Code could potentially physically prohibit the ability to build dwellings within the City. It is recommended the open space requirements for the City in regard to Residential Development 3 Building Levels or Less is reviewed further as no investigations have been undertaken to substantiate a change in policy for City development. Alternatively the existing CoA policy is retained and reinserted.
32	Private open space should be located: (a) to take advantage of natural features of the land; (b) to minimise overlooking from adjacent buildings; (c) away from bedroom windows on adjoining land to minimise acoustic impacts; and (d) provide for the retention of existing significant vegetation.	5		Include in Private Open Space policies in Design in Urban Areas GDP within Residential Development - 3 Building levels or Less PO 20.3 under the heading 'Private Open Space'.
33	Private open space should, where possible: (a) achieve comfortable year-round use by having a northerly aspect; (b) not be significantly shaded by the associated dwelling or adjacent development during winter; and (c) be shaded in summer.	5		Include in Private Open Space policies in Design in Urban Areas GDP within Residential Development - 3 Building levels or Less PO 20.3 under the heading 'Private Open Space'.
34	A proportion of ground level private open space should be open to the sky to provide amenity, opportunities for landscaping, a reduction in stormwater runoff and enable stormwater infiltration. Design Technique (this is ONE WAY of meeting the above Principle) 34.1 At least 70 percent of ground level private open space is not covered by roof overhangs, verandahs or impermeable structures.	4		
NEW CONTENT IN THE CODE (insert below)				
DESIGN IN URBAN AREAS - RESIDENTIAL DEVELOPMENT - 3 Building levels or Less				
PO 20.3	Private open space is positioned and designed to: (a) provide useable outdoor space that suits the needs of occupants; (b) take advantage of desirable orientation and vistas; (c) animate the street frontage by encouraging activity between buildings and public streets; (d) adequately define public and private space when located forward of the building; and			Supported however should also include a provision that seeks the location of private open space on the northern side of the dwelling.

Number	Description	Transition category	Where has it been included?	Comments
	(e) prolong activity along street frontages by protecting against inclement weather.			
DTS / DPF 20.3	A portion of the private open space specified in DTS 20.1 can be provided forward of the primary building line where: (a) the area is fenced to a maximum height of 1.8m; (b) the area incorporates a verandah with a minimum dimension of 1.5m (c) an area is provided behind the primary building line that has the minimum dimensions identified in DTS 20.1;			Supported

Zone				1 - Included in the Code and retains same policy intent	0%
Policy area(s)	Visual and Acoustic Privacy			2 - Wording changed but policy intent remains (OK)	83%
				3 - Included in the Code but policy intent changed (NOT OK)	0%
				4 - Not included in the Code but OK to remove	17%
				5 - Not included in the Code and should be reinstated	0%
General comments					
Number	Description	Transition category	Where has it been included?	Comments	
Policy Objectives					
OBJ 17	Low scale residential development sited and designed to protect visual and acoustic privacy for the occupants of the dwellings and nearby residents.	2	General Dev Policies - Design in Urban Area PO 14.1		
Principles of Development Control					
35	Low scale residential development should be sited and designed to avoid the need for screening devices to protect the privacy of the occupants of adjacent dwellings and to enable internal spaces of proposed dwellings to be as pleasant and as usable as possible.	2	General Development Policies - Design in Urban Areas DTS/DPF 14.1	Buildings should be designed and sited in a manner that does not rely solely on poor amenity outcomes for dwellings. This can be achieved through the design of a building in terms of window orientation and staggering of windows.	
36	In the event that direct overlooking occurs from proposed upper level habitable room windows, external balconies, terraces, decks and roof gardens to habitable room windows and primary areas of private open space of adjacent dwellings, such direct overlooking should be minimised by: (a) setting buildings back from boundaries;	2	General Development Policies - Design in Urban Areas PO 14.1, DTS 14.1		
36	(b) screening devices such as: (i) canopy projections above windows to minimise viewing down into rooms; (ii) horizontal projecting sills to restrict downward overlooking; or (iii) side window or balcony screens to restrict sideways/oblique overlooking;. (c) orientating windows to avoid direct views; and (d) landscaping. Design Techniques (these are ONE WAY of meeting the above Principle) 36.1 Direct views from upper level habitable room windows to the habitable room windows or useable private open space* of an adjacent residential development restricted (assuming a viewing height of up to 1.6 metres above floor level) by: (a) permanently fixed translucent glazing in the part of the window below 1.6 metres above floor level for non-habitable rooms such as bathrooms, laundries or storage areas; (b) window sill heights of 1.6 metres above the finished floor level; (c) screening devices such as lattice screens to balconies, permanently fixed external perforated panels or trellises which have a maximum of 25 percent openings; and/or (d) staggering windows which face one another so viewing is oblique rather than direct (refer to Figure 36.1 and 36.2). Direct views from external upper level balconies, terraces or decks to the habitable room windows or useable area of private open space of an adjacent residential development restricted by permanently fixed external screens, including (refer to Figure 36.3): (a) wing walls for the length of the balcony, terrace or deck; (b) solid or translucent panels; and/or (c) perforated panel or trellises which have a maximum of 25 percent openings; (d) below 1.6 metres above ground level. Windows and balconies within an upper level habitable room designed to prevent overlooking (assuming a viewing height of up to 1.6 metres above floor level) of more than 50 percent of the useable private open space of a lower-level dwelling within the building (refer to Figure 36.4).	2	General Development Policies - Design in Urban Areas PO 14.1, DTS 14.1		
37	Permanently fixed external screening devices should be designed and coloured to blend with the predominant associated building materials.	4			

Number	Description	Transition category	Where has it been included?	Comments
38	Low scale residential development should provide each dwelling with adequate insulation from external noise sources including noise generated by neighbouring dwellings, nearby existing noise sources such as major roads, established places of entertainment and centres of activity.	2	General Development Policies Design in Urban Areas PO 11.2, PO 15.2, PO 16.3, DTS/DPF 16.3 - General Development Policies - Interface between Land Uses PO 1.1	
NEW CONTENT IN THE CODE (insert below)				
NO NEW POLICY				

Zone		1 - Included in the Code and retains same policy intent	0%
Policy area(s)	Adaptability	2 - Wording changed but policy intent remains (OK)	100%
		3 - Included in the Code but policy intent changed (NOT OK)	0%
		4 - Not included in the Code but OK to remove	0%
		5 - Not included in the Code and should be reinstated	0%
General comments			
Number	Description	Transition category	Where has it been included?
Principles of Development Control			
39	Low scale residential development should be designed to be adaptable to accommodate: (a) a range of activities and privacy levels between spaces; (b) flexible room sizes and proportions; and (c) efficient circulation to maximise floorspace within rooms.	2	Covered partly in General Development Policies - Design in Urban Areas DO1(a)
NEW CONTENT IN THE CODE (insert below)			
NO NEW POLICY			

Zone			1 - Included in the Code and retains same policy intent	0%	
Policy area(s)			2 - Wording changed but policy intent remains (OK)	44%	
				3 - Included in the Code but policy intent changed (NOT OK)	11%
				4 - Not included in the Code but OK to remove	0%
				5 - Not included in the Code and should be reinstated	44%
Carports, Garages and Fencing					
General comments					
Number	Description	Transition category	Where has it been included?	Comments	
Policy Objectives					
OBJ 18	Car accommodation and fencing that enhances pedestrian amenity and the desired character and appearance of the streetscape.	2	General Dev Policies - Design in Urban Areas PO 18.1		
OBJ 19	Car accommodation that does not dominate views of the associated dwelling from the street.				
Principles of Development Control					
40	Where there is a side or rear laneway abutting land, access to the parking area should be from the laneway, rather than along the main street frontage.	5		This is important to retaining the character of many part of the City and should be inserted. INSERT s a PO within General Dev Policies - Design in Urban Areas [Residential Development - 3 Building Levels or Less] Car Parking, Access and Manoeuvrability.	
41	Garages and carports should: (a) be compatible with the building design, adjacent development and desired character of the streetscape in terms of height, roof form and pitch, scale, building materials, colours and detailing;	5	General Dev Policies - Design in Urban Areas PO 16.1. DTS/DPF 16.1(a)	No mention is made to the character of the streetscape in terms of height, roof form and pitch, scale, building materials, colours and detailing. These are important elements in ensuring a structure does not detract from the streetscape. On this basis it is recommended that this principle is included as part of PO 16.1 of the General Dev Policies - Design in Urban Areas [All Residential Development] under the heading 'Ancillary Development'.	
41	(b) be set back behind the building frontage (excluding verandahs and balconies) to preserve the existing street pattern;	2	General Dev Policies - Design in Urban Areas PO 16.1. DTS/DPF 16.1(a)	This principle is important to ensure the protection of the existing street pattern.	
41	(c) not diminish the streetscape attractiveness by visually dominating the street elevation of the associated dwelling in terms of width, size, design and location; and	5		It is important structures do not visually dominate the street appearance of the dwelling and it is recommended this component is addressed within PO 18.1 of General Dev Policies - Design in Urban Areas [All Residential Development] under the heading 'External Appearance'.	
41	(d) have a width no greater than 50 percent of the allotment width on a public street frontage or on a laneway that functions as the dwellings primary frontage.	2	General Dev Policies - Design in Urban Areas DTS/DPF 16.1(c) and DTS/DPF 18.1(a)		
41	Design Techniques (these are ONE WAY of meeting parts of the above Principle) 41.1 In relation to Principle 41(b), set-backs of garages and carports from the main face of the dwelling not less than 0.5 metres behind the main face of the associated dwelling. 41.2 In relation to Principle 41(c): (a) crossovers and the width of the driveway no greater than 3 metres wide; (b) where an enclosed double carport or garage is set back less than 6 metres from the street: (i) two separate doors provided with a distance of not less than 300 millimetres between them; or (ii) double tilt-up doors provided with moulded door panels having a maximum width of 5 metres.	3	General Dev Policies - Design in Urban Areas DTS/DPF 23.3	REQUIRES FURTHER REVIEW. DTS/DPF 23.3 includes provision for a maximum driveway width of 6 metres. This is not in characteristic or desired within many areas of the City and would mean less provision for on -street tree planting and vehicle parking as well as distrcting from the streetscape. It also depends on the width of the lot. It is recommended that this policy be REVIEWED FURTHER taking into consideration the streetscape character of the City's Streets.	
42	Garages and carports located on side boundaries should be limited in length and height to: (a) minimise the visual impact of buildings from adjacent properties; (b) minimise the overshadowing of adjoining properties; and (c) maintain an adequate level of daylight to existing and future adjacent residential development and private open space.	2	General Dev Policies - Design in Urban Areas PO 16.1. DTS/DPF 16.1(e),(f), (g).		

Number	Description	Transition category	Where has it been included?	Comments
43	Fences and walls abutting streets (excluding service lanes) should: (a) be articulated and detailed to provide visual interest; (b) be compatible with the associated development and with any existing attractive fences and walls in the locality; (c) enable visibility of buildings from and to the street to enhance safety and allow surveillance; (d) assist development to address the street; and (e) be no more than 1.2 metres high if solid (forward of the building line). This height may be increased to 2 metres if the fence has openings which make it more than 50 percent transparent.	5		Include as DTS/DPF 8.1 within the General Dev Policies - Design in Urban Areas [All Residential Development] under the heading 'Fences and Walls'.
NEW CONTENT IN THE CODE (insert below)				
ALL RESIDENTIAL DEVELOPMENT				
DTS / DPF 16.1	Residential ancillary buildings and structures: (d) if situated on a boundary (not being a boundary with a primary street or secondary street), a length not exceeding 10m unless: i. a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary; and ii. the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent; (e) if situated on a boundary of the allotment (not being a boundary with a primary street or secondary street), all walls or structures on the boundary not exceeding 45% of the length of that boundary; (f) will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or abut the proposed wall or structure; (g) have a wall height or post height not exceeding 3m above natural ground level; (h) have a roof height where no part of the roof is more than 5m above the natural ground level; and (i) if clad in sheet metal, is pre-colour treated or painted in a non-reflective colour.		Supported	
PO 16.2	Ancillary buildings and structures do not impede on-site functional requirements such as private open space provision, car parking requirements or result in over-development of the site.			Supported
DTS / DPF 16.2	Ancillary buildings and structures do not result in: (a) less private open space than specified in Design in Urban Areas Table 1 – Outdoor Open Space; (b) less on-site car parking than specified in Transport, Access and Parking Table 1 - Off-street Car Parking Requirements; and (c) the total roofed floor area of all existing or proposed ancillary building(s) or structure(s) exceeding 60m ² .			Supported
PO 23.1	Covered car parking spaces are of dimensions to be functional, accessible and convenient.			Supported
DTS / DPF 23.1	Covered car parking spaces: (a) where enclosed by fencing or walls, have: i. a minimum internal width of 3.2m and length of 6.0m for a single space; ii. a minimum internal width of 6.0m and length of 6.0m for a double space (side by side); and iii. a minimum internal width of 3.2m and length of 11m for a double space (tandem); or (b) where not enclosed by fencing, walls or garage doors, have: i. a minimum width of 3.0m and minimum length of 5.5m for a single space; ii. a minimum width of 5.2m and minimum length of 5.5m for a double (side by side) space; and iii. a minimum width of 3.0m and minimum length of 10.4m for a double (tandem) space.			Supported
PO 23.2	Uncovered car parking space are of dimensions to be functional, accessible and convenient.			Supported
DTS / DPF 23.2	Uncovered car parking spaces have a minimum width of 2.4m and a minimum length of 5.5m.			Supported
PO 23.3	Driveways and access points located and designed to facilitate safe access and egress while maximising land available for street tree planting, landscaped street frontages and on-street parking.			Supported
DTS/ DPF 23.3	Driveways and access points: (a) for sites with a frontage to a public road of 12m or less, have a maximum width of 3.2m measured at the property boundary and are the only access point provided on the site; or (b) for sites with a frontage to a public road greater than 12m:			Supported

Number	Description	Transition category	Where has it been included?	Comments
	i. have a maximum width of 6m measured at the property and are the only access point provided on the site; or ii. have a maximum width of 3.2 metres measured at the property boundary and no more than two access points are provided on site.			
PO 23.4	Vehicle access is safe, convenient, minimises interruption to the operation of public roads and does not interfere with street infrastructure or street trees.			Supported
DTS / DPF 23.4	Vehicle access to designated car parking spaces: (a) is provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land (b) where newly proposed, is setback: (a) 500mm or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner; (b) 2m or more from a street tree unless consent is provided from the tree owner; (c) 6m or more from the tangent point of an intersection of 2 or more roads or a pedestrian-actuated crossing.			Supported
PO 23.5	Driveways are designed to enable safe and convenient vehicle movements from the public road to on-site parking spaces.			Supported
DTS/ DPF 23.5	Driveways are designed and sited so that: (a) the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage or carport when work is completed is not steeper than 1:4 on average; and (b) the centre of the driveway at the public road boundary is no more than 25 degree deviation from the centre of the front of the covered car parking space for which it provides vehicle access.			Supported
PO 23.6	Driveways and access points are designed and distributed to optimise the provision of on-street visitor parking (where on-street parking is appropriate).			Supported
DTS / DPF 23.6	Where on-street parking is available directly adjacent the site, parking is retained in accordance with the following requirements: (a) 1 on-street car park per 3 proposed dwellings (rounded up to the nearest whole number); and (b) minimum car park length of 6m.			Supported, this is probably more relevant to greenfield sites.
				Supported, this is probably more relevant to greenfield sites.
				Supported, this is probably more relevant to greenfield sites.

Zone		1 - Included in the Code and retains same policy intent	0%
		2 - Wording changed but policy intent remains (OK)	67%
		3 - Included in the Code but policy intent changed (NOT OK)	33%
		4 - Not included in the Code but OK to remove	0%
		5 - Not included in the Code and should be reinstated	0%
Policy area(s)			
On-Site Car Parking and Access			
General comments			
Number	Description	Transition category	Where has it been included?
Policy Objectives			
OBJ 20	Accessible on-site parking provided to meet the needs of residents and visitors.	2	General Development Policies - Transport, Access and Parking PO 5.1 and DTS/DPF 5.1
Principles of Development Control			
44	On-site car parking should be provided for low scale residential development in accordance with the car parking requirements set out in Table Adel/7 (disregarding infrequent, high-visitation events, such as parties, garage sales or auctions), taking account of: (a) the number and size of proposed dwellings; (b) availability of employment and centre facilities within walking distance; (c) the anticipated mobility characteristics of the likely occupants; and (d) availability of public transport and on-street car parking in proximity to the development.	3	General Development Policies - Transport, Access and Parking PO 4.1, DTS/DPF 5.1 and Transport, Access and Parking Table 1.
45	Car parking areas, driveways and access ways servicing more than one dwelling within a low scale residential development should be located and dimensioned to: (a) efficiently, conveniently and safely serve users, including pedestrians, cyclists and motorists; (b) provide adequate space for vehicles to manoeuvre between the street and the parking area; and (c) reinforce or contribute to attractive streetscapes. Design Techniques (these are ONE WAY of meeting the above Principle) 45.1 Car parking spaces, access ways and driveways located and dimensioned in accordance with Australian Standard 2890.1: 'Parking Facilities - Off-Street Car Parking'.	2	General Development Policies - Design in Urban Areas PO 23.5 General Development Policies - Transport, Access and Parking PO 3.5, DTS/DPF 3.5, PO 3.9
NEW CONTENT IN THE CODE (insert below)			
GENERAL DEVELOPMENT POLICIES - DESIGN IN URBAN AREAS - RESIDENTIAL DEVELOPMENT - 3 BUILDING LEVELS OR LESS			
DTS / DPF 23.1	Covered car parking spaces: (a) where enclosed by fencing or walls, have: i. a minimum internal width of 3.2m and length of 6.0m for a single space; ii. a minimum internal width of 6.0m and length of 6.0m for a double space (side by side); and iii. a minimum internal width of 3.2m and length of 11m for a double space (tandem); or (b) where not enclosed by fencing, walls or garage doors, have: i. a minimum width of 3.0m and minimum length of 5.5m for a single space; ii. a minimum width of 5.2m and minimum length of 5.5m for a double (side by side) space; and iii. a minimum width of 3.0m and minimum length of 10.4m for a double (tandem) space.		Supported Supported Supported
PO 23.2	Uncovered car parking space are of dimensions to be functional, accessible and convenient.		Supported
DTS / DPF 23.2	Uncovered car parking spaces have a minimum width of 2.4m and a minimum length of 5.5m.		Supported
PO 23.3	Driveways and access points located and designed to facilitate safe access and egress while maximising land available for street tree planting, landscaped street frontages and on-street parking.		Supported

Number	Description	Transition category	Where has it been included?	Comments
DTS/ DPF 23.3	Driveways and access points: (a) for sites with a frontage to a public road of 12m or less, have a maximum width of 3.2m measured at the property boundary and are the only access point provided on the site; or (b) for sites with a frontage to a public road greater than 12m: i. have a maximum width of 6m measured at the property and are the only access point provided on the site; or ii. have a maximum width of 3.2 metres measured at the property boundary and no more than two access points are provided on site.			DTS/DPF 23.3 includes provision for a maximum driveway width of 6 metres. This is not in characteristic or desired within many areas of the City and would mean less provision for on -street tree planting and vehicle parking as well as distracting from the streetscape. It also depends on the width of the lot. It is recommended that this policy be REVIEWED FURTHER taking into consideration the streetscape character of the City's Streets.
PO 23.4	Vehicle access is safe, convenient, minimises interruption to the operation of public roads and does not interfere with street infrastructure or street trees.			Supported
DTS / DPF 23.4	Vehicle access to designated car parking spaces: (a) is provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land (b) where newly proposed, is setback: (a) 500mm or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner; (b) 2m or more from a street tree unless consent is provided from the tree owner; (c) 6m or more from the tangent point of an intersection of 2 or more roads or a pedestrian-actuated crossing.			Supported
PO 23.5	Driveways are designed to enable safe and convenient vehicle movements from the public road to on-site parking spaces.			Supported
DTS/ DPF 23.5	Driveways are designed and sited so that: (a) the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage or carport when work is completed is not steeper than 1:4 on average; and (b) the centre of the driveway at the public road boundary is no more than 25 degree deviation from the centre of the front of the covered car parking space for which it provides vehicle access.			Supported
PO 23.6	Driveways and access points are designed and distributed to optimise the provision of on-street visitor parking (where on-street parking is appropriate).			Supported
DTS / DPF 23.6	Where on-street parking is available directly adjacent the site, parking is retained in accordance with the following requirements: (a) 1 on-street car park per 3 proposed dwellings (rounded up to the nearest whole number); and (b) minimum car park length of 6m.			Supported, this is probably more relevant to greenfield sites.

Zone			1 - Included in the Code and retains same policy intent	0%	
Policy area(s)			2 - Wording changed but policy intent remains (OK)	50%	
				3 - Included in the Code but policy intent changed (NOT OK)	0%
				4 - Not included in the Code but OK to remove	0%
				5 - Not included in the Code and should be reinstated	50%
Site Facilities and Storage					
General comments					
Number	Description	Transition category	Where has it been included?	Comments	
Policy Objectives					
OBJ 21	Accessible on-site parking provided to meLow scale residential development that provides sufficient on-site storage facilities and makes adequate provision for the storage and collection of refuse.et the needs of residents and visitors.	2	General Developmeent Policies- Design in Urban Areas PO 24.1		
Principles of Development Control					
OBJ 46	Low scale residential development that does not provide ground level private open space or has less than 50 square metres of private open space should incorporate adequate areas for the storage of goods and chattels other than food and clothing either: (a) in the dwelling (but not including a habitable room); (b) in a garage, carport or outbuilding; or (c) within an on-site communal facility. Design Technique (this is ONE WAY of meeting the above Principle) 46.1 A covered secure storage area of not less than 8 cubic metres in one of the above mentioned locations provided for each dwelling.	5		No provision is made for general storage areas which is an important component of the liveability of a dwelling. It is recommended that a general policy be included as a PO and DTS within Design in Urban Areas GDP [Residential Development - 3 Building Levels or Less] under a new heading 'Storage Facilities'.	
NEW CONTENT IN THE CODE (insert below)					
GENERAL DEVELOPMENT POLICIES - DESIGN IN URBAN AREAS - RESIDENTIAL DEVELOPMENT - 3 BUILDING LEVELS OR LESS					
DTS / DPF 24.1	Dwellings are provided with: (a) an area of 3m2 or more for the storage of waste (separate from any designated car parking spaces or private open space) is provided behind the building line; and (b) a continuous unobstructed path of travel with a minimum width of 800mm between the waste bin storage area and the street.			Supported	
				Supported	

Zone		1 - Included in the Code and retains same policy intent	0%	
Policy area(s)	Medium to High Scale Residential Serviced...	2 - Wording changed but policy intent remains (OK)	53%	
		3 - Included in the Code but policy intent changed (NOT OK)	9%	
		4 - Not included in the Code but OK to remove	3%	
		5 - Not included in the Code and should be reinstated	35%	
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Policy Objectives				
22	Medium to high scale residential (including student accommodation) or serviced apartment development that: (a) has a high standard of amenity and environmental performance; (b) comprises functional internal layouts; (c) is adaptable to meet a variety of accommodation and living needs; and (d) includes well-designed and functional recreation and storage areas.	2	(a) General Development Policy - Design in Urban Areas DO 1(b) (c) General Development Policy - Design in Urban Areas DO 1(b) (d) General Development Policy - Design in Urban Areas PO 28.4 and DTS/DPF 28.4.	
Principles of Development Control				
Building Entrances				
48	Entrances to medium to high scale residential or serviced apartment development should: (a) be oriented towards the street; (b) be visible and easily identifiable from the street; and (c) provide shelter, a sense of personal address and transitional space around the entry.	2	General Development Policy - Design in Urban Areas PO 9.7 and DTS/DPF 9.7	
49	Entrances to individual dwellings or apartments within medium to high scale residential or serviced apartment development should: (a) be located as close as practical to the lift and/or lobby access and minimise the need for long access corridors; (b) be clearly identifiable; and avoid the creation of potential areas for entrapment.	2	General Development Policy - Design in Urban Areas PO 9.7 and DTS/DPF 9.7	
Daylight, Sunlight and Ventilation				
50	Medium to high scale residential or serviced apartment development should be designed to maximise opportunities to facilitate natural ventilation and capitalise on natural daylight and minimise the need for artificial lighting during daylight hours.	2	General Development Policy - Design in Urban Areas PO 4.1, PO 28.1	
51	Medium to high scale residential or serviced apartment development should be designed and located to maximise solar access to dwellings and communal open space on the norther facade.	2	General Development Policy - Design in Urban Areas PO 4.2	
52	Ceiling heights that promote the use of taller windows, highlight windows, fan lights and light shelves should be utilised to facilitate access to natural light, improve daylight distribution and enhance air circulation, particularly in dwellings with limited light access and deep interiors.			
53	All new medium to high scale residential or serviced apartment development should have direct ventilation and natural light.	2	General Development Policy - Design in Urban Areas PO 4.1, PO 28.1	
54	The maximum distance of a habitable room such as a living, dining, bedroom or kitchen from a window providing natural light and ventilation to that room is 8 metres.	3	General Development Policy - Design in Urban Areas PO 4.1 in part	The new policy requires buildings to be designed and sited to maximise ventilation and light to main activity areas, habitable rooms, common areas and open space. It does not prescribe the maximum distance required from a window. This policy ensures quality living accommodation and should be included as a DTS to PO 4.1 in the Design in Urban Areas GDP.
55	Light wells should not be used as the primary source of daylight for living rooms to ensure a sufficient level of outlook and daylight.	5		The quality of life within a medium high rise development is important and outlook and daylight plays an important part in providing a quality living environment. It is recommended the principle is INSERTED and incorporated into DTS/DPF 15.1 within the Design in Urban Areas GDP [All Residential Development] under the heading 'Outlook and Amenity'.
56	Medium to high scale residential or serviced apartment development should be designed to ensure living areas, private open space or communal open space, where such communal open space provides the primary area of private open space, are the main recipients of sunlight.	2	General Development Policy - Design in Urban Areas PO 4.1 in part	

Number	Description	Transition category	Where has it been included?	Comments
57	Medium to high scale residential or serviced apartment development should locate living areas, private open space and communal open space, where such communal open space provides the primary area of private open space, where they will receive sunlight and, where possible, should maintain at least two hours of direct sunlight solar time on 22 June to: (a) at least one habitable room window (excluding bathroom, toilet, laundry or storage room windows); (b) to at least 20 percent of the private open space; and (c) communal open space, where such communal open space provides the primary private open space for any adjacent residential development.	3	General Development Policy - Design in Urban Areas PO 4.1 in part	INSERT the following DTS for PO 4.1 within Design in Urban Areas GDP as follows: "Locate living areas, private open space and communal open space in a position that will receive sunlight and, where possible, provides a minimum of two hours of direct sunlight solar time on 22 June to: (a) at least one habitable room window (excluding bathroom, toilet, laundry or storage room windows); (b) to at least 20 percent of the private open space; and (c) communal open space, where the space provides the primary private open space for any adjacent residential development."
58	Natural cross ventilation of habitable rooms should be achieved by the following methods: (a) positioning window and door openings in different directions to encourage cross ventilation from cooling summer breezes; (b) installing small low level windows on the windward side and larger raised openings on the leeward side to maximise airspeed in the room; (c) installing higher level casement or sash windows, clerestory windows or operable fanlight windows to facilitate convective currents; (d) selecting windows which the occupants can reconfigure to funnel breezes such as vertical louvred, casement windows and externally opening doors; (e) ensuring the internal layout minimises interruptions to airflow; (f) limiting building depth to allow for ease of cross ventilation; and/or (g) draught proofing doors, windows and other openings.	5		Include as a DTS for PO 4.2 " Development designed to provide natural ventilation of habitable rooms by: (a) positioning window and door openings in different directions to encourage cross ventilation from cooling summer breezes; (b) installing small low level windows on the windward side and larger raised openings on the leeward side to maximise airspeed in the room; (c) installing higher level casement or sash windows, clerestory windows or operable fanlight windows to facilitate convective currents; (d) selecting windows which the occupants can reconfigure to funnel breezes such as vertical louvred, casement windows and externally opening doors; (e) ensuring the internal layout minimises interruptions to airflow; (f) limiting building depth to allow for ease of cross ventilation; and/or (g) draught proofing doors, windows and other openings."
Private Open Space				
59	Medium to high scale residential development and serviced apartments should provide the following private open space: (a) studio (where there is no separate bedroom): no minimum requirement but some provision is desirable. (b) 1 bedroom dwelling/apartment: 8 square metres. (c) 2 bedroom dwelling/apartment: 11 square metres. (d) 3+ bedroom dwelling/apartment: 15 square metres.	2	General Development Policy - Design in Urban Areas PO 27.1 and DTS/DPF 27.1	
60	Medium to high scale residential (other than student accommodation) or serviced apartment development should ensure direct access from living areas to private open space areas, which may take the form of balconies, terraces, decks or other elevated outdoor areas provided the amenity and visual privacy of adjacent properties is protected.	2	General Development Policy - Design in Urban Areas PO 20.1 and DTS/DPF 20.1	
61	Other than for student accommodation, private open space should have a minimum dimension of 2 metres and should be well proportioned to be functional and promote indoor/outdoor living.	2	General Development Policy - Design in Urban Areas Table 1.	
62	Balconies should be integrated into the overall architectural form and detail of the development and should: (a) utilise sun screens, pergolas, shutters and openable walls to control sunlight and wind; (b) be cantilevered, partially cantilevered and/or recessed in response to daylight, wind, acoustic and visual privacy; (c) be of a depth that ensures sunlight can enter the dwelling below; and (d) allow views and casual surveillance of the street while providing for safety and visual privacy.	2	General Development Policy - Design in Urban Areas PO 28.2 and DTS/DPF 28.2	
63	Secondary balconies, including Juliet balconies or operable walls with balustrades should be considered, subject to overlooking and privacy, for additional amenity and choice.			
64	For clothes drying, balconies off laundries or bathrooms and roof top areas should be screened from public view.	2	General Development Policy - Design in Urban Areas PO 35.2 (group dwellings, residential flat buildings)	This provision should apply to all residential development and should be applied and relocated and put under the heading ' All Residential Development'.
65	The incorporation of roof top gardens is encouraged providing it does not result in unreasonable overlooking or loss of privacy.	2	General Development Policy - Design in Urban Areas PO 4.3	
Visual Privacy				
66	Medium to high scale residential or serviced apartment development should be designed and sited to minimise the potential overlooking of habitable rooms such as bedrooms and living areas of adjacent development.	2	General Development Policy - Design in Urban Areas PO 28.1 and DTS/DPF 28.1	

Number	Description	Transition category	Where has it been included?	Comments
67	A habitable room window, balcony, roof garden, terrace or deck should be set-back from boundaries with adjacent sites at least three metres to provide an adequate level of amenity and privacy and to not restrict the reasonable development of adjacent sites.	2	General Development Policy - Design in Urban Areas PO 28.1 and DTS/DPF 28.1	
Noise and Internal Layout				
68	Medium to high scale residential or serviced apartment development close to high noise sources (e.g. major roads, established places of entertainment and centres of activity) should be designed to locate noise sensitive rooms and private open space away from noise sources, or be protected by appropriate shielding techniques.	5		The reduction and management of noise transmission into apartments in the City is important as it can affect the quality of residential living and if managed appropriately can ensure a diversity of land use co-existence which is vital to the character, function and attraction of the City. It is recommended this policy is INSERTED into the Interface Between Land Uses GDP under the heading 'Activities Generating Noise or Vibration'.
69	Attached or abutting dwellings/apartments should be designed to minimise the transmission of sound between dwellings and, in particular, to protect bedrooms from possible noise intrusions.	5		Noise transmission should be addressed and acknowledged within Code policy on between dwellings is an important issue. It is recommended this policy is INSERTED into the Interface Between Land Uses GDP under the heading 'Activities Generating Noise or Vibration'.
Minimum Unit Sizes				
70	Medium to high scale residential or serviced apartment development should provide a high quality living environment by ensuring the following minimum internal floor areas: (a) studio (where there is no separate bedroom): 35 square metres. (b) 1 bedroom dwelling/apartment: 50 square metres (c) 2 bedroom dwelling/apartment: 65 square metres (d) 3+ bedroom dwelling/apartment: 80 square metres plus an additional 15 square metres for every additional bedroom over 3 bedrooms. Note: Dwelling/apartment "unit size" includes internal storage areas but does not include balconies or car parking as part of the calculation.	3	General Development Policy - Design in Urban Areas PO 29.1 and DTS/DPF 29.1	The purpose is to provide a high quality living environment for future residents. The new policy intent is to provide a diversity of housing. Standards for studio's have not been included. Recommended that a separate policy is written that states as follows within the Design in Urban Areas GDP [Residential Development - 3 Building Levels or Less] under a new heading Residential Amenity': PO <i>Buildings that provide a high quality living environment."</i> DTS <i>Dwellings provide the following minimum internal floor areas:</i> (a) studio (where there is no separate bedroom): 35 square metres. (b) 1 bedroom dwelling/apartment: 50 square metres (c) 2 bedroom dwelling/apartment: 65 square metres (d) 3+ bedroom dwelling/apartment: 80 square metres plus an additional 15 square metres for every additional bedroom over 3 bedrooms. Note: Dwelling/apartment "unit size" includes internal storage areas but
71	Internal structural columns should correspond with the position of internal walls to ensure that the space within the dwelling/apartment is useable.	5		To ensure that the space within the apartment is useable this principle should be applied and INSERTED into Design in Urban Areas GDP [Residential Development - 4 or More Building Levels] under the heading 'Apartment Configuration': PO <i>"Buildings designed to ensure internal structural columns align with the position of internal walls to provide useable space."</i>
Adaptability				
72	Within medium to high scale residential or serviced apartment development, dwelling/apartment layouts should be adaptable to accommodate: (a) a range of activities and privacy levels between different spaces; (b) flexible room sizes and proportions; (c) efficient circulation to optimise the functionality of floor space within rooms; and (d) the future reuse of student accommodation as residential apartments through a design and layout that allows individual apartments to be reconfigured into a larger dwelling or other alternative use. Design Technique (this is ONE WAY of meeting the above Principle) 72.1 Design solutions may include: (a) windows in all habitable rooms and to the maximum number of non-habitable rooms; (b) adequate room sizes or open plan dwellings which provide a range of furniture layout options; and/or (c) dual master bedrooms that can support two independent adults living together or a live/work	4	General Development Policy - Design in Urban Areas DO 1(b), PO 40.2	
Outlook				

Number	Description	Transition category	Where has it been included?	Comments
73	All medium to high scale residential or serviced apartment development should be designed to ensure the living rooms have a satisfactory external outlook. Living rooms that do not have an outlook or the only source of outlook is through high level windows or a skylight are not considered to provide an appropriate level of amenity for the occupiers. Note: Outlook is a short range prospect and is distinct from a view which is more extensive and long range to particular objects or geographic features.	2	General Development Policy - Design in Urban Areas PO 15.1 and DTS/DPF 15.1	
74	Light wells may be used as a source of daylight, ventilation, outlook and sunlight for medium to high scale residential or serviced apartment development provided that: (a) living rooms do not have lightwells as their only source of outlook; (b) lightwells up to 18 metres in height have a minimum horizontal dimension of 3 metres or 6 metres if overlooked by bedrooms; and (c) lightwells higher than 18 metres in height have a minimum horizontal dimension of 6 metres or 9 metres if overlooked by bedrooms.	5		Due to site constraints there are times when lightwells can provide a source of daylight, ventilation, outlook and sunlight. Standards need to be in place to ensure the lightwell serves its purpose at an appropriate standard. On this basis it is recommended this principle be INSERTED as a PO and DTS within the Design in Urban Areas GDP [Residential Development - 4 or more Building Levels] under the heading 'Apartment Amenity'.
On-Site Parking and Fencing				
Policy Objectives				
23	Safe and convenient on-site car parking for resident and visitor vehicles.	5		This provision should apply to all parking areas. It is recommended it is included within Transport, Access and Parking GDPs under the heading 'Vehicle Parking Areas'. <i>PO</i> <i>Development designed to ensure safe and convenient on-site car parking for resident and visitor vehicles.</i>
Principles of Development Control				
75	To ensure an adequate provision of on-site parking, car parking should be provided for medium to high scale residential (other than student accommodation) or serviced apartment development in accordance with Table Adel/7.	5		NEEDS FURTHER REVIEW The parking standards proposed need to be reviewed so that they are more in aligned with the City's need. The parking standards prescribed are too high and not required for the City due to the walkability of the City and the closeness to services, facilities and employment.
76	Garages and parking structures associated with medium to high scale residential or serviced apartment development should be located so that they do not visually dominate the street frontage.	5		This is important to the character o the streetscape and should apply to all garages and structures associated with all uses. It is recommended it is included within Transport, Access and Parking GDP under the heading 'Vehicle Parking Areas'. <i>PO</i> <i>Garages and parking structures designed and located so that they do not visually dominate the street frontage.</i>
77	Car parking areas should be designed and located to: (a) be close and convenient to dwellings/apartments; (b) be lit at night; (c) be well ventilated if enclosed; (d) avoid headlight glare into windows; and (e) clearly define visitor parking.	5		This should apply to car parking areas within with medium high scale residential developments. It is recommended it is included Design in Urban Areas GDP [Residential Development - 4 or more Building Levels] under a new heading 'Car Parking Areas'.
78	Where garages are located within a basement or undercroft: (a) the width of access driveways should be kept to a minimum and should not detract from the streetscape; (b) driveways should be designed to ensure safe and convenient access and egress; (c) access should be restricted to one driveway or one point of access and egress; (d) vehicles should be able to safely exit in a forward direction and should not compromise pedestrian safety or cause conflict with other vehicles; and (e) the height of the car park ceiling should not exceed 1 metre above the finished ground floor level to ensure minimal impact on the streetscape.	5	Clause b covered in Transport, Access and Parking General Development Policies under the heading 'Undercroft and below Ground Garaging PO 7.1	Belongs in Transport, Access and Parking GDP under the heading 'Undercroft and Below Ground Garaging'. <i>PO</i> <i>Car parking within a basement or undercroft designed to ensure:</i> <i>(a) the width of access driveways is kept to a minimum and does not detract from the streetscape;</i> <i>(b) driveways provide safe and convenient access and egress;</i> <i>(c) access is restricted to one driveway or one point of access and egress;</i> <i>(d) vehicles can exit in a forward direction and not compromise pedestrian safety or cause conflict with other vehicles; and</i> <i>(e) the height of the car park ceiling does not exceed 1m above the finished ground floor level to ensure minimal impact on the streetscape.</i>
79	Fencing and walls should: (a) be articulated and detailed to provide visual interest; (b) assist the development to address the street; (c) assist in the provision of safety and surveillance; (d) assist in highlighting entrances; and (e) enable visibility of buildings from and to the street.	5		This provision should apply to all development and be included in Design in Urban Areas GDP [All Dev] under the heading 'Fences and Walls'.

Number	Description	Transition category	Where has it been included?	Comments
Storage Areas				
80	Site facilities should be readily accessible to each dwelling/serviced apartment, complement the development and relevant desired character and should include: (a) a common mail box structure located close to the main pedestrian entrance; (b) areas for the storage and collection of goods, materials, refuse and waste including facilities to enable the separation of recyclable materials as appropriate to the size and nature of the development and screened from public view; and (c) external clothes drying areas for residential dwellings that do not incorporate ground level open space.	2	General Development Policy - Design in Urban Areas PO 12.1, 12.2.3, and DTS/DPF 28.4.	Adequately covers the sorting, storage and collection of waste however there is no policy that addresses mailboxes. It is recommended the following PO be included within Design in Urban Area GDP [Residential Development - 4 or more Building Levels] under a new heading 'Site Facilities and Storage' : PO <i>"Common mailbox structure close to the main pedestrian entrance."</i>
81	Medium to high scale residential (other than student accommodation) or serviced apartment development should provide adequate and accessible storage facilities for the occupants at the following minimum rates: (a) studio: 6 cubic metres (b) 1 bedroom dwelling/apartment: 8 cubic metres (c) 2 bedroom dwelling/apartment: 10 cubic metres (d) 3+ bedroom dwelling/apartment: 12 cubic metres 50 percent of the storage space should be provided within the dwelling/apartment with the remainder provided in the basement or other communal areas.	2	General Development Policy - Design in Urban Areas PO 28.4 and DTS/DPF 28.4.	Storage standards should also apply to serviced apartments. For future adaptability it is important storage provisions are provided. Revise DTS/DPF 28.4 to ensure serviced apartments provide storage facilities. In addition insert a new heading title 'Site Facilities and Storage' above PO 28.4.
NEW CONTENT IN THE CODE (insert below)				
ALL DEV - 4 OR MORE BUILDING LEVELS				
PO 1.1	Buildings that reinforce corners through changes in setback, articulation, materials, colour and massing (including height, width, bulk, roof form and slope).			Revise PO 1.1 as follows: <i>"Buildings that reinforce and define corners through architectural changes in setback, articulation, materials, colour and massing (including height, width, bulk, roof form and slope)."</i>
PO 1.2	Where zero or minor setbacks are desirable, development provides shelter over footpaths to positively contribute to the walkability and comfort of the public realm.			Supported
PO 1.3	Buildings (other than ancillary buildings, group dwellings or buildings on a battle-axe allotment) designed so the main façade faces the primary street frontage of the land on which they are situated.			Supported
PO 1.4	Plant, exhaust and intake vents and other technical equipment integrated into the building design to minimise visibility from the public realm and negative impacts on residential amenity by: (a) positioning plant and equipment discretely, in unobtrusive locations as viewed from public roads and spaces; (b) screening rooftop plant and equipment from view; and (c) when located on the roof of non-residential development, locating the plant and equipment as far as practicable from adjacent sensitive land uses.			Supported This should apply to all new residential and non residential development. Revise PO 1.4 (c) as follows: <i>"locating the plant and equipment as far as practicable from adjacent sensitive land uses."</i>
DTS / DPF 1.4	Development does not incorporate any structures that protrude beyond the roofline.			Supported
PO 1.5	The negative visual impact of outdoor storage, waste management, loading and service areas is 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			Supported
Safety				
PO 2.1	Development maximises opportunities for passive surveillance of the public realm by providing clear lines of sight, appropriate lighting and the use of visually permeable screening wherever practicable.			Supported - All the CPTED Principles in PDC 82,83,84, 85 and 86 should apply to all development.
PO 2.2	Development designed to differentiate public, communal and private areas.			Supported - All the CPTED Principles in PDC 82,83,84, 85 and 86 should apply to all development.
PO 2.3	Buildings designed with safe, perceptible and direct access from public street frontages and vehicle parking areas.			Supported - All the CPTED Principles in PDC 82,83,84, 85 and 86 should apply to all development.
PO 2.4	Development at street level designed to maximise opportunities for passive surveillance of adjacent public realm.			Supported - All the CPTED Principles in PDC 82,83,84, 85 and 86 should apply to all development.
PO 2.5	Common areas and entry points of buildings (such as the foyer areas of residential buildings), and non-residential land uses at street level, maximise passive surveillance from the public realm to the inside of the building at night.			Supported - All the CPTED Principles in PDC 82,83,84, 85 and 86 should apply to all development.
PO 3.1	Landscaped (including trees), permeable open spaces incorporated to:			Supported

Number	Description	Transition category	Where has it been included?	Comments
	(a) minimise heat absorption and reflection; (b) maximise shade and shelter; (c) maximise stormwater infiltration; and (d) enhance the appearance of land and streetscapes.			
	Water Sensitive Design			
PO 5.1	Development sited and designed to maintain natural hydrological systems without negatively impacting: (a) the quantity and quality of surface and groundwater; (b) the depth and directional flow of surface and groundwater; or (c) the quality and function of natural springs. Car parking appearance			Supported
PO 6.1	Development facing the street designed to minimise the negative impacts of any semi-basement and under-croft car parking on streetscapes.			Supported
DTS/DPF 6.1	The protrusion of semi-basement and undercroft car parking structures does not exceed 1.2m above finished ground level and is screened through appropriate plantings, except in a location or zone where a continuous ground floor façade aligned with the front property boundary is desired.			1.2 metres above the finished floor level is too high and should be reduced to a maximum of 1 metre to ensure minimal impact on the streetscape. It is recommended this height is revised accordingly.
PO 6.2	Vehicle parking areas appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.			Supported
PO 6.3	Pedestrian connections that are safe, legible, direct and accessible are provided between parking areas and the development.			Supported
PO6.4	Street level vehicle parking areas that are open to the sky are landscaped to provide shade and reduce solar heat absorption and reflection.			Supported
DTS / DPF 6.4	Vehicle parking areas that are open to the sky and comprise 10 or more car parking spaces include a shade tree with a mature canopy of 4m diameter spaced for each 10 car parking spaces provided and a landscaped strip on any road frontage of a minimum dimension of 1m.			Supported
PO 6.5	Vehicle parking areas are landscaped along public frontages, allotment boundaries and between double rows of parking spaces.			Supported
DTS / DPF 6.5	Vehicle parking areas comprising 10 or more car parking spaces contain a vegetated landscaped strip of a minimum dimension of: (a) 1m along all public road frontages and allotment boundaries; and (b) 0.6m between double rows of car parking spaces.			Supported
PO 6.6	Vehicle parking areas and associated driveways are landscaped to shade and positively contribute to amenity.			
PO 6.7	Vehicle parking areas and accessways incorporate integrated stormwater management techniques such as permeable or porous surfaces, infiltration systems, drainage swales or rain gardens that integrate with landscaping requirements.			Supported
PO 8.1	Fences, walls and retaining walls of sufficient height to maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight.			Supported
PO 8.2	Landscaping incorporated on the low side of retaining walls that are visible from public roads and public open space to minimise visual impacts.			Supported
DTS / DPF 8.2	A vegetated landscaped strip 500mm deep or more is provided against the low side of a retaining wall.			Supported
	ALL DEVELOPMENT - 4 OR MORE BUILDING LEVELS			Supported
PO 9.1	Buildings positively contribute to the character of the local area by responding to local context.			Supported
PO 9.2	Fine-grain detail at street level and a mixture of materials at lower building levels near the public interface are provided to reinforce a human scale.			Supported
PO 9.3	Buildings designed to reduce visual mass by breaking up building façades into distinct elements.			Supported
PO 9.4	Boundary walls visible from public land include visually interesting treatments to break up large blank elevations.			Supported
PO 9.5	External materials and finishes are durable and age well to minimise ongoing maintenance requirements.			Supported
DTS / DPF 9.5	Buildings utilise a combination (or thereof) of the following external materials and finishes: (a) masonry; (b) natural stone; and (c) pre-finished materials that minimise staining, discolouring or deterioration.			Supported
PO 9.6	Street facing building elevations designed to provide attractive, high quality and pedestrian friendly street frontages.			Supported
DTS / DPF 9.6	Building street frontages incorporate:			Supported

Number	Description	Transition category	Where has it been included?	Comments
	(a) active uses such as shops or offices; (b) prominent entry areas for multi-storey buildings (where it is a common entry); (c) habitable rooms of dwellings; and (d) areas of communal public realm with public art or the like, where consistent with the Zone and/or sub zone provisions.			
PO 9.8	Building services, plant and mechanical equipment screened from view from the public realm.			Buildings services, plant and mechanical equipment should be designed into the building to ensure they do not dominate street frontages and are of high quality materials. It is recommended that this policy be revised accordingly.
	Landscaping			Building services
PO 10.1	Development facing a street provides a well landscaped area that contains a deep soil space to accommodate a tree of a species and size adequate to provide shade, contribute to tree canopy targets and soften the appearance of buildings.			Supported
DTS / DPF 10.1	Buildings provide a 4m by 4m deep soil space in front of the building to accommodate a medium to large tree, except where no building setback from front property boundaries is desired.			Supported
PO 10.2	Deep soil zones provided to retain existing vegetation or provide areas that can accommodate new deep root vegetation, including tall trees with large canopies to provide shade and soften the appearance of multi storey buildings.			Supported
DTS / DPF 10.2	Multi-storey development provides deep soil zones and incorporate trees at not less than the following rates, except in a location or zone where full site coverage is desired:			Supported
PO 10.3	Deep soil zones provided with access to natural light to assist in maintaining vegetation health.			Supported
PO 10.4	Unless separated by a public road or reserve, development sites adjacent to any zone that has a primary purpose of accommodating low rise residential development incorporate a deep soil zone along the common boundary, to enable medium to large trees to be retained or established to assist in screening new buildings of 3 or more storeys in height.			Supported
DTS / DPF 10.4	Building elements of 3 or more storeys in height are set back at least 6m from a zone boundary in which a deep soil zone area is incorporated.			Supported
	Environmental			
PO 11.2	Development incorporates sustainable design techniques and features such as window orientation, eaves and shading structures, water harvesting, green walls, and roof designs that enable the provision of rain water tanks (where they are not provided elsewhere on site), green roofs and photovoltaic cells.			Supported
PO 12.3	Communal waste storage and collection areas designed to be well ventilated and located away from habitable rooms.			Supported
PO 12.4	Communal waste storage and collection areas designed to allow waste and recycling collection vehicles to enter and leave the site without reversing.			Supported
PO 12.5	For mixed use developments, non-residential waste and recycling storage areas and access provide opportunities for on-site management of food waste through composting or other waste recovery as appropriate.			Supported. A provision should also be provided on recycling of construction waste.
	Car Parking			
PO 13.1	Multi-level vehicle parking structures designed to contribute to active street frontages and complement neighbouring buildings.			Supported
DTS/ DPF 13.1	Multi-level vehicle parking structures within buildings to:			Supported
	(a) provide land uses such as commercial, retail or other non-car parking uses along ground floor street frontages; and			Supported
	(b) incorporate facade treatments along major street frontages that are sufficiently enclosed and detailed to complement adjacent buildings.			Supported
PO 13.2	Multi-level vehicle parking structures within buildings complement the surrounding built form in terms of height, massing and scale.			Supported
	ALL RESIDENTIAL DEVELOPMENT			
	External Appearance			
PO 14.1	Dwellings incorporate windows facing primary street frontages to encourage passive surveillance and			Supported
DTS/DPF 14.1	Each dwelling with a frontage to a public street includes at least one window with a total window area of at least 2m ² facing the primary street, from a habitable room that has a minimum room dimension of 2.7m.			Supported
PO 14.2	Dwellings incorporate entry doors within street frontages to address the street and provide a legible entry point for visitors.			Supported

Number	Description	Transition category	Where has it been included?	Comments
DTS/DPF 14.2	Dwellings with a frontage to a public street have the entry door facing the public street.			Supported
	Outlook and Amenity			
PO 15.2	Bedrooms separated or shielded from active communal recreation areas, common access areas and vehicle parking areas and access ways to mitigate noise and artificial light intrusion.			Supported
	Ancillary Development			
PO 16.1	Residential ancillary buildings and structures sited and designed to not detract from the streetscape or appearance of buildings on the site or neighbouring properties.			Supported
DTS / DPF 16.1	Residential ancillary buildings and structures:			
	(a) are not being constructed, added to or altered so that any part is situated:			
	i. in front of any part of the building line of the dwelling to which it is ancillary; or			Supported
	ii. within 900mm of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads);			Supported
	(b) in the case of a garage or carport, the garage or carport is setback at least 5.5m from the boundary of the primary street;			FURTHER REVIEW REQUIRED. This does not work in Historic Character areas
	(c) not exceeding 7m or 50% of the site frontage (whichever is the lesser) when facing a primary street or secondary street;			FURTHER REVIEW REQUIRED. This may not work for all areas
	(d) if situated on a boundary (not being a boundary with a primary street or secondary street), a length not exceeding 10m unless:			Supported
	i. a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary; and			Supported
	ii. the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent;			FURTHER REVIEW REQUIRED. What if it is a form of development we would normally discourage. Unclear about the purpose of this PO
	(e) if situated on a boundary of the allotment (not being a boundary with a primary street or secondary street), all walls or structures on the boundary not exceeding 45% of the length of that boundary;			Supported
	(f) will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or abut the proposed wall or structure;			FURTHER REVIEW REQUIRED. This is not going to work in the City particularly for small narrow sites. Many existing buildings are setback less than this.
	(g) have a wall height or post height not exceeding 3m above natural ground level;			FURTHER REVIEW REQUIRED. Further work is required on the impact of this policy on existing historic buildings.
	(h) have a roof height where no part of the roof is more than 5m above the natural ground level; and			Supported
	(i) if clad in sheet metal, is pre-colour treated or painted in a non-reflective colour.			Supported
PO 16.2	Ancillary buildings and structures do not impede on-site functional requirements such as private open space provision, car parking requirements or result in over-development of the site.			Supported
DTS / DPF 16.2	Ancillary buildings and structures do not result in:			
	(a) less private open space than specified in Design in Urban Areas Table 1 – Outdoor Open Space;			Supported
	(b) less on-site car parking than specified in Transport, Access and Parking Table 1 - Off-street Car Parking Requirements; and			Supported
	(c) the total roofed floor area of all existing or proposed ancillary building(s) or structure(s) exceeding 60m ² .			Supported
PO 16.3	Fixed plant and equipment in the form of pumps and/or filtration systems for a swimming pool or spa positioned and/or housed to not cause unreasonable noise nuisance to adjacent sensitive receivers.			Supported
DTS/DPF 16.3	The pump and/or filtration system is ancillary to a dwelling erected on the same site and is:			Supported
	(a) enclosed in a solid acoustic structure that is located at least 5m from the nearest habitable room located on an adjoining allotment; or			Supported
	(b) located at least 12m from the nearest habitable room located on an adjoining allotment.			Supported
	Flooding			
PO 17.1	Residential accommodation sited, designed and constructed to prevent the entry of floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.			Supported
DTS / DPF 17.1	Residential accommodation has a ground finished floor level 300mm above the top of the kerb level of the primary street.			Supported
	RESIDENTIAL DEVELOPMENT - 4 OR MORE BUILDING LEVELS (INCLUDING SERVICED APARTMENTS)			

Number	Description	Transition category	Where has it been included?	Comments
	Outlook and Visual Privacy			
PO 26.1	Ground level dwellings have a satisfactory short range visual outlook to public, communal or private open space.			Supported
DTS / DPF 26.1	Buildings:			Supported
	(a) provide a habitable room at ground or first level with a window facing toward the street; and			All ground floors should overlook the street. Flat facades at ground level do not contribute to the human scale of the street or contribute to pedestrian safety.
	(b) limit the height / extent of solid walls or fences facing the street to 1.2m high above the footpath level or, where higher, to 50% of the site frontage.			Supported
PO 26.2	The visual privacy of ground level dwellings within multi-level buildings is protected.			Supported
DTS / DPF 26.2	The finished floor level of ground level dwellings in multi-storey developments is raised by up to 1.2m.			REQUIRES FURTHER REVIEW. 1.2 metres is too high and not consistent with the general character for most of the areas within metropolitan Adelaide. It will also create unnecessary accessibility issues.
PO 28.3	Balconies are of sufficient size and depth to accommodate outdoor seating and promote indoor / outdoor living.			Supported
	Apartment Configuration			
PO 29.1	Buildings containing in excess of 10 dwellings provide a variety of dwelling sizes and a range in the number of bedrooms per dwelling to contribute to housing diversity.			Supported
DTS / DPF 29.1	Buildings containing in excess of 10 dwellings provide at least one of each of the following:			Supported, ensures a mix and diversity of development
	(a) studio (where there is no separate bedroom);			Requires a floor area standard for studio's to ensure quality living environment.
	(b) 1 bedroom dwelling / apartment with a floor area of at least 50m ² ;			Supported
	(c) 2 bedroom dwelling / apartment with a floor area of at least 65m ² ; and			Supported
	(d) 3+ bedroom dwelling / apartment with a floor area of at least 80m ² , and any dwelling over 3 bedrooms provides an additional 15m ² for every additional bedroom.			Supported
PO 29.2	Dwellings located on the ground floor of multi-level buildings with 3 or more bedrooms have the windows of their habitable rooms overlooking internal courtyard space or other public space, where possible.			Supported.
	Common Areas			
PO 30.1	The size of lifts, lobbies and corridors is sufficient to accommodate movement of bicycles, strollers, mobility aids and visitor waiting areas.			Supported
DTS / DPF 30.1	Common corridor or circulation areas:			Supported
	(a) have a minimum ceiling height of 2.7m;			Supported
	(b) provide access to no more than 8 dwellings; and			Supported
	(c) incorporate a wider section of apartment entries where the corridors exceed 12m in length from a core.			Supported

Zone	Crime Prevention Through Urban Design	1 - Included in the Code and retains same policy intent	0%
		2 - Wording changed but policy intent remains (OK)	25%
		3 - Included in the Code but policy intent changed (NOT OK)	0%
		4 - Not included in the Code but OK to remove	13%
		5 - Not included in the Code and should be reinstated	63%

General comments Based on a word search of the Code, the word 'crime' is not in the Code. Should be included within Design in Urban Areas

Number	Column16380	Transition category	Where has it been included?	Comments
Policy Objectives				
24	A safe and secure, crime resistant environment that: (a) ensures that land uses are integrated and designed to facilitate natural surveillance; (b) promotes building and site security; and (c) promotes visibility through the incorporation of clear lines of sight and appropriate lighting.	2	City Main Street Zone PO 2.3 Capital City Zone - City Frame Subzone - PO 2.2 City Riverbank Zone - PO4.4 Urban Corridor (Boulevard) Zone - PO 2.3 Urbn Corridor (Business) Zone - PO 2.2 Urban Corridor (Main Street) Zone - PO 2.3 (repeated) Design in Urban Areas - PO 2.1 Design in Urban Areas - PO 2.4 Design in Urban Areas - PO 2.5 Design in Urban Areas - All Res Dev - PO 14.1 Design in Urban Areas - Res Dev 4 or More - PO 28.2 Design in Rural Areas - PO 2.1 Design in Rural Areas - PO 2.4 Design in Rural Areas - PO 2.5 Design in Rural Areas - PO 10.1 Design in Rural Areas - PO 8.2 Open Space and Recreation - PO 5.1 Open Space and Recreation - PO 5.3 Transport Access and Parking - PO 9.2	This policy should apply to all development
Principles of Development Control				

Number	Column16380	Transition category	Where has it been included?	Comments
82	<p>Development should promote the safety and security of the community in the public realm and within development. Development should:</p> <p>(a) promote natural surveillance of the public realm, including open space, car parks, pedestrian routes, service lanes, public transport stops and residential areas, through the design and location of physical features, electrical and mechanical devices, activities and people to maximise visibility by:</p> <p>(i) orientating windows, doors and building entrances towards the street, open spaces, car parks, pedestrian routes and public transport stops;</p> <p>(ii) avoiding high walls, blank facades, carports and landscaping that obscures direct views to public areas;</p> <p>(iii) arranging living areas, windows, pedestrian paths and balconies to overlook recreation areas, entrances and car parks;</p> <p>(iv) positioning recreational and public space areas so they are bound by roads on at least two road frontages or overlooked by development;</p> <p>(v) creating a complementary mix of day and night-time activities, such as residential, commercial, recreational and community uses, that extend the duration and level of intensity of public activity;</p> <p>(vi) locating public toilets, telephones and other public facilities with direct access and good visibility from well-trafficked public spaces;</p> <p>(vii) ensuring that rear service areas and access lanes are either secured or exposed to surveillance; and</p> <p>(viii) ensuring the surveillance of isolated locations through the use of audio monitors, emergency telephones or alarms, video cameras or staff eg by surveillance of lift and toilet areas within car parks.</p> <p>(c) promote territoriality or sense of ownership through physical features that express ownership and control over the environment and provide a clear delineation of public and private space by:</p> <p>(i) clear delineation of boundaries marking public, private and semi-private space, such as by paving, lighting, walls and planting;</p> <p>(ii) dividing large development sites into territorial zones to create a sense of ownership of common space by smaller groups of dwellings; and</p> <p>(iii) locating main entrances and exits at the front of a site and in view of a street.</p> <p>(d) provide awareness through design of what is around and what is ahead so that legitimate users and</p> <p>(b) provide access control by facilitating communication, escape and path finding within development through legible design by:</p> <p>(i) incorporating clear directional devices;</p> <p>(ii) avoiding opportunities for concealment near well travelled routes;</p> <p>(iii) closing off or locking areas during off-peak hours, such as stairwells, to concentrate access/exit points to a particular route;</p> <p>(iv) use of devices such as stainless steel mirrors where a passage has a bend;</p> <p>(v) locating main entrances and exits at the front of a site and in view of a street;</p> <p>(vi) providing open space and pedestrian routes which are clearly defined and have clear and direct sightlines for the users; and</p> <p>(vii) locating elevators and stairwells where they can be viewed by a maximum number of people, near the edge of buildings where there is a glass wall at the entrance.</p> <p>(c) promote territoriality or sense of ownership through physical features that express ownership and control over the environment and provide a clear delineation of public and private space by:</p> <p>(i) clear delineation of boundaries marking public, private and semi-private space, such as by paving, lighting, walls and planting;</p> <p>(ii) dividing large development sites into territorial zones to create a sense of ownership of common space by smaller groups of dwellings; and</p> <p>(iii) locating main entrances and exits at the front of a site and in view of a street.</p>	5	<p>ai and ii) - Design in Urban Areas - PO2.1 in part</p> <p>a(iii) - Not included</p> <p>ai(v) - Not included</p> <p>av) - Not included</p> <p>res of a) Not included</p> <p>b) - no comment or if there is, its very general</p> <p>c) and d) - Not included</p>	<p>The CPTD principles have not been included within the Code. There should be a section on Safety and Surveillance within Design in Urban Areas that applies to all development.</p> <p>It is recommended that the following policy be included as DTS/DPF 2.1 within the Design in Urban Areas GPD:</p> <p><i>DTS/DPF 2.1</i> <i>Development that maximises visibility by:</i> <i>(a)orientating windows, doors and building entrances towards the street, open spaces, car parks, pedestrian routes and public transport stops;</i> <i>(b)avoiding high walls, blank facades, carports and landscaping that obscures direct views to public areas;</i> <i>(c)arranging living areas, windows, pedestrian paths and balconies to overlook recreation areas, entrances and car parks;</i> <i>(d)positioning recreational and public space areas so they are bound by roads on at least two road frontages or overlooked by development;</i> <i>(e)creating a complementary mix of day and night-time activities, such as residential, commercial, recreational and community uses, that extend the duration and level of intensity of public activity;</i> <i>(f)locating public toilets, telephones and other public facilities with direct access and good visibility from well-trafficked public spaces;</i> <i>(g)ensuring that rear service areas and access lanes are either secured or exposed to surveillance; and</i> <i>(h)ensuring the surveillance of isolated locations through the use of audio monitors, emergency telephones or alarms, video cameras or staff e.g. by surveillance of lift and toilet areas within car parks.</i></p> <p>It is recommended that the following policy be included as DTS/DPF 2.2 within the Design in Urban Areas GPD:</p> <p><i>DTS 2.2</i> <i>Promote territoriality or sense of ownership through physical features that express ownership and control over the environment and provide a clear delineation of public and private space by:</i> <i>(a)clear delineation of boundaries marking public, private and semi-private space, such as by paving, lighting, walls and planting;</i> <i>(b)dividing large development sites into territorial zones to create a sense of ownership of common space by smaller groups of dwellings; and</i> <i>(c)locating main entrances and exits at the front of a site and in view of a street.</i></p>

Number	Column16380	Transition category	Where has it been included?	Comments
	<p>(d) provide awareness through design of what is around and what is ahead so that legitimate users and observers can make an accurate assessment of the safety of a locality and site and plan their behaviour accordingly by:</p> <p>(i) avoiding blind sharp corners, pillars, tall solid fences and a sudden change in grade of pathways, stairs or corridors so that movement can be predicted;</p> <p>(ii) using devices such as convex security mirrors or reflective surfaces where lines of sight are impeded;</p> <p>(iii) ensuring barriers along pathways such as landscaping, fencing and walls are permeable;</p> <p>(iv) planting shrubs that have a mature height less than one metre and trees with a canopy that begins at two metres;</p> <p>(v) adequate and consistent lighting of open spaces, building entrances, parking and pedestrian areas to avoid the creation of shadowed areas; and</p> <p>(vi) use of robust and durable design features to discourage vandalism.</p>	5		<p>It is recommended that the following policy be included as DTS/DPF 2.2 within the Design in Urban Areas GPD:</p> <p><i>DTS 2.3</i> <i>Provide awareness through design of what is around and what is ahead so that legitimate users and observers can make an accurate assessment of the safety of a locality and site and plan their behaviour accordingly by:</i> <i>(a)avoiding blind sharp corners, pillars, tall solid fences and a sudden change in grade of pathways, stairs or corridors so that movement can be predicted;</i> <i>(b)using devices such as convex security mirrors or reflective surfaces where lines of sight are impeded;</i> <i>(c)ensuring barriers along pathways such as landscaping, fencing and walls are permeable;</i> <i>(d)planting shrubs that have a mature height less than 1 metre and trees with a canopy that begins at 2 metres;</i> <i>(e)adequate and consistent lighting of open spaces, building entrances, parking and pedestrian areas to avoid the creation of shadowed areas; and</i> <i>(f)use of robust and durable design features to discourage vandalism.</i></p>
83	<p>Residential development should be designed to overlook streets, public and communal open space to allow casual surveillance. Design Technique (this is ONE WAY of meeting the above Principle) 83.1 Residential development adjacent to public or communal open space or streets having at least one habitable room window facing such areas with a sill height no greater than 1.5 metres.</p>	2	Design in Urban Areas PO 2.3	
84	To maximise security and safety, buildings should be designed to minimise access between roofs, balconies and windows of adjacent buildings.	5	Not included	<p>The CPTD principles have not been included within the Code. This policy should be included as a new PO 2.6 within the Design in Urban Areas GDP under the heading "Safety": It is recommended the following PO 2.6 be included within the GDP:</p> <p><i>PO 2.6</i> <i>Buildings designed to minimise access between roofs, balconies and windows of adjacent buildings to maximise security and safety.</i></p>
85	<p>Security features should be incorporated within the design of shop fronts to complement the design of the frontage and allow window shopping out of hours. If security grilles are provided, these should:</p> <p>(a) be transparent and illuminated to complement the appearance of the frontage;</p> <p>(b) provide for window shopping; and</p> <p>(c) allow for the spill of light from the shop front onto the street.</p> <p>Solid shutters with less than 75 percent permeability are not acceptable.</p>	5	Not included	<p>It is important the design of shopfronts provide security whilst ensuring visual permeability. On this basis it is recommended the following new heading, PO and DTS/DPF be included withing Design in Urban Areas - All Non-Residential Development:</p> <p><i>Safety and Surveillance</i> <i>PO 43.1</i> <i>Shopfronts designed to incorporate security features that complement the frontage and allow window shopping out of hours.</i></p> <p><i>DTS/DPF 43.1</i> <i>Security grilles designed to:</i> <i>(a)be transparent and illuminated to complement the appearance of the frontage;</i> <i>(b)provide for window shopping; and</i> <i>(c)allow for the spill of light from the shop front onto the street.</i> <i>Solid shutters with less than 75 percent permeability are not acceptable.</i></p>

Number	Column16380	Transition category	Where has it been included?	Comments
86	Public toilets should be designed and located to: (a) promote the visibility of people entering and exiting the facility by avoiding recessed entrances and dense shrubbery which obstructs passive surveillance; (b) limit opportunities for vandalism through the use of vandal proof lighting on the public toilet buildings and nearby; (c) avoid features which facilitate loitering, such as seating or telephones immediately adjacent the structure; and (d) maximise surveillance through location near public transport links, pedestrian and cyclist networks.	4	Not included	
NEW CONTENT IN THE CODE (insert below)				
	This is hard to assess. The CPTUD stuff is spread throughout the Code in Zones and in Overlays. Generally, the provisions have been removed of all their detail. Several things are not mentioned at all including security screens being 75% open			

Zone		1 - Included in the Code and retains same policy intent	0%	
Policy area(s)	Operating Hours and Associated Activities...	2 - Wording changed but policy intent remains (OK)	67%	
		3 - Included in the Code but policy intent changed (NOT OK)	33%	
		4 - Not included in the Code but OK to remove	0%	
		5 - Not included in the Code and should be reinstated	0%	
General comments	There appears to be nothing in the Code on Operating Hours of Licensed Premises. Include in Interface Between Land Uses GDP under Hours of Operation			
Number	Description	Transition category	Where has it been included?	Comments
Policy Objectives				
25	Operating hours of licensed premises or licensed entertainment premises, together with associated activities of such premises, established and operated so as to reinforce the desired character of the locality and appropriate behavioural activities.	2	Interface Between Land Uses GDP [Hours of Operation]; PO 2.1	
Principles of Development Control				
87	Licensed premises and licensed entertainment premises or similar should: (a) be located, designed and operated in order to reinforce the desired character of a locality, as expressed in the relevant Zone or Policy Area; (b) be located, designed and operated so as to not negatively impact on peoples orderly use and enjoyment of a locality, such as through disorderly behavioural activities and/or disorderly behavioural movement to and from such land uses; and (c) incorporate best practice measures to effectively manage the behaviour of users moving to and from such land uses.	3	(a) addressed in the land use provisions of the relevant zones and subzone.	Licensed premises and licensed entertainment premises as a use are addressed within the relevant zones and subzones of the Code. The Code however does not address the management of licensed premises or licensed entertainment premises. It is important these matters are considered at the planning stage of the development and incorporated into the Interface between Land Uses GDP under the heading 'Activities Generating Noise or Vibration'. It is recommended the following PO is inserted and applied through the assessment tables: <i>PO</i> <i>"Licensed premises and licensed entertainment premises or similar to be located, designed and operated to:</i> <i>(a)reinforce the character desired in the relevant zone or subzone;</i> <i>(b)ensure continued enjoyment of the locality by incorporating best practice measures to effectively manage the behaviour of users moving to and from such land uses."</i>
88	Licensed premises and licensed entertainment premises or similar should operate with operating hours to reinforce the desired character of the locality.	2	GDP - Interface between Land Uses PO 2.1	
NEW CONTENT IN THE CODE (insert below)				

Zone				1 - Included in the Code and retains same policy intent	0%
Policy area(s)				2 - Wording changed but policy intent remains (OK)	36%
				3 - Included in the Code but policy intent changed (NOT OK)	14%
				4 - Not included in the Code but OK to remove	0%
				5 - Not included in the Code and should be reinstated	50%
General comments	In Interface between Land Uses (Activities Generating Noise or Vibration) Noise and Air Emissions Overlay Aircraft Noise Exposure Overlay Also specific Pos in the Health Subzone, Entertainment Subzone, in tables				
Number	Column16380	Transition category	Where has it been included?	Comments	
Policy Objectives					
OBJ 26	Development that does not unreasonably interfere with the desired character of the locality by generating unduly annoying or disturbing noise.	2	Interface between Land Uses - PO4.1 Interface - PO4.4 Noise Overlay DO1		
OBJ 27	Noise sensitive development designed to protect its occupants from existing noise sources and from noise sources contemplated within the relevant Zone or Policy Area and that does not unreasonably interfere with the operation of non-residential uses contemplated within the relevant Zone or Policy Area.	2	Noise Overlay PO1.1, PO1.3	by placing buildings in between sensitive and non sensitive, location of more sensitive rooms, using barriers and building design elements. Locate POS and common areas and outdoor play areas within schools and pre-schools away from emission sources. No info on how far away and how much noise is acceptable The protection of existing non-residential uses contemplated in the relevant zone is important to ensure protection of these important uses and land use co-existence. It is recommended that PO 1.1 under the heading 'General Land Use Compatibility' within the Interface Between Land Uses GDP be revised as follows: <i>PO 1.1 Sensitive receivers designed and sited to protect residents and occupants from adverse impacts generated by lawfully existing land uses and land uses desired in the zone does not unreasonably interfere with the operation of these non-residential uses desired in the zone .</i>	
Principles of Development Control					
Noise Sources					
89	Development with potential to emit significant noise (including licensed entertainment premises and licensed premises) should incorporate appropriate noise attenuation measures in to their design to prevent noise from causing unreasonable interference with the amenity and desired character of the locality, as contemplated in the relevant Zone and Policy Area.	2	Interface between Land Uses - PO4.5	Design and siting of outdoor areas like beer gardens or dining areas.	
90	Development of licensed premises or licensed entertainment premises or similar in or adjacent to a City Living Zone, the Adelaide Historic (Conservation) Zone or the North Adelaide Historic (Conservation) Zone should include noise attenuation measures to achieve the following when assessed at the nearest existing or envisaged future noise sensitive development: (a) the music noise (L10, 15 min) is: (i) less than 8 dB above the level of background noise ₂ (L90,15 min) in any octave band of the sound spectrum; and (ii) less than 5 dB(A) above the level of background noise (LA 90,15 min) for the overall (sum of all octave bands) A-weighted level.	3	Interface DTS 4.6	It is important that policy gives recognition to uses that are envisaged by the zone to ensure future land use co-existence which is particularly important in the City. It is recommended that DTS/DPF 4.6 within the Interface Between Land Uses [Activities Generating Noise or Vibration] GDP be REVISED as follows: Revise words within Table heading 'Assessment Location' as follows: <i>"Externally at the nearest existing or envisaged noise sensitive location."</i> Revise music noise level as follows: <i>"a. Less than 8dB above the level of background noise (L90,15min) in any octave band of the sound spectrum (LOCT10,15 < LOCT90,15 + 8dB); and b. less than 5 dB(A) above the level of background noise (LA 90,15 min) or the overall (sum of all octave bands) A-weighted level."</i>	

Number	Column16380	Transition category	Where has it been included?	Comments
91	<p>Development of licensed premises or licensed entertainment premises or similar in the Capital City, Main Street, Mixed Use and City Frame Zones should include noise attenuation measures to achieve the following when assessed at:</p> <p>(a) the nearest existing noise sensitive location in or adjacent to that Zone:</p> <p>(i) music noise (L10, 15 min) less than 8 dB above the level of background noise (L90,15 min) in any octave band of the sound spectrum; and</p> <p>(ii) music noise (LA10, 15 min) less than 5 dB(A) above the level of background noise (LA90,15 min) for the overall (sum of all octave bands) A-weighted levels; or</p> <p>(b) the nearest envisaged future noise sensitive location in or adjacent to that Zone:</p> <p>(i) music noise (L10, 15 min) less than 8dB above the level of background noise (L90,15 min) in any octave band of the sound spectrum and music noise (L10, 15 min) less than 5dB(A) above the level of background noise (LA90,15 min) for the overall (sum of all octave bands) A-weighted levels; or</p> <p>(ii) music noise (L10, 15 min) less than 60dB(Lin) in any octave band of the sound spectrum and the overall (LA10,15 min) noise level is less than 55 dB(A).</p> <p>Note: A report regarding noise associated with licensed premises or licensed entertainment premises or similar prepared by an acoustic engineer at the planning application stage should specify the noise attenuation measures and address other typical noise sources to ensure those sources do not result in unreasonable interference. These noise attenuation measures might include:</p> <p>(a) installation of an in-house music system which has a limiting device that monitors and controls the volume of the system so that the maximum internal noise level certified by the acoustic engineer is not exceeded;</p> <p>(b) treatment of openings, such as by airlocks and seals for doors, sealing of wall and roof vents and treatment of ventilation and air-conditioning paths;</p> <p>(c) acoustic treatment of building elements, such as sealing and double glazing of windows or upgrading roof construction;</p> <p>(d) no entertainment on or in any balcony or outdoor area;</p> <p>(e) no loud speakers placed on or in the fascia of the premises, balcony or any adjacent outdoor area or footpath;</p> <p>(f) external windows and doors are kept closed where relied upon for noise attenuation;</p> <p>(g) locating and designing entrances and fencing to assist in keeping patrons away from noise sensitive areas; or</p> <p>(h) locating car park, delivery and rubbish collection areas away from noise sensitive development and limiting times of activity to minimise noise impacts.</p>	5	Not included	<p>Comments as above.</p> <p>Appropriate noise level maximums should be set for licensed premises and licensed entertainment premises.</p> <p>INSERT the following new PO and DTS under the heading 'Activities Generating Noise' within the Interface Between Land Uses GDP and apply through the assessment tables:</p> <p><i>PO</i> <i>"Licensed premises or licensed entertainment premises or similar incorporating appropriate noise attenuation measures."</i></p> <p><i>DTS/DPF</i> <i>"Development achieves the following when assessed at:</i> <i>(a)the nearest existing noise sensitive location in or adjacent to that Zone:</i> <i>(i)music noise (L10, 15 min) less than 8 dB above the level of background noise (L90,15 min) in any octave band of the sound spectrum; and</i> <i>(ii)music noise (LA10, 15 min) less than 5 dB(A) above the level of background noise (LA90,15 min) for the overall (sum of all octave bands) A-weighted levels; or</i> <i>(b)the nearest envisaged future noise sensitive location in or adjacent to that Zone:</i> <i>(i)music noise (L10, 15 min) less than 8dB above the level of background noise (L90,15 min) in any octave band of the sound spectrum and music noise (L10, 15 min) less than 5dB(A) above the level of background noise (LA90,15 min) for the overall (sum of all octave bands) A-weighted levels; or</i> <i>(ii)music noise (L10, 15 min) less than 60dB(Lin) in any octave band of the sound spectrum and the overall (LA10,15 min) noise level is less than 55 dB(A).</i> <i>Note: A report regarding noise associated with licensed premises or licensed entertainment premises or similar prepared by an acoustic engineer should specify the noise attenuation measures and address other typical noise</i></p>
92	Speakers should not be placed on the fascias of premises or on the pavement adjacent to the premises to ensure development does not diminish the enjoyment of other land in the locality.	5	Not Included	<p>INSERT the following new PO under the heading 'Activities Generating Noise' within the Interface Between Land Uses GDP and apply through the assessment tables:</p> <p><i>PO</i> <i>"Speakers are not be placed on the fascias of premises or on the pavement adjacent to the premises to ensure continued enjoyment of other land in the locality."</i></p>
93	<p>Mechanical plant or equipment should be designed, sited and screened to minimise noise impact on adjacent premises or properties. The noise level associated with the combined operation of plant and equipment such as air conditioning, ventilation and refrigeration systems when assessed at the nearest existing or envisaged noise sensitive location in or adjacent to the site should not exceed</p> <p>(a) 55 dB(A) during daytime (7.00am to 10.00pm) and 45 dB(A) during night time (10.00pm to 7.00am) when measured and adjusted in accordance with the relevant environmental noise legislation except where it can be demonstrated that a high background noise exists.</p> <p>(b) 50 dB(A) during daytime (7.00am to 10.00pm) and 40 dB(A) during night time (10.00pm to 7.00am) in or adjacent to a City Living Zone, the Adelaide Historic (Conservation) Zone, the North Adelaide Historic (Conservation) Zone or the Park Lands Zone when measured and adjusted in accordance with the relevant environmental noise legislation except where it can be demonstrated that a high background noise exists.</p>	5	<p>p.12 - in a table related to location of filtration system from a dwelling on an adjoining lot.</p> <p>P 617 - PO3.2 Beverage Production in Rural Areas - Odour and Noise PO1.2 p.622 Bulk Handling and Storage p. 624 PO1.1 p.635 PO15.2 p 636 PO16.3 p. 657 PO11.2 p 658 PO12.3 p. 674 PO9.2</p> <p>Interface DTS 4.3 - locate pump ancillary to a dwelling in an acoustic structure at least 5m from the nearest habitable room located on an adjoining allotment/ or if not in an acoustic structure, at least 12m away.</p>	<p>Appropriate noise level maximums should be set for external plant and equipment.</p> <p>INSERT the following new DTS/DPF 4.2 under the heading 'Activities Generating Noise' within the Interface Between Land Uses GDP and apply through the assessment tables:</p> <p>The noise level associated with the combined operation of plant and equipment such as air conditioning, ventilation and refrigeration systems that will achieve the following noise levels:</p> <p><i>Assessment Location - Externally at the nearest existing or envisaged noise sensitive location</i></p> <p><i>Plant Noise Levels</i> <i>a.55 dB(A) during daytime (7.00am to 10.00pm) and 45 dB(A) during night time (10.00pm to 7.00am) when measured and adjusted in accordance with the relevant environmental noise legislation except where it can be demonstrated that a high background noise exists; and</i> <i>b.50 dB(A) during daytime (7.00am to 10.00pm) and 40 dB(A) during night time (10.00pm to 7.00am) in or adjacent to a residential zone when measured and adjusted in accordance with the relevant environmental noise legislation except where it can be demonstrated that a high background noise exists.</i></p>

Number	Column16380	Transition category	Where has it been included?	Comments
94	To ensure minimal disturbance to residents: (a) ancillary activities such as deliveries, collection, movement of private waste bins, goods, empty bottles and the like should not occur: (i) after 10.00pm; and (ii) before 7.00am Monday to Saturday or before 9.00am on a Sunday or Public Holiday. (b) typical activity within any car park area including vehicles being started, doors closing and vehicles moving away from the premises should not result in sleep disturbance when proposed for use after 10.00pm as defined by the limits recommended by the World Health Organisation.	5	Not included	Include the policy as a PO and DTS within Interface Between Land Uses GDP under the heading 'Hours of Operation' and apply through the assessment tables. <i>PO</i> <i>Ancillary activities that have minimal disturbance to residents.</i> <i>DTS/DPF 2.</i> <i>Activities such as deliveries, collection, movement of private waste bins, goods, empty bottles and the like to occur:</i> <i>(a) before 10.00pm; and</i> <i>(b) after 7.00am Monday to Saturday or after 9.00am on a Sunday or Public Holiday.</i>
Noise Receivers				
95	Noise sensitive development should incorporate adequate noise attenuation measures into their design and construction to provide occupants with reasonable amenity when exposed to noise sources such as major transport corridors (road, rail, tram and aircraft), commercial centres, entertainment premises and the like, and from activities and land uses contemplated in the relevant Zone and Policy Area provisions.	5		Include as a PO within Interface Between Land Uses under the heading 'Activities generating Noise or Vibrations' as follows and apply through the assessment tables: <i>"Noise sensitive development incorporating adequate noise attenuation measures into their design and construction to provide occupants with reasonable amenity when exposed to noise sources such as major transport corridors (road, rail, tram and aircraft), commercial centres, entertainment premises and the like, and from activities and land uses contemplated in the relevant Zone and SubZone provisions."</i>
96	Noise sensitive development in mixed use areas should not unreasonably interfere with the operation of surrounding non-residential uses that generate noise levels that are commensurate with the envisaged amenity of the locality.	2	Covered in Noise Overlay PO1.1, PO1.3	
97	Noise sensitive development adjacent to noise sources should include noise attenuation measures to achieve the following: (a) satisfaction of the sleep disturbance criteria in the bedrooms or sleeping areas of the development as defined by the limits recommended by the World Health Organisation; (b) the maximum satisfactory levels in any habitable room for development near major roads, as provided in the Australian/New Zealand Standard AS/NZS 2107:2000 - 'Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors'; and (c) noise level in any bedroom, when exposed to music noise (L10) from existing entertainment premises, being: (i) less than 8 dB above the level of background noise (L90,15 min) in any octave band of the sound spectrum; and (ii) less than 5 dB(A) above the level of background noise (LA90,15 min) for the overall (sum of all octave bands) A-weighted levels. Background noise within the habitable room can be taken to be that expected in a typical residential/apartment development of the type proposed, that is inclusive of internal noise sources such as air conditioning systems, refrigerators and the like as deemed appropriate. Unless otherwise demonstrated, the minimum background noise to be used will be: on the basis of the windows being closed for the noise sensitive development and any existing entertainment premises complying with the relevant legislation relating to noise emission. Note: The report prepared by a suitably qualified acoustic engineer at the planning application submission stage should identify existing noise sources, identify the appropriate level of sound attenuation required and specify the noise attenuation measures that will be applied to the proposal. The noise attenuation measures might include: (a) siting and orientating the building away from the noise source and/or providing an external area that limits noise levels to World Health Organisation recommendations for residential areas; (b) sensitive internal layout of rooms, by locating noise sensitive rooms such as bedrooms and secluded private open space areas away from the noise source; (c) locating and designing entrances to be sealed and to provide air lock entries to sensitive rooms; (d) window location and design through thicker glass or double glazing of windows in recognition of the noise source; (e) sloping of roof or flat roof/parapet design to assist in noise passing overhead rather than penetrating through the roof of the dwelling; (f) selecting appropriate construction materials, such as sound absorbing materials and materials that reduce	3	Not covered except for Noise Overlay PO1.1, PO1.3 which suggests location and screening devices	The inner city is a fantastic place to live because of the proximity to shops, restaurants transport and employment and entertainment. This mix of use contributes to a vibrant and exciting City. However, detailed assessment is required to ensure that interface issues between residential and non-residential uses are addressed. Due to the intensity and diversity of uses in the City it important that there is a responsible co-existence between different desired uses to avoid land use conflict. At present the Development Plan encompasses noise control policies so that residential and entertainment uses can co-exist. The current policies implement measures to minimise noise conflicts between residential and non-residential uses. The policies quantifiably define the desired level of acoustic amenity so that new residential development and new entertainment venues can incorporate appropriate design measures to meet the prescribed acoustic level requirements. On this basis it is important the principles is included as a DTS within within Interface Between Land Uses GDP under the heading 'Activities generating Noise or Vibrations' as follows and apply through the assessment tables: <i>Noise attenuation measures to achieve the following:</i> <i>(a) satisfaction of the sleep disturbance criteria in the bedrooms or sleeping areas of the development as defined by the limits recommended by the World Health Organisation;</i> <i>(b) the maximum satisfactory levels in any habitable room for development near major roads, as provided in the Australian/New Zealand Standard AS/NZS 2107:2000 - 'Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors'; and</i> <i>(c) noise level in any bedroom, when exposed to music noise (L10) from</i>

Number	Column16380	Transition category	Where has it been included?	Comments																		
				<table border="1"> <thead> <tr> <th>Octave Band Centre Frequency (Hz)</th> <th>Minimum Background Noise Level (Leq, 1h) (A)</th> </tr> </thead> <tbody> <tr><td>63</td><td>10</td></tr> <tr><td>125</td><td>12</td></tr> <tr><td>250</td><td>14</td></tr> <tr><td>500</td><td>14</td></tr> <tr><td>1000</td><td>12</td></tr> <tr><td>2000</td><td>10</td></tr> <tr><td>4000</td><td>8</td></tr> <tr><td>Overall Sum</td><td>21</td></tr> </tbody> </table>	Octave Band Centre Frequency (Hz)	Minimum Background Noise Level (Leq, 1h) (A)	63	10	125	12	250	14	500	14	1000	12	2000	10	4000	8	Overall Sum	21
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Overall Sum	21																					
98	<p>Attached dwellings/serviced apartments should be designed to minimise the transmission of sound between dwellings/serviced apartments and should particularly protect bedrooms from possible noise intrusion.</p> <p>Design Techniques (these are ONE WAY of meeting the above Principle)</p> <p>98.1 Appropriate stacking and horizontal location of rooms, eg bedrooms over bedrooms and bedrooms next to bedrooms.</p> <p>98.2 Bedrooms of any dwelling/serviced apartment:</p> <p>(a) not sharing a wall with a living room* or a garage of another dwelling; and</p> <p>(b) not located above or below a living room* of another abutting dwelling.</p>	5	Not included	<p>The design of apartments is important to ensure an appropriate level of amenity is provided particularly the protection of bedrooms from noise. On this basis it is important the policy is included as a PO and the standards as a DTS under the heading 'Activities Generating Noise or Vibration' within the Interface Between Land Uses' GDP and applied through the assessment tables and worded as follows:</p> <p><i>PO</i></p> <p><i>"Attached dwellings/serviced apartments designed to minimise transmission of sound between dwellings/serviced apartments and particularly protect bedrooms from possible noise intrusion."</i></p> <p><i>DTS/DPF</i></p> <p><i>"Attached dwellings/ serviced apartments designed to ensure:</i></p> <p><i>(a)Appropriate stacking and horizontal location of rooms, e.g. bedrooms over bedrooms and bedrooms next to bedrooms;</i></p> <p><i>(b)Bedrooms not sharing a wall with a living room* or a garage of another dwelling; and</i></p> <p><i>(c)Bedrooms not located above or below a living room* of another abutting dwelling."</i></p>																		
99	<p>The number of dwellings/serviced apartments within a development sharing a common entry should be minimised to limit noise generation in internal access ways.</p> <p>Design Techniques (these are ONE WAY of meeting the above Principle)</p> <p>99.1 Common entries servicing a maximum of 10 dwellings/serviced apartments on each floor level.</p> <p>99.2 Incorporation of acoustic core filled doors with airtight rubber seals for all entry doors into common access ways.</p>	5	Design in Urban Areas - DTS 30.1	Include within Design in Urban Areas GDP [Residential Development - 4 or More Building Levels] and apply through the assessment tables. CORE FILLED DOORS NOT INCLUDED																		
100	<p>Development on land affected by aircraft noise exceeding 20 ANEF, as shown on Map/1 (Overlay 6), should be designed, constructed and insulated to minimise the impact of aircraft noise by being built in accordance with the Australian Standard AS2021-2000: 'Acoustics - Aircraft Noise Intrusion - Building Siting and Construction'.</p>	2	Aircraft Noise Overlay - DO1 and PO1.1																			
NEW CONTENT IN THE CODE (insert below)																						

Zone			1 - Included in the Code and retains same policy intent	0%
Policy area(s)	Waste Management		2 - Wording changed but policy intent remains (OK)	40%
			3 - Included in the Code but policy intent changed (NOT OK)	40%
			4 - Not included in the Code but OK to remove	0%
			5 - Not included in the Code and should be reinstated	20%
General comments	Don't forget about future proofing in terms of trucks. Design in Urban Areas Overlay Noise and Air Emissions Overlay			
Number	Description	Transition category	Where has it been included?	Comments
Policy Objectives				
28	Development which supports high local environmental quality, promotes waste minimisation, re-use and recycling, encourages waste water, grey water and stormwater re-use and does not generate unacceptable levels of air, liquid or solid pollution.	2	Design in Urban Areas [All Dev - 4 or More Building Levels]: PO 12.1 Design in Urban Areas PO 22.1	
Principles of Development Control				
101	A dedicated area for on-site collection and sorting of recyclable materials and refuse should be provided within all new development.	2	Design in Urban Areas [All Dev - 4 or More Building Levels]: PO 12.1, 12.5	
102	A dedicated area for the collection and sorting of construction waste and the recycling of building materials during construction as appropriate to the size and nature of the development should be provided and screened from public view.	5	Not included	Consideration should be given to the sorting and recycling of construction waste during construction. This provision should be included within Waste Treatment and Management Facilities GDP. In addition, the heading should be revised to 'Waste Treatment and Managment' to encompass all issues relating to waste.
103	Development greater than 2 000 square metres of total floor area should manage waste by: (a) containing a dedicated area for the collection and sorting of construction waste and recyclable building materials; (b) on-site storage and management of waste; (c) disposal of non-recyclable waste; and (d) incorporating waste water and stormwater re-use including the treatment and re-use of grey water.	3	Design in Urban Areas [All Dev - 4 or More Building Levels]: PO 12.1, 12.5, 22.1	There are provisions that only relate to mixed use developments for all development 4 or more building levels. Waste management should be applied to all development. It is recommended this policy is INSERTED into Design in Urban Areas GDP [All Development] under a new heading 'Waste Management'.
104	Development should not result in emission of atmospheric, liquid or other pollutants, or cause unacceptable levels of smell and odour which would detrimentally affect the amenity of adjacent properties or its locality. Land uses such as restaurants, shops, cafés or other uses that generate smell and odour should: (a) ensure extraction flues, ventilation and plant equipment are located in appropriate locations that will not detrimentally affect the amenity of adjacent occupiers in terms of noise, odours and the appearance of the equipment; (b) ensure ventilation and extraction equipment and ducting have the capacity to clean and filter the air before being released into the atmosphere; and (c) ensure the size of the ventilation and extraction equipment is suitable and has the capacity to adequately cater for the demand generated by the potential number of patrons. Design Technique (this is ONE WAY of meeting the above Principle) 104.1 Ventilation equipment built in accordance with Australian Standard 1668.2-2002: 'The Use of Ventilation and Airconditioning in Buildings - Ventilation Design for Indoor Air Contaminant Control'.	3	Interface Between Land Uses GDP PO 5.1, 5.2 Noise and Air Emissions PO1.1, PO1.2 Design in Urban Areas - All Dev 4 storeys and more - PO 12.3	Refers to air sensitive dev located adjacent to air pollution to design and site to shield sensitive receivers (inc school's outdoor play areas) but a variety of location, separation or shielding measures. PO 1.2 says use design elements to disperse air pollutants. 12.3 talks about communal waste and collection areas be well ventilated. No standards are set for this. It is recommended this policy is INSERTED into Design in Urban Areas GDP [Non-Residential Development] under a new heading 'Waste Management'.
NEW CONTENT IN THE CODE (insert below)				

Number	Description	Transition category	Where has it been included?	Comments
	<p>Design in Urban Areas - All Dev 4 storeys and above PO12.2 talks of screening waste areas from view</p> <p>Design in Urban Areas - All Dev 4 storeys and above PO12.4 talks of trucks entering and exiting the site without reversing.</p> <p>Design in Urban Areas - All Dev 4 storeys and above PO12.5 - for mixed use, non resi waste etc provide opportunities for on site management of food waste through composting or other waste recovery as appropriate. How is this development?</p> <p>Design in Urban Areas - Resi 3 levels or less - PO24.1 and DTS 24.1 talk about providing areas for storage of waste bins and then says that 3m² should be provided separate from any car park provided behind the building line with an 800mm path between waste storage area and street.</p>			

Zone		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="background-color: #d9ead3;">1 - Included in the Code and retains same policy intent</td> <td style="text-align: right;">0%</td> </tr> <tr> <td style="background-color: #fcf8e3;">2 - Wording changed but policy intent remains (OK)</td> <td style="text-align: right;">100%</td> </tr> <tr> <td style="background-color: #f2dede;">3 - Included in the Code but policy intent changed (NOT OK)</td> <td style="text-align: right;">0%</td> </tr> <tr> <td style="background-color: #f2dede;">4 - Not included in the Code but OK to remove</td> <td style="text-align: right;">0%</td> </tr> <tr> <td style="background-color: #f2dede;">5 - Not included in the Code and should be reinstated</td> <td style="text-align: right;">0%</td> </tr> </table>		1 - Included in the Code and retains same policy intent	0%	2 - Wording changed but policy intent remains (OK)	100%	3 - Included in the Code but policy intent changed (NOT OK)	0%	4 - Not included in the Code but OK to remove	0%	5 - Not included in the Code and should be reinstated	0%
1 - Included in the Code and retains same policy intent	0%												
2 - Wording changed but policy intent remains (OK)	100%												
3 - Included in the Code but policy intent changed (NOT OK)	0%												
4 - Not included in the Code but OK to remove	0%												
5 - Not included in the Code and should be reinstated	0%												
Policy area(s)	Contaminated Sites												
General Development Policy - Site Contamination													
General comments													
Number	Description	Transition category	Where has it been included?	Comments									
Policy Objectives													
29	A safe and healthy living and working environment.	2	GDP - Site Contamination - DO1										
Principles of Development Control													
105	<p>Where there is evidence of, or reasonable suspicion that land, buildings and/or water, including underground water, may have been contaminated, or there is evidence of past potentially contaminating activity/ies, development should only occur where it is demonstrated that the land, buildings and/or water can be made suitable for its intended use prior to commencement of that use.</p> <p>Note: Information of the suitability of land for the proposed land use should be provided as part of the development application and should include:</p> <p>(a) the provision of a report of the land use history and condition of the site;</p> <p>(b) where the report reveals that contamination is suspected or identified, a detailed site assessment report that determines whether site contamination poses an actual or potential risk to human health and the environment, either on or off the site, of sufficient magnitude to warrant remediation appropriate to the proposed land use;</p> <p>(c) where remediation is warranted, a remediation and/or management strategy prepared in consultation with an independent Environmental Auditor, Contaminated Land, endorsed by the EPA;</p> <p>(d) a site audit report, prepared by an independent Environmental Auditor, Contaminated Land, endorsed by the EPA, that states that in the opinion of the Auditor, the site is suitable for the intended uses(s), or for certain stated uses(s) and also states any conditions pertaining to the use(s).</p>	2	GDP - Site Contamination - PO 1.1 DTS 1.1	<p>Make land suitable for sensitive use. But DTS if no change of land use or the land use is not more sensitive, or if there is a site contamination report that's less than 5 years old (Pt 10A, EPA Act 1993), saying that: the land is no longer contaminated or the contamination has been cleared to enable the land to be used. Also if the lot was granted consent for a land division, its DTS.</p> <p>PO 1.1 of the Site Contamination GDP should be revised as follows to the use of land, buildings and/or water:</p> <p><i>PO 1.1</i> <i>"Ensure land, buildings and/or water is suitable for sensitive use in circumstances where it is, or may have been, subject to site contamination as a result of previously established uses of land or activities in the vicinity of the land."</i></p>									
NEW CONTENT IN THE CODE (insert below)													
	<p>Not new but there is a referral to the EPA for a change in land use except under the circumstances above. Referral trigger is on a site where site contam exists or may exist and there's been a Class 1 activity listed in a practice dimension, including on adjacent land. A further trigger is a change to a more sensitive land use on a site where contamination exists or may exist as a result of a Class 2 (listed in practice direction.) The purpose of the referral is for the EPA to tell Council to tell you the person to go and see. There is nothing in the referral purpose to make sure that that the land is appropriately de-contaminated.</p> <p>In the Urban Corridor Main Street Zone, there is a DTS criterion for change of use to existing building above ground floor from office or consulting room to dwelling other than on the ground floor. No Zone, Subzone, GDPS or Overlays apply. The issue is contaminated site to office and then office to dwelling.</p> <p>In some zones ie Capital City Zone, child care centres don't need an assessment of site contamination. I don't understand the link between the need for a referral if there is no overlay and only a GDP applies like site contamination.</p>												

Zone				1 - Included in the Code and retains same policy intent	0%	
Policy area(s)				2 - Wording changed but policy intent remains (OK)	50%	
Energy Efficiency					3 - Included in the Code but policy intent changed (NOT OK)	0%
					4 - Not included in the Code but OK to remove	17%
					5 - Not included in the Code and should be reinstated	33%
General comments						
Number	Description	Transition category	Where has it been included?	Comments		
Policy Objectives						
30	Development which is compatible with the long term sustainability of the environment, minimises consumption of non-renewable resources and utilises alternative energy generation systems.	5		<p>Although the Infrastructure and Renewable Energy Facilities GDP addresses the provision of renewable energy facilities it is also important development minimises the consumption of non-renewable resources and uses alternative energy generation systems. It is important this is encouraged. On this basis it is recommended the following new DO 2 is included in the Infrastructure and Renewable Energy Facilities GDP:</p> <p><i>DO 2</i> Development compatible with the long-term sustainability of the environment that minimises consumption of non-renewable resources and utilises alternative energy generation systems.</p>		
Principles of Development Control						
All Development						
106	<p>Buildings should provide adequate thermal comfort for occupants and minimise the need for energy use for heating, cooling and lighting by:</p> <p>(a) providing an internal day living area with a north-facing window, other than for minor additions*, by:</p> <p>(i) arranging and concentrating main activity areas of a building to the north for solar penetration; and</p> <p>(ii) placing buildings on east-west allotments against or close to the southern boundary to maximise northern solar access and separation to other buildings to the north.</p> <p>(b) efficient layout, such as zoning house layout to enable main living areas to be separately heated and cooled, other than for minor additions;</p> <p>(c) locating, sizing and shading windows to reduce summer heat loads and permit entry of winter sun;</p> <p>(d) allowing for natural cross ventilation to enable cooling breezes to reduce internal temperatures in summer;</p> <p>(e) including thermal insulation of roof, walls, floors and ceilings and by draught proofing doors, windows and openings;</p> <p>(f) ensuring light colours are applied to external surfaces that receive a high degree of sun exposure, but not to an extent that will cause glare which produces discomfort or danger to pedestrians, occupants of adjacent buildings and users of vehicles;</p> <p>(g) providing an external clothes line for residential development; and</p> <p>(h) use of landscaping.</p> <p>Design Techniques (these are ONE WAY of meeting part of the above Principle)</p> <p>106.1 In relation to Principle 106(a), facing the length of the development to the north to maximise solar access with day living areas incorporating a window that faces between 20o west and 30o east of true north; or</p> <p>106.2 In relation to Principle 106(b):</p> <p>(a) grouping rooms with similar uses and heating and cooling needs;</p> <p>(b) incorporating doors between living areas and other rooms and corridors; and</p> <p>(c) placing utility areas such as bathrooms, toilets and laundries as buffer zones to the west.</p> <p>106.3 In relation to Principle 106(c):</p> <p>(a) dwellings and additions (other than minor additions) having a total window area (including glass doors) of less than 30 percent of the total wall area of the dwelling;</p>	2	<p>Design in Urban Areas [All Development]: PO 4.1, 4.2, 4.3</p> <p>GDP - Land Division in Urban Areas - DO1</p> <p>Minor Land Division (under 20 lots) - PO 6.1</p> <p>GDP - Land Division in Rural Areas - DO1</p> <p>GDP - Design in Urban Areas - All Dev PO 4.2</p> <p>Capital City Zone (and other zones too) DTS 4.2</p> <p>PO 4.3 - this PO covers a, c, h covers external clothes drying facilities</p>	<p>a) I can't find anything on north facing windows.</p> <p>aii) Land division that supports correct orientation.</p> <p>b) PO4.2 - buildings sited and designed to maximise env performance and minimise energy consumption and reliance on mechanical systems such as heating and cooling.</p> <p>c) shading is one of three measures that you can use to increase the max height</p> <p>cross ventilation, thermal insulation and draught proofing, light colours lines not covered.</p> <p>Design Techniques not included</p> <p>Ways in which energy reductions can be made should be included as DTS/DPF's within the Code. It is recommended that this policy be incorporated as the following new DTS's in Design in Urban Areas GDP [All Development] under the heading 'Environmental Performance'.</p> <p><i>DTS 4.1</i> None are applicable. Appropriate orientation of the building to:</p> <p>(a) maximise north/south facing facades;</p> <p>(b) ensure the north facade receives good direct solar radiation;</p> <p>(c) minimise east/west facades to protect the building from summer sun and winter winds;</p> <p>(d) narrow floor plates to maximise the amount of floor area receiving good daylight; and/or</p> <p>(e) minimise the ratio of wall surface to floor area.</p>		
107	All development should be designed to promote naturally ventilated and day lit buildings to minimise the need for mechanical ventilation and lighting systems.	2	GDP - Design in Urban Areas - All Dev PO4.2			

Number	Description	Transition category	Where has it been included?	Comments
108	<p>Energy reductions should, where possible, be achieved by the following:</p> <p>(a) appropriate orientation of the building by: (i) maximising north/south facing facades; (ii) designing and locating the building so the north facade receives good direct solar radiation; (iii) minimising east/west facades to protect the building from summer sun and winter winds; (iv) narrow floor plates to maximise the amount of floor area receiving good daylight; and/or (v) minimising the ratio of wall surface to floor area. (b) window orientation and shading; (c) adequate thermal mass including night time purging to cool thermal mass; (d) appropriate insulation by: (i) insulating windows, walls, floors and roofs; and (ii) sealing of external openings to minimise infiltration. (e) maximising natural ventilation including the provision of openable windows; (f) appropriate selection of materials, colours and finishes; and (g) introduction of efficient energy use technologies such as geo-exchange and embedded, distributed energy generation systems such as cogeneration*, wind power, fuel cells and solar photovoltaic panels that supplement the energy needs of the building and in some cases, export surplus energy to the electricity grid. Design Techniques (these are ONE WAY of meeting part of the above Principle) 108.1 In relation to Principle 108(b) (refer Figure 108.1): (a) shading for all windows except for south facing elevation against summer sun penetration, by means such as vegetation, external louvres, external blinds, structural overhangs, low emittance glazing, spectrally-selective glazing and/or window films; (b) maximising natural daylight while limiting glare through the incorporation of narrow floor plates, light shelves, shaded skylights, light shafts and/or atriums with daylight sensing control of electric lighting; Figure 108.1 - appropriate orientation and shading for commercial buildings. (c) integration of solar shading with solar energy collection technology such as solar heat pumps and photovoltaic cells; and/or (d) use of high performance glazing.</p>	5	GDP - Design in Urban Areas - All Dev PO 4.2, 4.3 (photovoltaic cells)	<p>Ways in which energy reductions can be made should be included as DTS/DPF's within the Code. It is recommended that this policy be incorporated as the following new DTS's in Design in Urban Areas GDP [All Development] under the heading 'Environmental Performance'.</p> <p>DTS 4.1 <i>Appropriate orientation of the building to:</i> (a) maximise north/south facing facades; (b) ensure the north facade receives good direct solar radiation; (c) minimise east/west facades to protect the building from summer sun and winter winds; (d) narrow floor plates to maximise floor area receiving good daylight; and/or (e) minimise the ratio of wall surface to floor area.</p> <p>DTS 4.2 <i>Minimise energy consumption by:</i> (a) window orientation and shading; (b) adequate thermal mass including night time purging to cool thermal mass; (c) appropriate insulation by: i. insulating windows, walls, floors and roofs; and ii. sealing of external openings. (d) maximising natural ventilation; (e) appropriate selection of materials, colours and finishes; and (f) introduction of efficient energy use technologies such as geo-exchange and embedded, distributed energy generation systems such as cogeneration, wind power, fuel cells and solar photovoltaic panels that supplement the energy needs of the building.</p>
109	<p>Orientation and pitch of the roof should facilitate the efficient use of solar collectors and photovoltaic cells. Design Techniques (these are ONE WAY of meeting the above Principle) 109.1 A roof incorporating an area of at least 10 square metres which: (a) faces between 30o east and 20o west of north respectively; and (b) has a pitch of greater than 18o.</p>	5		<p>The policy encourages buildings to be designed to facilitate solar panels. Policy should be included that encourages this. It is recommended that the following new PO and DTS is included under the heading 'Environmental Performance' within Design in Urban Areas GDP:</p> <p>PO 4.4 <i>Roofs orientated and pitched to facilitate the efficient use of solar collectors and photovoltaic cells.</i></p> <p>DTS 4.4 <i>Roof incorporating an area of at least 10 m2 that:</i> (a) faces between 30o east and 20o west of north respectively; and (b) has a pitch of greater than 18o</p>
110	<p>Buildings, where practical, should be refurbished, adapted and reused to ensure an efficient use of resources.</p>	5		<p>Buildings should be encouraged to be reused and policy in place should support this. It is recommended that the following PO be included under a new heading 'Building Adaptability within Design in Urban Areas [All Development]:</p> <p>PO <i>Buildings, where practical are refurbished, adapted and reused to ensure an efficient use of resources.</i></p>

Number	Description	Transition category	Where has it been included?	Comments
111	<p>New buildings should be readily adaptable to future alternative uses. Design Techniques (these are ONE WAY of meeting part of the above Principle) 111.1 Design solutions may include:</p> <ul style="list-style-type: none"> (a) a structural grid which accommodates car parking dimensions, retail, commercial and residential uses vertically throughout the building; (b) the alignment of structural walls, columns and service cores between floor levels; (c) minimisation of internal structural walls; (d) higher floor to floor dimensions on the ground and first floor; (e) knock-out panels between dwellings to allow two adjacent dwellings to be amalgamated; (f) design for disassembly by selecting systems/materials that can be deconstructed at the end of the projects useful life; and/or (g) the use of products with high post-consumer recyclable content. 	2	PO 2.2 encourages adaptable buildings to suit a range of resi and non resi uses GDP Design in Urban Areas DO 1b seeks adaptable buildings	<p>Particularly in the Capital City Zone, City Main Streets Zone, Riverbank Zone and other MainStreet Zones it is important to allow for the future adaptation of a range of uses within ground floor tenancies and it is recommended that the following PO and DTS/DPF be incorporated into Design in Urban Areas under a new heading 'Adaptability' and applied through the assessment tables in the relevant Zones: PO "The ground floors of buildings designed to allow for adaptation to a range of land uses including shops, cafés, restaurants or offices without the need for significant alterations to the building." DTS/DPF "The ground floor levels of buildings to have a minimum floor to ceiling height of 3.5 metres."</p>
112	<p>Selection of internal materials for all buildings should be made with regard to internal air quality and ensure low toxic emissions, particularly with respect to paint and joinery products. Design Techniques (these are ONE WAY of meeting part of the above Principle) 112.1 The use of:</p> <ul style="list-style-type: none"> (a) oil based floor sealers; and/or (b) natural materials for floor linings such as plywood flooring, linoleum and wool carpet. 	4		
Residential Development				
113	New residential development and residential extensions should be designed to minimise energy consumption and limit greenhouse gas emissions.	2	Design in Urban Areas [All Development]: PO 4.1	
114	Development is encouraged to avoid heat loss by incorporating treatments, such as double glazing of windows along the southern elevation, or by minimizing the extent of windows facing south.	2	Design in Urban Areas [All Development]: PO 4.2, 4.3	
Office Development				
115	<p>The following principles of sustainable design and construction are required for new office development, and additions and refurbishments to existing office development, to minimise energy consumption and limit greenhouse gas emissions:</p> <ul style="list-style-type: none"> (a) passive solar consideration in the design, planning and placement of buildings; (b) re-using and/or improving existing structures or buildings; (c) designing for the life-cycle of the development to allow for future adaptation; (d) considering low levels of embodied energy in the selection and use of materials; (e) developing energy efficiency solutions including passive designs using natural light, solar control, air movement and thermal mass. Systems should be zoned to minimise use of energy; (f) using low carbon and renewable energy sources, such as Combined Heat and Power (CHP) systems and photovoltaics; and (g) preserving and enhancing local biodiversity, such as by incorporating roof top gardens. <p>Design Techniques (this is ONE WAY of meeting part of the above Principle) 115.1 In relation to Principle 115(d):</p> <ul style="list-style-type: none"> (a) re-using materials and recycled building materials such as: <ul style="list-style-type: none"> (i) recycled and/or plantation timbers; (ii) recycled content in steel reinforcing; (iii) 60 percent or more recycled aggregate in concrete; and (iv) recycled cork and/or rubber flooring; (b) materials derived from renewable resources; and (c) durable and low-maintenance materials to minimise replacement intervals and maintenance requirements. <p>115.2 In relation to Principle 115(e):</p> <ul style="list-style-type: none"> (a) lighting management systems that employ both motion and lighting level sensors that can be updated; (b) mixed mode or hybrid comfort control systems (natural and mechanical ventilation systems) which comprise both manually operable openings and automatically controlled openings, utilising temperature sensors and zoned heating areas; (c) energy efficient fittings; (d) closed or open loop geoexchange systems providing space cooling, space heating and domestic hot water. 	2	Design in Urban Areas [All Development]: PO 4.1, 4.2, 4.3	No Design Techniques have been included
NEW CONTENT IN THE CODE (insert below)				

Number	Description	Transition category	Where has it been included?	Comments
	<p>The detail has been stripped out and there's no comment on office buildings specifically. All buildings are considered generally. The Design Techniques have gone. Orientation is specified in land division. External clothes drying facilities are mentioned. Photovoltaic cells are encouraged. Reuse of buildings encouraged. Adaptability of buildings encouraged. No comment on selection of internal materials. No comment on greenhouse gases.</p>			

Zone Policy area(s) Renewable Energy	1 - Included in the Code and retains same policy intent			0%
	2 - Wording changed but policy intent remains (OK)			80%
	3 - Included in the Code but policy intent changed (NOT OK)			0%
	4 - Not included in the Code but OK to remove			20%
	5 - Not included in the Code and should be reinstated			0%
Infrastructure and Renewable Energy Facilities GDP				
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Policy Objectives				
31	The development of renewable energy facilities, such as wind and biomass energy facilities, in appropriate locations.	2	The Dev Plan policy came from the SAPPL.	
32	Renewable energy facilities located, sited, designed and operated to avoid or minimise adverse impacts and maximise positive impacts on the environment, local community and the State.	2	Renewable Energy Facilities (Wind Farm) PO 8.1 and DTS 8.1. There's other sections for solar power, hydropower etc.	
Principles of Development Control				
116	Renewable energy facilities, including wind farms, should be located, sited, designed and operated in a manner which avoids or minimises adverse impacts and maximises positive impacts on the environment, local community and the State.	2	Infrastructure and Renewable Energy Facilities GDP PO 1.1, 8.1, 8.2 - visual impacts of wind turbines	
117	Renewable energy facilities, including wind farms, and ancillary developments should be located in areas that maximise efficient generation and supply of electricity.	4		
118	Renewable energy facilities, including wind farms, and ancillary development such as substations, maintenance sheds, access roads and connecting power-lines (including to the National Electricity Grid) should be located, sited, designed and operated in a manner which: (a) avoids or minimises detracting from the character, landscape quality, visual significance or amenity of the area; (b) utilises elements of the landscape, materials and finishes to minimise visual impact; (c) avoids or minimises adverse impact on areas of native vegetation, conservation, environmental, geological, tourism or built or natural heritage value; (d) does not impact on the safety of water or air transport and the operation of ports, airfields and designated landing strips; (e) avoids or minimises nuisance or hazard to nearby property owners/occupiers, road users and wildlife by way of: (i) shadowing, flickering, reflection and blade glint impacts; (ii) noise; (iii) interference to television and radio signals; (iv) modification to vegetation, soils and habitats; and (v) bird and bat strike.	2	Infrastructure and Renewable Energy Facilities GDP PO 1.1, 2.1, 4.1, 4.2, 7.1,8.2, 8.3, 8.4, 9.1, 9.3	
NEW CONTENT IN THE CODE (insert below)				
The Code is mainly concerned with the visual impacts of wind farms and has changed the policy to separate them from resi areas and take away the provisions that allowed assessment on the nuisance of the turbines. Now if they are prescribed distances away from resi zones, they are DTS.				

Zone	Policy area(s)	1 - Included in the Code and retains same policy intent	2 - Wording changed but policy intent remains (OK)	3 - Included in the Code but policy intent changed (NOT OK)	4 - Not included in the Code but OK to remove	5 - Not included in the Code and should be reinstated
	Micro-climate and Sunlight	0%	89%	0%	0%	11%
General comments						
Number	Description	Transition category	Where has it been included?	Comments		
Policy Objectives						
OBJ 33	Buildings which are designed and sited to be energy efficient and to minimise micro-climatic and solar access impacts on land or other buildings.	2	General Development Policies - Design in Urban Area [All Development]: PO 4.1, PO 4.2			
OBJ 34	Protection from rain, wind and sun without causing detriment to heritage places, street trees or the integrity of the streetscape.	2	Covered partly in General Development Policies - Design in Urban Area PO 1.2, DTS 9.7	Reference to weather protection has been covered in the zone specific policies		
Principles of Development Control						
119	Development should be designed and sited to minimise micro-climatic and solar access impact on adjacent land or buildings, including effects of patterns of wind, temperature, daylight, sunlight, glare and shadow.	2	General Development Policies - Design in Urban Area [All Development - 4 or More Building Levels]: PO 10.4			
120	Development should be designed and sited to ensure an adequate level of daylight, minimise overshadowing of buildings, and public and private outdoor spaces, particularly during the lunch time hours.	2	General Development Policies - Interface Between Land Uses PO 3.2 and DTS/DPF 3.2			
121	Development should not significantly reduce daylight to private open space, communal open space, where such communal open space provides the primary private open space, and habitable rooms in adjacent City Living Zone, Adelaide Historic (Conservation) Zone and North Adelaide Historic (Conservation) Zone.	2	General Development Policies - Interface Between Land Uses PO 3.2			
122	Glazing on building facades should not result in glare which produces discomfort or danger to pedestrians, occupants of adjacent buildings and users of vehicles. Design Techniques (these are ONE WAY of meeting the above Principle) 122.1 Design solutions may include: (a) reducing the quantity of glass used by having a higher proportion of masonry or other non-reflective materials in the building exterior; (b) recessing glass into the building; (c) shading or angling the glass; (d) selecting glass that has a low level of reflection; and/or (e) avoiding the use of large expanses of highly reflective materials.	2	General Development Policies - Interface Between Land Uses PO 7.1			
123	Buildings within the Core and Primary Pedestrian Areas identified in Map Adel/1 (Overlays 2, 2A and 3), unless specified otherwise within the relevant Zone or Policy Area, should be designed to provide weather protection for pedestrians against rain, wind and sun. The design of canopies, verandahs and awnings should be compatible with the style and character of the building and adjoining buildings, as well as the desired character, both in scale and detail.	5		Development should incorporate weather protection particularly within the Capital City Zone and Main Streets where the comfort of the pedestrian network is vital to the movement system. The following PO should be included within the Capital City Zone, City Main Street Zone and other relevant shopping streets within the City. "Buildings designed to provide weather protection for pedestrians against rain, wind and sun and compatible in scale and detail with the style and character of the building and adjoining buildings."		
124	Weather protection should not be introduced where it would interfere with the integrity or heritage value of heritage places or unduly affect street trees.	2	Covered partly in General Development Policies - Design in Urban Areas PO 1.2, DTS 9.7	Reference to weather protection has been covered in the zone specific policies		

Number	Description	Transition category	Where has it been included?	Comments
125	Development that is over 21 metres in building height and is to be built at or on the street frontage should minimise wind tunnel effect. Design Techniques (these are ONE WAY of meeting the above Principle) 125.1 Methods to reduce the potential for a wind tunnel effect may include: (a) a podium built at the base of a tall tower and aligned with the street to deflect wind away from the street; (b) substantial verandahs around a building to deflect downward travelling wind flows; and/or (c) placing one building windward of another building.	2	General Development Policies - Design in Urban Area PO 11.3	
NEW CONTENT IN THE CODE (insert below)				

Zone	Policy area(s)	1 - Included in the Code and retains same policy intent	2 - Wording changed but policy intent remains (OK)	3 - Included in the Code but policy intent changed (NOT OK)	4 - Not included in the Code but OK to remove	5 - Not included in the Code and should be reinstated
	Stormwater Management	0%	17%	75%	0%	8%
General comments						
Number	Description	Transition category	Where has it been included?	Comments		
Policy Objectives						
OBJ 35	Development which maximises the use of stormwater.	3	Design in Urban Areas PO 22.1	This only applies to residential buildings of 3 building levels or less and renewal housing, it should apply to all development.		
OBJ 36	Development designed and located to protect stormwater from pollution sources. Surface water (inland, marine, estuarine) and ground water has the potential to be detrimentally affected by water run-off from development containing solid and liquid wastes. Minimising and possibly eliminating sources of pollution will reduce the potential for degrading water quality and enable increased use of stormwater for a range of applications with environmental, economic and social benefits.	3	Design in Urban Areas PO 22.1, 22.2, PO 41.1	This only relates to residential development - 3 building levels or less and non-residential development, it should apply to all development. It is recommended the following policies be included in Design in Urban Areas [All Development] under the heading 'Water Sensitive Design': <i>PO 5.2</i> <i>Development likely to result in risk of export of sediment, suspended solids, organic matter, nutrients, oil and grease include stormwater management systems designed to minimise pollutants entering stormwater.</i> <i>DTS/DPF 5.2</i> <i>Development includes stormwater management systems designed to achieve the following gross pollutant outcomes:</i> <i>(a)80% reduction in average annual total suspended solids;</i> <i>(b)60% reduction in average annual total phosphorus;</i> <i>(c)45% reduction in average annual total nitrogen;</i> <i>(d)90%t reduction of litter/gross pollutants compared to untreated stormwater runoff; and</i> <i>(e)no visible oils/grease for flows up to the 1-in-3 month average return interval flood peak flow.</i> <i>PO 5.3</i> <i>Water discharged from a development site to be of a physical, chemical and biological condition equivalent to or better than its pre-developed state.</i> <i>DTS 5.3</i> <i>None are applicable</i> <i>PO 5.4</i> <i>Development includes stormwater management systems to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure the carrying capacities of downstream systems are not overloaded.</i> <i>DTS/DPF 5.4</i> <i>Development includes stormwater management systems that:</i> <i>(a)maintain a pre-development peak flow rate from the site, based upon a 0.35 runoff coefficient for the 20-year ARI (5% AEP) 30 minute storm, unless a lower performance measure is specified in an approved catchment based Stormwater Management Plan;</i> <i>(b)maintains the stormwater runoff time to peak to match that of the pre-development; and</i> <i>(c)manages up to and including the 100-year ARI flood event (1% AEP) to avoid flooding of buildings.</i>		
OBJ 37	Development designed and located to protect or enhance the environmental values of receiving waters.	2	General Development Policies - Design in Urban Areas PO 5.1, PO 22.2 PO 41.1			

Number	Description	Transition category	Where has it been included?	Comments
OBJ 38	Development designed and located to prevent erosion. Development involving soil disturbance may result in erosion and subsequently sedimentation and pollutants entering receiving waters. Design techniques should be incorporated during both the construction and operation phases of development to minimise the transportation of sediment and pollutants off-site.	5	General Development Policies - Design in Urban Areas PO 41.1	Erosion control is an important element that should be considered in the assessment of any application. The is recommended that the following PO be included within Design and Urban Areas GDP [All Development] under a new heading 'Erosion Control': <i>PO</i> <i>Development designed and located to prevent erosion.</i> <i>DTS/DPF</i> <i>None are applicable.</i>
OBJ 39	Development designed and located to prevent or minimise the risk of downstream flooding.	3	General Development Policies - Design in Urban Areas PO 41.3 and DTS/DPF 41.3	"As Above"
Principles of Development Control				
126	Development of stormwater management systems should be designed and located to improve the quality of stormwater, minimise pollutant transfer to receiving waters, and protect downstream receiving waters from high levels of flow. Design Techniques (these are ONE WAY of meeting the above Principle) 126.1 The integrated use of open space for appropriate recreation and stormwater management through the installation of water treatment devices such as wetlands, aquifer storage and recovery, detention and retention basins, gross pollutant traps, trash racks; or 126.2 The reservation, through land division, of drainage channels, drainage easements, watercourses and land within the 1 in 100 year flood event.	3	General Development Policies - Design in Urban Areas PO 41.3 and DTS/DPF 41.3	This only relates to non-residential development, it should apply to all development. It is recommended that the stormwater policies recommended above apply to all development.
127	Development affecting existing stormwater management systems should be designed and located to improve the quality of stormwater, minimise pollutant transfer to receiving waters, and protect downstream receiving waters from high levels of flow. Design Techniques (these are ONE WAY of meeting the above Principle) 127.1 The retention of natural watercourses through: (a) the control of development and activities within the 1 in 100 year flood event, including the placement of fill, excavation, building work, the placement of structures and fences, the storage of materials, the keeping of animals, the piping of watercourses; and (b) the planting of local native flora along watercourses and the replacement of exotic plants. 127.2 The restoration of lined watercourses. 127.3 The maximisation of road frontage onto open space areas in subdivision design.	3	General Development Policies - Design in Urban Areas PO 41.1, DTS/DPF 41.1, PO 42.2 PO 41.3 and PO 22.1, PO 22.2, PO 22.3	"As Above"
128	Development should incorporate appropriate measures to minimise any concentrated stormwater discharge from the site. Design Techniques (these are ONE WAY of meeting the above Principle) 128.1 For residential and non-residential development, rainfall run-off should be retained and used as much as possible through the application of an appropriate range of the following techniques: (a) collection and use of roof run-off in rain saver gutters and rainwater tanks for irrigation (a 500 litre rainwater tank to irrigate 25 square metres of garden), and internal purposes (drinking when considered safe to do so, flushing toilets, washing, and bathing); (b) use of on-site detention tank/s with an appropriately sized orifice; (c) directing rainfall run-off onto landscaped areas; (d) installing appropriate soakage devices (soakage trenches or wells) having regard to the availability of unbuild upon or unsealed areas, the ability of soils to absorb and drain water, the potential impact on building foundations and footings on or adjacent to the site, and the ability to safely direct surplus flows to a public street without causing nuisance to adjoining properties; and (e) use of permeable forms of paving for public and private parking areas, open storage, display, work areas, driveways, vehicle and pedestrian carriageways.	3	General Development Policies - Design in Urban Areas PO 41.1, DTS/DPF 41.1	This only relates to non-residential development, it should apply to all development. It is recommended that the stormwater policies recommended above apply to all development.

Number	Description	Transition category	Where has it been included?	Comments
129	Development should incorporate appropriate measures to minimise the discharge of sediment, suspended solids, organic matter, nutrients, bacteria and litter and other contaminants to the stormwater system and may incorporate systems for treatment or use on site. Design Techniques (these are ONE WAY of meeting the above Principle) 129.1 For residential and non-residential development: (a) rainfall run-off from the roof of any building, where not retained on site, discharged directly to the street water table or to the council stormwater system and not mixed with rainfall run-off originating from surfaces such as car parks, outdoor storage areas and display areas; and (b) rainfall run-off from ground surfaces directed to a stormwater treatment system capable of removing litter, sediment, grease, oil and other substances capable of contaminating stormwater. Also, a high flow bypass provided to enable water from extreme rainfall events to discharge direct to stormwater swales or to council stormwater systems. The stormwater treatment system is to discharge on site to storage; grassed swales; stone filled trenches; small infiltration basins; a constructed water feature; bores approved for aquifer recharge; or off site to the council stormwater system. 129.2 Wastewater from air conditioning units, cooling towers and compressors prevented from discharging into any stormwater drainage system. 129.3 Housing and other building layouts which minimise sewage and water piping with potential for leakage.	3	General Development Policies - Design in Urban Areas PO 41.1	This only relates to non-residential development and should apply to all development. It is recommended that the stormwater policies recommended above apply to all development.
130	Development should not cause deleterious affect on the quality or hydrology of groundwater.	2	General Development Policies- Design in Urban Areas PO 5.1	
131	Development should manage stormwater to ensure that the design capacity of existing or planned downstream systems are not exceeded, and other property or environments are not adversely affected as a result of any concentrated stormwater discharge from the site.	3	General Development Policies - Design in Urban Areas PO 41.1 and PO 41.3.	This only relates to non-residential development and should apply to all development. It is recommended that the stormwater policies recommended above apply to all development.
NEW CONTENT IN THE CODE (insert below)				
DTS / DPF 22.1	Residential development in the form of: (a) detached, semi-detached or row dwellings include a retention rainwater tank storage: i. connected to at least 80% of the roof area of the dwelling (row dwelling), or at least 60% of the roof area of the dwelling (detached and semi-detached dwellings); ii. connected to all toilets and either the laundry cold water outlets or hot water service; iii. that has a minimum total capacity in accordance with Table 1, and iv. the roof is at least 80% of the impervious area; or Table 1: Retention Rainwater Tank (a) hammerhead dwellings have driveways and pathways constructed of a minimum of 50% permeable or porous material and include a retention rainwater tank storage: i. connected to at least 60% of the roof area of the dwelling; ii. connected to all toilets and either the laundry cold water outlets or hot water service; and iii. that has a minimum total capacity in accordance with Table 2.			Supported
DTS 22.2	Development creating 5-19 dwellings is accompanied by an approved Stormwater Management Plan that achieves the following stormwater runoff outcomes: (a) 80 per cent reduction in average annual total suspended solids; (b) 60 per cent reduction in average annual total phosphorus; and (c) 45 per cent reduction in average annual total nitrogen.			Supported
PO 22.3	Development creating 5-19 dwellings includes a stormwater management system designed to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure the carrying capacities of downstream systems are not overloaded.			Supported
DTS 22.3	Development creating 5-19 dwellings (a) maintains: i. a pre-development peak flow rate from the site based upon a 0.35 runoff coefficient for the 5-year ARI (18.1% AEP) 30 minute storm; and ii. the stormwater runoff time to peak to match that of the pre-development condition; or (b) capture and retain the difference in pre-development runoff volume (based upon a 0.35 runoff coefficient) vs post development runoff volume from the site for a 5-year ARI (18.1% AEP) 30 minute storm; and			Supported

Number	Description	Transition category	Where has it been included?	Comments
	(c) manage site generated stormwater runoff up to and including the 100 –year ARI flood event (1% AEP) to avoid flooding of buildings.			
DTS/DPF 41.	Development includes stormwater management systems designed to achieve the following gross (a) 80 per cent reduction in average annual total suspended solids; (b) 60 per cent reduction in average annual total phosphorus; (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 month average return interval flood peak flow.			Supported
PO 41.2	Water discharged from a development site to be of a physical, chemical and biological condition equivalent to or better than its pre-developed state.			Supported
PO 41.3	Development includes stormwater management systems to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure the carrying capacities of downstream systems are not overloaded.			Supported
DTS / DPF 41.3	Development includes stormwater management systems that: (a) maintain a pre-development peak flow rate from the site, based upon a 0.35 runoff coefficient for the 20-year ARI (5% AEP) 30 minute storm, unless a lower performance measure is specified in an approved catchment based Stormwater Management Plan; (b) maintains the stormwater runoff time to peak to match that of the pre-development; and (c) manages up to and including the 100-year ARI flood event (1% AEP) to avoid flooding of buildings.			Supported

Zone		1 - Included in the Code and retains same policy intent	0%	
Policy area(s) Infrastructure		2 - Wording changed but policy intent remains (OK)	50%	
		3 - Included in the Code but policy intent changed (NOT OK)	0%	
		4 - Not included in the Code but OK to remove	0%	
		5 - Not included in the Code and should be reinstated	50%	
	General comments			
Number	Description	Transition category	Where has it been included?	Comments
Policy Objectives				
OBJ 40	Minimisation of the visual impact of infrastructure facilities.	2	General Development Policies - Infrastructure and Renewable Energy Facilities PO 2.1	
OBJ 41	Provision of services and infrastructure that are appropriate for the intended development and the desired character of the Zone or Policy Area.	2	General Development Policies - Infrastructure and Renewable Energy Facilities DO 1	
Principles of Development Control				
132	Provision should be made for utility services to the site of a development, including provision for the supply of water, gas and electricity and for the satisfactory disposal and potential re-use of sewage and waste water, drainage and storm water from the site of the development.	5		There are no provisions requiring basic services to a site. It should not always be assumed these services will be provided. To emphasis the importance of incorporating these services the following policy should be incorporated into General Development Policies - Infrastructure and Renewable Energy Facilities under the heading 'General': <i>PO 1.3 Provision made for utility services to the development site, including provision for the supply of water, gas and electricity and for the satisfactory disposal and potential re-use of sewage and waste water, drainage and storm water from the development site. DTS/DPF 1.3 None are applicable.</i>
133	Service structures, plant and equipment within a site should be designed to be an integral part of the development and should be suitably screened from public spaces or streets.	2	General Development Policies - Design in Urban Areas PO 1.4	
134	Infrastructure and utility services, including provision for the supply of water, gas and electricity should be put in common trenches or conduits.	5		Services in common trenches should be encouraged for ease of location and access. The following PO should be included in General Development Policies - Infrastructure and Renewable Energy Facilities under the heading 'General': <i>"Locate infrastructure and utility services including the supply of water, gas, and electricity in common trenches or conduits."</i>
135	Development should only occur where it has access to adequate utilities and services, including: (a) electricity supply; (b) water supply; (c) drainage and stormwater systems; (d) effluent disposal systems; (e) formed all-weather public roads; (f) telecommunications services; and (g) gas services.	5		There are no provisions requiring basic services to a site. It should not always be assumed these services will be provided. To emphasis the importance of incorporating these services the following policy should be incorporated into General Development Policies - Infrastructure and Renewable Energy Facilities under the heading 'General': <i>PO 1.3 Provision made for utility services to the development site, including provision for the supply of water, gas and electricity and for the satisfactory disposal and potential re-use of sewage and waste water, drainage and storm water from the development site. DTS/DPF 1.3 None are applicable.</i>
NEW CONTENT IN THE CODE (insert below)				

Zone		1 - Included in the Code and retains same policy intent	0%	
		2 - Wording changed but policy intent remains (OK)	33%	
		3 - Included in the Code but policy intent changed (NOT OK)	0%	
		4 - Not included in the Code but OK to remove	13%	
		5 - Not included in the Code and should be reinstated	53%	
Policy area(s) Heritage and Conservation				
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Policy Objectives				
42	Acknowledge the diversity of Adelaide's cultural heritage from pre-European occupation to current time through the conservation of heritage places and retention of their heritage value.	4	Not included	No explicit comment on conservation and retention
43	Objective 43: Development that retains the heritage value and setting of a heritage place and its built form contribution to the locality.	2	PO1.1 and PO1.4	
44	Objective 44: Continued use or adaptive reuse of the land, buildings and structures comprising a heritage place.	2	Covered in LHP Overlay under PO2.2.	Briefly covered in SHP Overlay DO1.
45	Objective 45: Recognition of Aboriginal sites, items and areas which are of social, archaeological, cultural, mythological or anthropological significance.	5	Not included	What is the mechanism that allows Aboriginal heritage sites to be picked up in the Code?
Principles of Development Control				
General				
136	Development of a heritage place should conserve the elements of heritage value as identified in the relevant Tables. Development affecting a State heritage place (Table Adel/1), Local heritage place (Table Adel/2), Local heritage place (Townscape) (Table Adel/3) or Local heritage place (City Significance) (Table Adel/4), including: (a) adaptation to a new use; (b) additional construction; (c) part demolition; (d) alterations; or (e) conservation works; should facilitate its continued or adaptive use, and utilise materials, finishes, setbacks, scale and other built form qualities that are complementary to the heritage place.	2	PO1.1	
137		2	DO1, PO1.5 for materials, nothing for finishes, PO1.4 for setbacks, PO1.2 for scale and PO1.3 for others. Adaptive reuse only covered included in SHP Overlay in DO1. LHP Overlay encourages adaptive reuse.	
138	A local heritage place (as identified in Tables Adel/2, 3 or 4) or the Elements of Heritage Value (as identified in Table Adel/2) should not be demolished unless it can be demonstrated that the place, or those Elements of Heritage Value that are proposed to be demolished, have become so distressed in condition or diminished in integrity that the remaining fabric is no longer capable of adequately representing its heritage value as a local heritage place.	2	LHP Overlay PO6.1b	Demo provisions have been altered. The Code allows demo of elements without heritage value, poor structural integrity or poor condition. The Code adds unacceptable risk and irredeemably beyond repair to the demo criteria which is good. There are some suggestions as to improvements in reworded demo provisions (see suggested text for heritage Overlays)
139	139 Development of Local Heritage Places (Townscape) should occur behind retention depths (as established from the street facade of the heritage place) of 6 metres in non-residential Zones and Policy Areas, and 4 metres in the City Living Zone or the Adelaide Historic (Conservation) Zone or as otherwise indicated in the heritage Tables in respect of frontages and side wall returns.	4	Not included	Should be covered in the SHV - so long as we have written one!
140	Development on land adjacent to a heritage place in non-residential Zones or Policy Areas should incorporate design elements, including where it comprises an innovative contemporary design, that: (a) utilise materials, finishes, and other built form qualities that complement the adjacent heritage place; and (b) is located no closer to the primary street frontage than the adjacent heritage place.	5	Not included	Adjacency not covered

Number	Description	Transition category	Where has it been included?	Comments
141	Development in the City Living Zone or the Adelaide Historic (Conservation) Zone on land adjacent to a heritage place should incorporate design elements that complement the heritage place with regard to the following: (a) the wall height and silhouette of the heritage place as well as the scale of elements comprising the principal facades; (b) the frontage of land containing the heritage place, boundary setbacks to the sides and street face(s) of the place and the nature of vehicular and pedestrian egress; (c) the nature of fencing, walling and gates to boundaries; (d) the materials and finishes; and (e) location of alterations (other than the conservation of heritage fabric) and additional construction behind the street face(s) of the heritage place, without necessarily replicating historical detailing.	5	Not included	As above
142	Development that abuts the built form/fabric of a heritage place should be carefully integrated, generally being located behind or at the side of the heritage place and without necessarily replicating historic detailing, so as to retain the heritage value of the heritage place. The division of land adjacent to, or containing, a heritage place should only occur where it would: (a) create allotments of a size, dimension and pattern that can accommodate new development likely to maintain the built form and setting of the heritage place, and not result in forms of development likely to impair views of the place from a public street, while also achieving the the Desired Character expressed in the relevant Zone and Policy Area provisions;	5 and 2	PO1.6	No comment about integration, replication of historic detailing.
143	(b) retain options for the use, access to, or servicing of the land, structures and buildings that comprise a heritage place; and (c) result in development compatible with the interiors of a State heritage place, Local heritage place (City significance) or Local heritage place as identified in the relevant Tables.	5	a) covered in part by PO4.1b b) not included	Nothing about retaining future options for heritage places Nothing about land division and its relationship with interiors but I'm not sure of what that means anyway.
Advertising				
144	Advertisements or signs on the site of a heritage place should be located to complement, rather than dominate or conceal, the appearance and detailing of the heritage place by being: (a) integrated with architectural elements of the heritage place, including within parapets or wall panels, and at canopy level or within fascias, end panels or windows; and (b) below the silhouette of the heritage place.	5	PO3.3	No comment on integration or parapets, canopy level etc and nothing on the silhouette of the HP.
Fencing and Site Features				
145	Fencing to the street boundary, and returning along the side boundaries to the alignment of the building front of a heritage place, should be compatible with the heritage value of the heritage place and any existing fencing.	5	Not included	Where is fencing?
146	146 Development should seek to protect architectural and natural site features that are valued for the contribution they make to the character and amenity of the area.		Not included	Can these features be protected anyway, if not heritage listed.
Aboriginal Heritage				
147	Development should recognise historical and cultural relationships associated with the past, prior and current use of a place which is of significance to Aboriginal people.	5	Not included	No comment on Aboriginal Heritage. See above comment.
148	148 Development of, adjacent to, or in close proximity to a place which is of significance to Aboriginal people should respect the historical significance of the area or time and reflect the significance of the item within the locality.	5	Not included	see above comments.
NEW CONTENT IN THE CODE (insert below)				

Number	Description	Transition category	Where has it been included?	Comments
	<p>As with all, the detail has been stripped out and any guidance that the detail provided. There is nothing on adjacency, preventing replicas, retaining future options for land use, the location of advertising, fencing and Ab Heritage has gone.</p> <p>Generally, there are several things to note: Demolition of SHPs and LHPs is now performance assessed across the whole of Council area. Previously, it was non complying in most areas of Council. Now, demolition will be tested against the demolition PO which consists of 2 parts for both SHPs and LHPs.</p> <p>However, the demolition test for SHPs is different from LHPs and it is now known if this is significant. One of the tests for a SHP is that the structural condition makes it a risk, is not the owner's fault and is irredeemably beyond repair.</p> <p>For LHPs, the demolition test is that the structural <u>integrity</u> or condition makes the building an unacceptable risk and is irredeemably beyond repair. Why have the words 'integrity' been included? What does it mean? Are they saying that the structural integrity is one thing and condition is another? So if the condition represents a risk, its an argument for demolition? Also why use the word 'irredeemably'and not just 'beyond repair'?</p> <p>The LHP demo test does not include the statement that relates to 'results from actions and unforeseen events beyond the control of the owner'. Does that mean that if the owner actively damages the structural condition of the building so that the structure is at risk and the building is beyond repair, demolition is likely to be approved? Would this allow demolition in a situation where only the front and side walls visible from the street were listed, and the owner demolished everything that wasn't of heritage value beyond that, and therefore made the front wall unstable and structurally risky?</p> <p>Should there be incentives for adaptive reuse such as more flexible land uses, a larger floor area, less parking required etc?</p>			

Zone	Policy area(s)	1 - Included in the Code and retains same policy intent	2 - Wording changed but policy intent remains (OK)	3 - Included in the Code but policy intent changed (NOT OK)	4 - Not included in the Code but OK to remove	5 - Not included in the Code and should be reinstated	
	Built Form and Townscape						0% 35% 11% 8% 45%
General comments							
Number	Description	Transition category	Where has it been included?	Comments			
Policy Objectives							
46	Reinforcement of the city's grid pattern of streets through: (a) high rise development framing city boulevards, the Squares and Park Lands (b) vibrant main streets of a more intimate scale that help bring the city to life (c) unique and interesting laneways that provide a sense of enclosure and intimacy.	2	Capital City Zone PO 3.3, PO 3.4, PO 3.7, PO 3.9				
47	Buildings should be designed to: (a) reinforce the desired character of the area as contemplated by the minimum and maximum building heights in the Zone and Policy Area provisions; (b) maintain a sense of openness to the sky and daylight to public spaces, open space areas and existing buildings; (c) contribute to pedestrian safety and comfort; and (d) provide for a transition of building heights between Zone and Policy Areas where building height guidelines differ.	5	a) Capital City Zone PO 4.1, DTS 4.1, City Living Zone DTS 2.2, Medium Density SubZone PO 2.1, Mied Use Subzone PO 2.6, DTS 2.6, City MainStreet Zone PO 4.1, DTS 4.1 c) Design in Urban Areas [All Development]: PO 2.1 d) No mention of height transition between zones generally. Capital City Zone refers to interface with City Living Zone in PO5.2	(b) Maintaining the sense of openness to the sky is important to ensuring a quality pedestrian environment for the City. It is important this is incorporated into the Code. Include this component in the Design in Urban Areas GDP under the heading 'External Appearance'. (d) only in Capital City Zone. The Code changes the policy from land use and built form management to just land use management. The built form components are equally important and should be included. PO 5.1 should be reworded as follows: <i>"Development designed to manage the interface with the City Living Zone in relation to building height, overshadowing, massing, building proportions, traffic impacts and by avoiding land uses, or intensity of land uses, that adversely affect residential amenity."</i> The incorporation of a DTS Building envelop concept plan would also be a suitable way of addressing height at the interface.			
48	Development which incorporates a high level of design excellence in terms of scale, bulk, massing, materials, finishes, colours and architectural treatment.	2	Design in Urban Areas - All Dev 4 or more levels covers scale in PO 9.2, mass in 9.3, bulk in 9.4, materials and finishes in 9.5. No comment on colours or architectural treatment. Design in Urban Areas DO1 would also be argued to cover the main points of the Dev Plan PDC.				
Principles of Development Control							
167	Where development significantly exceeds quantitative policy provisions, it should demonstrate a significantly higher standard of design outcome in relation to qualitative policy provisions including pedestrian and cyclist amenity, activation, sustainability and public realm and streetscape contribution.	4	Capital City Zone PO4.2 and DTS4.2	The Code is an improvement on existing policy. ERROR - Is there an error in DTS 4.2 which says, 'Development not exceeding the max building height specified in ...' Does it mean, 'Dev which exceeds the max building height ...' There are more criteria than listed in the Dev Plan and it is a more comprehensive list. Revise DTS/DPF 4.2 within the Capital City Zone as detailed in the City of Adelaide edited version of the Capital City Zone.			
Height, Bulk and Scale							
Principles of Development Control							

Number	Description	Transition category	Where has it been included?	Comments
168	Development should be of a high standard of design and should reinforce the grid layout and distinctive urban character of the City by maintaining a clear distinction between the following: (a) the intense urban development and built-form of the town acres in the Capital City, Main Street, Mixed Use, City Frame and City Living Zones; (b) the less intense and more informal groupings of buildings set within the landscaped environment of the Institutional Zones; (c) the historic character of the Adelaide and North Adelaide Historic (Conservation) Zones and groups of historic housing within the City Living Zone; and (d) the open landscape of the Park Lands Zone.	5	Capital City Zone - DO2, City Main Street PO 2.1, a) Capital City Zone - DO1, not included b) not included c) Historic Area Overlay DO 1 d) City Park lands Zone DO1	(b) The landscaped setting around the buildings is an important attribute of the Cultural Institutions Subzone within the City Riverbank Zone. The Code promotes public space rather than buildings within a landscaped setting, there is a distinct difference between the two. On this basis it is recommended that DO2 within the Cultural Institutions Subzone be revised as follows: <i>"Well designed and functional buildings set within a landscaped setting that provides pedestrian and cyclist friendly streetscapes and active street frontages that facilitate positive social interaction."</i>
169	The height and scale of development and the type of land use should reflect and respond to the role of the street it fronts as illustrated on Map Adel/1 (Overlay 1).	4		
170	The height, scale and massing of buildings should reinforce: (a) the desired character, built form, public environment and scale of the streetscape as contemplated within the Zone and Policy Area, and have regard to: (i) maintaining consistent parapet lines, floor levels, height and massing with existing buildings consistent with the areas desired character; (ii) reflecting the prevailing pattern of visual sub-division of neighbouring building frontages where frontages display a character pattern of vertical and horizontal sub-divisions; and (iii) avoiding massive unbroken facades. (b) a comfortable proportion of human scale at street level by: (i) building ground level to the street frontage where zero set-backs prevail; (ii) breaking up the building facade into distinct elements; (iii) incorporating art work and wall and window detailing; and (iv) including attractive planting, seating and pedestrian shelter.	5	(a) partly covered in Capital City Zone PO 3.1, 3.2	Include the following new DTS in the GDP Design in Urban Areas [All Dev - 4 or More Building Levels]: <i>"The height, scale and massing of buildings that reflect and reinforce: (a) the consistent parapet lines, floor levels, height and massing with existing buildings; (b) the prevailing pattern of visual sub-division of neighbouring building frontages where frontages display a character pattern of vertical and horizontal sub-divisions; (iii) avoid massive unbroken facades; and ground, middle and rooftop levels"</i> Human scale element plays an important part of the diversity, character and comfort of the pedestrian environment. This element is missing in the Code policy. It would be beneficial if the Code was more prescriptive on what is expected in built form terms in the City.
171	Where possible, large sites should incorporate pedestrian links and combine them with publicly accessible open space.	5	City Riverbank Zone PO 4.1	Needs to be included within the Code. The pedestrian network is vital to the movement system within the City and it is important they are retained and developed upon to improve the accessibility of the City. The following PO should be included within the Capital City Zone, City Living Zone, City Main Street Zone: <i>"Pedestrian movement based on a network of pedestrian malls, arcades and lanes, linking the surrounding Zones and giving a variety of north-south and east-west links."</i>
172	Buildings and structures should not adversely affect by way of their height and location the long-term operational, safety and commercial requirements of Adelaide International Airport. Buildings and structures which exceed the heights shown in Map Adel/1 (Overlay 5) and which penetrate the Obstacle Limitation Surfaces (OLS) should be designed, marked or lit to ensure the safe operation of aircraft within the airspace around the Adelaide International Airport.	2	Adelaide Airport Heights (Regulated) Overlay	
173	Development in a non-residential Zone that abuts land in a City Living Zone, the Adelaide Historic (Conservation) Zone or the North Adelaide Historic (Conservation) Zone, should provide a transition between high intensity development and the lower intensity development in the adjacent Zone by focussing taller elements away from the common Zone boundary.	3	Capital City Zone PO 5.1	The Code changes the policy from land use and built form management to just land use management. The built form components are equally important and should be included. It is recommended that PO 5.1 within the Capital Zone under the heading 'Interface' be reworded as follows: PO <i>Development designed to manage the interface with the City Living Zone in relation to building height, overshadowing, massing, building proportions, traffic impacts and by avoiding land uses, or intensity of land uses, that adversely affect residential amenity.</i> DTS/DPF 5.1 <i>Building height does not exceed a maximum height specified in the Building Height Technical and Numeric Variations Overlay.</i> The incorporation of a DTS Building envelop concept plan would also be a suitable way of addressing height at the interface.

Number	Description	Transition category	Where has it been included?	Comments
174	Development in a non-residential Zone that is adjacent to land in the City Living Zone, Adelaide Historic (Conservation) Zone or North Adelaide Historic (Conservation) Zone should minimise overshadowing on sensitive uses by ensuring: (a) north-facing windows to habitable rooms of existing dwellings in the City Living Zone, Adelaide Historic (Conservation) Zone or North Adelaide Historic (Conservation) Zone receive at least 3 hours of direct sunlight over a portion of their surface between 9.00am and 3.00pm on 21 June; (b) ground level open space of existing residential buildings in the City Living Zone, Adelaide Historic (Conservation) Zone or North Adelaide Historic (Conservation) Zone receive direct sunlight for a minimum of 2 hours between 9.00am and 3.00pm on 21 June to at least the smaller of the following: (i) half of the existing ground level open space; (ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres).	5	Capital City Zone [Interface]: PO 5.2	This has not been addressed sufficiently by the Code and should be included along with the Building Envelop Concept Plan. It is recommended that the following PO be included in the Capital City Zone under the heading 'Interface': PO 5.3 <i>Development adjacent to land in the City Living Zone designed to minimise overshadowing on sensitive uses.</i> DTS/DPF 5.2 <i>Development adjacent to land in the City Living Zone designed to minimise overshadowing on sensitive uses by ensuring:</i> <i>(a) north-facing windows to habitable rooms of existing dwellings in the City Living Zone receive at least 3 hours of direct sunlight over a portion of their surface between 9.00am and 3.00pm on 21 June;</i> <i>(b) ground level open space of existing residential buildings in the City Living Zone receive direct sunlight for a minimum of 2 hours between 9.00am and 3.00pm on 21 June to at least the smaller of the following:</i> <i>(i) half of the existing ground level open space; or</i> <i>(ii) 35m² of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres).</i>
Plot Ratio				
175	Plot ratios have been established for the City Living Zone, Adelaide Historic (Conservation) Zone and North Adelaide Historic (Conservation) Zone for the purpose of ensuring that intensity of development on land is consistent with the desired character. The amount of building floor area that may be permitted on the allotment(s) on which any development is situated should not exceed the area calculated by multiplying the area of the allotment(s) on which the development is situated by the plot ratio applicable to the allotment(s).	4		
Maximum Dwelling Density and Floor Space				
176	In the City Living Zone (other than in relation to sites greater than 1500 square metres in area), the Adelaide Historic (Conservation) Zone and the North Adelaide Historic (Conservation) Zone, the number of dwellings which will be appropriate on a site should not exceed the site area divided by the dwelling unit factor as set out in relevant Zone, and any fractions of the number so calculated should be disregarded.	2	TVN Overlay	
Landscaped Open Space				
177	Landscaped open space should be provided on the site of a development to at least the extent specified in the Principles of Development Control for the relevant Zone or Policy Area for siting, amenity and screening purposes. Where the existing amount of landscaped open space provided is less than the amount specified in the relevant Zone or Policy Area, development should not further reduce this amount. Where landscaped open space is not required, the provision of landscaped pedestrian spaces, planter boxes and in-ground planting is appropriate.	5		Requires further review. The Code has not introduced anything to replace the principle of Landscaped Open Space which plays an important role in maintaining the established character of areas in the residential areas south and north of City of Adelaide.
Building Set-backs				
178	In the City Living Zone, the Adelaide Historic (Conservation) Zone and the North Adelaide Historic (Conservation) Zone, buildings should maintain the prevailing set-back established by adjoining buildings, provided the resultant character reinforces the desired character for the locality.	5	City Living Zone [Building Setbacks]: PO 3.1	The City Living PO 3.1 should be more specific about ensuring the prevailing setbacks are maintained and it is recommended that the PO is reworded as follows: <i>"Buildings setback from primary street boundaries to maintain the prevailing setbacks established by adjoining buildings."</i>
179	Buildings within the Capital City Zone should be built to the street edge to reinforce the grid pattern, create a continuity of frontage and provide definition and enclosure to the public realm whilst contributing to the interest, vitality and security of the pedestrian environment.	2	Capital City Zone DO 2	
Composition and Proportion				

Number	Description	Transition category	Where has it been included?	Comments
180	Development should respect the composition and proportion of architectural elements of building facades that form an important pattern which contributes to the streetscape's distinctive character in a manner consistent with the desired character of a locality by: (a) establishing visual links with neighbouring buildings by reflecting and reinforcing the prevailing pattern of visual sub-division in building facades where a pattern of vertical and/or horizontal sub-divisions is evident and desirable, for example, there may be strong horizontal lines of verandahs, masonry courses, podia or openings, or there may be vertical proportions in the divisions of facades or windows; and (b) clearly defining ground, middle and roof top levels.	5		Include the following new DTS in the GDP Design in Urban Areas [All Dev - 4 or More Building Levels] under the heading 'External Appearance': <i>"The height, scale and massing of buildings that reflect and reinforce: (a) the consistent parapet lines, floor levels, height and massing with existing buildings; (b) the prevailing pattern of visual sub-division of neighbouring building frontages where frontages display a character pattern of vertical and horizontal sub-divisions; (iii) avoid massive unbroken facades; and ground, middle and rooftop levels"</i>
181	Where there is little or no established building pattern, new buildings should create new features which contribute to an areas desired character and the way the urban environment is understood by: (a) frontages creating clearly defined edges; (b) generating new compositions and points of interest; (c) introducing elements for future neighbouring buildings; and (d) emphasising the importance of the building according to the street hierarchy.	5		Include the following new DTS in the GDP Design in Urban Areas [All Dev - 4 or More Building Levels] under the heading 'External Appearance': <i>"Buildings to create new features that contribute to an areas character where there is little or no established building pattern."</i>
Articulation and Modelling				
182	Building facades fronting street frontages, access ways, driveways or public spaces should be composed with an appropriate scale, rhythm and proportion which responds to the use of the building, the desired character of the locality and the modelling and proportions of adjacent buildings. Design Techniques (these are ONE WAY of meeting the above Principle) 182.1 Design solutions may include: (a) defining a base, middle and top related to the overall proportion of the building; (b) expressing key horizontal lines within the townscape by using cornices, a change in materials or building setback; (c) expressing the internal layout of the building by using for example, vertical bays or its structure, such as party wall divisions; (d) expressing the variation in floor to floor height, particularly at the lower levels; (e) articulating building entries with awnings, porticos, recesses, blade walls and projecting bays; (f) using a variety of window types to create a rhythm or express the use of the building; (g) incorporating architectural features which give human scale to the design of the building at street level such as entrance porches, awnings and colonnades; (h) designing facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls; (i) expressing important corners by giving visual prominence to parts of the facade, for example, a change of building articulation, material or colour, roof expression or increased height; (j) using a variation of contrasting surface finishes, textures, colours or patterns; or (k) avoiding unbroken building elevations of more than 15 metres on a vertical plan; (l) using recessed balconies and deep windows to create articulation and define shadows thereby adding visual depth to the facade;	5		Other than corner sites, no consideration of articulation and modelling of buildings has been incorporated into the Code. It is recommended that the following PO be included in GDP Design in Urban Areas [All Dev] under the heading 'External Appearance': <i>"Designing building facades fronting street frontages, access ways, driveways or public spaces at an appropriate scale, rhythm and proportion that responds to the use of the building, the desired character of the locality and the modelling and proportions of adjacent buildings."</i>
183	Balconies should be designed to give shelter to the street or public space at first floor levels.	2	General Development Policies - Design in Urban Areas [All Dev]: PO 1.2	
184	Balconies should: (a) respond to the street context and building orientation; and (b) incorporate balustrade detailing to reflect the balcony type and location and the materials and detail of the building facade.	4	Covered partly in Design in Urban Areas GDP [Residential Dev - 4 or More Building Levels] PO 28.2	
185	No part of any fully enclosed building should extend over property boundaries, including streets and public spaces, whether above a balcony at a lower level or not.Design in	5		There should be specific design guidelines in place to address encroachments to provide for public safety and ensure they do not effect the integrity of the National Heritage Listing of the City Layout and ParkLands. It is recommended the Encroachment Policy form a Design Guideline within the P&D Code.

Number	Description	Transition category	Where has it been included?	Comments
186	Building services such as drainage pipes together with security grills/screens, ventilation louvres and car park entry doors, should be coordinated and integrated with the overall facade design.	2	Design in Urban Areas GDP [All Development - 4 or more Building Levels]: PO 9.8, [Supported Accommodation, Housing for Aged Persons and People with Disabilities]: PO 28.7	This provision should be applied at the design stage of the building and applied to All Development within the Design in Urban Areas GDP under a new heading 'Building Services' and should be revised and worded as follows: "Services including gas and water meters conveniently located, screened from public view and integrated with the façade design."
Materials, Colours and Finishes				
187	The design, external materials, colours and finishes of buildings should have regard to their surrounding townscape context, built form and public environment, consistent with the desired character of the relevant Zone and Policy Area.	5		No consideration of surrounding townscapes has been incorporated into the Code. It is recommended that the following PO be included in GDP Design in Urban Areas [All Dev - 4 or More Building Levels] under the heading 'External Appearance': "The design, external materials, colours and finishes of buildings that have regard to their surrounding townscape context, built form and public environment."
188	Development should be finished with materials that are sympathetic to the design and setting of the new building and which incorporate recycled or low embodied energy materials. The form, colour, texture and quality of materials should be of high quality, durable and contribute to the desired character of the locality. Materials, colours and finishes should not necessarily imitate materials and colours of an existing streetscape	3	Partly covered in General Development Policies - Design in Urban Areas [All Dev - 4 or More Building Levels]: PO 9.5	Easy maintenance materials should apply to all development not just buildings with 4 or more building levels. It is recommended this PO 9.5 and DTS/DPF 9.5 apply to 'All Development' in the Design in Urban Areas GDP. In addition, it is recommended that PO 9.5 be revised as follows: Amended PO 9.5 "External quality of materials and finishes are of high quality, durable and age well to minimise ongoing maintenance requirements and contribute to positively to the public realm."
189	Materials and finishes that are easily maintained and do not readily stain, discolour or deteriorate should be utilised.	3	General Development Policies - Design in Urban Areas [All Dev - 4 or More Building Levels]: PO 9.5 and DTS/DPF 9.5.	Easy maintenance materials should apply to all development not just buildings with 4 or more building levels. It is recommended the following new PO and DTS apply to 'All Development' in the Design in Urban Areas GDP under the heading 'External Appearance': PO 1. Buildings that enhance public environment and achieves a high standard of external appearance by: (a) the use of high-quality durable materials and finishes that age well to minimise ongoing maintenance requirements; (b) providing a high degree of visual interest through articulation; and (c) ensuring lower levels are well integrated with and contribute to a vibrant public realm. DTS 1. Buildings designed to: (a) utilise a combination (or thereof) of the following external materials and finishes: i. masonry; ii. natural stone; iii. prefinished materials that minimise staining, discolouring or deterioration, and avoiding painted surfaces particularly above ground level; and (b) avoid large blank facades and incorporate design features within blank walls on side boundaries which have the potential to be built out.
190	Development should avoid the use of large expanses of highly reflective materials and large areas of monotonous, sheer materials (such as polished granite and curtained wall glazing).	2	General Development Policies - Interface Between Land Uses [Solar Reflectivity/Glare] PO 7.1	
Corner Sites				

Number	Description	Transition category	Where has it been included?	Comments
191	<p>New development on major corner sites should define and reinforce the townscape importance of these sites with appropriately scaled buildings that:</p> <ul style="list-style-type: none"> (a) establish an architectural form on the corner; (b) abut the street frontage; and (c) address all street frontages. <p>Design Technique (these are ONE WAY of meeting part of the above Principle)</p> <p>191.1 In relation to Principle 191(a):</p> <ul style="list-style-type: none"> (a) corporation of corner elements such as pediments, turrets, verandahs, balconies and other articulation and modelling into the design of the building; (b) incorporation of prominent entrances and/or windows at the apex; (c) increasing roof expression or building height at the corner to emphasise the importance of the street corner; (d) rotating the building line to create a chamfered edge; (e) projecting corner elements forward; and/or (f) in a change of building articulation, material or colour. 	2	General Development Policies - Design in Urban Areas [All Development]: PO 1.1.	
Sky and Roof Lines				
Policy Objectives				
49	Innovative and interesting skylines which contribute to the overall design and performance of the building	5		Refer to comments in PDC 193 below
Principles of Development Control				
192	Where a prevailing pattern of roof form assists in establishing the desired character of the locality, new roof forms should be complementary to the shape, pitch, angle and materials of adjacent building roofs.	5		<p>The importance of the pattern of roof form is not addressed in the Code. This provision is particularly important in the City living Zone and should be included in the Built Form and Character Provisions. It is recommended that the following PO be included in the City Living Zone under the heading 'Built Form and Character':</p> <p><i>"New roof forms designed to complement the prevailing pattern of roof forms in terms of the shape, pitch, angle and materials of adjacent building roofs."</i></p>
193	<p>Buildings should be designed to incorporate well designed roof tops that:</p> <ul style="list-style-type: none"> (a) reinforce the desired character of the locality, as expressed in the relevant Zone or Policy Area; (b) enhance the skyline and local views; (c) contribute to the architectural quality of the building; (d) provide a compositional relationship between the upper-most levels and the lower portions of the building; (e) provide an expression of identity; (f) articulate the roof, breaking down its massing on large buildings to minimise apparent bulk; (g) respond to the orientation of the site; and (h) create minimal glare. <p>Design Techniques (these are ONE WAY of meeting the above Principle)</p> <p>193.1 Design solutions may include:</p> <ul style="list-style-type: none"> (a) articulating form and surface by large, simple features that can be recognised from a distant view point; (b) tapering towers by stepping back floor plates; (c) integrating plant and fixtures within the roof top design; and/or (d) incorporating an architectural roof feature within the design of the building by: <ul style="list-style-type: none"> (i) creating a feature that forms part of its overall architectural form and composition; (ii) ensuring visual compatibility with nearby towers and other structures whilst maintaining architectural distinction; (iii) providing sky line features capable of being viewed over great distances; (iv) including modelled parapets; (v) ensuring compatibility of podia height at street alignment; and/or (vi) incorporating roof top gardens and terraces. 	5		<p>The importance of roof form has not been included within the Code. It is recommended that the following new PO and DTS/DPF be included within the Capital City Zone under the Heading 'Built Form and Character':</p> <p>PO <i>"Innovative and interesting skylines that contribute to the overall design quality, identity and performance of the building."</i></p> <p>DTS/DPF <i>"Incorporate an architectural roof feature within the design of the building by:</i> (a) creating a feature that forms part of its overall architectural form and composition; (b) ensuring visual compatibility with nearby towers and other structures whilst maintaining architectural distinction; (c) providing sky line features capable of being viewed over great distances; (d) including modelled parapets and compatibility of podia height at street alignment; (e) integrating plant and fixtures within the roof top design; and/or (f) incorporating roof top gardens and terraces."</p>

Number	Description	Transition category	Where has it been included?	Comments
194	Roof top plant and ancillary equipment that projects above the ceiling of the top storey should: (a) be designed to minimise the visual impact; and (b) be screened from view, including the potential view looking down or across from existing or possible higher buildings, or be included in a decorative roof form that is integrated into the design of the building.	5		Roof top plant and equipment can affect the quality and appearance of a building and it is important they incorporated into the design of the building to ensure they have a positive impact on the public realm. It is recommended this principle be included in the Code within Design and Urban Areas GDP [All Development] under a new heading 'Rooftop Plant and Ancillary Equipment' as follows: <i>Roof top plant and ancillary equipment that projects above the ceiling of the top storey that:</i> (a) <i>is designed to minimise the visual impact; and</i> (b) <i>is screened from view, including the potential view looking down or across from existing or possible higher buildings, or included in a decorative roof form that is integrated into the design of the building.</i>
195	Roof design should facilitate future use for sustainable functions such as: (a) rainwater tanks for water conservation; (b) roof surfaces orientated, angled and of suitable material for photovoltaic applications; and/or (c) "green" roofs (ie roof top gardens structurally capable of supporting vegetation) or water features.	2	Design in Urban Areas GDP [All Development - 4 or More Building Levels]: PO 11.2	
Active Street Frontages				
Policy Objectives				
50	Development that enhances the public environment and, where appropriate provides activity and interest at street level, reinforcing a locality's desired character.	2	General Development Policies - Design in Urban Areas PO 9.6 and DTS/DPF 9.6	
51	Development designed to promote pedestrian activity and provide a high quality experience for City residents, workers and visitors by: (a) enlivening building edges; (b) creating welcoming, safe and vibrant spaces; (c) improving perceptions of public safety through passive surveillance; and (d) creating interesting and lively pedestrian environments.	3	General Development Policies - Design in Urban Areas [All Dev - 4 or More Building Levels]: PO 9.6, 9.7, DTS/DPF 9.6, 9.7. General Development Policies -Design in Urban Areas [Residential Dev - 4 or More Building Levels]: PO 28.2 General Development Policies -Design in Urban Areas [All Residential Dev] PO 14.1 General Development Policies -Design in Urban Areas [All Dev]: PO 2.1	General Development Policies - Design in Urban Areas [All Dev - 4 or More Building Levels]: PO 9.6, 9.7, DTS/DPF 9.6, 9.7 should apply to all development. It is recommended that PO 9.6 and DTS/DPF 9.6, PO 9.7, DTS/PDF 9.7 be included under the heading [All Development].
Principles of Development Control				
196	Development should be designed to create active street frontages that provide activity and interest to passing pedestrians and contribute to the liveliness, vitality and security of the public realm. Design Techniques (these are ONE WAY of meeting the above Principle) 196.1 Design solutions may include: (a) Well designed and legible entrances, lobbies and commercial uses at ground level. (b) Window displays of merchandise or open shopfronts, well lit panel displays, corporate identity and/or artworks. (c) Avoiding vast expanses of blank walls presenting flat surfaces without detailing, openings or activity. (d) Orientating active parts of a building to the street frontage. (e) Incorporating uses such as retailing, food and drink outlets, counter services and cafés/restaurants particularly with outdoor seating areas.	3	General Development Policies - Design in Urban Areas PO 9.6 and DTS/DPF 9.6, PO 9.7, DTS/PDF 9.7.	General Development Policies - Design in Urban Areas PO 9.6 and DTS/DPF 9.6, PO 9.7, DTS/PDF 9.7 should apply to all development. It is recommended that PO 9.6 and DTS/DPF 9.6, PO 9.7, DTS/PDF 9.7 be included under the heading [All Development].

Number	Description	Transition category	Where has it been included?	Comments
197	Retail frontages should be designed to provide interest to passing pedestrians at street level and relief to building mass. Design Techniques (these are ONE WAY of meeting the above Principle) 197.1 Design solutions may include: (a) Providing views into and out of buildings. (b) Providing interesting and active window displays. (c) Providing external light fittings, particularly where street lighting is blocked eg under verandahs. (d) Using transparent glass, open mesh or transparent security shutters that allow views into and out of the building. (e) Illuminating shop windows until 12.00pm. (f) Incorporating detailed architectural facade treatment.	3	Covered at very high level Design in Urban Areas GDP [All Development - 4 or More Building Levels]: PO 9.2	The Code speaks at a very high requiring fine-grain detail at street level to reinforce human scale and only applies to buildings of 4 or more building levels. Further detail is required so that the applicant is clear about what is expected. It is recommended that the following new PO and DTS/DPF be included within the Design in Urban Areas GDP [All Non-Residential Development]: PO: <i>"Retail frontages designed to provide interest to passing pedestrians at street level and relief to building mass."</i> DTS/DPF: <i>"Development designed to: (a) provide views into and out of buildings; (b) provide interest and active window displays; (c) provide external light fittings, where street lighting is blocked e.g. under verandahs; (d) use transparent glass, open mesh or transparent security shutters that allow views into and out of the building; and/or (e) incorporate detailed architectural facade treatment."</i>
198	Commercial buildings should be designed to ensure that ground floor facades are rich in detail so they are exciting to walk by, interesting to look at and to stand beside. Design Techniques (these are ONE WAY of meeting the above Principle) 198.1 Design solutions may include: (a) Providing well designed legible entrances and lobbies that address the street. (b) Creating richness and detail at street level through methods such as artwork (including animating spaces with water), use of high quality materials and variation in materials, wall and window detailing and decoration. (c) Locating lively interior activities along street frontages so they are visible from outside e.g. employee canteens or reception areas oriented towards the street; (d) Cafés and restaurants utilising footpath space; and/or (e) Providing designs which incorporate places for people to sit and watch.	3	General Development Policies - Design in Urban Areas PO 9.6 and DTS/DPF 9.6, PO 9.7, DTS/DPF 9.7.	
199	Residential development should be designed to create interesting pedestrian environments and resident surveillance of any street, accessway and driveway. Design Techniques (these are ONE WAY of meeting the above Principle) 199.1 Design solutions may include: (a) Using transparent glass along street frontages. (b) Maximising the number of windows and doors. (c) Enlivening building edges with balconies, bays, porches, awnings or other projections. (d) Designing interesting and innovative fencing and walls. (e) Incorporating transparent fencing and walls that enable presentation of the building to the street eg use of mesh fencing rather than blank solid walls. (f) Avoiding blank high walls and elevations unbroken by architectural detail which prevents community interaction and resident surveillance of the street. (g) Avoiding car parking in front of buildings. (h) Addressing housing on corner sites to both street frontages by establishing prominent entrances and/or windows at the apex of buildings. (i) Incorporating compatible non-residential uses such as home offices, art/craft workshops and galleries at ground floor level.	2	(b) Design in Urban Areas GDP [All Residential Development]: PO 14.1, 14.2 (c) Design in Urban Areas [Residential - 3 Building Levels or Less]: PO 18.2, DTS/DPF 18.2 (d) Design in Urban Areas GDP [All Development]: PO 8.1 (e) Design in Urban Areas GDP [All Development]: PO 8.1, Residential Development - 4 or More Building Levels]: PO 26.1, DTS/DPF 26.1 (f) Residential Development - 4 or More Building Levels]: PO 26.1, DTS/DPF 26.1	
Outdoor Dining				
Policy Objectives				
52	Development that contributes to the vibrancy, activity and desired character of a locality.			
Principles of Development Control				

Number	Description	Transition category	Where has it been included?	Comments
200	Outdoor dining should: (a) be located outside the associated premises; (b) provide sufficient set-backs, such as from kerbs and property boundaries, and clearances, such as from buildings; (c) be located in an area safe for patrons where the security of the building is not compromised; (d) ensure the dining area is set back from the building line at street intersections; (e) ensure unimpeded pedestrian flow through free and uninterrupted pedestrian paths; and (f) ensure wheelchair access to pedestrian ramps is not compromised.	5		There are no provisions within the Code that guide the provision of outdoor dining. It is recommended that the following principle be included into the Design in Urban Areas GDP [All Non-Residential Development] under a new heading 'Outdoor Dining' <i>Outdoor dining that:</i> (a) is located outside the associated premises; (b) provides sufficient set-backs and clearances from kerbs, property boundaries and buildings; (c) is located in an area safe for patrons where the security of the building is not compromised; (d) ensures the dining area is set back from the building line at street intersections; (e) ensures unimpeded pedestrian flow through free and uninterrupted pedestrian paths; and (f) ensures wheelchair access to pedestrian ramps is not compromised.
201	Structures should: (a) be of high quality design and form an integral part of the streetscape; (b) not restrict public access; (c) not detract or restrict views of significant sightlines, buildings and landmarks;	5		There are no provisions within the Code that guide the provision of outdoor dining. It is recommended that the following principle be included into the Design in Urban Areas GDP [All Non-Residential Development] under a new heading 'Outdoor Dining': <i>Structures that:</i> (a) are of high quality design and form an integral part of the streetscape; (b) maintain public access; and (c) maintain views of significant sightlines, buildings and landmarks.
202	Signage that identifies the business name or logo, or advertises goods sold on the premises is only appropriate on glass and canvas screens and umbrellas and should meet the following: (a) signage and advertisements should be designed to improve and complement the amenity of the premises, be of an appropriate design and consistent with the desired character of the locality; (b) advertisements on outdoor dining items such as umbrellas and canvas screens should not exceed a portion that covers 10 percent of the total available space on each outdoor dining item, up to half of which may be commercial advertisements in the form of product logos used or sold by the premises; (c) advertisements should not be illuminated or animated; and (d) third party advertising on outdoor dining items is inappropriate.	5		There are no provisions within the Code that guide the provision of outdoor dining. It is recommended that the following principle be included into the Advertisements GDP under a new heading 'Outdoor Dining': <i>Signage and advertisements associated with outdoor dining identifying the business name or logo, or advertises goods sold on glass and canvas screens and umbrellas that:</i> (a) complement the amenity of the premises; (b) are of an appropriate design and consistent with the desired character of the locality; (c) does not exceed a portion that covers 10% of the total available space on each outdoor dining item, up to half of which can be commercial advertisements in the form of product logos used or sold by the premises; (d) are non illuminated or animated; and (e) does not include third party advertising on outdoor dining items.
Demolition				
Policy Objectives				
53	Where demolition of an existing building is proposed, the replacement building is designed and sited to achieve the purposes of the relevant Zone and Policy Area and to provide for quality urban design.	4		
Principles of Development Control				

Number	Description	Transition category	Where has it been included?	Comments
203	<p>The demolition of any building should not occur unless Development Approval for a replacement development has been granted. Exceptions may only be granted:</p> <p>(a) for documented reasons of public health or safety agreed by the planning authority or alternatively agreed by a statutory order; or</p> <p>(b) where located within the Park Lands Zone.</p> <p>Should the replacement development not commence within 12 months of the granting of Development Approval, then landscaping of the site should be undertaken.</p>	5		<p>Prior to the introduction of Development Plan policy Council experienced problems with buildings being demolished and land remaining vacant or used as an open lot car park for many years to follow. To address this issue a Development Plan policy was introduced in the General PAR to ensure that demolition of buildings only occurs in circumstances where there is a public health and safety issue, where it is located in the Park Lands or where development approval for a new building has been issued as this shows commitment to building. In addition, the policies in place requiring development that has not commenced landscaping should be undertaken. Since the introduction of the policy there has been a significant reduction in the number of long term vacant sites.</p> <p>In the City, relatively high numbers of consents are granted which, for a number of reasons, do not lead to a development proceeding. Demolition of buildings without proceeding with the intended full development is a significant risk that could leave the City with many vacant sites. A level of control to prevent a proliferation of vacant site is a reasonable policy goal aligned with ongoing vibrancy.</p> <p>On this basis it is important the principle is retained and incorporated into Design in Urban Areas GDP [All Development] under a new heading 'Demolition' or alternatively be included within all Zones except the Park Lands Zone within the City.</p> <p><i>Building demolition is to be refrained unless Development Approval for a replacement development has been granted. Demolition may only be granted for documented reasons of public health or safety agreed by the planning authority or alternatively agreed by a statutory order. If the replacement development has not commenced within 12 months of the granting of Development Approval, landscaping of the site is to be undertaken.</i></p>
Vacant Sites and Buildings				
Policy Objectives				
54	The temporary use of vacant or underdeveloped land which is not likely to be the subject of long term development in the short term.	5		<p>In the City, relatively high numbers of consents are granted which, for a number of reasons, do not lead to a development proceeding. Demolition of buildings without proceeding with the intended full development is a significant risk that could leave the City with many vacant sites. A level of control to prevent a proliferation of vacant site is a reasonable policy goal aligned with ongoing vibrancy.</p> <p>On this basis it is important the principle is retained and incorporated into Design in Urban Areas GDP [All Development] under a new heading 'Land Use' or alternatively be included within all Zones except the Park Lands Zone and City Living Zones within the City.</p> <p><i>Temporary use of vacant or underdeveloped land that is not likely to be the subject of long-term development in the short term. Temporary uses of vacant or underdeveloped land are to be landscaped, screened and/or treated so that negative impacts to the public realm are minimised.</i></p>
Principles of Development Control				
204	Vacant and underdeveloped land and buildings should be brought into use as soon as possible.	5		As Above
205	Where there is no immediate prospect of a long term use, a temporary use for up to 24 months (excluding temporary car parks) is encouraged. Temporary uses of vacant or underdeveloped land should be landscaped, screened and/or treated so that negative impacts to the public realm are minimised.	5		As Above
206	Temporary storage of Council equipment may be appropriate provided measures are incorporated for: (a) dust control; (b) appropriate screening including landscaping; (c) containment of litter and waste; and (d) appropriate securing of the site.	5		This is important for the every day workings for the City and should be listed in the Accepted Development Table for each Zone
Landscaping				

Number	Description	Transition category	Where has it been included?	Comments
Policy Objectives				
55	Water conserving landscaping that enhances the local landscape character and creates a pleasant, safe and attractive living environment.	2	General Development Policies - Design in Urban Areas PO DO 1(d)	
Principles of Development Control				
207	Landscaping should: (a) be selected and designed for water conservation; (b) form an integral part of the design of development; and (c) be used to foster human scale, define spaces, reinforce paths and edges, screen utility areas and enhance the visual amenity of the area.	2	General Development Policies - Design in Urban Areas PO 3.1(c),(d), PO 21.1 (3 buildings or less)	
208	Landscaping should incorporate local indigenous species suited to the site and development, provided such landscaping is consistent with the desired character of the locality and any heritage place.	5		There isnt anything in the Code that encourages the use of indigenous tree species or refers to the importance of landscaped space around heritage place. Both aspects should be incorporated into the Code. Landscaping should be incorporated into 'Design in Urban Areas and should apply to all development under the heading 'Landscaping'. The PO should be worded as follows: <i>"Landscaping incorporating local indigenous species suited to the site and development."</i> Landscaping of heritage places should be addressed in the Local Heritage and state Heritage Place Overlays under a new heading 'Landscaping' as follows: <i>Landscaping consistent with the character of the Local Heritage Place.</i>
209	Landscaping should be provided to all areas of communal space, driveways and shared car parking areas.	2	General Development Policies - Design in Urban Areas PO 6.4, PO 6.5, PO 34.1, PO 34.2 (GROUP Dwellings)	
210	Landscaping between the road and dwellings should be provided to screen and protect the dwellings from dust and visual impacts of the road.	2	General Development Policies - Design in Urban Areas PO 6.5, DTS/DPF 6.5	
Advertising				
Policy Objectives				
56	Outdoor advertisements that are designed and located to: (a) reinforce the desired character and amenity of the locality within which it is located and rectify existing unsatisfactory situations; (b) be concise and efficient in communicating with the public, avoiding a proliferation of confusing and cluttered displays or a large number of advertisements; and (c) not create a hazard.	2	General Development Policies - Advertisements DO1, PO 2.1	
Principles of Development Control				
211	Advertisements should be designed to respect and enhance the desired character and amenity of the locality by the means listed below: (a) the scale, type, design, location, materials, colour, style and illumination of any advertisements should be compatible with the design and character of the buildings and land to which it is related, and should be in accordance with provisions for the Zone and Policy Area in which it is situated and any relevant adjacent Zones or Policy Areas; (b) advertisements should be integrated with the architectural form, style and colour of buildings and wherever possible, requirements for advertisements should be considered in the design of new buildings; (c) advertisements should be artistically interesting in terms of graphics and construction with intricacy and individuality in design encouraged while maintaining consistency in design and style where co-ordinated advertisements are appropriate; (d) structural supports should be concealed from public view or of minimal visual impact; (e) advertisements on individual premises should be co-ordinated in terms of type and design and should be limited in number to minimize visual clutter; (f) advertisements should be displayed on fascia signs or located below canopy level; (g) advertisements on buildings or sites occupied by a number of tenants should be co-ordinated, complementary and the number kept to a minimum; and (h) advertisements on or adjacent to a heritage place should be designed and located to respect the	2	(a) Advertisements PO 1.1, PO 3.1, PO 4.1 (b) Advertisements PO 1.1 (c) Advertisements PO 2.2, DTS 2.2 (d) Advertisements PO 1.2 (e) Advertisements PO 2.1 (f) Advertisements DTS/DPF 1.1 (a),(b) (g) Advertisement PO 2.2	

Number	Description	Transition category	Where has it been included?	Comments
212	Advertisements are inappropriate on premises used for a dwelling. This does not include business plates associated with a home activity which does not exceed 0.2 square metres.	2	Table 1 - Maximum Size and Height Requirements (City Living Zone)	
213	In the City Living Zone, the Adelaide Historic (Conservation) Zone or the North Adelaide Historic (Conservation) Zone, advertisements should not detrimentally affect residential amenity and advertisements at roof level where the building forms the backdrop (i.e. plant room) are inappropriate.	2	Advertisements DTS/DPF 1.1,	
214	Product advertisements illustrating products sold on the premises in conjunction with the business name should not exceed 25 percent of the area of any advertisement.	2	Advertisements PO 3.1, DTS/DPF 3.1	
215	Development of vending machines, automatic teller machines and fast food outlets should: (a) be consistent with the relevant Zone and Policy Area provisions; (b) maintain the character and continuity of activity along street frontages; (c) maintain good visibility from the street or public places for security; and (d) not impede pedestrian movement.	5		There are no policies within the Code to guide the development of vending machines, automatic teller machines and fast food outlets. On this basis it is recommended that the following policy be incorporated into the Design in Urban Areas GDP [All Non-Residential Development] under a new heading 'Vending Machines and Automatic Teller Machines': "Development of vending machines, automatic teller machines and fast food outlets that: (a) maintain the character and continuity of activity along street frontages; (b) maintain good visibility from the street or public places for security; (c) not disrupt pedestrian movement."
216	Advertisements relating to vending machines and automatic teller machines should be restrained in size and style.	5		There are no policies within the Code to guide the advertisements on vending machines and automatic teller machines. On this basis it is recommended that the following policy be incorporated into the Advertisements GDP under a new heading 'Vending Machines and Automatic Teller Machines': PO "Advertisements on vending machines and automatic teller machines are restrained in size and style."
217	Advertisements should not endanger public safety or detrimentally affect the amenity of adjacent premises by reason of their location, position, construction or design and should: (a) not emit excessive glare or reflection from internal or external illumination; (b) not obscure road users' and pedestrians' views of vehicles, pedestrians or potentially hazardous road features; (c) not cause confusion with, or reduce the effectiveness of traffic control devices; (d) have a clearance between the footpath and base or underside of projecting signage of at least 2.5 metres for permanent advertisements and 2.3 metres for temporary advertisements, and between the kerb face and outside edge of the sign of at least 600 millimetres; and (e) permit safe and convenient pedestrian movement.	2	(a) Advertisements PO 4.1 (b) Advertisements PO 5.3, 5.4 (c) Advertisements PO 5.3, 5.4 (d) Advertisements PO 5.5 (e) Advertisements PO 5.1, DTS/DPF 5.1, PO 5.2	
218	Temporary advertisement hoardings or shrouds required for the screening of construction sites or for creating visual interest should occur only where they are: (a) of a high standard of design; (b) displayed only during the period of construction; (c) comprised of high quality opaque, solid and non-reflective material that is durable, low maintenance and appropriate to the City context; (d) required to conceal wiring and conduits; and (e) do not create undue risk to public or private safety.	5	(e) Advertisements PO 5.1,	There are no policies in the Code that guide temporary advertisement hoardings or shrouds required for the screening of construction sites and is recommended the following policy be incorporated into the Advertisements GDP under the heading 'Appearance': PO 1.7 "Temporary advertisement hoardings or shrouds required for the screening of construction sites or for creating visual interest that are: (a) of a high standard of design; (b) displayed only during the period of construction; (c) comprised of high quality opaque, solid and non-reflective material that is durable, low maintenance and appropriate to the City context; (d) required to conceal wiring and conduits; and (e) do not create undue risk to public or private safety."
NEW CONTENT IN THE CODE (insert below)				

Zone				1 - Included in the Code and retains same policy intent	
Policy area(s)	Access and Movement			2 - Wording changed but policy intent remains (OK)	
				3 - Included in the Code but policy intent changed (NOT OK)	
				4 - Not included in the Code but OK to remove	
				5 - Not included in the Code and should be reinstated	
General comments					
Number	Description	Transition category	Where has it been included?	Comments	
Policy Objectives					
60	Access to and movement within the City that is easy, safe, comfortable and convenient with priority given to pedestrian and cyclist safety and access.	3 - Included in the Code but policy intent changed (NOT OK)	Transport Access and Parking, DO 1	Priority to pedestrian and cyclist safety and access needs to be reinstated. Pedestrian priority is not clear. Amend DO 1 - Add Priority given to cyclists and pedestrians etc.	
Principles of Development Control					
224	Development should provide safe, convenient and comfortable access and movement.	2 - Wording changed but policy intent remains (OK)	covered across policies	covered across policies	
225	225 Vehicle access points along primary and secondary city access roads and local connector roads, as shown on Map Adel/1 (Overlay 1) should be restricted.	5 - Not included in the Code and should be reinstated	PO 3.1 - 3.9	Policy should be reinstated. Map is deleted. Check streets on map. Insert Map	
NEW CONTENT IN THE CODE (insert below)					

Zone		1 - Included in the Code and retains same policy intent 2 - Wording changed but policy intent remains (OK) 3 - Included in the Code but policy intent changed (NOT OK) 4 - Not included in the Code but OK to remove 5 - Not included in the Code and should be reinstated		
Policy area(s)	Pedestrian Access			
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Policy Objectives				
61	Development that promotes the comfort, enjoyment and security of pedestrians by providing shelter and reducing conflict with motor vehicles.	5 - Not included in the Code and should be reinstated		Much of the pedestrian policy has been deleted. Some is within zones however it is not specifically mentioned. Reinsert policy in transport and access.
62	Objective 62: Development that contributes to the quality of the public realm as a safe, secure and attractive environment for pedestrian movement and social interaction.			
63	Safe and convenient design of and access to buildings and public spaces, particularly for people with disabilities.	3 - Included in the Code but policy intent changed (NOT OK)	PO 4.1	
Principles of Development Control				
226	Development should reflect the significance of the paths and increase the permeability of the pedestrian network identified within Map Adel/1 (Overlay 2) by ensuring: (a) pedestrians are not disrupted or inconvenienced by badly designed or located vehicle access ramps in footpaths or streets; and (b) vehicle and service entry points are kept to a minimum to avoid adverse impact on pedestrian amenity.	5 - Not included in the Code and should be reinstated		Insert into to relevant zone
227	Within the Core, Primary and Secondary Pedestrian Areas identified within Map Adel/1 (Overlays 2, 2A and 3), development should be designed to support the establishment and maintenance of continuous footpaths so that pedestrian flow is free and uninterrupted. Pedestrian access should be provided at ground level mid-block between all streets.	5 - Not included in the Code and should be reinstated		Insert into to relevant zone or overlay
228	228 Development should provide and maintain pedestrian shelter, access and through-site links in accordance with the walking routes identified within Map Adel/1 (Overlays 2, 2A and 3) and the provisions of the Zone or Policy Area in which it is located. Such facilities should be appropriately designed and detailed to enhance the pedestrian environment, have regard to the mobility needs of people with disabilities, and be safe, suitable and accessible.	5 - Not included in the Code and should be reinstated		Insert into to relevant zone or overlay
229	229 Corner buildings in the Central Business Policy Area of the Capital City Zone, buildings adjacent to street intersections and buildings along a high concentration public transport route or along public transport pedestrian routes identified within Map Adel/1 (Overlay 4) should provide weather protection for pedestrians in the form of verandahs, awnings or canopies. Where verandahs or awnings are provided which block street lighting, they should include additional lighting beneath the canopy.	5 - Not included in the Code and should be reinstated		Insert into to relevant zone or overlay
230	230 Permanent structures over a footpath should have a minimum clearance of 3.0 metres above the existing footpath level, except for advertisements which should have a minimum clearance of 2.5 metres and temporary structures and retractable canopies which should have a minimum clearance of 2.3 metres above the existing footpath level.	5 - Not included in the Code and should be reinstated		Insert into design in urban areas or overlay
231	231 Where posts are required to support permanent structures, they should be located at least 600 millimetres from the kerb line.	5 - Not included in the Code and should be reinstated		Insert into design in urban areas or overlay . If the encroachment policy is a design standard it can also resolve this.
232	232 Access for people with disabilities should be provided to and within all buildings to which members of the public have access in accordance with the relevant Australian Standards. Such access should be provided through the principal entrance, subject to heritage considerations and for exemptions under the relevant legislation.	5 - Not included in the Code and should be reinstated	4.1	Insert into design in urban areas or overlay. Add to PO 4.1
NEW CONTENT IN THE CODE (insert below)				
PO 4.1 provides a policy on access for people with a disability.				

Zone			1 - Included in the Code and retains same policy intent	
Policy area(s)	Bicycle Access		2 - Wording changed but policy intent remains (OK)	
			3 - Included in the Code but policy intent changed (NOT OK)	
			4 - Not included in the Code but OK to remove	
			5 - Not included in the Code and should be reinstated	
General comments	Check the tables for number of bike parks per land uses. For the DTS land			
Number	Description	Transition category	Where has it been included?	Comments
Policy Objectives				
64	Greater use of bicycles for travel to and within the City and the improvement of conditions, safety and facilities for cyclists.		PO 9.1 - 9.3	
65	Objective 65: Adequate supply of secure, short stay and long stay bicycle parking to support desired growth in City activities.			
Principles of Development Control				
233	Development should have regard to the bicycle routes identified within Map Adel/1 (Overlay 3) by: (a) limiting vehicular access points; and (b) ensuring that vehicles can enter and leave the site in a forward direction, thereby avoiding reverse manoeuvres. An adequate supply of on-site secure bicycle parking should be provided to meet the demand generated by the development within the site area of the development. Bicycle parking should be provided in accordance with the requirements set out in Table Adel/6.		PO 9.1 - 9.3	This is not carried over. The map does not reflect current bike routes.
234		5 - Not included in the Code and should be reinstated	table 3.	Insert bicycle rates that have been missed. Insert those that have been missed. To Support cycling beginning and end of trip facilities needs to be provided. The P& D Code only seek Bicycle provisions are only relevant in 'Designated Areas'. This is not suitable to create the convinced needed to support a cycling as genuine mode. Why would someone from Suburban Neighbourhood Zone in Unley ride if they only had bicycle parking at the end of their trip rather than the start of their trip? Regional planning is needed to support cycling. In addition, it is a disadvantage to city developers if they have to provide parking when metropolitan areas do not. Support all people within metro areas to cycle by enabling all metropolitan areas to provide cycle parking to support a network.
235	Onsite secure bicycle parking facilities for residents and employees (long stay) should be: (a) located in a prominent place; (b) located at ground floor level; (c) located undercover; (d) located where passive surveillance is possible, or covered by CCTV; (e) well lit and well signed; (f) close to well used entrances; (g) accessible by cycling along a safe, well lit route; (h) take the form of a secure cage with locking rails inside or individual bicycle lockers; and (i) in the case of a cage have an access key/pass common to the building access key/pass. Onsite secure bicycle parking facilities for short stay users (i.e. bicycle rails) should be: (a) directly associated with the main entrance; (b) located at ground floor level;	3 - Included in the Code but policy intent changed (NOT OK)	PO 9.1 - 9.3	The following should be reinstated as a DTS 9.2 (b) located at ground floor level;(e) well lit and well signed; (f) close to well used entrances;(h) take the form of a secure cage with locking rails inside or individual bicycle lockers; and (i) in the case of a cage have an access key/pass common to the building access key/pass. Reinstate.
236	(c) located undercover; (d) well lit and well signed; (e) located where passive surveillance is possible, or covered by CCTV; and (f) accessible by cycling along a safe, well lit route.	3 - Included in the Code but policy intent changed (NOT OK)	PO 9.1 - 9.3	The following should be reinstated as a DTS 9.2 (b) located at ground floor level;(e) well lit and well signed; (f) close to well used entrances;(h) take the form of a secure cage with locking rails inside or individual bicycle lockers; and (i) in the case of a cage have an access key/pass common to the building access key/pass.

Number	Description	Transition category	Where has it been included?	Comments
237	<p>Access to bicycle parking should be designed to:</p> <p>(a) minimise conflict with motor vehicles and pedestrians;</p> <p>(b) ensure the route is well signed and well lit including the use of road markings such as a bicycle logo if appropriate to help guide cyclists; and</p> <p>(c) ensure the route is unhindered by low roof heights.</p> <p>Design Technique (this is ONE WAY of meeting the above Principle)</p> <p>237.1 In relation to Principle 237(a):</p> <p>(a) avoid unnecessary vehicular crossing points, particularly with potential reversing movements from motor vehicles; and</p> <p>(b) utilise the shortest, most direct route for cycles to reach the destination bicycle parking</p> <p>237.2 In relation to Principle 237(c), a minimum clearance of 2 metres for new, permanent structures.</p>		PO 9.3	
238	To facilitate and encourage the use of bicycles and walking as a means of travel to and from the place of work, commercial and institutional development should provide on-site shower and changing facilities.	2 - Wording changed but policy intent remains (OK)		
NEW CONTENT IN THE CODE (insert below)				

Zone				1 - Included in the Code and retains same policy intent	
Policy area(s)	Traffic and Vehicle Access			2 - Wording changed but policy intent remains (OK)	
				3 - Included in the Code but policy intent changed (NOT OK)	
				4 - Not included in the Code but OK to remove	
				5 - Not included in the Code and should be reinstated	
General comments					
Number	Description	Transition category	Where has it been included?	Comments	
Policy Objectives					
68	Development that supports a shift toward active and sustainable transport modes (i.e. public transport, cycling and walking).	5 - Not included in the Code and should be reinstated		The shift is not represented by the policy. Insert DO to support this policy. Add Mobility as a service. <i>DO XX</i> <i>Development that supports a shift towards active and sustainable transport modes (i.e. public transport, mobility as a service, cycling and walking) in order to promote affordable, healthy and communities.</i>	
69	Objective 69: An enhanced City environment and the maintenance of an appropriate hierarchy of roads to distribute traffic into the City to serve development in preference to through traffic.	5 - Not included in the Code and should be reinstated		The link and place method has not been used nor has the hierarchy of roads.	
70	Objective 70: Adequate off-street facilities for loading and unloading of courier, delivery and service vehicles and access for emergency vehicles.	3 - Included in the Code but policy intent changed (NOT OK)	Vehicle Parking Areas - 6.6	This is more about having the loading area in the site rather than having to have loading areas in the site. In high density areas this may not be achievable nor efficient or appropriate. Shared approaches are needed.	
Principles of Development Control					
241	Development should be designed so that vehicle access points for parking, servicing or deliveries, and pedestrian access to a site, are located to minimise traffic hazards and vehicle queuing on public roads. Access should be safe, convenient and suitable for the development on the site, and should be obtained from minor streets and lanes unless otherwise stated in the provisions for the relevant Zone or Policy Area and provided residential amenity is not unreasonably affected. Facilities for the loading and unloading of courier, delivery and service vehicles and access for emergency vehicles should be provided on-site as appropriate to the size and nature of the development. Such facilities should be screened from public view and designed, where possible, so that vehicles may enter and leave in a forward direction. Design Technique (this is ONE WAY of meeting the above Principle)	3 - Included in the Code but policy intent changed (NOT OK)	PO 1.4	Minor streets need to be emphasised.	
242	242.1 Commercial vehicle facilities in compliance with the requirements recommended in Australian Standard AS 2890.2: Off-Street Parking - Part 2: Commercial Vehicle Facilities.	3 - Included in the Code but policy intent changed (NOT OK)	1.3	The on-site requirements have not been emphasised. The proposed policy does not work in a City Urban Context. Spaces are constrained there is inability to separate all movements. Reinstatement Policy.	
243	Where practicable, development sites should contain sufficient space for the location of construction equipment during the course of building construction, so that development does not rely on the use of Council road reserves to locate such equipment.	4 - Not included in the Code but OK to remove		This is more of a management provision. This can be dealt with as part of their construction management plan rather than a planning condition?	
244	244 Vehicular access to development located within the Core and Primary Pedestrian Areas identified in Map Adel/1 (Overlay 2A) should be limited and designed to minimise interruption to street frontages.	5 - Not included in the Code and should be reinstated		This should be reinstated and expanded to reflect the Smart Move Strategy and or the ADM street hierarchy.	
245	245 Where vehicular access to a development is gained by an existing crossing in the Core Pedestrian Area identified in Map Adel/1 (Overlay 2A), there should be no increase in the number of parking spaces served by the crossing, nor any increase in the number of existing crossings serving that development.	5 - Not included in the Code and should be reinstated		Non-ancillary parking is not explicitly objected against.	
246	246 There is no minimum setback required from a rear access way where the access way is wider than 6.5 metres. Where the access way is less than 6.5 metres in width, a setback distance equal to the additional width required to make the access way 6.5 metres or more, is required to provide adequate manoeuvrability for vehicles.	5 - Not included in the Code and should be reinstated		Add to Design in Urban Areas.	
247	247 The number of access points on primary city access roads identified in Map Adel/1 (Overlay 1) should be limited to minimise traffic and pedestrian inconvenience, interference with public transport facilities and adverse effects on the environment.	5 - Not included in the Code and should be reinstated		Reinstatement policy. Subject roads are O'Connell Street, North Terrace, Front Road, East Terrace/Hutt South Terrace, West Terrace, Melbourne Street, Flinders/Franklin. This might be better in an Overlay in the City.	
248	248 Buildings located along primary and secondary access roads should be sited to avoid the need for vehicles to reverse on to the road (unless the dimensions of the site make this impractical)				

Number	Description	Transition category	Where has it been included?	Comments
249	Access roads within residential development should: (a) provide convenient access for emergency vehicles, visitors and residents; (b) enable vehicles to enter and leave a site in a forward direction; (c) provide a comfortable and safe pedestrian environment; and (d) be well lit.		Pedestrian links PO 6.4 Forward Direction 4.1 Lighting 6.5	Lighting doesn't appear to be required in anything other than parking areas. Add policy to PO 6.5
250	Access roads within residential development for older people and people with disabilities should: (a) include platforms across roadways at pedestrian crossing points; (b) not have steep gradients; and (c) have level surface passenger loading areas.	5 - Not included in the Code and should be reinstated	Access for People with Disabilities	This is universal design . Should this be required everywhere?
NEW CONTENT IN THE CODE (insert below)				
	ERROR page 664 refers to DTS 21.5 - this has been deleted. There doesn't appear to be any requirements for disabled vehicle parking. Where are the multi level car parking design principles?			

Zone		Policy area(s)			Car Parking
General comments		<p>This is in Transport, Access and Parking, Design In Urban Areas and specific policies are in each zone.</p>			
Number	Description	Transition category	Where has it been included?	Comments	
Policy Objectives					
71	To meet community expectation for parking supply while supporting a shift toward active and sustainable transport modes.	4 - Not included in the Code but OK to remove		Add policy to DO.	
72	An adequate supply of short-stay and long-stay parking to support desired growth in City activities without detrimental affect on traffic and pedestrian flows.	4 - Not included in the Code but OK to remove		This is a CoA Management approach rather than Planning policy.	
Principles of Development Control					
251	<p>Car parking areas should be located and designed to:</p> <ul style="list-style-type: none"> (a) ensure safe and convenient pedestrian movement and traffic circulation through and within the car parking area; (b) include adequate provision for manoeuvring and individually accessible car standing areas; (c) enable, where practical, vehicles to enter and leave the site in a forward direction; (d) minimise interruption to the pattern of built form along street frontages; (e) provide for access off minor streets and for the screening from public view of such car parking areas by buildings on the site wherever possible; (f) minimise adverse impacts on adjoining residential properties in relation to noise and access and egress; (g) minimise loss of existing on-street parking spaces arising through crossovers and access; (h) incorporate secure bicycle parking spaces and facilitate convenient, safe and comfortable access to these spaces by cyclists; and (i) provide landscaping, such as semi-mature trees, to shade parked vehicles and reduce the visual impact of the car parking area while maintaining direct sight lines and informal visual surveillance. <p>Design Technique (this is ONE WAY of meeting the above Principle) 251.1 Car parking in compliance with the requirements recommended in Australian Standard AS 2890.1: 'Parking Facilities - Off-street Car Parking' and Australian Standard AS 2890.2: Off-Street Parking - Part 2: Commercial Vehicle Facilities.</p>	3 - Included in the Code but policy intent changed (NOT OK)	Transport, Access and Parking PO3.1-3.9 PO 6.1 - 6.7	Add to PO 6.2	
252	<p>All development should provide car parking spaces for people with disabilities in accordance with the requirements in the Building Code of Australia (BCA). For classes of buildings not covered by the requirements of the BCA, the number of spaces should be provided in accordance with Table Adel/7 and such car parking spaces should comply with Australian Standard 2890.1: 'Parking Facilities - Off-street Car Parking'.</p>	5 - Not Included in the Code and should be reinstated		<p>This has not been included. There is a policy 4.1. that relates to the design of Disabled parking however it does not require it. Insert Policy. <i>DTS/DPF 4.1</i> <i>All development should provide car parking spaces for people with disabilities.</i> <i>DTS/DPF 4.1</i> <i>Disabled car parking should be provided as follows:</i> a) <i>A minimum of 1 car parking space in every 15 spaces provided with any form of development should function as a car parking space suitable for use by people with disabilities and other people with small children and prams so they can easily be loaded/unloaded from vehicle side doors.</i> b) <i>Every second parking space provided for people with special needs shall be reserved for the exclusive use of people with disabilities (i.e. 1 in 30 spaces).</i></p>	

Number	Description	Transition category	Where has it been included?	Comments
253	<p>Within the City Living Zone, Adelaide Historic (Conservation) Zone, North Adelaide Historic (Conservation) Zone, Main Street, Mixed Use and Institutional Zones:</p> <p>(a) adequate car parking should be provided within the site area of the development to meet the demand generated by the development;</p> <p>(b) car parking should be provided in accordance with Table Adel/7; and</p> <p>(c) car parking rates lower than the minimum in Table Adel/7 may be appropriate where there is readily accessible and frequent public transport in the locality or it can be demonstrated that a lower provision is warranted, such as for the following reasons:</p> <p>(i) the nature of development;</p> <p>(ii) existing heritage places on or adjacent to the development site which dictates the development of the site in a manner which hampers the provision of on-site parking;</p> <p>(iii) the opportunity to exploit shared car parking areas between uses based upon compatible hours of peak operation;</p> <p>(iv) use of a car share scheme; or</p> <p>(v) suitable arrangements for any parking shortfall to be met elsewhere or by other means.</p> <p>Off-street parking should:</p>	3 - Included in the Code but policy intent changed (NOT OK)	Vehicle Parking Rates PO 5.1	Car parking rates have changed. In some cases are higher than now. The car parking fund whilst not utilised is not mentioned in the new policy. There is a need to give dispensations in as outlined in © Insert Policy in relevant zones.
254	<p>(a) be controlled in accordance with the provisions for the relevant Policy Area;</p> <p>(b) be located away from street frontages or designed as an integral part of buildings on the site. Provision of parking at basement level is encouraged; and</p> <p>(c) not include separate garages or carports in front of buildings within front set-backs.</p>	3 - Included in the Code but policy intent changed (NOT OK)	Some in Design in Urban Areas, the Zo	There needs to be a emphasis on being located away from all street frontages or designed as an integral part of the buildings on the size. Insert Policy in Design in Urban Areas - Car parking appearance. Where possible, basement parking should utilised and encouraged.
255	Garaging and parking structures (including the width of any support structure) provided on a public street frontage or on a laneway that functions as the dwellings primary frontage should be of a width less than 50 percent of the allotment width on that frontage.	5 - Not included in the Code and should be reinstated		Transport, Access and Parking Assessment Provisions (AP) add to DTS/DPF 3.6
256	256 Undercroft parking is not appropriate within the City Living Zone, Adelaide Historic (Conservation) Zone, North Adelaide Historic (Conservation) Zone, Mixed Use Zones or Main Street Zones.			
257	257 Undercroft parking should project no higher than 1 metre above ground level and should be screened from public view and designed to add interest and creativity to the street frontage. Off-street parking in the Core Pedestrian Area identified in Map Adel/1 (Overlay 2A) will only be appropriate where:		Design in Urban Areas DTS 6.1	This has been changed to 1.2 metres and is screen through plantings. This also says except for "continuous ground floor façade aligned with the front property boundary is desired". Insert Policy.
258	<p>(a) parking is ancillary to another activity carried out on the land;</p> <p>(b) it can be provided without loss of pedestrian amenity; and</p> <p>(c) it is not separately created on a strata title or community title basis (unless in association with another title held on the site).</p>	5 - Not included in the Code and should be reinstated		This has not been included. Insert Policy.
259	Multi-level car parks or non-ancillary car parking use of an existing building should only be established where it can be demonstrated that there is a need which is not adequately satisfied by other parking facilities in the locality.	5 - Not included in the Code and should be reinstated		This has not been included. Insert Policy.

Number	Description	Transition category	Where has it been included?	Comments
260	<p>Multi-level car parks and short stay public use of ancillary car parking spaces are discouraged at ground floor street frontages in the Primary Pedestrian Area identified in Map Adel/1 (Overlays 2, 2A and 3). Multi-level car parks, short stay public use of ancillary car parking spaces or non-ancillary car parking use of an existing building may be appropriate where it:</p> <p>(a) is located away from ground floor street frontages to major streets; (b) ensures vehicle access is from the road with less pedestrian activity in instances where a site has access to more than one road frontage; (c) has no more than one entry lane and one exit lane; (d) has a controlled exit at the property boundary to stop vehicles before travelling across the footpath; (e) has no more than one left in and one left out access point; (f) avoids access points along high concentration public transport routes identified in Map Adel/1 (Overlay 4); and (g) with respect to ancillary parking, is provided at basement level, or undercroft if located behind other uses which provide activity on the street frontage.</p> <p>Multi-level car parks should be designed to:</p> <p>(a) provide active street frontages and land uses such as commercial, retail or other non-car park uses, along ground floor street frontages to maintain pedestrian interest and activity at street level; (b) be of a high quality design and complement the surrounding built form in terms of height, bulk and scale; (c) provide surveillance, lighting and direct sightlines along clearly defined and direct walkways, through and within car parking areas and to lift and toilet areas; (d) on a corner site with two major street frontages, be set back from the major street frontages, with commercial or other non-car park floor space in front of and screening the car parking building; (e) on a site with only one major street frontage, include screening so that any car parking is not visible from the public realm either day or night, and detailed to complement neighbouring buildings in a manner consistent with desired character in the relevant Zone and Policy Area; (f) incorporate treatments to manage the interface with adjacent housing, such as careful use of siting and use of materials and landscaping; (g) not have vehicle access points across major walking routes identified in Map Adel/1 (Overlay 2); and (h) provide safe and secure bicycle parking spaces in accordance with the requirements of Table Adel/6.</p>	<p>3 - Included in the Code but policy intent changed (NOT OK)</p>	<p>Design in urban areas PO13.1-13.2</p>	<p>Insert Policy in design in urban areas</p> <p>Multi-level car parks should be designed to:</p> <p>(a) Located away from ground floor street frontages (b) Ensure vehicle access is from the road with less pedestrian activity (c) Has no more than one entry lane and one exist lane (d) has a controlled exit at the property boundary to stop vehicles before travelling across the footpath; (e) has no more than one left in and one left out access point; (f) avoids access points along high concentration public transport routes identified in Map Adel/1 (Overlay 4); and (g) with respect to ancillary parking, is provided at basement level, or undercroft if located behind other uses which provide activity on the street frontage. (h) provide active street frontages and land uses such as commercial, retail or other non-car park uses, along ground floor street frontages to maintain pedestrian interest and activity at street level; (i) be of a high quality design and complement the surrounding built form in terms of height, bulk and scale; (j) provide surveillance, lighting and direct sightlines along clearly defined and direct walkways, through and within car parking areas and to lift and toilet areas; (k) on a corner site with two major street frontages, be set back from the major street frontages, with commercial or other non-car park floor space in front of and screening the car parking building; (l) on a site with only one major street frontage, include screening so that any car parking is not visible from the public realm either day or night, and detailed to complement neighbouring buildings in a manner consistent with desired character in the relevant Zone and Policy Area; (m) incorporate treatments to manage the interface with adjacent Insert Policy. Same as above.</p>
261	<p>The hours and methods of operation of multi-level and non-ancillary car parks should ensure overall traffic efficiency, minimum adverse impact on the environment, and levels of parking supply adequate to meet the economic and social needs of the City.</p> <p>In areas outside the Core and Primary Pedestrian Areas identified in Map Adel/1 (Overlays 2, 2A and 3), car parking may be provided to serve a development within the site of the development or elsewhere.</p>	<p>5 - Not included in the Code and should be reinstated</p>		
262	<p>Where car parking is provided, it should be:</p> <p>(a) provided with vehicle access points that do not cross major walking routes identified in Map Adel/1 (Overlay 2); and (b) located away from frontages to major streets wherever possible.</p>	<p>4 - Not included in the Code but OK to remove</p>		
263		<p>5 - Not included in the Code and should be reinstated</p>		<p>Check in Capital City Zone. Why not insert Significant City Places from the Smart Move Strat?</p>

Number	Description	Transition category	Where has it been included?	Comments
264	<p>On-site parking should be provided for development in those localities close to the City Living Zone, the Adelaide Historic (Conservation) Zone or the North Adelaide Historic (Conservation) Zone, unless suitable parking facilities exist within the vicinity of the development, the use of which does not adversely impact on amenity in the City Living Zone, Adelaide Historic (Conservation) Zone or the North Adelaide Historic (Conservation) Zone.</p> <p>Car parking associated with development for older people and people with disabilities should:</p> <p>(a) be conveniently located on site within easy walking distance to resident units;</p> <p>(b) be adequate for residents, staff, service providers and visitors in accordance with the requirements set out in Table Adel/7;</p> <p>(c) include separate and appropriately marked places for people with disabilities and spaces for small electrically powered vehicles;</p>	4 - Not included in the Code but OK to remove	PO 4.1	Insert Policy. Add to access for people with a disability.
265	<p>(d) have slip-resistant surfaces with low gradients;</p> <p>(e) allow ease of vehicle manoeuvrability;</p> <p>(f) be designed to allow the full opening of all vehicle doors; and</p> <p>(g) minimise the impact of car parking on adjacent residences due to visual intrusion, noise and emission of fumes.</p> <p>Design Technique (this is ONE WAY of meeting part of the above Principle)</p> <p>265.1 In relation to Principle 264(d), the gradient of the car parking space not steeper than 1:20.</p>	5 - Not included in the Code and should be reinstated		
NEW CONTENT IN THE CODE (insert below)				

Zone		Transition category				
Policy area(s)	Public Transport	1 - Included in the Code and retains same policy intent	2 - Wording changed but policy intent remains (OK)	3 - Included in the Code but policy intent changed (NOT OK)	4 - Not included in the Code but OK to remove	5 - Not included in the Code and should be reinstated
General comments	None of these have been transferred over in the City. The previous maps were outdated. However the is not detail of public transport area. There is a need to limit the impact to public transport corridors through access and egress impacting ma					
Number	Description	Transition category	Where has it been included?	Comments		
Policy Objectives						
66	Development that promotes the use of sustainable transport consistent with State Government objectives and initiatives.	3 - Included in the Code but policy intent changed (NOT OK)		The proposed policy does not support a mode shift which was sought by State Government Objectives. However, the Development Plan Policy was probably not enforable due to it referring to other strategies rather than being a policy. Insert Policy.		
67	Objective 67: Accessible public transport for all metropolitan residents and visitors and safe and attractive facilities for public transport users.	4 - Not included in the Code but OK to remove				
Principles of Development Control						
239	Development along a high concentration public transport route should be designed to ensure that activity and interest for public transport passengers is maximised through the incorporation of active street frontages.		Transport Access and Parking DO 1.	There is some policy around the impact to public transport routes. Insert Policy.		
240	Development along high concentration public transport routes identified in Map Adel/1 (Overlay 4) should: (a) ensure there are pedestrian links through the site if needed to provide access to public transport; (b) provide shelter (e.g. verandahs) for pedestrians against wind, sun and rain; (c) provide interest and activity at street level; and (d) where possible, avoid vehicle access across high concentration public transport routes identified in Map Adel/1 (Overlay 4). Where unavoidable, vehicle access should be integrated into the design of the development whilst retaining active street frontages.	5 - Not included in the Code and should be reinstated		The pedestrain policy seems to be deleted. Access from these major roads seem to be deleted. Need to check the zone policy. Overlay 4 is North Terrace, Curry/Grenfell Stret, Hutt Street, Pultney Street, Morphett Street, Sturt Street west, West Terrace, O'Connell Street. Without the streets specified, it will mean the applicant has to interpret the policy. Insert Policy.		
NEW CONTENT IN THE CODE (insert below)						

Zone														
Policy area(s)	Squares and Public Spaces	<table border="1"> <tr> <td>1 - Included in the Code and retains same policy intent</td> <td>0%</td> </tr> <tr> <td>2 - Wording changed but policy intent remains (OK)</td> <td>38%</td> </tr> <tr> <td>3 - Included in the Code but policy intent changed (NOT OK)</td> <td>0%</td> </tr> <tr> <td>4 - Not included in the Code but OK to remove</td> <td>25%</td> </tr> <tr> <td>5 - Not included in the Code and should be reinstated</td> <td>38%</td> </tr> </table>	1 - Included in the Code and retains same policy intent	0%	2 - Wording changed but policy intent remains (OK)	38%	3 - Included in the Code but policy intent changed (NOT OK)	0%	4 - Not included in the Code but OK to remove	25%	5 - Not included in the Code and should be reinstated	38%		
1 - Included in the Code and retains same policy intent	0%													
2 - Wording changed but policy intent remains (OK)	38%													
3 - Included in the Code but policy intent changed (NOT OK)	0%													
4 - Not included in the Code but OK to remove	25%													
5 - Not included in the Code and should be reinstated	38%													
General comments														
Number														
Description														
Transition category														
Where has it been included?														
Comments														
Policy Objectives														
OBJ 57	High quality, readily accessible external and internal open spaces in appropriate locations that form an integral part of the public domain, provide sanctuary, visual pleasure and a range of recreational and leisure opportunities and contribute to the City's pedestrian and bicycle network.	4												
OBJ 58	Development that conserves and enhances the City's squares, improves their visual amenity, increases their range of uses, and maximises pedestrian accessibility to their landscaped areas.	2	Capital City Zone PO 3.8											
OBJ 59	A distinctive Adelaide streetscape identity through the use of street furniture, graphics, public art, signs, lighting and landscaping, recognising existing visually significant buildings and trees.	4												
Principles of Development Control														
219	The Squares should be for the relaxation, enjoyment and leisure of the City's workers, residents, students and visitors. The landscaped area of the Squares should where possible, be enlarged to improve visual and functional amenity. Development should: (a) maximise pedestrian convenience, safety and access to the landscaped area of the Squares and reduce conflict between pedestrians and vehicles; (b) contribute to the amenity of the City through the provision of tall trees and other suitable drought tolerant planting; (c) provide facilities such as seating, rest areas, and weather protection to enhance cultural, social and outdoor recreational activity; (d) maintain a high quality of lighting for security and amenity; (e) minimise buildings, structures, utilities and service facilities; and (f) maintain a high quality of design.	5		Although the Code contains provisions on development fronting the squares, there are no provisions in regard to development within the squares. On this basis the PDC should be included within the Capital City Zone under the heading 'Built Form and Character'.										

Number	Description	Transition category	Where has it been included?	Comments
220	<p>Development fronting public spaces should be of a high standard of design and should reinforce the distinctive urban character of the City by:</p> <p>(a) defining and enclosing the City Squares with a continuous edge of peripheral buildings which:</p> <p>(i) are of relatively consistent height and scale as appropriate to the desired character surrounding each of the Squares;</p> <p>(ii) are designed to maintain the continuity of the streetscape;</p> <p>(iii) are situated close to or abutting the Square frontages;</p> <p>(iv) provide ground floor activities that support the public use of the space; and</p> <p>(v) are designed and sited to minimise overshadowing of the Square's garden areas.</p> <p>(b) enhancing interest, use, safety and a range of activities by ensuring:</p> <p>(i) facades abutting public spaces provide visual interest; and</p> <p>(ii) appropriate elements of public art;</p> <p>(c) defining the major streets as important linear public spaces which display a formal townscape character by:</p> <p>(i) ensuring that buildings in the Capital City Zone maintain or re-establish, a continuous edge of built-form abutting or situated close to major street frontages;</p> <p>(ii) emphasising the townscape importance of development at the intersections of major streets, and intersections of major streets with City Squares, with corner buildings of a scale and form appropriate to their location and situated close to or abutting both street frontages;</p> <p>(iii) ensuring that buildings fronting on to such streets are of a shape and orientation which relate to and reinforce the rectilinear grid pattern of the City; and</p> <p>(iv) requiring that any substantial set-back, open space or plaza be behind a built-form or landscape element which maintains or reinforces the continuity and line of the street frontage;</p> <p>(d) maintaining the existing pattern and structure of streets and laneways;</p> <p>(e) restricting building over minor streets and laneways to avoid over-shadowing and preserve the built-form pattern established by traditional land sub-division in the City; and</p> <p>(f) allowing for ease of pedestrian circulation and through access where possible.</p> <p>Design Techniques (these are ONE WAY of meeting parts of the above Principle)</p> <p>220.1 In relation to Principle 220(a), minimising set-back distances from the perimeter of the space to</p>	2	<p>(a) partly covered in Capital City Zone PO 3.6, DTS/DPF 3.6, PO 3.7, PO 3.8</p> <p>(b) Capital City Zone PO 2.1, PO 2.2.</p> <p>(c) partly covered in Capital City Zone PO 3.3, PO 3.4</p> <p>(f) Capital City Zone PO 6.1</p>	<p>There are no provisions within the Code that seek to maintain the structure and pattern of the City's streets which is an essential element of the National Heritage listing of the City Layout. It is recommended that the following policy be included in the Capital City Zone, City Main Street Zone and the City Living Zone, under the heading 'Built Form and Character':</p> <p><i>"Development that maintains the existing built-form pattern and structure of streets and laneways."</i></p>
221	<p>Development on, over, encroaching upon, or opening on to public spaces should not endanger public safety or cause undue inconvenience to either pedestrians, including persons with disabilities, or users of vehicles, and should ensure adequate alignment of building levels to surface levels.</p>	5		<p>There are no provisions regarding encroachments within the Code. It is recommended that encroachment guidelines and standards be incorporated within the Code to ensure public safety.</p>
222	<p>Cornices, sunscreens and hoods should:</p> <p>(a) have a minimum height of 3 metres above the level of the footway or 5 metres above a carriageway;</p> <p>(b) have a maximum projection of 1.2 metres over a public space which exceeds 10 metres in width and a maximum of 600 millimetres over a public space which is 10 metres or less in width; and</p> <p>(c) be constructed to prevent water dripping or running into a public place.</p>	5		<p>There are no provisions regarding encroachments within the Code. It is recommended that encroachment guidelines and standards be incorporated within the Code to ensure public safety.</p>
223	<p>Public spaces should allow good visibility into and across the space to promote security and safety and should provide opportunities for citizens to meet and socialise.</p>	2	<p>General Development Policies - Design in Urban Areas PO 2.1</p>	
NEW CONTENT IN THE CODE (insert below)				

Zone		1 - Included in the Code and retains same policy intent	0%	
		2 - Wording changed but policy intent remains (OK)	40%	
		3 - Included in the Code but policy intent changed (NOT OK)	0%	
		4 - Not included in the Code but OK to remove	40%	
		5 - Not included in the Code and should be reinstated	20%	
Policy area(s) Economic Growth and Land Use				
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Policy Objectives				
OBJ 73	The role of the City enhanced as: (a) the community, civic and cultural heart of South Australia and as a driving force in the prosperity of the State; (b) the State centre for business, administration, services, employment, education, political and cultural activities, government and public administration; (c) a welcoming, secure, attractive and accessible meeting place for the people of metropolitan Adelaide and beyond for leisure, entertainment, civic and cultural activity, specialty shopping, personal and community services; (d) a centre for education and research built on key academic strengths and on the excellent learning environment and student accommodation available in the City; (e) a supportive environment for the development of new enterprises drawing on the cultural, educational, research, commercial and information technology strengths of the City centre; (f) the gateway to the attractions of South Australia for international and interstate visitors by developing a wide range of visitor accommodation, facilities and attractions, particularly attractions which showcase the particular strengths of South Australia; and (g) a great place to live, with a growing diversity of accommodation for different incomes and lifestyles.	2	Capital City Zone DO 1	
74	A business environment which encourages investment from domestic and foreign sources, business development and employment.	4		
OBJ 75	Development which reinforces clusters and nodes of activity and distinctive local character.	4		Addressed in the Sub-Zones
OBJ 76	A diverse mix of commercial, community, civic and residential activities to meet the future needs of the Capital City of South Australia.	2	Capital City Zone PO 1.1 City Riverbank Zone DO 1	
Principles of Development Control				
266	Development, particularly within the Capital City and Institutional Zones, is encouraged to: (a) provide a range of shopping facilities in locations that are readily accessible; (b) provide for the growth in economic activities that sustain and enhance the variety and mix of land uses and the character and function of the City; (c) maximise opportunities for co-location, multiple use and sharing of facilities; (d) be accessible to all modes of transport (particularly public transport) and safe pedestrian and cycling routes; and (e) have minimal impact on the amenity of residential areas.	2	Capital City Zone DO 1, PO 1.1	
267	The Institutional Zones should develop: (a) with a function and quality in providing leisure, transport, cultural, government, educational and health facilities in an "Institutional" setting on land in public ownership; (b) by being characterised by a transition of fine public buildings in a landscaped setting between the intense built form marking the edge of the Capital City Zone on the southern side of North Terrace to the Torrens Valley in the Park Lands Zone; (c) with commercial activities being ancillary to the cultural and institutional functions of the Zones; and (d) with improved pedestrian movement and integration across North Terrace.	2	(a) (c) City Riverbank Zone PO 1.1 (b) City Riverbank Zone DO 3, PO 2.2, PO 2.4 (d) City Riverbank Zone PO 4.1	
268	Development is encouraged to develop and expand upon the existing or create new tourism activities to maximise employment and the long-term economic, social and cultural benefits of developing the City as a competitive domestic and international tourist destination.	4		
269	Tourist facilities should be compatible with the prevailing character of the area, within close proximity to public transport facilities and well designed and sited.	4		

Number	Description	Transition category	Where has it been included?	Comments
270	Development located either abutting, straddling or within 20 metres of a Zone or Policy Area boundary should provide for a transition and reasonable gradation from the character desired from one to the other.	5		Within the Capital City Zone the provisions focus on land use interface, visually minimising the impact of buildings exceeding the maximum height by centrally locating taller elements within the centre of the Site. There are no requirements ensuring that there is a gradual transition from one zone to the other or the sensitivities associated with the location. It is recommended that zone transition potential impacts be addressed more thoughtfully in the Capital City Zone.
271	Development should not unreasonably restrict the development potential of adjacent sites, and should have regard to possible future impacts such as loss of daylight/sunlight access, privacy and outlook.	5		There is limited policy within the code on minimising the impact of development on adjacent sites. Within the General Development Policies - Design and Urban Areas PO 8.1 requires fences, walls and retaining walls to be of a sufficient height without unreasonably impacting on the visual amenity and adjoining lands access to sunlight however there is no policy within the Code that requires development in general that seeks to daylight/sunlight access, privacy and outlook. This PDC should apply to all development neighbouring residential development and be included in the Design in Urban Areas (All Development)
NEW CONTENT IN THE CODE (insert below)				

Zone	1 - Included in the Code and retains same policy intent		0%	
Policy area(s)	Centres and Main Streets	2 - Wording changed but policy intent remains (OK)		100%
		3 - Included in the Code but policy intent changed (NOT OK)		0%
		4 - Not included in the Code but OK to remove		0%
		5 - Not included in the Code and should be reinstated		0%
		Capital City Zone, Urban Corridor (Main Streets) Zone		
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Policy Objectives				
77	A Capital City that provides the highest order and greatest range of goods and facilities and serves as the principal focus for the economic, social and political life of metropolitan Adelaide, and the State.	2	Capital City Zone DO 1	
78	Main Street Zones along O'Connell, Melbourne, Hutt, Halifax and Sturt Streets: (a) developed with a retail, community and commercial function, providing local services for surrounding residential communities, and accommodating a range of visitor facilities and commercial activity, arising from their centrality and high accessibility by walking, public transport, cycling and car. (b) developed with an increased component of residential accommodation and with enhanced vitality and character while effectively managing their impact in order to protect the amenity of adjacent residential areas. (c) with restricted potential for further expansion or intensification of commercial activity due to car parking demands and the need to protect the amenity of neighbouring residential areas.	2	Urban Corridor (Main Street) Zone DO 1, PO 1.1, DTS/DPF 1.1, PO 1.4	
79	Local community facilities that provide shopping and local facilities to serve day to day needs of the local community.	2	Urban Corridor (Main Street) Zone DO 1, PO 1.2	
Principles of Development Control				
272	Development should: (a) cater for the existing and future shopping needs of the population and community; (b) provide a degree of choice; (c) result in the expansion of the total range of retail goods and services presently available to the community; (d) result in the maintenance of retail employment in the area; (e) be safely and readily accessible to the population they will serve; (f) have minimal adverse impact on surrounding residential uses; (g) have minimal adverse impact on traffic movement; (h) be compatible with adjoining areas in terms of the location of access ways, buffer strips and transitional use areas; (i) not demonstrably lead to the physical deterioration of any designated centre; and (j) incorporate carefully located advertisements that are in scale with the desired character. Illumination from signs or floodlights should not spill over to adjacent areas.	2	Urban Corridor (Main Street) Zone PO 1.2, DTS/DPF 5.1 General Development Policies - Transport Parking and Access PO 3.1 General Development Policies - Advertisements DO 1, PO 1.1 and PO 4.1	
273	Provision for the movement of people and goods should comply with the following: (a) development should not cause inconvenient and unsafe traffic and pedestrian movements or result in the need for significant expenditure on transport and traffic works, or facilities within, or outside the locality; (b) development should be concentrated for pedestrian convenience; (c) access to car parking areas should be designed not to cause congestion or detract from the safety of traffic on abutting roads; (d) development should include adequate and convenient provision for service vehicles and the storage and removal of recyclables, waste goods and materials; (e) parking areas should be consolidated and coordinated into convenient groups, rather than located individually, and access points should be minimised; (f) car parks should be orientated to facilitate direct and convenient access of pedestrians between them and the facilities they serve; and (g) retail showrooms should provide appropriate manoeuvring and circulation areas on the site to accommodate trucks and trailer movements for the carriage of bulky products.	2	General Development Policies - Transport Parking and Access PO 1.2, PO 1.3, PO 1.4, PO 2.1, PO 3.1, PO 3.9, PO 6.4	
NEW CONTENT IN THE CODE (insert below)				

Number	Description	Transition category	Where has it been included?	Comments

Zone		1 - Included in the Code and retains same policy intent	0%
Policy area(s)	Telecommunications Facilities	2 - Wording changed but policy intent remains (OK)	50%
		3 - Included in the Code but policy intent changed (NOT OK)	0%
		4 - Not included in the Code but OK to remove	30%
		5 - Not included in the Code and should be reinstated	20%
General Comments	General Development Policies - Infrastructure and Renewable Energy Facilities		
Number	Description	Transition category	Where has it been included?
Policy Objectives			
82	Telecommunications facilities provided to meet the needs of the community;	4	
83	Telecommunications facilities located and designed to: (a) minimise visual impact on the amenity of the local environment; and (b) take into account the precautionary principle in relation to sensitive land uses.	2	(a) covered in General Development Policies - Infrastructure and Renewable Energy Facilities PO 6.2 (b) General Development Policies - Infrastructure and Renewable Energy Facilities PO 1.1
84	The location and co-location of telecommunication facilities primarily in the Capital City and Main Street Zones.	4	Telecommunication Facilities are not listed as an envisaged use
Principles of Development Control			
274	Telecommunications facilities should be located: (a) to meet the communication needs of the community; (b) primarily in Capital City and Main Street Zones; and (c) to take into account sensitive land uses such as child care centres, schools, aged care centres, hospitals and regional icons.	4	
275	Telecommunications facilities, whether co-located or singular, should be sited and designed to minimise the visual impact on the character and amenity of the local environment, particularly in visually prominent areas, areas of high visitation, and main focal points or significant vistas. Facilities should: (a) take into account existing size, scale, context and characteristics of existing structures, land forms and vegetation so as to complement the local environment; (b) ensure equipment buildings are constructed of materials that contribute to the character and amenity of the locality; and (c) use innovative design concepts, such as sculpture and art, to integrate the facility into the existing character of the area. Design Techniques (these are ONE WAY of meeting the above Principle) 275.1 Design solutions may include: (a) incorporate landscaping to screen the development, in particular, equipment shelters and huts; (b) utilise existing land forms, buildings and topographical features for screening; (c) incorporate a landscape buffer (where facility has frontage to a public road) that has a minimum width of 3 metres, contributes to the streetscape and includes appropriate shrubs and trees; (d) integrate the facility within an existing structure which may serve another purpose (where technically feasible); (e) utilise non-reflective materials and finishes that minimise visual impact; (f) have antennae located as close as practical to the support structure; and (g) use concealed cables where practicable and appropriate.	2	General Development Policies - Infrastructure and Renewable Energy Facilities DO 1, PO 2.1, PO 6.1 and PO 6.2
276	Co-location of telecommunications facilities are encouraged where technical, health and amenity objectives can be achieved. Design Techniques (these are ONE WAY of meeting the above Principle) 276.1 Design solutions may include: (a) the development demonstrates compliance with the ACA regulations regarding maximum human exposure limits for radiofrequency fields; (b) general public access to RF Hazard areas is restricted by a secure barrier; and (c) the co-located facility is sited: (i) a minimum of 200 metres from another telecommunications tower or monopole; and (ii) a minimum of 100 metres from the City Living Zone, Adelaide Historic (Conservation) Zone or North Adelaide Historic (Conservation) Zone.	5	Include the design Techniques as DTS/DPF 6.1. UNSURE HOW TO IMPOSE DISTANCE REQUIREMENTS FROM CITY LIVING ZONE

Number	Description	Transition category	Where has it been included?	Comments
277	Telecommunications facilities should not detrimentally affect the character or amenity of heritage places.	2	General Development Policies - Infrastructure and Renewable Energy Facilities DO 1 and PO 6.2	
278	Telecommunications facilities should: (a) be sited, designed and built in a manner that reinforces and enhances the character of the locality; (b) incorporate design elements such as roof-form, materials, colours, fences and landscape settings, which are compatible with heritage places or their detailing; (c) maintain front, side and rear boundary set-backs; (d) be of a colour that does not detract from the historic character of an area or place; and (e) ensure that equipment shelters have a: (i) total building height that does not exceed a maximum of 2.4 metres unless additional height is required to complement adjoining structures in the immediate locality; and (ii) maximum base area of 7.5 square metres.	2	General Development Policies - Infrastructure and Renewable Energy Facilities DO 1 and PO 2.1	
279	The site on which telecommunications infrastructure has been developed should be restored following construction.	2	General Development Policies - Infrastructure and Renewable Energy Facilities PO 2.3	
280	Telecommunications infrastructure should be removed when it is redundant or no longer being used for transmission.	5		This has not been included within the Code. Infrastructure should be removed when no longer required to avoid the proliferation of telecommunication facilities. Include PDC as a PO under the heading 'Telecommhnication Facilities'.
NEW CONTENT IN THE CODE (insert below)				
General Development Policies - Infrastructure and Renewable Energy Facilities				
Telecommunication Facilities				
PO 6.1	Where technically feasible, telecommunications facilities seek to reduce visual impact by incorporating techniques such as: (a) avoiding proliferation of facilities in a local area; (b) co-locating with other communications facilities; (c) locating antennae as close as practical to support structures ; and (d) screening using landscaping and existing vegetation, particularly for equipment shelters and huts.			Supported

Zone		1 - Included in the Code and retains same policy intent		
Policy area(s)	Park Lands	2 - Wording changed but policy intent remains (OK)		
		3 - Included in the Code but policy intent changed (NOT OK)		
		4 - Not included in the Code but OK to remove		
		5 - Not included in the Code and should be reinstated		
General Comments				
Number	Description	Transition category	Where has it been included?	Comments
Policy Objectives				
OBJ 85	Protect and enhance the Adelaide Park Lands as: (a) a unique open space system which creates a distinctive image for the City and supports the economic and social life of Adelaide and South Australia, and recognizes the entry of the City of Adelaide Historic Layout in the Register of the National Estate; and (b) an important component of the Metropolitan Open Space System (MOSS).	5 - Not included in the Code and should be reinstated		MOSS has been deleted. There are limitations There are no references to the Adelaide Historic Layout in the Register of the National Estate.
OBJ 86	Establish pedestrian and cycle paths that are sympathetic to the Park Lands desired character to link the paths across Policy Area boundaries and with regional networks in adjacent local government areas as a comprehensive and integrated system.	5 - Not included in the Code and should be reinstated	DO2	The actual paths have not been included.
OBJ 87	Protection and enhancement of vegetation of local provenance wherever possible, particularly in locations specified for predominantly natural landscapes.	5 - Not included in the Code and should be reinstated		Very limited detail about this
OBJ 88	Protect and restore Park Lands waterways and improve water quality.	5 - Not included in the Code and should be reinstated	PO 3.4	
OBJ 89	Enhance the Park Lands through the reduction in building floor areas, fenced and hard paved areas.	5 - Not included in the Code and should be reinstated		Very limited detail about this. This is important when considering the appropriateness of development.
OBJ 90	Progressively return alienated land within the Park Lands for open space and public recreational use.	5 - Not included in the Code and should be reinstated		This concept is not present in the new policy.
OBJ 91	Conserve biodiversity and natural habitat areas, including areas of local native vegetation.	2 - Wording changed but policy intent remains (OK)	PO3.3	There is no mention of biodiversity etc
OBJ 92	Encourage accessibility to the Park Lands through improved public transport and bicycle and pedestrian links.	5 - Not included in the Code and should be reinstated		There is no mentioned on any other modes other than vehicles.
OBJ 93	Reduce the visual, spatial and environmental impact of permanent car parks and other associated infrastructure for recreational facilities within the Park Lands.	3 - Included in the Code but policy intent changed (NOT OK)		This could be further detailed.
OBJ 94	Encourage alternatives to on-site or near-site parking for Special Events located within the Park Lands.	5 - Not included in the Code and should be reinstated		The alternative car parking is not the policy approach.
OBJ 95	Promote and encourage recreational and sporting uses within appropriate areas.	5 - Not included in the Code and should be reinstated		No spatial areas have been outlined.
OBJ 96	Encourage the long term consolidation of sports areas.	5 - Not included in the Code and should be reinstated		
OBJ 97	Enhance the Park Lands to provide a diversity of opportunities for children's play.	5 - Not included in the Code and should be reinstated		
OBJ 98	Provide for exotic plantings and formal gardens with high quality visitor facilities incorporating well designed landscape features and interpretation in areas of predominantly cultural landscapes.		PO 3.1 0	
OBJ 99	Provide sensitively designed adequate base infrastructure including areas for occasional special event car parking, bicycle parking and emergency services, for community, cultural and sporting events within the Park Lands.	5 - Not included in the Code and should be reinstated		
OBJ 100	Encourage the utilisation of non Park Land car park sites in the City or adjoining Council areas supported by expanded public transport and event services.	5 - Not included in the Code and should be reinstated		
OBJ 101	Establish lighting within the Park Lands to provide for safety, security and amenity.	5 - Not included in the Code and should be reinstated		
OBJ 102	Protect, enhance and provide interpretation to areas and items of indigenous and post colonial cultural significance.	3 - Included in the Code but policy intent changed (NOT OK)	PO 3.1	The mapping has been deleted. This should be reinstated.
Principles of Development Control				

Number	Description	Transition category	Where has it been included?	Comments
281	Development should ensure that the desired character and environment of the Park Lands Zone is enhanced and reinforced by: (a) the maintenance of a diversity of landscape with recognition of predominant natural or cultural landscapes identified in Map Adel/1 (Overlay 9) and the desired character of the particular Policy Area; (b) the establishment and maintenance of a continuity of landscape character within and across Policy Area boundaries where similar characteristics exist; (c) the protection and enhancement of the role of the River Torrens/Karrawirra Parri, its valley and tributaries, as a habitat for native fauna and especially native water fowl, associated with the re-establishment of vegetation of local provenance wherever possible; (d) the enhancement of natural creek channels as a major landscape feature and their enhancement through integration into surrounding areas of Park Lands whilst implementing best practice stormwater management where appropriate; (e) management of the Park Lands watercourses through the laying back of creek banks, the creation of natural retention basins where appropriate and the implementation of best practice riparian and urban storm water management whilst maintaining the natural Park Land character; (f) a reduction in building floor areas, fenced and hard paved areas; (g) a high quality of buildings, structures, utilities, roads, artificial land surfaces and service facilities in nominated areas or sites; (h) the maintenance of the delineation and visual distinction between the predominantly open landscape character of the Park Lands Zone and the built-form character of the adjacent Zones; (i) the maintenance of the maximum possible area of the Park Lands as a natural land surface, by restricting the amount of enclosed artificial or paved land surface; (j) adopting best practice water conservation principles; (k) returning alienated land within the Park Lands for open space and public recreational use consistent with Map Adel/1 (Overlay 10); (l) the consolidation of sports areas into locations shown in Map Adel/1 (Overlay 11); (m) ensuring Special Events are contained within the areas shown in Map Adel/1 (Overlay 12); (n) ensuring lighting is consistent with the framework shown in Map Adel/1 (Overlay 13); and (o) protecting and enhancing areas and items of indigenous and post colonial cultural significance shown	3 - Included in the Code but policy intent changed (NOT OK)		This needs to be further reinstated.
282	The use of land or buildings in the Park Lands to house machinery equipment and materials necessary for City and Park Lands' maintenance and management should be minimised.			
283	Utility and supply services, holding tanks, sub-stations, power lines and other utility facilities should be as unobtrusive as possible, and where practicable placed underground.			
284	Development should have regard to and recognise the need for the conservation of those areas of special landscape character.	3 - Included in the Code but policy intent changed (NOT OK)	PO 3.1 - 3.4	It could be further reinstated
285	Development should be sensitive to native biodiversity and where possible incorporate ways to protect and improve biodiversity in its design. Development should not:	3 - Included in the Code but policy intent changed (NOT OK)	PO 3.1 - 3.4	
286	(a) result in noise emissions which adversely affect the amenity of neighbouring premises or other Park Land users, or the emission of atmospheric or liquid pollutants; or (b) introduce, expand or intensify any activity which may detrimentally affect the amenity of premises within any adjacent Zone or adjoining municipality.	5 - Not included in the Code and should be reinstated		This needs to be further reinstated to avoid land use conflicts.
287	Development should not further restrict public access to land within the Park Lands, including access for people with disabilities.	2 - Wording changed but policy intent remains (OK)	PO5.2	
288	A comprehensive bicycle and pedestrian path network shown in Map Adel/1 (Overlay 8) should be provided within the Park Lands to increase the safety, convenience and enjoyment of the Park Lands for the City's workers, residents and visitors.	3 - Included in the Code but policy intent changed (NOT OK)	5.2-5.4	
289	Car parking in the Park Lands Zone should be limited and only serve activities within the Park Lands unless specifically permitted in the relevant Policy Area.	2 - Wording changed but policy intent remains (OK)	5.3	
290	Development should be limited to ensure that car parking sufficient to serve the needs of permanent activities in the Park Lands can be provided on roads through and around the Park Lands unless otherwise described in the relevant Policy Area.	3 - Included in the Code but policy intent changed (NOT OK)		The need to demonstrate alternative parking options has been reduced.
291	Car parking areas should be located and designed to: (a) ensure safe and convenient pedestrian movement and traffic circulation through and within car parking areas; and (b) minimise their visual impact through the incorporation of swales and permeable surfaces.	3 - Included in the Code but policy intent changed (NOT OK)	5.2-5.4	Some of this is in general modules however it is not really fit for purpose for the parklands.
NEW CONTENT IN THE CODE (insert below)				

Number	Description	Transition category	Where has it been included?	Comments

Zone			1 - Included in the Code and retains same policy intent	0%
Policy area(s)			2 - Wording changed but policy intent remains (OK)	29%
			3 - Included in the Code but policy intent changed (NOT OK)	0%
			4 - Not included in the Code but OK to remove	43%
			5 - Not included in the Code and should be reinstated	29%
General Comments				
Number	Description	Transition category	Where has it been included?	Comments
Policy Objectives				
OBJ 103	A clearly defined and linked Metropolitan Open Space System (MOSS) of public and privately owned land of an open or natural character in and around metropolitan Adelaide which will: (a) provide a visual and scenic contrast to the built urban environment; (b) assist in the conservation of natural or semi-natural habitats and sites of scientific or heritage value and re-vegetation; (c) provide corridors for movement of wildlife; (d) accommodate a range of active recreation and sporting facilities of regional or State significance, including facilities which may be used for national and international events; (e) accommodate a range of passive recreation and leisure areas; and (f) provide for the integration of stormwater management in association with recreation, aquifer recharge and water quality management.	5		MOSS is now within the Open Space Zone and outside the perimetres of the City of Adelaide. Adelaide Park Lands have however always been considered as part of Adelaides MOSS and provides important connection to the Zone. The Open Space Zone fails to recognise this area of land as an important component of Adelaide's metropolitan open space system and why it is important. It is more than providing visual relief. This area of open space provides a pedestrian and bicycle route that links with the Park Lands and provides wildlife corridors and areas of natural habitats as well as being of pre-european cultural significance. These elements should be reflected in the desired outcomes of the zone.
OBJ 104	The development of public land within the MOSS for active and passive recreation, sporting facilities and conservation with emphasis on retaining the open, natural or rural character with wide landscaped buffers around the perimeter of areas where appropriate, areas of conservation significance retained in their natural state and buildings located and designed in such a way as to minimise their impact.	2	Open Space Zone PO 1.1, DTS/DPF 1.1, PO 1.2	
OBJ 105	The development of open space recreation reserves through land purchases, contributions of open space, and exchanges of land.	4		
Principles of Development Control				
292	Development should preserve and enhance the character and amenity of land within the MOSS as shown on Map Adell/1 (Overlay 7).	4		
293	Publicly owned land within the MOSS should also be used to conserve wildlife habitats and areas of natural vegetation, to allow for movement of wildlife, to conserve sites of scientific, cultural or heritage interest and for re-vegetation.	5		"As Above"
294	Buildings and structures erected on land within the MOSS should be designed, located and screened so as to be unobtrusive and not detract from the open natural or landscaped character of these areas.	2	Open Space Zone PO 2.1	
295	The width of reserves abutting watercourses within the MOSS should be sufficient to allow for flood control, stormwater management, retention of the riverine ecosystem and to provide areas of open space which can be used to accommodate a range of recreational and sporting facilities.	4		
NEW CONTENT IN THE CODE (insert below)				

Zone		1 - Included in the Code and retains same policy intent	20%
		2 - Wording changed but policy intent remains (OK)	60%
		3 - Included in the Code but policy intent changed (NOT OK)	0%
		4 - Not included in the Code but OK to remove	20%
		5 - Not included in the Code and should be reinstated	0%
Policy area(s)	Regulated Trees		
General Comments	REGULATED TREE OVERLAY		
Number	Description	Transition category	Where has it been included?
Policy Objectives			
106	The conservation of regulated trees that provide important aesthetic and environmental benefit.	1	Regulated Tree Overlay DO 1.
107	Development in balance with preserving regulated trees that demonstrate one or more of the following attributes: (a) significantly contributes to the character or visual amenity of the local area (b) indigenous to the local area (c) a rare or endangered species (d) an important habitat for native fauna.	4	Addressed in the PDI Act
Principles of Development Control			
296	Development should have minimum adverse effects on regulated trees.	2	Regulated Tree Overlay DO 1.
297	A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply: (a) the tree is diseased and its life expectancy is short; (b) the tree represents a material risk to public or private safety; (c) the tree is causing damage to a building; (d) development that is reasonable and expected would not otherwise be possible; (e) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.	2	Regulated Tree Overlay PO 1.3
298	Tree damaging activity other than removal should seek to maintain the aesthetic appearance and structural integrity of the tree.	2	Regulated Tree Overlay PO 1.3
NEW CONTENT IN THE CODE (insert below)			
REGULATED TREE OVERLAY			
PO 1.2	Regulated trees listed as rare or endangered under the National Parks and Wildlife Act 1972 are conserved.		Supported
DTS / DPF 1.2	A tree not listed as rare or endangered.		Supported
PO 1.4	A tree damaging activity in connection with other development is undertaken to accommodate the reasonable development of land in accordance with the relevant zone or subzone where it might not otherwise be possible and, in the case of a significant tree, all reasonable development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.		Supported
PO 2.1	Ground work affecting trees Regulated trees, including their root systems, are not unduly compromised by excavation and / or filling of land, or the sealing of surfaces within the vicinity of the tree to support their retention and health.		Supported
PO 3.1	Land Division Land division results in an allotment configuration that enables its subsequent development and the retention of regulated trees as far as is reasonably practicable.		Supported
DTS/DPF 3.1	Land division where: (a) there are no regulated trees located within or adjacent to the plan of division; or the application demonstrates that an area exists to accommodate subsequent development of proposed allotments after an allowance has been made for a tree protection zone around any regulated tree within and adjacent to the plan of division.		Supported

Zone			1 - Included in the Code and retains same policy intent	0%	
Policy area(s)			2 - Wording changed but policy intent remains (OK)	22%	
Significant Trees				3 - Included in the Code but policy intent changed (NOT OK)	0%
				4 - Not included in the Code but OK to remove	11%
				5 - Not included in the Code and should be reinstated	67%
General comments	PARK LANDS - IS BETH DEALING WITH THIS? What is happening with Significant Trees? They are listed but there are limited policies in place to back up Significant Trees. Significant trees listed have been assessed by a suitably qualified aborist and should be given equal weight as a regulated tree.				
Number	Description	Transition category	Where has it been included?	Comments	
Policy Objectives					
108	The conservation of significant trees which provide important aesthetic and environmental benefit to Metropolitan Adelaide.	5		Apply PO 1.1 from the Regulated Tree Overlay to Significant Trees	
Principles of Development Control					
299	Development should be designed and sited to retain: (a) any existing tree of substantial size and merit; and (b) existing street-trees, and accommodating and protecting their normal growth pattern.	5		This principle is important and should be applied to all development. It is therefore recommended that this PDC is included within General Development Policies - Design in Urban Areas (all Development) under the heading "Landscaping"	
300	Where a significant tree or group of trees: (a) makes an important contribution to the character or amenity of the local area; or (b) is indigenous to the local area and its species is listed under the National Parks and Wildlife Act as a rare or endangered native species; or (c) represents an important habitat for native fauna; or (d) is part of a wildlife corridor of a remnant area of native vegetation; or (e) is important to the maintenance of biodiversity in the local environment; or (f) forms a notable visual element to the landscape of the local area; development should preserve these attributes. Note: Trees or groups of trees are declared as significant in Table Adel/5. A tree not listed or identified in Table Adel/5 may also be significant if it falls within the class of trees declared to be significant by the Development Regulations 2008.	4		This criteria for listing is in the Development Act. Has it been transferred into the PDI ACT?	
301	Development should be undertaken with the minimum adverse affect on the health of a significant tree.	5		Apply DO 1 within the Regulated Tree Overlay to Significant Trees. Significant trees listed have been assessed by a suitably qualified aborist and should be given equal weight as a regulated tree.	
302	Significant trees should be preserved and tree-damaging activity should not be undertaken unless: (1) (i) the tree is diseased and its life expectancy is short; or (ii) the tree represents an unacceptable risk to public or private safety; or (iii) the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value; or (iv) the tree is known to cause health problems; and all other reasonable remedial treatments and measures have been determined to be ineffective; or (2) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring. (b) in any other case; (i) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree; or (ii) the work is required due to unacceptable risk to public or private safety; or (iii) the tree is shown to be causing, or threatening to cause damage to a substantial building or structure of value; or (iv) the aesthetic appearance and structural integrity of the tree is maintained; or (v) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activities occurring.	2	Regulated Tree Overlay PO 1.4		
303	Where a significant tree is proposed for removal, such tree should be replaced on the same site within three months of Development Approval, subject to the season, by: (a) a mature tree of appropriate species and sufficient size when fully grown; or (b) landscaping of equivalent landscape value in accordance with a comprehensive landscaping plan for the site and the desired character for the locality.	5		Include within the Regulated Tree Overlay and include its application to Significant Trees.	

Number	Description	Transition category	Where has it been included?	Comments
304	Development involving ground work activities such as excavation, filling, and sealing of surrounding surfaces (whether such work takes place on the site of a significant tree or otherwise) should only be undertaken where the aesthetic appearance, health and integrity of a significant tree, including its root system, will not be adversely affected.			
305	Where development is to take place in close proximity to a significant tree, that tree should be protected by appropriate measures during the course of the development. In particular, the area in which the tree's branches and roots are located should be protected by the erection of a secure fence prior to commencement of any work on site to prevent any disturbance to such area, for example by compaction, excavation, filling or contact causing damage to branches, trunks, or root systems.	5		
306	Fencing erected for the protection of a tree designated as a significant tree should: (a) consist of a 2.0 metre high solid, chain mesh, steel or similar fabrication with posts at 3 metre intervals; (b) incorporate on all sides a clearly legible sign displaying the words "Tree Protection Area"; and (c) not be erected closer to the tree than a distance equal to half of the height of the tree or the full width of the branch spread (whichever is lesser).	5		This PDC should apply to significant and regulated trees. This provision is important as it provides clarity on what is expected when development is proposed in close proximity to a Significant or Regulated tree. On this basis, the PDC should be included within the Regulated Tree Overlay under the heading "Tree Retention and Health"
307	Land should not be divided or developed where the division or development would be likely to result in a substantial tree-damaging activity occurring to a significant tree.	2	General Development Policies - Land Division in Urban Areas PO 2.8	
NEW CONTENT IN THE CODE (insert below)				

Zone		1 - Included in the Code and retains same policy intent	0%
Policy area(s)	Affordable Housing	2 - Wording changed but policy intent remains (OK)	43%
		3 - Included in the Code but policy intent changed (NOT OK)	0%
		4 - Not included in the Code but OK to remove	57%
		5 - Not included in the Code and should be reinstated	0%
General comments			
Number	Description	Transition category	Where has it been included?
Interpretation			
	Where the Objectives and/or Principles of Development Control that apply in relation to this Overlay are in conflict with the relevant Council wide, Zone or Policy Area Objectives and/or Principles of Development Control in the Development Plan, the Overlay will prevail.	4	
Policy Objectives			
OBJ 1	Affordable housing that is integrated with residential and mixed use development.	2	Affordable Housing Overlay DO 1
OBJ 2	Development that comprises a range of affordable dwelling types that cater for a variety of household structures.	2	Affordable Housing Overlay DO 2
OBJ 3	Affordable housing that deliver whole-of-life cost savings to the occupants.	4	
OBJ 4	Affordable housing that is provided in a wide range of locations and integrated into the City.	4	
Principles of Development Control			
1	Development comprising 20 or more dwellings should include a minimum of 15 percent affordable housing.	2	Affordable Housing Overlay DTS/DPF 1.1
2	Where development includes affordable housing, then the quantitative provisions in respect to the following elements are not applicable to the affordable housing component provided the qualitative outcomes can be achieved: (a) allotment area and dimensions; (b) building height; (c) site area and dimensions; (d) site coverage; (e) front, side and rear setbacks to boundaries; (f) area and dimensions of private open space; (g) minimum unit sizes; (h) minimum storage areas; (i) plot ratio; (j) dwelling unit factor; and (k) landscaped open space.	4	
NEW CONTENT IN THE CODE (insert below)			
Affordable Housing Overlay			
PO 1.1	Land Division Development comprising 20 or more dwellings provides housing suited to a range of incomes including households with low – moderate incomes.		Supported.
DTS/DPF 1.1	Development comprising 20 or more dwellings or residential allotments includes a minimum of 15% affordable housing except where: (existing) a. it can be demonstrated that any shortfall in affordable housing has been provided in a previous stage of development; or (new)e housing except where: (included) b. it can be demonstrated that any shortfall in affordable housing will be accommodated in a subsequent stage or stages of development. (new)		Supported.
PO 1.2	Affordable housing is distributed throughout the development to avoid an overconcentration of affordable housing.		Supported.
Built Form and Character			
PO 2.1	Affordable housing is designed to complement the design and character of residential development within the development area.		Supported.
Affordable Housing Incentives			

Number	Description	Transition category	Where has it been included?	Comments
PO 3.1	Allotments created for affordable housing are a suitable size and dimension that provide a high standard of occupant amenity and integrate with residential neighbourhoods.			Supported.
DTS/DPF 3.1	Where constituting affordable housing, the minimum site area specified for a dwelling can be reduced by up to 20%.			Supported.
PO 3.2	To support the provision of affordable housing building heights may be increased above the maximum specified in the Building Heights Technical and Numeric Variations Data Overlay.			FURTHER REVIEW REQUIRED, the proposal would need to ensure it is consistent with the character of the area and should be subject to bulk, scale and micro-climatic impact assessment.
DTS/DPF 3.2	Where a mixed-use development or apartment building includes at least 15% affordable housing, the maximum building height specified can be increased by 1 storey in City Living, General Neighbourhood, Housing Diversity Neighbourhood Greenfield Neighbourhood, Masterplanned Suburban Neighbourhood zones, and up to 30% in any other zone.			"As Above"
Movement and Car Parking				
PO 4.1	Sufficient car parking is provided to meet the needs of occupants of affordable housing.			Supported.
DTS/DPF 4.1	Dwellings constituting affordable housing are provided with car parking in accordance with the following: a. 0 carpark for an apartment; and b. 1 carpark per dwelling for any other dwelling.			Supported.

Zone		1 - Included in the Code and retains same policy intent	0%	
Policy area(s) Noise and Air Emissions		2 - Wording changed but policy intent remains (OK)	67%	
		3 - Included in the Code but policy intent changed (NOT OK)	0%	
		4 - Not included in the Code but OK to remove	33%	
		5 - Not included in the Code and should be reinstated	0%	
	General comments			
Number	Description	Transition category	Where has it been included?	Comments
Interpretation				
	Where the Objectives and/or Principles of Development Control that apply in relation to this Overlay are in conflict with the relevant Council wide, Zone or Policy Area Objectives and/or Principles of Development Control in the Development Plan, the Overlay will prevail.	4		
Policy Objectives				
1	Protect community health and amenity from adverse impacts of noise and air emissions.	2	Noise and Air Emissions Overlay DO 1	
Principles of Development Control				
1	Noise and air quality sensitive development located adjacent to high noise and/or air pollution sources should: (a) shield sensitive uses and areas through one or more of the following measures: (i) placing buildings containing less sensitive uses between the emission source and sensitive land uses and areas (ii) within individual buildings, place rooms more sensitive to air quality and noise impacts (e.g. bedrooms) further away from the emission source (iii) erecting noise attenuation barriers provided the requirements for safety, urban design and access can be met (b) use building design elements such as varying building heights, widths, articulation, setbacks and shapes to increase wind turbulence and the dispersion of air pollutants provided wind impacts on pedestrian amenity are acceptable (c) locate ground level private open space, communal open space and outdoor play areas within educational establishments (including childcare centres) away from the emission source.	2	Noise and Air Emissions Overlay PO 1.1, 1.2, 1.3	
NEW CONTENT IN THE CODE (insert below)				
No New Policy Introduced				

Zone Policy area(s)	North Adelaide Historic (Conservation) Zone			1 - Included in the Code and retains same policy intent	2%
				2 - Wording changed but policy intent remains (OK)	8%
				3 - Included in the Code but policy intent changed (NOT OK)	14%
				4 - Not included in the Code but OK to remove	39%
				5 - Not included in the Code and should be reinstated	37%
General comments					
Number	Description	Transition category	Where has it been included?	Comments	
Desired Character					
Statement of Heritage Value					
	North Adelaide is part of the historic plan of the City of Adelaide. The historic character of North Adelaide provides strong cultural and historic evidence of the creation of the colony, the establishment and consolidation of early settlement and the subsequent development of South Australia's capital city over time.	4		This information provides an important historical background and should be included within the City Plan.	
	South Australia was established as a semi-commercial venture later taken over by the British government. North Adelaide formed a distinctive part of the plan for Adelaide drawn up in advance of settlement by Colonel William Light, who was appointed Surveyor-General by the South Australian Colonisation Commission. North Adelaide repeats the grid land division pattern created by Light's plan in South Adelaide, and comprises three small grids now described as Upper North Adelaide, Lower North Adelaide and the Cathedral area. The Town Acres were disposed in a regular grid layout around Wellington Square, the only public open space incorporated within the initial plan for North Adelaide other than the Park Lands belt. The location of the three distinct areas reflects Light's understanding of the local topography. The layout of one acre blocks with large frontages to unusually wide streets around the Square and Park Lands maximised views to the open spaces and the Adelaide Hills in the distance.	4		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.	
	North Adelaide is essentially a group of three residential villages separated from the square mile of the City by the belt of Park Lands. It has developed in parallel with the southern part of the City but with a greater emphasis on residential growth and the provision of local services in each area for the immediate residents. Although the original Town Acres have been divided and further developed over time, Light's Plan has been preserved essentially as he conceived it.	4		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.	
	Following survey and settlement, the natural landscape was converted to a cultural landscape which now reflects the divisions of wealth and influence in the early colony. The built form of North Adelaide is indicative of the social divisions and occupations of Adelaide society from early settlement. It retains many buildings and sites of State and local heritage value ranging from large mansions to simple row cottages, corner shops and hotels to major churches and institutional buildings that reflect the different periods of development. The diversity of scale and integrity of the remaining historic built form is a microcosm of development periods and traditional housing styles in the State as a whole.	4		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.	
	North Adelaide also retains strong physical evidence of the historical stages of the development of the colony, most particularly the typical 1850s to 1880s village type settlement pattern, with shops and other services. These remain in Kermodie Street, Melbourne Street and Tynne Street particularly, as these streets served as the local main streets for the three discrete sections of North Adelaide. As the colony grew, North Adelaide became the location for a number of major religious and institutional organisations and their buildings, and for the residences of many notable Adelaide community members.	4		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.	
	North Adelaide has historically developed a role in the health and education sectors through established public and private organisations on large land holdings. Many of the organisations are on prominent sites and provide an important range of education, student accommodation, health and aged care services.	4		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.	
	Upper North Adelaide, Lower North Adelaide and the Cathedral area each display unique characteristics that contribute to the understanding of the heritage value of the Zone, as follows:	4		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.	
Upper North Adelaide					

Number	Description	Transition category	Where has it been included?	Comments
	This area contains Policy Areas 1 to 7 and is the largest of the three North Adelaide areas. Tynte Street originally served as the local main street for Upper North Adelaide and major community buildings reflect its early function, including the school, post office, institute, fire station, Baptist church, and early shops. The introduction of the horse-drawn tramway along O'Connell Street in 1878 drew commercial development away from Tynte Street but also made the western Town Acres which were previously sparsely settled, more accessible and construction of substantial houses soon followed. Prior to this period the area of Upper North Adelaide west of Wellington Square was the least desirable place to live in the City. Several religious orders were able to afford to buy land here, such as St Lawrence's in Buxton Street in 1867 and St Dominic's Priory in Molesworth Street in 1893 (during an economic recession when land prices were low). These large institutions create a contrast to the more intense residential subdivisions and housing development around them. The 1883-4 City Land Investment Company subdivision of Town Acres along Barnard and Molesworth Streets resulted in a sequence of large residences which form an important part of the physical character of Upper North Adelaide. A number of these still remain as State Heritage Places between Hill Street and Wellington Square.	4		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.
	The elevated land adjacent the Park Lands, such as along Lefevre Terrace, Mills Terrace and Strangways Terrace, provided prestigious residential addresses. Narrower streets, such as Margaret and Curtis Streets retain characteristic small scale worker housing. A range of one and two storey villas characterises the most common built form throughout the rest of the area.	4		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.
	The advent of the electric tramways public transport system in 1909 established O'Connell Street as the main link to the northern suburbs and it became a major hub of activity, providing a commercial and services focus for residential development. The street retains examples of traditional commercial architecture of one and two storeys, attached rows and single shops, forming a linear shopping strip. Heritage Places have been identified in the Main Street Policy Area MS1, although the Policy Area is not within the North Adelaide Historic (Conservation) Zone.	4		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.
Lower North Adelaide				
	This area contains Policy Areas 10–12. The Main Street Zones - Melbourne East and Melbourne West, service this area. Lower North Adelaide sits at an oblique angle to the City, encompassing 86 Town Acres and surrounded by Park Lands. Its topography is characterised by the escarpment of the Torrens Valley, known as the North Adelaide scarp, a steep rise from Melbourne Street to Stanley Street, below which the area is relatively flat, towards the River Torrens.	1		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.
	The ridge of the scarp along Kingston Terrace/Stanley Street and the frontages to the Park Lands provided for prestigious residential addresses. The higher concentration of small cottages in the lower section below the scarp reflects the early subdivision of these Town Acres into estates providing workers housing following the establishment of local manufacturing industries such as the Lion Brewery. The creation of the road through Brougham Place in the 1860s and the introduction of horse drawn trams along Melbourne Street in 1878 gave this section of North Adelaide closer links with the rest of the City and made the area an attractive location for workers to live.	4		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.
	Melbourne Street was originally the village centre for the area, which included small shops, businesses and other uses such as St Cyprians Church interspersed with housing. The central node of the village was at the Melbourne Street/Jerningham Street intersection, where major two storey structures, including the Lion Hotel, brewery buildings and former ANZ bank remain.	4		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.
	The original character of Melbourne Street is still evident, although most of the original housing that remains has been converted to commercial use.	4		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.
Cathedral Area				
	The Cathedral area sits immediately north of the City at an angle to Upper North Adelaide and contains Policy Areas 8 and 9. Comprised of 24 Town Acres on land sloping upward to the north and west, it is the smallest of the three areas and serves as an entry point to Upper North Adelaide.	4		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.
	St Peter's Cathedral, dating from 1869, is a major landmark and visually dominates this area which is characterised by large institutional buildings, with residential development located primarily to the west. St Mark's College, much of which is comprised of new buildings, is grouped around substantial early residences along Pennington Terrace.	4		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.

Number	Description	Transition category	Where has it been included?	Comments
	Until 1856, Kermode Street was the 'High Street' of North Adelaide. The characteristic collection of shops, a police station, a church and hotel (the still trading Queens Head) were located along this street, and there are several pre 1850s buildings remaining in this area.	4		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.
	Small cottages and worker housing, such as in Brougham Court, provide a contrast with the more substantial villas with Park Lands frontage around Palmer Place and along Pennington Terrace and are indicative of the diverse social composition of the early resident population.	4		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.
Policy Objectives				
1	Conservation of the heritage values and historic character of North Adelaide established by areas of intact and architecturally diverse historic townscapes in a series of wide streets and other roads laid out according to Colonel William Light's original 1837 town plan.	5	Not included	This is a key objective of the Development Plan for North Adelaide and is fundamental to the character of North Adelaide. It is missing from the Code. INSERT the policy as a DO in the City Living Zone.
2	Development compatible with the heritage values and historic character of the Zone achieved by: (a) supporting and reinforcing the Statement of Heritage Value for North Adelaide and the desired character for each Policy Area; (b) maintaining a regular allotment pattern and orientation of buildings to public roads and incorporates high standards of design, building materials and landscaping to complement the: (i) pattern of land division established by Heritage Places, particularly the width of frontage; (ii) bulk and scale of residential Heritage Places; (iii) front and side boundary building set-back patterns of adjacent Heritage Places in each Policy Area; and (iv) established environmental quality of public and private landscaped open spaces and the adjacent Park Lands; (c) buildings interspersed with open space and landscaped front gardens forming a distinct edge to the majority of the perimeter of the Zone, visually defining the interface with the Park Lands; (d) a high degree of pedestrian amenity and safety achieved through landscaping, paving and streetscape works, with convenient access to the Park Lands, Wellington Square and the Main Street Policy Areas; and (e) managing vehicle access and parking to conserve and enhance the heritage value of North Adelaide.	5	City Living Zone b) PO5.1 in part City Living Zone b) PO 3.1, PO2.3 in part City Living Zone c) edge to PL	a) - not included at all bi) land division to create the housing pattern consistent to the locality bii) no reference to heritage places biii) no reference to heritage places iv) no reference to established quality of public and private LOS or adj PL d & e) not included The City Living Zone covers some of the objectives in the Development Plan but not all. Reference is not made to heritage places and the part they play in determining the character of and future development in North Adelaide. INSERT policy on the importance of landscaped open space within the City Living Zone under the heading 'Built Form and Character'. INSERT policy on the importance of respecting surrounding subdivision pattern within City Living Zone under the heading ' Site Dimensions and Land Division'. INSERT the following policy on vehicle access and parking within the
3	A Zone where the existing housing stock is maintained through the retention of Heritage Places and the number of dwellings increased primarily through: (a) the replacement of buildings that are not identified Heritage Places; (b) the development of vacant or under-utilised sites that does not compromise the established residential amenity and the identified heritage value of the Zone and Heritage Places; and (c) a change in use of non-residential buildings for residential purposes.	2	City Living Zone PO2.1 City Living Zone DTS/DPF2.1a City Living Zone DTS/DPF2.1b	
4	A Zone which continues to support the development of the role of the long established health and education sectors whilst reinforcing the heritage value of the Zone and maintaining residential amenity.	3	City Living Zone PO1.5	No comment on reinforcing heritage value. Talks about dev on the site of institution and <u>any directly adjoining site</u> . INSERT policy on non residential land uses within the City Living Zone under the heading 'Land use and Intensity'.
Principles of Development Control				
1	Development should: (a) retain and conserve Heritage Places; (b) reflect the historic built form and its visual character through residential development of complementary design, form and density consistent with the desired character for each Policy Area; and (c) contribute to the landscape character of private and public open spaces and incorporate attractive landscaping to street frontages where building set-backs permit.	5		Elements of the existing Development Plan policy which have been omitted including retaining heritage places, reflecting historic built form and landscaping should be reinstated. INSERT policy on the importance of landscaped open space within the City Living Zone under the heading 'Built Form and Character'.

Number	Description	Transition category	Where has it been included?	Comments
2	Development should increase the amount of residential accommodation in the Zone by: (a) a change in use of non-residential buildings to residential uses; (b) development of vacant and under-utilised sites that can be achieved without adverse impact on the established residential amenity and the historic character of the Zone or relevant Policy Area; and (c) the redevelopment of sites containing buildings that are not Heritage Places which are presently incompatible with the historic character of the Zone or the desired character of the Policy Area, particularly buildings that are visible from public roads.	2	City Living Zone DTS/DPF2.1 in part 2c) City Living Zone DTS/DPF2.1 reference to 'poor quality' and 'in discord' but no comment on heritage places or visibility from public roads.	
3	Development of new buildings or building additions of innovative and contemporary design should demonstrate a compatible visual relationship with adjacent Heritage Places and other buildings prevailing in the Policy Area that reinforce the desired character by compatible: (a) bulk and scale; (b) width of frontage and the front and side boundary building set-back patterns; (c) proportions and vertical and/or horizontal emphasis, exhibiting vertical openings and a high solid to void ratio in the composition of the principal building facade and other elevations presenting to a public road; and (d) form and level of visual interest as determined by length and size of unbroken walling, articulated and modulated frontages, treatment of openings and depths of reveals, roofline and silhouette, colour and texture of materials used, as well as detailing (without excessive use or mimicry of decorative elements and ornamentation) and design elements such as porches, verandahs and balconies where appropriate.	3	Historic Area Overlay PO1.1 and PO1.2 Historic Area Overlay PO1.4 Historic Area Overlay PO1.3 Historic Area Overlay PO1.5 Design in Urban Areas PO18.2	Refers to development visible from the public realm, not the whole thing. 3a) No specific reference to bulk and scale. 3b) No specific reference to width of frontage. 3c) Briefly dealt with in PO1.3 but no reference to proportions, vertical/horizontal emphasis, vertical openings, high solid to void ratio in the principal facade or other elements visible from the public realm. 3d) Briefly dealt with in PO1.3 but no reference to visual interest, unbroken walling, treatment of openings, roofline, silhouette, detailing, mimicry, or design elements. Materials dealt with in PO1.5. INSERT policy within Design in Urban Areas GDP and City Living Zone where relevant
4	New buildings should utilise stone, brick and/or brick render as the main external finish to walls to complement the historic built form in the Zone. Coated surfaces that are visible from the street should be finished in natural render, limewash, cement or mineral paints, not plastic coatings or renders. Buildings with brightly coloured or highly reflective surfaces should not be developed.	3	Historic Area Overlay PO1.5	Materials briefly dealt with. Bright colours and reflective materials not covered. INSERT policy as a DTS within the City Living Zone under the heading 'Built Form and Character'.
5	Development should achieve the minimum landscaped open space requirements prescribed for each Policy Area.	3	Nth Ad LIS PO2.1, DTS2.1 Design in Urban Areas PO20.1 and DTS/DPF20.2, PO20.3, DTS20.3. Design in Urban Areas DTS/DPF21.1 - DTS21.2	FURTHER INVESTIGATION REQUIRED. There are no policies within the code that address the importance of Landscaped Open Space. This is important to the character and setting of many buildings within North Adelaide and South Adelaide. Subzone talks about new buildings having a consistent footprint with the locality and total roofed area (excluding eaves) to be less than 50%. There is POS in the Code - no LOS. The reader is referred to Table 1 which is called 'Outdoor Open Space' not POS which will be confusing. The amount of OOS that must be provided depends on the dwelling type and the site area and ranges from a percentage for the bigger sites to an area for the smaller sites. There is also a portion that must be provided adjacent to a habitable room that is either a percentage or area and must have a minimum dimension. There is 'Landscaping' and soft landscaping which is to shade etc. This depends on the site area and is a percentage but also a percentage of the land between the road boundary and the primary building line (25% with a min dimension of 0.5m). Tree planting is required as well depending on the lot size and with discounts if there are trees on site already. Some POS can be in the front yard, if behind a 1.8m high fence. This doesn't work with current policy that calls for traditional low and visually permeable fences in historic areas.
6	Development should not introduce building styles that are out of character with the desired character of the relevant Policy Area.	4	Historic Area Overlay PO1.1 and PO1.3.	

Number	Description	Transition category	Where has it been included?	Comments
7	Development should not exceed the height prescribed for each Policy Area. The height of new buildings, including the floor to ceiling clearances of each level, should take reference from the prevailing building heights within the locality, with particular reference to adjacent Heritage Places.	2	Historic Area Overlay PO1.2	The Overlay refers to prevailing heights being the guide, but not specifically heritage places. It doesn't refer to floor to ceiling clearances for each level. Code refers to development being consistent with prevailing heights. Building heights are included in the TNV.
8	In a locality where single storey development prevails or is desired in accordance with the relevant desired character, low profile solutions to two storey development that are located to the rear of an existing building, may be appropriate subject to no adverse impacts on the historic character of the streetscape and overshadowing and privacy impacts on neighbouring land.	5	Historic Area Overlay PO2.1 Historic Area Overlay DTS2.1	Code doesn't refer to single storey dev being required, just that alts and adds don't dominate the primary façade. There is no comment about overshadowing or privacy. INSERT policy within City Living Zone under the heading 'Built Form and Character'.
9	Where consistent building set-backs from front, side and rear allotment boundaries prevail, new development should be consistent with these established setbacks. Where a consistent building setback is not evident in a particular locality, new buildings should not project forward of Heritage Places adjacent the development site. Building to side boundaries (other than for party walls in semi-detached, row dwellings or residential flat buildings) or to a rear boundary is generally inappropriate, but may be considered where it is demonstrated that there will be no detrimental effect on residential amenity or adjacent Heritage Place(s).	5	Historic Area Overlay PO1.4 NALIS DTS2.1, PO2.2 and 2.3, DTS 2.3 City Living Zone 3.1, DTS3.1, PO3.2, DTS 3.2, PO3.3, DTS3.3, PO3.4, DTS 3.4,	Guidance is given re the second part of PDC (which is where a consistent setback pattern is not evident) for heritage places in the SHP and SHA and LHP Overlays. No reference within the Code on building to side or rear boundaries being inappropriate, except when ok re resi amenity and heritage places. INSERT policy Subzone states that setback should be the average of the 2 on either side and secondary street should maintain the pattern. Side boundary setback should be average of adjoining. Zone provides numerical figures to guide development ie a setback that's either 6m or the average of the 2 on either side, whichever is the lesser. 900mm setback for the secondary street 3m high walls being setback 900 from the boundary. Taller walls have further setbacks. 3m setbacks from rear for ground floor and 5m for first floor 3m high walls on boundaries that can be 8m long if less than 45% of all walls on the boundary But it is not clear whether the setback of 3m is from any existing or proposed boundary walls.
10	Redevelopment of corner sites containing buildings that are not Heritage Places should provide facades to each street frontage and should only be sited on or close to the corner frontages where the development complements the siting of Heritage Places on adjacent corner sites.	3	Design in Urban Areas PO1.1	Code refers to reinforcing corners but not by locating facades on each street frontage, if appropriate. North Adelaide has buildings that address the corners of streets and terminate the built form row on that street. This should continue for important corner sites. INSERT policy on corner sites
11	Appropriately pitched roofs to visibly reinforce the prevailing character of historic roof forms in the Zone should be incorporated in development rather than mono-pitch or flat roof forms falling to the street frontage or asymmetrically to a side boundary	3	Historic Area Overlay PO1.1 and PO1.3 and PO2.1	There is no specific reference to appropriately pitched roofs or mono pitch or flat roofs. This policy is no longer relevant or appropriate. INSERT policy within City Living Zone under the heading 'Built Form and Character' to ensure development reflects the prevailing roof form.
12	Residential flat buildings or group dwellings should be designed to have the appearance of a detached dwelling as viewed from the primary street frontage.	5	Not included	Residential flat buildings are constructed in North Adelaide and this principle is important. INSERT policy on appearance of residential flat buildings within City Living Zone under a new heading 'Residential Flat Buildings'.

Number	Description	Transition category	Where has it been included?	Comments
13	Row dwellings should only be developed where vehicle access can be provided from laneways or minor streets. Row dwellings should not incorporate garaging for vehicles in the building elevation to the primary street frontage and should not be comprised of more than six attached dwellings in any one group.	5	City Living Zone PO6.1 and PO6.2 and DT/DPF6.2	The new Zone policy relates to all resi whereas in the Dev Plan, it's about row dwellings only. DTS 6.2A says provide access to parking from minor streets etc but only if road width is ok and traffic generation does not unreasonably impact on resi amenity. No comment on row dwellings having garaging in the principal elevation although alluded to in DTS6.2b. No comment about how many dwellings can be in one group. Code Design in Urban Areas says 5-19 dwellings. In the SW and SE, the construction of row dwellings occurs so it is important that driveways and access are carefully considered for their impact on the streetscape. INSERT policy on row dwellings within City Living Zone under a new heading 'Row Dwellings'.
Fencing				
14	Fencing to a street frontage (including any secondary street frontage) and returning along the side boundaries to the alignment of the main face of the principal building on the land, should: (a) be of traditional style and detailing that is compatible with the style of the building, or in the case of a new building, its design should reflect historically sympathetic fencing styles evident in the particular streetscape; (b) on the primary street frontage, comprise low fencing or fencing with an open character combined with solid pillars and plinths or other similar fencing styles that allow views of the associated building, by their height and design; (c) comprise materials compatible with traditional fencing materials such as stone and cast iron, brick, stone or rendered pillars and plinths or other traditional materials such as timber or well detailed masonry, but should not include metal sheeting; and (d) not include solid masonry fences on the primary street frontage other than where it is required to be consistent with fencing of identified heritage value on the development site.	5	Historic Area Overlay 3.4	In a HCZ, the fencing to properties is very important in establishing and reinforcing the historic value of the locality. The Code deals with fencing and gates very briefly and not in the detail needed in the City and Nth Ad. Recommended for inclusion within the Historic Area Statements.
15	On corner sites, the front fence should return on the secondary street frontage at the same height up to the alignment of the main face of the building on the land. The remaining rear section of side fences on a secondary street frontage should be constructed of traditional materials such as brick, rendered masonry and timber and should not be higher than 1.8 metres above ground level.	5		Code does not include reference to fencing on corner sites. INSERT policy on fencing on corner sites within the City Living Zone under a new heading 'Fences'.
16	Fences on rear and side property boundaries (behind the main face of the building), should not be higher than 2 metres above ground level and should be constructed of traditional materials, including corrugated metal sheeting. Side fences or walls above 1.2 metres are generally inappropriate forward of the main face of a building. Forward of the main face of the building, fences should be of a scale that allows oblique views of buildings.	5		Code does not refer to this. INSERT policy on fencing on corner sites within the City Living Zone under a new heading 'Fences'.
Access and Parking				
17	Vehicle access to land should be via minor streets, rear lanes and existing crossovers wherever possible. In a street where vehicle access does not prevail on the primary street frontage, new crossovers should be avoided.	5	City Living Zone DTS/DPF6.2	Code makes no comment about what to do if the street does not have vehicle access - ie no new crossovers. INSERT policy on crossovers in the City Living Zone under the heading 'Movement and Access'.
18	New vehicle crossovers required for development should be: (a) of minimum width to preserve and enhance street character; (b) designed to narrow the crossover width towards the road pavement and located to avoid the need to remove historic kerbing and significant trees; (c) separated from each other and located so that as many on-street car parking spaces as possible are retained; and (d) placed to avoid relocation of utility and infrastructure inspection points, poles and equipment.	5	Historic Area Overlay PO5.1 and PO 5.2	Code says width of driveways are to be consistent - not minimum width. No specific comment on narrowing the width but covered by PO 5.1 and PO 5.2 generally, except see proviso. No specific comment on separation or retaining on-street car parking spaces or relocation implications. Driveway locations are particularly important for North Adelaide and the City in terms of historic patterns (many sites don't have them), on street parking, trees and kerbing. INSERT policy within City Living Zone under the heading 'Movement and Access'.

Number	Description	Transition category	Where has it been included?	Comments
19	Vehicle access points to development should be consolidated and located to minimise the impact on residential amenity from parking, loading and access.	5	City Living Zone PO6.1 and PO6.2.	No comment on consolidation. INSERT policy within the City Living Zone under the heading 'Movement and Access'.
20	Vehicle parking arrangements should not incorporate undercroft parking (unless specifically expressed in a Policy Area as a possible development option in a particular street) or other parking or access arrangements that are not in keeping with the heritage character of the Zone.	5	Historic Area Overlay PO5.2. Design in Urban Areas PO6.1 does not preclude undercroft. Transport Access and Parking GDP PO7.1	Code generally refers to maintaining valued landscape patterns. Undercroft parking is acceptable but there are Pos in the HAO that say keep the access arrangements consistent with hv. City Living Zone says minimise visual impact on character. INSERT policy as part of PO 6.1 within the City Living Zone.
21	Other than low scale residential development, car parking should be provided at basement level to optimise the use of land and to limit the visual impact on the amenity and historic street character of the Zone.	4	Not included	
22	Low scale residential development should provide on-site car parking and open car parks and buildings for parking vehicles that are: (a)located at the rear of sites wherever possible; (b)designed and sited to ensure garage doors do not visually dominate the primary street frontage; and (c)be located behind the main face of the associated building.	3	City Living Zone PO6.2 and DTS/DPF6.2 Design in Urban Areas	Code covers this is a general way but does not refer specifically to parking being at the rear of sites, garage doors. The location of car parking is important in determining and reinforcing the character of an area. REVISE PO 18.1 within Design in Urban Area to ensure garaging does not visually dominate the primary frontage
23	Driveways commencing from a primary street frontage and terminating at or near the rear of a site, such as in hammerhead allotments and shared driveways in group dwelling developments, should be located, landscaped and fenced to minimise detrimental impact on the streetscape appearance and the amenity of neighbouring residential properties.	5	Design in Urban Areas DTS/DPFPO34	Code refers to improving the appearance of driveways with landscaping, but doesn't address the streetscape or resi amenity. INSERT policy as a PO within Design in Urban Areas GDP [All development] under the heading 'External Appearance'
Land Division				
24	The division of land should take reference from the established allotment frontages in the relevant street and aim to create regularly proportioned allotments capable of containing dwelling types consistent with the desired character of development fronting the street.	2	Historic Area Overlay PO4.1 City Living Zone PO5.1	HA Overlay addresses creating lots to accommodate building of a bulk and scale that reflect the area. Zone addresses lots created to be of a suitable size and dimension that are compatible with the housing pattern.
25	The division of land in the form of a hammerhead allotment or similar allotment arrangement, such as a community title land division that includes a shared driveway, should: (a)have a frontage to a public road and a 'handle' width of not less than five metres and not more than six metres to enable the provision of landscaping on both sides of a driveway for its full length and a driveway pavement of not more than 3.5 metres in width; (b)locate allotment boundaries to provide a separation distance of 2 metres from the future driveway pavement and a bedroom window of a neighbouring dwelling; (c)ensure that on-site car parking can be accommodated on the site of an existing dwelling in a manner that is consistent with other principles of development control for the zone; (d)avoid the repetition of driveways immediately adjacent to each other; and (e)include fencing treatment along the length of the driveway that is consistent with other principles of development control for the zone.	5	Design in Urban Areas 33.3	Code allows a width of 3m plus. No comment on separation distance of 2m and a bed window of neighbouring dwelling. No comment on car parking on the site of the original dwelling. No comment on lining up driveways next to each other. No comment on fencing common driveways. The location of driveways is critical in establishing the character of areas. Specific policy should be developed. INSERT policy within the City Living Zone under the heading ' Site Dimensions and Land Division'.
Procedural Matters				
Complying Development				
26	The following kinds of development are complying: (a)Temporary depot for Council for a period of no more than 3 months provided appropriate provision is made for: (i)dust control; (ii)screening, including landscaping; (iii)containment of litter and water; and (iv)securing the site.	5		Accepted Dev includes internal building work to non LHPs etc and underground water tanks. DTS includes - nothing PA includes carport, consulting room, demo of SHP or LHP or anything in the HO, adds, detached dwelling, education est,fence, land division (but only in the Nth Ad Low Density Subzone), office, garage, outbuilding, resi flat building, retirement facility, row dwelling, semi detached dwelling, shop, student accomm, supported accomm and all other code assessed dev. It is recommended that a Temporary Council depot is included in the Accepted Development Table for the City Living Zone.
Non-Complying Development				

Number	Description	Transition category	Where has it been included?	Comments
27	<p>The following kinds of development are non-complying:</p> <p>(a)A change of use to any of the following:</p> <ul style="list-style-type: none"> Adult entertainment premises Adult products and services premises Amusement machine centre Art gallery except in Policy Areas 4 and 8 Auditorium Backpackers hostel except: (i)in Policy Areas 3, 4, 9 and 15 (ii)on King William Road frontages in Policy Area 8 Bank except: (i)on Tynte Street frontages in Policy Area 4 (ii)on King William Road frontages in Policy Area 8 (iii)on Melbourne Street frontages in Policy Area 11 (iv)in Policy Area 15 Car park except where ancillary to an approved or existing use Cinema Clinic except: (i)where directly associated with the Calvary Hospital site on Fig HS/1 (ii)from an existing non-residential premises in Policy Area 5 and 15 (iii)in Policy Area 9 Community centre except: (i)in Policy Area 4 and 15 (ii)east of Jeffcott Street in Policy Area 5 Conference centre except in Policy Area 15 Consulting room except: (i)where directly associated with the Calvary Hospital site on Fig HS/1 (ii)from an existing non-residential premises in Policy Area 5 (iii)on King William Road frontages in Policy Area 8 	5	City Living Zone DO1, PO1.1, DTS/DPF1.1, PO1.2, DTS/DPF 1.2, PO1.3, PO1.4, Tables 1 2 and 3.	<p>Code calls for resi use but includes non resi land uses to provide a range of services to the local community inc offices, consulting rooms, education, worship, preschools, child care and other health and welfare plus services for supported or retirement accomm and open space and rec facilities. Non res land uses to be compatible with the resi character and amenity.</p> <p>Restricted includes Dev associated with the insitutions or an adj site, as identified on the Concept Plans. Shop - except if lawfully used as shop, office or consulting room, or with a glfa of less than 200m2 or located on a site with a frontage to an arterial or collector road or adj a Main Street Zone with a glfa of less than 1000m2. Also restaurants are PA.</p> <p>So, all the non complying list is now PA, including advertisements. Assuming that some of the land uses in the non complying list are not desirable (car park, transport depot),are the policies strong enough to allow refusal?</p> <p>What is to stop consulting rooms, offices or restaurants from being approved in former residential properties in resi areas but in proximity to the hospitals or major streets?</p> <p>INSERT policy on the former non complying land uses being land uses that are not envisaged.</p> <p>Demo of SHPs and LHPs has gone from being non complying to PA. It appears that the demolition policies in the Overlays will protect from</p>
Public Notification				
28	<p>For the purposes of public notification in accordance with the procedures and rights established by the Development Act 1993, development is assigned to the specified categories as follows:</p> <p>(a)Category 1, public notification not required:</p> <ul style="list-style-type: none"> (i)advertisements (except those classified as non-complying); (ii)development, which, in the opinion of the relevant authority, is of a minor nature and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development. <p>(b)Category 2, public notification required, third parties may, at the discretion of the relevant planning authority, appear before the relevant planning authority on the matter. Third parties do not have appeal rights:</p> <ul style="list-style-type: none"> (i)all development, other than development classified as non-complying or which falls within Part (a) of this provision. <p>Note: For Category 3 development, public notification is required. Third parties may make written representations, appear before the relevant planning authority on the matter, and may appeal against a development consent. This includes any development not classified as either Category 1 or Category 2.</p>		Procedural Matters	<p>All classes are excluded from notification except where; site is adj to land in another zone 'All other code assessed dev' in the City Living Zone - that means anything other than carport, consulting room, demo of SHP or LHP or anything in the HAO, adds, detached dwelling, education est, fence, land division (but only in the Nth Ad Low Density Subzone), office, garage, outbuilding, resi flat building, retirement facility, row dwelling, semi detached dwelling, shop, student accomm, supported accomm and all other code assessed dev. So all the former non complying land uses would be notified. Also, dev exceeding the height in the TNV.</p>
NEW CONTENT IN THE CODE (insert below)				

Number	Description	Transition category	Where has it been included?	Comments
	<p>HA Overlay Historic Area Statement will be very important in determining the form of development as the detail of the existing policies in respect of design, materials, fencing, land division, car parking arrangements has been removed. It is only the visible part of the building that needs to meet the Code. Poor design outcomes? A contextual design response is called for. What will the criteria be to judge whether the new design is appropriate? tests for demolition (buildings must demonstrate the historic character) and performance assessed. Economic, contribution and structural or condition test now applies.</p> <p>Subzone Site coverage is now a percentage of site area.</p> <p>Zone non resi development envisaged at a much greater level than in Dev Plan. Setbacks from boundaries are now precise numbers. Catalyst sites - Can this be right? Does this only apply on land more than 1500m2 with a frontage to East Terrace? TNVs for height, site areas and site frontages and concept plans. Public notification greatly expanded as a result of the relatively short list of Performance Assessed Classes of Dev and the All other inclusion.</p>			

Zone	1 - Included in the Code and retains same policy intent			3%
Policy area(s)	2 - Wording changed but policy intent remains (OK)			3%
	3 - Included in the Code but policy intent changed (NOT OK)			18%
	4 - Not included in the Code but OK to remove			13%
	5 - Not included in the Code and should be reinstated			66%
PA1				
Is in NALIS				
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	The Hill Street Policy Area should remain one of the lowest density residential areas in Upper North Adelaide and should be protected and enhanced as one of the most historically intact residential areas in South Australia.	5	Subzone DO1, DO2, PO1.1	Recommended for inclusion within the Historic Area Statement.
	The variety of dwelling types should be retained by the conservation of Heritage Places characterised by nineteenth and early twentieth century elegant and finely detailed mansions and other large villas set on large allotments, together with low and medium density cottages, villas and terrace houses of one and two storeys.	5		Recommended for inclusion within the Historic Area Statement.
	Helping Hand Aged Care will be a valuable multi-functional aged care facility providing a variety of levels of care and accommodation for the elderly community. St Dominic's Priory College will continue to be associated with educational land uses. Calvary Hospital will provide hospital uses such as patient care, research, consulting rooms, visitor accommodation and ancillary services. Development of these long established institutions should meet the community needs and future requirements whilst reinforcing the heritage values and amenity of the Policy Area.	5	Zone PO1.5	INSERT policy on non residential land uses within the City Living Zone under the heading 'Land use and Intensity'.
	New development should respect the low scale, environmental quality character and historic value of the Policy Area, incorporating high standards of design, materials and landscaping.	5	Subzone DO1, DO2, PO1.1, PO2.1	INSERT as a PO within the North Adelaide Low Intensity Subzone within the City Living Zone under the heading 'Built Form and Character'.
	The character of new residential development should be established by low density detached dwellings, semi-detached dwellings, group dwellings or residential flat buildings, all up to a maximum of two storeys, unless a particular dwelling type(s) and/or a lower building height is prescribed for development addressing the primary street frontage, to reinforce the character of the historic built form as described below:	5	Zone PO1.1, DTS1.1	Retirement facilities and supported accomm could be considered to be included because of the Institutions. Heights are not known. REQUIRES FURTHER INVESTIGATION. INSERT policy on desired types of dwellings. Can we use the TNV Overlay to in relation to the type of dwellings that are appropriate within particular areas of the City living Zone? Given the historic nature of many of the areas one size does not fit all.
	(a) Mills Terrace and Strangways Terrace (west of Hill Street): New residential buildings addressing the primary street frontage should comprise detached dwellings, group dwellings or residential flat buildings of one or two storeys that contribute to the imposing townscape character of these Park Lands frontages established by various styles of detached dwellings of identified heritage value. Built form character will be reinforced through new development incorporating articulation, bay windows, hip or hip-gable roof profiles, verandahs, balconies and porches, and set within landscaped grounds.	5		Recommended for inclusion within the Historic Area Statement.
	(b) Gibbon Lane: There should be little change in the townscape character established by primarily attached and detached two storey dwellings and a single storey detached dwelling of local heritage value. Future residential buildings addressing the primary street frontage should be detached dwellings. Roofs should be pitched or incorporated behind parapets and the design and composition of facades should reflect traditional proportions of Heritage Places in the locality.	5		Recommended for inclusion within the Historic Area Statement.
	(c) Hill Street: This attractive townscape is formed by the many one storey local heritage places and several two storey State Heritage Places comprising large detached and semi-detached dwellings, as well as other prominent corner sites containing St. Lawrence's Church and Calvary Hospital. New residential buildings should be detached or semi-detached dwellings with a frontage to and access from the street. The siting of buildings should continue the regular building set-back from the primary street frontage and the established regular pattern of siting of Heritage Places on individual allotments relevant to the particular section of the street.	5		Recommended for inclusion within the Historic Area Statement.

Number	Description	Transition category	Where has it been included?	Comments
	<p>(d)Buxton Street: The townscape character is established by several highly cohesive frontages of single storey detached dwellings of local heritage value and other one and two storey State heritage places, including examples of finely detailed Italianate villas with intact stone and cast-iron fencing. A traditional corner shop which abuts the north-western corner of Buxton Street and Jeffcott Street frontages is an exception to the prevailing building set-back but complements the scale and character of the adjoining group of detached cottages on the northern frontage of Buxton Street.</p> <p>The siting of new development at the Helping Hand Aged Care should complement the setback of Heritage Places and avoid unbroken frontages. The use of landscaped open space should be incorporated to break up building mass.</p> <p>Additional residential accommodation should be located on under-utilised land to the side or behind existing buildings provided the value of Heritage Places is not compromised.</p> <p>New residential buildings with frontage to the street should comprise single storey detached or group dwellings.</p>	5		Recommended for inclusion within the Historic Area Statement.
	<p>(e)Molesworth Street: The residential townscape east of Hill Street is almost exclusively Heritage Places comprising semi-detached dwellings of similar architectural design on the southern side, and detached Victorian Italianate houses and other detached dwellings of local heritage value on the northern side.</p> <p>In other parts of the street development opportunities for additional residential accommodation should be limited to under-utilised land behind or adjacent existing buildings where the value of Heritage Places is not compromised.</p> <p>All dwelling types should be considered within established institutional sites. Development adjacent the primary street frontage will reinstate or reinforce the building set-back and subdivision pattern established by Heritage Places.</p> <p>The Church of Perpetual Adoration makes a valuable contribution to the historic character of the area. Development of St Dominic's Priory College should maintain the visual prominence of the Church of Perpetual Adoration by retaining views and vistas with suitable building setbacks from the side and street frontages of the Church. The use of landscaped open space should be incorporated to break up</p>	5		Recommended for inclusion within the Historic Area Statement.
	<p>(f)Barnard Street: The residential townscape east of Hill Street is almost exclusively Heritage Places and will remain intact through the conservation of Heritage Places characterised by detached and semi-detached dwellings.</p> <p>New buildings should complement and, where necessary, reinstate the generally consistent building set-back established by one and two storey Heritage Places.</p> <p>The Calvary Hospital Chapel forms an important part of the character of Barnard Street Development should be compatible with the Heritage Places and maintain the heritage value and prominence of the Chapel by retaining views and vistas to the Chapel.</p>	5		Recommended for inclusion within the Historic Area Statement.
	<p>(g)Jeffcott Street: The diversity of traditional dwelling types and the generally consistent character of large dwellings should be conserved through the retention of Heritage Places. Buildings that are not identified Heritage Places may be replaced with new buildings that should not necessarily repeat distinctive historic elements (such as bay windows). Such replacement development should be large, single storey detached dwellings adjacent the primary street frontage, and should reinstate the prevailing building set-back established by Heritage Places relevant to the particular locality, which on corner sites may comprise buildings set on or close to the primary street frontage.</p>	5		Recommended for inclusion within the Historic Area Statement.
	<p>(h) Childers Street: The historic townscape is established by primarily large, low density, single storey local heritage places comprising detached dwellings. Buildings that are not identified Heritage Places should be replaced by development that has the appearance of single storey detached dwellings adjacent the primary street frontage. Development should reinstate the prevailing building set-back established by Heritage Places relevant to the particular locality.</p>	5		Recommended for inclusion within the Historic Area Statement.
	<p>(i) Barton Terrace West: The diversity of dwelling types and building set-backs has eroded the former heritage townscape. Development that replaces buildings that are not identified Heritage Places should comprise detached, semi-detached and group dwellings or residential flat buildings that reinstate the building set-back and orientation of the main face of dwellings to the Park Lands established by the remaining Heritage Places.</p>	5		Recommended for inclusion within the Historic Area Statement.

Number	Description	Transition category	Where has it been included?	Comments
	(j)Ward Street and Strangways Terrace (east of Hill Street): The Calvary Hospital is a prominent corner site that contributes to the character of the area. The visual prominence of Calvary Hospital should be retained. New development should be compatible with the Heritage Places and should maintain the orientation and frontage of the hospital to Strangways Terrace. The use of landscaped open space should be incorporated to break up building mass. Car parking and access areas should be consolidated and landscaping established. East of Calvary Hospital, the existing townscape along Ward Street is characterised by a number of single storey detached residences of consistent architectural style, form and siting.	5		Recommended for inclusion within the Historic Area Statement.
Policy Objectives				
1	Development that strengthens, achieves and is consistent with the desired character for the Policy Area.	4		
2	Development of the Policy Area for residential purposes at low density with landscaped setbacks to retain and reinforce the traditional character.	4	Subzone PO1.1, PO2.1	INSERT policy as a PO within the City Living Zone under the heading 'Building Setbacks'.
3	Development of the Policy Area that maintains residential amenity by limiting non-residential development to institutional uses within existing sites.	5		Given that the Code will allow non residential land uses, INSERT policy to limit non residential land uses.
Principles of Development Control				
1	Development should strengthen, achieve and be consistent with the desired character for the Policy Area.	4		
2	Residential development should be in the form of detached, semi-detached or group dwellings, residential flat buildings, or alterations and additions to existing buildings. New residential buildings in the form of row dwellings should not be developed.	4	Zone PO1.1, DTS 1.1	REQUIRES FURTHER INVESTIGATION. INSERT policy on desired types of dwellings. Can we use the TNV Overlay to in relation to the type of dwellings that are appropriate within particular areas of the City living Zone? Given the historic nature of many of the areas one size does not fit all. Reference to discouraging row dwellings has been recommended for inclusion within the Historic Area Statement.
3	Development should not exceed 2 building levels or locate a ceiling more than 6 metres above the median natural or finished ground level at any point or any part of a building (except for land identified as the Calvary Hospital site on Fig HS/1, the St Dominic's Priory College site on Fig HS/2 and the Helping Hand Aged Care site on Fig HS/3).	3	TNV	TNV says max height 2 storeys. No comments on height depends on context or res amenity. INSERT policy within the City Living Zone on adjacent development responding to context in terms of height.
4	The bulk and density of development should satisfy the following: (a)Basic and maximum plot ratio: 0.6 (except for land identified as the Calvary Hospital site on Fig HS/1, the St Dominic's Priory College site on Fig HS/2 and the Helping Hand Aged Care site on Fig HS/3). (b)Dwelling Unit Factor: (i)600 square metres - detached dwelling and group dwelling; (ii)450 square metres - semi-detached dwelling; (iii)500 square metres - residential flat building not contained within an existing building; (iv)250 square metres - residential flat building contained within an existing building; (v)350 square metres - residential redevelopment of a site occupied by a non-complying use. In relation to Principle 4(b), satisfying the minimum site area for a dwelling (described as the Dwelling Unit Factor) may not be sufficient to address heritage considerations relevant to a particular place or streetscape. In relation to Principle 4(b), in the case of a hammerhead allotment or similar allotment design where the only public road frontage represents the proposed vehicle access, the area of the 'handle' or right of way is excluded from the site area when performing the calculation of Dwelling Unit Factor.	2	TNV	No plot Minimum lot size for a detached dwelling is 600 sqm; semi-detached dwelling is 450 sqm; group dwelling is 600 sqm; residential flat building is 500 sqm. Generally the Code and Dev Plan provisions align with regard to minimum lot sizes.
5	Residential development at a greater density than that prescribed for desired dwelling types should only occur where buildings which will be visible from the primary street frontage are consistent with the desired character for the Policy Area or the street where prescribed (eg single storey detached dwellings) and only in the following circumstances: (a)on land greater than 2000 square metres; or (b)on land where the existing dwelling unit factor is 250 square metres or less and the development replaces a building that is not an identified Heritage Place; and (c)in either case, the resultant Dwelling Unit Factor should not vary more than 20 percent from that required.	5	Not included	INSERT policy for minimum lot sizes on larger sites in the City Living Zone.

Number	Description	Transition category	Where has it been included?	Comments
6	The land for a dwelling should have a primary street frontage to a public road not less than the following (other than in the case of a hammerhead allotment where the frontage to a public road should be no less than five metres): (a) Detached dwelling: 14 metres; (b) Semi-detached dwelling: 12 metres; (c) Group dwelling or residential flat building: 18 metres.	1	TNV	Minimum frontage for a detached dwelling is 14m; semi-detached dwelling is 12m; group dwelling is 18m; residential flat building is 18m. Generally the Dev Plan and the Code align.
7	A minimum of 50 percent of the total site area should be provided for landscaped open space on the site of development. Each dwelling in a development should provide as part of the landscaped open space, a private open space area in accordance with the Council Wide principles of development control. In relation to Principle 7, in the case of a hammerhead allotment, the area of the "handle" or right of way is excluded from the calculation of landscaped open space.	3	Design in Urban Areas DTS20.1	Specified 50% max site coverage, excluding the eaves. Depends on site are and dwelling type. This topic needs further consideration. FURTHER INVESTIGATION REQUIRED. There are no policies within the code that address the importance of Landscaped Open Space. This is important to the character and setting of many buildings within North Adelaide and South Adelaide.
Non-residential Development				
8	Non-residential development comprising new buildings should respect the generally lower scale of residential buildings and provide a transition of built form at site boundaries.	5	Not included	INSERT policy regarding transition within the City Living Zone.
9	Development of Calvary Hospital should: (a) be in accordance with Concept Plan Fig HS/1; (b) not exceed a plot ratio of 1.5 (c) ensure new buildings up to a maximum of 5 building levels or 15 metres above the median natural or finished ground level at any or any part of a building are designed to: (i) be located in central areas of the site and in areas identified as Taller Built Form; (ii) ensure buildings up to 4 building levels are located along Hill Street and in areas identified as Taller Built Form; (iii) ensure buildings up to 3 building levels are in areas identified as Low Scale Built Form; (v) provide a compatible set back from the street, adjoining residential allotments and State and Local Heritage Places; and (vi) minimise building mass at the interface from an adjoining boundary by siting built form within a building envelope consisting of a 45 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of an adjoining residential allotment, except where a variation to the building envelope demonstrates minimal adverse impacts upon adjacent housing in terms of massing and overshadowing through alternative design methods.	3	Zone PO1.5 and PO7.1	No reference to plot ratio. Maximum height covered in TNV numerical overlay. The built form elements are recommended for inclusion within the Historic Area Statement.
10	Development of St Dominic's Priory College should: (a) be in accordance with Concept Plan Fig HS/2; and should: (b) not exceed a plot ratio of 1.1; (c) ensure new buildings up to a maximum of 3 building levels and 9 metres above the median natural or finished ground level at any point or any part of a building are designed to: (i) be located in areas identified as Taller Built Form; (ii) locate Low Scale Built Form up to 2 building levels/6 metres in height along the Barnard Street, Hill Street, Molesworth Street and Priory Lane frontages; (iii) provide a compatible set back from the street, adjoining residential allotments and State and Local Heritage Places; and (iv) minimise building mass at the interface from an adjoining boundary by siting built form within a building envelope consisting of a 45 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of an adjoining residential allotment, except where a variation to the building envelope demonstrates minimal adverse impacts upon adjacent housing in terms of massing and overshadowing through alternative design methods. (d) minimise the impact of vehicular access and student pick up and drop off on residential amenity.	3	Zone PO1.5 and PO7.1	No reference to plot ratio. Maximum height covered in TNV numerical overlay. The built form elements are recommended for inclusion within the Historic Area Statement.

Number	Description	Transition category	Where has it been included?	Comments
11	Development of Helping Hand Aged Care should: (a) be in accordance with the Concept Plan Fig HS/3; (b) not exceed a plot ratio of 1.7 (North of Kermod Street) and 2.3 (South of Kermod Street); (d) ensure new buildings up to a maximum of 4 building levels or 12 metres above the median natural or finished ground level at any point or any part of a building are designed to: (i) be located in areas identified as 'Taller Built Form'; (ii) locate Low Scale Built Form between 1 to 2 building levels along the Molesworth Street, Buxton Street and Childers Street; (iii) provide a compatible set back from the street, adjoining residential allotments and State and Local Heritage Places; (iv) minimise building mass at the interface from an adjoining boundary by siting built form within a building envelope consisting of a 45 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of an adjoining residential allotment, except where a variation to the building envelope demonstrates minimal adverse impacts upon adjacent housing in terms of massing and overshadowing through alternative design methods. (f) improve the pedestrian environment and access particularly across Buxton Street.	3	Zone PO1.5 and PO7.1	No reference to plot ratio. Maximum height covered in TNV numerical overlay. The built form elements are recommended for inclusion within the Historic Area Statement.
Non-residential Development				
12	The maximum size of advertisements should be 0.2 square metres.	5	Not included	INSERT policy under a new heading "Advertisements" in the City Living Zone.
13	Advertisements more than 3 metres above natural ground level or an abutting footpath or street are inappropriate.	5	Not included	"As Above"
14	Advertisements which project from the wall of a building are inappropriate.	5	Not included	"As Above"
NEW CONTENT IN THE CODE (insert below)				

Zone		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="background-color: #d9ead3;">1 - Included in the Code and retains same policy intent</td> <td style="text-align: right;">4%</td> </tr> <tr> <td style="background-color: #fcf8e3;">2 - Wording changed but policy intent remains (OK)</td> <td style="text-align: right;">4%</td> </tr> <tr> <td style="background-color: #f2dede;">3 - Included in the Code but policy intent changed (NOT OK)</td> <td style="text-align: right;">12%</td> </tr> <tr> <td style="background-color: #d9ead3;">4 - Not included in the Code but OK to remove</td> <td style="text-align: right;">20%</td> </tr> <tr> <td style="background-color: #f2dede;">5 - Not included in the Code and should be reinstated</td> <td style="text-align: right;">60%</td> </tr> </table>		1 - Included in the Code and retains same policy intent	4%	2 - Wording changed but policy intent remains (OK)	4%	3 - Included in the Code but policy intent changed (NOT OK)	12%	4 - Not included in the Code but OK to remove	20%	5 - Not included in the Code and should be reinstated	60%
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3 - Included in the Code but policy intent changed (NOT OK)	12%												
4 - Not included in the Code but OK to remove	20%												
5 - Not included in the Code and should be reinstated	60%												
Policy area(s)	PA2												
General comments	In NALIS												
Number	Description	Transition category	Where has it been included?	Comments									
Desired Character													
	The Childers East Policy Area should remain one of the lowest density residential areas in Upper North Adelaide.	5	NALIS DO1 and DO2 and PO1.1	Recommended for inclusion within the Historic Area Statement.									
	The variety of dwelling types should be retained by the conservation of Heritage Places characterised by nineteenth and early twentieth century elegant and finely detailed mansions, large villas set on large allotments and low and medium density detached and semi-detached residences of one and two storeys, such as the typical cottages and terrace houses on narrower frontages.	5		Recommended for inclusion within the Historic Area Statement.									
	Development should complement the low scale and generally cohesive townscapes of the Policy Area. The character of new residential development should be established by low density detached dwellings, semi-detached dwellings, group dwellings or residential flat buildings, all up to a maximum of two storeys, unless a particular dwelling type(s) and/or a lower building height is prescribed for development addressing the primary street frontage, to reinforce the character of the historic built form as described below:	3	NALIS DO1 and DO2 and PO1.1	<p>The NALIS refers to low density. The TNV refers to the number of storeys. The type of dwellings is not included but can be omitted. A lower height being required as policy is necessary as in North Adelaide to fit in with single storey streetscape, single storey is often required with 2 storey behind. REQUIRES FURTHER INVESTIGATION. INSERT policy on desired types of dwellings. Can we use the TNV Overlay to in relation to the type of dwellings that are appropriate within particular areas of the City living Zone? Given the historic nature of many of the areas one size does not fit all. INSERT policy to determine dwelling types in the City Living Zone in the NALIS and MHISZ. INSERT policy for when part single storey solutions may be required in City Living Zone in the NALIS. INSERT policy on adjacent development responding to context in terms of height in the City Living Zone..</p>									
	(a) Childers Street: There should be little change in the historic townscape established by primarily single storey local heritage places, including consistently sited single-storey row cottages, detached cottages and the occasional terrace houses with narrow frontages on the northern side and on the southern side detached and attached cottages with varying set-backs. On the northern side, new residential buildings adjacent the primary street frontage should be single storey detached or semi-detached dwellings, and the continuity of parapets, verandahs and roof profiles may be reproduced in new development. On the southern side new residential buildings adjacent the primary street frontage should be single storey detached or semi-detached dwellings that reinstate the character of detached and attached cottages.	5		Recommended for inclusion within the Historic Area Statement.									
	(b) Gover Street: The townscape is established by primarily single storey detached dwellings. On the northern side, new residential buildings with frontage to the street should be single storey detached or semi-detached dwellings that reinstate the historic pattern of development, and should not result in built elements such as garages being developed on or close to the primary street frontage or forward of the main face of a dwelling. On the southern side, west of Mansfield Street, development should comprise single storey detached dwellings that complement the more generous scale and siting patterns of Heritage Places. On the southern side, east of Mansfield Street, development should comprise single storey detached dwellings.	5		Recommended for inclusion within the Historic Area Statement.									

Number	Description	Transition category	Where has it been included?	Comments
	(c) Jeffcott Street: This street comprises a diversity of traditional dwelling types reflecting the different stages of early residential development. Existing development includes the low scale character of row cottages with a consistent and intensive built form edge to the eastern frontage north of Childers Street and elsewhere larger detached bay window and gable-fronted villas on individual sites. North of Childers Street the townscape should remain largely unchanged, but where opportunities exist, new residential buildings should be single storey detached or semi-detached dwellings sited on or close to the primary street frontage and designed to complement the established continuity of roof and verandah profiles. South of Childers Street new residential buildings should be single storey detached dwellings sited close to the primary street frontage.	5		Recommended for inclusion within the Historic Area Statement.
	(d) Barton Terrace West The character of development fronting the Park Lands on Barton Terrace West has been highly modified over time and few development opportunities remain that will increase the number of dwellings. New residential development should replace buildings that are not identified Heritage Places and should comprise one or two storey detached or semi-detached dwellings. Development should reinstate a more cohesive edge along Barton Terrace West and remove non-contributory elements such as garages from the primary street frontage. Development should utilise existing vehicle access points where possible.	5		Recommended for inclusion within the Historic Area Statement.
	(e) Hack Street: The intimate character of this narrow street, which is established by single storey cottages, should be maintained. Opportunities to develop additional dwellings should generally be limited to the eastern side of the street and buildings should be single storey detached dwellings with single width carparking where appropriate.	5		Recommended for inclusion within the Historic Area Statement.
	(f) Mansfield Street: The character of this street, which is established by single storey cottages, should remain largely unchanged through the conservation of Heritage Places. Where opportunities for replacement development exist, buildings should be single storey detached dwellings.	5		Recommended for inclusion within the Historic Area Statement.
	(g) in other minor streets: Where opportunities for replacement or infill development exist, buildings should be single storey detached dwellings.	5		Recommended for inclusion within the Historic Area Statement.
Policy Objectives				
1	Development that strengthens, achieves and is consistent with the desired character for the Policy Area.	4		
2	Development of the Childers East Policy Area for residential purposes at low densities.	4	NALIS DO1 and DO2 and PO1.1	
3	Residential amenity maintained by restricting the introduction, expansion or intensification of non-residential uses.	5	Zone PO1.2, DTS1.2, PO1.3, PO1.4, D	The new Zone encourages resi uses, though of small scale are encouraged as well as the Institutions. INSERT policy to limit non residential land uses within the City Living Zone under the heading 'Land Use and Intensity'.
Principles of Development Control				
1	Development should strengthen, achieve and be consistent with the desired character for the Policy Area.	4		
2	Residential development should be in the form of detached, semi-detached or group dwellings, residential flat buildings, or alterations and additions to existing buildings. New residential buildings in the form of row dwellings should not be developed.	4	Zone PO1.1, DTS 1.1	The new Zone also allows retirement facility and supported accomm. Row dwellings still excluded. REQUIRES FURTHER INVESTIGATION. INSERT policy on desired types of dwellings. Can we use the TNV Overlay to in relation to the type of dwellings that are appropriate within particular areas of the City living Zone? Given the historic nature of many of the areas one size does not fit all. INSERT policy to determine dwelling types in the City Living Zone in the NALIS and MHISZ.
3	Development should not exceed two building levels or locate a ceiling more than 6 metres above the median natural or finished ground level at any point or any part of a building. Buildings may be allowed up to the maximum height or number of levels where such buildings are compatible with adjacent buildings and their settings in respect of their scale and siting, and where there is no adverse impact on established residential amenity.	3	Zone PO2.2, DTS2.2	TNV says max height 2 storeys. No comments on height depends on context or res amenity. INSERT policy on adjacent development responding to context in terms of height in the City Living Zone.
	The bulk and density of development should satisfy the following: (a)Basic and maximum plot ratio: 0.8; and	4		Plot ratio has been removed and replaced with minimum lot sizes, total roofed area, site frontages and setbacks.

Number	Description	Transition category	Where has it been included?	Comments
4	(b) Dwelling Unit Factor: (i) 600 square metres – detached dwelling and group dwelling; (ii) 450 square metres – semi-detached dwelling; (iii) 500 square metres – residential flat building not contained within an existing building; (iv) 250 square metres – residential flat building contained within an existing building; (v) 350 square metres – residential redevelopment of a site occupied by a non-complying use. In relation to Principle 4(b), satisfying the minimum site area for a dwelling (described as the Dwelling Unit Factor) may not be sufficient to address heritage considerations relevant to a particular place or streetscape. In relation to Principle 4(b), in the case of a hammerhead allotment or similar allotment design where the only public road frontage represents the proposed vehicle access, the area of the 'handle' or right of way is excluded from the site area when performing the calculation of Dwelling Unit Factor.	2	Zone DTS 5.1	The Code does not include DUF but has a minimum lot size for a detached dwelling of 600 sqm; semi-detached dwelling is 450 sqm; group dwelling is 600 sqm; residential flat building is 500 sqm No mention of resi flat within existing building, non complying use or heritage. Generally, the existing DUFs align with the Code's minimum lot sizes.
5	Residential development at a greater density than that prescribed for desired dwelling types should only occur where buildings which will be visible from the primary street frontage are consistent with the desired character for the Policy Area or the street where prescribed (e.g. single storey detached dwellings) and only in the following circumstances: (a) on land greater than 2000 square metres; or (b) on land where the existing dwelling unit factor is 250 square metres or less and the development replaces a building that is not an identified Heritage Place; and (c) in either case, the resultant Dwelling Unit Factor should not vary more than 20 percent from that required.	5	Not included	INSERT policy on minimum allotment sizes on larger land parcels in the City Living Zone.
6	The land for a dwelling should have a primary street frontage not less than the following (other than in the case of a hammerhead allotment where the frontage to a public road should be no less than five metres): (a) Detached dwelling: 14 metres; (b) Semi-detached dwelling: 12 metres; (c) Group dwelling or residential flat building: 18 metres.	1	Zone DTS 5.1	Minimum frontage for a detached dwelling is 14m; semi-detached dwelling is 12m; group dwelling is 18m; residential flat building is 18m. Generally the Dev Plan and the Code align.
7	A minimum of 40 percent of the total site area should be provided for landscaped open space on the site of development. Each dwelling in a development should provide as part of the landscaped open space, a private open space area in accordance with the Council Wide principles of development control.	3		FURTHER INVESTIGATION REQUIRED. There are no policies within the code that address the importance of Landscaped Open Space. This is important to the character and setting of many buildings within North Adelaide and South Adelaide.
Advertising				
8	The maximum size of advertisements should be 0.2 square metres and limited to one advertisement per premises.	5	HA Overlay PO3.3	INSERT policy under a new heading "Advertisements" in the City Living Zone.
9	Illumination of advertisements will only be considered where it will not detrimentally affect residential amenity.	5	Not included	"As Above"
10	Advertisements more than 3.0 metres above natural ground level or an abutting footpath or street are inappropriate.	5	Not included	"As Above"
11	Advertisements which project from the wall of a building are inappropriate.	5	Not included	"As Above"
NEW CONTENT IN THE CODE (insert below)				

Zone Policy area(s) PA3	1 - Included in the Code and retains same policy intent		4%	
	2 - Wording changed but policy intent remains (OK)		4%	
	3 - Included in the Code but policy intent changed (NOT OK)		9%	
	4 - Not included in the Code but OK to remove		17%	
	5 - Not included in the Code and should be reinstated		65%	
Not in the NALIS				
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	Wellington Square is one of the City's most important and historical public spaces and the Policy Area should be maintained as one of the most attractive residential areas in North Adelaide. The townscape is contiguous with and complementary to the townscape character of the major streets which lead into the Square.	5		Recommended for inclusion within the Historic Area Statement.
	Development should create a more cohesive built form edge to the Square through selective and sensitive infill development of buildings that are sited with particular regard to the prevailing setbacks of adjacent development. New buildings should complement the historic built form comprising large, single storey local heritage places and one or two storey State heritage places.	5		Recommended for inclusion within the Historic Area Statement.
	Development should preserve and enhance the Square's informal character and unity by appropriate landscaping, paving, planting, lighting and street furniture. Pedestrian paths and informal recreation areas should provide attractive and safe shelter and seating. Vehicle access to and through the Policy Area should be maintained together with a safe, pleasant pedestrian environment within Wellington Square and on the adjacent footpaths.	4		Recommended for inclusion within the Historic Area Statement. Many of these activities are not 'development'.
Policy Objectives				
1	Development that strengthens, achieves and is consistent with the desired character for the Policy Area.	4		
2	The Wellington Square Policy Area developed for residential purposes at low densities and residential amenity maintained by development associated with existing non-residential uses contained within existing site boundaries.	5	Zone	Low to med density envisaged and non resi land uses also. Should be included in the Historic Area Statement. INSERT policy to limit non residential land uses within the City Living Zone under the heading 'Land Use and Intensity'.
3	The continued use of the Square as a relaxed and pleasant environment for passive recreation and an informal civic space for local activities and events.	4		Not 'development'.
Principles of Development Control				
1	Development should strengthen, achieve and be consistent with the desired character for the Policy Area.	4		
2	Residential development should be in the form of detached, semi-detached or group dwellings, residential flat buildings, or alterations and additions to existing buildings. New residential buildings in the form of row dwellings should not be developed.	5	Zone PO1.1, DTS 1.1	Retirement facility and supported accommodation allowed as is non resi development. REQUIRES FURTHER INVESTIGATION. INSERT policy on desired types of dwellings. Can we use the TNV Overlay to in relation to the type of dwellings that are appropriate within particular areas of the City living Zone? Given the historic nature of many of the areas one size does not fit all.
3	Buildings should not exceed 2 building levels or locate a ceiling more than 6 metres above the median natural or finished ground level at any point or any part of a building. Buildings may be allowed up to the maximum height or number of levels where such buildings are compatible with adjacent buildings and their settings in respect of their scale and siting, and where there is no adverse impact on established residential amenity.	3	TNV	Max height 2 storeys INSERT policy on height being guided by context in City Living Zone under the heading Built Form and Character.

Number	Description	Transition category	Where has it been included?	Comments
4	The bulk, density and height of buildings should not exceed the following: (a)Basic and maximum plot ratio: 1.0; and (b)Dwelling Unit Factor: (i)600 square metres - detached dwelling and group dwelling; (ii)450 square metres - semi-detached dwelling; (iii)500 square metres - residential flat building not contained within an existing building; (iv)250 square metres - residential flat building contained within an existing building; (v)350 square metres - residential redevelopment of a site occupied by a non-complying use. In relation to Principle 4(b), satisfying the minimum site area for a dwelling (described as the Dwelling Unit Factor) may not be sufficient to address heritage considerations relevant to a particular place or streetscape. In relation to Principle 4(b), in the case of a hammerhead allotment or similar allotment design where the only public road frontage represents the proposed vehicle access, the area of the 'handle' or right of way is excluded from the site area when performing the calculation of Dwelling Unit Factor.	2		TNV on plot Minimum lot size for a detached dwelling is 600 sqm; semi-detached dwelling is 450 sqm; group dwelling is 600 sqm; residential flat building is 500 sqm No comment on resi flat building contained within existing building and resi dev of site occupied by a non complying use or heritage considerations. Generally, the Code and Dev Plan align with regard to minimum lot sizes.
5	Residential development at a greater density than that prescribed for desired dwelling types should only occur where buildings which will be visible from the primary street frontage are consistent with the desired character for the Policy Area or the street where prescribed (eg single storey detached dwellings) and only in the following circumstances: (a)on land greater than 2000 square metres; or (b)on land where the existing dwelling unit factor is 250 square metres or less and the development replaces a building that is not an identified Heritage Place; and (c)in either case, the resultant Dwelling Unit Factor should not vary more than 20 percent from that required.	5	Not included	INSERT policy on land division on larger sites in the City Living Zone.
6	The land for a dwelling should have a primary street frontage not less than the following (other than in the case of a hammerhead allotment where the frontage to a public road should be no less than five metres): (a)Detached dwelling: 14 metres; (b)Semi-detached dwelling: 12 metres; (c)Group dwelling or residential flat building: 18 metres.	1	Zone DTS 5.1	TNV for site frontages Minimum frontage for a detached dwelling is 14m; semi-detached dwelling is 12m; group dwelling is 18m; residential flat building is 18m. Generally the Code and Development Plan align.
7	A minimum of 50 percent of the total site area should be provided for landscaped open space on the site of development. Each dwelling in a development should provide as part of the landscaped open space, a private open space area in accordance with the Council Wide principles of development control. In relation to Principle 7, in the case of a hammerhead allotment, the area of the "handle" or right of way is excluded from the calculation of landscaped open space.	3	GDP Design in Urban Areas - DTS20.1	FURTHER INVESTIGATION REQUIRED. Depends on lot size and type of development. There are no policies within the code that address the importance of Landscaped Open Space. This is important to the character and setting of many buildings within North Adelaide and South Adelaide. 50% max of roofed area exc eaves.
8	Non-residential development comprising new buildings should respect the generally lower scale of residential buildings and provides a transition of built form at site boundaries.	5	Not included	Recommended for inclusion within the Historic Area Statement under the heading 'Height'.
9	Development should not result in additional vehicle access on the Wellington Square frontage.	5	Not included	Recommended for inclusion within the Historic Area Statement under the heading 'Access'.
10	Residential buildings addressing the Wellington Square frontage should be one or two storey detached or semi-detached dwellings that enclose the open space of the Square through the close siting of buildings to side boundaries.	5	Not included	Recommended for inclusion within the Historic Area Statement under the heading 'Building Form'
11	Buildings should be sited close to the Square or other street frontage, whichever is applicable, provided it is not forward of any adjoining Heritage Place.	5	Not included	Recommended for inclusion within the Historic Area Statement under the heading 'Siting'
12	Proposed redevelopment of corner sites comprising buildings that are not identified Heritage Places should provide an attractive facade to each street frontage and emphasise the historic townscape of the junction of Square and street by their siting, scale and shape.	5	Not included	Recommended for inclusion within the Historic Area Statement under the heading 'Building Form'
13	Balconies or verandahs should not be developed over the footpaths of Wellington Square.	5	Not included	Recommended for inclusion within the Historic Area Statement under the heading 'Building Form'
Advertising				
14	The maximum size of advertisements should be 0.2 square metres with the exception of the Wellington Square frontages of non-residential sites in the south eastern part of the Policy Area (sited between 2 and 38 Wellington Square, where larger advertisements may be appropriate.	5	HAO - PO3.3 makes general reference	INSERT policy under a new heading "Advertisements" in the City Living Zone.
15	Illumination of advertisements should be discreet and should not adversely affect residential amenity.	5	see above	"As Above"
16	Advertisements more than 3.7 metres above natural ground level or an abutting footpath or street are inappropriate.	5	see above	"As Above"
17	Advertisements which project from the wall of a building are inappropriate.	5	see above	"As Above"

Attachment A.2 Audit of Adelaide (City) Development Plan into Draft Code

Number	Description	Transition category	Where has it been included?	Comments
NEW CONTENT IN THE CODE (insert below)				

Zone	Policy area(s)	1 - Included in the Code and retains same policy intent	2 - Wording changed but policy intent remains (OK)	3 - Included in the Code but policy intent changed (NOT OK)	4 - Not included in the Code but OK to remove	5 - Not included in the Code and should be reinstated
	PA4	10%	3%	10%	10%	67%
Outside the NALIS						
General comments						
Number	Description	Transition category	Where has it been included?	Comments		
Desired Character						
	The Tynte Policy Area should continue as an area for low and medium density residential development characterised by a range of dwelling types as well as providing community facilities for North Adelaide. The formal and dignified historic character of Tynte Street derived from its traditional community uses such as the post office, library, hotel, church and kindergarten, and its wide tree-lined streetscape should be conserved. Quality landscaping, paving and street furniture should complement its historic context, with the wide footpaths used for outdoor dining and cafes where appropriate.	2	Zone DO1, PO1.1, DTS 1.1, PO1.2, DTS 1.2, PO1.3, PO1.4, DTS 1.5. HA Overlay PO5.2	HA Overlay talks about landscape patterns and characteristics that contribute to the historic area but not outdoor dining land uses.		
	The variety of dwelling types should be retained by the conservation of Heritage Places. An increase in the amount of residential accommodation should be achieved by redevelopment of buildings and sites that are not identified Heritage Places and may also be achieved by converting or redeveloping non-residential premises to either residential or mixed use residential and office uses.	3	Zone PO2.2	Zone talks about adapting buildings but not increase in resi. Other uses see box above. INSERT policy on retaining heritage places and redeveloping non listed or non resi land uses in the City Living Zone in the NALIS and MHISZ.		
	Development in Archer Street should create a gradual transition from the more contemporary building forms and townscape character of the Main Street Policy Area (O'Connell Street) to the east. The attractive streetscape should be maintained and enhanced by landscaping of adjacent development.	5		This should be included in the Historic Area Statement.		
	Development on Tynte Street should reinforce the dignity and quality of the public buildings in the street.	5		Recommended for inclusion within the Historic Area Statement.		
	Development off Tynte and Archer Streets should reflect the more intimate scale and siting of historic and established built form.	5		Recommended for inclusion within the Historic Area Statement.		
	The site identified in Concept Plan Fig T/1, formerly occupied by Channel 9, provides the opportunity for an integrated redevelopment with low to medium scale residential development which may be complemented by small restaurants and cafes that activate Tynte Street. Medium rise dwellings up to 6 building levels will be centrally located within the site to limit impacts to residential amenity and historic streetscapes. Medium rise dwellings will transition down in scale to provide a suitable built form interface to sensitive development including existing low scale dwellings and Heritage Places.	5	Zone PO1.5	No map in the Code for this area as per the Dev Plan. Is this a mistake? Further information required.		
	Development to the Mansfield Street frontage will be low-scale and create a cohesive streetscape that enhances the historic pattern of development. Development should retain and enhance the low scale historic built-form around the perimeter of Wellington Square.	5		Recommended for inclusion within the Historic Area Statement.		
	The 1960s store building located within the hatched area on Concept Plan Fig T/1 on Gover Street will be replaced with low scale dwellings. The built form of dwellings on this portion of the site will reinforce the character of the historic development pattern of detached dwellings and complement the more generous scale and siting patterns of Heritage Places within Gover Street.	5		Recommended for inclusion within the Historic Area Statement.		
	The Policy Area should maintain a high level of pedestrian safety with convenient access to the Main Street (O'Connell) Zone to the east, particularly to the North Adelaide Village Centre, and should remain highly accessible for local vehicle access needs.	4	Not included.	This policy covers activities that are not 'development'.		
Policy Objectives						
1	Development that strengthens, achieves and is consistent with the desired character for the Policy Area.	4	Not included.			
2	Development of the Tynte Policy Area for residential purposes at low and medium densities and community facilities for North Adelaide that complement the established small scale traditional community uses in Tynte Street.	5	Zone PO2.2, DTS 2.2	Recommended for inclusion within the Historic Area Statement.		
Principles of Development Control						
1	Development should strengthen, achieve and be consistent with the desired character for the Policy Area.	4				

Number	Description	Transition category	Where has it been included?	Comments
2	Residential development should be in the form of detached, semi-detached, row or group dwellings, residential flat buildings, or alterations and additions to existing buildings. Row dwellings should only occur where: (a) vehicle access can be provided from laneways or minor streets; (b) garaging is not incorporated into the principal street frontage of the building; and (c) there is a maximum of six dwellings in any one group.	5	Zone PO1.1, DTS 1.1 Design in Urban Areas PO18.1	No comment about row dwellings and max number in one group. Design in Urban Areas talks about garaging not detracting from the streetscape but no comment specific to row houses. REQUIRES FURTHER INVESTIGATION. INSERT policy on desired types of dwellings and include policy parameters for row dwellings. Can we use the TNV Overlay to in relation to the type of dwellings that are appropriate within particular areas of the City living Zone? Given the historic nature of many of the areas one size does not fit all. INSERT policy to determine dwelling types in the City Living Zone in the NALIS and MHISZ.
3	Development should not exceed 2 building levels or locate a ceiling more than 6 metres above the median natural or finished ground level at any point or any part of a building (except as provided for by Principle 15).	1	Zone DTS 2.2	Max height is 2 storeys
4	Buildings may be allowed up to the maximum height or number of levels where such buildings are compatible with adjacent buildings and their settings in respect of their scale and siting, and where there is no adverse impact on established residential amenity.	5	Not included.	INSERT policy on adjacent development responding to context in terms of height in the City Living Zone.
5	Except on land both north of Tynte Street and west of Mansfield Street, the bulk and density of development should satisfy the following: (a) Basic and maximum plot ratio: 1.0 and (b) Dwelling Unit Factor: (i) 450 square metres - detached dwelling, semi-detached dwelling and group dwelling; (ii) 450 square metres - row dwelling; (iii) 450 square metres - residential flat building not contained within an existing building; (iv) 250 square metres - residential flat building contained within an existing building; (v) 300 square metres - residential redevelopment of a site occupied by an existing non-complying use. In relation to Principle 5(b), satisfying the minimum site area for a dwelling (described as the Dwelling Unit Factor) may not be sufficient to address heritage considerations relevant to a particular place or streetscape. In relation to Principle 5(b), in the case of a hammerhead allotment or similar allotment design where the only public road frontage represents the proposed vehicle access, the area of the 'handle' or right of way is excluded from the site area when performing the calculation of Dwelling Unit Factor.	1	Zone DTS 5.1	No plot Minimum lot size for a detached dwelling is 450 sqm; semi-detached dwelling is 450 sqm; row dwelling is 450 sqm; group dwelling is 450 sqm; residential flat building is 450 sqm No resi flat in building, non complying or heritage. Generally the Code and the Development Plan align.
6	Except on land both north of Tynte Street and west of Mansfield Street, the land for a dwelling should have a primary street frontage not less than the following (other than in the case of a hammerhead allotment, where the frontage to a public road should be no less than five metres): (a) detached dwelling: 14 metres; (b) semi-detached dwelling: 12 metres; (c) row dwelling: 7 metres; (d) group dwelling or residential flat building: 18 metres.	1	Zone DTS 5.1	Minimum frontage for a detached dwelling is 14m; semi-detached dwelling is 12m; row dwelling is 7m; group dwelling is 18m; residential flat building is 18m. Generally the Code and Development Plan policies align.
7	A minimum of 30 percent of the total site area should be provided for landscaped open space on the site of development. Each dwelling in a development should provide as part of the landscaped open space, a private open space area in accordance with the Council Wide principles of development control. In relation to Principle 6, in the case of a hammerhead allotment, the area of the "handle" or right of way is excluded from the calculation of landscaped open space.	3	Design in Urban Areas?	FURTHER INVESTIGATION REQUIRED. There are no policies within the code that address the importance of Landscaped Open Space. This is important to the character and setting of many buildings within North Adelaide and South Adelaide.
8	There should be no expansion of retail activities, other than in accordance with the Desired Character.	3	Zone PO1.2, DTS1.2, PO1.4,	INSERT policy to limit non residential land uses within the City Living Zone under the heading 'Land Use and Intensity'.

Number	Description	Transition category	Where has it been included?	Comments
9	Limited non-residential activities such as community facilities, small scale offices and consulting rooms are appropriate in Tynte Street provided they complement rather than duplicate existing non-residential uses that currently include a post office, library, hotel and child care centre.	5	Zone PO1.2, DTS1.2, PO1.4	Non resi activities now allowed across the whole PA not just Tynte St. REQUIRES FURTHER REVIEW. INSERT policy on non residential land uses by either of the following options: • Option 1 - Inclusion of additional subzones listing land uses that are appropriate within certain areas based on existing Policy Area boundaries and land use policies. • Option 2 - TNV Overlay identifying where the land use variation applies. • Option 3 – Land Use Concept Plan based on existing Policy Area boundaries
10	In Tynte Street, verandahs or balconies should only be established across footpaths where street tree growth permits. Development should maintain the continuity of built form by ensuring that new buildings are two storeys in height, and abut or are sited close to the Tynte Street frontage.	5	Not included	Recommended for inclusion within the Historic Area Statement.
11	Development should maintain existing views to the prominent landmark buildings in the adjacent Carclew Policy Area.	5	Not included	Recommended for inclusion within the Historic Area Statement.
12	Through-site pedestrian links to the North Adelaide Village Centre should be incorporated in development where practicable.	5	Not included	INSERT policy on links through sites in the City Living Zone in the MHISZ.
13	Non-residential development comprising new buildings should respect the generally lower scale of residential buildings and provide a transition of built form at site boundaries.	5	Not included	INSERT policy on transition of buildings within a Zone in the City Living Zone in the MHISZ.
14	Development on land both north of Tynte Street and west of Mansfield Street except in the hatched area on Concept Plan, Fig T/1 should: (a)be primarily for residential use; (b)be in accordance with the Concept Plan, Fig T/1 and the Desired Character; (c)not exceed a plot ratio of 1.7; (d)ensure new buildings or built form up to a maximum of 6 building levels are: (i)located within the area identified as Taller Built Form in Concept Plan Fig T/1; and (ii)designed to minimise building mass at the interface with adjoining low-scale residential development by siting buildings within a building envelope consisting of a 45 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of an adjoining residential allotment, unless a variation to the building envelope demonstrates minimal adverse impacts upon adjacent residential development in terms of massing and overshadowing through alternative design methods. (e)locate low scale built form of up to 2 building levels along the Mansfield Street frontage; (f)locate low scale built form of up to 2 building levels on the Tynte Street frontage with upper level buildings set back from the street in order to maintain the prominence of the former North Adelaide Primitive Methodist Church building and the streetscape pattern of Tynte Street. (g)incorporate a number of individual buildings that are separated to break up building mass and avoid long sections of continuous buildings; (h)ensure new vehicle access points on Mansfield Street are: (i)located away from the northern boundary of the Former Channel 9 site identified on Concept Plan Fig T/1 to provide adequate sight line distances to the north; and (ii)located to avoid conflict with existing vehicle access points in the street (i)provide an area along the northern boundary to accommodate landscaping to soften and relieve any large building mass at the interface with low scale residential premises.	5	Zone PO1.5 and PO7.1	Recommended for inclusion within the Historic Area Statement. The map doesn't appear to be in the TNV Concept plans which may be a mistake. INCLUDE CONCEPT PLAN
15	Development on land in the hatched area on Concept Plan Fig T/1 should: (a)be primarily for residential use; (b)be in accordance with the Concept Plan Fig T/1 and the Desired Character; (c)not exceed a plot ratio of 0.8; and (d)not exceed a maximum of 2 building levels or 6 metres above the median natural or finished ground level at any point or any part of a building.	5	Not included	The map doesn't appear to be in the TNV Concept plans which may be a mistake. INCLUDE CONCEPT PLAN
Advertising				
16	Advertisements should be restrained and discreet and relate principally to pedestrians.	5	HAOverlay PO3.3	The new Zone does not address all the existing policy. INSERT policy to cover existing policy in the City Living Zone in the NALIS and MHISZ.
17	Advertisements should be sensitively designed, located and scaled to provide an overall consistency within the townscape.	5		see above

Number	Description	Transition category	Where has it been included?	Comments
18	Illumination of advertisements will only be considered where it is discreet and does not affect the amenity of residential premises.	5		see above
19	Advertisements more than 3.7 metres above natural ground level or an abutting footpath or street are inappropriate.	5		see above
NEW CONTENT IN THE CODE (insert below)				

Zone	<table border="1"> <tr> <td>1 - Included in the Code and retains same policy intent</td> <td>10%</td> </tr> <tr> <td>2 - Wording changed but policy intent remains (OK)</td> <td>3%</td> </tr> <tr> <td>3 - Included in the Code but policy intent changed (NOT OK)</td> <td>10%</td> </tr> <tr> <td>4 - Not included in the Code but OK to remove</td> <td>13%</td> </tr> <tr> <td>5 - Not included in the Code and should be reinstated</td> <td>65%</td> </tr> </table>			1 - Included in the Code and retains same policy intent	10%	2 - Wording changed but policy intent remains (OK)	3%	3 - Included in the Code but policy intent changed (NOT OK)	10%	4 - Not included in the Code but OK to remove	13%	5 - Not included in the Code and should be reinstated	65%
1 - Included in the Code and retains same policy intent	10%												
2 - Wording changed but policy intent remains (OK)	3%												
3 - Included in the Code but policy intent changed (NOT OK)	10%												
4 - Not included in the Code but OK to remove	13%												
5 - Not included in the Code and should be reinstated	65%												
Policy area(s)	PA5												
General comments	In NALIS												
Number	Description	Transition category	Where has it been included?	Comments									
Desired Character													
	The Carclew Policy Area should be conserved as one of the most attractive and historically significant residential areas in the City. The Policy Area is characterised by intact and generally cohesive townscapes of nineteenth and twentieth century detached houses set in landscaped grounds and imposing two-storey terrace houses.	5		Recommended for inclusion within the Historic Area Statement.									
	Aquinas College will provide student accommodation, educational activities and associated support services. Development should meet the community needs and future requirements whilst reinforcing the heritage values of the Policy Area.	1	Zone PO1.5 - Concept Plan	Concept plan as per Dev Plan. Otherwise no comment.									
	New development should respect the low scale, environmental quality, character and historic value of the Policy Area, incorporating high standards of design, materials and landscaping.	5		Recommended for inclusion within the Historic Area Statement.									
	The character of new residential development should be established by low density detached dwellings, semi-detached dwellings, group dwellings or residential flat buildings, all up to a maximum of two storeys, unless a particular dwelling type(s) and/or a lower building height is prescribed for development addressing the primary street frontage, to reinforce the character of the historic built form as described below:	5	NALIS - DO1, PO1.1 Zone - DTS2.2 TNV	No comment on lower heights being desirable. REQUIRES FURTHER INVESTIGATION. INSERT policy on on adjacent development responding to context in terms of height. INSERT policy on desired types of dwellings. Can we use the TNV Overlay to in relation to the type of dwellings that are appropriate within particular areas of the City living Zone? Given the historic nature of many of the areas one size does not fit all.									
	(a)Montefiore Hill, Palmer Place and Brougham Place: New development at Aquinas College should retain the prominence of the State Heritage Places by retaining the views and vistas of those places from Palmer Place and Montefiore Hill. The use of landscaped open space should be incorporated to break up building mass. There should be little change to the unique historic townscapes derived from the setting of large mansions set in landscaped grounds. Heritage Places exhibit variations in architectural style but are generally articulated and modelled, and constructed of stone and brick with intricate detailing and ornamentation. Typical fencing defining property frontages is constructed of brick, stone or stone and cast-iron boundary walls and new fencing should unify the townscape through the use of traditional materials. Development along these frontages should be subordinate to the prevailing and traditional built form and should be generously proportioned one or two storey detached or semi-detached dwellings or residential flat buildings set in landscaped grounds. However, infill development opportunities should be limited due to the need to conserve an appropriate landscape setting to Heritage Places. Development of ancillary buildings associated with existing uses should be set back from the road frontage in order to be subordinate to Heritage Places. Development of similar height and building levels may be appropriate provided it does not detract from the heritage value of a place or adversely affect the high quality streetscapes and settings.	5		Recommended for inclusion within the Historic Area Statement.									

Number	Description	Transition category	Where has it been included?	Comments
	(b)Strangways Terrace: The imposing townscape character is established by the large detached Victorian villas situated on the western part of the Terrace. With the exception of the conflict in scale and character created by 1960s flat development, a cohesion is derived from the pattern of detached houses, the consistency of masonry facades, vertically proportioned windows, pitched roofs, verandahs and porches. Development within this townscape should reinforce the traditional character of detached and semi-detached dwellings set on large allotments and may accommodate more contemporary residential styles towards the southern part of Strangways Terrace. Infill development opportunities should be very limited due to the need to conserve an appropriate landscape setting to Heritage Places.	5		Recommended for inclusion within the Historic Area Statement.
	(c)Jeffcott Street: North of Ward Street the residential character is derived from the low scale and close grouping of small cottages and row dwellings sited close to the street frontage. South of Ward Street, the townscape character is derived from detached residences, institutional buildings and a large contemporary apartment building. Unifying elements include articulated masonry facades, gable frontages, pitched roofs, verandahs and cast iron decoration. Development should be low density residential development in the form of detached and semi-detached dwellings with new buildings primarily limited to the replacement of non-contributory buildings of a height and form established by Heritage Places. Development should reinstate the character of residential buildings close to the street frontage where it is compatible with adjacent Heritage Places. Redevelopment of the squash courts on Jeffcott Street, incorporating detached or semi-detached residential buildings of sympathetic design, proportions and building set-backs to adjacent Heritage Places is desired. Boundary fencing to Jeffcott Street is desirable and should utilise traditional materials.	5		Recommended for inclusion within the Historic Area Statement.
	(d)Ward Street (east of Jeffcott Street): Development on Ward Street should be domestic in scale and should contribute to the creation of a cohesive townscape, comprising primarily detached and semi-detached dwellings and residential flat buildings that respect and interpret existing nineteenth century building forms in a sensitive, contemporary manner.	5		Recommended for inclusion within the Historic Area Statement.
	(e)Ward Street (west of Jeffcott Street): The existing townscape along Ward Street is characterised by single-storey detached residences of consistent architectural style, form and siting. Development opportunities on the northern side should generally be limited to the replacement of buildings are not identified Heritage Places, in which case the building set-back established by Heritage Places addressing the street frontage should be reinstated. On the southern frontage a more intimate development pattern should be maintained, derived from the close grouping of smaller detached cottages of local heritage value located on or near the street. The prominence of the early limestone walls and outbuildings should be maintained. New residential development should reinforce the plain or articulated gabled frontages with a high proportion of solid to void in the composition of facades of these existing dwellings.	5		Recommended for inclusion within the Historic Area Statement.
	(f)in minor streets: Development should be primarily single storey.	5	No specific comment on height included	Recommended for inclusion within the Historic Area Statement.
	Development should retain vistas to major landmark buildings, particularly in the vicinity of Bishops' Court, where a distinctive silhouette is created by the juxtaposition of steeply pitched roof profiles, gables and tall narrow chimneys, and on Montefiore Hill by the distinctive roof forms of the prominent mansion, Carclew.	5	not included	Recommended for inclusion within the Historic Area Statement.
	Ward Street, east of Jeffcott Street, should continue to develop as a mixed use residential, office and consulting room area.	5		REQUIRES FURTHER REVIEW. INSERT policy on non residential land uses by either of the following options: <ul style="list-style-type: none"> • Option 1 - Inclusion of additional subzones listing land uses that are appropriate within certain areas based on existing Policy Area boundaries and land use policies. • Option 2 - TNV Overlay identifying where the land use variation applies. • Option 3 - Land Use Concept Plan based on existing Policy Area boundaries

Number	Description	Transition category	Where has it been included?	Comments
	The Policy Area should maintain a safe, pleasant and attractive pedestrian environment, with complementary landscaping in public places to complement the character of Palmer Gardens and the Park Lands below Montefiore Hill south of the Policy Area.	4		Not 'development'.
Policy Objectives				
1	Development that strengthens, achieves and is consistent with the desired character for the Policy Area.	4		
2	Development of the Carclew Policy Area for residential purposes at low densities that contributes positively to the diverse character of one of Adelaide's most historically significant residential areas located adjacent the Park Lands.	5	NALIS - DO1, DO2, PO1.1, PO2.1	Recommended for inclusion within the Historic Area Statement. and/or INSERT policy on land use and density.
3	Non-residential development comprising institutional and community uses compatible with residential amenity.	1	Zone PO1.3	
Principles of Development Control				
1	Development should strengthen, achieve and be consistent with the desired character for the Policy Area.	4		
2	Residential development should be in the form of detached, semi-detached or group dwellings, residential flat buildings, or alterations and additions to existing buildings. New residential buildings in the form of row dwellings should not be developed.	4	NALIS - DO1, DO2, PO1.1, PO2.1,	
3	Development should not exceed 2 building levels or locate a ceiling more than 6 metres above the median natural or finished ground level at any point or any part of a building (except for land identified as Aquinas College on Fig C5/1). Buildings may be allowed up to the maximum height or number of levels where such buildings are compatible with adjacent buildings and their settings in respect of their scale and siting, and where there is no adverse impact on established residential amenity.	3	Zone DTS 2.2 TNV	No comments on lower heights being appropriate. INSERT policy on adjacent development responding to context in terms of height in the City Living Zone.
4	The bulk and density should satisfy the following basic and maximum plot ratio: (a)0:8 – sites with a boundary with Palmer Place, Brougham Place, Montefiore Hill, Strangways Terrace; (b)1.0 – elsewhere (except for land identified as the Aquinas College site on Fig C5/1).	2	NALIS DTS 2.1	Plot is not addressed in the Code.
5	Residential development at a greater density than that prescribed for desired dwelling types should only occur where buildings which will be visible from the primary street frontage are consistent with the desired character for the Policy Area or the street where prescribed (e.g. single storey detached dwellings) and only in the following circumstances: (a)on land greater than 2000 square metres; or (b)on land where the existing dwelling unit factor is 250 square metres or less and the development replaces a building that is not an identified Heritage Place; and (c)in either case, the resultant Dwelling Unit Factor should not vary more than 20 percent from that required.	5	Zone DTS 5.1	See TNV for min lot sizes. Dev Plan does not have min lot sizes like for the other Pas. Mistake? Minimum lot size for a detached dwelling is 600 sqm; semi-detached dwelling is 450 sqm; group dwelling is 600 sqm; residential flat building is 500 sqm. INSERT policy on minimum lot sizes on larger allotments in City Living Zone.
6	The land for a dwelling should have a primary street frontage not less than the following (other than in the case of a hammerhead allotment where the frontage to a public road should be no less than five metres): (a)Detached dwelling: 14 metres; (b)Semi-detached dwelling: 12 metres; (c)Group dwelling or residential flat building: 18 metres.	1	Zone DTS 5.1	Minimum frontage for a detached dwelling is 14m; semi-detached dwelling is 12m; group dwelling is 18m; residential flat building is 18m. The Code and Dev Plan align.
7	A minimum of 50 percent of the total site area should be provided for landscaped open space on the site of development. Each dwelling in a development should provide as part of the landscaped open space, a private open space area in accordance with the Council Wide principles of development control. In relation to Principle 7, in the case of a hammerhead allotment, the area of the "handle" or right of way is excluded from the calculation of landscaped open space.	3	NALIS DTS 2.1	FURTHER INVESTIGATION REQUIRED. There are no policies within the code that address the importance of Landscaped Open Space. This is important to the character and setting of many buildings within North Adelaide and South Adelaide. 50% max roofed area exc eaves. Further research required.
8	Development on the Palmer Place frontage should maintain the prominence of the Heritage Places and the visual integrity of the street.	5	not included	Recommended for inclusion within the Historic Area Statement.
9	Residential buildings addressing the street frontage should be generously proportioned detached or semi-detached dwellings or residential flat buildings up to two storeys set in landscaped grounds.	5	not included	Recommended for inclusion within the Historic Area Statement.
10	Development of ancillary buildings associated with existing residential uses should be well set back from the principal road frontage	5	not included	Recommended for inclusion within the Historic Area Statement.

Number	Description	Transition category	Where has it been included?	Comments
11	Institutional and community uses compatible with residential amenity should only be developed in Ward Street, east of Jeffcott Street.	5	not included	REQUIRES FURTHER REVIEW. INSERT policy on non residential land uses by either of the following options: • Option 1 - Inclusion of additional subzones listing land uses that are appropriate within certain areas based on existing Policy Area boundaries and land use policies. • Option 2 - TNV Overlay identifying where the land use variation applies. • Option 3 – Land Use Concept Plan based on existing Policy Area boundaries
12	Development of Aquinas College should: (a) be in accordance with the Concept Plan as Fig C5/1; (b) not exceed a plot ratio of 1.0; (c) ensure new buildings up to a maximum of 3 building levels or 9 metres above the median natural or finished ground level at any point or any part of a building are located and designed to: (i) be located in areas identified as 'Taller Built Form'; (ii) provide compatible setbacks with adjoining residential allotments and State and Local Heritage Places; and (iii) minimise building mass at the interface from an adjoining boundary by siting built form within a building envelope consisting of a 45 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of an adjoining residential allotment, except where a variation to the building envelope demonstrates minimal adverse impacts upon adjacent housing in terms of massing through alternative design methods.	3	Zone PO1.5 - Concept Plan	No reference to plot ratio. Maximum height covered in TNV numerical overlay. The built form elements are recommended for inclusion within the Historic Area Statement under the heading 'Height'.
Advertising				
13	The maximum size of advertisements should be 0.2 square metres and advertising displays should be limited to one advertising display per premises.	5	not included	INSERT policy under a new heading 'Advertisements' in the City Living Zone.
14	Illumination of advertisements will only be considered where it is discreet and does not affect the amenity of residential premises.	5	not included	"As Above"
15	Advertisements more than 3 metres above natural ground level or an abutting footpath or street are inappropriate.	5	not included	"As Above"
NEW CONTENT IN THE CODE (insert below)				

Zone				1 - Included in the Code and retains same policy intent	4%
Policy area(s)	PA6			2 - Wording changed but policy intent remains (OK)	4%
				3 - Included in the Code but policy intent changed (NOT OK)	4%
				4 - Not included in the Code but OK to remove	11%
				5 - Not included in the Code and should be reinstated	79%
General comments					
Is not in NALIS					
Number					
Description					
Transition category					
Where has it been included?					
Comments					
Desired Character					
	The Margaret Street Policy Area should be conserved as one of the most historically intact residential areas in South Australia. Residential development should be in the form of low and medium density detached or semi-detached dwellings, residential flat buildings, or small groups of row dwellings or terrace housing where it should complement or reinstate a continuous built form edge in an historic streetscape.	5	Zone DO1, PO1.1, DTS1.1,	Recommended for inclusion within the Historic Area Statement.	
	The character of new residential development should be established by low and medium density detached dwellings, semi-detached and row dwellings, group dwellings or residential flat buildings, all up to a maximum of two storeys, unless a particular dwelling type(s) and/or a lower building height is prescribed for development addressing a primary street frontage, to reinforce the character of the historic built form as described below:	5	Zone DO1, PO1.1, DTS1.1	REQUIRES FURTHER INVESTIGATION. INSERT policy on desired types of dwellings and include policy parameters for row dwellings. Can we use the TNV Overlay to in relation to the type of dwellings that are appropriate within particular areas of the City living Zone? Given the historic nature of many of the areas one size does not fit all. INSERT policy to determine dwelling types in the City Living Zone in the NALIS and MHISZ. INSERT policy on development responding to context in the City Living Zone in the NALIS and MHISZ.	
	(a)Gover Street: Medium density residential development of one and two storeys in Gover Street should continue the regular pattern of Heritage Places addressing the principal road frontage with a consistent building set-back from the street. On the northern side development opportunities, other than alterations and additions to the rear of Heritage Places, should be limited to the replacement of buildings that are not identified Heritage Places as there are few allotments with under-utilised land that are suitable for the development of new buildings. On the southern side, the majority of allotments contain Heritage Places addressing the street frontage. The development of existing allotments with under-utilised land at the rear should be appropriate subject to suitable access arrangements that do not require the creation of new crossovers on Gover Street. There are several vacant allotments that should be suitable for the development of new buildings. Residential development should be designed with the appearance of detached or semi-detached dwellings or residential flat buildings as viewed from the primary street frontage.	5		Recommended for inclusion within the Historic Area Statement.	
	(b)Tynte Street: Development along Tynte Street should respond to the areas of historic townscape which give it charm and distinction, and buildings may be larger in scale and frontage than that prevailing elsewhere in the Policy Area. Development adjacent to the intersection of Tynte and Margaret Streets should be two-storey in height, abut the street frontage and be compatible with the corner shop and row dwelling form of existing historic buildings. Development west of Margaret Street should comprise a mixture of dwelling types up to two-storeys in height, and be set close to the street frontage. East of Margaret Street development should conserve the mixture of dwelling types characterised by more generous landscaped grounds and deeper set-backs.	5		Recommended for inclusion within the Historic Area Statement.	
	(c)Archer Street: The distinctive townscape of Archer Street, which is characterised by a predominance of Victorian terrace housing, Victorian institutional buildings, a former traditional corner hotel and Victorian detached houses situated close to the street frontage, should be reinforced by one and two storey dwellings.	5		Recommended for inclusion within the Historic Area Statement.	

Number	Description	Transition category	Where has it been included?	Comments
	(d)Ward Street: The Ward Street townscape comprises mainly single-storey detached cottages. Development opportunities should generally be limited to the replacement of non-contributory buildings. New buildings should maintain the pattern of frontages established by individual dwellings set close to the street and establish a cohesive built form character by sympathetic interpretation of traditional residential forms.	5		Recommended for inclusion within the Historic Area Statement.
	(e)Ralston Street: The Ralston Street townscape comprising single-storey semi-detached dwellings should be conserved. Those on the eastern side provide a cohesive group of Edwardian historic houses of brick construction, while the western side provides a more varied townscape in terms of scale, siting and character. Development will preserve the single storey character of the street.	5		Recommended for inclusion within the Historic Area Statement.
	(f)Beviss Street: The Beviss Street townscape comprising consistently sited, detached and semi-detached single-storey cottages should be conserved.	5		Recommended for inclusion within the Historic Area Statement.
	(g)Curtis Street: Development along Curtis Street should complement the consistent townscape of detached and semi-detached nineteenth century houses built close to the street frontage. Given the number of local heritage places, opportunities for infill development will be limited primarily to the rear of existing allotments.	5		Recommended for inclusion within the Historic Area Statement.
	(h)Murray Street: The Victorian style row housing built in the form of closely sited semi-detached pairs should be conserved. The street is almost exclusively comprised of local heritage places, hence development opportunities will be limited to alterations and additions to the rear of Heritage Places. Consistent roof forms and verandahs contribute to a cohesive townscape which should be maintained and enhanced.	5		Recommended for inclusion within the Historic Area Statement.
	(i)Margaret Street: Local heritage places addressing this street are generally single storey detached or semi-detached buildings. Development opportunities should generally be limited to the replacement of buildings that are not identified Heritage Places and alterations and additions to the rear of Heritage Places. Single storey detached or semi-detached buildings addressing the Margaret Street frontage should be developed as part of any site redevelopment, with the provision of rear access where it can be accommodated within the existing street network.	5		Recommended for inclusion within the Historic Area Statement.
	Pedestrian amenity and shelter should continue to be provided by street trees and a consistently high standard of paving and other landscaping should be maintained. Vehicle access to and through the Policy Area should cater primarily for local and visitor needs.	4	HAOverlay PO5.2	Pedestrian amenity and shelter not included nor paving or landscaping. Many of these activities are not 'development'.
Policy Objectives				
1	Development that strengthens, achieves and is consistent with the desired character for the Policy Area.	4	Not included.	
2	Development of the Margaret Street Policy Area for residential purposes at low and medium densities.	5	Zone DO1, PO1.1, DTS 1.1	Recommended for inclusion within the Historic Area Statement.
3	Residential amenity maintained by restricting the introduction, expansion or intensification of non-residential uses.	5	Not included.	INSERT policy to limit non residential land uses within the City Living Zone under the heading 'Land Use and Intensity'.
Principles of Development Control				
1	Development should strengthen, achieve and be consistent with the desired character for the Policy Area.	4		
2	Residential development should be in the form of detached, semi-detached, group dwellings, residential flat buildings, or alterations and additions to existing buildings. Row dwellings should only occur where: (a)vehicle access can be provided from laneways or minor streets; (b) garaging is not incorporated into the principal street frontage of the building; and (c)there is a maximum of six dwellings in any one group.	5	Zone DO1, PO1.1, DTS 1.1	Nothing on row dwellings. REQUIRES FURTHER INVESTIGATION. INSERT policy on desired types of dwellings and include policy parameters for row dwellings. Can we use the TNV Overlay to in relation to the type of dwellings that are appropriate within particular areas of the City living Zone? Given the historic nature of many of the areas one size does not fit all. INSERT policy to determine dwelling types in the City Living Zone in the NALIS and MHISZ.
3	Development should not exceed 2 building levels or locate a ceiling more than 6 metres above the median natural or finished ground level at any point or any part of a building. Buildings may be allowed up to the maximum height or number of levels where such buildings are compatible with adjacent buildings and their settings in respect of their scale and siting, and where there is no adverse impact on established residential amenity.	3	Zone DTS 5.1	Max height 2 storeys INSERT policy on adjacent development responding to context in terms of height in the City Living Zone.

Number	Description	Transition category	Where has it been included?	Comments
4	The bulk and density of development should satisfy the following: (a)Basic and maximum plot ratio: 0.8. (b) Dwelling Unit Factor: (i)350 square metres - detached dwelling, semi-detached dwelling and group dwelling; (ii)350 square metres - row dwelling; (iii)350 square metres - residential flat building not contained within an existing building; (iv)250 square metres - residential flat building contained within an existing building; (v)300 square metres - residential redevelopment of a site occupied by a non-complying use. In relation to Principle 4(b), satisfying the minimum site area for a dwelling (described as the Dwelling Unit Factor) may not be sufficient to address heritage considerations relevant to a particular place or streetscape. In relation to Principle 4(b), in the case of a hammerhead allotment or similar allotment design where the only public road frontage represents the proposed vehicle access, the area of the 'handle' or right of way is excluded from the site area when performing the calculation of Dwelling Unit Factor.	1	Zone DTS5.1	Minimum lot size for a detached dwelling is 350 sqm; semi-detached dwelling is 350 sqm; row dwelling is 450 sqm; group dwelling is 350 sqm; residential flat building is 350 sqm. Generally, Code policy aligns with Dev Plan policy.
5	The site for a dwelling should have a primary street frontage not less than the following (other than in the case of a hammerhead allotment where the frontage to a public road should be no less than five metres): (a)Detached dwelling: 12 metres; (b)Semi-detached dwelling: 10 metres; (c)Row dwelling: 7 metres; (d)Group dwelling or residential flat building: 18 metres.	2	Zone DTS 5.1	Minimum frontage for a detached dwelling is 14m; semi-detached dwelling is 12m; row dwelling is 7m; group dwelling is 18m Note - site frontages are larger in the Code than in the Dev Plan.
6	A minimum of 30 percent of the total site area should be provided for landscaped open space on the site of development. Each dwelling in a development should provide as part of the landscaped open space, a private open space area in accordance with the Council Wide principles of development control. In relation to Principle 6, in the case of a hammerhead allotment, the area of the "handle" or right of way is excluded from the calculation of landscaped open space.	5		FURTHER INVESTIGATION REQUIRED. There are no policies within the code that address the importance of Landscaped Open Space. This is important to the character and setting of many buildings within North Adelaide and South Adelaide.
7	Verandahs or balconies should not be developed over footpaths, other than alterations to those on existing non-residential corner buildings.	5	Not included.	INSERT policy on verandahs in the City Living Zone under the heading 'Built Form and Character'.
8	Two storey development which abuts street frontages may be appropriate at corners of major streets and minor street junctions.	5	Not included.	REQUIRES FURTHER INVESTIGATION. How is to be achieved under the structure so that it doesn't apply to all of north or south Adelaide?Or INSERT policy on corner sites in the City Living Zone in the NALIS and MHISZ.
9	Non-residential development comprising new buildings should respect the generally lower scale of residential buildings and should provide a transition of built form at site boundaries.	5	Not included.	INSERT policy on transitions with in the Zone in the City Living Zone.
Advertising				
10	Advertisements should not exceed 0.2 square metres and should be limited to one advertising display per premises.	5	Not included.	INSERT policy under a new heading 'Advertisements' in the City Living Zone.
11	Illumination of advertisements will only be considered where it is discreet and does not affect the amenity of residential premises.	5	Not included.	"As Above"
12	Advertisements more than 3 metres above natural ground level or an abutting footpath or street are inappropriate.	5	Not included.	"As Above"
13	Advertisements which project from the wall of a building are inappropriate.	5	Not included.	"As Above"
NEW CONTENT IN THE CODE (insert below)				

Zone	1 - Included in the Code and retains same policy intent		8%	
Policy area(s)	2 - Wording changed but policy intent remains (OK)		4%	
	3 - Included in the Code but policy intent changed (NOT OK)		15%	
	4 - Not included in the Code but OK to remove		23%	
	5 - Not included in the Code and should be reinstated		50%	
PA7				
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	The Lefevre Policy Area should maintain a prime residential frontage overlooking the Park Lands comprising large low density residential buildings designed in a grand manner and set in generous landscaped grounds.	5	NALIS DO1, DO2, PO1.1, PO2.1	Recommended for inclusion within the Historic Area Statement.
	The variety of dwelling types should be retained by the conservation of Heritage Places.	5	not included	Recommended for inclusion within the Historic Area Statement.
	Lincoln College will provide student accommodation and educational activities. Development should meet the community needs and future requirements whilst reinforcing the heritage value of the Policy Area.	3	Zone PO1.5	GDP - Concept Plan needs to be included in Same as in Dev Plan No comment on heritage value INSERT policy on non residential activities reinforcing the heritage value of the locality.
	New development should respect the low scale, environmental quality, character and historic value of the Policy Area, incorporating high standards of design, materials and landscaping.	5		Recommended for inclusion within the Historic Area Statement.
	The character of new residential development should be established by low density detached dwellings, semi-detached dwellings, group dwellings or residential flat buildings, all up to a maximum of two storeys, unless a particular dwelling type(s) and/or a lower building height is prescribed for development addressing the primary street frontage, to reinforce the character of the historic built form as described below.	3	NALIS DO1, DO2, PO1.1, PO2.1	No comment on lower heights being desirable. REQUIRES FURTHER INVESTIGATION. INSERT policy on on adjacent development responding to context in terms of height. INSERT policy on desired types of dwellings. Can we use the TNV Overlay to in relation to the type of dwellings that are appropriate within particular areas of the City living Zone? Given the historic nature of many of the areas one size does not fit all.
	(a)Lefevre Terrace: The cohesive townscape character of Lefevre Terrace is established by the grand style and setting of nineteenth century terrace houses and Italianate villas, groupings of smaller early twentieth century villas and bungalows. The terraces and Italianate villas exhibit a high degree of facade articulation and modelling, with richly detailed masonry and cast iron ornamentation. Associated stone and cast-iron boundary walling reinforces the built form qualities of these residences. In contrast, the architectural character and detailing of the adjacent twentieth century villas and bungalows is more restrained. Development should comprise large detached and semi-detached dwellings or residential flat buildings set in generous landscaped grounds.	5		Recommended for inclusion within the Historic Area Statement.
	(b)Brougham Place: The historical significance of Brougham Place requires that new development along these frontages should be subordinate to the prevailing character of the historic built form. New buildings on the Brougham Place frontage are not desired other than where it should replace non-contributory buildings. Row or terrace housing is inappropriate. New development should comprise large detached and semi-detached dwellings or residential flat buildings that should complement the existing historic houses set in landscaped grounds. New development at Lincoln College should retain the visual prominence of the State Heritage Places by retaining the views and vistas of the former houses from Brougham Place and the Park Lands.	5		Recommended for inclusion within the Historic Area Statement.

Number	Description	Transition category	Where has it been included?	Comments
	(c)Barton Terrace East: Along the Barton Terrace East frontage the townscape comprises late nineteenth and early twentieth century residences. The detached and semi-detached cottages and villas are typically constructed of stone and brick and are generally single storey. The siting of new buildings should complement the regular pattern of detached dwellings fronting existing public roads with a building set-back complementing existing Heritage Places. Development should maintain the present scale, heights, setbacks and low density character of the street.	5		Recommended for inclusion within the Historic Area Statement.
	(d)Ward Street Ward Street comprises of historic single storey cottages and a mix of dwellings of varied architectural form and height. Ward Street will be improved by the redevelopment of buildings which are incompatible with the historic streetscape. New development will be orientated to the street, enhance the pedestrian environment and provide a compatible and enhanced streetscape. The siting of new development at Lincoln College along Ward Street should comprise a number of separate buildings to avoid long sections of unbroken buildings. The use of landscaped open space should be incorporated to break up building mass.	5		Recommended for inclusion within the Historic Area Statement.
	The Policy Area should maintain safe and attractive conditions for pedestrians and convenient access to the adjacent Park Lands with pedestrian shelter and amenity provided by trees and a high standard of paving and other landscaping.	4		Not 'development'.
	Landscaping in public places along Lefevre Terrace, Barton Terrace East and Brougham Place should provide a transition between the Policy Area's built form and the informal planting of the Park Lands.	4		Not 'development'.
Policy Objectives				
1	Development that strengthens, achieves and is consistent with the desired character for the Policy Area.	4		
2	Development of the Lefevre Policy Area for residential purposes at low densities that conserves and enhances the established character of historically significant buildings overlooking the Park Lands.	4	NALIS DO1, DO2, PO1.1, PO2.1	No comment on the historic character
3	Residential amenity maintained by restricting the introduction, expansion or intensification of non-residential uses.	5	NALIS DO1, DO2, PO1.1, PO2.1	NALIS refers to res only. Zone allows broader commercial uses. INSERT policy to limit non residential land uses within the City Living Zone under the heading 'Land Use and Intensity'.
Principles of Development Control				
1	Development should strengthen, achieve and be consistent with the desired character for the Policy Area.	4		
2	Residential development should be in the form of detached, semi-detached or group dwellings, residential flat buildings, or alterations and additions to existing buildings. New residential buildings in the form of row dwellings should not be developed.	4		The new Zone also allows retirement facility and supported accomm. Row dwellings still excluded. EQUIRES FURTHER INVESTIGATION. INSERT policy on desired types of dwellings. Can we use the TNV Overlay to in relation to the type of dwellings that are appropriate within particular areas of the City living Zone? Given the historic nature of many of the areas one size does not fit all.
3	Development should not exceed 2 building levels or locate a ceiling more than 6 metres above the median natural or finished ground level at any point or any part of a building (except on land identified as the Lincoln College site on Fig LF/1).	1	TNV	2 storeys

Number	Description	Transition category	Where has it been included?	Comments
4	The bulk and density of development should satisfy the following: (a)Basic and maximum plot ratio: 0.8 (except for land identified as the Lincoln College site on Fig LF/1); and (b)Dwelling Unit Factor: (i)600 square metres - detached dwelling and group dwelling; (ii)450 square metres - semi-detached dwelling; (iii)500 square metres - residential flat building not contained within an existing building; (iv)250 square metres - residential flat building contained within an existing building; (v)350 square metres - residential redevelopment of a site occupied by a non-complying use. In relation to Principle 4(b), satisfying the minimum site area for a dwelling (described as the Dwelling Unit Factor) may not be sufficient to address heritage considerations relevant to a particular place or streetscape. In relation to Principle 4(b), in the case of a hammerhead allotment or similar allotment design where the only public road frontage represents the proposed vehicle access, the area of the 'handle' or right of way is excluded from the site area when performing the calculation of Dwelling Unit Factor.	2	TNV	Minimum lot size for a detached dwelling is 600 sqm; semi-detached dwelling is 450 sqm; group dwelling is 600 sqm; residential flat building is 500 sqm. The Code and Development Plan align.
5	Residential development at a greater density than that prescribed for desired dwelling types should only occur where buildings which will be visible from the primary street frontage are consistent with the desired character for the Policy Area or the street where prescribed (eg single storey detached dwellings) and only in the following circumstances: (a)on land greater than 2000 square metres; or (b)on land where the existing dwelling unit factor is 250 square metres or less and the development replaces a building that is not an identified Heritage Place; and (c)in either case, the resultant Dwelling Unit Factor should not vary more than 20 percent from that required.	5	not included	INSERT policy on minimum allotment sizes on larger land parcels in the City Living Zone.
6	The land for a dwelling should have a primary street frontage not less than the following (other than in the case of a hammerhead allotment where the frontage to a public road should be no less than five metres): (a)Detached dwelling: 14 metres; (b)Semi-detached dwelling: 12 metres; (c)Group dwelling or residential flat building: 18 metres.	1		Minimum frontage for a detached dwelling is 14m; semi-detached dwelling is 12m; group dwelling is 18m; residential flat building is 18m
7	A minimum of 50 percent of the total site area should be provided for landscaped open space on the site of development. Each dwelling in a development should provide as part of the landscaped open space, a private open space area in accordance with the Council Wide principles of development control. In relation to Principle 7, in the case of a hammerhead allotment, the area of the "handle" or right of way is excluded from the calculation of landscaped open space.	3		FURTHER INVESTIGATION REQUIRED. There are no policies within the code that address the importance of Landscaped Open Space. This is important to the character and setting of many buildings within North Adelaide and South Adelaide. Total roofed area to not exceed 50% excluding the eaves.
8	Development of Lincoln College should: (a)be in accordance with the Concept Plan Fig LF/1; (b)not exceed a plot ratio of 1.6; (c)ensure new buildings or additions up to a maximum of 6 building levels or 18 metres above the median natural or finished ground level at any point or any part of a building are designed to: (i)be located in areas identified as Taller Built Form; (ii)achieve an orderly transition in scale from the adjoining Main Street (O'Connell) Zone to the historic low scale built form; (iii)locate Low Scale Built Form up to 3 building levels along Ward Street and Margaret Street; and (iv)enhance the streetscapes with high quality visually interesting building frontages with a high level of fenestration, detailing and clear orientation to the streetscape; (d)improve passive surveillance of walk ways both internally and external to the College.	3		No reference to plot ratio. Maximum height covered in TNV numerical overlay. The built form elements are recommended for inclusion within the Historic Area Statement under the heading 'Height'.
Advertising				
9	The maximum size of advertisements should be 0.2 square metres and should be limited to one advertisement per premises.	5	not included	INSERT policy under a new heading "Advertisements" in the City Living Zone.
10	Illumination of advertisements will be considered only where it is discreet and does not adversely affect residential amenity.	5	not included	"As Above"
11	Advertisements more than 3 metres above natural ground level or an abutting footpath or street are inappropriate	5	not included	"As Above"
12	Advertisements which project from the wall of a building are inappropriate.	5	not included	"As Above"
NEW CONTENT IN THE CODE (insert below)				

Attachment A.2 Audit of Adelaide (City) Development Plan into Draft Code

Number	Description	Transition category	Where has it been included?	Comments

Zone	Policy area(s)	1 - Included in the Code and retains same policy intent	2 - Wording changed but policy intent remains (OK)	3 - Included in the Code but policy intent changed (NOT OK)	4 - Not included in the Code but OK to remove	5 - Not included in the Code and should be reinstated
	PA8	7%	7%	0%	10%	76%
Not in NALIS						
General comments						
Number	Description	Transition category	Where has it been included?	Comments		
Desired Character						
	The Cathedral Policy Area should be maintained as a predominantly residential area and its unique character which is established by its distinctive topography, diverse range of nineteenth century architecture and its extensive Park Lands frontages, should be conserved.	5	not included	Zone doesn't emphasise predominately resi land use. It puts equal emphasis on commercial. INSERT policy on retaining residential land uses in the City Living Zone in the NALIS and MHISZ..		
	The variety of dwelling types should be retained by the conservation of Heritage Places. Cohesive lines of buildings set behind attractive landscaping should be maintained to visually define the perimeter of the Policy Area.	5	Zone PO1.1, DTS1.1	Variety to dwelling types to be retained but nothing to do with HPs or townscapes. Cohesive buildings recommended for inclusion within the Historic Area Statement. INSERT policy on retaining heritage places.		
	St Mark's College will provide student accommodation and educational activities. Development should meet the community needs and future requirements whilst reinforcing the heritage value of the Policy Area.	5	Zone PO 7.1	INSERT policy on appropriate land uses in the City Living Zone.		
	New development should respect the low scale, environmental quality, character and historic value of the Policy Area, incorporating high standards of design, materials and landscaping.	5	not included	Recommended for inclusion within the Historic Area Statement.		
	The character of new residential development should be established by low and medium density detached dwellings, semi-detached dwellings, group dwellings or residential flat buildings, all up to a maximum of two storeys, unless a particular dwelling type(s) and/or a lower building height is prescribed for development addressing the primary street frontage, to reinforce the character of the historic built form as described below:	5	Zone DO1, PO1.1, DTS 1.1 (in part), DTS5.1	REQUIRES FURTHER INVESTIGATION. INSERT policy on desired types of dwellings and include policy parameters for row dwellings. Can we use the TNV Overlay to in relation to the type of dwellings that are appropriate within particular areas of the City living Zone? Given the historic nature of many of the areas one size does not fit all. INSERT policy to determine dwelling types in the City Living Zone in the NALIS and MHISZ. INSERT policy on development responding to context in the City Living Zone in the NALIS and MHISZ.		
	(a) Brougham Place, Palmer Place: The Brougham Place and Palmer Place frontages should retain a low scale, late nineteenth century detached housing character in contrast to the larger mansion buildings along the northern (opposite) edge of Brougham and Palmer Places in Upper North Adelaide.	5		Recommended for inclusion within the Historic Area Statement.		
	(b) Brougham Court: Development along Brougham Court should complement the existing townscape, characterised almost exclusively by closely sited semi-detached and detached local heritage places, with consistent set-backs. The strong built form definition at the junction of Brougham	5		Recommended for inclusion within the Historic Area Statement.		

Number	Description	Transition category	Where has it been included?	Comments
	<p>(c) Kermode Street: The prevailing character west of Bagot Street is characterised by late nineteenth century detached residences on individual allotments, although there are examples of semi-detached buildings of local heritage value in the historic streetscape. The appearance of development as viewed from the primary street frontage should take the form of single storey detached or semi-detached buildings or residential flat buildings.</p> <p>East of Bagot Street unsympathetic development has disrupted the traditional residential character of the townscape. On the northern side, development involving the replacement of buildings that are not identified Heritage Places should respectfully interpret the traditional residential forms and subdivision pattern of individual one or two storey dwellings addressing the public road.</p> <p>To the south of Kermode Street, development at St Mark's College should retain the visual prominence of St Peter's Anglican Cathedral when viewed from the surrounding locality. Development should retain the visual prominence of the State Heritage Places and should conserve the open landscaped setting and curtilage to Pennington Terrace. Development should avoid long sections of unbroken buildings and maintain the existing pattern of development characterised by freestanding buildings within landscaped grounds.</p>	5		Recommended for inclusion within the Historic Area Statement.
	<p>(d) Pennington Terrace: There should be little change in this townscape which mostly consists of State heritage places (including those forming part of St Marks College) with considerable siting, set-back, scale and character variation.</p>	5		Recommended for inclusion within the Historic Area Statement.
	<p>(e) Lakeman Street: The intimate character and enclosure of this narrow street is derived from the small cottages and other single storey dwellings sited on the street frontage. The side boundary walling of larger residences with frontages to Pennington Terrace and Kermode Street should also remain a dominant feature. Development should maintain the low scale character of the townscape. Two-storey development should be set back so they are not readily visible from the street.</p>	5		Recommended for inclusion within the Historic Area Statement.
	<p>(f) King William Road: St Peters Cathedral and the grand, spacious character of the townscape and its environs should be conserved. No new buildings should be developed on this site.</p> <p>Redevelopment of the shops at the corner of Kermode Street would restore continuity and architectural cohesion to the townscape while preserving the important view of the north-east elevation of the Cathedral. Shelter in the form of balconies or verandahs over footpaths to the south-west corner of King William Road and Kermode Street intersection may be developed.</p> <p>On the eastern side of King William Road new buildings should acknowledge the scale, siting and character of the adjacent Cathedral Hotel and the Anglican Church Offices.</p>	5		Recommended for inclusion within the Historic Area Statement.
	The Policy Area should retain major traffic flows on King William Road and Sir Edwin Smith Avenue and maintain high levels of pedestrian safety and accessibility to adjacent Park Lands and public gardens adjacent the existing public road network.	4	not included	Many of these are not 'development'.
Policy Objectives				
1	Development that strengthens, achieves and is consistent with the desired character for the Policy Area.	4		
2	Development of the Cathedral Policy Area for residential purposes at low and medium densities.	5	Zone DO1	INSERT policy on appropriate land uses in the City Living Zone in the NALIS and MHISZ.
3	The maintenance of residential amenity through limiting non-residential development to existing sites.	5	not included	INSERT policy to limit non residential land uses within the City Living Zone under the heading 'Land Use and Intensity'.
Principles of Development Control				
1	Development should strengthen, achieve and be consistent with the desired character for the Policy Area.	4		

Number	Description	Transition category	Where has it been included?	Comments
2	Residential development should be in the form of detached, semi-detached or group dwellings, residential flat buildings, or alterations and additions to existing buildings. New residential buildings in the form of row dwellings should not be developed.	5	Zone PO1.1, DTS1.1	No reference to retirement facility or supported accomm. REQUIRES FURTHER INVESTIGATION. INSERT policy on desired types of dwellings and include policy parameters for row dwellings. Can we use the TNV Overlay to in relation to the type of dwellings that are appropriate within particular areas of the City living Zone? Given the historic nature of many of the areas one size does not fit all. INSERT policy to determine dwelling types in the City Living Zone in the NALIS and MHISZ.
3	Development should not exceed 2 building levels or locate a ceiling more than 6 metres above the median natural or finished ground level at any point or any part of a building, (except for land identified as the St Mark's College site indicated on Fig C8/1).	1	TNV	max height 2 storeys
4	The bulk and density of development should satisfy the following: (a) Basic and maximum plot ratio: 1.0; (except for land identified as the St Mark's College site indicated on Fig C8/1); and (b) Dwelling Unit Factor: (i) 450 square metres - detached dwelling, semi-detached dwelling and group dwelling; (ii) 450 square metres - residential flat building not contained within an existing building; (iii) 250 square metres - residential flat building contained within an existing building; (iv) 300 square metres - residential redevelopment of a site occupied by a non-complying use. In relation to Principle 4(b), satisfying the minimum site area for a dwelling (described as the Dwelling Unit Factor) may not be sufficient to address heritage considerations relevant to a particular place or streetscape. In relation to Principle 4(b), in the case of a hammerhead allotment or similar allotment design where the only public road frontage represents the proposed vehicle access, the area of the 'handle' or right of way is excluded from the site area when performing the calculation of Dwelling Unit Factor.	2	TNV	No plot Minimum lot size for a detached dwelling is 450 sqm; semi-detached dwelling is 450 sqm; row dwelling is 450 sqm; group dwelling is 450 sqm; residential flat building is 450 sqm No mention of resi flat in building, non complying or heritage. Generally, the Code and Development Plan align.
5	Residential development at a greater density than that prescribed for desired dwelling types should only occur where buildings which will be visible from the primary street frontage are consistent with the desired character for the Policy Area or the street where prescribed (eg single storey detached dwellings) and only in the following circumstances: (a) on land greater than 2000 square metres; or (b) on land where the existing dwelling unit factor is 250 square metres or less and the development replaces a building that is not an identified Heritage Place; and (c) in either case, the resultant Dwelling Unit Factor should not vary more than 20 percent from that required.	5	not included	INSERT policy on minimum allotment sizes on larger land parcels in the City Living Zone.
6	The land for a dwelling should have a primary street frontage not less than the following (other than in the case of a hammerhead allotment where the frontage to a public road should be no less than five metres): (a) Detached dwelling: 12 metres; (b) Semi-detached dwelling: 12 metres; (c) Group dwelling or residential flat building: 18 metres.	2		Minimum frontage for a detached dwelling is 14m; semi-detached dwelling is 12m; row dwelling is 7m; group dwelling is 18m; residential flat building is 18m Note - Code frontages are wider for detached dwelling than Dev Plan
7	A minimum of 50 percent of the total site area should be provided for landscaped open space on the site of development. Each dwelling in a development should provide as part of the landscaped open space, a private open space area in accordance with the Council Wide principles of development control. In relation to Principle 7, in the case of a hammerhead allotment, the area of the "handle" or right of way is excluded from the calculation of landscaped open space.	5		FURTHER INVESTIGATION REQUIRED. There are no policies within the code that address the importance of Landscaped Open Space. This is important to the character and setting of many buildings within North Adelaide and South Adelaide.
8	Along Brougham Court, Brougham Place west of Brougham Court, and Palmer Place north of Kermode Street, two-storey development should be confined to the rear of properties away from street frontages, subject to overshadowing and privacy constraints.	5	not included	Recommended for inclusion within the Historic Area Statement under the heading 'Height'.
9	Shelter in the form of verandahs over footpaths should be confined to existing verandahs, and new balconies or verandahs to the south-west corner of King William Road and Kermode Street.	5	not included	Recommended for inclusion within the Historic Area Statement under the heading 'Setting and Public Realm'.
10	Non-residential development comprising new buildings should respect the generally lower scale of residential buildings and provide a transition of built form at site boundaries.	5	not included	INSERT policy on transition within a Zone in the City Living Zone in the NALIS and MHISZ.

Number	Description	Transition category	Where has it been included?	Comments
11	Development of St Mark's College should: (a) be in accordance with the Concept Plan Fig C8/1; (b) not exceed a plot ratio of 1.3; (c) ensure new buildings up to a maximum of 3 building levels or 9 metres above the median natural or finished ground level at any point or any part of a building are designed to: (i) ensure the height, scale and siting of any new building does not detract from the landmark significance of St Peters Cathedral; and (ii) ensure Low Scale Built Form up to 2 building levels is located along Abbott Lane.	1	Zone PO7.1	
12	Development should not detract from the prominence of the following landmark Heritage Places: (a) St Peter's Anglican Cathedral; (b) sandstone dwelling at the junction of Kermodie Street and Palmer Place; (c) bluestone terrace house at the junction of Kermodie Street and Lakeman Street; (d) former North Adelaide Church of Christ Chapel; and (e) Queens Head Hotel.	5	not included	Recommended for inclusion within the Historic Area Statement.
Advertising				
13	Advertisements should be restrained in size, number and illumination and should be carefully designed and sited so as not to detract from the residential amenity of the Zone.	5	HA Overlay PO3.3	INSERT policy under a new heading "Advertisements" in the City Living Zone.
14	Advertisements more than 3 metres above natural ground level or an abutting footpath or street are inappropriate.	5	not included	"As Above"
NEW CONTENT IN THE CODE (insert below)				

Zone Policy area(s) PA9	1 - Included in the Code and retains same policy intent	0%
	2 - Wording changed but policy intent remains (OK)	0%
	3 - Included in the Code but policy intent changed (NOT OK)	0%
	4 - Not included in the Code but OK to remove	33%
	5 - Not included in the Code and should be reinstated	67%

General comments
 Now a Community Facilities Zone - CFZ - not City Living Zone.
 No historic area overlay applies.

Number	Description	Transition category	Where has it been included?	Comments
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Desired Character				
			DTS/DPF 1.1	Now a Community Facilities Zone - CFZ - not City Living Zone Ads are DTS. These land uses are envisaged: • Consulting room • Educational establishment • Indoor recreation facility • Office • Place of worship • Pre-school • Recreation area • Shop Performance Assessed includes ads, demo of SHP and LHP, demo within the HAO or SHO, tree damaging activity and all other Code assessed dev. Restricted is None. No mention of h places. Note - no mention of hospital as a desired land use which is odd given the presence of the Memorial Hospital INSERT policy that reconsiders appropriate land uses and includes hospitals if that is what is envisaged as the land uses listed above would appear to be able to be approved in a number of zones. Zone purpose is range of public and private community, educational, recreational and health care facilities. The land use focus has shifted from hospitals so the intent of the previous policy area has changed considerably
	The Policy Area should be retained as a key institutional enclave. The State Heritage Places are representative of traditional institutional architecture the most significant historic townscape elements within the Policy Area. These Heritage Places complement the low scale townscape character of the adjacent Cathedral Policy Area.	5		
	The Policy Area is generally fully developed for uses associated with the Women's and Children's Hospital and the Memorial Hospital. Development associated with these health care facilities should include the replacement of buildings that are not identified Heritage Places. Development north of Kermode Street may expand the footprints of existing buildings to allow the upgrade of facilities. The scale of new development should reinforce the existing scale of development.	5		
	Development should improve the streetscape of Kermode Street by providing land uses and building facades that activate the street and contribute to a high quality public realm.	5	Not included	INSERT policy on built form and scale issues. INSERT policy on Kermode Street.
	New development should conserve these individual historic elements as viewed from the public road frontages, although it is recognised that existing and future development within the central parts of the north and south sections of the Policy Area may include taller buildings.	4		Not necessary as heritage places will be protected.
	Development should ensure the visual prominence of St Peter's Anglican Cathedral is maintained.	5		INSERT policy on landmark buildings and views in the locality.
	Development should complement and not detract from the architectural quality of the locality, particularly when viewed from key vistas including the Riverbank and Park Lands.	5	Zone PO2.1, PO3.1, DTS 3.1, DTS 3.2	Note - talks about resi dev within a neighbourhood zone?
	Development incorporating buildings at the edges of the Policy Area should, where practicable, achieve a scale and character more compatible with the lower scale and historical residential character of Lower North Adelaide to the north-east.	5		INSERT policy on built form transition to adjoining zones if specific to this location.
	Progressive enhancements of the landscape character and amenity by street tree planting and on-site landscaping to frontage of King William Street, Kermode Street, and Sir Edwin Smith Avenue. In particular, improvements to the frontage of the Memorial Hospital, and the outlook over the Park Lands on three sides of the Policy Area is desired.	4	Not included	Not 'development'.
	The Policy Area should maintain a high degree of pedestrian amenity and shelter provided by street trees and on-site landscaping, with pedestrian safety and ease of access to the adjacent Park Lands maintained.	4		Not 'development'.

Number	Description	Transition category	Where has it been included?	Comments
Policy Objectives				
1	Development that strengthens, achieves and is consistent with the desired character for the Policy Area.	4		
Principles of Development Control				
1	Development should strengthen, achieve and be consistent with the desired character for the Policy Area.	4		
2	Development north of Kermode Street should not exceed a height of 14 building levels or locate a ceiling more than 43 metres above the median natural or finished ground level at any point or any part of a building.	5	Zone PO2.1, PO3.1, DTS 3.1, DTS 3.2	Maximum building height is 6 storeys Note - significant height drop
3	Development along King William Road (north of Kermode Street) should not exceed two buildings levels or locate a ceiling more than six metres above the median natural or finished ground level at any point or part of a building.	5		Maximum building height is 6 storeys Note - significant height lift from 2 to 6 storeys.
4	4 A minimum of 20 percent of the total site area should be provided for landscaped open space on the site of development.	5	Design in Urban Areas	Depends on site areas. Further analysis required.
5	5 Development should be complemented by landscaping to soften and relieve any large building mass and provide quality spaces. Development south of Kermode Street should be in accordance with Concept Plan Fig WC/1; and should: (a) not exceed a plot ratio of 3.2; (b) retain the set back and sense of address and open character to the Park Lands; (c) ensure new buildings up to a maximum of 6 building levels or 18 metres above the median natural or finished ground level at any point or any part of a building are designed to: (i) be located in areas identified as 'Taller Built Form'; (ii) locate Low Scale Built Form up to 4 building levels in areas identified as 'Low Scale Built Form' except where located on Sir Edwin Smith Avenue and Pennington Terrace where built form will be up to two storeys to be compatible with State Heritage Places; (iii) ensure that long ranging views and vistas of St Peter's Anglican Cathedral are maintained; (iv) complement and enhance the skyline which incorporates key land marks including St Peter's Anglican Cathedral and Adelaide Oval; (v) minimise building mass at the interface from an adjoining boundary by locating Taller elements siting built form within a building envelope consisting of a 45 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of an adjoining residential allotment, except where a variation to the building envelope demonstrates minimal adverse impacts upon adjacent housing in terms of massing and overshadowing through alternative design methods; (vi) ensure the building fronting Kermode Street has a high proportion of windows, fine grain appearance and a dynamic pedestrian environment; (vii) ensure buildings are sited off of side and rear boundaries and avoid blank walls that will be visible from the surrounding locality; (viii) incorporate the use of landscaped open space to break up building mass; (ix) provide an activated building interface to Kermode Street; (x) provide high quality spaces to the street; and (xi) provide a visually interesting streetscape with buildings having a high level of fenestration, detailing and orientation towards the street; and (d) remove the visual impact of existing car parking, vehicle access and egresses to the area by siting any new car parking away from the street frontages.	5	Design in Urban Areas DTS 10.4 Not included	INSERT policy on landscaping if specific to this locality. No Concept Plan in Code. Is this an oversight? No plot. Further analysis required.
6		5		
Transport and Movement				
7	Development should facilitate the use of all modes of transport including cycling, walking, public transport, car share and vehicular access.	4		This policy is obvious to say the least.
Advertising				
8	Advertisements should be restrained, discreet and limited to those required for directional purposes.	5		INSERT policy on advertising.
9	9 The restrained illumination of advertisements may be appropriate but should not detrimentally affect the skyline, streetscape environment or residential amenity of this Policy Area or the adjacent Cathedral Policy Area.	5		see above
NEW CONTENT IN THE CODE (insert below)				
All devs on the boundary with the neighbouring zone and all other Code dev must be publicly notified.				

Zone Policy area(s) PA10	1 - Included in the Code and retains same policy intent		3%	
	2 - Wording changed but policy intent remains (OK)		3%	
	3 - Included in the Code but policy intent changed (NOT OK)		20%	
	4 - Not included in the Code but OK to remove		17%	
	5 - Not included in the Code and should be reinstated		57%	
In NALIS				
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	The Stanley West Policy Area should remain one of the lowest density residential areas in Upper North Adelaide with a distinctive and cohesive character derived from its townscapes. These are established by large nineteenth and early twentieth century dwellings comprising more substantial Victorian, Edwardian and Georgian Revival villas, and other low density detached and semi-detached dwellings in a variety of forms and styles.	5		Recommended for inclusion in the Historic Area Statement.
	St Ann's College will provide student accommodation and education activities. Development should meet the community needs and future requirements whilst reinforcing the heritage value of the Policy Area.	5		INSERT policy on non residential land uses and a heading specific to St Ann's College
	New development should respect the low scale, environmental quality, character and historic value of the Policy Area, incorporating high standards of design, materials and landscaping.	5		Recommended for inclusion in the Historic Area Statement.
	The character of new residential development should be established by low density detached dwellings, semi-detached dwellings, group dwellings or residential flat buildings, all up to a maximum of two storeys, unless a particular dwelling type(s) and/or a lower building height is prescribed for development addressing the primary street frontage, to reinforce the character of the historic built form as described below:	3		The NALIS refers to low density. The TNV refers to the number of storeys. The type of dwellings is not included but can be omitted. A lower height being required as policy is necessary as in North Adelaide to fit in with single storey streetscape, single storey is often required with 2 storey behind. INSERT policy for when part single storey solutions may be required. INSERT policy on the need for cohesive townscapes. REQUIRES FURTHER INVESTIGATION. INSERT policy on desired types of dwellings. Can we use the TNV Overlay to in relation to the type of dwellings that are appropriate within particular areas of the City living Zone? Given the historic nature of many of the areas one size does not fit all.
	(a) Kingston Terrace; The townscape character is established by large one and two storey detached residences on individual allotments set close to the street with a Park Lands frontage. Towards Lefevre Terrace, the townscape is dominated by the imposing rear elevations of two large mansions with frontages to Stanley Street. New dwellings should complement existing residences, which are modelled and articulated, constructed of masonry, with a high proportion of solid to void in the composition of facades and often feature verandahs and balconies. Building set-backs from the Park Lands frontage should be consistent with the alignment of the main face of adjacent Heritage Places. Where a site is between two Heritage Places, the greater of the two set-backs should be applied to the new dwelling. Development opportunities, other than alterations or additions to the rear of Heritage Places, are likely to be limited to the replacement of buildings that are not identified Heritage Places or the development of vacant land held in an existing Certificate of Title.	5		Recommended for inclusion in the Historic Area Statement.
	(b) Stanley Street (northern side): The townscape features two large mansions set well back from the northern frontage on elevated ground above Stanley Street. The remainder of the townscape comprises large detached and semi-detached residences. Development opportunities, other than alterations or additions to the rear of Heritage Places, are likely to be limited to the replacement of buildings that are not identified Heritage Places or the development of detached or semi-detached buildings on vacant land held in an existing Certificate of Title.	5		Recommended for inclusion in the Historic Area Statement.

Number	Description	Transition category	Where has it been included?	Comments
	(c) Stanley Street (southern side) and Brougham Place (where it is a visual continuation of Stanley Street): Because of the sloping topography two-storey residences on the southern frontage present a single-storey appearance to Stanley Street and Brougham Place. West of New Street the close subdivision pattern and consistent set-back of stone Victorian villas typified by rich detailing and cast-iron ornamentation, contribute to a distinctive and cohesive built form. This elegant character is reinforced by stone and cast iron boundary fencing along the street frontage. Development opportunities, other than alterations or additions to the rear of Heritage Places, are likely to be limited to the replacement of buildings that are not identified Heritage Places. Replacement development should reinstate the traditional built form comprising detached or semi-detached dwellings presenting as single storey to the street frontage, with front and side boundary building set-backs consistent with those of adjoining Heritage Places.	5		Recommended for inclusion in the Historic Area Statement.
	(d) Brougham Place (western Policy Area boundary): The townscape comprises the imposing and finely detailed Brougham Place Uniting Church with its dominant central tower, and the closely developed group of low scaled St Ann's College buildings which step down the Brougham Place frontage reflecting the topography of the locality and the Policy Area generally. Development opportunities should be limited to the conservation of the Uniting Church, with the height and scale of new development at St Ann's College not detracting from the landmark significance of the Brougham Place Uniting. New development at St Ann's College should be designed to address to the Park Lands, Brougham Place and Melbourne Street. Development should respect the topography, scale, massing, materials and colours of domestic architectural form in and near the Policy Area and avoid the use of brightly coloured, black or highly reflective surfaces. New development at St Ann's College should take advantage of the landfall to provide semi-basement floors and views from the upper levels southwards over the City. High quality landscape open space should be incorporated to break up building mass.	5		Recommended for inclusion in the Historic Area Statement.
	The imposing residential built-form edge to Brougham Gardens and the Park Lands along the Brougham Place frontage should be preserved.	5		Recommended for inclusion in the Historic Area Statement.
	Views of the City from Stanley Street and Brougham Place properties should be protected. Buildings on Stanley Street, Kingston Terrace and Brougham Place may be constructed to take advantage of the landfall to provide semi-basement floors and views from upper levels southwards over the City, provided overlooking is adequately addressed through appropriate design.	5		Recommended for inclusion in the Historic Area Statement.
	Protection of the landscape qualities of public and private open space, including avenue and adjacent Park Lands planting and vistas to the Park Lands, Brougham Place and the eastern end of Stanley Street, should further distinguish the Policy Area's character.	4		Not 'development'.
	Pedestrian amenity and shelter should be provided by street trees and other landscaping and a high standard of paving. Pedestrian safety and accessibility to the adjacent Park Lands and Brougham Gardens should be maintained.	4		Not 'development'.
Policy Objectives				
1	Development that strengthens, achieves and is consistent with the desired character for the Policy Area.	4		
2	Development of the Stanley West Policy Area for residential purposes at low densities, compatible with the built form and landscape character of one of the City's most historically significant residential areas.	4		The new Zone also allows retirement facility and supported accomm. Row dwellings still excluded. INSERT policy on non residential land uses.
3	Residential amenity maintained by restricting the introduction, expansion or intensification of non-residential uses.	3		INSERT policy to limit non residential land uses within the City Living Zone under the heading 'Land Use and Intensity'.
Principles of Development Control				
1	Development should strengthen, achieve and be consistent with the desired character for the Policy Area.	4		
2	Residential development should be in the form of detached, semi-detached or group dwellings, residential flat buildings, or alterations and additions to existing buildings. New residential buildings in the form of row dwellings should not be developed.	3		The new Zone also allows retirement facility and supported accomm. Row dwellings still excluded. REQUIRES FURTHER INVESTIGATION. INSERT policy on desired types of dwellings. Can we use the TNV Overlay to in relation to the type of dwellings that are appropriate within particular areas of the City living Zone? Given the historic nature of many of the areas one size does not fit all.

Number	Description	Transition category	Where has it been included?	Comments
3	Development should not exceed 2 building levels or locate a ceiling more than 6 metres above the median natural or finished ground level at any point or any part of a building except for: (a) Jerningham Street, where development should not exceed 1 building level or locate a ceiling more than 3 metres above the median natural or finished ground level at any point or any part of a building; (b) Old Street west of New Street, where development should not exceed two building levels built above one level of undercroft parking or locate a ceiling more than 6 metres above the median natural or finished ground level at any point or any part of a building; and (c) land identified as the St Ann's College site on Fig SW/1.	3	TNV	Max height is 2 storeys Recommended for inclusion in the Historic Area Statement.
4	The bulk and density of development should satisfy the following: (a) Basic and maximum plot ratio: 0.7, (except on land identified as the St Ann's College site in Fig SW/1 where); and (b) Dwelling Unit Factor: (i) 600 square metres - detached dwelling and group dwelling; (ii) 450 square metres - semi-detached dwelling; (iii) 500 square metres - residential flat building not contained within an existing building; (iv) 250 square metres - residential flat building contained within an existing building; (v) 120 square metres - any dwelling fronting Old Street; (vi) 350 square metres - residential redevelopment of a site occupied by a non-complying use. In relation to Principle 4(b), satisfying the minimum site area for a dwelling (described as the Dwelling Unit Factor) may not be sufficient to address heritage considerations relevant to a particular place or streetscape. In relation to Principle 4(b), in the case of a hammerhead allotment or similar allotment design where the only public road frontage represents the proposed vehicle access, the area of the 'handle' or right of way is excluded from the site area when performing the calculation of Dwelling Unit Factor.	2		No comment on plot. Minimum lot size for a detached dwelling is 600 sqm; semi-detached dwelling is 450 sqm; group dwelling is 600 sqm; residential flat building is 500 sqm. The Code and Development Plan align.
5	Residential development at a greater density than that prescribed for desired dwelling types should only occur where buildings which will be visible from the primary street frontage are consistent with desired character for the Policy Area or the street where prescribed (eg single storey detached dwellings) and only in the following circumstances: (a) on land greater than 2000 square metres; or (b) on land where the existing dwelling unit factor is 250 square metres or less and the development replaces a building that is not an identified Heritage Place; and (c) in either case, the resultant Dwelling Unit Factor should not vary more than 20 percent from that required.	5	Not included	INSERT policy on minimum allotment sizes on larger land parcels.
6	The land for a dwelling should have a primary street frontage not less than the following (other than in the case of a hammerhead allotment where the frontage to a public road should be no less than five metres): (a) Detached dwelling: 14 metres; (b) Semi-detached dwelling: 12 metres; (c) Group dwelling or residential flat building: 18 metres.	1		Minimum frontage for a detached dwelling is 14m; semi-detached dwelling is 12m; group dwelling is 18m; residential flat building is 18m. The Code and Development Plan align.
7	A minimum of 50 percent of the total site should be provided for landscaped open space on the site of development. Each dwelling in a development should provide as part of the landscaped open space, a private open space area in accordance with the Council Wide principles of development control. In relation to Principle 7, in the case of a hammerhead allotment, the area of the "handle" or right of way is excluded from the calculation of landscaped open space.	3		FURTHER INVESTIGATION REQUIRED. There are no policies within the code that address the importance of Landscaped Open Space. This is important to the character and setting of many buildings within North Adelaide and South Adelaide. 50% max of roofed area exc eaves.

Number	Description	Transition category	Where has it been included?	Comments
8	Development of St Ann's College should: (a) be in accordance with the Concept Plan Fig SW/1; (b) not exceed a plot ratio of 2.5; (c) ensure new buildings up to a maximum of 4 building levels or 12 metres above the median natural or finished ground level at any point or any part of a building are designed to: (i) be located in areas identified as 'Taller Built Form'; (ii) ensure that Low Scale Built Form up to 2 building levels is located near adjacent properties of Stanley Street; (iii) retain the character of the natural landfall; (iv) protect views of the City from Stanley Street and Brougham Place properties and protect views to Brougham Place Uniting Church; (v) be set back 3.5 metres from Melbourne Street consistent with the setback of Melbourne Street (Mixed Use (Melbourne West) Zone); (vi) provide a compatible setback with adjoining residential allotments and State and Local Heritage Places; and (vii) minimise building mass at the interface from an adjoining residential boundary by siting built form within a building envelope consisting of a 45 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of an adjoining residential allotment, except where a variation to the building envelope demonstrates minimal adverse impacts upon adjacent housing in terms of massing and overshadowing through alternative design methods; (viii) ensure higher levels of activity are designed to protect residential amenity at the interface with of residential dwellings.	3		No reference to plot ratio. Maximum height covered in TNV numerical overlay. The built form elements are recommended for inclusion within the Historic Area Statement under the heading 'Height'.
9	Buildings on Stanley Street, Kingston Terrace, Melbourne Street and Brougham Place may be constructed to take advantage of the landfall to provide semi-basement floors and views from upper levels southwards over the City, provided overlooking is adequately addressed through appropriate design.	5	Not included	INSERT policy on views.
10	On the southern frontages of Brougham Place and Stanley Street, west of New Street, the level of the top-most floor should not exceed that of existing adjacent development.	5	Not included	INSERT policy on view and building heights.
11	The height, scale and siting of any new building should not detract from the landmark significance of the Brougham Place Uniting Church.	5	Not included	Recommended for inclusion in the Historic Area Statement. INSERT policy on landmark buildings.
Advertising				
12	The maximum size of advertisements should be 0.2 square metres and should be limited to one advertisement for each premises.	5	Not included	INSERT policy under a new heading "Advertisements" in the City Living Zone.
13	Only discreet advertisements required to identify the location of premises may be appropriate.	5	Not included	"As Above"
14	Advertisements more than 3 metres above natural ground level or an abutting footpath or street are inappropriate	5	Not included	"As Above"
15	Advertisements which project from the wall of a building are inappropriate.	5	Not included	"As Above"
NEW CONTENT IN THE CODE (insert below)				

Zone	1 - Included in the Code and retains same policy intent			0%
Policy area(s)	2 - Wording changed but policy intent remains (OK)			7%
	3 - Included in the Code but policy intent changed (NOT OK)			3%
	4 - Not included in the Code but OK to remove			13%
	5 - Not included in the Code and should be reinstated			77%
	PA11			
Not in the NALIS and it should be 1 think given the existing 2 levels/6m height limit.				
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	The varied character of the Kentish Arms Policy Area should be conserved as a residential area reflecting the townscapes of large nineteenth and early twentieth century substantial Victorian and Edwardian villas, and other low density detached and semi-detached dwellings in a variety of forms and styles, row cottages, detached cottages and small attached cottages. There are a small number of two storey heritage places, although most of the buildings identified as Heritage Places are single storey.	5	Zone DO1	Recommended for inclusion within the Historic Area Statement. REQUIRES FURTHER INVESTIGATION. INSERT policy on desired types of dwellings. Can we use the TNV Overlay to in relation to the type of dwellings that are appropriate within particular areas of the City living Zone? Given the historic nature of many of the areas one size does not fit all. INSERT policy to encourage residential land uses in the City Living Zone in the NALIS and MHISZ.
	The variety of dwelling types should be retained by the conservation of Heritage Places.	5	Not included	Recommended for inclusion within the Historic Area Statement.
	The character of new residential development should be established by low and medium density detached dwellings, semi-detached or row dwellings, group dwellings or residential flat buildings, all up to a maximum of two storeys, unless a particular dwelling type(s) and/or a lower building height is prescribed for development addressing the primary street frontage, to reinforce the character of the historic built form as described below:	5	Zone DO1,PO1.1, DTS 1.1	Zone allows retirement facility and supported accomm too and non resi. REQUIRES FURTHER INVESTIGATION. INSERT policy on on adjacent development responding to context in terms of height. INSERT policy on desired types of dwellings. Can we use the TNV Overlay to in relation to the type of dwellings that are appropriate within particular areas of the City living Zone? Given the historic nature of many of the areas one size does not fit all.
	Stanley Street (south side), East and West Pallant Streets: These streets contain some of Adelaide's earliest residential buildings and are characterised by allotments containing closely sited single-storey buildings. New two-storey development should be set back behind single storey frontages and not readily visible from the street. The lowering of eaves may be necessary along these frontages to be consistent with adjoining buildings of heritage value.	5		Recommended for inclusion within the Historic Area Statement.
	(b) Stanley Street (north side): This townscape consists of single-storey detached, semi-detached and row housing of the Victorian and Edwardian periods. Close siting of houses, verandahs along the street frontages and hipped roofs or parapets to front facades should be reflected in new buildings. Redevelopment of the North Adelaide School of Art should create a more sympathetic built form on the primary street frontage, with scale, siting and design which is consistent with the otherwise cohesive character of the northern side of Stanley Street established by closely sited detached and semi-detached dwellings. Development should retain or reinforce the essentially single storey historic character of the street.	5		Recommended for inclusion within the Historic Area Statement.
	(c) Sussex Street: Sussex Street contains a wide variety of building types including early German settler cottages, Victorian row dwellings, blocks of flats and recent row dwellings, as well as commercial premises and sites used for car parking behind Melbourne Street frontages. As a result the townscape of Sussex Street is fragmented, but does contain sections at its eastern and western ends of small scale, closely sited and cohesive development which formerly characterised the entire street. Early settler cottages on the northern side and Victorian row houses on the southern side, indicate the scale, character and rhythm of residential buildings which should be re-established by infill development of single storey detached dwellings on smaller frontages. Two storey development may be appropriate if not readily seen from Sussex Street or other streets and if designed in a traditional form using traditional materials.	5		Recommended for inclusion within the Historic Area Statement.

Number	Description	Transition category	Where has it been included?	Comments
	(d) Kingston Terrace: The townscape from Jerningham Street to Francis Street (west) contains a mixture of single-storey row housing and detached and semi-detached houses of the late Victorian to Edwardian periods, with more recent detached houses and contemporary three storey row houses. Although the townscape contains a diversity of architectural styles and housing types, it still presents a cohesive townscape because of its relationship to the Park Lands, the predominance of traditional building stock and the absence of dominating structures. Between Fuller Street and Francis Street (west) residential buildings should continue to be single storey. Elsewhere buildings should be one and two storey detached, semi-detached or residential flat buildings subject to their compatibility with adjoining development.	5		Recommended for inclusion within the Historic Area Statement.
	(e) Jerningham Street: Jerningham Street provides the solitary major north-south axis in Lower North Adelaide. Its intersections with Stanley Street and Melbourne Street (outside of the Policy Area) are bounded by examples of commercial buildings which emphasise its early significance in the street pattern as the original major north-south route through the centre of Lower North Adelaide. Single storey nineteenth century detached and semi-detached dwellings predominate. All buildings are of heritage value and therefore development opportunities will generally be limited to alterations and additions to the rear of Heritage Places.	5		Recommended for inclusion within the Historic Area Statement.
	(f) MacKinnon Parade: The townscape east of Dunn Street should remain largely unchanged as it contains numerous detached and semi-detached houses of similar scale and design that are of identified heritage value. Other than alterations and additions to the rear of existing Heritage Places, development opportunities should be limited to the replacement of buildings that are not identified Heritage Places. Development should reinforce the scale and siting established by the single storey Heritage Places and not take reference from buildings of two or more storeys that are seriously at conflict with the historic character. West of Dunn Street, the several sites have been redeveloped and include a built form that has eroded the established cohesive streetscape pattern evident elsewhere on the Park Lands frontage. New development should comprise detached or semi-detached dwellings presenting to the primary street frontage replacing buildings that are not identified Heritage Places.	5		Recommended for inclusion within the Historic Area Statement.
	(g) Mann Terrace: South of Melbourne Street the townscape comprises a group of identical villas, all of local heritage value. The articulated and gabled facades, pitched roof profiles and verandahs create a highly cohesive character. Development should conserve these buildings and, other than alterations and additions to the rear of Heritage Places, development opportunities should be limited to the replacement of buildings that are not identified Heritage Places. North of Melbourne Street there is also a cohesive townscape established by closely developed detached and semi-detached dwellings most of which have local heritage value and a regular building set-back from the street. Development involving the replacement of buildings on the primary street frontage should continue the scale and siting established by these Heritage Places. Other than alterations and additions to the rear of Heritage Places, development opportunities should be limited to the replacement of buildings that are not identified Heritage Places.	5		Recommended for inclusion within the Historic Area Statement.
	(h) Hart Street: Detached stone cottages of a consistent scale, built form character and siting comprise the townscape on both sides of Hart Street. The intensity of development, masonry construction, fenestration, pitched roofs and verandahs establish a cohesive built form and should be maintained through the conservation of Heritage Places and single storey dwellings to the rear of sites where opportunities permit.	5		Recommended for inclusion within the Historic Area Statement.
	(i) Bower Street/Provost Street: Small detached cottages and row dwellings set on or close to the street characterise the townscape. Development should reinforce the character of the detached dwellings of local heritage value.	5		Recommended for inclusion within the Historic Area Statement.
	(j) Arthur Street: Two storey development should be contained within the roof space or located at the rear of site away from the primary street frontage to retain the low scale character of these townscapes.	5		Recommended for inclusion within the Historic Area Statement.
	Development should conserve or reinstate a strong residential built-form edge to the Park Lands and Mann Terrace through the regular siting and pattern of buildings addressing the principal road frontage.	5	Not included	Recommended for inclusion within the Historic Area Statement.

Number	Description	Transition category	Where has it been included?	Comments
	The landscape qualities of public and private open space and the adjacent Park Lands should continue to have an important and complementary role in contributing to the character and amenity of the Policy Area.	4		Much of this is not 'development'.
	The Policy Area should maintain a high degree of pedestrian amenity and shelter provided by street trees, other landscaping and a high standard of paving, with pedestrian safety and ease of access to the Park Lands and Melbourne Street.	4		Much of this is not 'development'.
Policy Objectives				
1	Development that strengthens, achieves and is consistent with the desired character for the Policy Area.	4		
2	Development of the Kentish Arms Policy Area for residential purposes at low and medium densities compatible with the distinctive but varied historic character and maintenance of residential amenity.	5	Zone DO1	Recommended for inclusion within the Historic Area Statement.
Principles of Development Control				
1	Development should strengthen, achieve and be consistent with the desired character for the Policy Area.	4		
2	Residential development should be in the form of detached, semi-detached, row or group dwellings, residential flat buildings, or alterations and additions to existing buildings. Row dwellings should only occur where: (a) vehicle access can be provided from laneways or minor streets; (b) garaging is not incorporated into the principal street frontage of the building; (c) there is a maximum of six dwellings in any one group; and (d) they are not located overlooking the Park Lands or along the frontage of a major street.	5	Zone PO1.1, DS1.1	Also includes retirement facility and supported accomm. Nothing about row dwellings. REQUIRES FURTHER INVESTIGATION. INSERT policy on desired types of dwellings and include policy parameters for row dwellings. Can we use the TNV Overlay to in relation to the type of dwellings that are appropriate within particular areas of the City living Zone? Given the historic nature of many of the areas one size does not fit all. INSERT policy to determine dwelling types in the City Living Zone in the NALIS and MHISZ.
3	Development should not exceed 2 building levels or locate a ceiling more than 6 metres above the median natural or finished ground level at any point or any part of a building. Buildings may be allowed up to the maximum height or number of levels where such buildings are compatible with adjacent buildings and their settings in respect of their scale and siting, and where there is no adverse impact on established residential amenity.	3	TNV	No comments on lower heights being appropriate. INSERT policy on adjacent development responding to context in terms of height in the City Living Zone.
4	The bulk and density of development should satisfy the following: (a) Basic and maximum plot ratio: 0.8; and (b) Dwelling Unit Factor: (i) 350 square metres – detached dwelling, semi-detached dwelling and group dwelling; (ii) 350 square metres – row dwelling; (iii) 350 square metres – residential flat building not contained within an existing building; (iv) 250 square metres – residential flat building contained within an existing building; (v) 300 square metres – residential redevelopment of a site occupied by a non-complying use. In relation to Principle 4(b), satisfying the minimum site area for a dwelling (described as the Dwelling Unit Factor) may not be sufficient to address heritage considerations relevant to a particular place or streetscape. In relation to Principle 4(b), in the case of a hammerhead allotment or similar allotment design where the only public road frontage represents the proposed vehicle access, the area of the 'handle' or right of way is excluded from the site area when performing the calculation of Dwelling Unit Factor.	2		No plot Minimum lot size for a detached dwelling is 350 sqm; semi-detached dwelling is 350 sqm; row dwelling is 450 sqm; group dwelling is 350 sqm; residential flat building is 350 sqm Note - row dwelling sizes are larger in the Code than in the Dev Plan. No comment on resi flat within a building, non complying or heritage
5	The land for a dwelling should have a primary street frontage not less than the following (other than in the case of a hammerhead allotment where the frontage to a public road should be no less than five metres): (a) Detached dwelling: 12 metres; (b) Semi-detached dwelling: 10 metres; (c) Row dwelling: 7 metres; (d) Group dwelling or residential flat building: 18 metres.	2		Minimum frontage for a detached dwelling is 14m; semi-detached dwelling is 12m; row dwelling is 7m; group dwelling is 18m Note - frontage for detached dwellin, semi d, g is bigger in Code than Dev Plan
6	A minimum of 30 percent of the total site area should be provided for landscaped open space on the site of development. Each dwelling in a development should provide as part of the landscaped open space, a private open space area in accordance with the Council Wide principles of development control. In relation to Principle 6, in the case of a hammerhead allotment, the area of the "handle" or right of way is excluded from the calculation of landscaped open space.	5		FURTHER INVESTIGATION REQUIRED. There are no policies within the code that address the importance of Landscaped Open Space. This is important to the character and setting of many buildings within North Adelaide and South Adelaide.

Number	Description	Transition category	Where has it been included?	Comments
7	Along Jerningham Street, Stanley Street, MacKinnon Parade, Sussex Street, Hart Street, Arthur Street and East and West Pallant Streets, two-storey development, including additions to existing buildings, should be located at the rear of the site away from the street frontage to retain the low scale single storey character of these townscapes. Two storey development should not be readily seen from the streets in the Policy Area.	5	Not included	Recommended for inclusion within the Historic Area Statement. Or INSERT policy on appropriate height in the City Living Zone in the NALIS.
8	Car parking should be located behind buildings on the frontages to Kingston Terrace, Mann Terrace, MacKinnon Parade, Melbourne Street and Sussex Street and behind or beside buildings on the Stanley Street and Jerningham Street frontages.	5	Not included	Recommended for inclusion within the Historic Area Statement. Or INSERT policy on appropriate location of car parking in the City Living Zone in the NALIS and MHISZ.
Advertising				
9	Advertisements should not exceed 0.2 square metres and should be minimal in number.	5	Not included	INSERT policy under a new heading 'Advertisements' in the City Living Zone.
10	Illumination of advertisements will only be appropriate where it is discreet and does not affect the amenity of residential premises.	5	Not included	"As Above"
11	Advertisements more than 3 metres above natural ground level or an abutting footpath or street are inappropriate.	5	Not included	"As Above"
12	Advertisements which project from the wall of a building are inappropriate.	5	Not included	"As Above"
NEW CONTENT IN THE CODE (insert below)				

Zone	Policy area(s)	1 - Included in the Code and retains same policy intent	2 - Wording changed but policy intent remains (OK)	3 - Included in the Code but policy intent changed (NOT OK)	4 - Not included in the Code but OK to remove	5 - Not included in the Code and should be reinstated
	PA12	14%	0%	7%	14%	66%
In NALIS						
General comments						
Number	Description	Transition category	Where has it been included?	Comments		
Desired Character						
	The Finnis Policy Area creates a distinctive built form edge between the Park Lands and Lower North Adelaide. The predominantly low scale residential character of the Policy Area will be maintained by new residential development which complements the predominantly one and two storey buildings.	5		Recommended for inclusion within the Historic Area Statement.		
	The heritage value of the area should be retained by the conservation of Heritage Places and sensitively designed infill development.	5		Recommended for inclusion within the Historic Area Statement.		
	New development should respect the low scale, environmental quality, character and historic value of the Policy Area, incorporating high standards of design, materials and landscaping.	5		Recommended for inclusion within the Historic Area Statement.		
	Kathleen Lumley College will provide student accommodation and educational activities. Development should meet the community needs and future requirements whilst reinforcing the heritage value of the Policy Area.	5		INSERT policy on non residential land uses in City Living Living Zone under the heading 'Land Use and Intensity'		
	The landscape qualities of private open space, the adjacent Park Lands and the established avenue planting in Finnis Street and MacKinnon Parade should remain important elements in the Policy Area's character.	4		Recommended for inclusion within the Public Realm setting in the Historic Area Statements.		
	Pedestrian safety and accessibility within the Policy Area and to the adjacent Park Lands should be maintained.	4		Not 'development'.		
	(a) Finnis Street (north side): Development should contribute to the historic character of the Finnis Street townscape through conserving and complementing the consistent siting and scale of the Victorian and Edwardian villas and, towards the eastern part, the terraces and cottages. New residential buildings should be single storey, detached and semi-detached dwellings. Verandahs facing the street, gable roofs, bay window frontages, open style fences or the simple facades of the early vernacular are appropriate in new development forms. Facades should be constructed with a high solid to void ratio. The prominence of the British Hotel with its fine detailing and cantilevered balcony should be maintained by the careful design and set-back of adjacent development.	5		Recommended for inclusion within the Historic Area Statement.		
	(b) Finnis Street (south side): Development should comprise detached and semi-detached dwellings that present to the street as single storey buildings, complementing the scale and siting of the Victorian and Edwardian villas on the northern side of Finnis Street. Development at Kathleen Lumley College should avoid long sections of unbroken buildings and unarticulated facades and incorporate the use of landscaped open space to break up building mass. Development should retain the visual prominence of the State Heritage Place of Kathleen Lumley College.	5		Recommended for inclusion within the Historic Area Statement.		
	(c) MacKinnon Parade: New development should comprise contemporary residential buildings that reflect the shape and form of traditional buildings styles, with particular reference to roof pitch, verandahs, eaves, materials, setbacks and fencing. Facades should be constructed with a high solid to void ratio. New residential buildings should comprise detached and semi-detached dwellings of one or two storeys, with the exception of existing large amalgamated sites of no heritage value, where the introduction of residential flat buildings may be appropriate provided such development is designed to reinforce the traditional siting pattern of individual detached dwellings. Development adjacent the street frontage should not take references from buildings of two or more storeys that are seriously at conflict with the historic character of the Policy Area. Development should retain the visual prominence of the State Heritage Place of Kathleen Lumley College.	5		Recommended for inclusion within the Historic Area Statement.		

Number	Description	Transition category	Where has it been included?	Comments
	(d) Brougham Place: Additional dwellings on the Brougham Place frontage are not desired.	5		Recommended for inclusion within the Historic Area Statement or INSERT policy on location of new development.
Policy Objectives				
1	Development that strengthens, achieves and is consistent with the desired character for the Policy Area.	4		
2	Development primarily for residential purposes at low densities providing a distinctively lower scale built form edge to the Park Lands frontages.	5		INSERT policy on built form.
3	The maintenance of residential amenity by restricting the introduction, expansion or intensification of non-residential uses.	5		The new Zone encourages resi uses, though of small scale are encouraged as well as the Institutions. INSERT policy to limit non residential land uses within the City Living Zone under the heading 'Land Use and Intensity'.
Principles of Development Control				
1	Development should strengthen, achieve and be consistent with the desired character for the Policy Area.	4		
2	Residential development in the form of detached, semi-detached or group dwellings, residential flat buildings, or alterations and additions to existing buildings. New residential buildings in the form of row dwellings should not be developed.	3		The new Zone also allows retirement facility and supported accomm. Row dwellings still excluded. REQUIRES FURTHER INVESTIGATION. INSERT policy on desired types of dwellings. Can we use the TNV Overlay to in relation to the type of dwellings that are appropriate within particular areas of the City living Zone? Given the historic nature of many of the areas one size does not fit all.
3	Development should not exceed 2 building levels or locate a ceiling more than 6 metres above the median natural or finished ground level at any point or any part of a building (except for land identified as the Kathleen Lumley College site on Fig F/1). Buildings may be allowed up to the maximum height or number of levels where such buildings are compatible with adjacent buildings and their settings in respect of their scale and siting, and where there is no adverse impact on established residential amenity.	1	TNV	Max height 2 storeys
4	The bulk and density of development should not exceed the following: (a) Basic and maximum plot ratio: 0.8 (except for land identified as the Kathleen Lumley College site on Fig F/1); and (b) Dwelling Unit Factor: (i) 600 square metres - detached dwelling and group dwelling; (ii) 450 square metres - semi-detached dwelling; (iii) 500 square metres - residential flat building not contained within an existing building; (iv) 250 square metres - residential flat building contained within an existing building; (v) 350 square metres - residential redevelopment of a site occupied by a non-complying use. In relation to Principle 4(b), satisfying the minimum site area for a dwelling (described as the Dwelling Unit Factor) may not be sufficient to address heritage considerations relevant to a particular place or streetscape. In relation to Principle 4(b), in the case of a hammerhead allotment or similar allotment design where the only public road frontage represents the proposed vehicle access, the area of the 'handle' or right of way is excluded from the site area when performing the calculation of Dwelling Unit Factor.	1		No plot Minimum lot size for a detached dwelling is 600 sqm; semi-detached dwelling is 450 sqm; group dwelling is 600 sqm; residential flat building is 500 sqm. The Code and Development Plan align.
5	Residential development at a greater density than that prescribed for desired dwelling types should only occur where buildings which will be visible from the primary street frontage are consistent with the desired character for the Policy Area or the street where prescribed (eg single storey detached dwellings) and only in the following circumstances: (a) on land greater than 2000 square metres; or (b) on land where the existing dwelling unit factor is 250 square metres or less and the development replaces a building that is not an identified Heritage Place; and (c) in either case, the resultant Dwelling Unit Factor should not vary more than 20 percent from that required.	5	Not included	INSERT policy for minimum lot sizes on larger sites in the City Living Zone.
6	The land for a dwelling should have a primary street frontage not less than the following (other than in the case of a hammerhead allotment, where the frontage to a public road should be no less than five metres): (a) Detached dwelling: 14 metres; (b) Semi-detached dwelling: 12 metres; (c) Group dwelling or residential flat building: 18 metres.	1		Minimum frontage for a detached dwelling is 14m; semi-detached dwelling is 12m; group dwelling is 18m; residential flat building is 18m

Number	Description	Transition category	Where has it been included?	Comments
7	A minimum of 40 percent of the total site should be provided for landscaped open space on the site of development. Each dwelling in a development should provide as part of the landscaped open space, a private open space area in accordance with the Council Wide principles of development control. In relation to Principle 7, in the case of a hammerhead allotment, the area of the "handle" or right of way is excluded from the calculation of landscaped open space.	3		FURTHER INVESTIGATION REQUIRED. There are no policies within the code that address the importance of Landscaped Open Space. This is important to the character and setting of many buildings within North Adelaide and South Adelaide.
8	Additional buildings on the Brougham Place frontage should not be developed.	5		Recommended for inclusion within the Historic Area Statement under the heading 'Building Form'.
9	Development should preserve and, where possible, reinstate a strong residential built-form edge to the Park Lands through the regular siting and pattern of single storey buildings addressing the primary street frontage.	5		Recommended for inclusion within the Historic Area Statement.
10	Non-residential development should only occur in Finnis Street and in Jerningham Street, north of Finnis Street. Non-residential development comprising new buildings should respect the generally lower scale of residential buildings and provide a transition of built form at site boundaries.	5		REQUIRES FURTHER REVIEW. INSERT policy on non residential land uses by either of the following options: <ul style="list-style-type: none"> • Option 1 - Inclusion of additional subzones listing land uses that are appropriate within certain areas based on existing Policy Area boundaries and land use policies. • Option 2 - TNV Overlay identifying where the land use variation applies. • Option 3 – Land Use Concept Plan based on existing Policy Area boundaries
11	Development of Kathleen Lumley College should: (a) be in accordance with the Concept Plan Fig F/1; (b) not exceed a plot ratio of 1.0; (c) ensure new buildings up to a maximum of 4 building levels or 12 metres above the median natural or finished ground level are designed to: (i) be located in areas identified for Taller Built Form and set back from the Finnis Street frontage; (ii) ensure that only Low Scale Built Form between 1 to 2 storeys is located along Finnis Street; and (iii) minimise building mass at the interface with adjoining boundaries by locating Taller elements in the centre of the site and within a building envelope consisting of a 45 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of an adjoining residential allotment, except where a variation to the building envelope demonstrates minimal adverse impacts upon adjacent housing in terms of massing and overshadowing through alternative design methods.	1		No reference to plot ratio. Maximum height covered in TNV numerical overlay. The built form elements are recommended for inclusion within the Historic Area Statement under the heading 'Height'.
12	Development of Kathleen Lumley College may involve sympathetically designed alterations of up to 4 building levels to the existing State Heritage place.	5		Recommended for inclusion within the Historic Area Statement.
Advertising				
13	Advertisements should not exceed 0.2 square metres and should be limited in number.	5	Not included	INSERT policy under a new heading "Advertisements' in the City Living Zone.
14	Illumination of advertisements will only be appropriate where it is discreet and does not adversely affect residential amenity.	5	Not included	"As Above"
15	Advertisements more than 3 metres above natural ground level or an abutting footpath or street are inappropriate.	5	Not included	"As Above"
16	Advertisements which project from the wall of a building are inappropriate.	5	Not included	"As Above"
NEW CONTENT IN THE CODE (insert below)				

Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	The Policy Area will be an attractive locality with a high level of amenity accommodating residential and community land uses.	5	not included	REQUIRES FURTHER REVIEW. INSERT policy on desired land uses by either of the following options: <ul style="list-style-type: none"> Option 1 - Inclusion of additional subzones listing land uses that are appropriate within certain areas based on existing Policy Area boundaries and land use policies. Option 2 - TNV Overlay identifying where the land use variation applies. Option 3 – Land Use Concept Plan based on existing Policy Area boundaries.
	A mix of residential uses including dwellings, student accommodation and supported accommodation will be developed. The residential uses will include a variety of dwelling types and building forms that respond to their context.	3	MHIS DO1, DO2, PO1.1, DTS 1.1, PO	Land uses under the Code to be low to med rise housing inc supported accomm, with non resi and mixed use on existing non resi sites. Retirement facility and supported accommodation allowed as is non resi development. REQUIRES FURTHER REVIEW. INSERT policy on desired land uses by either of the following options: <ul style="list-style-type: none"> Option 1 - Inclusion of additional subzones listing land uses that are appropriate within certain areas based on existing Policy Area boundaries and land use policies. Option 2 - TNV Overlay identifying where the land use variation applies. Option 3 – Land Use Concept Plan based on existing Policy Area boundaries.
	East of Walter Street a greater mix of land uses will continue acknowledging the proximity to the Main Street (O'Connell) Zone. Non-residential land uses such as a place of worship, community centre, offices consulting rooms, library and museum are appropriate.	5	not included	REQUIRES FURTHER REVIEW. INSERT policy on desired land uses by either of the following options: <ul style="list-style-type: none"> Option 1 - Inclusion of additional subzones listing land uses that are appropriate within certain areas based on existing Policy Area boundaries and land use policies. Option 2 - TNV Overlay identifying where the land use variation applies. Option 3 – Land Use Concept Plan based on existing Policy Area boundaries.
	West of Walter Street, any expansion of non-residential land uses such as consulting rooms or offices will be of a scale that does not impact the core commercial role of the Mainstreet (O'Connell) Zone or detrimentally impact on the amenity of nearby residents. Retail land uses are not envisaged in order to maintain the primacy of the Mainstreet (O'Connell) Zone as the focus for shopping, commercial and entertainment activities in North Adelaide.	5	City Living Zone PO 1.4	REVISE PO 1.4 within the City Living Zone to ensure non-residential land uses do not prejudice the role of the City Main Streets.
	The Policy Area contains a number of large land parcels that will be progressively developed with contextually designed high quality developments.	4		This is not achievable. How can the planning system ensure this policy objective is complied with?

Number	Description	Transition category	Where has it been included?	Comments
	Opportunities exist on large and consolidated land parcels for development that is greater in scale and intensity than its surrounding Policy Areas. Low scale streetscapes will be reinforced and taller built form is appropriate when located away from street frontages and sited to limit impacts to residential amenity. Size, proportions and orientation of new buildings will reinforce the historic grid pattern and smaller building footprints.	5	not included	INSERT policy on maximum height limits. INSERT policy on built form and transition within the City Living Zone under the heading 'Built Form and Character'.
	The amalgamation of small land parcels presents opportunities to further improve the fragmented character of the area and strengthen the overall historic character of the Policy Area and Zone.	4		This is not achievable. How can the planning system ensure this policy objective is complied with?
	Development will occur in a coordinated and orderly manner with design responses complementary to the areas historic context and contributing positively to the public realm and residential amenity.	4		
	Development within the Policy Area will be designed in context and will provide compatible visual relationships with the broader Zone by reinforcing the heritage values and character of the Zone and reinforcing the landmark Hebart Hall.	5		Recommended for inclusion within the Historic Area Statement.
	Development to the street frontages will be low scale create cohesive townscapes with buildings respecting the existing nineteenth and early twentieth century building forms in a responsive, sensitive and contemporary manner. New development should reinforce the character of the historic built form as described below:	3	MHIS PO2.2, DTS 2.2, PO2.3	Recommended for inclusion within the Historic Area Statement.
	(a) Archer Street Development will achieve a gradual transition from the contemporary building forms and townscape character of the Main Street (O'Connell) Zone to the low scale and historic built form surrounding Wellington Square. New buildings fronting the Square should continue the prevailing setbacks and be low scale so as to not exceed the existing height of buildings fronting the Square.	5		Recommended for inclusion within the Historic Area Statement.
	(b) Jeffcott Street This townscape comprises the Lutheran Seminary buildings and a number of detached single and two storey Heritage Places of consistent architectural style, form and siting. Development will maintain the historic character derived from the prominent historic buildings of Hebart Hall and nearby Bishops Court. Development opportunities are limited to alterations to these existing buildings that respect and interpret these in a sensitive, contemporary manner.	5		Recommended for inclusion within the Historic Area Statement.
	(c) Ward Street This townscape comprises the Lutheran Seminary buildings, a number of single storey detached and semi-detached dwellings and former dwellings as well more recent two and three storey buildings. At the western end of Ward Street, development will maintain the historic character derived from the prominent historic buildings of Hebart Hall (former Whinham College) and nearby Bishops Court. At the eastern end of Ward Street there are opportunities to redevelop under-utilised land with contextually designed new buildings and additions.	5		Recommended for inclusion within the Historic Area Statement.
	(d) Walter Street Walter Street will be enhanced by development that responds to the more intimate scale and siting of the historic and established built form.	5		Recommended for inclusion within the Historic Area Statement.
	Throughout the Policy Area, buildings will provide an interesting pedestrian environment and human scale. Buildings will have articulation and fenestration, frequent openings in building facades, verandahs, balconies, and other features to provide development that is complementary to the areas historic development pattern. Development will maintain residential amenity by providing a suitable built interface to sensitive development including existing low scale residential development and Local and State Heritage Places. Improved design of both public and private spaces will enhance amenity for residents and visitors, including pedestrians and cyclists.	5		INSERT as as PO within the City Living Zone under the heading 'Built Form and Character'. INSERT policy within the City Living Zone on maintaining residential amenity.
	Opportunities for shared car parking arrangements should be utilised to support development of the Policy Area. For redevelopment of larger consolidated parcels, new car parking should be at basement level to optimise the use of land and to limit the visual impact on the amenity of the area. Additional surface car parking and above ground car parking should be avoided except in the case of low scale residential development.	5	Transport , Access and Parking GDP PO 5.1, PO 6.3	INSERT policy on parking arrangements within the City Living Zone under the heading 'Catalyst Sites'.
Policy Objectives				

Number	Description	Transition category	Where has it been included?	Comments
1	Development that strengthens, achieves and is consistent with the desired character for the Policy Area.	4		
2	Development primarily for residential purposes at a variety of densities that respond to the site context.	2	City Living Zone PO 1.1	
3	Non-residential development will contribute to a liveable community with places of employment and community services whilst maintaining high residential amenity and not impacting the primary role of the Mainstreet (O'Connell) Zone.	3	City Living Zone PO 1.4	REVISE PO 1.4 within the City Living Zone to ensure non-residential land uses do not prejudice the role of the City Main Streets. REQUIRES FURTHER REVIEW. INSERT policy on desired land uses by either of the following options: <ul style="list-style-type: none"> • Option 1 - Inclusion of additional subzones listing land uses that are appropriate within certain areas based on existing Policy Area boundaries and land use policies. • Option 2 - TNV Overlay identifying where the land use variation applies. • Option 3 – Land Use Concept Plan based on existing Policy Area boundaries.
Principles of Development Control				
Land Use				
1	Development should be consistent with the Desired Character for the Zone and Policy Area.	4		
2	The following types of development or combinations thereof are envisaged: Consulting Room Community Centre Dwelling Dwelling addition Library Office Museum Nursing home Place of worship Residential flat building Retirement living Student Accommodation	3	Covered in MHIS Also in Zone DTS 1.2	The Code also allows child care, preschool, education est, recreation area. REQUIRES FURTHER REVIEW. INSERT policy on desired land uses by either of the following options: <ul style="list-style-type: none"> • Option 1 - Inclusion of additional subzones listing land uses that are appropriate within certain areas based on existing Policy Area boundaries and land use policies. • Option 2 - TNV Overlay identifying where the land use variation applies. • Option 3 – Land Use Concept Plan based on existing Policy Area boundaries.
3	Non-residential land-uses should be of small scale and intensity so as to not prejudice development of the Mainstreet (O'Connell) Zone and to be compatible with residential amenity.	3	City Living Zone PO 1.4	REVISE PO 1.4 within the City Living Zone to ensure non-residential land uses do not prejudice the role of the City Main Streets.
4	Development should ensure a high quality living environment is achieved.	4		
5	Where small scale shops are provided, they should: (a) serve the users of the site only; (b) be well integrated into the built form on the site; (c) be of a nature and scale consistent with the character of the locality; (d) not be of a type or scale likely to generate traffic volumes; (e) not detrimentally impact on the amenity of nearby residents; and (f) be located on Archer Street.	5	not included	REQUIRES FURTHER REVIEW. Due to the structure of the Zone, how can this policy be applied if it only applies to a small area of land within the North Adelaide?
Form and Character				
6	Development should be in accordance with the Concept Plan Fig 15/1.	1		Going by the map we have used, the Concept plan is the same as in the Dev Plan but the southern half of the area is now in the NALIS and the Concept Plan shows buildings up to 6 levels.
7	The bulk and density of development in the policy area should not exceed a plot ratio of 2.6. To ensure built form is compatible with the low scale streets and heritage places, lower plot ratios are envisaged in these areas.	2		No plot. Further analysis of the removal of plot ratio required.
8	Re-development of sites that are presently incompatible with the historic character of the Zone and Policy Area are encouraged.	2	City Living Zone DTS 2.1	
9	A minimum of 40 percent landscaped open space should be provided on the site of any development.	3		FURTHER INVESTIGATION REQUIRED. There are no policies within the code that address the importance of Landscaped Open Space. This is important to the character and setting of many buildings within North Adelaide and South Adelaide.

Number	Description	Transition category	Where has it been included?	Comments
10	Development fronting Ward Street, Jeffcott Street and Archer Street should complement the established low scale streetscape and should not exceed 2 building levels or the height of an existing building fronting the street, whichever is greater.	5		Max height is 6 storeys. Note - significant uplift from 2 to 6 storeys. INSERT policy within the City Living Zone on adjacent development responding to context in terms of height.
11	Development in Walter Street (North-South section) should be more intimate in scale and character and may incorporate two-storey elements away from the street frontage behind a single storey façade.	5		Max height is 6 storeys. Note - significant uplift from 2 to 6 storeys. Recommended for inclusion within the Historic Area Statement.
12	Development in Walter Street (East- West section) should be responsive to the existing Heritage Places and transition to the medium scale development of the adjoining Mainstreet (O'Connell) Zone.	5		Max height is 6 storeys. Note - significant uplift from 2 to 6 storeys. Recommended for inclusion within the Historic Area Statement.
13	Development should preserve the visual prominence and landscaped setting of Hebart Hall including the centre clock tower spire and cast iron and stone walling along the Jeffcott and Ward Street frontages.	5	not included	Recommended for inclusion within the Historic Area Statement.
14	Development around Hebart Hall should be set back and low scale to provide visual relief and maintain the setting of the Heritage Place.	5		Recommended for inclusion within the Historic Area Statement.
15	Development should maintain views to Heritage Places.	5		Recommended for inclusion within the Historic Area Statement.
16	Development up to a maximum of 6 building levels or 18 metres above the median natural or finished ground level at any point or any part of a building may be appropriate where buildings are designed to: (a) taller built form is located on large and consolidated sites; (b) be compatible to the zone context and heritage values and contribute positively to the public realm; (c) incorporate appropriately sited and orientated forms to reflect the predominant historic grid pattern and reinforce the linear streetscape form; (d) be sited away from existing street frontages to retain the low scale historic streetscape character and preserve the visual prominence of State and Local Heritage Places; (e) comprise a series of smaller building footprints that are adequately separated by high quality landscaped open space to provide views through the built form to the sky beyond and non-contiguous shadows in adjoining areas and which optimise privacy, light and air ; (f) incorporate well-proportioned architectural treatments and rhythm in the built form through modulation and articulation to create small components and elements in the appearance of buildings to reinforce the human scale and historic character of the streetscape; (g) provide a high ratio of solid to void; (h) be sited off side and rear boundaries and avoid blank walls; and (i) occur in a coordinated manner.	3		Concept plan as per Dev Plan Recommended for inclusion within the Historic Area Statement.
17	Development should utilise stone, brick, render, galvanized steel and terracotta that are characteristic and complementary to the historic built form of the area.	5	not included	Recommended for inclusion within the Historic Area Statement.
18	Development should be consistent with the building envelope as shown in Figure 1, except where a variation to the building envelope demonstrates minimal adverse impacts upon adjacent low scale housing in terms of massing and overshadowing through alternative design methods: (a) to minimise building mass at the interface, buildings should be constructed within a building envelope provided by a 45 degree plane, measured from a height of 3 metres above natural ground level at the allotment	5		INSERT policy on building envelopes within City Living Zone under the heading 'Building Setbacks'.
19	Buildings fronting internal streets and spaces should create an intimacy and enclosure of the spaces. Where possible, planting should be incorporated to reinforce the human scale of these spaces.	5		Recommended for inclusion within the Historic Area Statement under the heading 'Setting and Pubic Realm'.
20	Development should be orientated to provide passive surveillance of walkways both internal and externally to sites and to the street environment.	4		Should be addressed by CPTD principles in the Code.
Transport and Movement				
21	Development should facilitate the use of all modes of transport including cycling, walking, public transport, car share and vehicular access.	2	Transport , Access and Parking GDP DO 1	INSERT new DO policy on specific transport requirements within Transport, Access and Parking GDP.
22	Development should establish a clear hierarchy of movement corridors through large sites to create a legible and permeable street pattern.	5		INSERT policy on specific transport requirements under the heading 'Catalyst Sites'.
23	Development should create new pedestrian linkages and a high degree of permeability through the Policy Area to improve connection with adjoining areas. A north – south connection should be established to facilitate ease of movement from Ward Street to Cambridge Street through to Tynte Street and to the Main Street (O'Connell) Zone.	5		REQUIRES FURTHER REVIEW. Uncertain as to how this policy is to be incorporated into the current structure of the City Living Zone. INSERT policy on specific access requirements for this locality as required.

Number	Description	Transition category	Where has it been included?	Comments
24	Opportunities for shared parking should be utilised for the Policy Area.	2	Transport , Access and Parking GDP PO 5.1, PO 6.3	INSERT policy on specific transport requirements for this locality as required.
25	Except for low scale buildings car parking should be located in the basement to provide for the maximum utilisation of land and limit the visual impact on the amenity and Historic character of the Policy Area.	5		INSERT policy on specific transport requirements for this locality as required. Recommended for inclusion within the Historic Area Statement 15.
26	Access points should: (a) be narrow and consolidated to minimise the impacts to pedestrian environments and maintain the residential scale and pattern of development; (b) for parking, servicing or deliveries for development with high traffic volumes be from Ward Street to minimise traffic and vehicle queuing on Archer Street; and (c) remove the visual impact of existing car parking, access and egresses to the area by siting any new car parking away from street frontages.	5		INSERT policy on specific transport requirements for this locality as required. Recommended for inclusion within the Historic Area Statement 15.
NEW CONTENT IN THE CODE (insert below)				
	Boundary as well as upper level set backs are prescribed.		MHIS DTS 2.2,DTS 2.3, DTS 2.4, DTS 2.5	

Zone Adelaide Historic (Conservation) Zone	1 - Included in the Code and retains same policy intent	4%
	2 - Wording changed but policy intent remains (OK)	13%
	3 - Included in the Code but policy intent changed (NOT OK)	9%
	4 - Not included in the Code but OK to remove	11%
	5 - Not included in the Code and should be reinstated	64%

General comments
 The AHZ is now a City Living Zone with an Historic Area Overlay applying to it. There are no Subzones.
 Look in Car parking, access and manoeuvrability in Design and Urban Areas (why is called Cp etc in the tables and not Design in Urban Areas?)
 Also look at Transport Access and Parking GDP

Number	Description	Transition category	Where has it been included?	Comments
Statement of Heritage Value				
	The historic character of the south-east corner of the City provides strong cultural and historic evidence of the creation of the colony and the consolidation of early settlement in Adelaide.	5		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.
	South Australia was established as a semi-commercial venture later taken over by the British government. The plan for Adelaide was drawn up in advance of settlement by Colonel William Light, who was appointed Surveyor-General by the South Australian Colonisation Commission.	5		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.
	Light's plan utilised a regular grid pattern, and although the original Town Acres within the south-east corner of the City have been divided and further developed, Light's Plan has been preserved essentially as he conceived it.	5		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.
	Adelaide was once predominantly a residential City. The existing late nineteenth century character of the south-east corner of the City continues to reflect this. The area retains a broad range of residential stock, from nearby grand villas on South and East Terraces overlooking the Park Lands to humble cottages lining the smaller streets, established during the course of successive subdivisions. The area also includes a collection of building types important for any community. These include St John's Anglican Church — first established in 1841, but rebuilt in its present form in 1887 — and hotels and retail premises nearby in Hutt Street.	5		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.
	The subdivision of town acres in the south-east into a network of streets and lanes lined with cottages occurred in distinct phases, most rapidly during the later 1870s and 1880s, although small cottages were built from the 1850s. These cottages were built on small allotments, on the smaller streets, and fronted directly onto the footpath.	5		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.
	The South Australian Company held title to many town acres, and until the 1860s leased them for grazing and hay-making. On 4 January 1870, the Register newspaper noted that, particularly in the south-eastern portion of the City, the company had released allotments for sale and that this 'led to the erection of numerous cottages, many if not most of which have been built and are owned by the occupants'. The surviving cottages built in those years are typically small-scale, low-set with high-pitched roofs, small casement windows, low ceilings, and built close to neighbours.	5		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.
	Killua Place (now Ada Street) forms part of the land originally comprising Town Acres 578 and 589 and illustrates several phases of development, typical of the area. One house was built in 1857, with all houses on the western side of Ada Street built between 1874 and 1884 and five houses built on the eastern side in 1907.	5		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.
	The more elaborate dwellings in the south-east corner of the City were erected for prosperous residents. Most of these grand residences were built during the economic boom period of the late 1870s and 1880s. Other substantial developments occurring during this period include row terraces and additional cross streets.	5		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.
	The main shopping centres in Adelaide were located further to the north and west, but a small retail precinct developed along the nearby Hutt Street, with corner shops in the residential streets serving local residents' needs.	5		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.
	The south-east corner of the City has remained devoid of industry and heavy trades which were concentrated in the western portion of the City. This has further served to preserve the residential and relatively uniform character in the south-east.	5		This information provides an important historical background and should be included within the City Plan. Specific information relevant to the settlement patterns and built form elements have been recommended for inclusion within the Historic Area Statements.

Desired Character

Number	Description	Transition category	Where has it been included?	Comments
	The Zone will provide good quality living environments, with a range of dwelling types, high level amenity and attractive streetscapes.	3	City Living Zone DO1, PO1.1, DTS1.1	City Living Zone also allows a range of other non residential uses in PO1.2 and DTS 1.2, PO1.3, PO1.4. INSERT policy to encourage residential land uses in the City Living Zone.
	The Zone comprises historic and appealing residential areas located either side of Hutt Street in the heart of the City's south east corner. The Zone's historic character is established by the many cohesive groups of nineteenth century buildings many of which are individually of historic significance. Those buildings are to be conserved and the historic character supported and enhanced by the redevelopment and replacement of discordant buildings; the careful attention to the subdivision pattern, siting, form and composition of new and replacement dwellings, also of building alterations and additions.	5		Recommended for inclusion within the Historic Area Statement. INSERT policy about building elements into the the City Living Zone under the heading 'Built Form and Character'.
	Established commercial land uses will be progressively redeveloped for residential purposes, enhancing the living conditions, residential amenity, and historic character of the Zone.	3	Not included	Code policy has been changed to allow and encourage commercial land uses where now they are not encouraged. This will change the residential nature of the area. Council is trying to encourage the residential land uses as a means of giving the City a 24 hour population base. INSERT policy to encourage residential land uses in the City Living Zone.
	A high quality public environment, with appropriate planting, will complement and contribute to the Zone's amenity. Traffic management will maintain accessibility for local traffic and visitors while emphasising pedestrian and cyclist safety and convenience.	4	Not included	Planting is not development and hence Council controlled. Ok to remove this policy. Pedestrian etc safety is not covered apart from generally in Design in Urban Areas GDP. In that GDP it's not about the quality of the public realm, rather it's general principles about surveillance.
	In particular, the character of the following streets should be conserved and reinforced as follows: (a) Ada Street A variety of dwellings, including row cottages, small semi-detached cottages and detached bay window cottages make up this historic townscape. A sense of intimacy and enclosure is derived from the narrowness of the street and the largely single-storey scale and close development pattern of residences. Consistent pitched roof profiles, verandahs, fenestration and materials establish a cohesive built form character which should be maintained. (b) Carrington Street (east of Marion Street) This cohesive historic townscape comprises single-storey detached, semi-detached and row cottages, terrace houses and contemporary attached dwellings. Dwellings constructed of stone and brick with vertically proportioned openings, pitched roofs and verandahs comprise the streets character which is to be maintained and reinforced. (c) Carrington Street (west of Marion Street) This residential townscape is contiguous with and complementary to the historic commercial character of the adjoining Hutt Street townscapes. It comprises closely sited single-storey cottages, row cottages, and terrace houses. The cohesive built form character established by the window proportions, pitched roof profiles, verandahs and materials is to be maintained and reinforced. (d) Castle Street The established character comprises small semi-detached and detached cottages and the single terrace. Dwellings are closely sited to the street with narrow frontages, verandahs along the street and pitched roofs. These elements are to be reflected in any infill development. (e) Corryton Street (north of Halifax Street) This townscape comprises single-storey semi-detached and detached cottages sited close to the street frontage. Development is to maintain the cohesive built form character established by the rhythm of narrow dwelling facades, fenestration, pitched roof profiles and verandahs. (f) Corryton Street (south of Halifax Street) The distinctive townscape established by a long single-storey row of cottages, with a horizontal emphasis created by the common roof, verandah profiles and continuous picket fencing is to be maintained	5		Recommended for inclusion within the Historic Area Statement.
Policy Objectives				
1	Conservation of the heritage values and historic character of the remaining intact residential districts of south-east Adelaide and its architecturally diverse historic townscapes.	5		It is recommended that this be included in the Historic Area Statements.
2	Development compatible with the historic character of the Zone.	2	Historic Area Overlay DO1, PO1.1, PO1.2, PO1.3, PO1.4, PO1.5	

Number	Description	Transition category	Where has it been included?	Comments
3	Development that contributes to the heritage value and desired character.	2	Historic Area Overlay DO1, PO1.1, PO1.2, PO1.3, PO1.4, PO1.5	
Principles of Development Control				
Land Use				
1	Development should be consistent with the desired character for the Zone.	4	Not included	
2	The following types of development, or combinations thereof, are envisaged: Affordable housing Community Centre Domestic outbuilding in association with a dwelling Domestic structure Dwelling Dwelling addition	5	City Living Zone DO1, PO1.1, DTS1.1	City Living Zone also allows a range of other non residential uses in PO1.2 and DTS 1.2, PO1.3, PO1.4 INSERT policy to encourage residential land uses in the City Living Zone.
3	Development listed as non-complying is generally inappropriate.	4		
Form and Character				
4	Development should: (a) retain and conserve heritage places; (b) reflect the historic built form and its visual character through residential development of complementary design, form and density consistent with the desired character for the Zone; and (c) contribute to the landscape character of private and public open spaces and incorporate attractive landscaping to street frontages where appropriate and available within building set-backs.	2	a) Historic Area Overlay PO6.1 retains buildings that demonstrate heritage value. b) Historic Area Overlay DO1, PO1.1, PO1.2, PO1.3, PO1.4, PO1.5 c) Historic Area Overlay PO5.2	Elements of the existing Development Plan policy which have been omitted including retaining heritage places, reflecting historic built form and landscaping should be reinstated. INSERT policy on the importance of landscaped open space within the City Living Zone under the heading 'Built Form and Character'.
5	Development should increase the amount of residential accommodation in the Zone by: (a) adapting or redeveloping non-residential buildings for residential purposes; (b) developing vacant and under-utilised sites; and (c) the redevelopment of sites containing buildings that are presently incompatible with the historic character of the Zone or the desired character, particularly buildings that are visible from public roads.	1	a) City Living Zone PO2.1, DTS 2.1b, a, Historic Area Overlay PO6.1, PO6.2, PO6.3	
Design and Appearance				
6	Development of new buildings or building additions including those of innovative and contemporary design should demonstrate a compatible visual relationship with adjacent heritage places and other buildings that reinforce the desired character in terms of its: (a) bulk and scale; (b) width of frontage and the front and side boundary building set-back patterns; (c) proportions and vertical and/or horizontal emphasis, exhibiting vertical openings and a high solid to void ratio in the composition of the principal building facade and other elevations presenting to a public road; and (d) form and level of visual interest as determined by length and size of unbroken walling, treatment of openings and depths of reveals, roofline and silhouette, colour and texture of materials used, as well as detailing (without excessive use or mimicry of decorative elements and ornamentation) and design elements such as porches, verandahs and balconies where appropriate; and (e) public and private landscaped open spaces.	5	Historic Area Overlay PO1.1 and PO1.2 Historic Area Overlay PO1.4 Historic Area Overlay PO1.3 Historic Area Overlay PO1.5 Design in Urban Areas PO18.2	Refers to development visible from the public realm, not the whole thing. 3a) No specific reference to bulk and scale. 3b) No specific reference to width of frontage. 3c) Briefly dealt with in PO1.3 but no reference to proportions, vertical/horizontal emphasis, vertical openings, high solid to void ratio in the principal facade or other elements visible from the public realm. 3d) Briefly dealt with in PO1.3 but no reference to visual interest, unbroken walling, treatment of openings, roofline, silhouette, detailing, mimicry, or design elements. Materials dealt with in PO1.5. INSERT policy within Design in Urban Areas GDP and City Living Zone where relevant
7	New buildings should utilise stone, brick and/or brick render as the main external finish to walls to complement the historic built form in the Zone. Coated surfaces that are visible from the street should be finished in natural render, limewash, cement or mineral paints, not plastic coatings or acrylic renders. Buildings with brightly coloured or highly reflective surfaces should not be developed.	2	Historic Area Overlay PO1.5	4 Materials briefly dealt with. Bright colours and reflective materials not covered. It is recommended that this be included in the Historic Area Statements or alternatively within the City Living Zone under the heading 'Built Form and Character'.
8	Overhanging verandahs or balconies extending over the public road verge should only occur where development is sited on property boundaries to the major street frontages, and particularly on street corners.	5	Not included	INSERT policy re verandah/balcony suitable locations in the City Living Zone.
9	Development should complement the characteristic features and any distinctive, architectural elements and forms as described in the desired character and avoid discordant, foreign and uncharacteristic building styles.	5	Not included	It is recommended that this be included in the Historic Area Statements.

Number	Description	Transition category	Where has it been included?	Comments
10	Where consistent building set-backs from front, side and rear allotment boundaries prevail, development should be consistent with these established setbacks. Where a consistent building set-back is not evident in a locality, buildings should not project forward of heritage places adjacent the development site. Building to side boundaries (other than for party walls in semi-detached, row dwellings or residential flat buildings) or to a rear boundary is generally inappropriate, but may be considered where it is demonstrated that there will be no detrimental effect on residential amenity or adjacent heritage place(s).	5	Historic Area Overlay PO1.4 City Living Zone PO3.1, DTS3.1, PO3.2, DTS3.2, PO3.3, DTS3.3 , PO3.4, DTS 3.4, PO3.5, DTS 3.5	Historic Area Overlay calls for new development to be consistent with the prevailing front and side setback pattern. No comment on building to the rear boundary. Zone provides numerical figures to guide development ie a setback that's either 6m or the average of the 2 on either side, whichever is the lesser. 900mm setback for the secondary street 3m high walls being setback 900 from the boundary. Taller walls have further setbacks. 3m setbacks from rear for ground floor and 5m for first floor 3m high walls on boundaries that can be 8m long if less than 45% of all walls on the boundary But is setback 3m from any existing or proposed boundary walls. I don't understand this. This approach will not work in the AH(C)Zone when the setbacks pattern is very tight. INSERT policy on contextual setbacks in the City Living Zone.
11	Except for heritage places, corner sites should provide facades to each street frontage and should only be sited on or close to the corner frontages where the development complements the siting of heritage places.	3	Design in Urban Areas PO1.1	Code refers to reinforcing corners but not by locating facades on each street frontage, if appropriate. Code refers to reinforcing corners but not by locating facades on each street frontage, if appropriate. North Adelaide has buildings that address the corners of streets and terminate the built form row on that street. This should continue for important corner sites. INSERT policy on corner sites
12	Appropriately pitched roofs which visibly reinforce the prevailing character of historic roof forms should be incorporated in development rather than mono-pitch or flat roof forms falling to the street frontage or asymmetrically to a side boundary.	4	Historic Area Overlay PO1.1 and PO1.3	There is no specific reference to appropriately pitched roofs or mono pitch or flat roofs. This policy is no longer relevant or appropriate. INSERT policy within City Living Zone under the heading 'Built Form and Character' to ensure development reflects the prevailing roof form.
13	The height of new buildings, including the floor to ceiling clearances should take reference from the prevailing building heights within the locality, with particular reference to adjacent Heritage Places. Where single storey development prevails or is desired in accordance with the relevant desired character, low profile solutions to two storey development that are located to the rear of an existing building may be appropriate subject to no adverse impacts on the historic character of the streetscape and overshadowing, bulk and privacy impacts on neighbouring land.	5	Historic Area Overlay PO1.2 Historic Area Overlay PO2.1 Historic Area Overlay DTS2.1	Refers to prevailing heights being the guide, but specifically heritage places. Doesn't refer to floor to ceiling clearances for each level. Code doesn't refer to single storey dev being required, just that alts and adds don't dominate the primary façade. There is no comment about overshadowing or privacy. INSERT policy within City Living Zone under the heading 'Built Form and Character'.
14	Buildings should not exceed 2 storeys or 8.5 metres in building height.	1	City Living Zone DTS 2.2	TVN says max building height is 2 storeys and 8.5m high
15	The plot ratio of development should not exceed 0.8.	4	Not included	No plot ratio
16	The dwelling unit factor of development is: (a) Carrington, Halifax and Gilles Streets: 200 square metres; (b) Elsewhere: 120 square metres.	5	City Living Zone DTS 5.1	TVN says the Minimum lot size for a detached dwelling is 120 sqm; semi-detached dwelling is 120 sqm; row dwelling is 120 sqm; group dwelling is 120 sqm; residential flat building is 120 sqm The min lot size of 200m2 for Carrington Halifax and Gilles has gone. INCORRECT - Ensure correct lot sizes are reflected within the TVN Overlay.

Number	Description	Transition category	Where has it been included?	Comments
17	Landscaped open space on the site of the development should be provided as follows: (a) In areas where single storey development at the street frontage prevails – 15 percent; (b) In other areas: (i) East of Hutt Street – 25 percent; (ii) West of Hutt Street – 20 percent.	5	Design in Urban Areas PO20.1, DTS 2	FURTHER INVESTIGATION REQUIRED. There are no policies within the code that address the importance of Landscaped Open Space. This is important to the character and setting of many buildings within North Adelaide and South Adelaide. There is POS in the Code - no LOS. Table 1 prescribes 'Outdoor Open Space' not POS which will be confusing. The amount of OOS to be provided depends on the dwelling type and the site area and ranges from a percentage for the bigger sites to an area for the smaller sites. There is also a portion that must be provided adjacent to a habitable room that is either a percentage or area and must have a minimum dimension. There is also 'Landscaping' and soft landscaping which is to shade etc. The amount depends on the site area and is a percentage but also a percentage of the land between the road boundary and the primary building line (25% with a min dimension of 0.5m). Tree planting is required as well depending on the lot size and with discounts if there are trees on site already. Some POS can be in the front yard, if behind a 1.8m high fence. This doesn't work with current policy that calls for traditional low and visually
18	Landscaped open space should be arranged and planted in a manner which will provide for the retention of existing significant vegetation and maintain and enhance the established predominant amenity and landscape character of the locality.	2	Historic Area Overlay PO5.2	HAO calls for dev to maintain valued landscape patterns that contribute to the HAO.
19	Residential flat buildings or group dwellings should be developed in a manner such that it presents to its visible street frontages in a manner consistent with the predominant dwelling and building forms found in the locality.	3	Historic Area Overlay PO1.1 to PO1.5	Contains brief statements about development being consistent, respecting the heritage value etc but nothing specific on the form of resi flat buildings. INSERT policy on appropriate built form in the City Living Zone under a new heading 'Residential Flat Buildings and Group Dwellings'.
20	Row dwellings should only be developed where vehicle access can be provided from laneways or minor streets. Row dwellings should not incorporate garaging for vehicles in the building elevation to the primary street frontage and should not be comprised of more than six attached dwellings in any one group.	5	City Living Zone PO6.1 and PO6.2 and	This is about all resi whereas Dev Plan about row dwellings only. DTS 6.2A says provide access to parking from minor streets etc but only if road width is ok and traffic generation does not unreasonably impact on resi amenity. No comment on row dwellings having garaging in the principal elevation although aluded to in DTS6.2b.. No comment about how many dwellings can be in one group. Code Design in Urban Areas says 5-19 dwellings. INSERT policy on row dwellings within City Living Zone under a new heading 'Row Dwellings'.
Fencing				
21	Fencing to a street frontage (including any secondary street frontage) and returning along the side boundaries to the alignment of the main face of the principal building on the land, should: (a) be of a traditional style and detailing that is compatible with the style of the building, or in the case of a new building, its design should reference and complement fencing styles historically associated in the particular streetscape; (b) on the primary street frontage, comprise low fencing or fencing with an open character combined with solid pillars and plinths or other similar palisade fencing styles that allow views of the associated building, by their height and design; (c) comprise materials compatible with traditional fencing materials such as stone and cast iron, brick, stone or rendered pillars and plinths or other traditional materials such as timber or well detailed masonry, but should not include metal sheeting; and (d) not include solid masonry fences on the primary street frontage other than where it is required to be consistent with fencing of identified heritage value on the development site.	5	Historic Area Overlay 3.4	In a HCZ, the fencing to properties is very important in establishing and reinforcing the historic value of the locality. The Code deals with fencing and gates very briefly and not in the detail needed in the City and Nth Ad. Recommended for inclusion within the Historic Area Statements or alternatively should be included within the City Living Zone under a new heading 'Fences'.
22	On corner sites, the front fence should return on the secondary street frontage at the same height up to the alignment of the main face of the building on the land. The remaining rear section of side fences on a secondary street frontage should be constructed of traditional materials such as brick, rendered masonry and timber and should not be higher than 1.8 metres above ground level.	5	Not included	Code does not include reference to fencing on corner sites. INSERT policy on fencing on corner sites within the City Living Zone under a new heading 'Fences'.

Number	Description	Transition category	Where has it been included?	Comments
23	Fences on rear and side property boundaries (behind the main face of the building and other than on a corner allotment), should not be higher than 2 metres above ground level and should be constructed of traditional materials, including corrugated metal sheeting. Side fences or walls above 1.2 metres are generally inappropriate forward of the main face of a building. Forward of the main face of the building, fences should be of a scale that allows oblique views of buildings.	5	Not included	Code does not refer to this. INSERT policy on fencing on corner sites within the City Living Zone under a new heading 'Fences'.
Car Parking				
24	Vehicle access should be via minor streets, side or rear lanes and existing crossovers wherever possible. In a street where vehicle access does not prevail on the primary street frontage, new crossovers should be avoided and on-site car parking is not required.	5	City Living Zone DTS/DPF6.2	Code makes no comment about what to do if the street does not have vehicle access - ie no new crossovers. INSERT policy on crossovers in the City Living Zone under the heading 'Movement and Access'.
25	New vehicle crossovers required for development should be: (a) kept to a minimum width necessary for safe and convenient access but so as to preserve and enhance street character; (b) designed to narrow the crossover width towards the road pavement and located to avoid the need to remove historic kerbing and significant trees; and (c) separated from each other to minimise visual impact on the street character.	5	Transport Access and Parking GDP DTS3.6 Design in Urban Areas GDP DTS 23.3 Transport Access and Parking GDP DTS 3.5	The Transport GDP says min widths of driveways to be 3.5m. Design says 3.2m. Transport GDP says don't 'remove mature street trees. Nothing about kerbing. Transport GDP does not require driveways to be separated from each other ie 2x3.5m driveways could be adjacent ie a width of 7m on a frontage greater than 20m. Driveway locations are particularly important for North Adelaide and the City in terms of historic patterns (many sites don't have them), on street parking, trees and kerbing. INSERT policy within City Living Zone under the heading 'Movement and Access'.
26	Vehicle parking arrangements should not incorporate undercroft parking or other parking or access arrangements that are not in keeping with the Zone's historic character.	5	Transport Access and Parking GDP PO7.1 City Living Zone PO6.1 Historic Area Overlay PO5.1	Undercroft parking is acceptable but there are Pos in the HAO that say keep the access arrangements consistent with hv. City Living Zone says minimise visual impact on character. INSERT policy as part of PO 6.1 within the City Living Zone.
27	Development should provide on-site car parking and open car parks and buildings for parking vehicles that are: (a) located at the rear of sites wherever possible; (b) designed and sited to ensure garage doors do not visually dominate the primary street frontage; and (c) located behind the main face of the associated building.	5	a) Not included b) Not included c) Historic Area Overlay PO3.2	Code covers this is a general way but does not refer specifically to parking being at the rear of sites, garage doors. The location of car parking is important in determining and reinforcing the character of an area. REVISE PO 18.1 within Design in Urban Area to ensure garaging does not visually dominate the primary frontage
Land Division				
28	The division of land should conform with the established historic allotment pattern and in particular the allotment frontages of dwellings in the relevant street and achieve regularly proportioned allotments capable of containing dwelling types consistent with the desired character.	2	Historic Overlay PO4.1	HA Overlay addresses creating lots to accommodate building of a bulk and scale that reflect the area. Zone addresses lots created to be of a suitable size and dimension that are compatible with the housing pattern.
29	The division of land in the form of a hammerhead allotment or similar allotment should not be undertaken.	5	Not included but Historic Area Overlay PO4.1 says make lots that allow buildings that reflect the buildings and setbacks in the area.	REQUIRES FURTHER INVESTIGATION. INSERT policy on hammerheads not being envisaged in South Adelaide. Can we use the TNV Overlay to in relation to the type of allotments (e.g. hammerheads) that are appropriate or inappropriate within particular areas of the City living Zone? Given the historic nature of many of the areas one size does not fit all.
Procedural Matters				
Complying Development				
30	Complying developments are prescribed in Schedule 4 of the Development Regulations 2008.			
Non-Complying Development				

Number	Description	Transition category	Where has it been included?	Comments
31	<p>The following kinds of development are non-complying:</p> <p>(a) A change of use to any of the following: Adult entertainment premises Adult products and services premises Amusement machine centre Auditorium Car park except where ancillary to an approved or existing use Cinema Conference centre Hospital Industry Hotel Licensed Premises Licensed entertainment premises Restaurant Service trade premises not within a building Theatre Warehouse</p> <p>(b) A change of use to any of the following except: (i) within the site of a lawfully existing non-residential use (ii) within the site of a heritage place originally constructed for non-residential use: Consulting room Office Shop</p> <p>(c) Total demolition of a Local Heritage Place or portion of a Local Heritage Place being the frontage and side wall returns which are visible from the street, where the elements of the heritage value of that place are so limited</p> <p>(d) Total demolition of a State Heritage Place (as identified in Table Adel/1)</p> <p>(e) Advertisements involving any of the following:</p>			<p>General Comments Code calls for resi use but includes non resi land uses to provide a range of services to the local community inc offices, consulting rooms, education, community centres, worship, preschools, child care, library and other health and welfare plus services for supported or retirement accomm and open space and rec facilities. Non resi land uses to be compatible with the resi character and amenity.</p> <p>Restricted includes Dev associated with the insitutions or an adj site, as identified on the Concept Plans. There are none in the AHCZ. Shop - except if lawfully used as shop, office or consulting room, or with a glfa of less than 200m2 or located on a site with a frontage to an arterial or collector road or adj a Main Street Zone with a glfa of less than 1000m2. Also restaurants are excluded and are now PA.</p> <p>So, all the non complying list is now PA. Assuming that some of the land uses in the non complying list are not desirable in this area ie auditorium, conference centre, hospital, industry, licensed entertainment centres), are the policies strong enough to allow refusal?</p> <p>What is to stop consulting rooms, offices or restaurants from being approved in former residential properties in resi areas but in proximity to the hospitals or major streets?</p> <p>Demo of SHPs and LHPs.</p> <p>Plot and height and ads</p>
Public Notification				
32	<p>For the purposes of public notification in accordance with the procedures and rights established by the Development Act 1993, development is assigned to the specified categories as follows:</p> <p>(a) Category 1, public notification not required: (i) The following forms of development: Carport, domestic outbuilding, garage, pergola, shade sail (or the like) or verandah, in association with a dwelling Domestic structure Dwelling addition (single storey) Dwelling (single storey) Fence</p> <p>(ii) Advertisements (except those classified as non-complying); (iii) a kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.</p> <p>(b) Category 2, public notification required, third parties may, at the discretion of the relevant planning authority, appear before the relevant planning authority on the matter. Third parties do not have appeal rights: (i) all development, other than development classified as non-complying or which falls within Part (a) of this provision.</p> <p>Note: For Category 3 development, public notification is required. Third parties may make written representations, appear before the relevant planning authority on the matter, and may appeal against a development consent. This includes any development not classified as either Category 1 or Category 2.</p>			
NEW CONTENT IN THE CODE (insert below)				
Does POS replace LOS and PLOS?				

Number	Description	Transition category	Where has it been included?	Comments
	<p>HA Overlay</p> <p>Historic Area Statement will be very important in determining the form of development as the detail of the existing policies in respect of design, materials, fencing, land division, car parking arrangements has been removed.</p> <p>It is only the visible part of the building that needs to meet the Code. Poor design outcomes?</p> <p>A contextual design response is called for. What will the criteria be to judge whether the new design is appropriate?</p> <p>tests for demolition (buildings must demonstrate the historic character) and performance assessed.</p> <p>Economic, contribution and structural or condition test now applies.</p> <p>Zone</p> <p>non resi development envisaged at a much greater level than in Dev Plan.</p> <p>Setbacks from boundaries are now precise numbers and this will not suit the locality.</p> <p>Catalyst sites - Can this be right? Does this only apply on land more than 1500m2 with a frontage to East Terrace?</p> <p>TNVs for height, site areas and site frontages and concept plans. The min lot size of 200m2 for Carrington Halifax and Gilles has been removed.</p> <p>Public notification greatly expanded as a result of the relatively short list of Performance Assessed Classes of Dev and the All other inclusion.</p> <p>There is POS in the Code - no LOS. You are referred to Table 1 which is called 'Outdoor Open Space' not POS which will be confusing. The amount of OOS that must be provided depends on the dwelling type and the site area and ranges from a percentage for the bigger sites to an area for the smaller sites. There is also a portion that must be provided adjacent to a habitable room that is either a percentage or area and must have a minimum dimension.</p> <p>There's also something called 'Landscaping' and soft landscaping which is to shade etc. That amount depends on the site area and is a percentage but also a percentage of the land between the road</p>			

Zone		City Living Zone		1 - Included in the Code and retains same policy intent	0%
Policy area(s)				2 - Wording changed but policy intent remains (OK)	29%
				3 - Included in the Code but policy intent changed (NOT OK)	13%
				4 - Not included in the Code but OK to remove	25%
				5 - Not included in the Code and should be reinstated	33%
General comments					
Number	Description	Transition category	Where has it been included?	Comments	
Desired Character					
	The Zone is spread across the southern half of Adelaide, flanked to the north by the City's central business area. Mixed use apartment and commercial corridors frame much of the southern and western margins of the Zone which is also bisected by the Hutt Street main street strip, and corridors of core business areas centred on the Squares and the City's main north-south axis roads, Morphett, King William and Pulteney Streets.	4			
	The Zone comprises Adelaide's main residential living districts which have developed with a range of stand-alone and paired cottages, terrace or row housing, and low to medium scale contemporary apartment buildings, and with remnant workshops, service trades, offices and mixed uses, particularly west of Hutt Street.	5		Include with the City Living Zone as a Desired Outcome and worded as follows: <i>"Adelaide's main residential living districts with a range of stand-alone and paired cottages, terrace or row housing, and low to medium scale contemporary apartment buildings."</i>	
	The City Living Zone will provide high amenity residential living environments along with related non-residential uses compatible with residential amenity, as articulated in the Policy Areas. Carefully executed high quality residential infill is envisaged and opportunities are presented for comprehensive redevelopment on larger, particularly non-residential sites, and also on catalyst sites fronting South Terrace and East Terrace. The desired increase in the City's resident population relies, in part, on realising infill housing opportunities with high regard to their context and achieving overall, higher dwelling densities in this Zone.	4			
Policy Objectives					
Objective 1	A Zone comprising a range of dwelling types and tenures, including affordable housing.	2	City Living Zone PO 1.1 and DTS/DPF 1.1		
Objective 2:	Increased dwelling densities in appropriate locations.	2	City Living Zone PO 2.1		
Objective 3:	Non-residential activities that support city living and amenity with minimal impact on the environmental quality or amenity of living conditions.	2	City Living Zone PO 1.2, PO 1.3, PO 1.4		
Objective 4:	Development having regard to the potential impacts of building height and activities from land in the adjoining zones.	3	General Development Policies Interface between Land Uses PO 1.1 and PO 1.2	The Built Form component is missing from the Interface Between Land Uses GDP which is more land use based. It is recommended that the built form elements are addressed within the Interface between Land Uses GDP.	
Principles of Development Control					
Form of Development					
1	Development should make a positive contribution to the desired character as expressed by its respective Policy Area.	4			
2	The following types of development, or combinations thereof, are envisaged: Affordable housing Community Centre Domestic outbuilding in association with a dwelling Domestic structure Dwelling Dwelling addition Residential Flat Building	2			

Number	Description	Transition category	Where has it been included?	Comments
3	Non-residential land uses should be limited to land lawfully used for non-residential purposes and should comprise land uses more in conformity with the intended residential amenity, except where envisaged in the relevant Policy Area. Non-residential land uses should be of a scale and role to not prejudice the envisaged development of non-residential zones.	3	City Living Zone PO 1.4 and DTS/DPF 1.4	The intent of the policy has changed and the wording of DTS/DPF is confusing and not clear. The POs and DTS are essentially allowing for non-residential uses in residential areas which will essentially erode the residential hub of the City in terms of land use and built form character. These areas are historically the residential heart of the City and should be protected and maintained. It is recommended that the City Living Zone DTS/DPF 1.4 is DELETED and PO 1.4 is REPLACED by the following: <i>Non-residential land uses limited to land lawfully used for non-residential purposes and to comprise land uses more in conformity with the intended residential amenity. Non-residential land uses should be of a scale and role to not prejudice the envisaged development of non-residential zones.</i>
4	Development listed as non-complying is generally inappropriate.	4		
5	The number of dwellings should be increased by: (a) the redevelopment of poor quality and underutilised buildings or sites which are in discord with the desired character of the Policy Area, provided maintenance of residential amenity and the values of heritage places; (b) the adaptation and conversion of non-residential buildings to residential uses; or (c) development in upper levels of existing buildings, or by increasing the height of buildings or roof volumes, or on sites behind existing buildings.	2	City Living Zone DTS/DPF 2.1	
6	Buildings or additions, including those of innovative and contemporary design, should reinforce the Policy Area and demonstrate a compatible visual relationship with adjacent heritage places or the Adelaide Historic (Conservation) Zone in terms of its: (a) bulk, height and scale (i.e. the length and size of unbroken walling and the roof volume and form); (b) width of frontage and the front and side boundary building set-back patterns; (c) overall building proportions and massing (by maintaining the desired horizontal [and/or vertical] emphasis, exhibiting vertical openings and a high solid to void ratio); (d) modelling and articulation of facades; and (e) incorporation of key architectural elements and detailing where a particular construction era and building style prevails as expressed in the desired character (without excessive use or mimicry of decorative elements and ornamentation) i.e. with the inclusion of elements such as porches, verandahs, balconies and fences where appropriate.	5		The Code does not provide this level of detail and guidance to ensure buildings and additions are compatible. The current policy provides clear direction on what is expected from a built form perspective. This policy should be incorporated into the General development Policies Design in Urban Areas - All Development of the Code under a new heading 'Heritage Adjacency'. HERITAGE OVERLAYS!!!!!!
7	Development should not exceed the height prescribed for each Policy Area. The height of new buildings, including the floor to ceiling clearances of each level, should take reference from the prevailing building heights within the locality, with particular reference to adjacent heritage places.	5	Height TNV Overlay	Ensure the second half of the principle is included. This is not captured in the City Living Zone or General Dev policies Design in Urban Areas. This principle should continue to exist in the City Living Zone and worded as follows: GDP APPLIED ACCROSS ALL ZONES <i>"The height of new buildings, including the floor to ceiling clearances of each level, are to take reference from the prevailing building heights within the locality, with particular reference to adjacent heritage places."</i>
8	Where development proposes a building higher than the prevailing building heights that contribute to the desired character of a locality, the taller building elements should be setback from street frontages to avoid a detrimental impact on the prevailing character.	5		The Code does not provide for buildings higher than the envisaged height for the area except if it is a catalyst site. There may be times where this policy might be relevant to sites less than 1500m2, therefore application of this policy is important. <i>"Development proposing a building higher than the prevailing building heights that contribute to the character of a locality to ensure that the taller building elements are setback from street frontages to avoid a detrimental impact on the prevailing character."</i>
9	Where consistent building set-backs from front, side and rear allotment boundaries prevail in a locality, new development should be consistent with these setbacks.	2	City Living Zone PO 3.1, PO 3.3 and PO 3.4	This overlying principle should continue to exist in the City Living Zone and worded as follows: <i>"Development consistent with the front, side and rear allotment boundaries where a consistent setback prevails in the locality."</i>

Number	Description	Transition category	Where has it been included?	Comments
10	The finished ground floor level of buildings should be at grade and/or level with the footpath to provide direct pedestrian access and street-level activation.	5		This has not been included or addressed within the Zone or General Development Policies. It is important the ground floor level of buildings are at grade or level with the footpath to ensure accessibility into buildings. Include the following PO within General Development Policy - Design in Urban Areas [Access for People with Disabilities] <i>"Development that ensures the finished ground floor level of buildings are at grade and/or level with the footpath to provide direct pedestrian access and street-level activation."</i>
Car Parking				
11	Access to parking and service areas should be located so as to minimise the interruption to built form on street frontages and to minimise conflict with pedestrians. Access, where possible, should be from minor streets, or side or rear lanes provided road width is suitable and the traffic generation does not unreasonably impact residential amenity.	2	City Living Zone PO 6.2 and DTS/DPF 6.2 (a)	
Advertising				
12	Internal illumination of advertisements should only occur in the major streets and limited to projecting advertising displays located beneath verandahs or awnings extending over the footpath. Otherwise only external illumination of advertisements will be appropriate. Illumination of advertisements should not detrimentally affect residential amenity.	5	General Development Policies - Advertisements [Amenity Impacts] PO 4.1 DTS/DPF 4.1	This policy varies from Advertisements General Development Policies. Include the following POs under the new heading 'Advertisements' within the City Living Zone. <i>Projecting advertising displays located beneath verandahs or awnings extending over the footpath.</i> <i>Internal illumination of advertisements only envisaged in the major streets otherwise external illumination of advertisements is envisaged will be appropriate.</i>
13	Advertisements more than 3 metres above natural ground level or an abutting footpath or street should not occur.	5		This policy varies from Advertisements General Development Policies. Include the following PO under the new heading 'Advertisements' within the City Living Zone. <i>"Advertisements that do not exceed 3 metres above natural ground level or an abutting footpath or street."</i>
14	Advertisements which project from a wall of a building should not occur in minor streets.	5		This policy varies from Advertisements General Development Policies. Include the following PO under the new heading 'Advertisements' within the City Living Zone. <i>"Advertisements that do not project from a wall of a building.."</i>
Procedural Matters				
Complying Development				
15	Complying developments are prescribed in Schedule 4 of the Development Regulations 2008. In addition, the following kinds of development are designated as complying: (a) Temporary depot for Council for a period of no more than 3 months provided appropriate provision is made for: (i) dust control; (ii) screening, including landscaping; (iii) containment of litter and water; and (iv) securing the site.	3		This was included as a complying form of development in the 2006 General PAR to allow for Council to carry out its activities. It is recommended that it is included as an accepted development classification.
Non-Complying				

Number	Description	Transition category	Where has it been included?	Comments
16	<p>The following kinds of development are non-complying:</p> <ul style="list-style-type: none"> (a) A change of use to any of the following: <ul style="list-style-type: none"> Adult entertainment premises Adult products and services premises Amusement machine centre Auditorium Car park except where ancillary to an approved or existing use Cinema Conference centre Hospital Industry Hotel Licensed Premises Licensed entertainment premises Service trade premises not within a building Theatre Warehouse (b) A change of use to any of the following except: <ul style="list-style-type: none"> (i) within the site of a lawfully existing non-residential use (ii) within the site of a heritage place originally constructed for non-residential use (iii) in East Terrace Policy Area 29 or South Terrace Policy Area 30 on sites greater than 1500 square metres in area, which may include one or more allotment (iv) in East Terrace Policy Area 29 fronting Wakefield Street (v) in South Terrace Policy Area 30 (vi) in South East Policy Area 31 on a key development area on Figure SE/1 (vii) in South Central Policy Area 32 (viii) in South West Policy Area 33 fronting Sturt Street Consulting Room Office 	4		
Public Notification				
17	<p>For the purposes of public notification in accordance with the procedures and rights established by the Development Act 1993, development is assigned to the specified categories as follows:</p> <ul style="list-style-type: none"> (a) Category 1, public notification not required: <ul style="list-style-type: none"> (i) The following forms of development: <ul style="list-style-type: none"> Carport, domestic outbuilding, garage, pergola, shade sail (or the like) or verandah, in association with a dwelling Domestic structure Dwelling addition (single storey) Dwelling (single storey) Fence (ii) Advertisements (except those classified as non-complying) (iii) a kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development. (b) Category 2, public notification required, third parties may, at the discretion of the relevant planning authority, appear before the relevant planning authority on the matter. Third parties do not have appeal rights: <ul style="list-style-type: none"> (i) all development, other than development classified as non-complying or which falls within Part (a) of this provision. <p>Note: For Category 3 development, public notification is required. Third parties may make written representations, appear before the relevant planning authority on the matter, and may appeal against a development consent. This includes any development not classified as either Category 1 or Category 2.</p>	4		
NEW CONTENT IN THE CODE (insert below)				
CITY LIVING ZONE				

Number	Description	Transition category	Where has it been included?	Comments
PO 1.2	Non-residential development provides a range of services to the local community primarily in the form of small scale commercial uses, community services:			Not supported. Non-residential uses are discouraged within the zone. And the PO and DTS should be deleted.
	(a) commercial uses including small scale offices, consulting rooms and personal or domestic services establishment;			Not supported. The prevailing use of these areas is residential and residential purpose of the area should be protected and maintained and reference to commercial uses should be deleted.
	(b) community services such as educational establishments, community centres, places of worship, pre-schools, childcare and other health and welfare services;			Not Supported. The prevailing use of these areas is residential and residential purpose of the area should be protected and maintained and reference to community uses should be deleted.
	(c) services and facilities ancillary to the function or operation of supported accommodation or retirement housing;			Supported
	(d) open space and recreation facilities.			Not supported. Recreational facilities are a use that is not supported in the City living zone and reference to this use should be deleted. The prevailing use of these areas is residential and residential purpose of the area should be protected and maintained.
PO 1.5	Development associated with or ancillary to any existing non-residential or institutional activity identified on any relevant Concept Plan contained in the Concept Plan Technical and Numeric Data Overlay is contained within the site identified on the Concept Plan, or any directly adjoining site, to avoid detrimental impact on adjacent residential amenity.			Supported
PO 2.2	Development contributes to a predominantly low-rise residential character.			Supported
PO 2.3	Development designed to provide a strong built-form edge to the Park Lands and Wellington Square through the regular siting and pattern of buildings addressing the primary street frontage.			Supported
DTS/DPF 3.1	Building setbacks at least (whichever is the lesser): a. 6m; or b. the average of existing buildings on the adjoining sites that face the same street.			Not Supported. There is no justification or studies undertaken to justify this change to setbacks. The maximum setback of 6 metres could jeopardise the established character of many streets within the City
PO 3.2	Buildings set back from secondary street boundaries to maintain a pattern of separation between building walls and public thoroughfares and reinforce a streetscape character.			Supported
DTS/DPF 3.2	Buildings no closer than 900mm to the secondary street boundary.			Supported
PO 3.3	Buildings set back from side boundaries to provide: a. separation between dwellings in a way that complements the established character of the locality; and			Supported
	b. access to natural light and ventilation for neighbours.			Supported
DTS/DPF 3.3	Other than walls located on a side boundary, buildings are set back from side boundaries:			Supported
	(a) at least 900mm where the wall is up to 3m measured from the top of the footings;			Supported
	(b) other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m measured from the top of the footings; and			Supported
	(c) at least 1900mm plus 1/3 of the wall height above 3m measured from the top of the footings for walls facing a southern side boundary.			Supported
PO 3.4	Buildings are setback from rear boundaries to provide:			Supported
	a. access to natural light and ventilation for neighbours; and			Supported
	b. open space recreational opportunities; and			Supported
	c. space for landscaping and vegetation.			Supported
DTS/DPF 3.4	Buildings are set back from the rear boundary at least: a. 3m for the ground floor level; and b. 5m for first floor building level.			Supported
PO 3.5	Boundary walls are limited in height and length to manage impacts on adjoining properties.			Supported
DTS/DPF 3.5	For buildings that do not have a common wall, any wall sited on a side boundary: (a) does not exceed 3m in height from the top of the footings; (b) does not exceed 8m in length; (c) when combined with other walls on the boundary, does not exceed 45% of the length of the boundary; and (d) is setback at least 3 metres from any existing or proposed boundary walls.			Supported
PO 5.1	Site Dimensions and Land Division Allotments created for residential purposes that are of suitable size and dimension and are compatible with the housing pattern consistent to the locality.			Supported

Number	Description	Transition category	Where has it been included?	Comments
DTS/DPF 5.1	Development, except on Catalyst Sites, accords with the following: a) site areas (or allotment areas in the case of land division) not less than: i. the minimum allotment size specified in the Minimum Allotment Size Technical and Numeric Variation Overlay; or			Supported
	ii. the average site area of the adjoining allotments where the Minimum Allotment Size Technical and Numeric Variation Overlay does not apply; and	?		Supported
	b) site frontages not less than: a. the minimum specified in the Minimum Allotment Frontage Technical and Numeric Variation Overlay; or	?	The TNV Overlay is not showing this data	Supported
	the frontage of the adjoining sites where the Minimum Allotment Frontage Technical and Numeric Variation Overlay does not apply.	?	The TNV Overlay is not showing this data	Supported
PO 6.1	Movement and Access Car parking located and designed to provide for the maximum utilisation of land and minimise the visual impact on the residential amenity and character of the zone.			Supported however unclear about what is to be gained from the terminology "maximum utilisation of land." It is recommended the PO be revised as follows: <i>Car parking located and designed to minimise the visual impact on the residential amenity and character of the zone.</i>
DTS/DPF 6.2	Access to parking and service areas that: (b) remove the visual impact of existing car parking, access and egresses to the area by siting any new car parking away from street frontages.			Supported
PO 7.1	Concept Plans Development is compatible with the outcomes sought by any relevant Concept Plan contained within the Concept Plans Technical and Numeric Variation Overlay.			Reinstate Concept Plans for South Adelaide have not been included in the Code. Neds TO BE SPATIALLY RECOGNISED
FOR CITY LIVING ZONE - Errors or Feedback				
Table 1 - Accepted Development Classification			Error/Comments	Recommendation
	Carports	CRITERIA	MISSING classification criteria that should be applied to carports to enable them to be Accepted Development	Within the Classification Criteria include the following criteria: "The access point does not involve the removal or relocation of mature street trees, street furniture or utility infrastructure services."
	Temporary Storage of Council Equipment	NEW FUTURE Class of Development in Accepted Development Classification Criteria	MISSING - 'Temporary Storage of Council Equipment' that is necessary for Council to undertake works and upgrades.	INSERT 'Temporary Storage of Council Equipment' as a Class of Development and the following words as Accepted Development Classification Criteria: 1. Appropriate measures are incorporated for: (a) dust control; (b) appropriate screening including landscaping; (c) containment of litter and waste; and (d) appropriate securing of the site.
Table 2 - DTS Development Classification			Error/Comments	Recommendation
	Carport	ZONE	MISSING Zone DTS's relevant to the assessment of a carport	INSERT Zone reference [Building Setbacks: DTS/DPF 3.1, 3.2, 3.3]
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [All Residential Development - Ancillary Development]; DTS 17.1, 17.2 and REPLACE with DTS/DPF 16.1 and 16.2 what about non-residential carports, what is the criteria for assessment? e.g villa in consulting room use and applicant wants to build a carport
		GDP	ERROR - incorrect numbers referenced	DELETE reference DTS/DPF 19.1 Design in Urban Areas [Residential Development - 3 Building Levels or Less - External Appearance]; and INSERT DTS 18.1.
		GDP	MISSING - General Development Policy is missing and should apply	INSERT reference Design in Urban Areas [All Development - Earthworks]: 7.1
		GDP	ERROR- Transport, Access and Parking [Vehicle Access]: DTS 3.4 does not exist	DELETE reference DTS/DPF 3.4 from Transport, Access and Parking [Vehicle Access]; and INSERT DTS/DPF 3.6

Number	Description	Transition category	Where has it been included?	Comments
		GDP	MISSING - no reference has been made to the consideration of POS except site coverage in North Adelaide Low Intensity Subzone	INSERT reference Design in Urban Areas [Residential Development - 3 Building Levels or Less]: DTS/DPF 20.1 INSERT reference Design in Urban Areas [Residential Development - 4 or More Building Levels or Less]: DTS/DPF 27.1
	Dwelling Addition	GDP	MISSING DTS/DPF 11.1 from Infrastructure and Renewable Energy Facilities [Water Supply]:	INSERT additional reference Infrastructure and Renewable Energy Facilities [Water Supply]: DTS 11.1
		GDP	MISSING - General Development Policy is missing and should apply	INSERT reference Design in Urban Areas [All Development - Earthworks]: 7.1
		GDP	ERROR - incorrect numbers referenced	DELETE Design in Urban Areas [Residential Development – 3 Building Levels or Less – External Appearance]: DTS 19.1, 19.2, 19.3 and INSERT DTS 18.1, 18.3
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [Residential Development - 3 Building Levels or Less - Overlooking/Visual Privacy]: DTS 20.1 and INSERT DTS/DPF 19.1
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Private Open Space]: DTS 21.1, 21.2, 21.3 and INSERT DTS/DPF 20.1, 20.2, 20.3
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Waste Storage]: DTS 25.1 and INSERT DTS/DPF 24.1
		GDP	MISSING - no reference has been made to the consideration of overshadowing	INSERT reference Interface Between Land Uses [Activities Generating Noise or Vibration]: DTS 3.1, 3.2, 3.3
		GDP	MISSING - no reference has been made to the consideration of POS except site coverage in North Adelaide Low Intensity Subzone	INSERT reference Design in Urban Areas [Residential Development - 3 Building Levels or Less]: DTS/DPF 20.1 INSERT reference Design in Urban Areas [Residential Development - 4 or More Building Levels or Less - Outlook and Visual Privacy]: DTS/DPF 27.1
	Outbuilding (in the form of a garage)	ZONE	MISSING Zone DTS's relevant to the assessment of a outbuilding	INSERT Zone reference [Building Setbacks]: DTS/DPF 3.1, 3.2, 3.3, 3.4, 3.5
		GDP	MISSING - General Development Policy is missing and should apply	INSERT reference Design in Urban Areas [All Development - Earthworks]: 7.1
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [All Residential Development – Ancillary Development]: DTS 17.1, 17.2 and INSERT DTS/DPF 16.1 and 16.2
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [Residential Development – 3 Building Levels or Less – External Appearance]: DTS 19.1 and INSERT DTS 18.1
		GDP	ERROR- Transport, Access and Parking [Vehicle Access]: DTS 3.4 does not exist	DELETE reference DTS/DPF 3.4 from Transport, Access and Parking [Vehicle Access]: and INSERT DTS/DPF 3.6
		GDP	MISSING - no reference has been made to the consideration of POS except site coverage in North Adelaide Low Intensity Subzone	INSERT reference Design in Urban Areas [Residential Development - 3 Building Levels or Less - Private Open Space]: DTS/DPF 20.1 INSERT reference Design in Urban Areas [Residential Development - 4 or More Building Levels or Less - Outlook and Visual Privacy]: DTS/DPF 27.1
		SUBZONE	MISSING - missing relevant subzone criteria	INSERT reference North Adelaide Low Intensity Subzone 2.1, 2.3
		SUBZONE	MISSING - missing relevant subzone criteria	INSERT reference Medium-High Intensity Subzone [Build Form and Character DTS/DPF 2.2, 2.3, 2.4, 2.5
	Outbuilding (not being a garage)	ZONE	MISSING relevant Zone DTS's relevant to the assessment of a outbuilding	INSERT Zone reference [Building Setbacks: DTS/DPF 3.1, 3.2, 3.3, 3.4, 3.5]
		GDP	MISSING - General Development Policy is missing and should apply	INSERT reference Design in Urban Areas [All Development - Earthworks]: 7.1
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [All Residential Development – Ancillary Development]: PO 17.1, 17.2 and INSERT DTS/DPF 16.1, 16.2

Number	Description	Transition category	Where has it been included?	Comments
		GDP	MISSING - no reference has been made to the consideration of POS except site coverage in North Adelaide Low Intensity Subzone	INSERT reference Design in Urban Areas [Residential Development - 3 Building Levels or Less]: DTS/DPF 20.1 INSERT reference Design in Urban Areas [Residential Development - 4 or More Building Levels or Less]: DTS/DPF 27.1
		SUBZONE	MISSING - missing relevant subzone criteria	INSERT reference North Adelaide Low Intensity Subzone 2.1, 2.3
		SUBZONE	MISSING - missing relevant subzone criteria	INSERT reference Medium-High Intensity Subzone [Built Form and Character DTS/DPF 2.2, 2.3, 2.4, 2.5
	Verandah	ZONE	MISSING relevant Zone DTS's o the assessment of a verandah	Insert Zone reference [Building Setbacks: DTS/DPF 3.1, 3.2, 3.3, 3.4]
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [All Residential Development – Ancillary Development]: PO 17.1, 17.2 and INSERT DTS/DPF 16.1, 16.2
		SUBZONE	MISSING - missing relevant subzone criteria	INSERT reference North Adelaide Low Intensity Subzone 2.1, 2.3
		SUBZONE	MISSING - relevant subzone criteria	INSERT reference Medium-High Intensity Subzone [Built Form and Character DTS/DPF 2.2, 2.3, 2.4, 2.5
Table 3 - Performance Assessed Development				
	Carport	ZONE	MISSING Zone POs relevant to the assessment of a carport	INSERT Zone reference [Building Setbacks]: PO 3.1, 3.2, 3.3, 3.4, 3.5
		SUBZONE	MISSING relevant subzone criteria	INSERT reference North Adelaide Low Intensity Subzone: PO 2.1, 2.2, 2.3
		SUBZONE	MISSING relevant subzone criteria	INSERT reference Medium-High Intensity Subzone [Built Form and Character]: PO 2.2, 2.3, 2.4
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [All Residential Development – Ancillary Development]: PO 17.1, 17.2 and INSERT DTS/DPF 16.1, 16.2
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [Residential Development – 3 Building Levels or Less – External Appearance]: DTS 19.1 and INSERT PO 18.1
		GDP	ERROR- Transport, Access and Parking [Vehicle Access]: DTS 3.4 does not exist	DELETE reference to PO 3.4 from Transport, Access and Parking [Vehicle Access]: and INSERT additional PO 3.6
	Consulting Room	GDP	MISSING relevant criteria	INSERT additional reference Design in Urban Areas [All Development - Car Parking Appearance]: PO 6.2, 6.6, 6.7
		GDP	ERROR - number that doesn't exist is referenced	DELETE reference Design in Urban Areas [Water Sensitive Design]: PO 42.3
		GDP	MISSING reference to safety relevant to an assessment of a consulting room	INSERT reference Design in Urban Areas [Residential Development – All Development – Safety]: PO 2.1, 2.2
		GDP	MISSING reference to Landscaping relevant to an assessment of a consulting room	INSERT reference Design in Urban Areas [Residential Development – All Development – Landscaping]: PO 3.1
		GDP	MISSING reference to land use compatibility	INSERT reference Interface Between Land Uses [General Land Use Compatibility]: PO 1.2
		GDP	MISSING - many Vehicle Access POs relevant to an assessment of a consulting room	INSERT additional reference Transport, Access and Parking [Vehicle Access]: PO 3.2, 3.3, 3.4, 3.9
		GDP	MISSING - many Vehicle Parking Area POs relevant to an assessment of a consulting room	INSERT additional reference Transport, Access and Parking [Vehicle Parking Areas]: PO 6.2, 6.7
		GDP	MISSING reference to Sightlines	INSERT reference Transport, Access and Parking [Sightlines]: PO 2.1
		GDP	MISSING reference to Undercroft Parking	INSERT reference Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: PO 7.1
	Dwelling Addition	GDP	MISSING reference to PO 11.1	INSERT reference Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [Residential Development – 3 Building Levels or Less – External Appearance]: PO 19.1, 19.2, 19.3 and INSERT PO 18.1, 18.3

Number	Description	Transition category	Where has it been included?	Comments
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [Residential Development – 3 Building Levels or Less – Overlooking and Visual Privacy]: PO 20.1 and INSERT PO 19.1
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Private Open Space]: PO 21.1, 21.2, 21.3 and INSERT PO 20.1, 20.2, 20.3
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Waste Storage]: PO 25.1 and INSERT PO 24.1
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING no reference has been made to land contamination	INSERT reference Site Contamination: PO 1.1
	Detached Dwelling	GDP	MISSING reference to PO 11.1	INSERT additional reference Infrastructure and Renewable Energy Facilities [Water Supply]: PO 11.1
		GDP	MISSING reference to external appearance	INSERT reference Design in Urban Areas [All Development – External Appearance]: PO 1.1, 1.3
		GDP	ERROR references incorrect heading	DELETE reference Design in Urban Areas [All Development – Car Parking Appearance]: PO 6.1 and INSERT Design in Urban Areas [All Development – Vehicle Parking Areas]: PO 6.1
		GDP	MISSING - General Development Policy is missing and should apply	INSERT reference Design in Urban Areas [All Development - Earthworks]: PO 7.1
		GDP	MISSING - General Development Policy is missing and should apply	INSERT reference Design in Urban Areas [All Development - Walls and Fences]: PO 8.1
		GDP	UNCLEAR why provision is included on ancillary buildings	DELETE reference Design in Urban Areas [All Residential Development – Access and Servicing]: PO 16.1
		GDP	ERROR - incorrect number referenced	DELETE reference Design in Urban Areas [All Residential Development – Flooding]: PO 18.1 and INSERT PO 17.1
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [Residential Development – 3 Building Levels or Less – External Appearance]: PO 19.1, 19.2, 19.3 and INSERT PO 18.1, 18.3
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [Residential Development - 3 Building Levels or Less - Overlooking/Visual Privacy]: PO 20.1 and INSERT PO 19.1
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Private Open Space]: PO 21.1, 21.2, 21.3 and INSERT PO 20.1, 20.2, 20.3
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Landscaping]: PO 22.1, 22.2 and INSERT All
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Water Sensitive Design]: PO 23.1, 23.2, 23.3 and INSERT PO 22.1, 22.2, 22.3
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Car Parking and Manoeuvrability]: PO 24.1, 24.2, 24.3, 24.4, 24.5, 24.6 and INSERT All
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Waste Storage]: PO 25.1 and INSERT All
		GDP	MISSING reference to land use compatibility	INSERT reference Interface Between Land Uses [General Land Use Compatibility]: PO 1.1
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING reference to minimising external noise to bedrooms	INSERT reference Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.4
		GDP	MISSING reference to solar reflectivity and Glare	INSERT reference Interface Between Land Uses [Solar Reflectivity and Glare]: PO 7.1
	Educational Establishment	GDP	MISSING reference to land use compatibility	INSERT reference Interface Between Land Uses [General Land Use Compatibility]: PO 1.2

Number	Description	Transition category	Where has it been included?	Comments
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
Office		GDP	MISSING all the criteria applying to all development should apply	INSERT reference Design in Urban Areas [All Development]: All
		GDP	MISSING all the criteria applying to all development 4 or more building levels should apply	INSERT reference Design in Urban Areas [All Development - 4 or More Building Levels]: All
		GDP	NO LONGER REQUIRED As all policies for All Development - 4 or more Building levels should apply.	DELETE reference Design in Urban Areas [All Development - 4 or More Building Levels - Water Supply]: PO 12.1, 12.2
		GDP	MISSING all the criteria applying to all non-residential development should apply	INSERT reference Design in Urban Areas [All Non-Residential Development]: All
		GDP	MISSING reference to land use compatibility	INSERT reference Interface Between Land Uses [General Land Use Compatibility]: PO 1.2
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING reference to minimising external noise to bedrooms	INSERT reference Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.2, 4.4
		GDP	MISSING reference to Light Spill	INSERT reference Interface Between Land Uses [Light Spill]: PO 6.1, 6.2
		GDP	MISSING reference to solar reflectivity and Glare	INSERT reference Interface Between Land Uses [Solar Reflectivity and Glare]: PO 7.1
		GDP	MISSING All transport criteria should apply	DELETE reference to individual Transport, Access and Parking and REPLACE and INSERT Transport, Access and Parking: All
Outbuilding (in the form of a garage)		ZONE	MISSING relevant Zone POs relevant to the assessment of an outbuilding	INSERT Zone reference [Built Form and Character]: PO 2.2, [Building Setbacks]: PO 3.1, 3.2, 3.3, 3.4, 3.5
		SUBZONE	MISSING relevant subzone criteria	INSERT reference North Adelaide Low Intensity Subzone [Built Form and Character]: PO 2.1, 2.2, 2.3
		SUBZONE	MISSING relevant subzone criteria	INSERT reference Medium-High Intensity Subzone [Built Form and Character]: PO 2.2, 2.3, 2.4, 2.5
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [All Residential Development – Ancillary Development]: PO 17.1, 17.2 and INSERT DTS/DPF 16.1, 16.2
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [Residential Development – 3 Building Levels or Less – External Appearance]: PO 19.1 and INSERT PO 18.1
		GDP	MISSING - Vehicle Access PO relevant to an assessment of a outbuilding	INSERT additional reference Transport, Access and Parking [Vehicle Access]: PO 3.6
		GDP	MISSING - reference to earthworks and should apply	INSERT reference Design in Urban Areas [All Development - Earthworks]: PO 7.1
		GDP	MISSING - What about impact on Private Open Space	INSERT reference Design in Urban Areas [Residential Development - 3 Building Levels or Less - Private Open Space]: PO 20.1 INSERT reference Design in Urban Areas [Residential Development - 4 or More Building Levels or Less - Outlook and Visual Privacy]: PO 27.1
Outbuilding (not being a garage)		ZONE	MISSING relevant Zone POs relevant to the assessment of an outbuilding	Insert Zone reference [Built Form and Character]: PO 2.2, [Building Setbacks]: PO 3.1, 3.2, 3.3, 3.4, 3.5
		SUBZONE	MISSING relevant subzone criteria	INSERT reference North Adelaide Low Intensity Subzone [Built Form and Character]: PO 2.1, 2.2, 2.3
		SUBZONE	MISSING relevant subzone criteria	INSERT reference Medium-High Intensity Subzone [Built Form and Character]: PO 2.2, 2.3, 2.4
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [All Residential Development – Ancillary Development]: PO 17.1, 17.2 and INSERT PO 16.1, 16.2
Residential Flat Building		GDP	MISSING - reference to driveways and vehicle circulation relevant to the assessment of a residential flat building	INSERT additional reference Transport, Access and Parking [Vehicle Access]: PO 3.8, 3.9

Number	Description	Transition category	Where has it been included?	Comments
		GDP	MISSING - reference to Vehicle Parking Areas	INSERT reference Transport, Access and Parking [Vehicle Parking Areas]: PO 6.1
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING reference to minimising external noise to bedrooms	INSERT additional reference Interface Between Land Uses [Activities Generating Noise]: PO 4.3
	Retirement Facility	GDP	MISSING reference to Sightlines	INSERT reference Transport, Access and Parking [Sightlines]: All
		GDP	MISSING reference to Movement Systems	INSERT reference Transport, Access and Parking [Movement Systems]: All
		GDP	MISSING reference to land use compatibility	INSERT reference Interface Between Land Uses [General Land Use Compatibility]: PO 1.2
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT reference additional Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING reference to minimising external noise to bedrooms	INSERT additional reference Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.3
		GDP	MISSING reference to solar reflectivity and Glare	INSERT reference Interface Between Land Uses [Solar Reflectivity and Glare]: PO 7.1
	Row Dwelling	GDP	MISSING all of the policies relating to 'All Development' in Design and Urban Areas are relevant to the assessment of a row dwelling and should be included in the Assessment Table	DELETE reference to individual Design in Urban Areas [All Development] and REPLACE and INSERT Design in Urban Areas [All Development]: All
		GDP	MISSING all of the policies relating to 'All Development - 4 or More Building Levels' in Design and Urban Areas are relevant to the assessment of a row dwelling and should be included in the Assessment Table	DELETE reference to individual Design in Urban Areas [All Development - 4 or More Building Levels] POs and REPLACE with and INSERT Design in Urban Areas [All Development - 4 or More Building Levels]: All
		GDP	MISSING all of the policies relating to 'All Residential Development' in Design and Urban Areas are relevant to the assessment of a row dwelling and should be included in the Assessment Table	DELETE reference to individual Design in Urban Areas [All Residential Development] POs and REPLACE with and INSERT reference Design in Urban Areas [All Residential Development]: All
		GDP	MISSING all of the policies relating to 'Residential Development - 3 Building Levels or Less' in Design and Urban Areas are relevant to the assessment of a row dwelling and should be included in the Assessment Table	DELETE reference to individual Design in Urban Areas [Residential Development - 3 Building Levels or Less] POs and REPLACE with and INSERT reference Design in Urban Areas [Residential Development - 3 Building Levels or Less]: All
		GDP	MISSING all of the policies relating to 'Residential Development - 4 or More Building Levels' in Design and Urban Areas are relevant to the assessment of a row dwelling and should be included in the Assessment Table	DELETE reference to individual Design in Urban Areas [Residential Development - 4 or More Building Levels] POs and REPLACE with and INSERT reference Design in Urban Areas [Residential Development - 4 or More Building Levels]: All
		GDP	MISSING all of the policies relating to 'Group Dwellings' in Design and Urban Areas are relevant to the assessment of a row dwelling and should be included in the Assessment Table	INSERT reference Design in Urban Areas [Group Dwellings]: All
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING reference to minimising noise into bedrooms	INSERT reference Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.4

Number	Description	Transition category	Where has it been included?	Comments
Semi-Detached Dwellings		GDP	MISSING reference to relevant Car Parking Appearance policies	INSERT additional reference Design in Urban Areas [Car Parking Appearance]: PO 6.2, 6.3, 6.4, 6.5, 6.6, 6.7
		GDP	MISSING reference to relevant Outlook and Amenity Policies	INSERT additional Design in Urban Areas [All Residential Development - Outlook and Amenity]: PO 15.2
		GDP	ERROR - references Design in Urban Area [All Residential Development - Access and Servicing]: PO 16.1. There are headings listed as Access and servicing and 16.1 refers to ancillary dev which is not relevant to the Assessment of a Semi-Detached Dwelling	DELETE reference to Design in Urban Area [All Residential Development - Access and Servicing]: PO 16.1
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [All Residential Development - Flooding]: PO 18.1 and INSERT PO 17.1
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [Residential Development - 3 Building Levels or Less - External Appearance]: PO 19.1, 19.2, 19.3 and INSERT PO 18.1, 18.2, 18.3
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [Residential Development - 3 Building Levels or Less - Overlooking/Visual Privacy]: PO 20.1 and INSERT PO 19.1
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [All Residential Development - 3 Building Levels or Less - Private Open Space]: PO 21.1, 21.2, 21.3 and INSERT PO 20.1, 20.2, 20.3
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [All Residential Development - 3 Building Levels or Less - Landscaping]: PO 22.1, 22.2 and INSERT PO 21.1, 21.2
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [All Residential Development - 3 Building Levels or Less - Water Sensitive Design]: PO 23.1, 23.2, 23.3 and INSERT PO 22.1, 22.2, 22.3
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [All Residential Development - 3 Building Levels or Less - Car Parking and Manoeuvrability]: PO 24.1, 24.2, 24.3, 24.4, 24.5, 24.6 and INSERT Design in Urban Areas [All Residential Development - 3 Building Levels or Less - Car Parking and Manoeuvrability]: All
		GDP	ERROR - incorrect numbers referenced	DELETE reference Design in Urban Areas [All Residential Development - 3 Building Levels or Less - Waste Storage]: PO 25.1 and INSERT Design in Urban Areas [All Residential Development - 3 Building Levels or Less - Waste Storage]: All
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		Shop		GDP
GDP	MISSING reference to safety policies applicable to the assessment of a			INSERT reference Design in Urban Area [All Development- Safety]: PO 2.1, 2.2, 2.3, 2.4
GDP	MISSING reference to environmental performance policies applicable to the assessment of a shop			INSERT reference Design in Urban Area [All Development- Environmental Performance]: PO 4.2, 4.3
GDP	MISSING reference to relevant Car Parking Appearance policies			INSERT additional reference Design in Urban Areas [Car Parking Appearance]: PO 6.2
GDP	ERROR - incorrect numbers referenced			DELETE reference Design in Urban Areas [All Development - Water Sensitive Design]: PO 42.1 and INSERT Design in Urban Areas [All Development - Water Sensitive Design]: PO 41.1, 41.3
GDP	MISSING reference to washdown policies			INSERT reference Design in Urban Areas [All Development - Washdown]: PO 42.1

Number	Description	Transition category	Where has it been included?	Comments
		GDP	ERROR incorrect reference to Design in Urban Areas [Water Supply]: PO 12.1, 12.2 and INSERT esign in Urban Areas [Site Facilities/Waste Storage]: PO 12.1, 12.2. Should relate to Site Facilities/Waste Storage	DELETE reference to Design in Urban Areas [Water Supply]: PO 12.1, 12.2 and INSERT esign in Urban Areas [Site Facilities/Waste Storage]: PO 12.1, 12.2
		GDP	MISSING reference to land use compatibility	INSERT reference Interface Between Land Uses [General Land Use Compatibility]: PO 1.2
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING all Movement Systems policies should apply to an assessment of shop	DELETE reference Transport, Access and Parking [Movement Systems]: PO 1.4 and INSERT All
		GDP	MISSING all Vehicle Access policies should apply to an assessment of	DELETE reference Transport, Access and Parking [Vehicle Access]: PO 3.1, 3.5, 3.6 and INSERT All
		GDP	MISSING relevant Vehicle Parking Area policies relevant to the assessment of a shop	INSERT additional reference Transport, Access and Parking [Vehicle Parking Areas]: PO 6.2, 6.7
	Student Accommodation	GDP	MISSING reference to land use compatibility	INSERT reference Interface Between Land Uses [General Land Use Compatibility]: PO 1.1, 1.2
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING reference to minimising external noise to bedrooms	INSERT additional reference Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.3
	Supported Accommodation	GDP	MISSING all Movement Systems policies should apply to an assessment of supported accommodation	INSERT reference Transport, Access and Parking [Movement Systems]: All
		GDP	MISSING reference to Sightlines	INSERT reference Transport, Access and Parking [Sightlines]: All
		GDP	ERROR Student Accommodation is not relevant to the assessment of Supported accommodation	DELETE reference to Design in Urban Areas [Student Accommodation]: All
		GDP	Missing Supported Accommodation policies	INSERT reference Design in Urban Areas [Supported Accommodation]: All
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING reference to minimising external noise to bedrooms	INSERT additional reference Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.3
		GDP	MISSING reference to solar reflectivity and Glare	INSERT reference Interface Between Land Uses [Solar Reflectivity and Glare]: PO 7.1

Zone	<table border="1"> <tr> <td>1 - Included in the Code and retains same policy intent</td> <td>9%</td> </tr> <tr> <td>2 - Wording changed but policy intent remains (OK)</td> <td>32%</td> </tr> <tr> <td>3 - Included in the Code but policy intent changed (NOT OK)</td> <td>0%</td> </tr> <tr> <td>4 - Not included in the Code but OK to remove</td> <td>23%</td> </tr> <tr> <td>5 - Not included in the Code and should be reinstated</td> <td>36%</td> </tr> </table>		1 - Included in the Code and retains same policy intent	9%	2 - Wording changed but policy intent remains (OK)	32%	3 - Included in the Code but policy intent changed (NOT OK)	0%	4 - Not included in the Code but OK to remove	23%	5 - Not included in the Code and should be reinstated	36%
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4 - Not included in the Code but OK to remove	23%											
5 - Not included in the Code and should be reinstated	36%											
Policy area(s)	PA29 East Terrace Policy Area											
General comments	Within the City Living Zone - This area is quite different to the other areas within the residential areas of South Adelaide as are the policies. It is recommended that this Policy Area have its own subzone to reflect the pattern of development expected for the area											
Number	Description	Transition category	Where has it been included?	Comments								
Desired Character												
	The Policy Area will be developed in a manner which reinforces the existing character of grand buildings set on attractive, landscaped grounds in a Park Lands edge setting. Development will continue to provide a high level of amenity and with a mix of residential dwelling types and styles, including the continued development of residential flat buildings which are complementary in design to the many State and Local Heritage Places. Wakefield Street will continue to provide a mix of uses, either wholly residential or non-residential land uses on lower levels with residential at upper levels.	5		<p>Landscape setting around the buildings along East Terrace and the eastern corner of South Terrace are important and are a well valued unique character of the area. This setting should be retained and the first half of the policy should be included as DOs within a new 'East Terrace Subzone' as follows:</p> <p><i>DO1</i> Grand buildings set on attractive, landscaped grounds in a Park Lands edge setting.</p> <p><i>DO2</i> Development will continue to provide a high level of amenity with a mix of residential dwelling types and styles, that are complementary in design to the many State and Local Heritage Places.</p>								
	Development will continue to provide for substantial, high quality landscaped open spaces in order to frame East Terrace and provide a distinct edge to the City. Private properties will be defined by formal fencing which allows for views to, and an appreciation of, the distinctive garden setting and spacious character at-ground underpinned by the rhythm of front and side boundary setbacks.	5		<p>High quality landscaped open spaces are important to the character of this area. Retain policy and include as POs under a 'Built Form and Character' heading within a new East Terrace SubZone within the City Living Zone as follows.</p> <p><i>PO 2.1</i> "Development will continue to provide for substantial, high quality landscaped open spaces in order to frame East Terrace and provide a distinct edge to the City."</p> <p><i>PO 2.2</i> "Private properties will be defined by formal fencing which allows for views to, and an appreciation of, the distinctive garden setting and spacious character at-ground underpinned by the rhythm of front and side boundary setbacks."</p>								
	Buildings will be massed vertically or comprise narrow frontage elements with generous front and side setbacks with building façades that are well articulated with finer details that contribute positively to the public realm and residential character.	5		<p>Aspects of this policy particularly the role of a buildings contribution and its affect on the public realm is important to the look and feel of the City It is recommended the following PO is included within the Capital City Zone under the heading 'Built Form and Character':</p> <p><i>PO</i> "Buildings designed to ensure tall façades are well articulated with finer details that contribute positively to the public realm, including modelled façades, canopies, fenestration and balconies."</p>								
	Vehicle movement will be primarily for local and visitor traffic, although East Terrace will continue to act as a strong pedestrian and cyclist link between the City and the Park Lands.	4										
	Catalyst sites provide opportunities for integrated developments on large sites that respond to the development's context and provide opportunities to increase the residential population of the City. Such sites will generally be developed for housing, but may include a small amount of non-residential development such as cafés, restaurants or small-scale shops that create a greater level of activity fronting the Park Lands. Non-residential developments that provide additional community services and facilities may also occur.	2	City Living Zone PO 4.2									

Number	Description	Transition category	Where has it been included?	Comments
	Developments on catalyst sites will exemplify quality contemporary design that is generally of greater intensity than their surroundings. However, development will be designed to carefully manage the interface with any residential development, particularly with regard to massing; proportions; overshadowing; and traffic and noise-related impacts.	4	City Living Zone PO 4.3	
Policy Objectives				
1	Development that strengthens, achieves and is consistent with the desired character for the Policy Area.	4		
Principles of Development Control				
Land Use				
1	The Policy Area will primarily comprise detached and semi-detached dwellings and residential flat buildings.	2	City Living Zone DTS.DPF 1.1	DTS/DPF 1.1 within the City Living Zone be revised to include after the word Dwelling " <i>(detached and semi-detached)</i> "
2	Non-residential development should only be developed fronting Wakefield Street or on a catalyst site, where non-residential development is appropriate at the ground and or first floor and residential development above.	5		It is recommended that this policy be included as the following PO under the heading "Land Use and Intensity" within a new East Terrace SubZone within the City Living Zone as follows to ensure that non-residential uses are located in appropriate locations with minimal impact quality or amenity of living conditions. <i>PO 1.1</i> <i>"Non-residential development is only envisaged on sites fronting Wakefield Street or on a catalyst site, where non-residential development is appropriate at the ground and or first floor and residential development above."</i>
Form and Character				
3	Development should be consistent with the Desired Character for the Policy Area.	4		
Design and Appearance				
4	Development should maintain the traditional siting patterns of large buildings set in generous landscaped grounds with substantial front and side boundary set-backs.	5		High quality landscaped open spaces are important to the character of this area. Retain policy and include within a new Subzone 'East Terrace Subzone' and include the following PO under the heading Built Form and Character: <i>Development to continue the traditional siting patterns of large buildings set in generous, high quality landscaped grounds with substantial front and side boundary set-backs to frame East Terrace and provide a distinct edge to the City.</i>
5	A minimum of 30 percent landscaped open space should be provided on the site of any development.	5		FURTHER INVESTIGATION REQUIRED. There are no policies within the code that address the importance of Landscaped Open Space. This is important to the character and setting of many buildings within North Adelaide and South Adelaide.
6	Landscaped open space should be arranged and planted in a manner which will: (a) provide for the retention of existing significant vegetation; (b) reasonably maintain and enhance the established predominant amenity and landscape character of the locality; and (c) respect the amenity of abutting residential allotments to the rear.	5		High quality landscaped open spaces are important to the character of this area. Retain policy and include within a new Subzone 'East Terrace Subzone' and include the following PO under the heading Built Form and Character: <i>DTS/DPF 2.1</i> <i>"Landscaped open space arranged and planted in a manner that: (a) provides for the retention of existing significant vegetation; (b) reasonably maintains and enhances the established predominant amenity and landscape character of the locality; and (c) respects the amenity of abutting residential allotments to the rear."</i>
7	Except on sites greater than 1500 square metres in area (which may include one or more allotment), plot ratio should not exceed 1.8.	2		Requires further review. Plot ratio has been removed and replaced with minimum lot sizes, total roofed area, site frontages and setbacks.
8	Development should not exceed 4 storeys or 14 metres building height except where one of the following applies: (a) on sites greater than 1500 square metres in area (which may include one or more allotment); or (b) within the areas indicates on policy area Maps Adel/51, 57 and 63 where development should not exceed 2 storeys.	5	Consistent with TNV Overlay for maximum building height for part of the areas (4 storeys/15 metres).	ERROR - TNV Building Height Overlay for south eastern corner of the PA should be 2 storeys. The TNV Overlay sets it at 15 metres and 3-4 storeys. This is inconsistent with the current height requirements.
9	Except within the areas indicated on Policy Area Maps Adel/51, 57 and 63, development should have a minimum building height of 3 storeys to provide optimal height and floor space yields that activate and frame the Park Lands.	2	Consistent with TNV Overlay for minimum building height (3 storeys).	

Number	Description	Transition category	Where has it been included?	Comments
Catalyst Sites				
10	Development on catalyst sites (sites greater than 1500 square metres, which may include one or more allotment) should include medium to high scale residential development.	1	City Living Zone PO 4.1	
11	Small-scale shops, cafés or restaurants on catalyst sites should generally be integrated with residential development and located at ground or first floor level to increase street level activity facing the Park Lands.	1	City Living Zone PO 4.2	
12	Catalyst sites should be developed to manage the interface with residential development with regard to intensity of use, overshadowing, massing, building proportions and traffic to minimise impacts on residential amenity.	2	City Living Zone PO 4.3	
13	Parts of a development on a catalyst site that exceed the prescribed maximum building height that applies to non-catalyst sites in the Policy Area, and that are directly adjacent to the Adelaide Historic (Conservation) Zone boundary should be designed to minimise visual impacts on sensitive uses in the adjoining zones and to maintain the established or desired future character of the area. This may be achieved through a number of techniques such as additional setback, avoiding tall sheer walls, centrally locating taller elements, providing variation of light and shadow through articulation to provide a sense of depth and create visual interest, and the like.	2	City Living Zone PO 4.4 and DTS/DPF 4.4	
14	The scale of development on a catalyst site should respond to its context, particularly the nature of the adjacent land uses and the interface treatments required to address impacts on sensitive uses.	2	Similarly addressed within City Living Zone PO 4.4 and DTS/DPF 4.4	
15	Where there is an apparent conflict between the catalyst site principles and Zone, Policy Area or Council Wide objectives and principles (including the quantitative provisions) the catalyst site principles will take precedence.	4		No longer required
NEW CONTENT IN THE CODE (insert below)				
DO2	Redevelopment of existing non-residential sites into integrated mixed use developments to increase the residential population and vibrancy of the area.			Supported
PO 1.1	Redevelopment of existing non-residential sites into integrated mixed use developments to increase the residential population and vibrancy of the area.			Supported
DTS/DPF 1.1	Residential development in the form of detached, semi-detached or row dwellings, or alterations and additions to existing buildings			Supported
PO 2.2	Buildings setback from primary street boundaries to complement the existing streetscape character.			Supported
DTS/DPF 2.2	Building setbacks at least (whichever is the lesser):			Supported
	a. 3m; or			Needs review
	b. the average of existing buildings on the adjoining sites that face the same street			Supported
PO 2.3	Buildings set back from secondary street boundaries to maintain a pattern of separation between building walls and public thoroughfares and reinforce a streetscape character.			Supported
DTS/DPF 2.3	Buildings no closer than 600mm to the secondary street boundary.			Supported
PO 2.4	Buildings are setback from rear boundaries to provide:			Supported
	(a) access to natural light and ventilation for neighbours;			Supported
	(b) open space recreational opportunities; and			Supported
	(c) space for landscaping and vegetation.			Supported
DTS/DPF 2.4	Buildings are set back from the rear boundary at least:			Supported
	(a) 3m for the ground and first floor level; and			Supported
	(b) an additional 3m for each level above the first floor level.			Supported
PO 2.5	Boundary walls are limited in height and length to mitigate adverse impacts on the amenity of adjoining land users, include through an unreasonable loss of natural sunlight and ventilation.			Supported
DTS/DPF 2.5	For buildings that do not have a common wall, any wall sited on a side boundary:			Supported
	a. does not exceed 3m in height from the top of the footings;			Supported
	b. does not exceed 8m in length;			Supported
	c. when combined with other walls on the boundary, does not exceed 45% of the length of the boundary; and			Supported
	d. is setback at least 3 metres from any existing or proposed boundary walls.			Supported

Zone	1 - Included in the Code and retains same policy intent			0%
Policy area(s)	2 - Wording changed but policy intent remains (OK)			33%
	3 - Included in the Code but policy intent changed (NOT OK)			0%
	4 - Not included in the Code but OK to remove			52%
	5 - Not included in the Code and should be reinstated			14%
	PA30			
General comments				
This Policy Area is proposed to be located within the Capital City Zone - City Frame Subzone - all new policies now apply				
Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	The Policy Area will primarily contain medium scale residential development that takes advantage of the frontage to the Park Lands. The lower levels of buildings may be developed for non-residential uses where they are of a type, nature and size that make a positive contribution to residential amenity and the street level interface with the Park Lands.	2	Capital City Zone - City Frame SubZone DO 1, PO 1.1	Revise City Frame SubZone DO 1 and PO 1.1 to ensure the non-residential uses apply at ground level particularly as the SubZone primarily accommodates residential development.
	The location and scale of buildings will achieve high quality urban design outcomes with the highest built form along South Terrace facing the Park Lands. Development at the entrance to the City grid on the corner of Hutt Street will create landmark buildings.	2	Capital City Zone PO 3.3.	
	Buildings will have minimal or no setback and provide tall walls when viewed from the main road frontage to achieve a consistent built form façade and a sense of address to the Park Lands. Landscaping and small variations in front setback will assist in softening the continuous edge of new built form and provide a higher amenity streetscape and pedestrian environment which is shaded by street trees and other mature vegetation.	2	Capital City Zone PO 3.3 and City Frame SubZone PO 2.1	
	Buildings will have a strong horizontal emphasis with clearly defined and segmented vertical elements. At street level, the use of solid materials will be appropriately balanced with glazed areas to provide visual interest and activity. Building façades will be well articulated with finer details that contribute positively to the public realm, including modelled façades, canopies, fenestration and balconies that make use of light and shade. An interesting pedestrian environment and human scale at ground level which integrates well with the Park Lands will be created.	5		Articulation of buildings and horizontal and vertical elements are an important part of the underlying character of the City and it important it is included within the Code. On this basis it is recommended the following POs are included within Capital City Zone under the heading 'Built Form and Character': <i>PO</i> <i>"Buildings designed to have a strong horizontal emphasis with clearly defined and segmented vertical elements. At street level, the use of solid materials will be appropriately balanced with glazed areas to provide visual interest and activity."</i> <i>PO</i> <i>"Buildings designed to ensure tall façades are well articulated with finer details that contribute positively to the public realm, including modelled façades, canopies, fenestration and balconies."</i>
	Catalyst sites provide opportunities for integrated developments on large sites that respond to the development's context and provide opportunities to increase the residential population of the City. Such sites will generally be developed for housing, but may include a small amount of non-residential development such as cafés, restaurants or small-scale shops that create a greater level of activity fronting the Park Lands. Non-residential developments that provide community services and facilities may also occur.	4		
	Developments on catalyst sites will exemplify quality and contemporary design that is generally of greater intensity than their surroundings. However, development will be designed to carefully manage the interface with any residential development, particularly with regard to massing; proportions; overshadowing; and traffic and noise-related impacts.	4		
Policy Objectives				
1	Development that strengthens, achieves and is consistent with the desired character for the Policy Area.	4		
Principles of Development Control				
Land Use				
1	The Policy Area will primarily comprise residential development or mixed use buildings where non-residential development is appropriate at the ground and or first floor.	2	Capital City Zone - City Frame SubZone DO 1, PO 1.1	
Form and Character				
2	Development should be consistent with the Desired Character for the Policy Area.	4		

Number	Description	Transition category	Where has it been included?	Comments
Design and Appearance				
3	Except where located on a site greater than 1500 square metres (which may include one or more allotment, building height should not exceed 22 metres	2	Consistent with TNV Overlay for maximum building height of 6 storeys	
4	Development should have a minimum building height of 4 storeys, except where adjacent to a heritage place, to provide optimal height and floor space yields that activate and frame the Park Lands.	2	Consistent with TNV Overlay for minimum building height	
5	Buildings (excluding verandahs, porticos and the like) should be built to the primary road frontage with landscaping to maintain and enhance the pattern of development in the locality.	2	Capital City Zone PO 3.3	
6	The ground floors of buildings should have a minimum floor to ceiling height of 3.5 metres to allow for adaptation to a range of land uses including shops, cafés, restaurants or offices without the need for significant alterations to the building.	5		This policy is important as it allows for the future adaption of a range of uses within ground floor tenancies and should be included within the Code. Should be included in the Design in Urban Areas
7	Buildings on sites with a frontage greater than 10 metres should be articulated through variations in forms, materials, openings and colours.	5		Include within the General Development Policies - Design in Urban Areas (All Development). Articulation through building form, materials opening and colours are important elements of good building design and should be applied to all development.
8	Development on land directly abutting the South East Policy Area should avoid tall, sheer walls at the interface by ensuring walls greater than 3 metres in height are set back at least 2 metres from the rear allotment boundary with further articulation at the upper levels.	4		This policy is no longer relevant as the area of land no longer abuts the south east policy area boundaries.
Catalyst Sites				
9	Development on catalyst sites (sites greater than 1500 square metres, which may include one or more allotment) should be comprised of medium to high scale residential.	4		
10	Small-scale shops, cafés or restaurants on catalyst sites should generally be integrated with residential development and located at ground or first floor level to increase street level activity facing the Park Lands.	4		
11	Catalyst sites should be developed to manage the interface with the residential development with regard to intensity of use, overshadowing, massing, building proportions and traffic to minimise impacts on residential amenity.	4		
12	Parts of a development on a catalyst site that exceed the prescribed maximum building height that applies to non-catalyst sites should be designed to minimise visual impacts on sensitive uses in the adjoining zones and to maintain the established or desired future character of the area. This may be achieved through a number of techniques such as additional setback, avoiding tall sheer walls, centrally locating taller elements, providing variation of light and shadow through articulation to provide a sense of depth and create visual interest, and the like.	4		
13	The scale of development on a catalyst site should respond to its context, particularly the nature of adjacent land uses and the interface treatments required to address impacts on sensitive uses.	4		
14	Where there is an apparent conflict between the catalyst site principles and Zone, Policy Area or Council Wide objectives and principles (including the quantitative provisions) the catalyst site principles will take precedence.	4		No longer required
NEW CONTENT IN THE CODE (insert below)				
	This Policy Area is proposed to be located within the Capital City Zone - City Frame Subzone - all new policies now apply			

Zone				1 - Included in the Code and retains same policy intent	0%
				2 - Wording changed but policy intent remains (OK)	33%
				3 - Included in the Code but policy intent changed (NOT OK)	0%
				4 - Not included in the Code but OK to remove	33%
				5 - Not included in the Code and should be reinstated	33%
General comments	Now within City Living Zone - Medium-High Intensity SubZone				
Number	Description	Transition category	Where has it been included?	Comments	
Desired Character					
	The Policy Area will be enhanced as an attractive residential locality with a high level of residential amenity. The Policy Area contains a large number of State and Local Heritage Places.	4			
	Development will comprise residential buildings that are consistent with the existing palette of primarily street-fronting dwellings (detached, semi-detached and row dwellings) and the prevailing building scale and character. Residential flat buildings may be appropriate where they are developed on larger sites to provide an increase in dwelling density. Further development of land for non-residential uses is limited to land and buildings in non-residential use.	2	City Living Zone DTS/DPF 1.4 and Medium-High Intensity SubZone DO 2, DTS/DPF 1.1		
	Development will be designed to complement the existing streetscape comprising the more spacious settings on the main east-west streets, Carrington, Halifax and Gilles Streets, and the intimacy of the smaller streets and laneways.	5		<p>Include the following PO within the City Living Zone under the heading 'Built Form and Character' as the policy provides important guiding principles for new development in these specific areas:</p> <p>PO <i>"Within the south-east of the City, development designed to complement the existing streetscape comprising the more spacious settings on the main east-west streets, Carrington, Halifax and Gilles Streets, and the intimacy of the smaller streets and laneways."</i></p>	
	Dwellings will be varied but will be consistent with the prevailing rhythm of buildings and spaces. Infill development will take particular reference from the siting, form and key elements of existing buildings to ensure a highly attractive and compatible streetscape. The predominant building scale and heritage places in the immediate locality will be referenced by new buildings/additions, particularly as they address public streets. Opportunities may be available for carefully composed and sited second and third building levels which are suitably removed from street view, and with limited impact on the low scale setting of such places.	5		<p>Include the following PO within the City Living Zone under the heading 'Built Form and Character' as the policy provides important guiding principles for new development in the these well established areas:</p> <p>PO 2. <i>"Residential development in the form of dwellings designed to maintain a low scale at street level to complement the existing character established by the original, historic dwelling stock. Dwellings will be varied but will be consistent with the prevailing rhythm of buildings and space."</i></p> <p>PO 2. <i>"Infill development will take particular reference from the siting, form and key elements of existing buildings to ensure a highly attractive and compatible streetscape."</i></p> <p>PO 2. <i>"The predominant building scale and heritage places in the immediate locality will be referenced by new buildings/additions, particularly if they address public streets."</i></p>	

Number	Description	Transition category	Where has it been included?	Comments
	The high quality of landscaping, of both public and private space will provide a high level of pedestrian and cyclist amenity. Vehicle movement will be primarily for local and visitor traffic, with an increasing facilitation of pedestrian and cycling links to both the inner City and Park Lands.	2	Addressed sufficiently in General Development Policies Design in Urban Areas PO 3.1	
	The key development area indicated on Figure SE/1 afford significant opportunities for integrated developments which increase the residential population within the Policy Area. The area will generally be developed for housing, but may include a small amount of non-residential uses sited to support street activation and providing residential amenity is maintained. Development will exemplify quality contemporary design that is generally of greater intensity than its surrounding and will comprise a number of individual buildings in a spacious, well landscaped setting designed to carefully manage the interface with adjacent residential development, particularly with regard to massing, proportions, overshadowing, traffic and noise. High regard is to be had to reflecting each key development areas context, in particular with regard to state and local heritage places, subdivision pattern and movement.	5		ERROR - Figure SE/1 is missing from the Code as well as the relevant guiding policies. Figure SE/1 and the guiding principle should be included within the City Living Zone Medium -High Intensity SubZone under a new heading 'Key Development Area' to guide the form of development appropriate for this site: PO 3. <i>Development within the key development area indicated on Figure SE/1 to:</i> <i>(a)provide a wide variety of housing types and tenures;</i> <i>(b)site small scale non-residential development to assist activating public realm spaces, in particular Regent Street North;</i> <i>(c)maintain the existing role in provision of affordable housing;</i> <i>(d)occur in a coordinated manner with innovative design responses that complement the areas context and contribute positively to the public realm;</i> <i>(e)be developed in a manner consistent with the built form, street character and interface relationships indicated on Figure SE/1;</i> <i>(f)comprise a variety of building forms in a number of separate buildings of between 2 and 8 storeys separated by landscaped open space areas for residents and visitors;</i> <i>(g)locate taller building forms in proximity to the Capital City Zone to provide an orderly transition from the generally lower scale residential context;</i> <i>(h)incorporate appropriately sited, orientated, scaled and proportioned buildings to street frontages that reflect the historic pattern and rhythm of development in the locality; and</i> <i>(i)contribute to a residential appearance to the street frontages by design treatments and by minimal and shared vehicle access points</i>
Policy Objectives				
1	Development that strengthens, achieves and is consistent with the desired character for the Policy Area.	4		
Principles of Development Control				
Land Use				
1	The Policy Area will primarily comprise detached and semi-detached dwellings and residential flat buildings.	2	City Living Zone - Medium-High Intensity SubZone DTS/DPF 1.1	
Form and Character				
2	Development should be consistent with the Desired Character for the Policy Area.	4		
Design and Appearance				
3	The plot ratio should not exceed 0.8, except for the key development area indicated on Figure SE/1.	4		Requires further review. Plot ratio has been removed and replaced with minimum lot sizes, total roofed area, site frontages and setbacks.
4	The dwelling unit factor of development is 120 square metres, except for the key development area indicated on Figure SE/1.	2	Consistent with minimum lot size TNV Overlay.	
5	A minimum of 20 percent landscaped open space should be provided on the site of any development.	5		FURTHER INVESTIGATION REQUIRED. There are no policies within the code that address the importance of Landscaped Open Space. This is important to the character and setting of many buildings within North Adelaide and South Adelaide.
6	Development should not exceed 3 storeys or 11 metres building height except where one of the following applies: (a) within the key development area indicated on Figure SE/1; or (b) within the areas indicated on Policy Area Maps Adel/56, 57 and 63 where development should not exceed 2 storeys.	4	Consistent with Height TNV Overlays	

Number	Description	Transition category	Where has it been included?	Comments
7	<p>Development to a maximum building height of 3 storeys or 11 metres is appropriate where:</p> <p>(a) the scale relationship of the proposed building with neighbouring buildings is satisfactory; and</p> <p>(b) the amenity impacts on adjacent sites acceptable.</p> <p>except where located on land within the areas indicated on Policy Area Maps Adel/56, 57 and 63, where development up to 2 storeys is appropriate.</p>	2	Consistent with Height TNV Overlays	<p>Include parts a, b and c of the policy as a PO within the City Living Zone under the heading 'Built Form and Character':</p> <p>PO</p> <p>"Development up to the maximum building is appropriate where:</p> <p>a.the scale of the proposed building is compatible with scale and siting of adjacent buildings; and</p> <p>b.there is no adverse impacts on the established residential amenity ."</p>
Key Development Area				
8	<p>Development on the key development area indicated on Figure SE/1 should:</p> <p>(a) comprise a wide variety of housing types and tenures. Small scale non-residential development sited to assist activating public realm spaces, in particular Regent Street North, may occur;</p> <p>(b) maintain each key development areas existing role in provision of affordable housing;</p> <p>(c) occur in a coordinated manner with innovative design responses complementary to each areas context and contributing positively to the public realm;</p> <p>(d) be developed in a manner generally consistent with the built form, street character and interface relationships indicated on Figure SE/1;</p> <p>(e) comprise a variety of building forms in a number of separate buildings of between 2 and 8 storeys separated by landscaped open space areas for residents and visitors. The taller building forms are to be located in proximity to the Capital City Zone and City Frame Zone in order to provide an orderly transition from the generally lower scale residential context;</p> <p>(f) incorporate appropriately sited, orientated, scaled and proportioned buildings to street frontages that reflect the historic pattern and rhythm of development in the locality; and</p> <p>(g) contribute to a residential appearance to the street frontages by design treatments and by minimal and shared vehicle access points.</p>	5		<p>ERROR - Figure SE/1 is missing from the Code as well as the relevant guiding policies. Figure SE/1 and the guiding principle should be included within the City Living Zone Medium -High Intensity SubZone under a new heading 'Key Development Area' to guide the form of development appropriate for this site:</p> <p>PO 3:</p> <p>Development within the key development area indicated on Figure SE/1 to:</p> <p>(a)provide a wide variety of housing types and tenures;</p> <p>(b)site small scale non-residential development to assist activating public realm spaces, in particular Regent Street North;</p> <p>(c)maintain the existing role in provision of affordable housing;</p> <p>(d)occur in a coordinated manner with innovative design responses that complement the areas context and contribute positively to the public realm;</p> <p>(e)be developed in a manner consistent with the built form, street character and interface relationships indicated on Figure SE/1;</p> <p>(f)comprise a variety of building forms in a number of separate buildings of between 2 and 8 storeys separated by landscaped open space areas for residents and visitors;</p> <p>(g)locate taller building forms in proximity to the Capital City Zone to provide an orderly transition from the generally lower scale residential context;</p> <p>(h)incorporate appropriately sited, orientated, scaled and proportioned buildings to street frontages that reflect the historic pattern and rhythm of development in the locality; and</p> <p>(i)contribute to a residential appearance to the street frontages by design treatments and by minimal and shared vehicle access points</p>

Number	Description	Transition category	Where has it been included?	Comments
NEW CONTENT IN THE CODE (insert below)				
	Medium-High Intensity SubZone			
DO2	Redevelopment of existing non-residential sites into integrated mixed use developments to increase the residential population and vibrancy of the area.			Supported
PO 1.1	Redevelopment of existing non-residential sites into integrated mixed use developments to increase the residential population and vibrancy of the area.			Supported
DTS/DPF 1.1	Residential development in the form of detached, semi-detached or row dwellings, or alterations and additions to existing buildings			Supported
PO 2.2	Buildings setback from primary street boundaries to complement the existing streetscape character.			Supported
DTS/DPF 2.2	Building setbacks at least (whichever is the lesser): a. 3m; or b. the average of existing buildings on the adjoining sites that face the same street			Supported Supported Needs review - delete Supported
PO 2.3	Buildings set back from secondary street boundaries to maintain a pattern of separation between building walls and public thoroughfares and reinforce a streetscape character.			Supported
DTS/DPF 2.3	Buildings no closer than 600mm to the secondary street boundary.			Supported
PO 2.4	Buildings are setback from rear boundaries to provide: (a) access to natural light and ventilation for neighbours; (b) open space recreational opportunities; and (c) space for landscaping and vegetation.			Supported Supported Supported Supported
DTS/DPF 2.4	Buildings are set back from the rear boundary at least: (a) 3m for the ground and first floor level; and (b) an additional 3m for each level above the first floor level.			Supported Supported Supported
PO 2.5	Boundary walls are limited in height and length to mitigate adverse impacts on the amenity of adjoining land users, include through an unreasonable loss of natural sunlight and ventilation.			Supported
DTS/DPF 2.5	For buildings that do not have a common wall, any wall sited on a side boundary: a. does not exceed 3m in height from the top of the footings; b. does not exceed 8m in length; c. when combined with other walls on the boundary, does not exceed 45% of the length of the boundary; and d. is setback at least 3 metres from any existing or proposed boundary walls.			Supported Supported Supported Supported

Zone	<table border="1"> <tr> <td>1 - Included in the Code and retains same policy intent</td> <td>0%</td> </tr> <tr> <td>2 - Wording changed but policy intent remains (OK)</td> <td>58%</td> </tr> <tr> <td>3 - Included in the Code but policy intent changed (NOT OK)</td> <td>0%</td> </tr> <tr> <td>4 - Not included in the Code but OK to remove</td> <td>25%</td> </tr> <tr> <td>5 - Not included in the Code and should be reinstated</td> <td>17%</td> </tr> </table>		1 - Included in the Code and retains same policy intent	0%	2 - Wording changed but policy intent remains (OK)	58%	3 - Included in the Code but policy intent changed (NOT OK)	0%	4 - Not included in the Code but OK to remove	25%	5 - Not included in the Code and should be reinstated	17%
1 - Included in the Code and retains same policy intent	0%											
2 - Wording changed but policy intent remains (OK)	58%											
3 - Included in the Code but policy intent changed (NOT OK)	0%											
4 - Not included in the Code but OK to remove	25%											
5 - Not included in the Code and should be reinstated	17%											
Policy area(s)	PA32											
General comments	Now within City Living Zone - Medium-High Intensity SubZone											
Number	Description	Transition category	Where has it been included?	Comments								
Desired Character												
	The Policy Area will provide for medium scale residential development supported by a range of uses that provide valued local services, including shops, offices and consulting rooms, as well as community service and education, that maintain the area's residential amenity. Development will provide an increase in dwelling density in order to increase residential population.	2	City Living Zone DO 1, PO 1.2, PO 2.1									
	Non-residential land uses such as shops, consulting rooms and offices are appropriate at the ground level of buildings. Education facilities will continue to be established. The Policy Area will gradually provide a shift in dwelling form from detached and semi-detached dwellings to moderately scaled residential flat buildings providing relief in scale from the adjoining Capital City, Main Street and City Frame Zones. Wholesale redevelopment of non-residential sites should be for ground level non-residential and with residential above.	2	City Living Zone PO 1.2									
	Buildings will have a strong horizontal emphasis with clearly defined and segmented vertical elements. Façades will be well articulated with finer details that contribute positively to the public realm, including modelled façades, verandahs, fenestration and balconies that make use of light and shade.	5		These important design elements are an important to the character of the City Living Zone and it is important they are include within the Code. Include the following PO within the City Living Zone under the heading 'Built Form and Character': <i>"Buildings designed to have a strong horizontal emphasis with clearly defined and segmented vertical elements. Façades will be well articulated with finer details that contribute positively to the public realm, including modelled façades, verandahs, fenestration and balconies."</i>								
	At street level, visual interest and activity will be enhanced through considered design approaches, including buildings that contribute towards activating the street, by the careful treatment of driveways and access areas, and by avoiding blank walls at street level.	2	General Development Policies PO 1.2, PO 1.3, PO 6.6									
	The high quality of landscaping, of both public and private space, will provide the Policy Area a high level of amenity. Vehicle movement within the Policy Area will be primarily for local and visitor traffic, with an increasing promotion of pedestrian and cycling links through the City.	2	Addressed sufficiently in General Development Policies Design in Urban Areas PO 3.1									
Policy Objectives												
1	Development that strengthens, achieves and is consistent with the desired character for the Policy Area.	4										
Principles of Development Control												
Land Use												
1	The Policy Area will primarily comprise residential development or mixed use buildings where non-residential development is appropriate at the ground or first floor.	2	City Living Zone - Medium-High Intensity SubZone DO 1, DO 2	Revise PO 1.2 to include non-residential uses to be located at ground level and worded as follows: <i>"Non-residential development at ground level provides a range of services to the local community primarily in the form of small scale commercial uses, community services:"</i>								
Form and Character												
2	Development should be consistent with the Desired Character for the Policy Area.	4										
Design and Appearance												
3	The plot ratio of development should not exceed 2.0.	4		Requires further review. Plot ratio has been removed and replaced with minimum lot sizes, total roofed area, site frontages and setbacks.								
4	Development should not exceed 4 storeys or 14 metres building height except where located within the areas indicated on Policy Area Maps Adel/56, 57, 61 and 63. Development within these areas should not exceed 2 storeys.	2	Consistent with maximum Height TNV Overlay									
5	Buildings should have a minimum building height of 2 storeys except where located within the areas indicated on Policy Area Maps Adel/56, 57, 61 and 63.	2	Consistent with minimum Height TNV Overlay									

Number	Description	Transition category	Where has it been included?	Comments
6	A minimum of 10 percent landscaped open space should be provided on the site of any development.	5		FURTHER INVESTIGATION REQUIRED. There are no policies within the code that address the importance of Landscaped Open Space. This is important to the character and setting of many buildings within North Adelaide and South Adelaide.
NEW CONTENT IN THE CODE (insert below)				
	MINIMUM LOT SIZE IS 100M2 within TNV Overlay Medium-High Intensity SubZone			
PO 1.1	Development of medium density accommodation types for living, including dwellings and supported accommodation.			Supported
DTS/DPF 1.1	Residential development in the form of detached, semi-detached or row dwellings, or alterations and additions to existing buildings			Supported
PO 2.2	Buildings setback from primary street boundaries to complement the existing streetscape character.			Supported
DTS/DPF 2.2	Building setbacks at least (whichever is the lesser): a. 3m; or			Supported Supported Needs review - delete
PO 2.3	b. the average of existing buildings on the adjoining sites that face the same street			Supported
DTS/DPF 2.3	Buildings set back from secondary street boundaries to maintain a pattern of separation between building walls and public thoroughfares and reinforce a streetscape character.			Supported
PO 2.4	Buildings no closer than 600mm to the secondary street boundary.			Supported
DTS/DPF 2.4	Buildings are setback from rear boundaries to provide: (a) access to natural light and ventilation for neighbours; (b) open space recreational opportunities; and (c) space for landscaping and vegetation.			Supported Supported Supported Supported Supported
PO 2.5	Buildings are set back from the rear boundary at least: (a) 3m for the ground and first floor level; and (b) an additional 3m for each level above the first floor level.			Supported Supported Supported
DTS/DPF 2.5	Boundary walls are limited in height and length to mitigate adverse impacts on the amenity of adjoining land users, include through an unreasonable loss of natural sunlight and ventilation.			Supported
	For buildings that do not have a common wall, any wall sited on a side boundary: a. does not exceed 3m in height from the top of the footings; b. does not exceed 8m in length; c. when combined with other walls on the boundary, does not exceed 45% of the length of the boundary; and d. is setback at least 3 metres from any existing or proposed boundary walls.			Supported Supported Supported Supported

Zone	<table border="1"> <tr> <td>1 - Included in the Code and retains same policy intent</td> <td>0%</td> </tr> <tr> <td>2 - Wording changed but policy intent remains (OK)</td> <td>42%</td> </tr> <tr> <td>3 - Included in the Code but policy intent changed (NOT OK)</td> <td>17%</td> </tr> <tr> <td>4 - Not included in the Code but OK to remove</td> <td>25%</td> </tr> <tr> <td>5 - Not included in the Code and should be reinstated</td> <td>17%</td> </tr> </table>				1 - Included in the Code and retains same policy intent	0%	2 - Wording changed but policy intent remains (OK)	42%	3 - Included in the Code but policy intent changed (NOT OK)	17%	4 - Not included in the Code but OK to remove	25%	5 - Not included in the Code and should be reinstated	17%
1 - Included in the Code and retains same policy intent	0%													
2 - Wording changed but policy intent remains (OK)	42%													
3 - Included in the Code but policy intent changed (NOT OK)	17%													
4 - Not included in the Code but OK to remove	25%													
5 - Not included in the Code and should be reinstated	17%													
Policy area(s)	PA33													
General comments	Now within City Living Zone - Medium-High Intensity SubZone													
Number	Description	Transition category	Where has it been included?	Comments										
Desired Character														
	The Policy Area will continue as a primarily low scale residential environment with an eclectic mix of non-residential land uses interspersed that maintain the area's residential amenity. Development will comprise residential buildings that reinforce the current character, including detached, semi-detached and row dwellings. Residential flat buildings may be appropriate where they are developed on larger sites to provide an increase in dwelling density. Sturt Street will continue as the focus for non-residential activities which serve the needs of the local community.	2	City Living Zone - Medium-High Intensity SubZone DO 1, DTS/DPF 1.1											
	The Policy Area contains a number of land parcels occupied by non-residential activities that provide the opportunity for integrated developments and opportunities to increase the residential population with contextual and exemplary contemporary design.	2	City Living Zone - Medium-High Intensity SubZone DO 2											
	Residential development in the form of dwellings will maintain a low scale at street level and will be designed to complement the existing character established by the original, historic dwelling stock. Dwellings will be varied but will be consistent with the prevailing rhythm of buildings and space. Infill development will take particular reference from the siting, form and key elements of existing buildings to ensure a highly attractive and compatible streetscape.	5		<p>Include the following PO within the City Living Zone under the heading "Built Form and Character" as the policy provides important guiding principles for new development in the these well established areas.</p> <p>PO <i>"Residential development in the form of dwellings designed to maintain a low scale at street level to complement the existing character established by the original, historic dwelling stock. Dwellings will be varied but will be consistent with the prevailing rhythm of buildings and space."</i></p> <p>PO <i>"Infill development will take particular reference from the siting, form and key elements of existing buildings to ensure a highly attractive and compatible streetscape."</i></p>										
	Improved landscaping of both public and private space will enhance amenity for residents and visitors, and also pedestrians and cyclists. Vehicle movement within the Policy Area will be primarily for local and visitor traffic, with an increasing promotion of pedestrian and cycling links to both the inner City and Park Lands.	2	Addressed sufficiently in General Development Policies Design in Urban Areas PO 3.1											
Policy Objectives														
1	Development that strengthens, achieves and is consistent with the desired character for the Policy Area.	4												
Principles of Development Control														
Land Use														
1	Development should comprise primarily residential buildings.	2	City Living Zone PO 2.1	<p>Revise City Living Zone PO 2.1 to read as follows to better reflect the primary use of the Zone for Residential purposes:</p> <p>PO <i>"Primarily residential development accommodating a range of housing choices."</i></p>										
2	Non-residential development should only be developed where it has a frontage to Sturt Street or is on the site of an existing lawfully established non-residential land use	3	City Living Zone DTS/DPF 1.4	Sturt St is now listed in City Main Streets Zone										
Form and Character														
3	Development should be consistent with the Desired Character for the Policy Area.	4												
Design and Appearance														

Number	Description	Transition category	Where has it been included?	Comments
4	Development to a maximum building height of 3 storeys or 11 metres is appropriate where: (a) the scale relationship of the proposed building with neighbouring buildings is satisfactory; and (b) the amenity impacts on adjacent sites acceptable except where located on land within the areas indicated on Policy Area Maps Adel/56, 57 and 63, where development up to 2 storeys is appropriate.	3	Consistent with maximum building height TNV of 3 storeys	The relationship of new buildings with adjoining buildings is important and should be considered within the Code. On this basis, include parts a and b as a PO within the City Living Zone under the heading 'Built Form and Character' as follows: PO 2. "Development up to the maximum building is appropriate where: a.the scale of the proposed building is compatible with scale and siting of adjacent buildings; and b.there is no adverse impacts on the established residential amenity."
5	The plot ratio should not exceed 1.0.	4		Requires further review. Plot ratio has been removed and replaced with minimum lot sizes, total roofed area, site frontages and setbacks.
6	The dwelling unit factor of development is 100 square metres.	2	Consistent with Minimum TNV lot size is 100m2	
7	A minimum of 20 percent landscaped open space should be provided on the site of any development.	5		FURTHER INVESTIGATION REQUIRED. There are no policies within the code that address the importance of Landscaped Open Space. This is important to the character and setting of many buildings within North Adelaide and South Adelaide.
NEW CONTENT IN THE CODE (insert below)				
	Medium-High Intensity SubZone			
PO 1.1	Development of medium density accommodation types for living, including dwellings and supported accommodation.			Supported
PO 2.2	Buildings setback from primary street boundaries to complement the existing streetscape character.			Supported
DTS/DPF 2.2	Building setbacks at least (whichever is the lesser): a. 3m; or b. the average of existing buildings on the adjoining sites that face the same street			Needs review - delete Supported
PO 2.3	Buildings set back from secondary street boundaries to maintain a pattern of separation between building walls and public thoroughfares and reinforce a streetscape character.			Supported
DTS/DPF 2.3	Buildings no closer than 600mm to the secondary street boundary.			Supported
PO 2.4	Buildings are setback from rear boundaries to provide: (a) access to natural light and ventilation for neighbours; (b) open space recreational opportunities; and (c) space for landscaping and vegetation.			Supported Supported Supported Supported
DTS/DPF 2.4	Buildings are set back from the rear boundary at least: (a) 3m for the ground and first floor level; and (b) an additional 3m for each level above the first floor level.			Supported Supported
PO 2.5	Boundary walls are limited in height and length to mitigate adverse impacts on the amenity of adjoining land users, include through an unreasonable loss of natural sunlight and ventilation.			Supported
DTS/DPF 2.5	For buildings that do not have a common wall, any wall sited on a side boundary: a. does not exceed 3m in height from the top of the footings; b. does not exceed 8m in length; c. when combined with other walls on the boundary, does not exceed 45% of the length of the boundary; and d. is setback at least 3 metres from any existing or proposed boundary walls.			Supported Supported Supported

Zone Capital City Zone	1 - Included in the Code and retains same policy intent		15%	
	2 - Wording changed but policy intent remains (OK)		45%	
Policy area(s)	3 - Included in the Code but policy intent changed (NOT OK)		4%	
	4 - Not included in the Code but OK to remove		9%	
	5 - Not included in the Code and should be reinstated		27%	
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	This Zone is the economic and cultural focus of the State and includes a range of employment, community, educational, tourism and entertainment facilities. It is anticipated that an increased population within the Zone will complement the range of opportunities and experiences provided in the City and increase its vibrancy.	2	Capital City DO 1	
	The Zone will be active during the day, evening and late night. Licensed entertainment premises, nightclubs and bars are encouraged throughout the Zone, particularly where they are located above or below ground floor level to maintain street level activation during the day and evening.	2	Capital City Zone PO 2.2	
	High-scale development is envisaged in the Zone with high street walls that frame the streets. However an interesting pedestrian environment and human scale will be created at ground floor levels through careful building articulation and fenestration, frequent openings in building façades, verandahs, balconies, awnings and other features that provide weather protection.	2	Capital City Zone DO 2 and PO 2.1	Human scale element plays an important part of the diversity, character and comfort of the pedestrian environment. This element is missing in the Code policy. It would be beneficial if the Code was more prescriptive on what is expected in built form terms in the City. it would be beneficial to be more prescriptive. It is recommended the following DTS/DFP 2.1 be included under the heading 'Activation' in the Capital City Zone: <i>"Buildings designed to provide ground floor activation and incorporate a comfortable pedestrian environment and human scale through: (a) building articulation and fenestration; (b) frequent window openings; (c) land uses that spill out onto the footpath; and/or (d) verandahs, balconies awnings and other features that provide weather protection."</i>

Number	Description	Transition category	Where has it been included?	Comments
	In important pedestrian areas, buildings will be set back at higher levels above the street wall to provide views to the sky and create a comfortable pedestrian environment. In narrow streets and laneways the street setback above the street wall may be relatively shallow or non-existent to create intimate spaces through a greater sense of enclosure. In the Central Business Policy Areas, upper level setbacks are not envisaged.	5	Capital City Zone PO 2.1, PO 3.9	Podiums are an important element of the City and contribute to the comfort of the pedestrian environment. This has not been addressed by the code. It is recommended the following DTS/DDF 3.4 be included under the heading 'Built Form and Character' in the Capital City Zone: "Buildings be designed to include a podium/street wall height and upper level setback (in the order of 3-6 metres) that: (a)relates to the scale and context of adjoining built form; (b)provides a human scale at street level; (c)creates a well-defined and continuity of frontage; (d)gives emphasis and definition to street corners to clearly define the street grid; (e)contributes to the interest, vitality and security of the pedestrian environment; (f)maintains a sense of openness to the sky for pedestrians and brings daylight to the street; and (g)achieves pedestrian comfort by minimising micro climatic impacts (particularly shade/shelter, wind tunnelling and downward drafts); other than (h) or (i): (h)the areas identified in Concept Plan ## (land within Dev Plan Policy Area 13); (i)where a lesser (or zero) upper level setback and/or podium height is warranted to correspond with and complement the form of adjacent development, in which case alternative design solutions should be included to achieve a cohesive streetscape, provided parts (b) to (g) are still achieved.."
	Non-residential land uses at ground floor level that generate high levels of pedestrian activity such as shops, cafés and restaurants will occur throughout the Zone. Within the Central Business Policy Area, residential land uses at ground level are discouraged. At ground level, development will continue to provide visual interest after hours by being well lit and having no external shutters. Non-residential and / or residential land uses will face the street at the first floor level to contribute to street vibrancy.	2	Capital City Zone PO 2.1	
	New development will achieve high design quality by being:	1	Covered in Design in Urban Areas DO 1	
	(a) Contextual – so that it responds to its surroundings, recognises and carefully considers the adjacent built form, and positively contributes to the character of the immediate area.	1	Covered in Design in Urban Areas DO 1	
	(b) Durable – by being fit for purpose, adaptable and long lasting, and carefully considers the existing development around it.	1	Covered in Design in Urban Areas DO 1	
	(c) Inclusive – by integrating landscape design to optimize pedestrian and cyclist usability, privacy, and equitable access, and also promote the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimize security and safety both internally and into the public realm, for occupants and visitors alike.	1	Covered in Design in Urban Areas DO 1	
	(d) Sustainable – by integrating sustainable systems into new buildings and the surrounding landscape design to improve environmental performance and minimise energy consumption.	2	Covered in Design in Urban Areas DO 1	
	(e) Amenable – by providing natural light and ventilation to habitable spaces.	2	Intent include in 'sustainable' in Design in Urban Areas DO 1	
	Contemporary juxtapositions will provide new settings for heritage places. Innovative design is expected in areas of identified street character with an emphasis on contemporary architecture that responds to site context and broader streetscape, while supporting optimal site development. The addition of height, bulk and massing of new form should be given due consideration in the wider context of the proposed development.	5		Include the following PO under the heading 'Built Form and Character' within the Capital City Zone as follows: "Contemporary architecture that incorporate innovative design approaches and respond to the site context and broader streetscape such as height, bulk and massing, while supporting the optimal site development."

Number	Description	Transition category	Where has it been included?	Comments
	There will also be a rich display of art that is accessible to the public and contextually relevant.	5		Include the following PO under the heading 'Built Form and Character' within the Capital City Zone: <i>Development incorporating art that is accessible to the public and contextually relevant.</i>
	The distinctive grid pattern of Adelaide will be reinforced through the creation of a series of attractive boulevards as shown on Concept Plan Figures CC/1 and 2. These boulevards will provide a clear sense of arrival into the City and be characterised by buildings that are aligned to the street pattern, particularly at ground level.	2	Capital City Zone DO 2 and PO 3.4	
	Views to important civic landmarks, the Park Lands and the Adelaide Hills will be retained as an important part of the City's charm and character.	2	Capital City Zone PO 3.5	New Policy seeks to maximise views to Park lands and retain view corridors to the Hills. The PO could better address our Civic landmarks such as the the Adelaide Town Hall and Post Office as well as the Squares. Capital City Zone PO 3.5 should be revised to reflect these important elements of the City. Revise PO 3.5 under the heading 'Built Form and Character' within the Capital City Zone as follows: <i>Development along the City's boulevards (as identified in Capital City Zone Table 5.1) designed to maximise views to the Park Lands and civic landmarks and not clutter existing view corridors to the Adelaide Hills as when viewed from the public realm.</i>
	The City's boulevards, terraces and Squares will be developed as follows: (a) North Terrace will be reinforced as an important pedestrian promenade and cultural boulevard that provides an important northern edge to the City square mile.	5		North Terrace plays as an important role as the cultural boulevard of the City and this should be reflected within the Code. It is recommended the following policy be included within the land use policies of the Capital City Zone: <i>"Development that reinforces North Terrace as an important pedestrian promenade and cultural boulevard."</i>
	(b) King William Street will be enhanced as the City's principal north-south boulevard and will be reinforced as the City's commercial spine.	5		King William Street is the commercial spine of the City and policy within the zone should reflect this. It is recommended the following policy be included within the land use policies of the Capital City Zone: <i>"Development that reinforces King William Street as the commercial spine of the City."</i>
	(c) Grote Street-Wakefield Street will be enhanced as the City's principal east-west boulevard and will be developed to provide a strong frame that presents a sense of enclosure to the street.	2	Capital City Zone PO 3.5	
	(d) East Terrace will be characterised by buildings that maximise views through to the Park Lands and provide a distinct City edge.	2	Capital City Zone PO 3.5	
	(e) West Terrace will be reinforced as the western 'gateway' to the City centre and will form an imposing frontage to the western City edge. Buildings will be constructed to the front and side boundaries, and designed to maximise views through to the Park Lands. Corner sites at the junctions of West Terrace and the major east-west streets will be developed as strongly defined visual gateways to the City. This will provide an imposing frontage to the western edge of the City, which comprises a mixture of commercial, showroom and residential development.	2	Capital City Zone PO 3.4	
	(f) Pulteney and Morphett streets are key north-south boulevards. A sense of activation and enclosure of these streets will be enhanced through mixed use development with a strong built form edge. Pulteney Street will include residential, office and institutional uses, and retail activities. These boulevards will become important tree-lined commercial corridors.	5		The role of Pulteney and Morphett Street should be included within the Capital City Zone and it is recommended the policy be included within the land use policies of the Capital City Zone: <i>"Development along Pulteney Street and Morphett Street that includes mixed use commercial land uses."</i>
	(g) Currie, Grenfell, Franklin and Flinders streets, as wider east-west boulevards provide important entry points to the City. Currie and Grenfell streets will become a key focus for pedestrians, cycling and public transport. These streets also provide long views to the hills as their closing vistas and these view corridors should remain uncluttered.	2	Capital City Zone PO 3.5	
	(h) Victoria, Hindmarsh and Light Squares will have a continuous edge of medium to high-scale development that frames the Squares and increases ground level activity.	2	Capital City Zone PO 3.7 and PO 3.8	

Number	Description	Transition category	Where has it been included?	Comments
	The Zone also includes a number of Main Street areas, encompassing Rundle Mall, Rundle Street, Hindley Street and Gouger Street, which are envisaged to have a wide range of retail, commercial and community uses that generate high levels of activity. These areas will have an intimately scaled built form with narrow and frequent building frontages. These areas are shown on Concept Plan Figures CC/1 and 2.	2	Home City Main Street Zone DO 1 and PO 2.2	
	Development fronting North Terrace, King William Street, Wakefield Street, Grote Street, the Squares, and in the Main Street Policy Area, will reflect their importance though highly contextual design that reflects and responds to their setting and role.	4		
	Minor streets and laneways will have a sense of enclosure (a tall street wall compared to street width) and an intimate, welcoming and comfortable pedestrian environment with buildings sited and composed in a way that responds to the buildings' context. There will be a strong emphasis on ground level activation through frequent window openings, land uses that spill out onto the footpath, and control of wind impacts.	2	Capital City Zone PO 3.9	Although the policy intent is the same, the new policy is non-descriptive and doesn't outline how an intimate, active, inclusive and walkable public realm can be achieved. It is recommended the following DTS/DFP 2.1 be included under the heading 'Activation' in the Capital City Zone: <i>"Buildings designed to provide ground floor activation and incorporate a comfortable pedestrian environment and human scale through: (a) building articulation and fenestration; (b) frequent window openings; (c) land uses that spill out onto the footpath; and/or (d) verandahs, balconies awnings and other features that provide weather protection."</i>
Policy Objectives				
OBJ 1	The principal focus for the economic, social and political life of metropolitan Adelaide and the State.	1	Capital City Zone DO 1	
OBJ 2	A vibrant mix of commercial, retail, professional services, hospitality, entertainment, educational facilities, and medium and high density living.	1	Capital City Zone DO 1 and PO 1.1	
OBJ 3	Design and management of City living to ensure the compatibility of residential amenity with the essential commercial and leisure functions of the Zone.	5		Land use co-existence is an important part of the diversity and success of the City. It is important that this is reinforced through policy. It is recommended that the following wording be included within the Land Use PO's within the Capital City Zone. <i>"Residential development designed to ensure the residential amenity is protected and has regard to the commercial and leisure functions of the Zone."</i>
OBJ 4	City streets that provide a comfortable pedestrian environment.	2	Capital City Zone PO 6.1	
OBJ 5	Innovative design approaches and contemporary architecture that respond to a building's context.	5		Include the following PO under the heading 'Built Form and Character' within the Capital City Zone. <i>"Contemporary architecture that incorporate innovative design approaches and respond to the site context and broader streetscape such as height, bulk and massing, while supporting the optimal site development."</i>
OBJ 6	Buildings that reinforce the gridded layout of Adelaide's streets and respond to the underlying built-form framework of the City.	2	Capital City Zone DO 2	
OBJ 7	Large sites developed to their full potential while ensuring a cohesive scale of development and responding to a building's context.	2	Capital City Zone PO 4.3	
OBJ 8	Development that contributes to the Desired Character of the Zone.	4		
Principles of Development Control				
Land Use				

Number	Description	Transition category	Where has it been included?	Comments
1	The following types of development, or combinations thereof, are envisaged: Affordable housing Aged persons accommodation Community centre Consulting room Convention centre Dwelling Educational establishment Emergency services facility Hospital Hotel Indoor recreation centre Licensed entertainment premises Library Motel Office Pre-school Personal service establishment Place of worship Serviced apartment Restaurant Residential flat building Student accommodation Shop or group of shops Tourist accommodation	2	Capital City Zone PO 1.1 and DTS/DPF 1.1	Retain as is. Now includes childcare centre. No longer includes specific reference to Affordable housing, Aged persons accommodation, Community centre, Emergency services facility, Indoor recreation centre, Motel, Pre-school Personal service establishment, Place of worship, Serviced apartment. Aged persons housing replaced by supported accommodation. The intent of the policy is retained by the DO 1 and PO 1.1 and DTS/DPF 1.1
2	Land uses that are typically closed during the day should be designed to maximise daytime and evening activation at street level and be compatible with surrounding land uses, in particular residential development.	1	Capital City Zone PO 2.2	
3	Low impact industries should be located outside the Central Business Policy Area and have minimal off-site impacts with respect to noise, air, water and waste emissions, traffic generation and movement.	2	General Development Policies - Interface Between Land Uses DO 1, PO 1.2, PO 4.1, PO 4.2, PO 5.1 General Development Policies - Transport and Planning PO1.2, PO 1.3, PO 1.4, PO 3.1 and PO 3.3	
4	Development listed as non-complying is generally inappropriate.	4		
Form and Character				
5	Development should be consistent with the Desired Character for the Zone.	4		
Design and Appearance				
6	Development should be of a high standard of architectural design and finish which is appropriate to the City's role and image as the capital of the State.	2	Partly covered in Capital City Zone DO 2	

Number	Description	Transition category	Where has it been included?	Comments
7	<p>Buildings should achieve a high standard of external appearance by:</p> <p>(a)the use of high quality materials and finishes. This may be achieved through the use of materials such as masonry, natural stone, prefinished materials that minimise staining, discolouring or deterioration, and avoiding painted surfaces particularly above ground level;</p> <p>(b)providing a high degree of visual interest through articulation, avoiding any large blank facades, and incorporating design features within blank walls on side boundaries which have the potential to be built out;</p> <p>(c)ensuring lower levels are well integrated with, and contribute to a vibrant public realm; and</p>	3		<p>Applies only to development greater than 4 building levels in General Development Policies Design in Urban Areas PO 9.4 and 9.5. This policy should apply to 'Design in Urban Areas - All Development' General Development Policies. It is recommended that the following PO and DTS be included within Design in Urban Area [All Development - External Appearance]:</p> <p>PO <i>Buildings that enhance public environment and achieve a high standard of external appearance by:</i> <i>(a)the use of high quality materials and finishes.</i> <i>(b)providing a high degree of visual interest through articulation,</i> <i>(c)ensuring lower levels are well integrated with, and contribute to a vibrant public realm</i></p> <p>DTS <i>Buildings designed to:</i> <i>(a)utilise a combination (or thereof) of the following external materials and finishes:</i> <i>i.masonry;</i> <i>ii.natural stone;</i> <i>iii.prefinished materials that minimise staining, discolouring or deterioration, and avoiding painted surfaces particularly above ground level;</i> <i>(b)avoid large blank facades, and incorporating design features within blank walls on side boundaries which have the potential to be built out.</i></p>
7	<p>(d)ensuring any ground and first floor level car parking elements are sleeved by residential or non-residential land uses (such as shops, offices and consulting rooms) to ensure an activated street frontage.</p>	3		<p>Applies only to development greater than 4 building levels in General Development Policies Design in Urban Areas PO 13.1 and DTS/DPF 13.1. This policy should apply to generally to all development within the Capital City Zone.It is recommended the following PO by included within the Capital City Zone under the heading 'Activation':</p> <p>PO <i>"Ground and first floor level car parking elements are sleeved by residential or non-residential land uses (such as shops, offices and consulting rooms) to ensure an activated street frontage."</i></p>
8	<p>Buildings should present an attractive pedestrian-oriented frontage that adds interest and vitality to City streets and laneways.</p>	5		<p>There is an emphasis on land use activation however the design of a building particularly at ground level is equally important. Reference should also be made to buildings being designed to provide attractive pedestrian orientated frontages. It is recommended the following DTS/DPF 2.1 be included under the heading 'Activation' in the Capital City Zone:</p> <p>DTS/DPF 2.1 <i>"Buildings designed to provide ground floor activation and incorporate a comfortable pedestrian environment and human scale through:</i> <i>(a)building articulation and fenestration;</i> <i>(b)frequent window openings;</i> <i>(c)land uses that spill out onto the footpath; and/or</i> <i>(d)verandahs, balconies awnings and other features that provide weather protection."</i></p>
9	<p>The finished ground floor level of buildings should be at grade and/or level with the footpath to provide direct pedestrian access and street level activation.</p>	5		<p>This has not been included or addressed within the Capital City Zone or General Development Policies. It is important the ground floor level of buildings are at grade or level with the footpath to ensure accessibility into buildings. It is recommended the policy is included within Capital City Zone under the heading 'Movement' or included within the The Transport, Access and Parking GDP under the heading 'Access for People with Disabilities'.</p>

Number	Description	Transition category	Where has it been included?	Comments
10	Providing footpath widths and street tree growth permit, development should contribute to the comfort of pedestrians through the incorporation of verandahs, balconies, awnings and/or canopies that provide pedestrian shelter.	2	General Development Policies - Design in Urban Areas PO 1.2	
11	Buildings should be positioned regularly on the site and built to the street frontage, except where a setback is required to accommodate outdoor dining or provide a contextual response to a heritage place.	5		Buildings built to the street edge is an important and embedded built form characteristic of the Capital City Zone and it is important policy is in place to support this. Include the policy to read as follows: "Buildings aligned and built to the street frontage (excluding verandahs, porticos and the like), except where a setback is required to provide a contextual response to a heritage place."
12	Buildings should be designed to include a podium/street wall height and upper level setback (in the order of 3-6 metres) that: (a)relates to the scale and context of adjoining built form; (b)provides a human scale at street level; (c)creates a well-defined and continuity of frontage; (d)gives emphasis and definition to street corners to clearly define the street grid; (e)contributes to the interest, vitality and security of the pedestrian environment; (f)maintains a sense of openness to the sky for pedestrians and brings daylight to the street; and (g)achieves pedestrian comfort by minimising micro climatic impacts (particularly shade/shelter, wind tunnelling and downward drafts); other than (h) or (i): (h)in the Central Business Policy Area; (i)where a lesser (or zero) upper level setback and/or podium height is warranted to correspond with and complement the form of adjacent development, in which case alternative design solutions should be included to achieve a cohesive streetscape, provided parts (b) to (g) are still achieved.	3	Capital City Zone PO 3.2	The role of podiums in certain areas of the City are important to ensure appropriate built form outcomes in terms of scale and context to adjoining buildings, the provision of human scale continuity of built form and minimising micro-climatic impacts such as wind and sunlight. On this basis the policy must be reinstated as a DTS for PO 3.2 within the Capital City Zone as follows: Buildings be designed to include a podium/street wall height and upper level setback (in the order of 3-6 metres) that: (a)relates to the scale and context of adjoining built form; (b)provides a human scale at street level; (c)creates a well-defined and continuity of frontage; (d)gives emphasis and definition to street corners to clearly define the street grid; (e)contributes to the interest, vitality and security of the pedestrian environment; (f)maintains a sense of openness to the sky for pedestrians and brings daylight to the street; and (g)achieves pedestrian comfort by minimising micro climatic impacts (particularly shade/shelter, wind tunnelling and downward drafts); other than (h) or (i): (h)the areas identified in Concept Plan ## (land within Dev Plan Policy Area 13); (i)where a lesser (or zero) upper level setback and/or podium height is warranted to correspond with and complement the form of adjacent development, in which case alternative design solutions should be included to achieve a cohesive streetscape, provided parts (b) to (g) are still achieved.
13	Buildings north of Rundle Mall, Rundle Street, Hindley Street and Gouger Street should have a built form that incorporates slender tower elements, spaces between buildings or other design techniques that enable sunlight access to the southern footpath.	2	Capital City Zone PO 3.10 and DTS/DPF 3.10	
14	Buildings, advertisements, site landscaping, street planting and paving should have an integrated, coordinated appearance and should enhance the urban environment.	4		
15	Building façades should be strongly modelled, incorporate a vertical composition which reflects the proportions of existing frontages, and ensure that architectural detailing is consistent around corners and along minor streets and laneways.	5		Façade composition and articulation is a long established important part of the character of the City. Include the following PO under the heading 'Built Form and Character' within the Capital City Zone. Strongly modelled building façades that incorporate a vertical composition that reflect the proportions of existing frontages, and ensure that architectural detailing is consistent around corners and along minor streets and laneways.
16	Development that exceeds the maximum building height shown in Concept Plan Figures CC/1 and 2, and meets the relevant quantitative provisions should demonstrate a significantly higher standard of design outcome in relation to qualitative policy provisions including site configuration that acknowledges and responds to the desired future character of an area but that also responds to adjacent conditions (including any special qualities of a locality), pedestrian and cyclist amenity, activation, sustainability, and public realm and streetscape contribution.	2	Capital City Zone PO 4.2 and Height TNV Overlay	

Number	Description	Transition category	Where has it been included?	Comments
17	The Squares (Victoria, Hindmarsh and Light) Outdoor eating and drinking facilities associated with cafés and restaurants are appropriate ground floor uses and should contribute to the vitality of the Squares and create a focus for leisure.	1	Capital City Zone PO 3.8	Now also includes Whitmore Square which reflects what is already happening around the Square.
18	Buildings fronting the Squares should: (a) provide a comfortable pedestrian and recreation environment by enabling direct sunlight to a minimum of 75 percent of the landscaped part of each Square at the September equinox; and (b) reinforce the enclosure of the Squares with a continuous built-form with no upper level set-backs.	1	Capital City Zone PO 3.6 and DTS/DPF 3.6	
		1	Capital City Zone PO 3.7	
19	The Terraces (North, East and West) Development along the terraces should contribute to a continuous built form to frame the City edge and activate the Park Lands.	1	Capital City Zone PO 3.3	
20	Development along North Terrace should reinforce the predominant scale and 'City wall' character of the Terrace frontage.	4		
Building Height				
21	Development should not exceed the maximum building height shown in Concept Plan Figures CC/1 and 2 unless; (a) it is demonstrated that the development complements the context (having regard to adjacent built form and desired character of the locality) and anticipated city form in Concept Plan Figures CC/1 and 2, and (b) only if: (i) at least two of the following features are provided: (1) the development provides an orderly transition up to an existing taller building or prescribed maximum building height in an adjoining Zone or Policy Area; (2) the development incorporates the retention, conservation and reuse of a building which is a listed heritage place; (3) high quality universally accessible open space that is directly connected to, and well integrated with, public realm areas of the street; (4) universally accessible, safe and secure pedestrian linkages that connect through the development site as part of the cities pedestrian network on Map Adel/1 (Overlay 2A); (5) on site car parking does not exceed a rate of 0.5 spaces per dwelling, car parking areas are adaptable to future uses or all car parking is provided underground; (6) residential, office or any other actively occupied use is located on all of the street facing side of the building, with any above ground car parking located behind; (7) a range of dwelling types that includes at least 10% of 3+ bedroom apartments; (8) more than 15 per cent of dwellings as affordable housing. (ii) plus all of the following sustainable design measures are provided: (1) a rooftop garden covering a majority of the available roof area supported by services that ensure ongoing maintenance; (2) a green roof, or green walls / façades supported by services that ensure ongoing maintenance; (3) innovative external shading devices on all of the western side of a street facing façade; and (4) higher amenity through provision of private open space in excess of minimum requirements, access to natural light and ventilation to all habitable spaces and common circulation areas.	2	PO 4.2 and DTS/DPF 4.2	Reflects the current Ministerial DPA
22	Development should have optimal height and floor space yields to take advantage of the premium City location and should have a building height no less than half the maximum shown on Concept Plan Figures CC/1 and 2, or 28 metres in the Central Business Policy Area, except where one or more of the following applies: (a) a lower building height is necessary to achieve compliance with the Commonwealth Airports (Protection of Airspace) Regulations; (b) the site is adjacent to the City Living Zone or the Adelaide Historic (Conservation) Zone and a lesser building height is required to manage the interface with low-rise residential development; (c) the site is adjacent to a heritage place, or includes a heritage place; (d) the development includes the construction of a building in the same, or substantially the same, position as a building which was demolished, as a result of significant damage caused by an event, within the previous 3 years where the new building has the same, or substantially the same, layout and external appearance as the previous building.	2	Capital City Zone PO 4.3 and DTS 4.3	
Interface				

Number	Description	Transition category	Where has it been included?	Comments
23	Development should manage the interface with the City Living Zone or the Adelaide Historic (Conservation) Zone in relation to building height, overshadowing, massing, building proportions and traffic impacts and should avoid land uses, or intensity of land uses, that adversely affect residential amenity.	2	Capital City Zone PO 5.1	
24	Development on all sites on the southern side of Gouger Street - Angus Street and adjacent to a northern boundary of the City Living Zone or the Adelaide Historic (Conservation) Zone should not exceed 22 metres in building height unless the Council Wide overshadowing Principles of Development Control are met.	5	Capital City Zone 3.10 and DTS/DPF 3.10	ERROR - The TVN Overlay for this area is incorrect.
25	Parts of a development that exceed the prescribed maximum building height shown on Concept Plan Figures CC/1 and 2 that are directly adjacent to the City Living, Main Street (Adelaide) or the Adelaide Historic (Conservation) Zone boundaries should be designed to minimise visual impacts on sensitive uses in the adjoining zones and to maintain the established or desired future character of the area. This may be achieved through a number of techniques such as additional setback, avoiding tall sheer walls, centrally locating taller elements, providing variation of light and shadow through articulation to provide a sense of depth and create visual interest, and the like.	5	Capital City Zone PO 5.2 and DTS/DPF 5.2	ERROR - Refers to height specified in DTS/DPF 5.1 however no height is specified in this DTS. Is this an error?
Movement				
26	Pedestrian movement should be based on a network of pedestrian malls, arcades and lanes, linking the surrounding Zones and giving a variety of north-south and east-west links.	5		Needs to be reinstated. The pedestrian network is vital to the movement system within the City and it is important they are retained as they all link together. To remove one link on a site has a domino affect on other established links. The following PO should be included within the Capital City Zone, City Riverbank Zone, City Living Zone, City Main Street Zone: <i>"Pedestrian movement based on a network of pedestrian malls, arcades and lanes, linking the surrounding Zones and giving a variety of north-south and east-west links."</i>
27	Development should provide pedestrian linkages for safe and convenient movement with arcades and lanes clearly designated and well-lit to encourage pedestrian access to public transport and areas of activity. Blank surfaces, shutters and solid infills lining such routes should be avoided.	2	Broadly addressed in Capital City Zone (Movement) PO 6.1	
28	Development should ensure existing through-site and on-street pedestrian links are maintained and new pedestrian links are developed in accordance with Map Adel/1 (Overlay 2A).	5		Needs to be included. The pedestrian network is vital to the movement system within the City and it is important they are retained as they all link together. To remove one link on a site has a domino affect on other established links. The following PO should be included within the Capital City Zone, City Riverbank Zone, City Living Zone, City Main Street Zone: <i>"Pedestrian movement based on a network of pedestrian malls, arcades and lanes, linking the surrounding Zones and giving a variety of north-south and east-west links."</i>
29	Car parking should be provided in accordance with Table Adel/7.	5		No reference has been made to the car parking requirements. Include Car parking Table
30	Multi-level car parks should locate vehicle access points away from the primary street frontage wherever possible and should not be located: (a) within any of the following areas: (i) the Core Pedestrian Area identified in Map Adel/1 (Overlays 2, 2A and 3) (ii) on frontages to North Terrace, East Terrace, Rundle Street, Hindley Street, Currie Street, Waymouth Street (east of Light Square), Victoria Square or King William Street; (b) where they conflict with existing or projected pedestrian movement and/or activity; (c) where they would cause undue disruption to traffic flow; and (d) where it involves creating new crossovers in North Terrace, Rundle Street, Hindley Street, Currie Street and Waymouth Street (east of Light Square), Grenfell Street and Pirie Street (west of Pulteney Street), Victoria Square, Light Square, Hindmarsh Square, Gawler Place and King William Street or access across primary City access and secondary City access roads identified in Map Adel/1 (Overlay 1).	5		Reference to Core Pedestrian Area has been removed. Vehicle access points should also not be located along Pirie Street (to the west of Pulteney), Light Square, Hindmarsh Square or Grenfell Street. Policy should be revised to reflect this.
31	Multi-level, non-ancillary car parks are inappropriate within the Core Pedestrian Area as shown on Map Adel/1 (Overlays 2, 2A and 3).	5		NEEDS FURTHER REVIEW. Reference to Core Pedestrian Area has been removed. The purpose of the policy was to ensure that the pedestrian network was given priority and ease over the dominance of the use of vehicles.

Number	Description	Transition category	Where has it been included?	Comments
32	Vehicle parking spaces and multi-level vehicle parking structures within buildings should: (a)enhance active street frontages by providing land uses such as commercial, retail or other non-car park uses along ground floor street frontages; (b)complement the surrounding built form in terms of height, massing and scale; and (c)incorporate façade treatments along major street frontages that are sufficiently enclosed and detailed to complement neighbouring buildings consistent with the Desired Character of the locality.	2	Transport, Access and Parking PO 13.1, DTS/DPF 13.1, PO 13.2 and DTS 13.2	Vehicle access points should also not be located along Pirie Street (to the west of Pulteney), Light Square, Hindmarsh Square, Grenfell Street. Revise DTS/DPF 7.2 to include <i>Pirie Street (to the west of Pulteney), Light Square, Hindmarsh Square, Grenfell Street.</i>
Advertising				
33	Other than signs along Hindley Street, advertisements should use simple graphics and be restrained in their size, design and colour.	2	Capital City Zone PO 8.1	
34	In minor streets and laneways, a greater diversity of type, shape, numbers and design of advertisements are appropriate provided they are of a small-scale and located to present a consistent message band to pedestrians.	2	General Development Policy - Advertisements DO 1	
35	There should be an overall consistency achieved by advertisements along individual street frontages.	2	General Development Policy - Advertisements PO 1.1	
36	In Chesser Street, French Street and Coromandel Place advertisements should be small and preferably square and should not be located more than 3.7 metres above natural ground level or an abutting footpath or street. However, advertisements in these streets may be considered above 3.7 metres at locations near the intersections with major streets.	2	Capital City Zone PO 8.1	
37	Advertisements on the Currie Street frontages between Topham Mall and Gilbert Place and its north-south prolongation should be of a size, shape and location complementary to the desired townscape character, with particular regard to the following: (a)On the southern side of Currie Street, advertisements should be fixed with their underside at a common height, except where the architectural detailing of building façades precludes it. At this 'canopy' level advertisements should be of a uniform size and fixed without the support of guy wires. Where architectural detailing permits, advertisements may mark the major entrances to buildings along the southern side of Currie Street with vertical projecting advertisements 1.5 metres high by 1.2 metres wide at, or marginally above, the existing canopy level. Painted wall or window signs should be restrained. (b)On the northern side of Currie Street, advertisements should be of a uniform fixing height and consistent dimensions to match those prevailing in the area.	2	General Development Policy - Advertisements DO 1, PO 1.1, DTS 1.1	General Development Policy - Advertisements DO 1
Procedural Matters				
Complying Development				
38	Complying developments are prescribed in Schedule 4 of the Development Regulations 2008. In addition, the following forms of development are assigned as complying: (a)Other than in relation to a State heritage place, Local heritage place (City Significance), or Local heritage place, work undertaken within a building which does not involve a change of use or affect the external appearance of the building; (b)Temporary depot for Council for a period of no more than 3 months where it can be demonstrated that appropriate provision has been made for: (i)dust control; (ii)screening, including landscaping; (iii)containment of litter and water; and (iv)securing of the site. (c)Change in the use of land from a non-residential use to an office, shop or consulting room (excluding any retail showroom, adult entertainment premises, adult products and services premises or licensed premises).	5		B should be included within the Accepted Development Table or at least included in the DTS table for the Capital City Zone
Non-Complying				

Number	Description	Transition category	Where has it been included?	Comments
39	<p>The following kinds of development are non-complying: A change in use of land to any of the following: Amusement machine centre Advertisements involving any of the following: (a)third party advertising except on Hindley Street, Rundle Mall or on allotments at the intersection of Rundle Street and Pulteney Street, or temporary advertisements on construction sites; (b)advertisements located at roof level where the sky or another building forms the background when viewed from ground level; (c)advertisements in the area bounded by West Terrace, Grote Street, Franklin Street and Gray Street; (d)animation of advertisements along and adjacent to the North Terrace, King William Street and Victoria Square frontages. Total demolition of a State Heritage Place (as identified in Table Adel/1). Vehicle parking except: (a)where it is ancillary to an approved or existing use; (b)it is a multi-level car park located outside the Core Pedestrian Area as indicated on Map Adel/1 (Overlay 2, 2A and 3); or (c)it is within an existing building located outside the Core Pedestrian Area as indicated on Map Adel/1 (Overlay 2, 2A and 3).</p>			
Public Notification				
40	<p>Categories of public notification are prescribed in Schedule 9 of the Development Regulations 2008. In addition, the following forms of development, or any combination of (except where the development is non-complying), are assigned: (a)Category 1, public notification not required: All forms of development other than where it is assigned Category 2. (b)Category 2, public notification required. Third parties do not have any appeal rights. Any development where the site of the development is adjacent land to land in the City Living Zone or Adelaide Historic (Conservation) Zone and it exceeds 22 metres in building height.</p>	4		
NEW CONTENT IN THE CODE (insert below)				
PO 3.1	Capital City Zone A contextual design response that manages differences in scale and building proportions to maintain a cohesive streetscape and frame city streets.			Supported
PO 7.1	Access Vehicular access points associated with multi-level and/or non-ancillary car parks located to minimise disruption to traffic flow.			Supported
DTS/DPF 7.1	Vehicular access points associated with multi-level and/or non-ancillary car parks are located on a secondary road frontage, or utilise an existing crossover.			Supported
PO 7.2	Vehicular access points associated with multi-level and/or non-ancillary car parks located to minimise conflict with pedestrian and cyclist movement and/or activity on any major pedestrian thoroughfare.			Supported
CAPITAL CITY ZONE - ASSESSMENT TABLES				
Table 1 - Accepted Development Classification			Error/Comments	Recommendation
	Temporary Storage of Council Equipment	NEW FUTURE Class of Development in Accepted Development Classification Criteria or DTS Table	MISSING - 'Temporary Storage of Council Equipment' that is necessary for Council to undertake works and upgrades.	INSERT 'Temporary Storage of Council Equipment' as a Class of Development and the following words as Accepted Development or DTS Classification Criteria: 1. <i>Appropriate measures are incorporated for:</i> (a) <i>dust control;</i> (b) <i>appropriate screening including landscaping;</i> (c) <i>containment of litter and waste; and</i> (d) <i>appropriate securing of the site.</i>

Number	Description	Transition category	Where has it been included?	Comments
Table 3 - Applicable Policies for Performance Assessed Development			Error/Comments	Recommendation
	Advertisement	GDP	MISSING - all of the advertising policies should apply	INSERT additional reference Advertisements [Appearance]: PO 1.2, 1.5
	Apartment	GDP	MISSING Movement System PO relevant to an assessment of an apartment	INSERT reference Transport, Access and Parking [Movement System]: PO 1.1, 1.4
		GDP	MISSING Sightlines PO relevant to an assessment of an apartment	INSERT reference Transport, Access and Parking [Sightlines]: PO 2.1
		GDP	MISSING Vehicle Access POs relevant to an assessment of an apartment	INSERT additional reference Transport, Access and Parking [Vehicle Access]: PO 3.7, 3.8
		GDP	MISSING Access for People with Disabilities PO relevant to an assessment of an apartment	INSERT reference Transport, Access and Parking [Access for People with Disabilities]: PO 4.1
		GDP	MISSING Undercroft and Below Garaging and Parking of Vehicles PO relevant to an assessment of an	INSERT reference Transport, Access and Parking [Undercroft and Below Garaging and Parking of Vehicles]: PO 7.1
		GDP	MISSING Bicycle Parking POs relevant to an assessment of an apartment	INSERT reference Transport, Access and Parking [Bicycle Parking]: PO 9.1, 9.2
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING reference to minimising external noise to bedrooms	INSERT additional reference Interface Between Land Uses [Activities Generating Noise]: PO 4.1, 4.3
		GDP	MISSING reference to Light Spill	INSERT reference Interface Between Land Uses [Light Spill]: PO 6.1, 6.2
		GDP	MISSING reference to solar reflectivity and Glare	INSERT reference Interface Between Land Uses [Solar Reflectivity and Glare]: PO 7.1
		GDP	MISSING - Built Form Interface with adjacent Zones Interface - Interface between Land Uses	Built Form Interface needs to be addressed by Policy
		Future GDP	MISSING Noise Policies in regard to Noise Sensitive uses. New development should have regard to existing non-residential development and built to appropriate noise standards.	A diversity of land uses is important to the character, attraction and buzz of the City. The CoA Noise Policies play an important role in contributing to vibrancy and attraction of the City whilst ensuring land use co-existence. It is important these policies are included in the Code and reference to these policies should apply to the assessment of apartments.
		Child Care Centre	GDP	MISSING reference to Land Use Compatibility
	GDP		MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
	GDP		MISSING reference to minimising external noise to bedrooms	INSERT additional reference Interface Between Land Uses [Activities Generating Noise]: PO 4.5
	GDP		MISSING reference to solar reflectivity and Glare	INSERT reference Interface Between Land Uses [Solar Reflectivity and Glare]: PO 7.1
	Consulting Room	GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT reference Interface Between Land Uses [Overshadowing]: PO 3.3
	Dwelling	GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING reference to minimising external noise to bedrooms	INSERT additional reference Interface Between Land Uses [Activities Generating Noise]: PO 4.3, 4.4
		Future GDP	MISSING Noise Policies in regard to Noise Sensitive uses. New development should have regard to existing non-residential development and built to appropriate noise standards.	A diversity of land uses is important to the character, attraction and buzz of the City. The CoA Noise Policies play an important role in contributing to vibrancy and attraction of the City whilst ensuring land use co-existence. It is important these policies are included in the Code and reference to these policies should apply to the assessment of dwellings.
	Hotel	GDP	MISSING reference to Land Use Compatibility	INSERT reference Interface Between Land Uses [General Land Use Compatibility]: PO 1.2

Number	Description	Transition category	Where has it been included?	Comments
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING reference to pool filters	INSERT reference Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.3
		Future GDP	MISSING Noise Policies in regard to Noise Generating uses.	A diversity of land uses is important to the character, attraction and buzz of the City. The CoA Noise Policies play an important role in contributing to vibrancy and attraction of the City whilst ensuring land use co-existence. It is important these policies are included in the Code and reference to these policies should apply to the assessment of hotels.
	Licensed Entertainment Premises	GDP	MISSING reference to Land Use Compatibility	INSERT reference Interface Between Land Uses [General Land Use Compatibility]: PO 1.2
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING Noise Policies in regard to Noise Generating uses.	A diversity of land uses is important to the character, attraction and buzz of the City. The CoA Noise Policies play an important role in contributing to vibrancy and attraction of the City whilst ensuring land use co-existence. It is important these policies are included in the Code and reference to these policies should apply to the assessment of licensed entertainment premises.
	Licensed Premises	GDP	MISSING reference to Land Use Compatibility	INSERT reference Interface Between Land Uses [General Land Use Compatibility]: PO 1.2
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING Noise Policies in regard to Noise Generating uses.	A diversity of land uses is important to the character, attraction and buzz of the City. The CoA Noise Policies play an important role in contributing to vibrancy and attraction of the City whilst ensuring land use co-existence. It is important these policies are included in the Code and reference to these policies should apply to the assessment of licensed premises.
	Office	GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING reference to pool filters	INSERT reference Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.3
	Residential Flat Building	GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING reference to pool filters	INSERT reference Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.3
		Future GDP	MISSING Noise Policies in regard to Noise Sensitive uses. New development should have regard to existing non-residential development and built to appropriate noise standards.	A diversity of land uses is important to the character, attraction and buzz of the City. The CoA Noise Policies play an important role in contributing to vibrancy and attraction of the City whilst ensuring land use co-existence. It is important these policies are included in the Code and reference to these policies should apply to the assessment of residential flat buildings.
	Restaurant	GDP	MISSING reference to Land Use Compatibility	INSERT reference Interface Between Land Uses [General Land Use Compatibility]: PO 1.2
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING reference to outdoor areas and acoustic amenity	INSERT additional reference Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.5, 4.6
		GDP	MISSING Noise Policies in regard to Noise Generating uses.	A diversity of land uses is important to the character, attraction and buzz of the City. The CoA Noise Policies play an important role in contributing to vibrancy and attraction of the City whilst ensuring land use co-existence. It is important these policies are included in the Code and reference to these policies should apply to the assessment of restaurants.
	Shop	GDP	MISSING reference to Land Use Compatibility	INSERT reference Interface Between Land Uses [General Land Use Compatibility]: PO 1.2

Number	Description	Transition category	Where has it been included?	Comments
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
	Student Accommodation	GDP	MISSING all Movement Systems policies should apply to an assessment of student accommodation	INSERT reference Transport, Access and Parking [Movement Systems]: PO 1.1
GDP		MISSING reference to Sightlines	INSERT reference Transport, Access and Parking [Sightlines]: All	
GDP		MISSING reference to Bicycle Parking	INSERT reference Transport, Access and Parking [Bicycle Parking in Designated Areas]: PO 9.1, 9.2	
GDP		MISSING reference to pool filters	INSERT reference Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.3	
GDP		MISSING Noise Policies in regard to Noise Sensitive uses.	A diversity of land uses is important to the character, attraction and buzz of the City. The CoA Noise Policies play an important role in contributing to vibrancy and attraction of the City whilst ensuring land use co-existence. It is important these policies are included in the Code and reference to these policies should apply to the assessment of student accommodation.	

Zone		1 - Included in the Code and retains same policy intent	0%
Policy area(s)	PA13	2 - Wording changed but policy intent remains (OK)	75%
		3 - Included in the Code but policy intent changed (NOT OK)	0%
		4 - Not included in the Code but OK to remove	25%
		5 - Not included in the Code and should be reinstated	0%
General comments			
Number			
Description			
Transition category			
Where has it been included?			
Comments			
Desired Character			
	The Central Business Policy Area is the pre-eminent economic, governance and cultural hub for the State. This role will be supported by educational, hospitality and entertainment activities and increased opportunities for residential, student and tourist accommodation.	2	Capital City Zone DO 1
	Buildings will exhibit innovative design approaches and produce stylish and evocative architecture, including tall and imposing buildings that provide a hard edge to the street and are of the highest design quality. A wide variety of design outcomes of enduring appeal are expected. Complementary and harmonious buildings in individual streets will create localised character and legible differences between streets, founded on the existing activity focus, building and settlement patterns, and street widths.	4	Include within the Capital City Zone Built Form and Character. This has been recommended within a number of different policies within the Capital City Zone.
Policy Objectives			
1	A concentration of employment, governance, entertainment and residential land uses that form the heart of the City and central place for the State.	2	Capital City Zone DO 1
2	Development of a high standard of design and external appearance that integrates with the public realm.	2	Capital City Zone DO 2
3	Development that contributes to the Desired Character of the Policy Area.	4	
Principles of Development Control			
Land Use			
1	Development should contribute to the area's role and function as the State's premier business district, having the highest concentration of office, retail, mixed business, cultural, public administration, hospitality, educational and tourist activities.	2	Capital City Zone DO 1
2	Buildings should be of a height that ensures airport operational safety is not adversely affected.	2	Airport Building Heights (Regulated) Overlay PO 1.1 and DTS/DPF 1.1
3	To enable an activated street level, residential development or similar should be located above ground floor level.	2	Capital City Zone PO 2.1
NEW CONTENT IN THE CODE (insert below)			

Zone	PA14	1 - Included in the Code and retains same policy intent	0%
		2 - Wording changed but policy intent remains (OK)	94%
Policy area(s)	PA14	3 - Included in the Code but policy intent changed (NOT OK)	3%
		4 - Not included in the Code but OK to remove	3%
		5 - Not included in the Code and should be reinstated	0%

Now within the City MainStreet Zone and relevant SubZones

General comments

Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	Main streets provide an important shopping, hospitality and gathering place that are a vital part of the City's identity and image.	2	City Main Street Zone DO 1	
	An atmosphere of bustle, excitement and activity is created by a vibrant mixture of land uses that support a strong retail base and a continuing program of on-street arts and activities. Activities including retail, restaurants, cafés and licensed premises will contribute to the day and evening economies and be managed to ensure a positive contribution to the character of the precinct. Licensed entertainment premises, nightclubs and bars will contribute to activation during the day and evening by generally being small in scale and located above or below ground floor level.	2	Gouger and Grote Street SubZone PO 1.2	
	Development will abut the footpath and continue the established width, rhythm and pattern of façades to generally support a variety of tenancies with narrow frontages. Horizontally massed buildings will be broken into smaller façade elements. Above street level fenestration, balconies, parapets, architectural detailing and ornamentation will be used to contribute to a rich visual texture.	2	City Main Street Zone PO 2.2, DTS/DPF 2.3	
	Upper levels of buildings are to be recessed behind a moderately scaled building street wall to maintain a sense of spaciousness and openness to the sky. At lower levels, the continuity of verandahs and other canopies or pedestrian shelters, and ceiling heights is desired to maintain a sheltered, high amenity pedestrian environment at a human scale.	3	City Main Streets Zone PO 2.1	The incorporation of verandahs to provide pedestrian shelter and sense of openness to the sky and the treatment of upper floor levels are important components of achieving human scale at street level within the City's Main Streets. It is recommended that PO 2.1 (b) under the heading 'Built Form and Character' within City Main Street Zone be revised and an additional part to the policy be included as follows: <i>b. designed to include a podium/street wall and upper level setback that responds to local context, including the scale and context of adjacent built form, to ensure a cohesive and consistent streetscape and maintain a sense of spaciousness and openness to the sky to achieve human scale at street level positively contribute to a sense of enclosure;</i> <i>c. designed to incorporate verandahs, canopies or pedestrian shelters to contribute towards a continuity of verandahs and maintain a sheltered, high amenity pedestrian environment;</i>
	Rundle Street is a main street characterised by generally consistent built form and heritage buildings that will be retained and where possible enhanced. Development will be consistent with the intimate scale and intricate and diverse architectural features of Rundle Street and will reinforce the existing two and three storey built scale. This is derived from buildings of relatively uniform height and scale, mostly built in the nineteenth and early twentieth century. Any new development will be carefully designed so that the historic main street character is retained and where possible enhanced.	2	Rundle Street Sub-Zone PO 2.34 (a) (b)	
	Existing façades typically encompass a high proportion of solid to void and a high level of architectural detail (including ornamentation and fenestration and through a combination of materials).	2	Rundle Street Sub-Zone DO 2	
	Horizontal emphasis is achieved through the integration of masonry coursing, parapets, verandahs and balconies. The subtle variety of scale and massing adds texture to the streetscape.	2	Rundle Street Sub-Zone DO 2	
	Upper levels of buildings will be well-articulated and utilise architectural expressions that result in reduced visual mass, and carefully scaled to avoid overbearing height. Podium elements will be utilised to reconcile the scale relationships between the taller elements and the existing streetscape.	2	Rundle Street Sub-Zone PO 2.3 (a), PO 2.4 (e) and DO 2	
	Rundle Mall will be enhanced as Adelaide's premier retail area incorporating a wide range of specialty and larger scale shops and mixed business. Rundle Mall will continue to grow and evolve in response to the needs of the retail and business sectors and the wider public, and enhance its iconic reputation as an important public space for a range of retail, business and cultural purposes. A range of activities will contribute to the day and evening economies.	2	Rundle Mall Sub-Zone PO 1.1	

Number	Description	Transition category	Where has it been included?	Comments
	Rundle Mall offers a strong and unique character and sense of place, established by a pedestrian space framed by a long enclosure of visual interest and vitality which is reached with a sense of arrival from King William Street and Pulteney Street and the adjoining minor streets, arcades and laneways.	2	Rundle Mall Sub-Zone DO 2	
	Hindley Street (east of Morphett Street) will be the City's focus for late night entertainment and will be carefully designed and managed to integrate effectively with day time and evening land use activities.	2	Hindley Street Sub-Zone DO 1 (a) and PO 1.1	
	Hindley Street (west of Morphett Street) will comprise a range of mixed business, educational, cultural, hospitality and retail activities. Activities, including licensed premises, will contribute to the day and evening economies.	2	Hindley Street Sub-Zone DO 1 (b) and PO 1.3	
	The refurbishment of nineteenth century buildings in Hindley Street will be complemented by sensitive new development and will provide a colourful and cohesive character and intimate, human scale.	2	Hindley Street Sub-Zone DO 2 and PO 2.3	
	Gouger Street will be characterised by a mix of retail, restaurant, commercial and mixed business uses, including professional services, wholesaling and community activities. Activities including restaurants, cafés and licensed premises will contribute to the vibrancy of the street during the day and evening.	2	Gouger and Grote Street Sub-Zone DO 1(a)	
	Gouger and Grote streets will continue to develop as a colourful and active restaurant and shopping precinct which complements the liveliness of the Central Market and supports the retail, community, cultural and legal functions in this part of the City. 'Chinatown' around Moonta Street will be reinforced, and opportunities for new precincts, such as in minor streets and lanes, established.	2	Gouger and Grote Street SubZone PO 1.1 and PO 1.3	
Policy Objectives				
1	Rundle Street enhanced as an important shopping, leisure and gathering place for metropolitan Adelaide.	2	City Main Street Zone DO 1 and PO 1.1	
2	Rundle Mall enhanced as the State's premier shopping destination around an attractive public space.	2	Rundle Street Sub-Zone DO 1	
3	Hindley Street (east of Morphett Street) as the pre-eminent evening and late night entertainment hub for metropolitan Adelaide, with complementary shopping, hospitality and mixed business together with high density living.	2	Hindley Street Sub-Zone DO 1(a) and PO 1.2	
4	Hindley Street (west of Morphett Street) reinforced as a main street with a mix of retail, educational, restaurant and business uses, together with high density living.	2	Hindley Street Sub-Zone DO 1(b)	
5	Gouger Street reinforced as a colourful, intimate and active restaurant and shopping street which complements the vibrancy of the Central Market and supports the retail, community and cultural functions of the area.	2	Gouger and Grote Street Sub-Zone DO 1(a) and PO 1.3	
6	Development that contributes to the Desired Character of the Policy Area.	4		
Principles of Development Control				
Land Use				
1	At ground level along any main street (including Rundle Mall) and in minor streets leading to them, development should provide active and vibrant frontages that contribute to continuous interest at street level.	2	Rundle Mall Sub-Zone DO 2	
2	Land uses that add to the vitality of the area and extend activities outside shop hours are envisaged, including restaurants; educational, community and cultural facilities; and visitor and residential accommodation.	2	City Main Street Zone PO 1.1	
3	To enable an activated street level, residential development or similar should be located above ground floor level.	2	City Main Street Zone DTS/DPF 1.4, PO 1.6, DTS 1.6	
4	Licensed entertainment premises, night clubs or bars should contribute to activation during the day and evening by generally being small in scale and located above or below ground floor level.	2	Gouger and Grote Street Sub-Zone PO 1.2	
Design and Appearance				
5	The ground level street frontage of buildings should be designed as activate street frontages, provide pedestrian interest, and maximise passive surveillance by: (a) providing at least 70 percent of the frontage as a non-residential use; and (b) 50 percent of the frontage as visually permeable, transparent or clear glazed and may include an entry/foyer or display window to a shop (including a café or restaurant).	2	City Main Street Zone - PO 2.3	
Form and Character				
6	Development should conserve, enhance and complement the colourful and visually rich and intimate character of the area.	2	City Main Street Zone PO 2.2	
7	Development should include a variety of architectural expression and finishes compatible with the many existing older buildings. Verandahs, balconies, awnings and parapets should be designed to complement those existing.	2	City Main Street Zone PO 2.2	
8	Development should strengthen the established character of narrow building frontage widths, vertical massing and above street level fenestrations, balconies, parapets, architectural detailing and ornamentation.	2	City Main Street Zone DO 2, PO 2.2	

Number	Description	Transition category	Where has it been included?	Comments
9	Buildings with frontage to Gouger Street, Hindley Street or Rundle Street, west of Frome Street, should be designed to: (a)reinforce the prevailing datum heights and parapet levels of the street through design elements that provide a clear distinction between levels above and below the prevailing datum line; and (b)include a maximum podium/street wall height in the order of 6 storeys, with an upper level setback, measured from the street wall in the order of 3 metres.	? West of frome a problem should be same throughout Rundle St	Gouger and Grote Street Sub-Zone PO 2.2 and DTS/DPF 2.1 Hindley Street Sub-Zone PO 2.1, DTS/DPF 2.1 and PO 2.1 Rundle Street Sub-Zone DTS/DPF 2.1	REQUIRES FURTHER REVIEW. Policy relating to building west of Frome should be the same applied to east of from. A podium height of 6 metres destroys the co-existence with existing heritage buildings and the prevailing historic character of Rundle St
10	Buildings with frontage to Rundle Mall should have a maximum podium/street wall height of 6 storeys with upper building levels set back from the street in the order of 3 metres.	2	Rundle Mall Sub-Zone DTS/DPF 2.1	
11	Buildings with frontage to Rundle Street, east of Frome Street should be designed to reinforce the prevailing datum heights and parapet levels of the street through: (a)a maximum podium/street wall height that is consistent with one of the adjacent buildings facing the street and does not exceed 13 metres; (b)an upper level setback, measured from the street wall, of at least 3 metres stepping up to a height of 6 storeys, then a further setback of at least 3 metres stepping up to the maximum overall height shown on Concept Plan Figures CC/1 and 2; and (c)design elements that create a clear distinction between the 13 metre and 22 metre datum lines.	2	Rundle Street Sub-Zone PO 2.2, PO 2.3 and DTS/DPF 2.3	
12	Development of both internal and external spaces on Rundle Street should maintain an environment which is intimately scaled, intricate and diverse.	2	Rundle Street Sub-Zone PO 2.4 (b)	
Movement				
13	Additional vehicle cross-overs to provide access should be avoided in Hindley Street, Bank Street and Leigh Street. Access for on-site servicing and deliveries should be from minor streets and private lanes wherever possible, rather than from Rundle Mall.	2	Rundle Mall SubZone PO 3.2	
14	Pedestrian movement should be based on a network of pedestrian malls, arcades and lanes, linking the surrounding areas and giving a variety of north to south routes to Rundle Mall and east to west links for people moving between buildings.	2	Rundle Mall Sub-Zone PO 3.1	
NEW CONTENT IN THE CODE (insert below)				
PO 1.2	Retail, office, entertainment and recreation related uses supplemented by other businesses that provide a range of goods and services to the city and the surrounding district.			Supported.
DTS/DPF 1.2	Shops, office or consulting rooms do not exceed 2,000m ² total gross leasable floor area in a single building.			Supported.
PO 1.3	Small-scale licensed entertainment premises, night clubs or bars and lands uses typically closed during the day designed to not to detract from the vitality of the area when closed.			Supported, however it is important these uses contribute to the daytime activation of the City and recommended the policy be revised as follows: <i>"Small scale licensed entertainment premises, night clubs or bars and land uses typically closed during the day designed to contribute to day and evening street activation."</i>
DTS/DPF 1.3	None are applicable.			Supported
PO 1.4	Dwellings developed in conjunction with non-residential uses to support business, entertainment and recreational activities that contribute to making the main street locality and pedestrian thoroughfares safe, walkable, comfortable, pleasant and vibrant places.			Supported
DTS/DPF 1.4	Dwellings developed in conjunction with non-residential uses sited: a. at upper levels of buildings with non-residential uses located at ground level; or INCLUDED b. behind non-residential uses on the same allotment.			Supported
PO 1.5	Development of well-designed and diverse medium to high density accommodation options, including dwellings, supported accommodation, student accommodation, short term accommodation, either as part of a mixed use development or wholly residential development.			Supported
DTS/DPF 1.5	None are applicable.			Supported
PO 2.1	Buildings: a. designed to reinforce the street edge and grid pattern of the city streets; b. designed to include a podium/street wall and upper level setback that responds to local context, including the scale and context of adjacent built form, to ensure a cohesive and consistent streetscape and positively contribute to a sense of enclosure; c. with a rich visual design that has regard to above street level fenestration, balconies, parapets, architectural detailing and ornamentation.			Supported Supported Supported
PO 2.3	Buildings designed to create visual connection between the public realm and ground level interior, to ensure an active interface with the main street and maximise passive surveillance.			Supported

Number	Description	Transition category	Where has it been included?	Comments
DTS/DPF 2.3	The ground floor primary frontage of buildings provide at least 5 metres or 60% of the street frontage (whichever is greater) as an entry / foyer or display window to a shop or other community or commercial use that provides pedestrian interest and activation.			Supported
PO 2.5	Buildings are adaptable and flexible to accommodate a range of land uses.			Supported
DTS/DPF 2.5	The ground floor of buildings contain a minimum floor to ceiling height of 3.5m.			Supported
PO 2.6	Building heights where the height is commensurate with the scale of development along the main street			Supported
PO 2.7	Buildings sited on the primary street boundary to achieve a continuity of built form frontage to the main street, with the occasional section of building set back to create outdoor dining areas, visually interesting building entrances and intimate but vibrant spaces.			Supported, however setbacks to create outdoor dining is not characteristic to the historic character or layout of the City there is also the preference that building entrances are not setback unless they are original shop frontages. It is recommended the policy is reworded as follows: <i>"Buildings sited on the primary street boundary to achieve a continuity of built form frontage to the main street."</i>
DTS/DPF 2.7	Buildings with a 0m setback from the primary street boundary, with the exception of minor setbacks to accommodate outdoor dining areas.			Supported however setbacks to create outdoor dining is not characteristic to the historic character or layout of the City. It is recommended that the DTS be reworded as follows: <i>"Buildings with a 0m setback from the primary street boundary."</i>
PO 2.8	In secondary streets and laneways (off the main street) building setbacks above the street wall may be relatively shallow or non-existent to create intimate spaces through a greater sense of enclosure.			Supported
DTS/DPF 2.8	Buildings with a 0m setback from the secondary street boundary.			Supported
Access and Movement				
PO 4.1	Development does not result in additional crossovers on the main street, except where rationalising existing crossovers on consolidated sites and is designed to minimise conflicts with pedestrians and cyclists and minimise disruption to the continuity of built form.			Supported in part. Driveway crossovers are not characteristic to the City's main Street. It is recommended the policy is revised as follows: <i>"Development does not result in additional crossovers on the main street to minimise conflicts with pedestrians and cyclists and minimise disruption to the continuity of built form."</i>
DTS/DPF 4.1	Vehicular access to be provided: (a) via side streets or rear lanes provided there is no negative impact on residential amenity within the zone and in adjacent zones; or (b) where it consolidates or replaces existing crossovers.			Supported
PO 4.2	Development is designed to ensure car parking is located avoid negative impacts on the main street rhythm and activation.			Support Supported
DTS/DPF 4.2	Vehicle parking garages located behind buildings away from the primary main street frontage.			Supported
CITY MAIN STREET ZONE - ASSESSMENT TABLES				
Table 1 - Accepted Development Classification			Error/Comments	Recommendation
	Temporary Storage of Council Equipment	NEW FUTURE Class of Development in Accepted Development Classification Criteria or DTS Table	MISSING - 'Temporary Storage of Council Equipment' that is necessary for Council to undertake works and upgrades.	INSERT 'Temporary Storage of Council Equipment' as a Class of Development and the following words as Accepted Development or DTS Classification Criteria: <i>1. Appropriate measures are incorporated for: (a) dust control; (b) appropriate screening including landscaping; (c) containment of litter and waste; and (d) appropriate securing of the site.</i>
Table 2 - Deemed to Satisfy Development Classification			Error/Comments	Recommendation
	Advertisement	GDP	MISSING - reference to Advertisements and/or advertising hoarding of a scale and size appropriate to the character of the locality.	INSERT additional reference Advertisements [Appearance]: DTS 1.5
		OVERLAY	MISSING - reference to Local Heritage Place Overlay.	INSERT reference to Local Heritage Place Overlay

Number	Description	Transition category	Where has it been included?	Comments
		OVERLAY	MISSING - Reference to State Heritage Place Overlay.	INSERT reference to State Heritage Place Overlay
Table 3 - Applicable Policies for Performance Assessed Development				
	Advertisement	GDP	MISSING reference to policies applicable to the planning assessment of all advertisements.	INSERT additional reference Advertisements [Appearance]: PO 1.2, 1.5
		GDP	ERROR title reference of GDP	DELETE GDP reference Advertisements [Amenity Content]; PO 4.1 and INSERT Advertisements [Amenity Impacts]: PO 4.1
	Apartment	GDP	MISSING vehicle access policies applicable to the assessment of an apartment.	INSERT additional reference Transport, Access and Parking [Vehicle Access]: PO 3.7, 3.8
		GDP	MISSING reference to sightlines	INSERT reference Transport, Access and Parking [Sightlines]: All
		GDP	MISSING reference to access for people with disabilities.	INSERT reference Transport, Access and Parking [Access for People with Disabilities]: PO 4.1
		GDP	MISSING reference to undercroft parking.	INSERT reference Transport, Access and Parking [Undercroft and Below Ground Garaging and Parking of Vehicles]: PO 7.1
		GDP	MISSING reference to bicycle parking.	INSERT reference Transport, Access and Parking [Bicycle Parking]: PO 9.1, 9.2
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING reference to minimising external noise to bedrooms	INSERT additional reference Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.1, 4.3
		GDP	MISSING reference to Light Spill	INSERT reference Interface Between Land Uses [Light Spill]: PO 6.1, 6.2
		GDP	MISSING reference to solar reflectivity and Glare	INSERT reference Interface Between Land Uses [Solar Reflectivity and Glare]: PO 7.1
		SUBZONE	ERROR - description of SubZone	DELETE reference to Gouger Street: All and INSERT reference Gouger and Grote Street: All
		GDP	MISSING Noise Policies in regard to Noise Sensitive uses.	A diversity of land uses is important to the character, attraction and buzz of the City. The CoA Noise Policies play an important role in contributing to vibrancy and attraction of the City whilst ensuring land use co-existence. It is important these policies are included in the Code and reference to these policies should apply to the assessment of apartments.
	Childcare	GDP	MISSING reference to land use compatibility	INSERT reference Interface Between Land Uses [General Land Use Compatibility]: PO 1.2
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING no reference has been made to land contamination	INSERT reference Site Contamination: PO 1.1
		SUBZONE	ERROR - description of SubZone	DELETE reference to Gouger Street: All and INSERT reference Gouger and Grote Street: All
	Consulting Room	GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		SUBZONE	ERROR - description of SubZone	DELETE reference to Gouger Street: All and INSERT reference Gouger and Grote Street: All
	Dwelling	GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING reference to minimising external noise to bedrooms	INSERT additional reference Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.3

Number	Description	Transition category	Where has it been included?	Comments
		GDP	MISSING Noise Policies in regard to Noise Sensitive uses.	A diversity of land uses is important to the character, attraction and buzz of the City. The CoA Noise Policies play an important role in contributing to vibrancy and attraction of the City whilst ensuring land use co-existence. It is important these policies are included in the Code and reference to these policies should apply to the assessment of a dwelling.
		SUBZONE	ERROR - description of SubZone	DELETE reference to Gouger Street: All and INSERT reference Gouger and Grote Street: All
	Hotel	GDP	MISSING reference to land use compatibility	INSERT reference Interface Between Land Uses [General Land Use Compatibility]: PO 1.2
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING reference to minimising external noise to bedrooms	INSERT additional reference Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.3
		Future GDP	MISSING Noise Policies in regard to Noise Generating uses.	A diversity of land uses is important to the character, attraction and buzz of the City. The CoA Noise Policies play an important role in contributing to vibrancy and attraction of the City whilst ensuring land use co-existence. It is important these policies are included in the Code and reference to these policies should apply to the assessment of hotels.
		SUBZONE	ERROR - description of SubZone	DELETE reference to Gouger Street: All and INSERT reference Gouger and Grote Street: All
	Licensed Entertainment Premises	GDP	MISSING reference to land use compatibility	INSERT reference Interface Between Land Uses [General Land Use Compatibility]: PO 1.2
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		Future GDP	MISSING Noise Policies in regard to Noise Generating uses.	A diversity of land uses is important to the character, attraction and buzz of the City. The CoA Noise Policies play an important role in contributing to vibrancy and attraction of the City whilst ensuring land use co-existence. It is important these policies are included in the Code and reference to these policies should apply to the assessment of hotels.
		SUBZONE	ERROR - description of SubZone	DELETE reference to Gouger Street: All and INSERT reference Gouger and Grote Street: All
	Licensed Premises	GDP	MISSING reference to Land Use Compatibility	INSERT reference Interface Between Land Uses [General Land Use Compatibility]: PO 1.2
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING Noise Policies in regard to Noise Generating uses.	A diversity of land uses is important to the character, attraction and buzz of the City. The CoA Noise Policies play an important role in contributing to vibrancy and attraction of the City whilst ensuring land use co-existence. It is important these policies are included in the Code and reference to these policies should apply to the assessment of licensed premises.
		SUBZONE	ERROR - description of SubZone	DELETE reference to Gouger Street: All and INSERT reference Gouger and Grote Street: All
	Office	GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING reference to pool filters which are often included as part of a multi-storey development within the City	INSERT additional reference Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.3
		SUBZONE	ERROR - description of SubZone	DELETE reference to Gouger Street: All and INSERT reference Gouger and Grote Street: All

Number	Description	Transition category	Where has it been included?	Comments
	Residential Flat Building	GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING reference to pool filters	INSERT reference Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.3
		GDP	MISSING Noise Policies in regard to Noise Sensitive uses.	A diversity of land uses is important to the character, attraction and buzz of the City. The CoA Noise Policies play an important role in contributing to vibrancy and attraction of the City whilst ensuring land use co-existence. It is important these policies are included in the Code and reference to these policies should apply to the assessment of a residential use in the Main Street Zone.
		SUBZONE	ERROR - description of SubZone	DELETE reference to Gouger Street: All and INSERT reference Gouger and Grote Street: All
	Restaurant	GDP	MISSING reference to Land Use Compatibility	INSERT reference Interface Between Land Uses [General Land Use Compatibility]: PO 1.2
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING reference to outdoor areas and acoustic amenity	INSERT additional reference Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.5, 4.6
		GDP	MISSING Noise Policies in regard to Noise Generating uses.	A diversity of land uses is important to the character, attraction and buzz of the City. The CoA Noise Policies play an important role in contributing to vibrancy and attraction of the City whilst ensuring land use co-existence. It is important these policies are included in the Code and reference to these policies should apply to the assessment of restaurants.
		SUBZONE	ERROR - description of SubZone	DELETE reference to Gouger Street: All and INSERT reference Gouger and Grote Street: All
	Shop	GDP	MISSING reference to Land Use Compatibility	INSERT reference Interface Between Land Uses [General Land Use Compatibility]: PO 1.2
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		SUBZONE	ERROR - description of SubZone	DELETE reference to Gouger Street: All and INSERT reference Gouger and Grote Street: All
	Student Accommodation	GDP	MISSING all Movement Systems policies should apply to an assessment of student accommodation	INSERT reference Transport, Access and Parking [Movement Systems]: PO 1.1
		GDP	MISSING reference to Sightlines	INSERT reference Transport, Access and Parking [Sightlines]: All
		GDP	MISSING reference to Bicycle Parking	INSERT reference Transport, Access and Parking [Bicycle Parking in Designated Areas]: PO 9.1, 9.2
		GDP	MISSING no reference has been made to the overshadowing of solar panels	INSERT additional reference Interface Between Land Uses [Overshadowing]: PO 3.3
		GDP	MISSING reference to pool filters	INSERT reference Interface Between Land Uses [Activities Generating Noise or Vibration]: PO 4.3
		GDP	MISSING Noise Policies in regard to Noise Sensitive uses.	A diversity of land uses is important to the character, attraction and buzz of the City. The CoA Noise Policies play an important role in contributing to vibrancy and attraction of the City whilst ensuring land use co-existence. It is important these policies are included in the Code and reference to these policies should apply to the assessment of student accommodation.
		SUBZONE	ERROR - description of SubZone	DELETE reference to Gouger Street: All and INSERT reference Gouger and Grote Street: All

Zone	Main Street (Melbourne East) Zone		1 - Included in the Code and retains same policy intent	
Policy area(s)			2 - Wording changed but policy intent remains (OK)	
			3 - Included in the Code but policy intent changed (NOT OK)	
			4 - Not included in the Code but OK to remove	
			5 - Not included in the Code and should be reinstated	
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	<p>The Zone will be enhanced as the focus for neighbourhood shopping, leisure, commercial activity and community facilities primarily to service the needs of the lower North Adelaide residential community.</p> <p>The mix of complementary land uses will extend activity into the evening to enhance the vibrancy and safety of the area and provide visual interest after hours, including by having no external shutters.</p> <p>Small licensed premises will occur in limited numbers where they are designed and sited to maintain day and evening activation at street level and minimise impacts on nearby residential development. Development should complement the attractive linear shopping centre and its visual character. Development should be in the form of buildings up to two storeys in height sited on or close to the street boundary complementing the intimate commercial townscape and pedestrian environment with higher elements set away from the street frontage and the adjacent North Adelaide Historic (Conservation) Zone. Development on corner sites should present a strong built form edge to the secondary street boundary. Development should continue the established identity of the street through incorporating vines, verandahs and pergolas where appropriate. A high degree of accessibility for local and through traffic, public transport and for cyclists should be maintained. The Zone should maintain a high level of pedestrian accessibility, safety and amenity with a high quality, consistent approach to landscaping, footpath treatments (such as kerb protuberances) attractive street furniture and public art. Further street tree planting enhancing pedestrian amenity and landscape character is desired. The impacts of development will be carefully managed to ensure the enhancement of amenity for residential development within the Zone and in adjacent Zones to ensure the achievement of a high quality residential living environment. Catalyst sites provide opportunities for integrated developments on large sites to assist in the transformation of a locality. Such developments will facilitate an increase in the residential population of the City, while also activating the public realm and creating a vibrant main street feel. A range of land uses will be provided that add to the range of local employment opportunities and the availability of service and shopping facilities within the main street. Development on catalyst sites will exemplify quality and contemporary design that is generally greater in intensity than its surroundings. However, development will be designed to carefully manage the interface with sensitive uses in the North Adelaide Historic (Conservation) Zone, particularly with regard to massing; proportions; overshadowing; traffic and noise related impacts.</p>	<p style="background-color: #d9ead3;">2 - Wording changed but policy intent remains (OK)</p> <p style="background-color: #d9ead3;">3 - Included in the Code but policy intent changed (NOT OK)</p> <p style="background-color: #d9ead3;">5 - Not included in the Code and should be reinstated</p> <p style="background-color: #d9ead3;">2 - Wording changed but policy intent remains (OK)</p> <p style="background-color: #d9ead3;">4 - Not included in the Code but OK to remove</p> <p style="background-color: #d9ead3;">5 - Not included in the Code and should be reinstated</p> <p style="background-color: #d9ead3;">4 - Not included in the Code but OK to remove</p> <p style="background-color: #d9ead3;">4 - Not included in the Code but OK to remove</p> <p style="background-color: #d9ead3;">4 - Not included in the Code but OK to remove</p>	<p>Various places. Key policies include: DO1, DO2</p> <p>DTS 1.1</p> <p>Built form and Character</p> <p>PO4.1</p>	<p>City Mainstreet Zone - This is covered by the DO1.</p> <p style="color: red;">The external Shutters should be reinstated. Insert Policy.</p> <p>Licensed Entertainment premises and Licensed Premises are now DTS. Rather than on merit. Policy effect is the same. In that how do you control overconcentration? The Development Plan is unrealistic. However Council previously had reservations about Melbourne Street and small bars. Insert Policy into City Mainstreet Sub Zone. City Mainstreet Zone - DO 2 Covers this.</p> <p>Pedestrian and cycling emphasis removed. City Mainstreet Zone - Insert Policy in Access and Movement.</p> <p>Licensed Premises may have an adverse impact on the street. Reinstated previous policy.</p> <p>Replaced with Significant Development Sites. These are better than catalyst sites however they remain the approach remains questionable.</p> <p>Replaced with Significant Development Sites. These are better than catalyst sites however they remain the approach remains questionable.</p>
Policy Objectives				
1	A shopping and commercial main street supported by medium density residential development.	2 - Wording changed but policy intent remains (OK)	DO1, DO2	
2	Objective 2: A visually interesting streetscape with buildings having a high level of fenestration and detail, and balconies oriented towards the street.	2 - Wording changed but policy intent remains (OK)	DO1, DO2	
3	An intimate public realm with active frontages created by buildings designed with frequently repeated forms and narrow tenancy footprints.	5 - Not included in the Code and should be reinstated		The detail has been replaced with "traditional main street buildings". This wording should be amended in line with the previous policy. Rundle Street Policy could be used.
4	Objective 4: An interesting and varied skyline as viewed from the street and afar, provided by modulation in roof forms and/or the use of parapets.	5 - Not included in the Code and should be reinstated	DTS 2.1	The DTS doesn't seek modulation in roof forms or use of parapets.
5	Objective 5: Development that contributes to the Desired Character of the Zone.	4 - Not included in the Code but OK to remove		

Number	Description	Transition category	Where has it been included?	Comments
Principles of Development Control				
Land Use				
1	The following types of development, or combinations thereof, are envisaged in the Zone: Affordable housing Aged persons accommodation Community centre Consulting room Dwelling Educational establishment Office Pre-school Residential flat building Restaurant Retirement village Shop or group of shops Supported accommodation Tourist accommodation.	5 - Not included in the Code ar	DTS 1.1	What are apartments? These are now DTS. The following have been added: Child care centre Hotel Licensed Entertainment Premises Licensed Premises Student Accomodation
2	A mix of land uses should exist which primarily provide services to the local residential community.			PDC 3 had sought small licensed premises. However, the DTS doesn't give a size threshold.
3	3 Land uses that add to the vitality of the area and extend activities into the evening should occur, including restaurants, shops, small licensed premises, educational, community and cultural facilities, and visitor and residential accommodation.	5 - Not included in the Code ar		Policy should be strengthened reflect the current non-complying list.
4	4 Consulting rooms, dwellings and offices are appropriate except at ground floor level on frontages to Melbourne Street west of 59 and 60 Melbourne Street.	5 - Not included in the Code ar	DTS 1.3	Generally ok. However in relation to licensed premises the DTS1.1. doesn't give a size threshold. This should be considered.
5	5 Licensed premises should be secondary to the primary land use mix, small in scale, not detract from the streets daytime or evening activation, and have minimal impact on residential amenity. Further licensed premises or entertainment activities late at night are not appropriate. Restaurants and outdoor cafes are appropriate provided they maintain pedestrian flow and have minimal impact on residential amenity in the adjacent North Adelaide Historic (Conservation) Zone.	5 - Not included in the Code ar		The DTS enables shops, restuarants, offices and consulting rooms on the ground floor level of buildings. This is not in accordance with the current policy. PO 1.3 helps however doesnt ensure day time vibrancy.
6	6 Development listed as non-complying is generally inappropriate.	4 - Not included in the Code but OK to remove		
Form and Character				
7	7 Development should be consistent with the Desired Character for the Zone.	4 - Not included in the Code but OK to remove		
8	8 Development should be in accordance with Concept Plan Figure MS(ME)/1.	4 - Not included in the Code but OK to remove		It would be helpful however the P&D Code does seem to provide this detail.
9	9 Development should ensure a high quality living environment is achieved for residential development within the Zone and in the adjacent North Adelaide Historic (Conservation) Zone.	4 - Not included in the Code but OK to remove		In practice this is achieved in the same way. However the policy emphasis has been deleted.
Design and Appearance				
10		5 - Not included in the Code ar		The residential architecture references have been deleted.
11	11 Buildings should reflect the intimate pedestrian scale and informal character of the shopping environment.	2 - Wording changed but polic	PO 2.1-2.11	
12	12 Buildings along Melbourne Street should incorporate modelled facades and verandahs or balconies. Blank, unarticulated facades to the street frontage are inappropriate and should be avoided.	5 - Not included in the Code ar	PO 2.1-2.11	
13	13 The street wall height of buildings fronting Melbourne Street or Jerningham Street should be designed to reinforce the prevailing datum heights and parapet levels of the street through incorporating two storey podium elements on the street frontage and with upper storeys setback to provide a clear distinction between the levels below and above the prevailing datum line.	5 - Not included in the Code ar	PO2.1, PO2.2	This element should be reinstated "designed to reinforce the prevailing datum heights and parapet levels of the street through incorporating two storey podium elements on the street frontage and with upper storeys setback to provide a clear distinction between the levels below and above the prevailing datum line."
14	Except on sites greater than 1500 square metres in area (which may include one or more allotment), development may be built to the following maximum building height: (a) 22 metres on the south side of Melbourne Street; (b) 14 metres on the north side of Melbourne Street.	4 - Not included in the Code but OK to remove		The mapping provides the policy. It is the same.

Number	Description	Transition category	Where has it been included?	Comments
15	Development adjacent to the North Adelaide Historic (Conservation) Zone should be consistent with the building envelope as shown in Figures 1 and 2, except where a variation to the building envelope demonstrates minimal impacts upon adjacent housing in terms of massing and overshadowing through alternative design methods: (a) to minimise building mass at the interface, buildings should be constructed within a building envelope provided by a 45 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of an allotment within the North Adelaide Historic (Conservation) Zone (except where this boundary is the southern boundary), as illustrated in Figure 1. (b) to minimise overshadowing of sensitive development outside of the zone, buildings should be constructed within a building envelope provided by a 30 degree plane grading north, measured from a height of 3 metres above natural ground level at the southern zone boundary, as illustrated in Figure 2. Where a site has frontage to a road that forms a zone boundary with the North Adelaide Historic (Conservation) Zone, any part of the building exceeding two storeys should:	2 - Wording changed but policy	PO3.1, PO3.2	Refers to neighbourhood zone. Does this mean the City Living Zone (or the previous North Adelaide Historic Conservation Zone)?
16	(a) be setback from the street frontage; (b) incorporate design treatments to reduce the visual presence of the higher components and to achieve an orderly visual transition between the different zones.	5 - Not included in the Code and		There is no transitional policy proposed. Reinsert policy to manage adjacency.
17	Development should use building forms, colour and materials of a more domestic nature to provide a suitable transition to the adjoining North Adelaide Historic (Conservation) Zone.	5 - Not included in the Code and		The "domestic" nature is not picked up.
18	18 Buildings should have a minimum building height of 2 storeys.	5 - Not included in the Code and		The minimum building height is not picked up.
19	19 Development may incorporate landscaping in planter tubs or window boxes, or in-ground vine planting where appropriate.	5 - Not included in the Code and		Green infrastructure is not picked up.
Catalyst Sites				
20	Development on catalyst sites (sites greater than 1500 square metres, which may include one or more allotment) should be comprised of medium scale residential development that is carefully integrated with non-residential development.	4 - Not included in the Code but	PO4.1	Replaced with Significant Development Sites. These are better than catalyst sites however they remain the approach remains questionable.
21	21 Catalyst sites should be developed to manage the interface with the North Adelaide Historic (Conservation) Zone with regard to intensity of use, overshadowing, massing, building proportions and traffic to minimise impacts on residential amenity. Catalyst sites should contribute to the vibrancy of the main street through building designs that:	4 - Not included in the Code but OK to remove		Replaced with Significant Development Sites. These are better than catalyst sites however they remain the approach remains questionable.
22	(a) include a mix of land uses that create activity and overlooking of the street, particularly at the ground and first floor; (b) create the appearance of narrow frontages and enhance visual interest; (c) are vertically massed; and (d) include above street level fenestration, balconies, parapets, architectural detailing and ornamentation which contribute to the rich visual texture.	4 - Not included in the Code but	PO4.1	Replaced with Significant Development Sites. These are better than catalyst sites however they remain the approach remains questionable.
23	The scale of development on a catalyst site should depend on its context, particularly the nature of adjacent land uses and the interface treatments required to address impacts on sensitive uses.	4 - Not included in the Code but OK to remove		Replaced with Significant Development Sites. These are better than catalyst sites however they remain the approach remains questionable.
24	Where there is an apparent conflict between the catalyst site principles and Zone or Council Wide objectives and principles (including the quantitative provisions) the catalyst site principles will take precedence.	5 - Not included in the Code and		It is not clear how the Significant Development Site policies are to be interpreted.
Car Parking				
25	Access to sites should preferably be via the minor streets or lanes within or abutting the Zone provided there is no unreasonable impact on residential amenity.	2 - Wording changed but policy	Movement, parking and access	
26	26 Development should not result in additional crossovers on Melbourne Street. Access from Melbourne Street should be designed to minimise conflict with pedestrians and to minimise disruption to the continuity of built form.	2 - Wording changed but policy	Movement, parking and access	
27	27 Parking should be provided away from the primary frontages and be designed to minimise its impacts on residential amenity.	2 - Wording changed but policy	Movement, parking and access	
Advertising				
28	Advertisements should be designed to complement the desired townscape character and should be principally directed at a pedestrian audience.	3 - Included in the Code but policy	Advertising General Modules	Policy needs to be strengthened to be able to refuse the following: (d) Advertisements involving any of the following: Animation Third party advertising Advertisements at roof level where the sky or another building forms the background when viewed from ground level.

Number	Description	Transition category	Where has it been included?	Comments
29	29 Illumination of advertisements is appropriate provided the residential amenity of surrounding residences is not adversely affected.	3 - Included in the Code but p	Advertising General Modules	Policy needs to be strengthened to be able to refuse the following: (d) Advertisements involving any of the following: Animation Third party advertising Advertisements at roof level where the sky or another building forms the background when viewed from ground level.
Procedural Matters				
Complying Development				
30	Complying developments are prescribed in Schedule 4 of the Development Regulations 2008. In addition, the following kinds of development are designated as complying: (a) Temporary depot for Council for a period of no more than 3 months provided appropriate provision is made for: (i) dust control; (ii) screening, including landscaping; (iii) containment of litter and water; and (iv) securing the site.	5 - Not included in the Code ar	DTS	Minor applications should be reinstated as accepted development.
Non-Complying Development				
31	The following kinds of development are non-complying: (a) A change of use to any of the following: Adult entertainment premises Adult products and services premises Amusement machine centre Car park except: (i) where ancillary to an approved or existing use (ii) a multi-level car park Industry Licensed entertainment premises exceeding 120 patrons (b) Total demolition of a Local Heritage Place or portion of a Local Heritage Place being the frontage and side wall returns which are visible from the street, where the elements of heritage value of that place are so limited. (c) Total demolition of a State Heritage Place (as identified in Table Adel/1). (d) Advertisements involving any of the following: Animation Third party advertising Advertisements at roof level where the sky or another building forms the background when viewed from ground level.		Not transferable.	The approach has changed to reduce the restricted development classification. The only land use that is restricted is Industry. It would be helpful for more detail policy around what is inappropriate.
Public Notification				

Number	Description	Transition category	Where has it been included?	Comments
32	<p>For the purposes of public notification in accordance with the procedures and rights established by the Development Act 1993, development is assigned to the specified categories as follows:</p> <p>(a) Category 1, public notification not required:</p> <p>(i) the following forms of development, or any combination of (except those classified as non-complying):</p> <ul style="list-style-type: none"> Advertisement All forms of development that are ancillary and in association with residential development Consulting room Dwelling Office Restaurant Residential flat building Shop or group of shops Tourist accommodation <p>(ii) a kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.</p> <p>(b) Category 2, public notification required. Third parties may, at the discretion of the relevant planning authority, appear before the relevant planning authority on the matter. Third parties do not have appeal rights:</p> <p>(i) all development, other than where the development is assigned Category 1 or where the development is classified as non-complying.</p> <p>(ii) any development assigned as Category 1 where the site of the development is adjacent land to land in the North Adelaide Historic (Conservation) Zone and it exceeds two storeys in building height.</p> <p>(iii) any development on a catalyst site (a site greater than 1500 square metres, which may include one or more allotment) that exceeds two storeys in building height.</p>	2 - Wording changed but policy intent remains (OK)		The proposed level of notification reflects and or exceeds the current notification.
NEW CONTENT IN THE CODE (insert below)				

Zone	Main Street (Melbourne East) Zone			<p>1 - Included in the Code and retains same policy intent</p> <p>2 - Wording changed but policy intent remains (OK)</p> <p>3 - Included in the Code but policy intent changed (NOT OK)</p> <p>4 - Not included in the Code but OK to remove</p> <p>5 - Not included in the Code and should be reinstated</p>
Policy area(s)				
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	<p>The Zone will be enhanced as the focus for neighbourhood shopping, leisure, commercial activity and community facilities primarily to service the needs of the lower North Adelaide residential community.</p> <p>The mix of complementary land uses will extend activity into the evening to enhance the vibrancy and safety of the area and provide visual interest after hours, including by having no external shutters.</p> <p>Small licensed premises will occur in limited numbers where they are designed and sited to maintain day and evening activation at street level and minimise impacts on nearby residential development. Development should complement the attractive linear shopping centre and its visual character. Development should be in the form of buildings up to two storeys in height sited on or close to the street boundary complementing the intimate commercial townscape and pedestrian environment with higher elements set away from the street frontage and the adjacent North Adelaide Historic (Conservation) Zone. Development on corner sites should present a strong built form edge to the secondary street boundary. Development should continue the established identity of the street through incorporating vines, verandahs and pergolas where appropriate. A high degree of accessibility for local and through traffic, public transport and for cyclists should be maintained. The Zone should maintain a high level of pedestrian accessibility, safety and amenity with a high quality, consistent approach to landscaping, footpath treatments (such as kerb protuberances) attractive street furniture and public art. Further street tree planting enhancing pedestrian amenity and landscape character is desired. The impacts of development will be carefully managed to ensure the enhancement of amenity for residential development within the Zone and in adjacent Zones to ensure the achievement of a high quality residential living environment. Catalyst sites provide opportunities for integrated developments on large sites to assist in the transformation of a locality. Such developments will facilitate an increase in the residential population of the City, while also activating the public realm and creating a vibrant main street feel. A range of land uses will be provided that add to the range of local employment opportunities and the availability of service and shopping facilities within the main street. Development on catalyst sites will exemplify quality and contemporary design that is generally greater in intensity than its surroundings. However, development will be designed to carefully manage the interface with sensitive uses in the North Adelaide Historic (Conservation) Zone, particularly with regard to massing; proportions; overshadowing; traffic and noise related impacts.</p>	<p>2 - Wording changed but policy intent remains (OK)</p> <p>3 - Included in the Code but policy intent changed (NOT OK)</p> <p>5 - Not included in the Code and should be reinstated</p> <p>2 - Wording changed but policy intent remains (OK)</p> <p>4 - Not included in the Code but OK to remove</p> <p>5 - Not included in the Code and should be reinstated</p> <p>4 - Not included in the Code but OK to remove</p> <p>4 - Not included in the Code but OK to remove</p> <p>4 - Not included in the Code but OK to remove</p>	<p>Various places. Key policies include: DO1, DO2</p> <p>DTS 1.1</p> <p>Built form and Character</p> <p>PO4.1</p>	<p>City Mainstreet Zone - This is covered by the DO1.</p> <p>The external Shutters should be reinstated. Insert Policy.</p> <p>Licensed Entertainment premises and Licensed Premises are now DTS. Rather than on merit. Policy effect is the same. In that how do you control overconcentration? The Development Plan is unrealistic. However Council previously had reservations about Melbourne Street and small bars. Insert Policy into City Mainstreet Sub Zone. City Mainstreet Zone - DO 2 Covers this.</p> <p>Pedestrian and cycling emphasis removed. City Mainstreet Zone - Insert Policy in Access and Movement.</p> <p>Licensed Premises may have an adverse impact on the street. Reinstated previous policy.</p> <p>Replaced with Significant Development Sites. These are better than catalyst sites however they remain the approach remains questionable.</p> <p>Replaced with Significant Development Sites. These are better than catalyst sites however they remain the approach remains questionable.</p>
Policy Objectives				
1	A shopping and commercial main street supported by medium density residential development.	2 - Wording changed but policy intent remains (OK)	DO1, DO2	
2	Objective 2: A visually interesting streetscape with buildings having a high level of fenestration and detail, and balconies oriented towards the street.	2 - Wording changed but policy intent remains (OK)	DO1, DO2	
3	An intimate public realm with active frontages created by buildings designed with frequently repeated forms and narrow tenancy footprints.	5 - Not included in the Code and should be reinstated		The detail has been replaced with "traditional main street buildings". This wording should be amended in line with the previous policy. Rundle Street Policy could be used.
4	Objective 4: An interesting and varied skyline as viewed from the street and afar, provided by modulation in roof forms and/or the use of parapets.	5 - Not included in the Code and should be reinstated	DTS 2.1	The DTS doesn't seek modulation in roof forms or use of parapets.
5	Objective 5: Development that contributes to the Desired Character of the Zone.	4 - Not included in the Code but OK to remove		

Number	Description	Transition category	Where has it been included?	Comments
Principles of Development Control				
Land Use				
1	The following types of development, or combinations thereof, are envisaged in the Zone: Affordable housing Aged persons accommodation Community centre Consulting room Dwelling Educational establishment Office Pre-school Residential flat building Restaurant Retirement village Shop or group of shops Supported accommodation Tourist accommodation.	5 - Not included in the Code ar	DTS 1.1	What are apartments? These are now DTS. The following have been added: Child care centre Hotel Licensed Entertainment Premises Licensed Premises Student Accomodation
2	A mix of land uses should exist which primarily provide services to the local residential community.			PDC 3 had sought small licensed premises. However, the DTS doesn't give a size threshold.
3	3 Land uses that add to the vitality of the area and extend activities into the evening should occur, including restaurants, shops, small licensed premises, educational, community and cultural facilities, and visitor and residential accommodation.	5 - Not included in the Code ar		Policy should be strengthened reflect the current non-complying list.
4	4 Consulting rooms, dwellings and offices are appropriate except at ground floor level on frontages to Melbourne Street west of 59 and 60 Melbourne Street.	5 - Not included in the Code ar	DTS 1.3	Generally ok. However in relation to licensed premises the DTS1.1. doesn't give a size threshold. This should be considered.
5	5 Licensed premises should be secondary to the primary land use mix, small in scale, not detract from the streets daytime or evening activation, and have minimal impact on residential amenity. Further licensed premises or entertainment activities late at night are not appropriate. Restaurants and outdoor cafes are appropriate provided they maintain pedestrian flow and have minimal impact on residential amenity in the adjacent North Adelaide Historic (Conservation) Zone.	5 - Not included in the Code ar		The DTS enables shops, restuarants, offices and consulting rooms on the ground floor level of buildings. This is not in accordance with the current policy. PO 1.3 helps however doesnt ensure day time vibrancy.
6	6 Development listed as non-complying is generally inappropriate.	4 - Not included in the Code but OK to remove		
Form and Character				
7	Development should be consistent with the Desired Character for the Zone.	4 - Not included in the Code but OK to remove		
8	8 Development should be in accordance with Concept Plan Figure MS(ME)/1.	4 - Not included in the Code but OK to remove		It would be helpful however the P&D Code does seem to provide this detail.
9	9 Development should ensure a high quality living environment is achieved for residential development within the Zone and in the adjacent North Adelaide Historic (Conservation) Zone.	4 - Not included in the Code but OK to remove		In practice this is achieved in the same way. However the policy emphasis has been deleted.
Design and Appearance				
10		5 - Not included in the Code ar		The residential architecture references have been deleted.
11	Buildings should reflect the intimate pedestrian scale and informal character of the shopping environment.	2 - Wording changed but polic	PO 2.1-2.11	
12	12 Buildings along Melbourne Street should incorporate modelled facades and verandahs or balconies. Blank, unarticulated facades to the street frontage are inappropriate and should be avoided.	5 - Not included in the Code ar	PO 2.1-2.11	
13	13 The street wall height of buildings fronting Melbourne Street or Jerningham Street should be designed to reinforce the prevailing datum heights and parapet levels of the street through incorporating two storey podium elements on the street frontage and with upper storeys setback to provide a clear distinction between the levels below and above the prevailing datum line.	5 - Not included in the Code ar	PO2.1, PO2.2	This element should be reinstated "designed to reinforce the prevailing datum heights and parapet levels of the street through incorporating two storey podium elements on the street frontage and with upper storeys setback to provide a clear distinction between the levels below and above the prevailing datum line."
14	Except on sites greater than 1500 square metres in area (which may include one or more allotment), development may be built to the following maximum building height: (a) 22 metres on the south side of Melbourne Street; (b) 14 metres on the north side of Melbourne Street.	4 - Not included in the Code but OK to remove		The mapping provides the policy. It is the same.

Number	Description	Transition category	Where has it been included?	Comments
15	Development adjacent to the North Adelaide Historic (Conservation) Zone should be consistent with the building envelope as shown in Figures 1 and 2, except where a variation to the building envelope demonstrates minimal impacts upon adjacent housing in terms of massing and overshadowing through alternative design methods: (a) to minimise building mass at the interface, buildings should be constructed within a building envelope provided by a 45 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of an allotment within the North Adelaide Historic (Conservation) Zone (except where this boundary is the southern boundary), as illustrated in Figure 1. (b) to minimise overshadowing of sensitive development outside of the zone, buildings should be constructed within a building envelope provided by a 30 degree plane grading north, measured from a height of 3 metres above natural ground level at the southern zone boundary, as illustrated in Figure 2. Where a site has frontage to a road that forms a zone boundary with the North Adelaide Historic (Conservation) Zone, any part of the building exceeding two storeys should:	2 - Wording changed but policy	PO3.1, PO3.2	Refers to neighbourhood zone. Does this mean the City Living Zone (or the previous North Adelaide Historic Conservation Zone)?
16	(a) be setback from the street frontage; (b) incorporate design treatments to reduce the visual presence of the higher components and to achieve an orderly visual transition between the different zones.	5 - Not included in the Code and		There is no transitional policy proposed. Reinsert policy to manage adjacency.
17	Development should use building forms, colour and materials of a more domestic nature to provide a suitable transition to the adjoining North Adelaide Historic (Conservation) Zone.	5 - Not included in the Code and		The "domestic" nature is not picked up.
18	18 Buildings should have a minimum building height of 2 storeys.	5 - Not included in the Code and		The minimum building height is not picked up.
19	19 Development may incorporate landscaping in planter tubs or window boxes, or in-ground vine planting where appropriate.	5 - Not included in the Code and		Green infrastructure is not picked up.
Catalyst Sites				
20	Development on catalyst sites (sites greater than 1500 square metres, which may include one or more allotment) should be comprised of medium scale residential development that is carefully integrated with non-residential development.	4 - Not included in the Code but	PO4.1	Replaced with Significant Development Sites. These are better than catalyst sites however they remain the approach remains questionable.
21	21 Catalyst sites should be developed to manage the interface with the North Adelaide Historic (Conservation) Zone with regard to intensity of use, overshadowing, massing, building proportions and traffic to minimise impacts on residential amenity. Catalyst sites should contribute to the vibrancy of the main street through building designs that:	4 - Not included in the Code but OK to remove		Replaced with Significant Development Sites. These are better than catalyst sites however they remain the approach remains questionable.
22	(a) include a mix of land uses that create activity and overlooking of the street, particularly at the ground and first floor; (b) create the appearance of narrow frontages and enhance visual interest; (c) are vertically massed; and (d) include above street level fenestration, balconies, parapets, architectural detailing and ornamentation which contribute to the rich visual texture.	4 - Not included in the Code but	PO4.1	Replaced with Significant Development Sites. These are better than catalyst sites however they remain the approach remains questionable.
23	The scale of development on a catalyst site should depend on its context, particularly the nature of adjacent land uses and the interface treatments required to address impacts on sensitive uses.	4 - Not included in the Code but OK to remove		Replaced with Significant Development Sites. These are better than catalyst sites however they remain the approach remains questionable.
24	Where there is an apparent conflict between the catalyst site principles and Zone or Council Wide objectives and principles (including the quantitative provisions) the catalyst site principles will take precedence.	5 - Not included in the Code and		It is not clear how the Significant Development Site policies are to be interpreted.
Car Parking				
25	Access to sites should preferably be via the minor streets or lanes within or abutting the Zone provided there is no unreasonable impact on residential amenity.	2 - Wording changed but policy	Movement, parking and access	
26	26 Development should not result in additional crossovers on Melbourne Street. Access from Melbourne Street should be designed to minimise conflict with pedestrians and to minimise disruption to the continuity of built form.	2 - Wording changed but policy	Movement, parking and access	
27	27 Parking should be provided away from the primary frontages and be designed to minimise its impacts on residential amenity.	2 - Wording changed but policy	Movement, parking and access	
Advertising				
28	Advertisements should be designed to complement the desired townscape character and should be principally directed at a pedestrian audience.	3 - Included in the Code but policy	Advertising General Modules	Policy needs to be strengthened to be able to refuse the following: (d) Advertisements involving any of the following: Animation Third party advertising Advertisements at roof level where the sky or another building forms the background when viewed from ground level.

Number	Description	Transition category	Where has it been included?	Comments
29	29 Illumination of advertisements is appropriate provided the residential amenity of surrounding residences is not adversely affected.	3 - Included in the Code but p	Advertising General Modules	Policy needs to be strengthened to be able to refuse the following: (d) Advertisements involving any of the following: Animation Third party advertising Advertisements at roof level where the sky or another building forms the background when viewed from ground level.
Procedural Matters				
Complying Development				
30	Complying developments are prescribed in Schedule 4 of the Development Regulations 2008. In addition, the following kinds of development are designated as complying: (a) Temporary depot for Council for a period of no more than 3 months provided appropriate provision is made for: (i) dust control; (ii) screening, including landscaping; (iii) containment of litter and water; and (iv) securing the site.	5 - Not included in the Code ar	DTS	Minor applications should be reinstated as accepted development.
Non-Complying Development				
31	The following kinds of development are non-complying: (a) A change of use to any of the following: Adult entertainment premises Adult products and services premises Amusement machine centre Car park except: (i) where ancillary to an approved or existing use (ii) a multi-level car park Industry (b) Licensed entertainment premises exceeding 120 patrons (c) Total demolition of a Local Heritage Place or portion of a Local Heritage Place being the frontage and side wall returns which are visible from the street, where the elements of heritage value of that place are so limited. (d) Total demolition of a State Heritage Place (as identified in Table Adel/1). (e) Advertisements involving any of the following: Animation Third party advertising Advertisements at roof level where the sky or another building forms the background when viewed from ground level.		Not transferable.	The approach has changed to reduce the restricted development classification. The only land use that is restricted is Industry. It would be helpful for more detail policy around what is inappropriate.
Public Notification				

Number	Description	Transition category	Where has it been included?	Comments
32	<p>For the purposes of public notification in accordance with the procedures and rights established by the Development Act 1993, development is assigned to the specified categories as follows:</p> <p>(a) Category 1, public notification not required:</p> <p>(i) the following forms of development, or any combination of (except those classified as non-complying):</p> <ul style="list-style-type: none"> Advertisement All forms of development that are ancillary and in association with residential development Consulting room Dwelling Office Restaurant Residential flat building Shop or group of shops Tourist accommodation <p>(ii) a kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.</p> <p>(b) Category 2, public notification required. Third parties may, at the discretion of the relevant planning authority, appear before the relevant planning authority on the matter. Third parties do not have appeal rights:</p> <ul style="list-style-type: none"> (i) all development, other than where the development is assigned Category 1 or where the development is classified as non-complying. (ii) any development assigned as Category 1 where the site of the development is adjacent land to land in the North Adelaide Historic (Conservation) Zone and it exceeds two storeys in building height. (iii) any development on a catalyst site (a site greater than 1500 square metres, which may include one or more allotment) that exceeds two storeys in building height. 	2 - Wording changed but policy intent remains (OK)		The proposed level of notification reflects and or exceeds the current notification.
NEW CONTENT IN THE CODE (insert below)				

Zone	Main Street (Hutt) Zone		1 - Included in the Code and retains same policy intent		
Policy area(s)			2 - Wording changed but policy intent remains (OK)	3 - Included in the Code but policy intent changed (NOT OK)	
Amend to City Mainstreet Zone. Insert Subzone					
General comments					
Number	Description	Transition category	Where has it been included?	Comments	
Desired Character					
	The Zone will be enhanced as the focus for neighbourhood shopping, leisure, commercial activity and community facilities primarily to service the needs of the City's south eastern residential community. The Zone will continue as a convenient, attractive and vibrant Main Street primarily providing services to the adjoining residential areas, as well as passing traffic and visitors from further afield. A sensitive mix of uses, built form and development intensity is required in order to preserve residential amenity in adjacent areas.	2 - Wording changed but policy intent remains (OK)	DO 1 and DO 2 and PO1.1-1.6	This is covered off with a number of policies.	
		2 - Wording changed but policy intent remains (OK)	DO 1 and DO 2 and PO1.1-1.6	This is covered off with a number of policies.	
	The mix of complementary land uses will extend activity into the evening to enhance the vibrancy and safety of the area and provide visual interest after hours, including by having no external shutters. Small licensed premises will occur in limited numbers where they are designed and sited to maintain day and evening activation at street level and minimise impacts on nearby residential development.	3 - Included in the Code but po	DO 1 and DO 2 and PO1.1-1.6	External Shutters should be reinstated. Insert Pol	
	The 'high street' townscape comprises terrace shops and houses, corner pubs and a group of single-storey Victorian villas. Many of these buildings are heritage places and are to continue as prominent landmarks at the junctions of Hutt Street with major streets. The horizontal emphasis of the townscapes, particularly in the commercial areas of Hutt Street, is established by the close pattern of development and by the continuity of street facades, parapet lines, verandahs and balconies. Between Halifax Street and Cairns Street, a group of finely detailed stone residences with articulated and gabled facades and rich cast-iron ornamentation form a distinctive group. The design of buildings should reinforce the continuity of street facades, parapet lines and verandahs derived from the solid masonry character of the existing traditional buildings.	5 - Not included in the Code ar	PO 2.1 - PO 2.11	This detail has been removed. Risk to policy intent.	
	The Zone's character will be reinforced by a well-defined low to medium scale built form edge abutting its tree lined public space, enlivened by the attractive street environment and outdoor eating areas.. Hutt Street will remain highly accessible for local and through traffic, and for public transport. Provision for cyclists and a high level of pedestrian accessibility, safety and amenity will be maintained. The impact of through traffic will be reduced.	4 - Not included in the Code but OK to remove			
	The impact of development on the amenity of neighbouring Zones will be carefully controlled and managed.	4 - Not included in the Code but OK to remove			
	Catalyst sites provide opportunities for integrated developments on large sites to assist in the transformation of a locality. Such developments will facilitate growth in the residential population of the City, while also activating the public realm and creating a vibrant main street feel. A range of land uses will be provided that add to the range of local employment opportunities and the availability of services and shopping facilities within the main street.	2 - Wording changed but policy intent remains (OK)		Replaced with Significant Development Sites. These are better than catalyst sites however they remain the approach remains questionable.	
	Developments on catalyst sites will exemplify quality and contemporary design that is generally greater in intensity than their surroundings. However, development will be designed to carefully manage the interface with sensitive uses in residential zones, particularly with regard to massing; proportions; overshadowing; traffic and noise related impacts.	4 - Not included in the Code bu	PO4.1	Replaced with Significant Development Sites. These are better than catalyst sites however they remain the approach remains questionable.	
Policy Objectives					
1	A shopping and commercial main street supported by medium density residential development.	2 - Wording changed but polic	DO1, DO2		
2	A visually interesting streetscape with buildings having a high level of fenestration and detail, and balconies oriented towards the street.	2 - Wording changed but polic	DO1, DO2		
3	An intimate public realm with active streets created by buildings designed with frequently repeated frontage form and narrow tenancy footprints.	2 - Wording changed but polic	DO1, DO2		
4	Development that contributes to the Desired Character of the Zone.				
Principles of Development Control					
Land Use					

Number	Description	Transition category	Where has it been included?	Comments
1	The following types of development, or combinations thereof, are envisaged in the Zone: Affordable housing Aged persons accommodation Community centre Consulting room Dwelling Educational establishment Office Pre-school Residential flat building Restaurant Retirement village Shop or group of shops Supported accommodation Tourist accommodation.	5 - Not included in the Code ar	DTS 1.1	What are apartments? These are now DTS. The following have been added: Child care centre Hotel Licensed Entertainment Premises Licensed Premises Student Accomodation PDC 3 had sought small licensed premises. However, the DTS doesn't give a size threshold. Policy should be strengthened reflect the current non-complying list and what is not appropriate in the Zone.
2	A mix of land uses should exist which primarily provide services to the local residential community.	5 - Not included in the Code ar	PO1.2	Insert Policy area what is inappropriate. DTS 1.2 Introduce a policy around 2000m2 GLA floor cap. This assist with this. However, there has not been any rational provided. Is there a economic development study to support this? Or a retail study? Delete retail hierarchy policy
3		5 - Not included in the Code ar	DTS 1.3	The DTS enables shops, restuarants, offices and consulting rooms on the ground floor level of buildings. This is not in accordance with the current policy. Reinstate policy on ground floor retail.
4	3 Consulting rooms, dwellings and offices are appropriate except at ground floor level. 4 Land uses that add to the vitality of the area and extend activities into the evening should occur, including restaurants, small licensed premises, educational, community and cultural facilities; and visitor and residential accommodation.	5 - Not included in the Code ar	PO 1.3.	PO 1.3 helps however doesnt ensure day time vibrancy. Insert policy to support vibrancy.
5	5 Licensed premises should be secondary to the primary land use mix, small in scale, not detract from the streets daytime or evening activation, and have minimal impact on residential amenity. Further licensed premises or entertainment activities late at night are not appropriate. Restaurants and cafes with outdoor dining are appropriate provided they maintain pedestrian flow and have minimal impact on residential amenity.	5 - Not included in the Code ar	PO1.3	PO 1.3 helps however doesnt ensure day time vibrancy. Insert policy to support vibrancy.
6	6 Development listed as non-complying is generally inappropriate.	4 - Not included in the Code but OK to remove		
Form and Character				
7	Development should be consistent with the Desired Character for the Zone.	4 - Not included in the Code but OK to remove		
8	8 Development should be in accordance with Concept Plan Figure MS(H)1.	4 - Not included in the Code but OK to remove		It would be helpful however the P&D Code does seem to provide this detail. In practice this is achieved in the same way. However the policy emphasis has been deleted.
9	9 Development should ensure a high quality living environment is achieved for residential development within the Zone and in the adjacent City Living Zone and Adelaide Historic (Conservation) Zone.	4 - Not included in the Code but OK to remove		
Built Form and Public Environment				
10	Development should protect and enhance the traditional nineteenth and early twentieth century retail and residential townscape character of Hutt Street.	5 - Not included in the Code ar	PO 2.1-2.11	The emphasis on traditional nineteenth and early twentieth central retail and residential townscape has been deleted. This needs to be reinstated. Insert Policy on heritage.
11	A 'high street' commercial terrace design approach with continuous ground floor retailing and other uses at upper levels should occur north of Halifax Street to complement the eastern side of Hutt Street.	5 - Not included in the Code ar	PO 2.1-2.11	The ground floor retailing has been deleted and needs to be reinstated. No retail study has been prepared to suggest otherwise. Insert Policy on heritage.
12	12 Development should respect the design features of the long established townscapes. Roofs should be hipped or gabled and employ parapets on street frontages. Blank elevations unrelieved by architectural detail should be avoided. Above street level, windows should complement the proportions of the existing fenestration, and roofing materials and colour should be compatible with those traditionally used.	5 - Not included in the Code ar	PO 2.1-2.11	There is no policy in zone in relation to roof form. Insert policy on Built form
13	13 The street wall height of buildings fronting Hutt Street should be designed to reinforce the prevailing datum heights and parapet levels of the street through incorporating two storey podium elements on the street frontage and with upper storeys setback to provide a clear distinction between the levels below and above the prevailing datum line.	5 - Not included in the Code ar	PO 2.1 and DTS 2.1	This is included in a DTS however it needs to be a PO. Insert policy on Built form
14	14 Except on sites greater than 1500 square metres in area (which may include one or more allotment), building height should not exceed 14 metres	4 - Not included in the Code but OK to remove	PO 4.1 - 4.2	This has been replaced with Significant Development Sites.
15	15 On Hutt Street, development should achieve a minimum height of 2 storeys.	5 - Not included in the Code ar		The minimum building height is not picked up. Insert minimum building height policy

Number	Description	Transition category	Where has it been included?	Comments
16	Development adjacent to the City Living Zone or the Adelaide Historic (Conservation) Zone should be consistent with the building envelope as shown in Figures 1 and 2, except where a variation to the building envelope demonstrates minimal impacts upon adjacent housing in terms of massing and overshadowing through alternative design methods: (a) to minimise building mass at the interface, buildings should be constructed within a building envelope provided by a 45 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of an allotment within the City Living Zone or the Adelaide Historic (Conservation) Zone, as illustrated in Figure 1:	2 - Wording changed but policy	Interface Height PO 3.1 - 3.2	There is opportunity to reconsider this approach where located near the City Living Zone. The City Living Zone allows buildings higher than single storey in this zone. It doesn't make clear sense that you have to have a lower height in the Mainstreet Zone. This generic policy approach is not fit for purpose. Agree with proposed policy however allow nuance at adjacent zones. Amend proposed interface policy.
17	Where a site has frontage to a road that forms a zone boundary with the City Living Zone or the Adelaide Historic (Conservation) Zone, any part of the building exceeding two storeys should: (a) be setback from the street frontage; (b) incorporate design treatments to reduce the visual presence of the higher components and to achieve an orderly visual transition between the different zones.	5 - Not included in the Code as		Transition between zones should be reinstated "(b) incorporate design treatments to reduce the visual presence of the higher components and to achieve an orderly visual transition between the different zones."
18	Development should use building forms, colour and materials of a more domestic nature to provide a suitable transition to the adjoining City Living Zone or Adelaide Historic (Conservation) Zone.	5 - Not included in the Code as		The "domestic" nature is not picked up. Reinstated domestic nature.
19	19 Buildings should have little or no set-backs from front and side boundaries, and should achieve a continuity of street facade.	2 - Wording changed but policy	PO 2.1 - 2.11	
20	20 Development on corner sites should be built to street alignments, emphasising the importance of traditional corner buildings.	2 - Wording changed but policy	PO 2.1 - 2.11	Whilst the no side boundary set back has been retained, there is a need to have a policy about blank walls and roof forms. Insert policy to manage impact
21	21 Continuous pedestrian shelter in the form of verandahs or balconies should be provided along the eastern side of Hutt Street. On the western side of Hutt Street, pedestrian shelter in the form of verandahs, awnings or balconies should be provided by all new non-residential buildings.	2 - Wording changed but policy	PO2.4 - DTS 2.4	Whilst there are veranda design standard, it does not explicitly require pedestrian shelters. Nor does it seek a different design response on either side of the street.
Catalyst Sites				
22	Development on catalyst sites (sites greater than 1500 square metres, which may include one or more allotment) should be comprised of medium scale residential development that is carefully integrated with non-residential development.	4 - Not included in the Code but	PO 4.1 - PO 4.2	Replaced with Significant Development Sites. These are better than catalyst sites however they remain the approach remains questionable. Retain policy approach
23	23 Catalyst sites should be developed to manage the interface with adjacent Zones with regard to intensity of use, overshadowing, massing, building proportions and traffic to minimise impacts on residential amenity.	4 - Not included in the Code but	PO 4.1 - PO 4.2	Replaced with Significant Development Sites. These are better than catalyst sites however they remain the approach remains questionable. Retain policy approach
24	Catalyst sites should contribute to the vibrancy of the main street through building designs that: (a) include a mix of land uses that create activity and overlooking of the street, particularly at the ground and first floor; (b) create the appearance of narrow frontages and enhance visual interest; (c) are vertically massed; and (d) include above street level fenestration, balconies, parapets, architectural detailing and ornamentation which contribute to the rich visual texture.	4 - Not included in the Code but	PO 4.1 - PO 4.2	Replaced with Significant Development Sites. These are better than catalyst sites however they remain the approach remains questionable. Retain policy approach
25	25 The scale of development on a catalyst site should respond to its context, particularly the nature of adjacent land uses and the interface treatments required to address impacts on sensitive uses.	4 - Not included in the Code but	PO 4.1 - PO 4.2	Replaced with Significant Development Sites. These are better than catalyst sites however they remain the approach remains questionable. Retain policy approach
26	26 Where there is an apparent conflict between the catalyst site principles and Zone or Council Wide objectives and principles (including the quantitative provisions) the catalyst site principles will take precedence.	5 - Not included in the Code as	PO 4.1 - PO 4.2	It is not clear how the Significant Development Site policies are to be interpreted. Retain policy approach
Car Parking				
27	27 Access should minimise any disruption to the continuity of existing streetscapes. Access should be obtained from minor streets or lanes within or abutting the Zone provided there is no unreasonable impact on residential amenity.	2 - Wording changed but policy	PO 5.1 - 5.2	It is not clear how "negative impact" will be determined. City Mainstreet Zone policies 4.1-4.2 are adequate.
28	28 Parking should be provided away from the primary frontages and be designed to minimise its impacts on residential amenity.	2 - Wording changed but policy	PO 5.1 - 5.2	It is not clear how "negative impact" will be determined. City Mainstreet Zone policies 4.1-4.2 are adequate.
Advertising				
29	Advertisements should be scaled, located, designed and illuminated to be sympathetic with the built form.	3 - Included in the Code but policy	Advertising General Modules	Policy needs to be strengthened to be able to refuse the following: (d) Advertisements involving any of the following: Animation Third party advertising Advertisements at roof level where the sky or another building forms the background when viewed from ground level. Insert Policy into Subzone

Number	Description	Transition category	Where has it been included?	Comments
30	30 The discreet illumination of advertisements is appropriate.	3 - Included in the Code but p	Advertising General Modules	Policy needs to be strengthened to be able to refuse the following: (d) Advertisements involving any of the following: Animation Third party advertising Advertisements at roof level where the sky or another building forms the background when viewed from ground level. Insert Policy into Subzone
Procedural Matters				
Complying Development				
31	Complying developments are prescribed in Schedule 4 of the Development Regulations 2008. In addition, the following kinds of development are designated as complying: (a) Temporary depot for Council for a period of no more than 3 months provided appropriate provision is made for: (i) dust control; (ii) screening, including landscaping; (iii) containment of litter and water; and (iv) securing the site.	5 - Not included in the Code an		Insert policy for deemed to satisfy
Non-Complying Development				
32	The following kinds of development are non-complying: (a) A change of use to any of the following: Adult entertainment premises Adult products and services premises Amusement machine centre Auditorium Car park except: (i) where ancillary to an approved or existing use (ii) a multi-level car park Industry Licensed entertainment premises exceeding 120 patrons (b) Total demolition of a Local Heritage Place (City Significance) or of the frontage and side wall returns visible from the street of a Local Heritage Place (Townscape). (c) Total demolition of a Local Heritage Place, or that portion of a Local Heritage Place comprising its Elements of Heritage Value. (d) Total demolition of a State Heritage Place (as identified in Table Adel/1). (e) Advertisements involving any of the following: (i) Animation (ii) Third party advertising (iii) Advertisements at roof level where the sky or another building forms the background when viewed from ground level.	5 - Not included in the Code an		The approach has changed to reduce the restricted development classification. The only land use that is restricted is Industry. It would be helpful for more detail policy around what is inappropriate to provide a clear direction to applicants. Insert policy around what is inappropriate.
Public Notification				

Number	Description	Transition category	Where has it been included?	Comments
33	<p>For the purposes of public notification in accordance with the procedures and rights established by the Development Act 1993, development is assigned to the specified categories as follows:</p> <p>(a) Category 1, public notification not required:</p> <p>(i) the following forms of development, or any combination of (except those classified as non-complying):</p> <ul style="list-style-type: none"> Advertisement All forms of development that are ancillary and in association with residential development Consulting room Dwelling Office Restaurant Residential flat building Shop or group of shops Tourist accommodation <p>(ii) a kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.</p> <p>(b) Category 2, public notification required. Third parties may, at the discretion of the relevant planning authority, appear before the relevant planning authority on the matter. Third parties do not have appeal rights:</p> <p>(i) all development, other than where the development is assigned Category 1 or where the development is classified as non-complying.</p> <p>(ii) any development assigned as Category 1 where the site of the development is adjacent land to land in the City Living Zone or the Adelaide Historic (Conservation) Zone and it exceeds two storeys in building height.</p> <p>(iii) any development on a catalyst site (a site greater than 1500 square metres, which may include one or more allotments) that exceeds two storeys in building height.</p>	2 - Wording changed but policy intent remains (OK)		<p>The proposed level of notification reflects and or exceeds the current notification.</p> <p>Amend to support same level of notification.</p>
NEW CONTENT IN THE CODE (insert below)				

Zone	Main Street (Adelaide) Zone		1 - Included in the Code and retains same policy intent		
Policy area(s)			2 - Included in the Code but policy intent changed (OK)		
			3 - Included in the Code but policy intent changed (NOT OK)		
			4 - Not included in the Code but OK to remove		
			5 - Not included in the Code and should be reinstated		
Amend to City Mainstreet with subzone					
General comments					
Number	Description	Transition category	Where has it been included?	Comments	
Desired Character					
	<p>Sturt and Halifax streets will be enhanced as recognisable 'main streets' and development will add to the lively mix of specialist retail outlets; personal services; restaurants; cafés; hospitality, community and mixed businesses; and medium to high scale residential developments.</p> <p>The mix of complementary land uses will extend activity into the evening to enhance the vibrancy of the area. Small-scale licensed entertainment premises, nightclubs or bars may occur in limited numbers along Sturt and Halifax streets where they are designed and sited to maintain day time and evening activation at street level and minimise impacts on nearby residential development. Development will continue to provide visual interest after hours by having no external shutters.</p> <p>Active street frontages will be promoted through the pattern of narrow-fronted shop and business fronts of varied and interesting displays, frequent individualised frontages and pedestrian entrances. Development should maintain the continuity of buildings sited on or close to both front and side boundaries and on corner frontages. Limited setbacks may be appropriate to emphasise pedestrian entries and to accommodate space for outdoor dining.</p> <p>A pedestrian scale is to be maintained by buildings that enclose the street space along Sturt, Halifax and Wright streets yet maintain openness to the sky and the streets' intimate, main street feel. Pedestrian shelter and comfort is to be provided through continuous verandahs and awnings that are complemented by a canopy of street trees.</p> <p>Buildings will respond to heritage places through contemporary designs that include variations in façade treatments and building materials, as well as the use of modulated roof forms and parapets that contribute to a varied and interesting pedestrian environment. Balconies overlooking the street are also encouraged to provide a connection for residents to the street and achieve passive surveillance.</p> <p>Vehicle access points will be located on side streets or grouped where possible so that safe and efficient pedestrian movement along the main streets is achieved. Parking will be located away from street frontages and shared where possible. Priority will be given to pedestrian movement, with ease of access by public transport and cycling enhanced.</p> <p>Catalyst sites provide opportunities for integrated developments on large sites to assist in the transformation of a locality. Such developments will facilitate growth in the residential population of the City, while also activating the public realm and creating a vibrant main street feel. A range of land uses will be provided that add to the range of local employment opportunities and the availability of services and shopping facilities within the main street.</p> <p>Development on catalyst sites will exemplify quality and contemporary design that is generally greater in intensity than their surroundings. However, development will be designed to carefully manage the interface with sensitive uses in the City Living Zone, particularly with regard to massing and proportions, overshadowing, overlooking, traffic and noise related impacts.</p>	2 - Wording changed but policy intent remains (OK)	Various places. Key policies include: DO1, DO2, PO.1.1, PO1.2, PO 4.1		
		2 - Wording changed but policy intent remains (OK)	Various places. Key policies include: DO1, DO2, PO.1.1, PO1.2, PO 4.1	Insert policy around day time activation in Sub Zone	
		2 - Wording changed but policy intent remains (OK)	PO 1.1 -1.6		Narrow fronted shops need to be strengthened. Insert policy detail.
		2 - Wording changed but policy intent remains (OK)	PO 1.1 -1.6		
		3 - Included in the Code but policy intent changed (NOT OK)	PO 2.1 - 2.11		Continuous awnings need to be strengthened. Insert policy detail.
		5 - Not included in the Code and should be reinstated	PO 2.1 - 2.11		Approach to heritage adjacency should be reinstated. Insert policy detail.
		3 - Included in the Code but policy intent changed (NOT OK)	PO 5.1 - 5.2		Priority to pedestrian movement needs to be reinstated. Insert policy detail.
		2 - Wording changed but policy intent remains (OK)	PO 4.1 - 4.2		Replaced with Significant Development Sites. These are better than catalyst sites however they remain the approach remains questionable.
		4 - Not included in the Code and should be reinstated	PO4.1		Replaced with Significant Development Sites. These are better than catalyst sites however they remain the approach remains questionable.
Policy Objectives					
1	A shopping and commercial main street supported by medium and high density residential development.	2 - Wording changed but policy intent remains (OK)	DO1, DO2		
2	A visually interesting streetscape with buildings having a high level of fenestration and detail, and balconies oriented towards the street.	2 - Wording changed but policy intent remains (OK)	DO1, DO2		
3	Objective 3: An intimate public realm with active streets created by buildings designed with frequently repeated frontage form and narrow tenancy footprints.	2 - Wording changed but policy intent remains (OK)	DO1, DO2		
4	Objective 4: An interesting and varied skyline as viewed from the street and afar, provided by modulation in roof forms and/or the use of parapets.	2 - Wording changed but policy intent remains (OK)	DO1, DO2		
5	Objective 5: Development that contributes to the Desired Character of the Zone.				
Principles of Development Control					
Land Use					

Number	Description	Transition category	Where has it been included?	Comments
1	The following types of development, or combinations thereof, are envisaged in the Zone: Affordable housing Aged persons accommodation Community centre Consulting room Dwelling Educational establishment Licensed entertainment premises Office Pre-school Residential flat building Restaurant Retirement village Shop or group of shops Supported accommodation Tourist accommodation.	3 - Included in the Code but policy intent changed (NOT OK)		What are apartments? These are now DTS. The following have been added: Child care centre Hotel Licensed Entertainment Premises Student Accommodation Delete the policies inconsistent with the existing policies. Must consider the non-complying list
2	The Zone should be developed to include a range of land uses that are high pedestrian-generators, directly promote public transport use and provide opportunities for multi-purpose trips. Non-residential development should comprise uses that:	5 - Not included in the Code and	PO1.3 PO1.4 PO 3.1. - 3.2.	DTS 2.10 seeks a greater set back. This should be retained to enable development on small sites. Insert policy detail. Interface policies are more about built form. Significant developments sites need to have something about amenity to adjoining zones. Reinsert policy.
3	(a) are of a role and function appropriate for the Zone; (b) encourage walking and cycling to local shopping, community services and other activities; and (c) do not detrimentally impact on the amenity of nearby residents.	5 - Not included in the Code and		
4	Licensed entertainment premises, nightclubs or bars should be small in scale, secondary to the primary land use mix in each street and not detract from the street's daytime activation.	5 - Not included in the Code and	PO1.3 PO1.4	This needs to be reinstated. Reinsert policy around scale.
5	5 Development on Wright, Sturt or Halifax streets should include non-residential land uses on the ground floor level to provide a continuity of shops, offices or other uses that enable activation of the street.	3 - Included in the Code but policy intent changed (NOT OK)		
6	6 Development listed as non-complying is generally inappropriate.			It is not clear how inappropriate land uses will be assessed.
Form and Character				
7	Development should be consistent with the Desired Character for the Zone.			
Design and Appearance				
8	Development should incorporate design measures that provide a transition between the high intensity development in this Zone and the lower intensity development in the adjacent City Living Zone.	4 - Not included in the Code but OK to remove		
9	9 The finished ground floor level of buildings should be at grade and/or level with the footpath to provide direct pedestrian access and street-level activation.	5 - Not included in the Code and		This should be reinstated. This may be in design in urban areas.
10	10 Pedestrian shelter and shade should be provided over footpaths through continuous structures such as awnings, canopies and verandahs.	5 - Not included in the Code and		Pedestrian comfort through design is not strong.
11	11 The ground floors of buildings should have a minimum floor to ceiling height of 3.5 metres to allow for adaptation to a range of land uses including shops, cafés, restaurants or offices without the need for significant alterations to the building.	2 - Included in the Code but policy intent changed (OK)	DTS 2.5	
12	The ground level street frontage of buildings should be designed to activate street frontages, provide pedestrian interest and maximise passive surveillance by: (a) providing at least 70 percent of the frontage for a non-residential use; and (b) 50 percent of the frontage being visually permeable, transparent or clear glazed. This may include an entry/foyer or display window to a shop (including a café or restaurant).	5 - Not included in the Code and		This absolutely needs to be reinstated.
Building Height				
13	Except where the airport's operations require a lesser height or the development is located on a site greater than 1500 square metres (which may include one or more allotment), building height should not exceed 22 metres.	2 - Included in the Code but policy intent changed (OK)		Replaced with Significant Development Sites. These are better than catalyst sites however they remain the approach remains questionable.
14	14 Development on Sturt Street or Halifax Street should have a minimum building height of 3 storeys to provide optimal height and floor space yields that activate and frame the main street.	5 - Not included in the Code and		There are no minimum building heights.
Setbacks				
15	Buildings (excluding verandahs, porticos and the like) on Sturt Street or Wright Street should generally be built to the primary road frontage.	2 - Included in the Code but policy intent changed (OK)	PO 2.7-2.8	
16	16 Development on land directly abutting the City Living Zone should avoid sheer and tall walls at the interface, through walls greater than 3 metres in height being setback at least 2 metres from the rear boundary with further articulation at upper levels.	3 - Included in the Code but policy intent changed (NOT OK)	PO 3.1 PO 2.10 and DTS 2.10	DTS 2.10 seeks a greater set back. This should be retained to enable development on small sites.
Catalyst Sites				

Number	Description	Transition category	Where has it been included?	Comments
17	Development on catalyst sites (sites greater than 1500 square metres, which may include one or more allotment) should be comprised of medium to high scale residential development that is carefully integrated with non-residential development.	2 - Included in the Code but policy intent changed (OK)		
18	18 Catalyst sites should be developed to manage the interface with the City Living Zone with regard to intensity of use, overshadowing, massing, building proportions and traffic to minimise impacts on residential amenity.	5 - Not included in the Code ar	PO 4.1	Amenity and traffic are not necessarily resolved through the policy.
19	Catalyst sites should contribute to the vibrancy of the main street through building designs that: (a) include a mix of land uses that create activity and overlooking of the street, particularly at the ground and first floor; (b) create the appearance of narrow frontages that enhance visual interest; (c) are vertically massed; and (d) include above street level fenestration, balconies, parapets, architectural detailing and ornamentation which contribute to the rich visual texture.	5 - Not included in the Code ar	PO 4.1	These are good policies that could be reinstated.
20	Parts of a development on a catalyst site that exceed the prescribed maximum building height that applies to non-catalyst sites in the zone, and that are directly adjacent to the City Living Zone boundary should be designed to minimise visual impacts on sensitive uses in the adjoining zones and to maintain the established or desired future character of the area. This may be achieved through a number of techniques such as additional setback, avoiding tall sheer walls, centrally locating taller elements, providing variation of light and shadow through articulation to provide a sense of depth and create visual interest, and the like.	5 - Not included in the Code ar	PO 4.1	These are good policies that could be reinstated.
21	21 The scale of development on a catalyst site should respond to its context, particularly the nature of adjacent land uses and the interface treatments required to address impacts on sensitive uses.	5 - Not included in the Code ar	PO 4.1	these are good policies that could be reinstated.
22	22 Where there is an apparent conflict between the catalyst site principles and zone or Council Wide objectives and principles (including the quantitative provisions) the catalyst site principles will take precedence.			It is not clear how this is related. The Significant Development site policy is not that detail so will there be a conflict?
Car Parking				
23	Car parking should be provided in accordance with Table Adel/7 and be ancillary to an approved or existing use.		This is in the general model	This needs to be reinstated. Reinsert policy non-ancillary
Land Division				
24	Land division should occur only where new allotments are of a size and configuration that will ensure the objectives of the Zone can be achieved.	4 - Not included in the Code but OK to remove		This is not described in the zone.
Procedural Matters				
Complying Development				
25	Complying developments are prescribed in Schedule 4 of the Development Regulations 2008. In addition, the following forms of development are designated as complying, subject to the conditions contained in Table Adel/7 – On-site Car Parking Provisions: (a) change in the use of land from residential to office on the ground or first floor of a building (b) change in the use of land from residential to a shop (other than a retail showroom or licensed premises) with a gross leasable area less than 250 square metres on the ground floor of a building.	2 - Included in the Code but pc	DTS table.	This has been replaced with the Deemed to Satisfy Criteria for change of use. It has been extended . Transport and car parking needs to be considered. Residentail quality needs to be considered.
Non-Complying Development				
26	The following kinds of development are non-complying: (a) A change of use to any of the following: Adult entertainment premises Adult products and services premises Fuel depot Industry Public service depot Road transport terminal Service trade premises Store Third party advertising Transport depot Vehicle parking except where it is ancillary to an approved or existing use Warehouse Waste reception, storage, treatment or disposal (b) Total demolition of a State Heritage Place (as identified in Table Adel/1).	3 - Included in the Code but pc	DTS 1.1	Industry is restricted development. All other land uses are performance assessed. Vehicle Parking other than ancillary is not specifically dealt with. All of the other land uses are not identified as land uses. What does that mean? Where not listed how are these refused?
Public Notification				

Number	Description	Transition category	Where has it been included?	Comments
27	<p>Categories of public notification are prescribed in Schedule 9 of the Development Regulations 2008. In addition, the following forms of development, or any combination thereof (except where the development is classified as non-complying) are assigned:</p> <p>(a) Category 1, public notification not required:</p> <ul style="list-style-type: none"> Advertisement Aged persons accommodation All forms of development that are ancillary and in association with residential development Consulting room Dwelling Educational establishment Hotel Indoor recreation facility Nursing home Office Pre-school Primary school Restaurant Residential flat buildings Retirement village Shop or group of shops Supported accommodation Tourist accommodation <p>(b) Category 2, public notification required. Third parties do not have any appeal rights.</p> <p>(i) All forms of development not listed as Category 1.</p> <p>(ii) Any development assigned Category 1 where the site of the development is adjacent land to land in the City Living Zone and it exceeds 22 metres in building height.</p> <p>(iii) Any development on a catalyst site (a site greater than 1500 square metres, which may include one or more allotment) that exceeds 22 metres in building height.</p> <p>Note: For Category 3 development, public notification is required. Third parties may make written</p>			Reinstate same level of notification.
NEW CONTENT IN THE CODE (insert below)				

Zone	Mixed Use (Melbourne West) Zone			1 - Included in the Code and retains same policy intent	0%
Policy area(s)				2 - Wording changed but policy intent remains (OK)	6%
				3 - Included in the Code but policy intent changed (NOT OK)	3%
				4 - Not included in the Code but OK to remove	13%
				5 - Not included in the Code and should be reinstated	78%
General comments	The Suburban Centre Activity Zone is not the right fit for Melbourne West. This is not a typical suburban centre and many of the land use and built form outcomes are not what would be desired for this portion of Melbourne street. A better suited zone would be Business Neighbourhood Zone, although it does list a shop as an appropriate use.				
Number	Description	Transition category	Where has it been included?	Comments	
Desired Character					
	Development should reinforce the role and image of the Zone as an attractive mixed use area of low to medium scale, innovatively designed buildings set within landscaped grounds. Development should reinforce the historic siting pattern of buildings set back from boundaries in a landscaped setting.	3	Suburban Activity Centre Zone covered partly in PO 3.1	Covers the height of development however no mention is made to reinforce the historic siting pattern of buildings set back from boundaries in a landscaped setting which is an important part of the character of Melbourne St West.	
	The Zone should maintain a high level of pedestrian accessibility, safety and amenity with a high quality, consistent approach to landscaping, footpath treatments (such as continuous footpaths), attractive street furniture and public art. Further street tree planting enhancing pedestrian amenity and landscape character is desired.	5			
	A high degree of vehicle accessibility for local and through traffic, public transport, and for cyclists should be maintained.	2	Suburban Activity Centre Zone DO 1 and PO 2.2		
	The impacts of development will be carefully managed to ensure the enhancement of amenity for residential development within the Zone and in the North Adelaide Historic (Conservation) Zone so as to ensure the achievement of a high quality residential living environment.	5			
	Catalyst sites provide opportunities for integrated developments on large sites to assist in the transformation of a locality. Such developments will facilitate an increase in the residential population of the City, while also activating the public realm and creating a vibrant main street feel. A range of land uses will be provided that add to the range of local employment opportunities and the availability of service and shopping facilities within the main street.	Catalyst Sites Where does this fit?		Is there anything that replaces the catalyst site policies	
	Development on catalyst sites will exemplify quality and contemporary design that is generally greater in intensity than its surroundings. However, development will be designed to carefully manage the interface with sensitive uses in the North Adelaide Historic (Conservation) Zone, particularly with regard to massing; proportions; overshadowing; traffic and noise related impacts.	Catalyst Sites Where does this fit?		Is there anything that replaces the catalyst site policies	
Policy Objectives					
1	A mixed use environment accommodating offices, consulting rooms and low to medium density residential development.	5		The land uses support by the Desired Outcomes of Suburban Activity Centre Zone are very different the Mixed Use (Melb West) Zone. The SACV provides for neighbourhood scale shopping, business, entertainment and recreation facilities. It is a focus for business and community life and provides for most daily and weekly shopping needs of the community. While the current zone encourages offices, consulting rooms and low to medium scale dwellings. The land uses do not align and this zone does not appear to be the best fit for the area which has a strong presence of office, consulting rooms and residential use.	
Objective 2:	A visually interesting streetscape characterised by contemporary architecture and landscaped setting complementing the historic built form.	5			
Objective 3:	An attractive and high quality public environment.	5			
Objective 4:	Development that contributes to the Desired Character of the Zone.	4			
Principles of Development Control					
Form of Development					

Number	Description	Transition category	Where has it been included?	Comments
1	The following types of development, or combinations thereof, are envisaged in the Zone: Affordable housing Aged persons accommodation Community centre Consulting room Dwelling Educational establishment Office Pre-school Residential flat building Retirement village Supported accommodation Tourist accommodation	5		Now includes Emergency Services Facility, Health Facility, Hospital, Hotel, Indoor Recreation Facility, Library, Place of Worship, PublicTransport Terminal, Recreation Area, Restaurant, Retail Fuel Outlet, Service Trade Premises and Shop, all of these uses are not considered appropriate to the character of the Zone as they are large uses of which many would have considerable impact on such a intimate scaled street. No longer includes specific reference to Affordable housing, Aged persons accommodation, Dwelling, Residential flat building, Retirement Village Supported accommodation.
2	The Zone should accommodate offices, consulting rooms and low to medium density dwellings. An increase in the amount of residential development is desirable by means of conversion and redevelopment of non-residential premises to either residential or mixed residential and office uses and by infill residential development.	5		The land uses support by the Desired Outcomes of Suburban Activity Centre Zone are very different the Mixed Use (Melb West) Zone. The SACV provides for neighbourhood scale shopping, business, entertainment and recreation facilities. It is a focus for business and community life and provides for most daily and weekly shopping needs of the community. While the current zone encourages offices, consulting rooms and low to medium scale dwellings. The land uses do not align and this zone does not appear to be the best fit for the area which has a strong presence of office, consulting rooms and residential use.
3	Development listed as non-complying is generally inappropriate.	4		
Form and Character				
4	Development should be consistent with the Desired Character for the Zone.	4		
5	Development should be in accordance with Concept Plan Figure MU(MW)/1.	5		
6	Development should ensure a high quality living environment is achieved for residential development within the Zone and in the adjacent North Adelaide Historic (Conservation) Zone.	5		
Built Form and Public Environment				
7	Development should maintain the prevailing low to medium scale of built form and be consistent with, and avoid the further erosion of, the historic pattern of buildings set-back from front and side boundaries in a landscaped setting.	5		???
8	Buildings should be of contemporary design that includes variations in façade treatments and building material, as well as the use of modulated roof forms and parapets that contribute to a varied and interesting pedestrian environment. Balconies overlooking the street are encouraged to provide a connection for occupiers to the street and assist passive surveillance. The use of brightly coloured, black, or highly reflective surfaces should be avoided.	5		
9	Development should provide attractive landscaping to the Melbourne Street frontages and should provide a buffer area along Old Street. Development should provide a landscaped set-back from Melbourne Street of 3.5 metres.	5		
10	A minimum of 20 percent landscaped open space should be provided on the site of any development.	?		Review
11	Except on sites greater than 1500 square metres in area, which may include one or more allotment, development may be built to 14 metres in building height.	5		Height TNV Overlay is missing.
12	Except on sites greater than 1500 square metres in area, which may include one or more allotment, parts of buildings above two storeys should be set-back from Melbourne Street: (a) a minimum of 6 metres on the southern side of the street; (b) in order to emphasise the landfall from Stanley Street to Melbourne Street, development should incorporate a greater setback than the prevailing 6 to 10 metre set-backs.	5		
13	Set-backs from Old Street should be sufficient to respect the character of the adjacent North Adelaide Historic (Conservation) Zone.	5		

Number	Description	Transition category	Where has it been included?	Comments
14	Development adjacent to the North Adelaide Historic (Conservation) Zone should be consistent with the building envelope as shown in Figures 1 and 2, except where a variation to the building envelope demonstrates minimal impacts upon adjacent housing in terms of massing and overshadowing through alternative design methods: (a) to minimise building mass at the interface, buildings should be constructed within a building envelope provided by a 45 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of an allotment within the North Adelaide Historic (Conservation) Zone (except where this boundary is the southern boundary), as illustrated in Figure 1: (b) to minimise overshadowing of sensitive development outside of the zone, buildings should be constructed within a building envelope provided by a 30 degree plane grading north, measured from a height of 3 metres above natural ground level at the southern zone boundary, as illustrated in Figure 2:	2	Suburban Activity Centre Zone PO 3.2, DTS/DPF 3.2, PO 3.3, DTS/DPF 3.3	
15	Where a site has frontage to a road that forms a zone boundary with the North Adelaide Historic (Conservation) Zone, any part of the building exceeding two storeys should: (a) be setback from the street frontage (b) incorporate design treatments to reduce the visual presence of the higher components and to achieve an orderly visual transition between the different zones.	5		
16	Development should use building forms, colour and materials of a more domestic nature to provide a suitable transition to the adjoining North Adelaide Historic (Conservation) Zone.	5		
17	Buildings should have a minimum building height of 2 storeys.	5		Height TNV Overlay is missing.
18	Verandahs, awnings or balconies over the footpath should not occur.	5		
Catalyst Sites				
19	Development on catalyst sites (sites greater than 1500 square metres, which may include one or more allotment) should be comprised of medium scale residential development that is carefully integrated with non-residential development.	Catalyst Sites Where does this fit?		Is there anything that replaces the catalyst site policies
20	Catalyst sites should be developed to manage the interface with the North Adelaide Historic (Conservation) Zone with regard to intensity of use, overshadowing, massing, building proportions and traffic to minimise impacts on residential amenity.	Catalyst Sites Where does this fit?		Is there anything that replaces the catalyst site policies
21	Catalyst sites should contribute to the vibrancy of the street through building designs that: (a) include a mix of land uses that create activity and overlooking of the street, particularly at the ground and first floor; (b) create the appearance of narrow frontages and enhance visual interest; (c) are vertically massed; and (d) include above street level fenestration, balconies, parapets, architectural detailing and ornamentation which contribute to the rich visual texture.	Catalyst Sites Where does this fit?		Is there anything that replaces the catalyst site policies
22	The scale of development on a catalyst site should depend on its context, particularly the nature of adjacent land uses and the interface treatments required to address impacts on sensitive uses.	Catalyst Sites Where does this fit?		Is there anything that replaces the catalyst site policies
23	Where there is an apparent conflict between the catalyst site principles and Zone or Council Wide objectives and principles (including the quantitative provisions) the catalyst site principles will take precedence.	4		No longer relevant
Car Parking				
24	Access to sites should be via minor streets or lanes provided there is no unreasonable impact on residential amenity.	5		
25	Access from Melbourne Street should minimise disruption to the pattern of built form and landscaping.	5		
26	Parking should be located behind buildings away from the landscaped Melbourne Street frontages and be designed to minimise its impacts on residential amenity.	5		
Advertising				
27	Advertisements should be restrained in size, design and illumination, and limited in number to one principal identifying advertisement for each site.	5		
28	Illumination of advertisements should be discreet and should not affect residential amenity.	5		
Procedural Matters				
Complying Development				

Number	Description	Transition category	Where has it been included?	Comments
29	<p>Complying developments are prescribed in Schedule 4 of the Development Regulations 2008.</p> <p>In addition, the following kinds of development are designated as complying:</p> <p>(a) Temporary depot for Council for a period of no more than 3 months provided appropriate provision is made for:</p> <ul style="list-style-type: none"> (i) dust control; (ii) screening, including landscaping; (iii) containment of litter and water; and (iv) securing the site. 	5		<p>This was included as a complying form of development in the 2006 General PAR to allow for Council to carry out its activities. It is recommended that it is included as an accepted development classification.</p>
Non-Complying Development				
30	<p>The following kinds of development are non-complying:</p> <p>(a) A change of use involving any of the following:</p> <ul style="list-style-type: none"> Adult entertainment premises Adult products and services premises Amusement machine centre Car park except: <ul style="list-style-type: none"> (i) where ancillary to an approved or existing use. (ii) multi-level car park. Hotel Industry Licensed entertainment premises Licensed premises Primary school Restaurant (except on sites greater than 1500 square metres in area, which may include one or more allotment) Shop (except on sites greater than 1500 square metres in area, which may include one or more allotment). <p>(b) Total demolition of a Local Heritage Place or portion of a Local Heritage Place being the frontage and side wall returns which are visible from the street, where the elements of heritage value of that place are so limited.</p> <p>(c) Total demolition of a State Heritage Place (as identified in Table Adel/1)</p> <p>(d) Advertisements involving any of the following:</p> <ul style="list-style-type: none"> Animation Third party advertising Advertisements at roof level where the sky or another building forms the background when viewed from ground level. 			
Public Notification				

Number	Description	Transition category	Where has it been included?	Comments
31	<p>For the purposes of public notification in accordance with the procedures and rights established by the Development Act 1993, development is assigned to the specified categories as follows:</p> <p>(a) Category 1, public notification not required:</p> <p>(i) the following forms of development, or any combination of (except those classified as non-complying):</p> <ul style="list-style-type: none"> d Use (Melbourne West) Zone Advertisement All forms of development that are ancillary and in association with residential development Consulting room Dwelling Office Residential flat building Tourist accommodation. <p>(ii) a kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.</p> <p>(b) Category 2, public notification required. Third parties may, at the discretion of the relevant planning authority, appear before the relevant planning authority on the matter. Third parties do not have appeal rights:</p> <p>(i) all development, other than where development is assigned Category 1 or where the development is classified as non-complying.</p> <p>(ii) any development assigned as Category 1 where the site of the development is adjacent land to land in the North Adelaide Historic (Conservation) Zone and it exceeds two storeys in building height.</p> <p>(iii) any development on a catalyst site (a site greater than 1500 square metres, which may include one or more allotment) that exceeds two storeys in building height.</p>			
NEW CONTENT IN THE CODE (insert below)				
DO 1	<p>An active retail precinct that includes neighbourhood scale shopping, business, entertainment and recreation facilities. It is a focus for business and community life and provides for most daily and weekly shopping needs of the community. The precinct includes buildings that are well integrated with pedestrian and cycle networks as well as public transport, and sit within a high quality and well activated public realm.</p>			<p>Not supported. This is not a retail area and this DO should not apply to Melbourne Street West</p>
PO 1.1	<p>Shops, office, entertainment, health and recreation related uses supplemented by other businesses that provide a range of goods and services to the surrounding neighbourhood and district.</p>			<p>Not supported. This is not a retail area and this DO should not apply to Melbourne Street West</p>
DTS/DPF 1.1	<p>Development comprises one or more of the following land uses:</p> <ul style="list-style-type: none"> Cinema Educational establishment Emergency services facility Health facility Hospital Hotel Indoor recreation facility Library Place of worship Pre-school Public transport terminal Recreation area Restaurant Retail fuel outlet Service trade premises Shop 			<p>Not Supported. Emergency Services Facility, Health Facility, Hospital, Hotel, Indoor Recreation Facility, Library, Place of Worship, PublicTransport Terminal, Recreation Area, Restaurant, Retail Fuel Outlet, Service Trade Premises and Shop are all uses not considered appropriate to the character of the Zone as they are large uses of which many would have considerable impact on such a intimate scaled street and the residential properties that adjoin the sites within this Zone..</p>
PO 1.2	<p>Residential development does not prejudice the operation of existing non-residential development and the long term provision of services and facilities for wider community benefit.</p>			<p>Supported.</p>

Number	Description	Transition category	Where has it been included?	Comments
PO 1.3	Dwellings developed only in conjunction with non-residential uses to support business, entertainment and recreational activities DTS 1.3 Dwellings are developed only in conjunction with non-residential uses and sited: (a) at upper levels of buildings with non-residential uses located at ground level; or (b) behind non-residential uses on the same allotment.			Entertainment uses are not considered appropriate for this side of Melbourne Street.
PO 1.4	Where residential development is appropriate having regard to other performance outcomes of the zone, residential development achieves medium-to-high densities.			Not Supported. Medium to high densities are not appropriate to the historic character of this portion of Melbourne Street
PO 1.4	Residential development achieves a minimum net density of 35 dwelling units per hectare.			Supported, however landscaped settings contribute to the strong character of some sites within Melbourne Street.
PO 1.5	Bulky goods outlets are sited and designed to achieve or maintain a vibrant and interesting streetscape within retail areas. DTS/DPF 1.5 Bulky goods outlets with a gross leaseable area of 500m2 or more are located towards the periphery of the zone.			Not Supported. Not an appropriate use for this street
PO 2.1	Development throughout the zone that integrates with desired development through building scale, connections and complementary land uses.			Supported.
PO 2.3	Vehicular access points and car parks are coordinated and consolidated to enable the shared use of parking spaces.			Not Supported. Contrary to PDC 24, 25 and 26
PO 2.4	Development promotes the use of pedestrian and cyclist connections to centre facilities and services.			Supported.
PO 2.5	Non-residential buildings and facilities are sited and designed to create streetscapes and spaces that encourage social interaction.			The policy itself is supported however not best suited to the character of this portion of Melbourne Street where most buildings are set off the front property boundary
PO 3.1	A range of low to medium rise buildings, with the highest intensity of built form at the centre of the zone and lower scale at the peripheral zone interface.			Supported.
PO 4.1	Land division that creates allotments that vary in size and are suitable for a variety of business and community facilities.			Not Supported. Fails to address the character of the area, pattern of development, building setbacks.
PO 5.1	Freestanding advertisements that identify the associated business without creating a visually dominant element within the locality. DTS 5.1 Freestanding advertisements that: a) do not exceed 8m in height; and b) do not have a sign face that exceeds 6m2 per side			Not Supported. Contrary to current advertising policies. Height is too high for the area and sign face is too large for the prevailing character of the area.
PO 6.1	Development is compatible with the outcomes sought by any relevant Concept Plan contained within the Concept Plans Technical and Numeric Variation Overlay			Supported

Zone City Frame Zone	Policy area(s)	1 - Included in the Code and retains same policy intent	0%	
		2 - Wording changed but policy intent remains (OK)	57%	
		3 - Included in the Code but policy intent changed (NOT OK)	0%	
		4 - Not included in the Code but OK to remove	17%	
		5 - Not included in the Code and should be reinstated	26%	
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	This Zone will primarily contain medium to high scale residential development supported by a mix of shops, personal services, restaurants, cafés, and community and hospitality uses.	2	City Frame Sub-Zone DO 1	
	The mix of complementary land uses will extend activity into the evening to enhance the vibrancy and safety of the area, particularly the adjacent Park Lands and Whitmore and Hurtle Squares, which offer a high level of amenity. Small-scale licensed entertainment premises, nightclubs or bars may occur in limited numbers where they are designed and sited to maintain day and evening activation at street level. Development will include residential and mixed use residential buildings that are well connected to nearby public transport networks, including the tramline.	2	City Frame Sub-Zone PO 1.3	City Frame Sub-Zone PO 1.3 should be reworded as follows to better suit the scale of land use in the area. "Small-scale licensed entertainment premises, nightclubs or bars may occur in limited numbers where it is located and or designed in a manner that does not unreasonably impact negatively upon adjacent residential land uses."
	The location and scale of buildings will achieve high quality urban design outcomes, with the highest built form located along South Terrace facing the Park Lands with a slightly lower built form framing the Squares. Development on key corner sites at the entrances to the City grid and Squares will create landmark buildings that provide a strong built form edge and pedestrian scale detailing to both street frontages.	5		Important design elements that form an important part of the character of the City. This policy is not addressed anywhere else in the Code and should be included within the Built Form and Character policies of the Capital City Zone.
	Buildings will have minimal or no setback and provide tall walls when viewed from the main road frontage to achieve a consistent built form façade. Landscaping and small variations in front setback will assist in softening the continuous edge of new built form and provide a higher amenity streetscape and pedestrian environment which is shaded by street trees and other mature vegetation.	2	City Frame Sub-Zone PO 2.1	
	Buildings will have a strong horizontal emphasis with clearly defined and segmented vertical elements. At street level, the use of solid materials will be appropriately balanced with glazed areas to provide visual interest and activity. Tall façades will be well articulated with finer details that contribute positively to the public realm, including modelled façades, canopies, fenestration and balconies that make use of light and shade. An interesting pedestrian environment and human scale at ground level which integrates well with the Park Lands and Squares will be created.	5		
	Catalyst sites provide opportunities for integrated developments on large sites to assist in the transformation of a locality. Such developments will facilitate growth in the residential population of the City, while also activating the public realm and creating a vibrant main street feel. A range of land uses will be provided that add to the range of local employment opportunities and the availability of services and shopping facilities within the main street.	?		Is there anything that replaces the catalyst site policies
	Development on catalyst sites will exemplify quality and contemporary design that is generally greater in height, or intensity, than its surroundings. However, development will be designed to carefully manage the interface with sensitive uses in the City Living Zone, particularly with regard to massing; proportions; overshadowing; traffic and noise related impacts.	?		Is there anything that replaces the catalyst site policies
Policy Objectives				
1	Development that contains a mix of uses including shops, offices and commercial development at lower floors with residential land uses above with views to the Park Lands and Squares.	2	City Frame Sub-Zone DO 1 and DTS/DPF 1.1	
2	Development that creates a strong edge to the Park Lands and Squares.	2	Capital City Zone PO 3.3, PO 3.7	
3	A uniform streetscape established through a largely consistent front setback and tall, articulated building façades.	2	City Frame SubZone PO 2.1	
4	Development that creates a high quality public realm that promotes walking, cycling, public transport patronage and social interaction.	2	Capital City Zone PO 6.1	
5	An area that allows people to work, shop and access a range of services close to home.	2	City Frame SubZone DO 1	
6	Adaptable and flexible building designs that can accommodate changes in use and respond to changing economic and social conditions.	5		Include building adaptability is important for the sustainable re-use of our city buildings.

Number	Description	Transition category	Where has it been included?	Comments
7	A built form that provides a transition down in scale and intensity at the Zone's boundaries to maintain the amenity of properties located within the adjoining City Living Zone.	5	Capital City Zone PO 5.1	The Code changes the policy from land use and built form to just land use. PO 5.1 should be reworded as follows: "Development designed to manage the interface with the City Living Zone in relation to building height, overshadowing, massing, building proportions and traffic impacts and by avoiding land uses, or intensity of land uses, that adversely affect residential amenity."
8	Development that contributes to the Desired Character of the Zone.	4		
Principles of Development Control				
Land Use				
1	The following types of development, or combinations thereof, are envisaged in the Zone: Affordable housing Aged persons accommodation Community centre Consulting room Dwelling Educational establishment Hotel Indoor recreation centre Licensed entertainment premises Office Pre-school Primary school Residential flat building Restaurant Retirement village Shop or group of shops Supported accommodation Tourist accommodation.	2	Capital City Zone PO 1.1 and City Frame SubZone DTS/DPF 1.1	Retain as is. Now includes Personal or domestic Service establishment. No longer includes specific reference to Affordable housing, Aged persons accommodation, Community centre, Dwelling, Educational establishment, Pre-school, Primary school, Residential flat building, Supported accommodation Tourist accommodation. Aged persons housing replaced by supported accommodation. Dwelling, Tourist accommodation, Residential Flat Building and an, Education Establishment has been included in the Capital City Zone. The intent of the policy is retained
2	Development should comprise wholly residential buildings or mixed use buildings with non-residential development at the ground/first floor level and residences above.	2	City Frame Sub-Zone DTS/DPF 1.1(a)	
3	Development should reinforce the area as predominantly residential, with non-residential land uses comprising no more than 40 percent of any new building.	2	City Frame Sub-Zone DTS/DPF 1.1(a) and (b)	
4	Non-residential development should occur as part of a mixed use building and comprise uses that: (a)are of a role and function appropriate for the Zone; (b)encourage walking and cycling to local shopping, community services and other activities; and (c)do not detrimentally impact on the amenity of nearby residents.	2	City Frame Sub-Zone DTS/DPF 1.1(a) and (b)	
5	Licensed entertainment premises, nightclubs or bars should be small in scale, secondary to the primary land use mix in each street and not detract from the street's daytime activation.	2	City Frame Sub-Zone PO 1.3	
6	Development listed as non-complying is generally inappropriate.	4		
Form and Character				
7	Development should be consistent with the Desired Character for the Zone.	4		
Design and Appearance				
8	The finished ground floor level of buildings should be at grade and/or level with the footpath to provide direct pedestrian access and street-level activation.	5		This has not been included or addressed within the Zone or General Development Policies. It is important the ground floor level of buildings are at grade or level with the footpath to ensure accessibility into buildings.
9	Pedestrian shelter and shade should be provided over footpaths through the use of continuous structures such as awnings, canopies and verandahs.	2	General Development Policies - Design in Urban Areas PO 1.2	
10	The ground floors of buildings should have a minimum floor to ceiling height of 3.5 metres to allow for adaptation to a range of land uses including shops, cafés, restaurants or offices without the need for significant alterations to the building.	5		This policy is important as it allows for the future adaption of a range of uses within ground floor tenancies and should be included within the Code.
11	A minimum of 70 percent of the ground floor primary frontage of buildings should be visually permeable, transparent or clear glazed to help create active street frontages and maximise passive surveillance.	2	City Frame SubZone DTS/DPF 2.2	
12	Buildings on sites with a frontage greater than 10 metres should be articulated through variations in forms, materials, openings and colours.	2	General Development Policies - Design in Urban Areas PO 1.1	
13	Buildings should be designed to overlook or be orientated towards the Park Lands and Squares and pedestrian and cycle routes.	2	City Frame SubZone PO 2.2	
Building Height				

Number	Description	Transition category	Where has it been included?	Comments
14	Except where the airport's operations require a lesser height or the development is located on a site greater than 1500 square metres (which may include one or more allotment), building height should not exceed: (a)36 metres south of Gilles and Gilbert streets; and (b)29 metres north of Gilles and Gilbert streets.	2	Consistent Maximum Height TNV Overlay	
15	Development should have the following minimum building height to provide optimal height and floor space yields that activate and frame the Park Lands and Squares: (a)4 storeys or more south of Gilles and Gilbert streets; (b)3 storeys or more north of Gilles and Gilbert streets.	5	TNV Overlay	Minimum heights are not specified in Height TNV Overlay?
Setbacks				
16	Buildings (excluding verandahs, porticos and the like) should generally be built to the primary road frontage.	5		Include within Capital City Zone under Built Form and Character heading.
17	Development on land directly abutting the City Living Zone should avoid tall, sheer walls at the interface by ensuring walls greater than 3 metres in height are set back at least 2 metres from the rear allotment boundary with further articulation at the upper levels.	2	Partly covered in Capital City Zone PO 5.2 and DTS/DPF 5.2	Where are provisions made for the setback? e.g ensuring walls greater than 3 metres in height are set back at least 2 metres from the rear allotment boundary with further articulation at the upper level
Catalyst Sites				
18	Development on catalyst sites (sites greater than 1500 square metres, which may include one or more allotment) should be comprised of medium to high scale residential development that is carefully integrated with non-residential development.	?		Is there anything that replaces the catalyst site policies
19	Catalyst sites should be developed to manage the interface with the City Living Zone with regard to intensity of use, overshadowing, massing, building proportions and traffic to minimise impacts on residential amenity.	?		Is there anything that replaces the catalyst site policies
20	Parts of a development on a catalyst site that exceed the prescribed maximum building height that applies to non-catalyst sites in the zone, and that are directly adjacent to the City Living Zone boundary (or site boundaries with respect to the City Living Zone South and East Terrace Policy Areas) should be designed to minimise visual impacts on sensitive uses in the adjoining zones and to maintain the established or desired future character of the area. This may be achieved through a number of techniques such as additional setback, avoiding tall sheer walls, centrally locating taller elements, providing variation of light and shadow through articulation to provide a sense of depth and create visual interest, and the like.	?		Is there anything that replaces the catalyst site policies
21	Catalyst sites should contribute to the vibrancy of the main street through building designs that: (a)include a mix of land uses that create activity and overlooking of the street, particularly at the ground and first floor; (b)create the appearance of narrow frontages and enhance visual interest; (c)are vertically massed; and (d)include above street level fenestration, balconies, parapets, architectural detailing and ornamentation which contribute to the rich visual texture.	?		Is there anything that replaces the catalyst site policies
22	The scale of development on a catalyst site should respond to its context, particularly the nature of adjacent land uses and the interface treatments required to address impacts on sensitive uses.	?		Is there anything that replaces the catalyst site policies
23	Where there is an apparent conflict between the catalyst site principles and Zone or Council Wide objectives and principles (including the quantitative provisions) the catalyst site principles will take precedence.	?		Is there anything that replaces the catalyst site policies
Car Parking				
24	Car parking should be provided in accordance with Table Adel/7 and be ancillary to an approved or existing use.	5		No reference has been made to the car parking requirements. Include Car parking Table
Land Division				
25	Land division should occur only where new allotments are of a size and configuration that will ensure the objectives of the Zone can be achieved.	2	General Development Policies - Land Division in Urban Area PO 1.1	
Procedural Matters				
Complying Development				
26	Complying developments are prescribed in Schedule 4 of the Development Regulations 2008. In addition, the following forms of development are designated as complying subject to the conditions contained in Table Adel/7 – On-site Car Parking Provisions: (a)change in the use of land from residential to office on the ground or first floor of a building; or (b)change in the use of land from residential to a shop (other than a licensed premises) with a gross leasable floor area of less than 250 square metres on the ground floor of a building.	4		
Non-Complying Development				

Number	Description	Transition category	Where has it been included?	Comments
27	<p>The following forms of development are non-complying:</p> <p>(a)A change of use to any of the following: Adult entertainment premises Adult products and services premises Industry Fuel depot Office not in association with residential development Petrol filling station Public service depot Road transport terminal Service trade premises Store Transport depot Vehicle parking except where it is ancillary to an approved or existing use Warehouse Waste reception storage treatment and disposal (b)Total demolition of a State Heritage Place (as identified in Table Adel/1).</p>	4		
Public Notification				
28	<p>Categories of public notification are prescribed in Schedule 9 of the Development Regulations 2008. In addition, the following forms of development, or any combination thereof (except where the development is non-complying) are assigned:</p> <p>(a)Category 1, public notification not required: Advertisement Aged persons accommodation All forms of development that are ancillary and in association with residential development Consulting room Community centre Dwelling Educational establishment Office in association with residential development Pre-school Primary school Restaurant Residential flat building Retirement village Shop or group of shops Supported accommodation Tourist accommodation</p> <p>(b)Category 2, public notification required. Third parties do not have any appeal rights: (i)All forms of development not assigned Category 1. (ii)Any form of development assigned Category 1 where the site of the development is adjacent land to land in the City Living Zone or Adelaide Historic (Conservation) Zone and it exceeds 22 metres in building height. (iii)Any development on a catalyst site (a site greater than 1500 square metres, which may include one or more allotment) that exceeds 36 metres in building height south of Gilles and Gilbert streets, or 29 metres in building height north of Gilles and Gilbert streets.</p> <p>Note: For Category 3 development, public notification is required. Third parties may make written</p>	4		
NEW CONTENT IN THE CODE (insert below)				
City Frame SubZone - no new policy different to existing policy.				

Zone	City Frame Zone	1 - Included in the Code and retains same policy intent	0%	
		2 - Wording changed but policy intent remains (OK)	57%	
Policy area(s)		3 - Included in the Code but policy intent changed (NOT OK)	0%	
		4 - Not included in the Code but OK to remove	20%	
		5 - Not included in the Code and should be reinstated	23%	
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	This Zone will primarily contain medium to high scale residential development supported by a mix of shops, personal services, restaurants, cafés, and community and hospitality uses.	2	City Frame Sub-Zone DO 1	
	The mix of complementary land uses will extend activity into the evening to enhance the vibrancy and safety of the area, particularly the adjacent Park Lands and Whitmore and Hurtle Squares, which offer a high level of amenity. Small-scale licensed entertainment premises, nightclubs or bars may occur in limited numbers where they are designed and sited to maintain day and evening activation at street level. Development will include residential and mixed use residential buildings that are well connected to nearby public transport networks, including the tramline.	2	City Frame Sub-Zone PO 1.3	City Frame Sub-Zone PO 1.3 should be reworded as follows to better suit the scale of land use in the area. <i>"Small-scale licensed entertainment premises, nightclubs or bars may occur in limited numbers where it is located and or designed in a manner that does not unreasonably impact negatively upon adjacent residential land uses."</i>
	The location and scale of buildings will achieve high quality urban design outcomes, with the highest built form located along South Terrace facing the Park Lands with a slightly lower built form framing the Squares. Development on key corner sites at the entrances to the City grid and Squares will create landmark buildings that provide a strong built form edge and pedestrian scale detailing to both street frontages.	5		Important design elements that form an important part of the character of the City. This policy is not addressed anywhere else in the Code and it is recommended the following PO be included under the heading ' Built Form and Character' within the Capital City Zone. <i>Development on key corner sites at the entrances to the City grid and Squares will create landmark buildings that provide a strong built form edge and pedestrian scale detailing to both street frontages.</i>
	Buildings will have minimal or no setback and provide tall walls when viewed from the main road frontage to achieve a consistent built form façade. Landscaping and small variations in front setback will assist in softening the continuous edge of new built form and provide a higher amenity streetscape and pedestrian environment which is shaded by street trees and other mature vegetation.	2	City Frame Sub-Zone PO 2.1	
	Buildings will have a strong horizontal emphasis with clearly defined and segmented vertical elements. At street level, the use of solid materials will be appropriately balanced with glazed areas to provide visual interest and activity. Tall façades will be well articulated with finer details that contribute positively to the public realm, including modelled façades, canopies, fenestration and balconies that make use of light and shade. An interesting pedestrian environment and human scale at ground level which integrates well with the Park Lands and Squares will be created.	5		Important design elements that form an important part of the character of the City. This policy is not addressed anywhere else in the Code and it is recommended the following policies be included within the Capital City Zone under the heading 'Built Form and Character': PO <i>Buildings designed to have a strong horizontal emphasis with clearly defined and segmented vertical elements. At street level, the use of solid materials will be appropriately balanced with glazed areas to provide visual interest and activity.</i> PO <i>Buildings designed to ensure tall façades are well articulated with finer details that contribute positively to the public realm, including modelled façades, canopies, fenestration and balconies.</i>
	Catalyst sites provide opportunities for integrated developments on large sites to assist in the transformation of a locality. Such developments will facilitate growth in the residential population of the City, while also activating the public realm and creating a vibrant main street feel. A range of land uses will be provided that add to the range of local employment opportunities and the availability of services and shopping facilities within the main street.	?		Is there anything that replaces the catalyst site policies
	Development on catalyst sites will exemplify quality and contemporary design that is generally greater in height, or intensity, than its surroundings. However, development will be designed to carefully manage the interface with sensitive uses in the City Living Zone, particularly with regard to massing; proportions; overshadowing; traffic and noise related impacts.	?		Is there anything that replaces the catalyst site policies
Policy Objectives				

Number	Description	Transition category	Where has it been included?	Comments
1	Development that contains a mix of uses including shops, offices and commercial development at lower floors with residential land uses above with views to the Park Lands and Squares.	2	City Frame Sub-Zone DO 1 and DTS/DPF 1.1	
2	Development that creates a strong edge to the Park Lands and Squares.	2	Capital City Zone PO 3.3, PO 3.7	
3	A uniform streetscape established through a largely consistent front setback and tall, articulated building façades.	2	City Frame SubZone PO 2.1	
4	Development that creates a high quality public realm that promotes walking, cycling, public transport patronage and social interaction.	2	Capital City Zone PO 6.1	
5	An area that allows people to work, shop and access a range of services close to home.	2	City Frame SubZone DO 1	
6	Adaptable and flexible building designs that can accommodate changes in use and respond to changing economic and social conditions.	5		<p>Include building adaptability is important for the sustainable re-use of our city buildings. Include the following new policy within Design in Urban Areas GDP [All Development] under a new heading 'Building Adaptability'.</p> <p><i>PO</i> Buildings designed to be adaptable and flexible to allow for a range of land uses without the need for significant alterations to the building and respond to changing economic and social conditions.</p> <p><i>DTS/DPF</i> Ground floor level of buildings have a minimum floor to ceiling height of 3.5 metres.</p>
7	A built form that provides a transition down in scale and intensity at the Zone's boundaries to maintain the amenity of properties located within the adjoining City Living Zone.	5	Capital City Zone PO 5.1	<p>The Code changes the policy from land use and built form to just land use. PO 5.1 of the Capital City Zone should be amended as follows:</p> <p><i>"Development designed to manage the interface with the City Living Zone in relation to building height, overshadowing, massing, building proportions and traffic impacts and by avoiding land uses, or intensity of land uses, that adversely affect residential amenity."</i></p>
8	Development that contributes to the Desired Character of the Zone.	4		
Principles of Development Control				
Land Use				
1	The following types of development, or combinations thereof, are envisaged in the Zone: Affordable housing Aged persons accommodation Community centre Consulting room Dwelling Educational establishment Hotel Indoor recreation centre Licensed entertainment premises Office Pre-school Primary school Residential flat building Restaurant Retirement village Shop or group of shops Supported accommodation Tourist accommodation.	2	Capital City Zone PO 1.1 and City Frame SubZone DTS/DPF 1.1	<p>Retain as is.</p> <p>Now includes Personal or domestic Service establishment.</p> <p>No longer includes specific reference to Affordable housing, Aged persons accommodation, Community centre, Dwelling, Educational establishment, Pre-school, Primary school, Residential flat building, Supported accommodation Tourist accommodation. Aged persons housing replaced by supported accommodation. Dwelling, Tourist accommodation, Residential Flat Building and an, Education Establishment has been included in the Capital City Zone.</p> <p>The intent of the policy is retained</p>
2	Development should comprise wholly residential buildings or mixed use buildings with non-residential development at the ground/first floor level and residences above.	2	City Frame Sub-Zone DTS/DPF 1.1(a)	
3	Development should reinforce the area as predominantly residential, with non-residential land uses comprising no more than 40 percent of any new building.	2	City Frame Sub-Zone DTS/DPF 1.1(a) and (b)	
4	Non-residential development should occur as part of a mixed use building and comprise uses that: (a)are of a role and function appropriate for the Zone; (b)encourage walking and cycling to local shopping, community services and other activities; and (c)do not detrimentally impact on the amenity of nearby residents.	2	City Frame Sub-Zone DTS/DPF 1.1(a) and (b)	

Number	Description	Transition category	Where has it been included?	Comments
5	Licensed entertainment premises, nightclubs or bars should be small in scale, secondary to the primary land use mix in each street and not detract from the street's daytime activation.	2	City Frame Sub-Zone PO 1.3	
6	Development listed as non-complying is generally inappropriate.	4		
Form and Character				
7	Development should be consistent with the Desired Character for the Zone.	4		
Design and Appearance				
8	The finished ground floor level of buildings should be at grade and/or level with the footpath to provide direct pedestrian access and street-level activation.	5		This has not been included or addressed within the Zone or General Development Policies. It is important the ground floor level of buildings are at grade or level with the footpath to ensure accessibility into buildings and it is recommended the following: <i>The finished ground floor level of buildings designed to be at grade and/or level with the footpath to provide direct pedestrian access and street level activation.</i>
9	Pedestrian shelter and shade should be provided over footpaths through the use of continuous structures such as awnings, canopies and verandahs.	2	General Development Policies - Design in Urban Areas PO 1.2	
10	The ground floors of buildings should have a minimum floor to ceiling height of 3.5 metres to allow for adaptation to a range of land uses including shops, cafés, restaurants or offices without the need for significant alterations to the building.	5		This policy is important as it allows for the future adaption of a range of uses within ground floor tenancies and should be included within the Code. <i>PO</i> <i>Buildings designed to be adaptable and flexible to allow for a range of land uses without the need for significant alterations to the building and respond to changing economic and social conditions.</i> <i>DTS/DPF</i> <i>Ground floor level of buildings have a minimum floor to ceiling height of 3.5 metres.</i>
11	A minimum of 70 percent of the ground floor primary frontage of buildings should be visually permeable, transparent or clear glazed to help create active street frontages and maximise passive surveillance.	2	City Frame SubZone DTS/DPF 2.2	
12	Buildings on sites with a frontage greater than 10 metres should be articulated through variations in forms, materials, openings and colours.	2	General Development Policies - Design in Urban Areas PO 1.1	
13	Buildings should be designed to overlook or be orientated towards the Park Lands and Squares and pedestrian and cycle routes.	2	City Frame SubZone PO 2.2	
Building Height				
14	Except where the airport's operations require a lesser height or the development is located on a site greater than 1500 square metres (which may include one or more allotment), building height should not exceed: (a)36 metres south of Gilles and Gilbert streets; and (b)29 metres north of Gilles and Gilbert streets.	2	Consistent Maximum Height TNV Overlay	
15	Development should have the following minimum building height to provide optimal height and floor space yields that activate and frame the Park Lands and Squares: (a)4 storeys or more south of Gilles and Gilbert streets; (b)3 storeys or more north of Gilles and Gilbert streets.	5	TNV Overlay	ERROR - Minimum heights are not specified in Height TNV Overlay?
Setbacks				
16	Buildings (excluding verandahs, porticos and the like) should generally be built to the primary road frontage.	5		Buildings built to the front property boundary are an important characteristic of the City and this characteristic should be reinforced through policy. It is recommended the following policy be included within Capital City Zone under the heading 'Built Form and Character': <i>Buildings aligned and built to the street frontage (excluding verandahs, porticos and the like), except where a setback is required to provide a contextual response to a heritage place.</i>
17	Development on land directly abutting the City Living Zone should avoid tall, sheer walls at the interface by ensuring walls greater than 3 metres in height are set back at least 2 metres from the rear allotment boundary with further articulation at the upper levels.	2	Partly covered in Capital City Zone PO 5.2 and DTS/DPF 5.2	Where are provisions made for the setback? e.g ensuring walls greater than 3 metres in height are set back at least 2 metres from the rear allotment boundary with further articulation at the upper level

Number	Description	Transition category	Where has it been included?	Comments
Catalyst Sites				
18	Development on catalyst sites (sites greater than 1500 square metres, which may include one or more allotment) should be comprised of medium to high scale residential development that is carefully integrated with non-residential development.	?		Is there anything that replaces the catalyst site policies
19	Catalyst sites should be developed to manage the interface with the City Living Zone with regard to intensity of use, overshadowing, massing, building proportions and traffic to minimise impacts on residential amenity.	?		Is there anything that replaces the catalyst site policies
20	Parts of a development on a catalyst site that exceed the prescribed maximum building height that applies to non-catalyst sites in the zone, and that are directly adjacent to the City Living Zone boundary (or site boundaries with respect to the City Living Zone South and East Terrace Policy Areas) should be designed to minimise visual impacts on sensitive uses in the adjoining zones and to maintain the established or desired future character of the area. This may be achieved through a number of techniques such as additional setback, avoiding tall sheer walls, centrally locating taller elements, providing variation of light and shadow through articulation to provide a sense of depth and create visual interest, and the like.	?		Is there anything that replaces the catalyst site policies
21	Catalyst sites should contribute to the vibrancy of the main street through building designs that: (a)include a mix of land uses that create activity and overlooking of the street, particularly at the ground and first floor; (b)create the appearance of narrow frontages and enhance visual interest; (c)are vertically massed; and (d)include above street level fenestration, balconies, parapets, architectural detailing and ornamentation which contribute to the rich visual texture.	?		Is there anything that replaces the catalyst site policies
22	The scale of development on a catalyst site should respond to its context, particularly the nature of adjacent land uses and the interface treatments required to address impacts on sensitive uses.	?		Is there anything that replaces the catalyst site policies
23	Where there is an apparent conflict between the catalyst site principles and Zone or Council Wide objectives and principles (including the quantitative provisions) the catalyst site principles will take precedence.	?		Is there anything that replaces the catalyst site policies
Car Parking				
24	Car parking should be provided in accordance with Table Adel/7 and be ancillary to an approved or existing use.	4		
Land Division				
25	Land division should occur only where new allotments are of a size and configuration that will ensure the objectives of the Zone can be achieved.	2		General Development Policies - Land Division in Urban Area PO 1.1
Procedural Matters				
Complying Development				
26	Complying developments are prescribed in Schedule 4 of the Development Regulations 2008. In addition, the following forms of development are designated as complying subject to the conditions contained in Table Adel/7 – On-site Car Parking Provisions: (a)change in the use of land from residential to office on the ground or first floor of a building; or (b)change in the use of land from residential to a shop (other than a licensed premises) with a gross leasable floor area of less than 250 square metres on the ground floor of a building.	4		
Non-Complying Development				
27	The following forms of development are non-complying: (a)A change of use to any of the following: Adult entertainment premises Adult products and services premises Industry Fuel depot Office not in association with residential development Petrol filling station Public service depot Road transport terminal Service trade premises Store Transport depot Vehicle parking except where it is ancillary to an approved or existing use Warehouse Waste reception storage treatment and disposal (b)Total demolition of a State Heritage Place (as identified in Table Adel/1).	4		

Number	Description	Transition category	Where has it been included?	Comments
Public Notification				
28	<p>Categories of public notification are prescribed in Schedule 9 of the Development Regulations 2008. In addition, the following forms of development, or any combination thereof (except where the development is non-complying) are assigned:</p> <p>(a)Category 1, public notification not required:</p> <ul style="list-style-type: none"> Advertisement Aged persons accommodation All forms of development that are ancillary and in association with residential development Consulting room Community centre Dwelling Educational establishment Office in association with residential development Pre-school Primary school Restaurant Residential flat building Retirement village Shop or group of shops Supported accommodation Tourist accommodation <p>(b)Category 2, public notification required. Third parties do not have any appeal rights:</p> <ul style="list-style-type: none"> (i)All forms of development not assigned Category 1. (ii)Any form of development assigned Category 1 where the site of the development is adjacent land to land in the City Living Zone or Adelaide Historic (Conservation) Zone and it exceeds 22 metres in building height. (iii)Any development on a catalyst site (a site greater than 1500 square metres, which may include one or more allotment) that exceeds 36 metres in building height south of Gilles and Gilbert streets, or 29 metres in building height north of Gilles and Gilbert streets. <p>Note: For Category 3 development, public notification is required. Third parties may make written</p>	4		
NEW CONTENT IN THE CODE (insert below)				
City Frame SubZone - no new policy different to existing policy.				

Zone	I1 Insttutional (St Andrew's) Zone		1 - Included in the Code and retains same policy intent	6%
Policy area(s)			2 - Wording changed but policy intent remains (OK)	6%
			3 - Included in the Code but policy intent changed (NOT OK)	3%
			4 - Not included in the Code but OK to remove	35%
			5 - Not included in the Code and should be reinstated	48%
General comments	Now a Community Facilities Zone (CFZ) There are no subzones. The DPTI map we were supplied indicates that the boundary of the former I1 Zone and the new CFZ are the same.			
Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	The zone will primarily accommodate medical related activity, including a major city hospital supported by a range of medical services and other uses that provide services and facilities for staff, patients and visitors, along with independent medical and allied health facilities. The zone may also accommodate residential development and small scale shops and cafes, primarily as part of mixed use buildings.	3	Zone DO1, PO1, DTS 1.1	The new Zone calls for public and private community, educational, recreational and health care facilities.
	The Zone will be developed with buildings of medium scale which are suitable for the intended use. The location and scale of buildings will achieve high quality urban design outcomes.	2	Zone PO2.1 DTS 2.1 refers to the TNV	There is a shift in emphasis in the new zone from mainly health with residential and mixed use, to a broader range of commercial land uses as well as educational and recreational land uses. New Zone seeks low to medium rise buildings. TNV says max building height is 15m. TNV says max building height in storeys is 4 storeys. High quality outcomes would be covered in the Design in Urban Areas GDP.
	Development will respect the setting and form of the prevailing built form character within the Zone. Buildings will have a strong horizontal emphasis with clearly defined and segmented vertical elements. At street level, the use of solid materials will be appropriately balanced with glazed areas to provide visual interest and activity. Tall façades will be well articulated with finer details that contribute positively to the public realm, including modelled façades and fenestration that make use of light and shade. An interesting pedestrian environment and human scale at ground level which integrates well with the Park Lands will be created.	2	PO3.1	The new Zone states that buildings mitigate visual impacts of building massing on residential development within a neighbourhood zone. Is the reference to a neighbourhood zone a mistake? INSERT policy on built form if specific to this locality.
	Buildings will respond to heritage places through contemporary designs that include variations in façade treatments and building materials, as well as the use of modulated roof forms and parapets that contribute to a varied and interesting pedestrian environment. The location and scale of buildings will achieve high quality urban design outcomes.	5	Not included	INSERT policy on built form and its response to heritage places if specific to this locality.
	Non residential land uses will be located on the ground and lower levels of new buildings. Any residential uses will primarily be located on the upper levels of a building.	5	Not included	As residential is not an envisaged land use, no guidance is provided on where the residential should be supplied.
	Vehicle access will be primarily for local traffic and visitors. Pedestrian amenity will be maintained through provision of street trees and landscaping. An interesting pedestrian environment and human scale at ground level which integrates well with the Park Lands will be created. Access to the South Park Lands will continue to be readily available and safe.	4		The first sentence is not achievable in the planning system. The remainder is not 'development'.
	Catalyst sites provide opportunities for integrated developments on large sites to assist in the transformation of a locality. Such developments will facilitate investment and expansion of City services. Development on catalyst sites will exemplify quality and contemporary design that is generally greater in height, or intensity, than its surroundings. However, development will be designed to carefully manage the interface with sensitive uses in adjoining zones, particularly with regard to massing, proportions, overshadowing, and traffic and noise related impacts.	4	Not included	Catalyst site provisions are not included in the new CFZ. There were in the Institutional I1 Zone, but have been deleted.
		4	Not included	Catalyst site provisions are not included in the new CFZ. There were in the Institutional I1 Zone, but have been deleted.
Policy Objectives				
1	A Zone primarily accommodating a hospital, clinical and health training, and allied research and educational facilities, along with independent medical and allied health facilities.	4	Zone DO1, PO1, DTS 1.1	Desired land uses have been covered in earlier new Zone policy.
2	Development that strengthens, achieves and is consistent with the desired character of the Zone.	4		
Principles of Development Control				
Land Use				

Number	Description	Transition category	Where has it been included?	Comments
1	The following types of development, or combinations thereof, are envisaged in the Zone: Aged Persons Accommodation Child Care Facility Consulting room Dwelling Educational establishment Health Centre Hospital Office Restaurant, café or kiosk Shop	5	Zone DO1, PO1, DTS 1.1	The new Zone land uses have been identified in the nominated Pos etc and this makes clear that residential land uses, child care facilities, educational establishment, shops, restaurant have been deleted. Do we agree with that shift in desired land uses? The history is that it was part of the Residential/Mainstreet DPA but then underwent a Ministerial DPA to become an Institutional Zone. There is disagreement in the team as to whether residential land uses should be re-established or not.
2	Development listed as non-complying is generally inappropriate.	4		
3	Development may include small-scale shops, cafés restaurants or kiosks, located at ground or lower building floor levels to increase street level activity facing the Park Lands and service the local community.	5		This policy only applies with residential land uses. The above comments apply.
4	New residential development should primarily be part of a mixed use building, and be located on the upper floors.	5		As above.
Design and Appearance				
5	Development should incorporate design measures that provide a transition between the higher intensity development in this Zone and the lower intensity development in the City Living Zone or Adelaide Historic (Conservation) Zone.	1	DTS3.1, PO3.2, DTS3.2	The new Zone incorporates the overshadowing drawings found in the Dev Plan.
Built Form				
6	Development should have regard to the siting of existing buildings. Development on sites greater than 1500 square metres (which may include one or more allotment) in area can be greater in intensity and scale of built form.	4	Not included	As stated Catalyst site provisions have been deleted.
7	Buildings should be articulated to reduce the apparent bulk of large scale development. Development should be massed, and detailed, so as not to produce monumental or imposing forms and achieve a more intimate and human-scaled environment.	5	Not included	INSERT policy on built form.
8	Except for the St Andrew's Hospital site (incorporating Town Acres 657, 658, 665, 666, together with past Town Acres 659 and 664) or development on sites greater than 1,500 square metres in area (which may include one or more allotment), buildings should not exceed 15 metres in building height. For the St Andrew's Hospital site (incorporating Town Acres 657, 658, 665, 666 together with part Town Acres 659 and 664), the following design elements should be created:	1	Zone PO2.1 DTS 2.1 refers to the TNV	INSERT policy on built form on the St Andrews site.
9	(a)A unifying urban design theme of a hospital complex set in landscaped grounds, with increasing building height being set away from boundaries in order to manage the interface with residential development with regard to intensity of use, overshadowing, massing, building proportions and traffic to minimise impacts on residential amenity. (b)Facades of buildings with street frontage should be articulated and detailed and avoid highly reflective finishes. The redevelopment or the upgrading of discordant facades should be undertaken concurrent with new development. (c)The design of buildings adjacent to Gilles Street, Vincent Street and St John's Lane should complement the streetscape character with regard to scale, massing, siting, composition and architectural detail. (d)Any multi-decked car park facades should be designed to complement and integrate with the hospital complex when viewed from adjacent streets, restrict noise levels at the boundary, minimise light spill into adjacent residential properties and minimise overlooking. (e)Fencing should be a consistent and unifying theme around the site. Hedges may be preferable along Gilles Street and unification of the style of stone walling along South Terrace is appropriate. (f)No further building encroachments into the curtilage of Waverly House should occur.	5		
Catalyst Sites				
10	Development on catalyst sites (sites greater than 1500 square metres, which may include one or more allotment) should be medium to high scale.	4	Not included	
11	Catalyst sites should be developed to manage the interface with residential development with regard to intensity of use, overshadowing, massing, building proportions and traffic to minimise impacts on residential amenity.	4	Not included	As stated Catalyst site provisions have been deleted.
12	The scale of development on a catalyst site should respond to its context, particularly the nature of the adjacent land uses and the interface treatments required to address impacts on sensitive uses.	4	not included	As stated Catalyst site provisions have been deleted.
13	Where there is an apparent conflict between the catalyst site principles and Zone or Council Wide objectives and principles (including the quantitative provisions) the catalyst site principles will take precedence.	4	not included	As stated Catalyst site provisions have been deleted.

Number	Description	Transition category	Where has it been included?	Comments
Car Parking and Access				
14	Vehicle access should minimise any disruption to the continuity of footpaths and street trees and maintain existing streetscapes.	5	not included	INSERT policy on specific vehicle access arrangements for this locality.
15	Except for the St Andrew's Hospital site (incorporating Town Acres 657, 658, 665, 666 together with part Town Acres 659 and 664), vehicle access should be obtained from South Terrace where possible. Access to the St Andrew's Hospital site (incorporating Town Acres 657, 658, 665, 666 together with part Town Acres 659 and 664) resulting from any additional traffic generation associated with an expansion or intensification of development should be provided off South Terrace or Gilles Street. This should not be through the curtilage of Waverly House. Access from Vincent Street and additional access or intensification of access from or to St John Lane is inappropriate.	5	not included	INSERT policy on specific vehicle access arrangements for this locality.
16	Car parking should be provided to serve all non-residential development and located behind buildings wherever possible.	5	not included	INSERT policy on specific vehicle access arrangements for this locality.
17	A lesser car parking rate than prescribed for the zone in Table Adel/7 may be applied where justified based on local circumstances, for example where: (a)sites are located within 200 metres walking distance of a convenient and frequent service fixed public transport stop (including a bus stop); (b)mixed use development including residential and non-residential development has respective peak demands for parking occurring at different times; (c)the proposed development is on or adjacent to the site of a heritage place, or includes retention of a desired traditional building and its features, which hinders the provision of on-site parking (d)suitable and conveniently located parking is available elsewhere, for example through: (i)existing or proposed on-street parking; (ii)an existing or proposed parking station, multi-level car park or similar; (iii)an integrated and/or shared parking arrangement with other land.	5	not included	INSERT policy on specific vehicle access arrangements for this locality.
18		5	not included	INSERT policy on specific vehicle access arrangements for this locality.
Advertising				
19	Advertisements should be restrained in design and simple in use of colour and should seek to achieve a coherent and complementary image for the zone.	5	not included	INSERT policy on advertising for commercial premises in this locality.
20	Illumination of advertisements and directional signs should be restricted to the level necessary to achieve identification at night and not detract from residential amenity.	5	not included	see above
Procedural Matters				
Complying Development				
21	Complying developments are prescribed in Schedule 4 of the Development Regulations 2008. In addition, the following kinds of development are designated as complying: (a)Temporary depot for Council for a period of no more than 3 months provided appropriate provision is made for: (i)dust control; (ii)screening, including landscaping; (iii)containment of litter and water; and (iv)securing the site.			Table 1 - Accepted development (with exceptions) includes building work on railway land, internal building work, private bushfire shelters, shade sail, solar panels, spas and swimming pools and water tanks (above and below ground.) Table 2 - DTS includes ads. As there is no HAO, ads will be DTS but for when occurring on the SHP or any LHPS in the locality. There may be concerns about the impacts of illuminated advertising on the Gilles St residents. Table 3 - PA includes ads, demo of a SHP or LHP, demo in a HAO or SHO (which won't apply) , tree damaging and all other Code assessed dev. Therefore most of the development likely to occur will be PA and publicly notified.
Non-Complying Development				

Number	Description	Transition category	Where has it been included?	Comments
22	<p>The following kinds of development are non-complying:</p> <p>(a)A change of use to any of the following: Adult entertainment premises Adult products and services premises Amusement machine centre Car park except where ancillary to an approved or existing use Cinema Hotel Indoor recreation centre Industry Licensed entertainment premises Licensed premises Service trade premises Tourist Accommodation Theatre Warehouse</p> <p>(b)Total demolition of a State Heritage Place (as identified in Table Adel/1). (c)Total demolition of a Local Heritage Place (City Significance) or of the frontage and side wall returns visible from the street of a Local Heritage Place (Townscape). (d)Total demolition of a Local Heritage Place, or that portion of a Local Heritage Place comprising its Elements of Heritage Value. (e)Advertisements involving any of the following: (i)Animation (ii)Third party advertising (iii)Advertisements at roof level where the sky or another building forms the background when viewed from ground level.</p>			<p>Table 4 - Restricted development. None are specified.</p> <p>Are the policies strong enough to refuse the land uses that have previously been non complying?</p> <p>INSERT policy on desired and not desired land uses for this Zone.</p> <p>INSERT policy on advertising if not covered in the GDP.</p>
Public Notification				
23	<p>For the purposes of public notification in accordance with the procedures and rights established by the Development Act 1993, development is assigned to the specified categories as follows:</p> <p>(a)Category 1, public notification not required: Advertisements (except those classified as non-complying) Aged Persons Accommodation Child Care Facility Consulting room Dwelling Educational establishment Health Centre Hospital Office Restaurant Shop Temporary accommodation for hospital workers and family members of hospital patients.</p> <p>(b)Category 2, public notification required, third parties may, at the discretion of the relevant planning authority, appear before the relevant planning authority on the matter. Third parties do not have appeal rights: (i)all forms of development not assigned Category 1; (ii)any form of development assigned Category 1 where it exceeds 15 metres in building height.</p> <p>Note: For Category 3 development, public notification is required. Third parties may make written representations, appear before the relevant authority on the matter, and may appeal against a development consent. This includes any development not classified as either Category 1 or Category 2.</p>			<p>The new Zone says all classes of development are excluded from notification except where it involves any of the following: (a) the site of the development is adjacent land to land in a different zone (b) development identified as "all other code assessed development" in Community Facilities Zone Table 3</p>
NEW CONTENT IN THE CODE (insert below)				
	<p>PO 1.2 Integration and coordination of adjoining land uses to enhance accessibility and efficiency in service delivery.</p>			

Number	Description	Transition category	Where has it been included?	Comments
	PO 1.3 Development avoids inhibiting or prejudicing future delivery of community, educational, recreational or health care services. The major change is that residential is not a desired land use in the zone anymore. Catalyst site provisions are not included in the new CFZ. There were in the Institutional I1 Zone, but have been deleted.			

Zone Policy area(s)	I2 Institutional (Government House) Zone	1 - Included in the Code and retains same policy intent	0%	
		2 - Wording changed but policy intent remains (OK)	31%	
		3 - Included in the Code but policy intent changed (NOT OK)	38%	
		4 - Not included in the Code but OK to remove	0%	
		5 - Not included in the Code and should be reinstated	31%	
General comments	This zone does not exist in the Draft Code. The spatial extent of this zone is now part of the overall Cultural and institutions Subzone of the Riverbank Zone. Recommend that this zone become the Government House Sub-Zone of the City Riverbank zone as what can occur on the site is quite different to any other area within the City Riverbank Zone.			
Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	The Zone will continue to serve vice-regal functions and accommodate uses ancillary to that function. The environmental character of the Zone will remain predominantly landscaped, with no further major development taking place.	5		The vice regal functions of Government House, nor the War Memorial are not recognised in the Cultural Institutions Subzone nor in the Riverbank Zone. Recommend creation of Government House Sub-Zone, or failing that, a Government House subzone of the Riverbank Zone, excluding development types as necessary to accurately replicate the intention of the existing zone. INSERT POLICY as a DO within the new Government House Sub-Zone. Create Government House Sub-Zone which specifically recognises the Vice-Regal functions of Government House and clearly defines the spatial boundaries of Government House. The new Sub-zone should limit land uses which are not ancillary to Vice-Regal e.g. reintroduce Development Plan policy which states "Government House and its ancillary uses are the only desired activities"
	Prince Henry Gardens will continue to provide significant pedestrian shelter and amenity. This avenue of trees and other plantings will be maintained as a contrast to the built form south of North Terrace, through replacement planting wherever necessary. Improvements to the street treatment in this section will be made in the overall context of the concept plan for North Terrace.	5		Prince Henry Gardens are not mentioned in the Cultural Institutions Subzone nor the City Riverbank Zone. INSERT POLICY as a PO within new Government House Sub-Zone under the heading 'Built Form and Character'. There is potential to introduce similar reference to ANZAC memorial on the corner of North Terrace/Kintore Avenue and the Gallipoli Walk along the western side of Kintore Avenue.
Policy Objectives				
1	Development that strengthens, achieves and is consistent with the desired character for the Zone.	2		
Principles of Development Control				
Form of Development				
1	Development should strengthen, achieve and be consistent with the desired character for the Zone.	2		
2	Government House and its ancillary uses are the only desired activities.	5		Government House and ancillary uses not mentioned in the City Riverbank Zone nor the Cultural Institutions Subzone. INSERT POLICY as a PO within new Government House Sub-Zone under the heading 'Land Use and Intensity'
Built Form and Public Environment				
3	There should be no substantial or visually intrusive development.	5		The proposed policies for this location are a major departure from this provision. INSERT POLICY as a PO within new Government House Sub-Zone under the heading 'Built Form and Character'.

Number	Description	Transition category	Where has it been included?	Comments
4	Alterations or minor additions to Government House itself and other outbuildings are appropriate, subject to their deference to and conformity with the character of existing buildings in the Government House grounds.	5		The policies in the Cultural Institutions Subzone "Built Form and Character" section are inappropriate and incorrect if there were to be applied to the Government House portion of the Subzone. Potential to delete the phrase ", including the predominant: a) red brick or masonry walls; and b) Slate, shingles, terracotta tiles or copper for exposed roofs" as this is highly inappropriate to be included as a Performance Outcome in the portion of the Subzone which is currently the Institutional (Government House Zone). INSERT POLICY as a PO within a new Government House Sub-Zone under the heading 'Built Form and Character'
5	Small garden-associated structures such as pavilions, gazebos, or greenhouses are appropriate.	3		This is not specifically included but is addressed in Riverbank Zone PO 2.2 and PO 2.4 and 2.6 INSERT POLICY as a PO within a new Government House Sub-Zone under the heading 'Built Form and Character'.
6	The establishment and growth of the landscape features of the Zone should not be detrimentally affected by any development.	5		The proposed policies for this location are a major departure from this provision. INSERT POLICY as a PO within a new Government House Sub-Zone under the heading 'Built Form and Character'.
7	The environmental character of the Zone should continue to be that of a landscaped park as it is the only remaining landscape element of the original Park Lands between the River Torrens and North Terrace.	5		Whole title is understood to be part of the heritage listing. It is concerning that the Riverbank Zone anticipates land division as a "land use". INSERT POLICY - as a DO within a new Government House Sub-Zone.
8	Prince Henry Gardens with its avenue of street trees, high quality paving and lighting along the North Terrace frontage should continue to provide significant pedestrian shelter and amenity. This avenue of trees and other plantings should be maintained as a contrast to the built form south of North Terrace, through replacement planting wherever necessary.	2		Include a PO that recognises the importance of Prince Henry Gardens. INSERT POLICY - Government House Zone - transfer this provision to INSERT POLICY as a PO within a new Government House Sub-Zone under the heading 'Built Form and Character'
Car Parking and Access				
9	No additional vehicle access points into the Zone should be established.	5		INSERT POLICY as a PO within a new Government House Sub-Zone under the heading 'Car Parking and Access'.
10	Parking adequate to serve the needs of Government House should be provided on-site, but no other parking should be developed in the Zone.	5		Provisions for parking specific to Government House are not included in the Riverbank Zone nor in the Cultural Institutions Subzone. INSERT POLICY as a PO within a new Government House Sub-Zone under the heading 'Car Parking and Access'.
Advertising				
11	All advertisements are inappropriate with the exception of integrated free-standing and low free-standing signs, which must be non-illuminated and of minimal size and number.	5		Possibly addressed via the General Development Policies, but the general policies do not specify that all advertisements are inappropriate. Riverbank Zone and Cultural and Institutions subzone does not explicitly exclude this either. Would it be possible to introduce the following Class of Development in Table 2 - Deemed-to-Satisfy Development Classification: "Advertisements which are independently supported and permanently fixed to the ground which are less than 1.5 metres in total height, measured from the mean level of the ground adjacent to the advertisement" - OR Advertisement in this table, with reference in the Cultural and Institutions (or new) Subzone column to a new PO and DTS provision. INSERT POLICY as a PO within a new Government House Sub-Zone under the heading 'Avertisements'.
Procedural Matters				
Complying Development				

Number	Description	Transition category	Where has it been included?	Comments
12	No kinds of development are complying.	5		<p>The Riverbank Zone and Cultural Institutions Subzone introduces many development types, and includes accepted development (internal building work, shade sail, solar panels and underground water tanks, plus deemed to satisfy (change in use in an existing building from a shop to an office or consulting room, and from an office or consulting room to a shop).</p> <p>A government house-specific subzone should be created to enable a clear statement of envisaged land uses, or clear statement of exceptions to envisaged land uses. This could include "all types of development, other than Government House and its ancillary uses" as exceptions to the list of envisaged land uses for the Zone (and apply this to the existing spatial extent of the Insitutional (Government House) Zone. The State and Local heritage aspects of the current policy might be adequately addressed by the State and Local Heritage overlay. Consideration might also be given to a Character Statement for the Riverbank Zone.</p> <p>INSERT THE FOLLOWING POLICY as a PO within a new Government House Sub-Zone under the heading 'Land Use and Intensity':</p> <p><i>"Government House and its ancillary uses are the only desired activities envisaged. All other uses are not envisaged."</i></p>
Non-Complying Development				
13	<p>The following kinds of development are non-complying:</p> <p>(a)All uses other than Government House and its ancillary uses. (b)Total demolition of a State Heritage Place (as identified in Table Adel/1). (c)Total demolition of a Local Heritage Place (City Significance). (d)All advertisements except for independently supported advertisements permanently fixed to the ground which are less than 1.5 metres in total height, measured from the mean level of the ground adjacent to the advertisement.</p>	5	Total demolition of a State and Local heritage place is included in State and Local Heritage overlays?	<p>See comments above. Advertisement provision possibly? addressed via the General Development Policies, but the general policies do not specify that all advertisements are inappropriate. Riverbank Zone and Cultural and Institutions subzone does not explicitly exclude this either.</p> <p>INSERT THE FOLLOWING POLICY as a PO within a new Government House Sub-Zone under the heading 'Land Use and Intensity':</p> <p><i>"Government House and its ancillary uses are the only desired activities envisaged. All other uses are not envisaged."</i></p>
Public Notification				
14	<p>For the purposes of public notification in accordance with the procedures and rights established by the Development Act 1993, development is assigned to the specified categories as follows:</p> <p>(a)Category 1, public notification is not required: (i)all development, except that classified as non-complying; (ii)non-complying development which, in the opinion of the relevant planning authority, is of a minor nature only and is unlikely to be the subject of reasonable objection from the owners or occupiers of land in the locality of the site of the development.</p> <p>Note: For Category 3 Development, public notification is required. Third parties may make written representations, appear before the relevant authority on the matter, and may appeal against a development consent. This includes any development not classified as either Category 1 or Category 2.</p>	5	Appeal rights are different under the new legislation. Categories of development are different.	<p>Table 1 - Accepted Development - does not require any notification (consistent with current policy - need to check if what is in the table is consistent) Table 2 - Deemed to Satisfy does not require any notification (reasonably consistent with current policy) Table 3 - Applicable Policies for Performance Assessed Development (includes all other Code Assessed Development) - no notification is required if relevant authority considers it minor in nature, otherwise notification of adjacent land by giving notice and by sign on the land - this excludes listing on the Planning Portal Table 4 - Restricted Development - general public by sign on land and planning portal and affected neighbours in writing (The Riverbank Zone does not identify any restricted development)</p> <p>INSERT POLICY - Government House Zone - transfer this provision to new policy format.</p>
NEW CONTENT IN THE CODE (insert below)				
Cultural Institutions Subzone				

Number	Description	Transition category	Where has it been included?	Comments
DO 1	A vibrant cluster of cultural and institution uses including tertiary education, research, libraries and museums that attract students, professionals, workers and visitors to the city.	5		Major change of policy direction, but acceptable that these uses occur nearby. INSERT POLICY - create Government House Sub-Zone which specifically recognises the Vice-Regal functions of Government House and clearly defines the spatial boundaries of Government House. The new zone should limit land uses which are not ancillary to Vice-Regal e.g. reintroduce Development Plan policy which states "Government House and its ancillary uses are the only desired activities"
DO 2	Well designed and functional buildings and public spaces that provide pedestrian and cyclist friendly streetscapes and active street frontages that facilitate positive social interaction.	5		Major change of policy direction, as development is not anticipated. DO NOT INCLUDE GOVERNMENT HOUSE IN CULTURAL INSTITUTIONS SUBZONE - Create new Government House Sub-Zone
<i>Land Use and Intensity</i>				
PO 1.1	A diverse range of cultural and institutional uses including tertiary education, research, library, museums and galleries.	3		Current policy is for ONLY government house and vice-regal uses. The proposed policy is a significant departure from current policy. DO NOT INCLUDE GOVERNMENT HOUSE IN CULTURAL INSTITUTIONS SUBZONE - Create new Government House Zone
DTS/DPF 1.1	The types of development envisaged in the zone, except: a) convention centre b) entertainment venue c) helicopter landing facility d) hospital e) motel f) serviced apartments g) tourist accommodation	3		The proposed Code introduces the following new development types to this location: advertisement, community centre, consulting room, office, educational establishment, hotel, licensed premises in association with hotel, restaurant, shop or the like, land division, light industry (including high technology and research-based activity), restaurant, shop. INSERT POLICY - as described above
<i>Built Form and Character</i>				
PO 2.1	Development that emphasises the horizontal grouping of building elements and uses vertical proportions in projections and in the disposition openings.	3		This policy doesn't make sense as applied to the Government House buildings and land. The current desired character for this area is for no further major development taking place. INSERT POLICY - DO NOT INCLUDE GOVERNMENT HOUSE IN CULTURAL INSTITUTIONS SUBZONE - Create new Government House Sub-Zone
DTS/DPF 2.1	None are applicable			
PO 2.2	Buildings with modelled and textured facades of predominantly masonry appearance similar to the early buildings that contribute to the established historical character of the zone.	3		This performance outcome is not consistent with the current zoning and is contradictory to the needs of this location. INSERT POLICY - DO NOT INCLUDE GOVERNMENT HOUSE IN CULTURAL INSTITUTIONS SUBZONE - Create new Government House Zone
DTS/DPF 2.2	None are applicable			
PO 2.3	Buildings that complement the form, appearance, materials and finishes of existing buildings in the locality, including the predominant: a) red brick or masonry walls; and b) slate, shingles, terra cotta tiles or copper for exposed roofs	3		This policy is a significant change from current policy and is incompatible with the desired character of Government House buildings and land. INSERT POLICY - DO NOT INCLUDE GOVERNMENT HOUSE IN CULTURAL INSTITUTIONS SUBZONE - Create new Government House Sub-Zone.
DTS/DPF 2.3	None are applicable			

Number	Description	Transition category	Where has it been included?	Comments
PO 2.4	Building heights within the zone that transition down to the Park Lands from the height of existing buildings established along North Terrace.			This policy is not relevant in this location - the built form of government house is set back from north terrace. INSERT POLICY - DO NOT INCLUDE GOVERNMENT HOUSE IN CULTURAL INSTITUTIONS SUBZONE - Create new Government House Sub-Zone.
DTS/DPF 2.4	Buildings located: a) along road and Park Lands frontages not exceeding 3 building levels and 11.5m in building height; and b) away from road and Park Lands frontages not exceeding 6 building levels and 22m in building height.	3		The current policy doesn't specify maximum building heights and the proposed maximum heights are a significant change from what is currently envisaged in the Institutional (Government House) zone. INSERT POLICY - DO NOT INCLUDE GOVERNMENT HOUSE IN CULTURAL INSTITUTIONS SUBZONE - Create new Government House Sub-Zone.
PO 2.5	Pleasant and interesting lawn and paved landscaped areas that create spaces suitable for a variety of activities ranging from those suitable for group meetings and social activities to those for quiet retreat and relaxation.	3		This policy appears to be similar, but isn't. The current policy states the establishment and growth of landscape features of the zone should not be detrimentally affected by any development. The new policy, whilst supporting landscaped areas, does not have the same emphasis on protection of existing landscape features from development. INSERT POLICY - DO NOT INCLUDE GOVERNMENT HOUSE IN CULTURAL INSTITUTIONS SUBZONE - Create new Government House Sub-Zone.
DTS/DPF 2.5 None are applicable.				
City Riverbank Zone				
Table 1 - Accepted Development Classification				
Table 2 - Deemed-to-Satisfy Development Classification				
Table 3 - Applicable Policies for Performance Assessed Development				
Table 4 - Restricted Development Classification				
		RED MEANS Significant Change		INSERT POLICY - as described above - introduction of restricted development could be needed as it applies to the proposed Government House Sub-Zone INSERT POLICY - introduce new subzone as described above INSERT POLICY - introduce new subzone as described above No classes of development have been classified as restricted in the City Riverbank Zone. Current Government House zone states that all uses other than government house and its ancillary uses are non-complying. INSERT POLICY - as described above - introduction of restricted development is needed as it applies to the proposed Government House Subzone. INSERT POLICY - DO NOT INCLUDE GOVERNMENT HOUSE IN CULTURAL INSTITUTIONS SUBZONE - Create new Government House SubZone
Assessment Provisions (AP)				
Desired Outcome (DO)				
DO 1	Exemplary design quality and architecture that is contemporary and innovative, respectful of the heritage buildings, Park Lands setting and civic functions of the locality. A fine grained precinct with a quality public realm that is inviting and comfortable for pedestrians.	2		
DO 2		NEW		This DO relating to a fine-grained precinct is inconsistent with the Government House Zone policy. INSERT POLICY - DO NOT INCLUDE GOVERNMENT HOUSE IN CULTURAL INSTITUTIONS SUBZONE - Create new Government House SubZone
DO 3	Strong visual and physical connections between important buildings, public spaces, the Park Lands and other key destinations.	NEW		
Performance Outcomes and Deemed to Satisfy/Designed Performance Outcome Criteria				
Land Use and Intensity				

Number	Description	Transition category	Where has it been included?	Comments
PO 1.1	A diverse range of land uses that connect the city centre to the natural environment of the River Torrens and Park Lands with clusters of related activities, such as: (a) clinical health, training, education and research; (b) entertainment, tourism and accommodation; (c) education and administration; (d) innovative science and employment; and (e) Community and cultural institutions.	3		These policies introduce a significant range of new development types anticipated in this zone. INSERT POLICY - DO NOT INCLUDE GOVERNMENT HOUSE IN CULTURAL INSTITUTIONS SUBZONE - Create new Government House SubZone
	Development comprises one or more of the following land uses:			
DTS/DPF 1.1	(a) Advertisement	5		Significant change from existing policy which states that all advertisements are inappropriate, except for certain integrated free-standing and low free-standing signs of minimal size and number and non-illuminated.
	(b) Community centre	3		Significant change from existing policy.
	(c) Consulting room	3		Significant change from existing policy.
	(d) Office	3		Significant change from existing policy.
	(e) Convention centre	2		Cultural Institutions subzone states that this use is not envisaged.
	(f) Educational establishment	3		Significant change from existing policy.
	(g) Entertainment venue	2		Cultural Institutions subzone states that this use is not envisaged.
	(h) Helicopter landing facility	2		Cultural Institutions subzone states that this use is not envisaged.
	(i) Hospital	2		Cultural Institutions subzone states that this use is not envisaged.
	(j) Hotel	3		Significant change from existing policy.
	(k) Licensed premises in association with hotel, restaurant, shop or the like	3		Significant change from existing policy.
	(l) Land division	3		Significant change from existing policy.
	(m) Light industry (including high technology and research based activity)	3		Significant change from existing policy.
	(n) Motel	2		Cultural Institutions subzone states that this use is not envisaged.
	(o) Restaurant	3		Significant change from existing policy.
	(p) Shop	3		Significant change from existing policy.
	(q) Serviced apartments	2		Cultural Institutions subzone states that this use is not envisaged.
	(r) Tourist accommodation.	2		Cultural Institutions subzone states that this use is not envisaged.
	Built Form and Character			
PO 2.1	Building heights within the zone providing an orderly transition in scale, with lower buildings located towards the Adelaide Park Lands, Adelaide Botanic Garden and River Torrens and taller buildings towards North Terrace and other City Boulevards identified in City Riverbank Zone Table 5.1.	3		The proposed zone policy is a significant departure from the existing policy in this location and would be likely to result in inappropriate development in this location. INSERT POLICY - DO NOT INCLUDE GOVERNMENT HOUSE IN CULTURAL INSTITUTIONS SUBZONE - Create new Government House SubZone
DTS/DPF 2.1	None are applicable			
PO 2.2	Development a) contributes to the activation of the public realm by presenting an attractive human scaled pedestrian-oriented frontage at ground level that adds interest and vibrancy b) contributes to pedestrian comfort by minimising micro climatic impacts c) maintains a sense of openness to the sky for pedestrians and allow sunlight access to the public realm, particularly plaza areas during the Spring and Autumn; and d) provides a clear sense of address to each building.	3		Development is not anticipated in this Zone. INSERT POLICY - DO NOT INCLUDE GOVERNMENT HOUSE IN CULTURAL INSTITUTIONS SUBZONE - Create new Government House SubZone
DTS/DPF 2.2	None are applicable			
PO 2.3	Development reinforces the grand boulevard character of North Terrace and King William Road, by reflecting the patterns of landscaped spaces and built form, building proportions and scale.	5		Development is not anticipated in this Zone. INSERT POLICY - DO NOT INCLUDE GOVERNMENT HOUSE IN CULTURAL INSTITUTIONS SUBZONE - Create new Government House SubZone
DTS/DPF 2.3	None are applicable			

Number	Description	Transition category	Where has it been included?	Comments
PO 2.4	Coordinated development providing public spaces and landscaping, including deep plantings, that soften the dominance of buildings, provide a range of spaces that are suitable for group meetings and social activities and spaces for passive enjoyment.	5		Development is not anticipated in this Zone, although this provision is somewhat consistent with PDC 5, 6, 7 and 8.
DTS/DPF 2.4	None are applicable			
PO 2.5	Pedestrian shelter and public art designed as an integral part of built form, open space and landscaping.	2		INSERT POLICY - introduce new subzone as described above
DTS/DPF 2.5	None are applicable			
PO 2.6	The contribution of heritage buildings enhanced by ensuring:	5		The new policy doesn't recognise Government House building and its landscaped setting. It also doesn't recognise the significance and ceremonial use of the War Memorial, and the new Gallipoli Walk is also not recognised.
	(a) buildings can be adapted and reused for modern purposes while protecting important heritage fabric	2		INSERT POLICY - DO NOT INCLUDE GOVERNMENT HOUSE IN CULTURAL INSTITUTIONS SUBZONE - Create new Government House SubZone
	(b) views and physical connections to heritage buildings and their important heritage features is maintained	5		Reasonably consistent with PDC 4
	(c) the ground level interface with heritage buildings incorporates publicly accessible spaces and active land uses that support public access where appropriate.	2		This would be consistent with PDC 1, however the desired character for this zone has not been transitioned.
DTS/DPF 2.6	None are applicable			INSERT POLICY - DO NOT INCLUDE GOVERNMENT HOUSE IN CULTURAL INSTITUTIONS SUBZONE - Create new Government House SubZone
Advertising				Reasonably consistent with PDC 4
PO 3.1	Advertisements designed to achieve an overall consistency of appearance and be of a type, scale and image that complement the zone.	2		Noting however, that this is a significant change from existing policy which states that all advertisements are inappropriate, except for certain integrated free-standing and low free-standing signs of minimal size and number and non-illuminated.
DTS/DPF 3.1	None are applicable			INSERT POLICY - DO NOT INCLUDE GOVERNMENT HOUSE IN CULTURAL INSTITUTIONS SUBZONE - Create new Government House SubZone
Movement Parking and Access				
PO 4.1	Development designed to encourage pedestrian/bicycle circulation at the North Terrace level and create or maintain:	2		Not included in this zone, but consistent with Council-wide policy direction.
	(a) connections between North Terrace and the River Torrens linear park at key pedestrian focal points;	2		Not included in this zone, but consistent with Council-wide policy direction.
	(b) east-west connections through the city; and	2		Not included in this zone, but consistent with Council-wide policy direction.
	(c) existing pedestrian and cycling connections, including the Gawler Greenway, Outer Harbor Greenway and River Torrens Linear Park trail to be maintained.	2		Not included in this zone, but consistent with Council-wide policy direction.
DTS/DPF 4.1	None are applicable			
PO 4.2	A central pedestrian pathway designed as a single plane surface and maintained to:			INSERT POLICY - DO NOT INCLUDE GOVERNMENT HOUSE IN CULTURAL INSTITUTIONS SUBZONE - Create new Government House SubZone
	(a) allow people to walk and ride through and within the Zone from East to West and connect with the North to South pathways; and			INSERT POLICY - DO NOT INCLUDE GOVERNMENT HOUSE IN CULTURAL INSTITUTIONS SUBZONE - Create new Government House SubZone

Number	Description	Transition category	Where has it been included?	Comments
	(b) link key buildings and public areas within the Zone.			INSERT POLICY - DO NOT INCLUDE GOVERNMENT HOUSE IN CULTURAL INSTITUTIONS SUBZONE - Create new Government House SubZone
DTS/DPF 4.2	None are applicable			
PO 4.3	Pedestrian movement prioritised and designed to be free from vehicle conflict.			INSERT POLICY - DO NOT INCLUDE GOVERNMENT HOUSE IN CULTURAL INSTITUTIONS SUBZONE - Create new Government House SubZone
DTS/DPF 4.2	None are applicable			
PO 4.4	Development to provide a safe night-time environment along streetscapes, pedestrian and cycle paths and building surrounds by the arrangement of buildings and active building frontages that enhance casual surveillance and provide appropriate lighting and clear lines of sight.			New provision. This proviison attempts to bring in Council-wide CPTED principles.
DTS/DPF 4.4	None are applicable			
Table 5.1 – City Boulevards				INSERT POLICY - introduce new subzone as described above
				Should this table also include Frome Road and Port Road to be consistent with Primary City Access roads in City Road Network Map Adel/1 (Overlay 1)?
	North Terrace, Morphett Street and King William Road.	3		INSERT POLICY - DO NOT INCLUDE GOVERNMENT HOUSE IN CULTURAL INSTITUTIONS SUBZONE - Create new Government House SubZone
Procedural Matters				
	Notification of Performance assessed development Note: For public notification requirements refer to Practice Direction: Notification for Performance Assessed Development.	2		
	All classes of development are excluded from notification except where it involves any of the following:			
	(a) the site of the development is adjacent land to land in a different zone	3		All uses other than Government House and ancillary uses are currently non-complying. Category 1 notification applies to development which is not classified as non-complying, or non-complying but minor.
	(b) development identified as “all other code assessed development” in Riverbank Zone Table 3	3		All uses other than Government House and ancillary uses are non-complying. Category 1 notification applies to development which is not classified as non-complying, or non-complying but minor.
	(c) development exceeding the maximum building height specified in DTS/DPF 2.1 of the Health sub zone			Not applicable to I2 Zone
	(d) development exceeding the maximum building height specified in DTS/DPF 2.1 of the Entertainment sub zone			Not applicable to I2 Zone
	(e) development exceeding the maximum building height specified in DTS/DPF 2.3 of the Innovation sub zone			Not applicable to I2 Zone
	(f) development exceeding the maximum building height specified in DTS/DPF 2.4 of the Entertainment sub zone			Not applicable to I2 Zone

Zone	13 Institutional (University/Hospital) Zone		1 - Included in the Code and retains same policy intent	
Policy area(s)			2 - Wording changed but policy intent remains (OK)	
			3 - Included in the Code but policy intent changed (NOT OK)	
			4 - Not included in the Code but OK to remove	
			5 - Not included in the Code and should be reinstated	
Number	Description	Transition category	Where has it been included?	Comments
General Comments	Note that the Hospital portion of the existing zone is currently subject to a Development Plan Amendment for Lot Fourteen which take in the proposed Innovation Subzone.			
Desired Character				
	The Zone will be maintained and enhanced as the cultural and institutional heart of the City. It is South Australia's primary centre for tertiary education, research, medical and cultural institutions and also provides significant leisure and tourism opportunities. Expansion of existing activities will be accommodated by means of sensitive infill development with the construction of new buildings within present sites or on vacant land currently used for car parking, in accordance with coordinated master plans of the major institutions.	5	Cultural Institutions Subzone DO 1	Reference to cultural and institutions heart of the City is not included in City Riverbank Zone. INSERT POLICY - City Riverbank Zone - Cultural Institutions Subzone - to reinforce the desired character statements from the current policy
	The built form and environment of the Zone will maintain a transition between the intense urban form of the Central Business Area and the open landscape of the Torrens Valley. The succession of both landscaped and paved open spaces around and between buildings, the largely pedestrian orientation of the area, the askew siting of buildings as well as their low scale, and consistent style and materials corresponding to major periods of development, has produced a townscape character and quality unlike anything existing or ever likely to be developed within the Town Acres.	2	City Riverbank PO 2.1 to a limited extent. Cultural Institutions Zone PO 2.4	
	The North Terrace frontage is a prime section of the City's 'cultural boulevard' in which the improvement of pedestrian amenity and ease of pedestrian movement across North Terrace will be a priority. Improvements to the northern footpaths will be integrated with redevelopments of the Museum, State Library, Royal Adelaide Hospital and university forecourts to provide greater levels of visibility and access to these buildings. A high level of accessibility will be maintained by public transport and from public car parks off North Terrace.	5		Not sufficiently communicated or reinforced in proposed policy. Cultural Institutions Built Form and Character provisions do not support this desired character statement. INSERT POLICY as a PO within the Cultural Institutions subzone under a new heading 'Access, Car Parking and Movement'.
Policy Objectives				
1	Development that strengthens, achieves and is consistent with the desired character for the Zone.	1		
Principles of Development Control				
Form of Development				
1	Development should strengthen, achieve and be consistent with the desired character for the Zone.	1		

Number	Description	Transition category	Where has it been included?	Comments
2	Desirable uses include art galleries, community centres, conference centres, educational establishments, museums, pre-schools, public libraries, and research laboratories. East of Frome Road, clinics, hospitals and veterinary surgeries are also appropriate.	2	Cultural Institutions SubZone PO 2.1	Convention centre and entertainment venue are currently anticipated in this zone & should be reinstated. The City Riverbank Zone is silent on the following uses which should be reinstated: art gallery, museums, preschool, public library, research laboratory. East of Frome road is currently subject to a DPA to enable Lot Fourteen. Suggest clinics, hospitals and veterinary surgeries are not appropriate for the Innovation Subzone, but could be retained in the Cultural Institutions subzone if this is intended to extend across Frome Road (not currently proposed in P&DC but is proposed in current DPA).
Built Form and Public Environment				
3	Development should be compatible in design with existing buildings and their siting, and should not be detrimental to the amenity of the Zone frontages. Development should maintain the established set-back pattern of alternating buildings and landscaped spaces along North Terrace.	3	City Riverbank PO 2.2 and 2.3	New policy doesn't specifically address established set-back pattern of alternating buildings and landscaped spaces along North Terrace - suggest reinforcing this. INSERT POLICY as a PO within Cultural Institutions Subzone - to reinforce existing PDC 3.
4	Buildings should be dignified and emphasise the horizontal grouping of building elements, although within the design of facades the use of vertical proportions in projections and in the disposition of openings is appropriate.	3	Cultural Institutions SubZone PO 2.1	Cultural Institutions Subzone PO 2.1 rephrases this but misses key information - reinstate. INSERT POLICY: <i>City Riverbank Zone - Cultural Institutions Subzone - PO 2.1 "Development that emphasises the horizontal grouping of building elements, although the use of vertical proportions is appropriate within the design of facades."</i>
5	Buildings should have modelled and textured facades and a predominantly masonry appearance similar to the early university buildings which give the campus its established historical character.	3	Subzone PO 2.2	reinstate reference to university buildings/campus INSERT POLICY: <i>PO 2.2 Buildings with modelled and textured facades of predominantly masonry appearance similar to the early university buildings that contribute to the established historical character of the zone.</i>
6	Building materials should be red brick or masonry for walls and slate, shingles, terra cotta tiles or copper for exposed roofs. The use of ornament and decoration in building facades and roof forms is desirable to ensure that additions are compatible with nearby buildings in form and appearance.	5	Subzone PO 2.3	INSERT Policy to ensure transition of PDC 6 to the P&D Code: INSERT POLICY - City Riverbank Zone Insert after PO 2.3: <i>PO 2.* "Buildings that appropriately use ornament and decoration in building facades and roof forms to ensure that additions are compatible with nearby buildings in form and appearance."</i>

Number	Description	Transition category	Where has it been included?	Comments
7	Within the Hospital area of the Zone, buildings should be articulated to reduce the apparent bulk of large scale development. Development fronting North Terrace should maintain the existing pattern of building form and open space, providing greater grassed or landscaped areas at grade to North Terrace, and should ensure architectural compatibility with the red brick and stucco buildings which extend east from the Frome Road/North Terrace intersection. Development should be less monumental in scale and design than the large buildings constructed in the area in recent decades, and achieve a more intimate and human-scaled environment.	5	Innovation Subzone and City Riverbank Zone	INSERT POLICY - City Riverbank Zone - Innovation Subzone - review policy to ensure the proposed DPA policy and P&DC policy are aligned to achieve the goals sought for this location.
8	Along the North Terrace frontage there should be no diminution of existing landscaped open space between the buildings and the street boundary, unless greater pavement area is required for pedestrians.	5		This policy needs to be reinstated - not currently reinforced in either City Riverbank Zone nor the subzones. INSERT POLICY as a PO within the Cultural Institutions Subzone under the heading 'Built Form and Character'.
9	External additions and infill development between or in front of existing buildings along the frontages of North Terrace, Frome Road (western side), Kintore Avenue and Victoria Drive are generally inappropriate.	5		If this is achieved via provisions relating to "views and physical connections" then OK, but this is not expressly included in the new policies. Consider INSERT POLICY: " <i>Retain open space between or in front of existing buildings along the frontages of North Terrace, Frome Road (western side), Kintore Avenue and Victoria Drive.</i> "
10	The pattern and ratio of building form and open space prevailing in the Hospital area should be maintained.	4		
11	A high level of pedestrian amenity should be maintained in the Zone and night time safety should be improved by additional lighting to pedestrian thoroughfares and major buildings.	1		Addressed via Zone PO 4.4
12	Pedestrian dominance and priority should be maintained west of Frome Road, while in the Hospital area improved separation of pedestrians from vehicle traffic should be achieved.	4		
13	Pedestrian shelter should utilise a combination of planting, through-building links and canopies integrated with buildings. Free-standing pedestrian shelter is undesirable.	1	Zone PO 2.5	Also suggest re-wording as per comment for PDC 14
14	A variety of pleasant and interesting landscaped spaces - both lawned and paved - should be created, ranging from those suitable for group meetings and social activities to those for quiet retreat and relaxation. Such spaces, the pedestrian links between them, and internal access roads within the Zone, should be landscaped with trees and other plantings	2	Zone PO 2.5	
15	The landscaped edge of the Zone, created by North Terrace west of Frome Road should provide shade for pedestrians while enhancing northward views from North Terrace. North of this, landscape design should become less formal and incorporate large, high-crowned trees which allow views through to the forecourt spaces of the many significant cultural and institutional buildings	5		This policy hasn't been transitioned into either subzone or zone. INSERT POLICY: as a PO within the Cultural Institutions Subzone.
16	East of Frome Road, the North Terrace frontage to the Royal Adelaide Hospital should be landscaped with suitable tree plantings, landscaping and grassed areas, to reduce the impact of Hospital buildings and to replace open lot parking areas.	4		This policy hasn't been transitioned into either subzone or zone - need to check if this is included in Lot 14 DPA.

Number	Description	Transition category	Where has it been included?	Comments
17	On the Victoria Drive frontage the plantings between the boundary fence and the University buildings should be conserved.	5		INSERT POLICY as a PO within the Cultural Institutions Subzone.
18	The avenues of street trees on the North Terrace, Kintore Avenue, Frome Road and Victoria Drive frontages form important landscaped edges to the Zone's built form, and should be maintained as part of the essential character of the Zone.	4		
Height				
19	To minimise further visual impact on the Park Lands, the height of new buildings should scale down from that established by the existing buildings fronting onto North Terrace to buildings at the boundaries of the Zone that: (a) do not exceed 3 building levels; or (b) locate a ceiling more than 10.5 metres above the median natural or finished ground level at any point or any part of a building.	5	Cultural Institutions Subzone 2.4 DTS/DPF 2.4 (a)	REQUIRES FURTHER REVIEW - Difference in ceiling height in existing policy vs Building Height in Code.
20	Away from the frontages to roads or frontages to the Park Lands Zone, the height of new buildings should not: (a) exceed 6 building levels; or (b) locate a ceiling more than 21 metres above the median natural or finished ground level at any point or any part of a building. Development up to 6 building levels should be designed to minimise the visual and environmental impact of such larger development by sensitive design and	3	Cultural Institutions Subzone 2.4 DTS/DPF 2.4 (b)	REQUIRES FURTHER REVIEW - Difference in ceiling height in existing policy vs Building Height in Code.
Car Parking and Access				
21	Pedestrian links in north-south and east-west directions should be maintained and further developed, as indicated on Map Adel/1 (Overlay 2A), Maps Adel/45 and 50 and Figure I/3.	5		INSERT POLICY as a PO within the Cultural Institutions SubZone under a new heading 'Movement Car Parking and Access' and incorporate mapping from Map Adel/1 (Overlay
Advertising				
22	Advertisements should mainly provide information and direction in relation to the cultural, educational and medical functions of the Zone.	1		Does this need to be incorporated into new Cultural Insitution Subzone?
23	Advertisements should be sober in design and simple in use of colour, and should seek to achieve a consistent image for the Zone while ensuring clear advice to visitors.	4		See also - Advertising general development policies
24	The discreet illumination of advertisements is generally appropriate.	1		See also - Advertising general development policies
25	Temporary banners may be appropriate based on their individual merits. The number of banners should be limited on each site to ensure the buildings remain	1		See also - Advertising general development policies
Procedural Matters				
Complying Development				
26	The following kind of development is complying: (a) Temporary depot for Council for a period of no more than 3 months provided appropriate provision is made for: (i) dust control; (ii) screening, including landscaping; (iii) containment of litter and water; and (iv) securing the site.	5		(a) No specific policy relating to Temporary depot for Council (potential to include this provision in Table 1 - Accepted Development Classification) INSERT POLICY: City Riverbank Zone - temporary depot policy as used in other zones
Non-Complying Development				

Number	Description	Transition category	Where has it been included?	Comments
27	<p>The following kinds of development are non-complying:</p> <p>(a)A change of use to any of the following: Adult entertainment premises Adult products and services premises Amusement machine centre Backpackers hostel Car park except: (i)where ancillary to an approved or existing use. (ii)a multi-level car park. Conference centre east of Frome Road Day centre (other than a child care centre) west of Frome Road Educational establishment east of Frome Road Emergency shelter west of Frome Road Hospital west of Frome Road) Hotel Industry Motel Nursing home west of Frome Road Passenger terminal Road transport terminal Service Trade Premises Serviced apartment Transport depot</p> <p>(b)Total demolition of a State Heritage Place (as identified in Table Adel/1). (c)Total demolition of a Local Heritage Place (City Significance). (e)Advertisements involving any of the following: (i)Animation (ii)Third party advertising</p>	5		INSERT POLICY: TBC
Public Notification				
28	<p>For the purposes of public notification in accordance with the procedures and rights established by the Development Act 1993, development is assigned to the specified categories as follows:</p> <p>(a)Category 1, public notification is not required: (i)all development, except that classified as non-complying; (ii)non-complying development which, in the opinion of the relevant planning authority, is of a minor nature only and is unlikely to be the subject of reasonable objection from the owners or occupiers of land in the locality of the site of the development.</p> <p>Note: For Category 3 Development, public notification is required. Third parties may make written representations, appear before the relevant authority on the matter, and may appeal against a development consent. This includes any development not classified as either Category 1 or Category 2.</p>			TBC
NEW CONTENT IN THE CODE (insert below)				

Number	Description	Transition category	Where has it been included?	Comments
Table 1	Accepted Development Classification			
Table 2	Deemed-to-Satisfy Development Classification			
Table 3	Applicable Policies for Performance Assessed Development			INSERT POLICY - City Riverbank Zone - Table 3 - amend to include all GDPs potentially relevant to Riverbank Zone.
Table 4	Restricted Development			
New Riverbank Zone				No reference to Figure I3 - suggest including this.
Desired Outcome (DO)				INSERT POLICY - City Riverbank Zone - <i>include reference to Figure I3 and create the equivalent of Figure I3 within P&DC.</i>
DO 1	Exemplary design quality and architecture that is contemporary and innovative, respectful of the heritage buildings, Park Lands setting and civic functions of the locality.			
DO 2	A fine grained precinct with a quality public realm that is inviting and comfortable for pedestrians.	OK		This provision is suitable for some portions of the Riverbank Zone, but doesn't really assist areas such as government house portion of Cultural Institutions Subzone.
DO 3	Strong visual and physical connections between important buildings, public spaces, the Park Lands and other key destinations.	OK		
Performance Outcomes and Deemed to Satisfy/Designed Performance Outcome Criteria				
Land Use and Intensity				
PO 1.1	A diverse range of land uses that connect the city centre to the natural environment of the River Torrens and Park Lands with clusters of related activities, such as: (a) clinical health, training, education and research; (b) entertainment, tourism and accommodation; (c) education and administration; (d) innovative science and employment; and (e) Community and cultural institutions.			OK but would be strengthened by inclusion of Concept Plans for each subzone in the Riverbank Zone.
DTS/DPF 1.1	Development comprises one or more of the following land uses: (a) Advertisement (b) Community centre (c) Consulting room (d) Office (e) Convention centre (f) Educational establishment (g) Entertainment venue (h) Helicopter landing facility (i) Hospital (j) Hotel (k) Licensed premises in association with hotel, restaurant, shop or the like (l) Land division (m) Light industry (including high technology and research based activity)	CHANGE		Refer to comments against PDC 26 and 27 - this DTS seeks land uses that the current Development Plan lists as non-complying - significant change.

Number	Description	Transition category	Where has it been included?	Comments
	(n) Motel (o) Restaurant (p) Shop (q) Serviced apartments (r) Tourist accommodation.			
Built Form and Character				
PO 2.1	Building heights within the zone providing an orderly transition in scale, with lower buildings located towards the Adelaide Park Lands, Adelaide Botanic Garden and River Torrens and taller buildings towards North Terrace and other City Boulevards identified in City Riverbank Zone Table 5.1.	ERROR	OK other than drafting error with incorrect reference.	Table 5.1 CONTAINS AN ERROR - (F) refers to Entertainment Zone (again - duplicating (d). (f) should be a reference to the Cultural Institutions Subzone.
DTS/DPF 2.1	None are applicable			
PO 2.2	Development a) contributes to the activation of the public realm by presenting an attractive human scaled pedestrian-oriented frontage at ground level that adds interest and vibrancy b) contributes to pedestrian comfort by minimising micro climatic impacts c) maintains a sense of openness to the sky for pedestrians and allow sunlight access to the public realm, particularly plaza areas during the Spring and Autumn; and d) provides a clear sense of address to each building.	NEW/SIMILAR		Supported
DTS/DPF 2.2	None are applicable			
PO 2.3	Development reinforces the grand boulevard character of North Terrace and King William Road, by reflecting the patterns of landscaped spaces and built form, building proportions and scale.	NEW/SIMILAR		Supported
DTS/DPF 2.3	None are applicable			
PO 2.4	Coordinated development providing public spaces and landscaping, including deep plantings, that soften the dominance of buildings, provide a range of spaces that are suitable for group meetings and social activities and spaces for passive enjoyment.			suggest: Well designed and functional buildings set within a landscaped setting that provides pedestrian and cyclist friendly streetscapes and active street frontages that facilitate positive social interaction
DTS/DPF 2.4	None are applicable			
PO 2.5	Pedestrian shelter and public art designed as an integral part of built form, open space and landscaping.	NEW/SIMILAR		Supported
DTS/DPF 2.5	None are applicable			
PO 2.6	The contribution of heritage buildings enhanced by ensuring: (a) buildings can be adapted and reused for modern purposes while protecting important heritage fabric (b) views and physical connections to heritage buildings and their important heritage features is maintained (c) the ground level interface with heritage buildings incorporates publicly accessible spaces and active land uses that support public access where appropriate.	NEW/SIMILAR NEW/SIMILAR NEW/SIMILAR NEW/SIMILAR		Not currently in University/Hospital Zone, but draws from Council-wide Heritage and Conservation provisions. Doesn't pick up on Aboriginal heritage - is the wording intended to be inclusive?
DTS/DPF 2.6	None are applicable			
Advertising				

Number	Description	Transition category	Where has it been included?	Comments	
PO 3.1	Advertisements designed to achieve an overall consistency of appearance and be of a type, scale and image that complement the zone.	OK		Are additional policies needed here to better reflect current policy? For discussion	
DTS/DPF 3.1	None are applicable				
Movement Parking and Access					
PO 4.1	Development designed to encourage pedestrian/bicycle circulation at the North Terrace level and create or maintain: (a) connections between North Terrace and the River Torrens linear park at key pedestrian focal points; (b) east-west connections through the city; and (c) existing pedestrian and cycling connections, including the Gawler Greenway, Outer Harbor Greenway and River Torrens Linear Park trail to be maintained.			Is this intended to apply across the entire zone? If so a Concept Plan would assist.	
DTS/DPF 4.1	None are applicable				
PO 4.2	A central pedestrian pathway designed as a single plane surface and maintained to: (a) allow people to walk and ride through and within the Zone from East to West and connect with the North to South pathways; and (b) link key buildings and public areas within the Zone.				
DTS/DPF 4.2	None are applicable				
PO 4.3	Pedestrian movement prioritised and designed to be free from vehicle conflict.	OK			
DTS/DPF 4.2	None are applicable				
PO 4.4	Development to provide a safe night-time environment along streetscapes, pedestrian and cycle paths and building surrounds by the arrangement of buildings and active building frontages that enhance casual surveillance and provide appropriate lighting and clear lines of sight.	OK			
DTS/DPF 4.4	None are applicable				
Table 5.1 – City Boulevards					
North Terrace, Morphett Street and King William Road.		ERROR			Referencing in the Table is incorrect
Procedural Matters					
Notification of Performance assessed development Note: For public notification requirements refer to Practice Direction: Notification for Performance Assessed Development.					
All classes of development are excluded from notification except where it involves any of the following: (a) the site of the development is adjacent land to land in a different zone (b) development identified as “all other code assessed development” in Riverbank Zone Table 3 (c) development exceeding the maximum building height specified in DTS/DPF 2.1 of the Health sub zone					

Number	Description	Transition category	Where has it been included?	Comments
	(d) development exceeding the maximum building height specified in DTS/DPF 2.1 of the Entertainment sub zone (e) development exceeding the maximum building height specified in DTS/DPF 2.3 of the Innovation sub zone (f) development exceeding the maximum building height specified in DTS/DPF 2.4 of the Entertainment sub zone	ERROR		This should be "Cultural Institutions Zone"
Overlays	Applicable Overlays vary, but in this zone include: Design Overlay Airport Building Heights (Regulated) Overlay Noise and Air Emissions Overlay Building Near Airfields Overlay Regulated Trees Prescribed Wells Area Overlay			

Number	Description	Transition category	Where has it been included?	Comments
Zone I3 Institutional (University/Hospital) Zone Policy area(s) City Riverbank Zone - Cultural Institutions				
		1 - Included in the Code and retains same policy intent		
		2 - Wording changed but policy intent remains (OK)		
		3 - Included in the Code but policy intent changed (NOT OK)		
		4 - Not included in the Code but OK to remove		
		5 - Not included in the Code and should be reinstated		
General Comments City Riverbank Zone - Cultural Institutions Subzone There is no subzone in the Institutional (University/Hospital) Zone that applies to the Cultural Institutions Subzone spatial extent.				
NEW CONTENT IN THE CODE (insert below)				
Cultural Institutions Subzone Assessment Criteria (AC) Desired Outcome (DO) DO 1 A vibrant cluster of cultural and institution uses including tertiary education, research, libraries and museums that attract students, professionals, workers and visitors to the city.				
		2		
DO 2 Well designed and functional buildings and public spaces that provide pedestrian and cyclist friendly streetscapes and active street frontages that facilitate positive social interaction.		1	Cultural Institutions Subzone DO 2	
Performance Outcomes and Deemed to Satisfy/Designated Performance Outcome Criteria Land Use and Intensity PO 1.1 A diverse range of cultural and institutional uses including tertiary education, research, library, museums and galleries.				
		2		see comments for zone

Number	Description	Transition category	Where has it been included?	Comments
DTS/DPF 1.1	The types of development envisaged within the zone, except: (a) Convention centre (b) Entertainment venue (c) Helicopter landing facility (d) Hospital (e) Motel (f) Serviced apartments (g) Tourist accommodation.	5		INSERT POLICY - City Riverbank Zone - Cultural Institutions Subzone - Amend DTS 1.1 to exclude the following, or the equivalent of the following (from PDC 27): Adult Entertainment Premises Adult produce and services premises Amusement machine centre Backpackers hostel Carpark except i) where ancillary to an approved or existing use, ii) a multi-level car park Conference centre east of Frome Road Day centre (other than a child care centre) west of Frome Road Educational establishment east of Frome Road Emergency shelter west of Frome Road Hospital west of Frome Road Hotel Industry Motel Nursing home west of Frome Road Passenger terminal Road transport terminal Service Trade Premises Serviced apartment Transport depot
<i>Built Form and Character</i>				
PO 2.1	Development that emphasises the horizontal grouping of building elements and uses vertical proportions in projections and in the disposition of openings.	3		PDC 4 also states that buildings should be dignified - retain? INSERT POLICY - City Riverbank Zone - amend PO 2.1 to better reflect original intent of PDC 4
DTS/DPF 2.1	None are applicable.			
PO 2.2	Buildings with modelled and textured facades of predominantly masonry appearance similar to the early buildings that contribute to the established historical character of the zone.	3		"similar to the early university buildings which give the campus its established historical character"
DTS/DPF 2.2	None are applicable.			INSERT POLICY- City Riverbank Zone -

Number	Description	Transition category	Where has it been included?	Comments
PO 2.3	Buildings that complement the form, appearance, materials and finishes of existing buildings in the locality, including the predominant: (a) Red brick or masonry walls; and (b) Slate, shingles, terra cotta tiles or copper for exposed roofs.	3		reinstate reference to ornament and decoration in building facades and roof forms.....? INSERT POLICY- City Riverbank Zone - Cultural Institutions Subzone - reintroduce reference to ornament and decoration in building facades and roof forms
DTS/DPF 2.3 PO 2.4	None are applicable. Building heights within the zone that transition down to the Park Lands from the height of existing buildings established along North Terrace.	3		the wording here focuses only on transitioning down to parklands - PDC 19 refers to "height of new building should scale down from that established by the existing buildings fronting onto North Terrace to buildings at the boundaries of the Zone that a) do not exceed 3 building levels or locate a ceiling more than 10.5 metres above the median natural finished ground level at any point or any part of a building" Would the new policy be better worded to refer to zone boundary instead of road boundary? INSERT POLICY- City Riverbank Zone - Cultural Institutions Subzone - consider whether to use zone boundary or road boundary?
DTS/DPF 2.4	Buildings located: (a) along road and Park Lands frontages not exceeding 3 building levels and 11.5m in building height; and (b) away from road and Park Lands frontages not exceeding 6 building levels and 22m in building height.	3		see comment above for context
PO 2.5	Pleasant and interesting lawn and paved landscaped areas that create spaces suitable for a variety of activities ranging from those suitable for group meetings and social activities to those for quiet retreat and relaxation.	3		This wording is OK but could also bring back the words around "Such spaces, the pedestrian links between them, and internal access roads within the Zone should be landscaped with trees and other plantings".
DTS/DPF 2.5	None are applicable.			

Zone	I3 Institutional (University/Hospital) Zone		1 - Included in the Code and retains same policy intent		
Policy area(s)	City Riverbank Zone - Innovation Subzone		2 - Wording changed but policy intent remains (OK)		
			3 - Included in the Code but policy intent changed (NOT OK)		
			4 - Not included in the Code but OK to remove		
			5 - Not included in the Code and should be reinstated		
			6 - New policy in DPA		
Number	Description	Transition category	Where has it been included?	Comments	
General Comments	City Riverbank Zone - Innovation subzone				
<p>There is no subzone in the Institutional (University/Hospital) Zone that applies to the Innovation Subzone spatial extent. The current policy is relevant to the former Royal Adelaide Hospital and is currently the subject of a DPA to change the policy to a Mixed Use (Innovation) Subzone.</p>					
NEW CONTENT IN THE CODE (insert below)					
Innovation Subzone					
<i>Desired Outcome (DO)</i>					
DO 1	An innovation precinct accommodating a range of commercial, educational and research activities supported by a mix of compatible employment generating land uses including tourism, hospitality, cultural, entertainment and retail activities.	6 - New policy in DPA			New policy - see comments on DPA (included at the bottom of this tab)
DO 2	A range of low to high rise buildings within a landscaped setting that respond to heritage buildings on the site and transition down in height and scale towards the Adelaide Park Lands and the Adelaide Botanic Garden.	6 - New policy in DPA			New policy - see comments on DPA
Performance Outcomes and Deemed to Satisfy/Designated Performance Outcome Criteria					
<i>Land Use and Intensity</i>					
PO 1.1	Development of innovative commercial, educational and research activities supported by a mix of compatible employment generating land uses.	6 - New policy in DPA			New policy - see comments on DPA
DTS/DPF 1.1	The types of development envisaged within the zone.				
PO 1.2	Small scale retail development to meet the day to day needs of workers and visitors to the precinct.	6 - New policy in DPA			New policy - see comments on DPA
DTS/DPF 1.2	Shops not exceeding 250m2 total gross leasable floor area.	6 - New policy in DPA			New policy - see comments on DPA
PO 1.3	A range of small to medium scale services and facilities serving the area such as child care facilities, personal services establishment and the like.	6 - New policy in DPA			New policy - see comments on DPA
DTS/DPF 1.3	None are applicable.				
PO 1.4	Higher impact land uses such commercial development (including high technology and research based activity) clustered in key nodes where compatible with adjoining uses.	6 - New policy in DPA			New policy - see comments on DPA
DTS/DPF 1.4	None are applicable.				
<i>Built Form and Character</i>					
PO 2.1	A high standard of contemporary architectural design, which incorporates vertical rhythms, proportions, compositions, materials, parapet or balcony heights. A combination of solid and glass finishes used to produce visual interest on all sides.	6 - New policy in DPA			Is heritage addressed in this zone via Zone policies?
DTS/DPF 2.1	None are applicable.				

Number	Description	Transition category	Where has it been included?	Comments
PO 2.2	Buildings adjacent to the Adelaide Botanic Garden or Park Lands sited and designed to create view corridors to and from the Adelaide Botanic Garden.	6 - New policy in DPA		New policy - see comments on DPA. Concept plan should be included.
DTS/DPF 2.2	None are applicable.			INSERT POLICY - City Riverbank Zone - Innovation Subzone - State Government to include Concept Plan as requested in Council's feedback to the Ministerial Lot Fourteen Development Plan Amendment.
PO 2.3	Buildings of a height and scale that minimise impacts on the Adelaide Botanic Garden and Park Lands as well as referencing the scale of buildings facing North Terrace and Frome Road.	6 - New policy in DPA		OK
DTS/DPF 2.3	Buildings not exceeding 15 building levels and 53m in building height.	6 - New policy in DPA		OK
PO 2.4	Where buildings exceed 15 building levels or 53m in building height they will be of exemplary design, located centrally within the site and meet the Commonwealth Airports (Protection of Airspace) Regulations.	6 - New policy in DPA		OK
DTS/DPF 2.4	None are applicable.			
Open Space PO 3.1	Development on the eastern portion of the site: (a) results in an open park like setting complementary to the Adelaide Botanic Garden; (b) carefully managed to sensitively balance its interaction with surrounding uses such as the Adelaide Zoo, Adelaide Botanic Garden and the Adelaide Park Lands; (c) minimises uses or activities that would alienate the area from public usage; (d) provides opportunities for tourism, education, research, informal recreation and cultural enjoyment; (e) improves pedestrian links through the area, and improve the public realm and use and enjoyment of the Adelaide Park Lands; and (f) provides greater exposure and accessibility for the Adelaide Botanic Garden and North Terrace frontage.	6 - New policy in DPA		New policy - see comments on DPA INSERT POLICY - City Riverbank Zone - Innovation Subzone - State Government to include Concept Plan as requested in Council's feedback to the Ministerial Lot Fourteen Development Plan Amendment.
DTS/DPF 3.1	None are applicable.			
				<p>Key recommendations from response to Ministerial Lot Fourteen DPA:</p> <p>Improve how the policy reinforces the integration of Lot Fourteen with the City and Botanic Gardens landscape.</p> <p>Extend the proposed Mixed Use (Innovation) Zone to include the University of Adelaide land on the eastern side of Frome Road.</p> <p>Introduce a Concept Plan to support the proposed redevelopment of the site which clearly supports the implementation of the Renewal SA Master Plan. Page 49 of the DPA report states that a concept plan will be provided to identify the location and use of land to be set aside for open space.</p>

Number	Description	Transition category	Where has it been included?	Comments
				<p>Strengthen provisions to ensure innovative and sustainable land uses and development of the site. Achievement of key innovation and sustainability outcomes for the site are not sufficiently supported by the proposed DPA amendment. Further, there is no guarantee these outcomes would be in the future Planning and Design Code when it is implemented on 1 July 2020.</p> <p>Strengthen policies in the DPA to ensure this site does not inadvertently become an extension to the existing Capital City Zone without adding something new to the city, or reinforcing the creation of an innovative, new precinct.</p> <p>Improve and formalise connections with the East End of the City.</p> <p>Provide for the inclusion of the Park Lands Trail through the site, and also identify an east-west link through the site to support connections across the Riverbank Precinct.</p>

Zone	Park Lands Zone		1 - Included in the Code and retains same policy intent	
Policy area(s)			2 - Wording changed but policy intent remains (OK)	
		3 - Included in the Code but policy intent changed (NOT OK)		
		4 - Not included in the Code but OK to remove		
		5 - Not included in the Code and should be reinstated		
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	<p>The desired character for the Zone is comprised of:</p> <ul style="list-style-type: none"> (a) a unique open space system which is the most valued characteristic of the historic layout of the City providing a distinctive image for the City; (b) conservation and enhancement for the relaxation, enjoyment and leisure of the City's workers, (c) open publicly accessible landscaped park setting for the built-form of South Adelaide and North (d) a balance of both formal and informal recreational activities including sporting clubs, walking and (e) enhancement of the Park Lands through the reduction in building floor areas, fenced and hard (f) public infrastructure, including schools and other education facilities, roads, railways, tramways and 	3 - Included in the Code but policy intent changed (NOT OK)		
Objective 1:	<p>(g) a well connected pedestrian and cycle network throughout the Park Lands. Development that strengthens, achieves and is consistent with the desired character for the Zone and its relevant Policy Areas.</p>	3 - Included in the Code but policy intent changed (NOT OK)		
Objective 2:	<p>The Park Lands as a model of excellence for the provision, maintenance and development of: (a)a sustainable environment; (b)an integrated open space system; (c)a diverse range of recreational opportunities and cultural experiences; and (d)indigenous, European and other landscapes</p>	3 - Included in the Code but policy intent changed (NOT OK)		
Objective 3:	<p>Protect remnant vegetation or local native species and establish landscape features and habitat corridors, including appropriately treated watercourses.</p>			
Objective 4:	<p>Ensure that new buildings or redevelopment of existing buildings in the Park Lands result in: (a)buildings that deliver public benefit, respond to the surroundings and incorporate the highest quality of design and materials; (b)the enhancement of buildings used for sport, recreation and cultural purposes; (c)a net reduction in total floor area through the removal of unsuitable or under-utilised structures or facilities; (d)the enhancement or redevelopment of heritage places for public use; (e)buildings that have minimal environmental impact; and (f)provision being made for cyclists.</p>	3 - Included in the Code but policy intent changed (NOT OK)		
Objective 5:	<p>Establish landscape design, planting, management and maintenance regimes to reflect the character identified within the specific Policy Areas.</p>	3 - Included in the Code but policy intent changed (NOT OK)		
1	Development should strengthen, achieve and be consistent with the desired character for the Zone and			
2	The Park Lands should be used for a diversity of outdoor recreation uses, the nature of which is specified in the relevant Policy Area.	3 - Included in the Code but policy intent changed (NOT OK)		
3	Indoor recreation is considered to be contrary to the open character desired for the Park Lands and should be restricted to specific existing or proposed buildings.	5 - Not included in the Code and should be reinstated		
4	Development of new and the expansion of existing formal outdoor recreation uses should be restricted except where specified in the relevant Policy Area.	3 - Included in the Code but policy intent changed (NOT OK)		

Number	Description	Transition category	Where has it been included?	Comments
Form of Development				
5	Special events and formal recreation uses of a temporary or transient nature may be appropriate throughout the Park Lands Zone on a temporary basis provided that the existing surface and landscape features of the land affected can be subsequently reinstated without change to its physical and visual condition and character. The setting up or preparing for the event and the dismantling after the event should be done in an expeditious manner.	3 - Included in the Code but policy intent changed (NOT OK)		
6	Development should not diminish the indigenous cultural value of the locality, with particular respect to the areas identified in Map Adel/1 (Overlay 14).	3 - Included in the Code but policy intent changed (NOT OK)		
7	Development for the purpose of public infrastructure may be undertaken within the Golf Links Policy Area 16, River Torrens East Policy Area 18, Botanic Park Policy Area 19, Rundle and Rymill Parks Policy Area 20 and River Torrens West Policy Area 24 including: (a)the infrastructure, equipment, structures, works and other facilities used in or in connection with the supply of water or electricity, gas or other forms of energy, or the drainage of waste water or sewage; (b)roads and their supporting structures and works; (c)railways, tramways and busways; (d)schools and other education facilities (only within Botanic Park Policy Area 19); and (e)all other facilities that have traditionally been provided by the State (but not necessarily only by the State) as community or public facilities; where undertaken: (i)by a State agency (whether or not in partnership or joint venture with a person or body that is not a State agency); and/or (ii)by a person or body (that is not a State agency) where the development is specifically endorsed by a State agency.	4 - Not included in the Code but OK to remove		
Built Form and Public Environment				
8	The number and extent of buildings in the Park Lands should be reduced.	5 - Not included in the Code and should be reinstated		
9	Additional or replacement buildings and structures should only be established, and existing buildings should only be enlarged, if the development rationalises or improves the appearance of undesirable or intrusive existing buildings or uses, or provides facilities for public purposes.	5 - Not included in the Code and should be reinstated		
10	Buildings should: (a)where intended to be visible from a distance or to form the termination of a view or vista, have a pavilion design character incorporating verandahs, pergolas, or colonnades on all sides, unless an alternative design character can be shown to be more responsive to the character of the relevant Policy Area in which the building is situated; (b)be designed to be as unobtrusive as possible, complement and blend with their surrounds, and be suitably screened by landscaping; and (c)be sited and designed to enable multiple use by different user groups wherever practicable.	5 - Not included in the Code and should be reinstated		
11	Mobile Kiosks may be considered appropriate where they: (a)are ancillary to the use of the Park Lands; (b)provide a range of goods and services: (i) for the users of activities in the Park Lands; (ii) where such goods and services would not otherwise be conveniently accessible; (iii) for such period of time to serve the Park Lands users; (c)maintain the open Park Lands character by the following: (i) being sited sensitively to the relevant desired character; (ii) not being stored in the Park Lands when not being used to serve Park Lands users.	5 - Not included in the Code and should be reinstated		
Advertising				
12	Permanent advertisements are inappropriate, except: (a)temporary advertisements promoting events in the Park Lands; (b)interpretative or directional advertisements relating to features and facilities within the Park Lands, subject to conformity with a consistent design theme.	3 - Included in the Code but policy intent changed (NOT OK)		

Number	Description	Transition category	Where has it been included?	Comments
13	<p>Advertisements should relate to a local event of a religious, educational, cultural, social or recreational character or to an event of a political character, and should comply with the following:</p> <p>(a)the total advertisement area of all advertisements displayed on a building or site should be no more than two square metres;</p> <p>(b)except for an advertisement that relates to a federal, State or local government election, the advertisement should not be displayed for more than one month prior to the event and one week after the conclusion of the event; and</p> <p>(c)the advertisement should not:</p> <p>(i) move or flash;</p> <p>(ii) reflect light so as to be an undue distraction to motorists;</p> <p>(iii) be internally illuminated; or</p> <p>(iv) be used to principally advertise brands or products.</p>			
14	<p>Interpretative or directional advertisements relating to features and facilities within the Park Lands are appropriate, subject to conformity with a consistent design theme.</p>			
15	<p>Permanent advertisements are inappropriate and existing permanent advertisements should be removed.</p>			
Temporary Depots or Site Compounds				
16	<p>Temporary depots or site compounds associated with construction works may be considered appropriate where the following is achieved:</p> <p>(a)land occupied is kept to a minimum to minimise the impact on the public enjoyment of the Park Lands;</p> <p>(b)land will suitably be reinstated to the same standard as prior to its temporary use or to an improved standard that is consistent with the Desired Character of the relevant policy area;</p> <p>(c)construction timelines are minimised to limit the impact to the public users of Park Lands;</p> <p>(d)safe and convenient alternatives are provided to any disrupted movement patterns;</p> <p>(e)impacts from construction waste and excavated soil are minimised on the Park Lands; and</p> <p>(f)car parking is restricted to vehicles necessary to be located on the site to support construction works.</p>			
Complying Development				
17	<p>The following kinds of development are complying:</p> <p>(a)Demolition and removal of a building or structure providing:</p> <p>(i) the demolition does not involve or affect a State heritage place or Local heritage place; and</p> <p>(ii) the land affected is returned to Park Lands and/or is landscaped in accordance with the desired landscape character of the Policy Area.</p> <p>(b)Special Events except in the Golf Links, Northern Park Lands, River Torrens East, Southern Park Lands and Brougham and Palmer Gardens Policy Areas providing the special event will not be held over more than 3 consecutive days, excluding any additional period required for setting up or preparing for the event or after the event for dismantling the event; and</p> <p>(c)Temporary depot for Council for a period of no more than 3 months provided appropriate provision is made for:</p> <p>(i) dust control;</p> <p>(ii) screening, including landscaping;</p> <p>(iii) containment of litter and water; and</p> <p>(iv) securing the site.</p>			
Non-Complying Development				
18	<p>All kinds of development are non-complying except:</p> <p>Bridges and associated structures providing pedestrian and cycle access over the River Torrens located in the Golf Links Policy Area 16, the River Torrens East Policy Area 18, Botanic Park Policy Area 19, River Torrens West Policy Area 24, and over Hackney Road into Botanic Park Policy Area 19</p> <p>Bridge and associated structures providing pedestrian and bicycle access over Park Terrace to the River Torrens West Policy Area 24, from North Terrace to the River Torrens West Policy Area 24 (in the area marked F as shown on Map Adel/48) and over Torrens Lake between the Adelaide Festival Centre and Adelaide Oval Policy Area 25</p> <p>Cafes:</p> <p>(a) that do not increase the building foot print;</p> <p>(b) with a gross leasable area not exceeding 50 square metres; and</p> <p>(c) located in the Botanic Park, Eastern Park Lands, Southern Park Lands or the Western Park Lands Policy Areas.</p>	<p>4 - Not included in the Code but OK to remove</p>		

Number	Description	Transition category	Where has it been included?	Comments
	<p>Cafe, Restaurant, Licensed Premises, Community, Cultural and Tourism uses located in the:</p> <p>(a) River Torrens West Policy Area in the area marked F as shown on Map Adel/48;</p> <p>(b) Adelaide Oval Policy Area, as shown on Map Adel/49.</p> <p>The refurbishment of the existing clubhouse provided there is no increase in total floor area within the Golf Links Policy Area</p> <p>A new replacement clubhouse (which may incorporate retail areas and licensed premises) provided no increase in total floor area within the Golf Links Policy Area</p> <p>Community, cultural or tourism use in association with the retention of a heritage place in the River Torrens West Policy Area or in association with conservation of the Torrens Training Depot and Parade Ground in the Adelaide Oval Policy Area</p> <p>Complying development in the Zone</p> <p>Development for and ancillary to existing uses contained within their existing site boundaries;</p> <p>Development for the purpose of public infrastructure within the Golf Links Policy Area 16, River Torrens East Policy Area 18, Botanic Park Policy Area 19, Rundle and Rymill Parks Policy Area 20 and River Torrens West Policy Area 24 including:</p> <p>(a)the infrastructure, equipment, structures, works and other facilities used in or in connection with the supply of water or electricity, gas or other forms of energy, or the drainage of waste water or sewage;</p> <p>(b)roads and their supporting structures and works;</p> <p>(c)railways, tramways and busways;</p> <p>(d)schools and other education facilities (only within Botanic Park Policy Area 19); and</p> <p>(e)all other facilities that have traditionally been provided by the State (but not necessarily only by the State) as community or public facilities;</p> <p>and development undertaken:</p> <p>(i) by a State agency (whether or not in partnership or joint venture with a person or body that is not a State agency); and/or</p> <p>(ii) by a person or body (that is not a State agency) where the development is specifically endorsed by a State agency.</p> <p>Development which, in the opinion of the relevant planning authority, is of a minor nature only and is unlikely to be the subject of reasonable objection from the owners or occupiers of land in the locality of the site of the development</p> <p>Flood mitigation works along the south Park Lands creek within the Southern Park Lands Policy Area</p> <p>Formal and informal boating facilities, activities and events in the Adelaide Oval Policy Area and the River Torrens West Policy Area within the area marked F as shown on Map Adel/48</p> <p>Formal Recreation Area except in the Golf Links, Botanic Park, Rundle and Rymill Park or the Brougham and Palmer Place Policy Areas</p> <p>Horse Agistment within the Northern Park Lands or the River Torrens West Policy Areas within the area marked B as shown on Maps Adel/35, 36, 39, 42 and 47</p> <p>Informal Recreational Area</p> <p>Mobile Kiosk:</p> <p>(a)where they are ancillary to the use of the Park Lands;</p> <p>(b)provide a range of goods and services for the users of activities in the Park Lands where such goods and services are not conveniently located; and</p> <p>(c)are not permanently set up in the one location.</p> <p>Redevelopment of the existing building immediately north of the Torrens Weir for golf clubhouse purposes provided there is no increase in building footprint</p> <p>Special Events in the:</p> <p>(a)Botanic Park and Rundle and Rymill Park Policy Areas within the area marked A as shown on Maps Adel/51 and 52;</p> <p>(b)Eastern Park Lands Policy Area within the area marked A as shown on Maps Adel/52, 57 and 58, where they do not require the erection of additional permanent structures;</p> <p>(c)Western Park Lands and the River Torrens West Policy Areas within the area marked A as shown on Maps Adel/53 and 54; or</p> <p>(d)Adelaide Oval Policy Area within the areas marked A and I as shown in Maps Adel/49, 53 and 54.</p> <p>Temporary advertisements promoting events in the Park Lands or interpretative or directional advertisements relating to features and facilities within the Park Lands.</p>			

Number	Description	Transition category	Where has it been included?	Comments
	Temporary depot or site compound associated with construction works undertaken for the purposes of public infrastructure: (a) by a State agency (whether or not in partnership or joint venture with a person or body that is not a State agency); and/or (b) by a person or body (that is not a State agency) where the development is specifically endorsed by a State agency. Tree damaging activity			
Public Notification				
19	The following kinds of development are assigned as Category 1: (a) all development, except that classified as non-complying; and (a) non-complying development which, in the opinion of the relevant planning authority, is of a minor nature only and is unlikely to be the subject of reasonable objection from the owners or occupiers of land in the locality of the site of the development.			
NEW CONTENT IN THE CODE (insert below)				

Zone									
Policy area(s)	PA16								
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%; background-color: #e0e0e0;"> <p>General comments</p> </div> <div style="width: 65%;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="background-color: #c8e6c9;">1 - Included in the Code and retains same policy intent</td> </tr> <tr> <td style="background-color: #fff9c4;">2 - Wording changed but policy intent remains (OK)</td> </tr> <tr> <td style="background-color: #ffe0b2;">3 - Included in the Code but policy intent changed (NOT OK)</td> </tr> <tr> <td style="background-color: #ffcdd2;">4 - Not included in the Code but OK to remove</td> </tr> <tr> <td style="background-color: #ff8a65;">5 - Not included in the Code and should be reinstated</td> </tr> </table> </div> </div>					1 - Included in the Code and retains same policy intent	2 - Wording changed but policy intent remains (OK)	3 - Included in the Code but policy intent changed (NOT OK)	4 - Not included in the Code but OK to remove	5 - Not included in the Code and should be reinstated
1 - Included in the Code and retains same policy intent									
2 - Wording changed but policy intent remains (OK)									
3 - Included in the Code but policy intent changed (NOT OK)									
4 - Not included in the Code but OK to remove									
5 - Not included in the Code and should be reinstated									
Number	Description	Transition category	Where has it been included?	Comments					
Desired Character									
	<p>The desired character for the Policy Area is comprised of:</p> <ul style="list-style-type: none"> (a) formal outdoor recreation, primarily in the form of a public golf course set in an irrigated and unfenced landscaped park environment; (b) a landscape where indigenous trees predominate and the theme of significant exotic tree species is strengthened; (c) good quality facilities and services to encourage public access and increased usage of the golf (d) improvement of the existing built form and car parking associated with the golf courses in a manner that does not result in an increase in total floor area or hard paved area. Relocation of the facilities adjacent to War Memorial Drive may be appropriate in the long term, with impacts on the amenity of the adjoining residential area minimised; and (e) public infrastructure, including roads, railways, tramways and busways, and their supporting 	3 - Included in the Code but po		This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. Council didn't not support this level of public infrastructure generally. The removal of the Public Infrastructure components should be supported. INSERT Policy to reflect intent					
Objective 1:	Development that strengthens, achieves and is consistent with the desired character for the Policy Area.								
1	Development should strengthen, achieve and be consistent with the desired character for the Policy								
2	<p>Development may include the following:</p> <ul style="list-style-type: none"> (a) Golf Course; (b) Informal Recreational Area; and (c) Refurbishment of the existing clubhouse or a new replacement clubhouse (which may incorporate 	3 - Included in the Code but po	PO 1.7	The PO 1.7 implies restaurants are current uses. The current shop/resturant are ancillary to the club houses i.e. would not need a DA in their own right.					
3	Development of retail services, social activities and facilities for the provision of meals and refreshment to the public in association with golfing purposes should preferably occur in those parts of the Policy Area which do not adjoin the North Adelaide Historic (Conservation) Zone.			INSERT Policy to reflect intent. However, policies need to reflect that the buildings should be a public and adaptable buildings					
4	Consideration should be given in the longer term to the relocation of the existing country club/golf clubhouse complex and associated car parking situated near the corner of Ward Street and Strangways Terrace, North Adelaide.	4 - Not included in the Code but OK to remove		This policy is quite weak. It hasn't been transferred to the P&D Code. General reduction in parking as per the DP should be sought. INSERT POLICY to reflect intent.					
5	A replacement building (incorporating club house, retail areas and licensed premises) located in the vicinity of War Memorial Drive is appropriate to consolidate the functions associated with golfing into a discrete area of the Policy Area provided there is no increase in total floor area within the Policy Area	3 - Included in the Code but po		INSERT Policy to reflect intent. Include a map.					
6	Perimeter areas should continue to be used for informal recreation.			INSERT Policy to reflect intent. Include a map.					
7	Existing public conveniences located on the golf courses should be replaced with structures designed in accordance with the Council Wide Principles.								
8	Advertising hoardings are not appropriate.	3 - Included in the Code but po	PO 4.1	The new policy enables advertising in association with a building. Rather than the Development Plan policy which outlines that it is not appropriate.INSERT Policy to reflect intent.					
Planting, Character and Landscaping									
9	The irrigated character should be maintained by best practice water conservation and water recycling. The overall Park Lands theme of Australian native and significant exotic tree species should be strengthened. Additional tree planting should be undertaken to improve the environmental character and outlook from each of the adjacent Terraces and War Memorial Drive, while maintaining existing views into the park. Highly polluting exotic tree species with a heavy leaf drop along the river banks should be replaced with local native species to provide a safe habitat for native fauna.	4 - Not included in the Code but OK to remove		Whilst it may be ok to remove the entire landscaped character of the Park Lands is poorly represented. It may be difficult to determine the appropriateness of the siting of building due lack of policy to determine the importance of the landscaped character. INSERT Policy to reflect intent. Include a map.					
10		4 - Not included in the Code but OK to remove							

Number	Description	Transition category	Where has it been included?	Comments
11	Items of significant landscape interest include: (a) Avenue of Moreton Bay Figure trees along War Memorial Drive. These trees should be retained to maintain the environmental character of those parts of the Policy Area.	5 - Not included in the Code and		The significance of stands of trees should be supported by policy to assist in retaining the landscaped values. INSERT Policy to reflect intent. Include a map.
Car Parking and Access				
12	Public pedestrian and bicycle access through the park should be maintained.	3 - Included in the Code but po	PO 5.2 - 5.4	INSERT Policy to reflect intent. Include a map.
13	Existing car parks for golfers and country club patrons within the golf courses should be removed, and the area returned to Park Lands as open space, upon relocation of the country club/golf clubhouse complex. Car parking should be provided adjacent to any new facility without increasing net hard paved area in the Policy Area.	3 - Included in the Code but po		The policy direction has changed by enabling limited car parking. This policy was aiming to remove the volume of car parking the Park Lands. The generic General Modules are also not specific to the Park Lands. Insert new policy <i>Rationalisation and reconfiguring of existing car parking should result in no increase to existing parking in Park 1, Park 2, Park 13 and Park 14, Park 16 and Park 23.</i>
NEW CONTENT IN THE CODE (insert below)				

Zone				1 - Included in the Code and retains same policy intent	
Policy area(s)	PA17			2 - Wording changed but policy intent remains (OK)	
				3 - Included in the Code but policy intent changed (NOT OK)	
				4 - Not included in the Code but OK to remove	
				5 - Not included in the Code and should be reinstated	
General comments					
Number	Description	Transition category	Where has it been included?	Comments	
Desired Character					
	<p>The desired character for the Policy Area is comprised of:</p> <p>(a) informal and formal outdoor recreation characterised by grassed areas and peripheral woodland planting;</p> <p>(b) olive groves in Parks 7 and 8, these being of State heritage value used for passive outdoor recreation activities;</p> <p>(c) a landscape of predominantly Eucalyptus species, woodland and open grassed playing fields;</p> <p>(d) views from LeFevre Terrace over the Klemzig Valley towards Mount Lofty Ranges framed with tall growing tree species; and</p> <p>(e) preserved areas of remnant vegetation.</p> <p>Objective 1: Development that strengthens, achieves and is consistent with the desired character for the Policy Area.</p>	3 - Included in the Code but policy intent changed (NOT OK)		<p>This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. INSERT Policy to reflect intent.</p> <p>Is the state heritage place detailed enough?</p> <p>Do we have records of this in the CLMP?</p>	
Land Use, Built Form and the Public Environment					
1	Development should strengthen, achieve and be consistent with the desired character for the Policy Area.	4 - Not included in the Code but OK to remove		This policy area has been deleted. Much of the policy has been removed and brought up to a very high level.	
2	Development may include the following: (a) Informal Recreational Area; (b) Formal Recreational Area; (c) Renovations to the Adelaide Aquatic Centre within the existing site; and (d) Horse Agistment, within the area marked B as shown on Maps Adel/35, 36 and 39.	4 - Not included in the Code but OK to remove			
3	The area defined as the Olive Grove within Parks 7 and 8 on Maps Adel/40 and 41 should maintain its informal outdoor recreation usage in addition to the harvesting of olives.	5 - Not included in the Code and should be reinstated		Public infrastructure would be restricted development. The removal of this policy results in a lot of ambiguity in the assessment of this type of development. INSERT Policy to reflect intent.	
4	Expansion of the electricity substation and water reservoir at the corner of Barton Terrace East and O'Connell Street is inappropriate. Ultimately, both facilities should be removed and the areas returned to Park Lands usage.	5 - Not included in the Code and should be reinstated	PO1.8	<i>The electricity substation and water reservoir at the corner of Barton Terrace East and O'Connell Street should be returned to park lands usage.</i>	
5	Extensions to or new buildings at the Adelaide Aquatic Centre should be restricted unless they consolidate and replace existing buildings with structures more appropriate to the Park Lands environment and with no increase in total floor area. Other than this, no additional buildings should be permitted.	5 - Not included in the Code and should be reinstated		The new built form policy doesn't specific seek the no increase in building footprint. The proposed policy opens the land uses to "sporting club rooms, facilities and associated administrative functions". This would be a potential change of land use to the existing land use. Like other changes there has not been any rationale for this amendment. Reinstatement previous policy. INSERT Policy to reflect intent.	
Planting, Character and Landscaping					
6	The existing character of olive groves between Mann and Park Roads should be conserved and managed, both for the heritage value of the olive plantations and their importance as a visual buffer between Lower North Adelaide and adjoining suburbs.	4 - Not included in the Code but OK to remove		Whilst it may be ok to remove the entire landscaped character of the Park Lands is poorly represented. It may be difficult to determine the appropriateness of the siting of building due lack of policy to determine the importance of the landscaped character	
7	The existing character of Eucalyptus species, woodland and open grassed playing fields along Barton Terrace West and Barton Terrace East and the open grassland along LeFevre Terrace and Kingston Terrace should be maintained and reinforced with additional planting.	4 - Not included in the Code but OK to remove		Whilst it may be ok to remove the entire landscaped character of the Park Lands is poorly represented. It may be difficult to determine the appropriateness of the siting of building due lack of policy to determine the importance of the landscaped character	

Number	Description	Transition category	Where has it been included?	Comments
8	Items of significant landscape interest include: (a) a group of trees at the north west corner of Park No 2; (b) the Casuarinas in Park 3 adjacent to Main North Road; (c) the Pinus canariensis in Park 4; (d) the Araucarias in Parks 4 and 5 adjacent to LeFevre Road; (e) a stand of trees in Park 6 along LeFevre and Kingston Terraces; (f) the avenue of Palms along Robe Terrace; and (g) the olive groves in Parks 7 and 8 between Mann Road and Park Road. These trees should be retained to maintain the environmental character of the locality.	5 - Not included in the Code and should be reinstated		Whilst it may be ok to remove the entire landscaped character of the Park Lands is poorly represented. It may be difficult to determine the appropriateness of the siting of building due lack of policy to determine the importance of the landscaped character. INSERT Policy to reflect intent.
Car Parking and Access				
9	Existing car parking facilities in the Aquatic Centre may be retained, but no additional area of Park Lands should be used for car parking purposes. Public vehicle access into the Park Lands should be restricted.	3 - Included in the Code but po	PO 5.2 - 5.4	The policy direction has changed by enabling limited car parking to Park Lands uses. With scope to expand the Aquatic Centre this could result in the addition of car parking. The generic General Modules are also not specific to the Park Lands. INSERT Policy to reflect intent.
NEW CONTENT IN THE CODE (insert below)				
<div style="border: 1px solid black; height: 100px; width: 100%;"></div>				

Zone				1 - Included in the Code and retains same policy intent	
Policy area(s)	PA18			2 - Wording changed but policy intent remains (OK)	
General comments				3 - Included in the Code but policy intent changed (NOT OK)	
Number	Description	Transition category	Where has it been included?	Comments	
Desired Character					
	The desired character for the Policy Area is comprised of: (a) informal and formal outdoor recreation and areas of open grassed playing fields with a perimeter of significant woodland plantings adjacent to the corridor of indigenous plantings on the banks of the River Torrens/Karrawirra Parri; (b) a strong theme of local native plant species in the River Torrens/Karrawirra Parri Valley in conjunction with the deciduous tree character around North Adelaide; (c) viable habitat for native wildlife assisted through the planting of the banks of the River (d) the undergrounding of power lines; (e) improvements to pedestrian links through the River Torrens East Policy Area 18, resulting in further activation of the Park Lands and improvements to the public realm, use and enjoyment of the Park Lands; and (f) public infrastructure, including roads, railways, tramways and busways, and their supporting structures and works.	3 - Included in the Code but policy intent changed (NOT OK)		This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. INSERT Policy to reflect intent.	
	Objective 1: Development that strengthens, achieves and is consistent with the desired character for the Policy Area.	3 - Included in the Code but policy intent changed (NOT OK)		The approach to public infrastructure is not clear in the Park Lands. It is now restricted development. However there is no detail to assess public infrastructure in the Park Lands . Remove from Restricted Development. In addition, INSERT Policy to reflect intent.	
	Objective 1: Development that strengthens, achieves and is consistent with the desired character for the Policy Area.	3 - Included in the Code but policy intent changed (NOT OK)		The approach to public infrastructure is not clear in the Park Lands. It is now restricted development. However there is no detail to assess public infrastructure in the Park Lands . Remove from Restricted Development. In addition, INSERT Policy to reflect intent.	
Land Use, Built Form and the Public Environment					
1	Development should strengthen, achieve and be consistent with the desired character for the Policy Area.	4 - Not included in the Code but OK to remove		This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. INSERT Policy to reflect intent.	
2	Development may include the following: (a) Informal Recreational Area; and (b) Formal Recreational Area.				
3	Expansion of formal recreation facilities and buildings should be restricted. Additional or replacement buildings or structures for formal recreational facilities should only be allowed if poor quality buildings are being replaced or activities are being consolidated.	2 - Wording changed but policy intent remains (OK)	PO 1.1. -2.4	Covered by policy around built form.	
4	The existing tennis courts in Park 9 should be reduced in number and the surrounding area landscaped.	5 - Not included in the Code and should be reinstated		This policy area has been deleted. Much of the policy has been removed and brought up to a very high level.	
Planting, Character and Landscaping					
5	The open sports fields of Parks 9, 10 and 12 should be enclosed by perimeter plantings of mixed exotic and native woodland plantings. Items of significant landscape interest include: (a) the stand of Eucalyptus trees adjoining MacKinnon Parade west; and (b) the mixed exotic and Australian native plantings surrounding the University Oval in Park 12.	5 - Not included in the Code and should be reinstated		This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. INSERT Policy to reflect intent.	
6	These trees should be retained to maintain the environmental character of those parts of the Policy Area.				
Car Parking and Access					
7	Public vehicle access should be confined to existing roads and no additional car parking should be developed. Access and parking should give preference to Park Land visitors.	5 - Not included in the Code and should be reinstated	PO 5.2-5.3	INSERT Policy to reflect intent.	

Number	Description	Transition category	Where has it been included?	Comments
NEW CONTENT IN THE CODE (insert below)				

Zone			1 - Included in the Code and retains same policy intent	
Policy area(s)	PA19		2 - Wording changed but policy intent remains (OK)	
			3 - Included in the Code but policy intent changed (NOT OK)	
			4 - Not included in the Code but OK to remove	
			5 - Not included in the Code and should be reinstated	
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	<p>The desired character for the Policy Area is comprised of:</p> <p>(a) the open park and garden theme of Botanic Park;</p> <p>(b) a diversity of uses, such as the Zoological Gardens, Botanic Gardens, Botanic Park, and the National Wine Centre, all carefully managed to sensitively balance the interaction between the built, natural and landscaped environment;</p> <p>(c) minimal uses or activities which further alienate Park Lands from public usage;</p> <p>(d) a planting theme defined by a mix of exotic and Australian native plantings, lawns and garden beds, and wherever possible, the planting of vegetation of local provenance along the River Torrens/Karrawirra Parri;</p> <p>(a) First Creek modified with regraded banks;</p> <p>(b) a planting character that acknowledges the variation in landform and the Park Land feature provided by First Creek;</p> <p>(c) attractions for opportunities for tourism, education, research and informal recreational enjoyment;</p> <p>and</p> <p>(d) improvements to pedestrian links through the Botanic Park Policy Area 19, resulting in further activation of the Park Lands and improvements to the public realm, use and enjoyment of the Park Lands;</p> <p>(a) public infrastructure, including schools and other education facilities, roads, railways, tramways and busways, and their supporting structures and works.</p> <p>Objective 1: Development that strengthens, achieves and is consistent with the desired character for the Policy Area.</p>	<p style="background-color: red; color: white;">5 - Not included in the Code and should be reinstated</p> <p style="background-color: red; color: white;">5 - Not included in the Code and should be reinstated</p> <p style="background-color: red; color: white;">5 - Not included in the Code and should be reinstated</p> <p style="background-color: red; color: white;">5 - Not included in the Code and should be reinstated</p> <p style="background-color: red; color: white;">5 - Not included in the Code and should be reinstated</p> <p style="background-color: red; color: white;">5 - Not included in the Code and should be reinstated</p> <p style="background-color: red; color: white;">5 - Not included in the Code and should be reinstated</p> <p style="background-color: red; color: white;">5 - Not included in the Code and should be reinstated</p> <p style="background-color: red; color: white;">5 - Not included in the Code and should be reinstated</p> <p style="background-color: red; color: white;">5 - Not included in the Code and should be reinstated</p>		<p>This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. The removal of the Public Infrastructure components should be supported.</p> <p style="text-align: center;">This is not carried over.</p>
Land Use, Built Form and the Public Environment				
1	Development should strengthen, achieve and be consistent with the desired character for the Policy Area.		PO 1.7	PO1.7
2	<p>Development may include the following:</p> <p>(a) Informal Recreational Area;</p> <p>(b) Zoological Gardens contained within its existing site boundaries;</p> <p>(c) Botanic Gardens;</p>	<p style="background-color: red; color: white;">3 - Included in the Code but policy intent changed (NOT OK)</p> <p style="background-color: red; color: white;">3 - Included in the Code but policy intent changed (NOT OK)</p>		

Number	Description	Transition category	Where has it been included?	Comments
3	(d) School or other education facility within the existing site boundaries of the Reid building land located on Lot 1, DP 28393 (CR 5988/27), Part Lot 1 DP 28393 (CT 5988/26) and Part Lot 1, DP 28393 (CT 5842/129), Frome Road, Adelaide; (e) National Wine Centre contained within its existing site boundaries and that will not result in an increase in total floor area; (f) Special Events, within the area marked A as shown on Maps Adel/45 and 46; and (g) Cafes in Botanic Gardens and Zoological Gardens where they: Within the Zoological and Botanic Gardens, additional buildings are discouraged. Whilst the upgrading of existing structures and facilities is appropriate, it should not result in the increased visual prominence of structures from outside the Policy Area.	3 - Included in the Code but policy intent changed (NOT OK)		INSERT Policy to reflect intent.
4	Redevelopment of the Reid building and its existing site located on Lot 1, DP 28393 (CR 5988/27), Part Lot 1 DP 28393 (CT 5988/26) and Part Lot 1, DP 28393 (CT 5842/129), Frome Road, Adelaide, for public infrastructure (school or other education facility) purposes, should take place in a manner that respects the open landscaped character of the Botanic Gardens.	5 - Not included in the Code and should be reinstated		This has not been carried over.
5	The development of additional car parks or additional buildings is inappropriate except for the resiting of the Botanic Gardens nursery buildings and car parking on the Reid building land associated with its redevelopment for a school or other education facilities.	5 - Not included in the Code and should be reinstated		
6	The expansion or replacement of buildings should be restricted, except where the development is for the purposes of public infrastructure (including the redevelopment of the Reid building as a school or other education facility).	5 - Not included in the Code and should be reinstated		
7	Temporary stands and facilities are appropriate in association with Special Events where they will not result in permanent damage to the surfaces or character of the Park Lands.			
8	When fences or buildings are replaced, consideration should be given to improving views to the Zoo from the River Torrens/Karrawirra Parri valley.	5 - Not included in the Code and should be reinstated		INSERT Policy to reflect intent.
9	The fencing to the northern boundary of the Botanic Gardens should be designed to improve visual continuity between the Garden and the Park and to visually improve this aspect to the Botanic Garden. Fencing which restricts physical and visual access to Botanic Park is not appropriate.	5 - Not included in the Code and should be reinstated		INSERT Policy to reflect intent.
Planting, Character and Landscape				
10	The Policy Area has a landscape character defined by a mix of exotic and Australian native plantings, lawns and garden beds. This character should be maintained and strengthened. Items of significant landscape interest include:	4 - Not included in the Code but OK to remove		Whilst it may be ok to remove the entire landscaped character of the Park Lands is poorly represented. It may be difficult to determine the appropriateness of the siting of building due lack of policy to determine the importance of the landscaped character. INSERT Policy to reflect intent. Include a map.
11	(a) the formal character of the avenue of Plane trees in Botanic Park and in Frome Road; and (b) the avenue of Moreton Bay Figure trees in the Botanic Gardens. These trees should be retained to maintain the environmental character of those parts of the Policy Area.	4 - Not included in the Code but OK to remove		
Car Parking and Access				
12	Opportunities for pedestrian and cycle movement through the Policy Area should be maintained and pedestrian access between Botanic Road and Botanic Park should be improved.	3 - Included in the Code but policy intent changed (NOT OK)	PO 5.2 - 5.4	INSERT Policy to reflect intent. Include a map.
13	The car parking area along the Hackney Road frontage should be for Park Land users and visitors to facilities within the Policy Area. Long-term parking is inappropriate along roadways so as to maximise the opportunity for access for visitors to the Policy Area.	3 - Included in the Code but policy intent changed (NOT OK)		The policy direction has changed by enabling limited car parking. This policy was aiming to remove the volume of car parking the Park Lands. The generic General Modules are also not specific to the Park Lands. Hackney road is a road. Long stay can be managed by Council rather than "Development"
NEW CONTENT IN THE CODE (insert below)				

Zone			1 - Included in the Code and retains same policy intent	
Policy area(s)	PA20		2 - Wording changed but policy intent remains (OK)	
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	The desired character for the Policy Area is comprised of: (a) the open park and garden theme of Rundle and Rymill Park; (b) Rymill Park Lake being used for boating; (c) minimal development or activity that will alienate Park Lands from public usage; (d) the combined character of an English Park Land with a mix of exotic and Australian native plantings, lawns and garden beds; (e) areas that provide a focus for informal recreational enjoyment; (f) improvements to transport links through the Rundle and Rymill Parks Policy Area 20, resulting in further activation of the Park Lands and improvements to the public realm, use and enjoyment of the Park Lands; and (g) public infrastructure, including roads, railways, tramways and busways, and their supporting	3 - Included in the Code but policy intent changed (NOT OK)		This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. INSERT Policy to reflect intent.
Objective 1: Development that strengthens, achieves and is consistent with the desired character for the Policy Area.				
Land Use, Built Form and the Public Environment				
1	Development should strengthen, achieve and be consistent with the desired character for the Policy Area.	3 - Included in the Code but policy intent changed (NOT OK)		This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. INSERT Policy to reflect intent.
2	Development may include the following: (a) Informal Recreational Area; and (b) Special Events, within the area marked A as shown on Maps Adel/51 and 52.			
3	No development of additional buildings should occur.	3 - Included in the Code but policy intent changed (NOT OK)	PO 1.6	The policy is open with new buildings enabled with design considerations. INSERT Policy to reflect intent.
4	Temporary stands and facilities in association with Motor Racing and Special Events are appropriate where they will not result in permanent damage to the surface or character of the Park Lands.	5 - Not included in the Code and should be reinstated	PO 1.3	
5	Improvements to transport links through the Policy Area, resulting in further activation of the Park Lands and improvements to the public realm, use and enjoyment of the Park Lands.	2 - Wording changed but policy intent remains (OK)	PO1.3	The temporary timeline is not defined. A definition should be provided. INSERT Policy to reflect intent.
Planting, Character and Landscaping				
6	Planting Character and Landscape The Policy Area has the character of an English Park Land with a mix of exotic and Australian native plantings, lawns and garden beds. This character should be maintained and strengthened. Items of significant landscape interest include:	3 - Included in the Code but policy intent changed (NOT OK)		This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. INSERT Policy to reflect intent.
7	(a) the significant avenue of Plane trees and significant individual trees in Park 14; and (b) the Kensington Gardens tramway embankment. These trees should be retained to maintain the environmental character of those parts of the Policy Area.	3 - Included in the Code but policy intent changed (NOT OK)		This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. INSERT Policy to reflect intent.
Car Parking and Access				
8	Car parking on the Adelaide Bowling Club site should be for the users of the Park Lands. Pedestrian access to the Park Lands should be maintained.	5 - Not included in the Code and should be reinstated	PO 5.2-5.3	INSERT Policy to reflect intent.
9	Rationalisation and reconfiguration of car parking within the Rundle and Rymill Parks Policy Area 20, which does not result in any net increase in parking within the Policy Area.	5 - Not included in the Code and should be reinstated	PO 5.2-5.3	INSERT Policy to reflect intent.
NEW CONTENT IN THE CODE (insert below)				

Zone			1 - Included in the Code and retains same policy intent	
Policy area(s)	PA21		2 - Wording changed but policy intent remains (OK)	
General comments	Included in Eastern Park Lands Sub Zone		3 - Included in the Code but policy intent changed (NOT OK)	
Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	<p>The desired character for the Policy Area is comprised of:</p> <ul style="list-style-type: none"> (a) formal and informal outdoor recreation activities with sporting grounds set amongst dense woodland plantings of local native species; (b) Victoria Park being used for informal and formal recreation within a large open sports field surrounded by the Victoria Park Racecourse and remnant peripheral woodland planting; and (c) Glover Playground retained in the south-western corner of Park 15. <p>Objective 1: Development that strengthens, achieves and is consistent with the desired character for the Policy Area.</p>	3 - Included in the Code but po		<p>This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. Council didn't not support this level of public infrastructure generally. The removal of the Public Infrastructure components should be supported. INSERT Policy to reflect intent</p> <p>INSERT Policy to reflect intent</p>
Land Use, Built Form and the Public Environment				
1	Development should strengthen, achieve and be consistent with the desired character for the Policy Area.			
2	<p>Development may include the following:</p> <ul style="list-style-type: none"> (a) Informal Recreational Area; (b) Formal Recreational Area; (c) Victoria Park Racecourse contained within its existing site boundaries; (d) Special Events, within the area marked A as shown on Maps Adel/52, 57 and 58, where they do (e) Cafes where they: <ul style="list-style-type: none"> (i) are ancillary to the use of the Park Lands; (ii) provide a range of goods and services for the users of activities in the Park Lands, and where such goods and services are otherwise not conveniently located; (iii) do not increase the building footprint; and (iv) do not become more visually prominent, but enhance its setting. <p>Other than the State heritage listed Victoria Park Grandstand, the replacement of existing buildings by well designed pavilions and structures which are sensitively sited and complementary to the park character and which do not result in an increase in total floor area is desirable.</p>	3 - Included in the Code but po		<p>100m2 is proposed. Previously over 50 was non-complying.</p>
3	<p>Buildings which become superfluous to racecourse functions and the associated sports fields should be Temporary stands and facilities are appropriate in association with Special Events where they will not result in permanent damage to the surfaces or character of the Park Lands. The setting up for the event and the dismantling after the event should be done in an expeditious manner.</p>	3 - Included in the Code but po	DTS 1.1	This detailed has been removed. Needs to be reinstated.
4	The undergrounding of all utility services is encouraged to enhance the open character of the Policy Area.	4 - Not included in the Code but OK to remove		Not necessarily development.
Planting, Character and Landscape				
6	The Policy Area contains a tributary of First Creek which runs into Parks 13 and 14, and the Botanic Gardens. The banks of this creek and its tributary in Park 15 should be re-graded to improve safety and amenity and planted with local native species. The variation in landform and Park Land feature provided by the creek should be acknowledged in its planting character.	4 - Not included in the Code but OK to remove		Much of this is covered by separate legislation.
7	Management of stormwater should be achieved through the laying back of creek banks and the introduction of swales and trash racks where appropriate.	4 - Not included in the Code but OK to remove		Much of this is covered by separate legislation.
8	Existing sports grounds should be retained and enhanced by additional perimeter woodland planting of local native species.			

Number	Description	Transition category	Where has it been included?	Comments
9	<p>The Victoria Park Racecourse is the most significant element of the Policy Area character. The open character of the park should be retained and the peripheral woodland planting of local native species should be maintained and reinforced.</p> <p>Items of significant landscape interest include:</p> <p>(a)a central row of Peppercorn trees and Eucalypts along the tributary and Wakefield Road in Park 15;</p> <p>(b)the Olive Grove between the tributary and East Terrace in Park 15;</p> <p>(c)the dominant groups of Eucalypts at the northern, southern, western and Fullarton Road edges of Park 16;</p> <p>(d)the Olive Grove in the north western corner of Park 16;</p> <p>(e)the avenues of trees along the cycle paths of Park 16;</p> <p>(f)the Glover Playground; and</p> <p>(g)the remnant native vegetation to the area south of Victoria Racecourse.</p> <p>These trees should be retained to maintain the environmental character of those parts of the Policy Area.</p>	3 - Included in the Code but po		Whilst it may be ok to remove the entire landscaped character of the Park Lands is poorly represented. It may be difficult to determine the appropriateness of the siting of building due lack of policy to determine the importance of the landscaped character. INSERT Policy to reflect intent. Include a map.
10		3 - Included in the Code but po		
Car Parking and Access				
11	In any development, it is desirable that the extent of car parking in the Policy Area should be reduced.	3 - Included in the Code but po	PO 5.2 - 5.4	INSERT Policy to reflect intent. Include a map.
12	Vehicular access associated with the racecourse function should be retained with the principal entrance being off Wakefield Road.	3 - Included in the Code but po		The policy direction has changed by enabling limited car parking. This policy was aiming to remove the volume of car parking the Park Lands. The generic General Modules are also not specific to the Park Lands.
13	Car parking on the inner racecourse track area should only be permitted when races and special events are conducted at Victoria Park Racecourse. Car parking should be limited to the area south of the cycle track which extends in an easterly direction from Halifax Street. Car parking should be permitted in the designated car parks along the Fullarton Road frontage to the Policy Area.	3 - Included in the Code but po		
NEW CONTENT IN THE CODE (insert below)				

Zone			1 - Included in the Code and retains same policy intent	
Policy area(s)	PA22		2 - Wording changed but policy intent remains (OK)	
			3 - Included in the Code but policy intent changed (NOT OK)	
			4 - Not included in the Code but OK to remove	
			5 - Not included in the Code and should be reinstated	
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	<p>The desired character for the Policy Area is comprised of:</p> <p>(a) informal and formal shared recreation use characterised by a series of open grassed areas enclosed by peripheral woodland or gardens, with waterways integrated through design and water conservation measures;</p> <p>(b) the formalised landscape of Osmond Garden and the Adelaide Himeji Garden;</p> <p>(c) Veale Gardens as a formal landscaped garden area and integrated with additional woodland planting in the southern part of the park; and</p> <p>(d) significant areas of remnant vegetation.</p> <p>Objective 1: Development that strengthens, achieves and is consistent with the desired character for the Policy Area.</p>	3 - Included in the Code but policy intent changed (NOT OK)		<p>This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. INSERT Policy to reflect intent.</p> <p>Landscapes are not enshrined in policy. There is not policy around landscaped areas. Formalised landscapes such as Veale, Osmond and Adelaide Himeji Gardens should be considered in policy as they are important. INSERT Policy to reflect intent.</p> <p>A map of remnant vegetation should be provided to enable DA</p>
Land Use, Built Form and the Public Environment				
1	Development should strengthen, achieve and be consistent with the desired character for the Policy Area.	3 - Included in the Code but policy intent changed (NOT OK)		<p>This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. INSERT Policy to reflect intent.</p> <p>This building is not outlined by PO 1.7. INSERT Policy to reflect intent. Broad built form policy can cover this.</p> <p>This policy should be reinstated. INSERT Policy to reflect intent.</p> <p>The policy has been deleted. The high level of nature of the proposed policies are not helpful. INSERT Policy to reflect intent.</p>
2	<p>Development may include the following:</p> <p>(a) Informal Recreational Area; and</p> <p>(b) Formal Recreational Area; and</p> <p>(c) Cafes where they:</p> <p>(i) are ancillary to an associated primary use of the Park Lands;</p> <p>(ii) provide a range of goods and services for the users of activities in the Park Lands, and where such goods and services are not otherwise conveniently located;</p> <p>(iii) do not increase the building foot print; and</p> <p>(iv) enhance the Park Lands setting and do not become more visually prominent.</p>		PO 1.7	
3	The retention of the existing conservatory in Veale Gardens should be reviewed with a view to replacing the structure with a more appropriate building. Fencing, walling, paving and pathways should be rationalised.	3 - Included in the Code but policy intent changed (NOT OK)		
4	Lighting poles associated with sport fields are appropriate where they are associated with the consolidation of the sporting activities identified in Map Adel/1(Overlay 12) and do not result in light spill which will be detrimental to adjacent sensitive land uses.	5 - Not included in the Code and should be reinstated		
Planting, Character and Landscaping				
5	Woodland planting of local native species should be introduced between playing fields to promote informal outdoor activities such as picnicking. The perimeter of the Policy Area should be planted to strengthen the desired woodland character.	5 - Not included in the Code and should be reinstated		
6	Unley Road plantings should be reinforced to reduce the formality of the existing planting, and additional landscaping of the tennis courts in the area between Greenhill, Glen Osmond and Hutt Roads is appropriate.			
7	The Eucalypt avenues and boundaries should be maintained along Glen Osmond Road, and reinforced by additional large informal tree plantings.			
8	The more formalised landscape of Osmond Garden and the Adelaide Himeji Garden should be maintained.			
9	Veale Gardens should be retained as a formal landscaped garden area and integrated with additional woodland planting in the southern part of the park.			

Number	Description	Transition category	Where has it been included?	Comments
10	Items of significant landscape interest include: (a) the old Engineering and Water Supply Reservoir mound and its surrounds which should be conserved and enhanced; (b) Veale Gardens; (c) The historic Glenside carriage ways row of stately elm trees; (d) areas of remnant native vegetation. These trees should be retained and supplemented by replacement plantings of the same species to maintain the environmental character of those parts of the Policy Area.	5 - Not included in the Code and should be reinstated		INSERT Policy to reflect intent.
11	The banks of Park Lands Creek should be re-graded to improve safety and amenity. The resulting variation in landform and parkland feature it provides should be acknowledged in its planting character of Eucalyptus species dominant woodland, enclosing playing fields and open grassed areas.	5 - Not included in the Code and should be reinstated		Some of this is not development. Where it is INSERT Policy to reflect intent.
12	Drains should be landscaped to improve the aesthetic and functional qualities of the Policy Area.			
13	Stormwater management strategies including the laying back of creek banks and installation of trash racks should be undertaken.	5 - Not included in the Code and should be reinstated		Some of this is not development. Where it is INSERT Policy to reflect intent.
14	Flood mitigation measures along the southern Park Lands creek should be undertaken to contain potential flood waters within the Park Lands.	5 - Not included in the Code and should be reinstated		Some of this is not development. Where it is INSERT Policy to reflect intent.
Car Parking and Access				
15	The surrounds to the existing car parking areas should be landscaped to reduce visual impact of cars in the Park Lands. The Park Lands road at the rear of Veale Gardens should be landscaped.	3 - Included in the Code but pe	PO 5.2 - 5.4	The policy direction has changed by enabling limited car parking. This policy was aiming to remove the volume of car parking the Park Lands. The generic General Modules are also not specific to the Park Lands.
16	Temporary car parking should be permitted and consolidated within Parks 21W and 22 to support activities in the Park Lands and special events at the Wayville Showgrounds. The area should be suitably surfaced, floodlit, and defined by planting with woodland species of local native species.	3 - Included in the Code but pe		INSERT Policy to reflect intent.
NEW CONTENT IN THE CODE (insert below)				

Zone				1 - Included in the Code and retains same policy intent	
Policy area(s)	PA23			2 - Wording changed but policy intent remains (OK)	
				3 - Included in the Code but policy intent changed (NOT OK)	
				4 - Not included in the Code but OK to remove	
				5 - Not included in the Code and should be reinstated	
General comments					
Number	Description	Transition category	Where has it been included?	Comments	
Desired Character					
	The desired character for the Policy Area is comprised of: (a) its historical importance and its significance as a key entry into the City of Adelaide from the western approaches, including the Adelaide Airport and interstate railway terminal; (a) formal and informal outdoor recreation activities; (b) a ponding basin in Park 23 to permit controlled release of storm water; (c) the return of alienated land to Park Lands usage; (d) an open woodland theme of local native species surrounding and screening the formal sporting areas from the surrounding roads, railway tracks and Cemetery; (e) picnic facilities in association with areas currently used periodically for car parking, and in areas where alienated land will be returned to Park Lands; and (f) West Terrace Cemetery being retained as a valuable cultural, educational and tourism resource	3 - Included in the Code but policy intent changed (NOT OK)	PO1.7	This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. INSERT Policy to reflect intent. The tourism value of West Terrace Cemetery has been deleted.	
Objective 1: Development that strengthens, achieves and is consistent with the desired character for the Policy Area.					
Land Use, Built Form and the Public Environment					
1	Development should strengthen, achieve and be consistent with the desired character for the Policy Area.	3 - Included in the Code but policy intent changed (NOT OK)		This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. INSERT Policy to reflect intent.	
2	Development may include the following: (a) Informal Recreational Area; and (a) Formal Recreational Area; (b) West Terrace Cemetery within the area marked C as shown on Maps Adel/53, 54, 59 and 60; (c) Special Events, within the area marked A as shown on Maps Adel/53 and 54; (d) Education use within the site area of the Adelaide High School; and (f) Cafes where they: (i) are ancillary to an associated primary use of the Park Lands; (ii) provide a range of goods and services for the users of activities in the Park Lands, and where such goods and services are not otherwise conveniently located; (iii) do not increase the building foot print; and (iv) enhance the Park Lands setting and do not become more visually prominent. The West Terrace Cemetery should be conserved. Ancillary uses including a chapel, visitor and interpretative centre and operational facilities to support the continuation of the cemetery may be appropriate.	3 - Included in the Code but policy intent changed (NOT OK)	PO1.7	The tourism value of West Terrace Cemetery has been deleted. INSERT Policy to reflect intent.	
3	The layout of the West Terrace Cemetery and the memorial stone monuments should be conserved and retained.	3 - Included in the Code but policy intent changed (NOT OK)	PO1.7	The policy detail has been deleted. INSERT Policy to reflect intent.	
4	Historic buildings and structures including the: (a) Smyth Chapel; (b) Curator's Residence/Office; (c) entrance shelter shed; (d) timber gazebo; and (e) perimeter wall. within the West Terrace Cemetery should be conserved and maintained.	3 - Included in the Code but policy intent changed (NOT OK)	PO1.7	The policy detail has been deleted. INSERT Policy to reflect intent.	
5	New monuments within the West Terrace Cemetery should not detract from the heritage value of the cemetery and should: (a) have materials of a colour and stone type that is compatible with the predominant appearance of surrounding monuments; (b) have similar height and plan dimensions to immediately adjacent monuments; and (c) not conflict in design detail or overall form.	3 - Included in the Code but policy intent changed (NOT OK)	PO1.7	The policy detail has been deleted. INSERT Policy to reflect intent.	
6		3 - Included in the Code but policy intent changed (NOT OK)			

Number	Description	Transition category	Where has it been included?	Comments
7	Buildings should be rationalised and where unrelated to educational or recreational use, should be removed.	5 - Not included in the Code and should be reinstated	PO 1.1.-2.4	The detail of needing to remove non-educational or recreation buildings has been deleted. INSERT Policy to reflect intent.
8	Any intensification of the Adelaide High School should be limited and contained within the existing site, such development should be designed and sited to have minimal impact on the open character of the Park Lands.	3 - Included in the Code but policy intent changed (NOT OK)	PO1.6	INSERT Policy to reflect intent.
9	The SA Water Depot should be removed and the area returned to Park Lands for informal recreation usage, under the care and control of the Adelaide City Council.	2 - Wording changed but policy intent remains (OK)		This is old. Not there any more.
10	The netball courts in Park 23 should be removed and rehabilitated with woodland landscape of local native species. Improvements should be made to the netball courts in Park 22.	2 - Wording changed but policy intent remains (OK)		Not consistent with APLMS
Planting, Character and Landscaping				
11	The site of the SA Water Depot should be developed as a woodland area of local native species incorporating picnic sites.	3 - Included in the Code but policy intent changed (NOT OK)		This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. INSERT Policy to reflect intent.
12	The existing vegetation including some valuable remnant vegetation of indigenous flora within the West Terrace Cemetery should be protected, maintained and enhanced.			
13	Peripheral woodland planting of local native species should define specialised recreation areas and enhance the overall visual quality of the Policy Area.			
14	Plantings with local native woodland species should be carried out to improve the edge of the Park Lands and should include screening to the perimeter of the Cemetery, other buildings within the Policy Area and along the open space grassland corridor of the railway area to the west.			
15	Items of significant landscape interest include: (a) the existing layout of the cemetery including the boundaries, buildings, roadways and burial area. these features should be conserved and protected.			
Car Parking and Access				
16	Car parking areas should be consolidated to support activities in the Park Lands and should be suitably surfaced and defined by planting of woodland species. Access routes, pathways and paving should be rationalised.	3 - Included in the Code but po	PO 5.2 - 5.4	The policy direction has changed by enabling limited car parking. This policy was aiming to remove the volume of car parking the Park Lands. The generic General Modules are also not specific to the Park Lands.
17	When special events are staged in the Policy Area, temporary ancillary car parking on the sports fields should be permitted behind Ellis Park in Park 24.			Look to stream line events in the Park Lands. INSERT Policy to reflect intent.
18	The condition of infrastructure within the West Terrace Cemetery should be maintained and enhanced, and an effective traffic management system should be provided that is in keeping with the cultural significance of the cemetery.			INSERT Policy to reflect intent.
19	A pedestrian and cycle link should be constructed to the west of and through the Cemetery to link with paths in adjacent Policy Areas.	3 - Included in the Code but po	PO 5.2 - 5.4	INSERT Policy to reflect intent.
NEW CONTENT IN THE CODE (insert below)				

Zone				1 - Included in the Code and retains same policy intent	
Policy area(s)	PA24			2 - Wording changed but policy intent remains (OK)	
				3 - Included in the Code but policy intent changed (NOT OK)	
				4 - Not included in the Code but OK to remove	
				5 - Not included in the Code and should be reinstated	
General comments					
Number	Description	Transition category	Where has it been included?	Comments	
Desired Character					
	<p>The desired character for the Policy Area is comprised of:</p> <p>(a) an area developed for a diversity of informal and formal outdoor recreation activities, based on the present role of Bonython Park and the redevelopment of historic building complexes for community or cultural uses;</p> <p>(b) an area marked F as shown on Map Adel/48 developed for a range of informal and formal outdoor recreation activities and cafe, restaurant, licensed premises, cultural and retail related facilities in appropriate locations, expanding on the present role of the riverbank precinct to the east and providing links between the River Torrens and the Riverbank Zone to the south;</p> <p>(c) an area in which land is integrated into the Park Lands, and public use and access is re-instated to the Police Barracks and Adelaide Gaol, and the area north and south of the North Adelaide Station Road;</p> <p>(d) an area characterised by mixed deciduous and evergreen woodland of local native species enclosing open turfed space for mainly informal recreation and leisure activities. Integration of the diverse character of the Policy Area and differing vegetation characters through the introduction of a dominant planting theme of local native species, in keeping with the desired River Torrens/Karrawirra Parri valley character, together with the reinforcement of existing species and the landscaping and redefining of the River Torrens/Karrawirra Parri watercourse;</p> <p>(e) the establishment of screen planting along western boundary roads and around formal recreation areas;</p> <p>(f) the environment of the railway yards and the railway lines upgraded and landscaped with tall growing trees;</p> <p>(g) pedestrian and bicycle links to areas westward of Park Terrace;</p> <p>(h) the return of alienated land not required for transport purposes to Park Land use; and</p> <p>(i) public infrastructure, including roads, railways, tramways and busways, and their supporting</p> <p>Objective 1: Development that strengthens, achieves and is consistent with the desired character for the Policy Area.</p>	3 - Included in the Code but policy intent changed (NOT OK)		This policy area has been deleted. Much of the policy has been removed and brought up to a very high level.	
Land Use, Built Form and the Public Environment					
1	Development should strengthen, achieve and be consistent with the desired character for the Policy Area.	3 - Included in the Code but policy intent changed (NOT OK)		This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. INSERT Policy to reflect intent.	
2	<p>Development may include the following:</p> <p>(a) Informal Recreational Area;</p> <p>(b) Formal Recreational Area;</p> <p>(c) Indoor Recreational Facility in association with the retention of a heritage place;</p> <p>(d) Community, Cultural or Tourism use in association with the retention of a heritage place;</p> <p>(e) Community, Cultural, Tourism, Café, Restaurant or Retail uses where located in area marked F as shown on Map Adel/48;</p> <p>(f) Horse Agistment, within the area marked B as shown on Maps Adel/42 and 47;</p> <p>(g) Special Events, within the area marked B as shown on Map Adel/42 and marked H on Map Adel/48;</p> <p>(i) Upgrading of existing car parking areas, within the area marked G as shown on Map Adel/48;</p> <p>(j) Adelaide Gaol contained within its existing site boundaries; and</p> <p>(k) a shared pedestrian/bicycle bridge connecting the Policy Area to land westward of Park Terrace.</p>	3 - Included in the Code but policy intent changed (NOT OK)		This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. INSERT Policy to reflect intent.	
3	Land which should be integrated with the Park Lands, and public use and access re-instated, includes the Police Barracks and Adelaide Gaol, and the area to the north and south of the North Adelaide Station Road. The Adelaide Gaol, Police Barracks and adjacent olive groves are in an historical locality, which should be used for community or cultural activities.	3 - Included in the Code but policy intent changed (NOT OK)		This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. INSERT Policy to reflect intent.	

Number	Description	Transition category	Where has it been included?	Comments
4	There should be no increase in paved areas.			INSERT Policy to reflect intent.
5	The items of heritage value including the Torrens Weir, Adelaide Gaol, North Adelaide Station, various signal boxes, railway buildings and structures and parts of the Police Barracks should be conserved and their environment enhanced.	3 - Included in the Code but policy intent changed (NOT OK)		INSERT Policy to reflect intent.
6	Buildings, other than heritage places, should be removed where not required for Park Lands or transport usage.	5 - Not Included in the Code and should be reinstated		This approach has been amended.
7	Buildings associated with the boat sheds should be maintained and enhanced to allow for the continued use of the Torrens Lake for formal boating activities.			
8	Advertising hoardings on railway land which are visible from the surrounding Policy Area impact detrimentally on amenity and should be removed.	3 - Included in the Code but policy intent changed (NOT OK)	PO 4.1-4.2	The size of advertisement is not clear. General Modules are useful however they are not this specific or potential fit for purpose to the Park Lands. INSERT Policy to reflect intent.
9	The Thebarton Police Barracks should be remediated and the area returned to the care and control of the Adelaide City Council for recreational use, with particular emphasis on the Port Road frontage.	5 - Not Included in the Code and should be reinstated	PO1.7	The policy has been changed to "adaptation of existing buildings and supportive public uses". This is a different intent to the policy. The policy possible extends beyond Planning Policy. INSERT Policy to reflect intent.
Planting, Character and Landscaping				
10	The River Torrens West Policy Area should be characterised by evergreen woodland of local native species enclosing open turfed space for mainly informal recreation and leisure activities. Items of significant landscape interest include:	3 - Included in the Code but policy intent changed (NOT OK)		This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. INSERT Policy to reflect intent.
11	(a) the olive groves adjacent the Police Barracks in Park 27 South; and (b) the stand of Eucalypts between the railway and the river in Park 27 north. These plantings should be retained to maintain and enhance the environmental character of those parts of the Policy Area. Senescent exotics should be replaced with indigenous river plantings such as River Red Gums along the riverbanks.	3 - Included in the Code but policy intent changed (NOT OK)		This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. INSERT Policy to reflect intent.
Car Parking and Access				
12	Off-road parking in Bonython Park should be limited to existing hard paved areas, with overflow parking within the olive grove adjacent to the Police Barracks. However, the use of the sports fields for car parking for special, significant and major activities in Bonython Park likely to draw large crowds may be appropriate.	3 - Included in the Code but policy intent changed (NOT OK)	PO 5.2 - 5.4	The policy direction has changed by enabling limited car parking. This policy was aiming to remove the volume of car parking the Park Lands. The generic General Modules are also not specific to the Park Lands. INSERT Policy to reflect intent.
13	The Gaol Road should be upgraded and used as the single point of entry to the historical area in the Policy Area, and to the southern part of Bonython Park.			This has been deleted. It isnt necessarily needed in planning policy.
14	A public car parking area should be provided adjacent to the Adelaide Gaol for visitors to the area. The existing comprehensive pathway system should be further developed and extended to adjoining Policy Areas by means of new links across the River Torrens/Karrawirra Parri and railway land.			This has been deleted. It isnt necessarily needed in planning policy.
15	Car parking areas in Park 27 should be upgraded, however car parking should generally be limited to support activities in the Policy Area and occasional special functions in the Park Lands.			INSERT Policy to reflect intent.
NEW CONTENT IN THE CODE (insert below)				

Zone			1 - Included in the Code and retains same policy intent	
Policy area(s)	PA25		2 - Wording changed but policy intent remains (OK)	
			3 - Included in the Code but policy intent changed (NOT OK)	
			4 - Not included in the Code but OK to remove	
			5 - Not included in the Code and should be reinstated	
This has been included as a Sub Zone.				
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	<p>The desired character for the Policy Area is comprised of:</p> <ul style="list-style-type: none"> (a) a centre for important outdoor civic, leisure and cultural functions for the City based on Elder Park, Adelaide Oval and Memorial Drive tennis courts (b) the environment of 'Light's Vision'; (c) Torrens Lake being used for formal and informal boating activities and events; (d) the area adjacent the Torrens Lake including Elder Park serving as a centre for important outdoor civic, leisure and cultural functions, with development of the River Bank identifying this part of the Policy Area as the premier cultural and tourism area of the City; (e) the area being developed as open space with manicured lawns and a riverbank garden area (f) additional pedestrian access provided between North Terrace and the south bank of the Torrens Lake; (g) a shared pedestrian and cycling footbridge between the Adelaide Festival Centre and Adelaide Oval; (h) gardens containing the Cross of Sacrifice as an area for informal outdoor recreation activities within a formal garden setting; and (i) an area marked I as shown on Map Adel/49 developed for a range of informal and formal outdoor <p>Objective 1: Development that strengthens, achieves and is consistent with the desired character for the Policy Area.</p>	3 - Included in the Code but policy intent changed (NOT OK)	PO 1.7	This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. Council didn't not support this level of public infrastructure generally. INSERT Policy to reflect intent
Land Use, Built Form and the Public Environment				
1	Development should strengthen, achieve and be consistent with the desired character for the Policy Area.	3 - Included in the Code but policy intent changed (NOT OK)	PO 2.1 - 2.4	
2	<p>Development may include the following:</p> <ul style="list-style-type: none"> (a) Informal Recreational Area; (b) Formal Recreational Area; (c) Formal and Informal boating facilities, activities and events; (d) Community, Cultural and Tourism uses in association with the conservation of the Torrens Training Depot and Parade Ground; (e) Adelaide Oval contained within its existing site boundaries, as shown on Map Adel/44; (f) Memorial Drive Tennis Centre contained within its existing site boundaries, as shown on Map Adel/44; (g) The existing indoor recreational facility, "Memorial Drive Leisure Centre" contained within its existing site boundaries and with no increase in total floor area, within the area marked J as shown on Map Adel/44; (h) Special Events, within the areas marked A as shown on Map Adel/44; (i) Footbridge and associated structures and landscaping providing pedestrian and cycling access over the Torrens Lake between the Adelaide Festival Centre and Adelaide Oval; and (j) Community, Cultural, Tourism, Café, Restaurant or licensed premises where located in area marked I as shown on Map Adel/49. 	3 - Included in the Code but policy intent changed (NOT OK)		
3	Existing buildings and structures in the Park should be retained and their appearance improved where necessary to be more sympathetic to the Park Lands setting.			

Number	Description	Transition category	Where has it been included?	Comments
4	Any development of Adelaide Oval should: (a) protect and maintain the cultural significance and heritage value of Adelaide Oval; (b) continue the open setting and informal built form character of Adelaide Oval as a series of pavilions around the oval, surrounded by visible Park Lands; (c) not enclose or encircle the oval as a stadium space; (d) maintain the view of: (i) the Adelaide hills escarpment and profile to the east when viewed from the west, south and north sides of the oval when viewed from the upper half of the western grandstand. 20 percent obscurity is appropriate; (ii) the skyline of the City centre from the north, east and west Oval edges and grandstands including the tree canopy through to the top of the building outline. 20 percent obscurity is appropriate; and (iii) the Morton Bay Figure profile and canopy and ensure that a minimum of 75 percent of panorama remains open, free of any structures. Significant fabric should be conserved and the current integrity of the place should be maintained.	3 - Included in the Code but policy intent changed (NOT OK)		This policy is out of date.
5	Additional buildings should only be permitted for the continuation of the formal recreational uses associated with Adelaide Oval and Memorial Drive, and the provision of pedestrian and cycling access in the form of a footbridge to the southern side of the Torrens Lake.	3 - Included in the Code but policy intent changed (NOT OK)	PO4.1 - 4. 2	INSERT Policy to reflect intent
6	Advertisements are not appropriate within Adelaide Oval or the Memorial Drive tennis complex where they would be readily visible from outside the ground.	3 - Included in the Code but policy intent changed (NOT OK)		Reinstate Policy.
7	Existing buildings associated with the Torrens Parade Ground should be retained for public and community use.	4 - Not included in the Code but OK to remove		This should be a generic park lands approach.
8	Buildings associated with the boat sheds should be maintained and enhanced to allow for the continued use of the Torrens Lake for formal and informal boating activities.			
Planting, Character and Landscape				
9	The Adelaide Oval should be retained in its setting, and the adjacent existing character of gardens preserved and enhanced.	3 - Included in the Code but policy intent changed (NOT OK)	PO 3.1 - 3.4	This policy area has been deleted. Much of the policy has been removed and brought up to a very high level. INSERT Policy to reflect intent.
10	The theme of mixed deciduous and evergreen tree species should be continued.	3 - Included in the Code but policy intent changed (NOT OK)		
11	The formal historical character with carefully designed planting beds should be maintained. The area adjacent to the Torrens Lake, should be:	3 - Included in the Code but policy intent changed (NOT OK)		
12	(a)maintained and developed as open space with manicured lawns and the riverbank garden area, supported by additional red gum planting to strengthen the riverside theme; and (b)developed with a pedestrian footbridge spanning the Torrens Lake connecting the Adelaide Festival Centre precinct with the Adelaide Oval/Memorial Drive precinct.	3 - Included in the Code but policy intent changed (NOT OK)		
13	The Policy Area should retain its soft landscape character and be carefully integrated with the Adelaide Railway Station Environs Redevelopment. North Terrace should be linked to the River Torrens/Karrawirra Parri banks over the railway lines by terraces Items of significant landscape interest include:	3 - Included in the Code but policy intent changed (NOT OK)		
14	(a)the trees, particularly the Moreton Bay Figs on the northern side of the Adelaide Oval, together with buildings of heritage value, which should be conserved and enhanced; (b)the Pioneer Women's Memorial Garden in Park 12; (c)the Palm trees surrounding the Parade Ground in Park 12; (d)the Women's War Memorial Gardens; (e)the avenue of Elms along Victoria Drive; (f)the Pennington Gardens (west); and (g)the Creswell Gardens. These plantings should be retained to maintain and enhance the character of those parts of the Policy Area.	3 - Included in the Code but policy intent changed (NOT OK)		
Car Parking and Access				
15	Car parking along King William Road should be removed to improve street tree health and to enhance the appearance of the northern entrance to the City from North Adelaide.	5 - Not included in the Code and should be reinstated	PO 5.2-5.3	INSERT Policy to reflect intent.
16	Temporary car parking on Pinky Flat should only be permitted as an overflow area when both the northern and southern car parks adjoining Adelaide Oval are likely to be filled to capacity.	5 - Not included in the Code and should be reinstated	PO 5.2-5.3	INSERT Policy to reflect intent.
NEW CONTENT IN THE CODE (insert below)				

Zone		1 - Included in the Code and retains same policy intent	
Policy area(s)	PA26	2 - Wording changed but policy intent remains (OK)	
		3 - Included in the Code but policy intent changed (NOT OK)	
		4 - Not included in the Code but OK to remove	
		5 - Not included in the Code and should be reinstated	
General comments			
Number	Description	Transition category	Where has it been included?
Desired Character			
	The desired character for the Policy Area is comprised of an area for informal outdoor recreation activities within a formal garden setting.	3 - Included in the Code but policy intent changed (NOT OK)	This policy area has been deleted. Much of the policy has been removed and brought up to a very high level.
Objective 1:	Development that strengthens, achieves and is consistent with the desired character for the Policy Area.		
Land Use, Built Form and the Public Environment			
1	Development should strengthen, achieve and be consistent with the desired character for the Policy Area.	3 - Included in the Code but policy intent changed (NOT OK)	INSERT Policy to reflect intent.
2	Development may include the following: (a) Informal Recreational Area.		
3	The Brougham/Palmer Parks function as urban parks for informal outdoor recreation activities and should be maintained for such uses.		
4	No buildings or structures should be developed in the Park.		
Planting, Character and Landscaping			
5	The formal historical character with carefully designed planting beds should be maintained.	3 - Included in the Code but policy intent changed (NOT OK)	
NEW CONTENT IN THE CODE (insert below)			

Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	Reference to Council wide provisions and assigning greatest weight to the desired character of the Riverbank Zone	4		The subzone and overlay policies now have greater weight than the City Riverbank Zone policies
	Reference to Maps Adel/12, 16, 17 and 18 and Figures Rb1, 2 and 3.	5		Zone Boundary is now different, but still includes the extent of the Entertainment Policy Area 28. Montefiore Road boundary has anomaly, as described in comments for Policy Area 28. INSERT POLICY - Amend P&DC mapping to correct potential error in the location of the Entertainment Subzone boundary adjacent Montefiore Road. INSERT POLICY - Amend City Riverbank Zone and/or Entertainment Subzone to include appropriate spatial mapping and references to incorporate the contents of Figures Rb1, 2 and 3 from Adelaide (City) Development Plan.
	This Zone is part of Adelaide's great park. The Zone punctuates the change from the high intensity and defined edge of the City Centre, to the natural environment of the Torrens Valley. The Zone connects the City to the Park Lands and provides an active edge to the River Torrens that enhances its use for recreation and leisure activities.	5	Riverbank Zone DO 3 and PO 1.1	The new policy does not acknowledge the Park Lands location of this zone and subzone. DO 3 refers to strong visual and physical connections between important buildings, public spaces, and Park Lands and other key destinations but no spatial indication of what these are. The visual connections between the City and the Park Lands is picked up to a limited extent in Riverbank Zone PO 1.1, but the focus of that provision appears to be land use, and not built form and character. INSERT POLICY as a PO within the City Riverbank Zone under the heading 'Built Form and Character' and include specific reference to Park Lands and River Torrens in Riverbank Zone, including multiple functions of River Torrens and environs. FURTHER WORK REQUIRED. City Riverbank Zone - include any available floodplain mapping and/or provision for inclusion of future floodplain mapping in line with current and future P&DC wide approaches.

Number	Description	Transition category	Where has it been included?	Comments
	The Zone will accommodate a range of land uses including parliamentary and administrative activities, cultural facilities, entertainment venues, conference facilities, offices, shops, hotels, serviced apartments, tourist accommodation, consulting rooms, public transport hubs, public open spaces, reserves and pedestrian and cycling networks.	5	Most of the land uses have been included in Assessment Provisions - Land Use and Intensity DTS/DPF 1.1 Entertainment Subzone PO 1.1	Parliament House and associated land uses are not recognised. Public transport hub (Adelaide Railway Station) not recognised, nor public open spaces, reserves, pedestrian and cycling networks. INSERT POLICY: City Riverbank Zone - recognise Parliament House, Adelaide Railway Station and associated uses. Recognise public open spaces, reserves, pedestrian and cycling networks potentially via incorporation of Figures Rb1, 2 and 3 in P&DC
	Buildings in the Zone will be exemplary in their design quality and will enhance their setting among landscaped public spaces, heritage buildings and culturally significant activities and not diminish their contribution and character. Buildings will contribute significantly and positively to the City skyline through contemporary and innovative design. Buildings will be significant in their own right but also complement existing development and allow the significance of the heritage buildings to continue to be appreciated from public areas. Development in this Zone will have an emphasis on sustainable design principles including energy efficiency and water sensitive urban design.	4		No reference to sustainable design principles, energy efficiency nor water sensitive urban design in Riverbank Zone nor in Entertainment Subzone. These aspects are addressed in General Development Policies - need confirmation of whether these will always be applied to development in this zone. No reference to City skyline.
	There will be a general transition in height through the Zone with taller buildings closer to North Terrace and along Montefiore Road (between North Terrace and the central pathway shown in Figures Rb/2 and 3) and lower buildings at the interface with the River Torrens.	2	City Riverbank ZonPO 2.1	
	The ground floors of buildings will be visually interesting, active, allow views into and out of the buildings, well lit, of human scale and provide opportunities for passive surveillance.	2	City Riverbank Zone PO 2.2 (a)	INSERT POLICY: City Riverbank Zone PO 2.2 (a) amend to include specific reference to passive surveillance.
	Well defined and accessible public spaces will provide civic entries to the Zone and include active and visually permeable frontages to create a sense of address, destination and identity at the pedestrian level. Key physical and visual connections through the Zone and views of heritage buildings including those depicted in Figures Rb/2 and 3 will be maintained and respected.	3	Riverbank Zone PO 2.6 and Entertainment Subzone 2.4.	No reference to Figures Rb/2 and 3 nor any equivalent. No reference or acknowledgement of civic entries or visually permeable frontages. Views of heritage buildings not addressed, although there is reference to enhancing contribution of heritage buildings in Riverbank Zone PO 2.6. Entertainment Subzone PO 2.4 requires buildings along King William Road to be designed to enable views through to important State Heritage buildings and public plaza area. INSERT POLICY - City Riverbank Zone - - include reference to information in Figures Rb/2 and 3, and insert
	Public spaces will be responsive to the local climate and include features that provide both shade and solar access at appropriate times. Public art, landscaping, surfaces and materials will be exemplary in quality and appearance and inviting for the public to visit and remain comfortable for extended periods of time.	4	Riverbank Zone PO 2.2, 2.4 and 2.5	Partially addressed by PO 2.2 but policy has slightly different focus. Public art and landscaping included in PO 2.5 REQUIRES FURTHER REVIEW: to ensure the assessment tables will include GDP provisions relating to

Number	Description	Transition category	Where has it been included?	Comments
	The formal avenue planting along North Terrace and King William Road will be maintained and reinforced, while elsewhere in the Zone the informal planting character on the edge of the Torrens Valley along Festival Drive will be further developed and extended.	4		This is a management issue.
	Pedestrian and cycling access and permeability are paramount to the successful activation and vibrancy of the Zone and will be separated from vehicle movement. Existing pedestrian and cycling connections, including the Gawler Greenway, Outer Harbor Greenway and River Torrens Linear Park trail, should not be compromised particularly those connections shown on Figures Rb/2 and 3. These connections will link the Zone with the city and the River Torrens. A central pathway will allow people to walk and ride through and within the Zone from East to West and connect with the North to South pathways. The central pathway will be a single plane surface designed primarily for pedestrians and will link key buildings and public areas within the Zone.	3	DO 3 requires "strong visual and physical connections". PO 4.1 addresses bicycle and pedestrian connections, but without any spatial link to key locations.	Figures Rb/2 and 3 are not included in the new policy. Location of connections and central pathway are not shown. INSERT POLICY: City Riverbank Zone - Entertainment Subzone - reference to information in Figures Rb/2 and 3 needed.
	A footbridge over the Torrens Lake between the Adelaide Festival Centre and Adelaide Oval, including pedestrian and cycling access paths, stairs and ramps and associated landscaping, as shown on Figure Rb/1 will provide pedestrian linkages to the north and south of the zone. Importantly it will provide connections from the Adelaide Oval through to North Terrace and beyond to the Adelaide Markets capitalising on existing laneways such as Gray, Leigh and Bank streets.	2		The footbridge is already developed. Existing development plan is out of date. Might be potential to have footbridge recognised in any future concept plans or figures for this location to show pedestrian/cycling movement etc.
	Service roads, loading areas vehicle entry points to car parking areas will give priority to and not obstruct the movement of pedestrian and cyclists throughout the Zone.	3	City Riverbank Zone PO 4.3	
	Parts of the Zone are known to be contaminated and may require further assessment as part of development proposals particularly where it involves sensitive uses.	4	Site Contamination GDP	Need to establish what the statutory link is in the P&DC system to ensure this policy is covered. REQUIRES FURTHER REVIEW: Confirm whether there is sufficient linkages between P&DC policies to ensure adequate assessment of contaminated land when more sensitive land uses are proposed.
Policy Objectives				
1	High quality design with contemporary and innovative architecture that is respectful of the heritage buildings, parklands character and civic functions of the locality.	1	City Riverbank Zone DO 1	
2	A fine grained precinct with a quality public realm that is inviting and comfortable for pedestrians.	1	City Riverbank Zone DO 2	
3	Strong visual and physical connections between important buildings, public spaces and the River Torrens and Park Lands.	3		INSERT POLICY as a PO within the City Riverbank Zone - Entertainment Subzone under the heading 'Buildt Form and Character'.
Principles of Development Control				
Land Use				

Number	Description	Transition category	Where has it been included?	Comments
1	The following types of development, or combination thereof, are envisaged in the Zone: Accommodation including temporary accommodation Child care facility Cafe Consulting room Hotel Motel Office Open space Restaurant Passenger rail facility Passenger tram facility Serviced apartments Shop Stormwater and rainwater capture, storage, treatment and re-use Tourist accommodation	3	City Riverbank Zone PO 1.1 and DTS/DPF 1.1, and Entertainment Subzone PO 1.1 and DTS/DPF 1.1	There is significant change to envisaged land uses - removal of some and introduction of new land uses without substantiation or justification. P&DC includes the following new development types in this Subzone: advertisement convention centre entertainment venue licensed premises in association with hotel, restaurant, shop or the like land division There are also a number of land uses which have been excluded from the proposed subzone.
2	Development at ground level should include active uses such as cafes, restaurants and shops that contribute to the vibrancy of the public realm.	3	City Riverbank Zone PO 2.2 (a)	The new policy doesn't include reference to cafes restaurants and shops. INSERT POLICY: City Riverbank Zone - Entertainment Subzone - include specific reference to cafes, restaurants and shops to contribute to active uses/vibrance of the public realm.
Form and Character				
3	Development should be consistent with the desired character for the Zone.	4		
4	Development should be designed to respect the landscape setting and biodiversity provided by the Torrens Valley and Adelaide Park Lands.	3		No reference to Torrens Valley or biodiversity. INSERT POLICY as part of PO 2.2 within the City Riverbank Zone - to reintroduce policy to provide specific reference to "respecting the landscape setting and bioiversity provided by the Torrens Valley and Adelaide Park Lands".
5	Development should be compatible with the topography of the site and change in character from a strong city edge on the southern side of North Terrace to the landscaped setting provided by the River Torrens and Adelaide Park Lands.	3		No reference to compatibility with topography and change in character as described in this provision. INSERT POLICY as part of PO 2.2 within the City Riverbank Zone - to reintroduce policy to provide specific reference to "development to be compatible with the topography of the site and change in character from a strong city edge on the southern side of North Terrace to the landscaped setting provided by the River Torrens and Adelaide Park Lands."
6	Development should reinforce the grand boulevard character of North Terrace and King William Road.	1	PO 2.1, PO 2.3	PO 2.1 provision only relates to building height, not overall nature of development. PO 2.3 specifically addresses this provision.
Design and Appearance				
7	Buildings should be of a high design quality and provide contemporary architectural responses to their setting.	2	DO 1, but not explicitly included in any Performance Outcomes for this Zone.	

Number	Description	Transition category	Where has it been included?	Comments
8	Development should: (a) contribute to the activation of the public realm by presenting an attractive human scaled pedestrian-oriented frontage at ground level that adds interest and vibrancy; (b) contribute to pedestrian comfort by minimising micro climatic impacts; (c) maintain a sense of openness to the sky for pedestrians and allow sunlight access to the public realm, particularly plaza areas during the Spring and Autumn; and (d) provide a clear sense of address to each building.	1	City Riverbank Zone PO 2.2 a,b,c and d	
9	Development should be coordinated within the precinct to include a variety of pleasant and interesting landscaped spaces among and adjacent to buildings, ranging from those suitable for group meetings and social activities to those for quiet retreat and relaxation. These spaces, the pedestrian links between them, and internal access roads should be landscaped with trees and other plantings to create pleasant environments and soften the built form.	2	City Riverbank Zone PO 2.4	Similar wording and not as effectively conveyed & might be interpreted differently.
10	Pedestrian shelter should be achieved through a combination of trees and canopies attached to buildings. Any free-standing form of pedestrian shelter should be designed as an integral part of open space and landscaping.	1	City Riverbank Zone PO 2.5.	Public art has been added to this provision - this is a policy change but OK.
11	Development should provide a safe night-time environment along streetscapes, pedestrian and cycle paths and building surrounds by the arrangement of buildings and active building frontages that enhance casual surveillance and provide appropriate lighting and clear lines of sight.	1	City Riverbank Zone PO 4.4	
Movement				
12	Pedestrian movement should be based on a network of pedestrian access ways or thoroughfares, linking the surrounding Zones and giving a variety of north-south and east-west links, as indicated on Map Adel/1 (Overlay 2A), Map Adel/49 and Figures Rb/1, 2 and 3.	3	Partially addressed in City Riverbank Zone PO 4.1 b and c	An attempt has been made to reflect this provision in PO 4.1 and 4.2 but not sufficiently achieved. Map Adel/1 (Overlay 2A, Map Adel/49 and Figures Rb/1, 2, and 3) not included. INSERT POLICY: City Riverbank Zone - include reference to information in Map Adel/1 (Overlay 2A, Map Adel/49 and Figures Rb/1, 2, and 3) via most appropriate mechanism in the P&DC.
13	Development should be designed to encourage pedestrian/bicycle circulation at the North Terrace level and create connections between North Terrace and the River Torrens linear park at key pedestrian focal points.	1	City Riverbank Zone PO 4.1 (a)	
14	Pedestrian movement should be a priority within the Zone and designed to be free from vehicle conflict.	1	City Riverbank Zone PO 4.3	
15	Development should provide the vast majority of car parking spaces in undercroft/basement areas.	5		INSERT POLICY as a PO within the City Riverbank Zone - under the heading 'Movement Car Parking and Access' for majority of car parking to be in undercroft/basement areas.
16	Where vehicle parking is provided at ground level or above, it should be designed to: (a) minimise the extent of parking that is visible from public areas to that which is required for emergency service vehicles, temporary event parking and set down (drop off) functions; (b) not be located at ground floor street frontages or detract from the provision of active street frontages; and (c) incorporate façade treatments along major street frontages that are sufficiently enclosed and detailed to complement neighbouring buildings and screen vehicle parking from view from public areas and other buildings.	5		INSERT POLICY as a PO within the City Riverbank Zone - under the heading 'Movement Car Parking and Access'.
Stormwater				

Number	Description	Transition category	Where has it been included?	Comments
17	Development should incorporate a range of water sensitive urban design measures that minimise water quality impacts on the River Torrens, such as stormwater treatment, harvesting and reuse.	5		Not included in City Riverbank Zone - important policy for health of key visual and environmental asset for the City of Adelaide. Policy should continue to require the incorporation of a range of water sensitive urban design measures that minimise water quality impacts on the River Torrens, such as stormwater treatment, harvesting and reuse. INSERT POLICY as a PO within the City Riverbank Zone under a new heading 'Water Management'.
Advertising				
18	Advertisements should be designed to achieve an overall consistency of appearance and be of a type, scale and image that complement the zone.	2	City Riverbank Zone	
19	Temporary banners and illuminated advertisings are appropriate in the Zone.	2		
Procedural Matters				
Complying Development				
20	The following kind of development is complying: (a) Temporary depot for Council for a period of no more than 3 months provided appropriate provision is made for: (i) dust control; (ii) screening, including landscaping; (iii) containment of litter and water; and (iv) securing the site. (b) Other than for State Heritage Buildings, work undertaken within a building which does not involve a change of use or affect the external appearance of the building. (c) Within the Health Policy Area: (i) advertisements, including associated structures: (A) relating to a use located or proposed to be located in the Policy Area; (B) relating to the development of a hospital; (C) displaying public service messages; (D) promoting events in the Adelaide Park Lands; (E) providing interpretive or directional information relating to features and facilities within the Adelaide Park Lands. (ii) Advertising hoarding.	3		INSERT POLICY: City Riverbank Zone - amend zone policy to include policy for temporary depot for Council activities, similar to other zones & potentially within Table 1 - Accepted Development.
Non-Complying Development				

Number	Description	Transition category	Where has it been included?	Comments
21	<p>The following kinds of development are non-complying:</p> <p>(a) A change of use to any of the following: Adult entertainment premises Adult products and services premises Industry (except where ancillary to medical research and development) Road transport terminal Service Trade Premises Warehouse</p> <p>(b) Building work involving the demolition of a State Heritage Place except: (i) in relation to the establishment of a pedestrian footbridge between the north and south banks of the Torrens Lake, including: (A) construction and associated infrastructure works (plant and equipment facilities); (B) integrated plaza areas and landscaping; (C) bistro and office facilities integrated with the pedestrian footbridge and Adelaide Festival Centre, within the area represented on Figure Rb/1. (ii) the following components of the Adelaide Festival Centre (A) Southern Plaza (as indicated on Figure Rb/3); (B) car parking (as located below the Southern Plaza); (C) art work, sculptures and landscaping on the Southern Plaza. (iii) development which, in the opinion of the relevant planning authority, is of a minor nature.</p>	3		<p>Adult entertainment premises: - not listed in Table 1 - Accepted Development, Table 2 - Deemed to satisfy or Table 4 - Restricted Development. - the land use and intensity provisions of the City Riverbank Zone includes "Entertainment Venue" however this is not defined in P&DC Part 7 - Land Use Definitions. - the Adelaide (City) Development Plan defines Adult Entertainment Premises as "the use of land for the exhibition, display or performance of any entertainment or act which is sexually explicit such as nude dancing or lap dancing, and to which admittance by minors is restricted by law". - requires definition in the P&DC and potential inclusion in Table 4 - Restricted Development, or additional policy provisions then referenced in Table 3 - Performance Assessed, if appropriate. Adult products and services premises - not included in Tables 1, 2, 3, or 4 in P&DC nor is it defined in P&DC land use definitions. This land use requires definition and inclusion in Table 4 - Restricted Development. The Adelaide (City) Development Plan defines (Schedule 1 Definitions) Adult products and services premises as "the use of land or premises for a tattooist, or for the sale, exchange hire, exhibition, loan, delivery or display, or to otherwise render accessible or available to the public, sexually explicit material including: a) publications classified as restricted or prohibited under the Classification (Publications, Films and Computer Games) Act 1995; and/or b) material compounds, objects or devices (other</p>
Public Notification				
22	<p>For the purposes of public notification in accordance with the procedures and rights established by the Development Act 1993, development is assigned to the specified categories as follows:</p> <p>(a) Category 1, public notification is not required for: (i) all development, except that classified as non-complying (ii) non-complying development which, in the opinion of the relevant planning authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.</p>	2		include comment consistent with other zones
NEW CONTENT IN THE CODE (insert below)				
City Riverbank Zone Table 1 - Accepted Development Classification		OK		OK for local and heritage places. Internal building work

Number	Description	Transition category	Where has it been included?	Comments
Table 2 - Deemed-to-Satisfy Development Classification		NEW		INSERT POLICY - City Riverbank Zone - Table 2 should nominate relevant zone, GDPs, subzone and overlays that apply for shops and/or office or consulting rooms.
Table 3 - Applicable Policies for Performance Assessed Development		NEW		City Riverbank Zone - Table 3 - Applicable Policies for Performance Assessed Development - <i>Update table to include all General Development Policies, except where clearly not relevant to the City of Adelaide context.</i>
Table 4 - Restricted Development Classification		NEW		No classes of development have been classified as restricted in the City Riverbank Zone. Noting that restricted development is not equivalent to non-complying, this table requires review and updating to identify land uses which should follow a "restricted development" pathway to maintain policy equivalency with current Development Plan policy. REQUIRES FURTHER REVIEW
Assessment Provisions (AP)				
Desired Outcome (DO)				
DO 1	Exemplary design quality and architecture that is contemporary and innovative, respectful of the heritage buildings, Park Lands setting and civic functions of the locality.	MODIFIED		Desired outcomes for the Riverbank Zone should recognise parliamentary and administrative activities, cultural facilities, entertainment venues,
DO 2	A fine grained precinct with a quality public realm that is inviting and comfortable for pedestrians.	OK		
DO 3	Strong visual and physical connections between important buildings, public spaces, the Park Lands and other key destinations.	OK		
Performance Outcomes and Deemed to Satisfy/Designed Performance Outcome Criteria				
Land Use and Intensity				

Number	Description	Transition category	Where has it been included?	Comments
PO 2.1	Building heights within the zone providing an orderly transition in scale, with lower buildings located towards the Adelaide Park Lands, Adelaide Botanic Garden and River Torrens and taller buildings towards North Terrace and other City Boulevards identified in City Riverbank Zone Table 5.1	OK		
DTS/DPF 2.1	None are applicable			
PO 2.2	Development a) contributes to the activation of the public realm by presenting an attractive human scaled pedestrian-oriented frontage at ground level that adds interest and vibrancy b) contributes to pedestrian comfort by minimising micro climatic impacts c) maintains a sense of openness to the sky for pedestrians and allow sunlight access to the public realm, particularly plaza areas during the Spring and Autumn; and d) provides a clear sense of address to each building.	OK		Could be reworded to "designed to maximise microclimatic benefits to contribute to pedestrian comfort"
DTS/DPF 2.2	None are applicable			
PO 2.3	Development reinforces the grand boulevard character of North Terrace and King William Road, by reflecting the patterns of landscaped spaces and built form, building proportions and scale.	MODIFIED		new wording "by reflecting the patterns of landscaped open spaces and built form, building proportions and scale"
DTS/DPF 2.3	None are applicable			
PO 2.4	Coordinated development providing public spaces and landscaping, including deep plantings, that soften the dominance of buildings, provide a range of spaces that are suitable for group meetings and social activities and spaces for passive enjoyment.	MODIFIED		original wording was "coordinated within the precinct", the words "pleasant and interesting" have been removed, change from "soften the built form" to "soften the dominance of buildings" is possibly inaccurate - suggest
DTS/DPF 2.4	None are applicable			
PO 2.5	Pedestrian shelter and public art designed as an integral part of built form, open space and landscaping.	MODIFIED		Introduction of public art to the zone policy.
DTS/DPF 2.5	None are applicable			
PO 2.6	The contribution of heritage buildings enhanced by ensuring: (a) buildings can be adapted and reused for modern purposes while protecting important heritage fabric (b) views and physical connections to heritage buildings and their important heritage features is maintained (c) the ground level interface with heritage buildings incorporates publicly accessible spaces and active land uses that support public access where appropriate.	NEW NEW NEW NEW		Supported
DTS/DPF 2.6	None are applicable			
Advertising				
PO 3.1	Advertisements designed to achieve an overall consistency of appearance and be of a type, scale and image that complement the zone.			
DTS/DPF 3.1	None are applicable	OK		
Movement Parking and Access				
PO 4.1	Development designed to encourage pedestrian/bicycle circulation at the North Terrace level and create or maintain: (a) connections between North Terrace and the River Torrens linear park at key pedestrian focal points; (b) east-west connections through the city; and	MODIFIED MODIFIED MODIFIED		Links to Figures Rb/1, 2, and 3 have been removed. Suggest reinstating concept plans for area including pedestrian and cycle links. See above See above

Number	Description	Transition category	Where has it been included?	Comments
DTS/DPF 4.1	(c) existing pedestrian and cycling connections, including the Gawler Greenway, Outer Harbor Greenway and River Torrens Linear Park trail to be maintained. None are applicable	MODIFIED		See above
PO 4.2	A central pedestrian pathway designed as a single plane surface and maintained to:	MODIFIED		The desired character statement states that the central pathway should be designed primary for pedestrians - this is lost a little in the proposed wording. Suggest rewording to "A central pedestrian pathway designed as a single plane surface and maintained to:...."
	(a) allow people to walk and ride through and within the Zone from East to West and connect with the North to South pathways; and	OK		from Desired Character of current Riverbank Zone
	(b) link key buildings and public areas within the Zone.	OK		from Desired Character of current Riverbank Zone
DTS/DPF 4.2	None are applicable			
PO 4.3	Pedestrian movement prioritised and designed to be free from vehicle conflict.	OK		
DTS/DPF 4.2	None are applicable			
PO 4.4	Development to provide a safe night-time environment along streetscapes, pedestrian and cycle paths and building surrounds by the arrangement of buildings and active building frontages that enhance casual surveillance and provide appropriate lighting and clear lines of sight.	OK		
DTS/DPF 4.4	None are applicable			
Table 5.1 – City Boulevards North Terrace, Morphett Street and King William Road.		OK		Referenced in PO 2.1
Procedural Matters				
Notification of Performance assessed development Note: For public notification requirements refer to Practice Direction: Notification for Performance Assessed Development.				
All classes of development are excluded from notification except where it involves any of the following:				
(a) the site of the development is adjacent land to land in a different zone		NEW		REQUIRES FURTHER REVIEW - Consider as part of overall response to Code.
(b) development identified as "all other code assessed development" in Riverbank Zone Table 3		NEW		REQUIRES POLICY REVIEW: This may result in many more public notifications than anticipated and/or needed - provide feedback as part of overall response to the P&DC.

Number	Description	Transition category	Where has it been included?	Comments
	<p>(c) development exceeding the maximum building height specified in DTS/DPF 2.1 of the Health sub zone.</p> <p>(d) development exceeding the maximum building height specified in DTS/DPF 2.1 of the Entertainment sub zone</p> <p>(e) development exceeding the maximum building height specified in DTS/DPF 2.3 of the Innovation sub zone</p> <p>(f) development exceeding the maximum building height specified in DTS/DPF 2.4 of the Entertainment sub zone</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>NEW</p>		<p>Current policy requires that buildings up to 15 storeys in height are envisaged subject to compliance with the Commonwealth Airports (Protection of Airspace) Regulations - Health Subzone PO 2.1 DTS/SPF 2.1 simply states "Buildings fronting North Terrace not exceeding 15 building levels and 53m in building height which requires referral to the Commonwealth Secretary for the Department of Infrastructure, Regional Development and Cities. Note that reference to AHD is needed in the P&DC overlay, as it currently the case in the Development Plan.</p> <p>Current policy requires that buildings up to 20 storeys in height are envisaged subject to compliance with the Commonwealth Airports (Protection of Airspace) Regulations - Entertainment Subzone PO 2.1 DTS/SPF 2.1 simply states "Buildings south of central pathway not exceeding 20 building levels and 71m in building height". Reference to Commonwealth Airports (Protection of Airspace) Regulations is only referenced in PO 2.2 where buildings EXCEED 20 building levels or 71m in building height. However, the Airports Building Heights Overlay also applies in this Subzone (noting that the overlay itself might need improvement to strengthen ability to regulate potential impacts of new built form on the safe operation of Helipads of strategic importance.</p> <p>REQUIRES POLICY REVIEW: to determine how to recognise safe operation of helipads of state strategic importance (potentially new RAH helipad), and how to manage referrals to key regulators/operators for proposed development.</p>

Number	Description	Transition category	Where has it been included?	Comments
<p>Overlays</p>	<p><i>General comments:</i></p>	<p style="text-align: center;">ERROR</p>		<p>INCORRECT: missing reference to State Heritage Overlay - WYE Signal Cabin Adelaide Railway Station Yard. This is incorrectly located in the mapping within the Park Lands zone. The heritage overlay didn't appear to load in the mapping associated with the City Riverbank Zone - Health Subzone.</p> <p>REQUIRES POLICY REVIEW: To what extent are there overlays that should apply in this location that aren't? e.g. Traffic Generating Development Overlay, Urban Transport Routes Overlay, Water Resources Overlay, Major Urban Transport Routes Overlay?</p>
	<p><i>Heritage Overlay Design</i> Airport Building Heights (Regulated) Overlay</p>			<p style="text-align: center;">NEW</p>
	<p>Building Near Airfields Overlay</p>	<p style="text-align: center;">NEW</p>	<p>Reinforces some existing policy relating to building heights.</p>	
	<p>Noise and Air Emissions Overlay</p>			

Number	Description	Transition category	Where has it been included?	Comments
	<p data-bbox="248 571 465 595">Prescribed Wells Overlay</p> <p data-bbox="248 770 465 794">Regulated Trees Overlay</p>	<p data-bbox="1115 371 1167 395">NEW</p> <p data-bbox="1133 687 1149 711">?</p>		<p data-bbox="1576 173 2087 411">This is new in the overlay, but the same land uses as listed in 12A of Schedule 8 of the Development Regulations 2008, however referral is now required for "expert technical assessment and direction to the relevant authority on the taking of water to ensure development is undertaken sustainably". the current regulations specify referral for "regard" and without specifying the purpose. This wording may require amendment soon to reflect the Landscape SA Act and Regulations once they take effect, and checked to determine if there are any significant changes.</p> <p data-bbox="1576 435 1854 459">REQUIRES FURTHER REVIEW</p> <p data-bbox="1576 595 2087 738">PO 1.1 "... retained where they make an important visual contribution to local character and amenity" Suggest that the appearance of trees should not be the only defining characteristic. Also, DTS 1.2 doesn't make sense as applied to the DO and PO.....the intention of the DTS isn't clear.</p> <p data-bbox="1576 762 1854 786">REQUIRES FURTHER REVIEW</p>

Zone	Riverbank Zone		1 - Included in the Code and retains same policy intent	56%
Policy area(s)	Health Policy Area 27		2 - Wording changed but policy intent remains (OK)	17%
			3 - Included in the Code but policy intent changed (NOT OK)	11%
			4 - Not included in the Code but OK to remove	6%
			5 - Not included in the Code and should be reinstated	11%
General comments				
Number	Description	Transition category	Where has it been included?	Comments
	The Objectives and Principles of Development Control that follow apply to the Policy Area as shown on Maps Adel/43, 47, 48 and 49. They are additional to those expressed for the Zone and, in cases of apparent conflict, take precedence over the Zone provisions. In the assessment of development, the greatest weight is to be applied to satisfying the Desire Character for the Policy Area.	4		
Desired Character				
	The Health Policy Area will accommodate a range of medical and health facilities including a hospital, medical research, training and education as well as a range of ancillary land uses that provide services for staff, students, researchers, patients and visitors; including temporary accommodation.	2	Health Subzone PO 1.1/DTS 1.1	The current desired character anticipates temporary accommodation, however the new Health Subzone of the City Riverbank Zone excludes hotel, serviced apartments and tourist accommodation - no reference is made to temporary accommodation, although the City Riverbank Zone anticipates accommodation as a land use. INSERT POLICY - to Health Subzone of City Riverbank Zone to include hotel, serviced apartments and tourist accommodation UNLESS A POLICY CHANGE IS PREFERRED AND CONSULTED ON APPROPRIATELY
	Buildings along North Terrace will be designed to be viewed from all sides, promoting open spaces between adjacent buildings in contrast to the strong built form edge in the Capital City Zone.	2	Health Subzone PO 2.1, DO 1	Not a complete replication of policy but addressed some of the policy intent.
	Buildings along Montefiore Road (between North Terrace and the central pathway shown in Figures Rb/2 and 3) will contain a range of uses that are complementary to both the Health Policy Area and the adjoining Entertainment Policy Area and will include temporary accommodation, tourist accommodation, conference facilities, hotels and serviced apartments and be designed to integrate and activate the street frontage and provide direct pedestrian access from Montefiore Road, Festival Drive and North Terrace.	3 & 5		FOR DISCUSSION - re: accommodation in this location. The current Desired Character for this zone is very different from the proposed policy in the Health Subzone which specifically excludes hotel, serviced apartments, and tourist accommodation. Refer to comments above about potential policy change. There is no specific reference in the Subzone to pedestrian or other access, and no spatial reference to the "central pathway" which is currently defined via Figures Rb/2 and 3. Figures and mapping need to be reinstated. INSERT POLICY - to the City Riverbank Zone - incorporate Figure Rb/2 and 3 in most appropriate manner to suit new Code structure and refer to this in Health Subzone.
Objectives				
1	A health precinct that creates an identifiable and unified city precinct with strong connections to the Torrens River, North Terrace, the Royal Adelaide Hospital and wider city.	1	Health Subzone DO 1	
2	A Policy Area accommodating a hospital, clinical and health training, research and educational facilities and associated uses such as accommodation, cafes, small-scale shops selling convenience goods and helicopter landing areas.	1	Riverbank Zone DTS	
Principles of Development Control				
Land Use				

Number	Description	Transition category	Where has it been included?	Comments
1	The following types of development or combination thereof, are envisaged in the Policy Area and are additional to those envisaged for the Zone: Clinical and health training, research, manufacturing and educational facilities Consulting room Educational establishment Health centre Helicopter landing areas, lighting for night operations and associated communication equipment Hospital	5	Health Subzone DPO 1.1 and DTS 1.1	Health Centre is not specifically included in P&DC, lighting for night operations and associated communication equipment for helicopter landing facility is not specifically envisaged in P&DC policy. INSERT POLICY as DTS/DPF 1.1 within the Health Subzone to include the following envisaged land uses: health centre, lighting for night operations and associated communication equipment for helicopter landing facility.
Form and Character				
2	Buildings fronting North Terrace should generally be up to 15 storeys in height, subject to compliance with the Commonwealth Airports (Protection of Airspace) Regulations, to reinforce the boulevard character of North Terrace and to have a relationship, appropriate in scale with buildings in the Policy Area and along the North Terrace edge of the Capital City Zone.	1	Health Subzone PO 2.1, PO 2.2 DTS 21. and DTS 2.2	
3	Buildings taller than 15 storeys may be contemplated where design excellence can be demonstrated and the Commonwealth Airports (Protection of Airspace) Regulations can be met.	1	Health Subzone PO2.2	
4	Buildings north of the central pathway should be designed to provide an active edge to the River Torrens and should be of a low scale commensurate with the landscape setting.	1	Health Subzone PO 2.3	No spatial reference to location of "central pathway" which is currently clearly defined in the Adelaide (City) Development Plan. INSERT POLICY - to the City Riverbank Zone - incorporate Figure Rb/2 and 3 in most appropriate manner to suit new Code structure and refer to this in Health Subzone.
5	Development should incorporate landscaped forecourts and/or public meeting spaces as transition spaces between North Terrace and buildings within the Zone.	1	City Riverbank Zone PO 2.4 and	
6	Development should be serviced by vehicular access points from North Terrace and Port Road that provide for convenient, safe and legible controlled access for ambulances, emergency drop-off for the public and general goods and services vehicles, as well as vehicle access for patient drop-off, and visitor and staff parking.	5		This policy should be reinstated. Include policy which refers specifically to providing vehicular access points to provide for convenient, safe and legible controlled access for ambulances, emergency drop-off for the public and general goods and services vehicles, as well as vehicle access for patient drop-off and visitor and staff parking. INSERT POLICY as a PO within Health Subzone under a new heading 'Movement, Parking and Access'.
7	Development should provide for a satisfactory interface to roads and railways by addressing issues of access, safety, security, noise, air emissions and vibration so that: (a) the effective and efficient operation of the road system and rail service adjacent to the Zone is not detrimentally affected; and (b) the potential for adverse impacts on hospital occupants and activities as a result of road traffic and the operation of rail services adjacent to the Zone is minimised.	1	Health Subzone PO 2.4	
8	Development should be sited and designed to enable the continued operation of rail and road services within and adjacent to the Zone.	1	Health Subzone PO 2.5	
NEW CONTENT IN THE CODE (insert below)				
Health Subzone				
Assessment Criteria (AC)				
Desired Outcomes (DO)				
DO 1	A health precinct that creates an identifiable and unified city precinct with strong connections to the Torrens River, North Terrace, the Royal Adelaide Hospital and wider city.	1		This is the same as Health Policy Area 27 - Objective 1
Performance Outcomes and Deemed to Satisfy/Designated Performance Outcome Criteria				
Land Use and Intensity				

Number	Description	Transition category	Where has it been included?	Comments
PO 1.1	A range of health and education facilities that support the establishment of an internationally recognised health and biomedical precinct.	2		Consistent with current intent for the Policy Area, but has introduced "establishment of an internationally recognised health and biomedical precinct" - OK
DTS/DPF 1.1	The types of development envisaged within the zone, except: (a) Community centre (b) Convention centre (c) Entertainment venue (d) Hotel (e) Serviced apartments (f) Tourist accommodation	MODIFIED	To keep continuity with existing policy, the subzone needs to also envisage the following land uses: clinical and health training, research, manufacturing and educational facilities Health Centre the "lighting and associated communication equipment" associated with helicopter landing facilities - if this is needed to help enable helicopter landing facilities in this location	INSERT POLICY - in City Riverbank Zone - Health Subzone to include the following envisaged land uses: health centre, lighting for night operations and associated communication equipment for helicopter landing facility.
Built Form and Character				
PO 2.1	Buildings that have a positive scale relationship to the North Terrace edge of the Capital City Zone and provide a grand entrance to the City from the west.	NOT NEW		PDC 2 - Changed wording - originally "to reinforce the boulevard character of North Terrace and to have a relationship, appropriate in scale with buildings in the Policy Area and along the North Terrace edge of the Capital City Zone." DISCUSS but probably OK
DTS/DPF 2.1	Buildings fronting North Terrace not exceeding 15 building levels and 53m in building height.	NOT NEW		PDC 2
PO 2.2	Where buildings exceed 15 building levels or 53m in building height they will be of exemplary design and meet the Commonwealth Airports (Protection of Airspace) Regulations.	NOT NEW		PDC 3 - The wording in Development Plan is 15 storeys - slight of
DTS/DPF 2.2	None are applicable.			
PO 2.3	Buildings north of the central pathway designed to provide an active edge to the River Torrens and of a low scale commensurate with the landscape setting.	NOT NEW		PDC 4 - policy transferred across, but without reference to Figures RB/2 and 3 which show the central pathway. Suggest inclusion of Concept Plan or similar to accurately depict central pathway.
DTS/DPF 2.3	None are applicable.			
PO 2.4	Development to provide a satisfactory interface to roads and railways by addressing issues of access, safety, security, noise, air emissions and vibration so that: (a) the effective and efficient operation of the road system and rail service adjacent to the Zone is not detrimentally affected; and (b) the potential for adverse impacts on hospital occupants and activities as a result of road traffic and the operation of rail services adjacent to the Zone is minimised.	OK		PDC 7
DTS/DPF 2.4	None are applicable.			
PO 2.5	Development sited and designed to enable the continued operation of rail and road services within and adjacent to the Zone.	OK		PDC 8
DTS/DPF 2.5	None are applicable.			
Overlay	Refer to City Riverbank Zone comments			

Zone	Riverbank Zone	1 - Included in the Code and retains same policy intent	47%	
		2 - Wording changed but policy intent remains (OK)	0%	
Policy area(s)	Entertainment Policy Area 28	3 - Included in the Code but policy intent changed (NOT OK)	11%	
		4 - Not included in the Code but OK to remove	11%	
		5 - Not included in the Code and should be reinstated	32%	
General comments				
Number	Description	Transition category	Where has it been included?	Comments
Desired Character				
	The Objectives and Principles of Development Control that follow apply to the Policy Area as shown on Maps Adel/49. They are additional to those expressed for the Zone and, in cases of apparent conflict, take precedence over the Zone provisions. In the assessment of development, the greatest weight is to be applied to satisfying the Desired Character for the Policy Area.	1		
	DESIRED CHARACTER	5		Consideration should be given to creating character statements for the Entertainment Subzone. INSERT POLICY - Entertainment Subzone - introduce policy to better reflect current "Desired Character statements"

Number	Description	Transition category	Where has it been included?	Comments
	<p>The Entertainment Policy Area, will showcase, respect and build on existing landmark and heritage buildings including the Festival Centre, Parliament Houses, Convention Centre, Adelaide Railway Station and Casino. A range of Parliamentary and civic activities, including tourist accommodation, auditoriums, conference centres, cultural facilities, licensed premises, cafes, restaurants, shops and offices are envisaged. Development will include a vibrant mix of land uses that support a continuing program of public arts and cultural activities, particularly around the Festival Plaza.</p>	5	City Riverbank Zone - partially DO1 and DTS 1.1	<p>No reference to Festival Centre, Parliament Houses, Convention Centre, Adelaide Railway Station nor Casino. Civic activities are not mentioned in the Subzone, but are anticipated in the City Riverbank Zone. Cultural activities are not mentioned. Cafes, restaurants, shops are not mentioned but are included in the City Riverbank Zone. No reference is made to "continuing program of public arts and cultural activities, particularly around the Festival Plaza". DISCUSS with particularly reference to policy needing to enable temporary uses e.g. for festivals, and public art.</p> <p>INSERT POLICY - Riverbank Zone - Entertainment Subzone under the heading 'Built Form and Character' that refers to Festival Centre, Parliament House, Convention Centre, Adelaide Railway Station, Casino etc. Refer to cultural activities, continuing program of public arts and cultural activities (including temporary uses) within PO 1.1.</p>
	<p>The civic nature of the precinct should be acknowledged and connect the public realm to the wider precinct both physically and visually. Strong visual permeability through the site will be important in maintaining the legibility of this place as part of the City and Riverbank. The architectural expression of the built form will respond to the rich character of the local setting with contemporary juxtapositions providing new settings for heritage places.</p>	5		<p>City Riverbank Zone DO 1, 2 and 3 insufficiently addresses this provision. Reword this provision and strengthen inclusion of existing provisions</p> <p>INSERT POLICY as a DO and Po within the Entertainment Subzone.</p>
	<p>The regeneration of the existing Festival Plaza (Southern Plaza) and car park to address structural and functional deficiencies will help reinforce and enhance this area as the primary cultural and entertainment hub and provide high quality spaces for public use, including significant public events. This will include a principal public space that will be able to cater for large numbers of visitors and events but also be safe and convivial when lesser numbers of people may be present. It is anticipated that the public space and nearby land uses will be active during the day and night and will be a space that is adaptable for a range of purposes. The space should be built on a single plane.</p>	5	Entertainment Subzone PO 2.5	<p>There is an opportunity to create and introduce a Concept Plans for key areas such as the Entertainment Subzone of City Riverbank Policy Area. Only the single plane element of this provision has been included in the P&DC Policy.</p> <p>INSERT POLICY as a DO and Po within the Entertainment Subzone.</p>
	<p>King William Road will be reinforced as a principal boulevard flanked by high quality buildings that allow views and access through to the public plaza area and heritage buildings as shown on Figure Rb/3 including Parliament House, the Adelaide Railway Station, the Festival Centre and the nearby Adelaide Oval.</p>	3	City Riverbank Zone PO 2.1 Entertainment Subzone 2.4 Entertainment Subzone 2.6	<p>Figures are not included in the P&DC and should be.</p>
Objectives				

Number	Description	Transition category	Where has it been included?	Comments
1	A Policy Area accommodating a range of cultural, parliamentary, office entertainment, retail and conference facility land uses with exemplary buildings and public spaces that generate activity during the day and night.	1	Riverbank Zone Entertainment Subzone PO 1.1	Possible typo from "conference facility land uses" to "conference and ancillary land uses" in the P&DC CORRECTION: City Riverbank Zone - Entertainment Policy Area - EDIT "conference facility land uses" to "conference and ancillary land uses" or "conference facility and ancillary land uses".
2	A prominent, vibrant and safe public plaza that provides a focal point for the Riverbank precinct and is supported by a vibrant mix of land uses that encourage use by city workers, residents, families, students, youth, children and tourists.	1	Riverbank Zone Entertainment Subzone DO 1	
Principles of Development Control				
Land Use				
1	The following types of development, or combination thereof, are envisaged in the Policy Area and are additional to those envisaged for the Zone: Auditoriums Casino Carparking Cinemas Concert halls Conference centres Cultural facility Licensed entertainment premises Licensed premises Motels Public spaces Theatres Tourist accommodation	5		INSERT POLICY - City Riverbank Zone - Entertainment Subzone - include the following development types : Auditorium, Casino, car parking, cinemas, concert halls, conference centre (unless convention centre is sufficient), cultural facility, Licensed entertainment premises (unless "licensed premises in association with hotel, restaurant, shop or the like" is sufficient), public spaces, theatres. REQUIRES FURTHER REVIEW: to consider why "hotel" is not an envisaged land use in this subzone "hotel" isn't defined, and tourist accommodation IS included in the overall Riverbank Zone - is this intentional or is this an accidental exclusion?
2	Land uses at ground level will activate public spaces during the day and evening such as through cafes, restaurants and small-scale specialty shops.	5		Partially addressed in City Riverbank Zone PO 2.2 but no specific reference to land uses which will activate public spaces during the day and evening - no acknowledgement that the mix of particularly types of land uses can achieve this outcome. Introduce wording which references land uses which contribute to activation - not simply physically interesting and vibrant built form. INSERT POLICY as a PO within the Entertainment Policy Area under the heading 'Land Use and Intensity'.

Number	Description	Transition category	Where has it been included?	Comments
3	Residential development should only occur where it is demonstrated that noise, light spill and other impacts on residential amenity associated with the envisaged mix of uses and a vibrant public plaza can be adequately addressed.	1	Entertainment Subzone PO 1.2	
Form and Character				
4	Development in the Policy Area should generally be up to 20 storeys in height to the south of the central pathway.	1	Entertainment Subzone PO 2.1 DTS 2.1	
5	Buildings taller than 20 storeys may be contemplated to the south of the central pathway where design excellence can be demonstrated and the Commonwealth Airports (Protection of Airspace) Regulations can be met.	1	Entertainment Subzone PO 2.1 and PO 2.2	
6	Buildings north of the central pathway should be designed to provide an active edge to the River Torrens and should be of a low scale commensurate with its landscape setting.	1	Entertainment Subzone PO 2.3	
7	Buildings along King William Road should be designed to enable views through to important State Heritage buildings and the public plaza area.	1	Entertainment Subzone PO 2.4	
8	A new public plaza should be developed on a single plane minimising grade changes across the site to as to maximise pedestrian connectivity.	1	Entertainment Subzone 2.5	
9	Development should ensure the contribution of existing heritage buildings is not significantly diminished and can continue to be appreciated by the public by: (a) ensuring the new development is designed and located to maintain views of important heritage buildings as shown on Figure Rb/3. (b) incorporating public areas, safe and convenient pedestrian paths and active land uses such as cafes, shops and entertainment facilities at the interface with the heritage buildings.	3	City Riverbank Zone PO 2.6 -	There isn't any mention of heritage buildings in the Entertainment Subzone. City Riverbank Zone PO 2.6 doesn't specifically reference Figure Rb/3, but if the Heritage Overlay is used the new policy may address this adequately. REQUIRES FURTHER REVIEW - Future investigations to update the equivalent of Figure Rb/1-3 to reflect desired future concept plans for the City Riverbank Zone - Entertainment Subzone INSERT POLICY as a PO within the Entertainment SubZone that includes maintaining views of prominent heritage buildings and ensures safe and convenient pedestrian paths.
10	Development should not compromise the visual and physical connections to heritage buildings including views of the prominent heritage features shown on Figure Rb/3.	4	City Riverbank Zone PO 2.6 -	Appears to replicate this provision, as discussed for PDC 9.
11	Development will make provision for a footbridge over the Torrens Lake between the Adelaide Festival Centre and Adelaide Oval, including pedestrian and cycling access paths, stairs and ramps and associated landscaping, as shown on Figure Rb/1.	4		No reference to access or movement across River Torrens at footbridge which has been constructed. The Footbridge has now been constructed and the policy is no longer required.
NEW CONTENT IN THE CODE (insert below)				
Entertainment Subzone				
Assessment Criteria (AC)				
Desired Outcomes (DO)				

Number	Description	Transition category	Where has it been included?	Comments
DO 1	A prominent, vibrant and safe public plaza that provides a focal point for the Riverbank precinct and is supported by a vibrant mix of land uses that encourage use by city workers, residents, families, students, youth, children and tourists.	NOT NEW		Entertainment Policy Area 28 Objective 2
Performance Outcomes and Deemed to Satisfy/Designated Performance Outcome Criteria Land Use and Intensity				
PO 1.1	Development of a range of cultural, parliamentary, office, entertainment, retail, conference and ancillary land uses.	NOT NEW		Similar to Entertainment Policy Area Objective 1, BUT PO1.1 doesn't include "conference facility land uses with exemplary buildings and public spaces that generate activity during the day and night."
DTS/DPF 1.1	The types of development envisaged within the zone, except: (a) Community centre (b) Educational establishment (c) Helicopter landing Facility (d) Hospital (e) Light industry (f) Motel	ERROR?		To be consistent with the current policy in the Entertainment Policy Area, the City Riverbank Zone DTS 1.1 should also include the following land uses Auditoriums Casino Carparking Cinemas Concert halls Cultural facility Licensed entertainment premises (NOTE - ENTERTAINMENT VENUE IS IN THE P&DC ZONE POLICY) Licensed premises(NOTE - LICENSED ENTERTAINMENT PREMISES IN ASSOCIATION WITH HOTEL, RESTAURANT, SHOP OR THE LIKE IS IN THE P&DC ZONE POLICY) Motels - ERROR IN ENTERTAINMENT SUBZONE OF P&DC? (The P&DC Entertainment Subzone excludes Motels, and the current Development Planpolicy envisages Motels) Public spaces Theatres
PO 1.2	Residential development only where it is demonstrated that noise, light spill and other impacts on residential amenity associated with the envisaged mix of uses and a vibrant public plaza can be adequately addressed.	NOT NEW		PDC 3
DTS/DPF 1.2	None are applicable	OK		
Built Form and Character				

Number	Description	Transition category	Where has it been included?	Comments
PO 2.1	Building heights providing the greatest level of intensity and scale south of the central pathway.	NEW		INSERT POLICY - City Riverbank Zone - Entertainment Subzone - need to include reference to Figure or Concept Plan which indicates location of "central pathway"
DTS/DPF 2.1	Buildings south of the central pathway not exceeding 20 building levels and 71m in building height.	NOT NEW		INSERT POLICY - City Riverbank Zone - Entertainment Subzone - need to include reference to Figure or Concept Plan which indicates location of "central pathway"
PO 2.2	Where buildings exceed 20 building levels or 71m in building height they will be of exemplary design, located south of the central pathway and meet the Commonwealth Airports (Protection of Airspace) Regulations.	NOT NEW		Reflects PDC5 INSERT POLICY - City Riverbank Zone - Entertainment Subzone - need to include reference to Figure or Concept Plan which indicates location of "central pathway"
DTS/DPF 2.2	None are applicable	OK		Reflects PDC6
PO 2.3	Buildings north of the central pathway designed to provide an active edge to the River Torrens and of a low scale commensurate with its landscape setting.	NOT NEW		INSERT POLICY - City Riverbank Zone - Entertainment Subzone - need to include reference to Figure or Concept Plan which indicates location of "central pathway"
DTS/DPF 2.3	None are applicable	OK		
PO 2.4	Buildings along King William Road designed to enable views through to important State Heritage buildings and the public plaza area.	NOT NEW		Reflects PDC7
DTS/DPF 2.4	None are applicable	OK		
PO 2.5	A new public plaza developed on a single plane minimising grade changes across the site so as to maximise pedestrian connectivity.	NOT NEW		Reflects PDC8
DTS/DPF 2.5	None are applicable	OK		
Overlays - refer to City Riverbank Zone sheet for comments				

Attachment A.3

Code testing using City of Adelaide examples

Attachment A.3 contains fifteen examples of City of Adelaide development applications which have been tested against the Draft Code.

The Code tests identify area where policies contained within the Draft Code are considered appropriate and applicable and/or where improvements are required. The front of the attachment contains a key findings review, considering all 15 Code tests.



CoA CODE TESTING - METHODOLOGY & KEY FINDINGS

Methodology

A number of development applications previously assessed under the Development Plan have been selected for Code testing. A total of 13 development applications and 2 theoretical applications have been tested. These have been chosen to capture a variety of assessments in the City of Adelaide.

The following Table refers to the types of applications that have been tested, the existing Development Plan zoning and the proposed Code zoning:

Code Tests		
Proposed Development	Development Plan Zoning	Proposed Code Zoning
New Dwelling	North Adelaide Historic (Conservation) Zone Hill Street Policy Area 1	City Living Zone North Adelaide Low Intensity Subzone
Dwelling Addition	North Adelaide Historic (Conservation) Zone Kentish Arms Policy Area 11	City Living Zone
Demolition of Local Heritage Place & Construction of New Dwelling	City Living Zone South West Policy Area 33	City Living Zone Medium-High Intensity Subzone
Change of Use to Shop	Main Street (Hutt) Zone	Urban Corridor (Main Street) Zone
	North Adelaide Historic (Conservation) Zone Carclew Policy Area 5	City Living Zone North Adelaide Low Intensity Subzone
Change of Use to Consulting Room	Mixed Use (Melbourne West) Zone	Suburban Activity Centre Zone
Change of Use to Licensed Entertainment Premises (Nightclub)	Capital City Zone Main Street Policy Area 14	City Main Street Zone Hindley Street Subzone
Change of use to Licensed Premises (Bar)	Main Street (Melbourne East) Zone	Urban Corridor (Main Street) Zone
Installation of Public Art	Park Lands Zone Adelaide Oval Policy Area 38	City Park Lands Zone Adelaide Oval Subzone
Installation of LED sign	Capital City Zone	Capital City Zone
Construction of New Building in Park Lands	Park Lands Zone Eastern Park Lands Policy Area 23	City Park Lands Zone
Construction of Canopy	Capital City Zone Main Street Policy Area 14	City Main Street Zone Rundle Mall Subzone
Ancillary Car Parking	North Adelaide Historic (Conservation) Zone Cathedral Policy Area 8	City Living Zone
Regulated Tree Removal	North Adelaide Historic (Conservation) Zone Hill Street Policy Area 1	City Living Zone North Adelaide Low Intensity Subzone

Where possible, complicated or controversial applications have been used to test how these would be assessed under the Code. Applications have been tested across most of the proposed Code Zones and Subzones.

Tests were undertaken using:

- The DPTI Planning and Design Code Consultation Map Viewer which highlights the zoning and relevant overlays for each site.
- The Draft Planning and Design Code – City of Adelaide Council Specific Code Extract October 2019 to determine assessment pathways and relevant provisions¹
- The Adelaide (City) Development Plan, consolidated 17 October 2019 to compare with the proposed Code provisions
- Assessment reports, approval plans and other documentation relevant to the each of the example applications

Key Findings

Testing has identified issues associated with undertaking the assessment of applications under the proposed Code compared with the Development Plan. Key findings are listed as follows:

- Overall there are less relevant provisions for each form development.
 - Relevant provisions are identified for each class of development in the Code.
 - These provisions have been reduced in number when compared with the more extensive number of provisions provided in the Development Plan.
 - Whilst reducing the number of provisions can streamline an assessment, it can also make the assessment more complicated particularly for unusual forms of development that are often assessed in the City of Adelaide.
- Code provisions are not as comprehensive in terms of specific streetscape and locality character details. This is reflective of the Code being implemented across the State as opposed to individual Council areas.
 - Assessments outside of the residential area in North Adelaide (which do not include the Historic Area Overlay) have minimal locality specific details that are currently provided in the Desired Characters for each Zone and Policy Area in the Development Plan
 - This makes it difficult to undertake detailed locality/character assessments as there are limited references to these specific details.
- Assessments are likely to be compromised by shorter assessment timeframes, particularly in terms of complicated applications. Examples are provided as follows:
 - Assessments involving acoustic reports would be compromised by Council not having enough assessment time to have these reports peer reviewed
 - Assessments involving demolition of a Local Heritage Place for structural reasons could be compromised by Council not having enough assessment time to have structural engineering reports peer reviewed.
 - DPTI is not usually a referral body for developments in the City of Adelaide as roads in the city are under the care and control of Council. LED sign applications

¹ Updates to the Draft Code released by DPTI in late December 2019 have not been reviewed. The large volume of additional material released unexpectedly and without extension to the consultation timeframe has made review of this material impracticable in terms of the resources required to consider the volume of content, and the council's internal processes for endorsement of submissions.

near intersections would usually not be referred to DPTI and instead Council relies on internal traffic referrals. However, there is no change to assessment timeframes in the City of Adelaide that allows for this additional time.

- Many applications within the city will default to a 20 business day performance assessed timeframe, however this does not align with the level of complexity of an application, for example, a multi-storey building within the Capital City Zone.
- Not all applications for State Heritage Places trigger a Heritage South Australia referral as the developments listed for referral are not broad enough to capture more unusual forms of development
- A number of applications that do not require public notification under the Development Plan do require notification under the Code. This is largely a result of the adjacent to a different zone trigger for notification which currently does not apply in all zones
- Uses defined in the Development Plan are not defined in the Code as follows:
 - adult products and services premises
 - licensed entertainment premises
- There is no Australian Height Datum reference for the Obstacle Limitation Surface which is crucial for assessment purposes and determining if referrals to Adelaide Airport Limited are required
- Determining whether an application is 'Deemed to Satisfy' requires significant assessment at the verification stage to determine if the application truly is 'Deemed to Satisfy'
- Parking, hours of operation and waste management details are not assessed for commercial 'Deemed to Satisfy' applications such as shops and consulting rooms. This is an issue, particularly when adjacent residential areas.
- A shop is no longer non-complying in the North Adelaide Historic (Conservation) Zone nor is it restricted under the Code when less than 200m² in floor area. This has the potential to drastically change the predominantly residential character of this area
- The provisions for regulated trees appear to be strengthened as significant tree provisions have been used but with only a reference to regulated trees
- Waste provisions are minimal, particularly for non-residential development

Attachment A.4

Low Risk Application Study

Attachment A.4 contains a study undertaken by the City of Adelaide in 2015. The study looks at a primary intent of the planning reform; to reduce the volume of development applications in the planning system. The study looks at common, 'low risk' or 'minor' applications which the City of Adelaide commonly receives and investigates how amendments to planning policies could assist with streamlining these development applications in the new planning system.

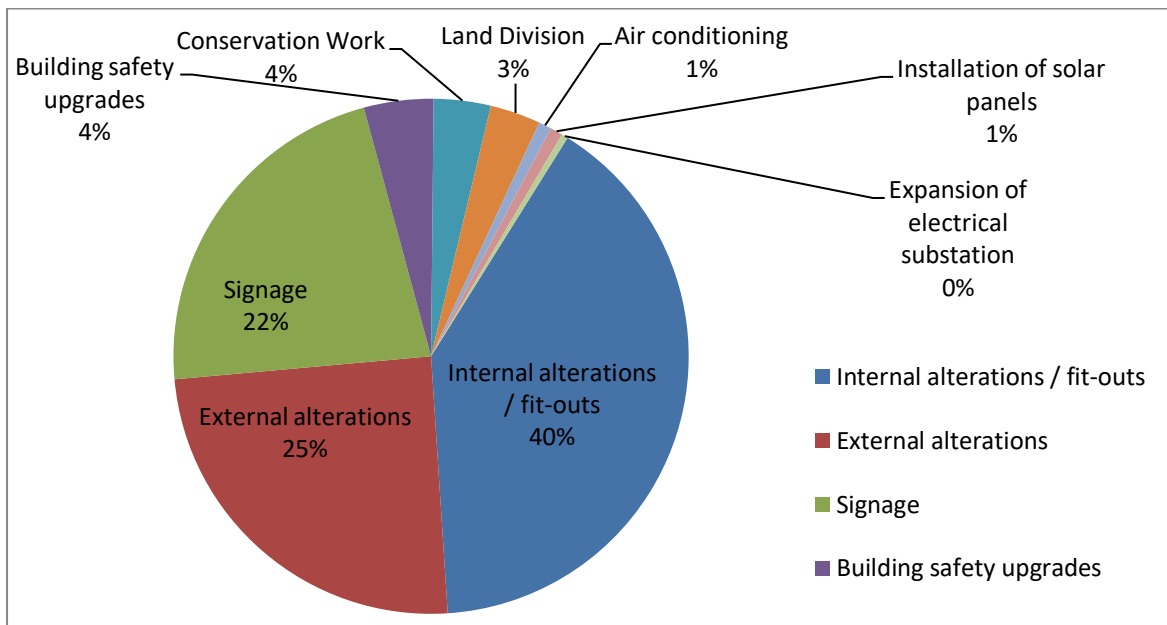
It is provided with this submission, as not all matters have been addressed in the Draft Code and the City of Adelaide seeks further discussion with the State Planning Commission on how additional policy improvements could be made to assist with streamlining further development types within the Planning and Design Code.



LOW RISK APPLICATIONS STUDY

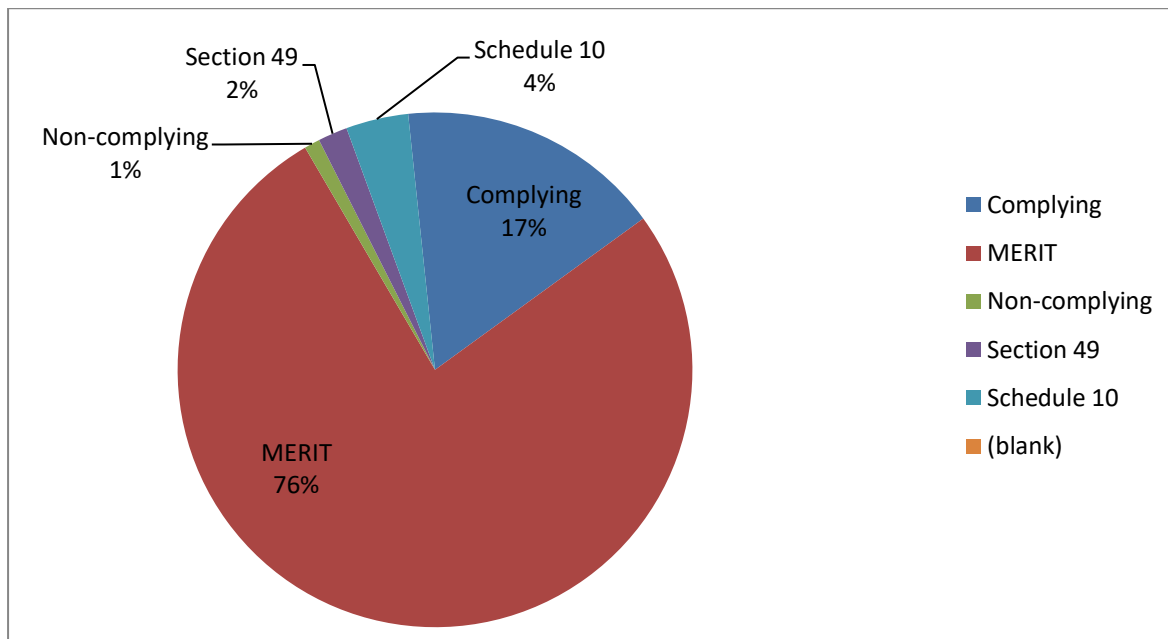
1. A primary purpose for the planning reform process is to significantly reduce the volume of development applications in the State planning system that are subject to a full assessment process with the stated aim to improve the overall efficiency of the planning system. The Expert Panel on Planning Reform suggested that a new 4 stream approach to development be adopted consisting of: Exempt, Prohibited, Standard assessment and Performance-based assessment.
2. The Development Indicators work presented to Council in March 2015 identified a number of current applications that were deemed to be of minor impact (see Figure 1 below). These could be suitable candidates for consideration of a simpler approval path without significant risk of not adequately assessing important planning considerations.

Figure 1: Applications deemed 'minor' works lodged in F.Y. 2013/14 in the City of Adelaide (not including change of land use applications)



3. Generally the complying category of development is designated by the Development Plan as comprising of internal building work and fit-outs.

Figure 2: All Development by Category: F.Y. 2013/14



4. The March report identified that given the distinctive range of applications lodged within the City of Adelaide, that any proposed legislative change that is aimed broadly at the State may not necessarily identify the low impact applications undertaken in the City of Adelaide. For example, the Residential Code changes that sought to simplify approvals processes for a range of residential applications had no real impact within the City of Adelaide given the type and number of residential applications received.
5. Under the current planning system, the trigger point for determining what works require approval is set by the definition of 'development' in the Development Act, 1993, as well as through a number of other parts of the Act which either exempt from approval or specifically identify certain works as requiring approval. The planning reform process will review these trigger points.
6. Further opportunities for streamlining applications processes may occur with review of future draft legislation as well as through further discussion on a State Planning Code (the topic of **Attachment B** to this report).
7. Further analysis of the 'minor' applications types identified above has been undertaken to assist Council's participation in next stage of planning reform process, being the release of draft legislation.
8. The table below identifies those application types that could be considered for exemption from the need to obtain a consent or for a simplified assessment process. To date the focus has been on those application types that are of high volume or are unique in the City of Adelaide so as to lead to the greatest possible efficiency improvement.

Topic	Current Situation	Recommended Direction
<p>Change of Land Use</p> <ul style="list-style-type: none"> ➤ The current legislation defines that a change in land use is 'development' requiring planning consent. ➤ The current trigger for when an application is required takes a cautious approach with regard to considering impact. For example approval for a change of use is required for a change between an office and consulting room. 	<ul style="list-style-type: none"> ➤ Changes of use applications (excluding those combined with associated building work) comprise 8% of total applications in the City of Adelaide. ➤ Current trigger point means that a high volume of applications lodged have no, or very limited, planning consequence. ➤ Currently change of use proposals are merit or non-complying¹ in nature in all zones with the following exceptions where they are complying: <ul style="list-style-type: none"> - Capital City Zone: non-residential to office, shop or consulting room². - Main Street (Adelaide) Zone and City Frame Zone: residential to office on ground or first floor; residential to shop less than 250 square metres³. <p><u>Notes</u></p> <ol style="list-style-type: none"> 1. Where the Development Plan currently identifies a particular use as non-complying it is envisaged that these situations would continue in 'performance-based' assessment pathway. 2. Excludes any retail showroom, adult entertainment premises, adult products and services premises or licensed premises 3. Excludes retail showroom or licensed premises. 	<ul style="list-style-type: none"> ➤ Make exempt or complying change of use applications for changes to and between; office, consulting rooms, shop, bank in those zones which support a mix of land uses. It is envisaged that this could include the following existing zones; <ul style="list-style-type: none"> - Capital City Zone - City Frame - Main Street zones - Mixed Use (Melbourne West) Zone - Institutional (University/Hospital) Zone ➤ Review of land use definitions for 'shop' to better control specific activities that have varying levels of impact such as: <ul style="list-style-type: none"> - retail showroom - bulky goods outlet - adult entertainment premises - adult products and services premises - personal services establishment - café - restaurant - licensed premises. ➤ Consider greater use of 'umbrella' definitions which capture a number of land uses under a single definition to remove the need for change of use between uses within the grouping.

Topic	Current Situation	Recommended Direction
<p>Signage/Advertising Displays</p> <ul style="list-style-type: none"> ➤ The Development Regulations defines what forms of signage require approval. It defines in detail the kinds of displays, lighting, lettering and structures that are included within the definition of a sign. ➤ The regulations contain a number of specific instances which are more stringent for the City, taking into account the intense density of development and character which distinguish the City from the rest of the state. This allows Council to exercise a considered assessment of the impacts of signs through the planning assessment process. ➤ In the City changes to the content of signs, their type, size and addition of illumination or animation are included as requiring approval in addition to murals, screens, projections, illumination (globes, lamps, floodlights), banners, bunting and streamers. 	<ul style="list-style-type: none"> ➤ 14% of all applications lodged are exclusively for signs⁴. ➤ Through a review of a sample of these applications, 59% are deemed minor in nature or simple in terms of planning assessment; being fascia signs, replacement signs, banners, artistic displays and under canopy signs. These applications are processed on average within 8 days. ➤ 9% of sign applications in 2013/14 would not require consent if they were located outside of the City of Adelaide. ➤ There is no place-based distinction for when approval is required – i.e. the same approach applies within the central city area as the residential zones. ➤ Banners, artistic displays, hoardings and event/festival signs are temporary in nature and are deemed to be low-risk in terms of impact upon the public realm and general amenity due to their temporary nature. <p><u>Notes</u></p> <p>4. Figures based on calendar years 2006 to 2014</p>	<ul style="list-style-type: none"> ➤ Amend Part 8 of Schedule 2 of the Development Regulations 2008 to remove current City specific requirements that makes change in the content of a sign development. ➤ Amend Regulation 9 of Schedule 2 of the Regulations to remove current city specific requirements that makes addition of illumination or animation development (subject to place specific controls). ➤ Adopt more place-based response to the need to obtain approval for minor signage, supported by a signage code to streamline assessment for low risk signage. ➤ Recommend Planning Consent codification for low-risk types of signs in the central business area (excluding heritage places), possibly including: <ul style="list-style-type: none"> - signs on hoardings - replacement signs (like for like) - under canopy signs - canopy fascia signs - parapet signs. ➤ Signage for events, temporary activities and similar on public land be dealt with solely under the Local Government Act which provides a more responsive legislative framework to appropriately manage the impact of such activities (provided ability to consider structural matters is retained)

Topic	Current Situation	Recommended Direction
<p>Internal Building Works / Fit-outs</p> <ul style="list-style-type: none"> ➤ The Development Regulations define that building work is 'development' and requires approval. Building Work includes non-structural changes to the inside of a building in the nature of 'fit-outs'. ➤ The Development Regulations require all internal building works to gain planning consent in the City of Adelaide, unlike the rest of the state where only building rules consent is required. ➤ The majority of internal building works consist of non-structural internal fit-outs to offices, consulting rooms and shops. 	<ul style="list-style-type: none"> ➤ Comprise 19% of all applications approved from 2005-2015, representing a significant proportion of activity in the City. The value of internal works and fit outs from financial year 2005/06 to-2014/15 is \$1.47 billion dollars. ➤ Current trigger point means that high volume of applications lodged have no, or very limited, planning consequence. ➤ Internal Alterations and Fit-outs typically have planning impacts only if located on ground floor at street interfaces, thereby impacting on presentation to the street. ➤ Currently internal alterations and fit-outs are only complying development in the Capital City and Riverbank zones (exempting heritage places). ➤ The majority of internal building works occurs within the Capital City Zone and the Institutional (University/Hospital) Zone, and to a lesser extent in the Main Street Zones within commercial premises. 	<ul style="list-style-type: none"> ➤ Make complying internal alterations and fit-outs by deleting Development Regulation Schedule 1A, Part 11. Consent would still be required for works within State and Local heritage places ➤ Recommend Building Rules Consent codification for limited building classes representing the majority of applications: office, shop, assembly building, health care building and laboratory/production/assembly premises (5,6,8,9)⁵. ➤ Ensure as a minimum, that such works will be complying in the Capital City Zone, Mixed Use Zone (Melbourne Street), Main Street Zones and City Frame Zones. <p><u>Notes</u></p> <p>5. Subject to exceptions where full assessment against the National Construction Code is required to ensure minimum requirements of internal amenity, equitable access, fire safety are met. [For example limitations may be based around (a) maximum floor area limit or (b) limited to single storey buildings or (c) maximum internal population numbers.]</p>

Topic	Current Situation	Recommended Direction
<p>Festivals and Special Events</p> <ul style="list-style-type: none"> ➤ The City receives a high number of applications for Festivals and Events, all of which are temporary in nature and many of which are located in the Park Lands or Squares. 	<ul style="list-style-type: none"> ➤ In the 2014/15 financial year 480 small events and 95 medium/large events were held in the City. Of these many were located in the Park Lands and Squares. Many of these events require some form of development approval – either for land and/or building approval for associated structures. ➤ Festival activities and special events where located on public land currently undergo a double assessment process whereby assessment against the Development Plan occurs as well as assessment under relevant Council Events policies and guidelines for events occurs. ➤ Section 6 of the Development Act, 1993 exempts the requirement to obtain approval for land uses deemed to be ‘trifling and insignificant’. Through case law and practice, there is some ambiguity when this clause can be used for temporary occupation of land. 	<ul style="list-style-type: none"> ➤ Streamline assessment process for temporary changes of land use for community, cultural, arts, entertainment, recreational and sporting uses in the Park Lands Zone, Riverbank Zone, Institutional Zones and in the City Squares. This may include making complying temporary events over 30 days provided they are for public or community purpose ➤ Investigate alternative building rules assessment processes for moveable / temporary structures such as use of external certification from recognised engineers. ➤ Temporary activities such as festivals and special events on public land be dealt with solely under the Local Government Act which provides a more responsive legislative framework to appropriately manage the impact of such activities and negotiate a satisfactory outcome.

Topic	Current Situation	Recommended Direction
<p>Temporary Building Occupation</p> <ul style="list-style-type: none"> ➤ There is increasing demand to use vacant buildings for temporary or short term occupation to accommodate cultural and artistic events and for temporary 'pop-up' businesses. ➤ Such short term occupation can only occur if the approved land use and building class is not changing. ➤ Established case law indicates that even temporary use of a building for a single event requires a change of land use application. ➤ Proposals for temporary use which change the building occupant population and building class often trigger the requirement for significant building upgrades relating to emergency egress, disabled access, toilet provision and fire safety. 	<ul style="list-style-type: none"> ➤ Applications for temporary events in existing buildings are trending upwards, being driven by initiatives from Renew Adelaide. ➤ Given that the proposals often involve the use of a small proportion of a building's total floor space and/or are for limited lengths of time, the National Construction Code requirement for building upgrade limits opportunities for temporary revitalisation. ➤ Assessment times for temporary changes of land use within buildings impacts upon timelines for applicants and acts as a disincentive for entrepreneurial start-ups and event organisers. ➤ For example many start-up businesses established through Renew Adelaide are on 30-day rolling leases which enables businesses to 'test the water' regarding business viability. How this needs to be aligned with need to initially obtain and extend temporary development approvals. 	<ul style="list-style-type: none"> ➤ Examine strategies to fast-track planning and building assessment for temporary land uses. ➤ Examine broadening discretionary powers for qualified Building Surveyors to determine required compliance against the National Construction Code for temporary building occupation⁶. ➤ And/or alternatively, seek that temporary changes of land use within buildings be deemed 'trifling' or insignificant' (subject to caveats regarding matters such as maximum floor area, maximum occupant population limit, maximum periods of time and location). Locations would most likely be limited to the following zones which do not contain a high proportion of sensitive land uses (i.e. residential) – e.g. limited to: <ul style="list-style-type: none"> - Institutional zones - Capital City Zone - Riverbank Zone - Park Land Zone <p><u>Notes</u></p> <p>6. Will require the ability to address unsuitable building classification and lack of certificate of occupancy.</p>

Attachment A.5

City of Adelaide proposed Historic Area Statements

Attachment A.5 contains a copy of the Historic Area Statements that were submitted to the State Planning Commission on 27 November 2019.

On 23 December 2019, the State Planning Commission released their Historic Area Statements. When compared to the City of Adelaide versions, it is considered that the content of these Historic Area Statements has been reduced – this is illustrated in this attachment by the yellow highlighted content.

Significant content, relating to materials, fencing and building heights have been omitted from the Historic Area Statements released by the State Planning Commission and the City of Adelaide requests that these matters be reinstated. The City of Adelaide welcomes the opportunity to discuss these Statements further with DPTI, to ensure that these very unique and critically important areas are appropriately protected by the new Planning and Design Code.



Historic Area Statements

Version 2 – 13 November 2019

Historic Area Statement for North Adelaide HCZ and Adelaide HCZ

Historic Area Overlays identify areas that comprise unified, consistent streetscape characteristics of an identifiable historic, economic or social theme associated with an earlier era of development. They comprise built form characteristics, and at times natural features and sub-division patterns that provide a legible connection to the historic development of the local area. Development within the Overlay will preserve these attributes.

The redevelopment of existing places, through refurbishment or adaptive reuse, will maintain, and where possible enhance or reinforce this unified, consistent historic streetscape character.

New development will generally be limited to the replacement of places that either do not contribute towards this unified, consistent historic streetscape character, or toward the rear of sites that do, so as to not adversely impact the legibility and interpretation of the prevailing historic, economic or social themes as viewed from the public realm.

Hill Street (Policy Area 1)

Heritage Characteristics	Examples
Townscape	<p>19th century and early 20th century elegant and finely detailed mansions and large villas set on large allotments and low and medium density cottages, villas and terrace houses of 1 and 2 storeys.</p> <p><u>Mills Terrace and Strangways Terrace</u> (west of Hill Street)</p> <ul style="list-style-type: none"> - Imposing townscape character of the Park Lands frontages established by various styles of detached dwellings of heritage value. <p><u>Gibbon Lane</u></p> <ul style="list-style-type: none"> - Primarily detached and semi-detached 2 storey dwellings and a single storey detached dwelling of local heritage value. <p><u>Hill Street</u></p> <ul style="list-style-type: none"> - 1 and 2 storey large detached and semi-detached Local and State heritage places. - Prominent corner sites containing St. Lawrence's Church and Calvary Hospital. <p><u>Buxton Street</u></p> <ul style="list-style-type: none"> - Highly cohesive frontages of single storey detached dwellings of local heritage value and 1 and 2 storey State heritage places, including finely detailed Italianate villas. - Prevailing building set-back except for traditional corner shop. <p><u>Molesworth Street</u></p> <ul style="list-style-type: none"> - South side - semi-detached Heritage Places of similar architectural design. - North side - detached Victorian Italianate houses and detached dwellings of local heritage value. - Church of Perpetual Adoration makes a valuable contribution to the historic character of the area. <p><u>Barnard Street</u></p> <ul style="list-style-type: none"> - Detached and semi-detached Heritage Places. - Calvary Hospital Chapel forms an important part of the street character. <p><u>Jeffcott Street</u></p> <ul style="list-style-type: none"> - Diversity of traditional dwelling types and the consistent character of large dwellings will be conserved through the retention of Heritage Places. <p><u>Childers Street</u></p> <ul style="list-style-type: none"> - Large, low density, single storey detached local heritage places.

Attachment A.5 CoA proposed Historic Area Statements

	<p><u>Ward Street and Strangways Terrace (east of Hill Street)</u></p> <ul style="list-style-type: none"> - Single storey detached residences of consistent architectural style, form and siting. - Calvary Hospital is a prominent corner site that contributes to the character of the area.
Architectural Buildings	<ul style="list-style-type: none"> - Mansions and large villas. - Victorian Italianate villas. - Cottages, villas and terraces. - Detached and semi-detached dwellings. - Helping Hand Aged Care - multi-functional aged care facility. - St Dominic's Priory College - educational land uses. - Calvary Hospital and Chapel. - Church of Perpetual Adoration. - St. Lawrence's Church.
Building Materials	<ul style="list-style-type: none"> - Stone and cast-iron fencing.
Setting and Public Realm	<ul style="list-style-type: none"> - Landscape grounds.
Building Form	<ul style="list-style-type: none"> - Detached, semi-detached or group dwellings, residential flat buildings, or alterations and additions to existing buildings. - New row dwellings are not envisaged. <p><u>Mills Terrace and Strangways Terrace (west of Hill Street)</u></p> <ul style="list-style-type: none"> - Detached dwellings, group dwellings or residential flat buildings of 1 or 2 storeys that contribute to the imposing townscape character of these Park Lands frontages established by various styles of detached dwellings of heritage value. - Reinforce built form character by incorporating articulation, bay windows, hip or hip-gable roof profiles, verandahs, balconies and porches and set within landscaped grounds. <p><u>Gibbon Lane</u></p> <ul style="list-style-type: none"> - Limited change in the townscape character. - Detached dwellings with a frontage to the street. - Pitched roofs or incorporated behind parapets. - Design and composition of facades to reflect traditional proportions of surrounding Heritage Places. <p><u>Hill Street</u></p> <ul style="list-style-type: none"> - Detached or semi-detached dwellings with frontage and access to the street. <p><u>Buxton Street</u></p> <ul style="list-style-type: none"> - Single storey detached or group dwellings with a street frontage. - Helping Hand - additional residential accommodation on under-utilised land to the side or behind existing buildings provided the value of Heritage Places is retained. <p><u>Molesworth Street</u></p> <ul style="list-style-type: none"> - Development for additional residential accommodation is limited to under-utilised land behind or adjacent existing buildings where the value of Heritage Places is not compromised. - All dwelling types should be considered within established institutional sites. - Development adjacent the primary street frontage that reinstates or reinforces the building set-back and subdivision pattern established by Heritage Places. - Development of St Dominic's Priory College to incorporate the use of landscaped open space to break up building mass. <p><u>Barnard Street</u></p> <ul style="list-style-type: none"> - Complement and reinstate the building set-backs established by 1 and 2 storey Heritage Places. - Development compatible with Heritage Places. - Maintain heritage value and prominence of the Chapel by retaining views and vistas to the Chapel. <p><u>Jeffcott Street</u></p> <ul style="list-style-type: none"> - Development limited to the replacement of non-Heritage Places.

Attachment A.5 CoA proposed Historic Area Statements

	<ul style="list-style-type: none"> - Replacement development comprising large, single storey detached dwellings that reinstate the prevailing building set-back established by Heritage Places. - Corner sites may comprise buildings set on or close to the primary street frontage. <p><u>Childers Street</u></p> <ul style="list-style-type: none"> - Development limited to the replacement of non-Heritage Places. - Development that is a single storey detached dwelling in appearance to the street and reinstates the prevailing building set-back established by Heritage Places. <p><u>Barton Terrace West</u></p> <ul style="list-style-type: none"> - Development limited to the replacement of non-Heritage Places. - Development comprising detached, semi-detached and group dwellings or residential flat buildings that reinstate the building set-back and orientation to the Park Lands established by Heritage Places. <p><u>Ward Street and Strangways Terrace (east of Hill Street)</u></p> <ul style="list-style-type: none"> - Retain the visual prominence of Calvary Hospital. - Maintain the orientation and frontage of the hospital to Strangways Terrace. - Incorporate the use of landscaped open space to break up building mass. - Consolidate car parking and access areas and establish landscaping.
Siting	<p><u>Calvary Hospital, St Dominic's Priory College, Helping Hand</u></p> <ul style="list-style-type: none"> - provide a compatible set back from the street, adjoining residential allotments and State and Local Heritage Places. <p><u>Hill Street</u></p> <ul style="list-style-type: none"> - Continue the regular building set-back from the primary street frontage and the established regular pattern of siting of Heritage Places. <p><u>Buxton Street</u></p> <ul style="list-style-type: none"> - Helping Hand Aged Care - complement the setback of Heritage Places and avoid unbroken frontages and incorporate the use of landscaped open space to break up building mass.
Interface	<ul style="list-style-type: none"> - Non-residential development to respect the generally lower scale of residential buildings and provide a transition of built form at site boundaries. - <u>Calvary Hospital, St Dominic's Priory College, Helping Hand</u> - minimise building mass at the interface from an adjoining boundary by siting built form within a building envelope consisting of a 45 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of an adjoining residential allotment, except where a variation to the building envelope demonstrates minimal adverse impacts upon adjacent housing in terms of massing and overshadowing through alternative design methods.
Height	<ul style="list-style-type: none"> - Development of Calvary Hospital that: <ul style="list-style-type: none"> (a) is in accordance with Concept Plan Fig HS/1; (b) ensures new buildings up to a maximum of 5 building levels or 15 metres above the median natural or finished ground level at any or any part of a building are designed to: <ul style="list-style-type: none"> (i) be located in central areas of the site and in areas identified as Taller Built Form; (ii) ensure buildings up to 4 building levels are located along Hill Street and in areas identified as Taller Built Form; (iii) ensure buildings up to 3 building levels are in areas identified as Low Scale Built Form. - Development of St Dominic's Priory College that: <ul style="list-style-type: none"> (a) is in accordance with Concept Plan Fig HS/2; and should; (b) ensures new buildings up to a maximum of 3 building levels and 9 metres above the median natural or finished ground level at any point or any part of a building are designed to: <ul style="list-style-type: none"> (i) be located in areas identified as Taller Built Form;

Attachment A.5 CoA proposed Historic Area Statements

	<p>(ii) locate Low Scale Built Form up to 2 building levels/6 metres in height along the Barnard Street, Hill Street, Molesworth Street and Priory Lane frontages.</p> <ul style="list-style-type: none"> - Development of Helping Hand Aged Care that: <ul style="list-style-type: none"> (a) is in accordance with the Concept Plan Fig HS/3; (b) ensures new buildings up to a maximum of 4 building levels or 12 metres above the median natural or finished ground level at any point or any part of a building-are designed to: <ul style="list-style-type: none"> (i) be located in areas identified as 'Taller Built Form'; (ii) locate Low Scale Built Form between 1 to 2 building levels along the Molesworth Street, Buxton Street and Childers Street.
Fencing	<ul style="list-style-type: none"> - Fencing to a street frontage (including secondary street frontage) and returning along the side boundaries to the alignment of the main face of the principal building on the land, that are: <ul style="list-style-type: none"> (a) of traditional style and detailing compatible with the style of the building, or for new buildings, its design should reflect historic fencing styles evident in the streetscape; (b) on the primary street frontage, comprise low fencing or open character fencing combined with solid pillars and plinths or similar fencing styles that allow views of the associated building, by their height and design. - Fences on corner sites - front fence that return on the secondary street frontage at the same height up to the alignment of the main face of the building on the land. The remaining rear section of side fences on a secondary street frontage are no higher than 1.8 metres. - Rear and side property boundary fences (behind the main building face) - no higher than 2 metres. - Side fences or walls (forward the main building face) - of a scale that allows oblique views of buildings and no higher than 1.2 metres.
Views/Vistas/Visually prominent places	<ul style="list-style-type: none"> - Maintain the visual prominence of the Church of Perpetual Adoration by retaining views and vistas with suitable building setbacks from the side and street frontages of the Church. - Maintain the heritage value and prominence of the Calvary Hospital Chapel by retaining views and vistas. - Retain the visual prominence of Calvary Hospital.
Access	<ul style="list-style-type: none"> - St Dominic's Priory College - minimise impact of vehicular access and student pick up and drop off on residential amenity. - Helping Hand - improve the pedestrian environment and access across Buxton Street.

Historic Area Statements

Version 2 – 13 November 2019

Historic Area Statement for North Adelaide HCZ and Adelaide HCZ

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The redevelopment of existing places, through refurbishment or adaptive reuse, will maintain, and where possible enhance or reinforce this unified, consistent historic streetscape character.

New development will generally be limited to the replacement of places that either do not contribute towards this unified, consistent historic streetscape character, or toward the rear of sites that do, so as to not adversely impact the legibility and interpretation of the prevailing historic, economic or social themes as viewed from the public realm.

Childers East Policy Area 2

Heritage Characteristics	Examples
Townscape	<p>19th century and early 20th century elegant and finely detailed mansions, large villas set on large allotments and 1 and 2 storeys low and medium density detached and semi-detached residences of cottages and terrace houses on narrower frontages.</p> <p><u>Childers Street</u></p> <ul style="list-style-type: none"> - North side - single storey local heritage places, including row cottages, detached cottages and the occasional terrace houses with narrow frontages. - South side - detached and semi-detached cottages. <p><u>Gover Street</u></p> <ul style="list-style-type: none"> - Primarily single storey detached dwellings. <p><u>Jeffcott Street</u></p> <ul style="list-style-type: none"> - Diversity of traditional dwelling types reflecting the different stages of early residential development. - North of Childers Street - low scale row cottages. - Elsewhere - larger detached bay window and gable-fronted villas on individual sites. <p><u>Barton Terrace West</u></p> <ul style="list-style-type: none"> - Character highly modified over time. - Limited opportunities to increase the number of dwellings. <p><u>Hack Street</u></p> <ul style="list-style-type: none"> - Intimate character established by single storey cottages. <p><u>Mansfield Street</u></p> <ul style="list-style-type: none"> - Single storey detached dwellings.
Architectural Buildings	<ul style="list-style-type: none"> - Mansions - Villas - Detached and semi-detached - Cottages - Terrace houses, row cottages
Building Materials	<p><u>Front fences</u></p> <ul style="list-style-type: none"> - Stone and cast iron, brick, stone or rendered pillars and plinths, timber or well detailed masonry, but not metal sheeting. - Solid masonry fences not appropriate except where consistent with fencing of identified heritage value. <p><u>Side fences on secondary street frontage</u></p>

Attachment A.5 CoA proposed Historic Area Statements

	<ul style="list-style-type: none"> - Brick, rendered masonry and timber. <u>Rear and side property boundary fences (behind main face of the building)</u> - Corrugated metal sheeting.
Setting and Public Realm	<ul style="list-style-type: none"> - Street trees. - High quality paving and landscaping. - Tall trees at the Barton Terrace West and Jeffcott Street intersection to create an imposing 'gateway' entrance to North Adelaide.
Building Form	<p>Residential development in the form of detached, semi-detached or group dwellings, residential flat buildings, or alterations and additions to existing buildings.</p> <p>Row dwellings are not appropriate.</p> <p><u>Childers Street</u></p> <ul style="list-style-type: none"> - Little change to the historic townscape. - North side - single storey detached or semi-detached dwellings, and the continuity of parapets, verandahs and roof profiles. - South side - single storey detached or semi-detached dwellings. <p><u>Gover Street</u></p> <ul style="list-style-type: none"> - North side - single storey detached or semi-detached dwellings. - South side - single storey detached dwellings. <p><u>Jeffcott Street</u></p> <ul style="list-style-type: none"> - North of Childers Street - townscape to remain unchanged. Where opportunities exist, development comprising of single storey detached or semi-detached dwellings. - Complement the established continuity of roof and verandah profiles. - South of Childers Street - single storey detached dwellings. <p><u>Barton Terrace West</u></p> <ul style="list-style-type: none"> - Replace non-Heritage Places with 1 or 2 storey detached or semi-detached dwellings. - Remove non-contributory elements from the primary street frontage e.g. garages <p><u>Hack Street</u></p> <ul style="list-style-type: none"> - East side - additional single storey detached dwellings. <p><u>Mansfield Street</u></p> <ul style="list-style-type: none"> - Retain single storey cottages character through conservation of Heritage Places. <p><u>Other minor streets</u></p> <ul style="list-style-type: none"> - Single storey detached dwellings.
Siting	<p><u>Childers Street</u></p> <ul style="list-style-type: none"> - North side - consistently sited row cottages. - South side - dwellings with varying set-backs <p><u>Gover Street</u></p> <ul style="list-style-type: none"> - North side - reinstate the historic pattern of development. - Locate garages behind the main face of a dwelling. - South side (west of Mansfield Street) - complement the generous scale and siting patterns of Heritage Places. <p><u>Jeffcott Street</u></p> <ul style="list-style-type: none"> - North of Childers Street - consistent and intensive built form edge to the eastern frontage sited on or close to the primary street frontage. - South of Childers Street - dwellings sited close to the primary street frontage. <p><u>Barton Terrace West</u></p> <ul style="list-style-type: none"> - Reinststate a more cohesive edge along terrace.
Height	<ul style="list-style-type: none"> - Buildings may be allowed to the maximum height or number of levels where compatible with the scale and siting of adjacent buildings and there is no adverse impact on established residential amenity. - Childers Street, Gover Street, Jeffcott Street, Hack Street and Mansfield Street – single storey built scale to the streetscape.

Attachment A.5 CoA proposed Historic Area Statements

<p>Fencing</p>	<ul style="list-style-type: none"> - Fencing to a street frontage (including secondary street frontage) and returning along the side boundaries to the alignment of the main face of the principal building on the land, that are: <ul style="list-style-type: none"> (a) of traditional style and detailing compatible with the style of the building, or for new buildings, its design should reflect historic fencing styles evident in the streetscape; (b) on the primary street frontage, comprise low fencing or open character fencing combined with solid pillars and plinths or similar fencing styles that allow views of the associated building, by their height and design. - Fences on corner sites - front fence that return on the secondary street frontage at the same height up to the alignment of the main face of the building on the land. The remaining rear section of side fences on a secondary street frontage are no higher than 1.8 metres. - Rear and side property boundary fences (behind the main building face) - no higher than 2 metres. - Side fences or walls (forward the main building face) - of a scale that allows oblique views of buildings and no higher than 1.2 metres.
<p>Access</p>	<ul style="list-style-type: none"> - Barton Terrace West - utilise existing vehicle access points. - Hack Street (east side) - single width carparking where appropriate.

Historic Area Statements

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Historic Area Statement for North Adelaide HCZ and Adelaide HCZ

Historic Area Overlays identify areas that comprise unified, consistent streetscape characteristics of an identifiable historic, economic or social theme associated with an earlier era of development. They comprise built form characteristics, and at times natural features and sub-division patterns that provide a legible connection to the historic development of the local area. Development within the Overlay will preserve these attributes.

The redevelopment of existing places, through refurbishment or adaptive reuse, will maintain, and where possible enhance or reinforce this unified, consistent historic streetscape character.

New development will generally be limited to the replacement of places that either do not contribute towards this unified, consistent historic streetscape character, or toward the rear of sites that do, so as to not adversely impact the legibility and interpretation of the prevailing historic, economic or social themes as viewed from the public realm.

Wellington Square Policy Area 3

Heritage Characteristics	Examples
Townscape	<ul style="list-style-type: none"> - Important historical public space. - The townscape is contiguous with and complementary to the townscape character of the major streets which lead into the Square.
Architectural Buildings	<ul style="list-style-type: none"> - Detached dwellings. - Semi-detached dwellings.
Building Materials	<p><u>Front fences</u></p> <ul style="list-style-type: none"> - Stone and cast iron, brick, stone or rendered pillars and plinths, timber or well detailed masonry, but not metal sheeting. - Solid masonry fences not appropriate except where consistent with fencing of identified heritage value. <p><u>Side fences on secondary street frontage</u></p> <ul style="list-style-type: none"> - Brick, rendered masonry and timber. <p><u>Rear and side property boundary fences (behind main face of the building)</u></p> <ul style="list-style-type: none"> - Corrugated metal sheeting.
Setting and Public Realm	<ul style="list-style-type: none"> - Pedestrian paths and informal recreation areas provide attractive and safe shelter and seating. - Preserve and enhance the Square's informal character and unity by appropriate landscaping, paving, planting, lighting and street furniture.
Building Form	<ul style="list-style-type: none"> - Cohesive built form edge to the Square through sensitive infill development of buildings that reflect the prevailing setbacks of adjacent development. - 1 or 2 storey detached, semi-detached or group dwellings, residential flat buildings, or alterations and additions to existing buildings. - Row dwellings are not appropriate. - Complement the historic built form comprising large, single storey local heritage places and 1 or 2 storey State heritage places. - Redevelop corner sites not identified as Heritage Places and provide an attractive facade to each street frontage that emphasise the historic townscape of the junction of Square and street by their siting, scale and shape. - Balconies or verandahs over Wellington Square footpaths are not appropriate.
Siting	<ul style="list-style-type: none"> - Enclose the Square with buildings sited close to side boundaries provided they are not forward of any adjoining Heritage Place.

Attachment A.5 CoA proposed Historic Area Statements

Interface	<ul style="list-style-type: none"> - Development that respects the lower scale of residential buildings and provides a transition of built form at site boundaries.
Height	<ul style="list-style-type: none"> - Buildings may be allowed up to the maximum height or number of levels where such buildings are compatible with adjacent buildings and their settings in respect of their scale and siting and where there is no adverse impact on established residential amenity.
Fencing	<ul style="list-style-type: none"> - Fencing to a street frontage (including secondary street frontage) and returning along the side boundaries to the alignment of the main face of the principal building on the land, that are: <ul style="list-style-type: none"> (a) of traditional style and detailing compatible with the style of the building, or for new buildings, its design should reflect historic fencing styles evident in the streetscape; (b) on the primary street frontage, comprise low fencing or open character fencing combined with solid pillars and plinths or similar fencing styles that allow views of the associated building, by their height and design. - Fences on corner sites - front fence that return on the secondary street frontage at the same height up to the alignment of the main face of the building on the land. The remaining rear section of side fences on a secondary street frontage are no higher than 1.8 metres. - Rear and side property boundary fences (behind the main building face) - no higher than 2 metres. - Side fences or walls (forward the main building face) - of a scale that allows oblique views of buildings and no higher than 1.2 metres.
Access	<ul style="list-style-type: none"> - Maintain a safe, pleasant pedestrian environment within Wellington Square and on the adjacent footpaths. - No additional vehicle access on the Wellington Square frontage.

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The redevelopment of existing places, through refurbishment or adaptive reuse, will maintain, and where possible enhance or reinforce this unified, consistent historic streetscape character.

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Tynte Policy Area 4

Heritage Characteristics	Examples
Townscape	Formal and dignified historic character derived from its traditional community uses and its wide tree-lined streetscape.
Architectural Buildings	<ul style="list-style-type: none"> - Post Office - Library - Hotel, - Church - Kindergarten
Building Materials	<p><u>Front fences</u></p> <ul style="list-style-type: none"> - Stone and cast iron, brick, stone or rendered pillars and plinths, timber or well detailed masonry, but not metal sheeting. - Solid masonry fences not appropriate except where consistent with fencing of identified heritage value. <p><u>Side fences on secondary street frontage</u></p> <ul style="list-style-type: none"> - Brick, rendered masonry and timber. <p><u>Rear and side property boundary fences (behind main face of the building)</u></p> <ul style="list-style-type: none"> - Corrugated metal sheeting.
Setting and Public Realm	<ul style="list-style-type: none"> - Wide tree lined streets - Wide footpaths. - Quality landscaping, paving and street furniture that complement its historic context. - Attractive streetscape of Archer Street enhanced by landscaping of adjacent development.
Building Form	<p><u>Tynte Street</u></p> <ul style="list-style-type: none"> - Reinforce the dignity and quality of public buildings. - Verandahs or balconies established across footpaths where street tree growth permits. - Maintain the continuity of 2 storey built form. - Development off Tynte and Archer Streets that reflects the more intimate scale and siting of historic and established built form. - The site identified in Concept Plan Fig T/1, formerly occupied by Channel 9, provides the opportunity for an integrated redevelopment with low to medium scale residential development complemented by small restaurants and cafes that activate Tynte Street.

Attachment A.5 CoA proposed Historic Area Statements

	<p><u>Mansfield Street</u></p> <ul style="list-style-type: none"> - Low-scale development along the street frontage. <p><u>Wellington Square</u></p> <ul style="list-style-type: none"> - Low scale historic built-form around the perimeter of Wellington Square.
Siting	<ul style="list-style-type: none"> - Within the site identified in Concept Plan Fig T/1, medium rise dwellings up to 6 building levels will be centrally located within the site to limit impacts to residential amenity and historic streetscapes. <p><u>Tynte Street</u></p> <ul style="list-style-type: none"> - Buildings on or sited close to the street frontage. <p><u>Mansfield Street</u></p> <ul style="list-style-type: none"> - Cohesive streetscape that enhances the historic pattern of development. <p><u>Wellington Square</u></p> <ul style="list-style-type: none"> - Replace 1960s store building within the hatched area on Concept Plan Fig T/1 on Gover Street with low scale dwellings that reinforce the historic development pattern of detached dwellings and complement the more generous scale and siting patterns of Heritage Places. - North of Tynte Street and west of Mansfield Street (excluding hatched area on Concept Plan, Fig T/1) incorporate separate individual buildings to break up building mass and avoid long sections of continuous buildings.
Interface	<ul style="list-style-type: none"> - New buildings that respects the lower scale of residential buildings and provide a transition of built form at site boundaries. - Development in Archer Street that creates a gradual transition from the more contemporary building forms and townscape character of O'Connell Street to the east. - Within the site identified in Concept Plan Fig T/1, medium rise dwellings will transition down in scale to provide a suitable built form interface to sensitive development including existing low scale dwellings and Heritage Places.
Height	<ul style="list-style-type: none"> - New buildings or built form up to a maximum of 6 building levels are located within the area identified as Taller Built Form in Concept Plan Fig T/1; and - designed to minimise building mass at the interface with adjoining low-scale residential development by siting buildings within a building envelope consisting of a 45 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of an adjoining residential allotment, unless a variation to the building envelope demonstrates minimal adverse impacts upon adjacent residential development in terms of massing and overshadowing through alternative design methods. - provide an area along the northern boundary to accommodate landscaping to soften and relieve any large building mass at the interface with low scale residential premises.
Fencing	<ul style="list-style-type: none"> - Fencing to a street frontage (including secondary street frontage) and returning along the side boundaries to the alignment of the main face of the principal building on the land, that are: <ol style="list-style-type: none"> - of traditional style and detailing compatible with the style of the building, or for new buildings, its design should reflect historic fencing styles evident in the streetscape; - on the primary street frontage, comprise low fencing or open character fencing combined with solid pillars and plinths or similar fencing styles that allow views of the associated building, by their height and design. - Fences on corner sites - front fence that return on the secondary street frontage at the same height up to the alignment of the main face of the building on the land. The remaining rear section of side fences on a secondary street frontage are no higher than 1.8 metres. - Rear and side property boundary fences (behind the main building face) - no higher than 2 metres. - Side fences or walls (forward the main building face) - of a scale that allows oblique views of buildings and no higher than 1.2 metres.

Attachment A.5 CoA proposed Historic Area Statements

Views/Vistas/Visually prominent places	<ul style="list-style-type: none"> - Maintain views to the prominent landmark buildings of Bishops Court and Carclew.
Access	<ul style="list-style-type: none"> - Locate new vehicle access points on Mansfield Street: <ul style="list-style-type: none"> (a) away from the northern boundary of the Former Channel 9 site identified on Concept Plan Fig T/1 to provide adequate sight line distances to the north; and (b) to avoid conflict with existing vehicle access points. - Maintain a high level of pedestrian safety with convenient access to O'Connell Street to the east. - Incorporate through-site pedestrian links to the North Adelaide Village Centre where practicable.

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Historic Area Statement for North Adelaide HCZ and Adelaide HCZ

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Carclew Policy Area 5

Heritage Characteristics	Examples
Townscape	<p>Intact and cohesive townscapes of 19th and 20th century detached houses set in landscaped grounds and imposing 2-storey terrace houses.</p> <p><u>Montefiore Hill, Palmer Place and Brougham Place</u></p> <ul style="list-style-type: none"> - Large mansions set in landscaped grounds. - Heritage Places that are articulated and modelled with intricate detailing and ornamentation and exhibiting variations in architectural style. <p><u>Strangways Terrace</u></p> <ul style="list-style-type: none"> - West - large detached Victorian villas. - Cohesive pattern of detached houses, consistency of masonry facades, vertically proportioned windows, pitched roofs, verandahs and porches. <p><u>Jeffcott Street</u></p> <ul style="list-style-type: none"> - North of Ward Street - low scale and close grouping of small cottages and row dwellings. - South of Ward Street - detached residences, institutional buildings and a large contemporary apartment building with unifying elements such as articulated masonry facades, gable frontages, pitched roofs, verandahs and cast iron decoration. <p><u>Ward Street (east of Jeffcott Street)</u></p> <ul style="list-style-type: none"> - Detached and semi-detached dwellings and residential flat buildings. <p><u>Ward Street (west of Jeffcott Street)</u></p> <ul style="list-style-type: none"> - Single-storey detached residences of consistent architectural style, form and siting.
Architectural Buildings	<ul style="list-style-type: none"> - Mansions. - Victorian villas. - Detached houses. - Cottages. - Row dwellings. - 2-storey terrace houses.
Building Materials	<ul style="list-style-type: none"> - Traditional materials. - Stone and brick. - Masonry facades with cast iron decoration.

Attachment A.5 CoA proposed Historic Area Statements

	<p><u>Front fences</u></p> <ul style="list-style-type: none"> - Stone and cast iron, brick, stone or rendered pillars and plinths, timber or well detailed masonry, but not metal sheeting. - Solid masonry fences not appropriate except where consistent with fencing of identified heritage value. <p><u>Side fences on secondary street frontage</u></p> <ul style="list-style-type: none"> - Brick, rendered masonry and timber. <p><u>Rear and side property boundary fences (behind main face of the building)</u></p> <ul style="list-style-type: none"> - Corrugated metal sheeting.
<p>Setting and Public Realm</p>	<ul style="list-style-type: none"> - Dwellings set in landscape grounds. - Palmer Gardens - Park Lands below Montefiore Hill
<p>Building Form</p>	<p>Generously proportioned detached or semi-detached dwellings or residential flat buildings up to 2 storeys set in landscaped grounds.</p> <p><u>Montefiore Hill, Palmer Place and Brougham Place</u></p> <ul style="list-style-type: none"> - Landscaped open space incorporated to break up building mass at Aquinas College. - Development subordinate to the prevailing traditional built form and should be generously proportioned 1 or 2 storey detached or semi-detached dwellings or residential flat buildings set in landscaped grounds. - Limited infill development opportunities due to the need to conserve an appropriate landscape setting to Heritage Places. - Ancillary buildings set back from the road frontage and subordinate to Heritage Places. - Development of similar height and building levels provided it does not detract from the heritage value of a place or adversely affect the high quality streetscapes and settings. <p><u>Strangways Terrace</u></p> <ul style="list-style-type: none"> - Reinforce the character of detached and semi-detached dwellings set on large allotments. - Accommodate contemporary residential styles towards the southern part of Strangways Terrace. - Limited infill development opportunities due to the need to conserve an appropriate landscape setting to Heritage Places. <p><u>Jeffcott Street</u></p> <ul style="list-style-type: none"> - Low density detached and semi-detached dwellings. - New buildings limited to replacing non-contributory buildings of a height and form established by Heritage Places. - Reinstate the character of residential buildings close to the street frontage compatible with adjacent Heritage Places. - Redevelop the squash courts with detached or semi-detached dwellings of sympathetic design, proportions and building set-backs to adjacent Heritage Places. <p><u>Ward Street (east of Jeffcott Street)</u></p> <ul style="list-style-type: none"> - Development domestic in scale that contributes to the creation of a cohesive townscape that respects and interprets existing nineteenth century building forms in a sensitive, contemporary manner. <p><u>Ward Street (west of Jeffcott Street)</u></p> <ul style="list-style-type: none"> - North side - development limited to replacing non Heritage Places. - South side - maintain the intimate development pattern derived from the close grouping of smaller detached cottages of local heritage value. - Maintain the prominence of the early limestone walls and outbuildings. - Reinforce plain or articulated gabled frontages with a high proportion of solid to void in the façade composition.
<p>Siting</p>	<ul style="list-style-type: none"> - Jeffcott Street - dwellings sited close to the street frontage. - North side of Ward Street (west of Jeffcott Street) - reinstate the building set-back established by Heritage Places.

Attachment A.5 CoA proposed Historic Area Statements

	<ul style="list-style-type: none"> - South side of Ward Street (west of Jeffcott Street) - locate buildings on or near the street.
Height	<p>Height of development at Aquinas College that:</p> <ul style="list-style-type: none"> (a) is in accordance with the Concept Plan as Fig C5/1; (b) ensures new buildings up to a maximum of 3 building levels or 9 metres above the median natural or finished ground level at any point or any part of a building are located and designed to: <ul style="list-style-type: none"> · be located in areas identified as 'Taller Built Form'; · provide compatible setbacks with adjoining residential allotments and State and Local Heritage Places; and · minimise building mass at the interface from an adjoining boundary by siting built form within a building envelope consisting of a 45 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of an adjoining residential allotment, except where a variation to the building envelope demonstrates minimal adverse impacts upon adjacent housing in terms of massing through alternative design methods. <ul style="list-style-type: none"> · minor streets: single storey built scale to the streetscape.
Fencing	<ul style="list-style-type: none"> - Fencing to a street frontage (including secondary street frontage) and returning along the side boundaries to the alignment of the main face of the principal building on the land, that are: <ul style="list-style-type: none"> (a) of traditional style and detailing compatible with the style of the building, or for new buildings, its design should reflect historic fencing styles evident in the streetscape; (b) on the primary street frontage, comprise low fencing or open character fencing combined with solid pillars and plinths or similar fencing styles that allow views of the associated building, by their height and design. - Fences on corner sites - front fence that return on the secondary street frontage at the same height up to the alignment of the main face of the building on the land. The remaining rear section of side fences on a secondary street frontage are no higher than 1.8 metres. - Rear and side property boundary fences (behind the main building face) - no higher than 2 metres. - Side fences or walls (forward the main building face) - of a scale that allows oblique views of buildings and no higher than 1.2 metres. - Boundary fencing to Jeffcott Street is desirable.
Views/Vistas/Visually prominent places	<ul style="list-style-type: none"> - Retain vistas to major landmark buildings, particularly in the vicinity of Bishops' Court, where a distinctive silhouette is created by the juxtaposition of steeply pitched roof profiles, gables and tall narrow chimneys, and on Montefiore Hill by the distinctive roof forms of the prominent mansion, Carclew. - Maintain the prominence of the Heritage Places and the visual integrity of the street along the Palmer Place frontage. - Development at Aquinas College to retain the prominence of the State Heritage Places by retaining the views and vistas from Palmer Place and Montefiore Hill.

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The redevelopment of existing places, through refurbishment or adaptive reuse, will maintain, and where possible enhance or reinforce this unified, consistent historic streetscape character.

New development will generally be limited to the replacement of places that either do not contribute towards this unified, consistent historic streetscape character, or toward the rear of sites that do, so as to not adversely impact the legibility and interpretation of the prevailing historic, economic or social themes as viewed from the public realm.

Margaret Street Policy Area 6

Heritage Characteristics	Examples
Townscape	<p><u>Gover Street</u> - 1 and 2 storeys.</p> <p><u>Archer Street</u> - Victorian terrace housing, Victorian institutional buildings, a former traditional corner hotel and Victorian detached houses of 1 and 2 storeys.</p> <p><u>Ward Street</u> - Mainly single-storey detached cottages.</p> <p><u>Ralston Street</u> - Single-storey semi-detached dwellings. - Eastern side - cohesive group of brick Edwardian historic houses. - Western side - varied townscape in scale, siting and character.</p> <p><u>Beviss Street</u> - Consistently sited, detached and semi-detached single-storey cottages.</p> <p><u>Curtis Street</u> - Consistent townscape of 19th century detached and semi-detached houses.</p> <p><u>Murray Street</u> - Victorian style row housing of closely sited semi-detached pairs. - Almost exclusively comprised of local heritage places. - Consistent roof forms and verandahs.</p> <p><u>Margaret Street</u> - Single storey detached or semi-detached Local heritage places.</p>
Architectural Buildings	<ul style="list-style-type: none"> - Victorian institutional buildings. - Corner shop. - Former traditional corner hotel. - Victorian terrace housing. - Victorian style row housing. - Victorian detached houses. - Edwardian historic houses. - Detached and semi-detached single-storey cottages.
Building Materials	<ul style="list-style-type: none"> - Brick.

Attachment A.5 CoA proposed Historic Area Statements

Setting and Public Realm	<ul style="list-style-type: none"> - Street trees - High standard of paving and landscaping.
Building Form	<p>One of the most historically intact residential areas in South Australia.</p> <p><u>Gover Street</u></p> <ul style="list-style-type: none"> - North side - development limited to replacing non-Heritage Places and alterations and additions to the rear of Heritage Places. - South side - development designed with the appearance of detached or semi-detached dwellings or residential flat buildings when viewed from the street and limited to the rear of allotments subject to suitable access arrangements that do not require new crossovers on Gover Street. <p><u>Tynte Street</u></p> <ul style="list-style-type: none"> - Buildings larger in scale and frontage than that prevailing elsewhere. - Tynte and Margaret Streets intersection – adjacent development should be 2-storey, built to the street and compatible with the corner shop and the historic row dwellings. - West of Margaret Street - mixture of dwellings up to 2-storeys in height, set close to the street frontage. - East of Margaret Street - conserve the mixture of dwelling characterised by generous landscaped grounds and deeper set-backs. <p><u>Archer Street</u></p> <ul style="list-style-type: none"> - 1 and 2 storey dwellings. <p><u>Ward Street</u></p> <ul style="list-style-type: none"> - Development limited to replacing non-contributory buildings. - Establish a cohesive built form character by sympathetic interpretation of traditional residential forms. <p><u>Ralston Street</u></p> <ul style="list-style-type: none"> - Preserve the single storey character of the street. <p><u>Curtis Street</u></p> <ul style="list-style-type: none"> - Infill development limited primarily to the rear of existing allotments. <p><u>Murray Street</u></p> <ul style="list-style-type: none"> - Development limited to alterations and additions to the rear of Heritage Places. - Maintain and enhance consistent roof forms and verandahs that contribute to the cohesive townscape. <p><u>Margaret Street</u></p> <ul style="list-style-type: none"> - Development limited to replacing non-Heritage Places and alterations and additions to the rear of Heritage Places. <p><u>Row dwellings</u></p> <ul style="list-style-type: none"> - Maximum of 6 dwellings in any one group. - Garaging is not incorporated into the principal street frontage.
Siting	<p><u>Gover Street</u></p> <ul style="list-style-type: none"> - Continue the regular pattern of Heritage Places with a consistent building set-back from the street. <p><u>Tynte Street</u></p> <ul style="list-style-type: none"> - Development adjacent Tynte and Margaret Streets intersection - built to the street. - East of Margaret Street - buildings characterised by generous landscaped grounds and deep set-backs. <p><u>Archer Street and Curtis Street</u></p> <ul style="list-style-type: none"> - Buildings situated close to the street frontage. <p><u>Murray Street</u></p> <ul style="list-style-type: none"> - Closely sited semi-detached pairs. <p><u>Beviss Street</u></p> <ul style="list-style-type: none"> - Consistently sited dwellings. <p><u>Ward Street</u></p> <ul style="list-style-type: none"> - Maintain the pattern of frontages established by individual dwellings set close to the street.

Attachment A.5 CoA proposed Historic Area Statements

Height	<ul style="list-style-type: none"> - Buildings may be allowed to the maximum height or number of levels where compatible with the scale and siting of adjacent buildings and there is no adverse impact on established residential amenity. - Two-storey development abutting the street at corners of major streets and minor street junctions may be appropriate. - Margaret Street, Beviss Street. Ralston Street – single-storey built scale to the streetscape.
Fencing	<ul style="list-style-type: none"> - Fencing to a street frontage (including secondary street frontage) and returning along the side boundaries to the alignment of the main face of the principal building on the land, that are: <ul style="list-style-type: none"> (a) of traditional style and detailing compatible with the style of the building, or for new buildings, its design should reflect historic fencing styles evident in the streetscape; (b) on the primary street frontage, comprise low fencing or open character fencing combined with solid pillars and plinths or similar fencing styles that allow views of the associated building, by their height and design. - Fences on corner sites - front fence that return on the secondary street frontage at the same height up to the alignment of the main face of the building on the land. The remaining rear section of side fences on a secondary street frontage are no higher than 1.8 metres. - Rear and side property boundary fences (behind the main building face) - no higher than 2 metres. - Side fences or walls (forward the main building face) - of a scale that allows oblique views of buildings and no higher than 1.2 metres.
Access	<ul style="list-style-type: none"> - Vehicle access to row dwellings provided from laneways or minor streets. - Sites along Margaret Street to provide rear access where it can be accommodated within the existing street network.

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The redevelopment of existing places, through refurbishment or adaptive reuse, will maintain, and where possible enhance or reinforce this unified, consistent historic streetscape character.

New development will generally be limited to the replacement of places that either do not contribute towards this unified, consistent historic streetscape character, or toward the rear of sites that do, so as to not adversely impact the legibility and interpretation of the prevailing historic, economic or social themes as viewed from the public realm.

Lefevre Policy Area 7

Heritage Characteristics	Examples
Townscape	<p><u>Lefevre Terrace</u></p> <ul style="list-style-type: none"> - Cohesive townscape character established by the grand style and setting of 19th century terrace houses and Italianate villas, groupings of smaller early 20th century villas and bungalows. - Terraces and Italianate villas exhibit a high degree of facade articulation and modelling, with richly detailed masonry and cast-iron ornamentation. - Stone and cast-iron boundary walling reinforces the built form qualities of these residences. - Architectural character and detailing of the 20th century villas and bungalows are more restrained. <p><u>Barton Terrace East</u></p> <ul style="list-style-type: none"> - Late 19th and early 20th century residences comprising of single storey detached and semi-detached cottages and villas. <p><u>Ward Street</u></p> <ul style="list-style-type: none"> - Historic single storey cottages and a mix of dwellings of varied architectural form and height.
Architectural Buildings	<ul style="list-style-type: none"> - 19th century terrace houses and Italianate villas, - Early 20th century villas and bungalows. - Late 19th and early 20th century residences. - Detached and semi-detached cottages and villas.
Building Materials	<ul style="list-style-type: none"> - Stone, brick, detailed masonry and cast-iron ornamentation. - Stone and cast-iron boundary walling.
Setting and Public Realm	<ul style="list-style-type: none"> - Park Lands. - Street trees. - High standard of paving and landscaping. - Landscaping along Lefevre Terrace, Barton Terrace East and Brougham Place . - Large low density grand residential buildings overlooking the Park Lands set in generous landscaped grounds.
Building Form	<p><u>Lefevre Terrace</u></p> <ul style="list-style-type: none"> - Large detached and semi-detached dwellings or residential flat buildings set in generous landscaped grounds. <p><u>Brougham Place</u></p> <ul style="list-style-type: none"> - Development subordinate to the prevailing historic built form character.

Attachment A.5 CoA proposed Historic Area Statements

	<ul style="list-style-type: none"> - New buildings not desired unless non-contributory buildings are replaced. - Large detached and semi-detached dwellings or residential flat buildings that complement existing historic houses set in landscaped grounds. - Row or terrace housing is inappropriate. <p>Barton Terrace East</p> <ul style="list-style-type: none"> - Maintain the scale, heights, setbacks and low-density character of the street. <p>Ward Street</p> <ul style="list-style-type: none"> - Redevelop buildings incompatible with the historic streetscape. - Orientate development to the street, enhance the pedestrian environment and provide a compatible and enhanced streetscape. - Incorporate landscaped open space to break up building mass.
Siting	<ul style="list-style-type: none"> - Development at Lincoln College along the Ward Street frontage to comprise of a number of separate buildings to avoid long sections of unbroken buildings. - Barton Terrace East – New buildings sited to complement the regular pattern and setback of existing Heritage Place detached dwellings.
Height	<p>Height of development at Lincoln College that:</p> <ul style="list-style-type: none"> (a) is in accordance with the Concept Plan Fig LF/1; (b) ensures new buildings or additions up to a maximum of 6 building levels or 18 metres above the median natural or finished ground level at any point or any part of a building are designed to: <ul style="list-style-type: none"> - be located in areas identified as Taller Built Form; - achieve an orderly transition in scale from O'Connell Street to the historic low scale built form. - locate Low Scale Built Form up to 3 building levels along Ward Street and Margaret Street. - enhance the streetscapes with high quality visually interesting building frontages with a high level of fenestration, detailing and clear orientation to the streetscape.
Fencing	<ul style="list-style-type: none"> - Fencing to a street frontage (including secondary street frontage) and returning along the side boundaries to the alignment of the main face of the principal building on the land, that are: <ul style="list-style-type: none"> (a) of traditional style and detailing compatible with the style of the building, or for new buildings, its design should reflect historic fencing styles evident in the streetscape; (b) on the primary street frontage, comprise low fencing or open character fencing combined with solid pillars and plinths or similar fencing styles that allow views of the associated building, by their height and design. - Fences on corner sites - front fence that return on the secondary street frontage at the same height up to the alignment of the main face of the building on the land. The remaining rear section of side fences on a secondary street frontage are no higher than 1.8 metres. - Rear and side property boundary fences (behind the main building face) - no higher than 2 metres. - Side fences or walls (forward the main building face) - of a scale that allows oblique views of buildings and no higher than 1.2 metres.
Views/Vistas/Visually prominent places	<p>Retain the visual prominence of the Lincoln College State Heritage Places by retaining views and vistas of the former houses from Brougham Place and the Park Lands.</p>

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Cathedral Policy Area 8

Heritage Characteristics	Examples
Townscape	<p>A predominantly residential area and its unique character is established by its distinctive topography, diverse range of 19th century architecture and its extensive Park Lands frontages.</p> <p><u>Brougham Place, Palmer Place</u> - Low scale 19th century detached housing character.</p> <p><u>Brougham Court</u> - Closely sited semi-detached and detached local heritage places.</p> <p><u>Kermode Street</u> - West of Bagot Street -late 19th century detached residences on individual allotments and semi-detached buildings of local heritage value.</p> <p><u>Pennington Terrace</u> - State heritage places with considerable siting, set-back, scale and character variation.</p> <p><u>Lakeman Street</u> - Small cottages and single storey dwellings sited on the street frontage.</p> <p><u>King William Road</u> - St Peters Cathedral and the grand, spacious character of the townscape and its environs.</p>
Architectural Buildings	<ul style="list-style-type: none"> - St Peters Anglican Cathedral - 19th Century Mansions - Detached, semi-detached, cottages
Setting and Public Realm	<ul style="list-style-type: none"> - Park Lands. - Balcony or verandah shelter over footpaths on the south-west corner of King William Road and Kermode Street.
Building Form	<p><u>Brougham Place, Palmer Place</u> - Retain the low scale, detached housing character.</p> <p><u>Brougham Court</u> - Complement existing townscape of closely sited semi-detached and detached dwelling with consistent set-backs. - Maintain the strong built form definition at the junction of Brougham Place and Brougham Court.</p>

Attachment A.5 CoA proposed Historic Area Statements

	<p><u>Kermode Street</u></p> <ul style="list-style-type: none"> - West of Bagot Street - single storey detached or semi-detached buildings or residential flat buildings when viewed from the street. - North side (east of Bagot Street) - development replacing non-Heritage Places that respectfully interprets the traditional residential forms and subdivision pattern of individual 1 or 2 storey dwellings. - Development at St Mark's College to retain the visual prominence of St Peter's Anglican Cathedral when viewed from the surrounding locality. - Retain the visual prominence of the State Heritage Places. - Conserve the open landscaped setting and curtilage to Pennington Terrace. - Avoid long sections of unbroken buildings. <p><u>Pennington Terrace</u></p> <ul style="list-style-type: none"> - Little change to the townscape. <p><u>Lakeman Street</u></p> <ul style="list-style-type: none"> - Retain the side boundary walling of larger residences with frontages to Pennington Terrace and Kermode Street as a dominant feature. - Maintain the low-scale character of the townscape. - Setback 2-storey development so they are not readily visible from the street. <p><u>King William Road</u></p> <ul style="list-style-type: none"> - No new buildings developed on this site. - Opportunity to redevelop the shops on the Kermode Street corner to restore the townscapes continuity and architectural cohesion while preserving the important view of the north-east elevation of the Cathedral. - East side - new buildings should acknowledge the scale, siting and character of the Cathedral Hotel and Anglican Church Offices.
Siting	<ul style="list-style-type: none"> - Maintain the cohesive lines of buildings set behind attractive landscaping. - Kermode Street - maintain the existing pattern of development characterised by freestanding buildings within landscaped grounds. - Brougham Court - closely sited dwellings with consistent set-backs. - Pennington Terrace - State heritage places with considerable siting and set-back - Lakeman Street - dwellings sited on the street frontage.
Height	<ul style="list-style-type: none"> - Brougham Court, Brougham Place (west of Brougham Court) and Palmer Place (north of Kermode Street - confine 2-storey development to the rear of properties away from street frontages, subject to overshadowing and privacy constraints. - Height of development at St Mark's College that: <ul style="list-style-type: none"> (a) is in accordance with the Concept Plan Fig C8/1; (b) ensures new buildings up to a maximum of 3 building levels or 9 metres above the median natural or finished ground level at any point or any part of a building are designed to: <ul style="list-style-type: none"> (i) ensures the height, scale and siting of any new building does not detract from the landmark significance of St Peters Cathedral; and (ii) ensure Low Scale Built Form up to 2 building levels is located along Abbott Lane.
Fencing	<ul style="list-style-type: none"> - Fencing to a street frontage (including secondary street frontage) and returning along the side boundaries to the alignment of the main face of the principal building on the land, that are: <ul style="list-style-type: none"> (a) of traditional style and detailing compatible with the style of the building, or for new buildings, its design should reflect historic fencing styles evident in the streetscape; (b) on the primary street frontage, comprise low fencing or open character fencing combined with solid pillars and plinths or similar fencing styles that allow views of the associated building, by their height and design. - Fences on corner sites - front fence that return on the secondary street frontage at the same height up to the alignment of the main face of the building on the land. The remaining rear section of side fences on a secondary street frontage are no higher than 1.8 metres. - Rear and side property boundary fences (behind the main building face) - no higher than 2 metres.

Attachment A.5 CoA proposed Historic Area Statements

	<ul style="list-style-type: none"> - Side fences or walls (forward the main building face) - of a scale that allows oblique views of buildings and no higher than 1.2 metres.
Views/Vistas/Visually prominent places	<p>Retain the visual prominence of the following landmark Heritage Places:</p> <ul style="list-style-type: none"> - St Peter's Anglican Cathedral; - sandstone dwelling at the junction of Kermode Street and Palmer Place; - bluestone terrace house at the junction of Kermode Street and Lakeman Street; - former North Adelaide Church of Christ Chapel; and - Queens Head Hotel.

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Women's and Children's Policy Area 9

Heritage Characteristics	Examples
Townscape	State Heritage Places representative of traditional institutional architecture are the most significant historic townscape elements. The Heritage Places complement the low scale townscape character of the adjacent Cathedral area.
Architectural Buildings	<ul style="list-style-type: none"> - Women's and Children's Hospital. - Memorial Hospital.
Setting and Public Realm	<ul style="list-style-type: none"> - High quality spaces to the street. - High degree of pedestrian amenity. - Shelter provided by street trees and on-site landscaping. - Street tree planting and on-site landscaping to frontage of King William Street, Kermode Street, and Sir Edwin Smith Avenue. - Activated building interface to Kermode Street. - Improve Kermode Street streetscape by providing land uses and building facades that activate the street and contribute to a high-quality public realm.
Building Form	<ul style="list-style-type: none"> - Replacement of buildings not identified as Heritage Places. - Conserve individual historic elements viewed from the public road frontages. - Reinforce the existing scale of development. - North of Kermode Street - development may expand building footprints to allow for facility upgrades. - Buildings fronting Kermode Street to have a high proportion of windows, fine grain appearance. - Provide a visually interesting streetscape with buildings having a high level of fenestration, detailing and orientation towards the street. - Incorporate taller buildings within Development within the central parts of a site. - Complement the architectural quality of the locality, particularly when viewed from key vistas including the Riverbank and Park Lands. - Where practicable incorporate buildings at the street edges that achieve a scale and character compatible with the lower scale and historical residential character of Lower North Adelaide to the north-east. - Improve the frontage of the Memorial Hospital and the outlook over the Park Lands. - Avoid visible blank walls.
Siting	<ul style="list-style-type: none"> - Buildings sited off side and rear boundaries and - Incorporate landscaped open space to break up building mass.

Attachment A.5 CoA proposed Historic Area Statements

	<ul style="list-style-type: none"> - Development complemented by landscaping to soften and relieve any large building mass and provide quality spaces.
Interface	<ul style="list-style-type: none"> - Minimise building mass at the interface from an adjoining boundary by locating Taller elements siting built form within a building envelope consisting of a 45 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of an adjoining residential allotment, except where a variation to the building envelope demonstrates minimal adverse impacts upon adjacent housing in terms of massing and overshadowing through alternative design methods.
Height	<ul style="list-style-type: none"> - North of Kermode Street development not exceeding 14 building levels or locate a ceiling more than 43 metres above the median natural or finished ground level at any point or any part of a building. - King William Road (north of Kermode Street) development not exceeding 2 buildings levels or locate a ceiling more than 6 metres above the median natural or finished ground level at any point or part of a building. - South of Kermode Street development in accordance with Concept Plan Fig WC/1; and <ul style="list-style-type: none"> (a) retain set back and sense of address and open character to the Park Lands; (b) ensure new buildings up to a maximum of 6 building levels or 18 metres above the median natural or finished ground level at any point or any part of a building are designed to: <ul style="list-style-type: none"> (i) be located in areas identified as 'Taller Built Form'; (ii) locate Low Scale Built Form up to 4 building levels in areas identified as 'Low Scale Built Form' except where located on Sir Edwin Smith Avenue and Pennington Terrace where built form will be up to 2 storeys to be compatible with State Heritage Places; (iii) complement and enhance the skyline that incorporates key land marks including St Peter's Anglican Cathedral and Adelaide Oval.
Fencing	<ul style="list-style-type: none"> - Fencing to a street frontage (including secondary street frontage) and returning along the side boundaries to the alignment of the main face of the principal building on the land, that are: <ul style="list-style-type: none"> (a) of traditional style and detailing compatible with the style of the building, or for new buildings, its design should reflect historic fencing styles evident in the streetscape; (b) on the primary street frontage, comprise low fencing or open character fencing combined with solid pillars and plinths or similar fencing styles that allow views of the associated building, by their height and design. - Fences on corner sites - front fence that return on the secondary street frontage at the same height up to the alignment of the main face of the building on the land. The remaining rear section of side fences on a secondary street frontage are no higher than 1.8 metres. - Rear and side property boundary fences (behind the main building face) - no higher than 2 metres. - Side fences or walls (forward the main building face) - of a scale that allows oblique views of buildings and no higher than 1.2 metres.
Views/Vistas/Visually prominent places	<ul style="list-style-type: none"> - Maintain long ranging views, vistas and visual prominence of St Peter's Anglican Cathedral.
Access	<ul style="list-style-type: none"> - Maintain pedestrian safety and ease of access to the adjacent Park Lands. - Remove visual impact of existing car parking, vehicle access and egresses by siting car parking away from the street frontages. - Facilitate the use of all modes of transport including cycling, walking, public transport, car share and vehicular access.

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Stanley West Policy Area 10

Heritage Characteristics	Examples
Townscape	<p>One of the lowest density residential areas in Upper North Adelaide with a distinctive and cohesive character derived from its townscapes. These are established by large 19th and early 20th century dwellings comprising more substantial Victorian, Edwardian and Georgian Revival villas, and other low density detached and semi-detached dwellings in a variety of forms and styles.</p> <p><u>Kingston Terrace</u></p> <ul style="list-style-type: none"> - Large 1 and 2 storey detached residences on individual allotments set close to the street with a Park Lands frontage. - Imposing rear elevations of 2 large mansions fronting Stanley Street towards Lefevre Terrace dominate the townscape. <p><u>Stanley Street (northern side)</u></p> <ul style="list-style-type: none"> - 2 large mansions well setback from the northern frontage on elevated ground above Stanley Street. - Large detached and semi-detached residences. <p><u>Stanley Street (south side) and Brougham Place (where it is a visual continuation of Stanley Street)</u></p> <ul style="list-style-type: none"> - 2 storey residences single storey in appearance along Stanley Street and Brougham Place due to the sloping topography. - West of New Street - close subdivision pattern and consistent set-back of stone Victorian villas typified by rich detailing and cast-iron ornamentation, contribute to a distinctive and cohesive built form. The elegant character is reinforced by stone and cast iron front boundary fencing. <p><u>Brougham Place (western Policy Area boundary)</u></p> <ul style="list-style-type: none"> - Imposing and finely detailed Brougham Place Uniting Church with its dominant central tower. - Closely developed group of low scaled buildings at St Ann's College that step down the Brougham Place frontage reflecting the topography of the locality.
Architectural Buildings	<ul style="list-style-type: none"> - Victorian, Edwardian and Georgian Revival villas. - Other low density detached and semi-detached dwellings.
Building Materials	<ul style="list-style-type: none"> - Masonry. - Stone. - Cast iron ornamentation. - Stone and cast-iron boundary fencing.

Attachment A.5 CoA proposed Historic Area Statements

<p>Setting and Public Realm</p>	<ul style="list-style-type: none"> - Park Lands. - Street trees and landscaping. - Avenue planting. - High standard of paving - Quality private open space.
<p>Building Form</p>	<ul style="list-style-type: none"> - Preserve imposing residential built-form edge to Brougham Gardens and the Park Lands along Brougham Place. - Buildings on Stanley Street, Kingston Terrace and Brougham Place constructed to take advantage of the landfall to provide semi-basement floors. <p><u>Kingston Terrace</u></p> <ul style="list-style-type: none"> - Complement existing residences that are modelled, articulated and have a high proportion of solid to void in the composition of facades and often feature verandahs and balconies. - Development limited to replacing non-Heritage Places and alterations and additions to the rear of Heritage Places or development on vacant land held in an existing Certificate of Title. <p><u>Stanley Street (northern side)</u></p> <ul style="list-style-type: none"> - Development limited to replacing non-Heritage Places and alterations and additions to the rear of Heritage Places or development of detached or semi-detached buildings on vacant land held in an existing Certificate of Title. <p><u>Stanley Street (southern side) and Brougham Place (where it is a visual continuation of Stanley Street)</u></p> <ul style="list-style-type: none"> - Development limited to replacing non-Heritage Places and alterations and additions to the rear of Heritage Places. - Buildings that reinstate the traditional built form comprising detached or semi-detached dwellings presenting as single storey to the street frontage, with front and side boundary building set-backs consistent with adjoining Heritage Places. <p><u>Brougham Place (western Policy Area boundary)</u></p> <ul style="list-style-type: none"> - Development limited to the conservation of the Brougham Place Uniting Church. - Height and scale of new development at St Ann's College that does not detract from the landmark significance of the Brougham Place Uniting Church. - Development at St Ann's College designed to address to the Park Lands, Brougham Place and Melbourne Street. - Development that respects the topography, scale, massing, materials and colours of domestic architectural form and avoids brightly coloured, black or highly reflective surfaces. - Development at St Ann's College that takes advantage of the landfall to provide semi-basement floors and views southwards over the City.
<p>Siting</p>	<p><u>Kingston Terrace</u></p> <ul style="list-style-type: none"> - Consistent building set-backs aligning with the main face of adjacent Heritage Places. - When the site is between 2 Heritage Places the greater of the set-backs is applied. <p><u>Stanley Street (south side) and Brougham Place (where it is a visual continuation of Stanley Street)</u></p> <ul style="list-style-type: none"> - West of New Street - the close subdivision pattern and consistent set-back of stone Victorian villas contribute to the distinctive and cohesive built form. <p><u>Brougham Place (western Policy Area boundary)</u></p> <ul style="list-style-type: none"> - Incorporation of high-quality landscape open space incorporated to break up building mass.
<p>Interface</p>	<ul style="list-style-type: none"> - Height of development at St Ann's College that minimises building mass at the interface from an adjoining residential boundary by siting built form within a building envelope consisting of a 45 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of an adjoining residential allotment, except where a variation to the building envelope demonstrates minimal adverse impacts upon adjacent housing in terms of massing and overshadowing through alternative design methods.

Attachment A.5 CoA proposed Historic Area Statements

<p>Height</p>	<ul style="list-style-type: none"> - Brougham Place (south side) and Stanley Street (west of New Street) - the level of the top-most floor does not exceed that of existing adjacent development. - Jerningham Street – development that does not exceed 1 building level or locate a ceiling more than 3 metres above the median natural or finished ground level at any point or any part of a building; - Old Street (west of New Street) - development that does not exceed 2 building levels built above one level of undercroft parking or locate a ceiling more than 6 metres above the median natural or finished ground level at any point or any part of a building; and - Height of development of St Ann’s College that: <ul style="list-style-type: none"> (a) is in accordance with the Concept Plan Fig SW/1; (b) ensures new buildings up to a maximum of 4 building levels or 12 metres above the median natural or finished ground level at any point or any part of a building are designed to: <ul style="list-style-type: none"> (i) be located in areas identified as ‘Taller Built Form’; (ii) ensure that Low Scale Built Form up to 2 building levels is located near adjacent properties of Stanley Street; (iii) retain the character of the natural landfall; (iv) be set back 3.5 metres from Melbourne Street; (v) provide a compatible setback with adjoining residential allotments and State and Local Heritage Places.
<p>Fencing</p>	<ul style="list-style-type: none"> - Fencing to a street frontage (including secondary street frontage) and returning along the side boundaries to the alignment of the main face of the principal building on the land, that are: <ul style="list-style-type: none"> (a) of traditional style and detailing compatible with the style of the building, or for new buildings, its design should reflect historic fencing styles evident in the streetscape; (b) on the primary street frontage, comprise low fencing or open character fencing combined with solid pillars and plinths or similar fencing styles that allow views of the associated building, by their height and design. - Fences on corner sites - front fence that return on the secondary street frontage at the same height up to the alignment of the main face of the building on the land. The remaining rear section of side fences on a secondary street frontage are no higher than 1.8 metres. - Rear and side property boundary fences (behind the main building face) - no higher than 2 metres. - Side fences or walls (forward the main building face) - of a scale that allows oblique views of buildings and no higher than 1.2 metres.
<p>Views/Vistas/Visually prominent places</p>	<ul style="list-style-type: none"> · Protect views of the City from Stanley Street and Brougham Place properties. · Vistas to the Park Lands, Brougham Place and Stanley Street (eastern end). · Protect views to Brougham Place Uniting Church which is of landmark significance.

Historic Area Statements

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Kentish Arms Policy Area 11

Heritage Characteristics	Examples
Townscape	<p>Townscapes of large 19th and early 20th century substantial Victorian and Edwardian villas, and other low density detached and semi-detached dwellings in a variety of forms and styles, row cottages, detached cottages and small attached cottages.</p> <p><u>Stanley Street (south side), East and West Pallant Streets</u> - Comprises of some Adelaide's earliest single-storey residential buildings.</p> <p><u>Stanley Street (north side)</u> - Single-storey detached, semi-detached and row housing of the Victorian and Edwardian periods.</p> <p><u>Sussex Street</u> - Variety of building types including early German settler cottages, Victorian row dwellings, blocks of flats, row dwellings and commercial premises. - Eastern and western ends of the street contain small scale, closely sited and cohesive development which formerly characterised the street. - North side - early settler cottages. - South side - Victorian row houses.</p> <p><u>Kingston Terrace</u> - Single-storey row housing and detached and semi-detached houses of the late Victorian to Edwardian periods, with more recent detached houses and contemporary 3 storey row houses. - Diversity of architectural styles and housing types, while presenting a cohesive townscape.</p> <p><u>Jerningham Street</u> - Single-storey 19th century detached and semi-detached dwellings.</p> <p><u>Mackinnon Parade</u> - East of Dunn Street - detached and semi-detached houses of similar scale and design of heritage value. - West of Dunn Street - a built form that has eroded the established cohesive streetscape pattern evident elsewhere on the Park Lands frontage.</p> <p><u>Mann Terrace</u> - South of Melbourne Street - a group of identical villas of local heritage value. The articulated and gabled facades, pitched roof profiles and verandahs create a highly cohesive character.</p>

Attachment A.5 CoA proposed Historic Area Statements

	<ul style="list-style-type: none"> - North of Melbourne Street – a cohesive townscape with closely developed detached and semi-detached dwellings mostly of local heritage value and regular building set-back from the street <p><u>Hart Street</u></p> <ul style="list-style-type: none"> - Detached stone cottages of consistent scale, built form character and siting. - The intensity of development, masonry construction, fenestration, pitched roofs and verandahs establish a cohesive built form. <p><u>Bower Street/Provost Street</u></p> <ul style="list-style-type: none"> - Small detached cottages and row dwellings set on or close to the street.
Architectural Buildings	<ul style="list-style-type: none"> - Early German settler cottages. - Victorian row dwellings. - Blocks of flats. - Row dwellings. - Victorian and Edwardian villas. - Detached and semi-detached dwellings. - Row cottages and detached cottages.
Building Materials	<ul style="list-style-type: none"> - Masonry
Setting and Public Realm	<ul style="list-style-type: none"> - Street trees and landscaping. - High standard of paving.
Building Form	<p><u>Stanley Street (south side), East and West Pallant Streets</u></p> <ul style="list-style-type: none"> - 2-storey development setback behind single storey frontages and not readily visible from the street may be appropriate and the lowering of eaves may be necessary along these frontages to be consistent with adjoining buildings of heritage value. <p><u>Stanley Street (north side)</u></p> <ul style="list-style-type: none"> - Reflect the close siting of houses, verandahs along the street frontages and hipped roofs or parapets to front facades. - Redevelopment of the North Adelaide School of Art that creates a built form consistent with the scale, siting and design of the northern side of Stanley Street established by closely sited detached and semi-detached dwellings is sympathetic with the character . - Retain or reinforce the single storey historic character of the street. <p><u>Sussex Street</u></p> <ul style="list-style-type: none"> - Infill development consisting of single storey detached dwellings on smaller frontages that re-establishes the scale, character and rhythm of residential buildings. - 2 storey development that is designed in a traditional form using traditional materials and not visible from the street. <p><u>Kingston Terrace</u></p> <ul style="list-style-type: none"> - Between Fuller Street and Francis Street (west) – single storey residential buildings. - Elsewhere - 1 and 2 storey detached, semi-detached or residential flat buildings subject to their compatibility with adjoining development. <p><u>Jerningham Street</u></p> <ul style="list-style-type: none"> - Development limited to alterations and additions to the rear of Heritage Places <p><u>MacKinnon Parade</u></p> <ul style="list-style-type: none"> - Development limited to replacing non-Heritage Places and alterations and additions to the rear of Heritage Places. - Reinforce the scale and siting established by the single storey Heritage Places. - East of Dunn Street - townscape to remain largely unchanged. - West of Dunn Street - detached or semi-detached dwellings. <p><u>Mann Terrace</u></p> <ul style="list-style-type: none"> - Development limited to replacing non-Heritage Places and alterations and additions to the rear of Heritage Places. <p><u>Hart Street</u></p> <ul style="list-style-type: none"> - Opportunity for single storey dwellings located to the rear of sites.

Attachment A.5 CoA proposed Historic Area Statements

	<p>Bower Street/Provost Street</p> <ul style="list-style-type: none"> - Reinforce the character of the detached dwellings of local heritage value. <p>Arthur Street</p> <ul style="list-style-type: none"> - Contain 2 storey development within the roof space or locate the second level to the rear of site away from the primary street frontage to retain the low scale character townscape. <p>Row dwellings</p> <ul style="list-style-type: none"> - Maximum of 6 dwellings in any one group. - Garaging not incorporated into the principal street frontage.
Siting	<ul style="list-style-type: none"> - Conserve or reinstate a strong residential built-form edge to the Park Lands and Mann Terrace through the regular siting and pattern of buildings addressing the principal road frontage. - Stanley Street (south side), East and West Pallant Streets - allotments containing closely sited single-storey buildings.
Height	<ul style="list-style-type: none"> - Buildings may be allowed up to the maximum height or number of levels where such buildings are compatible with adjacent buildings and their settings in respect of their scale and siting, and where there is no adverse impact on established residential amenity. - Jerningham Street, Stanley Street, MacKinnon Parade, Sussex Street, Hart Street, Arthur Street and East and West Pallant Streets - 2 storey development, including additions to existing buildings, located at the rear of the site away from the street frontage and not visible from the street. - Kingston Terrace - single storey residential buildings between Fuller Street and Francis Street (west).
Fencing	<ul style="list-style-type: none"> - Fencing to a street frontage (including secondary street frontage) and returning along the side boundaries to the alignment of the main face of the principal building on the land, that are: <ol style="list-style-type: none"> of traditional style and detailing compatible with the style of the building, or for new buildings, its design should reflect historic fencing styles evident in the streetscape; on the primary street frontage, comprise low fencing or open character fencing combined with solid pillars and plinths or similar fencing styles that allow views of the associated building, by their height and design. - Fences on corner sites - front fence that return on the secondary street frontage at the same height up to the alignment of the main face of the building on the land. The remaining rear section of side fences on a secondary street frontage are no higher than 1.8 metres. - Rear and side property boundary fences (behind the main building face) - no higher than 2 metres. - Side fences or walls (forward the main building face) - of a scale that allows oblique views of buildings and no higher than 1.2 metres.
Access	<ul style="list-style-type: none"> - Vehicle access to row dwellings provided from laneways or minor streets. - Car parking located behind buildings on the frontages to Kingston Terrace, Mann Terrace, MacKinnon Parade, Melbourne Street and Sussex Street and behind or beside buildings on the Stanley Street and Jerningham Street frontages.

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Finniss Policy Area 12

Heritage Characteristics	Examples
Townscape	<p><u>Finniss Street (north side)</u></p> <ul style="list-style-type: none"> - Victorian and Edwardian villas and the terraces and cottages to the east. <p><u>Finniss Street (south side)</u></p> <ul style="list-style-type: none"> - Detached and semi-detached dwellings.
Architectural Buildings	<ul style="list-style-type: none"> - Victorian and Edwardian villas, terraces and cottages. - Detached and semi-detached dwellings.
Building Materials	<ul style="list-style-type: none"> - High standard of materials.
Setting and Public Realm	<ul style="list-style-type: none"> - Landscaped private open space. - Adjacent Park Lands. - Avenue planting in Finniss Street and MacKinnon Parade.
Building Form	<ul style="list-style-type: none"> - Respect the low scale, environmental quality, character and historic value of the area, incorporating high standards of design, materials and landscaping. - Development comprising detached, semi-detached or group dwellings, residential flat buildings, or alterations and additions to existing buildings. - Row dwellings are not be developed. <p><u>Finniss Street (north side)</u></p> <ul style="list-style-type: none"> - Single storey, detached and semi-detached dwellings. - Conserve and complement the consistent siting and scale of the Victorian and Edwardian villas and the terraces and cottages to the east. - Incorporation of verandahs, gable roofs, bay window frontages, open style fences or simple facades of the early vernacular. - Facades constructed with a high solid to void ratio. <p><u>Finniss Street (south side)</u></p> <ul style="list-style-type: none"> - Detached and semi-detached dwellings presenting as single storey buildings to the street. - Complement the scale and siting of the Victorian and Edwardian villas on the northern side of Finniss Street. - Kathleen Lumley College - avoid long sections of unbroken buildings and unarticulated facades and incorporate landscaped open space to break up building mass. - Retain the visual prominence of the State Heritage Place of Kathleen Lumley College.

Attachment A.5 CoA proposed Historic Area Statements

	<ul style="list-style-type: none"> - Maintain the prominence of the British Hotel through careful design and set-back of adjacent development. <p>MacKinnon Parade</p> <ul style="list-style-type: none"> - Contemporary residential buildings reflecting the shape and form of traditional buildings styles including roof pitch, verandahs, eaves, materials, setbacks and fencing. - Facades constructed with a high solid to void ratio. - Detached and semi-detached dwellings of 1 or 2 storeys, excluding existing large amalgamated sites of no heritage value, where residential flat buildings may be appropriate provided development reinforces the traditional siting pattern of individual detached dwellings. - Development should not take reference from buildings of 2 or more storeys that conflict with the historic character of the area. - Kathleen Lumley College - incorporate sympathetically designed alterations of up to 4 building levels to the existing State Heritage place. - Retain visual prominence of the State Heritage Place of Kathleen Lumley College. <p>Brougham Place:</p> <ul style="list-style-type: none"> - Additional dwellings on the frontage is not desired.
<p>Siting</p>	<ul style="list-style-type: none"> - Reinstate the strong built-form edge to the Park Lands through the regular siting and pattern of single storey buildings addressing the street. - Finnis Street - siting and scale consistent with the Victorian and Edwardian villas and the terraces and cottages to the east.
<p>Height</p>	<ul style="list-style-type: none"> - Height of new buildings at Kathleen Lumley College up to a maximum of 4 building levels or 12 metres above the median natural or finished ground level are designed to: <ul style="list-style-type: none"> (a) be located in areas identified for Taller Built Form and set back from the Finnis Street frontage; (b) ensure that Low Scale Built Form between 1 to 2 storeys is located along Finnis Street; and (c) minimise building mass at the interface with adjoining boundaries by locating Taller elements in the centre of the site and within a building envelope consisting of a 45 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of an adjoining residential allotment, except where a variation to the building envelope demonstrates minimal adverse impacts upon adjacent housing in terms of massing and overshadowing through alternative design methods.
<p>Fencing</p>	<ul style="list-style-type: none"> - Fencing to a street frontage (including secondary street frontage) and returning along the side boundaries to the alignment of the main face of the principal building on the land, that are: <ul style="list-style-type: none"> (a) of traditional style and detailing compatible with the style of the building, or for new buildings, its design should reflect historic fencing styles evident in the streetscape; (b) on the primary street frontage, comprise low fencing or open character fencing combined with solid pillars and plinths or similar fencing styles that allow views of the associated building, by their height and design. - Fences on corner sites - front fence that return on the secondary street frontage at the same height up to the alignment of the main face of the building on the land. The remaining rear section of side fences on a secondary street frontage are no higher than 1.8 metres. - Rear and side property boundary fences (behind the main building face) - no higher than 2 metres. - Side fences or walls (forward the main building face) - of a scale that allows oblique views of buildings and no higher than 1.2 metres.
<p>Views/Vistas/Visually prominent places</p>	<ul style="list-style-type: none"> - Retain the visual prominence of the State Heritage Place of Kathleen Lumley College and the British Hotel.

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Archer West Policy Area 15

Heritage Characteristics	Examples
Townscape	<p><u>Archer Street</u> - Contemporary building forms and townscape character of O'Connell Street that transitions to the low scale historic built form surrounding Wellington Square.</p> <p><u>Jeffcott Street</u> - Lutheran Seminary buildings, detached 1 and 2 storey Heritage Places of consistent architectural style, form and siting. - Historic character derived from the prominent historic buildings of Hebart Hall and nearby Bishops Court.</p> <p><u>Ward Street</u> - Lutheran Seminary buildings, single storey detached and semi-detached dwellings and recent 2 and 3 storey buildings.</p> <p><u>Walter Street</u> - Intimate scale and siting of the historic and established built form.</p>
Building Materials	- Stone, brick, render, galvanized steel and terracotta.
Setting and Public Realm	- Lutheran Seminary – new buildings fronting internal streets and spaces to create intimacy and enclosure of spaces.
Building Form	<p>- Low scale development to street frontages to create cohesive townscapes that respect the 19th and early 20th century building forms in a responsive, sensitive and contemporary manner. - Low scale development around Hebart Hall set back to provide visual relief and maintain the setting of the Heritage Place.</p> <p><u>Archer Street</u> - Achieve a gradual transition from the contemporary building forms and townscape character of O'Connell Street to the low scale historic built form surrounding Wellington Square.</p> <p><u>Jeffcott Street</u> - Maintain the historic character derived from the prominent historic buildings of Hebart Hall and nearby Bishops Court. - Development limited to alterations to existing buildings that respect and interpret the buildings in a sensitive, contemporary manner.</p> <p><u>Ward Street</u></p>

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	<ul style="list-style-type: none"> - West - maintain the historic character derived from the prominent historic buildings of Hebart Hall and nearby Bishops Court. - East - opportunities to redevelop under-utilised land with contextually designed new buildings and additions. <p><u>Walter Street</u></p> <ul style="list-style-type: none"> - Development that responds to the more intimate scale and siting of the historic and established built form. - East-West section - development responsive to Heritage Places and provides a transition to the medium scale development of O'Connell Street.
Siting	<ul style="list-style-type: none"> - Size, proportions and orientation of development to reinforce the historic grid pattern and smaller building footprints. - Continue the prevailing setbacks of buildings fronting Wellington Square.
Interface	<ul style="list-style-type: none"> - Provide a suitable built interface to sensitive development including existing low scale residential development and Local and State Heritage Places.
Height	<ul style="list-style-type: none"> - Ward Street, Jeffcott Street and Archer Street - development should complement the established low scale streetscape and not exceed 2 building levels or the height of an existing building fronting the street, whichever is greater. - Walter Street (North-South section) development should be more intimate in scale and character and may incorporate 2-storey elements away from the street frontage behind a single storey façade. - New buildings fronting the Square should be low scale and not exceed the existing height of buildings fronting the Square. - Development up to a maximum of 6 building levels or 18 metres above the median natural or finished ground level at any point or any part of a building may be appropriate where buildings are designed to: <ul style="list-style-type: none"> (a) locate taller built form is located on large and consolidated sites; (b) be compatible to the zone context and heritage values and contribute positively to the public realm; (c) incorporate appropriately sited and orientated forms to reflect the predominant historic grid pattern and reinforce the linear streetscape form; (d) be sited away from existing street frontages to retain the low scale historic streetscape character and preserve the visual prominence of State and Local Heritage Places; (e) comprise a series of smaller building footprints that are adequately separated by high quality landscaped open space to provide views through the built form to the sky beyond and non-contiguous shadows in adjoining areas and which optimise privacy, light and air; (f) incorporate well-proportioned architectural treatments and rhythm in the built form through modulation and articulation to create small components and elements in the appearance of buildings to reinforce the human scale and historic character of the streetscape; (g) provide a high ratio of solid to void; (h) be sited off side and rear boundaries and avoid blank walls; and (i) occur in a coordinated manner.
Fencing	<ul style="list-style-type: none"> - Fencing to a street frontage (including secondary street frontage) and returning along the side boundaries to the alignment of the main face of the principal building on the land, that are: <ul style="list-style-type: none"> (a) of traditional style and detailing compatible with the style of the building, or for new buildings, its design should reflect historic fencing styles evident in the streetscape; (b) on the primary street frontage, comprise low fencing or open character fencing combined with solid pillars and plinths or similar fencing styles that allow views of the associated building, by their height and design. - Fences on corner sites - front fence that return on the secondary street frontage at the same height up to the alignment of the main face of the building on the land. The remaining rear section of side fences on a secondary street frontage are no higher than 1.8 metres. - Rear and side property boundary fences (behind the main building face) - no higher than 2 metres.

Attachment A.5 CoA proposed Historic Area Statements

	<ul style="list-style-type: none"> - Side fences or walls (forward the main building face) - of a scale that allows oblique views of buildings and no higher than 1.2 metres.
<p>Views/Vistas/Visually prominent places</p>	<ul style="list-style-type: none"> - Maintain views to Heritage Places. - Preserve the visual prominence and landscaped setting of landmark Hebart Hall including the centre clock tower spire and cast iron and stone walling along the Jeffcott and Ward Street frontages.
<p>Access</p>	<ul style="list-style-type: none"> - Except for low scale buildings car parking should be located in the basement to provide for the maximum utilisation of land and limit the visual impact on the amenity and Historic character of the area. - Redevelopment of larger consolidated parcels, new car parking should be at basement level to optimise the use of land and to limit the visual impact on the amenity of the area. Additional surface car parking and above ground car parking should be avoided except in the case of low scale residential development. - Access points that: <ul style="list-style-type: none"> (a) are narrow and consolidated to minimise the impacts to pedestrian environments and maintain the residential scale and pattern of development; (b) are from Ward Street for parking, servicing or deliveries for development with high traffic volumes to minimise traffic and vehicle queuing on Archer Street; and (c) remove the visual impact of existing car parking, access and egresses to the area by siting any new car parking away from street frontages.

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Adelaide Historic (Conservation) Area

Heritage Characteristics	Examples
Townscape	<p>Cohesive groups of nineteenth century buildings of historic significance.</p> <p><u>Ada Street</u></p> <ul style="list-style-type: none"> - Variety of dwellings, including row cottages, small semi-detached cottages and detached bay window cottages. <p><u>Carrington Street (east of Marion Street)</u></p> <ul style="list-style-type: none"> - A cohesive townscape comprising of single-storey detached, semi-detached and row cottages, terrace houses and contemporary attached dwellings. <p><u>Carrington Street (west of Marion Street)</u></p> <ul style="list-style-type: none"> - Closely sited single-storey cottages, row cottages, and terrace houses. <p><u>Castle Street</u></p> <ul style="list-style-type: none"> - Small semi-detached and detached cottages and a single terrace. <p><u>Corryton Street (north of Halifax Street)</u></p> <ul style="list-style-type: none"> - Single-storey semi-detached and detached cottages sited close to the street frontage. <p><u>Corryton Street (south of Halifax Street)</u></p> <ul style="list-style-type: none"> - Long single-storey row of cottages. <p><u>Gilles Street</u></p> <ul style="list-style-type: none"> - Single storey attached and detached cottages in a close pattern of development and exhibit a variety of architectural forms. - East of St John Street - an open subdivision pattern of large detached residences set in landscaped grounds that create a transition from the intimate cottage character of Gilles Street to the grand mansion character of East Terrace. <p><u>Gladstone Street</u></p> <ul style="list-style-type: none"> - Single-storey row and semi-detached cottages sited close to the street frontage. <p><u>Halifax Street (east of Hutt Street)</u></p> <ul style="list-style-type: none"> - Single-storey detached and semi-detached cottages of a consistent built form character and the occasional terrace house. - St John's Church is a prominent landmark. <p><u>Halifax Street (west of Hutt Street)</u></p> <ul style="list-style-type: none"> - Single-storey attached and detached cottages, a large bay window residence and a two-storey Victorian former corner shop.

Attachment A.5 CoA proposed Historic Area Statements

	<p><u>Kate Court</u></p> <ul style="list-style-type: none"> - Single-storey semi-detached cottages, detached gable-fronted cottages and terrace house sited close to the street frontage. <p><u>Marion Street</u></p> <ul style="list-style-type: none"> - Close grouping of 19th century small semi-detached and detached cottages and row cottages. <p><u>McLaren Street and Regent Street South</u></p> <ul style="list-style-type: none"> - Closely sited, single-storey scale cottages and row houses. <p><u>Royal Avenue</u></p> <ul style="list-style-type: none"> - Single single-storey cottages and villas in a close pattern of development. <p><u>St. John Street</u></p> <ul style="list-style-type: none"> - The north east townscape is dominated by the substantial scale and richly detailed character of St John's Church, Meeting Hall and Rectory. - Western frontage - group of consistently sited, gable-fronted villas. - Eastern frontage - small group of narrow fronted cottages. <p><u>Tomsey Street</u></p> <ul style="list-style-type: none"> - Single-storey semi-detached and detached cottages.
<p>Architectural Buildings</p>	<ul style="list-style-type: none"> - Single-storey detached, semi-detached and row cottages. - Terrace houses. - Contemporary attached dwellings. - Large detached residences. - Victorian former corner shop - St John's Church, Meeting Hall and Rectory - Villas. - Late 1870's and 1880's grand residences. - 1850's, 1870's and 1880's small cottages.
<p>Building Materials</p>	<ul style="list-style-type: none"> - Stone, brick and/or brick render. - Coated surfaces visible from the street finished in natural render, limewash, cement or mineral paints, not plastic coatings or acrylic renders. - Brightly coloured or highly reflective surfaces are not appropriate. <p><u>Front fences</u></p> <ul style="list-style-type: none"> - Traditional materials such as stone and cast iron, brick, stone or rendered pillars and plinths, timber or well detailed masonry, but not metal sheeting. - Solid masonry fences not appropriate except where consistent with fencing of identified heritage value on the site. <p><u>Rear and side property boundary fences (behind main face of the building)</u></p> <ul style="list-style-type: none"> - Traditional materials such as corrugated metal sheeting. <p><u>Side fences on secondary street frontage</u></p> <ul style="list-style-type: none"> - Traditional materials such as brick, rendered masonry and timber.
<p>Setting and Public Realm</p>	<ul style="list-style-type: none"> - Attractive streetscapes. - High quality public environment, with appropriate planting. - Landscaped open space arranged and planted for the retention of existing significant vegetation and enhancement of the established landscape character of the locality. - Private and public open spaces incorporating attractive landscaping to street frontages where appropriate and available within building set-backs.
<p>Building Form</p>	<ul style="list-style-type: none"> - Redevelop and replace discordant buildings and enhance the historic character through careful attention to the subdivision pattern, siting, form and composition of new and replacement dwellings and building alterations and additions. - Retain and conserve heritage places. - Reflect the historic built form and its visual character through residential development of complementary design, form and density. - Increase the amount of residential accommodation by: <ul style="list-style-type: none"> (a) adapting or redeveloping non-residential buildings for residential purposes; (b) developing vacant and under-utilised sites; and

Attachment A.5 CoA proposed Historic Area Statements

<p>(c) redevelop sites containing buildings that are incompatible with the historic character of the Zone.</p> <ul style="list-style-type: none">- Overhanging verandahs or balconies extending over the public road verge should only occur where development is sited on property boundaries to the major street frontages, and particularly on street corners.- Complement the characteristic features and any distinctive, architectural elements and forms and avoid discordant, foreign and uncharacteristic building styles.- Corner sites (excluding heritage places) that provide facades to each street frontage and are sited on or close to the corner frontages where the development complements the siting of heritage places.- Pitched roofs that reinforce the prevailing character of historic roof forms. Mono-pitch or flat roof forms falling to the street frontage or asymmetrically to a side boundary are not appropriate. <p><u>Ada Street</u></p> <ul style="list-style-type: none">- Largely single-storey scale and close development pattern of residences.- Consistent pitched roof profiles, verandahs, fenestration and materials establish a cohesive built form character. <p><u>Carrington Street</u> (east of Marion Street)</p> <ul style="list-style-type: none">- Dwellings with vertically proportioned openings, pitched roofs and verandahs comprise the streets character. <p><u>Carrington Street</u> (west of Marion Street)</p> <ul style="list-style-type: none">- Maintain and reinforce window proportions, pitched roof profiles, verandahs and materials. <p><u>Castle Street</u></p> <ul style="list-style-type: none">- Dwellings closely sited to the street with narrow frontages, verandahs along the street and pitched roofs and reflected in any infill development. <p><u>Corryton Street</u> (north of Halifax Street)</p> <ul style="list-style-type: none">- Cohesive built form character established by the rhythm of narrow dwelling facades, fenestration, pitched roof profiles and verandahs. <p><u>Corryton Street</u> (south of Halifax Street)</p> <ul style="list-style-type: none">- Horizontal emphasis created by the common roof, verandah profiles and continuous picket fencing. <p><u>Gilles Street</u></p> <ul style="list-style-type: none">- Variety of architectural forms.- Cohesive character established by consistent fenestration, pitched roof profiles and verandah styles.- East of St John Street - open subdivision pattern of large detached residences set in landscaped grounds creating a transition from the intimate cottage character of Gilles Street to the grand mansion character of East Terrace. <p><u>Gladstone Street</u></p> <ul style="list-style-type: none">- Intimacy and sense of enclosure derived from the low scale character and horizontal form of dwellings sited close to the street frontage. <p><u>Halifax Street</u> (east of Hutt Street)</p> <ul style="list-style-type: none">- Dwellings sited close to the street frontage with minimal side boundary set-backs.- Consistent window proportions, high proportion of solid to void, pitched roof profiles and verandahs.- Development to present as single storey to the street. <p><u>Halifax Street</u> (west of Hutt Street)</p> <ul style="list-style-type: none">- Interpret and reinforce the patterns and forms established by the elements of traditional character. <p><u>Kate Court</u></p> <ul style="list-style-type: none">- Sited close to the street frontage, with consistent window proportions, roof forms and verandah styles. <p><u>Marion Street</u></p> <ul style="list-style-type: none">- Close grouping of dwellings.
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Attachment A.5 CoA proposed Historic Area Statements

	<ul style="list-style-type: none"> - Low horizontal emphasis established by the front parapet line of the row cottages and by the consistent roof and verandah forms of other dwellings. <p><u>McLaren Street and Regent Street South</u></p> <ul style="list-style-type: none"> - Reinforce the prevailing subdivision pattern, vertically proportioned openings and the consistent form of pitched roofs and verandahs. <p><u>Royal Avenue</u></p> <ul style="list-style-type: none"> - Maintain close pattern of development.
Siting	<ul style="list-style-type: none"> - Development consistent with the established building set-backs from front, side and rear allotment boundaries prevail. - Where no consistent building set-back, buildings are not to project forward of heritage places adjacent to the site. - Building to side boundaries (except party walls in semi-detached, row dwellings or residential flat buildings) or to a rear boundary is not appropriate, unless demonstrated that it will not detrimentally effect residential amenity or adjacent heritage place(s). - Division of land to conform with the established historic allotment pattern in particular the allotment frontages of dwellings in the relevant street and achieve regularly proportioned allotments capable of containing dwelling types consistent with the desired character. - The division of land in the form of a hammerhead allotment or similar allotment is not appropriate.
Height	<ul style="list-style-type: none"> - Height of new buildings, including the floor to ceiling clearances that take reference from the prevailing building heights within the locality, particularly adjacent Heritage Places. - Where single storey development prevails, low profile two storey additions to the rear of an existing building may be appropriate provided it does not impact on the historic character of the streetscape or have overshadowing, bulk and privacy impacts on neighbouring land.
Fencing	<ul style="list-style-type: none"> - Fencing to a street frontage (including secondary street frontage) and returning along the side boundaries to the alignment of the main face of the principal building on the land, that are: <ul style="list-style-type: none"> (a) of traditional style and detailing compatible with the style of the building, or for new buildings, its design should reflect historic fencing styles evident in the streetscape; (b) on the primary street frontage, comprise low fencing or open character fencing combined with solid pillars and plinths or similar fencing styles that allow views of the associated building, by their height and design. - Fences on corner sites - front fence that return on the secondary street frontage at the same height up to the alignment of the main face of the building on the land. The remaining rear section of side fences on a secondary street frontage are no higher than 1.8 metres. - Rear and side property boundary fences (behind the main building face) - no higher than 2 metres. - Side fences or walls (forward the main building face) - of a scale that allows oblique views of buildings and no higher than 1.2 metres.
Views/Vistas/Visually prominent places	<ul style="list-style-type: none"> - St John's Church, Meeting Hall and Rectory.
Access	<ul style="list-style-type: none"> - Vehicle access via minor streets, side or rear lanes and existing crossovers. - Avoid new crossovers on streets and on-site car parking is not required where vehicle access does not prevail on the primary street frontage. - New vehicle crossovers that: <ul style="list-style-type: none"> (a) are kept to a minimum width necessary for safe and convenient access and to preserve and enhance street character; (b) designed to narrow the crossover width towards the road pavement and located to avoid the need to remove historic kerbing and significant trees; and (c) separated from each other to minimise visual impact on the street character - Undercroft parking or parking or access arrangements not in keeping with the Zone's historic character are not appropriate.

Attachment A.5 CoA proposed Historic Area Statements

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| | <ul style="list-style-type: none">- Development that provides on-site car parking and open car parks and buildings for parking vehicles that are:<ul style="list-style-type: none">(a) located at the rear of sites wherever possible;(b) designed and sited to ensure garage doors do not visually dominate the primary street frontage; and(c) located behind the main face of the associated building. |
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Attachment A.6

Commentary on Draft Practice Directions / Guidelines

Attachment A.6A – Feedback on: Draft Practice Guideline – Interpretation of Local Heritage Place Overlay, Historic Area Overlay and Character Area Overlay 2019.

Attachment A.6B –Feedback on: Draft Practice Direction – Site Contamination Assessment.



State Planning Commission Practice Guideline – (Interpretation of the Local Heritage Places Overlay, Historic Area Overlay and Character Area Overlay) 2019

Overview:

The Practice Guideline has been prepared to provide guidance with respect to the interpretation, use or application of the provisions of the Planning and Design Code. Specific policy guidance is provided for the demolition provisions in the Local Heritage Places Overlay and the Historic Area Overlay.

Note: The Guideline does not address the State Heritage Place Overlay or the State Heritage Area Overlay.

Note: Council does not have Character Areas or contributory items.

Council has the following concerns:

For LHPs, if the **extent of heritage listing** is not set in the Code or the original survey information, the applicant should provide expert advice to identify the extent of listing. This will add to the cost of lodging a development application and may require Council to engage experts to verify the claims made.

Demolition policy for LHPs. As stated in the Summary Sheet for LHP Overlay, Council believes that in order to ensure that owner neglect does not become a valid argument for demolition, the PO should be changed to reflect the demolition provisions for SHPs.

A **LHP Impact Statement** must be submitted for any proposed part or total demolition for a LHP. While expert reports are required for similar applications now, they are not mandated. This requirement will add additional cost to lodging a development application for both the applicant and Council, who will need to verify the claims made.

Design in Historic Areas. As stated in the Summary Sheet for Historic Areas, Council believes that additional statements should be included in the Historic Area Statements that make it clear that design of new development should be driven by responding to the context with a design that references the old, but does not mimic it.

Regarding **demolition in Historic Areas**, as stated in the Summary Sheet for Historic Areas, Council has the following concerns:

- Demolition will also be supported if the façade of the building has been substantially altered and cannot be reasonably, economically restored in a manner consistent with the building's original style. The term 'reasonably, economically restored' needs to be defined.
- A criterion for demolition is that the façade of the building does not contribute to the Historic Area Statement. What will occur if a building has a tall fence to the street or vegetation blocking the view? Will that enable demolition to occur?
- Another criterion for demolition is based on an assessment of the 'structural integrity or condition of the building being beyond economic repair'. The Practice Guideline instructs that the economic cost of repair should be balanced against replacement costs, but no further guidance is provided.

An application for the demolition of any building within the HA Overlay will require a **Heritage Area Impact Assessment** to be submitted. This is a justification for demolition and must be accompanied by appropriately qualified experts ranging from heritage professionals to structural engineers and quantity surveyors. The provision of these reports will be expensive for the applicant and for Council to seek independent expert advice or review of the report.

Definitions.

- Conservation works – The definition includes ‘explaining and campaigning’. The term ‘conservation’ should have the same meaning as that contained in the Burra Charter.
- ‘Heritage Significance’ has been applied to SHPs and ‘Heritage Value’ to LHPs. If so, use the definitions consistently in SPC documents.
- Heritage Impact Statement – Attachment 1 seems to contradict the Practice Direction – Part 3, second point 2. There it is stated that an HIS is required for minor applications and it is implied (by comparison to the following paragraph) that an expert opinion is not required. Is the average applicant equipped to comment on the impact of works on the heritage significance (sic) of the place?
- ‘Like for like’ maintenance provides no guidance when the repairs to be replaced are undesirable ie later cement mortar repairs on and originally lime mortared building.
- Substantially altered – The second paragraph appears to be a mistake.
- Additional definitions are required including;
 - The term ‘reasonably, economically restored’.
 - Explain the accepted circumstance when ‘the façade of the building does not contribute to the Historic Area Statement’.
 - Guidance should be provided when the economic cost of repair should be outweighed by the replacement cost.

State Planning Commission Draft Practice Direction – Site Contamination

Questions / Comments / Recommendations:

Part of Draft Practice Direction	Specific reference	Question / Comment / Recommendation
Part 2 (6)(1)	Uses the word 'adjacent'	Q. Assume this will take definition of PDI Act and mean we will need to check within a 60m radius from the subject site?
Part 2 (6)(2)		Q. Do we use the preliminary site investigation to inform us of any potential site contamination matters?
Part 2 (7)(4)	'detailed site investigation'	Q. Who does this? The applicant?

Attachment A.7

Legal advice obtained by City of Adelaide relating to public realm matters

Attachment A.7 contains two letters of legal advice obtained by the City of Adelaide relating to public realm matters.

The first, received 20 March 2019 outlines the legal interpretation of the amendments that the *Planning, Development and Infrastructure Act* makes to sections 221 and 222 of the *Local Government Act*. It also outlines scenarios of the impacts and procedural problems with the amendments which are of significant concern to the City of Adelaide.

The second letter, received 9 December 2019 outlines the legal interpretation of the State Planning Commission's Practice Direction 6 – Scheme to Avoid Conflicting Regimens 2019 and explains that this Practice Direction does not deal with the matters that are required to alleviate concerns with the amendments that the *Planning, Development and Infrastructure Act* makes to sections 221 and 222 of the *Local Government Act*.

The City of Adelaide have been meeting with DPTI staff about this matter, and seek to continue to progress this matter which must be addressed prior to implementation of the Planning and Design Code.



By Email: M.Frew@cityofadelaide.com.au
Ref: PSP\M00293653F05709451.DOCX

20 March 2019

The Corporation of the City of Adelaide
GPO Box 2252
ADELAIDE SA 5001

Attention: Ms Maddie Frew

Dear Maddie

Alteration and business use of public roads – Amendments to sections 221 and 222 of the Local Government Act, 1999 by the Planning, Infrastructure Development Act, 2017

You have sought our advice about amendments to sections 221 and 222 of the *Local Government Act, 1999 (LG Act)* by the *Planning, Infrastructure and Development Act, 2017 (PDI Act)*.

Executive Summary

1. Currently (with limited exceptions) an alteration of a public road, or use of a public road for business purposes, in association with an approved development requires a separate permission from the council. So, for example:
 - 1.1 a person proposing to change the use of land to a cafe with outdoor dining on the adjoining footpath requires development approval under the *Development Act, 1993 (D Act)* and a permit under the LG Act; and
 - 1.2 a developer proposing to construct balconies associated with residential apartments that cantilever above a council road reserve, or grounds anchors that penetrate below the surface of a road reserve, would require development approval under the D Act and a permit under the LG Act.
2. Permits granted under ss 221 and 222 of the LG Act typically include conditions imposing obligations to hold insurance, to maintain public access, to maintain the condition and appearance of buildings or structures, to remove buildings or structures at the end of the term, and to comply with reasonable directions given by the Council. The Council also has certain statutory immunities from liability. Further, breach of such conditions can result in cancellation of a permit, which acts as a strong incentive for compliance.
3. The current arrangements as described above will change on the commencement of Part 7 in Schedule 6 to the PDI Act.
4. Significantly, the Council's role in the assessment of, and its ability to regulate, such matters will be diminished. In particular:

- 4.1 where alteration of a public road, or use of a public road for business purposes, is approved as part of a development authorisation under the PDI Act, a separate permission under the LG Act will not be required; and
- 4.2 the Council's role under the LG Act will be limited to one of "concurrence" (in the case of a development authorisation issued by an accredited professional), or one of "consultation" (in the case of a development authorisation issued by anyone else other than a Council assessment panel).
5. The more limited role of councils under the LG Act means many important matters currently dealt with under the LG Act permit system will need to be "brought forward" and dealt with during the development assessment process. This is particularly so given the variety of persons and bodies who will be empowered to assess and approve development under the PDI Act.
6. To date, we have not seen any draft instruments under the PDI Act that will do this. While we do not yet have a clear line of sight as to what (if anything) the Department of Planning Transport and Infrastructure (DPTI) or the State Planning Commission (**Commission**) may have in mind in this regard, the concern is that it may be overlooked or given insufficient attention.
7. Ideally, under the PDI Act, the Commission should produce Design Standards and Practice Directions which impose obligations on assessing authorities to have regard to certain matters when assessing proposed alterations to, or business use of, public roads and, if approval is granted, to impose certain conditions that properly regulate those activities on an ongoing basis for as long as is necessary.
8. The PDI Act will also change the way that building encroachments on or over public land are dealt with. No longer will the Council's consent as the owner of the land be required. Conversely, the Council won't be able to refuse to grant landlord consent.
9. It will, however, be able to impose a "*reasonable charge on account of the encroachment when the relevant development is undertaken*". The details of this mechanism remain unclear and should be clarified with DPTI.

More detailed advice in relation to the specific questions posed follows below.

1. **Could you please explain the operation and implications of the amendments to Section 221 and 222 of the LG Act which will be made pursuant to Schedule 6 of the PDI Act using the following examples:**
 - a. **A development authorisation is granted for an application which includes a balcony overhanging Council land. Our understanding is that the balcony would not require a 222 permit.**

Yes.

Where a balcony overhanging Council land is being used for business purposes, whether a s 222 permit is currently required will depend on a number of matters which are not addressed in this advice.

However, where the business use is identified on a plan which is granted development authorisation (e.g. use of balcony for tables and chairs associated with a hotel), we agree that if a s 222 permit would otherwise have been required, it will

no longer be required pursuant to new s 222(6a) which will come into operation as part of the PDI Act.

- b. **A development authorisation is granted which will require the placement of a crane and hoarding on a Council road. If these details aren't specifically included in the details of the development authorisation, would a permit still need to be issued?**

In this example, where a crane, hoarding or other obstruction is placed on a road, our advice is that if the item was shown on the application plans or within the supporting documents, then neither a s 221 permit, nor a s 222 permit, would be required pursuant to the amendment to new s 221(3)(b) and s 222(6a) respectively (which will come into operation as part of the PDI Act). This would remain the case whether or not the item was specifically 'picked up' as a condition of development authorisation.

However, if the obstruction is not identified on the plans, or articulated in the supporting documents, then s 221 and 222 permits would still be required, as it would not have been approved as part of the development authorisation.

- c. **What if a condition or advisory note is placed on a development authorisation requiring a construction environmental management plan (CEMP) be provided with no checks or balances? In this instance, if a traffic management plan is submitted with the CEMP, will it form part of the development authorisation and therefore not require any permits?**

No.

If a CEMP is provided pursuant to a condition with no checks (i.e. the CEMP does not require any "approval" by the authority) then it would be difficult to say that the relevant alteration (installation of a hoarding, crane etc) or use of public road, has been "approved as part of development authorisation". In this scenario, under new ss 221(3)(b) and 222(6a), permits would be required.

The situation may be different, and more difficult, if a condition requires a CEMP to be provided and approved to the Council's (or some other authority's) reasonable satisfaction (assuming such conditions are permissible under the PDI Act). Arguably, approval of the CEMP by the Council or other authority would mean that the substance of the CEMP (including, for example, use of public road for a crane or hoarding) would have been "approved as part of a development authorisation under the *Planning, Development and Infrastructure Act, 2016*" so as to obviate the need for a s 221 or 222 permit. We say "arguably" because there may be an argument that new ss 221(3)(b) and 222(6a) are confined to where the proposed alteration or use is included in the development application, as opposed to where it forms part of a CEMP provided pursuant to a condition. However, on the face of it, the language in new s 221(3)(b) and 222(6a) appears broad enough to include an alteration or use of a public road approved as part of a CEMP that is submitted pursuant to a condition.

- 2. What does ‘consult’ mean in new Sections 221(7)(b) and 222(6b)(b) of the LG Act? If the State Commission Assessment Panel (“SCAP”) is the relevant authority, must it genuinely consult with the Council? Council is aware of a lot of sensitivities and local knowledge that other agencies would benefit from being made aware of to enable them to take a balanced approach to determining applications.**

The requirement to ‘consult’ in the amendments to ss 221 and 222 only requires that the relevant authority ask the Council for its views and provide it with a reasonable opportunity to express its views.

However, once the Council provides its views, the relevant authority must take those views into consideration when making a decision, as they become a relevant consideration, such that failure to consider them might be a ground on which the decision could be challenged (via judicial review). If, after considering the Council’s views, the decision of the relevant authority is contrary to the views of the Council, it could only be successfully challenged if it was found to have been improperly made (i.e. the Council could point to an irrelevant consideration that was considered) or if the decision was so unreasonable that no reasonable decision-maker would have made it. In this way, the requirement to consult the Council in the amendments to ss 221 and 222 can be roughly equated to referral reports to which the Council must “have regard”.

- 3. Council currently has several internal policies to guide decisions which involve development within its road reserves and community land, such as an encroachment policy and outdoor dining policy. Would these policies need to be within the Planning and Design Code (“the Code”) to be effective, as per s 102(1)(e) of the PDI Act?**

Yes, s 102(1)(e) of the PDI Act is more prescriptive in terms of the matters to take into account when considering an encroachment than s 33(1)(e) of the D Act.

As you will be aware, the D Act simply requires the relevant authority be satisfied that the encroachment has been dealt with in a “satisfactory manner”. This enables an assessment under s 33(1)(e) to involve consideration of internal Council policies.

Section 102(1)(e) in the PDI Act now specifies that the relevant authority be satisfied the encroachment is acceptable having regard to the Code or a Design Standard. Therefore, if the Council wishes for its internal policies to continue to guide assessments of authorisations involving encroachments, these documents will need to be included within the Code or a Design Standard issued by the Commission pursuant to s 69 of the PDI Act (and we note that the latter might be more easily achieved).

- 4. The City of Adelaide also follows the Adelaide Design Manual which provides strict guidelines on materials and specifications for development within the public realm. At what point could this document be referenced in an assessment under the PDI Act?**

If the Council wishes the Adelaide Design Manual to be considered in assessments under s 102(1) of the PDI Act, it would ideally be included either as part of the Code or, more easily, as a design standard (as a design standard forms part of the “Planning Rules” under the PDI Act, and would then form part of an assessment pursuant to s 102(1)(a), (c), (d) and (e)).

We note that pursuant to s 69(4) of the PDI Act, a design standard may be accompanied by advisory material in the form of design manuals or guidelines. This provision would enable the Commission, if it so chose, to adopt the Adelaide Design Manual in full as an accompaniment to a design standard.

5. Does Council still have a role in granting its consent to encroachments within the public realm pursuant to Section 102(10) of the PDI Act?

Relevantly, s 102(10) provides that a building encroachment under s 102(1)(e) must not interfere with a property right without the consent of the holder of that property right.

However, s 102(10) is limited by subsection (11) which provides that subsection (10) does not apply in relation to an encroachment over “public land”, except that the entity with the care, control and management of the public land may impose a reasonable charge.

Otherwise, what amounts to a “reasonable” charge might be set by regulation.

The effect of these provisions is that under s 102(1)(e), the Council’s consent (in its capacity as the owner of the public land) is not required for building encroachments. In this context, it is important to note that “public land” is not confined to a public road, but may include other kinds of public place such as reserves or community land in the Council’s care, control and management (such as the Parklands).

Importantly, however, s 102(1) does not oust, or override, ss 221 or 222, which apply in respect of public roads (as distinct from other kinds of public place). That is to say, where a building encroachment involves the alteration and/or use of a public road, then the Council will still have a consent or concurrence role if the proponent wants to take the advantage of new ss 221(3)(b) and 222(6a) so as to avoid the need for a permit under those sections.

6. How will Section 102(11)(b) of the PDI Act operate? If a s 221 or 222 permit isn’t required, how can fees still be charged?

The practical implementation of s 102(11)(b) is as yet unclear. It may be that the charge is a one-off charge that is incorporated within the application fees. Or it may be that the Council will be required to impose and collect the charge under s 188(a) of the LG Act.

We note that s 102(11)(b) enables the charge to be imposed “when the relevant development is undertaken”. On its face, it would therefore appear that the fee cannot be charged prior to the development being commenced (i.e., the relevant authority may not be able to withhold development approval until the fee is paid). However, it might operate in a similar manner to a requirement to satisfy a condition, such that a developer would be in breach of the PDI Act should the fee not be paid. To this end, it may be that the Council is required to commence enforcement action to obtain payment under s 102(11)(b) where the fee is not paid upon request.

Presumably future regulations will provide further clarity.

7. How will the obligations for a relevant authority to ‘consult’ with the Council, or obtain the ‘concurrence’ of the Council in new Sections 221(7) and 222(6b) of the Local Government Act interplay with the assessment timeframes currently proposed in draft Regulation 56 of the *Planning, Development and Infrastructure (General) (Development Assessment) Regulations 2019* (“Regulations”)?

Operation of Regulation 56

As you have identified, the assessment timeframes are set out in r 56 of the Regulations.

Regulations 56(1)(a)-(d) identify specific timeframes for the assessment of planning and building consents. Regulation 56(1)(e) provides that “in any other case”, the timeframe is 60 business days. Regulation 56(1)(f)-(k) then identify circumstances in which additional time periods will be included in the total time within which a decision must be made (for

example, where SCAP or CAP is the relevant authority, where public notification is required or where the application must be referred to another agency or body).

None of the additional time periods in r 56(1)(f)-(j)) relate to consultation with the Council pursuant to the amendments to s 221 or 222 (while r 56(1)(j) relates to “other” reporting requirements, those are limited to reporting requirements *under the regulations* (i.e., not under the LG Act).

Further, Regulation 56(4)(b) provides that where an applicant has sought more than one consent, other than planning and building consent from the same relevant authority (for example, where an applicant has sought planning consent and an encroachment consent from the same relevant authority), the total time within which the application should be dealt with is the longest time that applies to any one consent.

When encroachment consent is required

When a separate encroachment consent is required under Section 102(1)(e) of the PDI Act, the consultation and/or concurrence for this consent would need to occur within the 60 business days allowable in r 56(1)(e). Pursuant to Regulation 24(2) of the Regulations, it may be that the Council’s Assessment Manager is the relevant authority for this consent. Unless the same relevant authority was also assessing the application for another consent under Section 102(1) and the time within which that consent must be determined was longer, the application, as a whole, should be determined within this 60 business day timeframe. It would be the responsibility of the relevant authority to manage this timeframe, whilst still providing the Council sufficient time to form a reasonable, considered opinion and relate that to the relevant authority. We note, for completeness, that even where the Council’s Assessment Manager is the relevant authority, the requirement to consult with the Council pursuant to ss 221(7)(b) and 222(6b)(b) remains.

The circumstances in which an encroachment consent will be required pursuant to s 102(1)(e) is, in our opinion, open to interpretation.

On both interpretations, the consent will only be required if the encroachment is of a building, as defined in s 3 of the PDI Act (i.e., a building or a “structure”).

Further, in ordinary parlance, an encroachment is where a building (or structure) extends onto or into neighbouring land. That is to say, ordinarily, an encroachment will occur where the primary building (or structure) is situated on a site, with a minor portion of the building extending over the boundary onto adjoining land. With this in mind, s 102(e) is probably intended to deal with things such as ground anchors, balcony overhangs or verandah canopies, but not things like cranes or construction hoardings (which are more likely to be wholly on the adjoining road reserve), or the mere “use” of adjoining land (for outdoor dining, say, without any associated building or structure in the relevant sense).

On one interpretation, the consent would be required in limited circumstances only, where the encroachment has not been considered as part of any other consent, including planning consent. This would limit its operation to circumstances such as applications for building consent only, or some deemed-to-satisfy developments.

On another interpretation, it would be required in all circumstances except where the relevant authority has specifically considered the encroachment as part of a community title land division consent pursuant to Section 102(1)(d)(iii), which requires consideration of “*any encroachment of a lot or unit over other land...*”

On balance, we prefer the latter interpretation, in part because if an encroachment consent was only required in limited circumstances, s 102(11)(b), which enables a council to

impose a charge for an encroachment over public land would have very limited operation, which we do not consider to be the intent of the section.

On this analysis, where the encroachment is of a “building” (as defined in s 3), and has not been specifically considered pursuant to s 102(1)(d)(iii) of the PDI Act, an encroachment consent will be required pursuant to s 102(1)(e) of the Act. Therefore, the time within which the relevant authority must make its decision is 60 business days (unless the time within which another consent should be determined by the same relevant authority is longer).

Where no encroachment consent is required

In a situation where an encroachment consent is not required under s 102(1)(e), the time within which the other consent(s) must be determined by the relevant authority will be as set out in Regulation 56(1). This will be the time within which the relevant authority must consult with the Council and make its decision on the consent. Again, it would be the responsibility of the relevant authority to manage this timeframe, whilst still providing the Council sufficient time to form a reasonable, considered, opinion and relate that to the relevant authority.

- 8. A s 221 or 222 permit issued by the Council will require public indemnity insurance be in place, and set out liabilities. How will these matters be dealt with if s 221 and 222 permits are not required pursuant to new ss 221(3)(b) and 222(6a) of the LG Act? It seems unlikely that the Code will have matters of this nature as a consideration. What could the impacts of this be to Council?**

Where Council concurrence is required for a development authorisation (under new s 221(7)(a) and s 222(6b)(a) of the LG Act), the Council may refuse to concur in the absence of an adequate level of insurance. However, that may not assist where insurance may be in place at the time that concurrence is given, but the policy is later cancelled, voided or allowed to lapse.

Where SCAP is the relevant authority for a development authorisation, it must only consider the Council’s response to consultation pursuant to the new Sections 221(7)(b) and 222(6b)(b) of the LG Act when considering whether to grant the development authorisation.

Sections 221 and 222 do not limit the matters which the Council’s response can address. If the Council’s response identifies that an applicant has not provided any details of its public indemnity insurance, this will be a relevant consideration for the relevant authority when considering granting a development authorisation. Again, however, that may not assist where an insurance policy is lapsed, cancelled or voided.

As such, it seems to us there is a gap in the statutory scheme which ought to be plugged. Ideally, this would be addressed in the following ways:

- a. ensuring that the Code, or a design standard, contains sufficient provisions dealing the kinds of things that are currently included within a s 221 or 222 permit, against which an encroachment can be assessed under s 102(1)(e); and
- b. ensuring that a Practice Direction is issued which specifies that certain standard conditions must be imposed where an encroachment is approved as part of a development approval in circumstances where the requirement for a s 221 or 222 permit is avoided.

We note with some regret that the Council's legal position in this respect (with regard to liability) is further weakened because the Council will not be able to rely on the statutory immunity against liability provided for under s 221(5) of the LG Act that applies to structures erected under a s 221 authorisation. In the absence of a s 221 authorisation the immunity will not automatically arise. This is a matter that ought to be cured by legislative amendment and appears to be a critical oversight in the legislative drafting process. The Council should pursue this matter vigorously with DPTI. If a fix can be applied via the Code, a design standard or Practice Direction then this should be considered – but we have some doubt as to whether such instruments can provide the same level of immunity that the Council currently enjoys under s 221(5) of the LG Act.

9. Under a s 222 permit, the Council can require a permit holder carry out maintenance of an encroachment. In the absence of a s 222 permit, how can Council hold an encroachment owner accountable if an encroachment falls into disrepair?

Again, this would be assisted were there to be a Practice Direction dealing with encroachments onto public roads. Indeed, a Practice Direction ought to prescribe that any encroachment onto public land should be subject to a specific condition on the relevant development authorisation requiring the applicant to comply with any reasonable direction of the Council regarding the repair and/or maintenance of encroachments onto its road reserves or community land.

Failing that, assuming that any development authorisation issued by SCAP would contain standard condition 1 requiring that the development be developed, used and maintained in accordance with its approval, the Council could seek to require the maintenance or repair of any encroachment approved as part of the authorisation through enforcement of condition 1.

Alternately (subject to our observations below), the Council could rely on s 217(1)(a) of the LG Act which, subject to the exceptions in s 217(3), enables it to, by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, require the owner to carry out specified work by way of maintenance or repair. Pursuant to s 217(2), if the order is not complied with, the Council may take the action itself and recover its costs of doing so against the owner, and the owner will be guilty of an offence. However, it would be preferable if the Council was not required to rely on s 217 alone, and if it also had a potential enforcement mechanism under the PDI Act.

An added complication of the approach provided for by the PDI Act amendments to ss 221 and 222 is what occurs with respect to the *ownership* of structures or fixtures installed in, on, under, across or over the road. Under s 209 of the LG Act structures or fixtures installed under an authorisation/permit from the Council under the LG Act remain in the ownership of the holder of the authorisation or permit. There is a question as to whether in the absence of such an authorisation or permit (where one is not required on account of a PDI Act approval), the ownership might devolve to the Council. This matter is further complicated where the land is sold and the owner of the adjacent land is no longer the person who caused the alteration to be made under a PDI Act approval.

This is obviously a highly unsatisfactory outcome and ought be dealt with by legislative amendment. Failing that, a Practice Direction or Design Standard that requires an agreement be reached as to the vesting of the alteration ought to be pursued.

10. A s 221 or 222 permit issued by the Council will state that Council can revoke the permit when necessary to undertake works. How can the Council ensure they can continue to undertake required maintenance and infrastructure works in the absence of this control?

As an extension of our answer to question 9 above, there ought to be a specified condition in a Practice Direction requiring that all reasonable directions of the Council to remove an encroachment (where necessary), or to otherwise make access available where necessary to enable maintenance or other works to take place within road reserves and other Council land (at the expense of the person responsible for the alteration and/or their successors in title to the adjacent land), must be complied with.

Failing that, the Council could rely on ss 212(1) and (2) of the LG Act which provide the Council with the power to “*carry out roadwork in its area*”, and to “*do anything reasonably necessary for, or incidental to, roadwork*”. While not beyond doubt, we consider it reasonably arguable that this power would enable the Council to require encroachments be moved or removed to enable works to be undertaken. Again, however, it would be preferable if the Council did not have to rely on this power alone. There is also a question as to what compensation might be payable by the Council if it were acting under s 212 alone.

11. A s 221 or 222 permit enables Council to coordinate the use of public space. From experience, dates and timings for construction work can change regularly. How can Council effectively manage the coordination of public space (i.e., placement of cranes, hoardings and traffic management, etc) and undertake effective consultation with stakeholders if these matters have been approved as part of development approval? The Council is also required to publicly consult when a road/footpath will be impacted to a material degree. When and how can this be factored in?

As an extension to our answers to questions 9 and 10 above, there ought to be a specified condition specified in a Practice Direction requiring that the developer liaise with, and follow all reasonable directions of, the Council as to the timing of traffic management controls and the placing of items such as cranes and hoarding within road reserves.

Failing that, managing the coordination of public space where no s 221 or 222 permits are required would be a matter for the Council and developer to agree in good faith. In this circumstance, we would recommend that a note be placed on the decision notification form advising the developer that they will need to contact the Council to coordinate these matters. The Council’s by-laws might also be relevant in certain circumstances, including the power of direction under Clause 6 of the Council’s *Roads By-law 2018*.

In relation to the second part of your question, we have assumed that the current requirement that the Council publicly consult when a road/footpath is impacted to a material degree only arises by virtue of s 223 of the LG Act and not because of any specific Council policy.

As discussed in our answer to question 7 above, where the Council is consulted by SCAP pursuant to ss 221(7)(b) or 222(6b)(b) of the LG Act, SCAP itself is under a strict timeframe. Therefore, it is unlikely to be able to give the Council sufficient time to undertake its own consultation. Where the Council’s Assessment Manager is the relevant authority, it may be that consultation with the community can still be achieved, but this might be on a case by case basis.

Having said that, if no authorisation or permit is to be granted under ss 221 or 222 of the LG Act then the consultation obligations that arise by virtue of s 223 of the LG Act will not

be engaged. This leads to an odd public policy outcome where an applicant for approval under the PDI Act can apparently sidestep the clear legislative intent of the Parliament that certain alterations or uses of public roads must be subject to public consultation. This is a matter that ought be pursued with DPTI to avoid creating two incompatible administrative processes – one where PDI Act applicants for certain alterations or uses can avoid public consultation and one where those who must obtain authorisations or permits under the LG Act for effectively the same alteration or use, cannot.

12. If a construction company does not adhere to the work site set up approved as part of their development approval, how can this be regulated by Council and what avenues of enforcement are available to Council?

Where the work site set up is identified in an approved plan (or in a CEMP which is taken to form part of the approved documents), a failure to adhere strictly to it would constitute a breach of a condition of development authorisation (either a specific condition requiring the plan be complied with, or condition 1).

This could then be enforced through the D Act (or the equivalent provisions of the PDI Act when they commence in full). We anticipate that the most common enforcement mechanism under the D Act would be an enforcement notice issued pursuant to Section 84 (and we note that failure to comply with a direction in such a notice is itself an offence under Section 84(12), which can be expiated or the subject of a prosecution).

Even if a work site setup was not enforceable as a condition of consent (i.e. if it was not picked up as an approved plan, or otherwise found to be part of the approved documents), we consider that it would be reasonably arguable that any changes to the setup would not be exempt from the requirement to obtain a s 221 or 222 permit pursuant to the amendments to ss 221(3)(b) and 222(6b) of the LG Act. Accordingly, any such deviations from the setup as submitted by the applicant would require a s 221 or 222 permit.

If no such permit was obtained, this could be enforced through the LG Act. In the case of a s 221 permit, this would be a prosecution pursuant to Section 221(1) of the Act. In the case of a s 222 permit, it could be either an expiation or a prosecution under s 222(1). In addition, the Council could threaten to remove all unapproved encroachments from its road reserve pursuant to s 234(1)(a) of the LG Act or otherwise issue an Order to that effect under s 262 of the LG Act. The Council's by-laws may also be relevant in this situation.

Please don't hesitate to contact us or Joanna Clare or should you have any further queries in relation to these matters.

Yours faithfully
Norman Waterhouse



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9 December 2019

The Corporation of the City of Adelaide
GPO Box 2252
ADELAIDE SA 5001

Attention: Ms Madeline Frew, Technical Specialist PDI Act

Dear Maddie

Planning, Development and Infrastructure Act 2017 – Part 7, Schedule 6 (Amendment to Local Government Act, 1999) – Practice Direction 6

I refer to our previous advice of 20 March 2019 regarding Part 7 of Schedule 6 of the *Planning, Development and Infrastructure Act, 2017 (PDI Act)*, and your recent email of 5 December 2019.

You advise that since receiving our advice, you have had discussions with the Department of Planning, Transport and Infrastructure (**DPTI**) about how proposed amendments to the *Local Government Act, 1999 (LG Act)* – specifically sections 221 and 222 and new section 234AA – will operate in practice, and what additional instruments may be required to ensure that there remains appropriate regulatory control over private development involving, or directly impacting on, public roads.

More specifically, you advise that a view within DPTI is that Practice Direction 6 – Scheme to Avoid Conflicting Regimes 2019 (**PD 6**) addresses the issue/s raised (presumably, in so far as it ensures that the new planning assessment regime does not conflict with the regulatory regime that currently exists under sections 221 and 222 of the LG Act).

You have sought my advice as to whether PD 6 does, or does not, assist to resolve concerns about the proposed amendments to sections 221 and 222 of the LG Act.

Advice

In my view, PD 6 offers no assistance whatsoever to the issues raised by the proposed amendments to sections 221 and 222.

PD 6 has been issued by the State Planning Commission under section 42(3) of the PDI Act, which provides:

“(3) Without limiting subsections (1) and (2), the Commission must, by practice direction to be applied under this Act, establish a scheme with a view to ensuring that planning assessment or controls undertaken or established under this Act (including through the imposition of conditions under this Act) do not conflict with or duplicate matters that may be dealt with or addressed under a licensing or other regulatory regime

under another Act.”

Further, the stated object of PD 6 is contained clause 3, which provides:

“The object of this practice direction is to ensure that, in relation to any planning assessment or controls (including conditions), such assessment of controls do not conflict or duplicate matters dealt with or addressed under licencing or regulatory regimes under another Act. “

As such, the actual and stated purpose of PD 6 is to establish a scheme that will apply in situations where there is potential conflict, or duplication, between the planning assessment regime and another licensing or regulatory regimes. An obvious example is liquor licencing, where there is potential for the planning and licencing regimes to conflict or duplicate consideration of matters such as opening hours, patron capacity, noise emissions and so forth.

In the case of sections 221 and 222 of LG Act, however, potential conflict or duplication will already have been dealt with by the proposed amendments to the LG Act itself. That is to say, the effect of Part 7 of Schedule 6 is to avoid conflict or duplication, by effectively creating a “one stop shop” – wherein proposed alterations to, or proposed business use of, a road are brought into the planning assessment process.

In that sense, Part 7 provides its own mechanism for avoiding conflict or duplication between the two regimes, which makes PD 6 superfluous in this context.

Furthermore, I might add that (at first blush at least) PD 6 appears to be invalid in any case, on the basis that it does not establish “a scheme” (or anything that might be properly identified as a scheme) for avoiding duplication or conflict, as required by s42(3).

The only substantive clauses are clause 5(1) and (3). Clause 5(1) requires that a relevant authority must ensure that a planning assessment does not conflict or duplicate with other regimes (including, but not limited to, those listed in clause 5(2)), which simply re-states the objective of s42(3). Clause 5(3) then requires that a relevant authority which is uncertain about the potential for conflict or duplication must seek advice of the other authority or agency, but without providing any guidance or rules for how actual or potential conflict or duplication is to be avoided or resolved. As such, it is difficult to conceive of how those provisions – as brief as they are – can be said to create “a scheme” for avoiding conflict or duplication.

But in any event, even to the extent that PD 6 can be said to establish “a scheme”, it simply does not apply in the case of sections 221 and 222 of the LG Act for the reasons given above.

For these reasons, we repeat our earlier advice that the State Planning Commission should be seriously considering deploying other instruments – including a specific Practice Direction (with or without an accompanying Design Standard and provisions within the Planning and Design Code) – to ensure that there continues to be proper regulatory and administrative oversight of proposed alterations to public roads.

Yours sincerely
Norman Waterhouse



Peter Psaltis
Principal

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Attachment A.8

Detailed analysis of how the State Planning Policies have been captured in the Draft Code

Attachment A.8 follows the high-level table contained with section 3.1 of this submission. This attachment contains a table of detailed analysis of how the State Planning Policies have or have not been captured in the Draft Code.



Alignment of the Planning and Design Code to the State Planning Policies

It is a requirement of the PDI Act that the Planning and Design Code supports the achievement of the State Planning Policies (SPPs).

The below table is a high-level assessment of the extent to which the proposed Planning and Design Code policies for the City of Adelaide contribute to achieving the State Planning Policies, compared to the current City of Adelaide Development Plan. This analysis demonstrates there are many SPPs at risk of not being achieved unless recommendations for improving the Draft Planning and Design Code are incorporated.

	Support of SPPs - Risk Assessment
	High/moderate risk
	Neutral/partially achieved
	Lower risk
	Not applicable to City of Adelaide

State Planning Policies		
Objectives	<i>Do the proposed P&DC policies for the City of Adelaide help achieve the SPPs, compared to the current City of Adelaide Development Plan?</i>	Comments
1 Integrated Planning <i>Integrated planning coordinates the strategic use of land with the necessary services and infrastructure. It can influence how a city or region grows and evolves, which if done well, creates liveable and sustainable places that contribute to our prosperity.</i>	1.1 An adequate supply of land (well serviced by infrastructure) is available that can accommodate housing and employment growth over the relevant forecast period.	Neutral
	1.2 Provide an orderly sequence of land development that enables the cost-effective and timely delivery of infrastructure investment commensurate with the rate of future population growth.	Not achieved
	1.3 Provide an orderly sequence of land development that enables the cost-effective and timely delivery of infrastructure investment commensurate with the rate of future population growth.	Achieved

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	1.4 Protect areas of rural, landscape character, environmental importance, mining or food production significance from the expansion of urban areas, towns and settlements.	Partially achieved - Maintaining the urban growth boundary is important to the City of Adelaide.
	1.5 Protect land corridors for expansion or augmentation of infrastructure.	Not achieved - Linkages to public realm policies have not been included yet and s.221/s222 issues are not yet resolved.
	1.6 Plan for strategic infrastructure that helps to shape the pattern of settlement in a way that enhances quality of life and supports Promote best practice in the design of buildings, places and the public realm by applying the principles of Good Design (Figure 3). long-term sustainability	
	1.7 Regenerate neighbourhoods to improve the quality and diversity of housing in appropriate locations supported by infrastructure, services and facilities.	Reinstatement of key figures, plans, and the introduction of concept plans as needed.
	1.8 Mixed-use development around activity centres, public transport nodes and strategic transit corridors to encourage greater use of active transport options such as walking, cycling and public transport.	The Code is missing vital policy that does not facilitate a coordinated approach to services and infrastructure (in particular – lack of public realm policy; lack of mapping relating to pedestrian and cycle paths – influences public realm infrastructure improvements).
	1.9 Plan neighbourhoods to support walking and cycling, particularly in Greater Adelaide and regional townships.	There is potential to more effectively capitalise on the P&DC in the City of Adelaide.
	1.10 Include performance targets around land supply and demand in regional plans	Not applicable.
	1.11 Include performance targets in regional plans for the creation of walkable neighbourhoods and increasing the number of dwellings close to public transport.	Not applicable
2 Design Quality <i>Good design improves the way our buildings, streets and places function, making them more sustainable,</i>		

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<p><i>more accessible, safer and healthier. The integration of design within the planning system encourages creative solutions to complex social, economic and environmental challenges including those arising from our changing settlement patterns.</i></p>		
	2.1 Not achieved	Not achieved - Lack of design policy (adaptable housing)
	2.2 Promote best practice in access and inclusion planning in the design of buildings and places by applying the principles of Universal Design (Figure 4), Crime Prevention Through Environmental Design and Access and Inclusion	Insufficiently achieved
	2.3 The development of environmentally sustainable buildings and places by applying Water Sensitive Urban Design and energy efficiency design solutions.	Insufficiently achieved
	2.4 Design advice should be obtained early in the planning process for complex developments, and utilise consistent and credible processes (such as Design Review) to ensure improved outcomes.	Achieved
	2.5 Prioritise performance-based design quality outcomes in Adelaide City, heritage and character areas, places where medium-rise buildings interface with lower-rise development, mixed-use renewal precincts, transit corridors, and iconic locations that attract high levels of pedestrian activity and/or tourism.	Insufficiently achieved
	2.6 Maximise opportunities for the Principles of Good Design and community engagement to inform future policy creation and improve design outcomes.	Partially achieved
	2.7 Promote a culture of good design, creative thinking, innovation and design processes within the planning industry, built environment profession and general public.	Neutral

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	2.8 Recognise the unique character of areas by identifying their valued physical attributes in consultation with communities	Insufficiently achieved
	2.9 Respect the characteristics and identities of different neighbourhoods, suburbs and precincts by ensuring development considers existing and desired future context	Insufficiently achieved
	2.10 Facilitate development that positively contributes to the public realm by providing active interfaces with streets and public open spaces.	More work is required to address the linkages between the P&DC and public realm via planning instruments and/or legislation.
	2.11 Manage the interface between modern built form of different scales with more traditional dwelling forms, including through the management of streetscape character, access to natural light, visual and acoustic privacy, massing and proportions	Insufficiently achieved
	2.12 Create design solutions for infill development that improves the relationship between buildings and public spaces, and the interface with neighbours	Not achieved
	2.13 Provide a diverse range of high quality green public open spaces and streetscapes, particularly in areas of growth and	
	2.14 Provide public open space that accommodates a range of passive, active and formal sporting opportunities at the state, regional and/or local level.	Partially achieved
<p>3 Adaptive Reuse</p> <p><i>Adaptive reuse of buildings, sites and places in both urban and rural settings can have cultural, social, economic and environmental benefits. It can rejuvenate neighbourhoods and strengthen a sense of place and familiarity with the surrounding environment. A strong link to the past can enhance a sense of place, history and belonging and unlock</i></p>		

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<i>new opportunities and promote innovation in design.</i>		
	3.1 Remove barriers and encourage innovative and adaptive reuse of underutilised buildings and places to inspire urban regeneration, stimulate our economy and unlock latent investment opportunities	
	3.2 Sponsor models of adaptive reuse that allow flexible access to public spaces and infrastructure.	Linkages to public realm policies are insufficiently incorporated into P&DC
	3.3 Repurpose, adapt and reuse historical buildings and places that recognise and preserve our state's history.	Current CoA Development Plan policy is stronger
	3.4 Prioritise the adaptive reuse of buildings in areas of heritage or cultural value where it will contribute to active and vibrant places, or where it is a catalyst for additional development demand.	Current CoA Development Plan policy is stronger
	3.5 Facilitate the conversion and adaptation of existing commercial office and industrial buildings to new uses that contribute to the local area.	
	3.6 Introduce a range of planning and development incentives and bonus schemes to streamline decision-making processes, provide dispensation on prescriptive requirements that constrain opportunities and capitalise on related regulatory or financial incentives outside of the planning system.	
	3.7 Introduce performance-based building regulations that encourage the adaptability of existing buildings to new uses without compromising health and safety.	
4 Biodiversity <i>South Australia's unique biodiversity contributes to our quality of life, supports our economy and provides life-supporting functions such as clean air, water, sea and land. Maintaining and enhancing a healthy, biologically diverse environment ensures greater resilience to</i>		

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<i>climate change, increases productivity and supports a healthy society.</i>		
	4.1 Minimise impacts of development on areas with recognised natural character and values, such as native vegetation and critical habitat so that critical life-supporting functions to our state can be maintained.	Partially
	4.2 Recognise the value of modified landscapes and allow appropriately scaled development that can co-exist with and safeguard biodiversity values and critical functions.	Partially
	4.3 Encourage the re-introduction of biodiversity or its components in development areas to provide life-supporting functions at low cost.	Not achieved – nothing is stopping this from occurring now and the P&DC may make it easier to not achieve this objective.
	4.4 Enhance the biodiversity of urban areas and townships through a connected and diverse network of green infrastructure systems along streetscapes, major watercourses, linear parks, open space, the coast and other strategic locations.	Not sufficiently achieved by P&DC
	4.5 Where impacts to biodiversity cannot be avoided, these impacts should be minimised and where possible, offset.	Not sufficiently achieved
	4.6 Encourage nature-based tourism and recreation that is compatible with, and at an appropriate scale for, conserving the natural values of that landscape.	Not specifically achieved
	4.7 Assess and manage risk posed by known or potential biosecurity threats to enable the sustainable development and use of terrestrial and marine environments	Not achieved
	4.8 Development in, or affecting, marine environments is ecologically sustainable	Partially achieved, if provisions relating to water quantity and quality called into the assessment (to the extent that development approved in the City impacts water quality and quantity that interacts with to marine receiving environments).
5 Climate Change		

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<p><i>Climate change will impact all areas of our society. Our future prosperity, the liveability of our cities and towns, the health and wellbeing of our communities and the resilience of our built and natural environment all depend on how well we adapt to and mitigate the impacts of climate change.</i></p>		
	<p>5.1 Create carbon-efficient living environments through a more compact urban form that supports active travel, walkability and the use of public transport.</p>	<p>5.1 Insufficiently achieved - P&DC reinforces more compact urban form in the City however existing Development Plan provisions that need updating, but which assessment is reliant upon (e.g. pedestrian and cycling mapping) need to be transferred to the P&DC to continue to achieve this SPP.</p>
	<p>5.2 The good design of public places to increase climate change resilience and future livability</p>	<p>5.2 Insufficiently achieved – P&DC has not yet resolved its connection with development assessment and public realm matters which is necessary to effectively achieve this outcomes.</p>
	<p>5.3 Facilitate climate-smart buildings to reduce our demand for water and energy.</p>	<p>5.3 At risk of not being achieved depending on whether policies are called into assessment or not.</p>
	<p>5.4 Mitigate the impacts of rising temperatures by encouraging water sensitive urban design, green infrastructure and other design responses</p>	<p>5.4 Insufficiently achieved – policy settings could streamline requirements to result in more effective on-ground implementation.</p>

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	5.5 Avoid development in hazard-prone areas or, where unavoidable, ensure risks to people and property are mitigated to an acceptable or tolerable level through cost-effective measures.	5.5 Insufficiently achieved relative to other local government areas, some hazard mapping is not yet available for City of Adelaide P&DC policy e.g. flood mapping.
	5.6 Facilitate green technologies and industries that reduce reliance on carbon-based energy supplies and directly or indirectly reduce our greenhouse gas emissions	5.6 Insufficiently achieved via P&DC in City of Adelaide – policy settings could drive further investment in such technologies and industries/circular economy including via water sensitive urban design/green infrastructure/other design responses, as well as more effective incorporation of built form design to implement effective medium and high density waste and recycling pathways (e.g. via existing State Government guidelines)
	5.7 Protect and enhance areas that provide biodiversity and ecological services and maximise opportunities for carbon storage	5.7 Partially achieved via reinforcement of Park Lands zoning.
	5.8 Encourage decision-making that considers the impacts of climate change and that draws on the best available information	5.8 Insufficiently achieved unless development assessment practices professionally take this on-board during decision making
	5.9 Encourage development that does not increase our vulnerability to, or exacerbate the impacts of climate change and which makes the fullest possible contribution to mitigation.	P&DC will not achieve this in its current form.
	5.10 Support the transition of traditional industries that rely on fossil fuels to climate smart initiatives to reduce greenhouse gas emissions.	
	5.11 Regional Plans should include performance targets for urban greening and tree canopy enhancement in Greater Adelaide and regional townships	The P&DC does not demonstrate linkages to regional targets and will not deliver on this SPP.
6 Housing Supply and Diversity		

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<p><i>Housing is an essential part of people’s health and wellbeing. Our planning system must enable the sufficient and timely supply of land and a variety of housing choices at appropriate locations. With the changing composition of our community and our desire to live more sustainably, our housing supply needs to become more diverse in both metropolitan Adelaide and regional township locations.</i></p>		
	<p>6.1 A well-designed, diverse and affordable housing supply that responds to population growth and projections and the evolving demographic, social, cultural and lifestyle needs of our current and future communities.</p>	<p>Partially achieved</p>
	<p>6.2 The timely supply of land for housing that is integrated with, and connected to, the range of services, facilities, public transport and infrastructure needed to support livable and walkable neighbourhoods.</p>	<p>Achieved</p>
	<p>6.3 Develop healthy neighbourhoods that include diverse housing options; enable access to local shops, community facilities and infrastructure; promote active travel and public transport use; and provide quality open space, recreation and sporting facilities.</p>	<p>Partially – better integration with public realm assessment is needed e.g. resolution of s221/s222 and public realm is needed</p>
	<p>6.4 The growth of regional centres and towns within the existing footprint or outside towns where there is demonstrated demand and the land is serviced with infrastructure.</p>	<p>Not achieved – existing policies which manage appropriately timed staging of land and infrastructure development appear are compromised which may detrimentally affect the viability of the city economy</p>
	<p>6.5 Locate higher density residential and mixed-use development in strategic centres and transport corridor catchments</p>	<p>Broadly achieved.</p>

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	to achieve the densities required to support the economic viability of these locations and the public transport services.	
	6.6 A diverse range of housing types within residential areas that provide choice for different household types, life stages and lifestyle choice.	Insufficiently achieved – this is enabled but nothing in Code will result in this outcome being achieved
	6.7 Facilitate the provision of Affordable Housing through incentives such as planning policy bonuses or concessions (e.g. where major re-zonings are undertaken that increase development opportunities	Not achieved – However the P&DC doesn't prevent this being achieved.
	6.8 Ensure a minimum of 15% of new housing in all significant developments that meets the criteria for affordable housing	Insufficiently achieved – 15% affordable housing overlay is included but the same policy currently exists and has been functionally impotent.
	6.9 Apply universal and adaptable housing principles in new housing stock to support changing needs over a lifetime, including the needs of those who are less mobile	Not sufficiently achieved – considerable work is required to significantly raise the bar during assessment – noting that it is a fundamental principal of the new PDI Act.
	6.10 Limit the establishment of rural living allotments in areas that impact on the future expansion of townships and result in the inefficient delivery of infrastructure and social services	N/A
	6.11 Residential development that does not fragment valuable primary production land, create land use conflicts or encroaches on sensitive environmental assets and places of high landscape value.	N/A
	6.12 Regional Plans should include performance targets about increasing housing	Regional targets for housing diversity are not embedded in P&DC.
	6.13 Regional Plans should include performance targets related to land supply and demand.	Insufficient rationale and analysis for proposed rezoning to achieve regional performance targets for land supply and demand.
7 Cultural Heritage		

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<p><i>South Australia's cultural heritage reflects the diversity, unique features and key moments in our state's history and contributes to our community's understanding of its sense of place and identity. The enduring, living, spiritual and cultural connection to the land by South Australia's First Peoples is recognised and acknowledged as an essential part of our cultural heritage.</i></p>		
	<p>7.1 The sensitive and respectful use of our culturally and historically significant places.</p>	<p>Partially achieved – European heritage provisions are included however these require significant changes to maintain effectiveness compared to existing Development Plan provisions. Indigenous culture and historically significant places may be insufficiently recognised in P&DC.</p>
	<p>7.2 Recognise and protect Indigenous cultural heritage sites and areas of significance.</p>	<p>Insufficiently achieved in CoA – mapping has not been transferred to Code.</p>
	<p>7.3 Recognise and protect places and areas of acknowledged heritage value for future generations.</p>	<p>Partially achieved - significant changes are needed to maintain effectiveness compared to existing Development Plan provisions</p>
	<p>7.4 The appropriate conservation, continuing use, and as appropriate, adaptive reuse of our heritage places and heritage areas of value to the community.</p>	<p>Partially achieved - significant changes re: to maintain effectiveness compared to existing Development Plan provisions.</p>
	<p>7.5 Maintain the context of a place or area of heritage value through</p>	<p>Partially achieved</p>

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	appropriate design guidelines that encourage compatible design solutions.	
	7.6 The interpretation potential of heritage places and areas is enhanced to contribute to the economic and cultural sustainability of the state.	Partially achieved
	7.7 Provide certainty to landowners and the community about the planning processes for heritage identification, conservation and protection.	Insufficiently achieved

<p>8 Primary Industry</p> <p><i>South Australia's agriculture, forestry, fisheries and aquaculture industries are fundamental to our prosperity and identity. Along with their associated tourism and service industries—and the infrastructure that supports their production and marketing—primary industry value chains are major generators of economic activity and employment in each of the regions of the state.</i></p>	8.1 Identify and protect key primary production assets and secure strategic opportunities for future primary industry development.	<i>Not applicable to the City of Adelaide</i>
	8.2 Create local conditions that support new and continuing investment in primary industry while seeking to promote co-existence with adjoining primary industries and avoid land use conflicts.	N/A
	8.3 Enable primary industry businesses to grow, adapt and evolve through technology adoption, intensification of production systems, business diversification, workforce attraction and restructuring.	N/A
	8.4 Equitably manage the interface between primary production and other land use types, especially at the edge of urban areas.	Partially achieved - Maintaining urban growth boundaries supports Primary Industry in South Australia and reinforces achievement

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		of City of Adelaide land use zoning policies and should be maintained.
<p>9 Employment Lands</p> <p><i>Providing a suitable supply of land for employment uses is critical to support job growth and the economic prosperity of the communities. The planning system needs to support the diversification of our economy and remove barriers to innovation. It is critical that the right signals are sent to the market to attract interest, investment and tourism opportunities across South Australia.</i></p>	<p>9.1 Support the expansion and clustering of key economic growth areas including health; education; tourism; energy and resources; primary industry; defence; and knowledge and creative industries.</p>	<p>The Code policy will open up opportunities out of the city boundaries for retail and commercial uses.</p> <p>However, this may influence potential business owners to locate out of the city (where rent can be cheaper) as opposed to the city premises. This may overtime begin to affect the viability of the city economy.</p>
	<p>9.2 Enable opportunities for employment and encourage development of underutilised lands connected to, and integrated with, housing, infrastructure, transport and essential services.</p>	
	<p>9.3 Support state-significant operations and industries and protect them from encroachment by incompatible and/ or more sensitive land uses.</p>	
	<p>9.4 Adaptable policies that allow commercial and industrial-focused employment lands to support local economies and evolve in response to changing business and community needs.</p>	
	<p>9.5 Promote new, latent and alternative employment types and attract new business investment by enabling a diverse range of flexible land use opportunities.</p>	<p>Some relevant policy relating to adaptability contained in the current Adelaide (City) Development Plan has not been carried across.</p>
	<p>9.6 Protect prime industrial land for employment use where it provides connectivity to freight networks; enables a critical mass or cluster of activity; has the potential for expansion; is</p>	<p>N/A</p>

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	connected to skilled labour; is well serviced; and is not constrained by abutting land uses.	
	9.7 Encourage appropriate retail development through the implementation of best practice retail planning guidelines (see Figure 5).	Not achieved – P&DC policies do not reinforce and/or protect higher-order centres.
	9.8 Allow for competition within the retail sector by providing an appropriate supply of land for all retail formats in areas that are easily accessible to communities.	
	9.9 Support sustainable tourism where the social, cultural and natural assets underpinning the tourism developments are protected in line with sustainability principles.	
	9.10 Strengthen the primacy of the Adelaide city centre as the cultural, entertainment, tourism and economic focus of South Australia.	Not Achieved - P&DC needs to strengthen the primacy of the Adelaide City centre as the cultural, entertainment, tourism and economic focus of SA.
	9.11 Encourage the development of integrated employment and residential mixed-use precincts where conflicts between uses can be managed.	Achieved but needs improvement
	9.12 Plan for employment and industrial precincts in strategic locations that improve economic productivity; are protected from encroachment; connect to efficient supply chains; and are located to provide transport access and connectivity.	n/a
	9.13 Provide an appropriate supply of land for waste and resource recovery infrastructure and other related green industries to maximise resource use, support economic growth and service our communities.	n/a
10 Key Resources	10.1 Define and protect mineral resources operations, associated infrastructure and	Not applicable to the City of Adelaide.

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<p><i>Our valuable mineral and energy resources are the property of the Crown and are managed by the state on behalf of all South Australians. The mineral and energy resource sectors will continue to fuel economic development, support the growth and development of our communities, and provide an income stream to help fund infrastructure and support construction affordability.</i></p>	<p>undeveloped mineral resources from encroachment by incompatible land uses.</p>	
	<p>10.2 Plan for and encourage the development of energy resources, energy resources operations and associated infrastructure to ensure their ongoing safe and efficient operation.</p>	<p>P&DC enables carbon neutral energy production and use which supports key City of Adelaide strategic targets to mitigate the impacts of climate change. This could be strengthened and reinforced.</p>
	<p>10.3 Identify and maintain key infrastructure that supports mineral and energy resource activities and supply chains, including strategic transport corridors and pipelines used for energy transportation.</p>	<p>P&DC enables carbon neutral energy production and use which supports key City of Adelaide strategic targets to mitigate the impacts of climate change. This could be strengthened and reinforced.</p>
	<p>10.4 Consider the impacts of mining and exploration on the growth of towns and settlements, and ensure an appropriate form of housing for workers and their families.</p>	
	<p>10.5 Promote decision making that maximises the long term benefits of different land uses to the economy, communities and the environment</p>	<p>P&DC enables carbon neutral energy production and use which supports key City of Adelaide strategic targets to mitigate the impacts of climate change. This could be strengthened and reinforced.</p>

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<p>11 Strategic Transport and Infrastructure</p> <p><i>The economic and social prosperity of South Australia relies on a transport system that is safe, integrated, coordinated, dependable and sustainable. Transport systems that provide effective connectivity underpin access for business to local, national and international markets; link people with employment, goods and services by providing travel choices; and contribute to a healthier and more connected society.</i></p>	<p>11.1 Facilitate an efficient, reliable and safe transport network that connects business to markets and people to places (i.e. where they live, work, visit and recreate).</p>	<p>From a city context, the Code is missing vital policy that does not facilitate a coordinated approach to services and infrastructure (in particular – lack of public realm policy; lack of mapping relating to pedestrian and cycle paths)</p> <p>Lack of policy – for development that takes advantage of emerging technologies that contribute to liveability, sustainability and economic productivity.</p>
	<p>11.2 Development that maximises the use of current and planned investment in transport infrastructure, corridors, nodes and services.</p>	<p>Missing maps that reflect planned investment</p>
	<p>11.3 Equitable contributions towards the funding and provision of transport infrastructure and services to support land and property development.</p>	<p>neutral</p>
	<p>11.4 Minimise negative transport-related impacts on communities and the environment.</p>	<p>no – increasing carparking rates. No policy which seeks to minimise access points in specific locations throughout the city (where does one start!)</p>
	<p>11.5 Encourage development that supports the increased use of a wider variety of transport modes, including public transport, walking and cycling, to facilitate a reduced reliance on private vehicle travel and promote beneficial community health outcomes</p>	<p>no – increasing carparking rates in the city</p>
	<p>11.6 Allow for the future expansion and intensification of</p>	<p>N/A</p>

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	strategic transport infrastructure and service provision (corridors and nodes) for passenger and freight movements.	
	11.7 Identify and protect the operations of key transport infrastructure, corridors and nodes (passenger and freight) (Figure 6).	n/a
	11.8 Development that takes advantage of emerging technologies that contribute to livability, sustainability and economic productivity, including electric and alternative fuel vehicles, autonomous vehicles and on-demand transport opportunities.	
	11.9 Identify neighbourhoods, main streets and regional and town centres where place is given greater priority than vehicle movement by adopting a 'Link and Place' approach.	Link and Place approach not included
	11.10 Promote the greening of strategic transport corridors to encourage carbon banking.	N/A
	11.11 Encourage housing in metropolitan Adelaide in proximity to current and proposed fixed line (rail, tram, O-Bahn and high frequency bus routes).	
	11.12 Regional Plans (where appropriate) should identify performance targets for encouraging more development close to public transport.	Insufficiently demonstrated linkages between regional plan targets and P&DC
<p>12 Energy</p> <p><i>The provision of sustainable, reliable and affordable energy is essential in meeting the basic needs of communities and ensuring the long-term supply of key services across South Australia. Industries and business rely on energy for their viability while households rely on it</i></p>	12.1 Development of energy assets and infrastructure (including ancillary facilities) where the impact on surrounding land uses, regional communities and the natural and built environment can be minimised.	<i>Not applicable to the City of Adelaide</i>

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<p><i>daily to support their lives, health and comfort. The production of energy and associated infrastructure also contributes significantly to the state's economy.</i></p>		
	<p>12.2 Facilitate renewable sources of energy supply, such as solar and wind, at the local level</p>	<p>N/A</p>
	<p>12.3 Provide for strategic energy infrastructure corridors to support the interconnection between South Australia and the National Electricity Market</p>	<p>N/A</p>
	<p>12.4 Development in the vicinity of major energy infrastructure locations and corridors (including easements) is planned and implemented to maintain the safe and efficient delivery and function of the infrastructure.</p>	
	<p>12.5 Enable industries to reduce carbon emissions by supporting energy efficient urban and building designs.</p>	
	<p>12.6 Facilitate energy technologies that support a stable energy market and continued energy supply and do not adversely affect the amenity of regional communities</p>	
<p>13 Coastal Environment</p> <p><i>The South Australian coastal and marine environment has high intrinsic, aesthetic, social, environmental and economic values. It includes beaches, oceans, dune systems, tidal waters, wetlands and cliffs. The natural features of the coastal environment also provide vital habitat, contribute to our biodiversity and play</i></p>	<p>13.1 Protect and enhance the natural coastal environment and its resilience to a changing climate, including environmentally important features, such as mangroves; wetlands; estuaries; marine-protected areas; sand dunes; cliff tops; beaches; native vegetation; living creatures; and other important habitats.</p>	<p><i>Although not applicable to city context, it is worth noting that the Code no longer recognises 'regional open space' areas of importance (such as coast park and the protection of these natural assets)</i></p>

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<p><i>an important role in protecting development and human occupation from flooding and erosion.</i></p>		
	<p>13.2 Development that is not at risk from current and future coastal hazards (including sea-level rise, coastal flooding, erosion, inundation, dune drift and acid sulfate soils) consistent with the hierarchy of 'avoid', 'accommodate' and 'adapt'.</p>	
	<p>13.3 Balance social and economic development outcomes in coastal areas with the protection of the environment.</p>	
	<p>13.4 Locate development and infrastructure in areas that are not subject to coastal hazards unless the development requires a coastal location and appropriate hazard mitigation strategies are in place, taking into account projected sea-level rise and coastal retreat.</p>	
	<p>13.5 Facilitate sustainable development that requires a coastal site, including eco-tourism, aquaculture, marinas and ports, in areas adjoining the foreshore where environmental impacts can be avoided or mitigated.</p>	
	<p>13.6 Maintain or enhance the scenic amenity of important natural coastal landscapes, views and vistas.</p>	
	<p>13.7 Development that enables and enhances public access to coastal areas with minimal impact on the environment and amenity.</p>	
	<p>13.8 Locate low intensity recreational uses where environmental impacts on the coast will be minimal and can be managed.</p>	
	<p>13.9 Recognise and protect the high carbon storage values of areas such as mangroves and salt marshes.</p>	

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	13.10 Support development that does not contribute to sediment, nutrients and contaminants entering the coast and marine environment.	
<p>14 Water Security and Quality</p> <p><i>Water is one of South Australia's most valuable natural resources. Access to a safe and reliable water supply is essential to support our communities and our diverse economy. Our water dependent ecosystems also rely on access to water so that they can continue to provide cultural, aesthetic, amenity, recreational and tourism benefits. It is therefore vital that we continue to protect and plan for our water now and into the future.</i></p>	14.1 Protect the state's water supply to support a healthy environment, vibrant communities and a strong economy.	
	14.2 Protect and recognise water supply catchments, including: <ul style="list-style-type: none"> • Water Protection Areas under the Environment Protection Act 1993 (including those located in the Mount Lofty Ranges, South East and River Murray) • The River Murray Protection Areas under the River Murray Act 2003 • Prescribed water resources and wells under the Natural Resources Management Act 2004 	
	14.3 Safeguard our water supply and supporting infrastructure to meet the needs of a growing population and economy while maintaining a healthy environment and enabling safe access to alternative water sources for 'fit-for-purpose' use.	
	14.5 (but should be 14.4) Development should incorporate water sensitive urban design	WSUD – neutral – Code attempts to include best practice policies for infill

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	principles that contribute to the management of risks to water quality and other risks (including flooding) to help protect people, property and the environment and enhance urban amenity and livability.	development but could be improved for a city context.
	14.6 (but should be 14.5) Support development that does not adversely impact on water quality.	
	14.7 (but should be 14.6) Improve the alignment between urban water management and planning by adopting an integrated water management approach.	
15 Natural Hazards <i>Natural hazards are an integral part of the South Australian landscape and have the potential to impact on people, property, infrastructure, our economy and the environment. As we continue to grow and develop we need to plan for and mitigate risks from these hazards</i>	15.1 Identify and minimise the risk to people, property and the environment from exposure to natural hazards including extreme heat events; bushfire; terrestrial and coastal flooding; soil erosion; drought; dune drift; acid sulfate soils; including taking into account the impacts of climate change.	
	15.2 Locate and design development in accordance with a risk hierarchy of 'avoid', 'accommodate' and 'adapt'	
	15.3 Avoid locating sensitive developments and communities in areas at high risk of hazards – namely hospitals, telecommunication towers, major transport infrastructure, energy base stations and water services – or ensure that these developments are subject to a higher level of assessment.	
	15.4 Mitigate the impact of extreme heat events by designing public spaces and developments to create cooler microclimates through the use of green infrastructure and water sensitive urban design.	

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	15.5 Protect key coastal areas and critical infrastructure at risk from sea-level rise, coastal erosion and storm surges.	
	15.6 Avoid development in high or extreme hazard risk areas (such as bushfire risk areas) that will necessitate the removal of native vegetation.	
<p>16 Emissions and Hazardous Activities</p> <p><i>Protecting communities and the environment from exposure to industrial emissions and hazards and site contamination is fundamental to the creation of healthy cities and regions. At the same time, it is critical that South Australia's industrial and infrastructure capacity and employment levels are preserved.</i></p>	<p>16.1 Protect communities and the environment from risks associated with industrial emissions and hazards (including radiation) while ensuring that industrial and infrastructure development remains strong through: a) supporting a compatible land use mix through appropriate zoning controls b) appropriate separation distances between industrial sites that are incompatible with sensitive land uses c) controlling or minimising emissions at the source, or where emissions or impacts are unavoidable, at the receiver.</p>	<p>This SPP talks to hazardous activities associated with noxious industries.</p> <p>However, generally speaking, the Code lacks policy with respect to protecting residents from entertainment and licensed entertainment premises.</p>
	16.2 Assess and manage risks posed by known or potential site contamination to enable the safe development and use of land.	

Attachment A.9

Recommendations for improvement to Part 1 – Rules of Interpretation of the Planning and Design Code

Attachment A.9 provides feedback on Part 1 'Rules of Interpretation' of the Draft Planning and Design Code and makes recommendations of necessary improvements which should be incorporated prior to implementation of the Planning and Design Code.



Draft Code – Part 1 – Rules of Interpretation

The ‘Rules of Interpretation’ need further work

Part 1 ‘Rules of Interpretation’ of the Planning and Design Code is critical to determining the assessment pathway for a development application.

The City of Adelaide has reviewed this section and concluded that there are still many questions and uncertainty associated with the ‘Rules of Interpretation’ that can ultimately undermine a consistent development assessment approach. The table below outlines the questions raised by the currently drafted rules of interpretations and makes recommendations of amendment where possible.

Relevant Heading	Question and Recommendation
Preliminary	<p><i>“Library of classification criteria (Deemed to Satisfy criteria), policies and rules...?”</i></p> <p>This first sentence appears to be unfinished.</p>
Accepted Development This section outlines the rules associated with an ‘Accepted Development’	It would be useful if this section could indicate that no planning consent is required where a development satisfies all applicable Accepted Development criteria.
Deemed-to-Satisfy Development	Desired Outcomes do not apply to DTS Development; this should be stated in this section.
Restricted Development	<p>Are ‘alterations or additions’ to a land use restricted if the land use is identified as restricted?</p> <p>For example, ‘Industry’ is identified as restricted development; however, will a substantial extension to an existing industry (on an abutting allotment) be classified as ‘restricted’?</p>
Application of Policies to Classes of Development	<p>Editorial: Third paragraph, first sentence, should read:</p> <p>“Development that does not fall within one of the specified classes of development in an Applicable Policies for Performance Assessed Development Table is designated in the Table as “All Other Code Assessed Development”.</p>
Relevant Provisions	<p>Classes of development are based on land uses, for example, ‘office’; if an applicant proposes alterations and additions to the office, would the proposed development be designated as “All Other Code Assessed Development”? if so, public notification may also be triggered.</p> <p>Other examples include:</p> <ul style="list-style-type: none"> - Conservation works - External alterations to a building. <p>Note: It is noted that ‘Dwelling Addition’ is identified in the Tables.</p> <p>Overall, the development assessment process or pathway may be more onerous, for what may have been, a minor development.</p>
Policies – Desired Outcomes and	Fourth paragraph relating to ‘DPFs’ (designated performance features) needs re-wording so that the role of a DPF is clear.

Attachment A.9

Performance Outcomes	<p>For example: <i>In some cases the performance outcome has corresponding ‘deemed to satisfy’ or DTS criteria. The ‘deemed to satisfy’ criteria becomes a ‘designated performance feature’ or DPF for development subject to a performance assessed pathway. The DPF provides a guide to the relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not derogate from the discretion to determine that the outcome is met in another way and does not derogate from the need to assess development on its merits against all relevant policies.</i></p>
Hierarchy of Policies/Modifications of Provisions	<p>Editorial: First paragraph should read: “Where there is an inconsistency between provisions in the library of policies, and for the purpose of section 66(3)(b) of the Act, the following rules will apply to the extent of any inconsistency between policies:</p> <p>(a) the provisions of an Overlay will prevail... (b) a Subzone policy will prevail over a Zone policy ... (c) a Zone policy will prevail over a General Development Policy.</p> <p>There is also a need for some rules on where overlays conflict with each other.</p>
Procedural Matters – Referrals	<p>It would be useful to outline where the referral ‘tables’ are - ie contained within ‘Overlays’ and within Part 9 of the Code.</p>
What is missing from Part 1?	<ul style="list-style-type: none"> - Rules applying to interpreting ‘elements’ of development - There are no rules outlined for ‘Public Notification’ – importantly, if Light Industry is identified as requiring public notification, do alterations and additions to a Light Industry land use also require public notification?
Other General Comments	<ul style="list-style-type: none"> - Ensure that any references to legislation are italicised. - Each heading should be numbered - Include definitions relevant for this Part (for example, ‘classes of development’ definition)

Attachment A.10

Recommendations for improvement to Parts 7 and 8 – Land Use Definition and Administrative Definitions of the Planning and Design Code

Attachment A.10 provides feedback on Part 7 and 8 – Land use Definitions and Administrative Definitions of the Draft Planning and Design Code and makes recommendations of necessary improvements which should be incorporated prior to implementation of the Planning and Design Code.



Part 7 Land Use Definitions

Automotive Collision Repair

Is the collision reference necessary?

Consulting Room

Definition – *'(not being a hospital) ... not involve any overnight accommodation'*

Hospital is not defined. There have been issues with day surgeries and what constitutes a hospital instead of consulting rooms. Not involving overnight accommodation reference is useful. However, better if hospital was defined.

Educational Establishment

What about a definition that includes education facility or a separate definition? There are a lot of education facility applications in the city which do not meet the educational establishment definition nor are they technical institutes.

Indoor Recreation Facility

Good to see a reference to pilates, yoga and dance studio. However, these smaller scale uses have different impacts to larger scale indoor recreation facilities, gyms etc and this could be an issue.

Place of Worship

Excludes 'funeral parlour' but then no definition of funeral parlour.

Restaurant

Café and take-away food premises captured under this as well? Definition suggests yes but would be good to include café and take-away food premises too.

Shop

Includes 'restaurant'. Can restaurant just be its own use separate from shop?

General

Industry definition seems okay as there is a need to define industry and then have different forms of industry defined too. Code differentiates between industry and light industry in terms of light industry not being restricted development in certain zones which helps.

Terms/Uses Recommended to be Included

Note: Similar definitions to the SA Planning Policy Library Terminology List and existing Development Regulations 2008 would appropriate.

- Adult Entertainment Premises
- Adult Products and Services Premises
- Advertisement
- Amusement Machine Centre
- Bakery
- Boarding/lodging houses
- Cinema/Theatre
- Community Centre
- Emergency Services Facilities (Ambulance, Fire, Police)
- Entertainment Centre
- Events
- Health care facilities
- Helicopter Landing Facility
- Hospital
- Informal and Forman Recreation Area
- Funeral Parlour
- Licensed Entertainment Premises
- Licensed Premises
- Motel
- Short Term Accommodation/Service Apartments
- Special events
- Student Accommodation

Part 8 Administrative Definitions

Building Height and Building Level

Seem okay and similar to Development Plan.

Neighbourhood Zone

Confusing, why a separate definition for this? Seems unnecessary.

South & South Facing

Are these definitions necessary?

Total Floor Area

Definition refers to calculations including external walls. Measuring from internal portions of external walls could be better, rather than the external walls too?

Third Party Advertising

Need this defined somewhere.

Attachment A.11

Preliminary commercial advice on impacts of policy introducing increased mixed-use development to residential areas and impacts on Main Streets.

Attachment A.11 provides a preliminary letter of commercial advice the impacts of the Draft Code which introduces increased opportunities for mixed-use development within residential areas and the impact this may have on residential property markets and the economics of our existing main streets.



23 February 2020

David Bailey
Planning, Design and Development
City of Adelaide
25 Pirie Street
Adelaide, South Australia, 5000



Via email:

Dear David,

Re: Draft Planning and Design Code – Adelaide City PO 1.4

Thank you for the opportunity to provide advice about the impact of the proposed City Living Zone in the Planning and Design Code.

I note your advice that the proposed City Living Zone enables up to 50sqm gross leasable area (GLA) of a building, such as a house, to be used for retail, office or consulting. This 50sqm GLA proposal is enabled via a 'Deemed to Satisfy' policy, which in effect, is an automatic or tick box approval.

The City Living Zone proposes that a shop, office or consulting room between 51 and 199 sqm GLA is 'performance assessed', which is akin to 'on merit' in the current planning system. I note your advice that this 51 – 199 GLA sqm commercial space, whilst not guaranteed an approval, has some prospects of approval through performance assessment.

My advice below focuses on the impacts of allowing 'as-of-right' up to 50sqm GLA of non-residential floor area in a residential building within the City Living Zone.

Advice

The proposed provisions in the City Living Zone is a significant change to the way buildings in the City's residential areas can be used, allowing a substantial portion (up to 50sqm) of floor area to be used for non-residential uses by unrelated parties to the residential occupier. Presumably, this restricts the potential of apartments in a large building being changed to non-residential use, or at least limits the opportunity to one apartment of up to 50sqm per building on a 'first in first served' basis.

The City of Adelaide has a number of existing main streets and mixed-use zones that currently provide opportunities for a mix of residential and non-residential uses. These include Melbourne Street, O'Connell Street, Hutt Street, parts of Halifax Street and Sturt Street. Policy areas on other streets (e.g. parts of South Terrace) also provide opportunities for non-residential uses.

Most residents of North Adelaide and Adelaide are within a short walk of these main street / mixed use zones and therefore have good access to a wide range of services. Consulting rooms, retail tenancies and a range of other commercial and community uses are represented in these zones.

We have commenced a strategic review of Melbourne Street, O'Connell Street and Hutt Street on behalf of the City of Adelaide. Preliminary site investigations for that strategic review have revealed the following:

- Relatively high level of vacancy along each street, including the availability of small units of less than 50sqm. These tenancies provide for small businesses to locate in main streets, serving both the surrounding local residential population as well as a larger regional population;
- The majority of existing tenants are less than 200sqm, which suggests that such tenants could relocate to a City Living zone and be assessed 'on-merit';
- The emergence of co-working hubs in or near main streets, including *House of Spaghetti* and *Co Hutt*, both on Hutt Street. These facilities also provide flexible space for small business;

- A broad mix of tenancies including small offices, consulting rooms, retail tenancies, cafes and restaurants are within each main street;
- Real estate agents have revealed that relatively high incentives are offered to secure new tenants. Significant incentives would not be offered if enquiry levels were high. This is a sign that supply is currently outstripping demand.

These factors highlight there is ample opportunities for small business to set up in the City, which in my view, negates the need for such a significant policy change in the City Living Zone. Such changes to the City Living Zone to encourage non-residential uses will directly compete with the existing main streets at a time when there are clearly ample opportunities for further business growth in each street.

I note that with landlords currently providing generous incentives to new tenants throughout Adelaide City and North Adelaide, non-residential uses in residential areas are unlikely to be the highest and best use. The rental return from residential use may be higher than non-residential uses, limiting the take-up for non-residential uses. However, the proposed change may provide an additional income source for larger residences where residents do not require all the residential floor space. This, I believe is where the take-up of this policy change may be greatest.

Furthermore, there are structural changes at play that may impact demand for non-residential space in the future, including:

- Growth in on-line shopping, which is impacting demand for bricks and mortar retail shops;
- Flexible working, with more people working part-time or full-time from home (which is covered by existing 'home activity' provisions);
- Uber Eats and other delivery services disrupting the food catering sector, a major tenant in each of the City's main street zones;
- More efficient workspaces, meaning less space is required per worker, which may reduce demand for office space.

Given these changes, together with the availability of vacant tenancies in existing main street environments, there is limited evidence that such a change to zoning to allow non-residential uses throughout the City Living Zone is warranted.

Should there be moderate take-up of non-residential uses in the City Living Zone, I am of the view that the residential population growth in the City may slow. This is not only due to the potential removal of residential stock from the market to make way for non-residential uses, but the potential loss of amenity that may reduce the appeal of parts of Adelaide's residential areas.

There has been some resistance across Adelaide to mixed-use development. Real estate agents and developers of apartment projects typically avoid mixing non-residential uses with residential uses in the same building with the exception of ground floor retail / commercial tenancies. Where a mix of uses have occurred, it has generally been carefully planned to provide separation between commercial tenants and residents (separate lobbies / lifts etc.) This is much more difficult to control in existing residential buildings.

The proposed changes to zoning could result in an unplanned mix of non-residential uses, negatively impacting the enjoyment of residents either within the same building or on neighbouring sites.

Conclusions

While I understand the desire to provide a range of local services for residents within walking distance of residents, the provisions of the proposed City Living Zone (PO 1.4 together with Deemed to Satisfy criteria) may have unintended consequences that negatively impact both City Living Zones and nearby main streets.

I consider that the current policies relating to home activities provide the opportunity for residents to conduct a small business from home with minimal impact on adjoining property. Expanding this provision to allow the in effect guaranteed DTS approval to change the use of up to 50sqm of gross leasable area for non-residential purposes by unrelated parties is not necessary in the City of Adelaide, given the location of nearby zones within close proximity of residential areas. 50sqm could potentially

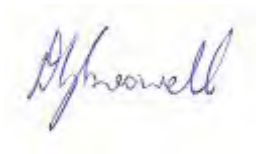
cater for 3-4 employees, plus clients. Potentially extending this to up to 199sqm through performance assessment could further increase the impact on surrounding residential amenity and the viability of the City's main streets.

I consider there are considerable risks in making the changes proposed, including:

- Negative impact on residential amenity caused by businesses operating in residential areas, in particular increased demand for on-street parking;
- Negative impact on the functionality and viability of the main streets, with premises in the City Living Zone competing for non-residential tenants;
- Non-residential uses in areas that are not on public transport routes, increasing private car use;
- Potential loss of multi-purpose trips by encouraging commercial uses outside of main street and other commercial / mixed-use zones (businesses being scattered throughout residential areas rather than clustered together);
- Potential loss of tenants in existing main streets to the City Living Zone, resulting in a decline in patronage, loss of critical mass, and flow-on loss of trade for other businesses as pedestrian traffic declines;
- Decline in residential population growth;
- Potential loss from the market of affordable accommodation. e.g. Smaller dwellings being used solely for non-residential purposes. These dwellings are likely to be at the more affordable end of rental accommodation.

Should you have further queries, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads 'David Snoswell'.

David Snoswell
Consultant
Alinea Group

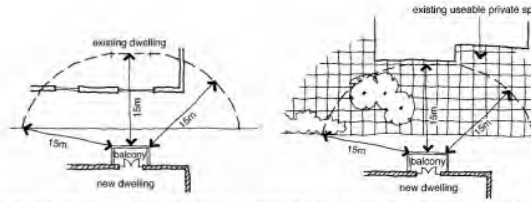
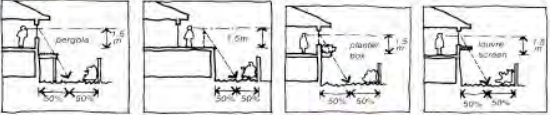
**City of Adelaide Feedback on potential matters to inform the proposed
Miscellaneous Technical Enhancement Code Amendment.**

Policy Wording/Intent	Policy Gap	Tables/Technical/Procedural
<p>Adelaide Park Lands Zone PO 1.3 The policy incorrectly describes the location. Recommend the following correction: <i>Community, cultural, tourism, shop or licensed premises located adjacent to the southern bank of the River Torrens between Montefiore Road and Wye Signal Cabin.</i></p>	<p>Adelaide Park Lands Special Landscape Character Absence of policy protecting areas of special landscape character that contribute to the character of the Park Lands. Recommend identification of areas of special landscape character through a concept plan and appropriate policy.</p>	<p>Adelaide Park Lands Table 1 - Accepted Development The listing and criteria applied to fencing is unsuitable for Park Lands and is better suited for Neighbourhood Type zones. The classification criteria is inappropriate in an open space public Zone that is Nationally Heritage listed. <u>Option 1</u> - Recommend removing fencing, retaining wall structures and shade sails from Table 1 and include within Table 3. <u>Option 2</u> - Recommend the development of a criteria tailored for the Adelaide Park Lands and addresses accessibility and public realm design.</p>
<p>Adelaide Park Lands Zone PO 1.9 PO 1.9 incorrectly seeks the replacement of the Adelaide Aquatic Centre site with recreational sporting clubrooms, facilities and associated administrative functions. Recommend PO 1.9 is deleted and replaced with the following equivalent of previous Development Plan Policy: <i>Extensions to or new buildings at the Adelaide Aquatic Centre should be restricted unless they consolidate and replace existing buildings with structures more appropriate to the Park Lands environment and with no increase in total floor area. Other than this, no additional buildings should be permitted.</i></p>	<p>Adelaide Park Lands Rationalisation of Parking Lack of policy rationalising existing parking in certain areas of the Park Lands. Recommend additional policy that rationalises and reconfigures existing car parking to ensure no increase in parks 1, 2, 13, 14, 16, 17 and 23.</p>	<p>Adelaide Park Lands and City Layout referral trigger No referral trigger within the Schedule 9 Table of PDI Act or within the Code triggering referral to the Federal Environment Minister of an action which has, will have, or is likely to have a significant impact on any matter of National Environmental Significance, including National Heritage values.</p>
<p>Adelaide Park Lands Zone PO 3.2 Refers incorrectly to the National Heritage Listing.</p>	<p>City Main Street Zone – Undercroft Parking</p>	<p>Adelaide Park Lands Zone Table 2 – Deemed-To-Satisfy Development (GDP) Recommend including the following GDPs:</p>

<p>Recommend the following correction: <i>“Development recognises the Adelaide Park Lands and City Layout National Heritage Values.”</i></p>	<p>Recommend additional policy deterring undercroft parking as it is uncharacteristic to the City.</p>	<p><u>Advertisements</u></p> <ul style="list-style-type: none"> All Advertisements GDP DTS/DPFs should be applied.
<p><u>City Main Street Zone DTS/DPF 1.6</u> Consulting rooms, offices and dwellings at ground floor level do not support the intent of PO 1.6 that seeks to contribute to an active and vibrant main street. Recommend - Option 1 Introduce policy that ensures active uses on ground level and only allows offices, consulting rooms and dwellings above ground floor level.</p>	<p><u>Design in Urban Areas - Universal access</u> Recommend additional policy in Design in Urban Areas GDP to ensure the ground floor level of buildings are level with the footpath.</p>	<p><u>Adelaide Park Lands Zone Table 3 – Applicable policies for Performance Assessed Development (GDPs)</u> Recommend including the following GDP’s: <u>Shop</u></p> <ul style="list-style-type: none"> Design in Urban Areas GDP - PO 5.1 Interface Between Land Uses GDP - PO 1.2, 6.2 Transport Access and Parking GDP - PO 1.2, 1.3 <p>Recommend deleting the following GDPs: <u>Shop</u></p> <ul style="list-style-type: none"> Design in Urban Areas GDP - PO 11.5
<p><u>City Living Zone DTS/DPF 8.1(d) – Ancillary Buildings</u> Recommend DTS/DPF is reworked to ensure garages do not exceed 30% of the site frontage to ensure they do not dominate established streetscapes.</p>	<p><u>City Living Zone – Site Coverage</u> A blanket site coverage of 50% for all site in the North Adelaide Low Intensity Subzone and East Terrace Subzone is poorly suited to many established areas within the Zone. Recommend different site coverage requirements are applied to different areas as a TNV in SAPPa to reflect the previous Development Plan Landscaped Open Space requirements.</p>	<p><u>City Living Zone Table 1 - Accepted Development (Overlay exceptions)</u> Recommend including the following Overlays:</p> <ul style="list-style-type: none"> Fence and retaining wall structure – Historic Area Overlay
<p><u>Design in Urban Areas – Environmental Performance PO 4.3</u> Recommend the following is added to the end of the PO: <i>...other decentralised energy generation and embedded networks.</i></p>	<p><u>Melbourne Street West Subzone - Protection of views</u> Recommend additional policy to protect views of the City from Stanley Street and Brougham Place properties.</p>	<p><u>City Living Zone Table 2 – Deemed-To-Satisfy Development (Overlay Exceptions)</u> Recommend including the following Overlays in column 1:</p> <ul style="list-style-type: none"> Ancillary Accommodation – Regulated and Significant Tree Overlay Carport – Regulated and Significant Tree Overlay

		<ul style="list-style-type: none"> • Dwelling Addition – Historic Area Overlay, Regulated and Significant Tree Overlay • Land Division – Historic Area Overlay, Local Heritage Place Overlay, State Heritage Area Overlay, State Heritage Place Overlay • Outbuilding - Regulated and Significant Tree Overlay • Verandah - Regulated and Significant Tree Overlay
<p><u>Design in Urban Areas – Water Sensitive Design PO 5.1</u></p> <p>Recommend additional policy that encourages waste water and stormwater re-use as follows and is called up for all relevant classes of development:</p> <p><i>(d) incorporating waste water and stormwater re-use including the treatment and re-use of grey water.</i></p> <p>The Code is deficient in utilising waste water as a resource.</p>	<p><u>WCH and Memorial Hospital Precinct Subzone</u></p> <p>Recommend additional policy acknowledging the important views of St Peters Cathedral.</p>	<p><u>City Living Zone Table 2 - Deemed-To-Satisfy (Zone DTS/DPF)</u></p> <p>Recommend including the following zone DTS's:</p> <ul style="list-style-type: none"> • Ancillary Accommodation – DTS/DPF 2.1 • Carport – DTS/DPF 2.2, 3.1, 3.2, 3.3 • Land Division – DTS/DPF 4.1 • Outbuilding – DTS/DPF 2.2, 3.1, 3.2, 3.3 • Verandah – DTS/DPF 2.2, 3.1, 3.2, 3.3
<p><u>Design in Urban Areas GDP – PO 12.8 External Appearance</u></p> <p>Recommend the PO is revised to ensure that services, plant and mechanical equipment are screened and/or integrated into the design of buildings and do not dominate street frontages.</p>	<p><u>Envisaged Uses Table 3 Performance Assessed Development – All Zones</u></p> <p>Recommend uses envisaged by the relevant zone are included within the Performance Assessed Development Table e.g. cemetery, community facility, educational establishment, emergency services facility, health care facility, hospital, indoor recreation facility etc</p>	<p><u>City Living Zone Table 2 – Deemed-To-Satisfy Development Classification (GDPs)</u></p> <p>Recommend including the following GDPs:</p> <p><u>Design in Urban Areas GDP</u></p> <ul style="list-style-type: none"> • Ancillary Accommodation DTS/DPF 10.1, 10.2 • Carport – DTS/DPF 8.2, 19.1, 19.2, 20.1 • Outbuilding – DTS/DPF 8.2, 19.1, 19.2, 20.1 <p><u>Land Division GDP</u></p> <ul style="list-style-type: none"> • no reference to battle axe development DTS/DTF <p><u>Site Contamination GDP</u></p> <ul style="list-style-type: none"> • should be called up for all sensitive land uses
<p><u>Design in Urban Areas GDP – PO 16.1 Overlooking/Privacy</u></p>	<p><u>Premature Demolition</u></p> <p>Creation of vacant city sites through the premature demolition unnecessarily reduces</p>	<p><u>City Living Zone Table 2 – Deemed-To-Satisfy Development (Overlays)</u></p>

<p>Recommend the inclusion of a DTS/DPF that introduces methods to reduce direct overlooking e.g. setback standards to achieve reasonable distances between buildings, orientation of windows, projecting sills, canopy projections etc</p> <p>PDC 36 of the previous CoA Development Plan was effective in achieving this. Refer to policy and diagrams below:</p> <p>In the event that direct overlooking occurs from proposed upper level habitable room windows, external balconies, terraces, decks and roof gardens to habitable room windows and primary areas of private open space of adjacent dwellings, such direct overlooking should be minimised by:</p> <ul style="list-style-type: none"> (a) setting buildings back from boundaries; (b) screening devices such as: <ul style="list-style-type: none"> (i) canopy projections above windows to minimise viewing down into rooms; (ii) horizontal projecting sills to restrict downward overlooking; or (iii) side window or balcony screens to restrict sideways/oblique overlooking; (c) orientating windows to avoid direct views; and (d) landscaping. <p>Design Techniques (these are ONE WAY of meeting the above Principle)</p> <p>36.1 Direct views from upper level habitable room windows to the habitable room windows or useable private open space of an adjacent residential development restricted (assuming a viewing height of up to 1.6 metres above floor level) by:</p>	<p>opportunities for land to put to an economic use. Recommend research and additional policy to prevent buildings being prematurely demolished without commitment of a replacement building.</p>	<p>Recommend including the following Overlays:</p> <p><u>Land Division</u></p> <ul style="list-style-type: none"> • Regulated and Significant Tree Overlay DTS/DPF 3.2
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 <p>Figure 36.3 - direct view occurs if windows or outdoor areas overlooked are located within a distance of 15 metres from any point of the balcony or deck.</p> <p>Windows and balconies within an upper level habitable room designed to prevent overlooking (assuming a viewing height of up to 1.6 metres above floor level) of than 50 percent of the useable private open space of a lower-level dwelling with building (refer to Figure 36.4).</p>  <p>Figure 36.4 - screening devices to prevent downward overlooking.</p>		
<p><u>Interface Between Land Uses GDP – noise attenuation</u> Recommend Environment Protection (Noise) Policy apply as a DTS for PO 1.1 and 1.2.</p>	<p><u>Capital City Zone – Protection of views</u> Recommend additional policy to protect important views of civic landmarks e.g. Adelaide Town Hall, GPO, St Francis Xavier's Catholic Cathedral etc.</p>	<p><u>City Living Zone Table 3 – Applicable policies for Performance Assessed Development (Zone PO's)</u> Recommend including the following PO's:</p> <ul style="list-style-type: none"> • Carport - PO 2.2, 3.1, 3.2, 3.3, 3.4, 5.1 • Fences - PO 2.3, 3.5 • Outbuilding - PO 2.3, 3.1, 3.2, 3.3, 3.4, 5.1 • Retaining Wall - PO 2.3
<p><u>Beverage Production in Rural Areas GDP</u> Recommend the GDP also applies to urban areas and is renamed to 'Beverage Production' GDP.</p>	<p><u>Capital City Zone – Overlooking</u> Recommend additional policy to address direct overlooking at the City Living Interface.</p>	<p><u>City Living Zone Table 3 – Applicable policies for Performance Assessed Development (GDPs)</u> Recommend including the following GDPs: <u>Design in Urban Areas GDP</u></p> <ul style="list-style-type: none"> • Ancillary Accommodation – include all policies relating to residential development • Carport – PO 19.1, 19.2, 23.6 • Detached dwelling – PO 1.1, 1.3, 2.4, 4.1, 4.2, 4.3, 5.1, 35.1, 35.3

		<ul style="list-style-type: none"> • Dwelling addition – PO1.3, 4.1, 4.2, 4.3, 5.1 • Group dwelling – PO 5.1 • Outbuilding – PO 19.1, 19.2, 23.6 • Residential Flat Building – PO 5.1,14.1,14.2, 14.3 • Row Dwelling – PO 1.1, 1.3, 1.5, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 4.1, 4.2, 4.3, 5.1 • Semi-detached dwelling - PO 1.1, 1.3, 1.5, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 4.1, 4.2, 4.3, 5.1 • Verandah - PO 1.3, 20.2 <p><u>Interface Between Land Uses GDP</u></p> <ul style="list-style-type: none"> • Detached dwelling – PO 4.4 • Dwelling addition – PO 4.4 • Group Dwelling – PO 4.4 • Row Dwelling – PO 4.4 • Semi-detached dwelling – PO 4.4 • Ancillary accommodation - include all policies relating to residential development. <p><u>Site Contamination GDP</u></p> <ul style="list-style-type: none"> • Dwelling addition – PO 1.1 <p><u>Transport, Access and Parking GDP</u></p> <ul style="list-style-type: none"> • All dwelling types include links to PO 3.1, 3.5, 3.6 at the least – or more as per Residential Flat Buildings <p>Recommend deleting the following GDPs:</p> <p><u>Design in Urban Areas GDP</u></p> <ul style="list-style-type: none"> • Group dwelling – PO 1.2, 1.5, 11.1-11.5 • Row Dwelling – PO 11.1-11.5 • Semi-detached dwelling - PO 11.1-11.5
<p><u>Local and State Heritage Place Overlays</u> Recommend an additional definition to define the term “complement the heritage value”.</p>	<p><u>Verandahs in Capital City Zone along Pedestrian Routes</u> Recommend additional policy for development to incorporate verandahs along the street frontage along core pedestrian areas, major</p>	<p><u>City Living Zone Table 3 – Applicable policies for Performance Assessed Development (Overlays)</u> Recommend including the following Overlays: <u>Ancillary Accommodation</u></p>

	<p>walking routes, along main pedestrian roads and key public transport routes.</p>	<ul style="list-style-type: none"> • Regulated and Significant Tree Overlay PO 1.1 – 1.4, PO 2.1 <p><u>Carport</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2 • Regulated and Significant Tree Overlay PO 1.1 – 1.4, PO 2.1 • State Heritage Place Overlay PO 2.1 - 2 <p><u>Detached Dwelling</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2 • Noise and Emissions Overlay PO 1.1 – 3 • Regulated and Significant Tree Overlay PO 1.1 – 1.4, PO 2.1 • State Heritage Place Overlay PO 2.1 – 2 <p><u>Dwelling Addition</u></p> <ul style="list-style-type: none"> • Noise and Emissions Overlay PO 1.1 – 3 • Regulated and Significant Tree Overlay PO 1.1 – 1.4, PO 2.1 • State Heritage Place Overlay PO 2.1 – 2 <p><u>Fence</u></p> <ul style="list-style-type: none"> • Historic Area Overlay PO 1.1, 2.1, 2.2, 2.4, 2.5, 4.4 • Local Heritage Place Overlay PO 1.1 – 7, PO 2.1, PO 3.1- 2, 3.4 • Regulated and Significant Tree Overlay PO 1.1 – 1.4, PO 2.1 <p><u>Group Dwelling</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 -2 • Regulated and Significant Tree Overlay PO 1.1 – 1.4, PO 2.1 • State Heritage Place Overlay PO 2.1 – 2, PO 3.1 – 3.2 <p><u>Outbuilding</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2 • Regulated and Significant Tree Overlay PO 1.1 – 1.4, PO 2.1 • State Heritage Place Overlay PO 1.1.- 1.5, PO 2.1 – 2.2, PO 3.1 – 3.2 <p><u>Residential Flat Building</u></p>
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		<ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2 • Regulated and Significant Tree Overlay PO 1.1 – 1.4, PO 2.1 • State Heritage Place Overlay PO 2.1 – 2 <p><u>Retaining Wall</u></p> <ul style="list-style-type: none"> • Heritage Adjacency PO 1.1 • Historic Area Overlay PO 3.1, 3.4 • Local Heritage Place PO 1.1, 1.2, 1.3, 1.5, 1.7 • Regulated and Significant Tree Overlay PO 1.1 – 1.4, PO 2.1 <p><u>Row Dwelling</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2 • Noise and Emissions Overlay PO 1.1 – 3 • Regulated and Significant Tree Overlay PO 1.1 – 1.4, PO 2.1 • State Heritage Place Overlay PO 2.1 – 2 <p><u>Semi-Detached Dwellings</u></p> <ul style="list-style-type: none"> • Historic Area Overlay PO 3.1, 3.2 • Local Heritage Place Overlay PO 2.1 - 2 • Noise and Emissions Overlay PO 1.1 – 3 • Regulated and Significant Tree Overlay PO 1.1 – 1.4, PO 2.1 • State Heritage Place Overlay PO 2.1 – 2 <p><u>Verandah</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 3.1 – 2 • Regulated and Significant Tree Overlay PO 1.1 – 1.4, PO 2.1 • State Heritage Place Overlay PO 2.1 – 2
<p><u>Local Heritage Place Overlay</u> Recommend an additional definition for “revitalisation”.</p>	<p><u>Concept Plan 79</u> Recommend Concept Plan 79 includes the identification of high public transport routes, major walking routes and all important pedestrian routes. Reflect these routes within policy and encourage through-site links.</p>	<p><u>Building height TNV on SAPP</u> Recommend a note reference to building height TNV's to ensure stakeholders understand that catalyst sites policies apply.</p>
	<p><u>High fencing along front property boundaries</u></p>	<p><u>City Main Street Zone Table 1 - Accepted Development (Overlay Exceptions)</u></p>

	<p>Recommend additional policy that deters high solid fencing along front property boundaries to contribute to the activeness of the streetscape and ensure casual surveillance in the City Living Zones, Capital City Zone, City Main Street Zone and Melbourne Street West Subzone. High front fencing is uncharacteristic to the City.</p>	<p>Recommend deleting the following Overlays:</p> <p><u>Shade sail</u></p> <ul style="list-style-type: none"> • Future Local Road Widening Overlay • Future Road Widening Overlay <p><u>Temporary public service depot</u></p> <ul style="list-style-type: none"> • Hazards (Flooding) Overlay • Major Urban Transport Routes Overlay • Traffic Generating Development Overlay • Urban Transport Routes Overlay <p><u>Water tank (underground)</u></p> <ul style="list-style-type: none"> • Coastal Areas Overlay • Hazards (Acid Sulfate Soils) Overlay • Ramsar Wetlands Overlay
	<p><u>Parking in the City Riverbank Zone</u></p> <p>Recommend additional policy that prioritises pedestrian safety and addresses basement parking whilst contributing to activation.</p>	<p><u>City Main Street Zone Table 2 – Deemed-To-Satisfy (Overlay Exceptions)</u></p> <p>Recommend including the following Overlay in column 1:</p> <p><u>Consulting Room</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay • Regulated and Significant Tree Overlay <p><u>Office</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay • Regulated and Significant Tree Overlay <p><u>Shop</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay • Regulated and Significant Tree Overlay
	<p><u>Visual and physical connections in the City Riverbank Zone</u></p> <p>Recommend that Concept Plan 79 is expanded to include visual and pedestrian connections from Figure Rb/1- from the previous CoA Development Plan.</p>	<p><u>City Main Street Zone Table 2 – Deemed-To-Satisfy Development (DTS/DPF)</u></p> <p>Recommend including the following DTS/DPF:</p> <ul style="list-style-type: none"> • Consulting Room - DTS/DPF 2.3, 2.5, 2.7 • Office - DTS/DPF 2.3, 2.5, 2.7 • Shop - DTS/DPF 2.3, 2.5, 2.7



	<p><u>Cultural Institutions Subzone Pedestrian Links</u> Recommend that Concept Plan 79 is expanded to include pedestrian links from Fig I/1 and 2, Fig Rb1-3 from the previous CoA Development Plan.</p>	<p><u>City Main Street Zone Table 2 – Deemed-To-Satisfy Development (GDPs)</u> Recommend including the following GDPs: <u>Advertisement GDP</u></p> <ul style="list-style-type: none"> • Advertisements – All DTS/DPF to apply
	<p><u>Cultural Institutions Subzone – setback from Park Lands</u> Recommend additional policy that seeks buildings to be located away from roads or frontages to the Park Lands.</p>	<p><u>City Main Street Zone Table 3 – Applicable policies for Performance Assessed Development (Zone PO's)</u> Recommend including the following zone PO's:</p> <ul style="list-style-type: none"> • Advertisements - PO 5.2 • Consulting Room - PO 1.7 • Licensed Premise - PO 1.7 • Shop - PO 4.3 • Student Accommodation - PO 3.3 • Tourist Accommodation - PO 3.3
	<p><u>Cultural Institutions Subzone – setback from North Tce</u> Recommend additional policy that maintains the setback pattern from North Tce.</p>	<p><u>City Main Street Zone Table 3 – Applicable policies for Performance Assessed Development (GDPs)</u> Recommend including the following GDPs: <u>Design in Urban Areas GDP</u></p> <ul style="list-style-type: none"> • All residential development classes - apply PO 5. <p><u>Interface between Land Uses GDP</u></p> <ul style="list-style-type: none"> • Licensed premises – PO 6.2 <p><u>Transport, Access and Parking GDP</u></p> <ul style="list-style-type: none"> • Licensed premises – PO 1.2 • Shop – PO 1.2 <p>Recommend deleting the following GDPs: <u>Interface between Land Uses GDP</u></p> <ul style="list-style-type: none"> • Consulting rooms – PO 4.5, 4.6, 5.2 • Office – PO 4.5, 4.6, 5.2 • Shop – PO 4.5, 4.6, 5.2

	<p><u>Public Art</u> Recommend additional policy on public art, monuments etc as a separate heading within the Design in Urban Areas GDP.</p>	<p><u>City Main Street Zone Table 3 – Applicable policies for Performance Assessed Development (Overlays)</u> Recommend including the following Overlays:</p> <p><u>Advertisement</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 3.4 <p><u>Consulting Room</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2.2, 6.1 - 6.2 • State Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2, 6.1 <p><u>Dwelling</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2.2, 3.1, 6.1 - 6.2 • State Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2, 6.1 <p><u>Licensed Premise</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2.2, 3.1, 6.1 - 6.2 • State Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2, 6.1 <p><u>Office</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2.2, 3.1, 6.1 - 6.2 • State Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2, 6.1 <p><u>Residential Flat Building</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2.2, 3.1, 6.1 - 6.2 • State Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2, 6.1 <p><u>Shop</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2.2, 3.1, 6.1 - 6.2 • State Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2, 6.1
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	<p><u>Entertainment Subzone – Activation</u> Recommend additional policy that seeks land uses at ground level that contribute and facilitate activation.</p>	<p><u>Business Neighbourhood Zone Table 1 - Accepted Development (Overlay Exceptions)</u> Recommend including the following Overlays in Column 1:</p> <p><u>Carport</u></p> <ul style="list-style-type: none"> • Regulated and Significant Tree Overlay <p><u>Outbuilding</u></p> <ul style="list-style-type: none"> • Regulated and Significant Tree Overlay <p><u>Shade sail</u></p> <ul style="list-style-type: none"> • Regulated and Significant Tree Overlay <p><u>Swimming pool or spa</u></p> <ul style="list-style-type: none"> • Regulated and Significant Tree Overlay <p><u>Verandah</u></p> <ul style="list-style-type: none"> • Regulated and Significant Tree Overlay <p><u>Water tank (underground)</u></p> <ul style="list-style-type: none"> • Regulated and Significant Tree Overlay
	<p><u>Health Subzone – Building Design</u> Recommend additional policy that seeks buildings to be designed to be viewed from all sides and considers the activation of the Park Lands.</p>	<p><u>Business Neighbourhood Zone Table 2 – Deemed-To-Satisfy Development (Overlay Exceptions)</u> Recommend including the following Overlays in Column 1:</p> <p><u>Ancillary accommodation</u></p> <ul style="list-style-type: none"> • Regulated and Significant Tree Overlay <p><u>Carport</u></p>

		<ul style="list-style-type: none"> • Regulated and Significant Tree Overlay <u>Consulting Room</u> • Hazards (Flooding) Overlay • Heritage Adjacency Overlay • Historic Area Overlay • Local Heritage Place Overlay • Regulated and Significant Tree Overlay <u>Dwelling</u> • Regulated and Significant Tree Overlay <u>Dwelling or residential flat building undertaken by:</u> <u>(a) the South Australian Housing Trust</u> • Regulated and Significant Tree Overlay <u>Office</u> • Local Heritage Place Overlay • Regulated and Significant Tree Overlay <u>Outbuilding</u> • Regulated and Significant Tree Overlay <u>Replacement Building</u> • Regulated and Significant Tree Overlay • Heritage Adjacency Overlay <u>Row Dwelling</u> • Regulated and Significant Tree Overlay <u>Semi-Detached Dwelling</u> • Regulated and Significant Tree Overlay <u>Shop</u> • Local Heritage Place Overlay • Regulated and Significant Tree Overlay <u>Verandah</u> • Regulated and Significant Tree Overlay
	<p>Helipad Operations – Health Subzone Recommend additional policies to protect the operation of the hospital helipad.</p>	<p>Business Neighbourhood Zone Table 2 – Deemed-To-Satisfy Development (Zone DTS/DPE)</p>

		<p>Recommend including the following Zone DTS/DPF:</p> <ul style="list-style-type: none"> • Ancillary Accommodation - DTS/DPF 3.1 - 7 • Carport - DTS/DPF 3.1 - 7 • Consulting Room - DTS/DPF 1.2, 2.3, 3.1 - 7 • Detached Dwelling - DTS/DPF 1.1 • Dwelling Addition - DTS/DPF 1.1 • Dwelling by SAHT - DTS/DPF 2.3, 3.1 - 7
	<p><u>Vehicle Access Points – Health Subzone</u> Recommend additional policy that requires development to be serviced by vehicular access points from North Terrace and Port Road and considers the activation of the River Torrens.</p>	<p><u>Business Neighbourhood Zone Table 2 – Deemed-To-Satisfy Development (GDPs)</u> Recommend including the following GDPs:</p> <p><u>Advertisements GDP</u></p> <ul style="list-style-type: none"> • Advertisements – DTS/DPF 2.1, 2.2 <p><u>Clearance from overhead powerlines GDP</u></p> <ul style="list-style-type: none"> • Dwelling by SAHT – DTS/DPF 1.1 <p><u>Design in Urban Areas GDP</u></p> <ul style="list-style-type: none"> • Ancillary Accommodation - DTS/DPF 10.1, 10.2 • Carport – DTS/DPF 8.2, 19.1, 19.2, 20.1 • Outbuilding – DTS/DPF 8.2, 19.1, 19.2, 20.1 <p><u>Site contamination GDP</u></p> <ul style="list-style-type: none"> • Ancillary accommodation DTS/DPF 1.1 • Dwelling addition - DTS/DPF 1.1
	<p><u>Subzones of City Riverbank Zone - Land use</u> Recommend additional policy that lists envisaged uses for each Subzone to ensure clarity and distinguish each subzones differences.</p>	<p><u>Melbourne West Subzone Table 2 – Deemed-To-Satisfy Development (GDPs)</u> Recommend including the following GDPs:</p> <p><u>Clearance from Overhead Powerlines gdp</u></p> <ul style="list-style-type: none"> • Dwelling by SAHT – DTS/DPF 1.1 <p><u>Design in Urban Areas GDP</u></p> <ul style="list-style-type: none"> • Ancillary Accommodation - include all policies relating to residential development. • Carport – PO 19.1, 19.2, 23.6 • Detached dwelling – PO 1.1, 1.3, 2.4, 3.1, 4.1, 4.2, 4.3, 5.1, 35.1, 35.3,

		<ul style="list-style-type: none"> • Dwelling addition – PO 1.3, 4.1, 4.2, 4.3, 5.1, • Group dwelling – PO 1.3, 2.2, 2.3, 2.4, 3.1, 4.1, 4.2, 4.3, 5.1 • Residential Flat building – PO 1.1, 1.3, 1.5, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 4.1, 4.2, 4.3, 5.1. • Row dwelling – PO 1.1, 1.3, 1.5, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 4.1, 4.2, 4.3, 5.1. • Semi-detached dwelling – PO 1.1, 1.3, 1.5, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 4.1, 4.2, 4.3, 5.1. • Service Trade Premises – PO 1.3, 2.3, 3.1, 4.3, 5.1, 11.1, 42.1, 42.2, 42.3, 43.1. • Store – PO 1.3, 2.3, 3.1, 4.3, 5.1, 11.1, 42.1, 42.2, 42.3, 43.1. • Verandah – PO 1.3, 20.2 • Warehouse – PO 1.3, 2.3, 4.3, 11.1, 42.1, 42.2, 42.3, 43.1. <p><u>Housing Renewal GDP</u></p> <ul style="list-style-type: none"> • Dwelling by SAHT – PO 10.2, 10.3 <p><u>Infrastructure and Renewable Energy Facilities GDP</u></p> <ul style="list-style-type: none"> • Consulting room – PO 12.2 • Office – PO 12.2 • Shop – PO 12.2 <p><u>Interface Between Land Uses GDP</u></p> <ul style="list-style-type: none"> • Ancillary accommodation dwelling by SAHT – include all policies relating to residential development. • Consulting room - PO 6.2 • Office - PO 6.2 • Service trade premises - PO 6.2 • Shop - PO 6.2 • Detached dwelling – PO 1.1, 4.4 • Dwelling addition – PO 1.1, 4.4 • Group dwelling – PO 1.1, 4.4 • Residential flat building – PO 1.1, 4.4 • Row dwelling – PO 1.1, 4.4 • Semi-detached dwelling – PO 1.1, 4.4
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		<ul style="list-style-type: none"> • Store – PO 1.2, 2.1, 6.2 • Warehouse - PO 2.1, 6.2 <p><u>Land Division GDP</u></p> <ul style="list-style-type: none"> • Land division – PO 2.8, 3.11 <p><u>Transport, Access and Parking GDP</u></p> <ul style="list-style-type: none"> • All dwelling types – include PO 3.1, 3.5, 3.6 • Service trade premises – PO 1.1, 1.2, 1.3, 2.1, 2.2, 3.3, 3.4, 3.8, 6.2, 6.4 • Store – PO 1.1, 1.2, 1.3, 2.1, 2.2, 3.3, 3.4, 3.8, 6.2, 6.4 • Shop – PO 1.1, 1.2, 1.3 • Warehouse - PO 1.1, 1.2, 3.3, 3.4, 4.1 <p>Recommend deleting the following GDPs:</p> <p><u>Design in Urban Areas GDP</u></p> <ul style="list-style-type: none"> • Consulting Room – PO 11.5 • Group dwelling – PO 1.1-11.5 • Office - PO 11.5 • Shop - PO 11.5 • Warehouse – PO 3.2, 31.1 and 31.2
	<p><u>Subzones of City Riverbank Zone - Land use</u> Recommend additional policy that includes exception for certain uses listed at zone level but are inappropriate in subzone similar to approach currently used in Cultural Institutions subzone. Apply to all subzones in the City Riverbank Zone.</p> <p><u>Examples</u></p> <ul style="list-style-type: none"> • Hospital, Helicopter Landing Facilities, Light Industry excluded from the Entertainment Subzone. • Convention Centre, Tourist Accommodation, Entertainment Venue, Hotel excluded from the Health Subzone. 	<p><u>Business Neighbourhood Zone Table 3 – Applicable policies for Performance Assessed Development (GDPs)</u></p> <p>Recommend including the following GDPs:</p> <p><u>Clearance from Overhead Powerlines GDP</u></p> <ul style="list-style-type: none"> • should apply to dwelling by SAHT <p><u>Design in Urban Areas GDP</u></p> <ul style="list-style-type: none"> • Ancillary Accommodation – include all policies applicable to residential development • Carport – PO 19.1, 19.2, 23.6 • Detached dwelling – PO 1.1, 1.3, 2.4, 3.1, 4.1, 4.2, 4.3, 5.1, 35.1, 35.3 • Dwelling addition - PO1.3, 4.1, 4.2, 4.3, 5.1, • Group dwelling - PO1.3, 2.2, 2.3, 2.4, 3.1, 4.1, 4.2, 4.3, 5.1

		<ul style="list-style-type: none"> • Residential Flat building – PO1.1, 1.3, 1.5, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 4.1, 4.2, 4.3, 5.1. • Row dwelling - PO1.1, 1.3, 1.5, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 4.1, 4.2, 4.3, 5.1. • Semi-detached dwelling – PO1.1, 1.3, 1.5, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 4.1, 4.2, 4.3, 5.1. • Service Trade Premises – PO 1.3, 2.3, 3.1, 4.3, 5.1, 11.1, 42.1, 42.2, 42.3, 43.1 • Store – PO 1.3, 2.3, 3.1, 4.3, 5.1, 11.1, 42.1, 42.2, 42.3, 43.1. • Verandah – PO 1.3, 20.2 • Warehouse – PO 1.3, 2.3, 4.3, 11.1, 42.1, 42.2, 42.3, 43.1 <p><u>Housing Renewal GDP</u></p> <ul style="list-style-type: none"> • Dwelling by SAHT – PO 10.2, 10.3 <p><u>Infrastructure and Renewable Energy Facilities GDP</u></p> <ul style="list-style-type: none"> • Consulting room – PO 12.2 • Office – PO 12.2 • Shop – PO 12.2 <p><u>Interface Between Land Uses GDP</u></p> <ul style="list-style-type: none"> • Ancillary accommodation dwelling by SAHT – include all POs applicable to residential development • Consulting room - PO 6.2 • Office - PO 6.2 • service trade premises - PO 6.2 • Shop - PO 6.2 • Detached dwelling – PO 1.1, 4.4 • Dwelling addition – PO 1.1, 4.4 • Group dwelling – PO 1.1, 4.4 • Residential flat building – PO 1.1, 4.4 • Row dwelling – PO 1.1, 4.4 • Semi-detached dwelling – PO 1.1, 4.4 • Store – PO 1.2, 2.1, 6.2 • Warehouse - PO 2.1, 6.2
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		<p><u>Land division GDP</u></p> <ul style="list-style-type: none"> • Land division – PO 2.8, 3.11 <p><u>Transport, Access and Parking GDP</u></p> <ul style="list-style-type: none"> • Detached dwelling – PO 3.1, 3.5, 3.6 • Dwelling addition – PO 3.1, 3.5, 3.6 • Group dwelling – PO 3.1, 3.5, 3.6 • Residential flat building – PO 3.1, 3.5, 3.6 • Row dwelling – PO 3.1, 3.5, 3.6 • Semi-detached dwelling – PO 3.1, 3.5, 3.6 • Service trade premises, store – PO 1.1, 1.2, 1.3, 2.1, 2.2, 3.3, 3.4,3.8, 6.2, 6.4 • Shop – PO 1.1, 1.2, 1.3 • Warehouse PO 1.1, 1.2, 3.3, 3.4,4.1 <p>Recommend deleting the following GDPs:</p> <p><u>Design in Urban Areas GDP</u></p> <ul style="list-style-type: none"> • Consulting Room – PO 11.5, • Group dwelling – PO 11.1-11.5 • Office - PO 11.5 • Shop - PO 11.5, • Warehouse – PO 3.2, 31.1 and 31.2, <p><u>Interface Between Land Uses GDP</u></p> <ul style="list-style-type: none"> • Consulting room – PO 4.5, 4.6, 5.2 • Office – PO 4.5, 4.6, 5.2 • Shop – PO 4.5, 4.6, 5.2 • Store – PO 4.5 • Warehouse – PO 4.5 • Warehouse - PO 2.1, 6.2
	<p><u>For all zones - Table 3 – Applicable policies for Performance Assessed Development</u></p> <p>Recommend envisaged uses within each zone are included within Table 3 – Applicable policies for Performance Assessed Development with relevant zone, subzone, General Development Policies and Overlay policies.</p>	<p><u>Business Neighbourhood Zone Table 3 – Applicable policies for Performance Assessed Development (Zone POs)</u></p> <p>Recommend including the following Zone POs:</p> <ul style="list-style-type: none"> • Ancillary Accommodation - PO 1.1, 2.1, 2.2, 3.1 - 7, 6.1 • Carport - PO 3.1 – 3.7, 6.1

		<ul style="list-style-type: none"> • Detached Dwelling - PO 6.1 • Dwelling Addition - PO 6.1 • Group Dwelling - PO 3.5, 6.1 • Outbuilding - PO 2.1, 3.1 – 7 • Retaining Wall - PO 3.4 • Row Dwelling - PO 6.1 • Semi-Detached Dwelling - PO 6.1 • Verandah - PO 3.1 – 7
	<p><u>Historic Area Statements</u></p> <p>Request to work with PlanSA to review and update HAS to capture key elements of each street that contribute to their character and ensure that they provide helpful detail which can be utilised by heritage architects in their assessments. Anecdotal evidence suggests that the HAS are currently not helpful.</p> <p>Additional improvements to the Historic Area Statements could be achieved by bookmarking this section of the Code, for significantly improved useability. It is currently difficult to find the correct HAS that applied to an address, and applicant are often not aware of their contents.</p>	<p><u>Melbourne West Subzone Table 3 – Applicable policies for Performance Assessed Development (POs)</u></p> <p>Recommend including the following Subzone POs:</p> <ul style="list-style-type: none"> • Ancillary Accommodation - PO 4.1 – 3 • Carport - PO 2.1 – 2.5, 4.1 – 3 • Detached Dwelling - PO 1.1, 2.3, 4.1 - 3 • Dwelling Addition - PO 1.1, 2.3, 4.1 – 3 • Dwelling by SAHT - PO 1.1, 2.1 – 5, 3.1 - 3, 4.1 – 3 • Office - PO 1.1, 2.1 – 5, 4.1 – 3 • Verandah - PO 2.1, 2.3, 2.4
	<p><u>Heritage Adjacency</u></p> <p>Recommend additional descriptive policies in the Overlay to support sensitive and compatible design such as materials, colours, finishes and setbacks.</p>	<p><u>Business Neighbourhood Zone Table 3 – Applicable policies for Performance Assessed Development (Overlays)</u></p> <p>Recommend including the following Overlays:</p> <p><u>Advertisement</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 3.4 <p><u>Ancillary Development</u></p> <ul style="list-style-type: none"> • Regulated and Significant Tree PO 1.1 - 4, 2.1 <p><u>Carport</u></p> <ul style="list-style-type: none"> • Regulated and Significant Tree PO 1.1 - 4, 2.1 <p><u>Consulting Room</u></p>

		<ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2 • Regulated and Significant Tree PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1, 2.2 <p><u>Detached Dwelling</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2 • Noise and Air Emissions Overlay PO 1.1 – 1.3 • Regulated and Significant Tree PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1 - 2 <p><u>Dwelling Addition</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 3.1 - 2 • Noise and Air Emissions Overlay PO 1.1 – 1.3 • Regulated and Significant Tree PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 3.1 - 2 <p><u>Dwelling SAHT</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 3.1 - 2 • Noise and Air Emissions Overlay PO 1.1 – 1.3 • Regulated and Significant Tree PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 3.1 - 2 <p><u>Fence</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2 • State Heritage Place Overlay PO 2.1 - 2 <p><u>Group Dwelling</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2 • Noise and Air Emissions Overlay PO 1.1 – 1.3 • Regulated and Significant Tree PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1 - 2 <p><u>Office</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2 • Regulated and Significant Tree PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1 - 2 <p><u>Outbuilding</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2 • Regulated and Significant Tree PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1 - 2
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		<p><u>Residential Flat Building</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2 • Regulated and Significant Tree PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1 - 2 <p><u>Retaining Wall</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 3.1 • Regulated and Significant Tree PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 3.1 <p><u>Row Dwelling</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2 • Noise and Air Emissions Overlay PO 1.1 – 3 • Regulated and Significant Tree PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1 - 2 <p><u>Semi-Detached Dwelling</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2 • Noise and Air Emissions Overlay PO 1.1 – 3 • Regulated and Significant Tree PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1 - 2 <p><u>Service Trade Premises</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2 • Regulated and Significant Tree PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1 - 2 <p><u>Shop</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2 • Regulated and Significant Tree PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1 - 2 <p><u>Store</u></p> <ul style="list-style-type: none"> • Regulated and Significant Tree PO 1.1 - 4, 2.1 <p><u>Verandah</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1 - 2 • State Heritage Place Overlay PO 2.1 - 2 <p><u>Warehouse</u></p> <ul style="list-style-type: none"> • Regulated and Significant Tree PO 1.1 - 4, 2.1
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	<p>Helicopter Landing Sites policy Recommend additional policy to address Helicopter Landing sites.</p>	<p>Community Facilities Zone Table 1 - Accepted Development (Overlay Exceptions) Recommend including the following Overlay in Column 1:</p> <ul style="list-style-type: none"> • Educational Establishment – Regulated and Significant Tree Overlay.
	<p>Stormwater Management Overlay Recommend the Stormwater Management Overlay applies to the CoA.</p>	<p>Community Facilities Zone Table 2 – Deemed-To-Satisfy Development (Overlay Exceptions) Recommend including the following Overlay in Column 1:</p> <ul style="list-style-type: none"> • Replacement Building – Regulated and Significant Tree Overlay
	<p>Urban Tree Canopy Recommend the Urban Tree Canopy Overlay is applied to CoA area in its entirety.</p>	<p>Community Facilities Zone Table 2 – Deemed-To-Satisfy Development (Zone DTS/DPF) Recommend including the following Zone DTS/DPF:</p> <ul style="list-style-type: none"> • Advertisement – DTS/DPF 3.1
	<p>Dwelling or residential flat building undertaken by: (a) the South Australian Housing Trust either individually or jointly with other persons or bodies or (b) a provider registered under the Community Housing National Law ... Recommend that zone contextual design matters are considered in the assessment of applications.</p>	<p>Community Facilities Zone Table 2 – Deemed-To-Satisfy Development (GDPs) Recommend including the following GDPs: Advertisement GDP</p> <ul style="list-style-type: none"> • Advertisements – All DTS/DPF to apply
	<p>Design in Urban Areas – Safety Recommend working with PlanSA to develop more detailed CPTED principles within the Code.</p>	<p>Community Facilities Zone Table 3 – Applicable policies for Performance Assessed Development (Zone POs) Recommend including the following Zone POs:</p> <ul style="list-style-type: none"> • Consulting Room - PO 2.5 • Office - PO 2.5

	<p><u>Design in Urban Areas – Indigenous Species</u> Recommend additional policy that addresses the planting of local indigenous species that are suitable to SA’s climate and enhance biodiversity.</p>	<p><u>Community Facilities Zone Table 3 – Applicable policies for Performance Assessed Development (GDPs)</u> Recommend including the following GDPs: <u>Interface Between Land Uses GDP</u></p> <ul style="list-style-type: none"> • Consulting room - PO 1.2, 6.2 • Office – PO 1.2, 6.2 <p><u>Transport, Access and Parking GDP</u></p> <ul style="list-style-type: none"> • Consulting Room – PO 6.7, 10.1
	<p><u>Design in Urban Areas – Sustainability 4.1 – 4.2</u> Recommend the inclusion of DTS/DPF 4.1 and 4.2 containing content to guide how the sustainability of buildings might be achieved.</p>	<p><u>Community Facilities Zone Table 3 – Applicable policies for Performance Assessed Development (Subzone POs)</u> Recommend including the following Subzone POs: <u>Advertisement</u></p> <ul style="list-style-type: none"> • St Andrews Hospital Precinct Subzone PO 5.1 • WCH and Memorial Hospital Precinct Subzone PO 3.1
	<p><u>Design in Urban Areas GDP– Environmental Performance</u> Recommend additional policy encouraging buildings to utilise low carbon design and construction measures.</p>	<p><u>Community Facilities Zone Table 3 – Applicable policies for Performance Assessed Development (Overlays)</u> Recommend including the following Overlays: <u>Consulting Room</u></p> <ul style="list-style-type: none"> • Regulated and Significant Tree Overlay PO 1.1 - 4, 2.1 <p><u>Office</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 3.1 - 2 • Regulated and Significant Tree Overlay PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 3.1 - 2 <p><u>Retaining Wall</u></p> <ul style="list-style-type: none"> • Heritage Adjacency Overlay PO 1.1 • Local Heritage Place Overlay PO 1.2, 1.3, 1.4, 1.7, 2.1, 3.1 -2

		<ul style="list-style-type: none"> • Regulated and Significant Tree Overlay PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 1.2, 1.3, 1.4, 1.7, 2.1, 3.1 -2
	<p>Design in Urban Areas GDP – Car Parking Appearance</p> <p>Recommend additional policy ensuring car parking and garaging do not dominate the streetscape in all zones of the City</p>	<p>Capital City Zone Table 1 - Accepted Development (Overlay Exceptions)</p> <p>Recommend deleting the following Overlays in Column 1:</p> <p><u>Water Tank (Underground)</u></p> <ul style="list-style-type: none"> • Coastal Areas Overlay • Hazards (Acid Sulfate Soils) Overlay • Ramsar Wetlands Overlay <p>Recommend including the following Overlay in Column 1:</p> <p><u>Water tank (Underground)</u></p> <ul style="list-style-type: none"> • Regulated and Significant Tree Overlay
	<p>Design in Urban Areas GDP – External Appearance</p> <p>Recommend additional policy for all development that addresses the quality of materials and finishes.</p>	<p>Capital City Zone Table 2 – Deemed-To-Satisfy Development (Overlay Exceptions)</p> <p>Recommend including the following Overlays:</p> <p><u>Consulting Room</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay • Historic Area Overlay • Regulated and Significant Tree Overlay <p><u>Office</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay • Historic Area Overlay • Regulated and Significant Tree Overlay <p><u>Shop</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay • Historic Area Overlay • Regulated and Significant Tree Overlay
	<p>Design GDP</p>	<p>Capital City Zone Table 2 - Deemed-To-Satisfy Development (Zone DTS/DPF)</p>

	<p>Recommend Design GDP only applies to regional areas to avoid duplication and confusion.</p>	<p>Recommend including the following Zone DTS/DPF:</p> <ul style="list-style-type: none"> • Advertisement – DTS/DPF 8.2 • Consulting Room – DTS/DPF 3.8, 3.12, 3.13, 4.3, 5.2, 7.1, 9.1 • Office – DTS/DPF 1.1, 3.8, 3.12, 3.13, 4.3, 5.2, 7.1, 9.1 • Shop – DTS/DPF 1.1, 3.8, 3.12, 3.13, 4.3, 5.2, 7.1, 9.1
	<p>Advertisements GDP – 3rd Party Recommend additional policy that addresses third party advertising. Investigate the potential inclusion of third-party advertising through amendment to Regulations.</p>	<p>Capital City Zone Table 2 - Deemed-To-Satisfy Development (GDPs) Recommend including the following GDPs: <u>Advertisement GDP</u></p> <ul style="list-style-type: none"> • Advertisements – All DTS/DPF to apply
	<p>Advertisements GDP – Temporary Recommend developing specific policy that addresses temporary advertising hoardings and shrouds.</p>	<p>Capital City Zone Table 2 - Deemed-To-Satisfy Development (Subzone DTS/DPF) Recommend including the following Subzone DTS/DPF:</p> <ul style="list-style-type: none"> • Advertisement – DTS/DPF • Consulting Room – DTS/DPF 1.1, 2.2 • Office – DTS/DPF 1.1, 2.2 • Shop – DTS/DPF 1.1, 2.2
	<p>Advertisements GDP – illumination Currently the illumination of advertisements is only considered in relation to ‘sensitive receivers’ and as not to cause a hazard to drivers. ‘Sensitive receivers’ are defined in the Code and means residential land uses or zones, hospitals, educational facilities and tourist accommodation. In the City of Adelaide, we receive complaints about excessive illumination from restaurant patrons and office workers and need to be able to manage illumination in varying localities. Recommend PO 4.1 be reworded: Light spill from advertisement illumination</p>	<p>Capital City Zone Table 2 - Deemed-To-Satisfy Development (Overlay) Recommend including the following Overlays: <u>Consulting Room</u></p> <ul style="list-style-type: none"> • Airport Building Heights (Aircraft Landing Areas) Overlay DTS/DPF 1.1 • Airport Building Heights (Regulated) Overlay DTS/DPF 1.1 • Building Near Airfields Overlay DTS/DPF 1.1 – 3 • Future Road Widening Overlay] DTS/DPF 1.1 • Hazards (Flooding – General) Overlay DTS/DPF 2.1

	<p>does not unreasonably compromise the amenity <i>of the locality</i>.</p>	<ul style="list-style-type: none"> • Hazards (Flooding - Evidence Required) Overlay DTS/DPF 1.1 <p><u>Office</u></p> <ul style="list-style-type: none"> • Airport Building Heights (Aircraft Landing Areas) Overlay DTS/DPF 1.1 • Airport Building Heights (Regulated) Overlay DTS/DPF 1.1 • Building Near Airfields Overlay DTS/DPF 1.1 – 3 • Future Road Widening Overlay DTS/DPF 1.1 • Hazards (Flooding – General) Overlay DTS/DPF 2.1 • Hazards (Flooding - Evidence Required) Overlay DTS/DPF 1.1 <p><u>Shop</u></p> <ul style="list-style-type: none"> • Airport Building Heights (Aircraft Landing Areas) Overlay DTS/DPF 1.1 • Airport Building Heights (Regulated) Overlay DTS/DPF 1.1 • Building Near Airfields Overlay DTS/DPF 1.1 – 3 • Future Road Widening Overlay] DTS/DPF 1.1 • Hazards (Flooding – General) Overlay DTS/DPF 2.1 • Hazards (Flooding - Evidence Required) Overlay DTS/DPF 1.1
	<p><u>Interface Between Land Uses GDP – Noise</u> Recommend additional policy discouraging noise emanating from speakers under canopies in City specific zones.</p>	<p><u>Capital City Zone Table 3 – Applicable policies for Performance Assessed Development (Zone POs)</u> Recommend including the following POs:</p> <ul style="list-style-type: none"> • Consulting Room – PO 9.1 • Dwelling – PO 9.1 • Office – PO 1.2 • Residential Flat Building – PO 9.1 • Shop – PO 1.2

	<p><u>Interface Between Land Uses GDP – Environment Noise Policy</u></p> <p>Recommend the Environment Protection (Noise) Policy criteria 2009 is updated to reflect the new PDI Act.</p>	<p><u>Capital City Zone Table 3 – Applicable policies for Performance Assessed Development (GDPs)</u></p> <p>Recommend including the following GDPs:</p> <p><u>Design in Urban Areas GDP</u></p> <ul style="list-style-type: none"> • Apply PO5.1 to all residential development classes <p><u>Interface Between Land Uses GDP</u></p> <ul style="list-style-type: none"> • Consulting room – PO 1.2, 6.2 • Dwelling PO 6.1, 6.2 • Licensed Premises – PO 1.2 • Office – PO 1.2, 6.2 • Residential Flat Building – PO 6.2, 7.1 • Shop – PO 1.2, 6.2 • Student accommodation – PO 6.1, 6.2, 7.1 • Tourist accommodation – PO 4.1, 6.2 <p><u>Transport, Access and Parking GDP</u></p> <ul style="list-style-type: none"> • Residential Flat Building – PO 6.4, 6.5, 6.7, 9.1, 9.2 • Student accommodation – PO 6.4, 6.5, 6.7, 9.1, 9.2
	<p><u>Infrastructure and Renewable Energy Facilities GDP – common trenches</u></p> <p>Recommend additional policy that encourages the location of infrastructure and utility services including the supply of water, gas and electricity in shared common trenches or conduits.</p>	<p><u>Capital City Zone Table 3 – Applicable policies for Performance Assessed Development (Subzone POs)</u></p> <p>Recommend including the following Subzone POs:</p> <ul style="list-style-type: none"> • Consulting Room – PO 1.2 • Dwelling – PO 1.2 • Licensed Premises – PO 1.1, 1.2, 1.3 • Office – PO 1.2 • Residential Flat Building – PO 1.2 • Shop – PO 1.2 • Student Accommodation – PO 1.2 • Tourist Accommodation – PO 1.2

	<p><u>Part 8 - Administrative terms and definitions</u> Recommend the following terms are defined:</p> <ul style="list-style-type: none"> · Ancillary Building · Catalyst Site · Conservation Works · Low, medium and high scale (distinct from low, medium and high rise) · Infrastructure (inclusions aligning to the Local Government Act) 	<p><u>Capital City Zone Table 3 – Applicable policies for Performance Assessed Development (Overlays)</u></p> <p>Recommend including the following Overlays:</p> <p><u>Consulting Room</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1, 2.2, 3.1 - 3.2 • Regulated and Significant Tree Overlay PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 <p><u>Dwelling</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 • Regulated and Significant Tree Overlay PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 <p><u>Licensed Premises</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 • Regulated and Significant Tree Overlay PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 <p><u>Office</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 • Regulated and Significant Tree Overlay PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 <p><u>Residential Flat Building</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 • Regulated and Significant Tree Overlay PO 1.1 - 4, 2.1
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		<ul style="list-style-type: none"> • State Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 <p><u>Shop</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 • Regulated and Significant Tree Overlay PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 <p><u>Student Accommodation</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 • Regulated and Significant Tree Overlay PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 <p><u>Tourist Accommodation</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 • Noise and Emissions Overlay PO 1.1 - 3 • Regulated and Significant Tree Overlay PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2
	<p><u>Part 7 – Land Use Definitions</u> Thorough review to catch up with contemporary land uses is required.</p>	<p><u>City Riverbank Zone - Table 1 Accepted Development</u> The listing and criteria applied to fencing is unsuitable for City Riverbank Zone and is better suited for Neighbourhood Type zones. The classification criteria is superfluous and their relevance to the City Riverbank Zone is questionable Recommend the development of a criteria tailored for the City Riverbank Zone.</p>
	<p><u>Terms</u> Recommend where policies have been used interchangeably or are similar, these should</p>	<p><u>City Riverbank Zone - Table 1 Accepted Development Classification (Overlay)</u></p>

	<p>either be separately defined, or the P&D Code be amended, removing superfluous terms. For clarity of both interpretation and application, the following land uses need to be refined:</p> <ul style="list-style-type: none"> · Community Facilities, Community Centre and Community Service · Short Stay Accommodation and Tourism Facilities. · Licensed premises, Nightclubs, Bars, Entertainment Venue, Entertainment Premises and Entertainment Facilities. 	<p>Recommend deleting the following Overlays from Column 1:</p> <p><u>Water Tank (Underground)</u></p> <ul style="list-style-type: none"> • Coastal Areas Overlay • Hazards (Acid Sulfate Soils) Overlay • Ramsar Wetlands Overlay <p>Recommend including the following Overlays in Column 1:</p> <p><u>Water tank (Underground)</u></p> <ul style="list-style-type: none"> • Regulated and Significant Tree Overlay
	<p>Business Neighbourhood Zone DTS/DPF 1.3</p> <p>Recommend the DTS/DPF also includes provisions on bicycle parking, waste and operation hours.</p>	<p>City Riverbank Zone Table 2 – Deemed-To-Satisfy Development (Overlay Exceptions)</p> <p>Recommend including the following Overlays in Column 1:</p> <p><u>Consulting Room</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay • Regulated and Significant Tree Overlay <p><u>Office</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay • Regulated and Significant Tree Overlay <p><u>Shop</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay • Regulated and Significant Tree Overlay
	<p>Table 3 – Applicable policies for Performance Assessed Development (All Zones)</p> <p>Recommend that external alterations are included within the table to ensure relevant POs are called up during assessment to ensure clarity and efficiency.</p>	<p>City Riverbank Zone - Table 2 - Deemed-To-Satisfy Development (Zone DTS/DPF)</p> <p>Recommend including the following Zone DTS/DPF:</p> <ul style="list-style-type: none"> • Consulting Room DTS/DPF 1.1 • Office DTS/DPF 1.1 • Shop DTS/DPF 1.1
		<p>City Riverbank Zone - Table 2 - Deemed-To-Satisfy Development (GDPs)</p> <p>Recommend including the following GDPs:</p>

		<p><u>Advertisement GDP</u></p> <ul style="list-style-type: none"> • Advertisements – All DTS/DPF to apply
		<p>City Riverbank Zone - Table 2 - Deemed-To-Satisfy Development (Subzone DTS/DPF)</p> <p>Recommend including the following Subzone DTS/DPF:</p> <p><u>Consulting Room</u></p> <ul style="list-style-type: none"> • Cultural Institutions Subzone DTS/DPF 2.4 • Entertainment Subzone DTS/DPF 2.1 • Health Subzone DTS/DPF 2.1 • Innovation Subzone DTS/DPF 3.1 <p><u>Office</u></p> <ul style="list-style-type: none"> • Cultural Institutions Subzone DTS/DPF 2.4 • Entertainment Subzone DTS/DPF 2.1 • Health Subzone DTS/DPF 2.1 • Innovation Subzone DTS/DPF 3.1 <p><u>Shop</u></p> <ul style="list-style-type: none"> • Cultural Institutions Subzone DTS/DPF 2.4 • Entertainment Subzone DTS/DPF 2.1 • Health Subzone DTS/DPF 2.1 • Innovation Subzone DTS/DPF 1.2, 3.1
		<p>City Riverbank Zone Table 2 - Deemed-To-Satisfy Development Classification (Overlay)</p> <p>Recommend including the following Overlays:</p> <p><u>Consulting Room</u></p> <ul style="list-style-type: none"> • Airport Building Heights (Aircraft Landing Areas) Overlay DTS/DPF 1.1 • Airport Building Heights (Regulated) Overlay DTS/DPF 1.1 • Building Near Airfields Overlay DTS/DPF 1.1 – 3 • Future Road Widening Overlay DTS/DPF 1.1 • Hazards (Flooding – General) Overlay DTS/DPF 2.1

		<ul style="list-style-type: none"> • Hazards (Flooding - Evidence Required) Overlay DTS/DPF 1.1 <p><u>Office</u></p> <ul style="list-style-type: none"> • Airport Building Heights (Aircraft Landing Areas) Overlay DTS/DPF 1.1 • Airport Building Heights (Regulated) Overlay DTS/DPF 1.1 • Building Near Airfields Overlay DTS/DPF 1.1 – 3 • Future Road Widening Overlay DTS/DPF 1.1 • Hazards (Flooding – General) Overlay DTS/DPF 2.1 • Hazards (Flooding - Evidence Required) Overlay DTS/DPF 1.1 <p><u>Shop</u></p> <ul style="list-style-type: none"> • Airport Building Heights (Aircraft Landing Areas) Overlay DTS/DPF 1.1 • Airport Building Heights (Regulated) Overlay DTS/DPF 1.1 • Building Near Airfields Overlay DTS/DPF 1.1 – 3 • Future Road Widening Overlay DTS/DPF 1.1 • Hazards (Flooding – General) Overlay DTS/DPF 2.1 • Hazards (Flooding - Evidence Required) Overlay DTS/DPF 1.1
		<p>City Riverbank Zone Table 3 – Applicable policies for Performance Assessed Development (Zone POs)</p> <p>Recommend including the following Zone POs:</p> <ul style="list-style-type: none"> • Consulting Room - PO 1.2 • Office - PO 1.2 • Shop - PO 1.2
		<p>City Riverbank Zone Table 3 – Applicable policies for Performance Assessed Development (GDPs)</p> <p>Recommend including the following GDPs:</p>



		<p><u>Design in Urban Areas GDP</u></p> <ul style="list-style-type: none"> • Light industry – PO1.3, 1.4, 3.1, 5.1, 8.2, 8.3, 8.4, 8.5, 10.1, 11.1, 42.1, 42.2, 42.3, 43.1 <p><u>Interface Between Land Uses GDP</u></p> <ul style="list-style-type: none"> • Consulting room – PO 1.2, 6.2 • Office – PO 1.2, 6.2 • Shop – PO 1.2, 6.2 • Licensed Premises PO 1.2, 6.2 • Light Industry – PO 1.2, 2.1, PO3.1, 3.2, 3.3, 6.2, 7.1 • Tourist Accommodation – PO 6.2 <p><u>Transport Access and Parking GDP</u></p> <ul style="list-style-type: none"> • Consulting Room, Office – PO 1.3 • Licensed Premise – PO 1.1, 1.2 • Light Industry – PO 1.2, 1.3, 2.1, 2.2, 3.2, 3.3, 3.4, 3.6, 3.8, 4.1, 9.1, 9.2, 9.3, 10.1 • Shop PO 1.2, 1.3 • Tourist Accommodation – PO 1.3 <p>Recommend the following GDPs are deleted:</p> <p><u>Interface Between Land Uses GDP</u></p> <ul style="list-style-type: none"> • Light Industry - PO 4.5
		<p><u>City Riverbank Zone Table 3 – Applicable policies for Performance Assessed Development (Subzone POs)</u></p> <p>Recommend including the following Subzone POs:</p> <p><u>Consulting room</u></p> <ul style="list-style-type: none"> • Innovation Subzone PO 1.3, 1.4 <p><u>Licensed Premises</u></p> <ul style="list-style-type: none"> • Innovation Subzone PO 1.3, 1.4 <p><u>Light Industry</u></p> <ul style="list-style-type: none"> • Innovation Subzone PO 1.3, 1.4 <p><u>Office</u></p> <ul style="list-style-type: none"> • Innovation Subzone PO 1.3, 1.4



		<p><u>Shop</u></p> <ul style="list-style-type: none"> • Innovation Subzone PO 1.3 <p><u>Tourist Accommodation</u></p> <ul style="list-style-type: none"> • Entertainment Subzone PO 1.2 • Innovation Subzone PO 1.4
		<p><u>City Riverbank Zone Table 3 – Applicable policies for Performance Assessed Development (Overlays)</u></p> <p>Recommend including the following Overlays:</p> <p><u>Consulting Room</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 • Regulated and Significant Tree Overlay PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 <p><u>Licensed Premises</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 • Regulated and Significant Tree Overlay PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 <p><u>Light Industry</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 3.1, 3.2 • Regulated and Significant Tree Overlay PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 <p><u>Office</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 • Regulated and Significant Tree Overlay PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2



		<p><u>Shop</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 • Regulated and Significant Tree Overlay PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 <p><u>Tourist Accommodation</u></p> <ul style="list-style-type: none"> • Local Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2 • Noise and Emissions Overlay PO 1.1 - 3 • Regulated and Significant Tree Overlay PO 1.1 - 4, 2.1 • State Heritage Place Overlay PO 2.1, 2.2, 3.1, 3.2
		<p><u>Advertising Near Signalised Intersections Overlay</u></p> <p>Recommend the inclusion of Overlay policy in Zone tables for “Deemed to Satisfy” Development.</p>
		<p><u>Procedural Matters – Notification</u></p> <p>Recommend the land uses anticipated by the Zones are exempt from public notification e.g. educational establishments and Tourist Accommodation in the Capital City Zone.</p>
		<p><u>Procedural Matters – Notification (Catalyst Sites)</u></p> <p>Recommend that Catalyst site developments are publicly notified as potential impacts need to be considered by stakeholders.</p>
		<p><u>City Living Zone Procedural Matters – Notification</u></p> <p>Recommend removal of public notification trigger for single story buildings that exceed 8</p>



		<p>metres or 11.5 metres in length along the property boundary.</p> <p>This trigger was not within the previous Development Plan and does not consider the narrow nature of many residential allotments within the City Living Zone.</p>
		<p>City Living Zone Table 4 - Restricted Development Classification</p> <p>Recommend the Restricted Development Pathway is removed for:</p> <ul style="list-style-type: none"> • shops over 1000m2: and • development ancillary to a site that is not within or on an site adjoining Concept Plan boundaries of Concept Plans 25 to 33. <p>This is an incorrect avenue for these forms of development and all relevant Code policies should be applied.</p>
		<p>Adelaide Park Lands Zone – Notification</p> <p>Recommend a sporting club facility on the boundary of neighbourhood-type zone is publicly notified.</p>
		<p>Historic Area Statements – bookmarking</p> <p>Recommend improvements and include bookmarking of each Historic Area Statement to ensure efficiency and ease of accessing information.</p>
		<p>Historic Area Statement – SAPPA</p> <p>Recommend improvements to the Historic Area Overlay within SAPPA to include the identification of individual Historic Area Statements to ensure efficiency and ease of accessing information.</p>
		<p>Design in Urban Areas – bookmarking</p> <p>Improve book marking to find correct heading with ease instead of scrolling through pages that are not relevant.</p>



		<p><u>DAP – Relevant Policies</u> Recommend DAP transfers policies relevant to the class of development into the planning assessment report to ensure that planning assessment can be undertaken in a timely and efficient manner. This would significantly reduce the amount of time required to find and extract each of the relevant policies to assess each planning application.</p>
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Recommended Future Actions

Policy Wording/Intent	Policy Gap	Tables/Technical/Procedural
<p>Interface Between Land Uses GDP – DTS/DPF 2.1</p> <p>Recommend undertaking further research to develop appropriate hours for different zones and subzones and land uses within the City.</p>	<p>Existing Use Rights – Legal Interpretation</p> <p>Recommend practice guidance on the legal interpretation of definitions that may have changed.</p>	<p>Referrals – Education Standards Board</p> <p>Recommend discussions regarding the potential to introduce a referral for advice from the Education Standards Board on requirements for operation of childcare centres.</p>
	<p>Design in Urban Areas GDP – electric vehicle charging</p> <p>Recommend discussions with PlanSA on opportunities to require provisioning in car parking areas for future electrical vehicle charging points.</p>	
	<p>Design in Urban Areas GDP – WSUD</p> <p>Recommend discussions with PlanSA about opportunities to streamline pathway for assessment.</p>	
	<p>Transport, Access and Parking GDP- parking for non-residential uses in the City Living Zone</p> <p>Recommend further research and policy into the provision of car parking for non-residential uses in the City Living Zone in light of the recent land use changes</p>	
	<p>Transport, Access and Parking GDP</p> <p>Recommend further research and analysis of an area-based approach to shared car parking, public transport improvements and walking and cycling infrastructure and provision rates end of trip facilities.</p>	
	<p>Transport, Access and Parking GDP</p> <p>Recommend additional policy that addresses ancillary and non-ancillary parking.</p>	
	<p>Transport, Access and Parking GDP – Multi-Level Car Parks</p>	

	Recommend the review of the location and design of multi-level car parks in the City.	
	<p><u>Public Realm</u></p> <p>Recommend working with PlanSA to ensure public realm matters are adequately addressed through a Design Standard. It is important that the planning system protects and enhances the quality of the public realm.</p>	
	<p><u>Adelaide Park Lands Building Design Guidelines</u></p> <p>Recommend work with PlanSA to progress the status of the Park Lands Building Design Guidelines and include Concept Plans.</p>	
	<p><u>Aboriginal Heritage</u></p> <p>Recommend a mechanism is developed for formal referral relating to Aboriginal cultural heritage matters and the protection of Aboriginal heritage and that policies are developed within the Code to address Aboriginal heritage.</p>	

Enquiries: Matt Field 8203 7373

Reference: ACC2022/115656

23 September 2022

Mr Craig Holden
State Planning Commission
PlanSA
GPO Box 1815
ADELAIDE SA 5001

Dear Mr Holden,

Thank you for the opportunity to provide comment on the Miscellaneous Technical Enhancement Code Amendment (MTE Code Amendment). I acknowledge the work of the State Planning Commission in preparing this state-wide Code Amendment.

This letter provides an overview of the City of Adelaide's submission with further detail contained in Attachment 1. Due to the local government election and caretaker period, this response has been prepared by the Administration and is not a formal position of the Council.

We trust our submission is received as constructive feedback towards improving the quality of planning policy in South Australia and the City of Adelaide.

Outstanding matters

The City of Adelaide works constructively with Planning and Land Use Services and has made previous submissions on the Planning and Design Code seeking technical amendments to support high quality design and further streamline processes for stakeholders within the statutory system (Attachment 2 and Attachment 3).

The MTE Code Amendment does not address the majority of Council's previous feedback and we will separately approach Planning and Land Use Service to identify a pathway to resolve outstanding matters.

Consultation process

As one of the first state-wide Code Amendments from the new system, we acknowledge the very detailed analysis provided in over 1000 pages of written documentation. To improve the accessibility of information to broad audiences we would support:

- Provision of Council specific information
- Greater use of the web-based system for communication purposes, including use of the line of enquiry tool (What policies apply to my property address?) to review proposed amendments
- Quicker annual MTE Code Amendments with reduced scope to avoid potential delays for "minor" amendments.

We consider that not all amendments in the MTE Code Amendment are of a minor nature and that amendments of a policy nature warrant more consideration. For example, the change from Restricted Development Pathway to Performance Assessed Pathway.



Procedural risks to Developers, Stakeholders and Assessment Managers

The Code Amendment proposes changes to Public Notification Tables, Assessment Pathways and Referrals which are considered to introduce risk of procedural error and cause unnecessary risk to developers, stakeholders and Assessment Managers.

Some of these changes require an Assessment Manager to make a decision without relevant professional advice such as Heritage Advice (Local and State Heritage), Government Architect Advice and Affordable Housing (SA Housing Authority).

We do not support amendments that reduce procedural steps by devolving powers to Assessment Managers, particularly without supporting Practice Directions. Procedural challenges by stakeholders can cause delays and costs for developers and unnecessary involvement by additional parties.

Affordable Housing Delivery

The City of Adelaide continues to seek the delivery of affordable housing through the development sector and the involvement of the development industry is paramount to achieving shared affordable housing objectives.

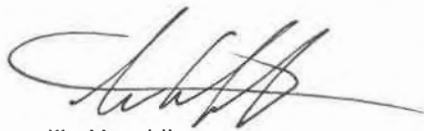
The MTE Code Amendment potentially frustrates this process by removing referral to the SA Housing Authority in the Affordable Housing Overlay. Whilst we appreciate that affordable housing agreements may not be finalised until dwellings are built; we believe the planning system should continue to secure affordable housing delivery by the private sector.

Design Quality and Integrity – Government Architect

We respect the importance of the Government Architect and suggest that more guidance, including a Practice Direction, is needed to support the reduced re-referrals through variations to development approvals. This will assist in ensuring design integrity can be maintained in the circumstance multiple minor variations are processed.

The City of Adelaide would be pleased to discuss our submission in more detail, and I refer you to Matt Field, A/Team Leader, City Policy on _____ or _____

Kind regards



Ilia Houridis
Director, City Shaping

- Attachment 1** – City of Adelaide Submission to the Miscellaneous Technical Enhancement Code Amendment – 23 September 2022
- Attachment 2** – City of Adelaide - Submission on Miscellaneous Technical Code Amendment - 13 August 2021
- Attachment 3** – City of Adelaide Second Consultation – Submission to State Planning Commission – 17 December 2020



From: [Alex Mackenzie](#)
To: [DTI:PlanSA Submissions](#)
Cc: [Craig Harrison](#); [Tim Pride](#); [Alexa Carr](#); [Amy Roberts](#); [Sally Lovelock](#)
Subject: City of Mitcham MTECA Submission
Date: Friday, 23 September 2022 4:13:56 PM
Attachments: [image001.jpg](#)
[City of Mitcham MTECA Submission.pdf](#)
[City of Mitcham MTECA Submission - Feedback Table.pdf](#)

Please find attached the City of Mitcham's submission in relation to the Miscellaneous Technical Enhancements Code Amendment.

Should you wish to discuss the content of our submission please do not hesitate to contact me.

Kind Regards, Alex



Alex Mackenzie
Manager Development Services
City of Mitcham
Civic Centre, 131 Belair Road, Torrens Park 5062

PO Box 21, Mitcham Shopping Centre, Torrens Park, SA 5062
www.mitichamcouncil.sa.gov.au

23 September 2022

Mr Craig Holden
Chair – State Planning Commission
By email to plansasubmissions@sa.gov.au



Dear Mr Holden

MISCELLANEOUS TECHNICAL ENHANCEMENTS CODE AMENDMENT

Thank you for the opportunity to provide feedback on the Miscellaneous Technical Code Amendment (“Code Amendment”).

We wish to acknowledge the efforts of the State Planning Commission and PlanSA in this Code Amendment, which we understand is the first of what will be a regular review and “tune-up” of technical and operational aspects of the Code.

Given the wide-ranging nature of the Code Amendment, our comments principally relate to aspects considered directly relevant or specific to the City of Mitcham.

This letter sets out common technical challenges we experience in assessment, however, we also enclose a comprehensive table containing comments with respect to change brought about by the proposed Code Amendment more broadly.

DEFINITIONS

Definitions are a key part of the system, for procedural reasons, as well as assessment and application of policy, and for general understanding of the system by the community. While the Code Amendment makes some significant improvements in this area, there are some changes to definitions that would provide significant benefit, these being:

Building Height

While it is acknowledged that the definition seeks to consider the overall height of a building, it is generally confusing, particularly for members of the community. Further, it unnecessarily results in notification of development, including well designed buildings that for all intents and purposes are single storey, but have been designed to managed site constraints e.g. stepped or split level housing on sloping land.

Recommendation: Building Height as a definition should be limited to a height that is measured directly vertically at any point.

MITCHAM

Wall Height

Utilising the top of footings for establishing wall height is likely to have implications when assessing the overall height impact of a building, when those buildings require or use large footings. This change may also result in issues for notification, and neighbours experiencing unreasonable boundary impacts, but with no opportunity to participate in the planning process.

Recommendation: *Wall Height as a definition should be measured from the lower of natural or finished ground levels. This would also provide consistency with Building Height definition.*

Direct Overlooking

In our experience assessing overlooking matters, a distance of 15 metres is not generally acceptable to the community. Similarly, it is considered that at 15 metres it is still possible to make out significant detail (whether direct or indirect) to a level that is detrimental to residential amenity and the enjoyment of one's private open space. It is acknowledged in most cases, this would retain some area with a POS which remained free of overlooking for larger sites, but often not for smaller residential allotments.

Recommendation: *Consider including policies which address the need to manage the balance of the land or proposed built form.*

EARTHWORKS IN HILLS FACE ZONE

The removal of earthworks in the Hills Face Zone from the 'Restricted Development' pathway is generally supported, albeit with concerns. Given the often-sensitive nature of the Hills Face environment, this change should be better supported by policy in the Code that provides more guidance as to how best to manage earthworks over a certain extent, or in certain contexts.

The inclusion of additional performance-based policy to support this change would assist in mitigating subjective conflict between council and an applicant as to what is an acceptable method to manage extent and impact of earthworks in often sensitive hills face locations.

While generally procedural, the restricted pathway established additional constraints on applicants (e.g. the possibility of an early no) which set a high bar for applicants early in the process. Without a high level of policy support in the code, councils assessing earthworks in the Hills Face Zone face significant challenges.

Recommendation: *Consider including policies which address the need to manage the balance of the land or proposed built form such the impacts of earthworks can be reasonably managed / mitigated e.g. through siting and design of built form / design, inclusion of landscaping / plantings, minimising / isolating the location of earthworks, forms of screening or other aesthetic improvements to the land.*

DTS PROVISIONS FOR DECKS

In respect to DTS provisions in relation to decks. We consider that decks with multiple floor levels, but forming one structure, should not be treated / considered as one deck for the purposes of assessing outer perimeter screening. Each floor level for a stepped deck should be considered separately / in its own right for the purposes of perimeter screening provisions.

Similarly, the provisions would benefit from referencing existing site conditions e.g. boundary fence heights or slope to ensure that screening to minimise overlooking will be effective e.g. that a boundary fence would have a relative height of 1.5m's above the FFL of a deck.

Recommendation: Consider whether the definition of a deck should include a reference to continuous finished floor level. Further consider DTS provisions which support this definition and acknowledge existing site conditions such as boundary fence heights and slope of land to mitigate overlooking.

EARTHWORKS AND SWIMMING POOLS

We encourage the commission to consider technical amendments to the Code relating to earthworks required for inground swimming pools within an area or zone where earthworks are specified as development. In many instances, we see inground swimming pools moving out of a Deemed to Satisfied pathway and into Performance Assessment as a result of this. These assessments, except pools requiring large amounts of fill or additional structures, are simple and warrant the retention of a Deemed to Satisfy pathway.

Recommendation: Any excavation required, or filling (with filling being a nominated to a reasonable height (say 0.5m) that is directly required for the installation of an inground swimming pool only, should form part of the swimming pools DTS pathway.

Further detailed comments and suggested opportunities for further review or refinement are attached (*Table – Notes on the Miscellaneous Technical Enhancements Code Amendment*) to this letter.

Please note the comments provided are by the Administration and have not been endorsed by the Council. We would be pleased to discuss our feedback further with you, or answer any queries that you may have arising from our feedback.

Please do not hesitate to contact me on _____ or by email to _____

Yours sincerely




Alex Mackenzie
Manager Development Services

Enclosed

Miscellaneous Technical Enhancements Code Amendment - City Of Mitcham Comments

MISCELLANEOUS TECHNICAL ENHANCEMENTS CODE AMENDMENT - CITY OF MITCHAM COMMENTS

Please note that comments are by Council's Administration staff and have not been endorsed by the Council. The comments relate only to Zones, Overlays and other matters relevant to the City of Mitcham.

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
Part 1 - Rules of Interpretation Application of Spatially Based Policies & Rules	<p>Include explanation and rules on how to determine relevant policy when a spatial layer only applies to part of a site that is the subject of a development application.</p> <p><i>Where a zone, subzone, overlay or technical and numeric variation (TNV) does not spatially apply to the whole of a site that is the subject of the development application, the spatially based rules of the zone (including assessment pathway exclusions), subzone, overlay or TNV are only applicable to the portion of the site to which the zone, subzone, overlay or TNV spatially covers.</i></p> <p><i>Reference to the South Australian Property and Planning Atlas of the SA planning database will be made to determine whether a zone, subzone, overlay</i></p>	<p>Makes sense but will be difficult to show on plans in some circumstances.</p>
Part 1 - Rules of Interpretation Cadastre updates	<p>Include explanation and rules on how spatial layers are updated in order to maintain correct relationships with cadastre or roads</p>	<p>Ok for minor adjustments – what happens with more significant adjustments?</p>
Part 2 – Zones Urban Corridor Zones – Primary Road Corridor – Policy Review	<p>Within the Urban Corridor (Living) Zone, replace reference to: <i>“primary road”, “primary road corridor”, “primary road / public transport corridor”</i></p> <p>with</p> <p><i>“primary road corridor (i.e. a State maintained road)”</i></p>	 <p>Coromandel Parade & Station Road are council, not State, maintained.</p> <p>Implications when assessing Built Form & Character – PO2.1, PO 2.2? It is not clear if the same policies can then be applied to Council maintained roads within these zones where they centre around Council maintained roads and not State maintained roads.</p>
Part 2 – Zones Urban Corridor Zones – Side Boundary Setback – Policy Review	<p>Within the Urban Corridor (Living) Zone PO 2.4, replace the following words:</p> <p><i>Buildings set back from side boundaries (other than street and zone boundaries) to provide separation between buildings in a way that complements the established character of the locality and enables access to natural sunlight and ventilation for neighbouring buildings.</i></p> <p>With</p> <p><i>Buildings are:</i></p> <p><i>(a) sited on side boundaries for parts of the building located towards the front part of the allotment to achieve a continuity of street façade to the street</i></p> <p><i>(b) setback from side boundaries for parts of the building located behind the street facing elements, to enable building separation to provide access to natural ventilation and sunlight.</i></p>	<p>Removes reference to “established character” of an area.</p> <p>Intent of zone to allow for increased density and activity.</p> <p>Areas where U(L)CZ applies are in “transition” – ie zoning has changed but limited uptake</p> <p>Proposed change aligns with intended outcomes and the change in character sought.</p> <p>Requires consistent take up by owners/developers.</p>

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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<p>Restricted Development Classification – New Policy Assoc. Table 4</p>	<p>Within the Hills Face Zone, amend PO 3.1 and DTS/DPF 3.1 with the following:</p> <table border="1" data-bbox="384 275 986 743"> <tr> <td data-bbox="384 275 667 743"> <p>PO 3.1 Excavation and/or filling of land outside townships and urban areas is:</p> <ul style="list-style-type: none"> a) kept to a minimum so as to preserve the natural form of the land and native vegetation b) only undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment. c) <u>directly required for the portion of a building that is fully underground, an underground dwelling, pool, underground tank, cellar, pipeline or waste disposal and treatment system.</u> </td> <td data-bbox="671 275 986 743"> <p>DTS/DPF 3.1 The depth of earthworks does not exceed:</p> <ul style="list-style-type: none"> a) in the case of excavation, 2m <u>below natural ground level.</u> b) in the case of filling of land, 1m <u>above natural ground level.</u> </td> </tr> </table>	<p>PO 3.1 Excavation and/or filling of land outside townships and urban areas is:</p> <ul style="list-style-type: none"> a) kept to a minimum so as to preserve the natural form of the land and native vegetation b) only undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment. c) <u>directly required for the portion of a building that is fully underground, an underground dwelling, pool, underground tank, cellar, pipeline or waste disposal and treatment system.</u> 	<p>DTS/DPF 3.1 The depth of earthworks does not exceed:</p> <ul style="list-style-type: none"> a) in the case of excavation, 2m <u>below natural ground level.</u> b) in the case of filling of land, 1m <u>above natural ground level.</u> 	<p>Table 4 Restricted Development to be amended to remove Excavation and Filling (ie no longer restricted development)</p> <p>Agree with the removal of cut and fill from restricted development. Need to ensure wording of policy is strong enough for management of outcomes. Currently State assessed developments can use the entirety of the Code, as such the policies need to be strengthened in Zones.</p> <p>Will support the compliance role of councils as the relevant authority.</p>
<p>PO 3.1 Excavation and/or filling of land outside townships and urban areas is:</p> <ul style="list-style-type: none"> a) kept to a minimum so as to preserve the natural form of the land and native vegetation b) only undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment. c) <u>directly required for the portion of a building that is fully underground, an underground dwelling, pool, underground tank, cellar, pipeline or waste disposal and treatment system.</u> 	<p>DTS/DPF 3.1 The depth of earthworks does not exceed:</p> <ul style="list-style-type: none"> a) in the case of excavation, 2m <u>below natural ground level.</u> b) in the case of filling of land, 1m <u>above natural ground level.</u> 			

	<p>Within the Hills Face Zone, create new PO 14.1 & DTS/DPF 14.1 and PO 14.2 & DTS/DPF 14.2 to the following:</p> <table border="1" data-bbox="384 831 986 1214"> <tr> <th colspan="2" data-bbox="384 831 986 864"><i>Land Division</i></th> </tr> <tr> <td data-bbox="384 871 667 949"> <p>PO 14.1 Land division does not result in the creation of an additional allotment.</p> </td> <td data-bbox="671 871 986 949"> <p>DTS/DPF 14.1 No additional allotments are created.</p> </td> </tr> <tr> <td data-bbox="384 956 667 1207"> <p>PO 14.2 Land division involving boundary realignments occurs only where it supports the management or improvement of the natural environment including avoiding:</p> <ul style="list-style-type: none"> a) further fragmentation of land that may reduce effective management of the environment or diminishing the natural character of the area </td> <td data-bbox="671 956 986 1207"> <p>DTS/DPF 14.2 Land division involving boundary realignment that will satisfy one of the following</p> <ul style="list-style-type: none"> a) is for the creation of a public road or a public reserve b) is to remove an anomaly in existing boundaries with respect to the location of existing buildings or structures c) is for the management of existing native vegetation </td> </tr> </table>	<i>Land Division</i>		<p>PO 14.1 Land division does not result in the creation of an additional allotment.</p>	<p>DTS/DPF 14.1 No additional allotments are created.</p>	<p>PO 14.2 Land division involving boundary realignments occurs only where it supports the management or improvement of the natural environment including avoiding:</p> <ul style="list-style-type: none"> a) further fragmentation of land that may reduce effective management of the environment or diminishing the natural character of the area 	<p>DTS/DPF 14.2 Land division involving boundary realignment that will satisfy one of the following</p> <ul style="list-style-type: none"> a) is for the creation of a public road or a public reserve b) is to remove an anomaly in existing boundaries with respect to the location of existing buildings or structures c) is for the management of existing native vegetation 	<p>Table 4 Restricted Development to be amended to exclude land division for the purpose of boundary realignment</p> <p>Agree with this change, though the use of the realignment for purposes such as maintaining vegetation, could result in very small allotments being DPF. While it is just a boundary realignment, the creation of smaller allotments and larger allotments, can impact the character of an area. Should not have a DTS pathway within the Hills Face Zone, as Performance Assessment will allow for consideration and negotiation of proposed boundary locations.</p>
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<p>Restricted Development Classification – Table 4</p>	<p>Hills Face Zone</p> <table border="1" data-bbox="384 1272 1018 1930"> <thead> <tr> <th data-bbox="384 1272 683 1301">Class of Development</th> <th data-bbox="687 1272 1018 1301">Exclusions</th> </tr> </thead> <tbody> <tr> <td data-bbox="384 1308 683 1337">Caravan and tourist park</td> <td data-bbox="687 1308 1018 1337"></td> </tr> <tr> <td data-bbox="384 1344 683 1413">Dwelling</td> <td data-bbox="687 1344 1018 1413">Detached dwelling that does not result in more than one dwelling on an allotment.</td> </tr> <tr> <td data-bbox="384 1420 683 1449">Educational establishment</td> <td data-bbox="687 1420 1018 1449"></td> </tr> <tr> <td data-bbox="384 1456 683 1485">Electricity generating station</td> <td data-bbox="687 1456 1018 1485"></td> </tr> <tr> <td data-bbox="384 1491 683 1749">Excavation</td> <td data-bbox="687 1491 1018 1749"> <p>Any of the following:</p> <ul style="list-style-type: none"> a) excavation where the depth of the excavation is less than 2m below natural ground level b) excavation that is directly required for the portion of a building that is fully underground, an underground dwelling, pool, underground tank, cellar, pipeline or waste disposal and treatment system. </td> </tr> <tr> <td data-bbox="384 1756 683 1930">Filling</td> <td data-bbox="687 1756 1018 1930"> <p>Any of the following:</p> <ul style="list-style-type: none"> a) filling where the height of fill is less than 1m above natural ground level b) filling that is directly required for an underground dwelling, underground tank, or cellar. </td> </tr> </tbody> </table>	Class of Development	Exclusions	Caravan and tourist park		Dwelling	Detached dwelling that does not result in more than one dwelling on an allotment.	Educational establishment		Electricity generating station		Excavation	<p>Any of the following:</p> <ul style="list-style-type: none"> a) excavation where the depth of the excavation is less than 2m below natural ground level b) excavation that is directly required for the portion of a building that is fully underground, an underground dwelling, pool, underground tank, cellar, pipeline or waste disposal and treatment system. 	Filling	<p>Any of the following:</p> <ul style="list-style-type: none"> a) filling where the height of fill is less than 1m above natural ground level b) filling that is directly required for an underground dwelling, underground tank, or cellar. 	<p>New policy should be introduced to provide further guidance around excavation & filling due to the nature of land and importance of the visual amenity of allotments of the wider area of Adelaide. Policy should be stronger with regards to modification of land.</p>
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Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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<p>Restricted Development Classification – Table 4</p>	<p>Within the identified zones below, amend Table 4 – Restricted Development Classification to the following</p> <p>Employment Zone</p> <table border="1"> <thead> <tr> <th>Class of Development</th> <th>Exclusions</th> </tr> </thead> <tbody> <tr> <td><u>Special Industry</u></td> <td>Light Industry</td> </tr> <tr> <td>Industry</td> <td></td> </tr> <tr> <td>Shop</td> <td> Any of the following: <ol style="list-style-type: none"> shop with a gross leasable floor area less than 1000m2 shop that is a bulky goods outlet shop that is ancillary to a light industry on the same allotment shop located in the Retail Activity Centre Subzone shop located in the Roadside Service Centre Subzone. </td> </tr> <tr> <td>Waste reception, storage, treatment or disposal</td> <td>None specified</td> </tr> <tr> <td>Wrecking yard</td> <td>None specified</td> </tr> </tbody> </table> <p>Local Activity Centre Zone</p> <table border="1"> <thead> <tr> <th>Class of Development</th> <th>Exclusions</th> </tr> </thead> <tbody> <tr> <td><u>Special Industry</u></td> <td>Light Industry</td> </tr> <tr> <td>Industry</td> <td></td> </tr> </tbody> </table> <p>Strategic Innovation Zone</p> <table border="1"> <thead> <tr> <th>Class of Development</th> <th>Exclusions</th> </tr> </thead> <tbody> <tr> <td><u>Special Industry</u></td> <td>Light Industry</td> </tr> <tr> <td>Industry</td> <td></td> </tr> <tr> <td>Shop</td> <td> Any of the following: <ol style="list-style-type: none"> shop with a gross leasable floor area less than 1000m2 shop located within the Rehabilitation Subzone shop located within the Repatriation Subzone shop located within the Flinders Subzone shop located within the Activity Node Subzone shop that is a restaurant. </td> </tr> </tbody> </table>	Class of Development	Exclusions	<u>Special Industry</u>	Light Industry	Industry		Shop	Any of the following: <ol style="list-style-type: none"> shop with a gross leasable floor area less than 1000m2 shop that is a bulky goods outlet shop that is ancillary to a light industry on the same allotment shop located in the Retail Activity Centre Subzone shop located in the Roadside Service Centre Subzone. 	Waste reception, storage, treatment or disposal	None specified	Wrecking yard	None specified	Class of Development	Exclusions	<u>Special Industry</u>	Light Industry	Industry		Class of Development	Exclusions	<u>Special Industry</u>	Light Industry	Industry		Shop	Any of the following: <ol style="list-style-type: none"> shop with a gross leasable floor area less than 1000m2 shop located within the Rehabilitation Subzone shop located within the Repatriation Subzone shop located within the Flinders Subzone shop located within the Activity Node Subzone shop that is a restaurant. 	<p>Is there sufficient/appropriate policy that can be used for this development type in these zones – either in general or zone? Particularly as some of these zones DTS/DPF include “dwelling” as a desirable land use. This potentially creates conflict and there is no longer a clear understanding of the hierarchical order of preferred land uses.</p> <p>General Policies</p> <ul style="list-style-type: none"> - Design - Interface between Land Uses - Transport Access & Parking - Waste treatment & management facilities <p>Removal of Waste reception storage, treatment or disposal seems problematic and could be of state significance – need definition of ‘Waste reception storage, treatment or disposal’?</p> <p>Broadly agree with removal of industry from restricted however floor area (m2) restricted trigger for ‘industry’ may assist in managing larger scale typically industrial or heavier industry land uses particularly in the activity and business zones.</p> <p>Local Activity and Suburban Activity zones and Suburban Business are different from Innovation Zone, and as such, there should be policy added to control and guide the appropriate development of any industry in these important zones.</p>
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Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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Notification Tables - Table 5	<table border="1"> <thead> <tr> <th data-bbox="384 618 525 645">Affected Zone</th> <th data-bbox="525 618 1026 645">Amendment</th> </tr> </thead> <tbody> <tr> <td data-bbox="384 645 525 826">All Zones</td> <td data-bbox="525 645 1026 826"> In Part 2 – Zones and Subzones – in relation to 'Table 5 – Procedural Matters (PM) – Notification' insert the following text immediately after the last paragraph of the 'Interpretation' section: <i>'A relevant authority may determine that a variation to 1 or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.'</i> </td> </tr> </tbody> </table>	Affected Zone	Amendment	All Zones	In Part 2 – Zones and Subzones – in relation to 'Table 5 – Procedural Matters (PM) – Notification' insert the following text immediately after the last paragraph of the 'Interpretation' section: <i>'A relevant authority may determine that a variation to 1 or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.'</i>	<p>Agree with this proposed change as it is unclear and nearly non-applicable in its current form. It is useful as cannot list all forms of development and many Residential Other forms should be minor for notification purposes. This will assist in processing applications in a reasonable way.</p>
Affected Zone	Amendment					
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Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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Notification Tables - Table 5

Business Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 2 (in Column A):</p> <p>Except development involving any of the following:</p> <p>1 – residential flat building(s) of 3 or more building levels</p> <p>2 – the demolition of a State or Local Heritage Place</p>
	<p>3 – the demolition of a building (except an ancillary building) in a Historic Area Overlay.</p> <p>With:</p> <p><u>Except development involving any of the following:</u></p> <p>1. <u>residential flat building(s) of 3 or more building levels</u></p> <p>2. <u>the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated).</u></p> <p>3. <u>the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</u></p>
Business Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> air handling unit, air conditioning system or exhaust fan building work on railway land carport deck fence outbuilding pergola private bushfire shelter retaining wall shade sail solar photovoltaic panels (roof mounted) swimming pool or spa pool verandah water tank <p>(b) renumber list in alphabetical order as required</p>
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The demolition of a historically significant dwelling (state or conservation zone) is a technical assessment, with the notification of such being a curious trigger. Demolition applications are always supported by the proposed replacement built form, and as such the triggers for notification should relate to any replacement building and not necessarily the demolition. The benefit of notification though is that CAP is the relevant authority, which is the appropriate level of RA.

Verification of demolition of buildings which are not in keeping with the features identified as contributing to the heritage value, is a process question for the SHU – will require an agreement as to how to determine what does not form part of the heritage value at verification stage. This is a relationship building issue around process.

Business Neighbourhood Zone, is it the intending to keep Column B in the PN?

The view is that a relevant authority has capability to assess these without input from neighbours.

These types of developments can impact neighbouring properties more than others and often generate reasonable representations from affected neighbours.

There is additional policy proposed in Design and Design in Urban Areas modules relating to decks to address overlooking – but these are industrial in their application, with no two decks or screening solutions being the same. DTS pathway is not supported for decks which would likely result in desktop assessments for something that is so site specific and as stated above no two scenarios are the same. As such should not have a DTS pathway.

Often without access to a neighbours site it is not possible to understand the true impacts.

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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	<table border="1"> <tr> <td data-bbox="363 194 518 443"></td> <td data-bbox="518 194 1058 443"> <ul style="list-style-type: none"> - fence - outbuilding - pergola - private bushfire shelter - retaining wall - shade sail - solar photovoltaic panels (roof mounted) - swimming pool or spa pool - verandah - water tank <p>(b) renumber list in alphabetical order as required</p> </td> </tr> <tr> <td data-bbox="363 443 518 969">Business Neighbourhood Zone</td> <td data-bbox="518 443 1058 969"> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 6 (in Column A):</p> <p>Except any of the following:</p> <p>1 – the demolition of a State or Local Heritage Place</p> <p>2 – the demolition of a building (except an ancillary building) in a Historic Area Overlay.</p> <p>With:</p> <p><u>Except any of the following:</u></p> <p>1. <u>the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated).</u></p> <p>2. <u>the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</u></p> </td> </tr> <tr> <td data-bbox="363 969 518 1216">Business Neighbourhood Zone</td> <td data-bbox="518 969 1058 1216"> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 6:</p> <table border="1" data-bbox="518 1077 981 1200"> <thead> <tr> <th data-bbox="518 1077 758 1133">Class of Development (Column A)</th> <th data-bbox="758 1077 981 1133">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="518 1133 758 1200"><u>7. Railway line.</u></td> <td data-bbox="758 1133 981 1200"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table> </td> </tr> </table>		<ul style="list-style-type: none"> - fence - outbuilding - pergola - private bushfire shelter - retaining wall - shade sail - solar photovoltaic panels (roof mounted) - swimming pool or spa pool - verandah - water tank <p>(b) renumber list in alphabetical order as required</p>	Business Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 6 (in Column A):</p> <p>Except any of the following:</p> <p>1 – the demolition of a State or Local Heritage Place</p> <p>2 – the demolition of a building (except an ancillary building) in a Historic Area Overlay.</p> <p>With:</p> <p><u>Except any of the following:</u></p> <p>1. <u>the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated).</u></p> <p>2. <u>the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</u></p>	Business Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 6:</p> <table border="1" data-bbox="518 1077 981 1200"> <thead> <tr> <th data-bbox="518 1077 758 1133">Class of Development (Column A)</th> <th data-bbox="758 1077 981 1133">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="518 1133 758 1200"><u>7. 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Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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	<p>Community Facilities Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - <u>air handling unit, air conditioning system or exhaust fan</u> - <u>carport</u> - <u>deck</u> - <u>fence</u> - <u>outbuilding</u> - <u>pergola</u> - <u>private bushfire shelter</u> - <u>retaining wall</u> - <u>shade sail</u> - <u>solar photovoltaic panels (roof mounted)</u> - <u>swimming pool or spa pool</u> - <u>verandah</u> - <u>water tank</u> <p>(b) renumber list in alphabetical order as required</p>					
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Class of Development (Column A)	Exceptions (Column B)					
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	<p>Conservation Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 3:</p> <table border="1" data-bbox="528 1800 991 1924"> <thead> <tr> <th data-bbox="528 1800 759 1856">Class of Development (Column A)</th> <th data-bbox="759 1800 991 1856">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="528 1856 759 1924"><u>4. Railway line.</u></td> <td data-bbox="759 1856 991 1924"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	<u>4. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>	
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Notification Tables – Table 5	Conservation Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 2 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> —building work on railway land —demolition <p>(b) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - <u>deck</u> - <u>land division</u> - <u>pergola</u> - <u>swimming pool or spa pool</u> - <u>verandah</u> <p>(c) renumber list in alphabetical order as required</p>	As above
	Conservation Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 3 (in Column A):</p> <p>“Except any of the following:</p> <ul style="list-style-type: none"> 1- the demolition of a State or Local Heritage Place 2- the demolition of a building (except an ancillary building) in a Historic Area Overlay.” <p>With:</p> <p><u>“Except any of the following:</u></p> <ul style="list-style-type: none"> <u>1- the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant</u> 	

Notification Tables – Table 5	Employment Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 2 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> —air handling unit, air conditioning system or exhaust fan —building work on railway land —carport —fence —outbuilding —retaining wall —shade sail —solar photovoltaic panels (roof mounted) —verandah —water tank <p>(b) renumber list in alphabetical order as required</p>	As above
	Employment Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 4 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - <u>air handling unit, air conditioning system or exhaust fan</u> - <u>carport</u> 	

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	<p>- <u>deck</u></p> <p>- <u>fence</u></p> <p>- <u>outbuilding</u></p> <p>- <u>pergola</u></p> <p>- <u>private bushfire shelter</u></p> <p>- <u>retaining wall</u></p> <p>- <u>shade sail</u></p> <p>- <u>solar photovoltaic panels (roof mounted)</u></p> <p>- <u>swimming pool or spa pool</u></p> <p>- <u>verandah</u></p> <p>- <u>water tank</u></p> <p>(b) renumber list in alphabetical order as required</p> <p>Employment Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 5 (in Column A):</p> <p>Except any of the following:</p> <p>1. the demolition of a State or Local Heritage Place</p> <p>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.</p> <p>With:</p> <p><u>Except any of the following:</u></p> <p>1. <u>the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</u></p> <p>2. <u>the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</u></p> <p>Employment Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert:</p> <p>(a) the following additional class of development and corresponding exception in a new row immediately after clause 4:</p> <table border="1" data-bbox="523 1126 983 1227"> <thead> <tr> <th>Class of Development (Column A)</th> <th>Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td><u>3. Building for the purposes of railway activities.</u></td> <td><u>None specified</u></td> </tr> </tbody> </table> <p>(b) the following additional class of development and corresponding exception in a new row immediately after clause 5:</p> <table border="1" data-bbox="523 1328 983 1451"> <thead> <tr> <th>Class of Development (Column A)</th> <th>Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td><u>7. Railway line.</u></td> <td><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table> <p>(c) renumber clauses in Column A as required.</p>	Class of Development (Column A)	Exceptions (Column B)	<u>3. Building for the purposes of railway activities.</u>	<u>None specified</u>	Class of Development (Column A)	Exceptions (Column B)	<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>	
Class of Development (Column A)	Exceptions (Column B)									
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	<p>1— residential flat building(s) of 2 or more building levels 2—the demolition of a State or Local Heritage Place 3—the demolition of a building (except an ancillary building) in a Historic Area Overlay.”</p> <p>With: <u>“Except development involving any of the following:</u></p> <ol style="list-style-type: none"> 1. <u>residential flat building(s) of 3 or more building levels</u> 2. <u>the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</u> 3. <u>the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).”</u> <p>Established Neighbourhood Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> — air handling unit, air conditioning system or exhaust fan — building work on railway land — carport — deck — fence — outbuilding — pergola — private bushfire shelter — retaining wall — shade sail — solar photovoltaic panels (roof mounted) — swimming pool or spa pool — verandah — water tank <p>(b) renumber list in alphabetical order as required</p> <p>Established Neighbourhood Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 5 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p>	
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	<table border="1"> <tr> <td data-bbox="363 194 518 510"></td> <td data-bbox="518 194 1061 510"> <ul style="list-style-type: none"> - <u>air handling unit, air conditioning system or exhaust fan</u> - <u>carport</u> - <u>deck</u> - <u>fence</u> - <u>outbuilding</u> - <u>pergola</u> - <u>private bushfire shelter</u> - <u>retaining wall</u> - <u>shade sail</u> - <u>solar photovoltaic panels (roof mounted)</u> - <u>swimming pool or spa pool</u> - <u>verandah</u> - <u>water tank</u> <p>(b) renumber list in alphabetical order as required</p> </td> </tr> <tr> <td data-bbox="363 510 518 1057">Established Neighbourhood Zone</td> <td data-bbox="518 510 1061 1057"> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 6 (in Column A):</p> <p>Except any of the following:</p> <p>1. the demolition of a State or Local Heritage Place</p> <p>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.</p> <p>With:</p> <p><u>Except any of the following:</u></p> <p>1. <u>the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated).</u></p> <p>2. <u>the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</u></p> </td> </tr> <tr> <td data-bbox="363 1057 518 1337">Established Neighbourhood Zone</td> <td data-bbox="518 1057 1061 1337"> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 6:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: black; color: white;">Class of Development (Column A)</th> <th style="background-color: black; color: white;">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><u>7. Railway line.</u></td> <td style="text-align: center;"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table> </td> </tr> </table>		<ul style="list-style-type: none"> - <u>air handling unit, air conditioning system or exhaust fan</u> - <u>carport</u> - <u>deck</u> - <u>fence</u> - <u>outbuilding</u> - <u>pergola</u> - <u>private bushfire shelter</u> - <u>retaining wall</u> - <u>shade sail</u> - <u>solar photovoltaic panels (roof mounted)</u> - <u>swimming pool or spa pool</u> - <u>verandah</u> - <u>water tank</u> <p>(b) renumber list in alphabetical order as required</p>	Established Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 6 (in Column A):</p> <p>Except any of the following:</p> <p>1. the demolition of a State or Local Heritage Place</p> <p>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.</p> <p>With:</p> <p><u>Except any of the following:</u></p> <p>1. <u>the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated).</u></p> <p>2. <u>the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</u></p>	Established Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 6:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: black; color: white;">Class of Development (Column A)</th> <th style="background-color: black; color: white;">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><u>7. Railway line.</u></td> <td style="text-align: center;"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>	As above
	<ul style="list-style-type: none"> - <u>air handling unit, air conditioning system or exhaust fan</u> - <u>carport</u> - <u>deck</u> - <u>fence</u> - <u>outbuilding</u> - <u>pergola</u> - <u>private bushfire shelter</u> - <u>retaining wall</u> - <u>shade sail</u> - <u>solar photovoltaic panels (roof mounted)</u> - <u>swimming pool or spa pool</u> - <u>verandah</u> - <u>water tank</u> <p>(b) renumber list in alphabetical order as required</p>											
Established Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 6 (in Column A):</p> <p>Except any of the following:</p> <p>1. the demolition of a State or Local Heritage Place</p> <p>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.</p> <p>With:</p> <p><u>Except any of the following:</u></p> <p>1. <u>the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated).</u></p> <p>2. <u>the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</u></p>											
Established Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 6:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: black; color: white;">Class of Development (Column A)</th> <th style="background-color: black; color: white;">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><u>7. Railway line.</u></td> <td style="text-align: center;"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>							
Class of Development (Column A)	Exceptions (Column B)											
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<p>Notification Tables – Table 5</p>	<p>General Neighbourhood Zone</p>	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 2 (in Column A):</p> <p>Except development involving any of the following:</p> <p>1 residential flat building(s) of 3 or more building levels</p> <p>2 the demolition of a State or Local Heritage Place</p> <p>3 the demolition of a building (except an ancillary building) in a Historic Area Overlay.</p> <p>With:</p> <p><u>Exclude development involving any of the following:</u></p> <p>1. <u>residential flat building(s) of 3 or more building levels</u></p> <p>2. <u>the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</u></p> <p>3. <u>the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</u></p>	<p>As above</p>
	<p>General Neighbourhood Zone</p>	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <p>air handling unit, air conditioning system or exhaust fan</p> <p>building work on railway land</p> <p>carport</p> <p>deck</p> <p>fence</p> <p>outbuilding</p> <p>pergola</p> <p>private bushfire shelter</p> <p>retaining wall</p> <p>shade sail</p> <p>solar photovoltaic panels (roof mounted)</p>	

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	<p>swimming pool or spa pool verandah water tank</p> <p>(b) renumber list in alphabetical order as required</p> <p>General Neighbourhood Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 5 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - air handling unit, air conditioning system or exhaust fan - carport - deck - fence - outbuilding - pergola - private bushfire shelter - retaining wall - shade sail - solar photovoltaic panels (roof mounted) - swimming pool or spa pool - verandah - water tank <p>(b) renumber list in alphabetical order as required</p> <p>General Neighbourhood Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 7 (in Column A):</p> <p>Except any of the following:</p> <ol style="list-style-type: none"> 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay. <p>With:</p> <p>Except any of the following:</p> <ol style="list-style-type: none"> 1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated) 2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes <p>identified in the Historic Area Statement applicable to the area in which the building is situated).</p> <p>General Neighbourhood Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 7:</p> <table border="1" data-bbox="523 1406 986 1541"> <thead> <tr> <th data-bbox="523 1406 754 1462">Class of Development (Column A)</th> <th data-bbox="754 1406 986 1462">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="523 1462 754 1541"><u>8. Railway line.</u></td> <td data-bbox="754 1462 986 1541"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	<u>8. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>	
Class of Development (Column A)	Exceptions (Column B)					
<u>8. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>					

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Notification Tables – Table 5	Hills Face Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed	Retaining walls that exceed a prescribed height should be notified, 1) to allow impacted allotments to comment, and 2) for the assessment to sit with a relevant Panel.
		<p>development that are excluded from notification, amend clause 2 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> carport deck farming fence outbuilding pergola private bushfire shelter shade sail solar photovoltaic panels (roof mounted) swimming pool or spa pool verandah water tank <p>(b) renumber list in alphabetical order as required</p>	
	Hills Face Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 2 (in Column A):</p> <p>Except any of the following:</p> <ul style="list-style-type: none"> 1. any building that is not a dwelling or ancillary to a dwelling 2. building exceeding 5m in height 3. building having a wall or post height exceeding 3m 4. fence having a height exceeding 2.4m. <p>With:</p> <p><u>Except any of the following:</u></p> <ul style="list-style-type: none"> <u>1. any building that is not a dwelling or ancillary to a dwelling</u> <u>2. development where the building height exceeds 5m</u> <u>3. development with a wall height or post height that exceeds 3m above natural ground level.</u> 	
Hills Face Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> <u>air handling unit, air conditioning system or exhaust fan</u> <u>carport</u> <u>deck</u> <u>fence</u> <u>land division</u> <u>outbuilding</u> 		

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	<ul style="list-style-type: none"> • <u>pergola</u> • <u>private bushfire shelter</u> • <u>retaining wall</u> • <u>shade sail</u> • <u>solar photovoltaic panels (roof mounted)</u> • <u>swimming pool or spa pool</u> • <u>verandah</u> • <u>water tank</u> <p>(b) renumber list in alphabetical order as required</p> <p>Hills Face Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 4 (in Column A):</p> <p>Except any of the following:</p> <p>1. the demolition of a State or Local Heritage Place</p> <p>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.</p> <p>With:</p> <p><u>Except any of the following:</u></p> <p>1. <u>the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</u></p> <p>2. <u>the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</u></p> <p>Hills Face Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 4:</p> <table border="1" data-bbox="523 1070 986 1191"> <thead> <tr> <th data-bbox="523 1070 762 1124">Class of Development (Column A)</th> <th data-bbox="762 1070 986 1124">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="523 1124 762 1191"><u>5. Railway line.</u></td> <td data-bbox="762 1124 986 1191"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	<u>5. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>	
Class of Development (Column A)	Exceptions (Column B)					
<u>5. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>					

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<p>Notification Tables – Table 5</p>	<p>Hills Neighbourhood Zone</p>	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 2 (in Column A):</p> <p>Except development involving any of the following:</p> <ol style="list-style-type: none"> 1. residential flat building(s) of 3 or more building levels 2. the demolition of a State or Local Heritage Place 3. the demolition of a building (except an ancillary building) in a Historic Area Overlay. <p>With:</p> <p><u>Except development involving any of the following:</u></p> <ol style="list-style-type: none"> <u>1. residential flat building(s) of 3 or more building levels</u> <u>2. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</u> <u>3. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</u> 	<p>Supported – comments with regards to heritage places as above</p>
	<p>Hills Neighbourhood Zone</p>	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> air handling unit, air conditioning system or exhaust fan building work on railway land carport deck fence outbuilding pergola private bushfire shelter shade sail solar photovoltaic panels (roof mounted) swimming pool or spa pool verandah water tank <p>(b) renumber list in alphabetical order as required</p>	

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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	<p>Hills Neighbourhood Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 5 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - <u>air handling unit, air conditioning system or exhaust fan</u> - <u>carport</u> - <u>deck</u> - <u>fence</u> - <u>outbuilding</u> - <u>pergola</u> - <u>private hushfire shelter</u> - <u>shade sail</u> - <u>solar photovoltaic panels (roof mounted)</u> - <u>swimming pool or spa pool</u> - <u>verandah</u> - <u>water tank</u> <p>(b) renumber list in alphabetical order as required</p>					
	<p>Hills Neighbourhood Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 6 (in Column A):</p> <p>Except any of the following:</p> <p>1. the demolition of a State or Local Heritage Place</p> <p>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.</p> <p>With:</p> <p><u>Except any of the following:</u></p> <ol style="list-style-type: none"> 1. <u>the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</u> 2. <u>the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</u> 					
	<p>Hills Neighbourhood Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the</p> <p>following additional class of development and corresponding exception in a new row immediately after clause 6:</p> <table border="1" data-bbox="518 1310 970 1429"> <thead> <tr> <th data-bbox="518 1310 742 1361">Class of Development (Column A)</th> <th data-bbox="742 1310 970 1361">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="518 1361 742 1429"><u>7. Railway line.</u></td> <td data-bbox="742 1361 970 1429"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table> <p>And renumber subsequent clauses in Column A as required.</p>	Class of Development (Column A)	Exceptions (Column B)	<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>	
Class of Development (Column A)	Exceptions (Column B)					
<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>					

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<p>Notification Tables - Table 5</p>	<p>Local Activity Centre Zone</p>	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clauses 2 and 5 (in Column A):</p> <p>‘Except any of the following:</p> <p>1 – the demolition of a State or Local Heritage Place</p> <p>2 – the demolition of a building (except an ancillary building) in a Historic Area Overlay.’</p> <p>With:</p> <p><u>‘Except any of the following:</u></p> <p>1. <u>the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</u></p> <p>2. <u>the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).’</u></p>	<p>Supported – Comments with regards to heritage places as above</p>		
	<p>Local Activity Centre Zone</p>	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> — air handling unit, air conditioning system or exhaust fan — building work on railway land — deck — fence — land division — retaining wall — shade sail — solar photovoltaic panels (roof mounted) — verandah — water tank <p>(b) renumber list in alphabetical order as required</p>			
	<p>Local Activity Centre Zone</p>	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 4 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - <u>air handling unit, air conditioning system or exhaust fan</u> - <u>carport</u> - <u>deck</u> - <u>fence</u> - <u>land division</u> - <u>outbuilding</u> - <u>pergola</u> - <u>private bushfire shelter</u> - <u>retaining wall</u> - <u>shade sail</u> - <u>solar photovoltaic panels (roof mounted)</u> - <u>swimming pool or spa pool</u> - <u>verandah</u> - <u>water tank</u> <p>(b) renumber list in alphabetical order as required</p>			
	<p>Local Activity Centre Zone</p>	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 5:</p> <table border="1" data-bbox="512 1702 979 1836"> <thead> <tr> <th data-bbox="512 1702 742 1758">Class of Development (Column A)</th> <th data-bbox="742 1702 979 1758">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="512 1758 742 1836">6. <u>Railway line.</u></td> <td data-bbox="742 1758 979 1836"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table>		Class of Development (Column A)	Exceptions (Column B)
Class of Development (Column A)	Exceptions (Column B)				
6. <u>Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>				

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Notification Tables – Table 5	Open Space Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed	As above		
		<p>development that are excluded from notification, amend clause 2 in Column A by:</p> <p>(a) removing the following classes of development from the list: building work on railway land</p> <p>(b) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - <u>carport</u> - <u>deck</u> - <u>pergola</u> - <u>private bushfire shelter</u> - <u>swimming pool or spa pool</u> <p>(c) renumber list in alphabetical order as required</p>			
	Open Space Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 4 (in Column A):</p> <p>Except any of the following:</p> <p>4 – the demolition of a State or Local Heritage Place</p> <p>2 – the demolition of a building (except an ancillary building) in a Historic Area Overlay:</p> <p>With:</p> <p><u>Except any of the following:</u></p> <ol style="list-style-type: none"> 1. <u>the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated).</u> 2. <u>the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</u> 			
	Open Space Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 6:</p> <table border="1" data-bbox="518 1193 973 1323"> <thead> <tr> <th data-bbox="518 1193 751 1249">Class of Development (Column A)</th> <th data-bbox="751 1193 973 1249">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="518 1249 751 1323"><u>7. Railway line.</u></td> <td data-bbox="751 1249 973 1323"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table> <p>And renumber subsequent clauses in Column A as required.</p>		Class of Development (Column A)	Exceptions (Column B)
Class of Development (Column A)	Exceptions (Column B)				
<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>				

Notification Tables – Table 5	Recreation Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 2 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> air handling unit, air conditioning system or exhaust fan building work on railway land fence outbuilding retaining wall shade sail solar photovoltaic panels (roof mounted) verandah water tank <p>(b) renumber list in alphabetical order as required</p>	As above
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	<p>Recreation Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 4 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - <u>air handling unit, air conditioning system or exhaust fan</u> - <u>carport</u> - <u>deck</u> - <u>fence</u> - <u>outbuilding</u> - <u>pergola</u> - <u>private bushfire shelter</u> - <u>retaining wall</u> - <u>shade sail</u> - <u>solar photovoltaic panels (roof mounted)</u> - <u>swimming pool or spa pool</u> - <u>verandah</u> - <u>water tank</u> <p>(b) renumber list in alphabetical order as required</p>					
	<p>Recreation Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 5 (in Column A):</p> <p>Except any of the following:</p> <p>1. the demolition of a State or Local Heritage Place</p> <p>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.</p> <p>With:</p> <p><u>Except any of the following:</u></p> <ol style="list-style-type: none"> 1. <u>the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</u> 2. <u>the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</u> 					
	<p>Recreation Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 6:</p> <table border="1" data-bbox="518 1310 970 1438"> <thead> <tr> <th data-bbox="518 1310 742 1361">Class of Development (Column A)</th> <th data-bbox="742 1310 970 1361">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="518 1361 742 1438"><u>7. Railway line.</u></td> <td data-bbox="742 1361 970 1438"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table> <p>And renumber subsequent clauses in Column A as required.</p>	Class of Development (Column A)	Exceptions (Column B)	<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>	
Class of Development (Column A)	Exceptions (Column B)					
<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>					

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Notification Tables – Table 5

Rural Living Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 2 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> air handling unit, air conditioning system or exhaust fan building work on railway land carport deck fence retaining wall outbuilding pergola private bushfire shelter retaining wall shade sail solar photovoltaic panels (roof mounted) swimming pool or spa pool verandah water tank <p>(b) renumber list in alphabetical order as required</p>					
Rural Living Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> air handling unit, air conditioning system or exhaust fan carport deck fence outbuilding pergola private bushfire shelter retaining wall shade sail solar photovoltaic panels (roof mounted) swimming pool or spa pool verandah water tank <p>(b) renumber list in alphabetical order as required</p>					
Rural Living Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 5 (in Column A):</p> <p>Except any of the following:</p> <ol style="list-style-type: none"> 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay. <p>With:</p> <p><u>Except any of the following:</u></p> <ol style="list-style-type: none"> <u>1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated).</u> <u>2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</u> 					
Rural Living Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 8:</p> <table border="1" data-bbox="523 1800 976 1933"> <thead> <tr> <th data-bbox="523 1800 756 1861">Class of Development (Column A)</th> <th data-bbox="756 1800 976 1861">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="523 1861 756 1933"><u>9. Railway line.</u></td> <td data-bbox="756 1861 976 1933"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	<u>9. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>	
Class of Development (Column A)	Exceptions (Column B)					
<u>9. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>					

As above

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Notification Tables – Table 5	Strategic Employment Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 2 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> air handling unit, air conditioning system or exhaust fan building work on railway land carport fence outbuilding retaining wall shade sail solar photovoltaic panels (roof mounted) verandah water tank <p>(b) renumber list in alphabetical order as required</p>	Supported						
	Strategic Employment Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 4 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> <u>air handling unit, air conditioning system or exhaust fan</u> <u>carport</u> <u>deck</u> <u>fence</u> <u>outbuilding</u> <u>pergola</u> <u>private bushfire shelter</u> <u>retaining wall</u> <u>shade sail</u> 							
		<ul style="list-style-type: none"> <u>solar photovoltaic panels (roof mounted)</u> <u>swimming pool or spa pool</u> <u>verandah</u> <u>water tank</u> <p>(b) renumber list in alphabetical order as required</p>							
	Strategic Employment Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 5 (in Column A):</p> <p>Except any of the following:</p> <ul style="list-style-type: none"> 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay. <p>With:</p> <p><u>Except any of the following:</u></p> <ol style="list-style-type: none"> <u>1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</u> <u>2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</u> 							
	Strategic Employment Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert:</p> <p>(a) the following additional class of development and corresponding exception in a new row immediately after clause 4:</p> <table border="1" data-bbox="517 1720 986 1832"> <thead> <tr> <th data-bbox="517 1720 751 1771">Class of Development (Column A)</th> <th data-bbox="751 1720 986 1771">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="517 1771 751 1832"><u>5. Building for the purposes of railway activities.</u></td> <td data-bbox="751 1771 986 1832"><u>None specified</u></td> </tr> </tbody> </table> <p>(b) the following additional class of development and corresponding exception in a new row immediately after clause 5:</p> <table border="1" data-bbox="517 1906 986 1957"> <thead> <tr> <th data-bbox="517 1906 751 1957">Class of Development (Column A)</th> <th data-bbox="751 1906 986 1957">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="517 1957 751 1975"></td> <td data-bbox="751 1957 986 1975"></td> </tr> </tbody> </table>		Class of Development (Column A)	Exceptions (Column B)	<u>5. Building for the purposes of railway activities.</u>	<u>None specified</u>	Class of Development (Column A)	Exceptions (Column B)
Class of Development (Column A)	Exceptions (Column B)								
<u>5. Building for the purposes of railway activities.</u>	<u>None specified</u>								
Class of Development (Column A)	Exceptions (Column B)								

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	<table border="1"> <tr> <td data-bbox="363 194 523 282"></td> <td data-bbox="523 194 756 282"><u>7. Railway line.</u></td> <td data-bbox="756 194 1121 282"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> <tr> <td colspan="3" data-bbox="363 282 1121 338">(c) renumber clauses in Column A as required.</td> </tr> </table>		<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>	(c) renumber clauses in Column A as required.			
	<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>						
(c) renumber clauses in Column A as required.								
Notification Tables – Table 5	<table border="1"> <tr> <td data-bbox="363 338 523 1122">Strategic Innovation Zone</td> <td data-bbox="523 338 1121 1122"> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 2 (in Column A):</p> <p>Except development that:</p> <p>1— exceeds the maximum building height specified in Strategic Innovation Zone DTS/DPF 3.1 or 2— does not satisfy Strategic Innovation Zone DTS/DPF 3.2 or 3— involves the demolition of a State or Local Heritage Place or 4— involves the demolition of a building (except an ancillary building) in a Historic Area Overlay.</p> <p>With:</p> <p><u>Except development that:</u></p> <p><u>1. exceeds the maximum building height specified in Strategic Innovation Zone DTS/DPF 3.1</u> <u>or</u> <u>2. does not satisfy Strategic Innovation Zone DTS/DPF 3.2</u> <u>or</u> <u>3. involves the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</u> <u>or</u> <u>4. involves the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</u></p> </td> </tr> <tr> <td data-bbox="363 1122 523 1247">Strategic Innovation Zone</td> <td data-bbox="523 1122 1121 1247"> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 3 (in Column A):</p> </td> </tr> </table>	Strategic Innovation Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 2 (in Column A):</p> <p>Except development that:</p> <p>1— exceeds the maximum building height specified in Strategic Innovation Zone DTS/DPF 3.1 or 2— does not satisfy Strategic Innovation Zone DTS/DPF 3.2 or 3— involves the demolition of a State or Local Heritage Place or 4— involves the demolition of a building (except an ancillary building) in a Historic Area Overlay.</p> <p>With:</p> <p><u>Except development that:</u></p> <p><u>1. exceeds the maximum building height specified in Strategic Innovation Zone DTS/DPF 3.1</u> <u>or</u> <u>2. does not satisfy Strategic Innovation Zone DTS/DPF 3.2</u> <u>or</u> <u>3. involves the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</u> <u>or</u> <u>4. involves the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</u></p>	Strategic Innovation Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 3 (in Column A):</p>	Supported – comments with regards to heritage places as above		
Strategic Innovation Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 2 (in Column A):</p> <p>Except development that:</p> <p>1— exceeds the maximum building height specified in Strategic Innovation Zone DTS/DPF 3.1 or 2— does not satisfy Strategic Innovation Zone DTS/DPF 3.2 or 3— involves the demolition of a State or Local Heritage Place or 4— involves the demolition of a building (except an ancillary building) in a Historic Area Overlay.</p> <p>With:</p> <p><u>Except development that:</u></p> <p><u>1. exceeds the maximum building height specified in Strategic Innovation Zone DTS/DPF 3.1</u> <u>or</u> <u>2. does not satisfy Strategic Innovation Zone DTS/DPF 3.2</u> <u>or</u> <u>3. involves the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</u> <u>or</u> <u>4. involves the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</u></p>							
Strategic Innovation Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 3 (in Column A):</p>							

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	<p>Except any of the following:</p> <ol style="list-style-type: none"> 1 a restaurant located in the Repatriation Subzone 2 the demolition of a State or Local Heritage Place 3 the demolition of a building (except an ancillary building) in a Historic Area Overlay. <p>With:</p> <p><u>Except any of the following:</u></p> <ol style="list-style-type: none"> 1 a restaurant located in the Repatriation Subzone 2 the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated) 3 the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated). 	
Strategic Innovation Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 4 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> air handling unit, air conditioning system or exhaust fan carport outbuilding retaining wall shade sail swimming pool or spa pool verandah water tank <p>(b) renumber list in alphabetical order as required</p>	
Strategic Innovation Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 6 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> <u>air handling unit, air conditioning system or exhaust fan</u> <u>carport</u> <u>deck</u> <u>fence</u> 	

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	<ul style="list-style-type: none"> - <u>outbuilding</u> - <u>pergola</u> - <u>private bushfire shelter</u> - <u>retaining wall</u> - <u>shade sail</u> - <u>solar photovoltaic panels (roof mounted)</u> - <u>swimming pool or spa pool</u> - <u>verandah</u> - <u>water tank</u> <p>(b) renumber list in alphabetical order as required</p>					
Strategic Innovation Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 7 (in Column A):</p> <p>'Except any of the following:</p> <p>1 – the demolition of a State or Local Heritage Place</p> <p>2 – the demolition of a building (except an ancillary building) in a Historic Area Overlay.'</p> <p>With:</p> <p><u>'Except any of the following:</u></p> <p><u>1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</u></p> <p><u>2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).'</u></p>					
Strategic Innovation Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 7.</p> <table border="1" data-bbox="523 1059 976 1189"> <thead> <tr> <th data-bbox="523 1059 751 1111">Class of Development (Column A)</th> <th data-bbox="751 1059 976 1111">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="523 1111 751 1189"><u>8. Railway line.</u></td> <td data-bbox="751 1111 976 1189"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	<u>8. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>	
Class of Development (Column A)	Exceptions (Column B)					
<u>8. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>					

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Notification Tables – Table 5	Suburban Activity Centre Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clauses 2 and 5 (in Column A):</p> <p>Except any of the following:</p> <p>1. the demolition of a State or Local Heritage Place</p> <p>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.</p> <p>With:</p> <p><u>Except any of the following:</u></p> <p>1. <u>the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</u></p> <p>2. <u>the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</u></p>	Supported – comments with regards to heritage places as above		
	Suburban Activity Centre Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> air handling unit, air conditioning system or exhaust fan building work on railway land fence retaining wall shade sail solar photovoltaic panels (roof mounted) verandah water tank <p>(b) renumber list in alphabetical order as required</p>			
	Suburban Activity Centre Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 4 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> <u>air handling unit, air conditioning system or exhaust fan</u> 			
		<ul style="list-style-type: none"> <u>carport</u> <u>deck</u> <u>fence</u> <u>outbuilding</u> <u>pergola</u> <u>private bushfire shelter</u> <u>retaining wall</u> <u>shade sail</u> <u>solar photovoltaic panels (roof mounted)</u> <u>swimming pool or spa pool</u> <u>verandah</u> <u>water tank</u> <p>(b) renumber list in alphabetical order as required</p>			
	Suburban Activity Centre Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 5:</p> <table border="1" data-bbox="523 1644 967 1756"> <thead> <tr> <th data-bbox="523 1644 746 1697">Class of Development (Column A)</th> <th data-bbox="746 1644 967 1697">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="523 1697 746 1756">6. <u>Railway line.</u></td> <td data-bbox="746 1697 967 1756"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table>		Class of Development (Column A)	Exceptions (Column B)
Class of Development (Column A)	Exceptions (Column B)				
6. <u>Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>				

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Notification Tables – Table 5

Suburban Business Zone

In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clauses 2 and 6 (in Column A):

~~Except any of the following:~~

~~1 – the demolition of a State or Local Heritage Place~~

~~2 – the demolition of a building (except an ancillary building) in a Historic Area Overlay:~~

With:

Except any of the following:

1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)

2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes

Supported – comments with regards to heritage places as above

identified in the Historic Area Statement applicable to the area in which the building is situated).

Suburban Business Zone

In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:

(a) removing the following classes of development from the list:

- ~~air handling unit, air conditioning system or exhaust fan~~
- ~~building work on railway land~~
- ~~carport~~
- ~~fence~~
- ~~outbuilding~~
- ~~private bushfire shelter~~
- ~~shade sail~~
- ~~solar photovoltaic panels (roof mounted)~~
- ~~swimming pool or spa pool~~
- ~~verandah~~
- ~~water tank~~

(b) renumber list in alphabetical order as required

Suburban Business Zone

In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 5 in Column A by:

(a) including (in alphabetical order) the following additional classes of development within the list:

- air handling unit, air conditioning system or exhaust fan
- carport
- deck
- fence
- outbuilding
- pergola
- private bushfire shelter
- retaining wall
- shade sail
- solar photovoltaic panels (roof mounted)
- swimming pool or spa pool
- verandah
- water tank

(b) renumber list in alphabetical order as required

Suburban Business Zone

In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 6:

Class of Development	Exceptions
(Column A)	(Column B)
<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
Notification Tables – Table 5	<p>Suburban Neighbourhood Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 2 (in Column A):</p> <p>‘Except development involving any of the following:</p> <p>1 – residential flat building(s) of 3 or more building levels</p> <p>2 – the demolition of a State or Local Heritage Place</p> <p>3 – the demolition of a building (except an ancillary building) in a Historic Area Overlay.’</p> <p>With:</p> <p><u>‘Except development involving any of the following:</u></p> <p><u>1. residential flat building(s) of 3 or more building levels</u></p> <p><u>2. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area</u></p>	Supported – comments with regards to heritage places as above
	<p><u>under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated);</u></p> <p><u>3. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).’</u></p>	
	<p>Suburban Neighbourhood Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <p>— air handling unit, air conditioning system or exhaust fan</p> <p>— building work on railway land</p> <p>— carport</p> <p>— deck</p> <p>— fence</p> <p>— outbuilding</p> <p>— pergola</p> <p>— private bushfire shelter</p> <p>— retaining wall</p> <p>— shade sail</p> <p>— solar photovoltaic panels (roof mounted)</p> <p>— swimming pool or spa pool</p> <p>— verandah</p> <p>— water tank</p> <p>(b) renumber list in alphabetical order as required</p>	
	<p>Suburban Neighbourhood Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 6 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <p><u>- air handling unit, air conditioning system or exhaust fan</u></p> <p><u>- carport</u></p> <p><u>- deck</u></p> <p><u>- fence</u></p> <p><u>- outbuilding</u></p> <p><u>- pergola</u></p> <p><u>- private bushfire shelter</u></p> <p><u>- retaining wall</u></p> <p><u>- shade sail</u></p> <p><u>- solar photovoltaic panels (roof mounted)</u></p> <p><u>- swimming pool or spa pool</u></p> <p><u>- verandah</u></p>	

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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	<p>- water tank</p> <p>(b) renumber list in alphabetical order as required</p> <p>Suburban Neighbourhood Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 7 (in Column A):</p> <p>‘Except any of the following:</p> <p>1 – the demolition of a State or Local Heritage Place</p> <p>2 – the demolition of a building (except an ancillary building) in a Historic Area Overlay.’</p> <p>With:</p> <p><u>‘Except any of the following:</u></p> <p><u>1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</u></p> <p><u>2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).’</u></p> <p>Suburban Neighbourhood Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 7:</p> <table border="1" data-bbox="518 902 973 1025"> <thead> <tr> <th data-bbox="518 902 746 958">Class of Development (Column A)</th> <th data-bbox="746 902 973 958">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="518 958 746 1025"><u>8. Railway line.</u></td> <td data-bbox="746 958 973 1025"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	<u>8. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>	
Class of Development (Column A)	Exceptions (Column B)					
<u>8. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>					

Notification Tables – Table 5	<p>Urban Corridor (Living) Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clauses 2 and 6 (in Column A):</p> <p>‘Except any of the following:</p> <p>1 – the demolition of a State or Local Heritage Place</p> <p>2 – the demolition of a building (except an ancillary building) in a Historic Area Overlay.’</p> <p>With:</p> <p><u>‘Except any of the following:</u></p> <p><u>1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</u></p> <p><u>2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).’</u></p> <p>Urban Corridor (Living) Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> — air handling unit, air conditioning system or exhaust fan — building work on railway land — carport — fence — outbuilding — shade sail 	Supported – comments with regards to heritage places as above
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Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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	<p>— solar photovoltaic panels (roof mounted) — swimming pool or spa pool — verandah — water tank</p> <p>(b) renumber list in alphabetical order as required</p> <p>Urban Corridor (Living) Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 5 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> – <u>air handling unit, air conditioning system or exhaust fan</u> – <u>carport</u> – <u>deck</u> – <u>fence</u> – <u>land division</u> – <u>outbuilding</u> – <u>pergola</u> – <u>private bushfire shelter</u> – <u>retaining wall</u> – <u>shade sail</u> – <u>solar photovoltaic panels (roof mounted)</u> – <u>swimming pool or spa pool</u> – <u>verandah</u> – <u>water tank</u> <p>(b) renumber list in alphabetical order as required</p> <p>Urban Corridor (Living) Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 6:</p> <table border="1" data-bbox="523 913 981 1025"> <thead> <tr> <th data-bbox="523 913 758 967">Class of Development (Column A)</th> <th data-bbox="758 913 981 967">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="523 967 758 1025"><u>7. Railway line.</u></td> <td data-bbox="758 967 981 1025"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>	
Class of Development (Column A)	Exceptions (Column B)					
<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>					
Notification Tables – Table 5	<p>Urban Neighbourhood Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clauses 2 and 6 (in Column A):</p> <p>‘Except any of the following:</p> <p>4. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.’</p> <p>With:</p> <p><u>‘Except any of the following:</u></p> <ol style="list-style-type: none"> 1. <u>the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</u> 2. <u>the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).’</u> <p>Urban Neighbourhood Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> — air handling unit, air conditioning system or exhaust fan — shade sail 	Supported – comments with regards to heritage places as above				

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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	<p>— solar photovoltaic panels (roof mounted) — swimming pool or spa pool — water tank</p> <p>(b) renumber list in alphabetical order as required</p> <p>Urban Neighbourhood Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 5 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - <u>air handling unit, air conditioning system or exhaust fan</u> - <u>carport</u> - <u>deck</u> - <u>fence</u> - <u>land division</u> - <u>outbuilding</u> - <u>pergola</u> - <u>private bushfire shelter</u> - <u>retaining wall</u> - <u>shade sail</u> - <u>solar photovoltaic panels (roof mounted)</u> - <u>swimming pool or spa pool</u> - <u>verandah</u> - <u>water tank</u> <p>(b) renumber list in alphabetical order as required</p> <p>Urban Neighbourhood Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 6:</p> <table border="1" data-bbox="523 891 986 1003"> <thead> <tr> <th data-bbox="523 891 762 943">Class of Development (Column A)</th> <th data-bbox="762 891 986 943">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="523 943 762 1003"><u>7. Railway line.</u></td> <td data-bbox="762 943 986 1003"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>	
Class of Development (Column A)	Exceptions (Column B)					
<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>					
Notification Tables – Table 5	<p>Urban Renewal Neighbourhood Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 2 (in Column A):</p> <p>‘Except development involving any of the following:</p> <ul style="list-style-type: none"> 1. residential flat building(s) of 3 storeys or greater 2. the demolition of a State or Local Heritage Place 	Supported – comments with regards to heritage places as above				

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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	<p>3. the demolition of a building (except an ancillary building) in a Historic Area Overlay:</p> <p>With:</p> <p>Except development involving any of the following:</p> <ol style="list-style-type: none"> 1. residential flat building(s) of 3 or more building levels 2. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated) 3. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated). 	
Urban Renewal Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> air handling unit, air conditioning system or exhaust fan building work on railway land carport deck fence outbuilding pergola private bushfire shelter retaining wall shade sail solar photovoltaic panels (roof mounted) swimming pool or spa pool verandah water tank <p>(b) renumber list in alphabetical order as required</p>	
Urban Renewal Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 6 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> air handling unit, air conditioning system or exhaust fan carport 	

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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	<ul style="list-style-type: none"> - deck - fence - outbuilding - pergola - private bushfire shelter - retaining wall - shade sail - solar photovoltaic panels (roof mounted) - swimming pool or spa pool - verandah - water tank <p>(b) renumber list in alphabetical order as required</p> <p>Urban Renewal Neighbourhood Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 7 (in Column A):</p> <p>Except any of the following:</p> <p>1. the demolition of a State or Local Heritage Place</p> <p>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay;</p> <p>With:</p> <p><u>Except any of the following:</u></p> <p>1. <u>the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</u></p> <p>2. <u>the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</u></p> <p>Urban Renewal Neighbourhood Zone</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 7:</p> <table border="1" data-bbox="523 1093 975 1227"> <thead> <tr> <th data-bbox="523 1093 751 1151">Class of Development (Column A)</th> <th data-bbox="751 1093 975 1151">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="523 1151 751 1227">8. Railway line.</td> <td data-bbox="751 1151 975 1227"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	8. Railway line.	<u>Except where located outside of a rail corridor or rail reserve.</u>	
Class of Development (Column A)	Exceptions (Column B)					
8. Railway line.	<u>Except where located outside of a rail corridor or rail reserve.</u>					
Building Height – TNV & Context	<p>Within the Urban Neighbourhood Zone, amend PO 2.2 as follows:</p> <p><i>Building height is consistent with the form expressed in the Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer, and otherwise or positively responds to the local context including the site's frontage, depth, and adjacent primary street width.</i></p>	Support - this would enable a proper performance assessment to occur without being distracted by the numbers but could equally make it harder to adhere to any sense of guidelines with the boundaries pushed further. It also supports the change in character sought in most of these zones.				
Building Height – TNV & Context	<p>Within the Urban Corridor (Living) Zone PO 3, amend as follows:</p> <p><i>Building height is consistent with the form expressed in the Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer and otherwise or positively responds to the local context including the site's frontage, depth, and adjacent primary corridor or street width.</i></p>	In most cases, there will be a shift in the character, due to the uplift in built form, which should be supported further around definitive guidance on what local context extends to.				
Building Height – TNV & Context	<p>Within the Strategic Innovation Zone, amend PO 3.1 as follows:</p> <p><i>Building height is consistent with the form expressed in any relevant Maximum Building Height (Levels) Technical and Numeric Variation layer, Maximum Building Height (Metres) Technical and Numeric Variation layer and any relevant Concept Plan contained within the Concept Plans Technical and Numeric Variations, or otherwise provide provides an orderly transition in scale, increasing from low scale at the zone interface to medium-to-high rise in the centre of the zone to complement the established local character.</i></p>					

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries						
Building Height – TNV & Context	<p>Within the Community Facilities Zone, amend PO 2.1 as follows:</p> <p><i>Building height is consistent with the maximum height expressed in any relevant Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer or otherwise is generally consistent with the prevailing character of the locality and height of nearby buildings.</i></p>							
<p>Building Height, Building Wall Setback and Wall Height – Policy Review</p> <p>Part 8 Administrative Terms & Definitions</p>	<p>Amend 'Building height' in (Column A) by replacing the definition (in Column B) with the following: <i>Means the maximum vertical distance between the lower of the natural or finished ground level or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) at any point of any part of a building and the finished roof height at its highest point, ignoring any antenna, aerial, chimney, flagpole or the like. For the purposes of this definition, building does not include any of the following:</i></p> <p><i>(a) flues connected to a sewerage system</i> <i>(b) telecommunications facility tower or monopole</i> <i>(c) electricity pole or tower</i> <i>(d) or any similar structure</i></p> <p>Amend 'Wall height' in (Column A) by replacing the definition (in Column B) with the following: <i>Means the height of the wall measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) but excluding noting that the height measurement does not include any part of the wall that is concealed behind an eave or similar roof structure and not visible external to the land</i></p> <p>Insert (in alphabetical order) the following new term and definition for "post height"</p> <table border="1" data-bbox="384 1227 1019 1655"> <thead> <tr> <th data-bbox="384 1227 560 1292">Term (Column A)</th> <th data-bbox="560 1227 810 1292">Definition (Column B)</th> <th data-bbox="810 1227 1019 1292">Illustrations Column C</th> </tr> </thead> <tbody> <tr> <td data-bbox="384 1292 560 1655"><u>Post height</u></td> <td data-bbox="560 1292 810 1655"><i>Means the height of the post measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) noting that the height measurement does not include any part of the post that is concealed behind an eave or similar roof structure and not visible external to the land</i></td> <td data-bbox="810 1292 1019 1655"></td> </tr> </tbody> </table>	Term (Column A)	Definition (Column B)	Illustrations Column C	<u>Post height</u>	<i>Means the height of the post measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) noting that the height measurement does not include any part of the post that is concealed behind an eave or similar roof structure and not visible external to the land</i>		<p>Not supported – poorly conceived definition for application and outcomes. This definition appears to be trying to manage two different considerations, 1) Building Height and 2) overall building height.</p> <p>Very confusing definition to apply – what is the measurement point specified by the applicable policy of the Code?</p> <p>Building height definition is not ideal where split level homes work with the lie of the land, are still penalised as being exceptionally high despite the design limiting the impact.</p> <p>Building height should be measured directly above the lowest point at any point across a pavilion or area with the same FFL, and not across the lowest and highest point of the building's entirety. Height across an entire building should be defined separately as 'Overall Building Height'.</p> <p>Support wall/post height is measured up to the eaves.</p> <p>Should be measured from the lower of natural or finished ground to consider the full impact of the wall in real terms.</p> <p>Generally the neighbourhood type zones in the P&DC appear to reference building height and wall height without a measurement point specified and reference post height for ancillary buildings above natural ground level.</p> <p>Measuring wall height from the top of the footing doesn't capture the true impact of a building wall or structures height.</p> <p>DTS pathway could inadvertently apply to a much higher wall height</p>
Term (Column A)	Definition (Column B)	Illustrations Column C						
<u>Post height</u>	<i>Means the height of the post measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) noting that the height measurement does not include any part of the post that is concealed behind an eave or similar roof structure and not visible external to the land</i>							

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
		<p>where there is a raised footing. Policy doesn't facilitate assessment of footing depth and impact.</p> <p>Suggest change 'wall height' be measured from natural ground or to include measurement from a maximum footing height.</p>
<p>Building Height, Building Wall Setback and Wall Height – Policy Review Part 2 – Zones & Subzones</p>	<p>Established Neighbourhood Zone</p> <p>Amend DTS/DPF 7.1(b)(ii)A. by replacing the words A. exceed 3.2m in height from the lower of the natural or finished ground level With <i>'A. exceed 3.2m in wall height from the lower of the natural or finished ground level'</i></p> <p>Amend DTS/DPF 8.1(b) by replacing the following words: (b) in all other cases (i.e. there is a blank field), then: (i) at least 900mm where the wall is up to 3m (ii) other than for a south facing wall, at least 900mm plus 1/3 of the wall height above 3m (iii) at least 1.9m plus 1/3 of the wall height above 3m for south facing walls.</p> <p>With: <i>(b) in all other cases (i.e. there is a blank field), then:</i> <i>(i) where the wall height does not exceed 3m measured from the lower of natural or finished ground level - at least 900mm</i> <i>(ii) for a wall that is not south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level</i> <i>(iii) for a wall that is south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level.</i></p>	<p>Supported - good clarification and no issues identified</p> <p>7.1. – provides clarity</p> <p>8.1 – Replicates the former “Res Code” provisions (a diagram is provided in Part 8 to illustrate what is meant by “south facing”)</p> <p>Intent of amended policy is to provide greater clarity for Code users</p>
<p>Building Height, Building Wall Setback and Wall Height – Policy Review Part 2 – Zones & Subzones</p>	<p>General Neighbourhood</p> <p>Amend DTS/DPF 4.1 by replacing the following words: Building height (excluding garages, carports and outbuildings) no greater than: (a) 2 building levels and 9m; and (b) wall height that is no greater than 7m except in the case of a gable end.</p> <p>With: <i>Building height (excluding garages, carports and outbuildings) measured from the top of the footings no greater than 2 building levels and 9m and wall height that is no greater than 7m (not including a gable end).</i></p> <p>Amend DTS/DPF 7.1(b)(i) by replacing the words (i) exceed 3m in height from the top of footings</p> <p>With <i>(i) exceed 3m in wall height'</i></p> <p>Amend DTS/DPF 8.1 by replacing the following: Other than walls located on a side boundary, building walls are set back from side boundaries: (a) at least 900mm where the wall height is up to 3m (b) other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m; and (c) at least 1900mm plus 1/3 of the wall height above 3m for walls facing a southern side boundary.</p>	<p>top of footings an issue as mentioned above</p> <p>See comments above</p>

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
	<p>With:</p> <p><i>Other than walls located on a side boundary, building walls are set back from side boundaries in accordance with the following:</i></p> <ul style="list-style-type: none"> <i>(a) where the wall height does not exceed 3m - at least 900mm</i> <i>(b) for a wall that is not south facing and the wall height exceeds 3m - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings</i> <i>(c) for a wall that is south facing and the wall height exceeds 3m - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings.</i> <p>Amend DTS/DPF 11.1(h) by replacing the words <i>'(h) have a wall height or post height not exceeding 3m (and not including a gable end)'</i></p> <p>With <i>'(h) have a wall height or post height not exceeding 3m above natural ground level (and not including a gable end)'.</i></p>	

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
<p>Building Height, Building Wall Setback and Wall Height – Policy Review</p> <p>Part 2 – Zones & Subzones</p>	<p>Hills Neighbourhood Zone</p> <p>Amend DTS/DPF 7.1(b)(i) by replacing the words '(i) exceed 3.2m in height from the lower of the natural or finished ground level'</p> <p>With '<i>(i) exceed 3.2m in wall height from the lower of the natural or finished ground level</i>'.</p> <p>Amend DTS/DPF 8.1 by replacing the words: Building walls not sited on side boundaries set back from the side boundary at least:</p> <p>(a) on sites with a site gradient greater than 1 in 8:</p> <p>(i) Other than a wall facing a southern boundary, 1900mm</p> <p>(ii) For walls facing a southern boundary, at least 1900mm plus 1/3 of the wall height above 3m measured from the top of the footings</p> <p>(b) on sites with a site gradient less than 1 in 8, and other than walls located on a side boundary:</p> <p>(i) at least 900mm where the wall is up to 3m measured from the top of the footings</p> <p>(ii) other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m measured from the top of the footings</p> <p>(iii) for walls facing a southern side boundary, at least 1900mm plus 1/3 of the wall height above 3m measured from the top of the footings.</p> <p>With: <i>Building walls not sited on side boundaries set back from the side boundary in accordance with the following:</i></p> <p><i>(a) on sites with a site gradient greater than 1-in-8:</i></p> <p><i>(i) at least 1900mm</i></p> <p><i>(ii) for a wall that is south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level.</i></p> <p><i>(b) on sites with a site gradient less than 1-in-8:</i></p> <p><i>(i) where the wall height does not exceed 3m measured from the lower of natural or finished ground level - at least 900mm</i></p> <p><i>(ii) for a wall that is not south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level</i></p> <p><i>(iii) for a wall that is south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level.</i></p>	<p>good clarification and no issues identified</p> <p>See comments above</p>
<p>Building Height, Building Wall Setback and Wall Height – Policy Review</p> <p>Part 2 – Zones & Subzones</p>	<p>Rural Living Zone</p> <p>Within the Rural Living Zone amend DTS/DPF 2.5(c) by replacing the words '(c) have walls that do not exceed 4m in height measured from natural ground level (not including a gable end)'</p> <p>With '<i>(c) do not exceed 4m in wall height measured from natural ground level (not including a gable end)</i>'.</p>	<p>not sure why we just have from natural ground level rather than from the lower of natural or finished ground level. Might have issues with determining what natural ground level even is...or was...</p> <p>See comments above</p>
<p>Building Height, Building Wall Setback and Wall Height – Policy Review</p> <p>Part 2 – Zones & Subzones</p>	<p>Suburban Neighbourhood Zone</p> <p>Amend DTS/DPF 4.1 by replacing the words 'Building height (excluding garages, carports and outbuildings) is no greater than:'</p> <p>With '<i>Building height (excluding garages, carports and outbuildings) measured from the top of the footings is no greater than:'</i></p>	<p>same issues with top of footings</p> <p>- same issue with just from natural ground level as before</p> <p>See comments above</p>

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
	<p>Amend DTS/DPF 4.1 (b) by replacing the words '(b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) - 2 building levels up to a maximum height of 9m.' With '(b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) - 2 building levels up to a maximum height of 9m measured from the top of the footings.'</p> <p>Amend DTS/DPF 7.1(b)(i) by replacing the words '(i) exceed 3m in height from the top of footings' With '(i) exceed 3m in wall height'.</p> <p>Amend DTS/DPF 8.1 by replacing the following words: Other than walls located on a side boundaries, building walls are set back from side boundaries: (a) at least 900mm where the wall is up to 3m measured from the top of the footings (b) other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m (c) at least 1.9m plus 1/3 of the wall height above 3m for walls facing a southern side boundary. With: Other than walls located on a side boundary, building walls are set back from side boundaries in accordance with the following: (a) where the wall height does not exceed 3m - at least 900mm (b) for a wall that is not south facing and the wall height exceeds 3m - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings (c) for a wall that is south facing and the wall height exceeds 3m - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings.</p> <p>Amend DTS/DPF 11.1(h) by replacing the words '(h) have a wall height or post height not exceeding 3m (and not including a gable end)' With '(h) have a wall height or post height not exceeding 3m above natural ground level (and not including a gable end)'.</p>	
Building Height, Building Wall Setback and Wall Height – Policy Review Part 2 – Zones & Subzones	<p>Urban Renewal Zone</p> <p>Amend DTS/DPF 2.1 by replacing the words 'Building height (excluding garages, carports and outbuildings) is no greater than:' With 'Building height (excluding garages, carports and outbuildings) measured from the top of the footings is no greater than:'</p> <p>Amend DTS/DPF 2.1 (b)(i) by replacing the words '(i) 4 building levels and 15m where the site:' With '(i) 4 building levels and 15m measured from the top of the footings where the site:'</p> <p>Amend DTS/DPF 2.1 (b)(ii) by replacing the words '(ii) 3 building levels and 12m in all other circumstances.' With '(i) 3 building levels and 15m measured from the top of the footings in all other circumstances'.</p>	<p>same concerns with top of footings -same issue with from natural ground level – need some consistency!</p> <p>See comments above</p>

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
	<p>Amend DTS/DPF 5.1(b)(i) by replacing the words '(i) exceed 3m in height from the top of footings' With '(i) exceed 3m in wall height'.</p> <p>Amend DTS/DPF 7.1 by replacing the following words: Building walls not sited on side boundaries are set back from side boundaries: (a) 0.9m for a wall height less than 3m (b) 0.9m plus 1/3 of the wall height above 3m for walls greater than 3m in height. With: Building walls not sited on side boundaries are set back from side boundaries in accordance with the following: (a) where the wall height does not exceed 3m - at least 900mm (b) where the wall height exceeds 3m - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings.</p> <p>Amend DTS/DPF 10.1(h) by replacing the words '(h) have a wall height or post height not exceeding 3m (and not including a gable end)' With '(h) have a wall height or post height not exceeding 3m above natural ground level (and not including a gable end)'.</p>	
<p>Building Height, Building Wall Setback and Wall Height – Policy Review Part 2 – Zones & Subzones</p>	<p>General Policies – Housing Renewal</p> <p>Amend DTS/DPF 6.1 by replacing the following words: Other than walls located on a side boundary, buildings are set back from side boundaries: (a) at least 900mm where the wall height is up to 3m (b) other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m (c) at least 1.9m plus 1/3 of the wall height above 3m for walls facing a southern side boundary. With: Other than walls located on a side boundary, buildings are set back from side boundaries in accordance with the following: (d) where the wall height does not exceed 3m - at least 900mm (e) for a wall that is not south facing and the wall height exceeds 3m - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings (f) for a wall that is south facing and the wall height exceeds 3m - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings.</p>	<p>See comments regarding top of footings measurement point above</p> <p>numbering (typo)</p> <p>See comments above</p>
<p>Building Walls and Dwelling Walls – Policy Review Part 2 – Zones & Subzones</p>	<p>Established Neighbourhood Zone</p> <p>Amend DTS/DPF 6.1(c) by replacing the words '(c) if a dwelling on any adjoining allotment is closer to the secondary street, the distance of that dwelling from the boundary with the secondary street.' With '(c) if a building (except for ancillary buildings and structures) on any adjoining allotment is closer to the secondary street, not less than the distance of that building from the boundary with the secondary street.</p> <p>Amend PO 7.1 by replacing the words 'Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.' With 'Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.'</p>	<p>Support - good clarification and no issues identified</p> <p>Provides clarity and consistency of language (eg "building" rather than "dwelling").</p> <p>Generic, rather than specific (eg walls on boundaries, rather than dwelling walls on boundaries") – policy subsequently provides guidance for other forms of development than only residential</p>

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
	<p>Amend DTS/DPF 7.1(b) by replacing the words '(b) where no side boundary setback value is returned in (a) above, and except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (i) or (ii) below.' With '(b) where no side boundary setback value is returned in (a) above, and except where the building is a dwelling and is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (i) or (ii) below.'</p> <p>Amend PO 9.1(a) by replacing the words '(a) separation between dwellings in a way that complements the established character of the locality' With '(a) separation between buildings in a way that complements the established character of the locality'.</p>	<p>Ancillary buildings and structures are excluded as they have their own specific policies dealing with setbacks</p>
<p>Building Walls and Dwelling Walls – Policy Review Part 2 – Zones & Subzones</p>	<p>General Neighbourhood Zone</p> <p>Amend DTS/DPF 6.1(b) by replacing the words '(b) if a dwelling on any adjoining allotment is closer to the secondary street than 900mm, at least the distance of that dwelling from the boundary with the secondary street.' With '(b) if a building (except for ancillary buildings and structures) on any adjoining allotment is closer to the secondary street than 900mm, not less than the distance of that building from the boundary with the secondary street.'</p> <p>Amend PO 7.1 by replacing the words 'Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.' With 'Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.'</p> <p>Amend DTS/DPF 7.1 by replacing the words 'Except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below.' With 'Except where the building is a dwelling and is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below.'</p> <p>Amend PO 8.1(a) by replacing the words '(a) separation between dwellings in a way that contributes to a suburban character' With '(a) separation between buildings in a way that contributes to a suburban character'.</p> <p>Amend PO 9.1 by replacing the words: 'Dwelling walls are set back from rear boundaries to provide: (a) separation between dwellings in a way that contributes to a suburban character' With: 'Building walls (excluding ancillary buildings and structures) are set back from rear boundaries to provide: (a) separation between buildings in a way that contributes to a suburban character'</p> <p>Amend DTS/DPF 9.1 by replacing the words: 'Dwelling walls are set back from the rear boundary at least:</p>	<p>good clarification and no issues identified</p> <p>See comments above</p>

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
	<p>(a) if the size of the site is less than 301m²— (i) 3m in relation to the ground floor of the dwelling (ii) 5m in relation to any other building level of the dwelling (b) if the size of the site is 301m² or more— (i) 4m in relation to the ground floor of the dwelling (ii) 6m in relation to any other building level of the dwelling.</p> <p>With: 'Building walls (excluding ancillary buildings and structures) are set back from the rear boundary at least: (a) if the size of the site is less than 301m²— (i) 3m in relation to the ground floor of the building (ii) 5m in relation to any other building level of the building (b) if the size of the site is 301m² or more— (i) 4m in relation to the ground floor of the building (ii) 6m in relation to any other building level of the building.'</p>	
Building Walls and Dwelling Walls – Policy Review Part 2 – Zones & Subzones	<p>Hills Neighbourhood Zone</p> <p>Amend DTS/DPF 6.1(b) by replacing the words 'if a dwelling on any adjoining allotment is closer to the secondary street, the distance of that dwelling from the boundary with the secondary street' With 'if a building (except for ancillary buildings and structures) on any adjoining allotment is closer to the secondary street, not less than the distance of that building from the boundary with the secondary street.'</p> <p>Amend DTS/DPF 7.1 by replacing the words 'Except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below:' With 'Except where the building is a dwelling and is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below:'</p> <p>Amend PO 8.1(a) by replacing the words 'separation between dwellings in a way that complements the established character of the locality' with 'separation between buildings in a way that complements the established character of the locality'.</p> <p>Amend PO 9.1(a) by replacing the words 'separation between dwellings in a way that complements the established character of the locality' with 'separation between buildings in a way that complements the established character of the locality'.</p>	good clarification and no issues identified See comments above
Building Walls and Dwelling Walls – Policy Review Part 2 – Zones & Subzones	<p>Suburban Neighbourhood Zone</p> <p>Amend DTS/DPF 6.1 by replacing the words 'or if a dwelling on adjoining allotment is closer to the secondary street than 900mm, the distance of that dwelling from the boundary with the secondary street (being, if relevant, the lesser of the 2 distances)' With 'or if a building (except for ancillary buildings and structures) on adjoining allotment is closer to the secondary street than 900mm, not less than the distance of that building from the boundary with the secondary street.'</p> <p>Amend PO 7.1 by replacing the words 'Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.' With</p>	good clarification and no issues identified See comments above

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
	<p><i>'Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.'</i></p> <p>Amend DTS/DPF 7.1 by replacing the words <i>'Except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below.'</i></p> <p>With <i>'Except where the building is a dwelling and is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below.'</i></p> <p>Amend PO 8.1(a) and PO 9.1(a) by replacing the words <i>'separation between dwellings'</i> with <i>'separation between buildings'.</i></p> <p>Amend DTS/DPF 9.1 by replacing the words: <i>'Dwelling walls are set back from the rear boundary at least: (a) if the size of the site is less than 301 square metres— (i) 3m in relation to the ground floor of the dwelling (ii) 5m in relation to any other building level of the dwelling (b) if the size of the site is 301 square metres or more— (i) 4m in relation to the ground floor of the dwelling (ii) 6m in relation to any other building level of the dwelling.'</i></p> <p>With: <i>'Building walls (excluding ancillary buildings and structures) are set back from the rear boundary at least: (a) if the size of the site is less than 301 square metres— (i) 3m in relation to the ground floor of the building (ii) 5m in relation to any other building level of the building (b) if the size of the site is 301 square metres or more— (i) 4m in relation to the ground floor of the building (ii) 6m in relation to any other building level of the building.'</i></p>	
<p>Building Walls and Dwelling Walls – Policy Review Part 2 – Zones & Subzones</p>	<p>Urban Renewal Neighbourhood Zone</p> <p>Amend PO 5.1 by replacing the words <i>'Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.'</i></p> <p>With <i>'Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.'</i></p> <p>Amend DTS/DPF 7.1 by replacing the words <i>'Except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below.'</i></p> <p>With <i>'Except where the building is a dwelling and is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below.'</i></p> <p>Amend PO 7.1(a) replace the words <i>'separation between dwellings'</i> With <i>'separation between buildings'.</i></p>	<p>good clarification and no issues identified</p> <p>See comments above</p>
<p>Common & Minor Development Overlay Relevance – Assessment Pathways Table 1 – Accepted Development Classification</p>	<p>Remove the reference to specified Overlays in Column 1 – Class of Development in the rows beginning with the following Classes of Development wherever they appear in the identified Zones:</p>	<p>inground swimming pools could be removed – not sure if above ground pools need to be captured in historic area overlay where visible from the street (side yard – corner allotment for example)?</p>

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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	<table border="1"> <thead> <tr> <th>Development Type</th> <th>Overlays</th> <th>Zones</th> </tr> </thead> <tbody> <tr> <td>Carport</td> <td>Coastal Areas Overlay</td> <td>All Zones, other than Conservation Zone</td> </tr> <tr> <td>Fence</td> <td>Coastal Areas overlay</td> <td>All</td> </tr> <tr> <td rowspan="2">Retaining Wall</td> <td>Coastal Areas Overlay</td> <td rowspan="2">All</td> </tr> <tr> <td>Hazards (Acid Sulfate Soils)</td> </tr> <tr> <td rowspan="3">Swimming Pool or Spa Pool</td> <td>Historic Area Overlay</td> <td rowspan="3">All</td> </tr> <tr> <td>Coastal Areas Overlay</td> </tr> <tr> <td>Hazards (Acid Sulfate Soils)</td> </tr> </tbody> </table>	Development Type	Overlays	Zones	Carport	Coastal Areas Overlay	All Zones, other than Conservation Zone	Fence	Coastal Areas overlay	All	Retaining Wall	Coastal Areas Overlay	All	Hazards (Acid Sulfate Soils)	Swimming Pool or Spa Pool	Historic Area Overlay	All	Coastal Areas Overlay	Hazards (Acid Sulfate Soils)	<p>Typically not visible from the street.</p> <p>This change relates to Table 1 being amended to replace 'Swimming pool or spa pool' with 'Swimming pool or spa pool and associated Swimming Pool Safety Features' within various zones to enable DTS pathway.</p>
Development Type	Overlays	Zones																		
Carport	Coastal Areas Overlay	All Zones, other than Conservation Zone																		
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<p>Common & Minor Development</p> <p>Overlay Relevance – Assessment Pathways</p> <p>Table 2 – Deemed to Satisfy Development Classification</p>	<p>Remove the reference to specified Overlays in Column 1 – Class of Development in the rows beginning with the following Classes of Development wherever they appear in the identified Zones:</p> <table border="1"> <thead> <tr> <th>Development Type</th> <th>Overlays</th> <th>Zones</th> </tr> </thead> <tbody> <tr> <td>Ancillary Accommodation</td> <td>Scenic Quality Overlay</td> <td>All</td> </tr> <tr> <td rowspan="2">Carport</td> <td>Coastal Areas Overlay</td> <td>All Zones, other than Conservation Zone</td> </tr> <tr> <td>Gas and Liquid Petroleum Pipelines (Facilities) Overlay</td> <td>All</td> </tr> <tr> <td>Detached Dwelling</td> <td>Water Resources Overlay</td> <td>Neighbourhood-type Zones</td> </tr> <tr> <td rowspan="3">Dwelling Addition</td> <td>Water Resources Overlay</td> <td rowspan="3">All</td> </tr> <tr> <td>Non-stop Corridor Overlay</td> </tr> <tr> <td>Gas and Liquid Petroleum Pipelines (Facilities) Overlay</td> </tr> <tr> <td rowspan="2">Outbuilding</td> <td>Coastal Areas Overlay</td> <td>All Zones, other than Conservation Zone</td> </tr> <tr> <td>Gas and Liquid Petroleum Pipelines (Facilities) Overlay</td> <td>All</td> </tr> <tr> <td>Row Dwelling</td> <td>Water Resources Overlay</td> <td>Neighbourhood-type Zones</td> </tr> <tr> <td>Semi-detached Dwelling</td> <td>Water Resources Overlay</td> <td>Neighbourhood-type Zones</td> </tr> <tr> <td rowspan="3">Verandah</td> <td>Coastal Areas Overlay</td> <td>All Zones, other than Conservation Zone</td> </tr> <tr> <td>Gas and Liquid Petroleum Pipelines (Facilities) Overlay</td> <td>All</td> </tr> <tr> <td>Non-stop Corridor Overlay</td> <td></td> </tr> </tbody> </table>	Development Type	Overlays	Zones	Ancillary Accommodation	Scenic Quality Overlay	All	Carport	Coastal Areas Overlay	All Zones, other than Conservation Zone	Gas and Liquid Petroleum Pipelines (Facilities) Overlay	All	Detached Dwelling	Water Resources Overlay	Neighbourhood-type Zones	Dwelling Addition	Water Resources Overlay	All	Non-stop Corridor Overlay	Gas and Liquid Petroleum Pipelines (Facilities) Overlay	Outbuilding	Coastal Areas Overlay	All Zones, other than Conservation Zone	Gas and Liquid Petroleum Pipelines (Facilities) Overlay	All	Row Dwelling	Water Resources Overlay	Neighbourhood-type Zones	Semi-detached Dwelling	Water Resources Overlay	Neighbourhood-type Zones	Verandah	Coastal Areas Overlay	All Zones, other than Conservation Zone	Gas and Liquid Petroleum Pipelines (Facilities) Overlay	All	Non-stop Corridor Overlay		<p>Water resources overlay doesn't always apply – we have a DA at Lot 691 Princes Rd for example – has the water resources overlay but only the evidence required overlay. if the evidence required overlay is to be removed as I believe it is there is then no stormwater management assessment. Water resources overlay also speaks to earthworks, vegetation and distance of structures from the watercourse itself</p> <p>Query removal of Water Resources Overlay from all Neighbourhood Type Zones (including Hills Neighbourhood) for development types Detached Dwelling, Dwelling Addition, Row Dwelling, Semi-detached Dwelling.</p> <p>The rationale behind removing the WRO in these cases is that the water courses / winter creeks in the urban environment have already been disrupted by establishment of allotments and subsequent development.</p> <p>Review of HNZ and WRO, together with proposed mapping for current Flooding Code Amendment, suggests that in the main the affected properties are likely to be constrained by a Hazard Flooding Overlay and Bushfire Overlay.</p> <p>NB Hills Neighbourhood Zone does not include AD or DTS pathways for Detached Dwelling, Row Dwelling or Semi-Detached Dwelling, so little benefit in removing the overlay from this area.</p>
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Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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Common & Minor Development
 Overlay Relevance – Assessment Pathways
Table 2 – Deemed to Satisfy Development Classification

Insert reference to specified Overlays in **Column 1** – Class of Development in the rows beginning with the following Classes of Development wherever they appear in the identified Zones:

Development Type	Overlays	Zones
Ancillary Accommodation	River Murray Tributaries Protection Area Overlay	All
	Ramsar Wetlands Overlay	
	Significant Interface Management Overlay	
	Interface Management Overlay	
Detached Dwelling	Environment and Food Production Area	All
	River Murray Tributaries Protection Area Overlay	
	Ramsar Wetlands Overlay	
Land Division	Historic Area Overlay	
	Character Area Overlay	General Neighbourhood Zone
Row Dwelling	Environment and Food Production Area	All
	River Murray Tributaries Protection Area Overlay	
	Ramsar Wetlands Overlay	
Semi-detached Dwelling	Environment and Food Production Area	All
	River Murray Tributaries Protection Area Overlay	
	Ramsar Wetlands Overlay	

EFPA seeks to protect food production areas from urban encroachment – appropriate to apply the overlay to these forms of development in Table 2. Query whether it should also apply to Ancillary Accommodation? (although doesn't affect CoM as not DTS pathway in EFPA affected zones)
 Historic/Character Area overlays in CoM apply within Established Neighbourhood and Hills Neighbourhood where land division does not have a DTS pathway.

Common & Minor Development
 Overlay Relevance – Assessment Pathways
Table 2 – Deemed to Satisfy Development Classification

Insert reference to specified Overlays in **Column 5** – Class of Development in the rows beginning with the following Classes of Development wherever they appear in the identified Zones

Development Type	Overlays	Zones
Detached Dwelling Row Dwelling Semi-detached Dwelling	Traffic Generating Development Overlay: DTS/DPF 1.1, 1.2, 1.3	All
	Water Protection Area Overlay: DTS/DPF 5.1, 5.2	
	Gas and Liquid Petroleum Pipelines Overlay: DTS/DPF 1.1	
	Gas and Liquid Petroleum Pipelines (Facilities) Overlay: DTS/DPF 1.1	

Applies to key north-south and east-west routes across CoM.
 In CoM only applies to GN & SN zones which have DTS pathways for D, R & SD Dwellings

Detached Dwellings – Med &-High Rise Development

Within the Business Neighbourhood Zone, General Neighbourhood Zone, Suburban Business Zone, Suburban Neighbourhood Zone, Urban Neighbourhood Zone, Urban Renewal Neighbourhood Zone **Amend Table 3** – Applicable Policies for Performance Assessed Development by **inserting** the following Performance Outcomes for **detached dwelling**:

Design in Urban Areas [Residential Development - Medium and High Rise (including serviced apartments)]:
[Outlook and Visual Privacy] PO 26.1, PO 26.2
[Private Open Space] PO 27.1

Applied to ensure consistency across zones
 Seeks to ensure that elements such as landscaping, RWT & tree planting can be adequately assessed against policy.
 Supported

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries						
	<p><i>[Residential amenity in multi-level buildings] PO 28.1, PO 28.2, PO 28.3, PO 28.4, PO 28.5, PO 28.6, PO 28.7</i></p> <p><i>[Dwelling Configuration] PO 29.1, PO 29.2</i></p> <p><i>[Common Areas] PO 30.1</i></p>							
Language Use	<p>Within the Established Neighbourhood Zone amend PO 10.1 by replacing the word "discrete" with "discreet".</p>							
Established Neighbourhood Zone Tables 2 & 3	<p>Within the Established Neighbourhood Zone amend from Table 2 – Deemed-to-Satisfy Development Classification and Table 3 – Applicable Policies for Performance Assessed Development Carport and Outbuilding by Removing Appearance DTS/DPF 10.1 and PO 10.1</p>	<p>Supported</p> <p>Not considered necessary to assess carports & outbuildings against PO 10.1 / DTS/DPF 10.1 as it is replicated policy (already covered by PO 11.1 / DTS/DPF 11.1)</p>						
Dwelling Alterations & Building Additions/Alterations – Assessment Pathways – Table 1 – Acceptable Development Classification	<p>Within all zones, insert the below directly following the introductory text: <i>Unless otherwise specified in another class of development, the reference to a class of development includes a reference to a change in the use of the relevant land or building work (including construction of a new building, or alteration/addition of an existing building).</i></p> <p>Within all zones: INSERT the following into Table 1 in alphabetical order:</p> <table border="1" data-bbox="379 987 1104 1408"> <thead> <tr> <th data-bbox="379 987 683 1037">Class of Development</th> <th data-bbox="687 987 1104 1037">Accepted Development Classification Criteria</th> </tr> </thead> <tbody> <tr> <td data-bbox="379 1043 683 1408"> <p><i>Building alterations</i></p> <p><i>Except where any of the following Apply:</i></p> <ul style="list-style-type: none"> • <i>Local Heritage Place Overlay</i> • <i>State Heritage Area Overlay</i> • <i>State Heritage Place Overlay</i> </td> <td data-bbox="687 1043 1104 1408"> <p>1. <i>The alteration does not:</i></p> <p>(a) <i>increase the floor area of the building</i></p> <p>(b) <i>exceed the existing wall height and /or overall building height of the existing building</i></p> <p>(c) <i>does not alter the roof profile.</i></p> <p>2. <i>Where located within the Historic Area Overlay, there will be no external alterations made to a building façade visible from a street.</i></p> </td> </tr> </tbody> </table> <p>And DELETES the following from Table 1:</p> <table border="1" data-bbox="379 1442 1104 1742"> <tbody> <tr> <td data-bbox="379 1442 683 1742"> <p><i>Internal building work</i></p> <p><i>Except where any of the following apply:</i></p> <ul style="list-style-type: none"> • <i>Local Heritage Place Overlay</i> • <i>State Heritage Area Overlay</i> • <i>State Heritage Place Overlay</i> </td> <td data-bbox="687 1442 1104 1742"> <p>1. <i>There will be no increase in the total floor area of the building.</i></p> <p>2. <i>Other than where located within the Historic Area Overlay there will be no alteration to the external appearance of the building to any significant degree.</i></p> <p>3. <i>There will be no alteration to the external appearance of the building where located within the Historic Area Overlay.</i></p> </td> </tr> </tbody> </table>	Class of Development	Accepted Development Classification Criteria	<p><i>Building alterations</i></p> <p><i>Except where any of the following Apply:</i></p> <ul style="list-style-type: none"> • <i>Local Heritage Place Overlay</i> • <i>State Heritage Area Overlay</i> • <i>State Heritage Place Overlay</i> 	<p>1. <i>The alteration does not:</i></p> <p>(a) <i>increase the floor area of the building</i></p> <p>(b) <i>exceed the existing wall height and /or overall building height of the existing building</i></p> <p>(c) <i>does not alter the roof profile.</i></p> <p>2. <i>Where located within the Historic Area Overlay, there will be no external alterations made to a building façade visible from a street.</i></p>	<p><i>Internal building work</i></p> <p><i>Except where any of the following apply:</i></p> <ul style="list-style-type: none"> • <i>Local Heritage Place Overlay</i> • <i>State Heritage Area Overlay</i> • <i>State Heritage Place Overlay</i> 	<p>1. <i>There will be no increase in the total floor area of the building.</i></p> <p>2. <i>Other than where located within the Historic Area Overlay there will be no alteration to the external appearance of the building to any significant degree.</i></p> <p>3. <i>There will be no alteration to the external appearance of the building where located within the Historic Area Overlay.</i></p>	<p>Practitioners have expressed concern that this may have an unintended consequence of undoing any negotiation by planning staff to achieve best outcomes in terms of materials/colours/appearance of building by facilitating AD pathway to alter buildings (concern that it may lead to use of "cheaper" and less desirable finishes).</p> <p>This is unlikely to eventuate if it applies only to an existing building and can't be applied to "approved" buildings and therefore changed by an AD prior to completion of the development.</p> <p>Consider requesting that it be specifically noted that this applies to existing buildings only to avoid unintended consequences?</p>
Class of Development	Accepted Development Classification Criteria							
<p><i>Building alterations</i></p> <p><i>Except where any of the following Apply:</i></p> <ul style="list-style-type: none"> • <i>Local Heritage Place Overlay</i> • <i>State Heritage Area Overlay</i> • <i>State Heritage Place Overlay</i> 	<p>1. <i>The alteration does not:</i></p> <p>(a) <i>increase the floor area of the building</i></p> <p>(b) <i>exceed the existing wall height and /or overall building height of the existing building</i></p> <p>(c) <i>does not alter the roof profile.</i></p> <p>2. <i>Where located within the Historic Area Overlay, there will be no external alterations made to a building façade visible from a street.</i></p>							
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Dwelling Alterations & Building Additions/Alterations – Assessment Pathways – Table 2 –DTS Development Classification	<p>For all Zones INSERT directly following the introductory text for Table 2: <i>Unless otherwise specified in another class of development, the reference to a class of development includes a reference to a change in the use of the relevant land or building work (including construction of a new building, or alteration/addition of an existing building).</i></p>							

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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Dwelling Alterations & Building Additions/Alterations – Assessment Pathways – **Table 3** – Applicable Policies for Performance Assessed Development

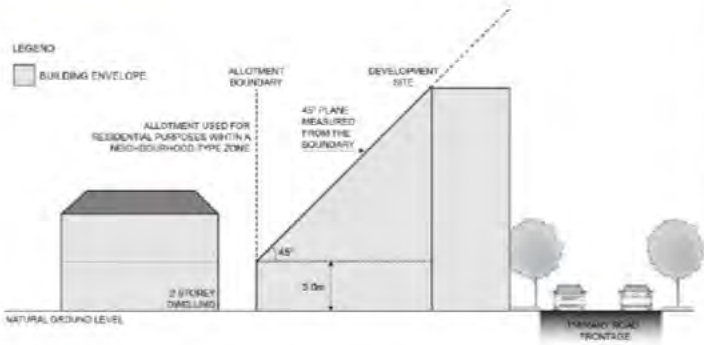
For all Zones **INSERT** directly following the introductory text for Table 3:
Unless otherwise specified in another class of development, the reference to a class of development includes a reference to a change in the use of the relevant land or building work (including construction of a new building, or alteration/addition of an existing building).

Interface Height – Policy & TNV Part 6 – TNV Index

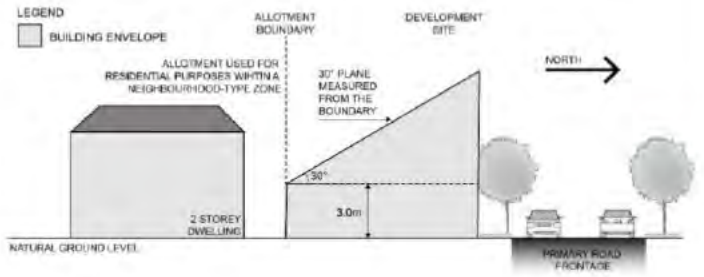
Within **Part 6** – Index of Technical and Numeric Variations, amend the following TNVs & diagrams in Part 6.6 Interface Heights to with the following:

Buildings constructed within a building envelope provided by a:

a. *45 degree plane measured from a height of 3 metres above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram (except where this boundary is a southern boundary or a street boundary):*



b. *in relation to a southern boundary, 30 degree plane grading north, measured from a height of 3m above natural ground at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram (except where this boundary is a street boundary):*

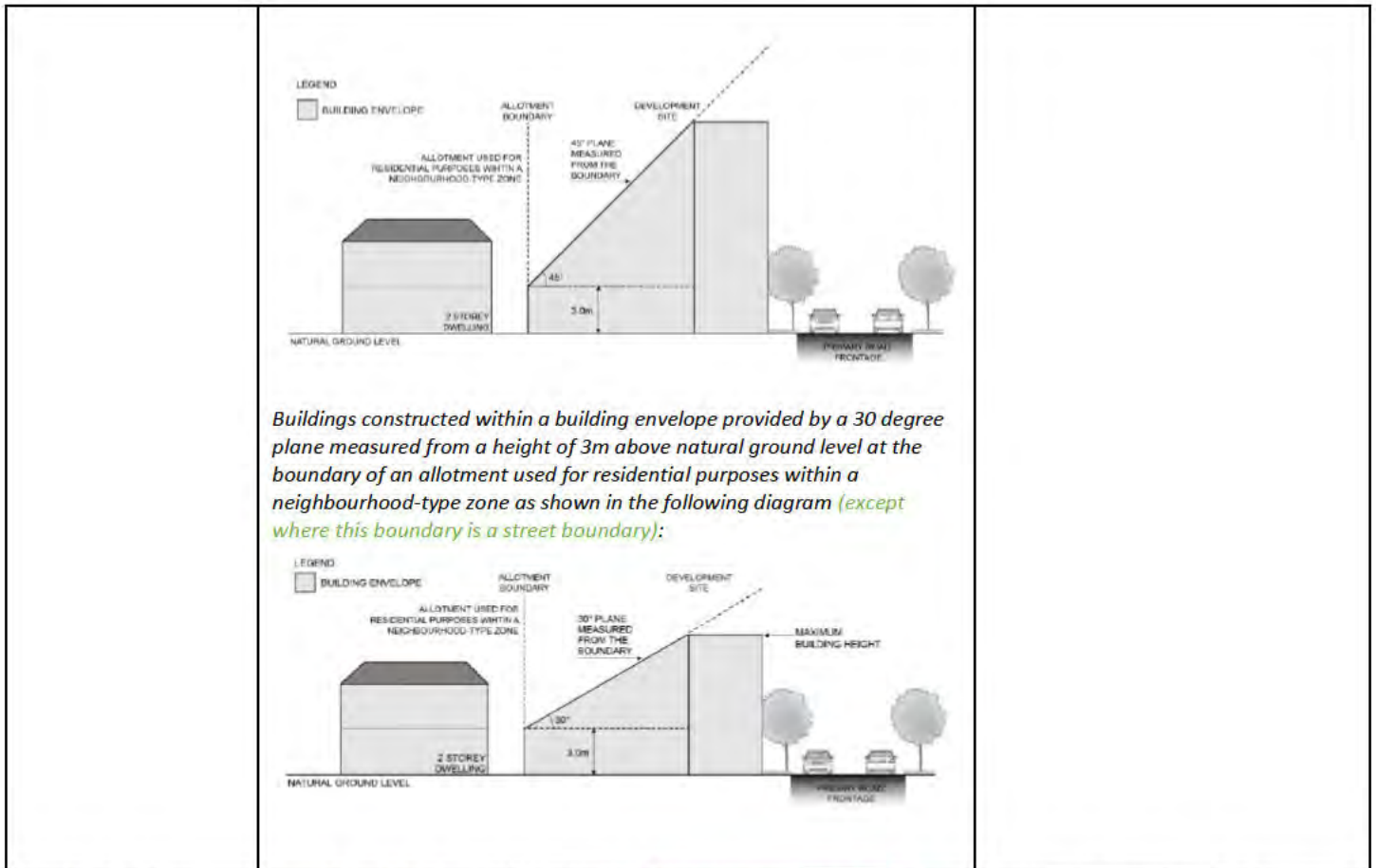


Buildings constructed within a building envelope provided by a 45 degree plane measured from a height of 3 metres above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram (except where this boundary is a street boundary):

Support the amendment and comments below. Furthermore, a larger bulk could be supported on the street boundary side of the allotment due to the separation from the road already existing to residential land across the road – so makes sense. Where there will still be an impact, other policy relating to streetscape and appearance of the building can manage this.

There is typically other policy contained within zones to manage the impact on streetscape.
eg – Suburban Business Zone PO 3.8 – Buildings on an allotment fronting a road that is not a State maintained road, and where land on the opposite side of the road is within a neighbourhood-type zone, provides an orderly transition to the built form scale envisaged in the adjacent zone to complement the streetscape character.

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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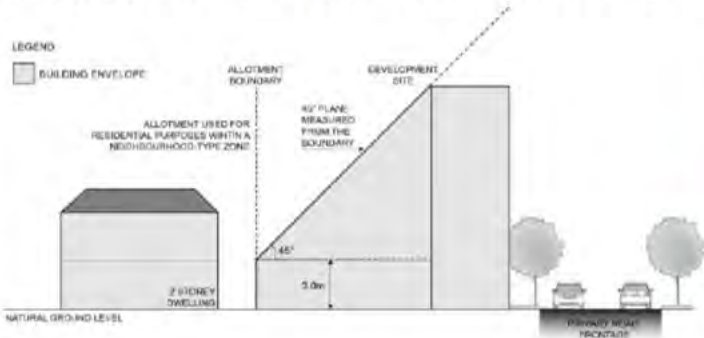


<p>Interface Height – Policy & TNV Part 2 – Zone</p>	<p>Amend the following DTS/DPF to replace 'primary street boundary' with '<i>street boundary</i>':</p> <ul style="list-style-type: none"> • Community Facilities Zone DTS/DPF 2.2 • Employment Zone DTS/DPF 3.6 • Local Activity Centre Zone DTS/DPF 3.2 • Recreation Zone DTS/DPF 3.1 • Strategic Employment Zone DTS/DPF 4.1 • Suburban Business Zone DTS/DPF 3.2 • Urban Activity Centre Zone DTS/DPF 3.2 <p>Amend the following DTS/DPF to add '<i>(except where this boundary is a street boundary)</i>':</p> <ul style="list-style-type: none"> • Community Facilities Zone DTS/DPF 2.3 • Employment Zone DTS/DPF 3.7 • Local Activity Centre Zone DTS/DPF 3.3 • Recreation Zone DTS/DPF 3.2 • Strategic Employment Zone DTS/DPF 4.2 • Suburban Business Zone DTS/DPF 3.3 • Suburban Main Street Zone DTS/DPF 3.3 • Urban Activity Centre Zone DTS/DPF 3.3 	<p>Support the amendment and comments below. The impacts to a secondary street should be treated the same as a primary street and therefore, relating the policies to all street frontages makes sense. If the impact to the secondary street is negligible, then this can be justified against the PO.</p>
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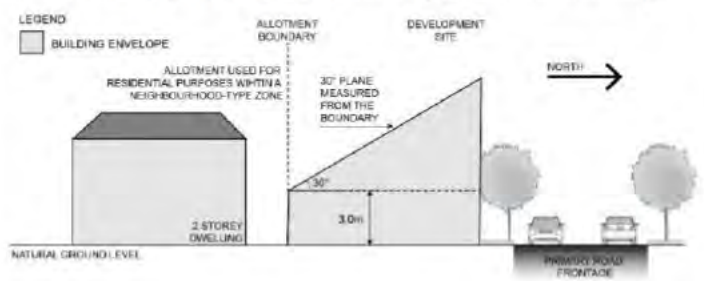
Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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Interface Height – Policy & TNV Part 2 – Zone

Within the **Community Facilities Zone DTS/DPF 2.2, Employment Zone DTS/DPF 3.6, Local Activity Centre Zone DTS/DPF 3.2, Recreation Zone DTS/DPF 3.1, Strategic Employment Zone DTS/DPF 4.1, Suburban Business Zone DTS/DPF 3.2** REPLACE the diagram with the following:



Within the **Community Facilities Zone DTS/DPF 2.3, Employment Zone DTS/DPF 3.7, Local Activity Centre Zone DTS/DPF 3.3, Recreation Zone DTS/DPF 3.2, Strategic Employment Zone DTS/DPF 4.2, Suburban Business Zone DTS/DPF 3.3** REPLACE the diagram with the following



Within the **Recreation Zone, CREATE** PO 3.3 which states:

Buildings on an allotment fronting a road that is not a State maintained road, and where land on the opposite side of the road is within a neighbourhood-type zone, provides an orderly transition to the built form scale envisaged in the adjacent zone to complement the streetscape character.

Within **Recreation Zone, AMEND** Table 3 – Applicable Policies for Performance Assessed Development by applying PO 3.3 to the following classes of development

Shop

Support the amendment. Clarity provided in relation to the neighbouring residential allotment, which looks like it needs to be directly adjoining (figure currently says “closest”. Creation of 3.3 deals with the street frontage impact, which has now been taken out of the figures. **Not sure about 3.3 only applying to Shops though – what about Office, maybe Tourist Accommodation, or clubrooms which may be close to the street.**

Land Division – Table 3 – Applicable Policies for Performance Assessed Development

All Zones
 Amend Table 3 – Applicable Policies for Performance Assessed Development for ‘land division’ (where this Class of Development is identified) by including the following policy linkage:
Part 4 – General Development Policies – Site Contamination – PO 1.1

Supported
 PO1.1 applies when a land use changes to a more sensitive use
 Support including the link at the LD stage to provide greater certainty in assessment
 If there is no CoU proposed at time of LD, ensure there is opportunity to revisit this PO at later stages if CoU does eventuate.

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries						
<p>Non-residential ancillary buildings and structures</p> <p>New Policy & Assessment Pathway</p>	<p>All relevant zones (where ancillary buildings and structures policy exists) and the Design and Design in Urban Areas General Development Policies INSERT the following Performance Outcome (PO) and DTS/DPF relative to Ancillary Buildings and Structures:</p> <p>PO X.3 <i>Non-residential ancillary structures and buildings do not detract from the streetscape or appearance of buildings on the site or neighbouring properties.</i></p> <p>DTS/DPF X.3 <i>Non-residential ancillary buildings and structures:</i></p> <p>(a) <i>are ancillary and subordinate to an existing use on the same site</i></p> <p>(b) <i>have a floor area not exceeding the following:</i></p> <table border="1" data-bbox="422 651 1003 757"> <thead> <tr> <th>Allotment size</th> <th>Floor Area</th> </tr> </thead> <tbody> <tr> <td><500</td> <td>60m²</td> </tr> <tr> <td>>501</td> <td>80m²</td> </tr> </tbody> </table> <p>(c) <i>are not constructed, added to or altered so that any part is situated:</i></p> <p>i. <i>in front of any part of the building line of the main building to which it is ancillary or</i></p> <p>ii. <i>within 900mm of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads)</i></p> <p>(d) <i>in the case of a garage or carport, the garage or carport:</i></p> <p>i. <i>is set back at least 5.5m from the boundary of the primary street</i></p> <p>(e) <i>if situated on a boundary (not being a boundary with a primary street or secondary street), do not exceed a length of 11.5m unless:</i></p> <p>i. <i>a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary and</i></p> <p>ii. <i>the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent</i></p> <p>(f) <i>if situated on a boundary of the allotment (not being a boundary with a primary street or secondary street), all walls or structures on the boundary will not exceed 45% of the length of that boundary</i></p> <p>(g) <i>will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or about the proposed wall or structure</i></p> <p>(h) <i>have a wall height (or post height) not exceeding 3m (and not including a gable end).</i></p> <p>(i) <i>have a roof height where no part of the roof is more than 5m above the natural ground level</i></p> <p>(j) <i>if clad in sheet metal, is pre-colour treated or painted in a non-reflective colour</i></p> <p>Within all relevant zones where Outbuildings, Carports and Verandahs are listed within Table 2 – Deemed-to-Satisfy Development Classification and/or Table 3 – Applicable Policies for Performance Assessed Development apply the above zone and/or General Development Policy provisions.</p>	Allotment size	Floor Area	<500	60m ²	>501	80m ²	<p>Generally Supported with consideration of the following:</p> <p>Intent is to provide policy and pathways for non-residential outbuildings which default to PA pathway due to not being associated with a dwelling. Examples include shed for a church or school in a neighbourhood-type zone.</p> <p>The proposed structure/s, if to be located over car parking spaces, will not remove or restrict the use of those car parking spaces.</p>
Allotment size	Floor Area							
<500	60m ²							
>501	80m ²							
<p>Zones – Table 1 – Acceptable Development Classification (Outbuildings)</p>	<p>Hills Neighbourhood Zone Strategic Innovation Zone Urban Corridor (Living) Zone</p> <p>Amend Table 1 - Accepted Development Classification for Outbuildings by: Removing – criteria 10</p>	<p>Supported</p> <p>Removes duplication of policy (criteria 9)</p>						

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
<p>Zones – Table 1 – Acceptable Development Classification (Pool Fencing)</p>	<p>Within each of the following zones, AMEND Table 1 Accepted Development Classification by REPLACE 'Swimming pool or spa pool' with 'Swimming pool or spa pool and associated Swimming Pool Safety Features':</p> <ul style="list-style-type: none"> • <i>Established Neighbourhood Zone</i> • <i>General Neighbourhood Zone</i> • <i>Hills Neighbourhood Zone</i> • <i>Rural Living Zone</i> • <i>Strategic Innovation Zone</i> • <i>Suburban Business Zone</i> • <i>Suburban Neighbourhood Zone</i> • <i>Urban Corridor (Living) Zone</i> • <i>Urban Neighbourhood Zone</i> • <i>Urban Renewal Neighbourhood Zone</i> 	<p>Supported with additional changes</p> <p>Change in wording only – doesn't change the zones in which pools are accepted development – only changes new wording that includes safety features</p> <p>Currently in-ground pools or pools that required earthworks in the Hills Neighbourhood Zone don't have an Accepted Development or Deemed to Satisfy pathway as earthworks over 9 cubic metres is development and requires assessment. Suggest additional wording describing essential Site earthworks which are limited in extent to the installation of the pool only for cut and for fill to a maximum of 1 metre in height above natural ground could form part of Accepted Development pathway?</p> <p>"Excavating or filling which involves the excavating or filling (or excavating and filling) of a volume of material which exceeds 9 m3 in total" (part 5 of Code table 1)</p> <p>Safety fencing a prerequisite for swimming pool/spa development. Policy seeks to ensure that SP/S developments have an AD pathway in neighbourhood-type zones. Typically located to rear of associated dwelling – unlikely to impact on streetscape.</p>

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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Zones – Policy – Primary Street Setback – Use of Building Line

Amend the identified DTS/DPF X.X by replacing with the following:
Business Neighbourhood Zone – DTS/DPF 3.2

Supported

<p>PO 3.2 Buildings are set back from primary street boundaries consistent with the existing streetscape.</p>	<p>DTS/DPF 3.2 Buildings setback from the primary street boundary in accordance with the following table:</p> <table border="1"> <thead> <tr> <th data-bbox="587 338 783 367">Development Context</th> <th data-bbox="783 338 1114 367">Minimum setback</th> </tr> </thead> <tbody> <tr> <td data-bbox="587 367 783 506">There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="783 367 1114 506">The average setback of the existing buildings</td> </tr> <tr> <td data-bbox="587 533 783 667">There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="783 533 1114 667">The setback of the existing building on the abutting site</td> </tr> <tr> <td data-bbox="587 694 783 828">There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="783 694 1114 828">5m</td> </tr> </tbody> </table> <p>For the purposes of DTS/DPF 3.2:</p> <p>(a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback</p> <p>(b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table</p>	Development Context	Minimum setback	There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings	There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.	The setback of the existing building on the abutting site	There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.	5m
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Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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<p>Zones – Policy – Primary Street Setback – Use of Building Line</p>	<p>Employment Zone</p> <p>PO 3.1 Buildings are set back from the primary street boundary to contribute to the existing/emerging pattern of street setbacks in the streetscape.</p> <p>DTS/DPF 3.1 Buildings setback from the primary street boundary in accordance with the following table:</p> <table border="1" data-bbox="587 309 976 833"> <thead> <tr> <th data-bbox="587 309 778 336">Development Context</th> <th data-bbox="778 309 976 336">Minimum setback</th> </tr> </thead> <tbody> <tr> <td data-bbox="587 336 778 474">There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="778 336 976 474">The average setback of the existing buildings</td> </tr> <tr> <td data-bbox="587 474 778 636">There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="778 474 976 636">The setback of the existing building on the abutting site</td> </tr> <tr> <td data-bbox="587 636 778 797">There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="778 636 976 797">3m</td> </tr> </tbody> </table> <p>For the purposes of DTS/DPF 3.1:</p> <p>(a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback</p> <p>(b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table</p>	Development Context	Minimum setback	There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings	There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.	The setback of the existing building on the abutting site	There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.	3m	<p>Supported</p>
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<p>Zones – Policy – Primary Street Setback – Use of Building Line</p>	<p>Established Neighbourhood Zone</p> <p>PO 5.1 Buildings are set back from primary street boundaries consistent with the existing streetscape.</p> <p>DTS/DPF 5.1 Buildings setback from the primary street boundary in accordance with the following table:</p> <table border="1" data-bbox="587 1245 976 1756"> <thead> <tr> <th data-bbox="587 1245 778 1272">Development Context</th> <th data-bbox="778 1245 976 1272">Minimum setback</th> </tr> </thead> <tbody> <tr> <td data-bbox="587 1272 778 1411">There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="778 1272 976 1411">The average setback of the existing buildings</td> </tr> <tr> <td data-bbox="587 1411 778 1572">There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="778 1411 976 1572">The setback of the existing building on the abutting site</td> </tr> <tr> <td data-bbox="587 1572 778 1733">There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="778 1572 976 1733">no DTS/DPF is applicable</td> </tr> </tbody> </table> <p>For the purposes of DTS/DPF 5.1:</p> <p>(a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback</p> <p>(b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table</p>	Development Context	Minimum setback	There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings	There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.	The setback of the existing building on the abutting site	There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.	no DTS/DPF is applicable	<p>Supported</p>
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Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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Zones – Policy – Primary Street Setback – Use of Building Line

General Neighbourhood Zone									
<p>PO 5.1 Buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.</p>	<p>DTS/DPF 5.1 Buildings setback from the primary street boundary in accordance with the following table:</p> <table border="1" data-bbox="576 309 970 728"> <thead> <tr> <th data-bbox="576 309 767 331">Development Context</th> <th data-bbox="767 309 970 331">Minimum setback</th> </tr> </thead> <tbody> <tr> <td data-bbox="576 331 767 450">There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="767 331 970 450">The average setback of the existing buildings on the abutting sites minus 1m</td> </tr> <tr> <td data-bbox="576 450 767 584">There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="767 450 970 584">The setback of the existing building on the abutting site minus 1m</td> </tr> <tr> <td data-bbox="576 584 767 728">There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="767 584 970 728">5m</td> </tr> </tbody> </table> <p>For the purposes of DTS/DPF 5.1:</p> <p>(a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback</p> <p>(b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table</p>	Development Context	Minimum setback	There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings on the abutting sites minus 1m	There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.	The setback of the existing building on the abutting site minus 1m	There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.	5m
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Supported – with comment below

the 1m dispensation can, over time, mean that dwellings could eventually be built to setbacks that are progressively closer and closer to street boundaries.

Zones – Policy – Primary Street Setback – Use of Building Line

Hills Neighbourhood Zone									
<p>PO 5.1 Buildings are set back from primary street boundaries consistent with the existing streetscape.</p>	<p>DTS/DPF 5.1 Buildings setback from the primary street boundary in accordance with the following table:</p> <table border="1" data-bbox="576 1137 970 1653"> <thead> <tr> <th data-bbox="576 1137 767 1160">Development Context</th> <th data-bbox="767 1137 970 1160">Minimum setback</th> </tr> </thead> <tbody> <tr> <td data-bbox="576 1160 767 1301">There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="767 1160 970 1301">The average setback of the existing buildings on the abutting sites</td> </tr> <tr> <td data-bbox="576 1301 767 1458">There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="767 1301 970 1458">The setback of the existing building on the abutting site</td> </tr> <tr> <td data-bbox="576 1458 767 1653">There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="767 1458 970 1653">8m</td> </tr> </tbody> </table> <p>For the purposes of DTS/DPF 5.1:</p> <p>(a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback</p> <p>(b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table</p>	Development Context	Minimum setback	There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings on the abutting sites	There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.	The setback of the existing building on the abutting site	There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.	8m
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Supported

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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<p>Zones – Policy – Primary Street Setback – Use of Building Line</p>	<p>Suburban Business Zone</p> <p><i>PO 3.4</i> Buildings are set back from primary street boundaries to contribute to a consistent streetscape.</p> <p><i>DTS/DPF 3.4</i> Buildings setback from the primary street boundary in accordance with the following table:</p> <table border="1" data-bbox="587 309 976 734"> <thead> <tr> <th data-bbox="587 309 778 331">Development Context</th> <th data-bbox="778 309 976 331">Minimum setback</th> </tr> </thead> <tbody> <tr> <td data-bbox="587 331 778 454">There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="778 331 976 454">The average setback of the existing buildings on the abutting sites</td> </tr> <tr> <td data-bbox="587 454 778 589">There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="778 454 976 589">The setback of the existing building on the abutting site</td> </tr> <tr> <td data-bbox="587 589 778 723">There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="778 589 976 723">6m</td> </tr> </tbody> </table> <p>For the purposes of DTS/DPF 3.4:</p> <p>(a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback</p> <p>(b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table</p>	Development Context	Minimum setback	There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings on the abutting sites	There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.	The setback of the existing building on the abutting site	There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.	6m	<p>Supported</p>
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<p>Zones – Policy – Primary Street Setback – Use of Building Line</p>	<p>Suburban Neighbourhood Zone</p> <p><i>PO 5.1</i> Buildings are setback from primary street boundaries consistent with the existing streetscape.</p> <p><i>DTS/DPF 5.1</i> Buildings setback from the primary street boundary in accordance with the following table:</p> <table border="1" data-bbox="587 1151 976 1576"> <thead> <tr> <th data-bbox="587 1151 778 1173">Development Context</th> <th data-bbox="778 1151 976 1173">Minimum setback</th> </tr> </thead> <tbody> <tr> <td data-bbox="587 1173 778 1296">There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="778 1173 976 1296">The average setback of the existing buildings on the abutting sites</td> </tr> <tr> <td data-bbox="587 1296 778 1431">There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="778 1296 976 1431">The setback of the existing building on the abutting site</td> </tr> <tr> <td data-bbox="587 1431 778 1576">There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="778 1431 976 1576">8m</td> </tr> </tbody> </table> <p>For the purposes of DTS/DPF 5.1:</p> <p>(a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback</p> <p>(b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table</p>	Development Context	Minimum setback	There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings on the abutting sites	There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.	The setback of the existing building on the abutting site	There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.	8m	<p>Supported</p> <p>Is it expected that the 1m variation allowance here not be applied?</p>
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Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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<p>Zones – Policy – Primary Street Setback – Use of Building Line</p>	<p>Urban Corridor (Living) Zone</p> <p>PO 2.2 Buildings setback from the primary street boundaries are consistent with the established streetscape, except in locations where no setback is desired to achieve a more prominent, strongly defined, and continuous built form presence to the primary road corridor.</p> <p>DTS/DPF 2.2 Buildings setback from the primary street boundary in accordance with the following table:</p> <p>(a) Not less than:</p> <table border="1" data-bbox="529 344 908 465"> <thead> <tr> <th colspan="2">Minimum Primary Street Setback</th> </tr> </thead> <tbody> <tr> <td>Minimum primary street setback is 0m</td> <td></td> </tr> <tr> <td>Minimum primary street setback is 2m</td> <td></td> </tr> <tr> <td>Minimum primary street setback is 3m</td> <td></td> </tr> <tr> <td>Minimum primary street setback is 4m</td> <td></td> </tr> <tr> <td>Minimum primary street setback is 6m</td> <td></td> </tr> </tbody> </table> <p>Or</p> <p>(b) where no value is returned in DTS/DPF(a):</p> <table border="1" data-bbox="529 555 908 824"> <thead> <tr> <th>Development Context</th> <th>Minimum setback</th> </tr> </thead> <tbody> <tr> <td>There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.</td> <td>The average setback of the existing buildings on the abutting sites</td> </tr> <tr> <td>There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.</td> <td>The setback of the existing building on the abutting site</td> </tr> </tbody> </table> <p>In instances where DTS/DPF 2.2 (a) or (b) do not apply, then none are applicable and the relevant development cannot be classified as deemed-to-satisfy.</p> <p>For the purposes of DTS/DPF 2.2 (a) and (b):</p> <p>(c) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback</p> <p>(d) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table</p>	Minimum Primary Street Setback		Minimum primary street setback is 0m		Minimum primary street setback is 2m		Minimum primary street setback is 3m		Minimum primary street setback is 4m		Minimum primary street setback is 6m		Development Context	Minimum setback	There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings on the abutting sites	There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.	The setback of the existing building on the abutting site	<p>Supported</p>
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<p>Zones – Policy – Primary Street Setback – Use of Building Line</p>	<p>Urban Renewal Neighbourhood Zone</p> <p>PO 3.1 Buildings are set back from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape and integrate development with public open space.</p> <p>DTS/DPF 3.1 Buildings setback from the primary street boundary in accordance with the following table:</p> <table border="1" data-bbox="587 1285 970 1644"> <thead> <tr> <th>Development Context</th> <th>Minimum setback</th> </tr> </thead> <tbody> <tr> <td>Where the allotment adjoins a public reserve greater than 2000m² (including where the allotment would adjoin a reserve if not separated by a public road), the dwelling faces that reserve and access is provided to the rear of the allotment</td> <td>1.5m</td> </tr> <tr> <td>In all other cases</td> <td>3m</td> </tr> </tbody> </table> <p>For the purposes of DTS/DPF 3.1:</p> <p>(a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback</p> <p>(b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table</p>	Development Context	Minimum setback	Where the allotment adjoins a public reserve greater than 2000m ² (including where the allotment would adjoin a reserve if not separated by a public road), the dwelling faces that reserve and access is provided to the rear of the allotment	1.5m	In all other cases	3m	<p>Supported</p>
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Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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<p>Zones – Policy – Primary Street Setback – Use of Building Line</p>	<p>Strategic Employment Zone</p> <p><i>PO 3.3</i> Buildings are set back from the primary street boundary to contribute to a consistent streetscape.</p> <p><i>DTS/DPF 3.3</i> Buildings setback from the primary street boundary in accordance with the following table:</p> <table border="1" data-bbox="582 309 965 728"> <thead> <tr> <th data-bbox="582 309 766 331">Development Context</th> <th data-bbox="766 309 965 331">Minimum setback</th> </tr> </thead> <tbody> <tr> <td data-bbox="582 331 766 448">There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="766 331 965 448">The average setback of the existing buildings on the abutting sites</td> </tr> <tr> <td data-bbox="582 448 766 571">There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="766 448 965 571">The setback of the existing building on the abutting site</td> </tr> <tr> <td data-bbox="582 571 766 728">There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="766 571 965 728">(a) 8m or more for buildings up to 6m high (b) not less than 10m for buildings greater than 6m high.</td> </tr> </tbody> </table> <p>For the purposes of DTS/DPF 3.3:</p> <p>(a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback</p> <p>(b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table</p>	Development Context	Minimum setback	There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings on the abutting sites	There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.	The setback of the existing building on the abutting site	There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.	(a) 8m or more for buildings up to 6m high (b) not less than 10m for buildings greater than 6m high.	<p>Supported</p>
Development Context	Minimum setback									
There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings on the abutting sites									
There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.	The setback of the existing building on the abutting site									
There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.	(a) 8m or more for buildings up to 6m high (b) not less than 10m for buildings greater than 6m high.									

<p>Zones – Policy – Primary Street Setback – Use of Building Line</p>	<p>Urban Neighbourhood Zone</p> <p><i>PO 2.5</i> Buildings set back from the primary street boundaries consistent with the existing/emerging streetscape.</p> <p><i>DTS/DPF 2.5</i> Buildings setback from the primary street boundary in accordance with the following table:</p> <table border="1" data-bbox="582 1131 965 1550"> <thead> <tr> <th data-bbox="582 1131 766 1153">Development Context</th> <th data-bbox="766 1131 965 1153">Minimum setback</th> </tr> </thead> <tbody> <tr> <td data-bbox="582 1153 766 1270">There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="766 1153 965 1270">The average setback of the existing buildings on the abutting sites</td> </tr> <tr> <td data-bbox="582 1270 766 1393">There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="766 1270 965 1393">The setback of the existing building on the abutting site</td> </tr> <tr> <td data-bbox="582 1393 766 1550">There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.</td> <td data-bbox="766 1393 965 1550">0m</td> </tr> </tbody> </table> <p>For the purposes of DTS/DPF 2.5:</p> <p>(a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback</p> <p>(b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table</p>	Development Context	Minimum setback	There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings on the abutting sites	There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.	The setback of the existing building on the abutting site	There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.	0m	<p>Supported</p>
Development Context	Minimum setback									
There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings on the abutting sites									
There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.	The setback of the existing building on the abutting site									
There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.	0m									

<p>Part 3 - Overlays</p>	<p>Affordable Housing Overlay - Referral</p> <p>Amend the 'Procedural Matters (PM) – Referrals' section by replacing the following Class of Development / Activity:</p> <p><i>Development for the purposes of the provision of affordable housing (applying the criteria determined under regulation 4 of the South Australian Housing Trust Regulations 2010).</i></p>	<p>Supported</p>
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Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
	<p>With:</p> <p><i>Except where the applicant for the development is the South Australian Housing Authority (or an agent acting on behalf of the South Australian Housing Authority), residential development or land division (other than land division that reflects the site boundaries illustrated and approved in an operative or existing development authorisation for residential development under the Development Act 1993 or Planning, Development and Infrastructure Act 2016):</i></p> <p>(a) <i>that comprises 20 or more dwellings or residential allotments and the development is intending to provide affordable housing</i> or (b) <i>where the applicant is seeking to access one or more of the planning concessions outlined in the Affordable Housing Overlay DTS 3.1, 3.2 or 4.1</i> or (c) <i>that is described in the application documentation as including affordable housing of any number of dwellings or residential allotments.</i></p>	
	<p>Hazards (Flooding) Overlay – PO 3.5 and DTS/DPF 3.5 Linkages Within all relevant zones, amend Table 3 – Applicable Policies for Performance Assessed Development for Carport, Dwelling addition, Outbuilding and Verandah by including the linkage:</p> <p><i>Hazards (Flooding) Overlay [Flood Resilience] PO 3.5</i></p> <p>Within the Business Neighbourhood Zone, amend Table 3 – Applicable Policies for Performance Assessed Development for Fence by: Removing Hazards (Flooding) Overlay [Flood Resilience] PO 3.5 and Including Hazards (Flooding) Overlay [Flood Resilience] PO 3.6</p>	<p>Supported</p> <p>Some broken linkages that need to be fixed in the application of the Code to some allotments and development.</p>
	<p>Heritage Adjacency Overlay – Referral Within the Heritage Adjacency Overlay, and the Procedural Matters (PM) – Referrals table by replace the following words in the Class of Development / Activity: <i>‘Development that may materially affect the context of a State Heritage Place’</i> With the following: <i>Development which in the opinion of the relevant authority materially affects the context within which the State Heritage Place is situated</i></p>	<p>Supported</p> <p>Support inclusion of words “which in the opinion of the relevant authority” as it clarifies who is making the judgement call. Reduces subjective opinion by others (eg interested community members) and may narrow the opportunity for process review proceedings being initiated where opinions may differ.</p> <p>Reflects wording used in other “heritage” related overlays (eg State Heritage Area Referrals table)</p>
	<p>Major Urban Transport Routes Overlay – Policy & Referral Amend DTS/DPF 3.1 to the following: <i>DTS/DPF 3.1</i> <i>An existing access point satisfies (a), (b) or (c):</i> (a) <i>it will not service, or is not intended to service, more than 6 dwellings</i> (b) <i>it is not located on a Controlled Access Road and will not service development that will result in a larger class of vehicle expected to access the site using the existing access</i> (c) <i>it is not located on a Controlled Access Road and development constitutes:</i> (i) <i>a change of use between an office <500m² gross leasable floor area and a consulting room <500m² gross leasable floor area or vice versa</i></p>	<p>Supported</p> <p>Seeks to ensure consistency across transport related overlays</p> <p>Reduces number of referrals to DIT</p> <p>Change in policy unlikely to result in significant vehicle movements in/out of site (eg 14 carparks required for 250sqm shop)</p>

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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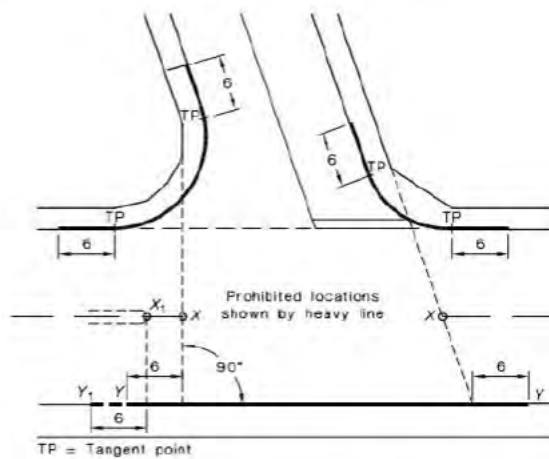
- (ii) a change in use from a shop to an office, consulting room or personal or domestic services establishment
- (iii) a change of use from a consulting room or office <250m² gross leasable floor area to shop <250m² gross leasable floor area
- (iv) a change of use from a shop <500m² gross leasable floor area to a warehouse <500m² gross leasable floor area
- (v) an office or consulting room with a <500m² gross leasable floor area
- (vi) a change of use from a residential dwelling to a shop or office or consulting room or personal or domestic services establishment with <250m² gross leasable floor area.

Within the Major Urban Transport Routes Overlay, amend DTS/DPF 4.1 to the following:

DTS/DPF 4.1

A new access point satisfies (a), (b) or (c):

- (a) where the development site is intended to serve between 1 and 6 dwellings, access to the site is from the local road network and outside the tangent point shown in the following diagram:



NOTE:

The points marked X₁ and X are respectively at the median end on a divided road and at the intersection of the main road centre-line and the extensions of the side road property lines shown as dotted lines, on an undivided road. On a divided road, dimension Y-Y₁ extends to Point Y₁.

- (a) where the development site is intended to serve between 1 and 6 dwellings ~~and access from a local road (being a road that is not a State Maintained Road) is not available~~, the new access:
 - (i) is not located on a Controlled Access Road
 - (ii) is not located on a section of road affected by double barrier lines
 - (iii) will be on a road with a speed environment of 70km/h or less
 - (iv) is located outside of the bold lines on the diagram shown in the diagram following part (a)
 - (v) is located a minimum of 6m from a median opening or pedestrian crossing
- (b) where DTS/DPF 4.1 part (a) and (b) do not apply and access from an alternative local road at least 25m from the State Maintained Road is not available, and the access is not located on a Controlled Access Road, the new access is separated in accordance with the following:

(a) Provided twice – numbering error

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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Speed Limit	Separation between access points	Separation from public road junctions and merging/terminating lanes
50 km/h or less	No spacing requirement	20m
60 km/h	40m 5m (for development intended to serve between 1 and 6 dwellings) and 20m for all other cases	123m
70 km/h	55m	151m
80 km/h	70m	181m
90 km/h	90m	214m
100 km/h	110m	248m
110 km/h	135m	285m

Amend DTS/DPF 5.1 to the following:

DTS/DPF 5.1

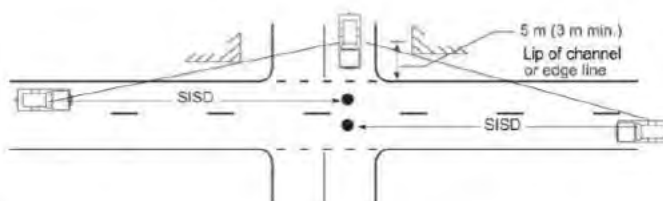
An access point satisfies (a) or ((b) and (c)):

(a) the development site does or is intended to serve between 1 and 6 dwellings and utilises an existing access point

or

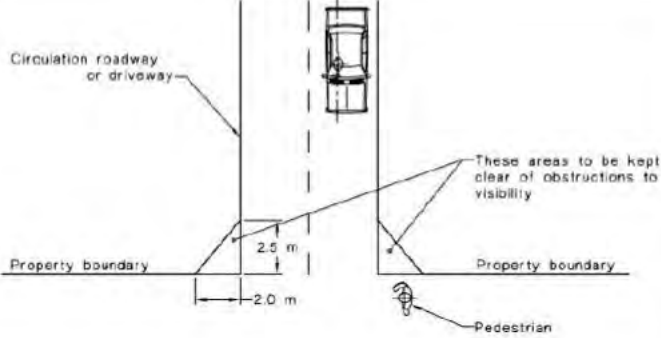
(b) drivers approaching or exiting an access point have an unobstructed line of sight in accordance with the following (measured at a height of 1.1m above the surface of the road):

Speed Limit	Access Point serving 1-6 dwellings	Access point serving all other development
40 km/h or less	47m	73m
50 km/h	63m	97m
60 km/h	81m	123m
70 km/h	100m	151m
80 km/h	121m	181m
90 km/h	144m	226m
100 km/h	169m	262m
110 km/h	195m	300m



and

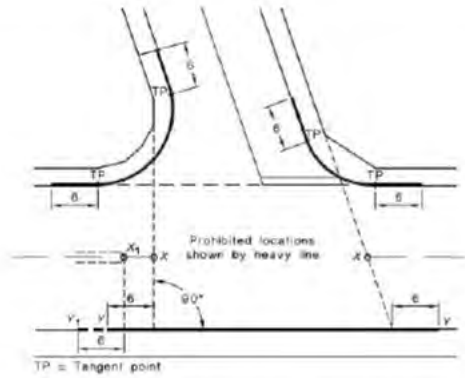
(c) pedestrian sightlines in accordance with the following diagram:

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
	 <p>Amend DTS/DPF 7.1 to the following: DTS/DPF 7.1 <i>Development does not:</i> <i>(a) decrease the capacity of an existing drainage point</i> <i>(b) restrict or prevent the flow of stormwater to an existing drainage point and system</i> <i>(c) prevent access points becoming stormwater flow paths direct onto the road.</i></p>	
	<p>Character Area Overlay & Historic Area Overlay – Representative Buildings</p> <p>Amend the Historic Area Overlay spatial mapping to show ‘representative buildings’ that currently exist within the spatial extent of the Overlay. Amend the Character Area Overlay spatial mapping to show ‘representative buildings’ that currently exist within the spatial extent of the Overlay.</p> <p>Notes: <i>For the purposes of consultation, and as a result of ‘representative buildings’ being a point in time reference, updated mapping for the Historic Area Overlay and Character Area Overlay hasn’t been produced. Reference to the ‘Representative Buildings’ Planning Reference Layer of SAPPA should be made for the purposes of identifying current ‘representative buildings’.</i></p> <p><i>The final version of this Code Amendment, i.e., the one that is prepared for adoption by the Minister responsible for the administration of the Planning, Development and Infrastructure Act 2016, will include updated Historic Area Overlay and Character Area Overlay spatial mapping showing all ‘representative buildings’ that are identified within the Planning Reference Layer.</i></p>	<p>Support- with list of RB’s also included in Heritage list section</p> <p>Intent is to ensure greater “visibility” of RB without the need for additional resources and investment in ePlanning system and without changing policy position. Ie, does not elevate the importance of the RB, but simply more easily identifies them visually in SAPPA.</p>
	<p>State Significant Native Vegetation Areas Overlay - Referral</p> <p>Amend the ‘Procedural Matters (PM) – Referrals’ section by replacing the row under Class of Development / Activity with the following:</p> <p><i>The following classes of development:</i> <i>(a) land division where a report prepared in accordance with Regulation 18(2)(a) of the Native Vegetation Regulations 2017 in connection with a development application categorises the clearance, or potential clearance, as ‘Level 2 clearance’, ‘Level 3 clearance’ or ‘Level 4 clearance’</i> <i>(b) all other classes of development other than where DTS/DPF 1.1(a) or DTS/DPF 1.1(b) is achieved.</i></p>	<p>Supported</p>

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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	<p>Traffic Generating Development Overlay – Policy & Referral</p> <p>Amend DTS/DPF 1.1, DTS/DPF 1.2 and DTS/DPF 1.3 to the following <i>DTS/DPF 1.1</i></p> <p><i>Access is obtained directly from a State Maintained Road where it involves any of the following types of development:</i></p> <ul style="list-style-type: none"> <i>a) building, or buildings, containing in excess of 50 dwellings</i> <i>b) land division creating 50 or more additional allotments</i> <i>c) commercial development with a gross floor area of 10,000m2 or more</i> <i>d) retail development with a gross floor area of 2,000m2 or more</i> <i>e) a warehouse or transport depot with a gross leasable floor area of 8,000m2 or more</i> <i>f) industry with a gross floor area of 20,000m2 or more</i> <i>g) educational facilities with a capacity of 250 students or more.</i> <p><i>DTS/DPF 1.2</i></p> <p><i>Access is obtained directly from a State Maintained Road where it involves any of the following types of development:</i></p> <ul style="list-style-type: none"> <i>a) building, or buildings, containing in excess of 50 dwellings</i> <i>b) land division creating 50 or more additional allotments</i> <i>c) commercial development with a gross floor area of 10,000m2 or more</i> <i>d) retail development with a gross floor area of 2,000m2 or more</i> <i>e) a warehouse or transport depot with a gross leasable floor area of 8,000m2 or more</i> <i>f) industry with a gross floor area of 20,000m2 or more</i> <i>g) educational facilities with a capacity of 250 students or more.</i> <p><i>DTS/DPF 1.3</i></p> <p><i>Access is obtained directly from a State Maintained Road where it involves any of the following types of development:</i></p> <ul style="list-style-type: none"> <i>a) building, or buildings, containing in excess of 50 dwellings</i> <i>b) land division creating 50 or more additional allotments</i> <i>c) commercial development with a gross floor area of 10,000m2 or more</i> <i>d) retail development with a gross floor area of 2,000m2 or more</i> <i>e) a warehouse or transport depot with a gross leasable floor area of 8,000m2 or more</i> <i>f) industry with a gross floor area of 20,000m2 or more</i> <i>g) educational facilities with a capacity of 250 students or more.</i> <p>Within the Traffic Generating Overlay, amend the Procedural Matters (PM) – Referrals table by replacing Class of Development / Activity:</p> <p><i>Except where all of the relevant deemed-to-satisfy criteria are met, any of the following classes of development that are proposed within 250m of a State Maintained Road:</i></p> <ul style="list-style-type: none"> <i>a. land division creating 50 or more additional allotments</i> <i>b. commercial development with a gross floor area of 10,000m2 or more</i> <i>c. retail development with a gross floor area of 2,000m2 or more</i> <i>d. a warehouse or transport depot with a gross leasable floor area of 8,000m2 or more</i> <i>e. industry with a gross floor area of 20,000m2 or more</i> <i>f. educational facilities with a capacity of 250 students or more.</i> <p>With the following:</p> <p><i>Except where all of the relevant deemed-to-satisfy criteria are met, any of the following classes of development that are proposed within 250m of a State Maintained Road:</i></p> <ul style="list-style-type: none"> <i>a. except where a proposed development has previously been referred under clause (b) - a building, or buildings, containing in excess of 50 dwellings</i> 	<p>Generally Supported</p> <p>Consider – land division for 50+ currently identified but not regarding built form</p> <p>What about egress? Commentary with regards to exiting onto a road that isn't a state-maintained road?</p>
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Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
	<p><i>b. except where a proposed development has previously been referred under clause (a) - land division creating 50 or more additional allotments</i></p> <p><i>c. commercial development with a gross floor area of 10,000m² or more</i></p> <p><i>d. retail development with a gross floor area of 2,000m² or more</i></p> <p><i>e. a warehouse or transport depot with a gross leasable floor area of 8,000m² or more</i></p> <p><i>f. industry with a gross floor area of 20,000m² or more</i></p> <p><i>g. educational facilities with a capacity of 250 students or more.</i></p>	
	<p>Urban Transport Routes Overlay – Policy & Referral</p> <p>Amend DTS/DPF 1.1(b)(i) to the following: DTS/DPF 1.1(b)(i) <i>(i) it will not result in more than one access point servicing the development site</i></p> <p>Amend DTS/DPF 3.1 to the following: DTS/DPF 3.1 An existing access point satisfies (a), (b) or (c): (d) <i>it will not service, or is not intended to service, more than 6 dwellings</i> (e) <i>it is not located on a Controlled Access Road and will not service development that will result in a larger class of vehicle expected to access the site using the existing access</i> (f) <i>it is not located on a Controlled Access Road and development constitutes:</i></p> <ul style="list-style-type: none"> <i>(i) a change of use between an office <500m² gross leasable floor area and a consulting room <500m² gross leasable floor area or vice versa</i> <i>(ii) a change in use from a shop to an office, consulting room or personal or domestic services establishment</i> <i>(iii) a change of use from a consulting room or office <250m² gross leasable floor area to shop <250m² gross leasable floor area</i> <i>(iv) a change of use from a shop <500m² gross leasable floor area to a warehouse <500m² gross leasable floor area</i> <i>(v) an office or consulting room with a <500m² gross leasable floor area</i> <i>(vi) a change of use from a residential dwelling to a shop or office or consulting room or personal or domestic services establishment with <250m² gross leasable floor area.</i> <p>Amend DTS/DPF 4.1 to the following: DTS/DPF 4.1 A new access point satisfies (a), (b) or (c): (b) <i>where the development site is intended to serve between 1 and 6 dwellings, access to the site is from the local road network and outside the tangent point shown in the following diagram:</i></p>	<p>Supported</p> <p>Numbering – typo</p> <p>Reflects policy changes & referral triggers proposed for Major Urban Transport Routes Overlay</p>



NOTE:
 The points marked X and Y are respectively at the median end on a divided road and at the intersection of the main road centre-line and the extension of the side road property lines shown as dotted lines, on an undivided road. On a divided road, dimension E-F extends to Point Y.

- (c) where the development site is intended to serve between 1 and 6 dwellings and access from a local road (being a road that is not a State Maintained Road) is not available, the new access:
 - (vi) is not located on a Controlled Access Road
 - (vii) is not located on a section of road affected by double barrier lines
 - (viii) will be on a road with a speed environment of 70km/h or less
 - (ix) is located outside of the bold lines on the diagram shown in the diagram following part (a)
 - (x) is located a minimum of 6m from a median opening or pedestrian crossing

- (d) where DTS/DPF 4.1 part (a) and (b) do not apply and access from an alternative local road at least 25m from the State Maintained Road is not available, and the access is not located on a Controlled Access Road, the new access is separated in accordance with the following:

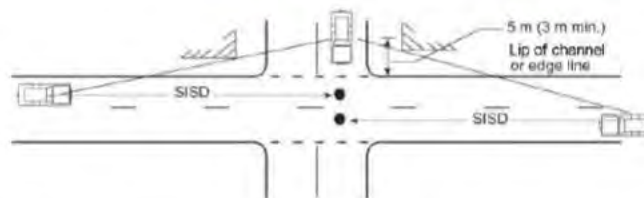
Speed Limit	Separation between access points	Separation from public road junctions and merging/terminating lanes
50 km/h or less	No spacing requirement	20m
60 km/h	40m 5m (for development intended to	73m
	<u>serve between 1 and 6 dwellings)</u> and <u>10m for all other cases</u>	
70 km/h	40m	92m
80 km/h	50m	114m
90 km/h	65m	139m
100 km/h	80m	165m
110 km/h	100m	193m

Amend DTS/DPF 5.1 to the following:
 DTS/DPF 5.1
 An access point satisfies (a) or ((b) and (c)):

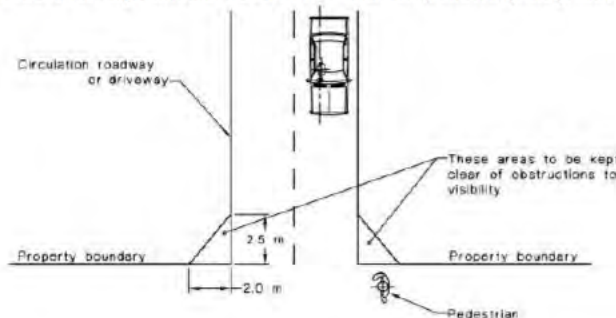
Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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- (a) the development site does or is intended to serve between 1 and 6 dwellings and utilises an existing access point
or
(b) drivers approaching or exiting an access point have an unobstructed line of sight in accordance with the following (measured at a height of 1.1m above the surface of the road):

Speed Limit	Access Point serving 1-6 dwellings	Access point serving all other development
40 km/h or less	47m	73m
50 km/h	63m	97m
60 km/h	81m	123m
70 km/h	100m	151m
80 km/h	121m	181m
90 km/h	144m	226m
100 km/h	169m	262m
110 km/h	195m	300m



- and
(c) pedestrian sightlines in accordance with the following diagram:



Amend DTS/DPF 7.1 to the following:

DTS/DPF 7.1

Development does not:

- (a) decrease the capacity of an existing drainage point
- (b) restrict or prevent the flow of stormwater to an existing drainage point and system
- (c) prevent access points becoming stormwater flow paths direct onto the road.

General Development Policies – Part 4

Carport & Outbuilding – Internal Parking Dimensions – Linkages

Amend Table 2 – Deemed-to-Satisfy Development Classification for Carport by including the following linkage:
General Development Policies – Design [Car parking, access and manoeuvrability]: DTS/DPF 19.1
Applicable Zones

- Rural Living Zone

Amend Table 2 – Deemed-to-Satisfy Development Classification for Carport by including the following linkage:

Supported

Seeks to achieve consistent policy between carports, outbuildings and garages that are either stand alone or under main roof in terms of internal dimensions

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
	<p><i>General Development Policies – Design in Urban Areas [Car parking, access and manoeuvrability]: DTS/DPF 23.1</i></p> <p>Applicable Zones</p> <ul style="list-style-type: none"> • <i>Business Neighbourhood Zone</i> • <i>Established Neighbourhood Zone</i> • <i>General Neighbourhood Zone</i> • <i>Hills Neighbourhood Zone</i> • <i>Suburban Business Zone</i> • <i>Suburban Neighbourhood Zone</i> • <i>Urban Renewal Neighbourhood Zone</i> <p>Amend Table 3 – Applicable Policies for Performance Assessed Development for Carport by including the following linkage: <i>General Development Policies – Design in Urban Areas [Car parking, access and manoeuvrability]: PO 19.1</i></p> <p>Applicable Zones</p> <ul style="list-style-type: none"> • <i>Conservation Zone</i> <p>Amend Table 3 – Applicable Policies for Performance Assessed Development for Carport by including the following linkage: <i>General Development Policies – Design in Urban Areas [Car parking, access and manoeuvrability]: DTS/DPF 23.1</i></p> <p>Applicable Zones</p> <ul style="list-style-type: none"> • <i>Business Neighbourhood Zone</i> • <i>Established Neighbourhood Zone</i> • <i>General Neighbourhood Zone</i> • <i>Hills Face Zone</i> • <i>Strategic Innovation Zone</i> • <i>Suburban Business Zone</i> • <i>Suburban Neighbourhood Zone</i> • <i>Urban Renewal Neighbourhood Zone</i> <p>Amend Table 2 – Deemed-to-Satisfy Development Classification for Outbuilding by including the following linkage: <i>General Development Policies – Design [Car parking, access and manoeuvrability]: DTS/DPF 19.1</i></p> <p>Applicable Zones</p> <ul style="list-style-type: none"> • <i>Recreation Zone</i> <p>Amend Table 2 – Deemed-to-Satisfy Development Classification for Outbuilding by including the following linkage: <i>General Development Policies – Design in Urban Areas [Car parking, access and manoeuvrability]: DTS/DPF 23.1</i></p> <p>Applicable Zones</p> <ul style="list-style-type: none"> • <i>Business Neighbourhood Zone</i> • <i>Established Neighbourhood Zone</i> • <i>General Neighbourhood Zone</i> • <i>Hills Neighbourhood Zone</i> • <i>Suburban Business Zone</i> • <i>Suburban Neighbourhood Zone</i> • <i>Urban Renewal Neighbourhood Zone</i> <p>Amend Table 3 – Applicable Policies for Performance Assessed Development for Outbuilding by including the following linkage: <i>General Development Policies – Design in Urban Areas [Car parking, access and manoeuvrability]: PO 19.1</i></p> <p>Applicable Zones</p> <ul style="list-style-type: none"> • <i>Conservation Zone</i> • <i>Open Space Zone</i> • <i>Recreation Zone</i> • <i>Rural Living Zone</i> • <i>Strategic Employment Zone</i> 	

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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	<p>Amend Table 3 – Applicable Policies for Performance Assessed Development for Outbuilding by including the following linkage: <i>General Development Policies – Design in Urban Areas [Car parking, access and manoeuvrability]: DTS/DPF 23.1</i></p> <p>Applicable Zones</p> <ul style="list-style-type: none"> • Business Neighbourhood Zone • Established Neighbourhood Zone • General Neighbourhood Zone • Hills Face Zone • Hills Neighbourhood Zone • Strategic Innovation Zone • Suburban Business Zone • Suburban Neighbourhood Zone • Urban Renewal Neighbourhood Zone 	
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	<p>Decks – General Policies & Assessment Pathways</p> <p>Within Part 4 – General Development Policies – Design, and Design in Urban Areas insert the following Performance Outcome (PO) and DTS/DPF:</p> <table border="1" data-bbox="379 757 976 1608"> <tr> <td data-bbox="379 757 625 1608"> <p>POX.1</p> <p>Decks are designed and sited to:</p> <p>(a) complement the associated building form</p> <p>(b) minimise impacts on the streetscape through siting behind the building line of the principal building (unless on a significant allotment or open space)</p> <p>(a) minimise cut and fill and overall massing when viewed from adjacent land.</p> </td> <td data-bbox="625 757 976 1608"> <p>DTS/DPF X.1</p> <p>Decks:</p> <p>(a) where ancillary to a dwelling:</p> <p>(i) are not constructed, added to or altered so that any part is situated:</p> <p>A. in front of any part of the building line of the dwelling to which it is ancillary or</p> <p>B. within 900mm of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads)</p> <p>(ii) are set back at least 900mm from side or rear allotment boundaries</p> <p>(iii) when attached to the dwelling, has a finished floor level consistent with the finished floor level of the dwelling</p> <p>(iv) where associated with a residential use, retains a total area of soft landscaping in accordance with (A) or (B), whichever is less:</p> <p>A. a total area is determined by the following table:</p> <table border="1" data-bbox="632 1335 970 1608"> <thead> <tr> <th data-bbox="632 1335 849 1496">Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m²)</th> <th data-bbox="849 1335 970 1496">Minimum percentage of site</th> </tr> </thead> <tbody> <tr> <td data-bbox="632 1496 849 1525"><150</td> <td data-bbox="849 1496 970 1525">10%</td> </tr> <tr> <td data-bbox="632 1525 849 1554">150-200</td> <td data-bbox="849 1525 970 1554">15%</td> </tr> <tr> <td data-bbox="632 1554 849 1608">201-450</td> <td data-bbox="849 1554 970 1608">20%</td> </tr> </tbody> </table> </td> </tr> </table>	<p>POX.1</p> <p>Decks are designed and sited to:</p> <p>(a) complement the associated building form</p> <p>(b) minimise impacts on the streetscape through siting behind the building line of the principal building (unless on a significant allotment or open space)</p> <p>(a) minimise cut and fill and overall massing when viewed from adjacent land.</p>	<p>DTS/DPF X.1</p> <p>Decks:</p> <p>(a) where ancillary to a dwelling:</p> <p>(i) are not constructed, added to or altered so that any part is situated:</p> <p>A. in front of any part of the building line of the dwelling to which it is ancillary or</p> <p>B. within 900mm of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads)</p> <p>(ii) are set back at least 900mm from side or rear allotment boundaries</p> <p>(iii) when attached to the dwelling, has a finished floor level consistent with the finished floor level of the dwelling</p> <p>(iv) where associated with a residential use, retains a total area of soft landscaping in accordance with (A) or (B), whichever is less:</p> <p>A. a total area is determined by the following table:</p> <table border="1" data-bbox="632 1335 970 1608"> <thead> <tr> <th data-bbox="632 1335 849 1496">Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m²)</th> <th data-bbox="849 1335 970 1496">Minimum percentage of site</th> </tr> </thead> <tbody> <tr> <td data-bbox="632 1496 849 1525"><150</td> <td data-bbox="849 1496 970 1525">10%</td> </tr> <tr> <td data-bbox="632 1525 849 1554">150-200</td> <td data-bbox="849 1525 970 1554">15%</td> </tr> <tr> <td data-bbox="632 1554 849 1608">201-450</td> <td data-bbox="849 1554 970 1608">20%</td> </tr> </tbody> </table>	Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site	<150	10%	150-200	15%	201-450	20%	<p>Some further considerations are needed, and DTS is generally only supported where the effective boundary fencing height is maintained.</p> <p>There is no definition or consideration of where a deck forms one structure but may have varied FFL (eg. Steps down or ramps down to a lower level) is this still one deck or multiple decks? This will impact of the perimeter screening effectiveness.</p> <p>Having a DTS pathway for decks off the back of a dwelling, where it is no more than 500mm above ground level does consider the following:</p> <ol style="list-style-type: none"> 1) where land could significantly slope beyond the deck and still result in overlooking but would not require privacy treatment. 2) there is no maximum size for the deck to be considered – it relies on the remaining soft landscaped area to be retained to limit the size? <p>DTS will likely result in a desk top assessment from an Accredited Professional, which has been problematic in the past. Decks are a form of development where their impacts should be assessed on merit, because they can have significant impacts on a neighbour's amenity and enjoyment of their POS.</p> <p>Decks over 500mm with screening are still DTS, regardless of the additional height. Not a fan of this, as if it links back to the Ancillary structures policy, will allow post heights up to 3m and total height up to 5m, while still being DTS.</p> <p>There is no height maximum – for example decking coming off the side of an upper level at 900mm from the boundary should be subject to the same setback requirements and height</p>
<p>POX.1</p> <p>Decks are designed and sited to:</p> <p>(a) complement the associated building form</p> <p>(b) minimise impacts on the streetscape through siting behind the building line of the principal building (unless on a significant allotment or open space)</p> <p>(a) minimise cut and fill and overall massing when viewed from adjacent land.</p>	<p>DTS/DPF X.1</p> <p>Decks:</p> <p>(a) where ancillary to a dwelling:</p> <p>(i) are not constructed, added to or altered so that any part is situated:</p> <p>A. in front of any part of the building line of the dwelling to which it is ancillary or</p> <p>B. within 900mm of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads)</p> <p>(ii) are set back at least 900mm from side or rear allotment boundaries</p> <p>(iii) when attached to the dwelling, has a finished floor level consistent with the finished floor level of the dwelling</p> <p>(iv) where associated with a residential use, retains a total area of soft landscaping in accordance with (A) or (B), whichever is less:</p> <p>A. a total area is determined by the following table:</p> <table border="1" data-bbox="632 1335 970 1608"> <thead> <tr> <th data-bbox="632 1335 849 1496">Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m²)</th> <th data-bbox="849 1335 970 1496">Minimum percentage of site</th> </tr> </thead> <tbody> <tr> <td data-bbox="632 1496 849 1525"><150</td> <td data-bbox="849 1496 970 1525">10%</td> </tr> <tr> <td data-bbox="632 1525 849 1554">150-200</td> <td data-bbox="849 1525 970 1554">15%</td> </tr> <tr> <td data-bbox="632 1554 849 1608">201-450</td> <td data-bbox="849 1554 970 1608">20%</td> </tr> </tbody> </table>	Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site	<150	10%	150-200	15%	201-450	20%			
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Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.</i></p> </td> </tr> </table> <p data-bbox="379 1077 1098 1223">Within the below listed 'Applicable Zones', amend Table 2 – Deemed-to-Satisfy Development Classification and Table 3 – Applicable Policies for Performance Assessed Development by including an Assessment Path for 'Deck' aligned with the either the Design or the Design in Urban Areas module per below:</p> <p data-bbox="379 1256 1102 1279"><i>General Development Policies – Design Modules (per the two table below)</i></p> <p data-bbox="379 1312 735 1335">Applicable Zones for Design Module</p> <ul data-bbox="379 1346 568 1368" style="list-style-type: none"> • Rural Living Zone <p data-bbox="379 1402 1082 1458"><i>General Development Policies – Design in Urban Areas Modules (per the two table below)</i></p> <p data-bbox="379 1491 887 1514">Applicable Zones for Design in Urban Areas Module</p> <ul data-bbox="379 1525 759 1805" style="list-style-type: none"> • Business Neighbourhood Zone • Established Neighbourhood Zone • General Neighbourhood Zone • Hills Neighbourhood Zone • Strategic Innovation Zone • Suburban Business Zone • Suburban Neighbourhood Zone • Urban Corridor (Living) Zone • Urban Neighbourhood Zone • Urban Renewal Neighbourhood Zone <p data-bbox="379 1839 791 1861">Table 2 – DTS Development Classification</p> <p data-bbox="379 1872 1090 1951">Within the above listed 'Applicable Zones', amend Table 2 – Deemed-to-Satisfy Development Classification by inserting Deck and associated polices per the below:</p>		<table border="1" data-bbox="635 203 973 248"> <tr> <td data-bbox="635 203 850 248">>450</td> <td data-bbox="850 203 973 248">25%</td> </tr> </table> <p data-bbox="687 282 922 349">B. the amount of existing soft landscaping prior to the development occurring.</p> <p data-bbox="635 367 911 412">(b) where in association with a non-residential use:</p> <p data-bbox="660 432 959 499">(i) are set back at least 2 metres from the boundary of an allotment used for residential purposes.</p> <p data-bbox="660 499 970 544">(ii) are set back at least 2 metres from a public road.</p> <p data-bbox="660 544 935 589">(iii) have a floor area not exceeding 25m².</p>	>450	25%	<p data-bbox="387 591 448 613">POX.2</p> <p data-bbox="387 622 619 864"><i>Decks are designed and sited to minimise overlooking of habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones through suitable floor levels, screening and siting taking into account the slope of the subject land, existing vegetation on the subject land, and fencing</i></p>	<p data-bbox="635 591 738 613">DTS/DPFX.2</p> <p data-bbox="635 622 970 763"><i>Decks with a finished floor level 500mm or more above natural ground level facing side or rear boundaries shared with a residential use in a neighbourhood-type zone incorporate screening permanently fixed to the outer edge of the deck not less than 1.5 m above the finished floor level.</i></p>	<p data-bbox="387 864 448 887">POX.3</p> <p data-bbox="387 896 619 1021"><i>Decks used for outdoor dining, entertainment or other commercial uses provide carparking in accordance with the primary use of the deck.</i></p>	<p data-bbox="635 864 743 887">DTS/DPF X.3</p> <p data-bbox="635 896 970 1043"><i>Decks used for commercial purposes do not result in less on-site car parking for the primary use of the subject land than specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.</i></p>	<p data-bbox="1134 203 1469 259">parameters as a dwelling building envelope.</p> <p data-bbox="1134 271 1501 416">This policy is included to compensate for decks being removed from public notification tables in zones (Table 5), which is also not supported for decks over 0.5 metre in height.</p> <p data-bbox="1134 427 1525 864">Maintaining the effective height of a boundary fence should form part of the DTS/DPF requirements if there is proposed to be a DTS pathway. At 0.5 metre in height, a 1.8 metre boundary fence would have an effective height of 1.3 metres, which is lower than the required screening height of 1.5 metres. It cannot be guaranteed that all boundary fencing will be 2.1 metres in height, and the replacement of boundary fencing to maintain effective height, should not fall on the neighbour to provide this.</p> <p data-bbox="1134 875 1525 1055">Sloping land, also has the potential to cause the effective height of boundary fencing to be inadequate beyond the deck at certain slopes, despite the deck being only 0.5 metre above ground level at any point.</p>
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Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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Class of Development	Zone	General Development Policies	Subzone	Overlay
<p>Deck Except where any of the following apply:</p> <ul style="list-style-type: none"> ▪ Coastal Areas Overlay ▪ Historic Area Overlay ▪ Local Heritage Place Overlay ▪ Significant Landscape Protection Overlay ▪ State Heritage Area Overlay ▪ State Heritage Place Overlay 	<p>Land Use and Intensity (pertinent zone policies) Ancillary Structure and Building (pertinent zone policies)</p>	<p><u>Design - Insert new DTS/DPF X.1, DTS/DPF X.2 and X.3 contained in Recommendation 1.</u> <u>Or</u> <u>Design in Urban Areas - Insert new DTS/DPF X.1, DTS/DPF X.2 and X.3 contained in Recommendation 1.</u></p> <p>Clearance from Overhead Powerlines DTS/DPF 1.1</p> <p><u>Design (All development [Earthworks and sloping land] DTS/DPF 8.1</u> <u>Or</u> <u>Design in Urban Areas (All development [Earthworks and sloping land] DTS/DPF 8.1</u></p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services] DTS/DPF 12.2</p>	<p>Nil.</p>	<p>Character Preservation District Overlay [Earthworks] DTS/DPF 4.1</p> <p>Future Local Road Widening Overlay [Future Road Widening] DTS/DPF 1.1</p> <p>Native Vegetation Overlay [Environmental Protection] DTS/DPF 1.1</p> <p>Scenic Quality Overlay [Earthworks] DTS/DPF 4.1</p> <p>State Significant Native Vegetation Areas Overlay [Environmental Protection] DTS/DPF 1.1</p>
<p>Table 3 – Applicable Policies for Performance Assessed Development Within the above listed ‘Applicable Zones’, Table 3 – Applicable Policies for Performance Assessed Development by inserting Deck and associated polices per the below:</p>				

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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Class of Development	Zone	General Development Policies	Subzone	Overlay
Deck	Land Use and Intensity (pertinent zone policies) Ancillary Structure and Building (pertinent zone policies)	<p><u>Design - Insert new Performance outcomes PO X.1, PO X.2, PO X.3 contained in Recommendation 1.</u></p> <p><u>Or</u></p> <p><u>Design in Urban Areas - Insert new Performance outcomes PO X.1, PO X.2, PO X.3 contained in Recommendation 1.</u></p> <p>Clearance from Overhead Powerlines PO 1.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services] PO 12.2</p>	Nil.	<p>Character Preservation District Overlay [Earthworks] PO 4.1</p> <p>Coastal Areas Overlay [Hazard Risk Minimisation] PO 2.5</p> <p>Coastal Areas Overlay [Coast Protection Works] PO 3.1, PO 3.2</p> <p>Future Local Road Widening Overlay [Future Road Widening] PO 1.1</p> <p>Hazards (Bushfire - General Risk) Overlay [Siting] PO 1.1</p> <p>Hazards (Bushfire - General Risk) Overlay [Built Form] PO 2.1, PO 2.2</p> <p>Hazards (Bushfire - High Risk) Overlay [Land Use] PO 1.1</p> <p>Hazards (Bushfire - High Risk) Overlay [Siting] PO 2.1</p> <p>Hazards (Bushfire - High Risk) Overlay [Built Form] PO 3.1, PO 3.2</p>

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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	<p>Hazards (Bushfire - Medium Risk) Overlay [Siting] PO 1.1</p> <p>Hazards (Bushfire - Medium Risk) Overlay [Built Form] PO 2.1, PO 2.2</p> <p>Hazards (Bushfire - Regional) Overlay [Siting] PO 1.1</p> <p>Hazards (Bushfire - Regional) Overlay [Built Form] PO 2.1, PO 2.2</p> <p>Hazards (Flooding) Overlay [Flood Resilience] PO 3.1, PO 3.2, PO 3.3, PO 3.4</p> <p>Historic Area Overlay [All Development] PO 1.1</p> <p>Historic Area Overlay [Built Form] PO 2.1, PO 2.4, PO 2.5</p> <p>Historic Area Overlay [Ancillary development] PO 4.1, PO 4.2</p> <p>Local Heritage Place Overlay [Built Form] PO 1.1, PO 1.2, PO 1.4, PO 1.5, PO 1.6.</p> <p>Local Heritage Place Overlay [Ancillary Development] PO 3.1, PO 3.2</p>	
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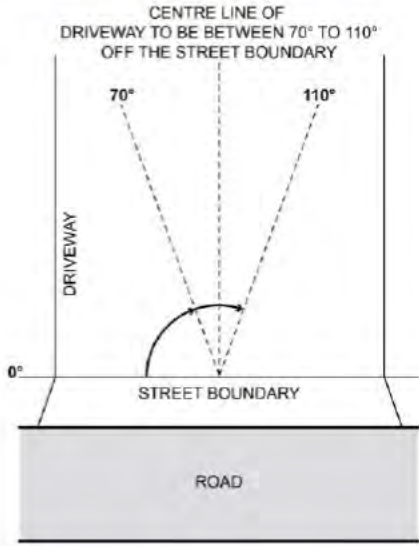
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			<p>[Conservation Works] PO 7.1</p> <p>State Significant Native Vegetation Areas Overlay [Environmental Protection] PO 1.1</p>							
	<p>General Development Policies – Design – Driveway Access</p> <p>Amend PO 19.3 to the following:</p> <p><i>PO 19.3</i></p> <p><i>Driveways and access points are located and designed to facilitate safe access and egress while maximising land available for street tree planting, domestic waste collection, landscaped street frontages and on-street parking.</i></p> <p>Within the applicable zones listed below, amend Table 3 – Applicable Policies for Performance Assessed Development for the listed classes of development below by:</p> <p>Removing - Transport, Access and Parking [Vehicle Access] PO 3.6</p>	<p>Supported with comments below requirements for a double driveway is generally 6m however the 5m limitation can be supported as it encourages more on-street parking opportunities.</p> <p>Would like to see some reference to having a minimum 0.5m (preference 1.0m) wide upright kerbing between crossover driveway, to provide a pedestrian safe haven.</p> <p>Intent of policy change is to provide clarity – currently multiple policy provisions apply in some zones and different modules are called up for a single development type.</p> <p>Transport, Access & Parking PO 3.6 has greater restrictions re driveway/access point provision.</p>								

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	Class of Development	Applicable Zones	
	Dwelling	<ul style="list-style-type: none"> • Capital City Zone • City main Street Zone • Local Activity Centre Zone • Strategic Innovation Zone • Suburban Activity • Suburban Main • Township Activity • Township Main • Urban Activity • Urban Corridor (Boulevard) • Urban Corridor (Business) • Urban Corridor (Living) • Urban Corridor (Main Street) • Urban Neighbourhood 	
	Group Dwelling	<ul style="list-style-type: none"> • Business Neighbourhood • City Living • Established Neighbourhood • General Neighbourhood • Hills Neighbourhood • Housing Diversity Neighbourhood • Suburban Business • Suburban Neighbourhood • Urban Corridor (Living) • Urban Neighbourhood • Urban Renewal Neighbourhood • Waterfront Neighbourhood 	
	Residential Flat Building	<ul style="list-style-type: none"> • Business Neighbourhood • Capital City • City Living • City Main Street • Established Neighbourhood • General Neighbourhood • Hills Neighbourhood • Housing Diversity Neighbourhood • Strategic Innovation Zone • Suburban Activity • Suburban Main • Township Activity • Urban Corridor (Boulevard) • Urban Corridor (Business) • Urban Corridor (Living) • Urban Corridor (Main Street) • Urban Neighbourhood • Urban Renewal Neighbourhood • Waterfront Neighbourhood 	
	Row Dwelling	<ul style="list-style-type: none"> • Business Neighbourhood • City Living • Established Neighbourhood • General Neighbourhood • Hills Neighbourhood • Housing Diversity Neighbourhood • Suburban Business • Suburban Neighbourhood • Urban Corridor (Living) • Urban Neighbourhood • Urban Renewal Neighbourhood • Waterfront Neighbourhood 	
	Student Accommodation	<ul style="list-style-type: none"> • Capital City • City Main Street • Urban Corridor (Boulevard) • Urban Corridor (Business) • Urban Corridor (Living) • Urban Corridor (Main Street) • Urban Neighbourhood 	

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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	<p>General Development Policies – Design in Urban Areas – Soft Landscaping</p> <p>Amend DTS/DPF 19.1(k) to the following: <i>"DTS/DPF19.1 (k) retains a total area of soft landscaping for the entire development site, including any common property, with a minimum dimension of 700mm in accordance with (i) or (ii), whichever is less: (i) a total area as determined by the following table:</i></p> <table border="1" data-bbox="379 495 991 689"> <thead> <tr> <th><i>Dwelling Site area (or in the case of residential flat building or group dwelling(s), average site area) (m2)</i></th> <th><i>Minimum percentage of site</i></th> </tr> </thead> <tbody> <tr> <td><i><150</i></td> <td><i>10%</i></td> </tr> <tr> <td><i>150-20</i></td> <td><i>15%</i></td> </tr> <tr> <td><i>201-450</i></td> <td><i>20%</i></td> </tr> <tr> <td><i>>450</i></td> <td><i>25%</i></td> </tr> </tbody> </table> <p>Amend DTS/DPF 22.1(a) to the following: <i>a total area as determined by the following table:</i> with <i>"a total area for the entire development site, including any common property, as determined by the following table:</i></p> <table border="1" data-bbox="379 875 991 1070"> <thead> <tr> <th><i>Dwelling Site area (or in the case of residential flat building or group dwelling(s), average site area) (m2)</i></th> <th><i>Minimum percentage of site</i></th> </tr> </thead> <tbody> <tr> <td><i><150</i></td> <td><i>10%</i></td> </tr> <tr> <td><i>150-20</i></td> <td><i>15%</i></td> </tr> <tr> <td><i>201-450</i></td> <td><i>20%</i></td> </tr> <tr> <td><i>>450</i></td> <td><i>25%</i></td> </tr> </tbody> </table>	<i>Dwelling Site area (or in the case of residential flat building or group dwelling(s), average site area) (m2)</i>	<i>Minimum percentage of site</i>	<i><150</i>	<i>10%</i>	<i>150-20</i>	<i>15%</i>	<i>201-450</i>	<i>20%</i>	<i>>450</i>	<i>25%</i>	<i>Dwelling Site area (or in the case of residential flat building or group dwelling(s), average site area) (m2)</i>	<i>Minimum percentage of site</i>	<i><150</i>	<i>10%</i>	<i>150-20</i>	<i>15%</i>	<i>201-450</i>	<i>20%</i>	<i>>450</i>	<i>25%</i>	<p>Policy seeks to provide clarity. Some confusion amongst practitioners as to how the soft landscaping provisions should be applied Eg. for group dwellings & RFBs, are common areas taken into the calculation?</p>
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	<p>General Development Policies– Design and Design in Urban Areas – Garages & Driveways</p> <p>amend DTS/DPF 19.5 and DTS/DPF 23.5 respectively by replacing with the following: <i>Driveways are designed and sited so that:</i></p> <p>(a) <i>the gradient from the place of access on allotment boundary to the finished floor level at the front of the garage or carport is not steeper than 1:4 on average</i></p> <p>(b) <i>the centreline of the driveway has an angle of no less than 70 degrees and no more than 110 degrees from the street boundary to which it takes its access as shown in the following diagram:</i></p> 	<p>Supported</p>
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Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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	<p>(c) if located to provide access from an alley, lane or right of way - the alley, land or right of way is at least 6.2m wide along the boundary of the allotment / site</p>											
	<p>General Development Policies– Transport, Access & Parking– Heavy Vehicle Parking Amend the Transport, Access and Parking Module by inserting (at the end of the module) the following Performance Outcomes (PO), DPF/DTS (Designated Performance Feature / Deemed-To-Satisfy) and heading:</p> <table border="1" data-bbox="379 465 976 2056"> <thead> <tr> <th colspan="2" data-bbox="379 465 976 495">Heavy Vehicle Parking</th> </tr> </thead> <tbody> <tr> <td data-bbox="379 495 651 622"> <p>PO 11.1 Heavy vehicle parking only occurs on the same allotment as a dwelling and the vehicle is only owned and operated by a resident of the dwelling.</p> </td> <td data-bbox="651 495 976 622"> <p>DPF/DTS 11.1 None are applicable</p> </td> </tr> <tr> <td data-bbox="379 622 651 1556"> <p>PO 11.2 Heavy vehicle parking and access is designed and sited so that the activity does not result in nuisance to adjoining neighbours as a result of dust, fumes, vibration, odour or potentially hazardous loads.</p> </td> <td data-bbox="651 622 976 1556"> <p>DPF/DTS 11.2 Heavy vehicle parking occurs in accordance with the following:</p> <ul style="list-style-type: none"> (a) the site is a minimum of 0.4 ha (b) where the site is 2 ha or more, no more than 2 vehicles exceeding 3,000 kilograms each (and trailers) are to be parked on the allotment at any time (c) where the site is between 0.4 ha and 2 ha, only one vehicle exceeding 3,000 kilograms (and one trailer) are to be parking on the allotment at any time (d) other than minor maintenance, no maintenance of the vehicle will occur on-site (e) the vehicle parking area achieves the following setbacks: <ul style="list-style-type: none"> (i) Behind the building line or 30m, whichever is greater (ii) 20m from the secondary street if it is a State Maintained Road (iii) 10m from the secondary street if it is a local road (iv) 10m from side and rear boundaries (f) parking and access areas (including internal driveways) should be sealed or have a surface that can be treated and maintained to minimise dust and mud nuisance (g) does not include refrigerated trailers or vehicles (h) vehicles only enter and exit the property in accordance with the following hours: <ul style="list-style-type: none"> (i) Monday to Saturday 6:00am and 9:30pm (ii) Sunday and public holidays between 9:30 am and 7:00 pm (i) the handling or trans-shipment of freight is not carried out on the property </td> </tr> <tr> <td data-bbox="379 1556 651 1736"> <p>PO 11.3 Heavy vehicle parking ensures that vehicles can enter and exit a site safely and without creating a hazard to pedestrians and other vehicular traffic.</p> </td> <td data-bbox="651 1556 976 1736"> <p>DPF/DTS 11.3 Heavy vehicles:</p> <ul style="list-style-type: none"> (a) can enter and exit the site in a forward direction; 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Should it be restricted to vehicles owned by an occupier?</p> <p>Should the number of vehicles be limited? Eg. Is there a definition of a heavy vehicle depot?</p>
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	<p>General Development Policies – Housing Renewal</p> <p>Amend by inserting the following interpretation note immediately following the ‘Assessment Provisions (AP)’</p> <p><i>The Housing Renewal General Development Policies are only applicable to dwellings or residential flat building undertaken by:</i></p> <p><i>(a) the South Australian Housing Trust either individually or jointly with other persons or bodies</i></p> <p><i>or</i></p> <p><i>(b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust</i></p>	Supported
	<p>General Development Policies – Land Division</p> <p>Amend by removing the below identified row and renumber all subsequent policy provisions accordingly:</p> <p><i>Removing – PO 3.8 and DTS/DPF 3.8</i></p> <p>Amend PO 10.1 by replacing:</p> <p><i>Land division creating 20 or more residential allotments includes a stormwater management system designed to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure that the development does not increase the peak flows in downstream systems.</i></p> <p>With:</p> <p><i>Land division creating 20 or more allotments includes a stormwater management system designed to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure that the development does not increase the peak flows in downstream systems.</i></p> <p>Amend the Land Division Module by removing the below identified row and renumber all subsequent policy provisions accordingly:</p> <p><i>Removing – PO 10.2 and DTS/DPF 10.2</i></p>	Supported with comments below
	<p>General Development Policies– Land Division – Linkages</p> <p>Within all relevant zone, amend Table 3 – Applicable Policies for Performance Assessed Development by inserting the following Performance Outcomes for land division:</p> <p><i>General Development Policies – Land Division [Design and Layout] PO 2.8</i></p> <p><i>General Development Policies – Land Division [Road and Access] PO 3.11</i></p>	Supported
	<p>General Development Policies– Transport, Access & Parking– Fences – Linkages</p> <p>Within the below listed ‘Applicable Zones’, Table 3 – Applicable Policies for Performance Assessed Development for Fence by including the following linkages:</p> <p><i>General Development Policies – Transport, Access & Parking [Sightlines] PO 2.2</i></p> <p><i>General Development Policies – Transport, Access & Parking [Corner Cut-Offs] PO 10.1</i></p> <p>Applicable Zones</p> <ul style="list-style-type: none"> • Business Neighbourhood Zone • Established Neighbourhood Zone • General Neighbourhood Zone • Hills Neighbourhood Zone • Local Activity Centre Zone • Rural Living Zone • Strategic Innovation Zone • Suburban Activity Centre Zone • Suburban Business Zone • Suburban Neighbourhood Zone • Urban Renewal Neighbourhood Zone 	Supported

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	<p>General Development Policies– Transport, Access & Parking– Carparking Rates Table – Policy</p> <p>Amend Table 1 – General Off-Street Parking Requirements by replacing the table with the following</p> <table border="1" data-bbox="384 349 995 1473"> <thead> <tr> <th data-bbox="384 349 539 495"><i>Class of Development</i></th> <th data-bbox="539 349 995 495"><i>Car Parking Rate (unless varied by Table 2 onwards)</i> <i>Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type</i></th> </tr> </thead> <tbody> <tr> <td colspan="2" data-bbox="384 495 995 524">Residential Development</td> </tr> <tr> <td data-bbox="384 524 539 651"><i>Detached dwelling</i></td> <td data-bbox="539 524 995 651"><i>Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.</i> <i>Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 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	<p>Class of Development</p> <p>Car Parking Rate (unless varied by Table 2 onwards)</p> <p>Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type</p>		
	<p>Retirement village facility</p> <p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling.</p> <p>0.2 spaces per dwelling for visitor parking.</p>		
	<p>Supported accommodation</p> <p>0.3 spaces per bed.</p>		
	<p>Residential Development (Other)</p>		
	<p>Ancillary accommodation</p> <p>No additional requirements beyond those associated with the main dwelling.</p>		
	<p>Residential park</p> <p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling.</p> <p>0.2 spaces per dwelling for visitor parking.</p>		
	<p>Student accommodation</p> <p>0.3 spaces per bed.</p>		
	<p>Workers' accommodation</p> <p>0.5 spaces per bed plus 0.2 spaces per bed for visitor parking.</p>		
	<p>Tourist</p>		
	<p>Caravan and park / tourist park</p> <p>Parks with 100 sites or less - a minimum of 1 space per 10 sites to be used for accommodation.</p> <p>Parks with more than 100 sites - a minimum of 1 space per 15 sites used for accommodation.</p> <p>A minimum of 1 space for every caravan (permanently fixed to the ground) or cabin.</p>		
	<p>Tourist accommodation, other than a Caravan and tourist park</p> <p>1 car parking space per accommodation unit / guest room.</p>		
	<p>Commercial Uses</p>		
	<p>Auction room/ depot</p> <p>1 space per 100m² of building floor area plus an additional 2 spaces.</p>		

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	<p>Class of Development</p> <p>Car Parking Rate (unless varied by Table 2 onwards)</p> <p>Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type</p>		
	<p>Automotive collision repair</p> <p>3 spaces per service bay.</p>		
	<p>Call centre</p> <p>8 spaces per 100m2 of gross leasable floor area.</p>		
	<p>Motor repair station</p> <p>3 spaces per service bay.</p>		
	<p>Office</p> <p><u>For a call centre, 8 spaces per 100m2 of gross leasable floor area</u></p> <p><u>In all other cases, 4 spaces per 100m2 of gross leasable floor area.</u></p>		
	<p>Retail fuel outlet</p> <p>3 spaces per 100m2 gross leasable floor area.</p>		
	<p>Service trade premises</p> <p>2.5 spaces per 100m2 of gross leasable floor area</p> <p>1 space per 100m2 of outdoor area used for display purposes.</p>		
	<p>Shop (no commercial kitchen)</p> <p>5.5 spaces per 100m2 of gross leasable floor area where not located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared.</p> <p>5 spaces per 100m2 of gross leasable floor area where located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared.</p>		
	<p>Shop (in the form of a bulky goods outlet)</p> <p>2.5 spaces per 100m2 of gross leasable floor area.</p>		
	<p>Shop (in the form of a restaurant or involving a commercial kitchen)</p> <p>Premises with a dine-in service only (which may include a take-away component with no drive-through) - 0.4 spaces per seat.</p> <p>Premises with take-away service but with no seats - 12 spaces per 100m2 of total floor area plus a drive-through queue capacity of ten vehicles measured from the pick-up point.</p> <p>Premises with a dine-in and drive-through take-away service - 0.3 spaces per seat plus a drive through queue capacity of 10 vehicles measured from the pick-up point.</p>		
	<p>Community and Civic Uses</p>		

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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	<table border="1"> <tr> <td data-bbox="384 206 528 344">Class of Development</td> <td data-bbox="533 206 965 344"> <p>Car Parking Rate (unless varied by Table 2 onwards)</p> <p>Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type</p> </td> </tr> <tr> <td data-bbox="384 351 528 376">Childcare centre</td> <td data-bbox="533 351 965 376">0.25 spaces per child</td> </tr> <tr> <td data-bbox="384 383 528 407">Library</td> <td data-bbox="533 383 965 407">4 spaces per 100m2 of total floor area.</td> </tr> <tr> <td data-bbox="384 414 528 510">Community facility</td> <td data-bbox="533 414 965 510"> <p>For a library, 4 spaces per 100m2 of total floor area.</p> <p>For a hall/meeting hall, 0.2 spaces per seat.</p> <p>In all other cases, 10 spaces per 100m2 of total floor area.</p> </td> </tr> <tr> <td data-bbox="384 517 528 564">Hall / meeting hall</td> <td data-bbox="533 517 965 564">0.2 spaces per seat.</td> </tr> <tr> <td data-bbox="384 571 528 595">Place of worship</td> <td data-bbox="533 571 965 595">1 space for every 3 visitor seats.</td> </tr> <tr> <td data-bbox="384 602 528 676">Pre-school/Child care facility</td> <td data-bbox="533 602 965 676"> <p>For a child care centre, 0.25 spaces per child</p> <p>In all other cases, 1 per employee plus 0.25 per child (drop off/pick up bays)</p> </td> </tr> <tr> <td data-bbox="384 683 528 900">Educational establishment</td> <td data-bbox="533 683 965 900"> <p>For a primary school - 1.1 space per full time equivalent employee plus 0.25 spaces per student for a pickup/set down area either on-site or on the public realm within 300m of the site.</p> <p>For a secondary school - 1.1 per full time equivalent employee plus 0.1 spaces per student for a pickup/set down area either on-site or on the public realm within 300m of the site.</p> <p>For a tertiary institution - 0.4 per student based on the maximum number of students on the site at any time.</p> </td> </tr> <tr> <td colspan="2" data-bbox="384 907 965 931">Health Related Uses</td> </tr> <tr> <td data-bbox="384 938 528 985">Hospital</td> <td data-bbox="533 938 965 985"> <p>4.5 spaces per bed for a public hospital.</p> <p>1.5 spaces per bed for a private hospital.</p> </td> </tr> <tr> <td data-bbox="384 992 528 1039">Consulting room</td> <td data-bbox="533 992 965 1039">4 spaces per consulting room excluding ancillary facilities.</td> </tr> <tr> <td colspan="2" data-bbox="384 1068 965 1093">Recreational and Entertainment Uses</td> </tr> <tr> <td data-bbox="384 1099 528 1146">Cinema complex</td> <td data-bbox="533 1099 965 1146">0.2 spaces per seat.</td> </tr> <tr> <td data-bbox="384 1153 528 1200">Concert hall / theatre</td> <td data-bbox="533 1153 965 1200">0.2 spaces per seat.</td> </tr> <tr> <td data-bbox="384 1207 528 1281">Hotel</td> <td data-bbox="533 1207 965 1281">1 space for every 2m2 of total floor area in a public bar plus 1 space for every 6m2 of total floor area available to the public in a lounge, beer garden plus 1</td> </tr> </table>	Class of Development	<p>Car Parking Rate (unless varied by Table 2 onwards)</p> <p>Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type</p>	Childcare centre	0.25 spaces per child	Library	4 spaces per 100m2 of total floor area.	Community facility	<p>For a library, 4 spaces per 100m2 of total floor area.</p> <p>For a hall/meeting hall, 0.2 spaces per seat.</p> <p>In all other cases, 10 spaces per 100m2 of total floor area.</p>	Hall / meeting hall	0.2 spaces per seat.	Place of worship	1 space for every 3 visitor seats.	Pre-school/Child care facility	<p>For a child care centre, 0.25 spaces per child</p> <p>In all other cases, 1 per employee plus 0.25 per child (drop off/pick up bays)</p>	Educational establishment	<p>For a primary school - 1.1 space per full time equivalent employee plus 0.25 spaces per student for a pickup/set down area either on-site or on the public realm within 300m of the site.</p> <p>For a secondary school - 1.1 per full time equivalent employee plus 0.1 spaces per student for a pickup/set down area either on-site or on the public realm within 300m of the site.</p> <p>For a tertiary institution - 0.4 per student based on the maximum number of students on the site at any time.</p>	Health Related Uses		Hospital	<p>4.5 spaces per bed for a public hospital.</p> <p>1.5 spaces per bed for a private hospital.</p>	Consulting room	4 spaces per consulting room excluding ancillary facilities.	Recreational and Entertainment Uses		Cinema complex	0.2 spaces per seat.	Concert hall / theatre	0.2 spaces per seat.	Hotel	1 space for every 2m2 of total floor area in a public bar plus 1 space for every 6m2 of total floor area available to the public in a lounge, beer garden plus 1	
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Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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	<p>Amend Table 2 – Off-Street Car Parking Requirements in Designated Areas by replacing any reference to: <i>'Urban Neighbourhood Zone'</i> With <i>'Urban Neighbourhood Zone (except for Bowden)'</i> in the following locations:</p> <ul style="list-style-type: none"> • In the 'Designated Areas' column and 'Non-residential development excluding tourist accommodation' row • In the 'Designated Areas' column and 'Residential component of a multi-storey building' row • In the 'Designated Areas' column and 'Residential flat building' row 	
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	<p>General Development Policies– Transport, Access & Parking– Designated Parking Areas / Carparking Rates – Interpretation</p> <p>Amend DTS/DPF 5.1 by replacing it with the following: <i>DTS/DPF 5.1</i> <i>Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</i></p> <ol style="list-style-type: none"> <i>Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas if the development is a class of development listed in Table 2 and the site is in a Designated Area</i> <i>Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements where (a) does not apply</i> <i>if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.</i> <p>Amend the interpretation notes of Table 2 – Off-Street Car Parking Requirements by replacing: <i>The following parking rates apply in any zone, subzone or other area described in the 'Designated Areas' column subject to the following:</i></p> <ol style="list-style-type: none"> <i>the location of the development is unable to satisfy the requirements of Table 2 – Criteria (other than where a location is exempted from the application of those criteria)</i> <p>or</p> <ol style="list-style-type: none"> <i>the development satisfies Table 2 – Criteria (or is exempt from those criteria) and is located in an area where a lawfully established carparking fund operates, in which case the number of spaces are reduced by an amount equal to the number of spaces offset by contribution to the fund.</i> <p>With <i>'The following parking rates apply in any zone, subzone or other area described in the 'Designated Areas' column'</i></p> <p>Amend Table 2 – Off-Street Car Parking Requirements as follows:</p> <table border="1" data-bbox="384 1637 1002 1861"> <thead> <tr> <th data-bbox="384 1637 549 1682">Class of Development</th> <th data-bbox="549 1637 847 1682">Car Parking Rate</th> <th data-bbox="847 1637 1002 1682">Designated Areas</th> </tr> </thead> <tbody> <tr> <td data-bbox="384 1682 549 1832"></td> <td data-bbox="549 1682 847 1832">Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.</td> <td data-bbox="847 1682 1002 1832"></td> </tr> <tr> <td colspan="3" data-bbox="384 1832 1002 1861">Development generally</td> </tr> </tbody> </table>	Class of Development	Car Parking Rate	Designated Areas		Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.		Development generally			Supported
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Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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Class of Development	Car Parking Rate Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.		Designated Areas
All classes of development	No minimum.	No maximum except in the Primary Pedestrian Area identified in the Primary Pedestrian Area Concept Plan, where the maximum is: 1 space for each dwelling with a total floor area less than 75 square metres 2 spaces for each dwelling with a total floor area between 75 square metres and 150 square metres 3 spaces for each dwelling with a total floor area greater than 150 square metres. Residential flat building or Residential component of a multi-storey building: 1 visitor space for each 6 dwellings.	Capital City Zone City Main Street Zone City Riverbank Zone Adelaide Park Lands Zone Business Neighbourhood Zone (within the City of Adelaide) The St Andrews Hospital Precinct Subzone and Women's and Children's Hospital Precinct Subzone of the Community Facilities Zone
Non-residential development			

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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	Class of Development	Car Parking Rate Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.		Designated Areas	
	Non-residential development excluding tourist accommodation	3 spaces per 100m ² of gross leasable floor area	5 spaces per 100m ² of gross leasable floor area.	City Living Zone Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone	
	Non-residential development excluding tourist accommodation	3 spaces per 100m ² of gross leasable floor area.	6 spaces per 100m ² of gross leasable floor area.	Strategic Innovation Zone <u>in the City of Burnside, City of Marion or City of Mitcham</u> <u>Strategic Innovation Zone outside the City of Burnside, City of Marion or City of Mitcham when the site is also in a High Frequency Public Transit Area</u> Suburban Activity Centre Zone <u>when the site is also in a High Frequency</u>	

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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	Class of Development	Car Parking Rate Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.	Designated Areas	
			<p>Public Transit Area</p> <p>Suburban Business Zone when the site is also in a High Frequency Public Transit Area</p> <p>Business Neighbourhood Zone in the City of Adelaide</p> <p>Business Neighbourhood Zone outside of the City of Adelaide when the site is also in a High Frequency Public Transit Area</p> <p>Suburban Main Street Zone when the site is also in a High Frequency Public Transit Area</p> <p>Urban Activity Centre Zone</p>	

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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Class of Development	Car Parking Rate Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.		Designated Areas
Tourist accommodation	1 space for every 4 bedrooms up to 100 bedrooms plus 1 space for every 5 bedrooms over 100 bedrooms	1 space per 2 bedrooms up to 100 bedrooms and 1 space per 4 bedrooms over 100 bedrooms	City Living Zone Urban Activity Centre Zone when the site is also in a High Frequency Public Transit Area Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone
Residential development			
Residential component of a multi-storey building	Dwelling with no separate bedroom - 0.25 spaces per dwelling 1 bedroom dwelling - 0.75 spaces per dwelling 2 bedroom dwelling - 1 space per dwelling 3 or more bedroom dwelling - 1.25	None specified.	City Living Zone Strategic Innovation Zone in the City of Burnside, City of Marion or City of Mitcham Strategic Innovation Zone outside the City of Burnside, City of Marion or

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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Class of Development	Car Parking Rate Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.		Designated Areas
	spaces per dwelling 0.25 spaces per dwelling for visitor parking.		City of Mitcham when the site is also in a High Frequency Public Transit Area when the site is also in a High Frequency Public Transit Area Urban Activity Centre Zone when the site is also in a High Frequency Public Transit Area Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone
Residential flat building	Dwelling with no separate bedroom - 0.25 spaces per dwelling 1 bedroom dwelling - 0.75 spaces per dwelling 2 bedroom dwelling - 1 space per dwelling 3 or more bedroom dwelling - 1.25 spaces per dwelling 0.25 spaces per dwelling for visitor parking.	None specified.	City Living Zone Urban Activity Centre Zone when the site is also in a High Frequency Public Transit Area Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone

Amend Table 2 – Off-Street Car Parking Requirements by deleting the entire section of ‘Table 2 – Criteria’

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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Land Use Definitions – Part 7 -

Update the 'Land Use Definitions Table' as follows:

Supported

Land Use Term (Column A)	Definition (Column B)	Includes (Column C)	Excludes (Column D)
Ancillary accommodation	Means accommodation that: a) is located on the same allotment as an existing dwelling; and b) is not a self-contained residence; and c) contains no more than 2 bedrooms or rooms or areas capable of being used as a bedroom; and d) is subordinate to and does not have separate connection to utilities and services (such as electricity, gas, water, telecommunications, sewerage system, wastewater system or waste control system) to those servicing the existing dwelling.		Dwelling; <u>Tourist Accommodation.</u>
<u>Pre-school Child care facility</u>	Means a place primarily for the care or instruction of children of less than primary school age, children with special needs or out-of-school-hours care (including vacation care) and not resident on the site.	Pre-school; Child care centre; Early learning centre; Kindergarten; Nursery.	
Commercial forestry	Means the practice of planting and managing plantation forests that are intended to be harvested for wood products or other commercial purposes, including through the commercial exploitation of the carbon absorption capacity of the forest.		<u>Horticulture;</u> <u>Croping;</u> <u>Farming.</u>
<u>Educational Establishment facility</u>	Means a primary school, secondary school, reception to year 12 school, college, university or technical institute, and includes an associated <u>pre-school child care facility</u> or institution for		
	the care and maintenance of children.		
<u>Function venue</u>	Means premises used for the hosting of events, conferences, conventions, receptions or functions.		
<u>Heavy vehicle parking</u>	Means the parking of any vehicle exceeding 3 000 kg in weight (including the weight of any attached trailer) on land used for residential purposes.		
Indoor recreation facility	Means a building or part of a building designed or adapted primarily for recreation or fitness pursuits.	Bowling alley; Squash courts; Fitness centre; Gymnasium; Pilates studio; Yoga studio; Dance studio; Indoor swimming centre; Indoor trampoline centre; Indoor rock climbing centre; Indoor children's play centre; Indoor skating rink.	
Office	Means a building or part of a building used for administration or the practice of a profession, but does not include a consulting room or premises where materials are stored for sale or manufacture.		Consulting room.
<u>Tourist accommodation</u>	Means premises in which temporary or short-term accommodation is provided to travellers on a commercial basis. <u>This use may also include:</u>	<u>Caravan and tourist park.</u>	<u>Campground;</u> <u>Residential park</u>

Happy with childcare facility definition

Agree with addition of childcare element to educational facility

Happy with additional definition -
Question how cellar door function fits in with function venue?

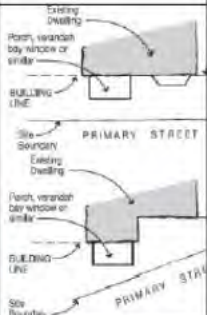


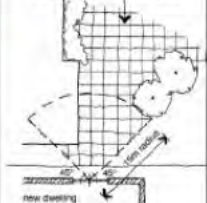
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	<table border="1"> <tr> <td data-bbox="363 194 523 315"></td> <td data-bbox="523 194 746 315"> <ul style="list-style-type: none"> a) <u>onsite services and facilities primarily for the use by guests;</u> b) <u>facilities for the management of the accommodation;</u> </td> <td data-bbox="746 194 858 315"></td> <td data-bbox="858 194 1120 315"></td> </tr> <tr> <td data-bbox="363 315 523 719">Workers' accommodation</td> <td data-bbox="523 315 746 719"> <p>Means premises used to accommodate workers on a temporary basis while they carry out employment:</p> <ul style="list-style-type: none"> a) on the same site as the workers' accommodation; <u>or</u> b) in mining or petroleum extraction, <u>or</u> c) in seasonally intensive rural activities <u>including</u> fruit picking, pruning, animal shearing, meat processing, <u>bulk handling or freight handling or similar</u>; <u>or</u> d) in the construction of essential infrastructure; </td> <td data-bbox="746 315 858 719">Mining camp; Road workers camp; Shearing quarters; Railway workers camp.</td> <td data-bbox="858 315 1120 719">Tourist accommodation.</td> </tr> </table>		<ul style="list-style-type: none"> a) <u>onsite services and facilities primarily for the use by guests;</u> b) <u>facilities for the management of the accommodation;</u> 			Workers' accommodation	<p>Means premises used to accommodate workers on a temporary basis while they carry out employment:</p> <ul style="list-style-type: none"> a) on the same site as the workers' accommodation; <u>or</u> b) in mining or petroleum extraction, <u>or</u> c) in seasonally intensive rural activities <u>including</u> fruit picking, pruning, animal shearing, meat processing, <u>bulk handling or freight handling or similar</u>; <u>or</u> d) in the construction of essential infrastructure; 	Mining camp; Road workers camp; Shearing quarters; Railway workers camp.	Tourist accommodation.	
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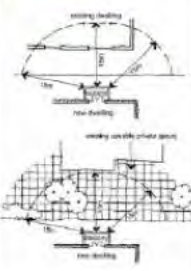
Administrative Terms & Definitions - Part 8	<p>Transport, Access & Parking</p> <p>Update the Administrative Terms and Definitions Table to include the following:</p> <table border="1"> <thead> <tr> <th data-bbox="363 842 507 902">Term (Column A)</th> <th data-bbox="507 842 895 902">Definition (Column B)</th> <th data-bbox="895 842 1002 902">Illustrations (Column C)</th> </tr> </thead> <tbody> <tr> <td data-bbox="363 902 507 1447">High Frequency Public Transit Area</td> <td data-bbox="507 902 895 1447"> <p>A site that is wholly located within Metropolitan Adelaide and satisfies one or more of the following:</p> <ul style="list-style-type: none"> (a) is within 200 metres of any section of road reserve along which a bus service operates as a high frequency public transit service(2) (b) is within 400 metres of a bus interchange(1) (c) is within 400 metres of an O-Bahn interchange(1) (d) is within 400 metres of a passenger rail station(1) (e) is within 400 metres of a passenger tram station(1) (f) is within 400 metres of the Adelaide Parklands. <p>[NOTE(S): (1) Measured from an area that contains any platform(s), shelter(s) or stop(s) where people congregate for the purpose waiting to board a bus, tram or train, but does not include areas used for the parking of vehicles. (2) A high frequency public transit service is a route serviced every 15 minutes between 7.30am and 6.30pm Monday to</p> </td> <td data-bbox="895 902 1002 1447"></td> </tr> <tr> <td data-bbox="363 1447 507 1529"></td> <td data-bbox="507 1447 895 1529">Friday and every 30 minutes at night, Saturday, Sunday and public holidays until 10pm.]</td> <td data-bbox="895 1447 1002 1529"></td> </tr> </tbody> </table>	Term (Column A)	Definition (Column B)	Illustrations (Column C)	High Frequency Public Transit Area	<p>A site that is wholly located within Metropolitan Adelaide and satisfies one or more of the following:</p> <ul style="list-style-type: none"> (a) is within 200 metres of any section of road reserve along which a bus service operates as a high frequency public transit service(2) (b) is within 400 metres of a bus interchange(1) (c) is within 400 metres of an O-Bahn interchange(1) (d) is within 400 metres of a passenger rail station(1) (e) is within 400 metres of a passenger tram station(1) (f) is within 400 metres of the Adelaide Parklands. <p>[NOTE(S): (1) Measured from an area that contains any platform(s), shelter(s) or stop(s) where people congregate for the purpose waiting to board a bus, tram or train, but does not include areas used for the parking of vehicles. (2) A high frequency public transit service is a route serviced every 15 minutes between 7.30am and 6.30pm Monday to</p>			Friday and every 30 minutes at night, Saturday, Sunday and public holidays until 10pm.]		
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Term (Column A)	Definition (Column B)	Illustrations (Column C)						
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Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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	<p>building does not include any of the following:</p> <p>(e) flues connected to a sewerage system</p> <p>(f) telecommunications facility tower or monopole</p> <p>(g) electricity pole or tower</p> <p>(h) or any similar structure.</p> <p>Building line In relation to a building on a site, means a line drawn parallel to the wall on of the building closest to the boundary of the site that faces the primary street and any existing projection from that wall of the building such as a verandah, porch, balcony, awning or bay window is not to be taken to form part of the building for the purposes of determining the relevant wall of the building. <u>provided that the projection is not more than 1.5m.</u></p> <p>Catalyst site Means a site greater than 1500m² which may include one or more allotments.</p> <p>Direct overlooking In relation to direct overlooking from a window, is limited to an area that falls within a horizontal distance of 15 metres measured from the centre line of the overlooking window and not less than 45 degree angle from the plane of the wall containing the overlooking window.</p> <p>In relation to direct overlooking from a deck, balcony or terrace, is limited to an area that falls within a horizontal distance of 15m measured from any point of the overlooking deck, balcony or terrace.</p>	  <p>15 metres is not a useful definition of direct overlooking and is generally not supported by community expectations. At 15 metres it is considered that detail can be made out that would be detrimental to the amenity of neighbouring POS and an owner's right to enjoyment of their POS.</p> <p>It potentially could be considered where a rear of a building extends a certain distance beyond a neighbouring dwelling, thereby retaining some private area.</p> <p>Community expectations have changed since these diagrams and considerations were previously created.</p>  
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Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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		<p><u>Overlooking deck, balcony or terrace</u></p> 	
	<p>Gross density: <i>Is calculated by dividing the total number of dwellings by the total land area that they occupy (no land is excluded from the calculation) and expressed as dwelling units per hectare (du/ha).</i></p>		
	<p><u>High frequency public transit area</u></p> <p>A site that is wholly located within Metropolitan Adelaide and satisfies one or more of the following:</p> <ol style="list-style-type: none"> is within 200 metres of any section of road reserve along which a bus service operates as a high frequency public transit service(2) is within 400 metres of a bus interchange(1) is within 400 metres of an O-Bahn interchange(1) is within 400 metres of a passenger rail station(1) is within 400 metres of a passenger train station(1) is within 400 metres of the Adelaide Parklands. <p>[NOTE(S): (1) Measured from an area that contains any platform(s), shelter(s) or stop(s) where people congregate for the purpose waiting to board a bus, tram or train, but does not include areas used for the parking of vehicles. (2) A high frequency public transit service is a route serviced every 15 minutes between 7.30am and 6.30pm Monday to Friday and every 30</p>		
		<p><u>minutes at night, Saturday, Sunday and public holidays until 10pm.]</u></p>	
	<p><u>Post height:</u> <i>Means the height of the post measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) noting that the height measurement does not include any part of the post that is concealed behind an eave or similar roof structure and not visible external to the land.</i></p>		
	<p><u>Wall height:</u> <i>Means the height of the wall measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) but excluding noting that the height measurement does not include any part of the wall that is concealed behind an eave or similar roof structure and not visible external to the land.</i></p>		

Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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Referrals - Part 9	<p>Environment Protection Authority Referrals</p> <p>Amend Part 9.1 Referral Body: Environment Protection Authority by inserting the following interpretation note after the heading 'Referral Body: Environment Protection Authority'</p> <p><i>Interpretation</i></p> <p><i>For the purposes of item 9 of the table in clause 3 of schedule 9 of the Planning Development and Infrastructure (General) Regulations 2017, development that involves, or is for the purposes of, an activity specified in the table below, requires a referral to the Environment Protection Authority, including:</i></p> <ul style="list-style-type: none"> • <i>development that reaches a threshold specified in the table below;</i> • <i>development with the capacity or potential to operate above the threshold level specified in the table below; or</i> • <i>an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level specified in the table below.</i> <p><i>The above does not apply for the purposes of items 9A and 9AB of the table in clause 3 of schedule 9 of the Planning Development and Infrastructure (General) Regulations 2017, which relate to site contamination and land division.</i></p> <p>Amend Part 9.1 Referral Body: Environment Protection Authority by replacing the following:</p> <table border="1" data-bbox="379 943 1002 1626"> <thead> <tr> <th data-bbox="379 943 512 1379">Site contamination</th> <th data-bbox="512 943 612 1379">Land Division</th> <th data-bbox="612 943 1002 1379">Subject to clause 1(4) of Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017, development involving the division of land if—</th> </tr> </thead> <tbody> <tr> <td data-bbox="379 1379 512 1626"></td> <td data-bbox="512 1379 612 1626"></td> <td data-bbox="612 1379 1002 1626"> <ul style="list-style-type: none"> a) Schedule 8 clause 2A(1)(b) applies to the application in respect of the development; and b) site contamination exists or may exist at the land because of 1 or more of the following circumstances: <ul style="list-style-type: none"> i. a class 1 activity has been conducted on the land or on adjacent land; ii. a class 2 or class 3 activity has been conducted on the land; iii. the land or adjacent land is the subject of a section 83A notification under the Environment Protection Act 1993 that appears on </td> </tr> <tr> <td data-bbox="379 1626 512 1684"></td> <td data-bbox="512 1626 612 1684"></td> <td data-bbox="612 1626 1002 1684"> <ul style="list-style-type: none"> iv. the South Australian Property and Planning Atlas; v. the land is within a groundwater prohibition area; </td> </tr> </tbody> </table>	Site contamination	Land Division	Subject to clause 1(4) of Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017, development involving the division of land if—			<ul style="list-style-type: none"> a) Schedule 8 clause 2A(1)(b) applies to the application in respect of the development; and b) site contamination exists or may exist at the land because of 1 or more of the following circumstances: <ul style="list-style-type: none"> i. a class 1 activity has been conducted on the land or on adjacent land; ii. a class 2 or class 3 activity has been conducted on the land; iii. the land or adjacent land is the subject of a section 83A notification under the Environment Protection Act 1993 that appears on 			<ul style="list-style-type: none"> iv. the South Australian Property and Planning Atlas; v. the land is within a groundwater prohibition area; 	Supported
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Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
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Local & State Heritage Places - Part 11	<p>Amend 'Part 11 – Local Heritage Places' by renaming the heading of: <i>Part 11 – Local Heritage Places</i></p> <p>To: <i>Part 11 – Heritage Places</i></p> <p>Within the new heading of Part 11 – Heritage Places, insert a new subheading title of: <i>'Local Heritage Places'</i></p> <p>Following this new subheading, list all local heritage places as currently identified within the Planning and Design Code and keep existing order commencing with Adelaide</p> <p>Within the new heading of Part 11 – Heritage Places, insert a new subheading title (after the Local Heritage Place title) of: <i>'State Heritage Places'</i></p> <p>And immediately followed by the list of State Heritage Places as contained in the State Heritage Register within a new table with following headings:</p> <table border="1"> <thead> <tr> <th data-bbox="384 1435 507 1487"><i>Property Address</i></th> <th data-bbox="507 1435 794 1487"><i>Description and /or extent of listed place</i></th> <th data-bbox="794 1435 948 1487"><i>Section 16 Criteria</i></th> <th data-bbox="948 1435 1098 1487"><i>State Heritage ID</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="384 1487 507 1585"><i>List of State heritage places</i></td> <td data-bbox="507 1487 794 1585"></td> <td data-bbox="794 1487 948 1585"></td> <td data-bbox="948 1487 1098 1585"></td> </tr> </tbody> </table>	<i>Property Address</i>	<i>Description and /or extent of listed place</i>	<i>Section 16 Criteria</i>	<i>State Heritage ID</i>	<i>List of State heritage places</i>				Supported Q – could this be further refined to include a list of the Representative Buildings? (Formerly known as Contributory Items)
<i>Property Address</i>	<i>Description and /or extent of listed place</i>	<i>Section 16 Criteria</i>	<i>State Heritage ID</i>							
<i>List of State heritage places</i>										

Rules of Interpretation Part 1	<p>State Heritage Places</p> <p>INSERT the following new subheading title and accompanying text: State Heritage Places</p> <p><i>State heritage places listed in Part 11 are a point in time reference to places that are registered (or provisionally listed) as State Heritage Places under the Heritage Places Act 1993. As the Heritage Places Act 1993 operates separately to the Planning, Development and Infrastructure Act 2016 and the Planning and Design Code, reference to the Register established under the Heritage Places Act 1993 (the South Australian Heritage Register) will be made to determine if a State Heritage Place exists on land forming part of a development application and the extent to which it applies. If there is any inconsistency between the Register and the State Heritage Places listed in Part 11 of the Planning and Design Code, an entry in the Register will prevail to the extent of any inconsistency.'</i></p> <p>Notes:</p>	Supported
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Affected Part of Code that impacts on CoM	Proposed Amendment	Comments / Queries
	<p>1. For the purposes of consultation, and as a result of State Heritage Places being a point in time reference, the proposed State Heritage Places table identified in Instruction Part 2 hasn't been populated. Reference to the South Australian Heritage Register should be made for the purposes of identifying current State Heritage Places. The final version of this Code Amendment, i.e., the one that is prepared for adoption by the Minister responsible for the administration of the Planning, Development and Infrastructure Act 2016, will include a populated version of Attachment SHP with a complete list of State Heritage Places registered on the South Australian Heritage Register.</p> <p>2. Within the Rules of Interpretation (Part 1 of the Code) a hyperlink to the South Australian Heritage Register (https://www.environment.sa.gov.au/topics/heritage/sa-heritage-register) will be created.</p> <p>Amend section titled 'Local Heritage Places' REPLACE the words: <i>Part 11 designates places as places of local heritage value for the purposes of section 67 of the Act.</i> with:</p> <p><i>This part of the Planning and Design Code designates places as places of local heritage value for the purposes of section 67 of the Act. Local heritage places are also listed in the South Australian Heritage Register established under the Heritage Places Act 1993. However, as local heritage places are established under the Planning, Development and Infrastructure Act 2016, if there is any inconsistency between the Register and the Local Heritage Places listed in Part 11 of the Planning and Design Code, an entry in Part 11 of the Planning and Design Code will prevail to the extent of any inconsistency</i></p>	

From: [Toni Carter](#)
To: [DTI:PlanSA Submissions](#)
Cc: [Sally Roberts](#)
Subject: OOCE222257 - FW: Misc Tech Enhancement Code Amendment Submission
Date: Friday, 23 September 2022 4:33:59 PM
Attachments: [image001.jpg](#)
[Submission Covering Letter 23 September 2022.pdf](#)
[Final Submission - Misc Tech Enhancement CA Consultation Submission - Sept 22.pdf](#)

Dear Sir/Madam

Please find attached District Council of Yankalilla's Submission Covering Letter and the Miscellaneous Technical Enhancement Code Amendment Submission.

Should you have any queries, please contact Sally Roberts at Alexandrina Council on 8555 7002.

Kind Regards

TONI CARTER | Executive Assistant to the Office of the Chief Executive
District Council of Yankalilla
PO Box 9 | 1 Charles Street, Yankalilla SA 5203
www.yankalilla.sa.gov.au

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23 September 2022

Code Amendment Team
Planning and Land Use Services
Department for Trade and Investment

By Email: plansasubmissions@sa.gov.au

Dear Code Amendment Team

Miscellaneous Technical Enhancement Code Amendment

Thank you for the opportunity to provide input into the Miscellaneous Technical Enhancement Code Amendment (CA).

At its Ordinary Meeting of 16 August 2022, the Council resolved as follows;

- 1. That the Report be received*
- 2. That Council endorse the submission prepared at Attachment A on the proposed Miscellaneous Technical Enhancement Code Amendment for submission to the State Planning Commission.*
- 3. That Council delegate to the Chief Executive Officer any minor administrative (or technical required) amendments to the proposed submission as needed.*

CARRIED Unanimously

Council has reviewed and considered the CA that has sought to make improvements to the new planning system following input from the industry. Council would like to commend the State Planning Commission for listening to the planning sector and those working within it to continue to improve and evolve the states' planning system.

Overall the amendments are generally supported with the attached submission highlighting those areas that are still of concern to Council.

**District Council
of Yankalilla**



I trust that the submission is clear however should you have any queries please contact Sally Roberts, Manager Strategic Development, Alexandrina Council on

Kind regards

A handwritten signature in black ink, appearing to read "Nathan Cunningham".

Nathan Cunningham
Chief Executive Officer

**Miscellaneous Technical Enhancement Code Amendment
DC Yankalilla – Consultation Submission**

Section	Proposed Amendment	Comment	Recommendation
Part 1 – Rules of Interpretation			
2.3.1.1.	Application of Spatial Policy Relevant to the Site of the Development	Amend Rules of Interpretation to include explanation and rules on how to determine relevant policy when a spatial layer only applies to part of a site that is subject of a development application.	Support Provides further clarity around the spatial application of policy.
2.3.1.2.	Spatial maintenance updates – comprising minor or operational amendments	Amend Rules of Interpretation to include explanation and rules on how spatial layers are updated in order to maintain correct relationships with cadastre or roads	Support
Part 2 – Zones and Sub Zones			
2.3.2.1.	Conservation Zone – land division – PO 2.1 – Policy	Amend PO 2.1 of the Conservation Zone to clarify that land division should avoid creating additional allotments with frontage to the coast or River Murray. Additional policy being introduced into the Conservation Zone to reiterate that newly created allotments (including those that are realigned) should not create new river or coastal frontages.	Support This ensures consistency with existing policies within the Coastal Areas and River Murray Floodplain Overlays.
2.3.2.2.	Conservation Zone – land division – DTS/DPF 2.1 – Policy	Amend DTS/DPF 2.1 (b) of the Conservation to include reference to the River Murray to clarify that land division should avoid creating additional allotments with frontage to the River Murray Additional policy being introduced into the Conservation Zone to reiterate that newly created allotments (including those that are realigned) should not create new river or coastal frontages.	Support This ensures consistency with existing policies within the River Murray Floodplain Overlays.
2.3.2.4.	Rural Zone – Detached Dwelling – Interface Between Land Uses – Linkages	Link ‘interface between land use’ policies for dwellings in rural areas. This ensures that the assessment of dwellings consider interface impacts with existing and desired rural land use activities.	Support Ensures more consistent assessment of dwellings in rural areas.
2.3.2.5.	Rural Zone – Detached Dwelling – Linkages	‘Dwelling addition’ design/siting policies are being called up within the Code when assessing new dwellings. This amendment creates a new link ensuring new dwellings are assessed against PO 5.3, which prescribes setbacks, design and scale provisions for dwellings.	Support This has been identified internally as an issue and will improve the

**Miscellaneous Technical Enhancement Code Amendment
DC Yankalilla – Consultation Submission**

			assessment of dwellings in rural areas.
2.3.2.6.	Rural Zone – Land Division / Boundary Realignment - Linkages	PO 11.3, which is a policy that guides land division and boundary realignments, is not currently being called up by the Code for land division applications. This amendment seeks to create a new link ensuring this policy is applied.	Support This will ensure better guidance when assessing dwellings within the Rural Zone.
2.3.2.9.	Restricted Development Classification – Table 4		
2.3.2.9.1.	Industry listed as a restricted development classification	<p>Proposal to remove ‘industry’ from Restricted forms of development across all zones and replace with ‘Special Industry’.</p> <p>Special Industry is a more intensive form of industry where the methods of manufacture adopted or goods used/stored are likely to cause or create significant nuisance (i.e. dust, fumes, vapours smells etc.) or result in the discharge of foul liquid or blood or other substances which are liable to become foul.</p> <p>This amendment results in less impacting forms of industry to be assessed by the local authority rather than the State.</p>	Partial Support Support within the Employment Zones however feel should remain as restricted in the Activity Zones where industrial type activities would not necessarily be appropriate particularly where these types of zones apply within townships.
2.3.2.9.2.	Land Division within the Limited Land Division Overlay	While the assessing policy remains unchanged and land divisions that create additional allotments should not be supported where this overlay applies, it does provide a level of encouragement for developers / landowners to submit applications. It then does open up the ability for appeal rights that Council will need to manage.	Do not support Retain land division as a restricted development within the Limited Land Division Overlay areas.
2.3.2.9.5.	Dwelling and Land Division within the Deferred Urban Zone	<p>Currently within the Deferred Urban Zone, only development that will not result in more than one dwelling on an allotment is permitted. More than one dwelling is currently restricted development.</p> <p>The proposed amendment seeks to remove ‘dwellings’ and ‘land divisions’ from the restricted development</p>	Do not support Not supportive for similar reasons as outlined for the limited land division overlay. At a minimum, retain land divisions in the

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		<p>category and make all dwellings and land divisions 'performance assessed'.</p> <p>The proposed amendment also seeks to introduce a new policy which states that dwellings should be located on an allotment used and ancillary to primary production, and will not result in more than one dwelling on an allotment.</p>	<p>Deferred Urban Zone as restricted development.</p> <p>Support Agree with introduction of new policy to guide dwellings and additional dwellings in the Deferred Urban Zone.</p>
2.3.2.9.6.	Employment Zone – Various land uses	<p>Proposal to remove 'waste reception, storage, treatment or disposal' and 'wrecking yard' from the restricted development category within the Employment Zone.</p> <p>The Employment Zone supports a diverse range of low-impact light industrial, commercial and business activity land uses.</p> <p>It is considered that there is sufficient policy within the Employment Zone to manage these types of land uses by the local authority.</p>	Support
2.3.2.9.8.	Land Division and Dwellings within the Rural Shack Settlement Zone	<p>The Rural Shack Settlement Zone applies to existing river shack areas including Goolwa Channel Drive and Mundoo Channel Drive, Hindmarsh Island.</p> <p>Within the Rural Shack Settlement Zone, a dwelling is currently restricted other than a detached dwelling that will not result in more than one dwelling on an allotment. Land division is also restricted in the zone except for land division that creates an allotment for an existing dwelling, is for the purpose of creating a public road or reserve or is for a minor boundary realignment to remove a minor anomaly.</p> <p>The proposal is to remove dwellings and land divisions from the restricted table in the Rural Shack Settlement Zone.</p>	<p>Partial support At a minimum, retain land divisions in the Rural Shack Settlement Zone as restricted forms of development.</p> <p>Support removal of dwellings.</p>

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		It is considered that other forms of dwellings can be adequately managed by the local authority, however the removal of land divisions from the restricted category may result in applications for further division and fragmentation of sensitive coastal land.	
2.3.2.10.	Notification Tables – Table 5 – Procedural Matters (PM)		
2.3.2.10.1.	Notification Tables – Minor Development	<p>Outbuildings, decks and other ancillary structures are proposed to no longer require notification in Neighbourhood Zones (regardless of whether they exceed boundary length or height provisions). This will help reduce the number of Assessment Panel reports and is more consistent with the former Development Regulation requirements.</p> <p>This amendment also proposed to amend the interpretations section of each zone's public notification table, and Part 1 – Rules of Interpretation by inserting rules into the Code that would allow a relevant authority to determine that a variation to one or more corresponding exclusions prescribed in Column B is minor in nature, in which case the application will not require notification.</p> <p>For example, a building that may marginally exceed a building height policy (i.e. 100mm above) could be determined as minor in the context of the increase above the notified requirement, rather than considering if the development as a whole is minor.</p>	<p>Support</p> <p>The removal of minor structures from the need to be notified will improve assessment timeframes and reduce Assessment Panel reports.</p> <p>The new 'minor' rules of interpretation will assist in staff determining that applications are minor, in the context of what would normally be notified.</p>
2.3.2.10.2.	Notification Tables – Errors and Inconsistencies	<p>This amendment proposes a number of changes to notification, specifically:</p> <ul style="list-style-type: none"> • correct inconsistencies between terminology used in assessment policies and notification triggers • correct inconsistency between notification triggers and on-boundary development within zones 	Support

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		<ul style="list-style-type: none"> Remove the requirement to place a sign on land in the Productive Rural Landscape Zone (signs are currently exempt in a Rural Zone). Signs in the Productive Rural Landscape Zone are ineffective as a notification tool, given they are only A3 in size and barely visible on country and rural roads. Technical and/or typographical errors. 	
2.3.2.10.3.	Notification Tables – Frost Fans	<p>It has been suggested that frost fans be removed from notification, as they are a form of development which is usually anticipated within horticultural areas.</p> <p>Frost fans are usually a common source of complaint, particularly in areas where dwellings are less dispersed, therefore it has not been recommended to remove frost fans from notification.</p>	<p>Support</p> <p>The local authority still has discretion to determine a frost fan is 'minor' and does not warrant notification, in scenarios where limited frost fans are proposed and they are well setback from sensitive receivers.</p>
2.3.2.10.4.	Notification Tables – Building on railway land / Temporary public service depot	<p>Concerns were raised that all 'building on railway land' type developments are exempt from notification, when they could take any form and nuisance impacts are unknown.</p> <p>It is proposed to amend the notification table so that building on railway land be pared back, such that only 'railway line' and 'building for the purposes of railway activities' are exempt from notification</p>	<p>Support</p>
2.3.2.10.5.	Notification Tables – Demolition	<p>The Code currently prescribes the demolition of Local Heritage Places and State Heritage Places as a form of development which requires notification. Demolition of buildings within a Historic Area Overlay currently require notification.</p> <p>Concern has been raised as 'partial demolition' is not included within the notification clause.</p> <p>The Code is proposed to be amended such that demolition includes 'partial demolition' ensuring that</p>	<p>Support</p> <p>Support the inclusion of 'partial demolition'.</p> <p>Support as the amendment will give the Relevant Authority the power to determine that the building is not in keeping with the historic attributes identified in the Historic Area.</p>

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		<p>partial demolition of heritage places is captured as a notifiable development.</p> <p>Furthermore, it is proposed that buildings within an Historic Area Overlay are exempt from notification where, in the opinion of the relevant authority, the building is not in keeping with the historic attributes identified in the Historic Area Statement.</p>	
2.3.2.11.	Building Height – TNV and context – Policy refinement	<p>Amendment of Code policies where a PO relating to building height sometime seeks a different outcome as expressed within a TNV.</p> <p>Amendments proposed to ensure consistent terminology is used for TNV's and ensure that PO's only require development to meet one of two building height outcomes (either expressed within the PO or TNV).</p>	Support
2.3.2.12.	Building Height, Building Wall Setback and Wall Height – Policy Review	Amendments to definitions of 'building height' and 'wall height' and inclusion of new definition 'post height'.	Do not support Refer to Part 8, 2.3.8.1
2.3.2.13.	Building Walls and Dwelling Walls – Policy Review	<p>The Code policies reference 'dwelling walls' and 'building walls' and there is inconsistency in the used term across the various neighbourhood type zones, particularly noting that the term 'dwelling walls' then limits the policy to apply to dwellings only, and not other forms of non-residential development which may be envisaged within a particular neighbourhood type zone.</p> <p>The proposed amendment seeks to change reference from 'dwelling walls' to 'building walls' for all side and rear setback provisions within neighbourhood type zones where the policy is specified to residential buildings.</p>	Support
2.3.2.14.	Common and Minor Development – Overlay Relevance – Assessment Pathways	Deemed to Satisfy (DTS) pathway are proposed to be extended to include identified development types in many Overlays. For example, outbuildings and other ancillary structures may now have a DTS pathway in most Overlays (but not in Heritage, Historic or Native Vegetation Overlays).	Support

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2.3.2.17.	Discrete vs Discreet - Garages & Carports - Policy Review	Correction of a typo relating to the spelling of the word discreet/discrete (to use the word 'discreet').	Support
2.3.2.18.	Discrete vs Discreet - Garages & Carports - Linkages	Removal of linkages to PO and DTS/DPF 10.1 for carports and outbuildings as this is replicated in PO and DTS/DPF 11.	Support
2.3.2.19.	Dwelling Alterations and Building Additions/Alterations – Assessment Pathways	An assessment pathway has been added for Dwelling and Building Additions.	Support
2.3.2.20.	Horticulture – Prescribed Surface Water Areas Overlay and Prescribed Wells Area Overlay – linkages	Correct Code to call up all relevant policies relating to horticulture development and remove Prescribed Surface Water Areas Overlay and Prescribed Wells Area Overlay from the list of Overlay exclusions for Deemed-to-Satisfy Horticulture.	Support
2.3.2.21.	Interface Height – Multiple Zones: Policy and TNV – Policy Review	Minor technical changes to interface height policies for consistent interpretation, and inclusion of a new interface height policy for development in a Township Main Street Zone	Support
2.3.2.22.	Land Division – Site Contamination – Policy Relevance and Linkage	Ensuring that site contamination policies are called up for land division applications, ensuring matters relating to site contamination are appropriately considered during the assessment.	Support
2.3.2.23.	Non-Residential Outbuildings – New Policy and Assessment Pathways	Outbuildings are not just domestic sheds, as an outbuilding by definition is a building ancillary to another building erected on the site. For example, a shed at the rear of a church. The Code does not have any assessment pathway for non-residential outbuildings, and it is proposed to create new policies and assessment pathways for outbuilding, carports and verandahs to allow for the assessment of these types of development where not associated with a dwelling	Support
2.3.2.24.	Outbuildings - Accepted Development Criteria	Removal of duplication of outbuilding accepted criteria policy	Support
2.3.2.25.	Pool Fencing – Accepted Development Pathway	Inclusion of accepted assessment pathway for pool fencing, to avoid pool fencing requiring a planning consent	Support
2.3.2.26	Primary Street Setback – Use of Building Line	Will ensure ancillary buildings are sited behind the building line.	Support

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2.3.2.27	Replacement Building – Overlay Exclusions: Coastal Flooding Overlay	Assessment pathways to exclude Deemed-to-Satisfy Replacement Buildings where they are located within the “Coastal Flooding Overlay”.	Support
2.3.2.28.	Tourist Accommodation – Total Floor Area – Rural Zones	<p>The current wording DTS/DPF 6.3 in the Rural Zone and Productive Rural Landscape Zone is open to interpretation whether the total floor area should be applied per building or across multiple new buildings forming a single integrated tourist accommodation facility.</p> <p>The Commission has noted that the potential interpretation of DTS/DPF 6.3 as applying individually to multiple buildings (i.e. each individual building within an integrated tourist accommodation facility could be up to 100m² without triggering the policy) rather than to the cumulative total floor area in tourist accommodation use associated with a parcel of land is inconsistent with the intent of PO 6.3.</p> <p>It is proposed to amend DTS/DPF to reflect that the intent is to be a cumulative total.</p>	<p>Support with amendment Generally support this interpretation, and noted that this is only a DTS/DPF trigger. However, PO 6.3 should also be amended to include policy around scale. For example:</p> <p><i>PO 6.3 Tourist accommodation is associated with the primary use of the land for primary production or primary production related value adding industry to enhance and provide authentic visitor experiences, and is of a scale that is ancillary to the primary use of the land and maintains the existing pleasant rural character.</i></p>
Part 3 – Overlays			
2.3.3.1.	Affordable Housing Overlay – Referral Trigger	Minor change to remove referral to SA Housing Authority for their own developments.	Support
2.3.3.2.	Coastal Areas Overlay – Policy Intent	Amendments to PO 4.1 and DTS/DPF 4.7 which are policy improvements within the Coastal Areas Overlay to better clarify intended outcomes based on feedback from the Department for Environment and Water.	Support

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2.3.3.4.	Hazards (Flooding) Overlay – PO 3.5 and DTS/DPF 3.5 - Linkages	Amendment of linkages to flooding policy PO and DTS/DPF 3.5 to ensure all intended types of development are captured and to ensure consistency in application.	Support
2.3.3.5.	Heritage Adjacency Overlay - Referral	Amendment of the referral trigger in the Overlay to clarify that the relevant authority is tasked with the responsibility to determine if a proposed development may materially affect the context of a State Heritage Place, which is consistent with previous legislation.	Support
2.3.3.7.	Major Urban Transport Routes Overlay - Revised policy and referral triggers	Updates to the suite of transport provisions following review against a range of technical guideline sources (e.g. Austroads Guide to Road Design) to provide greater policy clarity and interpretation.	Support
2.3.3.8.	Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay - Policy intent	Amendments to minor duplication of words 'water quality' in PO 2.1.	Support
2.3.3.10.	Mount Lofty Ranges Water Supply Catchment (Area 1 and Area 2) Overlays – Referral	Amendments to referral triggers to clarify the intent to capture referrals for second dwellings (other than where the existing dwelling is to be demolished), tourist accommodation and workers' accommodation.	Support
2.3.3.12.	Prescribed Water Resources Area Overlay – Referral	Amendments to the referral triggers to remove the need for a statutory referral for certain classes of development where a lawful water allocation already exists that can service the new development.	Support
2.3.3.13.	Representative Buildings – Character Area Overlay and Historic Area Overlay – Spatial Representation	Amendments to the Historic Area Overlay and Character Area Overlay spatial mapping to show 'Representative Buildings' similar to the way they are currently displayed in the 'Planning Reference' section of SAPPA. This will result in better visibility of representative buildings on spatial mapping and in application of the Code.	Support
2.3.3.18.	River Murray Tributaries Protection Area Overlay – Policy intent	Minor amendment to PO 1.2 to expand the range prescribed water resources areas where undue strain on watercourses should not occur from the listed classes of development.	Support
2.3.3.19.	River Murray Tributaries Protection Area Overlay – Referrals	Amendments to the referral triggers to remove the need for a statutory referral for certain classes of development where a lawful water allocation already exists that can service the new development.	Support

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2.3.3.20.	State Significant Native Vegetation Areas Overlay - Referral Trigger	Amendment to the referral triggers to remove the need for a referral to the Native Vegetation Council for 'Level 1 clearance' as categorised in an accredited consultant's report	Support
2.3.3.21.	Traffic Generating Development Overlay – Referral	Currently there is a referral trigger to the Commissioner for Highways where more than 50 allotments are proposed within a Traffic Generating Development Overlay. This amendment seeks to also include '50 dwellings' in the instance that a land division may not be proposed.	Support
2.3.3.22.	Urban Transport Routes Overlay - Revised policy and referral triggers	Updates to the suite of transport provisions following review against a range of technical guideline sources (e.g. Austroads Guide to Road Design) to provide greater policy clarity and interpretation.	Support
Part 4 – General Development Policies			
2.3.4.1.	Aquaculture – General Development Policies – Policy Review	Updates to the suite of aquaculture policies to better allow policies to be satisfied if a licence is already granted under the Aquaculture Act 2001, as well as removal of superfluous policy.	Support
2.3.4.2.	Carport and Outbuilding – Internal Parking Dimensions – Linkages	Inclusion of design provisions to be applicable to carports and outbuildings to provide guidance for the assessment of internal dimensions for enclosed parking spaces.	Support
2.3.4.3.	Commercial Forestry - Forestry General Development Policies – Policy Review	Inclusion of commercial forestry as an envisaged use within the Rural Zone and Productive Rural Landscape Zone, as well as amendments to commercial forestry setback provisions	Support
2.3.4.4.	Decks – Design, and Design in Urban Areas General Development Policies – Assessment Pathways	Creation of an assessment pathway for decks. This will result in quicker assessment timeframes for decks, which currently do not have an assessment pathway and require assessment against the full Code. The new policy provides better guidance for the assessment of decks.	Support
2.3.4.5.	Design – PO 19.3 – Driveway Access General Development Policies – Policy Relevance	Amendments to the Design module PO 19.3 to be consistent with equivalent provisions in the Design in Urban Areas module, and correct policy linkages to avoid conflicting policy.	Support
2.3.4.6.	Design in Urban Areas DTS/DPF 19.1 - Soft Landscaping – Policy Review	Amendment to soft landscaping policies to ensure consistent wording and state common property is included in soft landscaping calculations.	Support

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2.3.4.7.	Garage and Driveways – Design DTS/DPF 19.5, and Design in Urban Areas DTS/DPF 23.5 General Development Policies – Policy Review	Design General Module DTS/DPF 19.5 and Design in Urban Areas General Module DTS/DPF 23.5 relate to the design of driveways. However, the policy can be difficult to interpret, particularly in relation to the angle of driveways relative to a road. It is proposed to amend the wording of the policy to provide clearer interpretation and supported by a figure.	Support
2.3.4.8.	Heavy Vehicle Parking - Transport, Access and Parking General Development Policy - Policy and Definition Review	Currently no policy exists for heavy vehicle parking. It is proposed to create a new definition (discussed in Part 7 below) and create new policy which guides the assessment of heavy vehicle parking. The new policy is designed to discourage heavy vehicle parking in residential areas and ensure environmental/interface impacts are addressed.	Support
2.3.4.9.	Housing Renewal General Development Policies - Policy Review	Creation of a note to state that Housing Renewal General Development Policies are only applicable to Housing Trust / Community Housing proposals	Support
2.3.4.10.	Land Division – General Development Policies – Policy Review	Removal of some duplicated land division policies.	Support
2.3.4.11.	Land Division – General Development Policies – Linkages	Create linkages to land division policies PO 2.8 and PO 3.11 which is not currently linked to land division applications and should be linked.	Support
2.3.4.12.	Transport, Access and Parking – General Development Policy – Fences – Linkages	Application of relevant policies from the Transport, Access and Parking module to performance assessed development applications for fences, particularly for policies which related to development on corner allotments and vehicle sightlines.	Support
2.3.4.13.	Transport, Access and Parking – General Development Policy – Car Parking Rates Table – Review	Some car parking rates are listed which fit multiple definitions, for example, car parking rates exist for both a pre-school and a childcare centre which is a type of pre-school. The proposed amendment does not seek to change the parking rates for these developments, but rather re-organise the car parking rate tables to ensure consistency.	Support
2.3.4.14.	Transport, Access and Parking – General Development Policy – Designated Parking Areas / Car Parking Rates – Interpretation	The interpretation of which rates to apply with respect to the tables.	Support

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Part 7 – Land Use Definitions			
2.3.7.1.	Ancillary Accommodation – Amend	<p>The amendment to include ‘is not a self-contained residence’ is supported, however the definition may actually result in unintended impacts for our assessment, particularly around the inclusion of the connection to utilities wording in part (d)</p> <p><i>(d) is subordinate to and does not have separate connection to utilities and services (such as electricity, gas, water, telecommunications, sewerage system, wastewater system or waste control system) to those servicing the existing dwelling.</i></p>	<p>Do not support</p> <p>We often have ancillary accommodation proposals that share the same facilities as the dwelling, but sometimes would have a separate waste control system due to complications with changes or connecting to the existing system, or reluctance to install a singular larger system. It would therefore be better if incorporated into the policy and left as an assessment consideration, rather than being in the definition. This would also then allow for a distinction between water catchment areas, where one system is preferred, and less water sensitive areas.</p>
2.3.7.2.	Caravan and Tourist Park – Amend	<p>Concerns with deletion of this definition and inclusion in the definition of tourist accommodation.</p>	<p>Do not support</p> <p>Could result in unintended consequences, such as proposals for caravan parks in rural areas, as they will be able to be assessed as a form of tourist accommodation. If it is to be included then perhaps additional policy is required to control scale, bushfire requirements and access.</p>

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2.3.7.3.	Commercial Forestry – Amend	Minor changes to the definition to better accommodate farm-scale forestry.	Support
2.3.7.4.	Educational Establishment – Amend	Changes from the word ‘establishment’ to ‘facility’ to better capture multiple forms of educational facilities.	Support
2.3.7.5.	Indoor Recreation Facility – Amend	It is reasonable to anticipate that an indoor recreation facility may only occupy part of a building, rather than an entire building. This amendment seeks to include the words ‘or part of a building’ to allow flexibility to apply the land use term to partial land use changes (i.e. a personal training gym within a shopping centre complex)	Support
2.3.7.6.	Office – Amend	Similar to the issue with the indoor recreation facility definition, the definition of ‘office’ is proposed to be amended to include ‘or part of a building’ to provide further clarity that suggests a standalone office within a building can be classed as an ‘office’	Support
2.3.7.7.	Pre-school – Amend	Proposal to change the definition from ‘pre-school’ to ‘child care facility’ and include an additional component to allow for out-of-school hour’s care (include vacation care). This addition seeks to capture all forms/places or care for children and provide clearer guidance.	Support
2.3.7.8.	Renewable Energy Facility – Policy Refinement	The current definition for renewable energy facility inadvertently captures domestic scale energy facilities, such as solar panels and battery storage. In a number of zones, renewable energy facilities are listed as ‘restricted’ forms of development, meaning the SCAP is the relevant authority. It is proposed to amend the restricted development tables in all zones, and include exemptions for renewable energy facilities that are for solar panels and battery storage facilities for domestic use only.	Support
2.3.7.9.	Tourist Accommodation – Amend	Concerns with the new definition that includes ‘caravan and tourist park’ for reasons discussed in 2.3.7.2 above. Otherwise supportive of the changes to the definition.	Partial support Do not support the inclusion of caravan and tourist parks within the

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			<p>definition of tourist accommodation.</p> <p>Support other minor amendments to the definition to capture ancillary onsite facilities and facilities for the management of accommodation.</p>
2.3.7.10.	Workers Accommodation – Amend	Minor changes to the definition of workers accommodation to include additional activities that workers accommodation may be associated with, including bulk handling or freight facilities.	Support with exception Issue with deletion of 'or similar'.
2.3.7.11.	Heavy Vehicle Parking – New Definition	<p>Heavy vehicle parking currently requires approval, unless it meets the exemptions under the Regulations, which include exemptions for vehicles under 3000kg, a caravan/motor home on and used for residential purposes by a person who is an occupant of a dwelling situated on that land or special circumstances which apply due to the previous dwelling being destroyed by bushfire.</p> <p>The new definition in the Code seeks to capture 'heavy vehicle parking' as a defined land use, which includes the parking of any vehicle exceeding 3000kg in weight (including attached trailers) on land used for residential purposes.</p>	<p>Support</p> <p>The definition assists the authority in the assessment of applications of such nature.</p>
2.3.7.12.	Function Venue – New Definition	Function Venue definition included – broad definition to include indoor and outdoor venues.	<p>Support</p> <p>The inclusion of a definition for a function venue provides a broad definition to capture various commercial activities and uses within the Code.</p>

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Part 8 – Administrative Terms and Definitions			
2.3.8.1.	Building Height – Amend	Building Height – changes to the administrative definitions to include natural ground level, although there is still a reference to the lower of the finished level or natural ground level (rather than our preference for natural ground level alone to be the relevant reference for measuring purposes).	Do not support Preference is to use natural ground level alone to be the relevant reference for measuring purposes. This definition does not appear to take into account a dwelling built on stumps or posts, or if there has been any fill put on the site. Therefore, if a dwelling is elevated on posts or the site has been filled then a dwelling can become higher than the zone height provisions. Although aligning with the old Residential Code areas this has caused problems particularly in areas where views are being taken advantage of.
2.3.8.2.	Building Line – Amend	This term is now only going to apply to ancillary structures.	Support.
2.3.8.3.	Wall Height – Amend	Refer to 2.3.8.1	Do not support. Refer to 2.3.8.1
2.3.8.4.	Catalyst Site – New Definition	Reference made to catalyst sites within policy without a clear definition of what this is.	Support
2.3.8.5.	Direct Overlooking – New Definition	Direct Overlooking administrative definition included – radius of 15 metres from a window or balcony included and 45 degree angle from a window only.	Support with exception Support the definition however difficult to apply in areas where distant views are anticipated such as within coastal areas. Additional policy would assist to allow for the

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			application of distant view considerations.
2.3.8.7.	Post Height – New Definition	This is related to the wall and building height measurements and requires some further investigation as to the impact of this new definition as it refers back to a measurement from the top of the footing and does not necessarily take into account the natural ground level.	Support with exception. Definition supported provided taken from natural ground level.
2.3.8.8.	Gross Density - Delete	Definition being deleted and being replaced with 'net residential density' which is an existing definition and is a more useful measure for where it applies.	Support
Part 9 – Referrals			
2.3.9.1.	Environment Protection Authority Referrals - Review of Interpretation and Referral Triggers	Support the amendments. The amendments to referral triggers to remove class 3 activities from requiring referral are noted to be an administrative error when drafting the Code and were never supposed to be captured. Class 3 activities are considered very low risk and applications for development on sites with class 3 activities do not warrant EPA referral, but are still assessed under the Code.	Support
Part 11 – Local Heritage Places			
2.3.11.1.	Listing of State Heritage Places	Support the inclusion of State Heritage Places list in the Code, and disclaimer that they may not be up to date and to refer to the SA Heritage Register. This provides more visibility of State Heritage Places within the Code, and ensures that Local and State Heritage Places are captured in the same document under separate headings.	Support
Other Comments	Policy Call Up	It has been stated on a number of occasions that there is sufficient policy within the Code to assist with making decisions. This is accepted however it needs to be ensured that this policy is being called up at the right time. For example when calling up the policy for a detached dwelling in a Neighbourhood Zone the environmental performance policies within the General Development Policies - Design in Urban Areas are not called up. These are great policies that should be called up when dwellings are being constructed across all neighbourhood type zones.	

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	Conservation Zone	There is no assessment pathway for a verandah, whilst there is for other structures such as outbuildings, carports and dwelling addition.	Provide a performance assessment pathway for a verandah.
	Hazards (Flooding – Evidence Required) Overlay –PO 1.1 Linkages	Link PO 1.1 to applications for land division.	

From: [Darby Schultz](#)
To: [DTI:PlanSA Submissions](#)
Subject: Miscellaneous Technical Enhancement Code Amendment - Light Regional Council submission
Date: Friday, 23 September 2022 4:40:53 PM
Attachments: [image297985.png](#)
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[image004317.png](#)
[image893740.png](#)
[image436562.png](#)
[Miscellaneous Technical Enhancement Code Amendment - LRC response - Sept 2022 - Final.pdf](#)

Hi,

Please find attached Council's submission to the Miscellaneous Technical Enhancement Code Amendment that is presently on consultation.

Should you require any further clarification of matters raised within this correspondence, feel free to contact me at any time.

Kind regards,

Darby Schultz | Economic Development Project Manager



Postal: PO Box 72, Kapunda SA 5373



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Matters Identified	Opportunities for Improvements	Tables / Technical /Procedural Response
2.3.2.3 Master Planned Zones – Site Dimensions and Land Division	Support – Inclusion of Concept Plan reference will strengthen and better align the code policy with the concept plan content brought across in the planning reforms.	As proposed.
2.3.2.5 Rural Zone – Detached Dwelling – Linkages	Support – Straight forward correction of anomaly to ensure PO 5.3 no longer applies to assessment of a detached dwelling	As proposed.
2.3.2.6 Rural Zone – Land Division / Boundary Realignment - Linkages	Support - Consideration should be given to inclusion of a DTS/DPF at 11.2 of the Table to recognise where boundary realignments are proposed in Rural Zones, a minimum allotment size TNV for the more sensitive use shall apply.	Application of DTS/DPF at 11.2 – outlined in previous column.
2.3.2.9.1 Industry listed as a restricted development classification	Support - The removal of general (including light) industry from constituting 'Restricted' development in the proposed zones is logical.	As proposed.
2.3.2.10.1 Notification Tables – Minor Development	<p>Support – The removal of the listed forms of minor development from requiring notification is welcomed. The amendments proposed to allow the relevant authority to determine that one or more variations from the Column B provisions is minor in nature will also provide assistance to practitioner's in processing these forms of development.</p> <p>Both the above measures should allow for streamlined and efficient approval outcomes, limit unnecessary wider notification for minor structures and potential CAP reporting obligations.</p>	As proposed.

<p>2.3.2.10.3 – Notification Tables - Frost Fans</p>	<p>Support - Given the complexities associated with noise impacts and the propensity for frost fans to be located in close proximity to settlements and edge of township areas, it is considered that public notification for this form of development should remain.</p>	<p>As proposed.</p>
<p>2.3.2.10.5 – Notification Tables - Demolition</p>	<p>Support – Whilst supportive of the change to clarify that demolition includes partial demolition, the layout and structure of the notification table once amended is quite cumbersome and not likely to be easily navigated by a member of the general public.</p>	<p>Reconsider wording. Suggested change to the proposed wording is outlined below:</p> <p><i>2. the demolition including the partial demolition of a State Heritage or Local Heritage Place, other than a building in a State Heritage Area and where the relevant authority is of the opinion that the building is not a building identified within the heritage listing.</i></p> <p><i>3. the demolition including the partial demolition of a building in a Historic Area Overlay, other than where the building(s) is not listed as a Representative Building.</i></p> <p>With regard to the suggested re wording of item 3 above, the intent is to allow the demolition of all buildings that are not a heritage listed item. Demolition of non-listed heritage buildings should not be limited to ancillary buildings such as outbuildings etc but should also allow the demolition of principal buildings such as dwellings, shops etc that are not afforded a heritage listing. This in reality will allow for the 1960's cream brick dwelling to be demolished where located within a Historic Area Overlay without notification.</p> <p>Further to the above, the Light Regional Council's preference is that the demolition whether partial of full of a representative</p>

		building is excluded from public notification.
2.3.2.10.12 – Building Height, Building Wall Setback and Wall Height	Do not support – Proposed change is inconsistent with how historically Council planners have approached these measurements. Utilising two separate/different measurements for a dwelling, as compared to an ancillary building appears unnecessary.	Further consideration be given to this proposed amendment.
2.3.7.9 – Tourist Accommodation	Support changes to tourist accommodation definition.	As proposed.
2.3.7.10 – Workers Accommodation	<p>A PO should be developed that considers the siting/location of workers accommodation in relation to the land that provides the employment opportunities. Where workers accommodation is ancillary to rural seasonal work the policy should require the accommodation to be on the same site where the work is to be undertaken.</p> <p>In practical terms however it is recognised that workers accommodation is often consolidated in a central location and workers may undertake their employment duties on other land in the vicinity, in addition to that of the subject land.</p>	Additional assessment provisions to assess workers accommodation in the Rural Zone.

General Miscellaneous Enhancement Requests for Consideration

Matters Identified	Opportunities for Improvements	Tables / Technical / Procedural Response
<p>Sales Office Definition</p>	<p>Consideration be given to broadening the definition of a sales office to enable a longer period of time for placement on the land (e.g. from 2 years to 5 years). Also, the ability under the definition to use a custom-built building for this purpose rather than the definition allowing only the use of an existing building/premises.</p> <p>The current definition has created an issue where authorities have not been able to utilise the definition of sales office but rather have had to define the sales office where it does not meet the qualifier as a sales centre or other undefined land use triggering a full code assessment. The length of time and use of a purpose-built building should not preclude a sales office from the sales office definition.</p> <p>Furthermore, given that the sales offices are temporary in nature, they should be excluded from public notification.</p> <p>In large residential greenfield developments especially Master Planned Zones, it is becoming more common to construct a sales office upon imminent release of allotments to market and the utilisation of a detached dwelling for the purpose of a sales office is becoming less common given build times. Also, the staged releases of these larger greenfield developments tend to have a construction and civil program being rolled out well in excess of 2 years with developer's</p>	<p>Definition change.</p> <p>The current definition reads:</p> <p><i>"Means the use of an existing building or premises for a temporary period of no more than 2 years to display land parcels or buildings, that are for sale, proposed to be sold, or can be won as a prize in a competition."</i></p> <p>The suggested change to the definition is as follows;</p> <p><i>"Means the use or construction of a building or premises for a temporary period to display land parcels or buildings, that are for sale, proposed to be sold, or can be won as a prize in a competition."</i></p> <p>In relation to the suggested change of the definition, if a defined time period is determined necessary, then the time period shall allow a time frame of up to 5 years.</p>

	requesting an increased length of time to have a physical and corporate exposure on the land.	
Financial Institute Definition	Consider inclusion of a definition for clarity purposes. The land use definition lists 'Financial Institute' as an exemption from the broader 'Personal or domestic services establishment' definition, however it is unclear the exact land use it should fall under.	Inclusion of new definition.
Car Parking Offset Schemes	Consider creation of spatial mapping overlay on SAPPA identifying areas where the scheme/fund applies. This would allow applicants and planning practitioners easier access to information and also clearly illustrates where a car parking fund applies.	Creation of overlay suite for Car Parking Offset Schemes on SAPPA.
Public Notification – Strategic Employment Zone and Employment Zone	A clause should be incorporated into Table 5 for both Zones to allow for the processing of Service Trade Premises without the requirement for public notification. It appears as though this land use has been omitted from the public notification tables when industrial and more intensive land uses are already exempt from public notice.	New exemption clause be provided for Service Trade Premises uses.
Shade Sails in recreation reserves	Consideration be given increasing the size and height of shade sails where on Council reserve land.	New clause be provided in Table 1 – Accepted Development for all reserve land in Neighbourhood Zones.
Light Industry in Rural Living Zones	<p>More policy shall be provided to assess such developments within the Rural living zone.</p> <p>Expand on DPF 1.4 (a) and (b) to include parameters such as setbacks from sensitive receivers, visual impacts, building heights etc.</p> <p>Consideration should be had as to whether a sales/retail component is at all appropriate within this zone.</p>	<p>Additional policy content for assessment purposes.</p> <p>Suggest including similar policy content as outlined within the Home Industry Zone but reflecting a lesser intensity.</p>

	<p>A store land use should be included as an envisaged land use within the Rural Living as its impacts are likely to be less than a light industrial use, where it does not exceed 100 square metres. This would accommodate tradesmen (such as a plumber and electrician) who store all their stock on their premises.</p>	
<p>National Disability Insurance Scheme – development outcomes</p>	<p>Applications are being submitted for a form of supported accommodation via the NDIS or similar schemes where a group of unrelated individuals are provided short term respite care. The short-term accommodation is not in association with a caretaker's residence or similar, where a carer resides on the premises. Council have received applications to place such uses in Rural Living zones. No policy exists to undertake an assessment against. Rural Living zones do not envisage such uses and consideration should be had as to which zones this type of use is best located.</p>	<p>Recommend that this use be specifically anticipated within set zones with policy to assess such proposals.</p>
<p>Special Event Definition</p>	<p>The <i>Development Act 1993</i> provided a definition and pathway for a special event. The PDI Act and P&D Code make no references.</p> <p>A new definition should be included within the P&D Code as a land use definition.</p> <p>A pathway should therefore be provided for a special event that is proposed for more than 3 consecutive days that is exempt from public notification. This would assist Regional Councils where one-off special events may be held and remove the need for notification where they are not an ongoing permanent land use and associated with a lawful winery. This</p>	<p>A new definition should be included within the P&D Code as a land use definition consistent with the former definition provided in Schedule 9 of the Development Regulations 2008.</p>

	<p>would cover events such as "A Day on the Green" that are traditionally held on Winery sites.</p>	
<p>Temporary stages</p>	<p>Consideration should be given as to whether temporary stages should require Development Approval, where associated with events (whether special events as noted above) or one-off events. Council considers that provision should be made to have temporary stages included as Accepted Development from a planning perspective but should require a building rules assessment (subject to a minimum area/height criterion – being greater than 4sqm in area or height exceeding 1m).</p>	<p>Temporary stages should be Accepted Development with aforementioned criteria, requiring building rules consent.</p>

The following matters have been resubmitted for further consideration as they were identified in the Light Regional Council's submission as part of the Miscellaneous Technical Enhancement Code Amendment process in August 2021.

Matters Identified	Opportunities for Improvements	Tables / Technical / Procedural Response
<p>Variation application to alter a condition of a previous development consent.</p>	<p>Under the Development Act, case law was such that an application was processed as a Development Application to vary, but because the application did not involve "development" they did not have a notification category and the application could not be "non complying" as it did not involve "development" There were no relevant authority aspects to consider. The PDI Act and P&D Code have not anticipated this type of development application and as such these applications do not fall into a category or assessment pathway (Section 103), nor is it clear cut as to who should be the relevant authority. A variation application under the PDI Act and P&D Code is therefore required to be assessed against the Code provisions considered to be of relevance and the relevant authority, which could be a CAP or RAP.</p> <p>No pathway currently exists for this type of application. Opportunity to include a new pathway (likely "performance assessed") to ensure that an unnecessary 'all code assessed' pathway is not triggered as the changes are often targeted/specific changes (e.g. operating/trading hours) that don't apply to the broader application of the Code.</p>	<p>Include a "performance assessed" pathway and incorporate some policy parameters where variation applications to vary conditions do not fundamentally change the nature of the development.</p> <p>The resolution of an application to vary operating hours or similar that applied to a previous application therefore requires the following to occur:</p> <ul style="list-style-type: none"> • a designated pathway to be identified, • relevant authority designation; and • public notification resolution. <p>It is considered that these matters need to occur via amendment to the P&D Code, including additions to the rules of interpretation within the Code.</p>
<p>Advertisements in Neighbourhood and Residential type Zones - consideration for "performance assessed" pathway.</p>	<p>At present, Neighbourhood and Residential type zones envisage small scale retail and service uses however do not provide avenues for sensitive advertisements in association</p>	<p>Include a "performance assessed" pathway and incorporate some policy for assessment purposes for minor advertisement proposals, commensurate</p>

	with such uses and therefore they default to an <i>'all code assessed'</i> pathway. This is problematic given advertisements do not require a whole of code assessment approach.	with residential character/scale. Suggestion that policy should be included that an advertisement should not exceed a size of 0.5 m ² and only one (1) such advertisement on the land.
Inclusion of low intensity animal husbandry policy provisions for Rural Living zones.	The Rural Living zones do anticipate low intensity animal husbandry activities however policy parameters for practitioners to assess development against is non-existent unless it relates to horse keeping or kennels. Additional policy guidance should focus on other non-domestic animals such as cows, sheep, alpacas etc. which are common within Rural Living Zones along with possible stocking rates, land management practices, boundary setbacks, pest and vermin management, waste control etc.	Inclusion of low intensity animal husbandry policy provisions, in addition to horse keeping and kennels and incorporation of a <i>"performance assessed"</i> pathway in Rural Living zones.

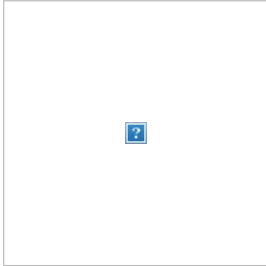
From: [Development Services](#)
To: [DTI PlanSA Submissions](#)
Subject: Miscellaneous Technical Enhancement Code Amendment submission
Date: Friday, 23 September 2022 4:58:30 PM
Attachments: [image142581.jpg](#)
[image905502.png](#)
[image807981.png](#)
[image886047.png](#)
[image630627.png](#)
[image479919.png](#)
[image982079.png](#)
[image816267.png](#)
[image636642.png](#)
[image198081.jpg](#)
[image259015.jpg](#)
[Copper Coast Council submission - Misc. Technical Enhancement Code Amendment.pdf](#)

Good afternoon,

Please see attached submission from Copper Coast Council.

Kind Regards


Sonya Jones
Planning Officer




DEVELOPMENT ADMINISTRATION

Development Services

Copper Coast Council

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23 September 2022

PlanSA

Email: plansasubmissions@sa.gov.au

To whom it may concern,

Miscellaneous Technical Enhancement Code Amendment

Please find attached Council's response to the Miscellaneous Technical Enhancement Code Amendment. Council has addressed issues within the consultation documents and has also raised additional policy enhancements which should be addressed to ensure future development has appropriate policy to be assessed against.

Should you have any questions in relation to Council's submission, please do not hesitate to contact the undersigned.

Yours sincerely

Müller Mentz
Assessment Manager
Director Development Services

Miscellaneous Technical Enhancement Code Amendment

2.3.2.9 – Restricted development classifications

Limited Dwelling overlay - The DPF appears to contradict the PO. The wording should be amended in either the PO or the DPF, in this situation the DTS provision appears to provide the exception to the PO rather than providing one way of achieving the PO.

2.3.2.9 Restricted Development Classification – Table 4

Within the Limited Dwelling Overlay, amend PO 1.1 with the following:

<p><i>PO 1.1</i> <i>Development does not result in the establishment of <u>a new dwelling</u> an additional dwelling</i></p>	<p><i>DTS/DPF 1.1</i> <i>A new dwelling replaces an existing dwelling within the same allotment.</i></p>
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Conservation Zone – Should read more along the lines of ‘any of the following for domestic use (....) (a)..(b)...’

Renewable energy facility	<p style="text-align: center;">envisaged land use.</p> <p>None specified <u>Any of the following:</u></p> <p style="margin-left: 40px;">(a) <u>solar photovoltaic panels (roof or ground mounted).</u> (b) <u>Battery Storage Facility</u></p> <p><u>For Domestic use (i.e. principally used to supply and/or store electricity to the existing use of land).</u></p>
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Same with rural zone

Renewable energy facility within any of the following: a) Significant Landscape Protection Overlay b) Character Preservation Area Overlay	<p>Roof mounted solar photovoltaic panels. <u>Any of the following:</u></p> <p style="margin-left: 40px;">(a) <u>solar photovoltaic panels (roof or ground mounted).</u> (b) <u>Battery Storage Facility</u></p> <p><u>For Domestic use (i.e. principally used to supply and/or store electricity to the existing use of land).</u></p>
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2.3.2.12 –Building height

Neighbourhood Zone has been excluded from the list of zones which previously had Res Code and now references ‘top of footings’ to be where overall height is measured from. The Neighbourhood Zone should be included in this provision.

However we do query why there needs to be a separate definition? Shouldn't all definitions be consistent?

2.3.2.13 – Building walls and dwelling walls

Clarification on the proposed definition of Building wall (not including ancillary buildings and structures)...’ Does this include alfresco areas under main roof? Clarification on walls vs post.

2.3.2.14 – Common and minor development – Overlay relevance

Query - Is there now going to be additional provisions relating to Retaining Wall and fences within the Accepted pathway?

2.3.3.6 – Key outback & Rural Routes

A similar provision should be included in the Transport, Access & Parking provisions for non-residential uses to ensure protection of Council Roads

<i>Access – Mud and Debris</i>	
<i>PO 6.1</i>	<i>DTS/DPF 6.1</i>
<i>Access points constructed to minimise mud or other debris being carried or transferred onto the road to ensure safe road operating conditions.</i>	<i>Where the road has an unsealed shoulder and the road is not kerbed, the access way is sealed from the edge of the seal on the road for a minimum of 10m or to the property boundary (whichever is closer).</i>

2.3.7 Definitions

Ancillary Accommodation – ‘which is not a self-contained residence’ definition of a self-contained residence has not been included. Further clarification required on what exactly can be defined as a self-contained residence i.e. laundry, services etc.

Additional policy enhancements

Issue: DTS dwellings does not pull through the visible entry door provision Design PO11.2

Discussion: Having a visible entry door is an important element with regards to visible entry especially for emergency services personnel. The assessment of the importance of this provision for a visible entry door is deemed to be an assessment of the merits of the development as the PO is only applicable for performance assessed applications. This should be included in the DTS provisions as a default and be a requirement of DTS dwellings.

Solution: Design DTS11.2 to be included in the DTS dwelling provisions

Issue: Overlooking from sloped allotments / transportable buildings

Discussion: The provisions within the Code that relate to overlooking / visual privacy speak specifically to upper level windows of dwellings or from decks and balconies. Dwellings on sloping allotments / transportable dwellings have potential overlooking issues which are not addressed within the Code, therefore the Relevant Authorities are not able to enforce screening to offending windows. Balconies/decking are addressed within Design PO10.2, however ground floor habitable windows are excluded from Design 10.1. The same provision should be included within Design in Urban Areas.

Solution: Amend the wording of the provision, or include an additional provision specific to sloping allotments / transportable dwellings.

Issue: land divisions to include Interface between Land Uses linkages.

Discussion: Land divisions on land with adjoining land of a different zone does not pull through any provisions which relate to interface issues. Specifically, there needs to be additional guidance with regards to buffer zones and requirements to protect dwellings from authorised developments on an adjoining allotment.

Solution: Include linkage to Interface between Land Uses to the land division policy. Additional provisions within DPF9.6 to include some guidance to what sort of plantings / buffer or separation distance is required. i.e. CCC development plan said 30m. Suggest including a quantitative measure to this for guidance, the performance assessment can determine if that quantitative measure is appropriate.

Issue: Spatial application of the Coastal overlay.

Discussion: A review of the coastal overlay application across the state as there are some areas which do not have the overlay but which may be applicable for development of the allotments.

Solution: Review of the overlay application.

Issue – no provisions for Rainwater tanks

Discussion: Within the neighbourhood zone there is no policy requirements for retention/detention tanks to be provided onsite for new development. Limited stormwater infrastructure in regional townships which can increase stormwater issues in rain events. Additionally, in times of drought there are no water reserves to water plants and gardens which increases dependence on mains water supplies. It should be a requirement that all development provides a minimum rainwater tank on-site.

Solution: Include provisions for minimum RWT capacities for all new developments. Design PO4.3 and Design in Urban Areas PO14.2 could include a DTS/DPF provision which outlines a requirement for RWT

From: [Clare Wright](#)
To: [DTI:PlanSA Submissions](#)
Cc: [Jonathan Luke](#); [Craig Jones](#)
Subject: City of Onkaparinga Submission - Miscellaneous Technical Enhancement Code Amendment
Date: Monday, 26 September 2022 9:14:40 AM
Attachments: [image001.png](#)
[Submission - Miscellaneous Technical Enhancement.pdf](#)

Hello

Please find attached the City of Onkaparinga's formal submission on the Miscellaneous Technical Code Amendment, sent to Mr Craig holden, Chair-State Planning Commission. The hard copy has already been forwarded to you via mail.

If you have any queries please do not hesitate to contact me at the council offices on .

Regards

Clare Wright

Clare Wright
Senior Development Policy Officer
Planning and Regulatory Services

www.onkaparingacity.com



23 September 2022
Our ref: 5805729
Your ref:18918403

Mr Craig Holden
Chair
State Planning Commission
C/ - Code Amendment Team, Planning and Land Use Services
Department for Trade and Investment

via email: plansasubmissions@sa.gov.au

Dear Mr Holden

Submission – Miscellaneous Technical Enhancement Code Amendment by the State Planning Commission

Thank you for the opportunity to provide comment on the Miscellaneous Technical Enhancement Code Amendment by the State Planning Commission, which was considered by Council at its meeting held on 20 September 2022.

We understand that this Code Amendment represents the first of what will be a regular review and tune-up of technical and/or operational aspects of the Code based on stakeholder feedback.

Whilst we have focused our response to the matters within scope of the Code Amendment as contained in the attachment to this letter, on review of the Code Amendment against previous matters we have raised regarding the structure and operation of the Code, we believe there remains a number of outstanding issues as follows:

- **Minor variations**

We seek greater clarification on minor variations. Without direction of what constitutes a “minor variation” this creates uncertainty and is open to interpretation and can prove difficult to defend a refusal of any variation. The Rules of Interpretation refers to variations that “generally meet” the corresponding Performance Outcome (PO). These terms are not defined and potentially introduce inconsistency when consideration of ‘minor’ is at the assessor’s discretion during assessment.

We have further concern regarding the number of times that a variation can be undertaken where a Deemed to Satisfy (DTS) pathway is followed. This lack of clarity creates a system where a series of minor variations could be applied where ultimately the development application fails short in every DTS criteria. There does not appear to be a disincentive to prevent this occurring. In addition, repeated requests and review against the originally approved plans for relatively minor issues is time consuming for assessment practitioners and can ultimately alter the initial application to a point a new development should be warranted.

We request consideration be given to the number of times a variation can occur under the DTS pathway before a performance assessed pathway should be applied.

- Notification

We generally support the proposed refinement to Table 5 – Procedural Matters (PM) – Notification in Part 2 – Zones and Subzones that would allow a relevant authority to determine that a variation to one or more corresponding exclusions prescribed is minor in nature (meaning there is little to no impact) and therefore the application would not require notification. That said, noting there may be more than one variation allowed, we question whether some limitations should be applied to avoid misrepresentation and misinterpretation.

We note the other side to notification in the Code, is that the PDI Act has entirely removed the third-party appeal rights of representors. This is of a significant concern to us as community involvement in the planning process is paramount. This change does not meet community expectations and has created additional angst in response to development occurring throughout our council area. Council staff are now providing a greater mediation role between parties, particularly after a decision has been made, leading to increased requests for review either through complaints via Elected Members or pending a judicial review.

The impending review of the current planning system should involve a comprehensive focus on the loss of local community voices and participation in planning.

- Definitions

We note a number of definitions were not transitioned or introduced into the Code and the continued lack of definitions of 'winery', 'multiple dwelling' and 'glamping' is problematic for assessment.

- Winery

We note the Code introduced an in-policy term 'beverage production facilities' to cover such uses as wineries, distilleries, cideries and breweries, however this is without any further definition under Part 7 Land Use Definitions.

We have concerns how beverage production facilities is defined as it would seem that it can comprise any of 'fermentation, distillation, manufacturing, storage, packaging and bottling activities...' (as per Part 4 - General Development Policies Beverage Production in Rural Areas PO 1.3).

Although storage, packaging and bottling activities could be a component(s) or ancillary operation(s) to a winery (or distilleries, cideries and breweries), they should not be considered as a standalone activity as beverage production facilities (particularly in a Rural zone) in comparison to the primary front end activity i.e. the processing of the raw material.

We have been advised that the 'common' or 'ordinary' meaning of 'winery' would be sufficient however noting the above, it remains open to misrepresentation. We request greater clarity and certainty around this through the application of appropriate definitions.

- Multiple dwelling

We have noted the removal of this definition from the Code based more on the tenure of the building rather than the land use itself. However, applications comprising accommodation for greater than five persons when combined with physical and internal works within a building are still common. Despite displaying some characteristics of a large family living in the same dwelling, the building is occupied in a different way to a family group of otherwise related persons, often resulting in impacts to nearby residential properties in terms of a lack of on-site car parking, waste and insufficient open space.

As an example, we have received an application where there are 10 bedrooms which are proposed to be lockable and a tenancy agreement/lease will be required. We question the need for public notification and possible change in the nature of building classification and associated fire safety issues. As this cannot be categorised as 'student accommodation', there is no definition provided for 'boarding house', nor can it be considered akin to a typical residential dwelling by way of its operation, we recommend further review of this omission and consideration of a new definition for 'shared residential accommodation'.

- Deemed to Satisfy minimum criteria

We are concerned it is now considered that the 'minimums' provided for in DTS have less weight than under the former Development Plan and due to the generic and non-prescriptive nature of the Performance Outcomes, variation in assessment prevails. An example of our concern is, if the PO is assumed to be satisfied, then minimum allotment sizes specified in a DTS provision do not need to be met.

With an emphasis on performance outcomes, there is a reduced emphasis on achieving DTS parameters which has become problematic during assessment. The failure to meet a DTS/DPF leaves assessment open to interpretation and increased subjectivity which can be confusing for the community.

- Hazards (Bushfire - Medium Risk) and Hazards (Bushfire – High Risk)

We reiterate our concerns regarding the conflict with the provisions of the Ministerial Building Standard Requirements MBS 008 – Designated Bushfire Prone Areas – Additional Requirements.

We remain concerned that in the creation of new allotments applicants are not considering dwelling design and siting and configuration on the allotment and location of water storage tanks to meet building compliance with MBS 008 concerning setbacks from boundaries for access to water supply/storage tanks and fittings noting this is significantly impacted by allotment size and width, which is determined at land division stage.

We note the impending Bushfire Code Amendment and will seek that the hazard overlays be appropriately placed and identify these issues.

We understand that a broader review is to be conducted by an external expert panel on the *Planning, Development and Infrastructure Act 2016* and the Planning and Design Code (in addition to the legislated review of the 30 Year Plan for Greater Adelaide Update 2017) as it relates to infill policy, trees, character, heritage and car parking. We are pleased to see this review aligns to the following additional matters we have previously identified, including:

- Tree Protection

We consider urban greening and the retention of tree canopy cover a priority to help address climate change impacts. Council will continue to advocate for increased levels of tree protection, retention and management of significant, regulated and mature trees, and importantly where consideration is given to the economic value of trees. This consideration would treat the tree as an asset for councils and the community.

Policy capturing the economic value of trees is used interstate and upheld in the court system with calculation of a tree's amenity value using a range of criteria including its life expectancy, size, rarity, importance in the landscape and presence of other trees. Adoption of a similar system could ensure that trees are valued as important community assets and we welcome the same approach through the Planning and Design Code.

- Character

We remain concerned with the removal of Desired Character Statements as one of the biggest losses in the transition to the Code. These statements helped to define the historic and/or current character of an area and provided key guidance for future development with greater specificity. Desired Character Statements were created from extensive community consultation and council investment over many years.

The lack of forward-facing policies will inevitably result in a loss of vision for our local areas, which will ultimately affect the character and amenity noting character cannot be limited to just one individual element or feature in isolation. The interrelationship between the various elements of an area and interaction with the landscape creates a 'sense of place' and these features differ from one area to the next and should be referenced and embedded in the Code.

- Heritage

We have previously expressed concern that policy lacks specific design guidance to consider the true local context and built form character which varies between areas not being captured in the Historic Area Statements. We continue to have concern with the lack of forward-facing criteria in Historic Area Statements for new development to be assessed against, rather than merely listing the existing character elements.

We continue to support both the introduction of the Character and Historic Area Overlay Design Advisory Guidelines and the Style Identification Advisory Guidelines to assist an assessment concerning distinct character value. We note however both documents only perform as guides or planning 'tools' with no legislative status, given that they do not form an integral part of the Code. Both documents also rely solely on the voluntary responsibility of the applicant to undertake a detailed 'Contextual Design Analysis' notwithstanding the benefits it may offer in the preliminary stages of an application. It is considered that if these guidelines are important, then this should be reflected by their incorporation into the Code.

One area of outstanding concern is demolition of local heritage places. We note it must be proven that the building is 'irredeemably beyond repair' yet the Code policy simply refers to an unacceptable risk to public or private safety and uninhabitable and beyond repair. We believe that to determine if a structure is 'irredeemably beyond repair', there should be a mandatory requirement for a Heritage Impact Assessment or an economic viability report for justification.

We also note the issue of wilful neglect as a means to attaining demolition approval still occurs and should be strongly discouraged. A review of the penalties applied in this situation to act as a deterrent should form part of the broader Act and Code review.

We look forward to the upcoming opportunities to provide further detailed comments on matters that respond to our Council and community who are calling for us to continue our commitment to respond to the impacts of climate change by reducing emissions and building community resilience. A strong response to climate change and focus on sustainability is key to maintaining liveability in our city, managing risks and reducing future costs.

Should you have any questions or wish to discuss the matters raised above further, please do not hesitate to contact Craig Jones, Development Policy Planner on _____ or _____

Yours sincerely



Simon McMahon
Acting Mayor

Attachment 1

CITY OF ONKAPARINGA COMMENTS

Council's Development Policy team, Planning team, Building and Development Compliance team and Technical Services team (where relevant) have reviewed the Code Amendment and provide the following comments.

Note: Zones, Overlays and other matters not applied or relevant to the City of Onkaparinga have not been listed and no comment provided.

2.3.1 PART 1 – RULES OF INTERPRETATION

2.3.1.1 Application of Spatial Policy Relevant to the Site of the Development

Comment	We support this amendment in principle to apply the policies relevant to the spatial location of a development. That said, we consider there needs to be some strengthening in how the 'Interface between Land Uses' in Part 4 – General Development Policies are called up.
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2.3.1.2 Spatial maintenance updates – comprising minor or operational amendments

Comment	We support this amendment in principle subject to the work only being undertaken by the Surveyor-General and for routine minor or operational cadastral changes.
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2.3.2 PART 2 – ZONES AND SUB ZONES

2.3.2.1 Conservation Zone - land division - PO 2.1 – Policy

Comment	We support this amendment.
---------	----------------------------

2.3.2.3 Master Planned Zones – Site Dimensions and Land Division – Policy Review

Comment	We support this amendment in principle but note a Concept Plan's purpose is not to show allotments / sites. In addition, a Master Plan is not a statutory document, so we further question why reference is made to this. For PO 11.3 to have any real effect, we consider further work is required on outlining what can be shown in a Concept Plan and likewise, giving statutory recognition (or definition in Part 7 or 8) to 'Master Plan'.
---------	---

2.3.2.4 Rural Zone – Detached Dwelling – Interface Between Land Uses – Linkages

Comment	We support this amendment.
---------	----------------------------

2.3.2.5 Rural Zone – Detached Dwelling – Linkages

Comment	We support this amendment.
---------	----------------------------

2.3.2.6 Rural Zone – Land Division / Boundary Realignment - Linkages	
Comment	We support this amendment.

2.3.2.9 Restricted Development Classification – Table 4	
<p>We have fundamental issues with this part of the Code Amendment and more so how restricted development operates under the Code and Act.</p> <p>We note the Commission’s position to the difference in how non-complying and restricted development are assessed, with the Code drafted to speak to the types of development that are envisaged, not what is discouraged or inappropriate. The reliance of the system on the Code being silent on development that is not envisaged or desired poses significant difficulties in the defence of developments that are the subject of refusal, dispute or appeal.</p> <p>We recognise that no policy or set of policies can ever address all possible scenarios that may arise. We accept that at times that there must be exception to the intent of any policy or set of policies.</p> <p>That said, we consider the Code needs to contain greater guidance providing support to the defence of sound refusals or to guide undesirable proposals in the face of the inevitable exceptions to the rule argument. We suggest wording to the effect of <i>‘kinds of development not envisaged or desired for a zone, subzone or overlay should generally not be approved unless it is overwhelmingly shown to benefit the public interest or definitively supports the desired outcomes.’</i> That would at least place some onus on proponents to demonstrate that the public interest would be served by a development.</p> <p>Noting the Code Amendment commentary “Council Assessment Panels and Managers have the appropriate skills, qualifications and local knowledge to undertake an assessment of this nature”, however maintaining land uses as restricted development rather than performance assessed is a very much second best option to our above desired change.</p> <p>We suggest land uses should remain as restricted until the review of the Code and Act are completed by the Expert Planning Panel.</p>	

2.3.2.9.1. Industry listed as a restricted development classification	
Comment	<p>We support the amendment for the Employment Zone.</p> <p>We do not support the amendment to remove 'Industry' from the restricted development classification in the following zones</p> <ul style="list-style-type: none"> • Suburban Business Zone • Local Activity Centre Zone • Suburban Activity Centre Zone • Suburban Main Street Zone • Township Zone, and • Urban Activity Centre Zone.

2.3.2.9.2. Land Division within the Limited Land Division Overlay	
Comment	<p>We accept this amendment to some extent noting the intent of the Code is that the Overlay will prevail over all other policies.</p> <p>However, without support of reference to the kinds of development not envisaged or desired for a zone, subzone or area should generally not be approved unless it is overwhelmingly shown to benefit the public interest or definitively supports the desired outcomes, the Code poses significant difficulties in the defence of developments that are the subject of refusal, dispute or appeal.</p>
2.3.2.9.5. Dwelling and Land Division within the Deferred Urban Zone	
Comment	<p>We accept this amendment to some extent however we do not support more than one 'dwelling' on a site within our Deferred Urban Zone. Noting the amendment has 'dwellings' not 'dwelling' we question whether this is an error or there is expectation of more than one dwelling on a site?</p>
2.3.2.9.6. Employment Zone – Various land uses	
Comment	<p>We support this amendment.</p>
2.3.2.9.10. Hills Face Zone – Various land uses	
Comment	<p>We support the amendment for 'Excavation' and 'Filling' noting there is suitable policy guidance and some minor exception can be acceptable.</p> <p>We support boundary realignment as Performance Assessed noting this is consistent with the Development Regulations 2008 (ceased) Part 4(17)(6)(c) which prescribed that a Statement of Effect for non-complying development involving a boundary realignment was not required.</p>
2.3.2.10.1. Notification Tables – Minor Development	
Comment	<p>We support this amendment.</p>
2.3.2.10.2. Notification Tables – Errors and Inconsistencies	
Comment	<p>We support boundary realignment being removed from Table 5 - Procedural Matters (PM) – Notification. We note this would be consistent with the approach under Schedule 9 of the Development Regulations 2008 (ceased) which made non-complying boundary realignments, a Category 1 form of development.</p> <p>We do not support the removal of Land Division from Table 5 - Procedural Matters (PM) – Notification of the Hills Face Zone.</p> <p>Land Division is listed in Table 4 of the zone as currently a restricted form of development in the Hills Face Zone and is publicly notified. The application of restricted status reflects the importance of a policy that significantly constrains development of a kind that has the potential to increase population, activity levels, demands on natural resources or contamination of resources natural character of this area of elevated terrain.</p>

	<p>The community, particularly those who reside within or close to it, are familiar with its character and function and the policies that are intended to protect it. They are guided by them and rely upon them. In these circumstances, notification of development that may be contrary to those policies is of community interest is warranted and assists in maintaining community interest, limited participation and engenders some degree of confidence in the planning system.</p> <p>Removal from the requirement to publicly notify is another step that removes community participation and confidence in the planning system.</p>
--	--

2.3.2.10.3. Notification Tables – Frost Fans

Comment	We support this amendment.
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2.3.2.10.4. Notification Tables – Building on railway land / Temporary public service depot

Comment	We support this amendment.
---------	----------------------------

2.3.2.10.5. Notification Tables – Demolition

Comment	We support this amendment.
---------	----------------------------

2.3.2.11 Building Height – TNV and context – Policy refinement

Comment	We support this amendment.
---------	----------------------------

2.3.2.12 Building Height, Building Wall Setback and Wall Height – Policy Review

Part 8 – Administrative Terms and Definitions

Comment	We support this amendment.
---------	----------------------------

2.3.2.13 Building Walls and Dwelling Walls – Policy Review

Comment	We support this amendment.
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2.3.2.14 Common and Minor Development – Overlay Relevance – Assessment Pathways

Comment	We support this amendment in principle however we have concerns in relation to the open number of 'minor variations' that can be applied as previously mentioned.
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2.3.2.15 Detached Dwellings in Master Planned Zones as an Accepted Development Pathway

Comment	We support this amendment.
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2.3.2.16 Detached Dwellings - Medium and High Rise Development – Policy Relevance

Comment	We support this amendment.
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2.3.2.17 Discrete vs Discreet - Garages & Carports - Policy Review

Comment	We support this amendment.
---------	----------------------------

2.3.2.18 Discrete vs Discreet - Garages & Carports - Linkages

Comment	We support this amendment.
---------	----------------------------

2.3.2.19 Dwelling Alterations and Building Additions/Alterations – Assessment Pathways**Table 1 – Accepted Development Classification**

Comment	We support this amendment.
---------	----------------------------

Table 2 – Deemed-to-Satisfy Development Classification

Comment	We support this amendment.
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Table 3 – Applicable Policies for Performance Assessed Development

Comment	We support this amendment.
---------	----------------------------

2.3.2.20 Horticulture – Prescribed Surface Water Areas Overlay and Prescribed Wells Area Overlay – linkages

Comment	We support this amendment.
---------	----------------------------

2.3.2.21 Interface Height – Multiple Zones: Policy and TNV – Policy Review

Comment	We support this amendment.
---------	----------------------------

2.3.2.22 Land Division – Site Contamination – Policy Relevance and Linkage

Comment	We support this amendment.
---------	----------------------------

2.3.2.23 Non Residential Outbuildings – New Policy and Assessment Pathways

Comment	We support this amendment.
---------	----------------------------

2.3.2.24 Outbuildings - Accepted Development Criteria

Comment	We support this amendment.
---------	----------------------------

2.3.2.25 Pool Fencing – Accepted Development Pathway

Comment	We support this amendment in principle however noting fencing can be development (a fence in the Historic Area Overlay) and seek further refinement to where the swimming pool barrier is also a boundary fence.
---------	--

2.3.2.26 Primary Street Setback – Use of Building Line

Comment	We support this amendment.
---------	----------------------------

2.3.2.27 Replacement Building – Overlay Exclusions: Coastal Flooding Overlay

Comment	We support this amendment.
---------	----------------------------

2.3.2.28 Tourist Accommodation – Total Floor Area – Rural Zones

Comment	We support this amendment.
---------	----------------------------

2.3.3 PART 3 – OVERLAYS

2.3.3.1 Affordable Housing Overlay – Referral Trigger

Comment	We support this amendment in principle however the drafting of the revised section has become difficult to read; as such we suggest further refinement to adjust the ease of reading.
---------	---

2.3.3.2 Coastal Areas Overlay – Policy Intent

Comment	We support this amendment.
---------	----------------------------

2.3.3.4 Hazards (Flooding) Overlay – PO 3.5 and DTS/DPF 3.5 – Linkages

Comment	We support this amendment.
---------	----------------------------

2.3.3.5 Heritage Adjacency Overlay - Referral

Comment	We support this amendment.
---------	----------------------------

2.3.3.7 Major Urban Transport Routes Overlay - Revised policy and referral triggers

Comment	We support this amendment noting that council would still assess any new driveway location against the requirements and recommendations of Australian Standard AS 2890.1 Off Street parking which indicates all new access points (including domestic driveways) should be located 6m away from the tangent point unless the property would be otherwise denied an access.
---------	--

2.3.3.8 Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay - Policy intent

Comment	We support this amendment.
---------	----------------------------

2.3.3.9 Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay - Policy intent

Comment	<p>We support this amendment however we note in the proposed DTS/DPF 2.3 (a) the wording should be altered as per below to reflect the same terminology as the South Australian Public Health (Wastewater) Regulations 2013. In addition, it should also capture where there is an 'onsite wastewater management system':</p> <p><i>from</i></p> <p>(a) a sewer or community wastewater management system with sufficient hydraulic and treatment capacity to accept the inflow</p> <p><i>to</i></p> <p>(a) a sewer or an <u>onsite wastewater management system</u> or community wastewater management <u>scheme</u> with sufficient hydraulic and treatment capacity to accept the inflow</p>
---------	---

2.3.3.10 Mount Lofty Ranges Water Supply Catchment (Area 1 and Area 2) Overlays – Referral

Comment	We support this amendment.
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2.3.3.11 Prescribed Surface Water Area Overlay - Terminology

Comment	We support this amendment.
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2.3.3.12 Prescribed Water Resources Area Overlay – Referral

Comment	We support this amendment.
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2.3.3.13 Representative Buildings – Character Area Overlay and Historic Area Overlay – Spatial Representation

Comment	<p>We support this amendment.</p> <p>On a technical issue, the omission of this information on Form 1s is of some concern given this information is then not passed onto prospective property buyers. By not indicating that a 'representative building' exists on the Title does not alert</p>
---------	---

	prospective purchasers of a property's historical significance and this can prove problematic.
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2.3.3.18 River Murray Tributaries Protection Area Overlay - Policy intent

Comment	We support this amendment.
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2.3.3.19 River Murray Tributaries Protection Area Overlay - Referrals

Comment	We support this amendment.
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2.3.3.20 State Significant Native Vegetation Areas Overlay - Referral Trigger

Comment	We support this amendment.
---------	----------------------------

2.3.3.21 Traffic Generating Development Overlay – Referral

Comment	We support this amendment.
---------	----------------------------

2.3.3.22 Urban Transport Routes Overlay - Revised policy and referral triggers

Comment	We support this amendment noting that council would still assess any new driveway location against the requirements and recommendations of Australian Standard AS 2890.1 Off Street parking which indicates all new access points (including domestic driveways) should be located 6m away from the tangent point unless the property would be otherwise denied an access.
---------	--

2.3.4 PART 4 – GENERAL DEVELOPMENT POLICIES

2.3.4.1 Aquaculture – General Development Policies – Policy Review

Comment	We support this amendment.
---------	----------------------------

2.3.4.2 Carport and Outbuilding – Internal Parking Dimensions – Linkages

Comment	We support this amendment.
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2.3.4.3 Commercial Forestry – Forestry General Development Policies – Policy Review

Comment	We support this amendment.
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2.3.4.4 Decks – Design, and Design in Urban Areas General Development Policies – Assessment Pathways

Comment	<p>We support this amendment in principle however noting in DTS/DPF X.1 Decks:</p> <p><i>(a) where ancillary to a dwelling:</i></p> <p><i>(iii) when attached to the dwelling, has a finished floor level consistent with the finished floor level of the dwelling</i></p> <p>We consider further refinement to the policy is needed to address and/or clarify that it is from the 'ground' floor level (single storey, not second storey).</p> <p>We also seek further criteria where a deck is sited on sloping land and is elevated above the natural ground level at a greater height than the associated dwelling as this can result in a substantial and imposing built form. Likewise, a floor area criteria (similar to an outbuilding) should be included to guide appropriate forms of deck development in a residential setting.</p> <p>In addition, we note that in a high bushfire area, the CFS require that decks are enclosed underneath, which can be further visually imposing.</p> <p>We also suggest that in all Zone Table 5 - Procedural Matters (PM) – Notification that there should be criteria where decks exceeding DTS/DPFs trigger the need for notification.</p>
---------	--

2.3.4.5 Design – PO 19.3 – Driveway Access General Development Policies – Policy Relevance

Comment	We support this amendment.
---------	----------------------------

2.3.4.6 Design in Urban Areas DTS/DPF 19.1 - Soft Landscaping – Policy Review

Comment	We support this amendment.
---------	----------------------------

2.3.4.7 Garage and Driveways – Design DTS/DPF 19.5, and Design in Urban Areas DTS/DPF 23.5 General Development Policies – Policy Review

Comment	We support this amendment.
---------	----------------------------

2.3.4.8 Heavy Vehicle Parking - Transport, Access and Parking General Development Policy - Policy and Definition Review

Comment	We support this amendment.
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2.3.4.10 Land Division – General Development Policies – Policy Review

Comment	We support this amendment.
---------	----------------------------

2.3.4.11 Land Division – General Development Policies – Linkages	
Comment	We support this amendment.

2.3.4.12 Transport, Access and Parking General Development Policy – Fences – Linkages	
Comment	We support this amendment.

2.3.4.13 Transport, Access and Parking – General Development Policy – Car Parking Rates Table – Review	
Comment	We support this amendment.

2.3.4.14 Transport, Access and Parking – General Development Policy – Designated Parking Areas / Car Parking Rates – Interpretation	
Comment	We support this amendment.

2.3.5 PART 5 – SPECIFIED MATTERS AND AREAS IDENTIFIED UNDER THE ACT AND REGULATIONS

We note there are no proposed Code changes to Part 5.

2.3.6 PART 6 – INDEX OF TECHNICAL AND NUMERIC VARIATIONS

We note there are no proposed Code changes to Part 6.

2.3.7 PART 7 – LAND USE DEFINITIONS

2.3.7.1 Ancillary Accommodation – Amend	
Comment	We support this amendment.

2.3.7.2. Caravan and Tourist Park – Amend	
Comment	<p>We support this amendment in principle, but we seek further clarification on the definition of 'campground' (noting it is excluded from column B).</p> <p>Using the common definition, we note a campground is defined as 'a place where people on holiday can put up their tents, park their caravan etc, often with toilets, water etc.</p> <p>We note that many caravan and tourist parks also provide spaces for tents; as such we question why campground is excluded and/or does not have a definition within the Code.</p>

2.3.7.3. Commercial Forestry – Amend	
Comment	We support this amendment.

2.3.7.4. Educational Establishment – Amend

Comment	We support this amendment.
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2.3.7.5. Indoor Recreation Facility – Amend

Comment	We support this amendment.
---------	----------------------------

2.3.7.6. Office – Amend

Comment	We support this amendment.
---------	----------------------------

2.3.7.7. Pre-school – Amend

Comment	We support this amendment.
---------	----------------------------

2.3.7.8. Renewable Energy Facility – Policy Refinement

Comment	We support this amendment in principle but are seeking further clarification on the meaning of 'For domestic use (i.e. principally used to supply and/or store electricity to the existing use of land) noting the zones listed will include non-residential land uses - will domestic use include 'all' lawfully approved uses on the subject site?
---------	--

2.3.7.9. Tourist Accommodation – Amend

Comment	We support this amendment.
---------	----------------------------

2.3.7.10. Workers Accommodation – Amend

Comment	We support this amendment.
---------	----------------------------

2.3.7.11. Heavy Vehicle Parking – New Definition

Comment	We support this amendment.
---------	----------------------------

2.3.7.12. Function Venue – New Definition

Comment	We support this amendment.
---------	----------------------------

2.3.8 Part 8 – Administrative Terms and Definitions**2.3.8.1. Building Height – Amend**

Comment	We support this amendment.
---------	----------------------------

2.3.8.2. Building Line – Amend

Comment	We support this amendment.
---------	----------------------------

2.3.8.3. Wall Height – Amend

Comment	<p>We support this amendment in principle but zone DTS/DPF building and wall height correlation to Table 5 - Procedural Matters (PM) – Notification requires further consideration.</p> <p>For example, in the General Neighbourhood Zone, Building Height DTS/DPF 4.1: Building height (excluding garages, carports and outbuildings) no greater than:</p> <ul style="list-style-type: none"> • 2 building levels and 9m, and • wall height that is no greater than <u>7m</u> except in the case of a gable end. <p>Table 5 - Procedural Matters (PM) – Notification Exceptions (Column B)</p> <p>Except development that:</p> <ul style="list-style-type: none"> • does not satisfy General Neighbourhood Zone DTS/DPF 4.1, or • involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary <p>(b) the <u>height of the proposed wall</u> (or post height) exceeds <u>3m</u> measured from the <u>top of footings</u></p> <p>We note that a wall less than 3m in height, but on top of a 1.4m retaining wall presents less than the building height of 7m however it would result in a total development height of 4.4m on the boundary, however this does not appear to trigger the need for notification.</p> <p>We consider the Code needs to clarify if the retaining wall is or is not considered the footings of the wall. Alternative reference to the 'footings' being a consistent floor height any adjoining structure or natural ground level would provide some guidance.</p>
---------	---

2.3.8.5. Direct Overlooking – New Definition

Comment	We support this amendment.
---------	----------------------------

2.3.8.6. High Frequency Public Transit Area – New Definition

Comment	We support this amendment.
---------	----------------------------

2.3.8.7. Post Height – New Definition

Comment	We support this amendment.
---------	----------------------------

2.3.8.8. Gross Density - Delete

Comment	We support this amendment.
---------	----------------------------

2.3.9 PART 9 – REFERRALS**2.3.9.1 Environment Protection Authority Referrals**

Comment	We support this amendment.
---------	----------------------------

2.3.10 PART 10 – SIGNIFICANT TREES

We note there are no proposed Code changes to Part 10.

2.3.11 PART 11 – LOCAL HERITAGE PLACES**2.3.11.1 Listing of State Heritage Place**

Comment	We support this amendment.
---------	----------------------------

2.3.12 PART 12 – CONCEPT PLANS

We note there are no proposed Code changes to Part 12.

From: [SA Planning Commission](#)
To: [DTI:PlanSA Submissions](#)
Cc: [Burdon, Leif \(DTI\)](#)
Subject: FW: Miscellaneous Technical Enhancement Code Amendment - consultation
Date: Wednesday, 28 September 2022 9:13:52 AM
Attachments: [Endorsed Submission by the City of Charles Sturt - Commissions Miscellaneous Technical Code Amendment - September 2022.PDF](#)

Hi Leah

Please find attached submission from the City of Charles Stuart re the MTE Code Amendment.

Please note Craig granted Council an extension until 30 September.

Cheers

Britt

Britt Anderson

Senior Administrative Officer
Executive Assistant to the Chair of the State Planning Commission

**Governance and Legislation
Planning and Land Use Services**

Department for Trade and Investment

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We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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From: Jim Gronthos

Sent: Wednesday, 28 September 2022 9:05 AM

To: SA Planning Commission <saplanningcommission@sa.gov.au>

Cc: Bruce Williams

cdaniel

;

Julie Vanco

; pсутton

Subject: RE: Miscellaneous Technical Enhancement Code Amendment - consultation

Hi Britt,

I write following Council's meeting held on 26 September 2022.

Please find attached a submission from the City of Charles Sturt regarding the Commission's Miscellaneous Technical Enhancement Code Amendment – consultation.

Please contact me should you wish to discuss in further detail.

Thank you and kind regards

Jim Gronthos
Senior Policy Planner
Urban Projects

(Monday to Thursday)

T:

www.charlessturt.sa.gov.au

From: SA Planning Commission <saplanningcommission@sa.gov.au>

Sent: Thursday, 8 September 2022 3:13 PM

To: Jim Gronthos

Cc: Bruce Williams >; Craig Daniel
Burdon, Leif (DTI)

Subject: RE: Miscellaneous Technical Enhancement Code Amendment - consultation

OFFICIAL

Hi Jim

Noting Council's meeting is on Monday 26 September, Craig is happy for Council to have an extension until Friday 30 September.

Cheers

Britt

Britt Anderson

Senior Administrative Officer

Executive Assistant to the Chair of the State Planning Commission

Governance and Legislation

Planning and Land Use Services

Department for Trade and Investment

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From: Jim Gronthos

Sent: Thursday, 8 September 2022 1:57 PM

To: SA Planning Commission <saplanningcommission@sa.gov.au>

Cc: Bruce Williams

; cdaniel

;

Burdon, Leif (DTI)

Subject: RE: Miscellaneous Technical Enhancement Code Amendment - consultation

Thank you.

Thank you and kind regards

Jim Gronthos
Senior Policy Planner
Urban Projects

(Monday to Thursday)

www.charlessturt.sa.gov.au

From: SA Planning Commission <saplanningcommission@sa.gov.au>

Sent: Thursday, 8 September 2022 1:39 PM

To: Jim Gronthos

Cc: Bruce Williams

Craig Daniel

; Burdon, Leif (DTI)

Subject: RE: Miscellaneous Technical Enhancement Code Amendment - consultation

OFFICIAL

Hi Jim

I'll let you know Craig's response a bit later today – I'm meeting with him this afternoon.

Kind regards
Britt

Britt Anderson

Senior Administrative Officer
Executive Assistant to the Chair of the State Planning Commission

**Governance and Legislation
Planning and Land Use Services**

Department for Trade and Investment

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From: Jim Gronthos

Sent: Thursday, 8 September 2022 1:36 PM

To: SA Planning Commission <saplanningcommission@sa.gov.au>

Cc: Bruce Williams ; cdaniel

Subject: FW: Miscellaneous Technical Enhancement Code Amendment - consultation

Dear Chair,

Council is reviewing the Miscellaneous Technical Enhancement Code Amendment and preparing a draft submission.

However, the Council meeting to present the report is on Monday 26 September 2022.

I note the consultation closes on Friday before (23 September 2022).

Will the Commission accept Council's submission if provided on Tuesday 27 September following the Council meeting?

Thank you and kind regards

Jim Gronthos
Senior Policy Planner
Urban Projects

(Monday to Thursday)

www.charlessturt.sa.gov.au



The City of Charles Sturt acknowledges and pays respect to the traditional custodians of the land, the Kurna people of the Adelaide plains.

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26 September 2022

Craig Holden
Chair
State Planning Commission
Via email: DPTI.PlanningEngagement@sa.gov.au

Dear Mr Holden,

State Planning Commission's Miscellaneous Technical Enhancement Code Amendment - for Consultation

Council wishes to thank the State Planning Commission for the opportunity to comment on the Miscellaneous Technical Code Amendment.

It is acknowledged that the draft Code Amendment proposes a series of technical amendments which aim to enhance the general performance and operation of the Planning and Design Code (the Code), primarily focused on addressing technical and operational elements within the Code, as opposed to changing policy intent or outcomes.

In so far as the Code Amendment, the City of Charles Sturt has taken the opportunity to consider the proposed policy amendments. A table of Council's review of the draft Code Amendment is in Appendix A. The following are key matters taken from Appendix A:

Table 4 – Restricted Development for the following zones

The removal of industry as a restricted land uses in zones such as the Local Activity Centre Zone, Suburban Activity Centre Zone, Suburban Business Zone, Suburban Main Street Zone and Urban Activity Centre Zone is supported and dealt with through a performance assessed pathway, while special industry will be a restricted assessment pathway. The Commission needs to ensure the Code's Interface between Land Uses policies under Part 4 General Development Policies, apply through the assessment pathways to assess against potential impacts to adjacent and more sensitive land uses.

2.3.2.18 - Garages & Carports - Linkages

Performance Outcome (PO) 10.1 and Deemed to Satisfy 10.1 (DTS) and Designated performance features (PDF) below within the Established Neighbourhood Zone desires the design of garages and carports to compliment the appearance of the associated dwelling and not dominate the streetscape. The proposed amendment seeks to remove this policy in Table 3 of the zone for a performance assessed pathway and is not supported as it affects historic areas of Council, whereby policies desire new development to be complimentary to the prevailing streetscape.



2.3.2.19 Dwelling Alterations and Building Additions/Alterations – Assessment Pathways

The proposed policy amendment seeks to provide policy in relation to changes to facades that face a street to not being possible without a performance assessment pathway and is supported.

However, the proposed policy requires amending to ensure part b) is separated so that a proposal does not exceed existing wall height of the existing building and does not exceed the overall building height. By including it in the same part b) with an 'or' one of these criteria may not be considered.

2.3.2.23 Non-Residential Outbuildings – New Policy and Assessment Pathways

The proposed policy seeks to apply standards relating to residential development at present to non-residential uses and this may not be appropriate in neighbourhood zones. If this is intending to allow commercial or non-residential uses to have greater DTS assessment pathways the potential interface impacts could be overlooked and that is not appropriate.

2.3.3 Part 3 – Overlays / 2.3.3.1 Affordable Housing Overlay – Referral Trigger

The proposed amendment was based on feedback to the Commission from the South Australian Housing Authority that the referral mechanism required referral to itself as the agency responsible for the provision of referral advice.

While the amendment is supported Council still has concerns with concession policy currently in the Overlay itself that was raised by Council through the consultation of the draft Planning and Design Code to the Commission.

Council's previous Development Plan Affordable Housing Overlay policy did not contain these potential discounts. Building heights and car parking provisions have been previously considered in past rezoning processes and incremental erosion of existing policy expectations should not be considered further.

2.3.4.13 Transport, Access and Parking – General Development Policy – Car Parking Rates Table – Review Within Part 4 – General Development Policies – Transport, Access and Parking amend Table 1 – General Off-Street Parking Requirements

While the proposed policy amendments are supported to consolidate uses without changing parking rates, a further review of the Planning and Design Code's off-street car parking standards is needed to ensure future infill development can provide adequate off-street car parking without having a detrimental effect on the local road system.

This issue has been previously raised by Council. An example is the allocation of only one off-street car parking space for a dwelling comprising only one bedroom. A minimum of two off-street car parking spaces should be required notwithstanding only one bedroom is proposed given the prevalence of car ownership, which has increased based on the most recent Census data.

2.3.4.13 Transport, Access and Parking – General Development Policy – Car Parking Rates Table - Review

The policy amendments in this section are not supported. While the previous Development Plan did provide a lower parking rate for non-residential uses above ground level it was never clear why this was the case as the nature of business drives the likely parking demand not the floor level it is located on. The rate should remain at 3 per 100m² regardless of the associated floor level. Areas of Bowden experience considerable parking shortfall and Council has received numerous concerns about a lack of parking under the earlier approvals.

2.3.7 Part 7 – Land Use Definitions

Council previously raised the lack of a definition for Multiple Dwellings and policy in the Code to address design issues around multiple dwelling proposals. These considerations may include, but not be limited to car parking standards, living area spaces and amenities. A definition for this type of dwelling is still required to be included in the Code.

Key policy amendments proposed that are supported.

2.3.2.10 Changes to Notification Tables

Changes are proposed to the notification tables of most zones, which would have the effect of removing 'performance triggers' for notification of buildings such as sheds, carports, fences, verandahs and the like.

It is acknowledged that the justification provided for this is that it mirrors the situation as existed under the repealed Development Regulations 2008, albeit that there were previously similar performance criteria in the Development Regulations that were later removed by the then State Government.

The proposed amendments are supported because while minor structures will not require notification they will still be assessed against the envisaged length and height provisions within their respective zone eg. General Neighbourhood Zone standards allow a length of 11.5m on the boundary and a height of 3m.

2.3.4.4 Decks – Design, and Design in Urban Areas General Development Policies – Assessment Pathways

Support the inclusion of policies in relation to proposed decks associated with residential land uses. Additional policy should be considered to assess interface impacts that may arise where decks are associated with non-residential uses in neighbourhood type zones and in non-residential based zones. Further policy should consider acoustic and lighting impacts from rear facing development adjacent to residential land uses.

2.3.8 Part 8 – Administrative Terms and Definitions

The proposed new administrative definition of direct overlooking is supported for the purpose of assessing visual privacy outcomes across the City on future development applications. This definition applies to elevated decks, upper-level windows and balconies of multi storey dwellings. The proposed definition, including oblique (angled) views into adjoining properties being captured in the definition rather than just straight views from a window, are also supported.

2.3.11.1 Listing of State Heritage Place

The proposed policy amendments provide a link with State Heritage Register with reference to the Code and is supported.

2.3.2.16 Missing Policy for Three Storey Townhouses

Policy amendments are proposed that would include additional policy for the assessment of performance assessed development involving detached dwellings of medium and high rise form and is supported. These additional policies for inclusion on future performance assessment include matters such as the visual outlook at ground level to face the street, raising the floor level of ground level dwellings to achieve privacy from the public realm area, defining minimum private open space requirements, the positioning and size of balconies, staggering of windows and other quality design standards.

2.3.3.13 Identification of Representative Buildings

The proposed policy amendment seeks a proposed change to the location within the South Australian Planning and Property Atlas (SAPPA) in which Representative Buildings are located. This change would mean that finding the mapping for Representative Buildings in SAPPA would move from the 'Planning Reference' layer to the 'Historic Area Overlay' layer. This is supported and will make it easier for persons to see Representative Building locations.

While Council acknowledges the intent of this Code Amendment process Council considers that there are still several matters that require further attention beyond technical enhancements. These matters are raised in Council's submission under Appendix B. Key matters raised in this Appendix include:

- Seeking a Ministerial or Commission led Code Amendment to insert the Hazards (Flooding - Evidence Required) Overlay over areas in Charles Sturt not presently covered by either the Hazards (Flooding-General) Overlay or the Hazards (Flooding) Overlay.
- Addressing policy gaps in the Code to improve the assessment of overland stormwater flow paths.
- Removal the Urban Tree Canopy Off-set Scheme from the Housing Diversity Neighbourhood Zone.
- Amendments to the Code policy for the Waterfront Neighbourhood Zone to strengthen policy around development minimising visual impact on the seaside or waterfront character through design such as reducing bulk and scale.

- Amendments to private open space policy based on a sliding scale depending on the size of the site.
- Amendments to enclosed car parking dimensions to the dimensions that were originally consulted on in the draft Code, to address other uses that a garage commonly incorporates in a domestic situation
- Amendments to the Code policy to strengthen policy. Policy for requirements for structures eg. roof and gutter design that mitigate impacts of the tree on the structure.
- Amendments to the Code policy to provide require quantitative policy to assess future development when adjacent to existing neighbouring solar panels eg. percentage of panels that are shaded for a period of time.
- Correcting Code error to ensure Regulated Tree and Stormwater Management Overlay policy is pulled into the assessment pathways for additions to a dwelling.
- Consideration of additional policy to address minimum dimensions for internal living areas and storage spaces for all types of dwellings.
- Refinements to Historic Area Overlay policies.

I look forward to the Commission's response on how these issues will be addressed through this Code Amendment process or future Code Amendment enhancements.

Should you have any questions, please contact Jim Gronthos, Senior Policy Planner on or by email at

Yours sincerely



Paul Sutton
Chief Executive Officer

Appendix A – City of Charles Sturt Review of the State Planning Commission’s Miscellaneous Technical Enhancement Code Amendment

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments										
1.	9	Employment Zone Table 4 – Restricted Development	<table border="1" data-bbox="674 647 1288 1070"> <thead> <tr> <th>Class of Development</th> <th>Exclusions</th> </tr> </thead> <tbody> <tr> <td>Special Industry Industry</td> <td>Light Industry</td> </tr> <tr> <td>Shop</td> <td>Any of the following: a) shop with a gross leasable floor area less than 1000m² b) shop that is a bulky goods outlet c) shop that is ancillary to a light industry on the same allotment d) shop located in the Retail Activity Centre Subzone e) shop located in the Roadside Service Centre Subzone.</td> </tr> <tr> <td>Waste reception, storage, treatment or disposal</td> <td>None specified</td> </tr> <tr> <td>Wrecking yard</td> <td>None specified</td> </tr> </tbody> </table> <p data-bbox="663 1123 1373 1331"><i>In addition to the broader land use topic of industry and a review of restricted development undertaken as part of this Code Amendment, a further review into the restricted table within the Employment Zone has been undertaken to make sure it aligns with the Commission’s two new guiding principles listed above.</i></p>	Class of Development	Exclusions	Special Industry Industry	Light Industry	Shop	Any of the following: a) shop with a gross leasable floor area less than 1000m ² b) shop that is a bulky goods outlet c) shop that is ancillary to a light industry on the same allotment d) shop located in the Retail Activity Centre Subzone e) shop located in the Roadside Service Centre Subzone.	Waste reception, storage, treatment or disposal	None specified	Wrecking yard	None specified	<p data-bbox="1424 647 1872 927">Council’s previous submission to the State Planning Commission endorsed 24 February 2020, Item 4.01 queried why industry land uses were classed as restricted development but excluded special industry. The proposed Code Amendment has addressed this anomaly.</p> <p data-bbox="1424 970 1872 1142">Waste reception and wrecking yards are industrial uses that would fall under the banner of a special industry and thus do not need to be individually listed.</p>	<p data-bbox="1901 647 2179 708">Support the proposed amendment.</p>
Class of Development	Exclusions														
Special Industry Industry	Light Industry														
Shop	Any of the following: a) shop with a gross leasable floor area less than 1000m ² b) shop that is a bulky goods outlet c) shop that is ancillary to a light industry on the same allotment d) shop located in the Retail Activity Centre Subzone e) shop located in the Roadside Service Centre Subzone.														
Waste reception, storage, treatment or disposal	None specified														
Wrecking yard	None specified														

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments						
			<p><i>In this context, the following two land uses are proposed to be removed from the restricted development classification listing based on the application of these principles:</i></p> <ul style="list-style-type: none"> - Waste reception, storage, treatment or disposal - Wrecking yard <p><i>Further, it is considered that there is appropriate policy contained within both the zone and general development policies to guide assessment of these forms of development in terms of their appropriateness, size or scale.</i></p>								
2.	11	<p>Table 4 – Restricted Development for the following zones:</p> <ul style="list-style-type: none"> • Local Activity Centre Zone • Suburban Activity Centre Zone 	<table border="1" data-bbox="674 975 1290 1070"> <thead> <tr> <th data-bbox="674 975 965 999">Class of Development</th> <th data-bbox="965 975 1290 999">Exclusions</th> </tr> </thead> <tbody> <tr> <td data-bbox="674 999 965 1023"><i>Special Industry</i></td> <td data-bbox="965 999 1290 1023"><i>Light Industry</i></td> </tr> <tr> <td data-bbox="674 1023 965 1070"><i>Industry</i></td> <td data-bbox="965 1023 1290 1070"></td> </tr> </tbody> </table> <p><u><i>Summary of Investigations</i></u> <i>Industry (with the exclusion of Light Industry) is listed as a restricted class of development in the majority of activity centre and employment type zones (with the exception of the Strategic Employment Zone). In all these zones, it is considered that Special Industry should remain as a restricted form of development, warranting a more detailed assessment</i></p>	Class of Development	Exclusions	<i>Special Industry</i>	<i>Light Industry</i>	<i>Industry</i>		<p>Not previously raised as a matter by Council.</p> <p>Would want to ensure the Interface between Land Uses policies under Part 4 General Development Policies, apply through the assessment pathways.</p>	<p>Support the proposed amendment but advise the Commission to ensure the Interface between Land Uses policies under Part 4 General Development Policies, apply through the</p>
Class of Development	Exclusions										
<i>Special Industry</i>	<i>Light Industry</i>										
<i>Industry</i>											

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
		<ul style="list-style-type: none"> • Suburban Business Zone • Suburban Main Street Zone • Urban Activity Centre Zone 	<p><i>pathway due to the significant potential impacts (including public health impacts) of these forms of development and the potential need to consider other documents outside of the Code.</i></p> <p><i>Alternatively, it is also considered that other forms of industry (General or Light Industry) could be removed as restricted development as they can be more appropriately assessed on their merits against the relevant Code policies without the need for further detailed investigations and assessment required under a restricted assessment pathway.</i></p>		assessment pathways.
3.	16	All zones	<p>In Part 2 – Zones and Subzones – in relation to ‘Table 5 – Procedural Matters (PM) – Notification’ insert the following text immediately after the last paragraph of the ‘Interpretation’ section:</p> <p><i>‘A relevant authority may determine that a variation to 1 or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.’</i></p>	Amendment supported and would be subject to the Assessment Manager’s professional discretion.	Support the proposed amendment.
4.	Page 28	Community Facilities Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 2 in Column A by:	<p>List of development to remain:</p> <ul style="list-style-type: none"> - Advertisement - Community facility - Educational establishment 	Support the amendments to ensure notification processes address

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> -air handling unit, air conditioning system or exhaust fan -building work on railway land -fence -private bushfire shelter -retaining wall -shade sail -solar photovoltaic panels (roof mounted) -swimming pool or spa pool -water tank <p>(b) renumber list in alphabetical order as required</p>	<ul style="list-style-type: none"> - Pre-school - Protective tree netting structure - Recreation area 	major development rather than minor structures.
5.	Page 29	Community Facilities Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - air handling unit, air conditioning system or exhaust fan - carport 	<p>Current list:</p> <ul style="list-style-type: none"> - Internal building works - Land division - Replacement building - Temporary accommodation in an area affected by bushfire - Tree damaging activity 	No comment

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<ul style="list-style-type: none"> - deck - fence - outbuilding - pergola - private bushfire shelter - retaining wall - shade sail - solar photovoltaic panels (roof mounted) - swimming pool or spa pool - verandah - water tank <p>(b) renumber list in alphabetical order as required</p>		
6.	Page 29		<p><i>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 5 (in Column A):</i></p> <p><i>‘Except any of the following:</i></p> <ul style="list-style-type: none"> <i>1. the demolition of a State or Local Heritage Place</i> <i>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.’</i> <p><i>With:</i></p>	Support the re-wording of policy.	No comment

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>'Except any of the following:</i></p> <ol style="list-style-type: none"> <i>1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</i> <i>2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).'</i> <p><u><i>Summary of Investigations</i></u> <i>Partial demolition</i> <i>The demolition of a building is generally exempt from requiring development approval under the new Act and Regulations. Where approval is required, it is usually due to heritage listing, or where partial demolition is proposed that would require structural building assessment.</i></p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>Accordingly, some applications for ‘demolition’ will fall to the Performance Assessed pathway. Currently ‘demolition’ is listed in zone notification tables as a class of development that is exempt from notification. The exception to this is the demolition of a state or local heritage place or a building within the Historic Area Overlay. Some practitioners have questioned if this exception is meant to apply to the ‘partial demolition’ of a heritage building. The intention was to include ‘partial demolition’ and it is proposed to clarify this position in the exception clause applying to demolition.</i></p> <p><i>Demolition in the Historic Area Overlay / State Heritage Area Overlay</i></p> <p><i>During the development of the Code, several council and community submissions observed that the demolition of heritage items should be notified. The Commission considered this appropriate and resolved to amend the public notification tables.</i></p> <p><i>However, recent feedback from some practitioners suggests that the requirement to notify the demolition of buildings in the Historic Area Overlay is an unnecessary burden in</i></p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>instances where a building is of no heritage value or not in keeping with applicable Historic Area Statement.</i></p> <p><i>Whilst this issue is acknowledged and would benefit from some form of alteration to the notification exceptions in Column B, a degree of caution needs to be applied when attempting to single out some buildings and not others for the purposes of public notification. As discussed in other sections of this report (see section 2.3.3.13 - Representative Buildings – Character Area</i></p> <p><i>Overlay and Historic Area Overlay – Spatial Representation) the identification of ‘representative buildings’ (which could be one way to resolve the notification issue) in a particular area is not intended to imply that other buildings in a historic or character area are not of importance.</i></p> <p><i>Some level of assessment is therefore needed to determine whether a building displays heritage values that are in keeping with the area’s historic values and characteristics. One course of action would be to restructure the notification clause as it relates to demolition to give the relevant</i></p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>authority ability to determine that a building is not of historic value and therefore doesn't warrant notification.</i></p> <p>Proposed Code Change</p> <p>AMEND the exception clause in Column B of the notification table as it applies to 'demolition' to also reference 'partial demolition'.</p> <p>AMEND the exception clause in Column B of the notification table as it applies to 'demolition' to provide a relevant authority with the ability to determine that a building is not of heritage value and therefore does not require public notification.</p>		
7.	Page 30	Community Facilities Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 6	Support the amendment.	No comment

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments				
			<table border="1" data-bbox="667 571 1205 715"> <thead> <tr> <th data-bbox="667 571 936 635">Class of Development (Column A)</th> <th data-bbox="936 571 1205 635">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="667 635 936 715">7. Railway line.</td> <td data-bbox="936 635 1205 715">Except where located outside of a rail corridor or rail reserve.</td> </tr> </tbody> </table> <p data-bbox="667 722 1377 751">And renumber subsequent clauses in Column A as required.</p>	Class of Development (Column A)	Exceptions (Column B)	7. Railway line.	Except where located outside of a rail corridor or rail reserve.		
Class of Development (Column A)	Exceptions (Column B)								
7. Railway line.	Except where located outside of a rail corridor or rail reserve.								
8.	Page 32	Employment Zone	<p data-bbox="667 762 1377 895">In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 2 in Column A by:</p> <p data-bbox="667 903 1377 967">(a) removing the following classes of development from the list:</p> <ul data-bbox="667 975 1301 1358" style="list-style-type: none"> - air handling unit, air conditioning system or exhaust fan - building work on railway land - carport - fence - outbuilding - retaining wall - shade sail - solar photovoltaic panels (roof mounted) - verandah - water tank 	<p data-bbox="1429 762 1794 791">List of development to remain:</p> <ul data-bbox="1473 799 1825 895" style="list-style-type: none"> - Advertisement - Temporary public service depot <p data-bbox="1429 943 1877 1110">The exclusions in Column B would therefore be only applicable to bulk and scale policy and policy to address overshadowing under DTS/DPF 3.6 and 3.7.</p>	No comment				

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			(b) renumber list in alphabetical order as required		
9.		Employment Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 4 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - <i>air handling unit, air conditioning system or exhaust fan</i> - <i>carport</i> - <i>deck</i> - <i>fence</i> - <i>outbuilding</i> - <i>pergola</i> - <i>private bushfire shelter</i> - <i>retaining wall</i> - <i>shade sail</i> - <i>solar photovoltaic panels (roof mounted)</i> - <i>swimming pool or spa pool</i> - <i>verandah</i> - <i>water tank</i> 	No issues considered.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			(b) renumber list in alphabetical order as required		
10.		Employment Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 5 (in Column A):</p> <p><i>‘Except any of the following:</i></p> <p><i>1. the demolition of a State or Local Heritage Place</i></p> <p><i>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.’</i></p> <p>With:</p> <p><i>‘Except any of the following:</i></p> <p><i>1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</i></p> <p><i>2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or</i></p>	Support the re-wording of policy.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments				
			<i>where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</i>						
11.		Employment Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert:</p> <p>(a) the following additional class of development and corresponding exception in a new row immediately after clause 4:</p> <table border="1" data-bbox="667 965 1238 1093"> <thead> <tr> <th data-bbox="667 965 952 1034">Class of Development (Column A)</th> <th data-bbox="952 965 1238 1034">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="667 1034 952 1093"><i>5. Building for the purposes of railway activities.</i></td> <td data-bbox="952 1034 1238 1093"><i>None specified</i></td> </tr> </tbody> </table> <p>(b) the following additional class of development and corresponding exception in a new row immediately after clause 5:</p>	Class of Development (Column A)	Exceptions (Column B)	<i>5. Building for the purposes of railway activities.</i>	<i>None specified</i>	No issues considered.	Support the amendment but seek clarification from the Commission why building for the purposes of railway activities is not included in the Community Facilities Zone (refer row 7)?
Class of Development (Column A)	Exceptions (Column B)								
<i>5. Building for the purposes of railway activities.</i>	<i>None specified</i>								

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments				
			<table border="1" data-bbox="663 568 1240 721"> <thead> <tr> <th data-bbox="663 568 952 632">Class of Development (Column A)</th> <th data-bbox="952 568 1240 632">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="663 632 952 721"><u>7. Railway line.</u></td> <td data-bbox="952 632 1240 721"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table> <p data-bbox="663 762 1216 794">(c) renumber clauses in Column A as required.</p>	Class of Development (Column A)	Exceptions (Column B)	<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>		
Class of Development (Column A)	Exceptions (Column B)								
<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>								
12.	Page 36	Established Neighbourhood Zone	<p data-bbox="663 839 1402 1010">In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 2 (in Column A):</p> <p data-bbox="663 1018 1402 1189"><i>‘Except development involving any of the following: 1. residential flat building(s) of 3 or more building levels 2. the demolition of a State or Local Heritage Place 3. the demolition of a building (except an ancillary building) in a Historic Area Overlay.’</i></p> <p data-bbox="663 1197 734 1225">With:</p> <p data-bbox="663 1233 1361 1370"><i>‘Except development involving any of the following: 1. residential flat building(s) of 3 or more building levels 2. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place</i></p>	Support the re-wording of policy.	No comment.				

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</i></p> <p><i>3. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).'</i></p>		
13.	Page 37	Established Neighbourhood Zone	<p><i>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</i></p> <p><i>(a) removing the following classes of development from the list:</i></p> <p><i>-air handling unit, air conditioning system or exhaust fan</i></p> <p><i>-building work on railway land</i></p> <p><i>-carport</i></p> <p><i>-deck</i></p>	<p>List of development to remain:</p> <ul style="list-style-type: none"> - Ancillary accommodation. - Dwelling - Dwelling addition - Residential flat building. 	

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>-fence -outbuilding -pergola -private bushfire shelter -retaining wall -shade sail -solar photovoltaic panels (roof mounted) -swimming pool or spa pool -verandah -water tank</p> <p><i>(b) renumber list in alphabetical order as required</i></p> <p><u>Extract of Investigation justification from the Code Amendment</u></p> <p>2.3.2.10. Notification Tables – Table 5 – Procedural Matters (PM) 2.3.2.10.1. Notification Tables – Minor Development Issue</p> <ul style="list-style-type: none"> Concerns were raised by council planners and accredited professionals about public notification requirements to adjoining landowners for relatively 		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>minor applications which 'trip' into a performance assessed pathway under the Code. This creates additional work for planning authorities over and above notifications that occurred under the former development system under the Development Act 1993.</i></p> <ul style="list-style-type: none"> • <i>This appears partly due to structural differences between the former and new development systems in how the notification requirements are prescribed.</i> <p>Investigation</p> <ul style="list-style-type: none"> • <i>Under the Development Act 1993, the regulations prescribed public notification requirements which this largely removed the need to notify applications for various minor or ancillary residential developments (e.g. carports, garages, sheds, pergolas, verandahs, fences, swimming pools, spa pools or outbuildings). While individual development plans could override the notification requirements contained in the regulations, most councils opted to rely on the regulations.</i> • <i>The new development system is based on a relationship between the Act and the Planning and</i> 		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>Design Code to manage notification requirements as follows:</i></p> <ul style="list-style-type: none"> <i>• The Act does not require accepted and deemed-to-satisfy applications to be notified – these assessment pathways are determined by the development classes identified in the Code and any associated criteria to maintain the pathway.</i> <p><i>This also means that proposals that do not meet the criteria for an accepted or deemed-to-satisfy pathway could become performance assessed (subject to a ‘minor’ variation decision by the relevant authority) and therefore subject to public notification.</i></p> <ul style="list-style-type: none"> <i>• All performance assessed applications under the Act require an owner or occupier of each piece of ‘adjacent land’ to be notified, unless otherwise exempted by the Code. Table 5 in each zone was formulated for this purpose, and allows any class of development to be excluded from notification (subject to any criteria) and can also identify circumstances (places) where the ‘placement of a notice’ on the subject land need not occur.</i> 		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>Under the Act, ‘adjacent land’ means land that is no more than 60 metres from the other land.</i></p> <p><i>This differs from the old legislation, where only abutting allotments were captured plus any allotments across a public road, watercourse or reserve. The new term for ‘adjacent land’ results in notification to neighbouring landowners within a wider area.</i></p> <p><i>This increase in notification requirements requires additional resourcing by authorities. This is particularly apparent for minor and ancillary developments (like fences and domestic sheds) where the impacts (if any) are limited to an abutting owner of land rather than all other owners within 60 metres. The Commission considers changes to reduce unnecessary notification for applications that have little to no relevance to neighbours generally could be reviewed based on the ERDC letter, and help reduce effort in managing processes under the new development system.</i></p> <p><i>Changes could bring notification requirements into line with those under the former Development Regulations 2008 where relatively minor structures, particularly ancillary residential ones, did not typically require any notification.</i></p>		

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			<p><i>The Commission’s Engagement Report for the Phase 3 Code recognised the need to carefully balance the impact of public notification of development proposals to support greater certainty in assessment decisions, noting the broader intention to encourage participation in policy making. A recommendation in the Commission’s report (see PT.37, page 31) sought to ‘exclude performance assessed development from notification where envisaged in the zone, in accordance with the following principle’:</i></p> <ul style="list-style-type: none"> <i>(a) an accepted class of development identified in Table 1 of the Zone</i> <i>(b) a Deemed-to-Satisfy class of development identified in Table 2 of the Zone</i> <i>(c) a type of development identified or captured within land uses that are expected in the zone in DTS / DPF 1.1 is not subject to notification, except where:</i> <i>(d) acceptable standards of built form or intensity are exceeded and/or</i> <i>(e) the development is likely to result in substantial impacts on the amenity of adjacent dwellings located on land in another zone.</i> <p><i>The report further recommended amending:</i></p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>Procedural Matters – Notification tables to generally exclude development from notification that is identified as Category 1 in Schedule 9 of the Development Regulations 2008. (see PT.41, page 33)</i></p> <p><i>and</i></p> <p><i>Procedural Matters – Notification’ tables to remove public notification triggers based on a failure to satisfy boundary setbacks. (see PT.42, page 33)</i></p> <p><i>The implementation of these recommendations is a ‘balancing act’ in terms of establishing when notification is a reasonable expectation based on potential impacts on a neighbour or neighbours, including whether notification might apply to development that did not require notification under the Development Regulations 2008.</i></p> <p><i>In hindsight it would appear that the Code has introduced notification requirements that are causing a degree of frustration for planning authorities, and this was communicated by the Environment, Resources and Development Committee of Parliament in its review of the Phase Three (Urban Areas) Code Amendment, post approval.</i></p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>This Code Amendment presents an opportunity to address some of those frustrations.</i></p> <p>Practitioner Feedback</p> <p><i>A workshop was held with representatives from local councils, the Local Government Association and the private sector to gain further insight into the areas of public notification that could be improved within the context of the Commission’s established principles for public notification.</i></p> <p><i>Minor variations to exception criteria</i></p> <p><i>One key issue that come out of the original call for submissions was the lack of ability for a relevant authority to allow minor variations in respect to the exception criteria contained in Column B of the public notification tables. For example, in most neighbourhood zones, dwellings that are proposed to be built on, or abut an allotment boundary are subject to wall length and height exception criteria. If a proposal exceeded these quantitative numbers by even the smallest amount, it would trip into public notification. Currently there is no ability for the relevant authority to deal with this as a minor variation, despite potential impacts being negligible.</i></p>		

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			<p><i>The option of including additional rules into the Code that would allow a relevant authority to determine that a variation to one or more corresponding exclusions prescribed in Column B is minor in nature was put to the workshop and was generally supported. Those that were cautious indicated support but with a preference that it be limited to one variation only. Others felt that further guidance on what constituted a ‘minor variation’ would assist. The LGA expressed concern with the overall approach citing the number of concerns they receive through elected members about why certain proposals weren’t notified and that this change would only further compound the issue and place extra pressure on council staff.</i></p> <p><i>Whilst these concerns are acknowledged, the option of allowing a relevant authority to determine minor variations to exception criteria in Column B, is not considered to vary much from the powers currently offered by the following clause in the zone public notification tables:</i></p> <p><i>1. Development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.</i></p>		

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			<p><i>This clause was ‘grandfathered’ over from the former Development Regulations 2008 (Schedule 9, Part 1, clause 2(g)) and is commonly used when a development is not specifically excluded from notification but is considered minor and not likely to impact on neighbouring owners and occupiers. Importantly, a relevant authority can use this provision at its discretion and the same would apply in respect to minor variations to exception criteria in Column B. Allowing minor variations of this nature would provide the flexibility needed to ensure that public notification red tape is not applied to matters that are minor and trivial in nature. Exclusion of minor forms of development from notification</i></p> <p><i>Not surprisingly, given the feedback received post implementation of Phase 3 of the Code, the exclusion of minor forms of development (e.g. fences, retaining walls, pergolas, decks, shade sails, roof mounted solar) from notification exception criteria in Column B was generally supported at the workshop. Some nervousness amongst the group was expressed about some activities including:</i></p> <ul style="list-style-type: none"> <i>• building work on railway land - why is this excluded from notification?</i> 		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<ul style="list-style-type: none"> • <i>rainwater tanks – consider the visual impact on neighbours, particularly those abutting allotment boundaries</i> • <i>retaining walls – in undulating areas where substantial cut and fill may be needed. Consider the combined impact of fence and retaining wall.</i> • <i>decks – where overlooking may be an issue – public expects decks to be notified.</i> <p><i>Some participants felt that decks were not a good example of an activity that warranted notification as there were sufficient policies in the Code to deal with matters of overlooking and that relevant authorities were sufficiently capable of determining applications without input from neighbouring properties. As part of this Code Amendment, it is proposed to include some additional guidance for decks that fall to the performance assessed pathway (refer to section 2.3.4.4 Decks – Design, and Design in Urban Areas General Development Policies – Assessment Pathways of this report). These policies seek to provide minimum expectations for screening and maximum height above ground level standards. With these additional policies in place, it is considered that decks are a form of development which, in general terms, do not warrant notification. Further, it would</i></p>		

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			<p><i>be inconsistent to require public notification for decks when dwellings (another form of development where overlooking might arise but is sufficiently addressed by Code policy) are generally not subject to notification.</i></p> <p><i>Outbuildings, a form of development that is generally minor and expected in most (if not all) zones, were also discussed in terms of whether they should be subject to the building on boundary exception criteria that applies to dwellings in neighbourhood zones. There were mixed views on this ranging from ‘outbuildings shouldn’t be notified’ to ‘maybe’ to ‘would need to look at specific zones’.</i></p> <p><i>Under the former development system, an outbuilding, provided that it was ancillary to a dwelling, was exempt from public notification without exception (refer to Schedule 9, Part 1, Clause 2(d) of the Development Regulations 2008). Carports, verandas, fences, swimming pools and spa pools, were similarly exempt:</i></p> <p>Development Regulations 2008 <i>Development exempt from public notification, Schedule 9, Pt 1, Clause (d):</i></p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>the construction of (or of any combination of) a carport, garage, shed, pergola, verandah, fence, swimming pool, spa pool or outbuilding if it will be ancillary to a dwelling;</i></p> <p><i>As existed in Development Plans, the Code contains specific policies to guide the assessment of outbuildings based on their height, bulk and scale. These are contained in the Design General Development Policies (PO, DTS/DPF 13.1 and 13.2) and the ‘Ancillary Buildings and Structures’ section of neighbourhood-type zones. With these policies in place and given that outbuildings are generally an expected minor form of development, it is not unreasonable to maintain the approach of the former development system – that is to exempt outbuildings and other minor structures from public notification.</i></p> <p><i>Zone tailored notification for minor forms of development. During the workshop it was put to the group whether there are any zones that would benefit from a more tailored approach to notification exceptions for minor forms of development. In response, it was thought that exceptions on a zone-by-zone basis might be a good idea with decks in undulating areas presented as one example. The same</i></p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>question was put to planning practitioners via a monthly policy forum held by Planning and Land Use Services. Feedback from this session suggested that provided policy was there to adequately assess minor forms of development there was some comfort that the assessment process could be undertaken without the need for notification. A point was also made that it would be difficult to tailor notification on a zone-by-zone basis because some zones apply to areas that are vastly different in terms of the characteristics in which they display. The Master Planned Neighbourhood Zone is an example of this where in the Mount Barker area for instance, it applies to an undulating area where excavation and fill are usually required to create level sites whereas on the Adelaide Plains, land is generally flat, lessening the need to install retaining walls. It was also put to the forum that there is a real risk of over thinking the issue. Subjecting minor forms of development to notification leads to applications having to go to assessment panels resulting in additional costs to the applicant and time delays. It was felt that practitioners are appropriately skilled and more than capable of making suitable decisions on minor forms of</i></p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>development. Empowering decisions makers should instead be the focus rather than subjecting minor developments to unnecessary red tape.</i></p> <p><i>Ultimately, the fact that an application for minor development is not subject to notification doesn't mean that it has passed the assessment test. The Code in its current form contains a suite of targeted and general policies that are applicable to the assessment of (or can be used in the assessment of) performance assessed outbuildings, carports, verandahs, swimming pools/spas, fences, retaining walls and solar panel facilities. Such policies address matters of built form, visual amenity, overshadowing, overlooking and noise impacts. In terms of decks, a gap in policy has been identified, however it is proposed as part of this Code Amendment to include assessment policy for decks and provide a Deemed-to-satisfy pathway.</i></p> <p><i>On this basis, it is considered reasonable to exclude minor forms of development from public notification, unconditionally.</i></p> <p>Proposed Code Change</p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>AMEND the interpretation section of each zone public notification table (Table 5) together with Part 1 – Rules of Interpretation by inserting rules into the Code that would allow a relevant authority to determine that a variation to one or more corresponding exclusions prescribed in Column B is minor in nature, in which case the application will not require notification.</p> <p>AMEND each zone public notification table (Table 5) so that the following minor forms of development are not subject to public notification (or subjected to notification exception criteria in Column B):</p> <ul style="list-style-type: none"> - Air handling unit, air conditioning system or exhaust fan - Carport - Deck - Fence - Outbuilding - Pergola - Private bushfire shelter - Retaining wall - Shade sail - Solar photovoltaic panels (roof mounted) - Swimming pools or spa pool 		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<ul style="list-style-type: none"> - Verandah - Water tank. <p>Amendment Instructions Refer to ATTACHMENT A, and the corresponding Part of the Code and issue/topic identified</p>		
14.	Page 37	Established Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 5 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> <i>air handling unit, air conditioning system or exhaust fan</i> - carport - deck - fence - outbuilding - pergola - private bushfire shelter - retaining wall - shade sail 	Amendments supported. While minor structures will not require notification they will still be assessed against the envisaged length and height provisions within the zone of 8m long and 3m high.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<ul style="list-style-type: none"> - solar photovoltaic panels (roof mounted) - swimming pool or spa pool - verandah - water tank (b) renumber list in alphabetical order as required		
15.	Page 38	Established Neighbourhood Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 6 (in Column A): ‘Except any of the following: 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.’ With: ‘Except any of the following: 1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in	Support the re-wording of policy.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments				
			<i>the State Heritage Area in which the building is situated) 2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).'</i>						
16.		Established Neighbourhood Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 6: <table border="1" data-bbox="667 1034 1240 1184"> <thead> <tr> <th>Class of Development (Column A)</th> <th>Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td><u>7. Railway line.</u></td> <td><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>	No issues considered.	No comment.
Class of Development (Column A)	Exceptions (Column B)								
<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>								
17.	Page 39	General Neighbourhood Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the	Support the re-wording of policy.	No comment.				

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>following text in the exceptions column (Column B) relating to clause 2 (in Column A):</p> <p><i>‘Except development involving any of the following:</i></p> <p><i>1. residential flat building(s) of 3 or more building levels</i></p> <p><i>2. the demolition of a State or Local Heritage Place</i></p> <p><i>3. the demolition of a building (except an ancillary building) in a Historic Area Overlay.’</i></p> <p>With:</p> <p><i>‘Except development involving any of the following:</i></p> <p><i>1. residential flat building(s) of 3 or more building levels</i></p> <p><i>2. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</i></p> <p><i>3. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the</i></p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<i>area in which the building is situated).</i>		
18.		General Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> - air handling unit, air conditioning system or exhaust fan - building work on railway land - carport - deck - fence - outbuilding - pergola - private bushfire shelter - retaining wall - shade sail - solar photovoltaic panels (roof mounted) - swimming pool or spa pool - verandah 	<p>List of development to remain:</p> <ul style="list-style-type: none"> - Ancillary accommodation. - Dwelling - Dwelling addition - Residential flat building - Retirement facility - Student accommodation - Supported accommodation. 	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>-water tank (b) renumber list in alphabetical order as required</p>		
19.		General Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 5 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - <i>air handling unit, air conditioning system or exhaust fan</i> - <i>carport</i> - <i>deck</i> - <i>fence</i> - <i>outbuilding</i> - <i>pergola</i> - <i>private bushfire shelter</i> - <i>retaining wall</i> - <i>shade sail</i> - <i>solar photovoltaic panels (roof mounted)</i> - <i>swimming pool or spa pool</i> - <i>verandah</i> 	<p>Amendments supported. While minor structures will not require notification they will still be assessed against the envisaged length and height provisions within the zone of 11.5 m long and 3m high.</p>	<p>No comment.</p>

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>- <i>water tank</i> (b) renumber list in alphabetical order as required</p>		
20.		General Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 7 (in Column A):</p> <p><i>‘Except any of the following:</i> 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.’</p> <p>With:</p> <p><i>‘Except any of the following:</i> 1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated) 2. the demolition (or partial demolition) of a building in a</p>	Support re-wording of policy.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<i>Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).'</i>		
21.	Page 47	Home Industry Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 2 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> -air handling unit, air conditioning system or exhaust fan -building work on railway land -carport -fence -outbuilding -private bushfire shelter -retaining wall -shade sail -solar photovoltaic panels (roof mounted) 	<p>List of development to remain:</p> <ul style="list-style-type: none"> - Advertisement - Ancillary accommodation - Consulting room - Dwelling - Dwelling addition - Light industry - Motor repair station - Office - Shop - Store - Warehouse. 	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>-swimming pool or spa pool -verandah -water tank</p> <p>(b) renumber list in alphabetical order as required</p>		
22.		Home Industry Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - air handling unit, air conditioning system or exhaust fan - carport - deck - fence - outbuilding - pergola - private bushfire shelter - retaining wall - shade sail - solar photovoltaic panels (roof mounted) - swimming pool or spa pool 	Support the amendments.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>- verandah - water tank (b) renumber list in alphabetical order as required</p>		
23.		Home Industry Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 4 (in Column A):</p> <p>‘Except any of the following:</p> <p>1. the demolition of a State or Local Heritage Place</p> <p>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.’</p> <p>With:</p> <p><i>‘Except any of the following:</i></p> <p><i>1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</i></p>	Support the re-wording of policy.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments				
			<p><i>2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).'</i></p>						
24.		Home Industry Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 4:</p> <table border="1" data-bbox="663 963 1288 1121"> <thead> <tr> <th data-bbox="663 963 974 1027">Class of Development (Column A)</th> <th data-bbox="974 963 1288 1027">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="663 1027 974 1121"><u>5. Railway line.</u></td> <td data-bbox="974 1027 1288 1121"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	<u>5. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>	No issues considered.	No comment.
Class of Development (Column A)	Exceptions (Column B)								
<u>5. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>								
25.	Page 48	Housing Diversity Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 2 (in Column A):</p>	Support the re-wording of policy.	No comment.				

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>'Except development involving any of the following:</i></p> <ol style="list-style-type: none"> <i>1. residential flat building(s) of 3 storeys or greater</i> <i>2. the demolition of a State or Local Heritage Place</i> <i>3. the demolition of a building (except an ancillary building) in a Historic Area Overlay.'</i> <p>With:</p> <p><i>'Except development involving any of the following:</i></p> <ol style="list-style-type: none"> <i>1. residential flat building(s) of 3 or more building levels</i> <i>2. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</i> <i>3. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).'</i> 		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
26.	Page 49	Housing Diversity Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> - air handling unit, air conditioning system or exhaust fan - building work on railway land - carport - deck - demolition - fence - outbuilding - pergola - private bushfire shelter - retaining wall - shade sail - solar photovoltaic panels (roof mounted) - swimming pool or spa pool - verandah - water tank 	<p>List of development to remain:</p> <ul style="list-style-type: none"> - Ancillary accommodation. - Dwelling - Dwelling addition - Recreation area - Residential flat building - Retirement facility - Student accommodation - Supported accommodation. 	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			(b) renumber list in alphabetical order as required		
27.	Page 49	Housing Diversity Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 6 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> <i>air handling unit, air conditioning system or exhaust fan</i> <i>- carport</i> <i>- deck</i> <i>- fence</i> <i>- outbuilding</i> <i>- pergola</i> <i>- private bushfire shelter</i> <i>- retaining wall</i> <i>- shade sail</i> <i>- solar photovoltaic panels (roof mounted)</i> <i>- swimming pool or spa pool</i> <i>- verandah</i> <i>- water tank</i> 	Amendments supported. While minor structures will not require notification they will still be assessed against the envisaged length and height provisions within the zone of 11.5 m long and 3m high.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
28.		Housing Diversity Neighbourhood Zone	<p>(b) renumber list in alphabetical order as required</p> <p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 7 (in Column A):</p> <p><i>‘Except any of the following:</i></p> <p><i>1. the demolition of a State or Local Heritage Place</i></p> <p><i>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.’</i></p> <p>With:</p> <p><i>‘Except any of the following:</i></p> <p><i>1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</i></p> <p><i>2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the</i></p>	Support the re-wording of policy.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments				
			<i>building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</i>						
29.		Housing Diversity Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 7:</p> <table border="1"> <thead> <tr> <th>Class of Development (Column A)</th> <th>Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td><i>8. Railway line.</i></td> <td><i>Except where located outside of a rail corridor or rail reserve.</i></td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	<i>8. Railway line.</i>	<i>Except where located outside of a rail corridor or rail reserve.</i>	No issues considered.	No comment.
Class of Development (Column A)	Exceptions (Column B)								
<i>8. Railway line.</i>	<i>Except where located outside of a rail corridor or rail reserve.</i>								
30.	Page 51	Infrastructure Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 2 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p>	<p>List of development to remain:</p> <ul style="list-style-type: none"> - Electricity substation - Landfill, including gas extraction plant and equipment - Public service depot 	No comment.				

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>-air handling unit, air conditioning system or exhaust fan -building work on railway land -fence -solar photovoltaic panels (roof mounted) -water tank</p> <p>(b) renumber list in alphabetical order as required</p>	<ul style="list-style-type: none"> - Stormwater retention / detention basin - Sewerage treatment facility - Telecommunications facility - Waste transfer depot - Water treatment and supply. <p>No issues considered.</p>	
31.		Infrastructure Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - air handling unit, air conditioning system or exhaust fan - carport - deck - fence - land division - outbuilding - pergola 	No issues considered.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<ul style="list-style-type: none"> - <i>private bushfire shelter</i> - <i>retaining wall</i> - <i>shade sail</i> - <i>solar photovoltaic panels (roof mounted)</i> - <i>swimming pool or spa pool</i> - <i>verandah</i> - <i>water tank</i> (b) renumber list in alphabetical order as required		
32.		Infrastructure Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 4 (in Column A): <i>'Except any of the following:</i> <i>1. the demolition of a State or Local Heritage Place</i> <i>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.'</i> With: <i>'Except any of the following:</i> <i>1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place</i>	Support the re-wording of policy.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</i></p> <p><i>2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).'</i></p>		
33.		Infrastructure Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert:</p> <p>(a) the following additional class of development and corresponding exception in a new row immediately after clause 3:</p>	No issues considered.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments								
			<table border="1" data-bbox="667 571 1272 705"> <thead> <tr> <th data-bbox="667 571 972 639">Class of Development (Column A)</th> <th data-bbox="972 571 1272 639">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="667 639 972 705"><u>4. Building for the purposes of railway activities.</u></td> <td data-bbox="972 639 1272 705"><u>None specified</u></td> </tr> </tbody> </table> <p data-bbox="667 746 1344 849">(b) the following additional class of development and corresponding exception in a new row immediately after clause 4:</p> <table border="1" data-bbox="667 887 1272 1046"> <thead> <tr> <th data-bbox="667 887 972 959">Class of Development (Column A)</th> <th data-bbox="972 887 1272 959">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="667 959 972 1046"><u>6. Railway line.</u></td> <td data-bbox="972 959 1272 1046"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table> <p data-bbox="667 1088 1214 1120">(c) renumber clauses in Column A as required.</p>	Class of Development (Column A)	Exceptions (Column B)	<u>4. Building for the purposes of railway activities.</u>	<u>None specified</u>	Class of Development (Column A)	Exceptions (Column B)	<u>6. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>		
Class of Development (Column A)	Exceptions (Column B)												
<u>4. Building for the purposes of railway activities.</u>	<u>None specified</u>												
Class of Development (Column A)	Exceptions (Column B)												
<u>6. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>												
34.	Page 56	Local Activity Zone	<p data-bbox="667 1168 1400 1337">In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clauses 2 and 5 (in Column A):</p> <p data-bbox="667 1343 1003 1370">‘Except any of the following:</p>	Support the re-wording of policy.	No comment.								

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.'</p> <p>With: 'Except any of the following: 1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated) 2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).'</p>		
35.		Local Activity Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed	List of development to remain: - Advertisement - Community facility	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> –air handling unit, air conditioning system or exhaust fan –building work on railway land –deck –fence –land division –retaining wall –shade sail –solar photovoltaic panels (roof mounted) –verandah –water tank <p>(b) renumber list in alphabetical order as required</p>	<ul style="list-style-type: none"> - Consulting room - Dwelling - Office - Shop <p>No issues considered.</p>	
36.		Local Activity Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 4 in Column A by:</p>	No issues considered.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - <i>air handling unit, air conditioning system or exhaust fan</i> - <i>carport</i> - <i>deck</i> - <i>fence</i> - <i>land division</i> - <i>outbuilding</i> - <i>pergola</i> - <i>private bushfire shelter</i> - <i>retaining wall</i> - <i>shade sail</i> - <i>solar photovoltaic panels (roof mounted)</i> - <i>swimming pool or spa pool</i> - <i>verandah</i> - <i>water tank</i> <p>(b) renumber list in alphabetical order as required</p>		
37.		Local Activity Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the	No issues considered.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments				
			<p>following additional class of development and corresponding exception in a new row immediately after clause 5:</p> <table border="1" data-bbox="667 676 1281 836"> <thead> <tr> <th data-bbox="667 676 972 746">Class of Development (Column A)</th> <th data-bbox="972 676 1281 746">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="667 746 972 836"><u>6. Railway line.</u></td> <td data-bbox="972 746 1281 836"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	<u>6. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>		
Class of Development (Column A)	Exceptions (Column B)								
<u>6. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>								
38.	Page 67	Open Space Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 2 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> - building work on railway land <p>(b) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - carport - deck - pergola - private bushfire shelter - swimming pool or spa pool 	<p>List of development to remain:</p> <ul style="list-style-type: none"> - advertisement - air handling unit, air conditioning system or exhaust fan - building work on railway land - carport - deck - fence - internal building works - land division - open space - pergola 	No comment.				

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			(c) renumber list in alphabetical order as required	<ul style="list-style-type: none"> - private bushfire shelter - playground - protective tree netting structure - recreation area - replacement building - retaining wall - shade sail - solar photovoltaic panels (roof mounted) - swimming pool or spa pool - temporary accommodation in an area affected by bushfire - tree damaging activity - verandah - water tank. <p>No issues considered.</p>	
39.		Open Space Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed	Support the re-wording of policy.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 4 (in Column A):</p> <p><i>‘Except any of the following:</i></p> <p><i>1. the demolition of a State or Local Heritage Place</i></p> <p><i>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.’</i></p> <p>With:</p> <p><i>‘Except any of the following:</i></p> <p><i>1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</i></p> <p><i>2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).’</i></p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments				
40.		Open Space Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 6:</p> <table border="1" data-bbox="667 820 1261 995"> <thead> <tr> <th data-bbox="667 820 960 890">Class of Development (Column A)</th> <th data-bbox="960 820 1261 890">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="667 890 960 995"><u>7. Railway line.</u></td> <td data-bbox="960 890 1261 995"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table> <p>And renumber subsequent clauses in Column A as required.</p>	Class of Development (Column A)	Exceptions (Column B)	<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>	No issues considered.	No comment.
Class of Development (Column A)	Exceptions (Column B)								
<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>								
41.	Page 70	Recreation Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 2 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <p>air handling unit, air conditioning system or exhaust fan</p>	<p>List of development to remain:</p> <ul style="list-style-type: none"> - Advertisement - Change rooms - Outdoor sports courts - Playground - Protective tree netting structure 	No comment.				

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<ul style="list-style-type: none"> -building work on railway land -fence -outbuilding -retaining wall -shade sail -solar photovoltaic panels (roof mounted) -verandah -water tank <p>(b) renumber list in alphabetical order as required</p>	No issues considered.	
42.		Recreation Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 4 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - air handling unit, air conditioning system or exhaust fan - carport - deck - fence - outbuilding - pergola 	No issues considered.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<ul style="list-style-type: none"> - <i>private bushfire shelter</i> - <i>retaining wall</i> - <i>shade sail</i> - <i>solar photovoltaic panels (roof mounted)</i> - <i>swimming pool or spa pool</i> - <i>verandah</i> - <i>water tank</i> (b) renumber list in alphabetical order as required		
43.		Recreation Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 5 (in Column A): <i>'Except any of the following:</i> <i>1. the demolition of a State or Local Heritage Place</i> <i>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.'</i> With: <i>'Except any of the following:</i> <i>1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area</i>	Support the re-wording of policy.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments				
			<p><i>under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</i></p> <p><i>2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).'</i></p>						
44.		Recreation Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 6:</p> <table border="1" data-bbox="667 1145 1232 1300"> <thead> <tr> <th data-bbox="667 1145 952 1209">Class of Development (Column A)</th> <th data-bbox="952 1145 1232 1209">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="667 1209 952 1300"><u>7. Railway line.</u></td> <td data-bbox="952 1209 1232 1300"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table> <p>And renumber subsequent clauses in Column A as required.</p>	Class of Development (Column A)	Exceptions (Column B)	<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>	No issues considered.	No comment.
Class of Development (Column A)	Exceptions (Column B)								
<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>								

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
45.	Page 88	Strategic Employment Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 2 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> -air handling unit, air conditioning system or exhaust fan -building work on railway land -carport -fence -outbuilding -retaining wall -shade sail -solar photovoltaic panels (roof mounted) -verandah -water tank <p>(b) renumber list in alphabetical order as required</p>	<p>List of development to remain:</p> <ul style="list-style-type: none"> - Advertisement - Telecommunications facility - Temporary public service depot <p>No issues considered.</p>	No comment.
46.		Strategic Employment Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed	No issues considered.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>development that are excluded from notification, amend clause 4 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - <i>air handling unit, air conditioning system or exhaust fan</i> - <i>carport</i> - <i>deck</i> - <i>fence</i> - <i>outbuilding</i> - <i>pergola</i> - <i>private bushfire shelter</i> - <i>retaining wall</i> - <i>shade sail</i> - <i>solar photovoltaic panels (roof mounted)</i> - <i>swimming pool or spa pool</i> - <i>verandah</i> - <i>water tank</i> <p>(b) renumber list in alphabetical order as required</p>		
47.		Strategic Employment Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed	Support the re-wording of policy.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 5 (in Column A):</p> <p><i>‘Except any of the following:</i></p> <p><i>1. the demolition of a State or Local Heritage Place</i></p> <p><i>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.’</i></p> <p>With:</p> <p><i>‘Except any of the following:</i></p> <p><i>1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</i></p> <p><i>2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).’</i></p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments								
48.		Strategic Employment Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert:</p> <p>(a) the following additional class of development and corresponding exception in a new row immediately after clause 4:</p> <table border="1" data-bbox="667 820 1270 967"> <thead> <tr> <th data-bbox="667 820 969 890">Class of Development (Column A)</th> <th data-bbox="969 820 1270 890">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="667 900 969 967"><u>5. Building for the purposes of railway activities.</u></td> <td data-bbox="969 900 1270 967"><u>None specified</u></td> </tr> </tbody> </table> <p>(b) the following additional class of development and corresponding exception in a new row immediately after clause 5:</p> <table border="1" data-bbox="667 1114 1270 1260"> <thead> <tr> <th data-bbox="667 1114 969 1184">Class of Development (Column A)</th> <th data-bbox="969 1114 1270 1184">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="667 1193 969 1260"><u>7. Railway line.</u></td> <td data-bbox="969 1193 1270 1260"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	<u>5. Building for the purposes of railway activities.</u>	<u>None specified</u>	Class of Development (Column A)	Exceptions (Column B)	<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>	No issues considered.	No comment.
Class of Development (Column A)	Exceptions (Column B)												
<u>5. Building for the purposes of railway activities.</u>	<u>None specified</u>												
Class of Development (Column A)	Exceptions (Column B)												
<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>												

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
49.	Page 93	Suburban Activity Centre Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clauses 2 and 5 (in Column A):</p> <p><i>‘Except any of the following:</i></p> <p><i>1. the demolition of a State or Local Heritage Place</i></p> <p><i>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.’</i></p> <p>With:</p> <p><i>‘Except any of the following:</i></p> <p><i>1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</i></p> <p><i>2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes</i></p>	Support the re-wording of policy.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<i>identified in the Historic Area Statement applicable to the area in which the building is situated).</i>		
50.		Suburban Activity Centre Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> - air handling unit, air conditioning system or exhaust fan - building work on railway land - fence - retaining wall - shade sail - solar photovoltaic panels (roof mounted) - verandah - water tank <p>(b) renumber list in alphabetical order as required</p>	<p>List of development to remain:</p> <ul style="list-style-type: none"> - Advertisement - Cinema - Community facility - Consulting room - Dwelling located above a non-residential building level - Indoor recreation facility - Library - Office - Place of worship - Pre-school - Service trade premises - Temporary public service depot - Tourist accommodation <p>No issues considered.</p>	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
51.		Suburban Activity Centre Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 4 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - <i>air handling unit, air conditioning system or exhaust fan</i> - <i>carport</i> - <i>deck</i> - <i>fence</i> - <i>outbuilding</i> - <i>pergola</i> - <i>private bushfire shelter</i> - <i>retaining wall</i> - <i>shade sail</i> - <i>solar photovoltaic panels (roof mounted)</i> - <i>swimming pool or spa pool</i> - <i>verandah</i> - <i>water tank</i> <p>(b) renumber list in alphabetical order as required</p>	No issues considered.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments				
52.		Suburban Activity Centre Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 5:</p> <table border="1" data-bbox="667 746 1261 890"> <thead> <tr> <th data-bbox="667 746 965 810">Class of Development (Column A)</th> <th data-bbox="965 746 1261 810">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="667 810 965 890"><u>6. Railway line.</u></td> <td data-bbox="965 810 1261 890"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	<u>6. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>	No issues considered.	No comment.
Class of Development (Column A)	Exceptions (Column B)								
<u>6. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>								
53.	Page 94	Suburban Business Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clauses 2 and 6 (in Column A):</p> <p><i>‘Except any of the following: 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.’</i></p> <p>With:</p> <p><i>‘Except any of the following: 1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place</i></p>	Support the re-wording of policy.	No comment.				

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</i></p> <p><i>2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).</i></p>		
54.		Suburban Business Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <p>- air handling unit, air conditioning system or exhaust fan</p> <p>- building work on railway land</p> <p>- carport</p> <p>- fence</p>	<p>List of development to remain:</p> <ul style="list-style-type: none"> - Advertisement - Ancillary accommodation - Community facility - Dwelling - Residential flat building - Student accommodation <p>No issues considered.</p>	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<ul style="list-style-type: none"> -outbuilding -private bushfire shelter -shade sail -solar photovoltaic panels (roof mounted) -swimming pool or spa pool -verandah -water tank <p>(b) renumber list in alphabetical order as required</p>		
55.		Suburban Business Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 5 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - air handling unit, air conditioning system or exhaust fan - carport - deck - fence - outbuilding - pergola - private bushfire shelter 	No issues considered.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments				
			<ul style="list-style-type: none"> - retaining wall - shade sail - solar photovoltaic panels (roof mounted) - swimming pool or spa pool - verandah - water tank (b) renumber list in alphabetical order as required						
56.		Suburban Business Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 6: <table border="1" style="margin-left: 20px; border-collapse: collapse;"> <thead> <tr> <th style="background-color: black; color: white;">Class of Development (Column A)</th> <th style="background-color: black; color: white;">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;"><u>7. Railway line.</u></td> <td style="padding: 2px;"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>	No issues considered.	No comment.
Class of Development (Column A)	Exceptions (Column B)								
<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>								
57.	96	Suburban Main Street Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the	Support the re-wording of policy.	No comment.				

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>following text in the exceptions column (Column B) relating to clauses 2 and 5 (in Column A):</p> <p><i>‘Except any of the following:</i></p> <p><i>1. the demolition of a State or Local Heritage Place</i></p> <p><i>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.’</i></p> <p>With:</p> <p><i>‘Except any of the following:</i></p> <p><i>1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</i></p> <p><i>2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).’</i></p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
58.		Suburban Main Street Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> -air handling unit, air conditioning system or exhaust fan -building work on railway land -fence -retaining wall -shade sail -solar photovoltaic panels (roof mounted) -verandah -water tank <p>(b) renumber list in alphabetical order as required</p>	<p>List of development to remain:</p> <ul style="list-style-type: none"> - Advertisement - Cinema - Consulting room - Dwelling located above non-residential building level - Indoor recreation facility - Library - Office - Place of worship - Pre-school - Shop - Temporary public service depot - Tourist accommodation. <p>No issues considered.</p>	No comment.
59.		Suburban Main Street Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 4 in Column A by:</p>	No issues considered.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - <i>air handling unit, air conditioning system or exhaust fan</i> - <i>carport</i> - <i>deck</i> - <i>fence</i> - <i>outbuilding</i> - <i>pergola</i> - <i>private bushfire shelter</i> - <i>retaining wall</i> - <i>shade sail</i> - <i>solar photovoltaic panels (roof mounted)</i> - <i>swimming pool or spa pool</i> - <i>verandah</i> - <i>water tank</i> <p>(b) renumber list in alphabetical order as required</p>		
60.		Suburban Main Street Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 5:	No issues considered.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments				
			<table border="1"> <thead> <tr> <th data-bbox="660 564 965 635">Class of Development (Column A)</th> <th data-bbox="965 564 1270 635">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="660 635 965 715">6. Railway line.</td> <td data-bbox="965 635 1270 715">Except where located outside of a rail corridor or rail reserve.</td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	6. Railway line.	Except where located outside of a rail corridor or rail reserve.		
Class of Development (Column A)	Exceptions (Column B)								
6. Railway line.	Except where located outside of a rail corridor or rail reserve.								
61.	Page 109	Urban Activity Centre Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clauses 2 and 6 (in Column A):</p> <p>Except any of the following:</p> <p>1. the demolition of a State or Local Heritage Place</p> <p>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.</p> <p>With:</p> <p>Except any of the following:</p> <p>1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</p>	Support the re-wording of policy.	No comment.				

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<i>2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).'</i>		
62.	Page 109	Urban Activity Centre Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by: (a) removing the following classes of development from the list: –air handling unit, air conditioning system or exhaust fan –shade sail –solar photovoltaic panels (roof mounted) –water tank (b) renumber list in alphabetical order as required	List of development to remain: - Advertisement - Consulting room - Dwelling - Office - Pre-school - Residential flat building - Student accommodation - Supported accommodation. No issues considered.	No comment.
63.		Urban Activity Centre Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed	No issues considered.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>development that are excluded from notification, amend clause 5 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - <i>air handling unit, air conditioning system or exhaust fan</i> - <i>carport</i> - <i>deck</i> - <i>fence</i> - <i>outbuilding</i> - <i>pergola</i> - <i>private bushfire shelter</i> - <i>retaining wall</i> - <i>shade sail</i> - <i>solar photovoltaic panels (roof mounted)</i> - <i>swimming pool or spa pool</i> - <i>verandah</i> - <i>water tank</i> <p>(b) renumber list in alphabetical order as required</p>		
64.			In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed	No issues considered.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments				
			<p>development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 6:</p> <table border="1" data-bbox="663 708 1256 855"> <thead> <tr> <th data-bbox="663 708 958 775">Class of Development (Column A)</th> <th data-bbox="958 708 1256 775">Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td data-bbox="663 775 958 855"><u>7. Railway line.</u></td> <td data-bbox="958 775 1256 855"><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>		
Class of Development (Column A)	Exceptions (Column B)								
<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>								
65.	Page 117	Urban Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clauses 2 and 6 (in Column A):</p> <p><i>‘Except any of the following:</i></p> <p><i>1. the demolition of a State or Local Heritage Place</i></p> <p><i>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.’</i></p> <p>With:</p> <p><i>‘Except any of the following:</i></p> <p><i>1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area</i></p>	Support the re-wording of policy.	No comment.				

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</i></p> <p><i>2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).'</i></p>		
66.		Urban Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <p>–air handling unit, air conditioning system or exhaust fan</p> <p>–shade sail</p> <p>–solar photovoltaic panels (roof mounted)</p> <p>–swimming pool or spa pool</p> <p>–water tank</p>	<p>List of development to remain:</p> <ul style="list-style-type: none"> - Advertisement - Dwelling - Dwelling addition - Pre-school - Residential flat building - Retirement facility - Student accommodation - Supported accommodation - Tourist accommodation. 	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			(b) renumber list in alphabetical order as required	No issues considered.	
67.		Urban Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 5 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - <i>air handling unit, air conditioning system or exhaust fan</i> - <i>carport</i> - <i>deck</i> - <i>fence</i> - <i>land division</i> - <i>outbuilding</i> - <i>pergola</i> - <i>private bushfire shelter</i> - <i>retaining wall</i> - <i>shade sail</i> - <i>solar photovoltaic panels (roof mounted)</i> - <i>swimming pool or spa pool</i> - <i>verandah</i> 	<p>No issues considered.</p> <p>The Code Amendment has added Land division to the excluded list from notification list as this was an error in the original drafting of the Code</p>	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments				
			- <i>water tank</i> (b) renumber list in alphabetical order as required						
68.		Urban Neighbourhood Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 6 <table border="1" data-bbox="667 821 1272 973"> <thead> <tr> <th>Class of Development (Column A)</th> <th>Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td><i>7. Railway line.</i></td> <td><i>Except where located outside of a rail corridor or rail reserve.</i></td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	<i>7. Railway line.</i>	<i>Except where located outside of a rail corridor or rail reserve.</i>	No issues considered.	No comment.
Class of Development (Column A)	Exceptions (Column B)								
<i>7. Railway line.</i>	<i>Except where located outside of a rail corridor or rail reserve.</i>								
69.	Page 118	Urban Renewal Neighbourhood Zone	In Table 5 – Procedural Matters (PM) – Notification, table that identifies classes of performance assessed development that are excluded from notification, replace following text in the exceptions column (Column B) relating to clause 2 (in Column A): <i>‘Except development involving any of the following: 1. residential flat building(s) of 3 storeys or greater 2. the demolition of a State or Local Heritage Place 3. the demolition of a building (except an ancillary building) in a Historic Area Overlay.’</i>	Support the re-wording of policy.	No comment.				

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>With: <i>'Except development involving any of the following: 1. residential flat building(s) of 3 or more building levels 2. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated) 3. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).'</i></p>		
70.		Urban Renewal Neighbourhood Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:	List of development to remain: <ul style="list-style-type: none"> - Ancillary accommodation - Dwelling - Dwelling addition - Residential flat building 	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>(a) removing the following classes of development from the list:</p> <ul style="list-style-type: none"> –air handling unit, air conditioning system or exhaust fan –building work on railway land –carport –deck –fence –outbuilding –pergola –private bushfire shelter –retaining wall –shade sail –solar photovoltaic panels (roof mounted) –swimming pool or spa pool –verandah –water tank <p>(b) renumber list in alphabetical order as required</p>	<ul style="list-style-type: none"> - Retirement facility - Student accommodation - Supported accommodation - Tourist accommodation. 	
71.		Urban Renewal Neighbourhood Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed	Amendments supported. While minor structures will not require notification they will still be assessed	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>development that are excluded from notification, amend clause 6 in Column A by:</p> <p>(a) including (in alphabetical order) the following additional classes of development within the list:</p> <ul style="list-style-type: none"> - <i>air handling unit, air conditioning system or exhaust fan</i> - <i>carport</i> - <i>deck</i> - <i>fence</i> - <i>outbuilding</i> - <i>pergola</i> - <i>private bushfire shelter</i> - <i>retaining wall</i> - <i>shade sail</i> - <i>solar photovoltaic panels (roof mounted)</i> - <i>swimming pool or spa pool</i> - <i>verandah</i> - <i>water tank</i> <p>(b) renumber list in alphabetical order as required</p>	<p>against the envisaged length and height provisions within the zone of 11.5 m long and 3m high.</p>	
72.		Urban Renewal Neighbourhood Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the	Support the re-wording of policy.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>following text in the exceptions column (Column B) relating to clause 7 (in Column A):</p> <p><i>‘Except any of the following:</i></p> <p><i>1. the demolition of a State or Local Heritage Place</i></p> <p><i>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.’</i></p> <p>With:</p> <p><i>‘Except any of the following:</i></p> <p><i>1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</i></p> <p><i>2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).’</i></p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments				
73.		Urban Renewal Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 7:</p> <table border="1"> <thead> <tr> <th>Class of Development (Column A)</th> <th>Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td><u>8. Railway line.</u></td> <td><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	<u>8. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>	No issues considered.	No comment.
Class of Development (Column A)	Exceptions (Column B)								
<u>8. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>								
74.	Page 121	Waterfront Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 2 (in Column A):</p> <p><i>'Except development involving any of the following:</i> <i>1. residential flat building(s) of 3 or more building levels</i> <i>2. the demolition of a State or Local Heritage Place</i> <i>3. the demolition of a building (except an ancillary building) in a Historic Area Overlay.'</i></p> <p>With: <i>'Except development involving any of the following:</i></p>	Support the re-wording of policy.	No comment.				

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>1. residential flat building(s) of 3 or more building levels</i></p> <p><i>2. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</i></p> <p><i>3. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).’</i></p>		
75.		Waterfront Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 3 in Column A by:</p> <p>(a) removing the following classes of development from the list:</p> <p>- air handling unit, air conditioning system or exhaust</p>	<p>List of development to remain:</p> <ul style="list-style-type: none"> - Ancillary accommodation - Dwelling - Dwelling addition - Jetty, pontoon or boat berth (or any combination thereof) 	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			fan – building work on railway land – carport – deck – fence – outbuilding – pergola – private bushfire shelter – retaining wall – shade sail – solar photovoltaic panels (roof mounted) – swimming pool or spa pool – verandah – water tank (b) renumber list in alphabetical order as required	<ul style="list-style-type: none"> - Residential flat building. 	
76.		Waterfront Neighbourhood Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, amend clause 5 in Column A by: (a) including (in alphabetical order) the following additional classes of development within the list: – air handling unit, air conditioning system or exhaust	Amendments supported. While minor structures will not require notification they will still be assessed against the envisaged length and height provisions within the zone of 11.5 m long and 3m high.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>fan</i></p> <ul style="list-style-type: none"> - <i>carport</i> - <i>deck</i> - <i>fence</i> - <i>outbuilding</i> - <i>pergola</i> - <i>private bushfire shelter</i> - <i>retaining wall</i> - <i>shade sail</i> - <i>solar photovoltaic panels (roof mounted)</i> - <i>swimming pool or spa pool</i> - <i>verandah</i> - <i>water tank</i> <p>(b) renumber list in alphabetical order as required</p>		
77.		Waterfront Neighbourhood Zone	<p>In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, replace the following text in the exceptions column (Column B) relating to clause 6 (in Column A):</p> <p><i>‘Except any of the following:</i></p> <p><i>1. the demolition of a State or Local Heritage Place</i></p>	Support the re-wording of policy.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.</p> <p>With:</p> <p><i>‘Except any of the following:</i></p> <p><i>1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)</i></p> <p><i>2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).’</i></p>		
78.		Waterfront Neighbourhood Zone	In Table 5 – Procedural Matters (PM) – Notification, in the table that identifies classes of performance assessed development that are excluded from notification, insert the following additional class of development and corresponding exception in a new row immediately after clause 6:	No issues considered.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments				
			<table border="1"> <thead> <tr> <th>Class of Development (Column A)</th> <th>Exceptions (Column B)</th> </tr> </thead> <tbody> <tr> <td><u>7. Railway line.</u></td> <td><u>Except where located outside of a rail corridor or rail reserve.</u></td> </tr> </tbody> </table>	Class of Development (Column A)	Exceptions (Column B)	<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>		
Class of Development (Column A)	Exceptions (Column B)								
<u>7. Railway line.</u>	<u>Except where located outside of a rail corridor or rail reserve.</u>								
79.	Page 124	2.3.2.11 Building Height – TNV and context – Policy refinement	<p>Within the Urban Neighbourhood Zone, amend PO 2.2 as follows:</p> <p><i>Building height is consistent with the form expressed in the Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer, and otherwise or positively responds to the local context including the site's frontage, depth, and adjacent primary street width.</i></p>	Minor amendments.	No comment.				
80.	Page 124	2.3.2.11 Building Height – TNV and context – Policy refinement	<p>Within the Housing Diversity Neighbourhood Zone, amend PO 3.1 as follows:</p> <p><i>Building height is consistent with the form expressed in any relevant Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer and is otherwise or is generally low rise, or complements the height of nearby buildings.</i></p>	Minor amendments.	No comment.				

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
81.	Page 125	2.3.2.11 Building Height – TNV and context – Policy refinement	Within the Local Activity Centre Zone PO 3.1, Suburban Activity Centre Zone PO 3.1, Employment Zone PO 3.5 and Township Activity Centre Zone PO 3.2, amend as follows: <i>Building height is consistent with the form expressed in any relevant Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer and is otherwise or is generally low rise to complement the established streetscape and local character.</i>	Minor amendments.	No comment.
82.		2.3.2.11 Building Height – TNV and context – Policy refinement	Within the Urban Activity Centre Zone, amend PO 3.1 as follows: <i>Building height is consistent with the form expressed in any relevant Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer and is otherwise or is generally medium rise development, with the highest intensity of built form at the centre of the zone, and lower scale at the peripheral zone interface.</i>	Minor amendments.	No comment.
83.		2.3.2.11 Building Height – TNV and context – Policy refinement	Within the Suburban Main Street Zone, amend PO 3.1 as follows: <i>Building height is consistent with the form expressed in any relevant Maximum Building Height (Levels) Technical and</i>	Minor amendments.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<i>Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer and otherwise or is low-to-medium rise, where the height commensurate with the development site's frontage and depth as well as the main street width, to complement the main street character.</i>		
84.		2.3.2.11 Building Height – TNV and context – Policy refinement	Within the Community Facilities Zone, amend PO 2.1 as follows: <i>Building height is consistent with the maximum height expressed in any relevant Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer or otherwise is generally consistent with the prevailing character of the locality and height of nearby buildings.</i>	Minor amendments.	No comment.
85.	Page 126	2.3.2.12 Building Height, Building Wall Setback and Wall Height – Policy Review Part 8 – Administrative	Within Part 8 – Administrative Terms and Definitions, amend 'Building height' in (Column A) by replacing the definition (in Column B) with the following: <i>Means the maximum vertical distance between the lower of the natural or finished ground level or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) at any point of any part of a building and the finished roof</i>	Support the proposed amendments.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
		Terms and Definitions	<p><i>height at its highest point, ignoring any antenna, aerial, chimney, flagpole or the like. For the purposes of this definition, building does not include any of the following:</i></p> <ul style="list-style-type: none"> <i>(a) flues connected to a sewerage system</i> <i>(b) telecommunications facility tower or monopole</i> <i>(c) electricity pole or tower</i> <i>(d) or any similar structure</i> <p><i>Similarly, inconsistent wording throughout the Code has been identified between the defined term ‘wall height’ with Part 8 of the Code (Administrative Terms & Definitions) defining ‘wall height’ as:</i></p> <p><i>Means the height of the wall measured from the top of its footings but excluding any part of the wall that is concealed behind an eave or similar roof structure and not visible external to the land.</i></p> <p><i>However, the phrase ‘wall height measured from the lower of natural or finished ground level’ has been identified throughout the Code. Other inconsistencies such as ‘wall height measured from the top of the footings’ have also been identified. The reference to wall height being measured from the top of the footings is doubling up reference to ‘top of the</i></p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<i>footings’ as the defined term in Part 8 of the Code which outlines that ‘wall height’ is to be measured from the top of its footings.’</i>		
86.			Within Part 8 – Administrative Terms and Definitions, amend ‘Wall height’ in (Column A) by replacing the definition (in Column B) with the following: <i>Means the height of the wall measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) but excluding noting that the height measurement does not include any part of the wall that is concealed behind an eave or similar roof structure and not visible external to the land.</i>	Minor	No comment.
87.			Within Part 8 – Administrative Terms and Definitions, amend by inserting (in alphabetical order) the following new term and definition for ‘Post height’:	Support the amendment.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments						
			<table border="1"> <thead> <tr> <th data-bbox="660 571 831 632">Term (Column A)</th> <th data-bbox="831 571 1077 632">Definition (Column B)</th> <th data-bbox="1077 571 1279 632">Illustrations Column C</th> </tr> </thead> <tbody> <tr> <td data-bbox="660 632 831 984"><u>Post height</u></td> <td data-bbox="831 632 1077 984"><u>Means the height of the post measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) noting that the height measurement does not include any part of the post that is concealed behind an eave or similar roof structure and not visible external to the land</u></td> <td data-bbox="1077 632 1279 984"></td> </tr> </tbody> </table>	Term (Column A)	Definition (Column B)	Illustrations Column C	<u>Post height</u>	<u>Means the height of the post measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) noting that the height measurement does not include any part of the post that is concealed behind an eave or similar roof structure and not visible external to the land</u>			
Term (Column A)	Definition (Column B)	Illustrations Column C									
<u>Post height</u>	<u>Means the height of the post measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) noting that the height measurement does not include any part of the post that is concealed behind an eave or similar roof structure and not visible external to the land</u>										
88.	Page 127	Part 2 – Zones and Subzones	<p>Established Neighbourhood Zone</p> <p>Within the Established Neighbourhood Zone, amend DTS/DPF 7.1(b)(ii)A. by replacing the words</p> <p><i>'A. exceed 3.2m in height from the lower of the natural or finished ground level'</i></p> <p>With</p> <p><i>'A. exceed 3.2m in wall height from the lower of the natural or finished ground level'</i></p>	Minor amendment.	No comment.						

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
89.		Part 2 – Zones and Subzones	<p>Within the Established Neighbourhood Zone, amend DTS/DPF 8.1(b) by replacing the following words: (b) in all other cases (i.e. there is a blank field), then: (i) at least 900mm where the wall is up to 3m (ii) other than for a south facing wall, at least 900mm plus 1/3 of the wall height above 3m (iii) at least 1.9m plus 1/3 of the wall height above 3m for south facing walls.</p> <p>With: <i>(b) in all other cases (i.e. there is a blank field), then:</i> <i>(i) where the wall height does not exceed 3m measured from the lower of natural or finished ground level - at least 900mm</i> <i>(ii) for a wall that is not south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level</i> <i>(iii) for a wall that is south facing and the wall height exceeds 3m measured from the lower of natural or finished ground</i></p>	<p>Use of the words ‘wall facing a southern boundary’ (which is not defined) has been used in some sections of the Code rather than the defined ‘south facing’ terminology above.</p> <p>Support the proposed amendments.</p>	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<i>level - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level.</i>		
90.	Page 12	General Neighbourhood Zone	<p>Within the General Neighbourhood Zone amend DTS/DPF 4.1 by replacing the following words: <i>Building height (excluding garages, carports and outbuildings) no greater than:</i> <i>(a) 2 building levels and 9m</i> <i>and</i> <i>(b) wall height that is no greater than 7m except in the case of a gable end.</i></p> <p>With: <i>Building height (excluding garages, carports and outbuildings) measured from the top of the footings no greater than 2 building levels and 9m and wall height that is no greater than 7m (not including a gable end).</i></p>	Support the proposed amendments.	No comment.
91.	Page 128	General Neighbourhood Zone	<p>Within the General Neighbourhood Zone amend DTS/DPF 7.1(b)(i) by replacing the words <i>'(i) exceed 3m in height from the top of footings'</i></p>	Support the proposed amendments.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>With</p> <p><i>'(i) exceed 3m in wall height'</i></p>		
92.	Page 128	General Neighbourhood Zone	<p>Within the General Neighbourhood Zone amend DTS/DPF8.1 by replacing the following:</p> <p><i>Other than walls located on a side boundary, building walls are set back from side boundaries:</i></p> <p><i>(a) at least 900mm where the wall height is up to 3m</i></p> <p><i>(b) other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m</i></p> <p><i>and</i></p> <p><i>(c) at least 1900mm plus 1/3 of the wall height above 3m for walls facing a southern side boundary.</i></p> <p>With:</p> <p><i>Other than walls located on a side boundary, building walls are set back from side boundaries in accordance with the following:</i></p> <p><i>(a) where the wall height does not exceed 3m - at least 900mm</i></p>	Support the proposed amendments.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>(b) for a wall that is not south facing and the wall height exceeds 3m - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings</p> <p>(c) for a wall that is south facing and the wall height exceeds 3m - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings.</p>		
93.	Page 128	General Neighbourhood Zone	<p>Within the General Neighbourhood Zone amend DTS/DPF 11.1(h) by replacing the words '(h) have a wall height or post height not exceeding 3m (and not including a gable end)'</p> <p>With '(h) have a wall height or post height not exceeding 3m above natural ground level (and not including a gable end)'.</p>	Support the proposed amendments.	No comment.
94.	Page 131	Home Industry Zone	<p>Within the Home Industry Zone amend DTS/DPF 3.3 by replacing the following words:</p> <p>Other than walls located on a side boundary, building walls are set back from side boundaries:</p>	Support the proposed amendments.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>(a) at least 900mm where the wall is up to 3m measured from the top of the footings</i></p> <p><i>(b) other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m measured from the top of the footings</i></p> <p><i>(c) at least 1900mm plus 1/3 of the wall height above 3m measured from the top of the footings for walls facing a southern side boundary.</i></p> <p><i>(d) at least 3m to any one side boundary to provide vehicle access to the rear of the site where the business activity is located or proposed to be located behind the dwelling.</i></p> <p>With:</p> <p><i>Other than walls located on a side boundary, building walls are set back from side boundaries in accordance with the following:</i></p> <p><i>(a) at least 3m to any one side boundary to provide vehicle access to the rear of the site where the business activity is located or proposed to be located behind the dwelling</i></p> <p><i>(b) in all other cases:</i></p> <p><i>(i) where the wall height does not exceed 3m - at least 900mm</i></p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>(ii) for a wall that is not south facing and the wall height exceeds 3m - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings</p> <p>(iii) for a wall that is south facing and the wall height exceeds 3m - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings.</p>		
95.	Page 132	Housing Diversity Neighbourhood Zone	<p>Within the Housing Diversity Neighbourhood Zone amend DTS/DPF 3.1 by replacing the words <i>'Building height (excluding garages, carports and outbuildings) is no greater than:'</i></p> <p>With <i>'Building height (excluding garages, carports and outbuildings) measured from the top of the footings is no greater than:'</i></p>	Support the proposed amendments.	No comment.
96.	Page 132	Housing Diversity Neighbourhood Zone	Within the Housing Diversity Neighbourhood Zone amend DTS/DPF 3.1(b) by replacing the words	Support the proposed amendments.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>'(b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) – 2 building levels up to a maximum height of 9m.'</i></p> <p>With <i>'(b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) - 2 building levels up to a maximum height of 9m measured from the top of the footings.'</i></p>		
97.	Page 132	Housing Diversity Neighbourhood Zone	<p>Within the Housing Diversity Neighbourhood Zone amend DTS/DPF 6.1(b)(i) by replacing the words <i>'(i) exceed 3m in height from the top of footings'</i></p> <p>With <i>'(i) exceed 3m in wall height'.</i></p>	No issue. Measurement from the top of footing is covered in the definition of wall height and does not need to be repeated here.	No comment.
98.	Page 132	Housing Diversity Neighbourhood Zone	<p>Within the Housing Diversity Neighbourhood Zone amend DTS/DPF 7.1 by replacing the words: <i>Other than walls located on a side boundary, building walls are set back from side boundaries:</i></p>	No issue.	Seek clarification why is the top of footings added if this is covered in the

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>(a) at least 900mm for a wall height less than 3m (b) at least 900mm m plus 1/3 of the wall height above 3m.</p> <p>With: <i>Other than walls located on a side boundary, building walls are set back from side boundaries in accordance with the following:</i> <i>(a) where the wall height does not exceed 3m - at least 900mm</i> <i>(b) where the wall height exceeds 3m - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings.</i></p>		definition of wall height?
99.	Page 132	Housing Diversity Neighbourhood Zone	<p>Within the Housing Diversity Neighbourhood Zone amend DTS/DPF 10.1(h) by replacing the words '(h) have a wall height or post height not exceeding 3m (and not including a gable end)'</p> <p>With '<i>(h) have a wall height or post height not exceeding 3m above natural ground level (and not including a gable end)'</i>.</p>	Support the proposed amendments.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
100.	Page 143	Urban Renewal Neighbourhood Zone	<p>Within the Urban Renewal Neighbourhood Zone amend DTS/DPF 2.1 by replacing the words <i>'Building height (excluding garages, carports and outbuildings) is no greater than:'</i></p> <p>With <i>'Building height (excluding garages, carports and outbuildings) measured from the top of the footings is no greater than:'</i></p>	Support the proposed amendments.	No comment.
101.	Page 143	Urban Renewal Neighbourhood Zone	<p>Within the Urban Renewal Neighbourhood Zone amend DTS/DPF 2.1 (b)(i) by replacing the words <i>'(i) 4 building levels and 15m where the site:'</i></p> <p>With <i>'(i) 4 building levels and 15m measured from the top of the footings where the site:'</i></p>	Support the proposed amendments.	No comment.
102.	Page 143	Urban Renewal Neighbourhood Zone	<p>Within the Urban Renewal Neighbourhood Zone amend DTS/DPF 2.1 (b)(ii) by replacing the words <i>'(ii) 3 building levels and 12m in all other circumstances.'</i></p>	Support the proposed amendments.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			With <i>'(i) 3 building levels and 15m measured from the top of the footings in all other circumstances'.</i>		
103.	Page 143	Urban Renewal Neighbourhood Zone	Within the Urban Renewal Neighbourhood Zone amend DTS/DPF 5.1(b)(i) by replacing the words <i>'(i) exceed 3m in height from the top of footings'</i> With <i>'(i) exceed 3m in wall height'.</i>	Support the proposed amendments.	No comment.
104.	Page 143	Urban Renewal Neighbourhood Zone	Within the Urban Renewal Neighbourhood Zone amend DTS/DPF 7.1 by replacing the following words: <i>Building walls not sited on side boundaries are set back from side boundaries:</i> <i>(a) 0.9m for a wall height less than 3m</i> <i>(b) 0.9m plus 1/3 of the wall height above 3m for walls greater than 3m in height.</i> With: <i>Building walls not sited on side boundaries are set back from side boundaries in accordance with the following:</i>	Support the proposed amendments.	The proposed policy amendment should refer to existing DTS/DPF 6.1.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>(a) where the wall height does not exceed 3m - at least 900mm</i></p> <p><i>(b) where the wall height exceeds 3m - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings.</i></p>		
105.	Page 143	Urban Renewal Neighbourhood Zone	<p>Within the Urban Renewal Neighbourhood Zone amend DTS/DPF 10.1(h) by replacing the words <i>'(h) have a wall height or post height not exceeding 3m (and not including a gable end)'</i></p> <p>With <i>'(h) have a wall height or post height not exceeding 3m above natural ground level (and not including a gable end)'</i>.</p>	Support the proposed amendments.	No comment.
106.	Page 144	Waterfront Neighbourhood Zone	<p>Within the Waterfront Neighbourhood Zone amend DTS/DPF 4.1 by replacing the words <i>'Building height (excluding garages, carports and outbuildings) is no greater than:'</i></p> <p>With</p>	Support the proposed amendments.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<i>'Building height (excluding garages, carports and outbuildings) measured from the top of the footings is no greater than.'</i>		
107.	Page 144	Waterfront Neighbourhood Zone	<p>Within the Waterfront Neighbourhood Zone amend DTS/DPF 4.1(b) by replacing the words <i>'(b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) - 2 building levels up to a height of 9m.'</i></p> <p>With <i>'(b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) - 2 building levels up to a height of 9m measured from the top of the footings.'</i></p>	Support the proposed amendments.	No comment.
108.	Page 144	Waterfront Neighbourhood Zone	<p>Within the Waterfront Neighbourhood Zone amend DTS/DPF 7.1(b)(i) by replacing the words <i>'(i) exceed 3m in height from the top of footings'</i></p> <p>With <i>'(i) exceed 3m in wall height'.</i></p>	Support the proposed amendments.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
109.	Page 144	Waterfront Neighbourhood Zone	<p>Within the Waterfront Neighbourhood Zone amend DTS/DPF 8.1 by replacing the following words: Other than walls located on a side boundary, building walls are set back from side boundaries: (a) at least 900mm where the wall height is up to 3m (b) other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m and (c) at least 1900mm plus 1/3 of the wall height above 3m for walls facing a southern side boundary.</p> <p>With: Other than walls located on a side boundary, building walls are set back from side boundaries in accordance with the following: (a) where the wall height does not exceed 3m - at least 900mm (b) for a wall that is not south facing and the wall height exceeds 3m - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings</p>	Support the proposed amendments.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<i>(c) for a wall that is south facing and the wall height exceeds 3m - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings.</i>		
110.	Page 144	Waterfront Neighbourhood Zone	<p>Within the Waterfront Neighbourhood Zone amend DTS/DPF 12.1(h) by replacing the words <i>'(h) have a wall height or post height not exceeding 3m (and not including a gable end).'</i></p> <p>With <i>'(h) have a wall height or post height not exceeding 3m above natural ground level (and not including a gable end).'</i></p>	Support the proposed amendments.	No comment.
111.	Page 145	Part 4 – General Development Policies	<p>Within Part 4 – General Development Policies – Housing Renewal amend DTS/DPF 6.1 by replacing the following words:</p> <p><i>Other than walls located on a side boundary, buildings are set back from side boundaries:</i></p> <p><i>(a) at least 900mm where the wall height is up to 3m</i> <i>(b) other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m</i></p>	Support the proposed amendments.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>(c) at least 1.9m plus 1/3 of the wall height above 3m for walls facing a southern side boundary.</p> <p>With: Other than walls located on a side boundary, buildings are set back from side boundaries in accordance with the following: (d) where the wall height does not exceed 3m - at least 900mm (e) for a wall that is not south facing and the wall height exceeds 3m - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings (f) for a wall that is south facing and the wall height exceeds 3m - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the top of the footings.</p>		
112.	Page 146	2.3.2.13 Building Walls and Dwelling Walls – Policy Review	Established Neighbourhood Zone Within the Established Neighbourhood Zone amend DTS/DPF 6.1(c) by replacing the words	Support the proposed amendments.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>'(c) if a dwelling on any adjoining allotment is closer to the secondary street, the distance of that dwelling from the boundary with the secondary street.'</i></p> <p>With <i>'(c) if a building (except for ancillary buildings and structures) on any adjoining allotment is closer to the secondary street, not less than the distance of that building from the boundary with the secondary street.'</i></p>		
113.	Page 146	2.3.2.13 Building Walls and Dwelling Walls – Policy Review	<p>Within the Established Neighbourhood Zone amend PO 7.1 by replacing the words <i>'Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.'</i></p> <p>With <i>'Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.'</i></p>	Appropriate amendment given it is not just the scale of dwellings on boundaries that requires careful design but other buildings too.	No comment.
114.	Page 146	2.3.2.13 Building Walls and Dwelling	Within the Established Neighbourhood Zone, amend DTS/DPF 7.1(b) by replacing the words	No real change to intent.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
		Walls – Policy Review	<p>'(b) where no side boundary setback value is returned in (a) above, and except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (i) or (ii) below:'</p> <p>With '(b) where no side boundary setback value is returned in (a) above, and except where the <i>building is a dwelling and is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (i) or (ii) below:'</i></p>		
115.	Page 146	2.3.2.13 Building Walls and Dwelling Walls – Policy Review	<p>Within the Established Neighbourhood Zone amend PO 9.1(a) by replacing the words '(a) separation between dwellings in a way that complements the established character of the locality'</p> <p>With '(a) separation between <i>buildings</i> in a way that complements the established character of the locality'.</p>	Support the proposed amendments.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
116.	Page 147	General Neighbourhood Zone	<p>Within the General Neighbourhood Zone, amend DTS/DPF 6.1(b) by replacing the words <i>'(b) if a dwelling on any adjoining allotment is closer to the secondary street than 900mm, at least the distance of that dwelling from the boundary with the secondary street.'</i></p> <p>With <i>(b) if a building (except for ancillary buildings and structures) on any adjoining allotment is closer to the secondary street than 900mm, not less than the distance of that building from the boundary with the secondary street.'</i></p>	Appropriate amendment given it does not just consider dwellings but other buildings too.	No comment.
117.	Page 147	General Neighbourhood Zone	<p>Within the General Neighbourhood Zone, amend PO 7.1 by replacing the words <i>'Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.'</i></p> <p>With <i>'Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.'</i></p>	Support the proposed amendments.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
118.	Page 147	General Neighbourhood Zone	<p>Within the General Neighbourhood Zone, amend DTS/DPF 7.1 by replacing the words <i>'Except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below.'</i></p> <p>With <i>'Except where the building is a dwelling and is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below.'</i></p>	Support the proposed amendments.	No comment.
119.	Page 147	General Neighbourhood Zone	<p>Within the General Neighbourhood Zone, amend PO 8.1(a) by replacing the words <i>'(a) separation between dwellings in a way that contributes to a suburban character'</i></p> <p>With <i>'(a) separation between buildings in a way that contributes to a suburban character'.</i></p>	Support the proposed amendments.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
120.	Page 147	General Neighbourhood Zone	<p>Within the General Neighbourhood Zone, amend PO 9.1 by replacing the words: 'Dwelling walls are set back from rear boundaries to provide: (a) separation between dwellings in a way that contributes to a suburban character'</p> <p>With: '<i>Building walls (excluding ancillary buildings and structures) are set back from rear boundaries to provide: (a) separation between buildings in a way that contributes to a suburban character'</i></p>	The proposed amendment changes nothing because it allows for minor structures to be closer which the current wording already does.	Seek clarification on the intent of the proposed amendment.
121.	Page 147	General Neighbourhood Zone	<p>Within the General Neighbourhood Zone, amend DTS/DPF 9.1 by replacing the words: 'Dwelling walls are set back from the rear boundary at least: (a) if the size of the site is less than 301m²— (i) 3m in relation to the ground floor of the dwelling (ii) 5m in relation to any other building level of the dwelling (b) if the size of the site is 301m² or more— (i) 4m in relation to the ground floor of the dwelling (ii) 6m in relation to any other building level of the dwelling.'</p>	The proposed amendment changes nothing because it allows for minor structures to be closer which the current wording already does.	Seek clarification on the intent of the proposed amendment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>With: <i>'Building walls (excluding ancillary buildings and structures) are set back from the rear boundary at least:</i> <i>(a) if the size of the site is less than 301m²—</i> <i>(i) 3m in relation to the ground floor of the building</i> <i>(ii) 5m in relation to any other building level of the building</i> <i>(b) if the size of the site is 301m² or more—</i> <i>(i) 4m in relation to the ground floor of the building</i> <i>(ii) 6m in relation to any other building level of the building.'</i></p>		
122.		Housing Diversity Neighbourhood Zone	<p>Within the Housing Diversity Neighbourhood Zone amend DTS/DPF 5.1 by replacing the words <i>'Buildings walls are set back at least 900mm from the boundary of the allotment with the secondary street frontage, or if a dwelling on any adjoining allotment is closer to the secondary street than 0.9m, the distance of that dwelling from the boundary with the secondary street (being, if relevant, the lesser of the 2 distances).'</i> with <i>'Building walls (except for ancillary buildings and structures) are set back at least 900mm from the boundary of the</i></p>	Support the proposed amendment.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<i>allotment with the secondary street frontage, or if a building on any adjoining allotment is closer to the secondary street than 900mm, not less than the distance of that building from the boundary with the secondary street.</i>		
123.		Housing Diversity Neighbourhood Zone	<p>Within the Housing Diversity Neighbourhood Zone amend PO 6.1 by replacing the words <i>'Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining residential properties.'</i></p> <p>With <i>'Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.'</i></p>	Support the proposed amendment.	No comment.
124.		Housing Diversity Neighbourhood Zone	<p>Within the Housing Diversity Neighbourhood Zone amend DTS/DPF 6.1 by replacing the words <i>'Except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below:'</i></p> <p>With</p>	Support the proposed amendment.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<i>'Except where the building is a dwelling and is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below:'</i>		
125.		Housing Diversity Neighbourhood Zone	<p>Within the Housing Diversity Neighbourhood Zone amend PO 7.1(a) by replacing the words <i>'separation between dwellings in a way that complements the established character of the locality'</i></p> <p>with <i>'separation between buildings in a way that complements the established character of the locality.'</i></p>	Support the proposed amendment as it relates to all buildings and not just dwellings.	No comment.
126.		Housing Diversity Neighbourhood Zone	<p>Within the Housing Diversity Neighbourhood Zone amend PO 8.1 by replacing the words: <i>'Dwelling walls are set back from rear boundaries to provide: (a) separation between dwellings in a way that complements the established character of the locality'</i></p> <p>With: <i>'Building walls (excluding ancillary buildings and structures) are set back from rear boundaries to provide:</i></p>	The proposed amendment changes nothing because it allows for minor structures to be closer which the current wording already does	Seek clarification on the intent of the proposed amendment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<i>(a) separation between buildings in a way that complements the established character of the locality</i>		
127.		Housing Diversity Neighbourhood Zone	<p>Within the Housing Diversity Neighbourhood Zone amend DTS/DPF 8.1 by replacing the words: 'Dwelling walls are set back from the rear boundary at least: (a) 3m for the first building level or 0m where the rear boundary abuts a laneway (b) 5m for any second building level (c) 5m plus any increase in wall height over 7m for buildings of 3 building levels and above.'</p> <p>With: '<i>Building walls (excluding ancillary buildings and structures)</i> are set back from the rear boundary at least: (a) 3m for the first building level or 0m where the rear boundary abuts a laneway (b) 5m for any second building level (c) 5m plus any increase in wall height over 7m for buildings of 3 building levels and above.'</p>	The proposed amendment changes nothing because it allows for minor structures to be closer which the current wording already does	Seek clarification on the intent of the proposed amendment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
128.	Page 160	Urban Renewal Neighbourhood Zone	<p>Within the Urban Renewal Neighbourhood Zone amend PO 5.1 by replacing the words <i>‘Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.’</i></p> <p>With <i>‘Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.’</i></p>	Support as it relates to all buildings and not just dwellings.	No comment.
129.		Urban Renewal Neighbourhood Zone	<p>Within the Urban Renewal Neighbourhood Zone amend DTS/DPF 7.1 by replacing the words <i>‘Except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below.’</i></p> <p>With <i>‘Except where the building is a dwelling and is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below.’</i></p>	Support the proposed amendment.	The proposed policy amendment should refer to existing DTS/DPF 5.1.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
130.		Urban Renewal Neighbourhood Zone.	<p>Within the Urban Renewal Neighbourhood Zone amend PO 7.1(a) replace the words <i>'separation between dwellings'</i></p> <p>With <i>'separation between buildings'</i>.</p>	Support as it relates to all buildings and not just dwellings.	No comment.
131.		Waterfront Neighbourhood Zone	<p>Within the Waterfront Neighbourhood Zone amend DTS/DPF 6.1(b) replace the words <i>'if a dwelling on any adjoining allotment is closer to the secondary street than 900mm, at least the distance of that dwelling from the boundary with the secondary street whichever is less'</i></p> <p>With <i>'if a building (except for ancillary buildings and structures) on any adjoining allotment is closer to the secondary street than 900mm, at least the distance of that building from the boundary with the secondary street.'</i></p>	The proposed amendment changes nothing because it allows for minor structures to be closer which the current wording already does	Seek clarification on the intent of the proposed amendment.
132.		Waterfront Neighbourhood Zone	Within the Waterfront Neighbourhood Zone amend PO 7.1 by replacing the words	Support as it relates to all buildings and not just dwellings.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>'Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.'</i></p> <p>With <i>'Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.'</i></p>		
133.		Waterfront Neighbourhood Zone	<p>Within the Waterfront Neighbourhood Zone amend DTS/DPF 7.1 by replacing the words <i>'Except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b).'</i></p> <p>With <i>'Except where the building is a dwelling and is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below.'</i></p>	Support the proposed amendment.	No comment.
134.		Waterfront Neighbourhood Zone	Within the Waterfront Neighbourhood Zone amend PO 8.1(a) by replacing the words	Support as it relates to all buildings and not just dwellings.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>'separation between dwellings in a way that contributes to a suburban character and'</i></p> <p>With <i>'separation between buildings in a way that contributes to a suburban character'.</i></p>		
135.		Waterfront Neighbourhood Zone	<p>Within the Waterfront Neighbourhood Zone amend PO 9.1 by replacing the words: <i>'Dwelling walls are set back from rear boundaries to provide: (a) separation between dwellings in a way that contributes to a suburban character'</i></p> <p>With: <i>'Building walls (except for ancillary buildings and structures) are set back from rear boundaries to provide: (a) separation between buildings in a way that contributes to a suburban character'</i></p>	The proposed amendment changes nothing because it allows for minor structures to be closer which the current wording already does	Seek clarification on the intent of the proposed amendment.
136.		Waterfront Neighbourhood Zone	<p>Within the Waterfront Neighbourhood Zone amend DTS/DPF 9.1 by replacing the words: <i>'Dwelling walls are set back from the rear boundary at least:</i></p>	The proposed amendment changes nothing because it allows for minor structures to be closer which the current wording already does	Seek clarification on the intent of the proposed amendment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>(a) where the rear boundary fronts a waterfront, no less than the average rear setback of any existing dwellings on adjoining allotments.</p> <p>(b) where the rear boundary adjoins a laneway – 0m</p> <p>(c) In all other cases:</p> <p>(i) if the size of the site is less than 301 square metres—</p> <p>A. 3m in relation to the ground floor of the dwelling</p> <p>B. 5m in relation to any other building level of the dwelling</p> <p>(ii) if the size of the site is 301 square metres or more—</p> <p>A. 4m in relation to the ground floor of the dwelling</p> <p>B. 6m in relation to any other building level of the dwelling.’</p> <p>With:</p> <p><i>‘Building walls (except for ancillary buildings and structures) are set back from the rear boundary at least:</i></p> <p><i>(a) where the rear boundary fronts a waterfront, no less than the average rear setback of any existing building (except for ancillary buildings and structures) on adjoining allotments</i></p> <p><i>(b) where the rear boundary adjoins a laneway - 0m</i></p> <p><i>(c) In all other cases:</i></p> <p><i>(i) if the size of the site is less than 301 square metres—</i></p> <p><i>A. 3m in relation to the ground floor of the building</i></p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments																		
			<p><i>B. 5m in relation to any other building level of the building (ii) if the size of the site is 301 square metres or more— A. 4m in relation to the ground floor of the building B. 6m in relation to any other building level of the building.'</i></p>																				
137.	Page 163	2.3.2.14 Common and Minor Development – Overlay Relevance – Assessment Pathways	<p>Within Table 1 – Accepted Development Classification, remove the reference to specified Overlays in Column 1 – Class of Development in the rows beginning with the following Classes of Development wherever they appear in the identified Zones:</p> <table border="1" data-bbox="678 970 1386 1329"> <thead> <tr> <th data-bbox="678 970 909 1002">Development Type</th> <th data-bbox="909 970 1160 1002">Overlays</th> <th data-bbox="1160 970 1386 1002">Zones</th> </tr> </thead> <tbody> <tr> <td data-bbox="678 1002 909 1066"><i>Carport</i></td> <td data-bbox="909 1002 1160 1066"><i>Coastal Areas Overlay</i></td> <td data-bbox="1160 1002 1386 1066"><i>All Zones, other than Conservation Zone</i></td> </tr> <tr> <td data-bbox="678 1066 909 1098"><i>Fence</i></td> <td data-bbox="909 1066 1160 1098"><i>Coastal Areas overlay</i></td> <td data-bbox="1160 1066 1386 1098"><i>All</i></td> </tr> <tr> <td data-bbox="678 1098 909 1201" rowspan="2"><i>Retaining Wall</i></td> <td data-bbox="909 1098 1160 1137"><i>Coastal Areas Overlay</i></td> <td data-bbox="1160 1098 1386 1137" rowspan="2"><i>All</i></td> </tr> <tr> <td data-bbox="909 1137 1160 1201"><i>Hazards (Acid Sulfate Soils)</i></td> </tr> <tr> <td data-bbox="678 1201 909 1329" rowspan="3"><i>Swimming Pool or Spa Pool</i></td> <td data-bbox="909 1201 1160 1233"><i>Historic Area Overlay</i></td> <td data-bbox="1160 1201 1386 1233" rowspan="3"><i>All</i></td> </tr> <tr> <td data-bbox="909 1233 1160 1265"><i>Coastal Areas Overlay</i></td> </tr> <tr> <td data-bbox="909 1265 1160 1329"><i>Hazards (Acid Sulfate Soils)</i></td> </tr> </tbody> </table>	Development Type	Overlays	Zones	<i>Carport</i>	<i>Coastal Areas Overlay</i>	<i>All Zones, other than Conservation Zone</i>	<i>Fence</i>	<i>Coastal Areas overlay</i>	<i>All</i>	<i>Retaining Wall</i>	<i>Coastal Areas Overlay</i>	<i>All</i>	<i>Hazards (Acid Sulfate Soils)</i>	<i>Swimming Pool or Spa Pool</i>	<i>Historic Area Overlay</i>	<i>All</i>	<i>Coastal Areas Overlay</i>	<i>Hazards (Acid Sulfate Soils)</i>	<p>Removes Historic Area Overlay for swimming pools so can be accepted development.</p> <p>Removes Coastal Areas Overlay for fencing and retaining which is then able to be considered as Accepted development.</p> <p>Proposed amendment involves minor structures and is not considered an issue.</p>	No comment.
Development Type	Overlays	Zones																					
<i>Carport</i>	<i>Coastal Areas Overlay</i>	<i>All Zones, other than Conservation Zone</i>																					
<i>Fence</i>	<i>Coastal Areas overlay</i>	<i>All</i>																					
<i>Retaining Wall</i>	<i>Coastal Areas Overlay</i>	<i>All</i>																					
	<i>Hazards (Acid Sulfate Soils)</i>																						
<i>Swimming Pool or Spa Pool</i>	<i>Historic Area Overlay</i>	<i>All</i>																					
	<i>Coastal Areas Overlay</i>																						
	<i>Hazards (Acid Sulfate Soils)</i>																						

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments											
138.	Page 163	2.3.2.14 Common and Minor Development – Overlay Relevance – Assessment Pathways	<p>Within Table 2 – Deemed-to-Satisfy Development Classification, remove the reference to specified Overlays in Column 1 – Class of Development in the rows beginning with the following Classes of Development wherever they appear in the identified Zones:</p> <table border="1" data-bbox="667 821 1393 1059"> <thead> <tr> <th data-bbox="667 821 904 858">Development Type</th> <th data-bbox="904 821 1162 858">Overlays</th> <th data-bbox="1162 821 1393 858">Zones</th> </tr> </thead> <tbody> <tr> <td data-bbox="667 858 904 922"><i>Ancillary Accommodation</i></td> <td data-bbox="904 858 1162 922"><i>Scenic Quality Overlay</i></td> <td data-bbox="1162 858 1393 922"><i>All</i></td> </tr> <tr> <td data-bbox="667 922 904 986" rowspan="2"><i>Carport</i></td> <td data-bbox="904 922 1162 986"><i>Coastal Areas Overlay</i></td> <td data-bbox="1162 922 1393 986"><i>All Zones, other than Conservation Zone</i></td> </tr> <tr> <td data-bbox="904 986 1162 1059"><i>Gas and Liquid Petroleum Pipelines (Facilities) Overlay</i></td> <td data-bbox="1162 986 1393 1059"><i>All</i></td> </tr> </tbody> </table>	Development Type	Overlays	Zones	<i>Ancillary Accommodation</i>	<i>Scenic Quality Overlay</i>	<i>All</i>	<i>Carport</i>	<i>Coastal Areas Overlay</i>	<i>All Zones, other than Conservation Zone</i>	<i>Gas and Liquid Petroleum Pipelines (Facilities) Overlay</i>	<i>All</i>	<p>Removes Coastal Areas Overlay for carports which is then able to be considered as Accepted development.</p> <p>Removes Water Resources Overlay for detached dwellings and dwelling additions which are then able to be considered as Accepted development.</p> <p>Removes Coastal Area Overlay for outbuildings and verandahs which are then able to be dealt with as Accepted development.</p> <p>Removes Water Resources Overlay for Row dwellings and semi-detached dwellings which are then able to be considered as Accepted development.</p>	No comment.
Development Type	Overlays	Zones														
<i>Ancillary Accommodation</i>	<i>Scenic Quality Overlay</i>	<i>All</i>														
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<i>Detached Dwelling</i>	<i>Water Resources Overlay</i>	<i>Neighbourhood-type Zones</i>																												
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	<i>Non-stop Corridor Overlay</i>																													
139.	Page 163	2.3.2.14 Common and Minor	Within Table 2 – Deemed-to-Satisfy Development Classification, insert reference to specified Overlays in	The insertion of Interface Management Overlay for Ancillary	No comment.																									

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments																	
		Development – Overlay Relevance – Assessment Pathways	<p>Column 1 – Class of Development in the rows beginning with the following Classes of Development wherever they appear in the identified Zones:</p> <table border="1" data-bbox="667 715 1391 1182"> <thead> <tr> <th data-bbox="667 715 904 746">Development Type</th> <th data-bbox="904 715 1167 746">Overlays</th> <th data-bbox="1167 715 1391 746">Zones</th> </tr> </thead> <tbody> <tr> <td data-bbox="667 746 904 967" rowspan="4"><i>Ancillary Accommodation</i></td> <td data-bbox="904 746 1167 807"><i>River Murray Tributaries Protection Area Overlay</i></td> <td data-bbox="1167 746 1391 967" rowspan="4"><i>All</i></td> </tr> <tr> <td data-bbox="904 807 1167 868"><i>Ramsar Wetlands Overlay</i></td> </tr> <tr> <td data-bbox="904 868 1167 928"><i>Significant Interface Management Overlay</i></td> </tr> <tr> <td data-bbox="904 928 1167 967"><i>Interface Management Overlay</i></td> </tr> <tr> <td data-bbox="667 967 904 1142" rowspan="3"><i>Detached Dwelling</i></td> <td data-bbox="904 967 1167 1027"><i>Environment and Food Production Area</i></td> <td data-bbox="1167 967 1391 1142" rowspan="3"><i>All</i></td> </tr> <tr> <td data-bbox="904 1027 1167 1088"><i>River Murray Tributaries Protection Area Overlay</i></td> </tr> <tr> <td data-bbox="904 1088 1167 1142"><i>Ramsar Wetlands Overlay</i></td> </tr> <tr> <td data-bbox="667 1142 904 1182"><i>Land Division</i></td> <td data-bbox="904 1142 1167 1182"><i>Historic Area Overlay</i></td> <td data-bbox="1167 1142 1391 1182"></td> </tr> </tbody> </table>	Development Type	Overlays	Zones	<i>Ancillary Accommodation</i>	<i>River Murray Tributaries Protection Area Overlay</i>	<i>All</i>	<i>Ramsar Wetlands Overlay</i>	<i>Significant Interface Management Overlay</i>	<i>Interface Management Overlay</i>	<i>Detached Dwelling</i>	<i>Environment and Food Production Area</i>	<i>All</i>	<i>River Murray Tributaries Protection Area Overlay</i>	<i>Ramsar Wetlands Overlay</i>	<i>Land Division</i>	<i>Historic Area Overlay</i>		<p>Accommodation as an exception to be classed as Accepted Development is supported as the Interface Management Overlay seeks development of sensitive receivers that are designed in a manner that mitigates potential adverse environmental and amenity impacts generated by the lawful operation of neighbouring and proximate land uses.</p> <p>The insertion of Overlays for detached dwellings do not affect the City of Charles Sturt.</p> <p>The insertion of Historic Area Overlay for land divisions is supported. This Overlay within the City of Charles Sturt applies predominantly over the Established Neighbourhood Zone. There is no Deemed to Satisfy</p>	
Development Type	Overlays	Zones																				
<i>Ancillary Accommodation</i>	<i>River Murray Tributaries Protection Area Overlay</i>	<i>All</i>																				
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			<table border="1"> <tr> <td data-bbox="674 571 904 635"></td> <td data-bbox="904 571 1167 635"><i>Character Area Overlay</i></td> <td data-bbox="1167 571 1391 635"><i>General Neighbourhood Zone</i></td> </tr> <tr> <td data-bbox="674 635 904 788"><i>Row Dwelling</i></td> <td data-bbox="904 635 1167 788"><i>Environment and Food Production Area</i></td> <td data-bbox="1167 635 1391 788" rowspan="3"><i>All</i></td> </tr> <tr> <td data-bbox="674 788 904 852"></td> <td data-bbox="904 788 1167 852"><i>River Murray Tributaries Protection Area Overlay</i></td> </tr> <tr> <td data-bbox="674 852 904 948"></td> <td data-bbox="904 852 1167 948"><i>Ramsar Wetlands Overlay</i></td> </tr> <tr> <td data-bbox="674 948 904 970"><i>Semi-detached Dwelling</i></td> <td data-bbox="904 948 1167 970"><i>Environment and Food Production Area</i></td> <td data-bbox="1167 948 1391 970" rowspan="3"><i>All</i></td> </tr> <tr> <td data-bbox="674 970 904 992"></td> <td data-bbox="904 970 1167 992"><i>River Murray Tributaries Protection Area Overlay</i></td> </tr> <tr> <td data-bbox="674 992 904 1015"></td> <td data-bbox="904 992 1167 1015"><i>Ramsar Wetlands Overlay</i></td> </tr> </table>		<i>Character Area Overlay</i>	<i>General Neighbourhood Zone</i>	<i>Row Dwelling</i>	<i>Environment and Food Production Area</i>	<i>All</i>		<i>River Murray Tributaries Protection Area Overlay</i>		<i>Ramsar Wetlands Overlay</i>	<i>Semi-detached Dwelling</i>	<i>Environment and Food Production Area</i>	<i>All</i>		<i>River Murray Tributaries Protection Area Overlay</i>		<i>Ramsar Wetlands Overlay</i>	<p>assessment pathway for land divisions in this zone and are assessed as performance assessed.</p> <p>The insertion of Overlays for row dwellings or semi-detached dwellings do not affect the City of Charles Sturt.</p>	
	<i>Character Area Overlay</i>	<i>General Neighbourhood Zone</i>																				
<i>Row Dwelling</i>	<i>Environment and Food Production Area</i>	<i>All</i>																				
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140.	Page 163	2.3.2.14 Common and Minor Development – Overlay Relevance – Assessment Pathways	Within Table 2 – Deemed-to-Satisfy Development Classification, insert reference to specified Overlays in Column 5 – Class of Development in the rows beginning with the following Classes of Development wherever they appear in the identified Zones:	<p>Relates to development access proposed to be obtained directly from State Maintained Roads where it involves a number of criteria:</p> <ol style="list-style-type: none"> 1. land division creating 50 or more additional allotments 2. commercial development with a gross floor area of 10,000m² or more 	No comment.																	

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments									
			<table border="1"> <thead> <tr> <th>Development Type</th> <th>Overlays</th> <th>Zones</th> </tr> </thead> <tbody> <tr> <td rowspan="4">Detached Dwelling Row Dwelling Semi-detached Dwelling</td> <td>Traffic Generating Development Overlay: DTS/DPF 1.1, 1.2, 1.3</td> <td rowspan="4">All</td> </tr> <tr> <td>Water Protection Area Overlay: DTS/DPF 5.1, 5.2</td> </tr> <tr> <td>Gas and Liquid Petroleum Pipelines Overlay: DTS/DPF 1.1</td> </tr> <tr> <td>Gas and Liquid Petroleum Pipelines (Facilities) Overlay: DTS/DPF 1.1</td> </tr> </tbody> </table>	Development Type	Overlays	Zones	Detached Dwelling Row Dwelling Semi-detached Dwelling	Traffic Generating Development Overlay: DTS/DPF 1.1, 1.2, 1.3	All	Water Protection Area Overlay: DTS/DPF 5.1, 5.2	Gas and Liquid Petroleum Pipelines Overlay: DTS/DPF 1.1	Gas and Liquid Petroleum Pipelines (Facilities) Overlay: DTS/DPF 1.1	<p>3. retail development with a gross floor area of 2,000m² or more</p> <p>4. a warehouse or transport depot with a gross leasable floor area of 8,000m² or more</p> <p>5. industry with a gross floor area of 20,000m² or more</p> <p>6. educational facilities with a capacity of 250 students or more.</p> <p>Amendment supported.</p>	
Development Type	Overlays	Zones												
Detached Dwelling Row Dwelling Semi-detached Dwelling	Traffic Generating Development Overlay: DTS/DPF 1.1, 1.2, 1.3	All												
	Water Protection Area Overlay: DTS/DPF 5.1, 5.2													
	Gas and Liquid Petroleum Pipelines Overlay: DTS/DPF 1.1													
	Gas and Liquid Petroleum Pipelines (Facilities) Overlay: DTS/DPF 1.1													
141.	Page 166	2.3.2.16 Detached Dwellings - Medium and High Rise Development – Policy Relevance	<p>Within the Business Neighbourhood Zone, City Living Zone, General Neighbourhood Zone, Housing Diversity Neighbourhood Zone, Suburban Business Zone, Suburban Neighbourhood Zone, Urban Neighbourhood Zone, Urban Renewal Neighbourhood Zone, Waterfront Neighbourhood Zone amend Table 3 – Applicable Policies for Performance Assessed Development by inserting the following Performance Outcomes for detached dwelling:</p> <p><i>Design in Urban Areas [Residential Development - Medium and High Rise (including serviced apartments)]:</i> <i>[Outlook and Visual Privacy] PO 26.1, PO 26.2</i></p>	<p>26.1 Visual outlook at ground level to face the street and 26.2 raising the floor level of ground level dwellings to achieve privacy from the public realm area</p> <p>27.1 defining minimum private open space requirements</p> <p>28.1 to 28.3 are about Residential amenity in multi level buildings between dwellings in the</p>	No comment.									

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>[Private Open Space] PO 27.1</i> <i>[Residential amenity in multi-level buildings] PO 28.1, PO 28.2, PO 28.3, PO 28.4, PO 28.5, PO 28.6, PO 28.7</i> <i>[Dwelling Configuration] PO 29.1, PO 29.2</i> <i>[Common Areas] PO 30.1</i></p>	<p>development, position and size of balconies. staggering of windows 28.4 sufficient storage facilities 28.5 design dwellings to include light wells for access to daylight and ventilation within the buildings 28.6 design of dwellings to minimise transition of sound e.g. sensitive rooms away from external noise eg protect bedrooms from noise intrusion 28.7 Design so structural columns align with internal walls to maximise usable space within rooms 29.1 and 29.2 – mix of dwelling types and size eg mix of bedroom numbers delivering housing diversity. Dwellings on ground levels with 3 or more bedrooms have windows overlooking internal courtyards for passive surveillance</p>	

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
				30.1 relates to size of lifts and corridors to facilitate movement of residents and equipment Support applying these Code policies to higher density built form outcomes.	
142.	Page 166	2.3.2.17 Discrete vs Discreet - Garages & Carports - Policy Review	Within the Established Neighbourhood Zone and Township Neighbourhood Zone, amend PO 10.1 by replacing the word “ discrete ” with “discreet”.	Minor amendment.	No comment.
143.	Page 166	2.3.2.18 - Garages & Carports - Linkages	Within the Established Neighbourhood Zone and Township Neighbourhood Zone, amend from Table 2 – Deemed-to-Satisfy Development Classification and Table 3 – Applicable Policies for Performance Assessed Development for Carport and Outbuilding by. <i>Removing Appearance DTS/DPF-10.1 and PO-10.1</i>	This amendment relates to policy that requires garages and carports to be designed and sited to be discreet and not dominate the appearance of the associated dwelling when viewed from the street.	This policy deletion is not supported and should be retained as it affects historic areas of Council.
144.	Page 167	2.3.2.19 Dwelling Alterations and	Table 1 – Accepted Development Classification	This is poorly written and does not adequately limit development to	Support limiting the second part in

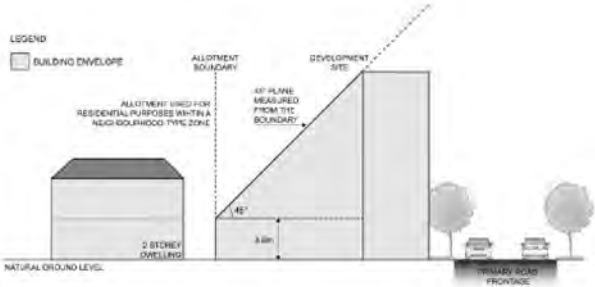
Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments				
		Building Additions/Alterations – Assessment Pathways	<p>Within all zones, insert the below directly following the introductory text: <i>Unless otherwise specified in another class of development, the reference to a class of development includes a reference to a change in the use of the relevant land or building work (including construction of a new building, or alteration/addition of an existing building).</i></p> <p>Within all zones: INSERT the following into Table 1 in alphabetical order:</p> <table border="1" data-bbox="667 930 1393 1358"> <thead> <tr> <th data-bbox="667 930 967 979">Class of Development</th> <th data-bbox="967 930 1393 979">Accepted Development Classification Criteria</th> </tr> </thead> <tbody> <tr> <td data-bbox="667 979 967 1358"> <i>Building alterations</i> <i>Except where any of the following Apply:</i> <ul style="list-style-type: none"> • Local Heritage Place Overlay • State Heritage Area Overlay • State Heritage Place Overlay </td> <td data-bbox="967 979 1393 1358"> 1. <i>The alteration does not:</i> <ul style="list-style-type: none"> (a) <i>increase the floor area of the building</i> (b) <i>exceed the existing wall height and /or overall building height of the existing building</i> (c) <i>does not alter the roof profile.</i> 2. <i>Where located within the Historic Area Overlay, there will be no external alterations made to a building façade visible from a street.</i> </td> </tr> </tbody> </table>	Class of Development	Accepted Development Classification Criteria	<i>Building alterations</i> <i>Except where any of the following Apply:</i> <ul style="list-style-type: none"> • Local Heritage Place Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	1. <i>The alteration does not:</i> <ul style="list-style-type: none"> (a) <i>increase the floor area of the building</i> (b) <i>exceed the existing wall height and /or overall building height of the existing building</i> (c) <i>does not alter the roof profile.</i> 2. <i>Where located within the Historic Area Overlay, there will be no external alterations made to a building façade visible from a street.</i>	ensure no significant change to built form without a planning assessment.	<p>relation to changes to facades that face a street not being possible without a performance assessment. Recommend the following:</p> <p>Part 1 should read; 1. The alteration does not”:</p> <ul style="list-style-type: none"> a) Increase the floor area of the building; and b) Exceed the existing wall height of the existing building; and
Class of Development	Accepted Development Classification Criteria								
<i>Building alterations</i> <i>Except where any of the following Apply:</i> <ul style="list-style-type: none"> • Local Heritage Place Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	1. <i>The alteration does not:</i> <ul style="list-style-type: none"> (a) <i>increase the floor area of the building</i> (b) <i>exceed the existing wall height and /or overall building height of the existing building</i> (c) <i>does not alter the roof profile.</i> 2. <i>Where located within the Historic Area Overlay, there will be no external alterations made to a building façade visible from a street.</i>								

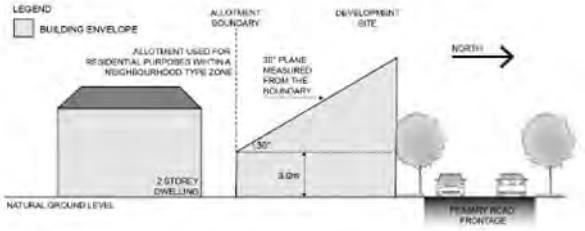
Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments				
			<p>AND DELETE the following from Table 1:</p> <table border="1" data-bbox="667 715 1391 1077"> <thead> <tr> <th data-bbox="667 715 965 767">Class of Development</th> <th data-bbox="965 715 1391 767">Accepted Development Classification Criteria</th> </tr> </thead> <tbody> <tr> <td data-bbox="667 767 965 1077"> <p><i>Internal building work</i></p> <p><i>Except where any of the following apply:</i></p> <ul style="list-style-type: none"> • <i>Local Heritage Place Overlay</i> • <i>State Heritage Area Overlay</i> • <i>State Heritage Place Overlay</i> </td> <td data-bbox="965 767 1391 1077"> <ol style="list-style-type: none"> 1. <i>There will be no increase in the total floor area of the building.</i> 2. <i>Other than where located within the Historic Area Overlay there will be no alteration to the external appearance of the building to any significant degree.</i> 3. <i>There will be no alteration to the external appearance of the building where located within the Historic Area Overlay.</i> </td> </tr> </tbody> </table> <p>Table 2 – Deemed-to-Satisfy Development Classification For all Zones INSERT directly following the introductory text for Table 2: <i>Unless otherwise specified in another class of development, the reference to a class of development includes a reference to a change in the use of the relevant land or building work</i></p>	Class of Development	Accepted Development Classification Criteria	<p><i>Internal building work</i></p> <p><i>Except where any of the following apply:</i></p> <ul style="list-style-type: none"> • <i>Local Heritage Place Overlay</i> • <i>State Heritage Area Overlay</i> • <i>State Heritage Place Overlay</i> 	<ol style="list-style-type: none"> 1. <i>There will be no increase in the total floor area of the building.</i> 2. <i>Other than where located within the Historic Area Overlay there will be no alteration to the external appearance of the building to any significant degree.</i> 3. <i>There will be no alteration to the external appearance of the building where located within the Historic Area Overlay.</i> 		<p>c) Exceed the existing overall building height; and d) Does not alter the roof profile.</p> <p>Seeking clarification on the following policy amendment:</p> <p><i>“Unless otherwise specified in another class of development, the reference to a class of development includes a reference to a change in the use of the relevant land or building work</i></p>
Class of Development	Accepted Development Classification Criteria								
<p><i>Internal building work</i></p> <p><i>Except where any of the following apply:</i></p> <ul style="list-style-type: none"> • <i>Local Heritage Place Overlay</i> • <i>State Heritage Area Overlay</i> • <i>State Heritage Place Overlay</i> 	<ol style="list-style-type: none"> 1. <i>There will be no increase in the total floor area of the building.</i> 2. <i>Other than where located within the Historic Area Overlay there will be no alteration to the external appearance of the building to any significant degree.</i> 3. <i>There will be no alteration to the external appearance of the building where located within the Historic Area Overlay.</i> 								

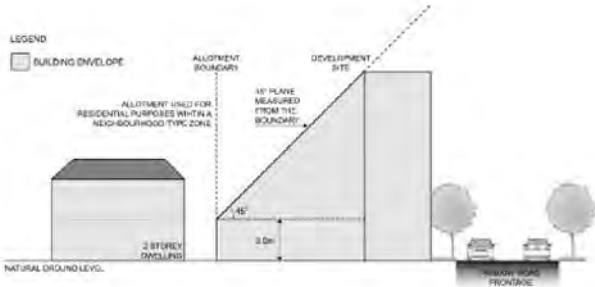
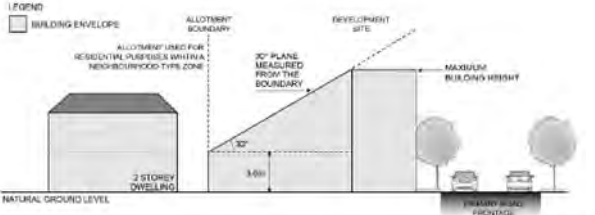
Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>(including construction of a new building, or alteration/addition of an existing building).</i></p> <p>Table 3 – Applicable Policies for Performance Assessed Development</p> <p>For all Zones INSERT directly following the introductory text for Table 3:</p> <p><i>Unless otherwise specified in another class of development, the reference to a class of development includes a reference to a change in the use of the relevant land or building work (including construction of a new building, or alteration/addition of an existing building).</i></p>		<p><i>(including construction of a new building, or alteration/addition of an existing building)”</i></p>
145.	Page 169	2.3.2.21 Interface Height – Multiple Zones: Policy and TNV – Policy Review	<p>Within Part 6 – Index of Technical and Numeric Variations, amend the following TNVs in Part 6.6 Interface Heights to with the following (note that the figures are omitted below for display purposes only and are to remain in the TNVs):</p> <p><i>Buildings constructed within a building envelope provided by a:</i></p> <p><i>a. 45 degree plane measured from a height of 3 metres above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as</i></p>	Support as it removes a street setback from triggering notification	No comment.

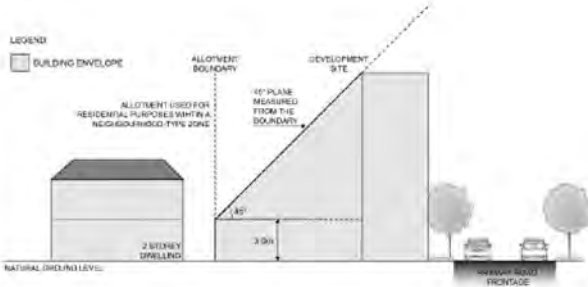
Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>shown in the following diagram (except where this boundary is a southern boundary or a street boundary):</i></p> <p><i>b. in relation to a southern boundary, 30 degree plane grading north, measured from a height of 3m above natural ground at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram (except where this boundary is a street boundary):</i></p> <p>Amend the following DTS/DPF to replace ‘primary street boundary’ with ‘<i>street boundary</i>’:</p> <ul style="list-style-type: none"> Community Facilities Zone DTS/DPF 2.2 Employment Zone DTS/DPF 3.6 Local Activity Centre Zone DTS/DPF 3.2 Recreation Zone DTS/DPF 3.1 Strategic Employment Zone DTS/DPF 4.1 Suburban Business Zone DTS/DPF 3.2 Suburban Main Street Zone DTS/DPF 3.2 Township Activity Centre Zone DTS/DPF 3.3 Township Main Street Zone DTS/DPF 3.2 Urban Activity Centre Zone DTS/DPF 3.2 <p>Amend the following DTS/DPF to add ‘(<i>except where this boundary is a street boundary</i>)’:</p>		

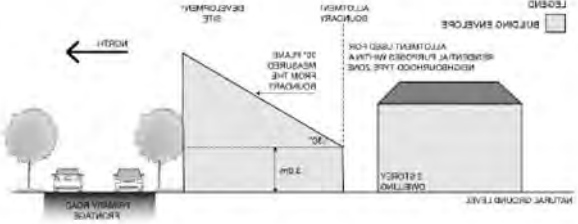
Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>Community Facilities Zone DTS/DPF 2.3 Employment Zone DTS/DPF 3.7 Local Activity Centre Zone DTS/DPF 3.3 Recreation Zone DTS/DPF 3.2 Strategic Employment Zone DTS/DPF 4.2 Suburban Business Zone DTS/DPF 3.3 Suburban Main Street Zone DTS/DPF 3.3 Township Activity Centre Zone DTS/DPF 3.4 Township Main Street Zone DTS/DPF 3.3 Urban Activity Centre Zone DTS/DPF 3.3 Within Part 6 – Index of Technical and Numeric Variations, Part 6.6 Interface Height, replace the diagrams within the TNV policies listed with: Buildings constructed within a building envelope provided by a: (a) 45 degree plane measured from a height of 3 metres above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram (except where this boundary is a southern boundary):</p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			 <p>(a) in relation to a southern boundary, 30 degree plane grading north, measured from a height of 3m above natural ground at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram:</p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			 <p>The diagram illustrates a building envelope and a development site. A legend indicates that a shaded area represents the 'BUILDING ENVELOPE'. The 'ALLOTMENT USED FOR RESIDENTIAL PURPOSES WITHIN A NEIGHBOURHOOD-TYPE ZONE' contains a '2 STOREY DWELLING'. The 'ALLOTMENT BOUNDARY' is shown as a vertical line. A '45° PLANE MEASURED FROM THE BOUNDARY' is drawn from a height of '3.0M' above the 'NATURAL GROUND LEVEL'. The 'DEVELOPMENT SITE' is shown to the right of the boundary, with a 'PRIMARY ROAD FRONTAGE' and trees. A north arrow points to the right.</p> <p>Buildings constructed within a building envelope provided by a 45 degree plane measured from a height of 3 metres above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram:</p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			 <p data-bbox="663 916 1402 1086">Buildings constructed within a building envelope provided by a 30 degree plane measured from a height of 3m above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram:</p> 		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>Within the Community Facilities Zone DTS/DPF 2.2, Employment Zone DTS/DPF 3.6, Local Activity Centre Zone DTS/DPF 3.2, Recreation Zone DTS/DPF 3.1, Strategic Employment Zone DTS/DPF 4.1, Suburban Business Zone DTS/DPF 3.2, Suburban Main Street Zone DTS/DPF 3.2, Township Activity Centre Zone DTS/DPF 3.3, Township Main Street Zone DTS/DPF 3.2, Urban Activity Centre Zone DTS/DPF 3.2, replace the diagram with the following:</p>  <p>Within the Community Facilities Zone DTS/DPF 2.3, Employment Zone DTS/DPF 3.7, Local Activity Centre Zone</p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>DTS/DPF 3.3, Recreation Zone DTS/DPF 3.2, Strategic Employment Zone DTS/DPF 4.2, Suburban Business Zone DTS/DPF 3.3, Suburban Main Street Zone DTS/DPF 3.3, Township Activity Centre Zone DTS/DPF 3.4, Township Main Street Zone DTS/DPF 3.3, Urban Activity Centre Zone DTS/DPF 3.3, replace the diagram with the following</p> 		
146.	Page 173	Interface Height policy within the Recreation Zone.	<p>Within the Recreation Zone, create PO 3.3 which states: <i>Buildings on an allotment fronting a road that is not a State maintained road, and where land on the opposite side of the road is within a neighbourhood-type zone, provides an orderly transition to the built form scale envisaged in the adjacent zone to complement the streetscape character.</i></p>	Acceptable as this ensures a suitable setback standard is delivered	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			Within Recreation Zone, amend Table 3 – Applicable Policies for Performance Assessed Development by apply PO 3.3 to the following classes of development <i>Shop</i>		
147.	Page 174	2.3.2.22 Land Division – Site Contamination – Policy Relevance and Linkage	Within all applicable zones, amend Table 3 – Applicable Policies for Performance Assessed Development for ‘land division’ (where this Class of Development is identified) by including the following policy linkage: <i>Part 4 – General Development Policies – Site Contamination – PO 1.1</i>	Supported.	No comment.
148.	Page 174	2.3.2.23 Non Residential Outbuildings – New Policy and Assessment Pathways	Within all relevant zones where ancillary buildings and structures policy currently exist, as well as within the Design, and Design in Urban Areas General Development Policies, insert the following Performance Outcome (PO) and DTS/DPF relative to Ancillary Buildings and Structures: <i>PO X.3 Non-residential ancillary structures and buildings do not detract from the streetscape or appearance of buildings on the site or neighbouring properties.</i>	This proposed policy is very risky as it is trying to apply standards relating to residential development at present to non-residential uses and this may not be appropriate in neighbourhood zones. If this is intending to allow commercial or non-residential uses to	Do not support the proposed policy amendments.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments						
			<p><i>DTS/DPF X.3</i> <i>Non-residential ancillary buildings and structures:</i> <i>(a) are ancillary and subordinate to an existing use on the same site</i> <i>(b) have a floor area not exceeding the following:</i></p> <table border="1" data-bbox="663 786 1279 900"> <thead> <tr> <th><i>Allotment size</i></th> <th><i>Floor Area</i></th> </tr> </thead> <tbody> <tr> <td><i><500</i></td> <td><i>60m²</i></td> </tr> <tr> <td><i>>501</i></td> <td><i>80m²</i></td> </tr> </tbody> </table> <p><i>(c) are not constructed, added to or altered so that any part is situated:</i> <i>i. in front of any part of the building line of the main building to which it is ancillary or</i> <i>ii. within 900mm of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads)</i> <i>(d) in the case of a garage or carport, the garage or carport:</i> <i>i. is set back at least 5.5m from the boundary of the primary street</i></p>	<i>Allotment size</i>	<i>Floor Area</i>	<i><500</i>	<i>60m²</i>	<i>>501</i>	<i>80m²</i>	<p>have greater DTS assessment pathways the potential interface impacts could be overlooked and that is not appropriate.</p>	
<i>Allotment size</i>	<i>Floor Area</i>										
<i><500</i>	<i>60m²</i>										
<i>>501</i>	<i>80m²</i>										

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>(e) if situated on a boundary (not being a boundary with a primary street or secondary street), do not exceed a length of 11.5m unless:</i></p> <p><i>i. a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary and</i></p> <p><i>ii. the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent</i></p> <p><i>(f) if situated on a boundary of the allotment (not being a boundary with a primary street or secondary street), all walls or structures on the boundary will not exceed 45% of the length of that boundary</i></p> <p><i>(g) will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or about the proposed wall or structure</i></p> <p><i>(h) have a wall height (or post height) not exceeding 3m (and not including a gable end).</i></p> <p><i>(i) have a roof height where no part of the roof is more than 5m above the natural ground level</i></p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>(j) <i>if clad in sheet metal, is pre-colour treated or painted in a non-reflective colour</i></p> <p>Within all relevant zones where Outbuildings, Carports and Verandahs are listed within Table 2 – Deemed-to-Satisfy Development Classification and/or Table 3 – Applicable Policies for Performance Assessed Development apply the above zone and/or General Development Policy provisions</p>		
149.	Page 175	2.3.2.24 Outbuildings - Accepted Development Criteria	<p>Within the Home Industry Zone, amend Table 1 - Accepted Development Classification for Outbuildings by: <i>Removing – criteria 10</i></p> <p>Within the Housing Diversity Neighbourhood Zone, amend Table 1 - Accepted Development Classification for Outbuildings by: <i>Removing – criteria 10</i></p>	Supported as it is a duplication of criteria 9 and thus can be removed.	No comment.
150.	Page 177	2.3.2.25 Pool Fencing – Accepted Development Pathway	<p>Within each of the following zones, amend Table 1 Accepted Development Classification by replace ‘Swimming pool or spa pool’ with ‘Swimming pool or spa pool and associated Swimming Pool Safety Features’:</p> <ul style="list-style-type: none"> - <i>Business Neighbourhood Zone</i> - <i>Caravan and Tourist Park Zone</i> - <i>City Living Zone</i> 	Support the proposed policy amendments.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<ul style="list-style-type: none"> - <i>Established Neighbourhood Zone</i> - <i>General Neighbourhood Zone</i> - <i>Golf Course Estate Zone</i> - <i>Hills Neighbourhood Zone</i> - <i>Home Industry Zone</i> - <i>Housing Diversity Neighbourhood Zone</i> - <i>Master Planned Neighbourhood Zone</i> - <i>Master Planner Renewal Zone</i> - <i>Master Planner Township Zone</i> - <i>Motorsport Park Zone</i> - <i>Neighbourhood Zone</i> - <i>Productive Rural Landscape Zone</i> - <i>Remote Areas Zone</i> - <i>Residential Park Zone</i> - <i>Rural Zone</i> - <i>Rural Horticulture Zone</i> - <i>Rural Living Zone</i> - <i>Rural Neighbourhood Zone</i> - <i>Rural Settlement Zone</i> - <i>Rural Shack Settlement Zone</i> - <i>Strategic Innovation Zone</i> - <i>Suburban Business Zone</i> 		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<ul style="list-style-type: none"> - <i>Suburban Neighbourhood Zone</i> - <i>Tourism Development Zone</i> - <i>Township Neighbourhood Zone</i> - <i>Township Zone</i> - <i>Urban Corridor (Boulevard) Zone</i> - <i>Urban Corridor (Living) Zone</i> - <i>Urban Neighbourhood Zone</i> - <i>Urban Renewal Neighbourhood Zone</i> - <i>Waterfront Neighbourhood Zone</i> - <i>Workers' Settlement Zone</i> 		
151.	Page 177	2.3.2.26 Primary Street Setback – Use of Building Line	Within each of the following zones, amend the identified DTS/DPF X.X by replace with the following:	Supported as it removes the reference to primary frontage for setting the street setback average which will allow a corner site to also influence the setback of a neighbouring dwelling even if the dwelling on that site faces another street.	No comment.

Employment Zone – DTS/DPF 3.1

PO 3.1
Buildings are set back from the primary street boundary to contribute to the existing/emerging pattern of street setbacks in the streetscape.

DTS/DPF 3.1
Buildings setback from the primary street boundary in accordance with the following table:

Development Context	Minimum setback
There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings
There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.	The setback of the existing building on the abutting site
There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.	3m

For the purposes of **DTS/DPF 3.1**:

- (a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback
- (b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table

Established Neighbourhood Zone – DTS/DPF 5.1

PO 5.1
Buildings are set back from primary street boundaries consistent with the existing streetscape.

DTS/DPF 5.1
Buildings setback from the primary street boundary in accordance with the following table:

Development Context	Minimum setback
There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings
There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.	The setback of the existing building on the abutting site
There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.	no DTS/DPF is applicable

For the purposes of **DTS/DPF 5.1**:

- (a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback
- (b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table

General Neighbourhood Zone – DTS/DPF 5.1

PO 5.1
Buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.

DTS/DPF 5.1
Buildings setback from the primary street boundary in accordance with the following table:

Development Context	Minimum setback
There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings on the abutting sites minus 1m
There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.	The setback of the existing building on the abutting site minus 1m
There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.	5m

For the purposes of **DTS/DPF 5.1**:

- (a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback
- (b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table

Home Industry Zone – DTS/DPF 3.1

PO 3.1
Buildings are set back from primary street boundaries consistent with the existing streetscape

DTS/DPF 3.1
Buildings setback from the primary street boundary in accordance with the following table:

Development Context	Minimum setback
There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings on the abutting sites
There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.	The setback of the existing building on the abutting site
There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.	6m

For the purposes of **DTS/DPF 3.1**:

- (a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback
- (b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table

Suburban Business Zone – DTS/DPF 3.4

PO 3.4

Buildings are set back from primary street boundaries to contribute to a consistent streetscape.

DTS/DPF 3.4

Buildings setback from the primary street boundary in accordance with the following table:

Development Context	Minimum setback
There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings on the abutting sites
There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.	The setback of the existing building on the abutting site
There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.	6m

For the purposes of **DTS/DPF 3.4**:

- (a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback
- (b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table

Suburban Neighbourhood Zone – DTS/DPF 5.1

PO 5.1

Buildings are setback from primary street boundaries consistent with the existing streetscape.

DTS/DPF 5.1

Buildings setback from the primary street boundary in accordance with the following table:

Development Context	Minimum setback
<i>There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.</i>	<i>The average setback of the existing buildings on the abutting sites</i>
<i>There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.</i>	<i>The setback of the existing building on the abutting site</i>
<i>There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.</i>	<i>8m</i>

For the purposes of DTS/DPF 5.1:

- (a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback*
- (b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table*

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments								
			<p><i>Urban Renewal Neighbourhood Zone – DTS/DPF 3.1</i></p> <table border="1" data-bbox="680 603 1272 1337"> <tr> <td data-bbox="680 603 875 791"> <p>PO 3.1 Buildings are set back from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape and integrate development with public open space.</p> </td> <td data-bbox="875 603 1272 1337"> <p>DTS/DPF 3.1 Buildings setback from the primary street boundary in accordance with the following table:</p> <table border="1" data-bbox="882 676 1265 1038"> <thead> <tr> <th data-bbox="882 676 1070 699">Development Context</th> <th data-bbox="1070 676 1265 699">Minimum setback</th> </tr> </thead> <tbody> <tr> <td data-bbox="882 699 1070 906">Where the allotment adjoins a public reserve greater than 2000m² (including where the allotment would adjoin a reserve if not separated by a public road), the dwelling faces that reserve and access is provided to the rear of the allotment</td> <td data-bbox="1070 699 1265 906">1.5m</td> </tr> <tr> <td data-bbox="882 906 1070 1038">In all other cases</td> <td data-bbox="1070 906 1265 1038">3m</td> </tr> </tbody> </table> <p>For the purposes of DTS/DPF 3.1:</p> <p>(a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback</p> <p>(b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table</p> </td> </tr> </table>	<p>PO 3.1 Buildings are set back from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape and integrate development with public open space.</p>	<p>DTS/DPF 3.1 Buildings setback from the primary street boundary in accordance with the following table:</p> <table border="1" data-bbox="882 676 1265 1038"> <thead> <tr> <th data-bbox="882 676 1070 699">Development Context</th> <th data-bbox="1070 676 1265 699">Minimum setback</th> </tr> </thead> <tbody> <tr> <td data-bbox="882 699 1070 906">Where the allotment adjoins a public reserve greater than 2000m² (including where the allotment would adjoin a reserve if not separated by a public road), the dwelling faces that reserve and access is provided to the rear of the allotment</td> <td data-bbox="1070 699 1265 906">1.5m</td> </tr> <tr> <td data-bbox="882 906 1070 1038">In all other cases</td> <td data-bbox="1070 906 1265 1038">3m</td> </tr> </tbody> </table> <p>For the purposes of DTS/DPF 3.1:</p> <p>(a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback</p> <p>(b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table</p>	Development Context	Minimum setback	Where the allotment adjoins a public reserve greater than 2000m ² (including where the allotment would adjoin a reserve if not separated by a public road), the dwelling faces that reserve and access is provided to the rear of the allotment	1.5m	In all other cases	3m		
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Waterfront Neighbourhood Zone DTS/DPF 5.1

PO 5.1

Buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape and the waterfront environment.

DTS/DPF 5.1

Buildings setback from the primary street boundary in accordance with the following table:

Development Context	Minimum setback
There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings on the abutting sites
There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.	The setback of the existing building on the abutting site
There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.	5m

For the purposes of **DTS/DPF 5.1**:

- (a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback
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			<p><i>Housing Diversity Neighbourhood Zone – DTS/DPF 4.1</i></p> <table border="1" data-bbox="680 603 1265 1043"> <tr> <td data-bbox="680 603 871 770"> <p>PO 4.1 Buildings are set back from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.</p> </td> <td data-bbox="871 603 1265 1043"> <p>DTS/DPF 4.1 Buildings setback from the primary street boundary in accordance with the following table:</p> <table border="1" data-bbox="882 676 1256 746"> <thead> <tr> <th data-bbox="882 676 1066 699">Development Context</th> <th data-bbox="1066 676 1256 699">Minimum setback</th> </tr> </thead> <tbody> <tr> <td data-bbox="882 699 1066 746">In all cases</td> <td data-bbox="1066 699 1256 746">3m</td> </tr> </tbody> </table> <p>For the purposes of DTS/DPF 4.1:</p> <p>(a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback</p> <p>(b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table</p> </td> </tr> </table>	<p>PO 4.1 Buildings are set back from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.</p>	<p>DTS/DPF 4.1 Buildings setback from the primary street boundary in accordance with the following table:</p> <table border="1" data-bbox="882 676 1256 746"> <thead> <tr> <th data-bbox="882 676 1066 699">Development Context</th> <th data-bbox="1066 676 1256 699">Minimum setback</th> </tr> </thead> <tbody> <tr> <td data-bbox="882 699 1066 746">In all cases</td> <td data-bbox="1066 699 1256 746">3m</td> </tr> </tbody> </table> <p>For the purposes of DTS/DPF 4.1:</p> <p>(a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback</p> <p>(b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table</p>	Development Context	Minimum setback	In all cases	3m		
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Strategic Employment Zone – DTS/DPF 3.3

PO 3.3

Buildings are set back from the primary street boundary to contribute to a consistent streetscape.

DTS/DPF 3.3

Buildings setback from the primary street boundary in accordance with the following table:

Development Context	Minimum setback
There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings on the abutting sites
There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.	The setback of the existing building on the abutting site
There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.	(a) 8m or more for buildings up to 6m high (b) not less than 10m for buildings greater than 6m high.

For the purposes of DTS/DPF 3.3:

- (a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback
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			<p style="text-align: center;"><i>Urban Neighbourhood Zone – DTS/DPF 2.5</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; vertical-align: top; padding: 5px;"> <p>PO 2.5 Buildings set back from the primary street boundaries consistent with the existing/emerging streetscape.</p> </td> <td style="width: 70%; vertical-align: top; padding: 5px;"> <p>DTS/DPF 2.5 Buildings setback from the primary street boundary in accordance with the following table:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; text-align: left;">Development Context</th> <th style="width: 50%; text-align: left;">Minimum setback</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.</td> <td style="padding: 2px;">The average setback of the existing buildings on the abutting sites</td> </tr> <tr> <td style="padding: 2px;">There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.</td> <td style="padding: 2px;">The setback of the existing building on the abutting site</td> </tr> <tr> <td style="padding: 2px;">There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.</td> <td style="padding: 2px;">0m</td> </tr> </tbody> </table> <p>For the purposes of DTS/DPF 2.5:</p> <p>(a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback</p> <p>(b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table</p> </td> </tr> </table>	<p>PO 2.5 Buildings set back from the primary street boundaries consistent with the existing/emerging streetscape.</p>	<p>DTS/DPF 2.5 Buildings setback from the primary street boundary in accordance with the following table:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; text-align: left;">Development Context</th> <th style="width: 50%; text-align: left;">Minimum setback</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.</td> <td style="padding: 2px;">The average setback of the existing buildings on the abutting sites</td> </tr> <tr> <td style="padding: 2px;">There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.</td> <td style="padding: 2px;">The setback of the existing building on the abutting site</td> </tr> <tr> <td style="padding: 2px;">There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.</td> <td style="padding: 2px;">0m</td> </tr> </tbody> </table> <p>For the purposes of DTS/DPF 2.5:</p> <p>(a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback</p> <p>(b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table</p>	Development Context	Minimum setback	There is an existing building on both abutting sites sharing the same street frontage as the site of the proposed building.	The average setback of the existing buildings on the abutting sites	There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building.	The setback of the existing building on the abutting site	There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.	0m		
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152.	Page 203	2.3.2.27 Replacement Building – Overlay Exclusions: Coastal Flooding Overlay	<p>Within all relevant zones, amend Table 2 – Deemed-to-Satisfy Development Classification for the Class of Development ‘Replacement building’ by inserting the following into the left-hand column <i>Including - Coastal Flooding Overlay</i></p>	Support the proposed amendment.	No comment.										

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
153.	Page 205	2.3.3 Part 3 – Overlays 2.3.3.1 Affordable Housing Overlay – Referral Trigger	<p>Within the Affordable Housing Overlay, amend the ‘Procedural Matters (PM) – Referrals’ section by replacing the following Class of Development / Activity:</p> <p><i>Development for the purposes of the provision of affordable housing (applying the criteria determined under regulation 4 of the South Australian Housing Trust Regulations 2010).</i></p> <p>With:</p> <p><i>Except where the applicant for the development is the South Australian Housing Authority (or an agent acting on behalf of the South Australian Housing Authority), residential development or land division (other than land division that reflects the site boundaries illustrated and approved in an operative or existing development authorisation for residential development under the Development Act 1993 or Planning, Development and Infrastructure Act 2016):</i></p> <p><i>(a) that comprises 20 or more dwellings or residential allotments and the development is intending to provide affordable housing</i></p> <p><i>or</i></p>	<p>The proposed amendment was based on feedback to the Commission from the South Australian Housing Authority that the referral mechanism required referral to itself as the agency responsible for the provision of referral advice.</p> <p>While the amendment is supported Council still has concerns with concession policy currently in the Overlay itself that was raised by Council through the consultation of the draft Planning and Design Code to the Commission.</p> <p>DTS/DPF 3.1 allows a 20% reduced minimum site area for affordable housing. DTS/DPF 3.2 allows a 1 storey height increase for affordable housing in General Neighbourhood, Housing Diversity Neighbourhood,</p>	<p>Building heights and car parking provisions have been previously considered in past DPA’s and Code Amendment investigations and incremental erosion of existing policy expectations should not be considered further.</p>

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>(b) where the applicant is seeking to access one or more of the planning concessions outlined in the Affordable Housing Overlay DTS 3.1, 3.2 or 4.1</i></p> <p><i>or</i></p> <p><i>(c) that is described in the application documentation as including affordable housing of any number of dwellings or residential allotments.</i></p>	<p>Suburban Business Zone and Urban Renewal Neighbourhood Zones, or a 30% increase in any other zone.</p> <p>DTS/DPF 4.1 allows for 0.3 car parks per dwelling for apartments subject to criteria and 1 space/dwelling for any other dwelling, when constituting affordable housing.</p> <p>Council’s previous Development Plan Affordable Housing Overlay policy did not contain these potential discounts.</p>	
154.	Page 205	2.3.3.2 Coastal Areas Overlay – Policy Intent	<p>Within the Coastal Areas Overlay, amend the following Performance Outcomes (PO) and Deemed-to-Satisfy Criteria/Designated Performance Feature (DTS/DPF) to the following:</p> <p><i>PO 4.1</i></p> <p><i>Development will not unreasonably affect the marine and onshore coastal environment by pollution, erosion, damage or depletion of physical or biological resources; interference with natural coastal processes; or the introduction of and spread of marine pests and diseases or any other means</i></p>	Support the proposed policy amendments.	No comment.

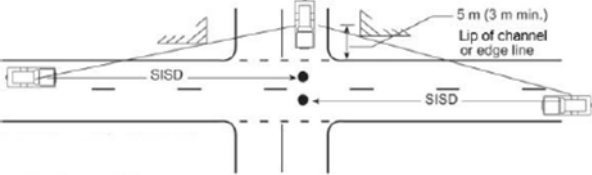
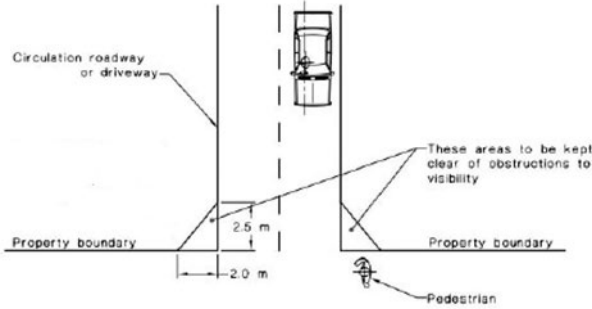
Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>and <i>DTS/DPF 4.7</i> <i>Development does not involve the removal of shell grit, cobbles or sand.</i></p>		
155.	Page 206	2.3.3.3 Hazards (Flooding) Overlay – PO 3.5 and DTS/DPF 3.5 – Linkages	<p>Within all relevant zones, amend Table 3 – Applicable Policies for Performance Assessed Development for Carport, Dwelling addition, Outbuilding and Verandah by including the linkage:</p> <p><i>Hazards (Flooding) Overlay [Flood Resilience] PO 3.5</i></p> <p>Within the Business Neighbourhood Zone, amend Table 3 – Applicable Policies for Performance Assessed Development for Fence by:</p> <p><i>Removing Hazards (Flooding) Overlay, [Flood Resilience] PO 3.5</i> <i>and</i> <i>Including Hazards (Flooding) Overlay, [Flood Resilience] PO 3.6</i></p>	<p>The inclusion of this policy in the performance assessment of carports, dwelling additions, outbuildings and verandahs is supported. The policy seeks, “<i>buildings are sited, designed and constructed to prevent the entry of floodwaters in a 1% AEP flood event where the entry of floodwaters is likely to result in undue damage to, or compromise ongoing activities within, buildings.</i>”</p> <p>This policy is already captured for all types of dwellings.</p> <p>The proposed amendment to the Business Neighbourhood</p>	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
				Zone does not affect the City of Charles Sturt.	
156.	Page 206	2.3.3.4 Design Overlay – Referral	<p>Within the Design Overlay, amend the Procedural Matters (PM) table by replace the following words in the Class of Development / Activity column: <i>'Except where the development comprises a variation to an application that has previously:</i> <i>(a) been referred to the Government Architect or Associate Government Architect</i> <i>or</i> <i>(b) been given development authorisation under the Planning, Design and Infrastructure Act 2016 or Development Act 1993'</i> with the following: <i>Except where the development comprises a variation to an application that has either been:</i> <i>(a) previously been referred to the Government Architect or Associate Government Architect or</i> <i>(b) been given development authorisation under the Planning, Design and Infrastructure Act 2016 or Development Act 1993</i></p>	Supported but to date we have not had to undertake a referral of this nature.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<i>and (c) the variation to that application is, in the opinion of the relevant authority, minor in nature or would not warrant a referral when considering the purpose of the referral</i>		
157.	Page 207	2.3.3.5 Heritage Adjacency Overlay - Referral	<p>Within the Heritage Adjacency Overlay, and the Procedural Matters (PM) – Referrals table by replace the following words in the Class of Development / Activity: <i>‘Development that may materially affect the context of a State Heritage Place’</i></p> <p>With the following: <i>Development which in the opinion of the relevant authority materially affects the context within which the State Heritage Place is situated.</i></p>	Support the proposed amendments. This can be addressed on a case-by-case basis with the advice of Council’s Heritage Adviser.	No comment.
158.	Page 217	2.3.3.7 Major Urban Transport Routes Overlay - Revised policy and referral triggers	<p>Within the Major Urban Transport Routes Overlay, amend DTS/DPF 3.1 to the following: <i>DTS/DPF 3.1</i> <i>An existing access point satisfies (a), (b) or (c):</i> <i>(a) it will not service, or is not intended to service, more than 6 dwellings</i></p>	Support the proposed policy amendment given the floor area proposed is less than 250m2 of gross leasable floor area.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>(b) it is not located on a Controlled Access Road and will not service development that will result in a larger class of vehicle expected to access the site using the existing access</i></p> <p><i>(c) it is not located on a Controlled Access Road and development constitutes:</i></p> <p><i>(i) a change of use between an office <500m² gross leasable floor area and a consulting room <500m² gross leasable floor area or vice versa</i></p> <p><i>ii) a change in use from a shop to an office, consulting room or personal or domestic services establishment</i></p> <p><i>(iii) a change of use from a consulting room or office <250m² gross leasable floor area to shop <250m² gross leasable floor area</i></p> <p><i>(iv) a change of use from a shop <500m² gross leasable floor area to a warehouse <500m² gross leasable floor area</i></p> <p><i>(v) an office or consulting room with a <500m² gross leasable floor area</i></p> <p><i>(vi) a change of use from a residential dwelling to a shop or office or consulting room or personal or domestic services establishment with <250m² gross leasable floor area.</i></p>		
159.		2.3.3.7 Major Urban Transport	Within the Major Urban Transport Routes Overlay, amend DTS/DPF 5.1 to the following:	Proposed amendments recommended by the Department of	Consider proposed re-wording of part a):

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments																											
		Routes Overlay - Revised policy and referral triggers	<p><i>DTS/DPF 5.1</i></p> <p><i>An access point satisfies (a) or ((b) and (c)):</i></p> <p><i>(a) the development site does or is intended to serve between 1 and 6 dwellings and utilises an existing access point</i></p> <p><i>or</i></p> <p><i>(b) drivers approaching or exiting an access point have an unobstructed line of sight in accordance with the following (measured at a height of 1.1m above the surface of the road):</i></p> <table border="1" data-bbox="667 930 1272 1262"> <thead> <tr> <th>Speed Limit</th> <th>Access Point serving 1-6 dwellings</th> <th>Access point serving all other development</th> </tr> </thead> <tbody> <tr> <td>40 km/h or less</td> <td>47m</td> <td>73m</td> </tr> <tr> <td>50 km/h</td> <td>63m</td> <td>97m</td> </tr> <tr> <td>60 km/h</td> <td>81m</td> <td>123m</td> </tr> <tr> <td>70 km/h</td> <td>100m</td> <td>151m</td> </tr> <tr> <td>80 km/h</td> <td>121m</td> <td>181m</td> </tr> <tr> <td>90 km/h</td> <td>144m</td> <td>226m</td> </tr> <tr> <td>100 km/h</td> <td>169m</td> <td>262m</td> </tr> <tr> <td>110 km/h</td> <td>195m</td> <td>300m</td> </tr> </tbody> </table>	Speed Limit	Access Point serving 1-6 dwellings	Access point serving all other development	40 km/h or less	47m	73m	50 km/h	63m	97m	60 km/h	81m	123m	70 km/h	100m	151m	80 km/h	121m	181m	90 km/h	144m	226m	100 km/h	169m	262m	110 km/h	195m	300m	Infrastructure and Transport (DIT) to ensure the DTS sight distance requirements are above the minimum requirements of AS2890.1 for access driveways.	<i>development site serves between 1 and 6 dwellings and utilises an existing access point</i>
Speed Limit	Access Point serving 1-6 dwellings	Access point serving all other development																														
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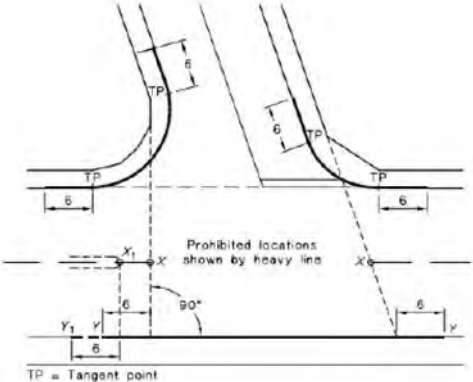
Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			 <p>and (c) pedestrian sightlines in accordance with the following diagram:</p> 		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
160.		2.3.3.7 Major Urban Transport Routes Overlay - Revised policy and referral triggers	<p>Within the Major Urban Transport Routes Overlay, amend DTS/DPF 7.1 to the following:</p> <p><i>DTS/DPF 7.1</i></p> <p><i>Development does not:</i></p> <p><i>(a) decrease the capacity of an existing drainage point</i></p> <p><i>(b) restrict or prevent the flow of stormwater to an existing drainage point and system</i></p> <p><i>(c) prevent access points becoming stormwater flow paths direct onto the road.</i></p> <p><i>(a) where the development site is intended to serve between 1 and 6 dwellings and access from a local road (being a road that is not a State Maintained Road) is not available, the new access:</i></p> <p><i>(i) is not located on a Controlled Access Road</i></p> <p><i>(ii) is not located on a section of road affected by double barrier lines</i></p> <p><i>(iii) will be on a road with a speed environment of 70km/h or less</i></p> <p><i>(iv) is located outside of the bold lines on the diagram shown in the diagram following part (a)</i></p>	Proposed amendments recommended by the Department of Infrastructure and Transport (DIT) to ensure the DTS sight distance requirements are above the minimum requirements of AS2890.1 for access driveways.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>(v) is located a minimum of 6m from a median opening or pedestrian crossing (b) where DTS/DPF 4.1 part (a) and (b) do not apply and access from an alternative local road at least 25m from the State Maintained Road is not available, and the access is not located on a Controlled Access Road, the new access is separated in accordance with the following:</i></p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments																								
			<table border="1"> <thead> <tr> <th data-bbox="680 576 770 655">Speed Limit</th> <th data-bbox="770 576 960 655">Separation between access points</th> <th data-bbox="960 576 1270 655">Separation from public road junctions and merging/terminating lanes</th> </tr> </thead> <tbody> <tr> <td data-bbox="680 655 770 735">50 km/h or less</td> <td data-bbox="770 655 960 735">No spacing requirement</td> <td data-bbox="960 655 1270 735">20m</td> </tr> <tr> <td data-bbox="680 735 770 1002">60 km/h</td> <td data-bbox="770 735 960 1002">40m <i>5m (for development intended to serve between 1 and 6 dwellings) and 20m for all other cases</i></td> <td data-bbox="960 735 1270 1002">123m</td> </tr> <tr> <td data-bbox="680 1002 770 1059">70 km/h</td> <td data-bbox="770 1002 960 1059">55m</td> <td data-bbox="960 1002 1270 1059">151m</td> </tr> <tr> <td data-bbox="680 1059 770 1139">80 km/h</td> <td data-bbox="770 1059 960 1139">70m</td> <td data-bbox="960 1059 1270 1139">181m</td> </tr> <tr> <td data-bbox="680 1139 770 1219">90 km/h</td> <td data-bbox="770 1139 960 1219">90m</td> <td data-bbox="960 1139 1270 1219">214m</td> </tr> <tr> <td data-bbox="680 1219 770 1276">100 km/h</td> <td data-bbox="770 1219 960 1276">110m</td> <td data-bbox="960 1219 1270 1276">248m</td> </tr> <tr> <td data-bbox="680 1276 770 1350">110 km/h</td> <td data-bbox="770 1276 960 1350">135m</td> <td data-bbox="960 1276 1270 1350">285m</td> </tr> </tbody> </table>	Speed Limit	Separation between access points	Separation from public road junctions and merging/terminating lanes	50 km/h or less	No spacing requirement	20m	60 km/h	40m <i>5m (for development intended to serve between 1 and 6 dwellings) and 20m for all other cases</i>	123m	70 km/h	55m	151m	80 km/h	70m	181m	90 km/h	90m	214m	100 km/h	110m	248m	110 km/h	135m	285m		
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Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
161.		2.3.3.7 Major Urban Transport Routes Overlay - Revised policy and referral triggers	<p>Within the Major Urban Transport Routes Overlay, amend DTS/DPF 4.1 to the following:</p> <p><i>DTS/DPF 4.1</i></p> <p><i>A new access point satisfies (a), (b) or (c):</i></p> <p><i>(a) where the development site is intended to serve between 1 and 6 dwellings, access to the site is from the local road network and outside the tangent point shown in the following diagram:</i></p>	<p>Proposed amendments recommended by the Department of Infrastructure and Transport (DIT) to ensure the DTS sight distance requirements are above the minimum requirements of AS2890.1 for access driveways.</p>	<p>Consider proposed re-wording of part a):</p> <p><i>development site serves between 1 and 6 dwellings and utilises an existing access point</i></p>

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			 <p>TP = Tangent point</p> <p>NOTE: The points marked X₁ and X are respectively at the median end on a divided road and at the intersection of the main road centre-line and the extensions of the side road property lines shown as dotted lines, on an undivided road. On a divided road, dimension Y-Y extends to Point T.</p>		
162.	Page 222	2.3.3.11 Prescribed Surface Water Area Overlay - Terminology	<p>Within the Prescribed Surface Water Area Overlay, amend Procedural Matters (PM) – Referrals table by replacing the following words in the second row listed Class of Development / Activity:</p> <p><i>Any of the following classes of development that require or may require water to be taken over and above any allocation</i></p>	The City of Charles Sturt is not affected by the Code's existing Prescribed Surface Water Area Overlay.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>that has already been granted under the Landscape South Australia Act 2019</p> <p>With: Any of the following classes of development that require or may require water to be taken <i>in addition to any allocation that has already been granted under the Landscape South Australia Act 2019</i></p>		
163.	Page 223	2.3.3.13 Representative Buildings – Character Area Overlay and Historic Area Overlay – Spatial Representation	<p>Amend the Historic Area Overlay spatial mapping to show ‘representative buildings’ that currently exist within the spatial extent of the Overlay.</p> <p>Amend the Character Area Overlay spatial mapping to show ‘representative buildings’ that currently exist within the spatial extent of the Overlay.</p> <p>Notes: For the purposes of consultation, and as a result of ‘representative buildings’ being a point in time reference, updated mapping for the Historic Area Overlay and Character Area Overlay hasn’t been produced. Reference to the ‘Representative Buildings’ Planning Reference Layer of SAPP</p>	Support the proposed spatial amendment, which will make it easier for persons to see Representative Building locations. The proposed amendment would mean moving the location to apply the Representative Buildings layer from the South Australian Planning and Property Atlas (SAPPA) under the ‘Planning Reference’ layer to the ‘Historic Area Overlay’ layer.	Agree and supported.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>should be made for the purposes of identifying current ‘representative buildings’.</p> <p>The final version of this Code Amendment, i.e., the one that is prepared for adoption by the Minister responsible for the administration of the Planning, Development and Infrastructure Act 2016, will include updated Historic Area Overlay and Character Area Overlay spatial mapping showing all ‘representative buildings’ that are identified within the Planning Reference Layer.</p>		
164.	Page 230	2.3.3.21 Traffic Generating Development Overlay – Referral	<p>Within the Traffic Generating Overlay, amend DTS/DPF 1.1, DTS/DPF 1.2 and DTS/DPF 1.3 to the following</p> <p><i>DTS/DPF 1.1</i> <i>Access is obtained directly from a State Maintained Road where it involves any of the following types of development:</i></p> <ul style="list-style-type: none"> <i>a) building, or buildings, containing in excess of 50 dwellings</i> <i>b) land division creating 50 or more additional allotments</i> <i>c) commercial development with a gross floor area of 10,000m² or more</i> <i>d) retail development with a gross floor area of 2,000m² or more</i> 	Proposed amendment seeks to address an anomaly identified where development for over 50 dwellings is currently not addressed, notwithstanding that land division involving the creation of 50 or more additional allotments is. Support the proposed policy amendment.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>e) a warehouse or transport depot with a gross leasable floor area of 8,000m² or more</i></p> <p><i>f) industry with a gross floor area of 20,000m² or more</i></p> <p><i>g) educational facilities with a capacity of 250 students or more.</i></p> <p><i>DTS/DPF 1.2</i></p> <p><i>Access is obtained directly from a State Maintained Road where it involves any of the following types of development:</i></p> <p><i>a) building, or buildings, containing in excess of 50 dwellings</i></p> <p><i>b) land division creating 50 or more additional allotments</i></p> <p><i>c) commercial development with a gross floor area of 10,000m² or more</i></p> <p><i>d) retail development with a gross floor area of 2,000m² or more</i></p> <p><i>e) a warehouse or transport depot with a gross leasable floor area of 8,000m² or more</i></p> <p><i>f) industry with a gross floor area of 20,000m² or more</i></p> <p><i>g) educational facilities with a capacity of 250 students or more.</i></p> <p><i>DTS/DPF 1.3</i></p>		

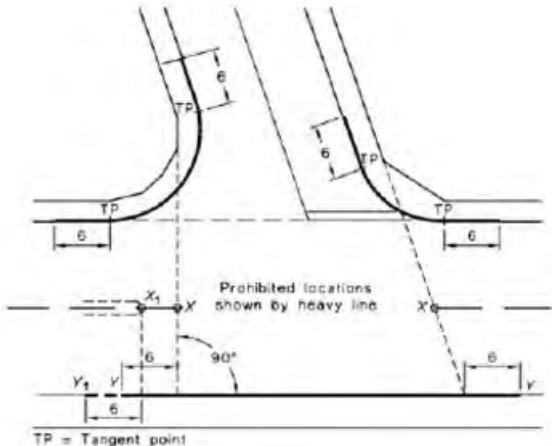
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			<p><i>Access is obtained directly from a State Maintained Road where it involves any of the following types of development:</i></p> <ul style="list-style-type: none"> <i>a) building, or buildings, containing in excess of 50 dwellings</i> <i>b) land division creating 50 or more additional allotments</i> <i>c) commercial development with a gross floor area of 10,000m² or more</i> <i>d) retail development with a gross floor area of 2,000m² or more</i> <i>e) a warehouse or transport depot with a gross leasable floor area of 8,000m² or more</i> <i>f) industry with a gross floor area of 20,000m² or more</i> <i>g) educational facilities with a capacity of 250 students or more.</i> 		
165.		2.3.3.21 Traffic Generating Development Overlay – Referral	<p>Within the Traffic Generating Overlay, amend the Procedural Matters (PM) – Referrals table by replacing Class of Development / Activity:</p> <p><i>Except where all of the relevant deemed to satisfy criteria are met, any of the following classes of development that are proposed within 250m of a State Maintained Road:</i></p> <ul style="list-style-type: none"> <i>a. land division creating 50 or more additional allotments</i> <i>b. commercial development with a gross floor area of 10,000m² or more</i> 	Refer to Row 164.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>c. retail development with a gross floor area of 2,000m² or more</p> <p>d. a warehouse or transport depot with a gross leasable floor area of 8,000m² or more</p> <p>e. industry with a gross floor area of 20,000m² or more</p> <p>f. educational facilities with a capacity of 250 students or more.</p> <p>With the following:</p> <p><i>Except where all of the relevant deemed-to-satisfy criteria are met, any of the following classes of development that are proposed within 250m of a State Maintained Road:</i></p> <p><i>a. except where a proposed development has previously been referred under clause (b) - a building, or buildings, containing in excess of 50 dwellings</i></p> <p><i>b. except where a proposed development has previously been referred under clause (a) - land division creating 50 or more additional allotments</i></p> <p><i>c. commercial development with a gross floor area of 10,000m² or more</i></p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>d. retail development with a gross floor area of 2,000m2 or more</i></p> <p><i>e. a warehouse or transport depot with a gross leasable floor area of 8,000m2 or more</i></p> <p><i>f. industry with a gross floor area of 20,000m2 or more</i></p> <p><i>g. educational facilities with a capacity of 250 students or more.</i></p>		
166.	Page 231	2.3.3.22 Urban Transport Routes Overlay - Revised policy and referral triggers	<p>Within the Urban Transport Routes Overlay, amend DTS/DPF 1.1(b)(i) to the following:</p> <p><i>DTS/DPF 1.1(b)(i)</i></p> <p><i>(i) it will not result in more than one access point servicing the development site</i></p>	Minor amendment.	No comment.
167.		2.3.3.22 Urban Transport Routes Overlay - Revised policy and referral triggers	<p>Within the Urban Transport Routes Overlay, amend DTS/DPF 3.1 to the following:</p> <p><i>DTS/DPF 3.1</i></p> <p><i>An existing access point satisfies (a), (b) or (c):</i></p> <p><i>(d) it will not service, or is not intended to service, more than 6 dwellings</i></p>	Support the proposed policy amendment given the floor area proposed is less than 250m2 of gross leasable floor area.	No comment.

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			<p><i>(e) it is not located on a Controlled Access Road and will not service development that will result in a larger class of vehicle expected to access the site using the existing access</i></p> <p><i>(f) it is not located on a Controlled Access Road and development constitutes:</i></p> <p><i>(i) a change of use between an office <500m² gross leasable floor area and a consulting room <500m² gross leasable floor area or vice versa</i></p> <p><i>(ii) a change in use from a shop to an office, consulting room or personal or domestic services establishment</i></p> <p><i>(iii) a change of use from a consulting room or office <250m² gross leasable floor area to shop <250m² gross leasable floor area</i></p> <p><i>(iv) a change of use from a shop <500m² gross leasable floor area to a warehouse <500m² gross leasable floor area</i></p> <p><i>(v) an office or consulting room with a <500m² gross leasable floor area</i></p> <p><i>(vi) a change of use from a residential dwelling to a shop or office or consulting room or personal or domestic services establishment with <250m² gross leasable floor area.</i></p>		
168.		2.3.3.22 Urban Transport Routes	Within the Urban Transport Routes Overlay, amend DTS/DPF 4.1 to the following:	Proposed amendments recommended by the Department of	Consider proposed re-wording of part a):

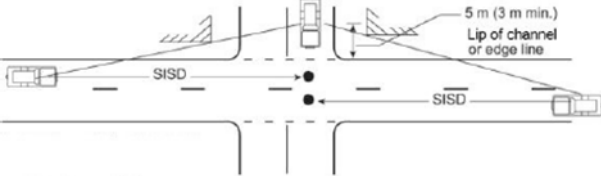
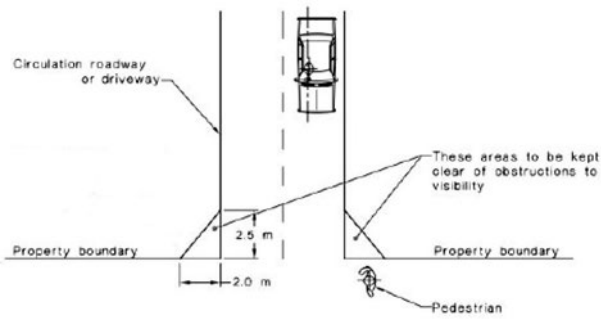
Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
		Overlay - Revised policy and referral triggers	<p><i>DTS/DPF 4.1</i></p> <p><i>A new access point satisfies (a), (b) or (c):</i></p> <p><i>(b) where the development site is intended to serve between 1 and 6 dwellings, access to the site is from the local road network and outside the tangent point shown in the following diagram:</i></p>	Infrastructure and Transport (DIT) to ensure the DTS sight distance requirements are above the minimum requirements of AS2890.1 for access driveways.	<i>development site serves between 1 and 6 dwellings and utilises an existing access point</i>

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			 <p>TP = Tangent point</p> <p>NOTE: The points marked X₁ and X₂ are respectively at the median end on a divided road and at the intersection of the main road centre-line and the extensions of the side road property lines shown as dotted lines, on an undivided road. On a divided road, dimension Y-J extends to Point T₁.</p> <p>(c) where the development site is intended to serve between 1 and 6 dwellings and access from a local road (being a road that is not a State Maintained Road) is not available, the new access:</p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>(vi) is not located on a Controlled Access Road</i></p> <p><i>(vii) is not located on a section of road affected by double barrier lines</i></p> <p><i>(viii) will be on a road with a speed environment of 70km/h or less</i></p> <p><i>(ix) is located outside of the bold lines on the diagram shown in the diagram following part (a)</i></p> <p><i>(x) is located a minimum of 6m from a median opening or pedestrian crossing</i></p> <p><i>(d) where DTS/DPF 4.1 part (a) and (b) do not apply and access from an alternative local road at least 25m from the State Maintained Road is not available, and the access is not located on a Controlled Access Road, the new access is separated in accordance with the following:</i></p>		

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169.		2.3.3.22 Urban Transport Routes Overlay - Revised policy and referral triggers	<p>Within the Urban Transport Routes Overlay, amend DTS/DPF 5.1 to the following:</p> <p><i>DTS/DPF 5.1</i> <i>An access point satisfies (a) or ((b) and (c)):</i> <i>(a) the development site does or is intended to serve between 1 and 6 dwellings and utilises an existing access point</i> <i>or</i> <i>(b) drivers approaching or exiting an access point have an unobstructed line of sight in accordance with the following (measured at a height of 1.1m above the surface of the road):</i></p> <table border="1" data-bbox="667 1002 1272 1343"> <thead> <tr> <th>Speed Limit</th> <th>Access Point serving 1-6 dwellings</th> <th>Access point serving all other development</th> </tr> </thead> <tbody> <tr> <td>40 km/h or less</td> <td>47m</td> <td>73m</td> </tr> <tr> <td>50 km/h</td> <td>63m</td> <td>97m</td> </tr> <tr> <td>60 km/h</td> <td>81m</td> <td>123m</td> </tr> <tr> <td>70 km/h</td> <td>100m</td> <td>151m</td> </tr> <tr> <td>80 km/h</td> <td>121m</td> <td>181m</td> </tr> <tr> <td>90 km/h</td> <td>144m</td> <td>226m</td> </tr> <tr> <td>100 km/h</td> <td>169m</td> <td>262m</td> </tr> <tr> <td>110 km/h</td> <td>195m</td> <td>300m</td> </tr> </tbody> </table>	Speed Limit	Access Point serving 1-6 dwellings	Access point serving all other development	40 km/h or less	47m	73m	50 km/h	63m	97m	60 km/h	81m	123m	70 km/h	100m	151m	80 km/h	121m	181m	90 km/h	144m	226m	100 km/h	169m	262m	110 km/h	195m	300m	Proposed amendments recommended by the Department of Infrastructure and Transport (DIT) to ensure the DTS sight distance requirements are above the minimum requirements of AS2890.1 for access driveways.	Consider proposed re-wording of part a): <i>development site serves between 1 and 6 dwellings and utilises an existing access point</i>
Speed Limit	Access Point serving 1-6 dwellings	Access point serving all other development																														
40 km/h or less	47m	73m																														
50 km/h	63m	97m																														
60 km/h	81m	123m																														
70 km/h	100m	151m																														
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Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			 <p>5 m (3 m min.) Lip of channel or edge line</p> <p>SISD</p> <p>SISD</p> <p>and (c) pedestrian sightlines in accordance with the following diagram:</p>  <p>Circulation roadway or driveway</p> <p>Property boundary</p> <p>2.5 m</p> <p>2.0 m</p> <p>These areas to be kept clear of obstructions to visibility</p> <p>Property boundary</p> <p>Pedestrian</p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
170.		2.3.3.22 Urban Transport Routes Overlay - Revised policy and referral triggers	<p>Within the Urban Transport Routes Overlay, amend DTS/DPF 7.1 to the following: <i>DTS/DPF 7.1</i> <i>Development does not:</i> <i>(a) decrease the capacity of an existing drainage point</i> <i>(b) restrict or prevent the flow of stormwater to an existing drainage point and system</i> <i>(c) prevent access points becoming stormwater flow paths direct onto the road.</i></p>	Support the proposed policy amendment.	No comment.
171.	Page 236	<p>2.3.4 Part 4 – General Development Policies 2.3.4.2 Carport and Outbuilding – Internal Parking Dimensions – Linkages</p>	<p>Within the below listed ‘Applicable Zones’, amend Table 2 – Deemed-to-Satisfy Development Classification for Carport by including the following linkage: <i>General Development Policies – Design [Car parking, access and manoeuvrability]: DTS/DPF 19.1</i> Applicable Zones • Home Industry Zone • <i>Infrastructure (Airfield) Zone</i> • <i>Master Planned Neighbourhood Zone</i> • <i>Master Planned Township Zone</i> • <i>Neighbourhood Zone</i></p>	The intent of existing policy 19.1 with DTS criteria seeks enclosed parking spaces are of a size and dimension that are functional and accessible. The policy is proposed to be included in the zones listed for carports through a Deemed to Satisfy assessment pathway. Of the zones listed only the Home Industry Zone is applicable for Charles Sturt Council. The proposed policy inclusion is supported.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<ul style="list-style-type: none"> • <i>Productive Rural Landscape Zone</i> • <i>Remote Areas Zone</i> • <i>Residential Park Zone</i> • <i>Rural Zone</i> • <i>Rural Aquaculture Zone</i> • <i>Rural Horticulture Zone</i> • <i>Rural Intensive Enterprise Zone</i> • <i>Rural Living Zone</i> • <i>Rural Neighbourhood Zone</i> • <i>Rural Settlement Zone</i> • <i>Rural Shack Settlement Zone</i> • <i>Township Zone</i> • <i>Township Neighbourhood Zone</i> • <i>Workers' Settlement Zone</i> 		
172.		<p>2.3.4 Part 4 – General Development Policies</p> <p>2.3.4.2 Carport and Outbuilding – Internal Parking</p>	<p>Within the below listed ‘Applicable Zones’, amend Table 2 – Deemed-to-Satisfy Development Classification for Carport by including the following linkage:</p> <p><i>General Development Policies – Design in Urban Areas [Car parking, access and manoeuvrability]: DTS/DPF 23.1</i></p> <p>Applicable Zones</p>	<p>The intent of existing policy 23.1 with DTS criteria seeks enclosed parking spaces are of a size and dimension that are functional and accessible.</p> <p>The policy is proposed to be included in the zones listed for carports through a Deemed to Satisfy assessment pathway for</p>	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
		Dimensions – Linkages	<ul style="list-style-type: none"> • <i>Business Neighbourhood Zone</i> • <i>City Living Zone</i> • <i>Established Neighbourhood Zone</i> • <i>General Neighbourhood Zone</i> • <i>Hills Neighbourhood Zone</i> • <i>Housing Diversity Neighbourhood Zone</i> • <i>Master Planned Renewal Zone</i> • <i>Suburban Business Zone</i> • <i>Suburban Neighbourhood Zone</i> • <i>Urban Renewal Neighbourhood Zone</i> • <i>Waterfront Neighbourhood Zone</i> 	neighbourhood type zone applicable for Charles Sturt Council. The proposed policy inclusion is supported.	
173.		2.3.4 Part 4 – General Development Policies 2.3.4.2 Carport and Outbuilding – Internal Parking Dimensions – Linkages	<p>Within the below listed ‘Applicable Zones’, amend Table 3 – Applicable Policies for Performance Assessed Development for Carport by including the following linkage:</p> <p><i>General Development Policies – Design in Urban Areas [Car parking, access and manoeuvrability]: PO 19.1</i></p> <p>Applicable Zones</p> <ul style="list-style-type: none"> • <i>Conservation Zone</i> • <i>Golf Course Estate Zone</i> • <i>Home Industry Zone</i> • <i>Infrastructure (Airfield) Zone</i> 	The intent of existing policy 23.1 with DTS criteria seeks enclosed parking spaces are of a size and dimension that are functional and accessible. The policy is proposed to be included in the zones listed for carports through a Performance Assessed assessment pathway for which the Home Industry Zone is only applicable for Charles Sturt Council.	The proposed policy inclusion is supported however 19.1 refers to ancillary buildings and the proposed amendment most likely should refer to the inclusion of PO 23.1.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<ul style="list-style-type: none"> • <i>Master Planned Neighbourhood Zone</i> • <i>Master Planned Township Zone</i> • <i>Neighbourhood Zone</i> • <i>Productive Rural Landscape Zone</i> • <i>Remote Areas Zone</i> • <i>Residential Park Zone</i> • <i>Rural Zone</i> • <i>Rural Aquaculture Zone</i> • <i>Rural Horticulture Zone</i> • <i>Rural Intensive Enterprise Zone</i> • <i>Rural Living Zone</i> • <i>Rural Neighbourhood Zone</i> • <i>Rural Settlement Zone</i> • <i>Rural Shack Settlement Zone</i> • <i>Small Scale Settlement Zone</i> • <i>Tourism Development Zone</i> • <i>Township Zone</i> • <i>Township Neighbourhood Zone</i> • <i>Workers' Settlement Zone</i> 	<p>The proposed policy inclusion is supported.</p> <p>However, PO 19.1 refers to design and siting of ancillary buildings.</p>	
174.		2.3.4 Part 4 – General	Within the below listed ‘Applicable Zones’, amend Table 3 – Applicable Policies for Performance Assessed Development for Carport by including the following linkage:	The intent of existing policy 23.1 with DTS criteria seeks enclosed parking spaces are of a size and dimension	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
		Development Policies 2.3.4.2 Carport and Outbuilding – Internal Parking Dimensions – Linkages	<p><i>General Development Policies – Design in Urban Areas [Car parking, access and manoeuvrability]: DTS/DPF 23.1</i></p> <p>Applicable Zones</p> <ul style="list-style-type: none"> • <i>Business Neighbourhood Zone</i> • <i>City Living Zone</i> • <i>Established Neighbourhood Zone</i> • <i>General Neighbourhood Zone</i> • <i>Hills Face Zone</i> • <i>Hills Neighbourhood Zone</i> • <i>Housing Diversity Neighbourhood Zone</i> • <i>Master Planned Renewal Zone</i> • <i>Strategic Innovation Zone</i> • <i>Suburban Business Zone</i> • <i>Suburban Neighbourhood Zone</i> • <i>Urban Renewal Neighbourhood Zone</i> • <i>Waterfront Neighbourhood Zone</i> 	that are functional and accessible. The policy is proposed to be included in the zones listed for carports through a Performance Assessed assessment pathway for neighbourhood type zone applicable for Charles Sturt Council. The proposed policy inclusion is supported.	
175.		2.3.4 Part 4 – General Development Policies	Within the below listed ‘Applicable Zones’, amend Table 2 – Deemed-to-Satisfy Development Classification for Outbuilding by including the following linkage:	Refer to row 173.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
		2.3.4.2 Carport and Outbuilding – Internal Parking Dimensions – Linkages	<p><i>General Development Policies – Design [Car parking, access and manoeuvrability]: DTS/DPF 19.1</i></p> <p>Applicable Zones</p> <ul style="list-style-type: none"> • Home Industry Zone • <i>Infrastructure (Airfield) Zone</i> • <i>Master Planned Neighbourhood Zone</i> • <i>Master Planned Township Zone</i> • <i>Neighbourhood Zone</i> • <i>Productive Rural Landscape Zone</i> • <i>Recreation Zone</i> • <i>Remote Areas Zone</i> • <i>Rural Zone</i> • <i>Rural Aquaculture Zone</i> • <i>Rural Horticulture Zone</i> • <i>Rural Intensive Enterprise Zone</i> • <i>Rural Living Zone</i> • <i>Rural Neighbourhood Zone</i> • <i>Rural Settlement Zone</i> • <i>Rural Shack Settlement Zone</i> • <i>Township Zone</i> 		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
176.		2.3.4 Part 4 – General Development Policies 2.3.4.2 Carport and Outbuilding – Internal Parking Dimensions – Linkages	<ul style="list-style-type: none"> • <i>Township Neighbourhood Zone</i> <p>Within the below listed ‘Applicable Zones’, amend Table 2 – Deemed-to-Satisfy Development Classification for Outbuilding by including the following linkage:</p> <p><i>General Development Policies – Design in Urban Areas [Car parking, access and manoeuvrability]: DTS/DPF 23.1</i></p> <p>Applicable Zones</p> <ul style="list-style-type: none"> • <i>Business Neighbourhood Zone</i> • <i>City Living Zone</i> • <i>Established Neighbourhood Zone</i> • <i>General Neighbourhood Zone</i> • <i>Hills Neighbourhood Zone</i> • <i>Housing Diversity Neighbourhood Zone</i> • <i>Master Planned Renewal Zone</i> • <i>Suburban Business Zone</i> • <i>Suburban Neighbourhood Zone</i> • <i>Urban Renewal Neighbourhood Zone</i> • <i>Waterfront Neighbourhood Zone</i> 	Refer to row 172.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
177.		2.3.4 Part 4 – General Development Policies 2.3.4.2 Carport and Outbuilding – Internal Parking Dimensions – Linkages	<p>Within the below listed ‘Applicable Zones’, amend Table 3 – Applicable Policies for Performance Assessed Development for Outbuilding by including the following linkage:</p> <p><i>General Development Policies – Design in Urban Areas [Car parking, access and manoeuvrability]: PO 19.1</i></p> <p>Applicable Zones</p> <ul style="list-style-type: none"> • Conservation Zone • Golf Course Estate Zone • Home Industry Zone • Infrastructure (Airfield) Zone • Master Planned Neighbourhood Zone • Master Planned Township Zone • Neighbourhood Zone • Open Space Zone • Productive Rural Landscape Zone • Recreation Zone • Remote Areas Zone • Residential Park Zone • Rural Zone • Rural Aquaculture Zone 	<p>The intent of existing policy 23.1 with DTS criteria seeks enclosed parking spaces are of a size and dimension that are functional and accessible. The policy is proposed to be included in the zones listed for carports through a Performance Assessed assessment pathway for which the Home Industry Zone is only applicable for Charles Sturt Council. The proposed policy inclusion is supported.</p> <p>However, PO 19.1 refers to design and siting of ancillary buildings.</p>	<p>The proposed policy inclusion is supported however 19.1 refers to ancillary buildings and the proposed amendment most likely should refer to the inclusion of PO 23.1.</p>

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<ul style="list-style-type: none"> • <i>Rural Horticulture Zone</i> • <i>Rural Intensive Enterprise Zone</i> • <i>Rural Living Zone</i> • <i>Rural Neighbourhood Zone</i> • <i>Rural Settlement Zone</i> • <i>Rural Shack Settlement Zone</i> • <i>Strategic Employment Zone</i> • <i>Tourism Development Zone</i> • <i>Township Zone</i> • <i>Township Neighbourhood Zone</i> 		
178.		<p>2.3.4 Part 4 – General Development Policies</p> <p>2.3.4.2 Carport and Outbuilding – Internal Parking Dimensions – Linkages</p>	<p>Within the below listed ‘Applicable Zones’, amend Table 3 – Applicable Policies for Performance Assessed Development for Outbuilding by including the following linkage:</p> <p><i>General Development Policies – Design in Urban Areas [Car parking, access and manoeuvrability]: DTS/DPF 23.1</i></p> <p>Applicable Zones</p> <ul style="list-style-type: none"> • <i>Business Neighbourhood Zone</i> • <i>City Living Zone</i> • <i>Established Neighbourhood Zone</i> • <i>General Neighbourhood Zone</i> 	Refer to row 174.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<ul style="list-style-type: none"> • <i>Hills Face Zone</i> • <i>Hills Neighbourhood Zone</i> • <i>Housing Diversity Neighbourhood Zone</i> • <i>Master Planned Renewal Zone</i> • <i>Strategic Innovation Zone</i> • <i>Suburban Business Zone</i> • <i>Suburban Neighbourhood Zone</i> • <i>Urban Renewal Neighbourhood Zone</i> • <i>Waterfront Neighbourhood Zone</i> 		
179.	Page 243	2.3.4.4 Decks – Design, and Design in Urban Areas General Development Policies – Assessment Pathways	Within Part 4 – General Development Policies – Design, and Design in Urban Areas insert the following Performance Outcome (PO) and DTS/DPF:	Support the inclusion of policies about the type of development, and the included policies seem generally appropriate in relation to proposed decks associated with residential land uses.	Consider additional policy to assess interface impacts that may arise where decks are associated with non-residential uses in neighbourhood type zones and in non-residential based zones. Further policy should consider acoustic and lighting

			<p>POX.1 Decks are designed and sited to:</p> <p>(a) complement the associated building form</p> <p>(b) minimise impacts on the streetscape through siting behind the building line of the principal building (unless on a significant allotment or open space)</p> <p>(a) minimise cut and fill and overall massing when viewed from adjacent land.</p>	<p>DTS/DPF X.1 Decks:</p> <p>(a) where ancillary to a dwelling:</p> <p>(i) are not constructed, added to or altered so that any part is situated:</p> <p>A. in front of any part of the building line of the dwelling to which it is ancillary or B. within 900mm of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads)</p> <p>(ii) are set back at least 900mm from side or rear allotment boundaries</p> <p>(iii) when attached to the dwelling, has a finished floor level consistent with the finished floor level of the dwelling</p> <p>(iv) where associated with a residential use, retains a total area of soft landscaping in accordance with (A) or (B), whichever is less:</p> <p>A. a total area is determined by the following table:</p> <table border="1"> <thead> <tr> <th>Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m²)</th> <th>Minimum percentage of site</th> </tr> </thead> <tbody> <tr> <td><150</td> <td>10%</td> </tr> <tr> <td>150-200</td> <td>15%</td> </tr> <tr> <td>201-450</td> <td>20%</td> </tr> </tbody> </table>	Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site	<150	10%	150-200	15%	201-450	20%		<p>impacts from rear facing development adjacent to residential land uses.</p>
Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site													
<150	10%													
150-200	15%													
201-450	20%													

			<table border="1"> <tr> <td>>450</td> <td>25%</td> </tr> <tr> <td colspan="2"> <p><i>B. the amount of existing soft landscaping prior to the development occurring.</i></p> <p><i>(b) where in association with a non-residential use:</i></p> <p><i>(i) are set back at least 2 metres from the boundary of an allotment used for residential purposes.</i></p> <p><i>(ii) are set back at least 2 metres from a public road.</i></p> <p><i>(iii) have a floor area not exceeding 25m².</i></p> </td> </tr> <tr> <td> <p>POX.2</p> <p><i>Decks are designed and sited to minimise overlooking of habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones through suitable floor levels, screening and siting taking into account the slope of the subject land, existing vegetation on the subject land, and fencing</i></p> </td> <td> <p>DTS/DPFX.2</p> <p><i>Decks with a finished floor level 500mm or more above natural ground level facing side or rear boundaries shared with a residential use in a neighbourhood-type zone incorporate screening permanently fixed to the outer edge of the deck not less than 1.5 m above the finished floor level.</i></p> </td> </tr> <tr> <td> <p>POX.3</p> <p><i>Decks used for outdoor dining, entertainment or other commercial uses provide carparking in accordance with the primary use of the deck.</i></p> </td> <td> <p>DTS/DPF X.3</p> <p><i>Decks used for commercial purposes do not result in less on-site car parking for the primary use of the subject land than specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.</i></p> </td> </tr> </table>	>450	25%	<p><i>B. the amount of existing soft landscaping prior to the development occurring.</i></p> <p><i>(b) where in association with a non-residential use:</i></p> <p><i>(i) are set back at least 2 metres from the boundary of an allotment used for residential purposes.</i></p> <p><i>(ii) are set back at least 2 metres from a public road.</i></p> <p><i>(iii) have a floor area not exceeding 25m².</i></p>		<p>POX.2</p> <p><i>Decks are designed and sited to minimise overlooking of habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones through suitable floor levels, screening and siting taking into account the slope of the subject land, existing vegetation on the subject land, and fencing</i></p>	<p>DTS/DPFX.2</p> <p><i>Decks with a finished floor level 500mm or more above natural ground level facing side or rear boundaries shared with a residential use in a neighbourhood-type zone incorporate screening permanently fixed to the outer edge of the deck not less than 1.5 m above the finished floor level.</i></p>	<p>POX.3</p> <p><i>Decks used for outdoor dining, entertainment or other commercial uses provide carparking in accordance with the primary use of the deck.</i></p>	<p>DTS/DPF X.3</p> <p><i>Decks used for commercial purposes do not result in less on-site car parking for the primary use of the subject land than specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.</i></p>		
>450	25%												
<p><i>B. the amount of existing soft landscaping prior to the development occurring.</i></p> <p><i>(b) where in association with a non-residential use:</i></p> <p><i>(i) are set back at least 2 metres from the boundary of an allotment used for residential purposes.</i></p> <p><i>(ii) are set back at least 2 metres from a public road.</i></p> <p><i>(iii) have a floor area not exceeding 25m².</i></p>													
<p>POX.2</p> <p><i>Decks are designed and sited to minimise overlooking of habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones through suitable floor levels, screening and siting taking into account the slope of the subject land, existing vegetation on the subject land, and fencing</i></p>	<p>DTS/DPFX.2</p> <p><i>Decks with a finished floor level 500mm or more above natural ground level facing side or rear boundaries shared with a residential use in a neighbourhood-type zone incorporate screening permanently fixed to the outer edge of the deck not less than 1.5 m above the finished floor level.</i></p>												
<p>POX.3</p> <p><i>Decks used for outdoor dining, entertainment or other commercial uses provide carparking in accordance with the primary use of the deck.</i></p>	<p>DTS/DPF X.3</p> <p><i>Decks used for commercial purposes do not result in less on-site car parking for the primary use of the subject land than specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.</i></p>												
<p>Within the below listed 'Applicable Zones', amend Table 2 – Deemed-to-Satisfy Development Classification and Table 3 – Applicable Policies for Performance Assessed Development</p>													

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>by including an Assessment Path for 'Deck' aligned with the either the Design or the Design in Urban Areas module per below: <i>General Development Policies – Design Modules (per the two table below)</i></p> <p>Applicable Zones for Design Module</p> <ul style="list-style-type: none"> • Caravan and Tourist Park Zone • Golf Course Estate Zone • Motorsport Park Zone • Neighbourhood Zone • Productive Rural Landscape Zone • Remote Areas Zone • Residential Park Zone • Rural Horticulture Zone • Rural Living Zone • Rural Neighbourhood Zone • Rural Settlement Zone • Rural Shack Settlement Zone • Rural Zone • Tourism Development Zone • Township Neighbourhood Zone 		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<ul style="list-style-type: none"> • <i>Township Zone</i> • <i>Workers’ Settlement Zone</i> <p><i>General Development Policies – Design in Urban Areas Modules (per the two table below)</i></p> <p>Applicable Zones for Design in Urban Areas Module</p> <ul style="list-style-type: none"> • <i>Business Neighbourhood Zone</i> • <i>City Living Zone</i> • <i>Established Neighbourhood Zone</i> • <i>General Neighbourhood Zone</i> • <i>Hills Neighbourhood Zone</i> • <i>Home Industry Zone</i> • <i>Housing Diversity Neighbourhood Zone</i> • <i>Master Planned Neighbourhood Zone</i> • <i>Master Planner Renewal Zone</i> • <i>Master Planner Township Zone</i> • <i>Strategic Innovation Zone</i> • <i>Suburban Business Zone</i> • <i>Suburban Neighbourhood Zone</i> • <i>Urban Corridor (Boulevard) Zone</i> • <i>Urban Corridor (Living) Zone</i> 		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<ul style="list-style-type: none"> • Urban Neighbourhood Zone • Urban Renewal Neighbourhood Zone • Waterfront Neighbourhood Zone <p>Table 2 – Deemed-to-Satisfy Development Classification Within the above listed ‘Applicable Zones’, amend Table 2 – Deemed-to-Satisfy Development Classification by inserting Deck and associated polices per the below:</p>		

			Class of Development	Zone	General Development Policies	Subzone	Overlay			
			<p>Deck Except where any of the following apply:</p> <ul style="list-style-type: none"> • Coastal Areas Overlay • Historic Area Overlay • Local Heritage Place Overlay • Significant Landscape Protection Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<p>Land Use and Intensity (pertinent zone policies) Ancillary Structure and Building (pertinent zone policies)</p>	<p><u>Design - Insert new DTS/DPF X.1, DTS/DPF X.2 and X.3 contained in Recommendation 1.</u> <u>Or</u> <u>Design in Urban Areas - Insert new DTS/DPF X.1, DTS/DPF X.2 and X.3 contained in Recommendation 1.</u> <u>Clearance from Overhead Powerlines DTS/DPF 1.1</u> <u>Design [All development [Earthworks and sloping land] DTS/DPF 8.1</u> <u>Or</u> <u>Design in Urban Areas [All development [Earthworks and sloping land] DTS/DPF 8.1</u> <u>Infrastructure and Renewable Energy Facilities [Wastewater Services] DTS/DPF 12.2</u></p>	<p>Nil.</p>	<p>Character Preservation District Overlay [Earthworks] DTS/DPF 4.1 Future Local Road Widening Overlay [Future Road Widening] DTS/DPF 1.1 Native Vegetation Overlay [Environmental Protection] DTS/DPF 1.1 Scenic Quality Overlay [Earthworks] DTS/DPF 4.1 State Significant Native Vegetation Areas Overlay [Environmental Protection] DTS/DPF 1.1</p>			
			<p>Within the above listed 'Applicable Zones', Table 3 – Applicable Policies for Performance Assessed Development by inserting Deck and associated polices per the below:</p>							

			Class of Development	Zone	General Development Policies	Subzone	Overlay			
			Deck	Land Use and Intensity (pertinent zone policies) Ancillary Structure and Building (pertinent zone policies)	<p><u>Design - Insert new Performance outcomes PO X.1, PO X.2, PO X.3 contained in Recommendation 1.</u></p> <p><u>Or</u></p> <p><u>Design in Urban Areas - Insert new Performance outcomes PO X.1, PO X.2, PO X.3 contained in Recommendation 1.</u></p> <p>Clearance from Overhead Powerlines PO 1.1</p> <p>Infrastructure and Renewable Energy Facilities [Wastewater Services] PO 12.2</p>	Nil.	<p>Character Preservation District Overlay [Earthworks] PO 4.1</p> <p>Coastal Areas Overlay [Hazard Risk Minimisation] PO 2.5</p> <p>Coastal Areas Overlay [Coast Protection Works] PO 3.1, PO 3.2</p> <p>Future Local Road Widening Overlay [Future Road Widening] PO 1.1</p> <p>Hazards (Bushfire - General Risk) Overlay [Siting] PO 1.1</p> <p>Hazards (Bushfire - General Risk) Overlay [Built Form] PO 2.1, PO 2.2</p> <p>Hazards (Bushfire - High Risk) Overlay [Land Use] PO 1.1</p> <p>Hazards (Bushfire - High Risk) Overlay [Siting] PO 2.1</p> <p>Hazards (Bushfire - High Risk) Overlay [Built Form] PO 3.1, PO 3.2</p>			

						<p><i>Hazards (Bushfire - Medium Risk) Overlay [Siting] PO 1.1</i></p> <p><i>Hazards (Bushfire - Medium Risk) Overlay [Built Form] PO 2.1, PO 2.2</i></p> <p><i>Hazards (Bushfire - Regional) Overlay [Siting] PO 1.1</i></p> <p><i>Hazards (Bushfire - Regional) Overlay [Built Form] PO 2.1, PO 2.2</i></p> <p><i>Hazards (Flooding) Overlay [Flood Resilience] PO 3.1, PO 3.2, PO 3.3, PO 3.4</i></p> <p><i>Historic Area Overlay [All Development] PO 1.1</i></p> <p><i>Historic Area Overlay [Built Form] PO 2.1, PO 2.4, PO 2.5</i></p> <p><i>Historic Area Overlay [Ancillary development] PO 4.1, PO 4.2</i></p> <p><i>Local Heritage Place Overlay [Built Form] PO 1.1, PO 1.2, PO 1.4, PO 1.5, PO 1.6.</i></p> <p><i>Local Heritage Place Overlay [Ancillary Development] PO 3.1, PO 3.2</i></p>		
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						<p><i>Local Heritage Place Overlay [Conservation Works] PO 7.1</i></p> <p><i>Native Vegetation Overlay [Environmental Protection] PO 1.1, PO 1.2</i></p> <p><i>River Murray Flood Plain Protection Area Overlay [Flood Resilience] PO 5.3</i></p> <p><i>Significant Landscape Protection Overlay [Earthworks] PO 4.1</i></p> <p><i>State Heritage Area Overlay [Built Form] PO 1.1, PO 1.4, PO 1.5</i></p> <p><i>State Heritage Area Overlay [Ancillary Development] PO 3.1, PO 3.2</i></p> <p><i>State Heritage Area Overlay [Conservation Works] PO 7.1</i></p> <p><i>State Heritage Place Overlay [Built Form] PO 1.1, PO 1.2, PO 1.4, PO 1.5, PO 1.6, PO 1.7</i></p> <p><i>State Heritage Place Overlay [Ancillary Development] PO 3.1, PO 3.2</i></p> <p><i>State Heritage Place Overlay</i></p>		
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Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments						
			<table border="1" style="width: 100%; height: 100%;"> <tr> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table>								
180.	Page 250	2.3.4.5 Design – PO 19.3 – Driveway Access General Development Policies – Policy Relevance	<p>Within the General Development Policies – Design, amend PO 19.3 to the following:</p> <p><i>PO 19.3</i> <i>Driveways and access points are located and designed to facilitate safe access and egress while maximising land available for street tree planting, domestic waste collection, landscaped street frontages and on- street parking.</i></p> <p>Within the applicable zones listed below, amend Table 3 – Applicable Policies for Performance Assessed Development for the listed classes of development below by: Removing - Transport, Access and Parking [Vehicle Access]-PO 3-6</p>	<p>Support the proposed policy for consistent wording noting that the module does not apply to the City of Charles Sturt.</p> <p>PO 3.6 has wording that conflicts with other design standards in the code that deliver better clarity for width of driveways and on street parking. It is covered in Design and Design in Urban areas under PO 19 3 and PO 23 3 respectively</p>	No comment.						

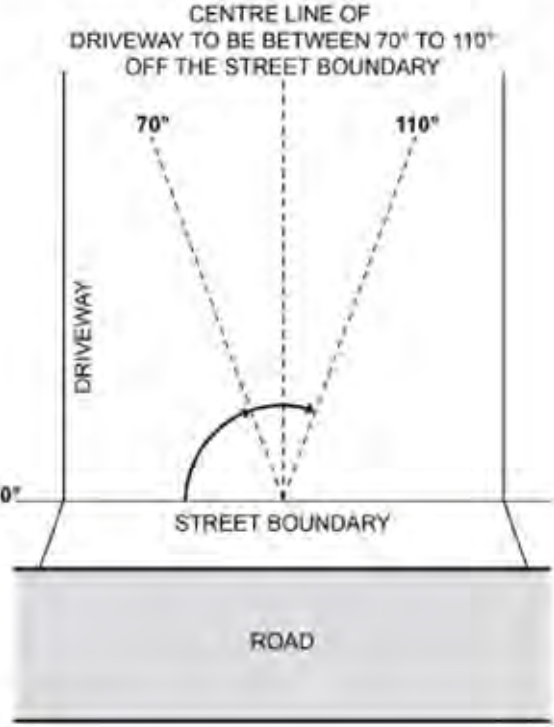
Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments				
			<table border="1"> <thead> <tr> <th data-bbox="667 571 943 608"><i>Class of Development</i></th> <th data-bbox="943 571 1267 608"><i>Applicable Zones</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="667 608 943 930"><i>Dwelling</i></td> <td data-bbox="943 608 1267 930"> <ul style="list-style-type: none"> • <i>Capital City Zone</i> • <i>City main Street Zone</i> • <i>Local Activity Centre Zone</i> • <i>Strategic Innovation Zone</i> • <i>Suburban Activity</i> • <i>Suburban Main</i> • <i>Township Activity</i> • <i>Township Main</i> • <i>Urban Activity</i> • <i>Urban Corridor (Boulevard)</i> • <i>Urban Corridor (Business)</i> • <i>Urban Corridor (Living)</i> • <i>Urban Corridor (Main Street)</i> • <i>Urban Neighbourhood</i> </td> </tr> </tbody> </table>	<i>Class of Development</i>	<i>Applicable Zones</i>	<i>Dwelling</i>	<ul style="list-style-type: none"> • <i>Capital City Zone</i> • <i>City main Street Zone</i> • <i>Local Activity Centre Zone</i> • <i>Strategic Innovation Zone</i> • <i>Suburban Activity</i> • <i>Suburban Main</i> • <i>Township Activity</i> • <i>Township Main</i> • <i>Urban Activity</i> • <i>Urban Corridor (Boulevard)</i> • <i>Urban Corridor (Business)</i> • <i>Urban Corridor (Living)</i> • <i>Urban Corridor (Main Street)</i> • <i>Urban Neighbourhood</i> 		
<i>Class of Development</i>	<i>Applicable Zones</i>								
<i>Dwelling</i>	<ul style="list-style-type: none"> • <i>Capital City Zone</i> • <i>City main Street Zone</i> • <i>Local Activity Centre Zone</i> • <i>Strategic Innovation Zone</i> • <i>Suburban Activity</i> • <i>Suburban Main</i> • <i>Township Activity</i> • <i>Township Main</i> • <i>Urban Activity</i> • <i>Urban Corridor (Boulevard)</i> • <i>Urban Corridor (Business)</i> • <i>Urban Corridor (Living)</i> • <i>Urban Corridor (Main Street)</i> • <i>Urban Neighbourhood</i> 								

			<p><i>Group Dwelling</i></p> <ul style="list-style-type: none"> • <i>Business Neighbourhood</i> • <i>City Living</i> • <i>Established Neighbourhood</i> • <i>General Neighbourhood</i> • <i>Hills Neighbourhood</i> • <i>Housing Diversity Neighbourhood</i> • <i>Suburban Business</i> • <i>Suburban Neighbourhood</i> • <i>Urban Corridor (Living)</i> • <i>Urban Neighbourhood</i> • <i>Urban Renewal Neighbourhood</i> • <i>Waterfront Neighbourhood</i> 		
			<p><i>Residential Flat Building</i></p> <ul style="list-style-type: none"> • <i>Business Neighbourhood</i> • <i>Capital City</i> • <i>City Living</i> • <i>City Main Street</i> • <i>Established Neighbourhood</i> • <i>General Neighbourhood</i> • <i>Hills Neighbourhood</i> • <i>Housing Diversity Neighbourhood</i> • <i>Strategic Innovation Zone</i> • <i>Suburban Activity</i> • <i>Suburban Main</i> • <i>Township Activity</i> • <i>Urban Corridor (Boulevard)</i> • <i>Urban Corridor (Business)</i> • <i>Urban Corridor (Living)</i> • <i>Urban Corridor (Main Street)</i> • <i>Urban Neighbourhood</i> • <i>Urban Renewal Neighbourhood</i> • <i>Waterfront Neighbourhood</i> 		
			<p><i>Row Dwelling</i></p> <ul style="list-style-type: none"> • <i>Business Neighbourhood</i> • <i>City Living</i> • <i>Established Neighbourhood</i> • <i>General Neighbourhood</i> • <i>Hills Neighbourhood</i> • <i>Housing Diversity Neighbourhood</i> • <i>Suburban Business</i> • <i>Suburban Neighbourhood</i> • <i>Urban Corridor (Living)</i> • <i>Urban Neighbourhood</i> • <i>Urban Renewal Neighbourhood</i> • <i>Waterfront Neighbourhood</i> 		

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			<table border="1"> <tr> <td data-bbox="674 571 943 737">Student Accommodation</td> <td data-bbox="943 571 1272 737"> <ul style="list-style-type: none"> • Capital City • City Main Street • Urban Corridor (Boulevard) • Urban Corridor (Business) • Urban Corridor (Living) • Urban Corridor (Main Street) • Urban Neighbourhood </td> </tr> </table>	Student Accommodation	<ul style="list-style-type: none"> • Capital City • City Main Street • Urban Corridor (Boulevard) • Urban Corridor (Business) • Urban Corridor (Living) • Urban Corridor (Main Street) • Urban Neighbourhood 										
Student Accommodation	<ul style="list-style-type: none"> • Capital City • City Main Street • Urban Corridor (Boulevard) • Urban Corridor (Business) • Urban Corridor (Living) • Urban Corridor (Main Street) • Urban Neighbourhood 														
181.	Page 252	2.3.4.6 Design in Urban Areas DTS/DPF 19.1 - Soft Landscaping – Policy Review	<p>Within the General Development Policies – Design in Urban Areas, amend DTS/DPF 19.1(k) to the following:</p> <p><i>“DTS/DPF19.1 (k) retains a total area of soft landscaping for the entire development site, including any common property, with a minimum dimension of 700mm in accordance with (i) or (ii), whichever is less:</i></p> <p><i>(i) a total area as determined by the following table:</i></p> <table border="1"> <thead> <tr> <th data-bbox="674 1145 1016 1230"><i>Dwelling Site area (or in the case of residential flat building or group dwelling(s), average site area) (m2)</i></th> <th data-bbox="1016 1145 1256 1230"><i>Minimum percentage of site</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="674 1230 1016 1257"><i><150</i></td> <td data-bbox="1016 1230 1256 1257"><i>10%</i></td> </tr> <tr> <td data-bbox="674 1257 1016 1284"><i>150-20</i></td> <td data-bbox="1016 1257 1256 1284"><i>15%</i></td> </tr> <tr> <td data-bbox="674 1284 1016 1311"><i>201-450</i></td> <td data-bbox="1016 1284 1256 1311"><i>20%</i></td> </tr> <tr> <td data-bbox="674 1311 1016 1339"><i>>450</i></td> <td data-bbox="1016 1311 1256 1339"><i>25%</i></td> </tr> </tbody> </table>	<i>Dwelling Site area (or in the case of residential flat building or group dwelling(s), average site area) (m2)</i>	<i>Minimum percentage of site</i>	<i><150</i>	<i>10%</i>	<i>150-20</i>	<i>15%</i>	<i>201-450</i>	<i>20%</i>	<i>>450</i>	<i>25%</i>	Minor policy amendments to relate to site and ensure consistent deliver of actual landscaped spaces.	No comment.
<i>Dwelling Site area (or in the case of residential flat building or group dwelling(s), average site area) (m2)</i>	<i>Minimum percentage of site</i>														
<i><150</i>	<i>10%</i>														
<i>150-20</i>	<i>15%</i>														
<i>201-450</i>	<i>20%</i>														
<i>>450</i>	<i>25%</i>														

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments										
			<p>Within the General Development Policies – Design in Urban Areas, amend DTS/DPF 22.1(a) to the following: <i>a total area as determined by the following table:</i> with “a total area for the entire development site, including any common property, as determined by the following table:</p> <table border="1" data-bbox="678 826 1267 1015"> <thead> <tr> <th data-bbox="678 826 1025 911"><i>Dwelling Site area (or in the case of residential flat building or group dwelling(s), average site area) (m2)</i></th> <th data-bbox="1025 826 1267 911"><i>Minimum percentage of site</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="678 911 1025 938"><150</td> <td data-bbox="1025 911 1267 938">10%</td> </tr> <tr> <td data-bbox="678 938 1025 965">150-20</td> <td data-bbox="1025 938 1267 965">15%</td> </tr> <tr> <td data-bbox="678 965 1025 992">201-450</td> <td data-bbox="1025 965 1267 992">20%</td> </tr> <tr> <td data-bbox="678 992 1025 1015">>450</td> <td data-bbox="1025 992 1267 1015">25%</td> </tr> </tbody> </table>	<i>Dwelling Site area (or in the case of residential flat building or group dwelling(s), average site area) (m2)</i>	<i>Minimum percentage of site</i>	<150	10%	150-20	15%	201-450	20%	>450	25%		
<i>Dwelling Site area (or in the case of residential flat building or group dwelling(s), average site area) (m2)</i>	<i>Minimum percentage of site</i>														
<150	10%														
150-20	15%														
201-450	20%														
>450	25%														
182.	Page 253	2.3.4.7 Garage and Driveways – Design DTS/DPF 19.5, and Design in Urban Areas DTS/DPF 23.5 General Development	<p>Within the General Development Policies – Design General Module and Design in Urban Areas General Module, amend DTS/DPF 19.5 and DTS/DPF 23.5 respectively by replacing with the following:</p> <p><i>Driveways are designed and sited so that:</i></p>	Support the proposed policy amendments as it seeks to update current requirements.	No comment										

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
		Policies – Policy Review	<p><i>(a) the gradient from the place of access on allotment boundary to the finished floor level at the front of the garage or carport is not steeper than 1:4 on average</i></p> <p><i>(b) the centreline of the driveway has an angle of no less than 70 degrees and no more than 110 degrees from the street boundary to which it takes its access as shown in the following diagram:</i></p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			 <p style="text-align: center;">CENTRE LINE OF DRIVEWAY TO BE BETWEEN 70° TO 110° OFF THE STREET BOUNDARY</p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<i>(c) if located to provide access from an alley, lane or right of way - the alley, land or right of way is at least 6.2m wide along the boundary of the allotment / site</i>		
183.	Page 253	2.3.4.8 Heavy Vehicle Parking - Transport, Access and Parking General Development Policy - Policy and Definition Review	Within Part 4 – General Development Policies, amend the Transport, Access and Parking Module by inserting (at the end of the module) the following Performance Outcomes (PO), DPF/DTS (Designated Performance Feature / Deemed-To-Satisfy) and heading:	Support the proposed amendments as it provides additional policy for assessment.	No comment.

<i>Heavy Vehicle Parking</i>	
<p>PO 11.1 <i>Heavy vehicle parking only occurs on the same allotment as a dwelling and the vehicle is only owned and operated by a resident of the dwelling.</i></p>	<p>DPF/DTS 11.1 <i>None are applicable</i></p>
<p>PO 11.2 <i>Heavy vehicle parking and access is designed and sited so that the activity does not result in nuisance to adjoining neighbours as a result of dust, fumes, vibration, odour or potentially hazardous loads.</i></p>	<p>DPF/DTS 11.2 <i>Heavy vehicle parking occurs in accordance with the following:</i></p> <ul style="list-style-type: none"> <i>(a) the site is a minimum of 0.4 ha</i> <i>(b) where the site is 2 ha or more, no more than 2 vehicles exceeding 3,000 kilograms each (and trailers) are to be parked on the allotment at any time</i> <i>(c) where the site is between 0.4 ha and 2 ha, only one vehicle exceeding 3,000 kilograms (and one trailer) are to be parking on the allotment at any time</i> <i>(d) other than minor maintenance, no maintenance of the vehicle will occur on-site</i> <i>(e) the vehicle parking area achieves the following setbacks:</i> <ul style="list-style-type: none"> <i>(i) Behind the building line or 30m, whichever is greater</i> <i>(ii) 20m from the secondary street if it is a State Maintained Road</i> <i>(iii) 10m from the secondary street if it is a local road</i> <i>(iv) 10m from side and rear boundaries</i> <i>(f) parking and access areas (including internal driveways) should be sealed or have a surface that can be treated and maintained to minimise dust and mud nuisance</i> <i>(g) does not include refrigerated trailers or vehicles</i> <i>(h) vehicles only enter and exit the property in accordance with the following hours:</i>

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments						
			<table border="1"> <tr> <td data-bbox="680 580 987 788"></td> <td data-bbox="987 580 1368 788"> <ul style="list-style-type: none"> (i) Monday to Saturday 6:00am and 9:30pm (ii) Sunday and public holidays between 9:30 am and 7:00 pm (i) the handling or trans-shipment of freight is not carried out on the property </td> </tr> <tr> <td data-bbox="680 788 987 1018"> <p>PO 11.3 Heavy vehicle parking ensures that vehicles can enter and exit a site safely and without creating a hazard to pedestrians and other vehicular traffic.</p> </td> <td data-bbox="987 788 1368 1018"> <p>DPF/DTS 11.3 Heavy vehicles:</p> <ul style="list-style-type: none"> (a) can enter and exit the site in a forward direction; and (b) operate within the statutory mass and dimension limited for General Access Vehicles (as prescribed by the National Heavy Vehicle Regulator). </td> </tr> <tr> <td data-bbox="680 1018 987 1166"> <p>PO 11.4 Heavy vehicle parking is screened from views from adjoining properties and the public roads by existing buildings and landscaping.</p> </td> <td data-bbox="987 1018 1368 1166"> <p>DPF/DTS 11.4 None are applicable</p> </td> </tr> </table>		<ul style="list-style-type: none"> (i) Monday to Saturday 6:00am and 9:30pm (ii) Sunday and public holidays between 9:30 am and 7:00 pm (i) the handling or trans-shipment of freight is not carried out on the property 	<p>PO 11.3 Heavy vehicle parking ensures that vehicles can enter and exit a site safely and without creating a hazard to pedestrians and other vehicular traffic.</p>	<p>DPF/DTS 11.3 Heavy vehicles:</p> <ul style="list-style-type: none"> (a) can enter and exit the site in a forward direction; and (b) operate within the statutory mass and dimension limited for General Access Vehicles (as prescribed by the National Heavy Vehicle Regulator). 	<p>PO 11.4 Heavy vehicle parking is screened from views from adjoining properties and the public roads by existing buildings and landscaping.</p>	<p>DPF/DTS 11.4 None are applicable</p>		
	<ul style="list-style-type: none"> (i) Monday to Saturday 6:00am and 9:30pm (ii) Sunday and public holidays between 9:30 am and 7:00 pm (i) the handling or trans-shipment of freight is not carried out on the property 										
<p>PO 11.3 Heavy vehicle parking ensures that vehicles can enter and exit a site safely and without creating a hazard to pedestrians and other vehicular traffic.</p>	<p>DPF/DTS 11.3 Heavy vehicles:</p> <ul style="list-style-type: none"> (a) can enter and exit the site in a forward direction; and (b) operate within the statutory mass and dimension limited for General Access Vehicles (as prescribed by the National Heavy Vehicle Regulator). 										
<p>PO 11.4 Heavy vehicle parking is screened from views from adjoining properties and the public roads by existing buildings and landscaping.</p>	<p>DPF/DTS 11.4 None are applicable</p>										
184.	Page 255	2.3.4.9 Housing Renewal General Development	Within Part 4 – General Development Policies, amend the Housing Renewal Module, by inserting the following interpretation note immediately following the ‘Assessment Provisions (AP)	Support the proposed policy that seeks to use explanatory text to understand the purpose and	No comment.						

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
		Policies - Policy Review	<p><i>The Housing Renewal General Development Policies are only applicable to dwellings or residential flat building undertaken by:</i></p> <p><i>(a) the South Australian Housing Trust either individually or jointly with other persons or bodies</i></p> <p><i>or</i></p> <p><i>(b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust.</i></p>	intended outcome of this policy module.	
185.	Page 255	2.3.4.10 Land Division – General Development Policies – Policy Review	<p>Within Part 4 – General Development Policies, amend the Land Division Module by removing the below identified row and renumber all subsequent policy provisions accordingly:</p> <p><i>Removing – PO 3.8 and DTS/DPF 3.8</i></p> <p>Within Part 4 – General Development Policies - Land Division, amend PO 10.1 be replacing:</p> <p><i>Land division creating 20 or more residential allotments includes a stormwater management system designed to</i></p>	<p>Support the proposed policy amendments.</p> <p><i>PO 3.8 reads; Street patterns and intersections are designed to enable the safe and efficient movement of pedestrian, cycle and vehicular traffic. It is a duplicate of current PO 3.2 and can be removed.</i></p>	

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure that the development does not increase the peak flows in downstream systems.</i></p> <p>With: <i>Land division creating 20 or more allotments includes a stormwater management system designed to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure that the development does not increase the peak flows in downstream systems.</i></p> <p>Within Part 4 – General Development Policies, amend the Land Division Module by removing the below identified row and renumber all subsequent policy provisions accordingly: <i>Removing – PO 10.2 and DTS/DPF 10.2</i></p>	<p>PO 10.2 becomes a duplication of the amended 10.1.</p>	
186.	Page 256	2.3.4.11 Land Division – General Development Policies – Linkages	<p>Within all relevant zone, amend Table 3 – Applicable Policies for Performance Assessed Development by inserting the following Performance Outcomes for land division:</p> <p><i>General Development Policies – Land Division [Design and Layout] PO 2.8</i></p>	<p>Support the proposed policy inclusions for performance assessed land division proposals.</p> <p><i>PO 2.8 reads;</i></p>	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>General Development Policies – Land Division [Road and Access] PO 3.11</i></p>	<p><i>Land division is designed to preserve existing vegetation of value including native vegetation and regulated and significant trees.</i></p> <p><i>PO 3.11 reads; Local streets are designed to create low-speed environments that are safe for cyclists and pedestrians.</i></p>	
187.	Page 256	2.3.4.12 Transport, Access and Parking General Development Policy – Fences – Linkages	<p>Within the below listed ‘Applicable Zones’, Table 3 – Applicable Policies for Performance Assessed Development for Fence by including the following linkages:</p> <p><i>General Development Policies – Transport, Access & Parking [Sightlines] PO 2.2</i> <i>General Development Policies – Transport, Access & Parking [Corner Cut-Offs] PO 10.1</i> Applicable Zones</p> <ul style="list-style-type: none"> • <i>Business Neighbourhood Zone</i> • <i>City Living Zone</i> 	<p>Support the proposed policy inclusions for performance assessed fence proposals. These policies include:</p> <p><i>PO 2.2 - Walls, fencing and landscaping adjacent to driveways and corner sites are designed to provide adequate sightlines between vehicles and pedestrians.</i></p>	<p>No comment.</p> <p>It is noted that fencing up to 2.1m that is not masonry is not development in most cases and thus this policy will not affect most new fencing. For this policy to have any</p>

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			<ul style="list-style-type: none"> • Established Neighbourhood Zone • General Neighbourhood Zone • <i>Golf Course Estate Zone</i> • <i>Hills Neighbourhood Zone</i> • Housing Diversity Neighbourhood Zone • Local Activity Centre Zone • <i>Master Planned Neighbourhood Zone</i> • <i>Master Planned Renewal Zone</i> • <i>Master Planned Township Zone</i> • <i>Motorsport Park Zone</i> • <i>Neighbourhood Zone</i> • <i>Productive Rural Landscape Zone</i> • <i>Remote Areas Zone</i> • <i>Residential Park Zone</i> • <i>Rural Zone</i> • <i>Rural Aquaculture Zone</i> • <i>Rural Horticulture Zone</i> • <i>Rural Intensive Enterprise Zone</i> • <i>Rural Living Zone</i> • <i>Rural Neighbourhood Zone</i> • <i>Rural Settlement Zone</i> • <i>Rural Shack Settlement Zone</i> 	<p><i>PO 10.1 – Development is located and designed to ensure drivers can safely turn into and out of public road junctions.</i></p>	<p>real effect then the height of fencing close to the front street boundary needs to be reduced in Schedule 4 that exclude fencing from being development.</p>

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<ul style="list-style-type: none"> • <i>Strategic Innovation Zone</i> • <i>Suburban Activity Centre Zone</i> • <i>Suburban Business Zone</i> • <i>Suburban Main Street Zone</i> • <i>Suburban Neighbourhood Zone</i> • <i>Township Zone</i> • <i>Township Activity Centre Zone</i> • <i>Township Main Street Zone</i> • <i>Township Neighbourhood Zone</i> • <i>Urban Activity Centre Zone</i> • <i>Urban Renewal Neighbourhood Zone</i> • <i>Waterfront Neighbourhood Zone</i> • <i>Workers' Settlement Zone</i> 		

188.	Page 257	2.3.4.13 Transport, Access and Parking – General Development Policy – Car Parking Rates Table – Review Within Part 4 – General Development Policies – Transport, Access and Parking amend Table 1 – General Off-Street Parking Requirements by replacing the table with the following	<table border="1"> <thead> <tr> <th data-bbox="678 252 819 395"><i>Class of Development</i></th> <th data-bbox="819 252 1256 395"><i>Car Parking Rate (unless varied by Table 2 onwards)</i></th> </tr> </thead> <tbody> <tr> <td colspan="2" data-bbox="678 395 1256 424">Residential Development</td> </tr> <tr> <td data-bbox="678 424 819 547"><i>Detached dwelling</i></td> <td data-bbox="819 424 1256 547"><i>Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.</i> <i>Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</i></td> </tr> <tr> <td data-bbox="678 547 819 738"><i>Group Dwelling</i></td> <td data-bbox="819 547 1256 738"><i>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</i> <i>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</i> <i>0.33 spaces per dwelling for visitor parking where development involves 3 or more dwellings.</i></td> </tr> <tr> <td data-bbox="678 738 819 930"><i>Residential Flat Building</i></td> <td data-bbox="819 738 1256 930"><i>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</i> <i>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</i> <i>0.33 spaces per dwelling for visitor parking where development involves 3 or more dwellings.</i></td> </tr> <tr> <td data-bbox="678 930 819 1050"><i>Row Dwelling where vehicle access is from the primary street</i></td> <td data-bbox="819 930 1256 1050"><i>Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.</i> <i>Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 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Council considers that a review of the Planning and Design Code’s off-street car parking standards is needed to ensure future infill development can provide adequate off-street car parking without having a detrimental effect on the local road system. An example for consideration which has been previously raised by Council involves the allocation of only one off-street car parking space for a dwelling comprising only one bedroom. A minimum of two off-street car parking spaces should be required notwithstanding only one bedroom is proposed given the
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			Automotive collision repair	3 spaces per service bay.	
			Call centre	8 spaces per 100m2 of gross leasable floor area.	
			Motor repair station	3 spaces per service bay.	
			Office	For a call centre, 8 spaces per 100m2 of gross leasable floor area In all other cases, 4 spaces per 100m2 of gross leasable floor area.	
			Retail fuel outlet	3 spaces per 100m2 gross leasable floor area.	
			Service trade premises	2.5 spaces per 100m2 of gross leasable floor area 1 space per 100m2 of outdoor area used for display purposes.	
			Shop (no commercial kitchen)	5.5 spaces per 100m2 of gross leasable floor area where not located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared. 5 spaces per 100m2 of gross leasable floor area where located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared.	
			Shop (in the form of a bulky goods outlet)	2.5 spaces per 100m2 of gross leasable floor area.	
			Shop (in the form of a restaurant or involving a commercial kitchen)	Premises with a dine-in service only (which may include a take-away component with no drive-through) - 0.4 spaces per seat. Premises with take-away service but with no seats - 12 spaces per 100m2 of total floor area plus a drive-through queue capacity of ten vehicles measured from the pick-up point. Premises with a dine-in and drive-through take-away service - 0.3 spaces per seat plus a drive through queue capacity of 10 vehicles measured from the pick-up point.	
			Community and Civic Uses		

			<table border="1"> <thead> <tr> <th data-bbox="667 245 815 384">Class of Development</th> <th data-bbox="815 245 1249 384">Car Parking Rate (unless varied by Table 2 onwards) Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type</th> </tr> </thead> <tbody> <tr> <td data-bbox="667 384 815 416">Childcare centre</td> <td data-bbox="815 384 1249 416">0.25 spaces per child</td> </tr> <tr> <td data-bbox="667 416 815 448">Library</td> <td data-bbox="815 416 1249 448">4 spaces per 100m² of total floor area.</td> </tr> <tr> <td data-bbox="667 448 815 560">Community facility</td> <td data-bbox="815 448 1249 560">For a library, 4 spaces per 100m² of total floor area. For a hall/meeting hall, 0.2 spaces per seat. In all other cases, 10 spaces per 100m² of total floor area.</td> </tr> <tr> <td data-bbox="667 560 815 608">Hall / meeting hall</td> <td data-bbox="815 560 1249 608">0.2 spaces per seat.</td> </tr> <tr> <td data-bbox="667 608 815 639">Place of worship</td> <td data-bbox="815 608 1249 639">1 space for every 3 visitor seats.</td> </tr> <tr> <td data-bbox="667 639 815 719">Pre-school-Child care facility</td> <td data-bbox="815 639 1249 719">For a child care centre, 0.25 spaces per child In all other cases, 1 per employee plus 0.25 per child (drop off/pick up bays)</td> </tr> <tr> <td data-bbox="667 719 815 959">Educational establishment</td> <td data-bbox="815 719 1249 959">For a primary school - 1.1 space per full time equivalent employee plus 0.25 spaces per student for a pickup/set down area either on-site or on the public realm within 300m of the site. For a secondary school - 1.1 per full time equivalent employee plus 0.1 spaces per student for a pickup/set down area either on-site or on the public realm within 300m of the site. For a tertiary institution - 0.4 per student based on the maximum number of students on the site at any time.</td> </tr> <tr> <td colspan="2" data-bbox="667 959 1249 983">Health Related Uses</td> </tr> <tr> <td data-bbox="667 983 815 1046">Hospital</td> <td data-bbox="815 983 1249 1046">4.5 spaces per bed for a public hospital. 1.5 spaces per bed for a private hospital.</td> </tr> <tr> <td data-bbox="667 1046 815 1126">Consulting room</td> <td data-bbox="815 1046 1249 1126">4 spaces per consulting room excluding ancillary facilities.</td> </tr> <tr> <td colspan="2" data-bbox="667 1126 1249 1150">Recreational and Entertainment Uses</td> </tr> <tr> <td data-bbox="667 1150 815 1206">Cinema complex</td> <td data-bbox="815 1150 1249 1206">0.2 spaces per seat.</td> </tr> <tr> <td data-bbox="667 1206 815 1254">Concert hall / theatre</td> <td data-bbox="815 1206 1249 1254">0.2 spaces per seat.</td> </tr> <tr> <td data-bbox="667 1254 815 1345">Hotel</td> <td data-bbox="815 1254 1249 1345">1 space for every 2m² of total floor area in a public bar plus 1 space for every 6m² of total floor area available to the public in a lounge, beer garden plus 1</td> </tr> </tbody> </table>	Class of Development	Car Parking Rate (unless varied by Table 2 onwards) Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type	Childcare centre	0.25 spaces per child	Library	4 spaces per 100m² of total floor area.	Community facility	For a library, 4 spaces per 100m ² of total floor area. For a hall/meeting hall, 0.2 spaces per seat. In all other cases, 10 spaces per 100m ² of total floor area.	Hall / meeting hall	0.2 spaces per seat.	Place of worship	1 space for every 3 visitor seats.	Pre-school-Child care facility	For a child care centre, 0.25 spaces per child In all other cases, 1 per employee plus 0.25 per child (drop off/pick up bays)	Educational establishment	For a primary school - 1.1 space per full time equivalent employee plus 0.25 spaces per student for a pickup/set down area either on-site or on the public realm within 300m of the site. For a secondary school - 1.1 per full time equivalent employee plus 0.1 spaces per student for a pickup/set down area either on-site or on the public realm within 300m of the site. For a tertiary institution - 0.4 per student based on the maximum number of students on the site at any time.	Health Related Uses		Hospital	4.5 spaces per bed for a public hospital. 1.5 spaces per bed for a private hospital.	Consulting room	4 spaces per consulting room excluding ancillary facilities.	Recreational and Entertainment Uses		Cinema complex	0.2 spaces per seat.	Concert hall / theatre	0.2 spaces per seat.	Hotel	1 space for every 2m ² of total floor area in a public bar plus 1 space for every 6m ² of total floor area available to the public in a lounge, beer garden plus 1		
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<i>Indoor recreation facility</i>	<i>6.5 spaces per 100m2 of total floor area for a Fitness Centre 4.5 spaces per 100m2 of total floor area for all other Indoor recreation facilities.</i>																												
Industry/Employment Uses																													
<i>Fuel depot</i>	<i>1.5 spaces per 100m2 total floor area 1 spaces per 100m2 of outdoor area used for fuel depot activity purposes.</i>																												
<i>Industry</i>	<i>1.5 spaces per 100m2 of total floor area.</i>																												
<i>Store</i>	<i>0.5 spaces per 100m2 of total floor area.</i>																												
<i>Timber yard</i>	<i>1.5 spaces per 100m2 of total floor area 1 space per 100m2 of outdoor area used for display purposes.</i>																												
<i>Warehouse</i>	<i>0.5 spaces per 100m2 total floor area.</i>																												
Other Uses																													
<i>Funeral Parlour</i>	<i>1 space per 5 seats in the chapel plus 1 space for each vehicle operated by the parlour.</i>																												
<i>Radio or Television Station</i>	<i>5 spaces per 100m2 of total building floor area.</i>																												

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
189.	Page 262	2.3.4.13 Transport, Access and Parking – General Development Policy – Car Parking Rates Table - Review	<p>Within Part 4 – General Development Policies – Transport, Access and Parking amend Table 2 – Off-Street Car Parking Requirements in Designated Areas by replacing any reference to:</p> <p>'Urban Neighbourhood Zone'</p> <p>With</p> <p><i>'Urban Neighbourhood Zone (except for Bowden)'</i></p> <p>in the following locations:</p> <ul style="list-style-type: none"> • <i>In the 'Designated Areas' column and 'Non-residential development excluding tourist accommodation' row</i> • <i>In the 'Designated Areas' column and 'Residential component of a multi-storey building' row</i> • <i>In the 'Designated Areas' column and 'Residential flat building' row</i> 	<p>The policy amendments are seeking to apply car parking rates consistent with the previous Charles Sturt Development Plan for the Bowden Development.</p> <p>as the Car parking rates in the Urban Neighbourhood Zone at Bowden are more onerous, creating challenges for delivering the scale and intensity of development envisaged for the transit-oriented development.</p> <p>Not supported</p>	<p>While the Development Plan did provide a lower parking rate for non-residential uses above ground level it was never clear why this was the case as the nature of business drives the likely parking demand not the floor level it is located on. The rate should remain at 3 per 100m2 regardless of the associated floor level. Areas of Bowden experience consider parking shortfall and Council has received</p>

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments								
					numerous complaints about a lack of parking under the earlier approvals.								
190.	Page 263		<p>Within Part 4 – General Development Policies – Transport, Access and Parking, amend Table 2 – Off-Street Car Parking Requirements in Designated Areas by inserting the following row after the ‘non-residential development excluding tourist accommodation’ row</p> <table border="1" data-bbox="674 932 1357 1225"> <tr> <td data-bbox="674 932 842 1225"><i>Non-residential development excluding tourist accommodation</i></td> <td data-bbox="842 932 1039 1225"><i>3 spaces per 100 square metres of gross leasable floor area</i></td> <td data-bbox="1039 932 1189 1225"><i>3 spaces per 100 square metres of gross leasable floor area</i></td> <td data-bbox="1189 932 1357 1225"><i>Urban Neighbourhood Zone in Bowden</i></td> </tr> <tr> <td></td> <td data-bbox="842 1043 1039 1225"><i>1.5 spaces per 100 square metres of gross leasable floor area above ground floor level other than for a shop</i></td> <td></td> <td></td> </tr> </table>	<i>Non-residential development excluding tourist accommodation</i>	<i>3 spaces per 100 square metres of gross leasable floor area</i>	<i>3 spaces per 100 square metres of gross leasable floor area</i>	<i>Urban Neighbourhood Zone in Bowden</i>		<i>1.5 spaces per 100 square metres of gross leasable floor area above ground floor level other than for a shop</i>			Not supported.	While the Development Plan did provide a lower parking rate for non-residential uses above ground level it was never clear why this was the case as the nature of business drives the likely parking demand not the floor level it is located on. The rate should remain at 3 per 100m2 regardless of the associated floor level. Areas of Bowden experience
<i>Non-residential development excluding tourist accommodation</i>	<i>3 spaces per 100 square metres of gross leasable floor area</i>	<i>3 spaces per 100 square metres of gross leasable floor area</i>	<i>Urban Neighbourhood Zone in Bowden</i>										
	<i>1.5 spaces per 100 square metres of gross leasable floor area above ground floor level other than for a shop</i>												

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments				
					consider parking shortfall and Council has received numerous complaints about a lack of parking under the earlier approvals.				
191.	Page 263		<p>Within Part 4 – General Development Policies – Transport, Access and Parking, amend Table 2 – Off-Street Car Parking Requirements in Designated Areas by inserting the following row after the ‘residential component of a multi-storey building’ row</p> <table border="1" data-bbox="674 1038 1261 1137"> <tr> <td data-bbox="674 1038 824 1137"><i>Residential component of a multi-storey building</i></td> <td data-bbox="824 1038 987 1137"><i>0.75 per dwelling</i></td> <td data-bbox="987 1038 1099 1137"><i>None specified</i></td> <td data-bbox="1099 1038 1261 1137"><i>Urban Neighbourhood Zone in Bowden</i></td> </tr> </table>	<i>Residential component of a multi-storey building</i>	<i>0.75 per dwelling</i>	<i>None specified</i>	<i>Urban Neighbourhood Zone in Bowden</i>	Not supported	Similar to commercial land uses the old parking rate did not deliver at least one space per dwelling and residents have raised concerns regularly that there is insufficient parking for themselves let alone any visitors in this area. The current table should be maintained for Bowden
<i>Residential component of a multi-storey building</i>	<i>0.75 per dwelling</i>	<i>None specified</i>	<i>Urban Neighbourhood Zone in Bowden</i>						

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments																
192.	Page 263		<p>Within Part 4 – General Development Policies – Transport, Access and Parking, amend Table 2 – Off-Street Car Parking Requirements in Designated Areas by inserting the following rows after the ‘residential flat building’ row</p> <table border="1" data-bbox="667 751 1249 1050"> <tbody> <tr> <td><i>Residential flat building</i></td> <td><i>0.75 per dwelling</i></td> <td><i>None specified</i></td> <td><i>Urban Neighbourhood Zone in Bowden</i></td> </tr> <tr> <td><i>Detached dwelling</i></td> <td><i>0.75 per dwelling</i></td> <td><i>None specified</i></td> <td><i>Urban Neighbourhood Zone in Bowden</i></td> </tr> <tr> <td><i>Row dwelling</i></td> <td><i>0.75 per dwelling</i></td> <td><i>None specified</i></td> <td><i>Urban Neighbourhood Zone in Bowden</i></td> </tr> <tr> <td><i>Semi-detached dwelling</i></td> <td><i>0.75 per dwelling</i></td> <td><i>None specified</i></td> <td><i>Urban Neighbourhood Zone in Bowden</i></td> </tr> </tbody> </table>	<i>Residential flat building</i>	<i>0.75 per dwelling</i>	<i>None specified</i>	<i>Urban Neighbourhood Zone in Bowden</i>	<i>Detached dwelling</i>	<i>0.75 per dwelling</i>	<i>None specified</i>	<i>Urban Neighbourhood Zone in Bowden</i>	<i>Row dwelling</i>	<i>0.75 per dwelling</i>	<i>None specified</i>	<i>Urban Neighbourhood Zone in Bowden</i>	<i>Semi-detached dwelling</i>	<i>0.75 per dwelling</i>	<i>None specified</i>	<i>Urban Neighbourhood Zone in Bowden</i>	Refer to row 191.	Refer to row 191
<i>Residential flat building</i>	<i>0.75 per dwelling</i>	<i>None specified</i>	<i>Urban Neighbourhood Zone in Bowden</i>																		
<i>Detached dwelling</i>	<i>0.75 per dwelling</i>	<i>None specified</i>	<i>Urban Neighbourhood Zone in Bowden</i>																		
<i>Row dwelling</i>	<i>0.75 per dwelling</i>	<i>None specified</i>	<i>Urban Neighbourhood Zone in Bowden</i>																		
<i>Semi-detached dwelling</i>	<i>0.75 per dwelling</i>	<i>None specified</i>	<i>Urban Neighbourhood Zone in Bowden</i>																		
193.	Page 264	2.3.4.14 Transport, Access and Parking – General Development Policy – Designated Parking Areas / Car	<p>Within General Development Policies – Transport, Access and Parking, amend DTS/DPF 5.1 by replacing it with the following: <i>DTS/DPF 5.1</i> <i>Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</i></p>	Support the amendments. Support the inclusion of the definition of High Frequency Public Transport Area within the Part – 8 of the Code – Administrative Definitions Table for clarity.	No comment.																

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
		Parking Rates – Interpretation	<p><i>a) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas if the development is a class of development listed in Table 2 and the site is in a Designated Area</i></p> <p><i>b) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements where (a) does not apply</i></p> <p><i>c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.</i></p> <p>Within Part 8 - Administrative Terms and Definitions, update the Administrative Terms and Definitions Table to include the following:</p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment			Observations	Comments			
			<p>Term (Column A)</p>	<p>Definition (Column B)</p> <p>A site that is wholly located within Metropolitan Adelaide and satisfies one or more of the following:</p> <ul style="list-style-type: none"> (a) is within 200 metres of any section of road reserve along which a bus service operates as a high frequency public transit service(2) (b) is within 400 metres of a bus interchange(1) (c) is within 400 metres of an O-Bahn interchange(1) (d) is within 400 metres of a passenger rail station(1) (e) is within 400 metres of a passenger tram station(1) (f) is within 400 metres of the Adelaide Parklands. <p>[NOTE(S): (1) Measured from an area that contains any platform(s), shelter(s) or stop(s) where people congregate for the purpose waiting to board a bus, tram or train, but does not include areas used for the parking of vehicles. (2) A high frequency public transit service is a route serviced every 15 minutes between 7.30am and 6.30pm Monday to</p>	<p>Illustrations (Column C)</p>		<p>Friday and every 30 minutes at night, Saturday, Sunday and public holidays until 10pm.]</p>			

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>Within Part 4 – General Development Policies – Transport, Access and Parking, amend the interpretation notes of Table 2 – Off-Street Car Parking Requirements by replacing:</p> <p><i>The following parking rates apply in any zone, subzone or other area described in the ‘Designated Areas’ column subject to the following:</i></p> <p><i>(a) the location of the development is unable to satisfy the requirements of Table 2 – Criteria (other than where a location is exempted from the application of those criteria)</i></p> <p><i>or</i></p> <p><i>(b) the development satisfies Table 2 – Criteria (or is exempt from those criteria) and is located in an area where a lawfully established carparking fund operates, in which case the number of spaces are reduced by an amount equal to the number of spaces offset by contribution to the fund.</i></p> <p>With</p> <p><i>‘The following parking rates apply in any zone, subzone or other area described in the ‘Designated Areas’ column’</i></p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments						
194.	Page 265		<p>Within Part 4 – General Development Policies – Transport, Access and Parking, amend Table 2 – Off-Street Car Parking Requirements as follows:</p> <table border="1" data-bbox="669 715 1261 938"> <thead> <tr> <th data-bbox="669 715 824 906">Class of Development</th> <th data-bbox="824 715 1115 906">Car Parking Rate Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.</th> <th data-bbox="1115 715 1261 906">Designated Areas</th> </tr> </thead> <tbody> <tr> <td colspan="3" data-bbox="669 906 1261 938">Development generally</td> </tr> </tbody> </table>	Class of Development	Car Parking Rate Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.	Designated Areas	Development generally			Support the proposed policy amendments to ensure the designated zone applicable for the rates in Table 2 only applies where the site is also in a high frequency public transport area.	No comment.
Class of Development	Car Parking Rate Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.	Designated Areas									
Development generally											

			Class of Development	Car Parking Rate Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.	Designated Areas		
			All classes of development	No minimum. No maximum except in the Primary Pedestrian Area identified in the Primary Pedestrian Area Concept Plan, where the maximum is: 1 space for each dwelling with a total floor area less than 75 square metres 2 spaces for each dwelling with a total floor area between 75 square metres and 150 square metres 3 spaces for each dwelling with a total floor area greater than 150 square metres. Residential flat building or Residential component of a multi-storey building: 1 visitor space for each 6 dwellings.	Capital City Zone City Main Street Zone City Riverbank Zone Adelaide Park Lands Zone Business Neighbourhood Zone (within the City of Adelaide) The St Andrews Hospital Precinct Subzone and Women's and Children's Hospital Precinct Subzone of the Community Facilities Zone		
			Non-residential development				

			Class of Development	Car Parking Rate Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.	Designated Areas			
			Non-residential development excluding tourist accommodation	3 spaces per 100m2 of gross leasable floor area	5 spaces per 100m2 of gross leasable floor area.	City Living Zone Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone		
			Non-residential development excluding tourist accommodation	3 spaces per 100m2 of gross leasable floor area.	6 spaces per 100m2 of gross leasable floor area.	Strategic Innovation Zone <u>in the City of Burnside, City of Marion or City of Mitcham</u> <u>Strategic Innovation Zone outside the City of Burnside, City of Marion or City of Mitcham when the site is also in a High Frequency Public Transit Area</u> Suburban Activity Centre Zone <u>when the site is also in a High Frequency</u>		

			Class of Development	Car Parking Rate Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.	Designated Areas			
					<u>Public Transit Area</u> Suburban Business Zone <u>when the site is also in a High Frequency Public Transit Area</u> Business Neighbourhood Zone <u>in the City of Adelaide</u> <u>Business Neighbourhood Zone outside of the City of Adelaide when the site is also in a High Frequency Public Transit Area</u> Suburban Main Street Zone <u>when the site is also in a High Frequency Public Transit Area</u> Urban Activity Centre Zone			

			Class of Development	Car Parking Rate Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.	Designated Areas			
			Tourist accommodation	1 space for every 4 bedrooms up to 100 bedrooms plus 1 space for every 5 bedrooms over 100 bedrooms	1 space per 2 bedrooms up to 100 bedrooms and 1 space per 4 bedrooms over 100 bedrooms	City Living Zone Urban Activity Centre Zone <u>when the site is also in a High Frequency Public Transit Area</u> Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone		
			Residential development					
			Residential component of a multi-storey building	Dwelling with no separate bedroom - 0.25 spaces per dwelling 1 bedroom dwelling - 0.75 spaces per dwelling 2 bedroom dwelling - 1 space per dwelling 3 or more bedroom dwelling - 1.25	None specified.	City Living Zone Strategic Innovation Zone <u>in the City of Burnside, City of Marion or City of Mitcham</u> Strategic Innovation Zone <u>outside the City of Burnside, City of Marion or</u>		

			Class of Development	Car Parking Rate Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.	Designated Areas		
				spaces per dwelling 0.25 spaces per dwelling for visitor parking.	City of Mitcham when the site is also in a High Frequency Public Transit Area when the site is also in a High Frequency Public Transit Area Urban Activity Centre Zone when the site is also in a High Frequency Public Transit Area Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments						
			<table border="1"> <thead> <tr> <th data-bbox="674 576 826 762">Class of Development</th> <th data-bbox="826 576 1111 762">Car Parking Rate Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.</th> <th data-bbox="1111 576 1252 762">Designated Areas</th> </tr> </thead> <tbody> <tr> <td data-bbox="674 762 826 1305">Residential flat building</td> <td data-bbox="826 762 1111 1305"> Dwelling with no separate bedroom - 0.25 spaces per dwelling 1 bedroom dwelling - 0.75 spaces per dwelling 2 bedroom dwelling - 1 space per dwelling 3 or more bedroom dwelling - 1.25 spaces per dwelling 0.25 spaces per dwelling for visitor parking. </td> <td data-bbox="1111 762 1252 1305"> None specified. City Living Zone Urban Activity Centre Zone when the site is also in a High Frequency Public Transit Area Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone </td> </tr> </tbody> </table>	Class of Development	Car Parking Rate Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.	Designated Areas	Residential flat building	Dwelling with no separate bedroom - 0.25 spaces per dwelling 1 bedroom dwelling - 0.75 spaces per dwelling 2 bedroom dwelling - 1 space per dwelling 3 or more bedroom dwelling - 1.25 spaces per dwelling 0.25 spaces per dwelling for visitor parking.	None specified. City Living Zone Urban Activity Centre Zone when the site is also in a High Frequency Public Transit Area Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone		
Class of Development	Car Parking Rate Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.	Designated Areas									
Residential flat building	Dwelling with no separate bedroom - 0.25 spaces per dwelling 1 bedroom dwelling - 0.75 spaces per dwelling 2 bedroom dwelling - 1 space per dwelling 3 or more bedroom dwelling - 1.25 spaces per dwelling 0.25 spaces per dwelling for visitor parking.	None specified. City Living Zone Urban Activity Centre Zone when the site is also in a High Frequency Public Transit Area Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone									

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			Within Part 4 – General Development Policies – Transport, Access and Parking, amend Table 2 – Off-Street Car Parking Requirements by deleting the entire section of ‘Table 2 – Criteria’		
195.	Page 272	2.3.7 Part 7 – Land Use Definitions	In Part 7 – Land Use Definitions, update the ‘Land Use Definitions Table’ as follows:	<p>Ancillary accommodation – provides further clarification and differences to that of a dwelling.</p> <p>Child care facility – replaces pre-school.</p> <p>Educations facility – includes the ability of such as use to incorporate a child care facility.</p> <p>Function venue – new definition and supported.</p> <p>Heavy vehicle parking – new definition and supported.</p>	Council previously raised the lack of a definition for Multiple Dwellings and policy in the Code to address design issues around multiple dwelling proposals. These considerations may include, but not be limited to car parking standards, living area spaces and amenities. This needs to be

			<table border="1"> <thead> <tr> <th>Land Use Term (Column A)</th> <th>Definition (Column B)</th> <th>Includes (Column C)</th> <th>Excludes (Column D)</th> </tr> </thead> <tbody> <tr> <td>Ancillary accommodation</td> <td>Means accommodation that: a) is located on the same allotment as an existing dwelling; and b) is not a self-contained residence; and c) contains no more than 2 bedrooms or rooms or areas capable of being used as a bedroom; and d) is subordinate to and does not have separate connection to utilities and services (such as electricity, gas, water, telecommunications, sewerage system, wastewater system or waste control system) to those servicing the existing dwelling.</td> <td></td> <td>Dwelling; <u>Tourist Accommodation.</u></td> </tr> <tr> <td><u>Pre-school Child care facility</u></td> <td>Means a place primarily for the care or instruction of children of less than primary school age, children with special needs or out-of-school-hours care (including vacation care) and not resident on the site.</td> <td><u>Pre-school, Child care centre; Early learning centre; Kindergarten; Nursery.</u></td> <td></td> </tr> <tr> <td>Commercial forestry</td> <td>Means the practice of planting and managing plantation forests that are intended to be harvested for wood products or other commercial purposes, including through the commercial exploitation of the carbon absorption capacity of the forest.</td> <td></td> <td><u>Horticulture, Cropping, Farming.</u></td> </tr> <tr> <td><u>Educational Establishment facility</u></td> <td>Means a primary school, secondary school, reception to year 12 school, college, university or technical institute, and includes an associated <u>pre-school child care facility</u> or institution for</td> <td></td> <td></td> </tr> </tbody> </table>	Land Use Term (Column A)	Definition (Column B)	Includes (Column C)	Excludes (Column D)	Ancillary accommodation	Means accommodation that: a) is located on the same allotment as an existing dwelling; and b) is not a self-contained residence; and c) contains no more than 2 bedrooms or rooms or areas capable of being used as a bedroom; and d) is subordinate to and does not have separate connection to utilities and services (such as electricity, gas, water, telecommunications, sewerage system, wastewater system or waste control system) to those servicing the existing dwelling.		Dwelling; <u>Tourist Accommodation.</u>	<u>Pre-school Child care facility</u>	Means a place primarily for the care or instruction of children of less than primary school age, children with special needs or out-of-school-hours care (including vacation care) and not resident on the site.	<u>Pre-school, Child care centre; Early learning centre; Kindergarten; Nursery.</u>		Commercial forestry	Means the practice of planting and managing plantation forests that are intended to be harvested for wood products or other commercial purposes, including through the commercial exploitation of the carbon absorption capacity of the forest.		<u>Horticulture, Cropping, Farming.</u>	<u>Educational Establishment facility</u>	Means a primary school, secondary school, reception to year 12 school, college, university or technical institute, and includes an associated <u>pre-school child care facility</u> or institution for				<p>Indoor recreation facility – proposes to include ‘part’ of a building and is supported.</p> <p>office – proposes to include ‘part’ of a building and is supported.</p> <p>Tourist accommodation – additional policy and includes caravan and tourist park – supported.</p> <p>Workers accommodation – expanded explanation – supported.</p>	<p>addressed in the Code. (Refer to attached original submission on the draft Code by Council dated 25 February 2020 – refer to Row 92 in Appendix A).</p> <p>The following land uses referred to in the Strategic Employment Zone should have a definition under Part 7 of the draft Code:</p> <ul style="list-style-type: none"> • Energy generation facility • Energy storage facility • Intermodal facility • Rail marshalling yard <p>The Suburban Activity Centre Zone also lists the following use that has no definition;</p> <ul style="list-style-type: none"> • Emergency Services Facility
Land Use Term (Column A)	Definition (Column B)	Includes (Column C)	Excludes (Column D)																							
Ancillary accommodation	Means accommodation that: a) is located on the same allotment as an existing dwelling; and b) is not a self-contained residence; and c) contains no more than 2 bedrooms or rooms or areas capable of being used as a bedroom; and d) is subordinate to and does not have separate connection to utilities and services (such as electricity, gas, water, telecommunications, sewerage system, wastewater system or waste control system) to those servicing the existing dwelling.		Dwelling; <u>Tourist Accommodation.</u>																							
<u>Pre-school Child care facility</u>	Means a place primarily for the care or instruction of children of less than primary school age, children with special needs or out-of-school-hours care (including vacation care) and not resident on the site.	<u>Pre-school, Child care centre; Early learning centre; Kindergarten; Nursery.</u>																								
Commercial forestry	Means the practice of planting and managing plantation forests that are intended to be harvested for wood products or other commercial purposes, including through the commercial exploitation of the carbon absorption capacity of the forest.		<u>Horticulture, Cropping, Farming.</u>																							
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Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments								
			<table border="1"> <tr> <td data-bbox="667 571 797 679"></td> <td data-bbox="797 571 1016 679"> <ul style="list-style-type: none"> a) <u>onsite services and facilities primarily for the use by guests;</u> b) <u>facilities for the management of the accommodation;</u> </td> <td data-bbox="1016 571 1128 679"></td> <td data-bbox="1128 571 1258 679"></td> </tr> <tr> <td data-bbox="667 679 797 1037">Workers' accommodation</td> <td data-bbox="797 679 1016 1037"> <p>Means premises used to accommodate workers on a temporary basis while they carry out employment:</p> <ul style="list-style-type: none"> a) <u>on the same site as the workers' accommodation; or</u> b) <u>in mining or petroleum extraction; or</u> c) <u>in seasonally intensive rural activities including fruit picking, pruning, animal shearing, meat processing, bulk handling or freight handling or similar; or</u> d) <u>in the construction of essential infrastructure;</u> </td> <td data-bbox="1016 679 1128 1037">Mining camp; Road workers camp; Shearing quarters; Railway workers camp.</td> <td data-bbox="1128 679 1258 1037">Tourist accommodation.</td> </tr> </table>		<ul style="list-style-type: none"> a) <u>onsite services and facilities primarily for the use by guests;</u> b) <u>facilities for the management of the accommodation;</u> 			Workers' accommodation	<p>Means premises used to accommodate workers on a temporary basis while they carry out employment:</p> <ul style="list-style-type: none"> a) <u>on the same site as the workers' accommodation; or</u> b) <u>in mining or petroleum extraction; or</u> c) <u>in seasonally intensive rural activities including fruit picking, pruning, animal shearing, meat processing, bulk handling or freight handling or similar; or</u> d) <u>in the construction of essential infrastructure;</u> 	Mining camp; Road workers camp; Shearing quarters; Railway workers camp.	Tourist accommodation.		
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196.	Page 274	2.3.8 Part 8 – Administrative Terms and Definitions	In Part 8 - Administrative Terms and Definitions, update the Administrative Terms and Definitions Table as follows:	<p>Support amendments.</p> <p>The proposed new administrative definition of direct overlooking is supported for the purpose of assessing visual privacy outcomes across the City on future development applications.</p>	No comment.								

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments						
			<table border="1" data-bbox="674 643 1263 987"> <thead> <tr> <th data-bbox="674 643 779 695">Term (Column A)</th> <th data-bbox="779 643 1059 695">Definition (Column B)</th> <th data-bbox="1059 643 1263 695">Illustrations (Column C)</th> </tr> </thead> <tbody> <tr> <td data-bbox="674 695 779 987">Building height</td> <td data-bbox="779 695 1059 987">Means the maximum vertical distance between the lower of the natural or finished ground level <u>or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency)</u> at any point of any part of a building and the finished roof height at its highest point, ignoring any antenna, aerial, chimney, flagpole or the like. For the purposes of this definition,</td> <td data-bbox="1059 695 1263 987"></td> </tr> </tbody> </table>	Term (Column A)	Definition (Column B)	Illustrations (Column C)	Building height	Means the maximum vertical distance between the lower of the natural or finished ground level <u>or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency)</u> at any point of any part of a building and the finished roof height at its highest point, ignoring any antenna, aerial, chimney, flagpole or the like. For the purposes of this definition,		<p>This definition applies to elevated decks, upper level windows and balconies of multi storey dwellings.</p> <p>The proposed definition, including oblique (angled) views into adjoining properties being captured in the definition rather than just straight views from a window, are also supported.</p>	
Term (Column A)	Definition (Column B)	Illustrations (Column C)									
Building height	Means the maximum vertical distance between the lower of the natural or finished ground level <u>or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency)</u> at any point of any part of a building and the finished roof height at its highest point, ignoring any antenna, aerial, chimney, flagpole or the like. For the purposes of this definition,										

			<p>building does not include any of the following:</p> <p>(e) flues connected to a sewerage system</p> <p>(f) telecommunications facility tower or monopole</p> <p>(g) electricity pole or tower</p> <p>(h) or any similar structure.</p>		
			<p>Building line</p> <p>In relation to a building on a site, means a line drawn parallel to the wall on of the building closest to the boundary of the site that faces the primary street (and any existing projection from that wall of the building such as a verandah, porch, balcony, awning or bay window is not to be taken to form part of the building for the purposes of determining the relevant wall of the building - provided that the projection is not more than 1.5m).</p>		
			<p>Catalyst site</p> <p>Means a site greater than 1500m², which may include one or more allotments.</p>		
			<p>Direct overlooking</p> <p>In relation to direct overlooking from a window, is limited to an area that falls within a horizontal distance of 15 metres measured from the centre line of the overlooking window and not less than 45 degree angle from the plane of the wall containing the overlooking window.</p> <p>In relation to direct overlooking from a deck, balcony or terrace, is limited to an area that falls within a horizontal distance of 15m measured from any point of the overlooking deck, balcony or terrace.</p>	<p>Overlooking window</p>	

				<p>Overlooking deck, balcony or terrace</p>	
			<p>Gross density</p> <p><i>is calculated by dividing the total number of dwellings by the total land area that they occupy (no land is excluded from the calculation) and expressed as dwellings units per hectare (du/ha).</i></p>		
			<p>High frequency public transit area</p> <p><i>A site that is wholly located within Metropolitan Adelaide and satisfies one or more of the following:</i></p> <ul style="list-style-type: none"> a) <i>is within 200 metres of any section of road reserve along which a bus service operates as a high frequency public transit service(2)</i> b) <i>is within 400 metres of a bus interchange(1)</i> c) <i>is within 400 metres of an O-Bahn interchange(1)</i> d) <i>is within 400 metres of a passenger rail station(1)</i> e) <i>is within 400 metres of a passenger tram station(1)</i> f) <i>is within 400 metres of the Adelaide Parklands.</i> <p><i>[NOTE(S): (1) Measured from an area that contains any platform(s), shelter(s) or stop(s) where people congregate for the purpose waiting to board a bus, tram or train, but does not include areas used for the parking of vehicles. (2) A high frequency public transit service is a route serviced every 15 minutes between 7.30am and 6.30pm Monday to Friday and every 30</i></p>		

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			<table border="1" data-bbox="669 611 1247 1203"> <tr> <td data-bbox="669 611 779 746"></td> <td data-bbox="779 611 1048 746"><i>minutes of night, Saturday, Sunday and public holidays until 10pm.]</i></td> <td data-bbox="1048 611 1247 746"></td> </tr> <tr> <td data-bbox="669 746 779 975"><i>Post height</i></td> <td data-bbox="779 746 1048 975"><i>Means the height of the post measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) noting that the height measurement does not include any part of the post that is concealed behind an eave or similar roof structure and not visible external to the land.</i></td> <td data-bbox="1048 746 1247 975"></td> </tr> <tr> <td data-bbox="669 975 779 1203"><i>Wall height</i></td> <td data-bbox="779 975 1048 1203"><i>Means the height of the wall measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) but-excluding noting that the height measurement does not include any part of the wall that is concealed behind an eave or similar roof structure and not visible external to the land.</i></td> <td data-bbox="1048 975 1247 1203"></td> </tr> </table>		<i>minutes of night, Saturday, Sunday and public holidays until 10pm.]</i>		<i>Post height</i>	<i>Means the height of the post measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) noting that the height measurement does not include any part of the post that is concealed behind an eave or similar roof structure and not visible external to the land.</i>		<i>Wall height</i>	<i>Means the height of the wall measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) but-excluding noting that the height measurement does not include any part of the wall that is concealed behind an eave or similar roof structure and not visible external to the land.</i>			
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197.	Page 278	2.3.9 Part 9 – Referrals	Within Part 9 – Referrals, amend Part 9.1 Referral Body: Environment Protection Authority by inserting the following interpretation note after the heading ‘Referral Body:	The table referred to in this section is located in the Planning and Design code under Part 9.1 and lists	No comment									

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
		2.3.9.1 Environment Protection Authority Referrals	<p>Environment Protection Authority' <i>Interpretation</i></p> <p><i>For the purposes of item 9 of the table in clause 3 of schedule 9 of the Planning Development and Infrastructure (General) Regulations 2017, development that involves, or is for the purposes of, an activity specified in the table below, requires a referral to the Environment Protection Authority, including:</i></p> <ul style="list-style-type: none"> • <i>development that reaches a threshold specified in the table below;</i> • <i>development with the capacity or potential to operate above the threshold level specified in the table below; or</i> • <i>an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level specified in the table below.</i> <p><i>The above does not apply for the purposes of items 9A and 9AB of the table in clause 3 of schedule 9 of the Planning Development and Infrastructure (General) Regulations 2017, which relate to site contamination and land division.</i></p>	activities that require referral to the EPA when they are being applied for under a development application.	

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments			
			<p>Within Part 9 – Referrals, amend Part 9.1 Referral Body: Environment Protection Authority by replacing the following:</p> <table border="1" data-bbox="674 683 1391 1187"> <thead> <tr> <th data-bbox="674 683 826 1187">Site contamination</th> <th data-bbox="826 683 943 1187">Land Division</th> <th data-bbox="943 683 1391 1187"> <p>Subject to clause 1(4) of Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017, development involving the division of land if—</p> <ul style="list-style-type: none"> a) Schedule 8 clause 2A(1)(b) applies to the application in respect of the development; and b) site contamination exists or may exist at the land because of 1 or more of the following circumstances: <ul style="list-style-type: none"> i. a class 1 activity has been conducted on the land or on adjacent land; ii. a class 2 or class 3 activity has been conducted on the land; iii. the land or adjacent land is the subject of a section 83A notification under the Environment Protection Act 1993 that appears on </th> </tr> </thead> </table>	Site contamination	Land Division	<p>Subject to clause 1(4) of Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017, development involving the division of land if—</p> <ul style="list-style-type: none"> a) Schedule 8 clause 2A(1)(b) applies to the application in respect of the development; and b) site contamination exists or may exist at the land because of 1 or more of the following circumstances: <ul style="list-style-type: none"> i. a class 1 activity has been conducted on the land or on adjacent land; ii. a class 2 or class 3 activity has been conducted on the land; iii. the land or adjacent land is the subject of a section 83A notification under the Environment Protection Act 1993 that appears on 		
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				<ul style="list-style-type: none"> iv. the South Australian Property and Planning Atlas; v. the land is within a groundwater prohibition area; v. the land is the subject of a notation on the certificate of title for the land under section 103P of the Environment Protection Act 1993 that a site contamination audit report has been prepared. 								
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Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
198.	Page 280	2.3.11 Part 11 – Local Heritage Places 2.3.11.1 Listing of State Heritage Place	<p>Amend ‘Part 11 – Local Heritage Places’ by renaming the heading of: Part 11 – Local Heritage Places</p> <p>To: <i>Part 11 – Heritage Places</i></p> <p>Within the new heading of Part 11 – Heritage Places, insert a new subheading title of: <i>‘Local Heritage Places’</i></p> <p>Following this new subheading, list all local heritage places as currently identified within the Planning and Design Code and keep existing order commencing with Adelaide</p> <p>Within the new heading of Part 11 – Heritage Places, insert a new subheading title (after the Local Heritage Place title) of: <i>‘State Heritage Places’</i></p> <p>And immediately followed by the list of State Heritage Places as contained in the State Heritage Register within a new table with following headings:</p>	The proposed policy amendments provide a link with State Heritage Register with reference to the Code.	There is a need to ensure that the Code is updated under Section 76, Minor Operational Amendments, of the Planning Development and Infrastructure Act 2016 when changes are made to the State Heritage Register for consistency purposes.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments								
			<table border="1" data-bbox="674 576 1249 699"> <thead> <tr> <th data-bbox="674 576 775 619"><i>Property Address</i></th> <th data-bbox="775 576 1003 619"><i>Description and for extent of listed place</i></th> <th data-bbox="1003 576 1126 619"><i>Section 16 Criteria</i></th> <th data-bbox="1126 576 1249 619"><i>State Heritage ID</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="674 619 775 699"><i>List of State heritage places</i></td> <td data-bbox="775 619 1003 699"></td> <td data-bbox="1003 619 1126 699"></td> <td data-bbox="1126 619 1249 699"></td> </tr> </tbody> </table>	<i>Property Address</i>	<i>Description and for extent of listed place</i>	<i>Section 16 Criteria</i>	<i>State Heritage ID</i>	<i>List of State heritage places</i>					
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199.	Page 280	Part 1 – Rules of Interpretation	<p>Within Part 1 – Rules of Interpretation – Other matter specified by the Code, insert the following new subheading title and accompanying text:</p> <p><i>State Heritage Places</i></p> <p><i>State heritage places listed in Part 11 are a point in time reference to places that are registered (or provisionally listed) as State Heritage Places under the Heritage Places Act 1993. As the Heritage Places Act 1993 operates separately to the Planning, Development and Infrastructure Act 2016 and the Planning and Design Code, reference to the Register established under the Heritage Places Act 1993 (the South Australian Heritage Register) will be made to determine if a State Heritage Place exists on land forming part of a development application and the extent to which it applies. If there is any inconsistency between the Register and the State</i></p>	Supported.	No comment.								

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p><i>Heritage Places listed in Part 11 of the Planning and Design Code, an entry in the Register will prevail to the extent of any inconsistency.'</i></p> <p>Notes:</p> <p>1. For the purposes of consultation, and as a result of State Heritage Places being a point in time reference, the proposed State Heritage Places table identified in Instruction Part 2 hasn't been populated. Reference to the South Australian Heritage Register should be made for the purposes of identifying current State Heritage Places. The final version of this Code Amendment, i.e., the one that is prepared for adoption by the Minister responsible for the administration of the Planning, Development and Infrastructure Act 2016, will include a populated version of Attachment SHP with a complete list of State Heritage Places registered on the South Australian Heritage Register.</p> <p>2. Within the Rules of Interpretation (Part 1 of the Code) a hyperlink to the South Australian Heritage Register (https://www.environment.sa.gov.au/topics/heritage/sa-heritage-register) will be created.</p>		

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			<p>Within Part 1 – Rules of Interpretation – Other matter specified by the Code, amend section titled ‘Local Heritage Places’ replace the words:</p> <p><i>Part 11 designates places as places of local heritage value for the purposes of section 67 of the Act.</i></p> <p>with:</p> <p><i>This part of the Planning and Design Code designates places as places of local heritage value for the purposes of section 67 of the Act. Local heritage places are also listed in the South Australian Heritage Register established under the Heritage Places Act 1993. However, as local heritage places are established under the Planning, Development and Infrastructure Act 2016, if there is any inconsistency between the Register and the Local Heritage Places listed in Part 11 of the Planning and Design Code, an entry in Part 11 of the Planning and Design Code will prevail to the extent of any inconsistency</i></p>		
200.	Page 281	2.3.13 Part 13 – Table of Amendments	Part 13 of the Code – Table of Amendments: Updates to the publication date, Code version number, amendment type and summary of amendments within the ‘Table of Planning	No comment.	No comment.

Row No.	Page No. from the Code Amendment – Attachment A	Section of the Code	Proposed Amendment	Observations	Comments
			and Design Code Amendments' to reflect the amendments to the Code		

Appendix B - Policy Issues Identified in the Planning and Design Code by the City of Charles Sturt for the Commission’s consideration

No.	Code Policy Reference	Type of Issue: 1/ Code error (Section 76) 2/ Issue requiring Code Amendment (Section 73) 3/ Issue identified in the Regulations	Recommendation
1.	Waterfront Neighbourhood Zone and Housing Diversity Neighbourhood Zone	<p>(2)</p> <p>Former Development Plan Residential Zone Policy Areas 15, 17, 18 and 19 now located in the Waterfront Neighbourhood Zone and Housing Diversity Neighbourhood Zone have TNVs for two storey building height at 8.5m which was carried over from the former Development Plan.</p> <p>The Code Zones seek a general maximum building height of 9m, which creates an assessment pathway issue and requires notification if two-storey development is proposed at 9m.</p>	A Code Amendment is required to address this issue - by removing the existing TNV of 8.5m for two storey development.
2.	Hazards (Flooding - Evidence Required) Overlay	<p>(2)</p> <p>There is a gap in Code policy to address minimum FFL for development on land that is not covered by the Hazards (Flooding-General) Overlay or the Hazards (Flooding) Overlay.</p> <p>Council’s previous submission highlighted this matter outlining that the absence of the Overlay and its policies for the City of Charles Sturt will mean the City will lose a key policy trigger to determine the stormwater management outcome for a development and call upon the current flood mapping information to make an informed assessment.</p> <p>Following the Commission's second round of consultation on the Code a third Hazards Flooding Overlay was introduced into the Code as part of its implementation. This is known as the Hazards (Flooding - Evidence Required) Overlay.</p> <p>This Overlay provides policy directions for areas not identified in the other Hazard Flood Overlays and should be applied to the City of Charles Sturt.</p>	Seeking a Ministerial or Commission led Code Amendment to insert the Hazards (Flooding - Evidence Required) Overlay over areas in Charles Sturt not presently covered by either the Hazards (Flooding-General) Overlay or the Hazards (Flooding) Overlay.
3.	Hazards (Flooding – General) Overlay	The Code requires Finished Floor Level of properties to be 300mm above flood levels for Deemed to Satisfy performance feature (Refer PO 2.1 and DTS/DPF 2.1 below). Whilst this requirement will protect most properties from flooding it may not cover certain properties that are lower than	Address policy gaps in the Code to improve the assessment of overland

No.	Code Policy Reference	Type of Issue: 1/ Code error (Section 76) 2/ Issue requiring Code Amendment (Section 73) 3/ Issue identified in the Regulations	Recommendation
		<p>road level. There are inherent limitations to flood maps. Flood maps only show where stormwater builds up from generally from sag points such as side entry pits etc and maps may not show where the stormwater is coming from. That is overland flow path may not be obvious in flood mapping. An example of where this occurs is on sloping land where the street frontage is higher and rear of property is lower.</p> <p>Street gutter flows are normally prevented from entering properties by the kerb, crossovers and the verge. Once gutter flow height goes over 100mm – 150mm overland flow will go through properties on the lower side of the road. Overland flow may result in property damage. The problem has been exacerbated in recent times due to side boundary to boundary developments. Stormwater has no way to get to the low spot but through garages and floors. Side set backs in some older houses allowed overland flow to go around the buildings with minimal damage.</p> <p>With current DTS provisions and fence to fence development it is likely flooding of new developments (assessed for 1% AEP and floor levels set 300mm above) could still experience flooding.</p>	<p>stormwater flow paths. Consider the use of PO 2.1 as DTS performance feature.</p>

Part 3 – Overlays

Hazards (Flooding – General) Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Impacts on people, property, infrastructure and the environment from general flood risk are minimised through the appropriate siting and design of development.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

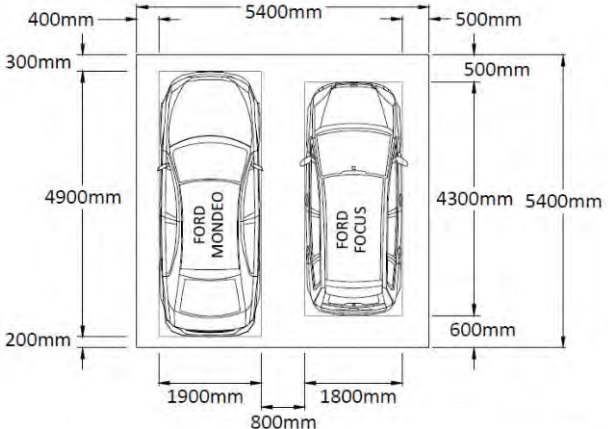
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use	
<p>PO 1.1</p> <p>Buildings housing vulnerable people, community services facilities, key infrastructure and emergency services are sited away from flood areas enable uninterrupted operation of services and reduce likelihood of entrapment.</p>	<p>DTS/DPF 1.1</p> <p>Pre-schools, educational establishments, retirement and supported accommodation, emergency services facilities, hospitals and prisons located outside the 1% AEP flood event.</p>
Flood Resilience	
<p>PO 2.1</p> <p>Development is sited, designed and constructed to prevent the entry of floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.</p>	<p>DTS/DPF 2.1</p> <p>Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished ground and floor level not less than:</p> <p>In instances where no finished floor level value is specified, a building incorporates a finished floor level at least 300mm above the height of a 1% AEP flood event.</p>
Environmental Protection	
<p>PO 3.1</p> <p>Buildings and structures used either partly or wholly to contain or store hazardous materials are designed to prevent spills or leaks leaving the confines of the building during a 1% AEP flood event to avoid potential environmental harm.</p>	<p>DTS/DPF 3.1</p> <p>Development involving the storage or disposal of hazardous materials is wholly located outside of the 1% AEP flood plain or flow path.</p>

No.	Code Policy Reference	Type of Issue: 1/ Code error (Section 76) 2/ Issue requiring Code Amendment (Section 73) 3/ Issue identified in the Regulations	Recommendation
4.	Urban Tree Canopy Off-set Scheme	(3) The Scheme applies to the Housing Diversity Neighbourhood Zone, which prevails in large parts of Bowden, Brompton, Ridleyton and Renown Park in the CCS. Average site area requirements in this zone are 220-250m ² (ie medium density). Council's heat mapping shows a direct correlation between medium density housing in this area and higher daytime thermal temperatures. This is likely to be exacerbated by climate change. Opportunities for street tree planting and/or more or better planted reserves are also limited. Arguably the tree off-set scheme, combined with these factors, will result in even higher daylight thermal temperatures in this precinct. A more sustainable approach would be to encourage the retention of existing on-site trees and the planting of additional on-site trees.	Remove the Urban Tree Canopy Off-set Scheme from the Housing Diversity Neighbourhood Zone.
5.	Waterfront Neighbourhood Zone	(2) A recent application for a balcony forward of a dwelling close to the boundary fronting the beach (public thoroughfare) has identified a lack of policy direction when the proposal is located forward of neighbouring buildings and considered an unreasonable visible impact on the locality (the beach as the public thoroughfare). The only policy currently in the Code which could be considered included: <ul style="list-style-type: none"> • Zone Section, Waterfront Neighbourhood Zone, DO 1; • Zone Section, Waterfront Neighbourhood Zone, PO 11.3 • General Policies – Design in urban Areas – Desired outcome 1 PO 5.1 and PO 6.1 in the Zone relate to primary and secondary setbacks and development contributing to the existing/emerging pattern of street setbacks in the streetscape and the	Amendments to the Code policy for the Waterfront Neighbourhood Zone to strengthen policy around development minimising visual impact on the seaside or waterfront character through design such as reducing bulk and scale.

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		<p>waterfront environment. However similar policy is missing for development adjacent to the foreshore as a 'public thoroughfare'.</p> <p>We consider the coastal boundary to still be a streetscape issue because it was abutting the coast path, which is a public thoroughfare and there should, be specific policy particularly in the Waterfront Neighbourhood Zone to assess future development proposals against.</p> <table border="1" data-bbox="512 639 1659 1315"> <thead> <tr> <th colspan="2" data-bbox="512 639 1659 683">Rear boundary setback</th> </tr> </thead> <tbody> <tr> <td data-bbox="512 683 1086 1315"> <p>PO 9.1</p> <p>Dwelling walls are set back from rear boundaries to provide:</p> <ul style="list-style-type: none"> (a) separation between dwellings in a way that contributes to a suburban character (b) access to natural light and ventilation for neighbours (c) private open space (d) space for landscaping and vegetation (e) a consistent character when viewed from a waterfront. </td> <td data-bbox="1086 683 1659 1315"> <p>DTS/DPF 9.1</p> <p>Dwelling walls are set back from the rear boundary at least:</p> <ul style="list-style-type: none"> (a) where the rear boundary fronts a waterfront, no less than the average rear setback of any existing dwellings on adjoining allotments. (b) where the rear boundary adjoins a laneway - 0m (c) In all other cases: <ul style="list-style-type: none"> (i) if the size of the site is less than 301 square metres- <ul style="list-style-type: none"> A. 3m in relation to the ground floor of the dwelling B. 5m in relation to any other building level of the dwelling (ii) if the size of the site is 301 square metres or more- <ul style="list-style-type: none"> A. 4m in relation to the ground floor of the dwelling B. 6m in relation to any other building level of the dwelling. </td> </tr> </tbody> </table>	Rear boundary setback		<p>PO 9.1</p> <p>Dwelling walls are set back from rear boundaries to provide:</p> <ul style="list-style-type: none"> (a) separation between dwellings in a way that contributes to a suburban character (b) access to natural light and ventilation for neighbours (c) private open space (d) space for landscaping and vegetation (e) a consistent character when viewed from a waterfront. 	<p>DTS/DPF 9.1</p> <p>Dwelling walls are set back from the rear boundary at least:</p> <ul style="list-style-type: none"> (a) where the rear boundary fronts a waterfront, no less than the average rear setback of any existing dwellings on adjoining allotments. (b) where the rear boundary adjoins a laneway - 0m (c) In all other cases: <ul style="list-style-type: none"> (i) if the size of the site is less than 301 square metres- <ul style="list-style-type: none"> A. 3m in relation to the ground floor of the dwelling B. 5m in relation to any other building level of the dwelling (ii) if the size of the site is 301 square metres or more- <ul style="list-style-type: none"> A. 4m in relation to the ground floor of the dwelling B. 6m in relation to any other building level of the dwelling. 	
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6.	Waterfront Neighbourhood Zone	<p>The draft Code also lacks policy to support the assessment of fences for the existing areas contained in former development Plan Policy Areas 18 and Policy 19 within the previous Residential Zone in the Charles Sturt Council Development Plan. Fencing and courtyard walls forward of the face of the dwelling or adjacent to lake/coastal frontage should consider design to address:</p> <ul style="list-style-type: none"> - Open style - Max height of 1.2m - Materials to match associated dwelling - In the case of a courtyard wall setback minimum 2m from the lake or coastal boundary and less than 30% of the site frontage <p>The PDI Regulations has not included the amendments previously sought in Schedule 3 of the Development Regulations, 2008 as approved by the Minister in the Residential City-wide DPA for Charles Sturt to: 'only list lake and coastal frontage fences within Policy Areas 18 and 19 as constituting 'development'.</p>	Amendments to the Code policy to strengthen policy around fencing that requires development approval minimising visual impact on the seaside or waterfront character through design.
7.	Waterfront Neighbourhood Zone Rear boundary setbacks DTS / DPF 12.2.1	The P & D Code does not provide sufficient policy to assess ancillary structures at where the rear boundary is a waterfront.	Some clarity needs to be provided in the policy to guide development outcomes eg. design parameters and scale where the rear boundary is a

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			waterfront for ancillary structures.
8.	Part 4 - General Development Policies Design in Urban Areas Table 1 – Private Open Space	(2) The provision of private open space based on <301m ² = 24m ² is not considered sufficient given 300m ² is the max site area for most dwelling types in Council’s General Neighbourhood Zone (the most common residential type of zone in the city). The policy consulted on in the original draft Code, as in the current Charles Sturt Council Development Plan, was based on a sliding scale depending on the size of the site and should be retained in addition to the consideration of Council’s original comments as per its previous submission on private open space.	Amend the policies for private open space based on a sliding scale depending on the size of the site.
9.	Part 4 - General Development Policies Design in Urban Areas	(2) Council has concerns relating to potential policy amendments regarding enclosed car parking dimensions from what was originally consulted. Concerns relate to setting a small internal dimension size for garages that only facilitate a small space for vehicles and makes everyday access to cars and the loading and unloading of typical items from vehicles too difficult. It also prohibits the use of this space for other domestic uses that commonly occur in garages, such as laundry facilities and general household storage. This is particularly critical in reduced lot size developments where other additional storage areas are not possible. The following diagram shows the limited space retained around two fairly standard vehicles within a double garage which is 5.4m x 5.4m in dimension and confirms that this will make entering or exiting the vehicle once it is parked in the garage very difficult.	The dimensions originally consulted in the draft Code, should be retained to address other uses that a garage commonly incorporates in a domestic situation.

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		 <p style="text-align: center;">SCALE 1:100</p>	
10.	Car parking requirements	<p>(2) Infill development has steadily grown in Charles Sturt. A key issue for Council that is experienced by its residents in established areas, involves an increase of on-street parking.</p> <p>Through infill development, smaller allotments are created, reducing opportunities for off-street parking. The previous policy in the Charles Sturt Development Plan sought a minimum of two on site car parking spaces, one of which is covered (the second space can be tandem for detached and semi-detached dwellings). The proposed policy in the Code is still considered too much of a variation from the intent of the current policy and amendments should be made to ensure two spaces are provided on-site for detached and semi-detached dwellings, regardless of the number of bedrooms.</p>	Review car parking ratios to ensure two spaces are provided on-site for detached and semi-detached dwellings, regardless of the number of bedrooms.

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11.	Part 4 – General Development Policies – Transport, Access and Parking – PO 5.1	<p>PO 5.1 desires development to provide sufficient on-site vehicle parking to meet the needs of the development or land use, however, allows the consideration of a reduced rate based on the following criteria:</p> <ul style="list-style-type: none"> a) <i>availability of on-street car parking</i> b) <i>shared use of other parking areas</i> c) <i>in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared</i> d) <i>the adaptive reuse of a State or Local Heritage Place</i> <p>Council’s Planning and Development Unit has experienced on several occasions development applications seeking a reduced rate based on one or a combination of the above criteria. This has resulted in a strain on overall parking within the locality for the approved land uses but also in relation to part a) created parking issues within the surrounding local streets for the wider community. Part b) also creates issues where shared use have similar times of operation and therefore compete for the shared car parking spaces.</p>	The policy should be amended by removing parts a) and b) to reinforce the need for land use proposals to provide the required on-site vehicle parking wholly on their sites.
12.	Regulated tree	(2) Greater design outcomes for development near Regulated trees in DTS policy – CAP	Amendments to the Code policy to strengthen policy. Policy for requirements for structures eg. roof and gutter design that mitigate impacts of the tree on the structure.
13.	Overshadowing policy for solar panels	(2) Overshadowing of solar panels – policy needs DTS quantitative criteria.	Amendments to the Code policy to provide require quantitative policy to assess

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			future development when adjacent to existing neighbouring solar panels eg. percentage of panels that are shaded for a period of time.
14.	Urban Neighbourhood Zone	(2) The Noise and Air Emissions Overlay that applies to this zone does not adequately address off-site impacts of existing activities (eg Smallgoods factory, which is a EPA licensed activity that generates noise and odour). The associated DTS/DPF only relate to major roads, train corridors and/or noise from music venues. The Interface Management Overlay, which has no DTS/DPF, should apply to this zone.	Apply the Interface Management Overlay to the Urban Neighbourhood Zone OR refine the DTS/DPF for the Noise and Air Emissions Overlay to address off-site impacts on sensitive receivers from existing/proposed non-residential activities. The application of an Interface Management Overlay should be pursued through a Ministerial Code Amendment as the policy in the previous Development Plan has been lost through the transition of the Code.

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15.	Urban Neighbourhood Zone	(2) Concept Plan 34 Bowden-Brompton identifies roads that are subject to road widening, as determined by the previous DPA investigations. Unfortunately, this legitimate requirement is not reinforced by applying the Future Local Road Widening Overlay to this area/zone.	Apply the Local Road Widening Overlay to the Urban Neighbourhood Zone. The application of a Future Road Widening Overlay to the Urban Neighbourhood Zone should be pursued through a Ministerial Code Amendment as the policy in the previous Development Plan has been lost through the transition of the Code.
16.	Suburban Business Zone	(2) Previous development application in this zone did not captured policy seeking landscaping. The Strategic Employment has specific policy requiring 10% of the site as landscaping however there is no such zone requirement for the Suburban Business Zone and can only apply general policies which does not pick up same.	Policy required to seek percentage of landscaping for development within the Suburban Business Zone as is the case in the Strategic Employment Zone.
17.	Strategic Employment Zone and Suburban Business Zone Interface policy	(2) The zones should include a Performance Outcome involving development on land adjacent to another zone which is for residential purposes (which includes loading, unloading activities and waste management) to be designed to minimise off-site impacts by considering appropriate acoustic performance and locating noise sources away from existing sensitive receivers.	Development for non-residential land uses need to bring in PO 1.2 in the Interface between Land Uses provisions to assess potential interface impacts.

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18.	Strategic Employment Zone	(1) The maximum building height is not expressed in the actual zone but is highlighted as a TNV on SAPP. However, the maximum building height TNV does not get pulled in when searching the property in the P & D Code.	Address Code error.
19.	Strategic Employment Zone Table 5 – Procedural Matters (PM) - Notification	(2) The policy sought for a maximum building height (12.0 metres consistent with Charles Sturt) should also be included as an exception to warrant notification.	Insert policy in the zone for maximum building height and include as an exception in table 5.
20.	Suburban Activity Centre Zone DTS / DPF 1.1	(2) Emergency Services Facility is identified in the policy and should have a definition under Part 7 of the draft Code.	Create definition for Emergency Services Facility.
21.	Local Activity Centre Zone PO 1.2	(2) There is insufficient policy to ensure residential land uses do not dominate through location/design non-residential land uses in the zone.	Consideration of a DTS criteria that dwellings should be located only behind or above non-residential uses on the same allotment to ensure the viability of the existing Local Centre Zones.
22.	Stormwater and Regulated Trees Overlay	(1) Regulated trees and stormwater management provisions need to apply to all development for new buildings on the land not just a new dwelling.	Correct Code error to ensure Regulated Tree and Stormwater Management Overlay policy is pulled into

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		<p>Any additional roof area will add to downstream flooding and the footprint of the addition could be right under a Regulated Tree.</p> <p>Assessment authorities cannot confirm that a Regulated Tree is impacted at verification without doing a site inspection, which is not reasonable, so the policy should come in for all new built form on the land.</p> <p>By not pulling this in we are not able to manage increased run off from dwelling additions using the Code provisions provided which is a serious problem and omission in the compilation of Code rules that should apply.</p>	<p>the assessment pathways for additions to a dwelling.</p>
23.	Minimum room dimensions and domestic storage	<p>(2) Council's CAP has identified that medium and higher density development can compromise room sizes of living spaces in order to deliver more dwellings and there are no provisions to guide what this minimum space should be.</p> <p>In relation to domestic storage there are no provisions for typical dwellings (detached, semi-detached, row and residential flat dwellings). The provisions only apply for multi-storey unit development (greater than 3-storeys).</p> <p>Site coverage is being used to deliver the house and garage without any dedicated storage and no option to add it later because they have already covered the site with built form. Any additional verandahs or storage spaces are compromising private open space and soft landscaping.</p>	<p>Consider additional policy to address minimum dimensions for internal living areas and storage spaces for all types of dwellings.</p>

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24.	Urban Activity Centre Zone PO 1.1	(2) Question a warehouse as an envisaged land use in this Zone. The previous Development Plan policy in Charles Sturt deems it non-complying. This land use in its own right is more suited to the proposed Employment Zone.	Consider policy to ensure warehouse uses are a subservient use to a primary use such as retail and not envisage as a primary land use.
25.	Table 4 – Restricted Development Classification – Established Neighbourhood Zone	(2) A previous resolution of Council dated 2019, sought that the draft Code includes policy that considers telecommunications facilities (mobile phone towers) to be deemed as “restricted development” within the Established Neighbourhood Zone (formerly proposed during the original consultation of the draft Code as a Suburban Neighbourhood Zone) (areas contained within the Historic Area Overlay) to enable a more rigorous assessment for development of this nature within the City’s current Historic Conservation Area.	Amend Table 4 to include telecommunications facilities as restricted development.
26.	Building Near Airfields Overlay	(2) PO 1.2 seeks to prevent land uses that attract wildlife near the airport.	Development of this nature should be considered as a referral to the aviation safety authority where it hasn’t met the DTS standards.
27.	Historic Area Overlay	(2) Previous submission from Council based on the advice of Council’s Heritage Adviser sought amendment to policy within the Historic Area Overlay.	Suggested policy amendments: DTS 3.1 <i>Alterations and additions are fully contained within the roof space of an existing building or located to the</i>

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			<p><i>rear with no external alterations made to the building elevation facing the primary street.</i></p> <p>PO 4.1 <i>Ancillary development 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.</i></p> <p>PO 6.1 <i>The width and number of driveways and other vehicle access ways are consistent with the prevalent width of existing driveways of the historic area.</i></p>
28.	Historic Area Overlay	(2)	The following amendments are recommended below (in

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	Demolition Control Policy – PO 7.1	Concerns previously raised by Council with the proposed policy in particular in part (a) the use of the term “front elevation” which may be open to interpretation. The front elevation also includes the roof form, verandah and visible side returns. As an example, what may happen if the originally vertically proportioned windows in the front wall have been widened and aluminium inserted. Can this be an argument based on the proposed policy to demolish the building, when all other key character elements are intact?	<p>highlight) to ensure clarity behind the term front elevation.</p> <p><i>PO 7.1 Buildings and structures, or features thereof, that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless:</i></p> <p>a) All the elements that comprise the front elevation including the roof form and side returns up to the roof ridge line visible to the street <i>has been substantially altered and cannot be reasonably restored in a manner consistent with the building's original style</i></p>

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			<p><i>or</i></p> <p><i>b) the structural integrity or safe condition of the original building is beyond reasonable repair.</i></p> <p><u>PO 7.3</u></p> <p>Concerns over what is the test for conformity? The proposed policy can lead to a debate as to whether one of the characteristics or elements in the Historic Area Statements do not conform as a justification for demolition. The following amendments are proposed to the policy (in strike through and highlight):</p>


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			<i>PO 7.3 Buildings or elements of buildings that do not conform with all of the values described in the Historic Area Statement may be demolished.</i>
29.	Key Railway Crossings Overlay	(2) DTS/DPF 1.1 refers to certain distances from railway crossings relative to speed limits, but fails to include 40km/hr.	Amend DTS/DPF to include 40km/hr roads.
30.	Local Heritage Places	(1) Description for Local Heritage Place listing - 227 Esplanade, Henley Beach is missing the words“, cast iron and masonry fence. ”	Correct error.
31.	General Policies Design in Urban Areas Car parking, access and manoeuvrability PO 23.4 – DTS/DPF 23.4	(2) This allows approval to be authorised by third-party certifier without Council’s arboriculture officers having opportunity to provide input or reference to Council’s Tree and Streetscape Policy. The two-metre separation is currently being used as a minimum separation distance between the tree and the crossover however the setback required is determined by the tree species, trunk diameter and for large mature trees, its structural root zone radius which is calculated in accordance with AS 4790-2009 – Protection of trees on development sites. A minimum separation between the subject tree and proposed crossover is to protect the tree and provide space for tree growth and minimise future damage to the crossover.	Recommendation is no change made in relation to Council’s authority in approving works on public land, currently authorised under the Local Government Act (Section 221).
32.	General Development Policy	(2) Supported Accommodation and retirement facilities / PO 37.2:	It is suggested that a suite of minimum requirements for effective measures are specified to provide clear


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	Design in Urban Areas Universal Design	<p><i>“Universal design features are incorporated to provide options for people living with disabilities or limited mobility and / or to facilitate ageing in place.”</i></p> <p>The scope of this policy should be expanded to apartments 3 building levels or less to increase the number of accessible dwellings due to data from the Liveable Housing Design Guidelines that show it is 22 times more efficient to build in these design features rather than retrofitting them at a later stage, and that there is a 60% chance of a home being occupied by someone living with a disability.</p>	guidance for design and assessment.
33.	General Neighbourhood Zone	<p>(1) A free-standing carport application did not return minimum dimensions for the off-street carpark.</p> <p>Council staff have identified that the Accepted and Deemed to Satisfy assessment pathways do not have this either for General Neighbourhood. However, if you have a garage under the main roof (as part of a dwelling) you do have min requirements.</p>	Correct pathway error.
34.	Environmental Performance	<p>(2) As addressed in Council’s previous submission, the Code has policies that seek to address energy efficiency and climate responsive buildings which are strongly supported in the draft Code. However, within the assessment pathways these policies only apply to a limited number of dwelling types (detached dwelling (battle-axe), group dwelling and residential flat building) but are not captured in the assessment of detached dwellings, semi-detached, row dwellings or dwellings being developed by the SAHT either individually or jointly with other community housing providers, or a registered Community Housing provider.</p> <p>Such policies include but are not limited to PO 4.1 – orientation of building to maximise sunlight, PO 4.2 siting and design of buildings to maximise passive performance, PO 4.3 climate responsive design, PO 14.2 sustainable design techniques.</p>	For future housing to respond to climate change impacts and improve the amenity and well-being of occupants, the application of environmental performance policies should be expanded to include all dwelling types. Proposed policies contained within ‘Design in Urban Areas’ in relation to landscaping, water sensitive design and

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			environmental performance, should apply to all dwellings to provide a higher level of environmental protection for future residents.
35.	General Neighbourhood Zone	<p>(2) Verandahs on boundaries.</p> <p>Accepted development pathway seeks:</p> <p>8. Length – does not exceed 11.5m if any part of the structure abuts or is situated on a boundary of the allotment.</p> <p>Deemed to Satisfy (DTS) assessment pathway seeks:</p> <p>(e) if situated on a boundary (not being a boundary with a <u>primary street</u> or <u>secondary street</u>), do not exceed a length of 11.5m unless:</p> <p>(i) a longer wall or structure exists on the adjacent <u>site</u> and is situated on the same allotment boundary and</p> <p>(ii) the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent</p> <p>(f) if situated on a boundary of the allotment (not being a boundary with a <u>primary street</u> or <u>secondary street</u>), all walls or structures on the boundary will not exceed 45% of the length of that boundary</p>	Accepted development assessment pathway should have the same standards as DTS ie. 45% length of the boundary.
36.		<p>(2) A verandah development application recently assessed identified this difference in criteria for structure heights.</p>	For a matter of consistency, it would be best if the same term was used throughout, and the numerical value was also the same.

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		<p>The Accepted criteria refers to the undefined term 'post height' whereas the Performance Assessed criteria uses 'wall height'. DTS uses both terms. The numerical value for these heights differs by 200mm as well.</p> <p>Accepted:</p> <ul style="list-style-type: none"> 6. Post height – does not exceed 3.2m measured from natural ground level. 7. Building height – does not exceed 5m. <p>DTS:</p> <ul style="list-style-type: none"> (h) have a wall height or post height not exceeding 3m (and not including a gable end) (i) have a roof height where no part of the roof is more than 5m above the natural ground level <p>Performance Assessed:</p> <ul style="list-style-type: none"> (h) have a wall height or post height not exceeding 3m (and not including a gable end) (i) have a roof height where no part of the roof is more than 5m above the natural ground level 	
37.	Urban Neighbourhood Zone – West development	<p>(1) There are two maximum building height and levels and is difficult to understand where the levels would apply. Should this not be a minimum and maximum and not two maximums?</p>	Correct Code error. The first should be (minimum) and then (maximum).

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		<table border="1"> <thead> <tr> <th colspan="2" data-bbox="517 389 1301 427">Built Form and Character</th> </tr> </thead> <tbody> <tr> <td data-bbox="517 427 909 596"> PO 2.1 Development positively contributes to creating activity nodes around high-frequency public transport stops/ stations and multi-modal transport interchanges, encourages public transport use and positively contributes to a fine-grain streetscape that provides a safe, comfortable, vibrant and walkable public realm at ground level. </td> <td data-bbox="909 427 1301 596"> DTS/DPF 2.1 None are applicable. </td> </tr> <tr> <td data-bbox="517 596 909 1222"> PO 2.2 Building height is consistent with the form expressed in the Building Height (Maximum Levels) Technical and Numeric Variation and the Building Height (Maximum Metres) Technical and Numeric Variation, and otherwise positively responds to the local context including the site's frontage, depth, and adjacent primary street width. </td> <td data-bbox="909 596 1301 1222"> DTS/DPF 2.2 Except where a Concept Plan specifies otherwise, development does not exceed the following building height(s): <table border="1" data-bbox="920 683 1290 884"> <thead> <tr> <th data-bbox="920 683 1290 721">Maximum Building Height (Levels)</th> </tr> </thead> <tbody> <tr> <td data-bbox="920 721 1290 759">Maximum building height is 4 levels</td> </tr> <tr> <td data-bbox="920 759 1290 782">Maximum building height is 8 levels</td> </tr> </tbody> </table> <table border="1" data-bbox="920 782 1290 884"> <thead> <tr> <th data-bbox="920 782 1290 820">Maximum Building Height (Metres)</th> </tr> </thead> <tbody> <tr> <td data-bbox="920 820 1290 858">Maximum building height is 16.5m</td> </tr> <tr> <td data-bbox="920 858 1290 884">Maximum building height is 32.5m</td> </tr> </tbody> </table> In relation to DTS/DPF 2.2, in instances where: <ol style="list-style-type: none"> more than one value is returned in the same field, refer to the <i>Maximum Building Height (Levels) Technical and Numeric Variation layer</i> or <i>Maximum Building Height (Metres) Technical and Numeric Variation layer</i> in the SA planning database to determine the applicable value relevant to the site of the proposed development only one value is returned (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other no value is returned (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)), then none are applicable and the relevant development cannot be classified as deemed-to-satisfy. </td> </tr> </tbody> </table> <p data-bbox="517 1267 1682 1331">The concept plan in the Code does not show the core area (the higher built form requirements) as was originally shown in the former Concept Plan under Council's development Plan (refer below).</p>	Built Form and Character		PO 2.1 Development positively contributes to creating activity nodes around high-frequency public transport stops/ stations and multi-modal transport interchanges, encourages public transport use and positively contributes to a fine-grain streetscape that provides a safe, comfortable, vibrant and walkable public realm at ground level.	DTS/DPF 2.1 None are applicable.	PO 2.2 Building height is consistent with the form expressed in the Building Height (Maximum Levels) Technical and Numeric Variation and the Building Height (Maximum Metres) Technical and Numeric Variation, and otherwise positively responds to the local context including the site's frontage, depth, and adjacent primary street width.	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No.	Code Policy Reference	Type of Issue: 1/ Code error (Section 76) 2/ Issue requiring Code Amendment (Section 73) 3/ Issue identified in the Regulations	Recommendation
		<p>SAPPA does not match the location of heights with the Concept Plan under the former Development Plan.</p> <p>Extract from SAAPA depicting location of building heights:</p>  <p>Former development Plan Concept Plan 112 – West Lakes:</p>	

No.	Code Policy Reference	Type of Issue: 1/ Code error (Section 76) 2/ Issue requiring Code Amendment (Section 73) 3/ Issue identified in the Regulations	Recommendation
		<p>Concept Plan 112 West Lakes</p>  <p>Concept Plan 112 WEST LAKES</p>	

From: [DTI:Plan SA](#)
To: [DTI:PlanSA Submissions](#)
Subject: FW: Amended -(signed copy) attached: Submission – Miscellaneous Technical Enhancement Code Amendment - Reference: 53642
Date: Thursday, 29 September 2022 2:56:35 PM
Attachments: [Sig_Logo_abc411c1-d2c0-45f6-858f-7c888781cdba.gif](#)
[Post-LaunchEmailSignature_09a2f09f-1e1f-43da-bde8-b1e440a62d71.jpg](#)
[Sig_Logo_abc411c1-d2c0-45f6-858f-7c888781cdba.gif](#)
[Post-LaunchEmailSignature_09a2f09f-1e1f-43da-bde8-b1e440a62d71.jpg](#)
[220822 - SIGNED LETTER - SPC Chair to Jamie Hanlon City of Playford - Extension request on the Miscellaneous Technical Enhancement Code Amendment.pdf](#)
[City of Playford Submission Miscellaneous Technical Code Enhancement Consultation.pdf](#)

OFFICIAL

Hi Team,

Can you assist with this enquiry? Thanks in advance for your help!

Your reference number is: 53642

Kind Regards,

Callum | Customer Support Officer
Planning & Land Use Services | Department for Trade and Investment
E PlanSA@sa.gov.au | W plan.sa.gov.au
P 1800 752 664



We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders. Information contained in this email message may be confidential and may also be the subject of legal professional privilege or public interest immunity. Access to this email by anyone else is unauthorised. If you are not the intended recipient, any use, disclosure or copying of this document is unauthorised and may be unlawful.

From: Jamie Hanlon

Sent: Thursday, 29 September 2022 10:57 AM

To: DTI:Plan SA <PlanSA@sa.gov.au>

Cc: Sam Grieve

Derek Langman

Adam Squires

Subject: Amended -(signed copy) attached: Submission – Miscellaneous Technical Enhancement Code Amendment - Reference: 53642

Good Morning ,

It has come to my attention that the attached submission in my previous email is not the signed copy.

Please disregard the attached submission in my previous email and replace it with the attached signed copy attached to this email.

I apologise for the inconvenience.

Regards,



Jamie Hanlon
Urban Policy Planner •
City of Playford

12 Bishopstone Road, Davoren Park, SA 5113

www.playford.sa.gov.au



From: Jamie Hanlon

Sent: Thursday, 29 September 2022 10:21 AM

To: DIT:Plan SA <PlanSA@sa.gov.au>

Cc: Sam Grieve ; Derek Langman ; Adam Squires

Subject: Submission – Miscellaneous Technical Enhancement Code Amendment - Reference: 53642

Reference: 53642

Good Morning ,

Please find attached the City of Playford's submission to the Miscellaneous Technical Enhancement Code Amendment Consultation.

Please also find attached, a signed copy by the Chair of the Commission, a letter allowing an extension of time to provide our submission by 30 September 2022.

Thank you for the opportunity to provide our feedback.

Regards,



Jamie Hanlon
Urban Policy Planner •
City of Playford

12 Bishopstone Road, Davoren Park, SA 5113

www.playford.sa.gov.au



19118142

22 August 2022

Level 5, 50 Flinders Street
Adelaide SA 5000GPO Box 1815
Adelaide SA 500108 7109 7466
saplanningcommission@sa.gov.auMr Jamie Hanlon
Urban Policy Planner
City of Playford

By email:

Dear Mr Hanlon

Miscellaneous Technical Enhancement Code Amendment – Consultation period 25 July to 23 September 2022

Thank you for your email of 11 August 2022 on behalf of the City of Playford (the Council) requesting an extension to provide a submission on the Miscellaneous Technical Enhancement Code Amendment, which is being led by the State Planning Commission (the Commission).

This Code Amendment has been informed by significant pre-consultation, with the scope and issues addressed within, based on feedback received from the Commission's 'call for issues' in the second half of last year.

In addition, Planning and Land Use Services (PLUS) has undertaken a series of workshops earlier this year with practitioners from councils and industry, along with Accredited Professionals. PLUS has also provided updates at the monthly policy forums to seek feedback on the potential policy directions, which the Commission considered when preparing the Code Amendment

Unfortunately, in light of the above and the need to continue efficient progression of the Code Amendment, the request for an extension to Council's submission of five weeks (to 28 October 2022) is currently not supported.

However, acknowledging the position of Council and its meeting date of 27 September 2022, the Commission can offer an extension of one week (to 30 September 2022) to allow for any subsequent amendments to Council's submission if required.

I appreciate your understanding of the above and can be contacted if required to discuss in further detail.

Yours sincerely

**Craig Holden**
Chair



23 September 2022

Code Amendment Team
Planning and Land Use Services
Department for Trade and Investment
GPO Box 1815
Adelaide SA 5001

Dear Planning and Land Use Services

Draft State Miscellaneous Technical Enhancement Code Amendment for consultation

Thank you for the opportunity to provide comment regarding the draft State Miscellaneous Technical Enhancement Code Amendment.

The draft amendments to the Code cover a wide range of relevant subjects and the majority of the proposals are acceptable in order to improve the functionality and efficiency of the Planning and Design Code.

Nonetheless, Council have identified seven (7) issues of concern, detailed in the table below.

Five of these issues relate to the removal of forms of restricted development from Table 4 in various zones.

In each case Council supports the change to the relevant authority, as local Assessment Panels and Assessment Managers are best suited to understand the local context in which development is proposed. Playford's concern lies with the absence of policies that strategically protect the intent of zones and overlays.

An example is the Deferred Urban Zone, which controls growth so as not to prejudice orderly development in the future, and primary production type zones where large allotment sizes ensure land is available for viable primary production. Where development will be removed from the restricted development category, we consistently recommend the provision of the below requests.

- A list of development that states (listed) types of development that are strategically integral to supporting the function of certain zones and are not envisaged in relevant overlays:

City of Playford

Call — 08 8256 0333
playford@playford.sa.gov.au
playford.sa.gov.au

Post

12 Bishopstone Road
Davoren Park SA 5113

Visit

Playford Civic Centre
10 Playford Boulevard
Elizabeth SA 5112

Stretton Centre
307 Peachey Road
Munno Para SA 5115

- Policies to ensure assessment panels and managers consider how identified types of development that cumulatively will strategically undermine the intent of certain zones will impact on the strategic intent of zones in their assessment of such development.

An example is a proposal to divide land within a primary production area is assessed as an individual proposal but divisions cumulatively over time will turn large areas non-viable for commercial farming.

- A policy for listed strategic impact types of development as follows; DTS/DPF 1.2 None are applicable.

In relation to the proposal to introduce the new Development Categories of Primary Development (P) and Ancillary Development (A) we feel this should be referred for careful consideration by the review of South Australia's planning system; General application of this change is likely to result in unintended outcomes. Where there are issues, the relevant tables should be amended. Council consider that the introduction of additional development pathway exceeds the scope identified for the Miscellaneous and Technical Code Enhancement and further consideration of potential impacts is required. This could either be achieved as part of the upcoming review of the planning framework, or as a dedicated Code Amendment.

The final issue Council have commented on is the definition of truck parking on residential and rural living allotments. While Council welcome the definition, given the nuanced nature of such assessment, it is suggested that DPF provisions are not appropriate given the implied appropriateness of this, even if completely inappropriate in a locality. This can be a sensitive issue as it has the potential to have ongoing impacts to the amenity of residential streets and undermines the intent of primary production zones.

Please see Councils detailed submission in the table below.

2.3.2.9. Restricted Development Classification Table 4		
Pg. 28 in the document `For Consultation- Miscellaneous Technical Enhancement Code Amendment`		
Proposal	Issue	Submission
<p>AMEND Table 4 – Restricted Development Classification across all relevant zones to align the restricted development classification with either/or both of the new principles. Note: see individual classes of development or specific zones for further detail of proposed changes to restricted development classification.</p>	<p>It is welcome that local assessment managers and assessment panels will be the relevant authority for the types of development subject to this proposal given their knowledge of local context. Notwithstanding this the removal of some types of development from the Restricted Development Classification does create issues where development can undermine zoning.</p> <p>Inappropriate development had been controlled under references in development plans under "prohibited" under the Planning Act 1982 and later as "non-complying" development under the Development Act 1993. Whilst lists of inappropriate development were revised for rezoning and managed under a similar scheme as restricted development in the PDI Act. This listing although not as rigorous as previous schemes made it clear to developers that certain types of development were at high risk of failing and had to demonstrate significant merit to succeed.</p> <p>The removal of the Restricted Development Classification of certain types of development does create issues given the only 'fail safes' to control inappropriate development will rely on overlays and the occasional reference that development should not occur. This can be demonstrated in current zones that have a provision that battle-axe land divisions should not occur. Once an application is lodged there is no justifiable way to refuse the division especially when it meets general requirements albeit not resulting in a good planning outcome.</p> <p>Development which has impacts limited to affecting the character within the zone should be performance assessed as it may not actually adversely impact on the character of the locality.</p>	<ul style="list-style-type: none"> • The change to the relevant authority is supported as Council is best placed to assess the nominated types of restricted development given local knowledge and context, local conditions and likely local impacts. • Concerns that intent and function of zones will be eroded due to lack of policies that reflect the intent and function of zones as once an application is lodged it will fall back on general policies which do not reflect the intent and function of specific zones. • Provide a list of development that states listed types of development that cumulatively will potentially impact on the strategic intent of zones are not envisaged in relevant overlays.

	<p>The provisions within the Code that control character issues should be suitable to ensure in the context of character and only development appropriate in a locality will occur.</p> <p>Those types of development which have the potential to undermine the intent of the zone should be subject to rigorous assessment pathways.</p> <p>These are largely discussed below, however where these are impacted are the same issues.</p> <p>There are no provisions in the code to deal with the cumulative impact of or prevent inappropriate development undermining the intent and function of zones.</p> <p>The issue of high impact, or inappropriate development needs its own assessment pathway not unlike the non-complying system and this is better addressed in the review of the South Australia's planning system. Nevertheless, in the interim until this is addressed in the Act or in the case no changes to the legislation occur, we would like to see the following additions to the Code:</p> <ul style="list-style-type: none"> • Provide a list of development that states listed strategic impact types of development are not envisaged in relevant overlays or zones. • Provide policies to ensure assessment panels and managers consider how listed types of development that cumulatively will potentially impact on the strategic intent of zones in their assessment of such development. • Provide to listed types of development that cumulatively will potentially impact on the strategic intent of zones a DTS/DPF 1.2 None are applicable. 	<ul style="list-style-type: none"> • Provide policies to ensure assessment panels and managers consider how listed types of development that cumulatively will potentially impact on the strategic intent of zones will impact on the strategic intent of zones in their assessment of such development. • Provide to listed strategic impact types of development a DTS/DPF 1.2 None are applicable.
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2.3.2.9.2. Land Division within the Limited Land Division Overlay

Page31 in the document `For Consultation- Miscellaneous Technical Enhancement Code Amendment`

Proposal	Issue	Submission
<p>REMOVE land division when the Limited Land Division Overlay applies in Table 4 – Restricted Development Classification in the Productive Rural Landscape Zone, Rural Zone, and Rural Horticulture Zone. Note: while other zones may have the Limited Land Division Overlay applying, this will not need to be amended as land division is not listed within Table 4 – Restricted Development Classification.</p>	<p>It is welcome that local assessment managers and assessment panels will be the relevant authority for land division in the Limited Land Division Overlay given their knowledge of local context.</p> <p>Notwithstanding this, the removal of land division in the Limited Land Division Overlay from the Restricted Development Classification does create issues where this type of development can undermine relevant zones.</p> <p>Historically in Playford the now Limited Land Division Overlay is positioned where the Primary Production and Horticulture Zones were once located. These Zones protected</p> <p>In these previous Zones land division was listed as non-complying. This was to preserve land for viable farming and horticulture and also to prevent such areas as becoming rural living areas.</p> <p>As mentioned above There are no provisions in the code to deal with strategic issues or prevent inappropriate development from carving away at and undermining the intent and function of zones.</p> <p>The above risks are heightened where-overall land division does not require a demonstration of intent of use making it challenging to justify refusal.</p> <p>The issue of dividing land in a rural context requires its own rigorous assessment pathway not unlike the non-complying system and this is better addressed in the review of South Australia’s planning system. Nevertheless, in the interim until this is addressed in the Act or in the case no changes to the legislation occur, we would like to see the following additions to the Code:</p>	<ul style="list-style-type: none"> • Submission • The change to the relevant authority is supported as Council is best placed to assess dwellings within the Limited Dwelling Overlay given local knowledge of local context, local conditions and likely local impacts. • Concerns intent and function of zones will be eroded due to lack of policies that reflect the intent and function of zones as once an application is lodged it will fall back on general policies which do not reflect the intent and function of specific zones. • Provide in a list of development that states dwellings are not envisaged within the Limited Dwelling Overlay. • Provide policies to ensure assessment panels and managers consider how listed strategic impact types of development will impact on the strategic intent of zones in their dwellings in the Limited Dwelling Overlay.

	<ul style="list-style-type: none"> • Provide in a list of development that states land division is not envisaged within the Limited Land Division Overlay. • Provide policies to ensure assessment panels and managers consider how listed strategic impact types of development will impact on the strategic intent of zones in their dwellings in the Limited Land Division Overlay. • Provide for Land Division in the Limited Dwelling Overlay a DTS/DPF 1.2 None are applicable. 	<ul style="list-style-type: none"> • Dwellings in the Limited Dwelling Overlay a DTS/DPF 1.2 None are applicable.
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2.3.2.9.3. Dwelling within the Limited Dwelling Overlay
Page32 in the document `For Consultation- Miscellaneous Technical Enhancement Code Amendment`

Proposal	Issue	Submission
<p>REMOVE dwelling when the Limited Dwelling Overlay applies from Table 4 – Restricted Development Classification in the Rural Zone and Rural Horticulture Zone AMEND PO 1.1 of the Limited Dwelling Overlay to make it clear that no new dwellings are envisaged.</p>	<p>It is welcome that local assessment managers and assessment panels will be the relevant authority for dwellings in the Limited Dwelling Overlay given their knowledge of local context.</p> <p>Notwithstanding this, the removal of dwellings in the Limited Dwelling Overlay from the Restricted Development Classification does create issues where this type of development can undermine the Zone.</p> <p>Historically in Playford the now Limited Dwelling Overlay is positioned where the Primary Production and Horticulture Zones were once located. These Zones protected Primary Production from encroachment of rural living uses and industrial and commercial uses not directly associated with farming or horticulture.</p> <p>In these previous Zones dwellings located in on land created after certain dates were listed as non-complying. This was to preserve land for viable farming and horticulture and to prevent such areas as becoming rural living areas.</p>	<ul style="list-style-type: none"> • The change to the relevant authority is supported as Council is best placed to assess dwellings within the Limited Dwelling Overlay given local knowledge of local context, local conditions and likely local impacts. • Concerns intent and function of zones will be eroded due to lack of policies that reflect the intent and function of zones as once an application is lodged it will fall back on general policies which do not reflect the intent and function of specific zones. • Provide in a list of development that states dwellings are not

	<p>The location of dwellings in these areas constrain legitimate rural uses on abutting allotments by drawing complaints regarding odours, dust and noise as well as nocturnal harvesting.</p> <p>Where residents are not farming and large areas of land are not used, there is risk of land being used for other uses such as truck parking or storage of goods where it is not necessary in a rural area and prejudices the use of neighbouring land and future use of the land for farming.</p> <p>As mentioned above There are no provisions in the code to deal with strategic issues or prevent inappropriate development from chipping away at and undermining the intent and function of zones.</p> <p>The above risks are heightened where-overall a dwelling on a large allotment will satisfy most general provisions in the Code dealing with dwellings making it challenging to justify refusal and even have amendments so that dwellings are at least located so the land can be used for primary production in the future.</p> <p>The issue locating dwellings in the Limited Dwelling needs its own assessment pathway not unlike the non-complying system and this is better addressed in the review of South Australia's planning system. Nevertheless, in the interim until this is addressed in the Act or in the case no changes to the legislation occur, we would like to see the following additions to the Code:</p> <ul style="list-style-type: none"> • Provide in a list of development that states dwellings are not envisaged within the Limited Dwelling Overlay. • Provide policies to ensure assessment panels and managers consider how listed strategic impact types of development will impact on the strategic intent of zones in their dwellings in the Limited Dwelling Overlay. 	<p>envisaged within the Limited Dwelling Overlay.</p> <ul style="list-style-type: none"> • Provide policies to ensure assessment panels and managers consider how listed strategic impact types of development will impact on the strategic intent of zones in their dwellings in the Limited Dwelling Overlay. • Dwellings in the Limited Dwelling Overlay a DTS/DPF 1.2 None are applicable.
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	<ul style="list-style-type: none"> • Dwellings in the Limited Dwelling Overlay a DTS/DPF 1.2 None are applicable. 	
2.3.2.9.5. Dwelling and Land Division within the Deferred Urban Zone Page33 in the document `For Consultation- Miscellaneous Technical Enhancement Code Amendment`		
Proposal	Issue	Submission
<p>REMOVE dwelling and land division from Table – 4 Restricted Development Classification within the Deferred Urban Zone.</p>	<p>It is welcome that local assessment managers and assessment panels will be the relevant authority for dwellings in the Limited Dwelling Overlay given their knowledge of local context.</p> <p>While the change to the relevant authority is welcome, the removal of dwellings and land division from the Restricted Development in the Restricted Development Classification within the Deferred Urban Zone will potentially completely undermine the intent of the Zone which is to control development to allow future urban rezoning.</p> <p>As mentioned above There are no provisions in the code to deal with strategic issues.</p> <p>In our Growth Areas there are single allotments zoned Deferred Urban because landowners had not signed infrastructure deeds.</p> <p>These have the potential to attract large unsustainable community divisions and poorly located industrial or commercial uses surrounded by residential areas.</p> <p>It is not justifiable that surrounding landowners must contribute to infrastructure in order to develop their allotments whereas those that had not signed up have a good chance of success as well as exploiting new surrounding infrastructure without contributing to the cost.</p>	<p>Change to the relevant authority is supported as Council is best place to assess these types of development given local knowledge of local context, local conditions and likely local impacts.</p> <ul style="list-style-type: none"> • Concerns intent and function of zones will be eroded due to lack of policies that reflect the intent and function of zones as once an application is lodged it will fall back on general policies which do not reflect the intent and function of specific zones. • Provide in a list of development that states dwellings and land division are not envisaged within the Deferred Urban Zone. • Provide policies to ensure assessment panels and managers consider how dwellings and land division will impact on the strategic intent of the Deferred Urban Zone.

	<p>The Deferred Urban Zone north of the Virginia Township is to prevent growth in a significant flood area. Flood controls on this part of the Gawler River are not planned in the foreseeable future as it will require considerable State funding as well as collaboration across a number of councils. Even if developments can address flooding issues such as raising floor level heights, these may be so high as to impact the character both now and, in the future, when the area is rezoned for urban development. If developments can presently address flooding issues in most cases, they would be isolated in a flood event.</p> <p>The issue locating dwellings or allowing land division in the Deferred Urban Zone needs its own rigorous assessment pathway, not unlike the non-complying system and this is better addressed in the review of South Australia’s planning system. Nevertheless, in the interim until this is addressed in the Act or in the case no changes to the legislation occur, we would like to see the following additions to the Code:</p> <ul style="list-style-type: none"> • Provide in a list of development that states dwellings and land division are not envisaged within the Deferred Urban Zone. • Provide policies to ensure assessment panels and managers consider how listed strategic impact types of development will impact on the strategic intent of zones in their dwellings in the Deferred Urban Zone. • Provide a DTS/DPF 1.2 “None are applicable” for dwellings and land division within the Deferred Urban Zone. 	<ul style="list-style-type: none"> • Provide a DTS/DPF 1.2 “None are applicable” for dwellings and land division within the Deferred Urban Zone.
2.3.2.9.1. Industry listed as a restricted development classification, pg. 29 in the document `For Consultation- Miscellaneous Technical Enhancement Code Amendment`		
Proposal	Issue	Submission
AMEND Table – 4 Restricted Development Classification within the following zones that have	It is welcome that local assessment managers and assessment panels will be the relevant authority for dwellings in the Limited Dwelling Overlay given their knowledge of local context.	Provide in a list of development Provide a list of development not envisaged in overlays.

<p>Industry listed (with the exclusion of Light Industry) and replace it with Special Industry as a restricted class of development</p> <p>Class of Development Exclusions</p> <p>Special Industry</p> <p>Industry Light Industry</p> <p>Employment Zone</p> <ul style="list-style-type: none"> • Strategic Innovation Zone • Suburban Business Zone • Capital City Zone • City Main Street Zone • Local Activity Centre Zone • Suburban Activity Centre Zone • Suburban Main Street Zone • Township Zone • Township Activity Centre Zone • Township Activity Centre Zone • Urban Activity Centre Zone <p>Note: that Special Industry is not a Restricted Class of Development when located in the Gillman Subzone, National Naval Shipbuilding Subzone or</p>	<p>While the change to the relevant authority is welcome, the removal of industry from the Restricted Development in the Restricted Development Classification within the listed Zones will potentially undermine the intent and function of zones as once an application is lodged it will fall back on general policies which do not reflect the intent and function of specific zones.</p> <p>As mentioned above There are no provisions in the code to deal with strategic issues.</p> <p>Proposals to introduce or expand industry in some of these Zones needs its own rigorous assessment pathway, not unlike the non-complying system and this is better addressed in the review of South Australia’s planning system.</p> <p>Nevertheless, in the interim until this is addressed in the Act or in the case no changes to the legislation occur, we would like to see the following additions to the Code.</p> <ul style="list-style-type: none"> • Provide in a list of development Provide a list of development not envisaged in overlays. • Provide policies to ensure assessment panels and managers consider how listed strategic impact types of development will impact on the strategic intent of zones. • Provide a DTS/DPF 1.2 “None are applicable” for industry within the more sensitive zones. 	<ul style="list-style-type: none"> • Provide policies to ensure assessment panels and managers consider how listed strategic impact types of development will impact on the strategic intent of zones. • Provide a DTS/DPF 1.2 “None are applicable” for industry within the sensitive zones.
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<p>the Significant Industry Subzone of the Strategic Employment Zone. This is to remain.</p>		
<p>2.3.2.14. Common and Minor Development – Overlay Relevance – Assessment Pathways, Page 90 in the document `For Consultation- Miscellaneous Technical Enhancement Code Amendment`</p>		
<p>Proposal</p>	<p>Issue</p>	<p>Submission</p>
<p>Introduction of Development Categories Primary Development (P) – this category can be described as development that establishes the primary use of the land (e.g., a dwelling). These are uses where a greater level of assessment is likely to be required. Land division has been included in this list as it is often important in establishing a primary use (e.g., creating a residential allotment).</p> <ul style="list-style-type: none"> • Ancillary Development (A) – this category includes minor forms of development that are generally associated with a primary use. The effect of ancillary development with respect to overlay outcomes is generally of little consequence once a primary use has been 	<p>We consider that this extends beyond the scope of technical changes and should be referred to the review of South Australia’s planning system.</p> <p>Should this not occur if changes are needed then a better approach is to amend relevant tables to avoid unintended outcomes from the general application of a new system.</p>	<ul style="list-style-type: none"> • Amend relevant tables to avoid unintended outcomes from a general application of a new system.

<p>established, given that the Accepted and DTS criteria safeguards that ensure development in this category is of a modest scale.</p>		
<p>2.3.4.8. Heavy Vehicle Parking – Transport, Access and Parking General Development Policy – Policy and Definition Review, pg. 205 in the document `For Consultation- Miscellaneous Technical Enhancement Code Amendment`</p>		
<p>Proposal</p>	<p>Issue</p>	<p>Submission</p>
<p>CREATE new policy within the Transport, Access and Parking General Module to guide the assessment of heavy vehicle parking CREATE a new land use definition for heavy vehicle parking (refer to the definitions section of this Code Amendment for further details).</p>	<p>While definition of truck parking is welcome the proposed operational requirements only serve to minimise impacts on neighbours rather than mitigate issues.</p> <p>There needs to be consideration that this will introduce on-going nuisances and impairments to amenity to residential areas while only negating worst case outcomes.</p> <p>Proposed policies do not appear to address ongoing impacts to residential and rural living amenity in terms of air pollution and odours, noise, vehicle routes through residential streets.</p> <p>Whilst the investigation compares truck parking to motorhomes and caravans etc, these have different impacts and issues. These are stored vehicles and are not mobile daily. The impacts, especially visual impacts of these are not regulated and the impacts these have to the local community are unknown.</p> <p>A consideration should be given to the cost to councils due to road and infrastructure maintenance and route impacts on local traffic.</p> <p>Crossovers are likely to require upgrading to prevent damage to guttering and footpaths and to prevent pitting to road reserves. Upgrades to crossovers to commercial crossovers can result in an impairment of streetscapes.</p>	<p>definition of truck parking is welcome.</p> <p>land Provide DTS/DPF 1.2 None are applicable.</p> <p>Provide a list of development not envisaged in zones and or overlays.</p> <p>Provide DTS/DPF 1.2 None are applicable.</p>

	<p>In many cases due to the height of vehicles, trucks will need to be parked at the front of dwellings.</p> <p>The requirement to screen parked vehicles is likely to encourage Colorbond fences along front boundaries which can also adversely impact on streetscapes.</p> <p>Truck parking will potentially justify large garages on residential properties which will potentially adversely impact streetscapes.</p> <p>Truck parking in association with farming is a necessity and remains responsive to the needs of farmers. This may be one or two small rigid trucks associated with market gardening to the larger B-doubles supporting large cereal or grazing operations. Where trucks are not ancillary to farming in rural areas is where problems are created with land lost to non-farming uses, impairment to rural character and pressures from growing businesses as well as the dumping or storage of disused vehicles, trailers and containers.</p> <p>The proposed policies assume the circumstances of truck drivers are static and do not account for the need of employees, changing contracts which necessitate trucks leaving and returning out of approved hours, requirements refrigeration units running all night or full loads to be transferred for example if a truck breaks down and in this case requiring major repairs on site, will impact on the amenity in the street putting resource pressures on Councils trying to enforce the scope and conditions of approval.</p> <p>There are no enforceable guidelines to ensure vehicles meet safe emission standards even if this was possible, how this could be demonstrated when it comes time to replace vehicles and in relation to air pollution how far vehicles should be from sensitive receivers before they will cause harm to the community.</p>	
--	--	--

	<p>Whereas we support the definition we submit that there should be a provision of DTS/DPF 1.2 None are applicable.</p> <p>Provide a list of development not envisaged in zones and or overlays.</p> <p>Provide DTS/DPF 1.2 None are applicable.</p>	
--	--	--

The City of Playford looks forward to these matters being addressed in the final version of the Planning and Design Code.

Please contact Jamie Hanlon (Urban Policy Planner) on _____ or _____ if you have any enquiries.

Yours faithfully



Samantha Grieve
Acting Senior Manager City & Corporate Planning

From: [Burdon, Leif \(DTI\)](#)
To: [Sagigi, Leah \(DTI\)](#)
Subject: FW: Adelaide Hills Council Miscellaneous Technical Enhancement Code Amendment Submission
Date: Friday, 30 September 2022 9:11:20 AM
Attachments: [Adelaide Hills Council MTE-CA Submission.pdf](#)

OFFICIAL

Good morning Leah

Could you please add this one to the register and knet

Thanks

Leif Burdon
Senior Planning Officer

Planning and Land Use Services
Department for Trade and Investment

From: James Szabo
Sent: Thursday, 29 September 2022 4:49 PM
To: SA Planning Commission <saplanningcommission@sa.gov.au>
Cc: Burdon, Leif (DTI) ; narmstrong
Subject: Adelaide Hills Council Miscellaneous Technical Enhancement Code Amendment Submission

Hi Britt,

Please find attached Adelaide Hills Council's Submission on the MTE Code Amendment.

This was endorsed by the Council on Tuesday night at its September meeting.

Warm regards
James

James Szabo
Senior Strategic & Policy Planner

From: SA Planning Commission <saplanningcommission@sa.gov.au>
Sent: Wednesday, 14 September 2022 4:36 PM
To: James Szabo
Cc: Burdon, Leif (DTI)
Subject: RE: Adelaide Hills Council request for extension to provide a submission on the Miscellaneous Technical Enhancement Code Amendment

[EXTERNAL]

OFFICIAL

Hi James

Noting Council's meeting is on Tuesday 27 September, Craig is happy for Council to have an extension until Friday 30 September.

Cheers

Britt

Britt Anderson

Senior Administrative Officer

Executive Assistant to the Chair of the State Planning Commission

Governance and Legislation

Planning and Land Use Services

Department for Trade and Investment

W plan.sa.gov.au

W dti.sa.gov.au



We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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From: SA Planning Commission

Sent: Wednesday, 14 September 2022 3:49 PM

To: James Szabo

Cc: Burdon, Leif (DTI)

Subject: RE: Adelaide Hills Council request for extension to provide a submission on the Miscellaneous Technical Enhancement Code Amendment

OFFICIAL

Hi James

Thank you for your email.

I will forward your request to Craig Holden, Chair, State Planning Commission for consideration.

I will get back to you soon.

Kind regards

Britt

Britt Anderson

Senior Administrative Officer

Executive Assistant to the Chair of the State Planning Commission

Governance and Legislation

Planning and Land Use Services

Department for Trade and Investment

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We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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From: James Szabo

Sent: Wednesday, 14 September 2022 9:28 AM

To: SA Planning Commission <saplanningcommission@sa.gov.au>

Subject: Adelaide Hills Council request for extension to provide a submission on the Miscellaneous Technical Enhancement Code Amendment

Dear Sir/Madam,

The Adelaide Hills Council is seeking an extension of time to respond to the Miscellaneous Technical Enhancement Code Amendment to allow the submission to be endorsed at the September Council Meeting, scheduled for the 27th September 2022.

To allow sufficient time for staff to finalise the submission following the meeting, we would request a one week extension until the 30th September 2022.

We hope this can be accommodated.

Warm regards,
James

James Szabo

Senior Strategic & Policy Planner

Visit me at: 63 Mount Barker Road, Stirling SA 5152

p: PO Box 44 Woodside SA 5244

Signature



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29 September 2022

Mr Craig Holden
Chair – State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

Email: plansasubmissions@sa.gov.au

Dear Mr Holden,

Adelaide Hills Council - Miscellaneous Technical Enhancement Code Amendment Submission

The Adelaide Hills Council appreciates the opportunity to contribute to further refinement and improvement of the Planning and Design Code (the Code) via the Miscellaneous Technical Enhancement Code Amendment (the Amendment) led by the State Planning Commission (the Commission).

Since the introduction of the Code Council Staff have been proactively identifying and analysing a range of Code related issues as they arise through development assessment processes and ongoing policy analysis. Many issues relating to this Amendment have been raised in Council's previous submission as part of the scoping phase, while some have been identified in the interim period prior to the release of the draft Amendment.

For those issues that were previously raised and have drawn a satisfactory response – and there are many – we commend the Commission and Agency Staff for their attention to these matters, they will assist in streamlining and improving assessment processes and outcomes.

For the issues that were previously raised and are yet to attract a satisfactory response and for those issues that have been identified more recently, a detailed policy analysis and amendment proposal has been presented below for consideration by the Commission (refer to **Enclosure A**). I would draw your attention to two of those issues, one involving land division in the Adelaide Hills Subzone and the other boundary realignment in the Productive Rural Landscape Zone, where recent development activity has revealed some concerning weaknesses in the policy settings for these two important areas. If it would assist with informing the Commission's view on these matters my staff would be happy to meet to provide further context.

In addition, several key changes have attracted some concern and/or would benefit from additional refinement. For these changes additional commentary has been provided below (refer to **Enclosure B**). There is one change, involving the removal of the Restricted Development trigger in the Limited Land Division Overlay within the Productive Rural Landscape Zone that has been met with additional concern. This response from the Commission is not considered one that is strategically sound with the real possibility to heighten speculation for land in Adelaide's sought-after Peri-urban farmland – particularly 'lifestyle' properties. It is largely on account of this and other pressures that maintaining the procedural rigour of the Restricted Pathway is seen as so critical, particularly the

mechanism which provides the ability to refuse a Restricted Development application without proceeding to make an assessment. It's also viewed more favourably to have SCAP as the relevant authority on these matters to provide a consistent approach across the State, recognising that farmland protection is a State-wide matter. Procedural processes aside there is also a point to be made about what sort of message this sends the agricultural sector more broadly, but particularly in the Peri-urban region.

If the key issues identified within this submission can be addressed the Amendment will have a greater positive impact on development assessment processes and outcomes within the Adelaide Hills Council area – and likely other parts of the region. We trust that suggested changes put forward in this submission are within scope, and that the supporting investigations provide a satisfactory rationale for further analysis and ultimately the adoption of appropriate changes in the final version of the Amendment.

It is also recognised that the Expert Panel Planning System Implementation Review will afford an opportunity for a broader and deeper analysis to address other considerations outside the scope of this Amendment. In this regard Council has taken the opportunity in Section 8 of Enclosure A to raise some issues that could reasonably inform investigations as part of the review, noting that a more formal submission will be forthcoming.

Should you wish to clarify any of the matters raised by this submission please do not hesitate to contact Natalie Armstrong – Director of Development and Regulatory Services on [redacted] or via email [redacted]

We appreciate the opportunity to contribute to the continual enhancement of the Planning and Design Code to support great planning outcomes across the Adelaide Hills Council.

Yours sincerely



Andrew Aitken
Chief Executive Officer

Enc A – Additional Recommended Inclusions

Enc B – Response to MTE Code Amendment



ADELAIDE HILLS COUNCIL

**MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT
SUBMISSION**

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ENCLOSURE A
ADELAIDE HILLS COUNCIL
ADDITIONAL RECOMMENDED INCLUSIONS

1 – Adelaide Hills Subzone – land division – Policy Intent

Issue

Council staff have identified some specific policy refinement for the median land division criteria (also known as the ‘median rule’) within the Adelaide Hills Subzone, that aims to better clarify intended outcomes and ensure greater consistency between land division policy.

Investigation

Council Staff were invited to provide a draft policy framework for the Adelaide Hills Subzone as part of the Phase 3 Code development, the proposal sought to have the median rule policy (as expressed by DTS/DPF 2.1) referenced in both the Desired Outcomes and the Performance Outcomes. The intention was to maximise the weighting of the policy and ensure development outcomes were promoted comparable to those achieved under the Development Plan. Following the release of Phase 3 of the Code however, it was evident that this proposal was not adopted in full and DO 2 and PO 2.1 were given a more generic wording convention with no reference to the median rule, other than by DTS/DPF 2.1.

There has been a consistent view and feedback to the Commission and PLUS Staff through previous submissions that without more direct reference to the median rule in the DO’s and the PO’s there is a fundamental weakness in the policy when applied to a Performance Assessed land division application. Desired Outcome 2 and Performance Outcome 2.1 and DTS/DPF 2.1 read as follows:

DO 2	Land division is sympathetic to the allotment pattern and characteristics within the locality.
------	--

Site Dimensions and Land Division	
<p>PO 2.1</p> <p>Allotments/sites created for residential purposes are consistent with the established pattern of division surrounding the development site to maintain local character and amenity.</p>	<p>DTS/DPF 2.1</p> <p>Development satisfies (a) or (b):</p> <ol style="list-style-type: none"> 1. it will not result in more than 1 dwelling on an existing allotment 2. allotments/sites have an area the greater of the following (excluding the area within the access 'handle' if in the form of a battle-axe development): <ol style="list-style-type: none"> 1. 2000m² 2. the median allotment size of all residential allotments in the

	Adelaide Hills Subzone either wholly or partly within a radius of 200m measured from the centre of the main allotment frontage.
--	---

Concerns regarding the efficacy of the Policy within the Subzone were validated recently by an Environment, Resources and Development Court case (Parkins v Adelaide Hills Council Assessment Manager [2022] SAERDC 12) that has shown that PO 2.1 and by default DO 2 fails to deliver the land division outcomes anticipated. The case has revealed that despite quantum departures from the median allotment size expressed in DPF 2.1, PO 2.1 simply did not provide enough weighting to treat the concept of consistency with the established pattern of division surrounding development sites appropriately – by failing to respond to the median rule.

The decision reveals a disharmony between the PO and DTS/PPF that in our view requires a timely resolution to stem the precedent set by this decision. If left in its current form there is genuine concern that it will inevitably lead to a progressive downward trend in allotment sizes in most localities where there is currently a range of sizes, and subsequently a progressive erosion of the existing character of the Subzone, of which the median rule seeks to preserve.

It is noted that the creation of the Subzone was largely justified on the premise that Council had adopted an innovative approach to land division policy through the introduction of a median rule. The approach provided appropriate guidance for land division proposals by responding to the varying range of allotment sizes within the area defined spatially by the Subzone. It also acted as a non-complying trigger, discouraging those proposals that where under the median rule. These factors were deemed worthy of being transitioned into the Code via the subzone to replicate the outcomes achieved under the Adelaide Hills Development Plan. As demonstrated these outcomes are not being achieved with the current policy setting, and Council strongly suggests Amendments to the Subzone.

Proposed Code Change

AMEND DO 2 to ensure that outcomes seeking a sympathetic or consistent response to allotment patterns and characteristics apply the median allotment size within the locality.

AMEND PO 2.1 to ensure development appropriately achieves consistency with the character of the locality by replicating the median allotment size.

AMEND DTS/DPF 2.1 to remove duplication with comparable Zone criteria.

CONSIDER creating a new clause within the Rules of Interpretation section to better guide the assessment of DPF departures against corresponding PO’s.

Amendment instructions

Refer to Attachment A, and the corresponding Part of the issue/topic identified.

2 – Limited Land Division Overlay and Productive Rural Landscape Zone – land division (boundary realignment) – Policy Intent and Relevance

Issue

Limited Performance Outcome criteria in the Code providing guidance to a Relevant Authority where a boundary realignment is proposed within the Limited Land Division Overlay and the Productive Rural Landscape Zone.

Investigation

It is generally accepted that minimising the fragmentation of primary production land is contingent on discouraging the creation of additional allotments and limiting the scope of boundary realignments. This is particularly important in Adelaide’s sought-after Peri-Urban farmland within the Productive Rural Landscape Zone that is subject to heightened speculation particularly for smaller lifestyle properties. With regards to the Code the objective to minimise the fragmentation of farmland is captured succinctly by the Limited Land Division Desired Outcome which reads as follows:

DO 1	The long term use of land for primary production is maintained by minimising fragmentation through division of land.
------	--

However, the potential policy criteria available to inform an assessment for a boundary realignment in this regard reveals that PO 1.2 of the Overlay has limited application within the Productive Rural Landscape Zone (and possibly the Rural Zone) where no minimum site area TNV designation applies. This leaves a policy gap that is not reconciled by either the Productive Rural Landscape Zone or the Land Division General Development Policies which are both silent on minimising the fragmentation of farmland.

It is noted that under the Adelaide Hills Development Plan, boundary realignments in the primary production zone generally had a very narrow scope, with only minor readjustments of allotment boundaries to correct anomalies or improved management outcomes for the purpose of primary production or conservation generally contemplated. Additional Policy also explicitly discouraged fragmentation of primary production land and provided scope to ensure that any realignment and intended land use would not impede the use of rural land for primary production or value adding industries – giving scope to consider the protection of good agricultural land whether currently in production or not. For comparison, the Adelaide Hills Council Development Plan excerpts below highlight Principles of Development Control (PDCs) relating to boundary realignment that explicitly outline when and how a boundary realignment would be appropriate development:

Watershed (Primary Production) Zone	
PDC 19	Land division in rural areas should not occur where the proposed or potential use is liable to: (a) result in the pollution of water resources; or (b) <u>cause the loss of productive primary production land.</u>

PDC 20	Land division may be undertaken where no additional allotment or allotments are created and the purpose of the plan of division is to: (a) <u>provide for a minor readjustment of allotment boundaries to correct an anomaly in the placement of those boundaries with respect to the location of existing buildings;</u> and (b) <u>provide for a minor readjustment of allotment boundaries to improve the management of the land for the purpose of primary production and/or the conservation of its natural features.</u>
PDC 21	<u>Land division may be undertaken provided that the development of the resulting allotments would not result in a loss of primary production land or in a greater risk of pollution of surface or underground waters than would occur through development of the existing allotments.</u>
Land Division – Council Wide Provisions	
PDC 21	<u>Rural land should not be divided if the resulting allotments would be of a size and configuration likely to impede the efficient use of rural land for any of the following:</u> (a) <u>primary production</u> (b) <u>value adding industries related to primary production</u> (c) <u>protection of natural resources.</u>
PDC 22	Rural land should not be divided where new allotments would result in any of the following: (a) <u>fragmentation of productive primary production land...</u>

Through experience in assessing boundary realignments under the Code and comparing the outcomes achieved under the Development Plan there is a significant shortfall in policy addressing when a boundary realignment appropriate.

It is acknowledged that criteria in the Code reflecting some of the intent of the Development Plan policy above is contained in Mount Lofty Ranges Water Supply Catchment (Area 1 and 2) Overlay by DTS/DPF 5.1, which reads as follows:

Mount Lofty Ranges Water Supply Catchment (Area 1 and 2)	
Land Division	
PO 5.1 Land division does not result in an increased risk of pollution to surface or underground water.	DTS/DPF 5.1 Land division does not create additional allotments and satisfies (a) and/or (b): (a) is for realignment of allotment boundaries to correct an anomaly in the placement of those boundaries with respect to the location of existing buildings or structures

	<p>or</p> <p>(b) is for realignment of allotment boundaries in order to improve management of the land for primary production and/or conservation of natural features.</p>
--	--

It is noted that having the policy in this Overlay within the Code limits its application in supporting the intent of Limited Land Division Overlay (which has a greater spatial extent across rural land – see Figure 1) and clearer a objective to minimise farmland fragmentation from boundary realignment. In addition DTS/DPF 5.1 does not support the outcomes sought by PO 5.1. It is considered that the wording from DTS/DPF 5.1 should be moved to the Limited Land Division Overlay to support/or as a PO addressing boundary realignment.

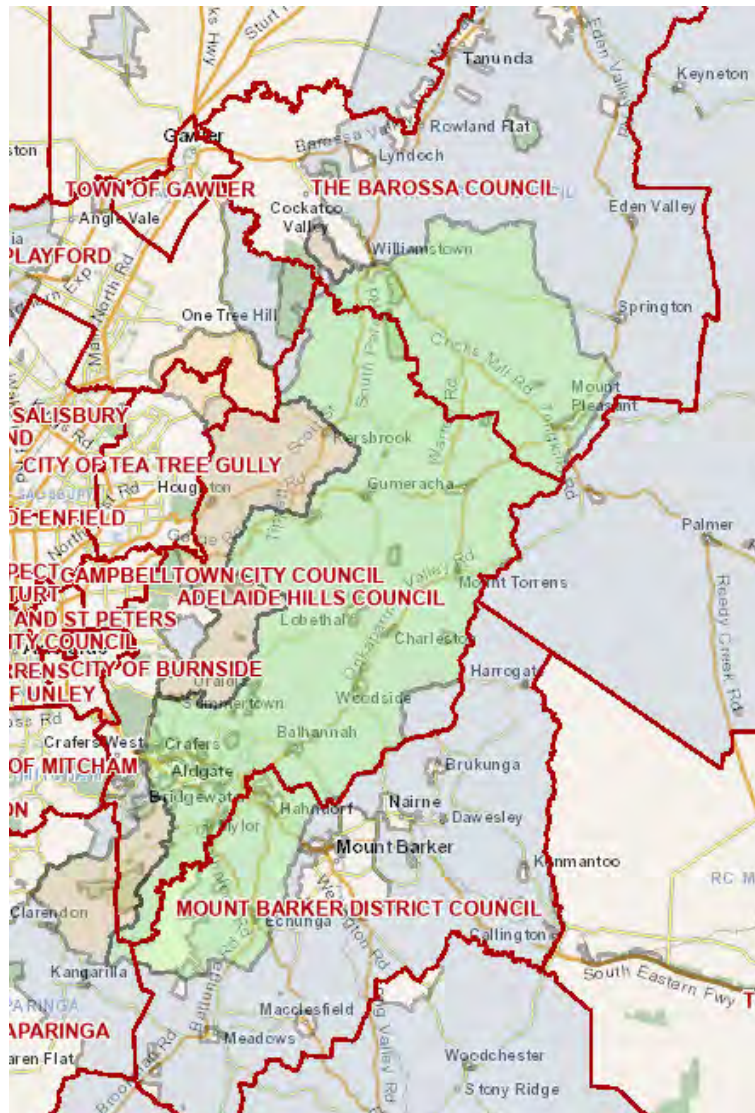


Figure 1 – Spatial extent of LLDO (blue) in comparison to the MLRWA(1&2)O (orange and green)



Proposed Code Change

CREATE new policy (PO 1.3) within the Limited Land Division Overlay to provide guidance of when land division, specifically boundary realignment where no minimum site area is specified in the relevant Zone, should occur.

CREATE new policy (PO 12.3) within the Productive Rural Landscape Zone to provide guidance on when land division, specifically boundary realignment that increases the capacity of the land for the purposes of primary production or conservation, is appropriate.

CONSIDER clarifying through the Rules of Interpretation section whether DO's have a role to play in the assessment of applications where no relevant POs are available to support the outcomes being sought.

Amendment instructions

Refer to Attachment A, and the corresponding Part of the issue/topic identified.

3 - Administrative Definitions – Neighbourhood-type zone – Township Zone

Issue

The administrative definition of a Neighbourhood-type zone in the Code appears to be at odds with the Guide to the Planning and Design Code (the Guide). In particular the Guide identifies the Township Zone as being within the suite of People and Neighbourhood Zones, this appears inconsistent with the range of Neighbourhood-type zones identified by the corresponding Administrative Definition, with the effect having procedural and performance assessment implications.

Investigation

In the Township Mainstreet Zone there are instances where the PO and DTS/DPF criteria refer to 'Neighbourhood-type zone' as a means to define the applicability of certain criteria. The Neighbourhood-type zone administrative definition reads as follows:

Term	Definition
Neighbourhood-type zone	<p>Means any of the following:</p> <ul style="list-style-type: none"> City Living Zone Established Neighbourhood Zone General Neighbourhood Zone Golf Course Estate Zone Hills Neighbourhood Zone Housing Diversity Neighbourhood Zone Master Planned Neighbourhood Zone Master Planned Township Zone Neighbourhood Zone Residential Park Zone Rural Living Zone Rural Neighbourhood Zone Rural Settlement Zone Rural Shack Settlement Zone Suburban Neighbourhood Zone Township Neighbourhood Zone Waterfront Neighbourhood Zone Urban Renewal Neighbourhood Zone

Assessment of certain proposals in the Township Mainstreet Zone has revealed that the adjoining Township Zone is not defined as a Neighbourhood-type zone in accordance with the above, and there are instances where reasonable notification triggers such as (DTS/DPF 3.2 & 3.3) are not applicable and performance criteria relating to visual impact and overshadowing cannot be reasonably applied.

Proposed Code Change



AMEND the Neighbourhood-type zone administrative definition to include Township Zone to address inconsistency with the Guide to the Planning and Design Code.

REVIEW all changes in the Amendment involving Neighbourhood-type Zones to ensure that the Township Zone is reasonably captured.

Amendment instructions

Refer to Attachment A, and the corresponding Part of the issue/topic identified.

4 – Productive Rural Landscape Zone – Detached Dwelling – Interface Between Land Uses

Issue

Feedback previously provided identified that policy provisions relating to matters of interface between sensitive receivers and rural land uses are not being called up for Performance Assessed detached dwellings in Table 3 – Applicable Policies for Performance Assessed Development of the Productive Rural Landscape Zone, and therefore are not available to a relevant authority for a development’s assessment.

It is suggested that PO 9.1 – 9.7 of the Interface between Land Uses General Development Policies and their associated DTS/DPF provisions are relevant to the assessment of detached dwellings within the zone. The issue and outcome being sought is comparative to section 2.3.2.4. Rural Zone – Detached Dwelling – Interface Between Land Uses – Linkages of the Amendment. For consistency between the rural suite of zones, this change should be replicated in the Productive Rural Landscape Zone.

Investigation

Investigations have ascertained that policy provisions from the Interface between Land Uses General Development Policies related to Interface with Rural activities, namely PO 9.1 – 9.7 have been applied to the following Deemed-to-Satisfy and Performance Assessed development types:

Deemed-to-Satisfy	Performance Assessed
Tourist Accommodation	Horsekeeping Horticulture Tourist Accommodation

These provisions relate more closely to the location and design of sensitive receivers with respect to an existing rural activity, rather than the design and siting of rural activities as they relate to dwellings. Only PO 9.6 could potentially relate to the development of a rural activity as it requires setbacks and vegetation to minimise spray drift, however this could equally apply to new residential development activities which are being proposed adjacent to existing rural activities. Given these provisions have been applied to tourist accommodation, it is considered appropriate to also apply PO 9.1 – 9.7 to a Detached Dwelling within the Productive Rural Landscape Zone to ensure a generally consistent approach.

Proposed Code Change

ADD the following policy linkages for Performance Assessed Detached Dwelling in Table 3 of the Productive Rural Landscape Zone, including associated DTS/DPF provisions:

- Interface between Land Uses [Interface with Rural Activities]: PO 9.1, PO 9.2, PO 9.3, PO 9.4, PO 9.5, PO 9.6, PO 9.7



CONSIDER it is noted that the Horticulture Deemed – to – Satisfy criteria does not capture any of the Interface Between Land Uses General Development Policies in the Productive Rural Landscape Zone and it is recommended that this be looked at as a separate but related issue.

Amendment instructions

Refer to Attachment A, and the corresponding Part of the issue/topic identified.

5 – Productive Rural Landscape Zone – Agricultural Buildings – Policy Review

Issue

Shortfalls and inconsistencies have been identified in the both the application and intent of the Built Form and Character policy criteria as it applies to Agricultural Buildings within the Productive Rural Landscape Zone (PRLZ).

Investigation

A review of the Accepted Development Classification Criteria, Deemed-to-Satisfy Classification Criteria and Performance Assessed Applicable Polices reveals that these inconsistencies and shortfalls result in different outcomes for the same type of building.

Some observations include:

- No requirement to respond to topography in the Accepted Development Classification Criteria. It is considered that the inclusion of PO 11.1 (c) would improve outcomes across the scenic locations of the PRLZ.
- There is no relevant Deemed-to-Satisfy criteria under DTS 11.1 (i.e. none are applicable) despite it being called up via Table 2. This in effect means that larger Agricultural Buildings can be eligible for DTS consent without having to respond to key outcomes relating to visual impact that smaller accepted development must consider.
- The Performance Assessment Applicable Policies do not call up PO 11.1. The exclusion of PO 11.1 from Table 3 means that Agricultural Buildings exceeding the DPF 13.1 minimum size (i.e. the largest scale), with potential for the most impact, have no applicable criteria guiding materials and finish (i.e. the use of low reflective materials and finishes that blend with the surrounding landscape and important siting considerations), and
- From a land use perspective Table 3 makes no reference to PO 1.1, despite Agricultural Buildings having a Performance Assessed Pathway and being contemplated in the Zone.

Table 1 – Accepted Development Classification criteria reads as follows:

Class of Development	Accepted Development Classification Criteria
<p>Agricultural building Except where any of the following apply:</p> <ul style="list-style-type: none"> • Character Area Overlay • Coastal Areas Overlay • Gateway Overlay • Hazards (Flooding) Overlay • Heritage Adjacency Overlay • Historic Area Overlay • Local Heritage Place Overlay 	<ol style="list-style-type: none"> 1. The development will be located on an allotment having an area of at least 10ha 2. The development is set back at least 50m from an allotment boundary 3. Building height - does not exceeding 10m above natural ground level 4. Total floor area - does not exceed 250m²

<ul style="list-style-type: none"> • Ramsar Wetlands Overlay • Significant Landscape Protection Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<ol style="list-style-type: none"> 5. If clad in sheet metal-is pre-colour treated or painted in a non-reflective colour 6. Does not involve- excavation exceeding a vertical height of 1m; or filling exceeding a vertical height of 1m, and, if the development involves both excavation and filling, the total combined excavation and filling must not exceed a vertical height of 2m 7. Does not involve the clearance of native vegetation 8. The development will not be located within the extents of the River Murray 1956 Flood Level as delineated by the SA Property and Planning Atlas.
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Table 2 – Deemed-to-Satisfy Classification Criteria within the Productive Rural Landscape Zone reads as follows:

Class of Development	Deemed-to-Satisfy Classification Criteria
	Zone
Agricultural building Except where any of the following apply: Character Area Overlay Character Preservation District Overlay Coastal Areas Overlay Gateway Overlay Hazards (Flooding) Overlay Heritage Adjacency Overlay Historic Area Overlay Local Heritage Place Overlay Ramsar Wetlands Overlay Significant Landscape Protection Overlay State Heritage Area Overlay State Heritage Place Overlay The Cedars Subzone	Land Use and Intensity DTS/DPF 1.1 Siting and Design DTS/DPF 2.1, DTS/DPF 2.2 Built Form and Character DTS/DPF 11.1 Agricultural Buildings DTS/DPF 13.1

Table 3 – Performance Assessment Classification criteria within the Productive Rural Landscape Zone reads as follows:

Class of Development	Applicable Policies
	Zone
Agricultural building	Siting and Design PO 2.1, PO 2.2

	Agricultural Buildings PO 13.1
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For reference an excerpt of the siting and design and built form and character criteria within the Productive Rural Landscape reads as follows:

Siting and Design	
PO 2.1 Development is provided with suitable vehicle access.	DTS/DPF 2.1 Development is serviced by an all-weather trafficable public road.
PO 2.2 Buildings are generally located on flat land to minimise cut and fill and the associated visual impacts.	DTS/DPF 2.2 Buildings: <ul style="list-style-type: none"> (a) are located on a site with a slope not greater than 10% (1-in-10) (b) do not result excavation and/or filling of land that is greater than 1.5m from natural ground level.
Built Form and Character	
PO 11.1 Large buildings designed and sited to reduce impacts on scenic and rural vistas by: <ul style="list-style-type: none"> (a) having substantial setbacks from boundaries and adjacent public roads (b) using low reflective materials and finishes that blend with the surrounding landscape (c) being located below ridgelines. 	DTS/DPF 11.1 None are applicable.
Agricultural Buildings	
PO 13.1 Agricultural buildings and associated activities are sited, designed and of a scale that maintains a pleasant rural character and function.	DTS/DPF 13.1 Agricultural buildings: <ul style="list-style-type: none"> (a) are located on an allotment having an area of at least 2ha (b) are setback at least 40m from an allotment boundary (c) have a building height not exceeding 10m above natural ground level

	<p>(d) do not exceed 350m² in total floor area</p> <p>(e) incorporate the loading and unloading of vehicles within the confines of the allotment.</p>
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Based on the above it is recommended that both the criteria applicable to Accepted, Deemed to Satisfy and Performance Assessment pathways be reviewed and revised as well as changes to the applicable policy criteria be considered to ensure consistent and improved outcomes.

Proposed Code Change

ADD new Table 1 criteria to provide additional guidance relating to siting of Agricultural Buildings.

CREATE a corresponding DTS/DPF criteria for PO 11.1 in the PRLZ to inform Agricultural Buildings that are eligible for a DTS pathway.

ADD PO 1.1 and PO 11.1 to Table 3 of the PRLZ to provide policy to guide land use, siting and design, including material and finish guidance for large structures.

CONSIDER whether the floor area thresholds for Acceptable and Deemed to Satisfy development assessment pathways (250m² and 350m² respectively) are appropriate and reasonably support anticipated rural value adding development.

NOTE there may be multiple ways to address this issue and the proposed Code change is the considered the preferred and more holistic approach.

Amendment instructions

Refer to Attachment A, and the corresponding Part of the issue/topic identified.

6 – Design in Urban Areas and Design – General Development Policies – Linkages

Issue

Consistent feedback has been provided since the inception of the Code that has identified that not all the policy provisions relating to Environmental Performance from the Design in Urban Areas and Design general Development Policies are linked to relevant Performance Assessed development (i.e. residential or commercial) within zones.

Investigation

PO 4.1 to PO 4.3 of the Design in Urban Areas and Urban General Development Policies are not linked to Performance Assessed development in Table 3 of relevant zones. The provisions read as follows:

Environmental Performance: PO 4.1: *Buildings are sited, oriented and designed to maximise natural sunlight access and ventilation to main activity areas, habitable rooms, common areas and open spaces.*

Environmental Performance: PO 4.2: *Buildings are sited and designed to maximise passive environmental performance and minimise energy consumption and reliance on mechanical systems, such as heating and cooling.*

Environmental Performance: PO 4.3: *Buildings incorporate climate-responsive techniques and features such as building and window orientation, use of eaves, verandahs and shading structures, water harvesting, at ground landscaping, green walls, green roofs and photovoltaic cells.*

None of the provisions appear in Table 3 – Applicable Policies for Performance Assessed Development in any zone where residential or commercial development appears as a Performance Assessed Development Type. Given all other policy provisions from the Design in Urban Areas and the Design General Development Policies are applied to a Performance Assessed residential and commercial development, it is considered the omission of these polices is a missed opportunity to raise the bar on imperative environmental design outcomes for new buildings and should be applied to all relevant residential and commercial Development types.

Proposed Code Changes

ADD PO 4.1, PO 4.2 and PO 4.3 of the Design in Urban Areas and Design General Development Policies to the Performance Assessed pathway for relevant “residential and commercial” development in all zones to ensure a consistent approach to the application of policy provisions from this module.

Amendment Instructions

Refer to ATTACHMENT A, and the corresponding Part of the Code and issue/topic identified



7 – Additional Recommended Inclusions

Spatial Application of Urban Tree Canopy & Stormwater Management Overlay

These Overlays do not apply to the Rural Neighbourhood or Township Zones in our Council Area, despite these zones displaying a compact residential form. We would suggest that the Commission consider localised application of these Overlays across non-urban areas. This will ensure that built up areas in various locations across the state can benefit from the outcomes sought by the policies within the Overlay.

Heat loading / roof colour

Energy efficiency policies should encourage light coloured roofs to minimise heat loading. Recent heat mapping demonstrates a significant difference between light and dark coloured roofs.

Historic and Character Area Overlay Policies

Most policies in the Historic and Character Area Overlay are worded very generically making them difficult to apply to developments. Additionally, most policies don't refer to the Area Statements which contain more useful policy guidance; PO 1.1 does refer to the Statement but this policy is very general and it would increase the weighting of the statements if other policies also referred to it.



8 – Issues identified in the AHC MTECA ‘call for issues’ but not addressed by the Amendment and other general issues

Desired Character Statements

Consideration should still be given to whether a Desired Character Statement Overlay could be developed with localised statements applied in a similar manner to Historic Area Statements.

Housing Diversity Neighbourhood Zone TNV

The TNV for this Zone in our Council is inconsistent with what Council requested in previous submissions on the Code. It should allow buildings up to 3 storeys to a maximum height of 12 metres.

Township and Township Mainstreet Zones

It is considered that the loss of Desired Character Statements impacted Adelaide Hills Townships disproportionately. It is considered that additional refinement of policy is necessary for promoting and enhancing the existing features of our regional and rural towns and their local context.

Privacy from Ground Level

The Code is lacking policy addressing privacy from ground level dwellings or habitable buildings which are raised above natural ground level or sit substantially higher than a neighbour’s yard.

Ancillary use thresholds

Some forms of uses traditionally considered ancillary (i.e. motorbike trails/parks on rural land) are causing impacts on amenity, could consideration be given to whether the legislation or Code can capture these specific examples as development as a means to mitigate their impacts.



ATTACHMENT A - PROPOSED CODE POLICY – AMENDMENT INSTRUCTIONS

1 – Adelaide Hills Subzone – land division – Policy Intent

Adelaide Hills Subzone

Within the Adelaide Hills Subzone amend DO1 to the following:

Desired Outcome	
DO2	Land division is sympathetic to the allotment pattern and <u>characteristics and is consistent with the median allotment size within the locality.</u>

Within the Adelaide Hills Subzone amend PO 2.1 to the following:

Land Division	
PO 2.1	DTS/DPF 2.1
<p>Allotments/sites created for residential purposes are consistent with the established pattern of division surrounding the development site to maintain local character and amenity. <u>Allotments/sites created for residential purposes achieve the median allotment size in the locality.</u></p>	<p>Development satisfies (a) or <u>and</u> (b):</p> <ol style="list-style-type: none"> 1. it will not result in more than 1 dwelling on an existing allotment 2. allotments/sites have an area the greater of the following (excluding the area within the access 'handle' if in the form of a battle-axe development): <ol style="list-style-type: none"> 1. 2000m² 2. the median allotment size of all residential allotments in the Adelaide Hills Subzone either wholly or partly within a radius of 200m measured from the centre of the main allotment frontage.

2 – Limited Land Division Overlay and Productive Rural Landscape Zone – land division (boundary realignment) – Policy Intent and Relevance

Limited Land Division Overlay

Within the Limited Land Division Overlay create PO 2.3 as follows:

General	
<p>PO 2.3</p> <p><u>Land division involving boundary realignment where no minimum site area is specified in the relevant Zone occurs only to:</u></p> <p>(a) <u>correct an existing anomaly in the placement of allotment boundaries;</u> <u>or</u> (b) <u>alter the boundaries in order to improve the management of the land for the purpose of primary production and/or the conservation of natural features.</u></p>	<p>DTS/DPF 2.1</p> <p>None are applicable.</p>

Within the Productive Rural Landscape Zone create PO 12.3 as follows:

General	
<p>PO 12.3</p> <p><u>Land division involving boundary realignments, which increase the capacity of the land for the purpose of primary production should occur only where:</u></p> <p>(a) <u>the allotments are of a size and configuration to support the existing and proposed land uses</u> (b) <u>water of sufficient quality and quantity is available to sustain the proposed use</u> (c) <u>the use will be compatible with adjacent or nearby uses of land.</u></p>	<p>DTS/DPF 2.1</p> <p>None are applicable.</p>

3 – Administrative Definitions – Neighbourhood-type zone

Within the Administrative Definitions amend the Neighbourhood-type zone definition as follows:

Term	Definition
Neighbourhood-type zone	<p>Means any of the following:</p> <ul style="list-style-type: none"> City Living Zone Established Neighbourhood Zone General Neighbourhood Zone Golf Course Estate Zone Hills Neighbourhood Zone Housing Diversity Neighbourhood Zone Master Planned Neighbourhood Zone Master Planned Township Zone Neighbourhood Zone Residential Park Zone Rural Living Zone Rural Neighbourhood Zone Rural Settlement Zone Rural Shack Settlement Zone Suburban Neighbourhood Zone <u>Township Zone</u> Township Neighbourhood Zone Waterfront Neighbourhood Zone Urban Renewal Neighbourhood Zone



4 – Productive Rural Landscape Zone – Detached Dwelling – Interface Between Land Uses

Within the Productive Rural Landscape Zone, amend Table 3 – Applicable Policies for Performance Assessed Development for a detached dwelling by including following policy linkages:

General Development Policies – Interface between Land Uses [Interface with Rural Activities]: PO 9.1, PO 9.2, PO 9.3, PO 9.4, PO 9.5, PO 9.6, PO 9.7

5 – Productive Rural Landscape Zone – Agricultural Buildings – Policy Review

Within the Productive Rural Landscape Zone, amend Table 1 – Accepted Development Classification criteria to provide additional guidance relating to siting of Agricultural Buildings.

Class of Development	Accepted Development Classification Criteria
<p>Agricultural building Except where any of the following apply:</p> <ul style="list-style-type: none"> • Character Area Overlay • Coastal Areas Overlay • Gateway Overlay • Hazards (Flooding) Overlay • Heritage Adjacency Overlay • Historic Area Overlay • Local Heritage Place Overlay • Ramsar Wetlands Overlay • Significant Landscape Protection Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<ol style="list-style-type: none"> 9. The development will be located on an allotment having an area of at least 10ha 10. The development is set back at least 50m from an allotment boundary 11. Building height - does not exceeding 10m above natural ground level 12. Total floor area - does not exceed 250m² 13. If clad in sheet metal-is pre-colour treated or painted in a non-reflective colour 14. <u>The development is located below ridgelines</u> 15. Does not involve- excavation exceeding a vertical height of 1m; or filling exceeding a vertical height of 1m, and, if the development involves both excavation and filling, the total combined excavation and filling must not exceed a vertical height of 2m 16. Does not involve the clearance of native vegetation 17. The development will not be located within the extents of the River Murray 1956 Flood Level as delineated by the SA Property and Planning Atlas.

Within the Productive Rural Landscape Zone, create– Deemed – To – Satisfy Classification criteria 11.1 to inform siting and design outcomes for Agricultural Buildings that are eligible for a DTS pathway.

Built Form and Character	
<p>PO 11.1 Large buildings designed and sited to reduce impacts on scenic and rural vistas by:</p>	<p>DTS/DPF 11.1 None are applicable. <u>Large buildings:</u></p>

<ul style="list-style-type: none"> (d) having substantial setbacks from boundaries and adjacent public roads (e) using low reflective materials and finishes that blend with the surrounding landscape (f) being located below ridgelines. 	<ul style="list-style-type: none"> (a) <u>if clad in sheet metal-is pre-colour treated or painted in a non-reflective colour</u> (b) <u>are located below ridgelines.</u>
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Within the Productive Rural Landscape Zone, amend Table 3 – Applicable Policies for Performance Assessed Development for agricultural buildings by including following policy linkages:

Productive Rural Landscape Zone – Land use and Intensity PO 1.1

Productive Rural Landscape Zone – Built Form and Character PO 11.1



6 – Design in Urban Areas and Design – General Development Policies – Linkages

Within all relevant zone, amend Table 3 – Applicable Policies for Performance Assessed Development by inserting the following Performance Outcomes for relevant residential and commercial development:

General Development Policies – *Design in Urban Areas [Environmental Performance] PO 4.1, PO 4.2 PO 4.3*

General Development Policies – *Design [Environmental Performance] PO 4.1, PO 4.2 PO 4.3*



ENCLOSURE B
ADELAIDE HILLS COUNCIL
RESPONSE TO THE MTE CODE AMENDMENT

Code Amendment Section	Summary of Proposed Change	AHC Comments
2.3.2.9.7. Dwellings within the Rural Intensive Enterprise Zone	Review of the restricted classification of a dwelling within the Rural Intensive Enterprise Zone to align with the new principles.	Supported
2.3.2.9.2. Land Division within the Limited Land Division Overlay	Review of the restricted classification of land division in zones where the Limited Land Division Overlay applies to align with the new principles.	Not Supported This approach is considered to be strategically misaligned (as expressed in the covering letter). The restricted pathway provides a better procedural framework to deal with these applications and it sends a strong message about protecting primary production land across the State. By way of comparison the Restricted Development trigger for Land Division in the Hills Face Zone has not been dealt with in the same manner by this Amendment, and we would seek to understand how the circumstances differ and whether the approach should be consistent given the comparative significance of these Zones.
2.3.2.6. Rural Zone – Land Division / Boundary Realignment – Linkages	Feedback has suggested that additional policy guidance is required for the assessment of Land Divisions, including Boundary Realignments within the Rural Zone.	Supported – subject to comments A similar review to strengthen the policy relating to Boundary Realignments in the Productive Rural Landscape Zone should also be considered as outlined in Section 2 of Enclosure A.
2.3.2.9.1. Industry listed as a restricted development classification	Proposal to remove restricted trigger for industry from a range of employment type zones and the Township Zone	Partially Supported – subject to comments While the rationale for this change is understood for employment type zones, it is only cautiously supported for the Township Zone. It is noted that the predominant land use of Adelaide Hills Township Zones is residential. To ensure protection to the amenity of these localities there is a desire for more targeted zone policy regarding industry uses to support this change.
2.3.2.9.10. Hills Face Zone – Various land uses	Review of the restricted classification of all land uses within the Hills Face Zone to align with the new principles.	Supported – subject to comments The changes are supported, however, by way of comparison there are questions as to whether the Restricted Development Trigger for land division is consistent with the

		proposed changes in rural zones relating to land division, as both zones are significant in terms of landscape.
2.3.2.10.1. Notification Tables – Minor Development	Concerns were raised by council planners and accredited professionals about public notification requirements to adjoining landowners for relatively minor applications which 'trip' into a performance assessed pathway under the Code. This creates additional work for planning authorities over and above notifications that occurred under the former development system.	Supported – subject to comments The changes are supported, subject to a strengthening of policies relating to ancillary structures.
2.3.2.10. Notification Tables – Table 5 – Procedural Matters (PM)	Proposing tailored column for minor and anticipated development within zones	Supported Note: The additional inclusion of Minor determinations opens Councils up the potential for more judicial reviews from neighbours that have missed out on notification because of reliance on the new clause. For this reason, there may be some hesitation to apply the clause until there is some clarity on its application, likely via case law etc.
2.3.2.10.3. Notification Tables – Frost Fans	In the call for submissions, frost fans were raised by one Council as a land use activity that was being unnecessarily bogged down by notification. However, as frost fans are common cause for complaint it is not recommended at this time to depart from the position adopted in the Phase 3 (Urban Areas) Code Amendment.	Supported There are many variables that come into play when considering the impact of frost fans on nearby sensitive receivers, including local topographical and climatic characteristics, the type and number of fans used and the way they are operated. For these reasons notification is an important procedural step for this type of development.
2.3.2.10.6.6. Productive Rural Landscape Zone Table 5 - Procedural Matters (PM) - Notification	Exemption - Pursuant to regulation 47(6)(c) of the Planning, Development and Infrastructure (General) Regulations 2017, the requirement to place a notice on the relevant land under section 107(3)(a)(ii) of the Planning, Development and Infrastructure Act 2016 does not apply in the Productive Rural Landscape Zone. Placement	Supported It is considered that this exemption is consistent with the requirements of comparable zones such as the Rural Zone. The effectiveness of having notification signage on 80km/h rural roads was always questioned, particularly where adjoining neighbours will continue to be notified directly in accordance with Practice Direction 3. However, understand that an increase in the 60m notification radius for public notification might be an equitable approach to offset the notice exemption.

<p>2.3.2.11. Building Height – TNV and context – Policy refinement Suburban Mainstreet Zone</p>	<p>Most zones include a policy guiding building heights, some of which require a development to satisfy two outcomes: a building height specified in a Technical and Numeric Variation (TNV) and a positive response to the local context.</p>	<p>Not Supported</p> <p>Medium rise is defined as 3-6 storeys whereas the Suburban Main Street Zone areas in AHC have a TNV of 2 storeys.</p> <p>Note: The policy seeks development which “complement(s)” rather than is “consistent with” the main street character. As such, this policy (as amended) could allow building heights which exceed the TNV and consequently poor development outcomes.</p>
<p>2.3.2.12. Building Height, Building Wall Setback and Wall Height – Policy Review</p>	<p>South facing terminology inconsistencies.</p> <p>Wall height measurement inconsistencies.</p>	<p>Supported</p> <p>Supported subject to comments</p> <p>There is concern about the potential maximum wall heights (particularly boundary walls) which can be achieved where fill up to 1m high, is potentially resulting in boundary walls which are ~4m above neighbouring ground level and 11.5m long. The potential impact of this is not considered reasonable. In addition, ancillary buildings criteria should have a measurement taken from NGL to minimise impacts on neighbouring properties, particularly through DTS pathways.</p>
<p>2.3.2.13 Building Walls and Dwelling Walls – Policy Review</p>	<p>Replace ‘dwellings’ with ‘buildings’ to ensure setback provisions capture all forms of buildings.</p>	<p>Supported</p>
<p>2.3.2.20. Horticulture – Prescribed Surface Water Areas Overlay and Prescribed Wells Area Overlay – linkages</p>	<p>Removal of Prescribed Surface Water Areas Overlay and Prescribed Wells Area Overlay from the list of Overlay exclusions for Deemed-to-Satisfy Horticulture where it appears in Table 2 of all relevant Zones. Add Overlay DTS/DPF provisions to offset removal of the exclusion.</p>	<p>Supported</p>
<p>2.3.2.21. Interface Height – Multiple Zones: Policy and TNV – Policy Review</p>	<p>To clarify the intent of the interface height building envelopes and create consistency across the Code, it is recommended to add ‘(except where this boundary is a street boundary)’ to the end of the explanation sentence within all interface height policies to provide consistency between the zones and enable streetscape character to be guided by the above PO.</p>	<p>Supported – subject to comments</p> <p>Refer to Enclosure A Section 3 and the need for the Township Zone to be included in the administrative definitions so that development within an adjacent Township Mainstreet Zone adequately responds to this policy criteria.</p>

<p>2.3.2.22. Land Division – Site Contamination – Policy Relevance and Linkage</p>	<p>Part 9.1 of the Code (Referral Body: Environment Protection Authority) specifies that a referral is required for Performance Assessed Land Division in certain circumstances, however, the policy provisions of the Site Contamination General Development Policies are not linked to this development type, which makes it difficult for a user to ascertain whether a referral would be required.</p>	<p>Supported</p> <p>Note: Despite recent refinement Practice Direction 14 is still proving challenging to apply for a range of development types. Further refinement is recommended to improve clarity around when a Preliminary Site Investigation is and is not required.</p>
<p>2.3.2.23. Non Residential Outbuildings – New Policy and Assessment Pathways</p>	<p>While assessment pathways for outbuildings currently exist, relevant policies are typically related to residential outbuildings. As such, non-residential outbuildings will often default to Performance Assessed where they are not ancillary to a dwelling (e.g., a shed for a church or a school in a Neighbourhood-type zone).</p>	<p>Supported – subject to comments</p> <p>It is necessary for the Township Zone to be captured by these changes, can be necessitated by additions to the Neighbourhood Type Zone definition (refer to Attachment A).</p>
<p>2.3.2.25. Pool Fencing – Accepted Development Pathway</p>	<p>Amend Table 1 such that swimming pool safety features associated with a pool are accepted</p>	<p>Supported</p>
<p>2.3.2.26. Primary Street Setback – Use of Building Line</p>	<p>Amend front setback policies to allow dwellings to be the average setback of both adjoining dwellings where one of those setbacks is a secondary street setback and removing clause relating to adjoining dwellings separated by a road.</p>	<p>Supported</p> <p>Note: reference to ‘primary street setback’ criteria for development in the rural context is problematic due to the way buildings typically orientate to take advantage of views and landscape features etc. with limited relationship to the street.</p>
<p>2.3.2.28. Tourist Accommodation – Total Floor Area – Rural Zones</p>	<p>Feedback received expressing concerns with differences in policy interpretation for total floor area of Tourist Accommodation in the Rural Zone and Productive Rural Landscape Zone</p>	<p>Supported – subject to amendment</p> <p>It is positive to see the focus on policy improvement for Tourist Accommodation in rural zones and the change is supported. However, the policy contained within DTS/DPF 6.3 (c) still refers to no more than one ‘facility’. The meaning of the term is ambiguous in this context and should be either refined or deleted.</p> <p>Further discussion regarding these policies has considered whether there is merit in seeking to prevent the conversion of tourist accommodation to private dwellings through appropriate design responses. General Development Policies – Tourism Accommodation PO 3.4 addresses this issue for development in areas constituted under the National Parks and</p>

		Wildlife Act 1972; however, given the sections heading it would not be unavailable for a majority of Tourist Accommodation applications, particularly those within the Productive Rural Landscape Zone. It is recommended that this be reviewed with consideration to expanding the scope of these provisions to apply to all tourist accommodation, particularly those in rural zones.
2.3.3.4. Hazards (Flooding) Overlay – PO 3.5 and DTS/DPF 3.5 - Linkages	Correct inconsistencies and errors in application of H(F)O policies	Supported
2.3.3.5. Heritage Adjacency Overlay - Referral	Amend referral wording to clarify the Relevant Authority can determine whether development material affects SHP	Supported
2.3.3.8. Mount Lofty Ranges Water Supply Catchment (Area 1 and 2) Overlay - Policy intent	Removing duplication in wording.	Supported
2.3.3.10. Mount Lofty Ranges Water Supply Catchment (Area 1 and Area 2) Overlays – Referral	Addresses lack of referral trigger for workers accommodation and to ensure that only applications where two habitable buildings concurrently on the same site are referred.	Supported – subject to amendment For clarity it is recommended that additional wording be included to capture this example through the addition of 'decommissioning' after the word demolition.
2.3.3.12. Prescribed Water Resources Area Overlay – Referral	An error exists in the Procedural Matters (PM) – Referrals table within the Prescribed Water Resources Overlay, whereby the overlay does not include an exemption for developments that have already been granted access to water as is provided in the various other Prescribed Water Overlays in the Code.	Supported This change addresses an anomaly that was resulting in industry development within an Employment Zone connected to mains water being referred to the DEW.
2.3.4.4. Decks – Design, and Design in Urban Areas General Development Policies – Assessment Pathways	Provide policies and assessment pathways specific to decks in urban, township and rural areas.	Supported

<p>2.3.4.6. Design in Urban Areas DTS/DPF 19.1 - Soft Landscaping – Policy Review</p>	<p>Include minimum dimension for soft landscaping in Design in Urban Areas 19.1. Amend DPF 22.1 to clarify the soft landscaping requirement applies to the whole site, not individual sites for group / Residential Flat Buildings.</p>	<p>Partially supported – subject to amendment The effect of this policy amendment / interpretation is that some dwellings in a group dwelling or RFB could have little or no direct access to soft landscaping which could lead to poor amenity and urban heat outcomes. This should be reconciled with refinement to DPF 22.1(a)</p>
<p>2.3.4.7. Garage and Driveways – Design DTS/DPF 19.5, and Design in Urban Areas DTS/DPF 23.5 General Development Policies – Policy Review</p>	<p>Reword policy relating to driveway angle to clarify how to apply the policy</p>	<p>Supported</p>
<p>2.3.4.8. Heavy Vehicle Parking - Transport, Access and Parking General Development Policy - Policy and Definition Review</p>	<p>Create new policy to address heavy vehicle parking.</p>	<p>Supported</p>
<p>2.3.4.11. Land Division – General Development Policies – Linkages</p>	<p>Include Land Division PO 2.8 and 3.11 in relevant Table 3 (currently missing)</p>	<p>Supported</p>
<p>2.3.7.1. Ancillary Accommodation – Amend</p>	<p>Definition amended.</p>	<p>Supported – subject to amendment The proposed change to the definition involving the addition of ‘is not a self-contained residence’ has limited practical impact and only replicates the dwelling listing in the corresponding exclusion column. A better approach might be to express clearly what functional areas within a building would need to be omitted to avoid being defined a self-contained residence, much like the approach of (c) under this definition. A revised criteria (b) could read as follows:</p> <p style="text-align: center;"><i>excludes functional areas that are generally associated with a self-contained residence such as kitchens and laundries. . .</i></p> <p>In addition, greater clarity should be provided to give distinction between ‘ancillary accommodation’, ‘outbuilding’ and ‘dwelling addition’ for freestanding ‘rumpus room’ or ‘studio’ style development, which are a reasonably common form of development. Currently the approach is clunky in terms of which elements should be selected to process such a development.</p>

2.3.7.2. Caravan and Tourist Park – Amend	Definition amendment to add Tourist Accommodation to the inclusion’s column.	Supported
2.3.7.4. Educational Establishment – Amend	Definition	Supported – subject to amendment There is general support for the changes, one issue that arises is how the difference in car parking rates is to be reconciled in Transport, Access and Parking Table 1 – General Off-Street Car Parking Requirements, as there are currently different rates for childcare centres and preschools.
2.3.7.8. Renewable Energy Facility – Policy Refinement	Amendment to the restricted table within the Conservation and Hills Face Zone to add the exclusion of domestic use for solar photovoltaic panels (roof or ground mounted) and battery storage facility.	Supported
2.3.7.9. Tourist Accommodation – Amend	Definition amended to include caravan and tourist parks and ancillary facilities.	Supported
2.3.7.10. Workers Accommodation – Amend	Definition amended to assist with interpretation.	Supported
2.3.7.11. Heavy Vehicle Parking – New Definition	New definition created to assist with the application of new policy proposed to address this use.	Supported
2.3.7.12. Function Venue – New Definition	Definition	Supported – subject to amendment The new definition is supported. With respect to its application there has been discussion about whether the plural nature of the definition is deliberate and would reasonably afford one off functions as an ancillary activity to the primary use. This definition does not appear to capture a <u>one-off</u> large-scale event (i.e., music concert). If this is the intent could an



		exclusion (Column D) to the definition of Function Venue be included for such events. It is acknowledged that it would likely be more effective to address this in the PDI Regulations as an exempt form of development.
--	--	--

From: [DTI:Plan SA](#)
To: [DTI:PlanSA Submissions](#)
Subject: FW: Response to Miscellaneous Technical Enhancement Code Amendment - September 2022
Date: Friday, 30 September 2022 11:02:24 AM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[Response to Miscellaneous Technical Enhancement Code Amendment - September 2022.PDF](#)

OFFICIAL

Hi Team,

Please see the below comment on the MTE Code Amendment for your review and action.

Thank you in advance for your help.

Your reference number is: 53729

Kind Regards,

Callum | Customer Support Officer

Planning & Land Use Services | Department for Trade and Investment

E PlanSA@sa.gov.au | W plan.sa.gov.au

P 1800 752 664



We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders. Information contained in this email message may be confidential and may also be the subject of legal professional privilege or public interest immunity. Access to this email by anyone else is unauthorised. If you are not the intended recipient, any use, disclosure or copying of this document is unauthorised and may be unlawful.

From: Meagan Jarmyn

Sent: Friday, 30 September 2022 10:30 AM

To: DTI:Plan SA <plansa@sa.gov.au>

Cc: Chris Hannaford

Subject: Response to Miscellaneous Technical Enhancement Code Amendment - September 2022

Good morning,

Please find attached the response regarding the Miscellaneous Technical Enhancement Code Amendment from the Town of Gawler.

Kind Regards

Meagan



Meagan Jarmyn
Personal Assistant to Manager Development and Compliance
TOWN OF GAWLER PO Box 130 Gawler SA 5118

A liveable, cohesive, active, innovative and sustainable community



The Town of Gawler is committed to providing our customers with excellent service. If we can assist you in any way, please telephone (08) 8522 9211, email council@gawler.sa.gov.au or visit our website <http://www.gawler.sa.gov.au> The information contained in this email is intended only for the named recipient only and may be confidential, legally privileged or commercially sensitive. If you are not the intended recipient you must not reproduce or distribute any part of this email, disclose its contents to any other party, or take any action in reliance on it. If you have received this email in error, please contact the sender immediately. Please delete this email from your computer. The Town of Gawler advises that, in order to comply with its obligations under the State Records Act 1997 and the Freedom of Information Act 1991, email messages sent to or received by Council may be monitored or accessed by Council staff other than the intended recipient. No representation is made that the email or any attachment is free of viruses or other defects. Virus scanning is recommended and is the responsibility of the recipient. **THINK BEFORE YOU PRINT**

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Contact: Mr Hannaford

Ref: CR22/60016

Gawler



27 September 2022

Town of Gawler Administration Centre

43 High Street

PO Box 130

Gawler East SA 5118

Phone: (08) 8522 9211

Fax: (08) 8522 9212

council@gawler.sa.gov.au

gawler.sa.gov.au

Mr. Craig Holden
Chair SA Planning Commission
GPO Box 1815
Adelaide SA 5001

Dear Mr. Holden

Re: Miscellaneous Technical Enhancement Code Amendment

Firstly, I would like to take this opportunity to congratulate the State Planning Commission (SPC) as well as Planning and Land Use Services (PLUS) on undertaking this review so promptly, following the implementation of the Planning and Design Code (Code). The scale of this inaugural review is significant and seeks to create widespread efficiencies throughout the Code. This is a beneficial initiative and a process, which will allow the Code to be refined as well as respond to changes in the industry overtime.

This response focuses on the concerns previously flagged via a response provided in August 2021. It is noted some of the feedback we provided has been considered which is positive, including:

- Seeking refinements to Overlays to avoid development unnecessarily being kicked out of Deemed to Satisfy pathways
- Catalogue of State Heritage listings
- Greater consistency relative to Referral triggers

Please find below a list of matters previously flagged which have not been addressed. We request the amendment take the below matters into consideration through the post consultation/refinement period.

Public Notification:

- Public notification on the basis of length or height of boundary builds should trigger notification to "adjoining" landowners only, rather than "adjacent" land owners (60metre rule) noting the impact of such development is generally limited only to abutting neighbouring properties.
- Our concerns are noted and the matter has been the subject of debate. The approach taken is to exclude various minor forms of development from requiring notification. This will not specifically address the issue of adjoining versus adjacent and the associated administrative burdens.

- Public notification for retaining walls should be triggered on height rather than length, in particular within Master Planned Neighborhood type zones where associated fence and retaining wall construction to all side and rear boundaries is commonplace.
- **Not specifically addressed – noted that related matters have been addressed.**
- The following public notification trigger is difficult for relevant authorities and applicants alike to interpret:
 - Township Main Street DTS/DPF 3.2** Buildings constructed within a building envelope provided by a 45 degree plans measured from a height of 3 metres above natural ground level at the boundary of an allotment used for residential purposes in a neighbourhood type zone as shown in in the following diagram (except where this boundary is a southern boundary of where this boundary is a primary street boundary).*

The same applies for DST/DPF 3.3:

***Township Main Street DTS/DPT 3.3** Buildings on sites with a southern boundary adjoining an allotment used for residential purposes in a neighbourhood type zone are constructed within a building envelope provided by a 30 degree plane grading north measured from a height of 3m above natural ground level at the southern boundary as shown in the following diagram:*

- Recommend re-wording to “Plain English” for ease of understanding by relevant authorities and applicants.

Further, it is difficult to determine whether the above provisions are satisfied at verification (when public notification is required to be determined) unless the applicant provides a plan clearly demonstrating compliance with these provision.

Additionally, clarification is required regarding whether this provision only applies when a new build is proposed (rather than a change of use of an existing building which may not satisfy the above provisions).

- **Not specifically addressed – Noted that a change to the term Primary Street Boundary is proposed. This is not considered sufficient and requires updating.**
- Concerns that whilst a boundary build exceeding 3 metres may trigger public notification, the construction of a 200-lot land division does not. It is considered that the impact on the public of a land division would arguably have more impact, however land divisions are specifically excluded from requiring public notification across the board by Table 5 for each Zone.
- **Not specifically addressed – Code Amendment appears to focus on reducing the need for ancillary forms of development from requiring notification.**

Assessment Pathways:

- Retaining walls and fences should be a combined element for selection. This is a combined DAP and Code issue, noting that there are inconsistencies in the Code for the provision of assessment pathways for
 - retaining walls vs
 - fences vs
 - combined retaining wall and fence

Whilst there may be an assessment pathway in some instances for a combined fence and retaining wall, there is no option in the DAP to select this as an element.

- **Not addressed.**
- It is requested that if an element of development is listed as an envisaged use within the Zone, there should be a prescribed assessment pathway (Performance Assessed as a minimum) for each of these elements. Envisaged development is frequently defaulting to All Other Code Assessed development.
- **Not addressed – Noted that updates made relative to building alterations and efficiencies made in this regard. However, does not address the matter that all envisaged uses should have a prescribed assessment pathway.**
- If an element does not satisfy an Exempt, Accepted or Deemed to Satisfy Pathway (generally by virtue of the presence of an Overlay, or not satisfying dimension criteria) there should be a prescribed Performance Assessed pathway instead of defaulting to All Other Code Assessed development. Some examples of this area:
 - Decks
 - Undefined dwellings
 - Verandahs
 - Carports
 - Swimming pools
 - Internal fit outs/Building work where alterations are visible from the street
- **Not specifically addressed – noted that related matters have been addressed.**

Definitions Review:

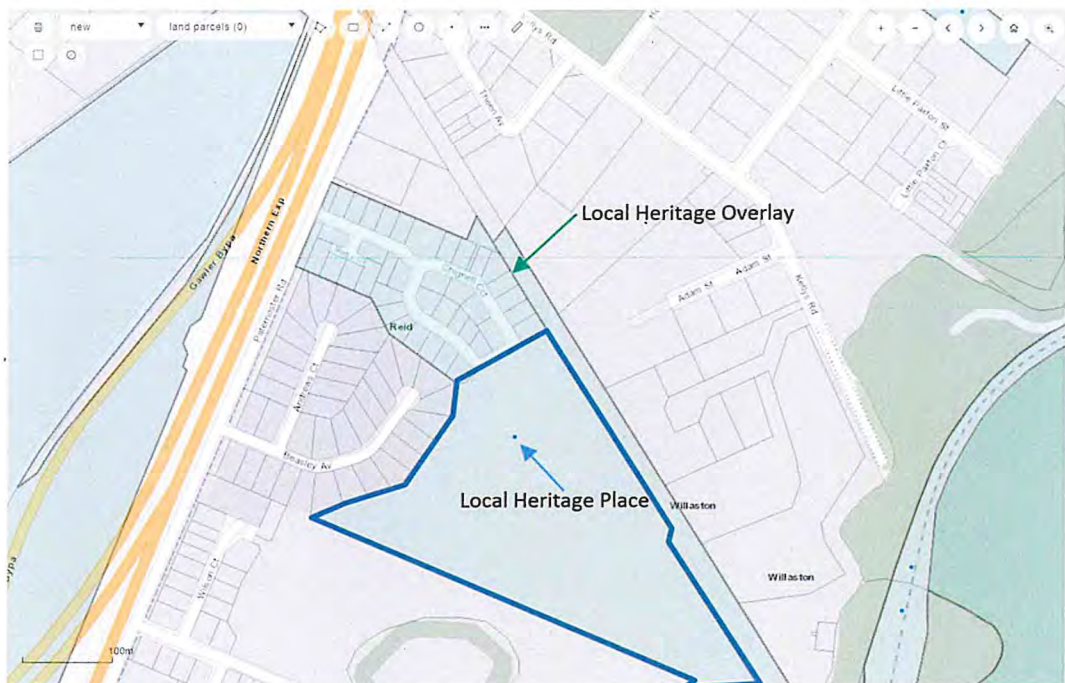
- Any element which has a defined assessment pathway should have a definition. This is frequently not the case, and thus can lead to complications when defining the element of development and thus assessment pathway. Request definitions for:
 - Special events
 - Distillery
 - Brewery
 - “Boundary build” i.e. is a gutter on a boundary a “boundary build” and thus have the potential to trigger public notification? Is a 100mm side setback for a closed structure a “boundary build”, additionally noting that such development may not satisfy the National Construction Code
- **Not specifically addressed – noted that related matters have been addressed.**

Policy refinements:

- Regulated Tree Overlay and Flooding (General) Overlays are not being picked up as relevant policy provisions when land divisions are proposed and therefore can't be considered in the assessment of a land division. However, the wording of the policies suggest they should be considered when assessing land division applications.

In particular, Regulated/Significant Tree provisions (contained within the Regulated/Significant Tree Overlay) are only called up when Tree Damaging Activity is selected as an element of development process. This can result in the creation of allotments which are not necessarily fit-for-purpose due to the location of a Regulated or Significant Tree. Tree Damaging Activity may not occur as a result of the land division proposal itself, but may hinder reasonable and expected development at a later date (i.e. construction of dwelling)

- **Not addressed.**
- Incorrect application of the Local Heritage Place Overlay. It applies to half of the suburb of Reid, rather than just the location of the Local Heritage Place. This in turn effects the application of the Heritage Adjacency Overlay.



- **Not addressed.**

State Heritage:

- A Historic Area Statement for the Church Hill Area should be elevated. It is noted that given the Historic Area Overlay does not apply over Church Hill State Heritage Area (only the State Heritage Area Overlay), there is no Historic Area Statement for the relevant authority to consider in the assessment of applications.

Recommend that the Historic Area Overlay apply over Church Hill which would allow the Light Historic Area Statement (Ga3) or a variation of specific to Church Hill to be called up in assessment provisions.

- **Not addressed.**
- It was understood during the consultation stage of the Planning and Design Code that the application of the Historic Area Statements would not be required as a "Statement of Significance" and other relevant documentation would be published by Heritage SA. It is understood that these documents have not been prepared

for the Church Hill State Heritage Area to date, however it is appreciated that DEW is currently working through a guide in this space.

- We wish to take this opportunity to highlight a need for the Heritage Standards to be treated as a priority.
- It is noted that the definition of a State Heritage Place under the *Planning Development and Infrastructure Act 2016* includes “a place within an area established as a State Heritage Area under the *Heritage Places Act 1993*”. However, the State Heritage Place Overlay does not apply to these places within Church Hill. Only the State Heritage Area Overlay applies to the Church Hill State Heritage Area with the exception of 2 places. The definition outlined within the Code does not appear to reflect the applications of the Overlays within the Code and on SAPPA.
- Not addressed.

Practice Directions

It is noted that amendments to the Practice Directions may be outside the scope of the subject Code Amendment, nevertheless the following matters/recommendations are provided:

- Recommend that the Urban Tree Fund Practice Direction be updated to provide guidance relative to planting trees in easements. Recommend that the potential for payment into the Urban Tree Fund be possible for allotments impacted by the location of easements which would restrict tree planting locations.
- Catchment for public notification is too large in an urban setting, noting the definition of Adjacent Land encompasses 60metres from the subject site. For some minor developments (including boundary build triggers) this is resulting in the notification of a substantial number of unaffected land owners. Notification to ‘adjoining owner’ may be a more appropriate approach in this regard.
- Site Contamination Practice Direction – there is some confusion regarding residential land divisions within Rural Zones where an existing dwelling is located on site. Additionally there is some concern that the requirement for a site contamination auditor to sign the site contamination declaration may be too onerous.
- Not addressed.

If you have any questions that require further clarification, please do not hesitate to contact Chris Hannaford – Senior Strategic Planner on _____ or via e-mail at _____

Yours faithfully



Henry Inat
Chief Executive Officer

From: [PlanSA Submissions](#)
To: [DTI:PlanSA Submissions](#)
Subject: Public Consultation submission for Miscellaneous Technical Enhancement Code Amendment
Date: Thursday, 28 July 2022 10:53:29 AM

PlanSA,

Submission Details

Amendment: Miscellaneous Technical Enhancement Code Amendment

Customer type: Development Industry

Given name: Dylan

Family name: Furnell

Organisation: Zaina Stacey Development Consultants

Email address:

Phone number:

My overall view is: I support the Code Amendment

Comments: Just one comment specific to us. I have noticed that Traffic Generating Development Overlay kicks land division out of the DTS Pathway within the General Neighbourhood Zone. Given DTS Land Division in the GN Zone is limited to maximum 5 allotments, there is nil chance of the 50 allotments or greater being created which triggers the requirements of the overlay. Streamlining this would open up a huge potential to approve basic land divisions outside of Council which meet the code requirements which are currently stopped by this issue. At present, I have noticed about 50% of DTS possible divisions are kicked out via this method within the General Zone.

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Sent to proponent email: plansasubmissions@sa.gov.au

From: [PlanSA Submissions](#)
To: [DTI:PlanSA Submissions](#)
Subject: Public Consultation submission for Miscellaneous Technical Enhancement Code Amendment
Date: Friday, 5 August 2022 2:27:27 PM

PlanSA,

Submission Details

Amendment: Miscellaneous Technical Enhancement Code Amendment

Customer type: Member of the public

Given name: dennis

Family name: sims

Organisation: Burns for Blinds Pty ltd

Email address:

Phone number:

My overall view is: I support the Code Amendment

Comments: I currently own land in the shack settlement area of Walker Flat and in particular on Rob Loxton Road. My block is surrounded by residences and my block has a width of 125 meters and a depth to the river of 110 meters. I would like to sub divided the block into 3 parcels which would each have a width of approximately 33 meters to allow 2 new dwellings to be built. There has been subdivision occur at the far end of Rob Loxton Road and i believe a proposal of this nature should not be restricted so long as the environment is protected.It benefits the community and the economy .

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Sent to proponent email: plansasubmissions@sa.gov.au

From: [PlanSA Submissions](#)
To: [DTI:PlanSA Submissions](#)
Subject: Public Consultation submission for Miscellaneous Technical Enhancement Code Amendment
Date: Sunday, 14 August 2022 12:11:57 PM

PlanSA,

Submission Details

Amendment: Miscellaneous Technical Enhancement Code Amendment

Customer type: Other

Given name: Adam

Family name: Mrotek

Organisation: Mrotek Town Planning

Email address:

Phone number:

My overall view is: I support the Code Amendment

Comments: Part 8 Administrative Terms has a definition of neighbourhood type zones. 'Neighbourhood type' is repeatedly referenced in the Code. It is therefore a bit confusing that there is a Business Neighbourhood Zone, however this is not included in Part 8. Suggest either adding this zone to the definition or changing the name of the Business Neighbourhood Zone to eg Business Zone only.

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Attachment 5: No file uploaded

Sent to proponent email: plansasubmissions@sa.gov.au

From: [PlanSA Submissions](#)
To: [DT1:PlanSA Submissions](#)
Subject: Public Consultation submission for Miscellaneous Technical Enhancement Code Amendment
Date: Friday, 26 August 2022 11:17:14 AM
Attachments: [ANCILLARY_ACCOMMODATION.docx](#)

PlanSA,

Submission Details

Amendment: Miscellaneous Technical Enhancement Code Amendment

Customer type: Council

Given name: Andrew

Family name: Houlihan

Organisation: Mount Barker District Council

Email address:

Phone number:

My overall view is: I am impartial about the Code Amendment

Comments: see attached

Attachment 1: ANCILLARY_ACCOMMODATION.docx, type application/vnd.openxmlformats-officedocument.wordprocessingml.document, 29.5 KB

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Attachment 5: No file uploaded

Sent to proponent email: plansasubmissions@sa.gov.au

ANCILLARY ACCOMMODATION

Ancillary accommodations confusing for planning officers and the general public in the current and previous planning framework.

A greater level of clarity in definitions and policy is required. The current proposed amendments to the code do not address this.

Currently;

Ancillary accommodation –

Means accommodation that:

- is located on the same allotment as an existing dwelling;
- contains no more than 2 bedrooms or rooms or areas capable of being used as a bedroom; and
- is subordinate to and shares the same utilities of the existing dwelling.

Excludes a dwelling

Dwelling

- Means a building or part of a building used as a self-contained residence.

Relevant Planning and Design Code (design) provisions seeks ancillary development further achieves additional criteria; Ancillary to a dwelling erected on the site; have a floor area not exceeding 60sqm etc.

Applicants are seeking to construct buildings with all the elements of a dwelling and seek to call them ancillary accommodation or other forms of development (studio), but not a dwelling.

Their argument can include description of rooms on floor plans, nature and confirmation it will not be used as a residence, removal of laundry elements or only including kitchenette.

In addition, this is leading to future use of the buildings as accommodation in the form of short stays platforms such as Airbnb. Accordingly the ancillary accommodation/building may be considered to remain (ancillary accommodation) such if only occupied sporadically: let out during holiday periods to short term occupants. This is much like renting a dwelling via Airbnb where this would not constitute development due to the sporadic nature, in essence it remains consistent with the approved use. This is in consideration of the Advisory Notice – Building 04/16.

The proposed amendments to the definition in the code is insufficient.

Additional criteria should be included to ensure that the building will only be used for the purposes of ancillary accommodation and that this can be clearly established.

I would be happy to discuss in more details.

From: [PlanSA Submissions](#)
To: [DTI:PlanSA Submissions](#)
Subject: Public Consultation submission for Miscellaneous Technical Enhancement Code Amendment
Date: Sunday, 28 August 2022 6:50:33 AM

PlanSA,

Submission Details

Amendment: Miscellaneous Technical Enhancement Code Amendment

Customer type: Member of the public

Given name: Margaret

Family name: Pointon

Organisation: None

Email address:

Phone number:

My overall view is: I am impartial about the Code Amendment

Comments: I am concerned the general public have the right to choose black or other dark colored roofing - which means a wastage of our precious energy to keep their homes cool. I would like to see the law changed to disallow black rooves. I hope I have submitted my comments in the correct section - if I haven't I would be grateful if you would submit it correctly for me so that my opinion is correctly considered. Thanks.

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Sent to proponent email: plansasubmissions@sa.gov.au

From: [PlanSA Submissions](#)
To: [DTI:PlanSA Submissions](#)
Subject: Public Consultation submission for Miscellaneous Technical Enhancement Code Amendment
Date: Wednesday, 31 August 2022 10:48:58 AM

PlanSA,

Submission Details

Amendment: Miscellaneous Technical Enhancement Code Amendment

Customer type: Member of the public

Given name: CHRISTINE

Family name: SAPWELL

Organisation: ADJOINING LAND OWNER TO APPLICATION ID 22009490

Email address:

Phone number:

My overall view is: I do not support the Code Amendment

Comments:

I live on Allotment Z, Pt. Section 3879 in the Hundred of Munno Para. I am an adjoining land owner to this Application 22009490 and an earlier application for a similar land use approval on Bain Road. My objection is because of a rat infestation identified by the company who service my vehicle. This vehicle has suffered damage due to rats infesting the material used to buffer road noise in the wheel arches. I took steps baiting both in the car engine bay and areas nearby where bait could be laid without risking other wildlife. I now park my car with the bonnet up to discourage further damage to my car. As I'm aware of many housing developments planned or already in progress near this proposed land use I am not approving of this change of land use because of the increased risk of vermin infestation. I have lived on my property since February, 1969 and never before experienced rat infestation. This has occurred and is still occurring now. I raised this concern when the Bain Road application was sent to me and was reassured that Vermin Control would be part of the requirement for changed land use approval. The reason I have not alerted the Council to this problem before is that I don't know how to prove the rats come from that development. However, in 53 years it has never occurred before. The mechanics who service my car have suggested leaving the bonnet open. That hasn't stopped the problem. These same mechanics have now suggested I spray the engine bay with WD40 and this has also been done. It is very inconvenient for me, approaching 80 years of age, to have to deal with a rat infestation and leaving my car with the bonnet open. My objection to this current application for a change of land use is an increased incidence of vermin infestation if yet another storage yard is constructed near residential homes. It will certainly cause future issues with home owners in the area and devalue the area as a desirable place to build and live.

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Sent to
proponent plansasubmissions@sa.gov.au
email:

From: [PlanSA Submissions](#)
To: [DTI:PlanSA Submissions](#)
Subject: Public Consultation submission for Miscellaneous Technical Enhancement Code Amendment
Date: Saturday, 10 September 2022 6:11:02 AM

PlanSA,

Submission Details

Amendment: Miscellaneous Technical Enhancement Code Amendment

Customer type: Member of the public

Given name: Jennifer

Family name: San Agustin

Organisation:

Email address:

Phone number:

My overall view is: I support the Code Amendment

Comments: I reside on Chesser Row, Paralowie SA 5108. It is a 1 way street, which does not allow street parking. Many of the residents on Chesser Row, Paralowie SA 5108 park our vehicles across the closest street and it has come to our attention that residential development will be initiating within the next 6-12 months. My concern, as well as many other residents on Chesser Row, Paralowie SA 5108, is that once the development begins and as well as completed, we will no longer have parking close enough to our homes. Unfortunately, our homes do not include a standard drive way where we can park our vehicles and many residents of Chesser Row, Paralowie SA 5108 are families with 2 vehicles to park. Myself and other residents of Chesser Row, Paralowie SA 5108 strongly recommend that the Salisbury Council accommodates us residents to appropriate car park options. Whether a car park permit is available to park on Chesser Row, Paralowie SA 5108 or a designated public car park is developed for us residents. This is going to be a large inconvenience for us residents as well as visitors and contractors once new residential development begins and is completed. It will be an immense safety hazard for residents, contractors and the public if vehicles are not accommodated. Myself and other residents of Chesser Row, Paralowie SA 5108 ask for a resolution in the matter and are extremely grateful if can be resolved as soon as possible. Thank you.

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Sent to
proponent plansasubmissions@sa.gov.au
email:

From: [David Bailey](#)
To: [DTI:PlanSA Submissions](#)
Subject: Submission - Miscellaneous and Technical Code Amendment - Ancillary Accommodation
Date: Wednesday, 14 September 2022 7:59:05 PM

Hello

I write with respect to the proposed refinements to ancillary accommodation.

I have several clients interested in this form of development. I acknowledge the intent of the refinements to clarify that ancillary accommodation is not technically a 'dwelling' in so far as the ancillary accommodation depends on sharing utilities. Having experienced some advice at odds with the intent based on the current Code, principally, I support the intent of the proposed clarifications.

I am not a legal practitioner but having been in ERD Court on an appeal this year and written Code policy and being on an Assessment Panel for the last seven years, I wonder if:

1. the Column B should say 'Means accommodation **able to be lived in independently** that:'
2. I question the proposal to add to Column B 'b **That is not a self contained residence**' as is this not what Column D 'Dwelling' does? If 'b' is to continue, which I don't think it should, it should be 'b That is not a dwelling'. Whilst this in effect repeats the purpose of Column D, it uses the same terminology as Column D and thus by not adding a further term - that of 'self contained dwelling' - it does not add confusion.

The main work is done in Column B by (d) being linked to the start that in essence says the ancillary accommodation is subordinate to principal dwelling and must share utilities.

1. I am unsure if I am proposing it but I am wondering if the point on sharing utilities should be about sharing utilities '**on the same site**'? Should these words also be added?

I wonder if along with the Code itself, **explanation in a Practice Direction or other suitable guideline** should be considered as well.

No matter what terminology is settled on, please ensure **review by expert solicitors on these matters**.

Keep up the good work and great to see this kind of matter being tackled in a whole of SA timely manner.

Regards

David Bailey
RPIA (Fellow)
GIAP2
Accredited Planner 1, 2, 3

Principal
Community Place Planning
communityplaceplanning.com/

Kurna miyurna, Kurna yarta, ngadlu tampintheta
(We recognise Kurna people & their land)

From: [PlanSA Submissions](#)
To: [DTI:PlanSA Submissions](#)
Subject: Public Consultation submission for Miscellaneous Technical Enhancement Code Amendment
Date: Wednesday, 21 September 2022 8:55:09 AM

PlanSA,

Submission Details

Amendment: Miscellaneous Technical Enhancement Code Amendment

Customer type: State Agency

Given name: Gavin

Family name: Leydon

Organisation: SA Heritage Council

Email address:

Phone number:

My overall view is: I am impartial about the Code Amendment

Comments: Further to the deputation of the SA Heritage Council to the State Planning Commission on 15 September 2022 we write in relation to a matter concerning PO 6.1 in the Local Heritage Place Overlay, being the demolition test. Unlike PO 7.1 in the State Heritage Place Overlay, PO 6.1 presently allows an owner to deliberately neglect their premises in order for it to fall into disrepair & to then contend that the LHP should be demolished on the basis that it is irredeemably beyond repair. This was not the intention of this Performance Outcome as first described in the draft Practice Guideline released by the Commission in October 2019. It is submitted that the test for demolition of a LHP in PO 6.1 should mirror that for a State Heritage Place in the equivalent PO 7.1, that is to say, by providing that the irredeemable structural condition of the place must have resulted from actions & unforeseen events beyond the control of the owner (or any other person). We invite the Commission to consider such an amendment as part of this Code amendment.

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Sent to proponent email: plansasubmissions@sa.gov.au

From: [Melissa](#)
To: [DTI:PlanSA Submissions](#)
Subject: Submission - Miscellaneous Technical Enhancement Code Amendment
Date: Wednesday, 21 September 2022 10:09:43 AM
Attachments: [submission plansa 210922 Copdale Pty Ltd.pdf](#)

Please find attached a submission from Copdale Pty Ltd regarding the Miscellaneous Technical Enhancement Code Amendment.

Kind regards,

Melissa Hayes

Hayes Family Group of Companies

Telephone:

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Copdale Pty Ltd

71 West Terrace Adelaide
GPO Box 1001 Adelaide SA 5001
Ph (08) 8231 3655
Fax (08) 8231 3165

21 September 2022

State Planning Commission
GPO Box 1815
Adelaide SA 5001

By email: plansasubmissions@sa.gov.au

Dear Sir / Madam

Submission - Miscellaneous Technical Enhancement Code Amendment – Rural Shack Settlement Zone

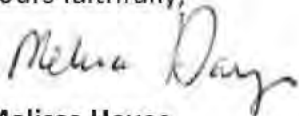
I write to you regarding our submission on the Miscellaneous Technical Enhancement Code Amendment by the State Planning Commission, which is currently on consultation.

In August 2021, Botten Levinson Lawyers acting for this firm Copdale Pty Ltd, submitted our comments and requested amendments to be included as part of the Miscellaneous Technical Enhancement Code Amendment. Our comments related specifically to the River Shack Settlement Zone. A copy of this letter is enclosed.

I take this opportunity to confirm that Copdale Pty Ltd supports the proposed amendments relating to the River Shack Settlement Zone.

Please do not hesitate to contact me if you have any further queries or wish to discuss our submissions.

Yours faithfully,



Melissa Hayes
Copdale Pty Ltd

Mob –

Email –

Our ref: ASF/219132

12 August 2021

State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

By email: saplanningcommission@sa.gov.au

Dear Sir/Madam

Submission – Miscellaneous Technical Enhancement Code Amendment – Rural Shack Settlement Zone

This firm acts for Copdale Pty Ltd.

Our client owns land within the Rural Shack Settlement Zone at White Sands, namely –

- Allotment 1091 Jervois Road, White Sands being the land comprised in CT 6204/315 (approximately 30,000m² in size);
- Allotment 29 Riverglen Drive, White Sands (approximately 3600m²); and
- Allotment 126 Marina View Road, White Sands being the land comprised in CT 5178/560 (approximately 60,000m² in size).

Additionally, our client is the contracted purchaser of allotment 30 Riverglen Drive, White Sands (approximately 4300m² in size) (together with the three allotments owned by our client referred to in this letter as **the Land**).

Our client has recently become aware of substantive policy changes effected in relation to the Land by the adoption of the Planning and Design Code in March 2021. Land division which was *merit* development under the Development Plan is now restricted development under the Code. These changes have significant consequences for our client.

We are instructed to bring these policy changes to the Commission's attention, and to request that the Commission initiate an amendment to the Code either as part of the upcoming Miscellaneous Technical Enhancement Code Amendment, or as a minor amendment correcting an error in the transition from the old scheme to the new.

Our client submits that the classification of land division in the Rural Shack Settlement Zone as a restricted form of development is a significant and substantive policy change of a kind that the Commission said would not occur in the Code adoption process without being highlighted in policy discussions during the consultation process.¹

¹ See Part 6.1 of the Draft Planning and Design Code, Phase Three (Urban Areas) Code Amendment – Update Report

The change in policy is an irregularity in the transition to the Planning and Design Code which can and should be corrected by the Minister.

Zoning prior to March 2021 (Development Plan)

1. Prior to the commencement of the Code in March, the Land was principally located in the River Murray Settlement Zone (Precinct 8 River Glen) under the recently revoked Murray Bridge Council Development Plan².
2. In the River Murray Settlement Zone land division was *non-complying* "within 50 metres of the River Murray water's edge at normal pool level", but was otherwise *merit* development. The Zone policy provided (*my emphasis in bold*):

24. *The following forms of development are envisaged in the precinct:*

- *boat launching facilities*
- *boat construction, repair and/or servicing within the River Glen Marina*
- **dwelling**
- *the provision of a range of public and private recreation facilities*
- **holiday house**
- *marina and associated service facilities*
- *office in association with the River Glen Marina*
- *recreation areas*
- **residential allotments**
- **tourist accommodation.**

25. *The precinct should primarily be developed for **tourist accommodation, residential development including holiday houses, marina and related service facilities and waterfront recreation areas in accordance with Concept Plan Map MuBr/12 - River Murray Settlement Zone (River Glen).***

3. This Zone was introduced into the Development Plan in 2009 to expressly facilitate the development of land for low density residential and/or tourist accommodation. These envisaged uses are evident from the above extract of the relevant principles of development control under the Development Plan. Further, the area covered by the Zone includes large undeveloped allotments (including our client's land) comprising land more than 50 metres from the River's edge. The division of that land for residential allotments was supported and encouraged by the Zone policy.

² A small portion of allotment 1091 was located within the River Murray Flood Zone. That portion is now located within the Conservation Zone. Our client does not take issue with the new zoning of this small portion of the Land since it is a like for like transition in terms of policy.

4. Our client has held the Land with the intention of developing it in accordance with these envisaged uses.
5. Relevantly, a number of other shack settlement zones along the River Murray and in other coastal parts of the State had similar Zoning policy which included low density residential development and, in some cases, tourist accommodation within already established shack settlements primarily located along inland and coastal waters and which also permitted land division subject to some restrictions either in relation to proximity to water and/or in minimum allotment size.³
6. In the case of a limited number of Coastal Settlement Zones, however, land division was non-complying other than in very limited circumstances.⁴ The non-complying development policy in these limited number of Zones appear to be the basis for the policy in relation to land division that has found its way into the Code affecting all land zoned Rural Shack Settlement Zone, at the expense of the policy for land division which otherwise prevailed in most other shack settlement zones.

Code – Change of Zoning Policy

7. The Rural Shack Settlement Zone is a Zone which envisages and facilitates low density residential development, small-scale tourist and visitor facilities, and home-based business activities consistent with the semi-rural or semi-natural residential character and amenity. Broadly speaking, these policies support similar land uses to those under the preceding Development Plan settlement Zone policies.
8. However, notwithstanding these envisaged uses, land division is Restricted Development in the Zone unless it:
 - (a) *creates an allotment to accommodate an existing dwelling*
 - (b) *[is] for the purpose of creating a public road or reserve, or*
 - (c) *is a minor boundary realignment for the purpose of removing an anomaly in the current boundaries with respect to the location of existing buildings or structures and where no additional allotments are created partly or wholly in the zone.*
9. This policy replicates the *non-complying* policy for land division applicable immediately before the adoption of the Code in the Coastal Settlement Zone in the Kangaroo Island Development Plan. It was not found in the majority of shack settlement zones under other Development Plans.
10. It is evident that the transition to the Code has consolidated the policy from a number of different shack settlement zones across the Development Plans which we accept required some 'blending' of previous policy as was foreshadowed and anticipated by the Commission. However, on any view of the transition, the introduction of the Land Division Restricted Development classification cannot be described as 'like for like' policy translation in respect of the majority of the shack settlement zones to which it now applies.

³ See for examples Mid Murray Council Development Plan, Coorong District Council Development Plan, the Yorke Peninsula Council Development Plan and Alexandrina Council Development Plan

⁴ See Kangaroo Island Council Development Plan

11. Nor can it be explained as being the necessary choice of the Zone most consistent with the previous Zones under the Development Plan. To the contrary, it represents a significant change in policy to most of the shack settlement zones (including the River Glen shack settlement area) while being 'like for like' in a small minority of those zones. We submit that a more appropriate choice in respect of at least some of these areas (including the River Glen shack settlement area) would have been the Rural Settlement Zone.
12. In our respectful submission having regard to the envisaged uses for the Zone and the extent of undeveloped land within the River Glen shack settlement area, this substantive policy change cannot be what is intended for the area, and in any event, should not have been adopted without first conducting a more targeted consultation of affected land owners including, but not limited to, our client.
13. At no point was our client notified of the proposal to implement this substantial policy change.

Impact on our Client

14. Relevantly to our client, land division for the purpose of new residential development (including where more than 50 metres from the River's edge) is now Restricted Development. This is notwithstanding the fact that low density residential development is still envisaged and facilitated under the new Zone.
15. Our client submits that this change in policy in respect of the River Glen shack settlement area is an error in the transition of policy from the Development Plan (River Murray Shack Settlement Zone) to the Code (Rural Shack Settlement Zone) which should be corrected. We suggest that this could be done by any of the following means:
 - 15.1 Removing land division from the Restricted Development classification Table 4 in the Rural Shack Settlement Zone.
 - 15.2 Amending the Restricted Development Table 4 in the Rural Shack Settlement Zone so that land division on the River Murray that is more than 50 metres from the waters edge is excluded from the Restricted Development category. Such an exclusion could also include a minimum allotment size if that were considered necessary by the Commission or the Minister.
 - 15.3 Introducing a sub-zone for the River Glen Shack Settlement Area in respect of which land division more than 50 metres from the River's edge is not Restricted Development.
 - 15.4 Changing the applicable zoning policy in respect of the River Glen shack settlement area to the Rural Settlement Zone.
16. Our client asks that the Commission initiate a Code amendment to give effect to this correction. We suggest that it be considered for inclusion in the Commission's proposed Miscellaneous Technical Enhancement Code Amendment.

Summary

The classification of land division for low-density residential purposes as a restricted form of development in the Rural Shack Settlement Zone represents a substantial policy shift from the River Murray Settlement Zone in the now repealed Development Plan. This is

at odds with the Commission's promotion of the introduction of the Planning and Design Code through the Phase Three Code Amendment as a 'like for like' planning document.

Our client was unaware of the substantive policy change until well after the Code commenced. Had our client been aware of the change, it would have made submissions opposing the change.

Our client has always intended to develop its land which is co-located with other shacks, consistent with the intended land uses for the area. It now finds itself with land that remains located within a shack settlement area and subject to land use policies which envisage the development of shacks (low-density residential development), but which it will be unnecessarily hampered in developing for that purpose by the Restricted Development classification.

In our respectful submission there are strong grounds for the Commission to incorporate an amendment to the Code to restore the policy position on land division in the River Glen shack settlement area to one similar to that which existed under the Development Plan.

Please don't hesitate to contact me if you have any further queries or wish to discuss our client's submissions.

Yours faithfully



Alison Field
BOTTEN LEVINSON

Mob:
Email:

From: [PlanSA Submissions](#)
To: [DT1:PlanSA Submissions](#)
Subject: Public Consultation submission for Miscellaneous Technical Enhancement Code Amendment
Date: Wednesday, 21 September 2022 11:33:14 AM
Attachments: [20220921_Submission_to_Planning_Act_consultation.pdf](#)

PlanSA,

Submission Details

Amendment: Miscellaneous Technical Enhancement Code Amendment

Customer type: Advocacy Organisation

Given name: Lynlee

Family name: Lowe

Organisation: SA Oyster Growers Association

Email address:

Phone number:

My overall view is: I support the Code Amendment

Comments: SAOGA support the Code Amendment with the consideration of comments provided in the attached submission letter.

Attachment 1: 20220921_Submission_to_Planning_Act_consultation.pdf, type application/pdf, 206.4 KB

Attachment 2: No file uploaded

Attachment 3: No file uploaded

Attachment 4: No file uploaded

Attachment 5: No file uploaded

Sent to proponent email: plansasubmissions@sa.gov.au



PO Box 32 Smoky Bay
South Australia 5680
Ph:
Email: executiveofficer@oystersa.com.au
A.B.N. 59 883 967 848.

Code Amendment Team
Planning and Land Use Services
Department for Trade and Investment
GPO Box 1815
ADELAIDE SA 5001
plansasubmissions@sa.gov.au

21st September 2022

To Members of the Code Amendment Team,

RE: Miscellaneous Technical Enhancement Code Amendment - Submission

I refer to the consultation currently open on the Miscellaneous Technical Enhancement Code Amendment. Opportunities to enhance the general performance and operation of the Planning and Design Code are appreciated and supported. Points of submission are raised below in relation to the planning rules or policies assessed during development approval for marine-based aquaculture (i.e. aquaculture pilot leases/licences) and land-based aquaculture development applications, which are of specific interest to our membership.

Foremost, the South Australian Oyster Growers Association (SAOGA) supports a balanced assessment approach which avoids duplication between PIRSA's Lease and Licencing processes pursuant to the *Aquaculture Act 2001* and matters assessed via the Planning and Design Code for applications necessitated by the *Planning, Development, and Infrastructure Act 2016*. Unnecessary duplication of assessment has the potential to frustrate delivery of aquaculture development and in the past, has resulted in costly reporting in respect to cross jurisdictional issues already assessed in Lease and Licencing applications, and has led to unnecessary delays to aquaculture development.

Unless absolutely necessary, duplicated assessment requirements for aquaculture applications represents an over-regulation and should be removed. Notwithstanding, in instances where there is genuine planning need, a Designated Performance Feature (DPF) should be included that recognises the existence of a lease or licence pursuant to the *Aquaculture Act 2001*, which automatically satisfies the relevant Performance Outcome (PO). Similarly, a DPF should be inserted for all elements of a proposal that do not necessitate planning assessment owing to the specific development proposal, to simplify assessment of the PO. This would remove unnecessary requests for reporting and provide greater certainty for all parties regarding actual matters for assessment.

Aquaculture General Development Policies (AGDP's)

- PO 1.1, 2.1, 2.2, 2.5, 2.6, 2.7, - the existence of the Lease and or Licence should be sufficient to satisfy the PO. Adequate assessment of these matters has already been undertaken as satisfactory and will be subject to ongoing compliance through PIRSA's administration of the Lease and or Licence. Therefore, the insertion of a DPF to this effect is appropriate.
- PO 2.3 2.8, 2.9 and 2.11 – separate development approval would be required for ancillary aspects of development, therefore unnecessarily duplicated in the Aquaculture General Development Policies, and should be removed. At the very least provision should be made to close the matter in the assessment if it does not form part of the proposed development.
- PO 2.11 - enable the matter to be closed if development is located within a Rural Aquaculture Zone or if no onshore facilities are proposed in conjunction with a proposal for marine aquaculture.
- PO 2.4, 3.1,3.2, 4.1, 4.2, 4.3 and 4.4 – marine aquaculture matters are assessed pursuant to the *Aquaculture Act 2001* and should be removed from the Planning and Design Code.
- PO 2.10 – the setback distance should be consistent with of PO's throughout the Code.

Zones and Overlays

- Any duplication of PO's from the AGDP's in other Zones (Rural Aquaculture Zone, Coastal Waters and Offshore Islands Zone) and Overlays (Coastal Areas and Marine Parks (Managed Use) Overlays) should be removed or at the very least include a DPF that enables the matter to be closed if the development is subject to a Lease or Licence issued by PIRSA pursuant to the *Aquaculture Act 2001*.
- PO 1.1 of the Marine Parks (Managed Use) Overlay covers habitat protection and general managed use zones of the *Marine Parks (Zoning) Regulations 2012*. Aquaculture is a permitted activity/development within these zones, is also reflected in the DO for the Overlay. Potential DTS/DPF to exclude aquaculture development (i.e. is a complying development within this Overlay). Creates unnecessary assessment/red tape for a permitted activity/development and should be removed.

SAOGA appreciates the opportunity to provide comments on the proposed amendments. Should it be necessary, please do not hesitate to contact us in relation to the above submission.

Yours sincerely



Lynlee Lowe
SAOGA Executive Officer

From: [Jim Allen](#)
To: [DTI:PlanSA Submissions](#)
Subject: Submission on Miscellaneous Technical Enhancement Code Amendment
Date: Wednesday, 21 September 2022 7:03:38 PM

Dear Presiding Member and Members of the Commission

This submission comments on the specific variations proposed to lists of Restricted Development in two zones relating to renewable energy facilities and energy storage.

HILLS FACE ZONE

In the Hills Face Zone, the Exclusions for a Renewable Energy Facility in the Restricted Development Table are to be altered as below - deleted words in red; proposed in green.

Solar photovoltaic panels (roof mounted)

Any of the following:

(a) solar photovoltaic panels (roof or ground mounted).

(b) Battery Storage Facility

For Domestic use (i.e. principally used to supply and/or store electricity to the existing use of land)

This change is supported.

However, the scope of the exemption is still very narrow.

The Hills Face Zone includes existing electrical substations which, with associated power lines, can have a significant impact on visual amenity and natural character. Overhead power lines converging on a substation can have be quite dominant in an open, rural landscape.

The substation creates opportunity to co-locate battery storage projects on nearby parcels due to lower costs of connecting to the grid via cable. These projects are vital to support transition in the electricity market and network and are supported by various industry and government strategic policies and plans.

A battery storage facility typically requires a significantly smaller area than utility-scale PV solar farms and have less potential for visual impact than a utility-scale wind energy development.

The restrictive approach to renewable energy facilities in the Hills Face Zone pre-dates the move to help firm the national electricity grid with strategically-located battery storage.

Strategic locations include close to a substation. Lumping battery storage with other renewable energy facilities in the land use definitions has a perverse effect if Restricted Development listing is based on higher-impact utility solar or wind facilities.

It is submitted that there should be further exemptions to exempt (stand-alone) battery

storage within say 1km of an existing substation from the listed Restricted Developments in the Hills Face Zone.

RURAL ZONE

It is good to see a parallel change in the Rural Zone where battery storage (being defined as a 'renewable energy facility') is sometimes Restricted, ie:

Renewable energy facility within any of the following:

- a) Significant Landscape Protection Overlay
- b) Character Preservation Area Overlay

Exemption:

Any of the following:

(a) solar photovoltaic panels (roof or ground mounted).

(b) Battery Storage Facility

For Domestic use (i.e. principally used to supply and/or store electricity to the existing use of land)

This warrants expansion of the exemption to include situations where there are existing electrical substations in or on the edge of the Overlay.

An example of this is an electrical substation near the (closed) Neuroodla railway station in the Flinders Ranges Council area and on the edge of the **Significant Landscape Protection Overlay**. The locality is one where there is far lower landscape quality than other parts of the Overlay - even without the impact of the existing infrastructure. The boundaries of the Overlay are open to question but it is appreciated that is well beyond the scope of this amendment.

In the Flinders Ranges, as in other remoter areas, there is potential for solar and storage projects to help the energy needs of pastoral enterprises and/or tourist accommodation and remote communities. Wilpena resort for example already has a standalone PV array and there is also a renewable energy project underway to reduce diesel dependence at Arkaroola resort I understand.

These are opportunities to build local resilience and should not be stymied by undue red tape!

There is also a very real need to manage the decarbonisation of the electricity grid and transport while providing energy reliability and affordability. This can be supported by more co-location of solar and storage facilities with electricity substations, tourism/transport hubs, and the like, than the Planning and Design Code currently support due to classification of such facilities as Restricted Development in some Zones/Overlays.

If such facilities are co-located with existing infrastructure or uses that have already impacted natural character as a substation can do, it is not good policy to deter investment in grid support services as distinct from facilities serving a single land use or premises.

Especially in Regional SA, the philosophical basis of the exemptions proposed is too limiting, and incongruent with current trends in the energy industry involving innovative, localised energy resilience, climate mitigation and regional economic diversification.

There are numerous approved mid-scale solar facilities of up to 5MW in SA now. These help diversity rural landowner's income but may do so more effectively if they can generate income by export to the grid. The current proposed Exemptions are a good start but are too narrow in scope.

Kind regards,

Jim Allen

From: [PlanSA Submissions](#)
To: [DTI:PlanSA Submissions](#)
Subject: Public Consultation submission for Miscellaneous Technical Enhancement Code Amendment
Date: Thursday, 22 September 2022 12:44:17 PM
Attachments: [Submission - Final - Eyre Peninsula Councils.pdf](#)

PlanSA,

Submission Details

Amendment: Miscellaneous Technical Enhancement Code Amendment
Customer type: Council
Given name: Jordan
Family name: Hunt
Organisation: Future Urban
Email address:
Phone number:
My overall view is: I support the Code Amendment
Comments: Please see the attached detailed submission
Attachment 1: [Submission_-_Final_-_Eyre_Peninsula_Councils.pdf](#), type application/pdf, 366.4 KB
Attachment 2: No file uploaded
Attachment 3: No file uploaded
Attachment 4: No file uploaded
Attachment 5: No file uploaded
Sent to proponent email: plansasubmissions@sa.gov.au



Level 1, 74 Pirie Street
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ABN: 76 651 171 630

September 22, 2022

Code Amendment Team
Planning and Land Use Services
Via email: plansasubmissions@sa.gov.au

Dear Sir/Madam,

Please find below a detailed response to the Miscellaneous Technical Enhancement Code Amendment (MTECA) on behalf of the following Councils in the Eyre Peninsula region:

- District Council of Streaky Bay;
- Lower Eyre Council;
- District Council of Cleve;
- District Council of Elliston;
- District Council of Kimba; and
- District Council of Franklin Harbour.

Future Urban currently provides Local Government development assessment services to the 6 Eyre Peninsula Councils listed above. As a result, our Local Government assessment staff are well versed in understanding the policies which directly impact the Councils that we provide services for, and are acutely aware of where deficiencies exist within the current assessment policies.

As part of our review, we have identified the amendments which we believe will directly affect these Council areas from a development assessment perspective, and have provided commentary as to whether the Councils support, oppose or support with recommended alterations to the Code Amendment (opposition or recommended alterations can be found in red in the 'comments' column of the table).

In addition to the changes outlined in the MTECA consultation document, we have identified other issues with the Planning and Design Code, which we believe can be resolved as part of this amendment. These recommendations are included in the 'recommended additional minor amendments' heading of the table below.

If you have any questions in respect to our submission, please feel free to contact Council.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J Hunt'.

Jordan Hunt (on behalf of the Councils)
Senior Consultant

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
<u>RULES OF INTERPRETATION</u>		
<p><u>Application of Spatial Policy Relevant to the site of the Development</u></p> <p>The Code currently does not have an interpretation around when a zone, subzone, or overlay only partly covers an allotment.</p>	<p>The following to be inserted in Part 1 of the Code:</p> <p>Application of Spatially Based Policies and Rules</p> <p><i>Where a zone, subzone, overlay or technical and numeric variation (TNV) does not spatially apply to the whole of a site that is the subject of the development application, the spatially based rules of the zone (including assessment pathway exclusions), subzone, overlay or TNV are only applicable to the portion of the site to which the zone, subzone, overlay or TNV spatially covers. Reference to the South Australian Property and Planning Atlas of the SA planning database will be made to determine whether a zone, subzone, overlay or TNV is relevant to the site of the proposed development application.</i></p>	<p>This amendment is supported.</p>
<p><u>Spatial maintenance updates – comprising minor or operational amendments</u></p> <p>Version updates are regularly made, generally comprising of minor or operational amendments to the spatial layers.</p>	<p>The following to be inserted in Part 1 of the Code:</p> <p>Cadastral updates</p> <p><i>The zones, subzones and overlays of the Code are referenced to the cadastral boundaries shown in SAPP. In the majority of cases a zone, subzone or overlay boundary is directly aligned with a cadastral boundary. In the case of roads the zone, subzone or overlay boundaries are often aligned with the centreline of that road.</i></p> <p><i>When cadastral boundaries are resurveyed and amended by the Surveyor-General there are often boundaries that are, as a result, found to be</i></p>	<p>This amendment is supported.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
	<p><i>incorrectly spatially located and as a result of the re-survey, are represented in SAPPA in a different geographic location.</i></p> <p><i>Where the spatial application of the boundary of a zone, subzone or overlay is directly aligned or linked with the cadastre (being a parcel boundary or some other point or position within a parcel) and the cadastre is amended by the Surveyor-General resulting in the movement of a cadastral boundary, the spatial application of the boundary of the zone, subzone or overlay will also move proportionate with the amended cadastre. This ensures that the existing approved spatial application of the boundary of the zone, subzone or overlay with the cadastre is maintained.</i></p>	
<u>ZONES</u>		
<p><u>Conservation Zone</u></p> <p>Amendment to PO 2.1 of the Zone, as it does not currently clarify that land division should avoid creating additional allotments with frontage to the coast to capture conservation areas that do not directly abut waterfront areas.</p>	<p>AMEND PO 2.1 to the following:</p> <p><i>Land division supports the management or improvement of the natural environment including avoiding:</i></p> <ul style="list-style-type: none"> a) <i>further fragmentation of land that may reduce effective management of the environment</i> b) <i>parcel arrangements that increase direct property access to waterfront areas</i> c) <i>additional allotments with frontage to the coast or River Murray.</i> 	<p>This amendment is supported.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
<p><u>Rural Zone</u></p> <p>Policy provisions relating to matters of interface between sensitive receivers and rural land uses are not being prescribed for Performance Assessed detached dwellings in the Rural Zone, and therefore are not available to the relevant authority for assessment.</p>	<p>ADD the following policy linkages for Performance Assessed Detached Dwelling in Table 3 of the Rural Zone, including associated DTS/DPF provisions:</p> <p>Interface between Land Uses [Interface with Rural Activities]: PO 9.1, PO 9.2, PO 9.3, PO 9.4, PO 9.5, PO 9.6, PO 9.7</p>	<p>This amendment is supported as it provides for a detailed assessment against provisions relating to interface impacts.</p>
<p><u>Rural Zone</u></p> <p>Additional policy guidance is required for the assessment of Land Divisions, including Boundary Realignments within the Rural Zone.</p>	<p>ADD PO 11.3 and DPF 11.3 in the policies applicable to a Boundary Realignment proposal.</p>	<p>This amendment is supported as it provides more detailed assessment provisions for boundary realignment proposal.</p>
<u>RESTRICTED DEVELOPMENT CLASSIFICATION</u>		
<p><u>Industry</u></p> <p>Industry currently listed as Restricted within the following Zones, with the only exception being Light Industry:</p> <ul style="list-style-type: none"> • Employment Zone • Township Zone • Township Activity Centre Zone 	<p>AMEND this restricted trigger to include special industry rather than Industry (excluding only light industry)</p>	<p>This amendment is supported as it allows Council to more effectively determine whether a DA is for Industry or Light Industry, with these decisions often pending specific expert consultant reports.</p>
<p><u>Land Division within the Limited Land Division Overlay</u></p> <p>It is considered that the policy which generally applies to land division in the Code provides</p>	<p>REMOVE land division when the Limited Land Division Overlay applies in Table 4 – Restricted Development Classification in the Productive Rural Landscape Zone, Rural Zone, and Rural Horticulture Zone.</p>	<p>This amendment is supported as the policy provides clear guidance to support or refuse a proposal.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
adequate direction to a relevant authority for assessment purposes.		
<p><u>Dwelling within the Limited Dwelling Overlay</u></p> <p>The policy which generally applies to dwellings in the Code provides adequate direction to a relevant authority for assessment of a dwelling application.</p>	<p>REMOVE dwelling when the Limited Dwelling Overlay applies from Table 4 – Restricted Development Classification in the Rural Zone and Rural Horticulture Zone</p> <p>AMEND PO 1.1 of the Limited Dwelling Overlay to the following to make it clear that no new dwellings are envisaged:</p> <p><i>PO 1.1 - Development does not result in the establishment of a new dwelling</i></p>	<p>This amendment is supported as the policy provides clear guidance to support or refuse the proposal.</p>
<p><u>Dwellings within the Employment (Bulk Handling) Zone</u></p> <p>A dwelling other than when it is ancillary to a non-residential land use (and where it will not result in more than one dwelling on an allotment) is given a restricted development classification in this zone.</p>	<p>REMOVE dwelling from Table 4 – Restricted Development Classification in the Employment (Bulk Handling) Zone</p>	<p>This amendment is not supported, as there is very limited circumstances when a dwelling could be proposed without a non-residential use. We feel that the assessment policy is not strong enough to enable this development type to be removed from the Restricted Classification.</p>
<p><u>Dwellings and Land Division within the Deferred Urban Zone</u></p> <p>Within the Deferred Urban Zone, only development that will not result in more than one dwelling on an allotment are permitted. Land division is also restricted in the zone except for land division that does not create additional allotments other than for the purpose of providing public infrastructure. Neither of these</p>	<p>REMOVE dwelling and land division from Table – 4 Restricted Development Classification within the Deferred Urban Zone</p> <p>CREATE new PO 2.3 to provide guidance for a dwelling within the Deferred Urban Zone:</p> <p><i>PO 2.3 – Dwellings provide a convenient base for landowners to conduct and manage commercial scale primary production and rural related value</i></p>	<p>This amendment is supported as it enables Council to effectively assess proposals which seek to resolve minor anomalies or provide for the provision of infrastructure.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
<p>two land uses is considered to warrant a restricted development classification or detailed investigation and assessment.</p>	<p><i>adding activities without compromising the continued or future use of the allotment.</i></p> <p><i>DTS/DPF 2.3 – Dwellings:</i></p> <p><i>(a) are located on an allotment used for and is ancillary to primary production and/or primary production related value-adding activities</i></p> <p><i>(b) will not result in more than one dwelling on an allotment.</i></p>	
<p><u>Employment Zone – Removal of Various Land Uses from Restricted Classification</u></p> <p>The following two land uses are proposed to be removed from the restricted development classification listing:</p> <ul style="list-style-type: none"> • Waste reception, storage, treatment or disposal • Wrecking yard 	<p>REMOVE the following listed land uses from Table 4 – Restricted Development Classification in the Employment Zone –</p> <ul style="list-style-type: none"> • Waste reception, storage, treatment or disposal; and • Wrecking yard. 	<p>This amendment is supported.</p>
<p><u>Land Division and Dwellings within the Rural Shack Settlement Zone</u></p> <p>Within the Rural Shack Settlement Zone, a dwelling is currently restricted other than a detached dwelling that will not result in more than one dwelling on an allotment. Land division is also restricted in the zone except for land division that creates an allotment for an existing dwelling, is for the purpose of creating a public</p>	<p>REMOVE dwelling and land division from the restricted table in Rural Shack Settlement Zone</p>	<p>This amendment is not supported. We believe the more appropriate solution would be to amend the current Restricted Criteria to include the following (<u>underlined</u>):</p> <p>Detached Dwelling (Exclusion) – that will not result in more than one dwelling on an allotment <u>or lease site</u>.</p> <p>Land Division – Except where the proposal satisfies any of the following:</p>

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<p>road or reserve or is for a minor boundary realignment to remove a minor anomaly.</p>		<ul style="list-style-type: none"> a) land division that creates an allotment to accommodate an existing dwelling b) <u>land division that results in the creation of allotments which satisfies the relevant minimum allotment size TNV;</u> c) land division for the purpose of creating a public road or a public reserve d) land division that is a minor boundary realignment for the purpose of removing an anomaly in the current boundaries with respect to the location of existing buildings or structures and where no additional allotments are created partly or wholly in the zone. <p>Additionally, it is noted that the land division policy needs to be expanded in this Zone and more TNV's applied, if this form of development is to be removed from the Restricted Table.</p>
<u>NOTIFICATION TABLES</u>		
<p><u>Notification Tables – Minor Development</u></p> <p>Currently public notification requirements often trip relatively minor applications into a performance assessed pathway under the Code. This creates additional work for planning</p>	<p>AMEND the interpretation section of each zone public notification table (Table 5) together with Part 1 – Rules of Interpretation by inserting rules into the Code that would allow a relevant authority to determine that a variation to one or more corresponding exclusions prescribed in Column B is</p>	<p>This amendment is supported as it limits the need to notify minor forms of development</p>

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<p>authorities over and above notifications that occurred under the former development system under the <i>Development Act 1993</i>.</p>	<p>minor in nature, in which case the application will not require notification.</p> <p>AMEND each zone public notification table (Table 5) so that the following minor forms of development are not subject to public notification (or subjected to notification exception criteria in Column B):</p> <ul style="list-style-type: none"> • Air handling unit, air conditioning system or exhaust fan • Carport • Deck • Fence • Outbuilding • Pergola • Private bushfire shelter • Retaining wall • Shade sail • Solar photovoltaic panels (roof mounted) • Swimming pools or spa pool • Verandah • Water tank. 	
<p><u>Frost Fans</u></p> <p>Frost fans were raised by one Council as a land use activity that was being unnecessarily bogged down by notification red tape.</p>	<p>No changes are recommended as Frost Fans are a common source of complaint</p>	<p>Support the approach to not amend the notification aspect, however we recommend that a defined performance assessment</p>

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		pathway be developed so as to more effectively assess this development type.
<p><u>Notification of small scale developments</u></p> <p>Public notification tables currently notify smaller developments (ie. outbuilding, fence, retaining wall, etc.) where they exceed height or length on a boundary.</p>	<p>AMEND public notification tables removing the need for notification for small scale developments</p>	<p>This amendment is supported.</p>
<p><u>Additional notification trigger in Township Zone</u></p> <p>Currently proposed developments are not notified where they involve building a wall on an allotment boundary that exceeds 3 metres in height or 11.5 metres in length.</p>	<p>AMEND public notification table to include the following for Clause 2, 3 and 4:</p> <p><i>3. involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary (not being a boundary with a primary street or secondary street or an excluded boundary) and:</i></p> <p>(a) <i>the length of the proposed wall (or structure) exceeds 11.5m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment)</i></p> <p>or</p> <p>(b) <i>the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment).</i></p>	<p>This amendment is supported.</p>

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<u>POLICIES AND LINKAGES</u>		
<p><u>Interface Height</u></p> <p>Within the Township Main Street Zone and Recreation Zone the only policy relating to interface height is the building envelope.</p>	<p>CREATE PO 3.8 in Township Main Street Zone and PO 3.3 in Recreation Zone which states:</p> <p><i>Buildings on an allotment fronting a road that is not a State Maintained road, and where land on the opposite side of the road is within a neighbourhood-type zone, provides an orderly transition to the built form scale envisaged in the adjacent zone to complement the streetscape character.</i></p>	<p>This amendment is supported.</p>
<p><u>Land Division – Site Contamination – Policy Relevance and Linkage</u></p> <p>Part 9.1 of the Code (Referral Body: Environment Protection Authority) specifies that a referral is required for Performance Assessed Land Division in certain circumstances, however, the policy provisions of the Site Contamination General Development Policies are not linked to this development type.</p>	<p>ADD PO and DTS/DPF 1.1 of the Site Contamination General Development Policies to any Performance Assessed Land Division to ensure that site contamination matters are appropriately addressed.</p>	<p>This amendment is supported.</p>
<p><u>Non-Residential Outbuildings – New Policy and Assessment Pathways</u></p> <p>While assessment pathways for outbuildings currently exist, relevant policies are typically related to residential outbuildings. As such, non-residential outbuildings will often default to Performance Assessed where they are not ancillary to a dwelling (e.g., a shed for a church or a school in a neighbourhood-type zone).</p>	<p>CREATE an additional performance outcome in all applicable zones for Ancillary Structures and Buildings not specifically in association with a dwelling. The policy is written in a similar fashion to where such structures are ancillary to a dwelling.</p> <p>ADD new policy provisions to existing pathways for outbuildings, carports and verandahs to allow for assessment of these development types where not in association with a dwelling.</p>	<p>This amendment is supported.</p>

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<p><u>Pool Fencing – Accepted Development Pathway</u></p> <p>Although an Accepted Pathway exists for a swimming pool or spa pool, at present this does not consider the prerequisite for an associated safety fence. As a result, there is no way to achieve an Accepted Development Pathway for a swimming pool as the associated safety fence must be performance assessed.</p>	<p>AMEND the Accepted Pathway for ‘Swimming pool or spa pool’ across pertinent zones to include ‘and Swimming Pool Safety Features’.</p>	<p>This amendment is supported.</p>
<p><u>Tourist accommodation – total floor area</u></p> <p>Policy interpretation was unclear as whether the DPF was to apply per building or across multiple new buildings forming a single integrated tourist accommodation facility.</p>	<p>AMEND DTS/DPF 6.3(b) of the Rural Zone and Productive Rural Landscape Zone to the following:</p> <p><i>(b) in relation to the area used for accommodation:</i></p> <p><i>i. where in a new building, or buildings, does not exceed a cumulative total floor area of 100sqm</i></p>	<p>We agree that the DPF should be clearer, however the total floor area of 100sqm should not relate to the cumulative tourist accommodation facility but only to a single building. We believe the PO can adequately deal with multiple buildings forming a single integrated tourist accommodation facility.</p>
<p><u>OVERLAYS</u></p>		
<p><u>Coastal Area Overlay</u></p> <p>PO 4.1 - Development will not unreasonably affect the marine and onshore coastal environment by pollution, erosion, damage or depletion of physical or biological resources; interference with natural coastal processes; or the introduction of and spread of marine pests or any other means.</p>	<p>AMEND PO 4.1 to:</p> <p><i>Development will not unreasonably affect the marine and onshore coastal environment by pollution, erosion, damage or depletion of physical or biological resources; interference with natural coastal processes; or the introduction of and spread of marine pests and diseases or any other means.</i></p> <p>AMEND DTS/DPF 4.7 to:</p>	<p>Support these changes as PO 4.1 now include reference to not introducing disease, and DPF 4.7 appropriately reflects the intent of PO 4.7.</p>

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<p>PO 4.7 - Development involving the removal of shell grit, cobbles or sand, other than for coastal protection works purposes, is not undertaken.</p> <p>DTS/DPF 4.7 Development does not involve the removal of shell grit or sand.</p>	<p><i>Development does not involve the removal of shell grit, <u>cobbles</u> or sand.</i></p>	
<p><u>Key Outback and Rural Routes Overlay</u></p> <p>Changes are primarily proposed to align with similar changes in this Amendment in respect to the related Urban Transport Routes Overlay and Major Urban Transport Routes Overlay, to ensure consistency across the various transport overlays in the Code and reflect contemporary requirements and standards:</p>	<p>AMEND PO 3.1 and DTS/DPF 3.1 under a new heading 'Access – Location (Spacing) – Existing Access Points' include a new part (c)(iv) to address a change of use from a residential dwelling to a shop or office or consulting room or personal or domestic services establishment with less than a 250sqm gross leasable floor area.</p> <p>AMEND PO 7.1 and DTS/DPF 7.1 to include the addition of a new part (c) that ensures development does not prevent access points becoming stormwater flow paths directly onto roads.</p> <p>CREATE a new PO 8.1 and DTS/DPF 8.1 under a new heading 'Building on Road Reserves' to address encroachment of buildings or structures that may encroach onto, above or below road reserves.</p>	<p>The proposed amendments to this Overlay are supported as they bring consistency with the other Transport Overlays. The new policy 8.1 is useful for proposed developments located in road reserve.</p>
<p><u>State Significant Native Vegetation Overlay</u></p> <p>DTS/DPF 1.1(b) in the Assessment Provisions of the State Significant Native Vegetation Overlay currently provides a Deemed-to-Satisfy pathway for development where an application is accompanied by a report prepared in accordance with Regulation 18(2)(a) of the</p>	<p>AMEND the Procedural Matters (PM) – Referrals in the State Significant Native Vegetation Overlay to require that where the clearance is categorised as a 'Level 1 clearance' in an accredited consultant's report, referral is not required to the Native Vegetation Council.</p>	<p>This amendment is supported.</p>

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<p>Native Vegetation Regulations 2017 that confirms that the clearance is categorised as 'Level 1 clearance'. Notwithstanding this, a referral to the Native Vegetation Council is currently triggered in the overlay for all classes of development (other than land divisions) that involve a Level 1 clearance, which is contrary to the Deemed-to-Satisfy pathway.</p>		
<p><u>Prescribed Water Resources Area Overlay</u></p> <p>An error exists in the Procedural Matters (PM) – Referrals table within the Prescribed Water Resources Overlay, whereby the overlay does not include an exemption for developments that have already been granted access to water as is provided in the various other Prescribed Water Overlays in the Code.</p>	<p>AMEND the referral triggers to remove the need for referral to the Chief Executive of the Department of the Minister responsible for the administration of the <i>Landscape South Australia Act 2019</i> for certain classes of development where a lawful water allocation already exists that can service the new development and where no additional water is required to be taken, ensuring consistency across the various Prescribed Water Overlays in the Code.</p>	<p>This amendment is supported.</p>
<u>GENERAL DEVELOPMENT POLICIES</u>		
<p><u>Aquaculture</u></p> <p>Several matters have been identified in relation to aquaculture policy within the Code including:</p> <ul style="list-style-type: none"> • overlap between the matters covered in a planning assessment and the matters assessed for the purposes of issuing a lease and/or licence under the Aquaculture Act 2001 	<p>It is considered that the procedures undertaken by PIRSA when determining an aquaculture lease/licence adequately attend to the matters sought to be address the relevant PO's. It is proposed to attach a corresponding DPF to each PO.</p>	<p>Support the amendments proposed to the corresponding DPF's, as they now create a clear way of satisfying the corresponding PO.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
<ul style="list-style-type: none"> • superfluous policy • duplicated policy. 		
<p><u>Carport and Outbuilding – Design Module</u></p> <p>Policy provisions from the Design General Development Policies relating to garage dominance and the internal dimensions of enclosed parking spaces do not currently apply to applications for carports or garages which are not under the main roof of a dwelling.</p>	<p>ADD PO 19.1 to Deemed-to-Satisfy and Performance Assessed pathways for Carports and Outbuildings is to provide guidance for the assessment of internal dimensions for enclosed parking spaces.</p> <p><i>PO 19.1 - Enclosed parking spaces are of a size and dimensions to be functional, accessible and convenient.</i></p>	<p>Support this amendment as it encourages better design outcomes for Garages and Carports.</p>
<p><u>Commercial forestry</u></p> <p>A small number of matters have been identified in relation to commercial forestry policy within the Code including:</p> <ul style="list-style-type: none"> • status of commercial forestry as an anticipated use in the Rural Zone and the Productive Rural Landscape Zone • planning judgements on scenic quality impacts • setback policies 	<p>AMEND DTS/DPF 2.2 of the Rural Zone and the Productive Rural Landscape Zone to include ‘commercial forestry’ in the list of anticipated land uses within the zone.</p> <p>AMEND PO 1.4 in the Forestry General Development Module to provide greater clarity for the setback reasons:</p> <p><i>Commercial forestry plantations are separated from reserves gazetted under the National Parks and Wildlife Act 1972 and/or Wilderness Protection Act 1992 to minimise potential impacts arising from:</i></p> <ul style="list-style-type: none"> <i>(a) the spread of fires from the plantation into adjacent reserves</i> <i>(b) the spread of pest plants and phytophthora</i> <i>(c) the spread of non-indigenous plants species</i> 	<p>This amendment is supported.</p>

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	<p>(d) excessive nutrient loading of the soil or loading arising from surface water runoff</p> <p>(e) soil compaction</p> <p>(f) chemical spray drift</p>	
<p><u>Decks</u></p> <p>Proposals for decks are deemed development under the circumstances set out in Schedule 4 of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i> and currently require assessment against Code.</p>	<p>CREATE additional policy within the Design, and Design in Urban Areas module specific to decks to include assessment provisions that address overlooking.</p> <p>CREATE a deemed-to-satisfy and performance assessed pathway for decks in neighbourhood-type, residential employment, rural and recreation type zones linking the proposed new decks policy, with overlay applicability and relevant General Development policies reflecting comparable development types such as a verandah.</p>	<p>Support this amendment, but suggest that the following Zones also be included:</p> <ul style="list-style-type: none"> • Township Activity Zone • Township Main Street Zone <p>As some townships within the Eyre Peninsula Region include dwellings within these Zones.</p>
<p><u>Design – Driveways and Access Points</u></p> <p>Feedback has identified that policy provisions related to driveways and access points have been applied inconsistently across some zones</p>	<p>AMEND PO 19.3 - Driveways and access points are located and designed to facilitate safe access and egress while maximising land available for street tree planting, domestic waste collection, landscaped street frontages and on street parking.</p>	<p>Support this amendment as it refines the policy relating to driveways and access points.</p>
<p><u>Heavy Vehicle Parking</u></p> <p>Parking of a vehicle exceeding 3000 kg is classified as development under the PDI Act. However, no formal definition or assessment policy exists.</p>	<p>CREATE a new land use definition for heavy vehicle parking (refer to the definitions section of this Code Amendment for further details)</p> <p>CREATE the following policies:</p>	<p>Support this amendment as it will effectively assist in assessing heavy vehicle proposals. The policies include sufficient grounds for support or refusal.</p>

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	<p><i>PO 11.1 - Heavy vehicle parking only occurs on the same allotment as a dwelling and the vehicle is only owned and operated by a resident of the dwelling.</i></p> <p><i>PO 11.2 - Heavy vehicle parking and access is designed and sited so that the activity does not result in nuisance to adjoining neighbours as a result of dust, fumes, vibration, odour or potentially hazardous loads.</i></p> <p><i>DPF/DTS 11.2 - Heavy vehicle parking occurs in accordance with the following:</i></p> <ul style="list-style-type: none"> <i>a) the site is a minimum of 0.4 ha.</i> <i>b) where the site is 2 ha or more, no more than 2 vehicles exceeding 3,000 kilograms each (and trailers) are to be parked on the allotment at any time.</i> <i>c) where the site is between 0.4 ha and 2 ha, only one vehicle exceeding 3,000 kilograms (and one trailer) are to be parking on the allotment at any time.</i> <i>d) other than minor maintenance, no maintenance of the vehicle will occur on-site.</i> <i>e) the vehicle parking area achieves the following setbacks:</i> <ul style="list-style-type: none"> <i>I. Behind the building line or 30m, whichever is greater;</i> <i>II. 20m from the secondary street if it is a State Maintained Road;</i> <i>III. 10m from the secondary street if it is a local road;</i> 	

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	<p style="text-align: center;"><i>IV. 10m from side and rear boundaries;</i></p> <p><i>f) parking and access areas (including internal driveways) should be sealed or have a surface that can be treated and maintained to minimise dust and mud nuisance.</i></p> <p><i>g) does not include refrigerated trailers or vehicles.</i></p> <p><i>h) vehicles only enter and exit the property in accordance with the following hours:</i></p> <ul style="list-style-type: none"> <i>i. Monday to Saturday 6:00am and 9:30pm;</i> <i>ii. Sunday and public holidays between 9:30 am and 7:00 pm;</i> <i>iii. the handling or trans-shipment of freight is not carried out on the property.</i> <p><i>PO 11.3 Heavy vehicle parking ensures that vehicles can enter and exit a site safely and without creating a hazard to pedestrians and other vehicular traffic.</i></p> <p><i>DPF/DTS 11.3 - Heavy vehicles:</i></p> <ul style="list-style-type: none"> <i>a) can enter and exit the site in a forward direction; and</i> <i>b) operate within the statutory mass and dimension limited for General Access Vehicles (as prescribed by the National Heavy Vehicle Regulator).</i> 	

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
	<p><i>PO 11.4 - Heavy vehicle parking is screened from views from adjoining properties and the public roads by existing buildings and landscaping.</i></p>	
<p><u>Land Division – Policy Linkages</u></p> <p>It has been identified that not all the policy provisions from the Land Division general Development Policies are linked to Performance Assessed Land Divisions within zones.</p> <p>Specifically:</p> <p><i>Design and Layout: PO 2.8: Land division is designed to preserve existing vegetation of value including native vegetation and regulated and significant trees.</i></p> <p><i>Roads and Access: PO 3.11: Local streets are designed to create low-speed environments that are safe for cyclists and pedestrians.</i></p>	<p>ADD PO 2.8 and PO 3.11 of the Land Division General Development Policies to the Performance Assessed pathway for “Land Division” in all zones to ensure a consistent approach to the application of policy provisions from this module.</p>	<p>Support this amendment as it further expands the assessment criteria for land division proposals.</p>
<p><u>Transport, Access and Parking – Fence Policy - Sightlines</u></p> <p>The policy provisions currently applied to a Performance Assessed fence in various zones do not address matters related to preservation of sightlines between vehicles and pedestrians where fences are located adjacent to driveways or corner sites.</p>	<p>APPLY relevant policy provisions from the Transport, Access and Parking General Development Policy module to Performance Assessed Fences to address matters relating to preservation of sightlines:</p> <p><i>PO 10.1 - Development is located and designed to ensure drivers can safely turn into and out of public road junctions.</i></p> <p><i>PO 2.2 - Walls, fencing and landscaping adjacent to driveways and corner sites are designed to provide</i></p>	<p>Support this amendment as it enables more effective assessment criteria for fencing.</p>

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	<i>adequate sightlines between vehicles and pedestrians.</i>	
<u>LAND USE DEFINITIONS</u>		
Ancillary Accommodation	<p>AMEND definition to:</p> <p><i>Means accommodation that:</i></p> <ul style="list-style-type: none"> a) <i>is located on the same allotment as an existing dwelling; and</i> b) <i>is not a self-contained residence; and</i> c) <i>contains no more than 2 bedrooms or rooms or areas capable of being used as a bedroom; and</i> d) <i>is subordinate to and does not have separate connection to utilities and services (such as electricity, gas, water, telecommunications, sewerage system, wastewater system or waste control system) to those servicing the existing dwelling</i> <p><i>Definition now excludes tourist accommodation.</i></p>	Support this amendment to the definition, as it makes it very clear as to what criteria need to be satisfied.
Commercial Forestry	<p>AMEND to include:</p> <p><i>Means the practice of planting and managing plantation forests that are intended to be harvested for wood products or other commercial purposes, including through the commercial exploitation of the carbon absorption capacity of the forest.</i></p> <p><i>Definition now excludes horticulture, cropping, and farming.</i></p>	Support this amendment.

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Educational establishment	<p>AMEND definition to Educational Facility and to:</p> <p><i>Means a primary school, secondary school, reception to year 12 school, college, university or technical institute, and includes an associated child care facility or institution for the care and maintenance of children.</i></p>	Support this amendment.
Heavy Vehicle Parking (no definition)	<p>CREATE definition for heavy vehicle parking:</p> <p><i>Means the parking of any vehicle exceeding 3 000 kg in weight (including the weight of any attached trailer) on land used for residential purposes.</i></p>	Support this amendment.
Indoor recreation facility	<p>AMEND to include:</p> <p><i>Means a building or part of a building designed or adapted primarily for recreation or fitness pursuits.</i></p>	Support this amendment.
Office	<p>AMEND to include:</p> <p><i>Means a building or part of a building used for administration or the practice of a profession, but does not include a consulting room or premises where materials are stored for sale or manufacture.</i></p>	Support this amendment.
Pre-school	<p>AMEND definition to Child care facility:</p> <p><i>Means a place primarily for the care or instruction of children of less than primary school age, children with special needs or out-of-school-hours care</i></p>	Support this amendment.

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	<p><i>(including vacation care) and not resident on the site.</i></p> <p>Definition includes a pre-school.</p>	
Tourist accommodation	<p>AMEND to include:</p> <p><i>Means premises in which temporary or short-term accommodation is provided to travellers on a commercial basis. This use may also include:</i></p> <ul style="list-style-type: none"> <i>a) onsite services and facilities primarily for the use by guests;</i> <i>b) facilities for the management of the accommodation.</i> <p>This definition now includes a Caravan and Tourist Park but excludes a residential park.</p>	Support this amendment as it more broadly captures associated elements of accommodation facilities.
Workers accommodation	<p>AMEND to include:</p> <p><i>Means premises used to accommodate workers on a temporary basis while they carry out employment:</i></p> <ul style="list-style-type: none"> <i>a) on the same site as the workers' accommodation; or</i> <i>b) in mining or petroleum extraction; or</i> <i>c) in seasonally intensive rural activities including fruit picking, pruning, animal</i> 	Support this amendment.

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	<p><i>shearing, meat processing, bulk handling or freight handling; or</i></p> <p>d) <i>in the construction of essential infrastructure.</i></p>	
Function venue (no definition)	<p>CREATE definition for Function Centre:</p> <p><i>Means premises used for the hosting of events, conferences, conventions, receptions or functions.</i></p>	Support the inclusion of this new definition.
<u>ADMINISTRATIVE DEFINITIONS</u>		
Building Height	<p>AMEND to include:</p> <p><i>Means the maximum vertical distance between the lower of the natural or finished ground level or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) at any point of any part of a building and the finished roof height at its highest point, ignoring any antenna, aerial, chimney, flagpole or the like.</i></p> <p><i>For the purposes of this definition, building does not include any of the following:</i></p> <ul style="list-style-type: none"> <i>(a) flues connected to a sewerage system</i> <i>(b) telecommunications facility tower or monopole</i> <i>(c) electricity pole or tower</i> <i>(d) or any similar structure</i> 	<p>This amendment is supported; however, it is recommended that the following additional words (shown in red), be inserted to provide a clearer interpretation outcome:</p> <p><i>Means the maximum vertical distance between the lower of the natural or finished ground level or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) at any point of any part of a building and the finished roof height at its highest point on the same vertical plane, ignoring any antenna, aerial, chimney, flagpole or the like. For the purposes of this definition, building does not include any of the following:</i></p> <ul style="list-style-type: none"> <i>(a) flues connected to a sewerage system</i> <i>(b) telecommunications facility tower or monopole</i>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
		<p><i>(c) electricity pole or tower</i> <i>(d) or any similar structure.</i></p> <p><i>A corresponding diagram for measuring the building height on a sloping site would further strengthen clarity of the definition.</i></p>
Gross density	REMOVE definition.	Support this amendment.
Post height (new definition)	<p>CREATE definition for post height:</p> <p><i>Means the height of the post measured from the top of its footings of a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) noting that the height measurement does not include any part of the post that is concealed behind an eave or similar roof structure and not visible external to the land.</i></p>	Support this amendment.
Wall height	<p>AMEND to include:</p> <p><i>Means the height of the wall measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) noting that the height measurement does not include any part of the wall that is concealed behind an eave or similar roof structure and not visible external to the land.</i></p>	Support this amendment.

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
Direct Overlooking (new definition)	<p>CREATE definition for direct overlooking:</p> <p><i>In relation to direct overlooking from a window, is limited to an area that falls within a horizontal distance of 15 metres measured from the centre line of the overlooking window and not less than 45 degree angle from the plane of the wall containing the overlooking window.</i></p> <p><i>In relation to direct overlooking from a deck, balcony or terrace, is limited to an area that falls within a horizontal distance of 15m measured from any point of the overlooking deck, balcony or terrace.</i></p> <p>Images also included to assist with definition:</p>	Support this amendment.

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
REFERRALS		
<p><u>EPA Referrals</u></p> <p>Under the Development Regulations 2008 (now ceased), schedule 8 required a referral to the Environment Protection Authority (EPA): Development that involves, or is for the purposes of, an activity specified in Schedule 22 (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an</p>	<p>The proposed solutions to these issues are as follows:</p> <p>CREATE an interpretation noted for Part 9.1 of the Code to confirm when referrals are required:</p> <p><i>For the purposes of item 9 of the table in clause 3 of schedule 9 of the Planning Development and Infrastructure (General) Regulations 2017, development that involves, or is for the purposes of, an activity specified in the table below, requires a</i></p>	<p>Support these amendments as they enable referrals for the expansion of existing facilities which have a major environmental significance.</p> <p>The removal of class 3 is an appropriate deletion from the site contamination referral criteria.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
<p>alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level).</p> <p>The above ensured that alterations to an activity of major environmental significance required a referral. No similar preamble is included in Part 9.1 of the Code and as a result, the EPA has advised that some activities of major environmental significance are not being referred to them. This has resulted in works being approved that increase the risk of pollution or environmental harm and present challenges for the subsequent EPA licence</p> <p>The EPA has noted that the inclusion of Class 3 activities for referrals appears to be an administrative error as these activities were not identified in any consultation version of the Code. Further adding to this, is that the referral trigger for Site Contamination – Change in the use of land to a more sensitive use only refers to class 1 and class 2 activities with no requirements for a class 3 activity.</p>	<p><i>referral to the Environment Protection Authority, including:</i></p> <ul style="list-style-type: none"> • <i>development that reaches a threshold specified in the table below;</i> • <i>development with the capacity or potential to operate above the threshold level specified in the table below; or</i> • <i>an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level specified in the table below.</i> <p><i>The above does not apply for the purposes of items 9A and 9AB of the table in clause 3 of schedule 9 of the Planning Development and Infrastructure (General) Regulations 2017, which relate to site contamination and land division.</i></p> <p>AMEND the Class of Development / Activity Site Contamination – Land Division Class to removed class 3 activity needing to be referred and inclusion of the reference to South Australian Property and Planning Atlas.</p>	
<u>RECOMMENDED ADDITIONAL MINOR AMENDMENTS</u>		
<p><u>Agricultural Building – Definition</u></p>	<p>AMEND to include:</p> <p>Means a building used wholly or partly for purposes associated with farming, commercial forestry,</p>	<p>The amendment ensures that a proposed agricultural building be associated with a lawful land use.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
<p>Current definition does not require the agricultural building to be located on the same site/land as the associated land use.</p>	<p>intensive animal husbandry, dairying or horticulture land use, or to support the operations of that lawful use of the land, but does not include frost fans or a building used wholly or partly for any of the following:</p> <ul style="list-style-type: none"> • the processing or packaging of commodities • the housing of animals for the purposes of intensive animal husbandry • the purposes of a dairy. 	
<p><u>Definition of Waste – Administrative</u></p> <p>The definition of waste within Part 8 of the Planning and Design Code defers to the <i>Environment Protection Act 1993</i>.</p> <p>The definition is prescribed by section 4 of this Act and also has exclusions, which are not readily apparent and cannot be readily confirmed by the Environment Protection Authority when a relevant authority is determining the nature of development. The EPA has already received at least two enquiries attempting to confirm whether a use falls within the definition of waste.</p>	<p>ADD the definition of waste to Part 8 of the Planning and Design Code (i.e. copy and paste the definition of waste within section 4(1) of the above Act)</p>	<p>This Amendment would negate the relevant authority having to consider the exclusions to the definition within section 4(2) of the EPA Act</p>
<p><u>Design General Module – Policy Gap</u></p> <p>There is no policy within the Design or Design in Urban Areas General Development Policies (GDPs) that relate to the external materials and finishes of low-rise dwellings.</p>	<p>CREATE new policies to the Design GDPs that apply to dwellings and dwelling additions within neighbourhood type zones which guide external materials and design.</p>	<p>This amendment would result in better design outcomes and provide stronger policy to refuse poorly designed buildings.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
<p>This has resulted in an influx of 'shed houses' in areas which have an established character, such as Coffin Bay, as there are no applicable policies allowing us to consider the materiality and external appearance of the dwelling.</p>	<p>These policies could be adapted from Design in Urban Areas PO and DTS/DPF 12.5 and 12.6 which apply to medium-high rise development.</p>	
<p><u>Rural Living Zone - Side and Rear Setbacks</u></p> <p>The Planning and Design Code applies large side and rear setbacks for dwellings (20 metres) and no side and rear setbacks for ancillary structures such as outbuildings.</p> <p>The setbacks for dwellings are difficult to achieve and the lack of setbacks for outbuildings is resulting in outbuildings being sited in a manner that is inconsistent with a rural character and amenity.</p>	<p>REPLACE Rural Living Zone DTS/DPF 2.1(a) with the following:</p> <p>a) <i>are setback as follows:</i></p> <ul style="list-style-type: none"> i. <i>for allotments with an area of 1ha or more:</i> <ul style="list-style-type: none"> A. <i>20m from the primary street and rear boundaries</i> B. <i>10m from side and secondary street boundaries</i> ii. <i>for allotments with an area less than 1ha:</i> <ul style="list-style-type: none"> A. <i>20m from the primary street and rear boundaries</i> B. <i>5m from side and secondary street boundaries</i> <p>ADD the following to Rural Living Zone DTS/DPF 2.5:</p> <p><i>Have a 5m setback to side and rear allotment boundaries</i></p>	<p>These amendments would reinforce more appropriate setback patterns within the Rural Living Zone.</p>
<p><u>Earthworks in Conservation Zone</u></p> <p>Land within the Conservation Zone is commonly within the Coastal Areas Overlay. Earthworks exceeding 9 cubic metres are development within this Overlay and it is common for earthworks to exceed 9 cubic metres.</p>	<p>ADD the following exclusion to Table 5 of the Conservation Zone:</p> <p>Class of development (Column A): Earthworks</p> <p>Exceptions (Column B): Except any of the following:</p> <ol style="list-style-type: none"> 1. Earthworks that exceed a depth of 1 metre 	<p>This solution would negate a proposal which includes earthworks exceeding 9 cubic metre requiring public notification. It is noted that a wastewater disposal system often requires more than 9 cubic metres of earthworks.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
<p>There are no exclusions for earthworks within Table 5 of the Zone and accordingly, an assessment to determine whether the earthworks are 'minor in nature' is required for each development application including earthworks.</p>	<p>2. Earthworks that are situated within a Hazards (Flooding) Overlay or River Murray Flood Plain Protection Area Overlay</p>	
<p><u>Placement of Notices - Exemptions for Performance Assessed Development within the Conservation Zone</u></p> <p>Nearly the entire coast of the Eyre Peninsula is within the Conservation Zone, with some exceptions to this within coastal townships. Outside of townships, the Zone boundary typically dissects allotments which are partially within the Conservation Zone and partially within the Rural Zone. Generally speaking, the road frontage is within the Rural Zone and the coastal interface is within the Conservation Zone.</p> <p>The following exemption for the placement of notices applies in the Rural Zone:</p> <p><i>Pursuant to regulation 47(6)(c) of the Planning, Development and Infrastructure (General) Regulations 2017, the requirement to place a notice on the relevant land under section 107(3)(a)(ii) of the Planning, Development and Infrastructure Act 2016 does not apply in the Rural Zone.</i></p> <p>The above exemption does not apply within the Conservation Zone. Therefore, it is common for a development to be situated within the Conservation Zone, require notification and the</p>	<p>ADD the following exemption for both performance assessed and restricted development to Table 5 of the Conservation Zone:</p> <p>Pursuant to regulation 47(6)(c) of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i>, the requirement to place a notice on the relevant land under section 107(3)(a)(ii)/ 110(2)(a)(iv) [delete irrelevant section] of the <i>Planning, Development and Infrastructure Act 2016</i> does not apply to development where the entire public road frontage of the relevant land is within the Rural Zone.</p>	<p>This amendment would negate the need for a sign on the land within the Conservation Zone.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
<p>sign is placed on the road frontage in accordance with Practice Direction 3, which is usually within the Rural Zone. This results in an inconsistent 'notification practice' within the Rural Zone.</p>		
<p><u>Stores for Private Storage Purposes (i.e. outbuildings before dwellings)</u></p> <p>In rural areas, it is common for land owners to want a shed prior to a dwelling for a number of reasons, including:</p> <ul style="list-style-type: none"> a) Storage of building materials due to the remote location of building sites b) Collection of stormwater to enable land owners to establish landscaping on the land, before building a dwelling c) Storage of equipment to maintain the land, such as a ride on lawn mower, particularly for large sites in Rural Living Zones <p>A shed, without a main building such as a dwelling, is not an outbuilding and is defined as a store.</p> <p>Each Council had a different view and approach to stores prior to the implementation of the Planning and Design Code and had different policy within their Development Plan. However, the implementation of the Planning and Design Code necessitates the need for a uniform approach to 'stores' given the policy is identical and within a regional setting the relevant</p>	<p>We suggest the introduction of a new land use definition and a new Overlay to accompany this definition, to enable Council's the ability to apply this Overlay as part of a Code Amendment to parts of their Council area. This is a similar approach applied for the Dwelling Excision Overlay, which enables the creation of rural living type allotments within some area where such was previously enabled by the Development Plan.</p> <p>We suggest the following definition could be created:</p> <p><i>Private store</i> - Means a building used for the private storage of items and within or upon which no trade (whether wholesale or retail) or industry is carried on.</p> <p>Policy would then need to be added to the Overlay, outlining the criteria appropriate for a private store. Should the State Planning Commission be interested in this approach, we could suggest these policies for the Commission's consideration.</p>	<p>This amendment would enable specific Council's to be supportive of Store proposals and avoid lengthy assessment timeframes.</p>

CURRENT PLANNING AND DESIGN CODE	MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT	COMMENTS
authority remains the same (i.e. a Regional Assessment Panel).		
<p><u>Township Activity Centre Zone - Low-impact structures</u></p> <p>Many township centres include existing dwellings.</p> <p>The Township Activity Centre Zone does not exclude outbuildings and carports from public notification.</p>	<p>ADD outbuildings and carports to '3' of Table 5 within the Township Activity Centre Zone.</p>	<p>This amendment would resolve minor structure having to be all code assessed.</p>

From: [PlanSA Submissions](#)
To: [DTI:PlanSA Submissions](#)
Subject: Public Consultation submission for Miscellaneous Technical Enhancement Code Amendment
Date: Friday, 23 September 2022 1:06:07 AM
Attachments: [MTEC_Amendment.pdf](#)

PlanSA,

Submission Details

Amendment: Miscellaneous Technical Enhancement Code Amendment

Customer type: Community Group

Given name: Elizabeth

Family name: Crisp

Organisation: Prospect Residents Association

Email address:

Phone number:

My overall view is: I do not support the Code Amendment

Comments: We support some aspects of the code amendment and do not support some aspects of the Code amendment as detailed in our submission. You need to change you categories above as they do not meet our position

Attachment 1: MTEC_Amendment.pdf, type application/pdf, 5.3 MB

Attachment 2: No file uploaded

Attachment 3: No file uploaded

Attachment 4: No file uploaded

Attachment 5: No file uploaded

Sent to proponent email: plansasubmissions@sa.gov.au



Submission on the Miscellaneous Technical Enhancement Code Amendment

The Prospect Residents Association supports the submission from the Community Alliance and where we believe the recommendation is particularly significant we have included this in our submission.

Community Alliance (CASA) statement strongly supported

“These proposed changes must be tested for impact upon owners, neighbours, citizens in the street, local area amenity and loss of character and heritage. If these impacts are not considered from a community perspective, but just seen as requirements to make planning decisions easier for planners and Councils, then the changes will further worsen an already appalling destruction of heritage and loss of character in many suburbs.”

Community Alliance submission.

Proposed Code Policy	Response	Comments
2.3.2.7 – Urban Corridor Zone – all policy relating to a ‘primary road’ relates to a ‘State maintained road	Not Supported	<i>Devonport Tce Prospect is zoned Urban Corridor and is not a State maintained road but a minor road. Shoddy buildings have already been built there and this change would serve to make this situation worse. We do not want important setback and interface policy to be removed from rezoned local streets. Minor roads need to remain part of this TVN to protect them from inappropriate developments.</i>
2.3.2.10 Notification tables	We support the CASA comments	<i>CASA: Notification should occur as much as possible, instead of removing notifications. CASA does not believe that minimising public notification should be an active quest of our Planning System. Conversely CASA believes Town Planning is meant to be a consultative process that</i>



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		<p><i>seeks to include, rather than exclude public input into decision making. Minimising notifications will not result in any increased economic activity despite what the property lobby may purport.</i></p>
<p>2.3.2.10.5. Notification Tables – Demolition Issue</p>	<p>We agree strongly with CASA statement</p> <p>CASA statements supported as requiring action due to property purchasers not always being aware that the property is local heritage or a representative item and then wanting to demolish the house against council assessment. All aspects of heritage need better protection from demolition</p>	<p>CASA: Demolition should NOT be generally exempt from requiring DEVELOPMENT approval. This is because only 3% of buildings are protected from demolition as either State, Local or Representative Items, which is manifestly inadequate.</p> <p><i>Partial demolition of portions not visible from the street need not be notified.</i></p> <p><i>There is a danger of buildings being demolished that are thought not to be historic being demolished in the thinking that they are not historic when actually they are, such as houses that may have been altered or bastardised in the 1960's.</i></p> <p><i>The clear identification of the Representative Buildings such that they are mapped and listed on the Portal and show up as such on Form 1 Real Estate pre-purchase sale documents is what is really required at this stage.</i></p> <p><i>Not all Councils have surveyed and mapped their Representative (former Contributory) Items and this is a weakness in the Code that needs to be addressed. Councils have no record of demolition. 86% of buildings in the CBD are not listed. 97% of buildings in the state can be demolished.</i></p> <p><i>We recommend the State Govt help fund Councils to pay for surveys of their historic suburbs to identify the presently unlisted historic buildings and include the Representative Items for all Councils in the portal. All pre 1915 and pre 1940 buildings should be listed.</i></p> <p><i>There should be controls on demolition, and also on the vacant land left behind when a demolished building site is left vacant due</i></p>



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		<p>to changed plans.</p> <p><i>It is critical that Councils have a record of what numbers of properties are demolished and what and how to track lost embodied energy. Recording this information is essential.</i></p>
Part 2 – Zones and Subzones		
<p>2.3.2.10.6.1. General Neighbourhood Zone Table 5 - Procedural Matters (PM) – Notification PLUS</p> <p>2.3.2.10.6.2. Neighbourhood Zone Table 5 - Procedural Matters (PM) – Notification PLUS</p> <p>2.3.2.10.6.3. Township Zone Table 5 - Procedural Matters (PM) – Notification PLUS</p> <p>2.3.2.10.6.4. Urban Neighbourhood Zone Table 5 - Procedural Matters (PM) – Notification PLUS</p> <p>2.3.2.10.6.5. Urban Corridor (Main Street) Zone Table 5 - Procedural Matters (PM) – Notification PLUS</p> <p>2.3.2.10.6.6. Productive Rural Landscape Zone Table 5 - Procedural Matters (PM) – Notification PLUS</p>	<p>Not supported in relation to heritage matters</p> <p><i>We agree strongly with CASA statement</i></p>	<p>CASA: <i>We argue strongly against this change and the wording suggested in the tables. This is very dangerous and will depend on planner's interpretation. We need the inclusion of all heritage buildings to be included in the Code. The preceding comments at 2.3.2.10.5. Notification Tables – Demolition apply here also. We do not support this change.</i></p>
2.3.2.18 – Garages and Carports - Linkages	<p>Not supported</p> <p><i>We agree strongly with the Prospect</i></p>	<i>Prospect Council</i>



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	<p>Council statement.</p>	<p><i>There is a different intent between policies(PO 10.1 and PO 11.1)in relation to considering character of built form, and PO10.1 performs a valuable policy assessment role in Established Neighbourhood Zone. If PO 10.1 is no longer to apply to performance assessments, amended wording should be provided in PO 11.1 addressing directly the issue of the relationship between the garage/carport and the dwelling. The only change relating to PO 10.1 that is desired is the amendment of DTS 10.1 (c) to re-orient policy back to the dwelling (to align with the policy intent of the PO, which is for these developments to be sub-ordinate to the dwelling, not the site) Suggested wording : (c) have a garage door/opening width less than 50% of the front façade of the main dwelling</i></p>
<p>2.3.2.19. Dwelling Alterations and Building Additions/Alterations – Assessment Pathways</p>	<p>Supported but needs an inclusion</p>	<p><i>We ask to have ‘and Representative Items’ included also.</i></p>
<p>2.3.2.21 – Interface Height – Multiple Zones</p>	<p>Support Prospect Council concerns and recommendations.</p> <p>Concern expressed with respect to this change. Prospect has many narrow laneways separating dwellings in the Established Neighbourhood Zone from Urban Corridor Zone properties,</p>	<p>Support Prospect Council recommendation.</p> <p><i>Recommend that the policy adopt a minimum street width, or make no change (given that if no change is made the envelope would start on the other side of the street and have no effect on the building).</i></p>



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	<p>and these examples demonstrate that this provision requires further nuance to achieve its desired outcomes. A 3 metre width laneway does little to manage visual bulk/scale, overlooking or overshadowing impacts that the envelope provision is intended to address.</p> <p>If justification is that setbacks should be capable of managing this issue in relation to street boundaries, then perhaps setback of buildings to laneways or narrow streets is an issue that needs further consideration (for example, PO 2.7 of Urban Corridor Main Street Zone that would allow buildings to be constructed to the boundary of a site with a laneway)</p>	
<p>2.3.2.26. Primary Street Setback – Use of Building</p>	<p><i>We support the CASA comments</i></p>	<p><i>CASA: We agree to the first change regarding bay windows exclusion.</i></p>



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<p>Line</p>	<p><i>on this topic</i></p>	<p><i>We do not agree to the other changes regarding placement of houses and building lines. The current policy should be retained unless there is a historic building on the corner that is being retained. Then the policy makes sense.</i></p> <p><i>It is important to ensure conservation of corner heritage properties wherever possible. If a corner building is going to be demolished then we do not agree to this proposal.</i></p>
<p>2.3.3.4 – Design Overlay -Referral Variation to application and gives relevant</p>	<p>Not Supported</p> <p><i>We agree in part with Prospect Councils recommendation that for variations they should be scrutinised by the Government architect</i></p>	<p><i>We are very concerned about continual changes to development applications that completely change the original approval resultant design and build with no opportunity for third party appeal or recourse to the community who originally had concerns about the design and approval as well as changes to amenity and pre-purchased plans for apartments. There needs to be penalties for developers who do not follow approval requirements and who change plans for pre-purchased accommodation after they have been sold.</i></p> <p><i>Many Builders/developers fail to fulfil all or part of the required landscaping. This should result in a consequence such that they are forced to comply.</i></p>
<p>2.3.3.5. Heritage Adjacency Overlay – Referral Issue</p>	<p><i>We agree to this change</i></p>	
<p>2.3.3.13 – Representative Buildings – Character Area and Historic Area Overlays – Spatial Representation</p>	<p>We support the CASA recommendations in relation to this item.</p> <p>We also support the Prospect Council comments on this</p>	<p>CASA: <i>We agree to these changes. We commend the mapping that has occurred where Representative Buildings have been identified. However, there are manifestly not enough identified, with often 25% protected when 65%-70% are original historic housing stock which should be protected in inner historic suburbs.. Different councils have not completed this work or have been prevented by Planning SA and past</i></p>



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	<p>item</p>	<p><i>Planning Ministers, and thus there are resultant inconsistencies across the state depending upon which council had completed their surveys and identified their buildings prior to the transition to the new Code. The root cause of this is that Councils have either not undertaken the preparatory work to identify their Representative Buildings or not have their surveys and listing recommendations allowed by Planning SA in the past. This requires further attention by the Expert Panel.</i></p> <p><i>We strongly recommend that the Government funds Councils to enable them to complete this important work. A terrible example was 17 & 15 Hutt Street, where two bluestone buildings are about to be demolished, despite being submitted for Local Heritage Listing. They could have been Representative Items and have been saved. Thus comprehensive survey work by the State Government could assist councils. This would assist in retaining many beautiful and renowned suburbs such as Colonel Light Gardens, Medindie Gardens, South West corner of Adelaide city and the like.</i></p> <p><i>This survey work need not be an onerous task, examining individual histories of properties. For a Contributory Listing a Heritage Consultation need only identify the buildings that are of the era. We would advocate the identification of pre 1915 (WWI) buildings, predominantly Victorian, Federation and Edwardian cottages and villas, and the identification of pre 1940 (WWII) buildings, predominantly Bungalows, which are clear style identifiers of Historic Character homes in South Australia,</i></p> <p><i>It is not necessary to exclude properties that have been superficially altered such as</i></p>
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	<p><i>those modified in the 1960's and or missing original verandahs etc, as such alterations are readily reversed and not reason to preclude listing and protection. Refer to the numerous before and after examples provided by Sandy Wilkinson as evidence of this.</i></p> <p><i>The Historic Area Overlays should also include prescriptive development rules to ensure that any new buildings built in an historic area are built to a similar height and scale of the heritage buildings in the vicinity and street.</i></p> <p><i>As such, just as setbacks and garage widths are prescribed, ceiling heights should be prescribed, as this is the most consistent parameter of historic houses, and ironically the most consistent failure of infill dwellings, which invariably have a ceiling height noticeably lower than the prevailing historic housing stock.</i></p> <p><i>In areas like Parkside ceiling heights are consistently 3.3m (11 foot) and in areas of larger cottages and villas the ceiling heights are consistently 3.67m (12 foot).</i></p> <p><i>The reference to consistent wall heights is not working and ceiling heights of just 3.0m is being regularly used for infill housing.</i></p> <p><i>In historic areas houses have consistently single width driveways, many historic houses are demolished to replace one run down historic dwelling with a new dwelling invariably with a double side by side garage.</i></p> <p><i>Therefore, in historic area overlays, double garages to the street front should be stated as being inappropriate on block 15m (15.24m= standard 50 foot frontage) or less wide with double garages sited to the rear of driveways or only on wider blocks greater than 18m, and then sited more than 6m</i></p>
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		<p><i>behind the front façade.</i></p> <p>Prospect Council</p> <p><i>Agree, noting that it is a more user friendly way of checking data and should resolve the issue we appear to be encountering of not being able to add new Representative Buildings in City of Prospect because the Reference Layer isn't a part of the planning rules that can be changed via Code Amendment</i></p>
<p>2.3.4.2. Carport and Outbuilding – Internal Parking Dimensions – Linkages</p>	<p>We agree with CASA comments on this issue</p>	<p>CASA: <i>In historic areas houses have consistently single width driveways, Many historic houses are demolished to replace one run down historic dwelling with a new dwelling invariably with a double side by side garage.</i></p> <p><i>Therefore, in historic area overlays, double garages to the street front should be stated as being inappropriate on block 15m (15.24m= standard 50 foot frontage) or less wide with double garages sited to the rear of driveways or only on wider blocks greater than 18m, and then sited more than 6m behind the front facade.</i></p>
<p>2.3.4.7. Garage and Driveways – Design DTS/DPF 19.5, and Design in Urban Areas DTS/DPF 23.5 General Development Policies – Policy Review</p>	<p>We agree with CASA comments on this issue</p>	<p>CASA: <i>We agree to these changes and support the policy move to tapered driveways for more street car parking. We oppose double garage/side by side with dual driveways to the street frontage and feel this is not appropriate in older suburbs where all other existing homes have single driveway access to the street. Eg in Prospect the single driveway policy has been upheld.</i></p> <p><i>In historic areas houses have consistently single width driveways, many historic houses are demolished to replace one run down historic dwelling with a new dwelling invariably with a double side by side</i></p>



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		<p>garage.</p> <p><i>Therefore, in historic area overlays, double garages to the street front should be stated as being inappropriate on block 15m (15.24m= standard 50 foot frontage) or less wide with double garages sited to the rear of driveways or only on wider blocks greater than 18m, and then sited more than 6m behind the front façade.</i></p>
2.3.8 Part 8 – Admin Terms and Definitions		
<p>Includes:</p> <ul style="list-style-type: none"> - Building height - Building line - Catalyst site (N) - Direct overlooking (N) - High frequency public transit area (N) - Post height (N) - Wall height 	<p>We agree with Prospect Council and do not support this change</p>	<p>Prospect Council</p> <p><i>Note: Direct overlooking at 15m and 45 degree angle and from window/deck/balcony is significantly different from our previous Urban Corridor Zone overlooking policy, and is below the standard of privacy protection expected by our community.</i></p> <p>Residents Association comment</p> <p>Frosted glass must be 1.7m not 1.5m as most adults can see easily over 1.5m.</p>
2.3.8.1. Building Height – Amend	<p>We agree with CASA and do not support this change</p>	<p>CASA: <i>We do not agree to this change. We believe that the Code should make reference to 'Ceiling Heights' and this should be added into the definition. Using 'Wall height' is not how developers use it in practice. Eg in Parkside for villas, ceiling heights of 3.3-3.67 metres are used; bungalows – 3m ceiling height. The ceiling height is typically associated with buildings of particular eras and types.</i></p>
2.3.8.4. Catalyst Site – New Definition	<p>We agree with CASA and do not support this change</p>	<p>CASA: <i>We do not agree to this change. We believe the term 'catalyst' site and description should be removed from the Code. It is an anathema of planning. When clarification is required, using the term 'greater than 1500sqm' is clear. However,</i></p>



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19/9/2022

		<p><i>when using the term 'catalyst site' it is less clear. The number of ERD Court appeals is evidence of this confusion. It is consistently abused by developers. The provisions are so vague and ambiguous they should be removed. We believe the solution is to clarify and stipulate the provisions and meaning. We strongly urge the Commission to remove Catalyst Sites from the Code completely.</i></p>
<p>2.3.11 – Part 11 – Local Heritage Places</p> <p>2.3.11.1 – Listing of State Heritage Places</p>	<p>We agree with the CASA comments on this item</p>	<p>CASA: <i>Please refer to previous comments in this submission for further rationale. The current mapping does not show all Contributive (Representative) Items due to Councils lack of action on this. Thus if the building is not shown on the map, it does not mean it is not a Representative Item. We strongly urge that all Representative Items are listed in the Code.</i></p>

Elizabeth Crisp

President

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MOB:

From: [PlanSA Submissions](#)
To: [DTI:PlanSA Submissions](#)
Subject: Public Consultation submission for Miscellaneous Technical Enhancement Code Amendment
Date: Friday, 23 September 2022 8:52:32 AM
Attachments: [Holmes_Dyer_Submission_-_MTE_Code_Amendment.pdf](#)

PlanSA,

Submission Details

Amendment: Miscellaneous Technical Enhancement Code Amendment
Customer type: Other
Given name: Nitsan
Family name: Taylor
Organisation: Holmes Dyer Pty Ltd
Email address:
Phone number:
My overall view is: I support the Code Amendment
Comments: Please find attached Holmes Dyer's submission on the MTE Code Amendment.
Attachment 1: [Holmes_Dyer_Submission_-_MTE_Code_Amendment.pdf](#), type application/pdf, 1.2 MB
Attachment 2: No file uploaded
Attachment 3: No file uploaded
Attachment 4: No file uploaded
Attachment 5: No file uploaded
Sent to proponent email: plansasubmissions@sa.gov.au

23 September 2022

Reference: 0823

State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

Attention: Craig Holden, Chair

By Email: plansasubmissions@sa.gov.au

Dear Mr Holden

MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT

Thank you for the opportunity to provide feedback on the draft Miscellaneous Technical Enhancement Code Amendment ('Code Amendment').

Since the inception of the Planning and Design Code ('the Code'), Holmes Dyer has regularly provided feedback to PLUS regarding any errors or omissions we have encountered as planning practitioners. It is encouraging to see that many of these matters are being addressed in this Code Amendment.

We have reviewed the Code Amendment in its entirety and offer the following feedback.

2.3.2.14. - Common and Minor Development – Overlay Relevance – Assessment Pathways

The Code Amendment document identifies certain overlays that are not relevant to ancillary / minor developments such as carports, swimming pools, verandahs and outbuildings.

'Table 5 - Public Infrastructure and Transport Overlays Applicability' identifies the Future Road Widening Overlay and Future Local Road Widening Overlay as not being relevant in the assessment of minor forms of development (see Figure 1), however the table incorrectly indicates that these overlays are not currently applied to minor development and therefore no amendments to the Code are required.

This is confirmed in 'Attachment A - Proposed Code Policy - Amendment Instructions', which only seeks to remove the application of the Coastal Areas Overlay, Hazards (Acid Sulfate Soils) Overlay, Non-stop Corridor Overlay and Gas and the Liquid Petroleum Pipelines (Facilities) Overlay from minor developments.

A review of the Code indicates that the Future Road Widening Overlay and Future Local Road Widening Overlay currently exclude minor forms of development from the Accepted Development pathway in a number of zones, including most neighbourhood-type zones and the suite of Master Planned Zones.

It is requested that the Code is amended to ensure that these Overlays do not remove the Accepted Development pathway for minor forms of development.

Figure 1. Excerpt from Table 5 – Public Infrastructure and Transport Overlays Applicability

Overlay	Primary		Ancillary	
	Detached, Semi-detached and Row dwellings	Land Division	Ancillary Accommodation and Dwelling Extensions	Garport / Outbuilding / Verandah / Retaining Wall / Swimming Pool
Airport Building Heights (Aircraft Landing Area) <i>The Airport Building Heights (Aircraft Landing Areas) Overlay seeks to ensure building height does not pose a hazard to the operation and safety requirements of aircraft landing areas</i>	Yes	No	No	Yes
Airport Building Heights (Regulated) <i>The Airport Building Heights (Regulated) Overlay seeks to ensure building height does not pose a hazard to the operation and safety requirements of commercial and military airfields</i>	Yes	No	No	No
Future Local Road Widening <i>The Future Local Road Widening Overlay seeks to ensure development will not compromise efficient delivery of future road widening requirements</i>	Yes	Yes	No	No
Future Road Widening <i>The Future Road Widening Overlay seeks to ensure development will not compromise efficient delivery of future road widening requirements.</i>	Yes	Yes	Yes	No

2.3.2.15. - Detached Dwellings in Master Planned Zones as an Accepted Development Pathway

We strongly support the proposed amendments to Table 1 to remove unnecessary Overlays as exclusions from the Accepted Development pathway for Detached Dwellings in all Master Planned Zones where a Building Envelope Plan applies.

However, we are concerned that the Code Amendment does not seek to remove these same Overlays for Row Dwellings and Semi-Detached dwellings in the Master Planned Renewal Zone, which are also contemplated in the Building Envelope Plan process (refer Figure 2).

It is therefore requested that the following Overlays are removed from Table 1 of the Master Planned Renewal Zone for Row Dwellings and Semi-Detached Dwellings.

- Aircraft Noise Exposure Overlay
- Character Preservation District Overlay
- Coastal Areas Overlay
- Future Local Road Widening Overlay
- Future Road Widening Overlay
- Hazards (Bushfire - High Risk) Overlay
- Hazards (Flooding) Overlay
- Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay

- Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay
- Resource Extraction Protection Area Overlay
- River Murray Flood Plain Protection Area Overlay
- Significant Industry Interface Overlay
- Significant Landscape Protection Overlay

Figure 2. Excerpt from PlanSA Building Envelope Plans Fact Sheet

How does the building envelope support construction?

A BEP is called up in master planned zones as a relevant consideration when assessing development applications for buildings. Policy requirements such as building height, street setbacks, positioning of boundary walls, and side and rear boundary setbacks will typically recognise a relevant BEP in the deemed-to-satisfy/designated performance feature criteria.

Further, master planned zones the Code identify some dwelling types as accepted development (i.e. no planning consent required) in Table 1 subject to meeting relevant criteria such as being constructed within the envelope of an approved BEP.

The accepted development classification is available in the following zones and for the following development types:

Zone	Class of Development
Master Planned Neighbourhood Zone	Detached dwelling
Master Planned Renewal Zone	Detached dwelling, row dwelling, semi-detached dwelling
Master Planned Township Zone	Detached dwelling

Recommended Editorial Amendments

2.3.2.8. - Urban Corridor Zones – Side Boundary Setback – Policy Review

It is our view that the proposed rewording of PO 2.4 (and the existing wording for DPF 2.4) is difficult to understand and uses vague language (e.g. ‘front part of the allotment’, ‘parts of the building’, ‘building parts’):

PO 2.4 (proposed by the Code Amendment)

Buildings are:

- (a) sited on side boundaries for parts of the building located towards the front part of the allotment to achieve a continuity of street façade to the street
- (b) setback from side boundaries for parts of the building located behind the street facing elements, to enable building separation to provide access to natural ventilation and sunlight.

DPF 2.4 (existing wording)

Building walls with no window/s or balcony/s fronting the boundary, setback from side boundaries as follows:

- (a) no minimum on the boundary, within the first 18m from the front property boundary for any building level
- (b) no minimum for remaining length for ground level only

- (c) 2m or more for 1st level and above for building parts more than 18m from the front property boundary

The following alternative wording is suggested:

PO 2.4

Buildings set back from side boundaries (other than street and zone boundaries) to achieve a continuous streetscape and provide access to natural ventilation and sunlight between buildings.

DPF 2.4

Building walls with no window/s or balcony/s facing the side boundary set back as follows:

- (a) All levels within 18m of the front property boundary: no minimum
 (b) Ground level >18m from the front property boundary: no minimum
 (c) 1st level and above >18m from the front property boundary: 2m minimum

2.3.7. - Part 7 – Land Use Definitions

It is recommended that clause (a) of the proposed definition for Tourist Accommodation is amended as follows:

Tourist Accommodation - Means premises in which temporary or short-term accommodation is provided to travellers on a commercial basis. This use may also include:

- (a) onsite services and facilities primarily for ~~the~~ use by guests;

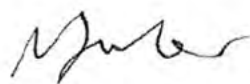
2.3.8. – Part 8 – Administrative Terms and Definitions

The introduction of a definition for direct overlooking is supported.

For consistency and to avoid confusion, it is recommended that relevant references to overlooking in the Code are amended to read direct overlooking. Relevant references are currently found in the Design module (PO 23.5 and 29.6) and Design in Urban Areas module (PO 32.5 and 39.6) and relate to overlooking as an undesirable outcome as opposed to overlooking that is encouraged, e.g. overlooking of the street.

We trust this feedback is of some assistance. Please do not hesitate to contact the undersigned should you require clarification of any of the matters raised.

Yours sincerely



Nitsan Taylor
Principal

From: [Jason Cattonar](#)
To: [DTI:PlanSA Submissions](#)
Cc: [Steve Grace](#)
Subject: MTECA Submission - Mr Steve Grace, 9 Regano Road Flagstaff Hill
Date: Friday, 23 September 2022 9:05:09 AM
Attachments: [image001.png](#)
[9 Regano Road MTECA Submission FINAL.pdf](#)
Importance: High

Dear, PlanSA.

Please refer to the attached MTECA submission, made on behalf of Mr Steve Grace of 9 Regano Road, Flagstaff Hill.

Regards,

JASON CATTONAR

Associate Director

signature_967180107



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23 September 2021



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Mr Craig Holden
Chair, State Planning Commission
Via email: plansasubmissions@sa.gov.au

Dear Craig,

RE: Miscellaneous Technical Enhancement Code Amendment

1. INTRODUCTION

We make this submission on behalf of, Steve Grace ('client'), the registered proprietor of 9 Regano Road, Flagstaff Hill ('Site'), in relation to the Miscellaneous Technical Code Enhancement Code Amendment ('MTECA'), which was initiated by the State Planning Commission ('Commission').

The *Proposal to Initiate* stated that the focus of the MTECA is to make technical improvements to the Planning and Design Code ('the Code') in line with the key topics detailed below:

- Improve policy clarity and interpretation;
- Improve consistency and alignment with Code drafting principles;
- Improving system efficiency and procedural matters;
- Review classification tables and assessment pathways, in particular for common and minor forms of development;
- Linkages improvements (missing or additional policies);
- Addressing unintended policy consequence;
- Update to the Rules of Interpretations to improve understanding of the Code's operation.

Whilst our client is generally supportive of the intent of the MTECA, and the significant majority of the amendments proposed, we are of the opinion that a number amendments in the MTECA consultation document should be further amended in order to provide improved clarity of interpretation, and to address what appear to be unintended policy consequences.

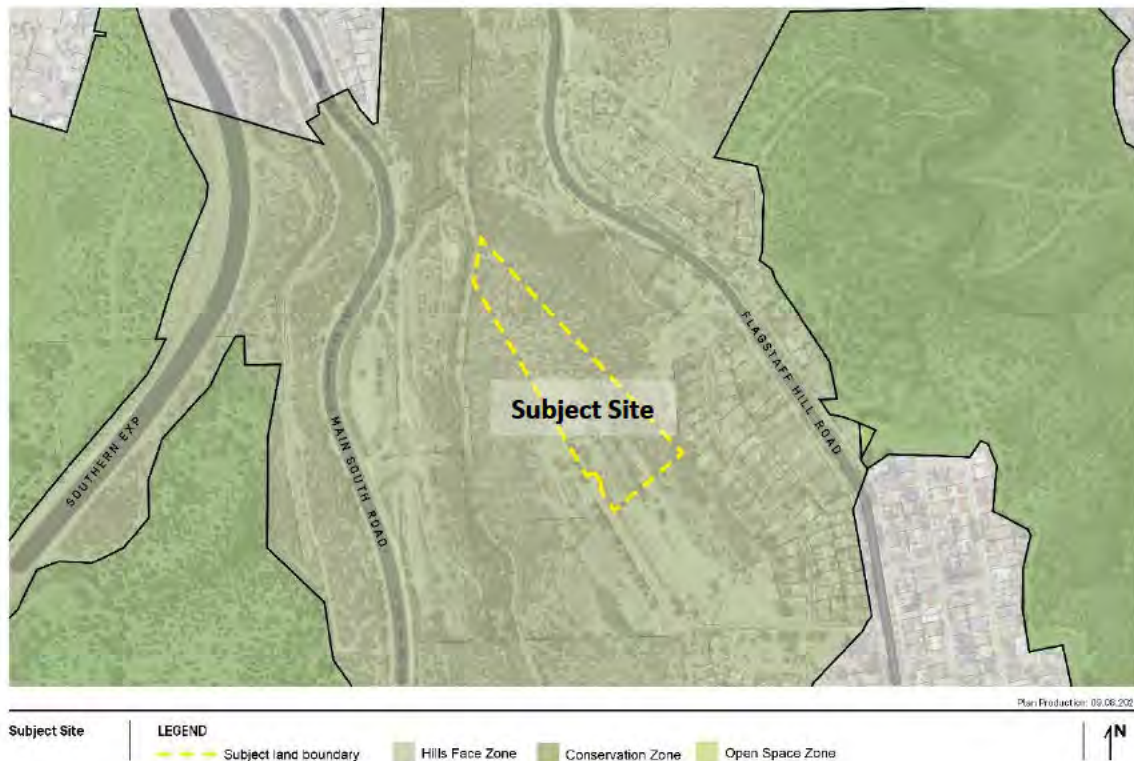
2. CLIENT'S SITE

Our client's Site is comprised of a single allotment formally described as Allotment 9 in Deposited Plan 7945, and commonly known as 9 Regano Road, Flagstaff Hill.

The land contains a total frontage of approximately 90 metres to Regano Road and a site area of 13 acres (5.26 hectares).

The South Australian Property and Planning Atlas ('SAPPA') shows the Land as being within the Hills Face Zone ('Zone'), as shown in Figure 1, below:

Figure 1 Aerial image of the Land



3. Restricted Development Classification (Section 2.3.2.9)

The MTECA states that investigations by the Commission have further highlighted the difference in how non-complying and restricted development are assessed, and as such, there remains certain classes of development listed in Table 4 of various zones that have inappropriately transitioned former non-complying classes of development across as restricted development in the Code.

The MTECA also acknowledges that a number of classes of restricted development do not necessarily require assessment by the Commission and should instead be performance assessed by an Assessment Manager or Council Assessment Panel (noting that the Zone or Overlay typically provides policy to guide the appropriateness or not of these classes of development).

The MTECA establishes the following new principles to inform the Commission as to what classes of development are most appropriately listed as restricted development:

- **Principle 1:** Warrants assessment by the Commission to consider the strategic implications and impacts.
 - » For example, large-scale out-of-centre retail warrants State assessment as it may have a broader impact on the form and pattern of development across a region and could disrupt the role of activity centres in providing equitable and convenient access to shopping, administrative, cultural, entertainment and other facilities.
- **Principle 2:** Requires detailed investigations and assessment beyond that provided through a performance assessed pathway, and may require consideration of other documents outside of the Code.

- » For example, special industry has the potential to endanger or detrimentally affect the health of people and property and would therefore benefit from a more detailed assessment process.

Section 2.3.2.9.10 of the MTECA states the following:

“The intent and outcomes sought for the Hills Face Zone are also considered strong in guiding appropriate potential developments. In this context, this Code Amendment provides further opportunity to align the restricted development principles with those listed land uses of the Hills Face Zone.”

And:

“While there is currently no guiding policy for land division within the Hills Face Zone, this Code Amendment does intend to add new policy to the zone to provide greater clarity and guidance to land division, in particular when a boundary realignment may be appropriate.”

Accordingly, the MTECA proposes the following changes to the Zone:

“AMEND Table 4 – Restricted Development Classification in the Hill Face Zone by removing the following Classes of Development:

- Land Division (exclusion for boundary realignment listed) “

And:

“CREATE new policy (PO 14.1 and PO 14.2) within the Hills Face Zone to provide guidance of when land division, specifically boundary realignment, may be appropriate.”

<i>Land Division</i>	
<i>PO 14.1 Land division does not result in the creation of an additional allotment.</i>	<i>DTS/DPF 14.1 No additional allotments are created.</i>
<i>PO 14.2 Land division involving boundary realignments occurs only where it supports the management or improvement of the natural environment including avoiding: a) further fragmentation of land that may reduce effective management of the environment or diminishing the natural character of the area</i>	<i>DTS/DPF 14.2 Land division involving boundary realignment that will satisfy one of the following a) is for the creation of a public road or a public reserve b) is to remove an anomaly in existing boundaries with respect to the location of existing buildings or structures c) is for the management of existing native vegetation</i>

4. Comments and Recommendations

While we support the exclusion of ‘boundary realignment’ from being restricted development, the inclusion of new policy, specifically Zone PO 14.1, suggests that it is superfluous to list ‘land division’ as restricted development due to the clear intent of Zone PO 14.1.

To further support this opinion, we draw your attention to the following map which illustrates the interaction of the Hills Face Zone with the Environment and Food Production Area (‘the EPFA’):



Regional Context | LEGEND | Plan Production: 09.08.2022

 Subject land	 Hills Face Zone	 Conservation Zone	 Open Space Zone	 Environment and Food Production Areas
--	---	---	---	---

↑ N

As you will note, the areas of the Hills Face Zone that immediately adjoin the urban areas of metropolitan Adelaide are predominantly contained within the EFPA.

Section 7(5)(d) of the *Planning, Development and Infrastructure Act 2016* ('the Act') states:

"if the proposed development will create additional allotments to be used for residential development, the relevant authority must refuse to grant development authorisation in relation to the proposed development."

Having noted the above, we consider the strength of the proposed Code policy (i.e. Zone PO 14.1), coupled with Section 7(5)(d) of the Act, as having the requisite policy and legislative strength to prevent urban sprawl into the most sensitive areas of the Mount Lofty Ranges.

As such, we do not see a need to list 'land division' as restricted development in the Hills Face Zone in order to achieve the stated outcomes in the MTECA.

Notwithstanding, we consider there is an opportunity to amend the wording of PO 14.1 such that in those parts of the Hills Face Zone where the EFPA does not apply, a Technical and Numeric Variation ('TNV') can specify minimum allotments sizes that support the retention and re-establishment of the natural landscape character, coupled with efficient and effective use of land.

To that end, we note that in the Rural Zone and the Productive Rural Landscape Zone, policies envisage horticultural activity on allotments measuring 1 hectare. Horticulture is a use of land that is envisaged by the Hills Face Zone, which suggests that a minimum site area TNV or 1 hectare may be appropriate for the Hills Face Zone.

Accordingly, we suggest the following amendment to proposed Hills Face Zone PO 14.1:

<i>Land Division</i>	
<p>PO 14.1 <i>Land division does not result in the creation of an additional allotment unless:</i></p> <p>(a) <i>The proposed land division is consistent with any relevant Gradient Minimum Site Area (General) Technical and Numeric Variation layer, and maintains the natural landscape character of the Mount Lofty Ranges and preserves biodiversity and locally indigenous vegetation.</i></p>	<p>DTS/DPF 14.1 <i>No additional allotments are created unless: The proposed land division is consistent with any relevant Gradient Minimum Site Area (General) Technical and Numeric Variation layer.</i></p> <p><i>>INSERT TNV< (e.g. 1ha)</i></p>

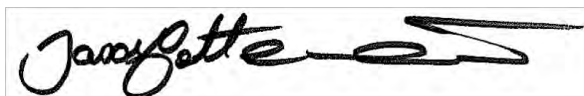
5. Conclusion

The recommendations contained in this submission would ensure that:

- The Commission is not needing to assess development applications that can otherwise be assessed by Council Assessment Panels and Assessment Managers;
- The sensitive areas of the Hills Face Zone and the EFPA remain protected from urban sprawl.
- Relevant authorities and land owners are provided with greater certainty noting the proposed new policy in the Hills Face Zone – PO 14.1 and DPF 14.1.

We appreciate the opportunity to review the MTECA, and would be pleased to clarify any of our identified issues and proposed recommendations directly.

Yours sincerely,



Jason Cattonar
 Associate Director

From: [Nicolette Di Lernia](#)
To: [DTI:PlanSA Submissions](#)
Subject: Submission – Miscellaneous Technical Enhancement Code Amendment
Date: Friday, 23 September 2022 12:09:55 PM
Attachments: [image001.png](#)
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[image004.png](#)
[image005.png](#)
[Aust_Inst_Architects_Submission_SA_Misc_Tech_Code_Amendment_FINAL.pdf](#)

The Australian Institute of Architects and the Association of Consulting Architects are pleased to make the following submission in relation to the Miscellaneous Technical Enhancement Code Amendment.

Regards,

Nicolette Di Lernia B Arch St, B Arch (Hons)
Executive Director South Australia

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MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT



State Planning Commission

PlanSA@sa.gov.au



Submission issued September 2022
South Australian Chapter



Association of Consulting Architects
The Business of Architecture



Australian
Institute of
Architects

ABOUT US

The Australian Institute of Architects (Institute) and Association of Consulting Architects (ACA) are the peak membership bodies for the architectural profession in Australia.

Architects are a key component of Australia's \$100 billion built environment sector and there are around 13,500 architectural businesses in Australia with around 40,000 employees. Approximately 25,000 people in the labour force hold architectural qualifications (Bachelor degree or higher) and architectural services in Australia in 2017-18 had revenue of \$6.1 billion and generated \$1.1 billion of profit.

The Institute and ACA actively work to maintain and improve the quality of our built environment by promoting better, responsible and environmental design.

PURPOSE

- This submission is made by the Australian Institute of Architects (the Institute) and the Association of Consulting Architects (ACA) in response to the proposed *Miscellaneous Technical Enhancement Code Amendment* published by the State Planning Commission.
- At the time of this submission:
 - ▶ The Institute National President is Shannon Battisson FRAIA, and the SA Chapter President is Anthony Coupe RIAA. The A/Chief Executive Officer is Barry Whitmore.
 - ▶ The ACA National and SA President is John Held. The Chief Executive Officer is Angelina Pillai.

CONTACT DETAILS

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COVER PHOTO

The Australian Institute of Architects' SA Chapter recipient of 2021 SA Architecture Medal and the Keith Neighbour Award for Commercial Architecture. Meals on Wheels SA Head Office. JPE Design Studio.

Photographer: David Sievers.

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1 INTRODUCTION

The Institute and ACA generally support the State's *Planning and Design Code* Expert Review and aims to "provide South Australians with planning policy that is consistent and clear, making the planning process quicker, simpler and more equitable"¹.

However, we have significant reservations in relation to the proposed *Miscellaneous Technical Enhancement Code Amendment* (Code Amendment) and **the Institute and the ACA do not support the proposed Code Amendment as currently presented.**

Where the Code Amendment relates to correction of inconsistencies and errors in the Planning and Design (P&D) Code, we support the proposed changes. Where the Code Amendment will impact the application and interpretation of planning policy as it applies to applications, the proposed changes are not supported, on the basis that the Code Amendment is too extensive to provide confidence that the impact of the proposed changes can be fully assessed or understood.

We believe there is a strong risk that the proposed Code Amendment will contradict the previously established aims of the P&D Code. Our reasoning is as follows:

- Acknowledge the complexity of the P&D Code requires professional expertise to provide clarity around the development rights of landowners and adjacent landowners. This requires referral to experienced professionals with appropriate expertise where performance assessment is required. These professionals will not necessarily be statutory planners.
- Increase in the discretionary powers of 'relevant authority', which raises the risk of unintended consequences where the decision to consider one or more amendments as 'minor' means that the application is assessed through a DTS pathway without referral for expert opinion. There is a significant likelihood that discretionary decisions will be made by:
 - o Council staff who may not be accredited professionals but less experienced staff working under delegation
 - o Staff working as consultants to Council who are not necessarily familiar with local character and other factors that the Code Amendment assumes are known. We note that the statement, '*It is also acknowledged that Council Assessment Panels and Managers have the appropriate skills, qualifications and local knowledge to undertake an assessment of this nature.*', appears several times in the MTE Code Amendment as justification of the increase in discretionary decision-making powers by the relevant authority.
- Lack of definition in of what constitutes a 'minor amendment'. Determination of what constitutes a minor amendment, and how many should be allowed within one application is at the discretion of the relevant authority.
- Insufficient consideration of the unintended consequences resulting from potential conflicts of interest, inconsistency in interpretation of the P&D Code

¹ <https://dbphilpott.com.au/plan-sa-planning-and-design-code-the-code/#:~:text=The%20Code%20seeks%20to%20provide,or%20progressing%20large%20commercial%20developments.>

and resultant inequity, resulting from accredited professionals, or those staff working under delegation, making determinations on matters outside of their expertise and Professional Indemnity Insurance coverage (e.g., partial demolitions within Heritage Area Overlays).

- The Code Amendment places SA Heritage and Historical Sites at risk. The Institute and ACA recommend that developments impacting heritage sites and/or historic areas are always deferred to Heritage SA². The assessment of significance and impact needs to be undertaken by appropriately qualified professionals with expertise in preparing and assessing Heritage Impact Statements.

We recommend the P&D Code, and any amendments to it, prioritise quality long-term investments in the built environment, not just speed of assessment and administrative efficiencies. We note that Institute members who undertake work nationally consider that the time taken to assess development applications in South Australia already compares well with approval times in other jurisdictions.

We look forward to continuing to support the Department to ensure the best practical outcome that can achieve the aims of the planning reform.

2 DETAILED RESPONSE

2.1 Minor Development

The Code Amendment does not sufficiently define what constitutes a ‘minor development’ and ‘minor amendment’ to a development approval. This lack of clarity has the potential to lead to inconsistent interpretation of the planning framework by the relevant authority, resulting in unintended and inequitable outcomes and eroding public confidence in the P&D Code.

In addition, the P&D Code does not address the cumulative effect of multiple minor amendments and the Code Amendment presents an increase in the number of matters that can be classed as minor amendments by the relevant authority. The effect is a reliance on the discretionary interpretation of the relevant authorities. In practice, the relevant authority (local council) defers this discretion to an accredited planning professional, increasingly engaged on a consultancy basis. Such an arrangement presents several unintended risks:

- Potential conflicts of interests (real or perceived) of the accredited planning professional who may be undertaking work on behalf of applicants and relevant authorities.
- Potential inconsistency in the interpretation of the P&D Code due to deferral of discretionary interpretation by relevant authorities to multiple accredited planning professional, with varied levels of experience and expertise, resulting with inequity of application of the P&D Code.

² Referral of matters concerning State Heritage Listed Places is to the Minister responsible for the Heritage Places Act 1993, with Heritage SA offices acting as delegates for the Minister.

- Risk to accredited planning professional making determinations outside of their expertise and Professional Indemnity Insurance coverage.

The Institute and the ACA recommend that the Code Amendment provide further definition (for example a +/- 5% range) and examples of what is deemed as a minor development and a minor amendment to a development, to alleviate the identified risks. This would also provide increased certainty for applicants and provide clear parameters if dispute resolution is required.

We have observed that applicants are aware of the opportunity that exists to submit multiple minor amendments between gaining approval and completion of construction and, in some instances, take advantage of this. The outcome of cumulative changes to the finished building may include poor environmental performance, negative impact on public amenity, poor response to context and reduced soft landscape.

2.2 Public Notification Tables

Public notification is a vital component of the planning system to ensure that all adjoining landowners can identify potential unintended risks of specific developments and ensure community confidence in the P&D Code.

The adjustment and/or removal of public notification triggers is not supported in the following instances:

- Removal of public notification triggers based on failure to satisfy boundary setbacks
- Building work on railway land, rainwater tanks, retaining walls and decks – we recommend further consideration of public notification requirements due to potential visual impact, overlooking, shading and other environmental impacts caused by such developments.
- Land division in Adelaide Parklands, Conservation Zone and Hills Face Zone – due to the potential for significant impact to these sensitive and highly valued environments
- Excavation and filling notification exception in Hills Face Zone – due to the potentially significant impact on biodiversity, erosion, water management and impact on adjoining landowners due to alteration of the natural ground line.
- Similarly, development of dwellings, swimming pools and access tracks – restricted development application due to excavation / filling can have significant impact on biodiversity, erosion, water management, etc.
- On-boundary development – notification trigger inconsistency is not supported.
- Exclusion of land division from public notification is not supported for all zones.

2.3 Heritage

There is significant risk associated with proposed referral outlined in the Code Amendment in relation to Heritage Adjacency Overlays and Historic Area Overlays, and as written has potential to place Heritage and Historical Sites at risk.

The Institute and ACA recommend that the relevant authority be explicitly stated as being:

- The Australian Government in accordance with the EPBC Act when the development is associated with a national heritage place

- Heritage SA, when the development is associated with a state heritage place
- The Council's local heritage advisor, where this service is provided and when the development is associated with a local heritage place

The assessment of significance and impact of development / demolition needs to be undertaken by appropriately qualified professionals with expertise in preparing and assessing Heritage Impact Statements.

Demolition

The Code Amendment proposes to provide relevant authorities with discretionary power in relation to notification of demolition of buildings in Historic / Heritage areas. Clause 2.3.2.10.5 Notification Tables – Demolition of the *Miscellaneous Technical Enhancement Code Amendment for consultation* states the intention of amendment:

“... to give the relevant authority ability to determine that a building is not of historic value and therefore doesn't warrant notification – example below:

Except any of the following:

- (a) the demolition (or partial demolition) of a State Heritage Place or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)*
- (b) the demolition (or partial demolition) of a building (except an ancillary building) in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated). “*

We strongly oppose these proposed amendments for the following reasons:

- Relevant authorities (or local councils) may not have access to professional heritage expertise.
- An accredited professional who is not a heritage architect, lack the expertise to provide an opinion as to:
 - o Which building or part of building “is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated”.
 - o Which building or part of building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated.”
- The risk of the impact of potential misinterpretation of the heritage value and/or historic attributes resulting in demolition of a heritage/historically relevant place significantly outweighs any potential administrative and time benefits of circumventing referral to Heritage SA.

2.4 Land use and administrative definitions

There are a series of ambiguities that are not supported throughout the Code Amendment. Specific comments as follows:

- Restricted development classification – the removal of “discouraged or inappropriate” development is not supported, as relies on discretionary judgment of by the relevant authority and does not appropriately provide a framework for assessment.
- Urban corridor zones – side boundary setback is defined as “located toward the front part of allotment”. Further definition is required in metres or expressed as a percentage of lot length.
- Land use and intensity Clause DTS/DPF 1.1 is not supported. This clause allows for the replacement of a dwelling on condition that hazard / emission is ceased, however there is no reference to any potential continued impact of a former hazard or emission.
- Hills Face Zone Clause DTS/DPF 3.1 – a rigorous definition of natural ground level is required. This definition needs to consider the impact of previous site works undertaken and how they have impacted the original ground levels and impacts of land that is built up on one side of boundary and excavated on other side.
- Exclusions - Land division that is a boundary realignment –
 - o According to the common definitions a boundary realignment is not a land division, so this amendment is redundant.
 - o Boundary realignment and land division need to be defined in the Planning and Design Code. Currently they are not, so the common definitions should be applicable.
- Common definitions
 - o A Boundary Adjustment or boundary realignment is a survey to change the boundaries between two or more lots of land without creating a new lot – for example there are two lots initially and the proposal is to change the boundaries between them so that there will be two lots at the end.
 - o Land division – The division of land into at least two or more allotments.
- Inconsistency in the definition of building height, building wall setback and wall height – further articulation and review of how these definitions impact on one another is required. For example, where clause 2.3.2.12 notes that the height of the wall is measured from the top of its footing, the scenario of footing acting as a retaining wall (which could be up to 1 metre in height) has not been considered.
- Clause 2.3.3.1 Affordable housing overlay – the proposed amendment replaces the existing complex set of options with a singular requirement. Such an amendment may have the unintended consequence of discouraging the provision of affordable housing by private developers. The intent of excluding the South Australian Housing Authority from complying with this clause is unclear. Consistent planning framework for the public and private affordable housing developments will ensure there is consistent quality and quantity of affordable housing in SA.
- Clause 2.3.3.4 Design overlay referral – the nature of what is a minor variation to an application is left to the opinion of the relevant authority. We note the previously highlighted issue of consistency and equity with such an approach, and stress that statutory planners are not appropriately qualified to undertake design quality assessments. We highlight the aim of the *Mandatory State Planning Policy 2: Design Quality* and note that a discretionary approach will oppose the encouragement of high-quality design and innovation within the planning framework. We recommend that where a design performance assessment is required it is undertaken by a registered architect and that where an amendment to an approved proposal that has been subject to design review is submitted it needs to be reviewed by a registered architect for design impact.

- Restricted development – there is insufficient clarity in the definitions and examples provided between the principles for assessment (Principle 1 and Principle 2). Further articulation is required to ensure clarity to developers as to which assessment pathway is applicable for their specific development.

2.5 Policy inconsistencies and definitions

There are a series of ambiguities that are not supported throughout the Code Amendment. Specific comments as follows:

- Concept plans – insufficient definition provided for what constitutes a concept plan. It is unclear as to the process undertaken for assessing concept plans (refer to Clause 2.3.2.3).
- Use of subjective terms such as “pleasant character” (refer Clause 2.3.2.5) is discouraged as it does not provide sufficient clarity and consistency in interpretation.
- Statement under Restricted development classification table 4: “dwellings provide a convenient base for landowners...” is a subjective term that does not provide consistency and clarity in interpretation.
- Inconsistency in the definition of and performance outcome of wall heights and boundary wall heights throughout the Code Amendment. Consistent definition and how the height will be measured needs to be applied throughout the Code to ensure clarity in interpretation.
 - o Clarity is required in the application of performance criteria, which (as amended) allow for two building height options, to ensure consistent interpretation of the Code. The current amendment provides options for the development height, which can result in unintended consequences eroding community confidence in the Planning and Design Code.

From: [Dianne van Eck](#)
To: [DTI:PlanSA Submissions](#)
Cc: [Dianne van Eck](#); [Alexander Wilkinson](#)
Subject: CASA Submission to the Miscellaneous Technical Enhancement Code Amendment
Date: Friday, 23 September 2022 2:07:59 PM
Attachments: [image001.png](#)
[CASA Submission to the Miscellaneous Technical Enhancement Code Amendment 220923.pdf](#)

Dear Craig

Please find attached the Community Alliance of SA (CASA) submission to the Miscellaneous Technical Enhancement Code Amendment.

We hope our feedback provides some opportunity for amendments to your proposed changes.

We are happy to discuss any of our feedback with you at any time.

Kind regards

Dianne

Dianne van Eck
President (Interim)
Community Alliance SA

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23 September 2022

Mr Craig Holden
Chair, State Planning Commission
plansasubmissions@sa.gov.au

RE: Miscellaneous Technical Enhancement Code Amendment

Dear Craig

We appreciate the opportunity to make this submission to the Miscellaneous Technical Enhancement Code Amendment, 2022. We understand this is the first of what will become annual review and we support this continuous improvement approach by the State Planning Commission.

Community Alliance SA Inc. (CASA) is an umbrella organisation for over 30 resident associations and community groups from Adelaide and other areas of South Australia. The aim of CASA is 'To Put the People back into Planning and Development in South Australia'.

Since its inception in 2012, CASA has been involved with the planning reform process and has consistently engaged with the State Government as it supports the aims of the process in principle, namely to 'provide consistency, clarity, certainty, transparency and accessibility for all'.

The objectives of CASA as outlined in its Constitution are as follows:

1. To campaign for ethical and transparent governance including the provision of genuine information to communities.
2. To lobby for reform of planning, development and related legislation to ensure participative decision making with real community engagement.
3. To lobby for sufficient resources for reform of compliance and enforcement of relevant legislation, regulations and procedures.
4. To act as an advocate for residents' associations and community groups in South Australia.

General Feedback

Whilst we agree in principle to the following statement and assurances from you that:

'this Amendment focuses on the following technical enhancements rather than issues involving a substantial change in policy position, or the intent of zones, subzones,

overlays or general development policies.

- *improve policy clarity and interpretation*
- *ensure greater consistency and alignment with Code drafting principles*
- *improving system efficiency and procedural matters*

- *review classification tables and assessment pathways, in particular for common and minor forms of development*
- *linkage improvements (missing or additional policies)*
- *addressing unintended policy consequence*
- *update to the Rules of Interpretations to improve understanding of the Code's operation'* (Proposal to Initiate an Amendment to the Planning and Design Code, Craig Holden, Chair, State Planning Commission, 6 December 2021).

these proposed changes must be tested fully for impact upon owners, neighbours, residents living in those affected areas and streets, local area amenity and loss of character and heritage.

If these impacts are not considered from a broader community perspective, but just seen as requirements to make planning decisions and actions easier for Councils, planners, developers and builders, then the changes will further worsen an already appalling destruction of heritage and loss of character in many suburbs across Adelaide and South Australia. We have appreciated the opportunity to express this view to you in person.

In several sections of the PlanSA document, comments are made about practitioner's feedback. This is not consistent throughout the document. In some sections you have made it clear that you have held additional consultations which is a good thing. However, it is unclear whether these proposed changes are all practitioner based or Department based.

We also believe many of these ideas for proposed changes could be tested further with the community through the Expert Panel Review. We are grateful for the opportunity to do this in the coming months.

CASA's consultation approach

CASA undertook its usual consultative approach to preparing our submission. This included the following activities:

- ♦ Two x 1.5 hr meetings with Mr Craig Holden, Chair of the State Planning Commission and three staff from the Dept of Planning and Infrastructure. These sessions were appreciated as we were able to hear the rationale of proposed changes as well as provide CASA's viewpoint back to Mr Holden and the team. We felt this two way exchange of ideas and suggestions helped to inform our submission significantly and recommend such meetings continue wherever possible.
- ♦ Initial high-level review of the document by the CASA committee, to determine areas of focus as the Amendment is lengthy, detailed and highly technical.
- ♦ An online workshop with our members to discuss the key issues, led by our Vice President Sandy Wilkinson, expert Heritage Architect and Planner. This workshop informed the majority of our submission.
- ♦ Preparation of a draft document sent to workshop attendees for amendments.
- ♦ Updates to, and finalisation of our submission.
- ♦ Submitted to PlanSA@sa.gov.au on Friday 23 September 2022

Code Technical Amendment Specific feedback

On the following pages you will find the CASA feedback to the proposed changes. In each section we have copied the issue statement and the proposed code change from your document and provided our responses in *blue font* immediately after each proposed change. If any of our comments are not clear, we welcome the opportunity to discuss these further with you.

2.3.1.1. Application of Spatial Policy Relevant to the Site of the Development

Issue

Feedback received has raised questions about the application of spatially based policy (zones, subzones and overlays) in circumstances where a zone, subzone or overlay only partly covers the site of a development.

Proposed Code Change

AMEND Part 1 – Rules of Interpretation to include explanation and rules on how to determine relevant policy when a spatial layer only applies to part of a site that is the subject of a development application.

‘Application of Spatially Based Policies and Rules

Where a zone, subzone, overlay or technical and numeric variation (TNV) does not spatially apply to the whole of a site that is the subject of the development application, the spatially based rules of the zone (including assessment pathway exclusions), subzone, overlay or TNV are only applicable to the portion of the site to which the zone, subzone, overlay or TNV spatially covers. Reference to the South Australian Property and Planning Atlas of the SA planning database will be made to determine whether a zone, subzone, overlay or TNV is relevant to the site of the proposed development application.’

CASA: This seems logical as long as it does not further weaken the decision making of planners with regard to character and heritage in those zones.

2.3.1.2. Spatial maintenance updates – comprising minor or operational amendments

Issue

Updates comprising minor or operational amendments to the spatial layers of the Code contained within the SA planning database are made on a regular basis in order to maintain a correct relationship between spatial layers and land parcels.

Proposed Code Change

AMEND Part 1 – Rules of Interpretation to include explanation and rules on how spatial layers are updated in order to maintain correct relationships with cadastre or roads.

CASA: This seems logical as long as it does not further weaken the decision making of planners with regard to character and heritage in those zones.

2.3.2.1. Conservation Zone - land division - PO 2.1 - Policy

Issue

The Department for Environment and Water has identified that while PO 2.1 of the Conservation Zone in respect to land division seeks to limit direct property access to 'waterfront areas', which is appropriate, the performance outcome may not limit land division in coastal conservation areas that do not directly abut waterfront areas (e.g. where a Crown reserve may separate the parcels). This could result in intensification of development and environmental impacts in coastal conservation areas such as coastal dune systems and facilitate indirect access to the waterfront, which is not the intent of policy.

Proposed Code Change

AMEND PO 2.1 of the Assessment Provisions (AP) of the Conservation Zone to clarify that land division should avoid creating additional allotments with frontage to the coast or River Murray to capture conservation areas that do not directly abut waterfront areas.

CASA: We agree to this change.

2.3.2.2. Conservation Zone - land division – DTS/DPF 2.1 - Policy

Issue

Land division policy within the Conservation Zone does not currently recognise the location of the zone adjacent the River Murray nor the policy intent to limit land division that results in parcel arrangements that increase direct property access to waterfront areas.

Proposed Code Change

AMEND DTS/DPF 2.1(b) of the Assessment Provisions (AP) of the Conservation Zone to refer to a boundary realignment that does not result in any additional allotments with frontage or direct access to the coast or the River Murray.

CASA: We agree to this change.

2.3.2.3. Master Planned Zones – Site Dimensions and Land Division – Policy Review

Issue

Feedback has raised questions about the wording of Site Dimensions and Land Division policy within the Master Planned Zones relating to:

PO and DTS/DPF 11.3 of the Master Planned Township Zone and Master Planned Neighbourhood Zone	
PO 11.3 Sites for residential purposes are consistent with an authorised plan of division or Master Plan .	DTS/DPF 11.3 Development will not result in more than 1 dwelling on an existing allotment.

PO and DTS/DPF 3.4 of the Master Planned Renewal Zone	
PO 3.4 Sites for residential purposes are consistent with an authorised plan of division, Concept Plan or Master Plan.	DTS/DPF 3.4 Development will not result in more than 1 dwelling on an existing allotment.

Proposed Code Change

AMEND PO 11.3 of the Master Planned Township Zone and Master Planned Neighbourhood Zone to reference Concept Plans in order to achieve consistency with the Master Planned Renewal Zone.

CASA: We agree to this change.

2.3.2.4. Rural Zone – Detached Dwelling – Interface Between Land Uses – Linkages

Issue

Feedback has suggested that policy provisions relating to matters of interface between sensitive receivers and rural land uses are not being called up for Performance Assessed detached dwellings in Table 3 – Applicable Policies for Performance Assessed Development of the Rural Zone, and therefore are not available to a relevant authority for a development’s assessment.

It has been suggested that PO 9.1 – 9.7 of the Interface between Land Uses General Development Policies and their associated DTS/DPF provisions are relevant to the assessment of detached dwellings within the zone.

Proposed Code Change

ADD the following policy linkages for Performance Assessed Detached Dwelling in Table 3 of the Rural Zone, including associated DTS/DPF provisions:

- Interface between Land Uses [Interface with Rural Activities]: PO 9.1, PO 9.2, PO 9.3, PO 9.4, PO 9.5, PO 9.6, PO 9.7

CASA: We agree to this change.

2.3.2.5. Rural Zone – Detached Dwelling – Linkages

Issue

Feedback has identified that irrelevant provisions are being returned for dwellings in the Rural Zone, whereby policy provisions from the Zone relating to dwelling additions are being applied to a Performance Assessed detached dwellings.

Proposed Code Change

APPLY relevant Zone policies to a Detached Dwelling in Table 3 – Applicable Policies for Performance Assessed Development of the Rural Zone.

CASA: We agree to this change.

2.3.2.6. Rural Zone – Land Division / Boundary Realignment - Linkages Issue

Feedback has suggested that additional policy guidance is required for the assessment of Land Divisions, including Boundary Realignments within the Rural Zone. In particular, it has been suggested that PO 11.3 of the Rural Zone should apply to Performance Assessed Land Division as this provision relates specifically to land division including boundary realignment.

Proposed Code Change

ADD PO 11.3 of the Rural Zone to the Performance Assessed pathway for Land Division where it appears in Table 3 of the Rural Zone to ensure consistency with the application of other Zone policies to this development type.

CASA: We agree to this change.

2.3.2.7. Urban Corridor Zones – Primary Road Corridor – Policy Review Issue

Different terminology is currently used to describe the primary corridor – for example primary corridor (i.e. a State maintained road) and primary road corridor.

Proposed Code Change

AMEND policy to ensure consistent use of terminology across the Urban Corridor suite of zones by referring to “primary road corridor (i.e. a State maintained road)”

CASA: We agree to this change in principle although we do not wish to see a correction for consistency lead to greater leniency in decision making and destruction of local communities in areas where this change would not make sense.

The example in Prospect is one which we think necessitates further consideration of this proposed change: the rezoning of Devonport Road as Urban Corridor when it is a minor road next to a railway line with a number of 4 and 5 storey buildings already on a very narrow road. If you change this definition to State owned roads only, then Devonport Tce will end up with even shoddier builds than is already occurring.

We do not wish to see wall to wall buildings on more corridor roads. Whilst the 1-2 storey podium elements of new apartment developments may be appropriate to be built boundary to boundary, apartments above the podium level should be set 3m off the side boundaries to enable windows on the side elevations rather than blank concrete side walls. 3m corresponds with the BCA setback requirement for openable windows for Class 2 Residential Development under the BCA.*

2.3.2.8. Urban Corridor Zones – Side Boundary Setback – Policy Review Issue

The Urban Corridors Zones are intended to allow for increased density and activity along key corridors and transport routes. Despite such policy existing prior to the Code, many of the areas in these zones are still in a period of ‘transition’ and do not have an established character.

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As a result, the policy contained within these zones needs to balance the desire for urban renewal and the existing built form.

One of the policies that creates confusion in this regard is the Urban Corridor (Living) Zone Performance Outcome (PO) 2.4 and the Designated Performance Feature (DPF) 2.4, noting that:

- The PO anticipates that side setbacks complement the established character; and
- The DPF has no regard to established character and prescribes setbacks of 0 to 2 metres, relative to the building height and proximity to the primary street frontage.

Accordingly, the PO and DPF are seeking different outcomes and the PO is seeking an outcome that is inconsistent with the overall intent of the Zone.

Proposed Code Change

AMEND Urban Corridor (Boulevard) Zone PO 2.6, Urban Corridor (Business) Zone PO 2.6 and Urban Corridor (Living) Zone PO 2.4 to clarify that building from boundary to boundary towards the front of the allotment is envisaged.

CASA: The reference to established character should be retained. Side setbacks should be 3m above a 2-storey podium height to enable windows compliant with BCA for Class 2 Construction rather than blank walls with murals as is currently happening.

Only sites of sufficient width to enable 3m side boundary setbacks should be developed to 6-8 storeys. Setbacks of such development from Main Street frontages above a 2-storey podium level needs to be increased from 2m to 12m.

2.3.2.9. Restricted Development Classification – Table 4

Issue

Review of Restricted Development Classification

Proposed Code Change

AMEND Table 4 – Restricted Development Classification across all relevant zones to align the restricted development classification with either/or both of the new principles.

Note: see individual classes of development or specific zones for further detail of proposed changes to restricted development classification.

CASA: Only egregious forms of Development as listed fall within the Restricted Development Category.

- *Over height, over plot ratio and demolition of State & Local Heritage should be also Restricted Development and subject to 3rd Party Appeal rights.*
- *Over height development provides as much of a windfall to developers on urban sites as a developer buying rural land and being able to develop it for housing.*
- *Restricted Development should be subject to 3rd Party appeal rights as the SCAP have often approved development that does not satisfy planning rules.*

Therefore, the ERD Court should be the ultimate decider not the SCAP.

2.3.2.9.1. Industry listed as a restricted development classification

Issue

Review of Industry being listed as restricted development across all applicable zones to align with the new principles

Proposed Code Change

AMEND Table – 4 Restricted Development Classification within the following zones that have Industry listed (with the exclusion of Light Industry) and replace it with Special Industry as a restricted class of development.

CASA: We agree to this change however over height, over plot ratio and demolition of State & Local Heritage should be also Restricted Development and subject to 3rd Party Appeal rights.

2.3.2.9.2. Land Division within the Limited Land Division Overlay

Issue

Review of the restricted classification of land division in zones where the Limited Land Division Overlay applies to align with the new principles.

Proposed Code Change

REMOVE land division when the Limited Land Division Overlay applies in Table 4 – Restricted Development Classification in the Productive Rural Landscape Zone, Rural Zone, and Rural Horticulture Zone.

Note: while other zones may have the Limited Land Division Overlay applying, this will not need to be amended as land division is not listed within Table 4 – Restricted Development Classification.

CASA: We agree to this change.

2.3.2.9.3. Dwelling within the Limited Dwelling Overlay

Issue

Review of the restricted classification of dwellings in zones where the Limited Dwelling Overlay applies to align with the new principles.

Proposed Code Change

REMOVE dwelling when the Limited Dwelling Overlay applies from Table 4 – Restricted Development Classification in the Rural Zone and Rural Horticulture Zone

CASA: We agree to this change.

2.3.2.9.4. Dwellings within the Employment (Bulk Handling) Zone

Issue

Review of the restricted classification of a dwelling within the Employment (Bulk Handling) Zone to align with the new principles.

Proposed Code Change

REMOVE dwelling from Table 4 – Restricted Development Classification in the Employment (Bulk Handling) Zone

CASA: We agree to this change.

2.3.2.9.5. Dwelling and Land Division within the Deferred Urban Zone

Issue

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Review of the restricted classification of land division and dwelling within the Deferred Urban Zone to align with the new principles

Proposed Code Change

REMOVE dwelling and land division from Table – 4 Restricted Development Classification within the Deferred Urban Zone

CREATE new PO 2.3 to provide guidance for a dwelling within the Deferred Urban Zone

CASA: We agree to this change.

2.3.2.9.6. Employment Zone – Various land uses

Issue

Review of the restricted classification of all land uses within the Employment Zone to align with the new principles.

Proposed Code Change

REMOVE the following listed land uses from Table 4 – Restricted Development Classification in the Employment Zone

- Waste reception, storage, treatment or disposal; and
- Wrecking yard

CASA: We agree to this change.

2.3.2.9.7. Dwellings within the Rural Intensive Enterprise Zone

Issue

Review of the restricted classification of a dwelling within the Rural Intensive Enterprise Zone to align with the new principles.

Proposed Code Change

REMOVE dwelling from Table 4 – Restricted Development Classification in the Rural Intensive Enterprise Zone.

CASA: We agree to this change.

2.3.2.9.8. Land Division and Dwellings with the Rural Shack

Settlement Zone

Issue

Review of the restricted classification of a dwelling and land division within the Rural Shack Settlement Zone to align with the new principles.

Proposed Code Change

REMOVE dwelling and land division from the restricted table in Rural Shack Settlement Zone

2.3.2.9.9. Significant Interface Management Overlay triggering a restricted development classification

Issue

Review of the restricted development classification for land division within all CASA Submission to the Miscellaneous Technical Enhancement Code Amendment 220923

zones where the Significant Interface Management Overlay applies to align with the new principles.

Proposed Code Change

AMEND policy within the Significant Interface Management Overlay to provide additional clarity that land division for a sensitive use/receiver is not envisaged.

Note: Given the hierarchy of Overlays, this policy would take priority over any zoning policy and would therefore assist any Relevant Authority across the numerous zones where this Overlay applies. Even with the additional policy, development wouldn't be precluded from happening in the strategic growth areas of the Playford and Mount Barker Council areas once the source of hazard has been removed or otherwise.

AMEND the land division policy trigger in Table 4 – Restricted Development Classification within the Rural Zone which restricts land division within areas subject to the Significant Interface Management Overlay to refer to 'sensitive use / receiver' rather than for 'residential' purposes.

Note: the amendment to apply the terms 'sensitive use' or 'sensitive receiver' rather than 'residential' is to provide greater consistency between the Overlay policy and the restricted development classification in the zone. Current wording within the Rural Zone (for example) would not pick up land division for Tourist Accommodation or other forms of sensitive use. The proposed amendment would rectify this issue.

CASA: We agree to this change.

2.3.2.9.10. Hills Face Zone – Various land uses

Issue

Review of the restricted classification of all land uses within the Hills Face Zone to align with the new principles.

Proposed Code Change

AMEND Table 4 – Restricted Development Classification in the Hill Face Zone by removing the following Classes of Development:

- Excavation
- Filling
- Land Division (exclusion for boundary realignment listed)

AMEND policy for excavation and filling within the Hills Face Zone to guide the extent of excavations and fill that is allowed.

CREATE new policy (PO 14.1 and PO 14.2) within the Hills Face Zone to provide guidance of when land division, specifically boundary realignment, may be appropriate.

CASA: Excavation and filling should remain Restricted in the Hills Face Zone as should land division. Large cut and fill to create a level surface to suit a standard project house or whatever motivation to create a level surface damages the visual appearance of the Adelaide Hills.

Boundary re-alignment that does not create additional allotments could be allowed.

We do not wish to see the Hills Zone destroyed as the beautiful backdrop to Adelaide. The view from the city should be to a beautiful landscape free of excess development. This also requires attention in the city to height of buildings in suburbs with a view to the Hills Face Zone.

2.3.2.10. Notification Tables – Table 5 – Procedural Matters (PM)

2.3.2.10.1. Notification Tables – Minor Development

Issue

Concerns were raised by council planners and accredited professionals about public notification requirements to adjoining landowners for relatively minor applications which 'trip' into a performance assessed pathway under the Code. This creates additional work for planning authorities over and above notifications that occurred under the former development system under the Development Act 1993.

This appears partly due to structural differences between the former and new development systems in how the notification requirements are prescribed.

Proposed Code Change

AMEND the interpretation section of each zone public notification table (Table 5) together with Part 1 – Rules of Interpretation by inserting rules into the Code that would allow a relevant authority to determine that a variation to one or more corresponding exclusions prescribed in Column B is minor in nature, in which case the application will not require notification.

AMEND each zone public notification table (Table 5) so that the following minor forms of development are not subject to public notification (or subjected to notification exception criteria in Column B):

- Air handling unit, air conditioning system or exhaust fan
- Carport
- Deck
- Fence
- Outbuilding
- Pergola
- Private bushfire shelter
- Retaining wall
- Shade sail
- Solar photovoltaic panels (roof mounted)
- Swimming pools or spa pool
- Verandah
- Water tank.

CASA: Notification of minor development could be limited to immediately abutting properties, as opposed to the demolition of something and construction of a new dwelling that forms part of a streetscape that would be of interest to a broader extent of neighbours who live in the vicinity.

We believe there could be two types of notifications and that you should not dispense with notifications. The more notifications the better.

2.3.2.10.2. Notification Tables – Errors and Inconsistencies

Issue

To correct identified errors, inconsistencies and repetition that exists within and between zone public notification tables.

Proposed Code Change

AMEND each zone public notification table (Table 5) by correcting any identified errors or notable inconsistencies between zone notification tables of similar theme (e.g., rural zones, neighbourhood zones, activity centre zones which should generally be consistent in the classes of development listed as not requiring notification in Column A and the exception criteria applied [Column B]). Specifically address:

- incorrect reference to 'storey' instead of the defined term 'building level' in the exception criteria applying to development undertaken by the South Australian Housing Trust (SAHT).
- duplication of light industry, warehouse and store in the public notification table of the Rural Shack Settlement Zone
- inconsistency between notification triggers and on-boundary development policy within zones
- inconsistency across zones in relation to the exclusion of land division from public notification
- inconsistency between the Productive Rural Landscape Zone and other rural zones in relation to the placement of public notification notices
- technical and/or typographical errors.

CASA: Notification should occur as much as possible, instead of removing notifications. CASA does not believe that minimising public notification should be an active quest of our Planning System. It should in fact be the opposite!

There must be an intent to notify as much as possible with the objective that more information enables a higher level and quality of decision making for ALL stakeholders, not just the planning and building industries, but the community as well.

A participative and more consultative engagement with your community will enhance building planning developments and ensure that detailed local area knowledge is adequately captured before irreversible and bad decisions are made, particularly with the loss of our history in the form of destruction of heritage buildings.

CASA insists that Town Planning is a truly consultative process that seeks to include, rather than exclude public input into decision making. Minimising notifications will not result in any increased economic activity despite what the property lobby may purport.

2.3.2.10.3. Notification Tables – Frost Fans

Issue

In the call for submissions, frost fans were raised by one Council as a land use activity that was being unnecessarily bogged down by notification red tape.

Proposed Code Change

No changes are recommended.

CASA: Noted

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2.3.2.10.4. Notification Tables – Building on railway land / Temporary public service depot

Issue

Questions have been raised as to why ‘building on railway land’ is listed as a class of development that is not subject to public notification given that it could take any form and nuisance impacts are unknown.

Proposed Code Change

AMEND all zone public notification tables (Table 5) except that applying to the Remote Areas Zone and Coastal Waters and Offshore Island Zone, by deleting ‘building work on railway land’ wherever it occurs.

AMEND all zone public notification tables (Table 5) except that applying to the Commonwealth Facilities Zone, to include the following additional class of development and corresponding exception:

1. Railway line Except where located outside of a rail corridor or rail reserve.

AMEND the public notification tables (Table 5) of the following zones:

- Employment Zone
- Employment (Bulk Handling) Zone
- Employment (Enterprise) Zone
- Infrastructure Zone
- Strategic Employment Zone

to include the following additional class of development and corresponding exception:

Class

1. Building for the purposes of railway activities - None specified

CASA: We agree to this change

2.3.2.10.5. Notification Tables – Demolition

Issue

Some participants questioned whether the exception applying to ‘demolition’ includes partial demolition, and requested a review of the need to notify demolition of buildings in Historic Areas.

Proposed Code Change

AMEND the exception clause in Column B of the notification table as it applies to ‘demolition’ to also reference ‘partial demolition’.

AMEND the exception clause in Column B of the notification table as it applies to ‘demolition’ to provide a relevant authority with the ability to determine that a building is not of heritage value and therefore does not require public notification.

CASA: Demolition should NOT be generally exempt from requiring DEVELOPMENT approval. This is because only 3% of buildings are protected from demolition as either State, Local or Representative Items, which is manifestly inadequate.

Partial demolition of portions not visible from the street need not be notified.

*There is a danger of buildings being demolished that are thought not to be historic being demolished in the thinking that they are not historic when actually they are, such as **houses that may have been altered or bastardised in the 1960's.***

The clear identification of the Representative Buildings such that they are mapped and listed on the Portal and show up as such on Form 1 Real Estate pre-purchase sale documents is what is really required at this stage.

Not all Councils have surveyed and mapped their Representative (former Contributory) Items and this is a weakness in the Code that needs to be addressed. Councils have no record of demolition. 86% of buildings in the CBD are not listed. 97% of buildings in the state can be demolished.

We recommend the State Govt help fund Councils to pay for surveys of their historic suburbs to identify the presently unlisted historic buildings and include the Representative Items for all Councils in the portal. All pre 1915 and pre 1940 buildings should be listed.

There should be controls on demolition, and also on the vacant land left behind when a demolished building site is left vacant due to changed plans.

It is critical that Councils have a record of what numbers of properties are demolished and what and how to track lost embodied energy. Recording this information is essential.

2.3.2.10.6. Notification Tables - Examples

The following samples incorporate the recommended changes to the public notification sections of the Code as proposed by the Code Amendment and detailed above. They represent only a small cross section of zones and are provided as examples only. Reference to the amendment instructions should be made for full coverage of the amendments proposed to all public notification tables.

2.3.2.10.6.1. General Neighbourhood Zone

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Except any of the following:

1. the demolition (or partial demolition) of a State or Local Heritage Place (other than where the building is a place within an area established as a State Heritage Area under the Heritage Places Act 1993 and the relevant authority is of the opinion that the building is not in keeping with the features of identified heritage value in the State Heritage Area in which the building is situated)
2. the demolition (or partial demolition) of a building (~~except an ancillary building~~) in a Historic Area Overlay (other than an ancillary building or where the relevant authority is of the opinion that the building is not in keeping with the historic attributes identified in the Historic Area Statement applicable to the area in which the building is situated).

*CASA: We argue strongly against this change and the wording suggested in the tables. **This is very dangerous and will depend on planner's interpretation. We need the inclusion of all heritage buildings to be included in the Code.** The preceding comments at 2.3.2.10.5. Notification Tables – Demolition apply here also. We do not support this change.*

2.3.2.10.6.2. Neighbourhood Zone

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

CASA: See previous comments at 2.3.2.10.6.1. General Neighbourhood Zone.

We do not support this change.

2.3.2.10.6.3. Township Zone

Table 5 - Procedural Matters (PM) – Notification

CASA: See previous comments at 2.3.2.10.6.1. General Neighbourhood Zone.

We do not support this change in relation to the heritage matters.

2.3.2.10.6.4. Urban Neighbourhood Zone

Table 5 - Procedural Matters (PM) - Notification

CASA: See previous comments at 2.3.2.10.6.1. General Neighbourhood Zone.

We do not support this change in relation to the heritage matters.

2.3.2.10.6.5. Urban Corridor (Main Street) Zone

Table 5 - Procedural Matters (PM) – Notification

CASA: See previous comments at 2.3.2.10.6.1. General Neighbourhood Zone.

We do not support this change in relation to the heritage matters.

2.3.2.10.6.6. Productive Rural Landscape Zone

Table 5 - Procedural Matters (PM) – Notification

CASA: See previous comments at 2.3.2.10.6.1. General Neighbourhood Zone.

We do not support this change in relation to the heritage matters.

We do not agree to the removal of notifications as noted in the tables for Exemptions for Performance Assessed Development or Exemptions for Restricted Development.

Notifications should be increased as much as possible, rather than reduced, to enable more informed decision making by a collective community, not just a sub-set of the community.

2.3.2.11. Building Height – TNV and context – Policy refinement

Issue

Most zones include a policy guiding building heights, some of which require a development to satisfy two outcomes: a building height specified in a Technical and Numeric Variation (TNV) and a positive response to the local context. Other zones require the achievement of only one of these outcomes.

Zones that require a development to achieve both building height outcomes may unnecessarily constrain development to align with the existing context, rather than facilitating urban renewal and increased density anticipated by taller building heights. It is also likely to result in inconsistent application of the same policy.

Proposed Code Change

AMEND the following Performance Outcomes to ensure that they only require development to meet one of two building height outcomes:

- Urban Neighbourhood Zone PO 2.2
- Urban Corridor (Boulevard) Zone PO 3.1
- Urban Corridor (Business) Zone PO 3.1
- Urban Corridor (Living) Zone PO 3.1
- Urban Corridor (Main Street) Zone PO 3.1
- Housing Diversity Neighbourhood Zone PO 3.12
- Local Activity Centre Zone PO 3.1
- Suburban Activity Centre Zone PO 3.1
- Employment Zone PO 3.3
- Township Activity Centre Zone PO 3.2
- Township Main Street Zone PO 3.1
- Urban Activity Centre Zone PO 3.1
- Suburban Main Street Zone PO 3.1

AMEND the following Performance Outcomes to ensure consistent terminology is used for Technical and Numeric Variations:

- Strategic Innovation Zone PO 3.1
- Capital City Zone PO 4.1
- City Main Street Zone PO 3.1
- Community Facilities Zone PO 2.1

CASA: As this largely deals with the translation of the Development Plan to the Code and attention to consistency, we agree with this change.

2.3.2.12. Building Height, Building Wall Setback and Wall Height – Policy Review

Issues

- *South facing terminology inconsistencies*
- *Wall height measurement inconsistencies*
- *Building height measurement inconsistencies*
- *Side and rear setback confusion*

Proposed Code Change

AMEND the definitions for ‘wall height’ and ‘building height’ in Part 8 – Administrative Terms and Definitions to include the option for the measurement point to be taken from a point specified by the policy in which the term is used, rather than from the measurement point specified in the definition.

CREATE a definition for ‘post height’ in Part 8 – Administrative Terms and

Definitions with its meaning to take the same (or similar) form to 'wall height' (as amended above).

AMEND policy that references 'wall facing a southern boundary' (or similar) to refer instead to 'south facing' throughout the Code.

AMEND policy that references 'wall height above top of footings' (or similar) to refer simply to 'wall height.'

AMEND 'building height' DTS/DPF policy (but not for ancillary buildings or structures) in the following zones so that the measurement is taken from 'the top of footings', consistent with the former Residential Code policy for complying dwellings:

- General Neighbourhood
- Housing Diversity Neighbourhood
- Master Planned Neighbourhood
- Master Planned Renewal
- Master Planned Township
- Suburban Neighbourhood
- Urban Renewal Neighbourhood
- Waterfront Neighbourhood

AMEND 'wall height' and 'post height' DTS/DPF policy for 'ancillary buildings and structures' in the following zones so that the measurement is taken from 'natural ground level', consistent with the former Residential Code policy for complying outbuildings, carports and verandahs.

- General Neighbourhood
- Housing Diversity Neighbourhood
- Master Planned Neighbourhood
- Suburban Neighbourhood
- Urban Renewal Neighbourhood
- Waterfront Neighbourhood

AMEND side building wall setback DTS/DPF policy for all neighbourhood-type zones to ensure consistency across zones, improve clarity of policy and consistency with Residential Code policy expression and application.

CASA: As these changes are largely due to consistency improvements, we agree with them.

We note that the second list is missing 'Master Planned Renewal' and 'Master Planned Township'.

2.3.2.13. Building Walls and Dwelling Walls – Policy Review

Issue

Feedback has identified that there is inconsistent wording within the 'Housing Diversity Neighbourhood Zone' rear boundary setback and side boundary setback provisions between 'dwelling walls' and 'boundary walls'. Concern has been raised that use of the term 'dwelling walls' does not capture non residential

built form that is also envisaged within the Zone.

A similar issue has been identified within the Master Planned Neighbourhood and Township Zones where the term 'residential buildings' has been used rather than 'buildings' for the DTS/DPF for building height. Concern has been raised that the use of the word 'residential' will not capture non-residential built form such as 'pre-schools' and 'consulting rooms' which are also envisaged land uses within the zones.

Proposed Code Change

AMEND reference from 'dwelling walls' to 'building walls' for all side and rear setback provisions (excluding ancillary buildings and structures) within Neighbourhood Type Zones except where the policy is specific to residential buildings.

CASA: As these changes are largely due to consistency improvements, we agree with them.

2.3.2.14. Common and Minor Development – Overlay Relevance – Assessment Pathways

Issue

Overlays are, in some cases, preventing a DTS or accepted development pathway and/or applying additional policies where it is unnecessary to do so. This adds complexity, cost and time to the assessment process with no overall community benefit

Proposed Code Change

It is recommended that overlay applicability be applied in accordance with Tables 2-6 as noted. Note, where relevant overlay policy would allow for a Deemed-to-Satisfy Pathway to be maintained, relevant provisions from the overlay will be applied, rather than as an Overlay Exclusion.

CASA: We agree to these changes.

2.3.2.15. Detached Dwellings in Master Planned Zones as an Accepted Development Pathway

Issue

Feedback has highlighted that the Accepted Development pathway for a Detached Dwelling within Master Planned Zones is not available in locations where certain overlays are applied. Although this is expected in most situations, Regulation 19A and Practice Direction 15 enable a Building Envelope Plan (BEP) to be put in place to enable a streamlined development assessment pathway for certain development types, where other related matters have been addressed via the BEP.

Proposed Code Change

AMEND Table 1 – Accepted Development Classification of the Master Planned Zones to enable the return of the Accepted development assessment pathway for a Detached Dwelling where a Building Envelope Plan applies except for where the following overlays apply:

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- Character Area Overlay
- Heritage Adjacency Overlay
- Historic Area Overlay
- Local Heritage Place Overlay
- State Heritage Area Overlay
- State Heritage Place Overlay

CASA: We agree to these changes.

2.3.2.16. Detached Dwellings - Medium and High-Rise Development – Policy Relevance

Issue

Feedback has indicated that provisions related to medium and high-rise residential developments are not applied to detached dwellings and dwelling additions in Table 3 of the Urban Corridor (Living) Zone, even though the zone allows for medium-rise developments of three storeys. As such, matters related to landscaping, rainwater tanks and tree planting are unable to be adequately assessed against policy provisions specifically related to medium rise development.

Note: Whilst this issue had been raised in relation to the Urban Corridor (Living) Zone, it has been identified that a range of other Neighbourhood-type Zones also allow for various dwelling types at heights of three storeys or above. As such, the investigations and feedback will also take these additional zones into account.

Proposed Code Change

AMEND assessment pathways for all dwelling types within zones where three storey development (and above) is contemplated to ensure that policy provisions relating to medium and high-rise development is applied.

CASA: We agree to this change.

2.3.2.17. Discrete vs Discreet - Garages & Carports - Policy Review

Issue

Feedback has suggested that Performance Outcome 10.1 of the Established Neighbourhood Zone and Township Neighbourhood Zone contains a typo that alters the meaning of the overall provision. The typo relates to the spelling of the word discreet/discrete. It has also been suggested that PO 10.1 needn't be applied to a carport or garage as it duplicates policy that applies to these development types as part of the zone ancillary buildings and structures policy.

Proposed Code Change

AMEND Performance Outcome 10.1 of the Established Neighbourhood Zone and Township Neighbourhood Zone to use the word “discreet” (instead of discrete).

REMOVE linkages to PO and DTS/DPF 10.1 for Carports and Outbuildings within the Established Neighbourhood Zone and Township Neighbourhood Zone.

CASA: We agree to these changes.

2.3.2.18. Discrete vs Discreet - Garages & Carports - Linkages

Issue

It has been suggested that PO 10.1 need not be applied to a carport or garage, given it duplicates policy that applies to these development types as part of the zone ancillary buildings and structures policy.

Proposed Code Change

REMOVE linkages to PO and DTS/DPF 10.1 for Carports and Outbuildings within the Established Neighbourhood Zone and Township Neighbourhood Zone.

CASA: We agree to these changes.

2.3.2.19. Dwelling Alterations and Building Additions/Alterations – Assessment Pathways

Issue

Feedback has highlighted that the Code does not identify ‘building alterations and/or additions as a class of development which is assigned to assessment pathways or can be selected for use using the Line of Enquiry functionality on the Portal. As a result, alterations and/or additions are defaulting to the ‘all other Code assessed’ performance assessed pathway, which requires a full merit-based assessment (and in some cases public notification).

Furthermore, the planning authority is required to consider the whole of the Code and identify the relevant assessment provisions to the proposal. In comparison, ‘dwelling additions’ have a Deemed-to-satisfy pathway within most neighbourhood-type zones, and ‘Internal building work’ is prescribed as accepted in all zones, other than those located within the State or Local Heritage Place Overlays or State Heritage Area Overlay. Part 5, Division 1, Section 57(1)(c) of the Planning, Development and Infrastructure Act requires rules and standards to be proportionate, suited to relevant conditions, and as far as is reasonably practicable and appropriate, minimise regulatory burden.

Further, the Code Drafting Principles promote the use of Accepted or Deemed-to-satisfy assessment pathways for a class of development that is commonly expected in the zone and where it can be assessed solely on quantitative, prescriptive criteria. It is therefore appropriate to consider whether a streamlined assessment pathway could be provided for building alterations/and or additions.

Proposed Code Change

CREATE an accepted development pathway for building alterations where the development does not increase the total floor area and does not exceed the wall height and/or overall building height of the existing building. Include exemptions for State Heritage Places or Areas and Local Heritage Places **and Representative Items**

AMEND the introductory text for *Table 1 – Accepted Development Classification, Table 2 – Deemed-to-Satisfy Development Classification and*
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Table 3 – Applicable Policies for Performance Assessed Development to clarify that alterations and additions must be assessed against the same provision as the existing development category, unless alterations and/or additions are listed as a separate class of development.

Portal Changes

CREATE a new development type *Building alterations*

CREATE a note on the PlanSA Portal under ‘What policies apply to a development at an address?’ that provides advice on how to search for alterations and/or additions as follows:

For Alterations / Additions to an existing building (including internal building work), select the associated development type listed below and the Building alterations/additions development type. For example, for an alteration to a shop, select ‘Shop’ and ‘Building alterations

*CASA: We agree to these changes **and ask to also have ‘and Representative Items’ included as noted above in green above.***

2.3.2.20. Horticulture – Prescribed Surface Water Areas Overlay and Prescribed Wells Area Overlay – linkages

Issue

Feedback has suggested that certain overlay policy provisions are not being called up for Horticulture even though they are specifically related to this development type.

Zone Classification Tables (i.e., Table 1-4) classify various development types to the respective assessment pathways. Relevant provisions are assigned to a development type, which are then available to a relevant authority to use when assessing a proposed development. Only the provisions assigned to a development type in a Classification Table can be used.

Proposed Code Change

REMOVE Prescribed Surface Water Areas Overlay and Prescribed Wells Area Overlay from the list of Overlay exclusions for Deemed-to-Satisfy Horticulture where it appears in Table 2 of all relevant Zones.

ADD the following Overlay DTS/DPF provisions to the Deemed-to-Satisfy pathway for Horticulture where it appears in Table 2 of Zones:

- Prescribed Surface Water Areas Overlay DTS/DPF 1.2
- Prescribed Wells Area Overlay DTS/DPF 1.1

ADD PO1.1 of the Murray-Darling Basin Overlay to the Performance Assessed pathway for Horticulture where it appears in Table 3 of Zones.

CASA: We agree to these changes.

2.3.2.21. Interface Height – Multiple Zones: Policy and TNV – Policy Review

Issue

The Designated Performance Features (and Deemed-to-Satisfy Criteria) (DTS/DPF) relating to interface heights are inconsistent across several zones. For example, some of the interface building envelopes do not apply to the primary street frontage and most zones contain separate policy regarding the interface height adjacent a road. This may result in misinterpretation or inconsistent application of interface heights.

Proposed Code Change

AMEND the TNV Interface Height policies in Part 6.6 of the Code to include '(except where this boundary is a street boundary)'

AMEND the interface height policies within the relevant Zones to replace 'primary street boundary' with 'street boundary' or add reference to '(except where this boundary is a street boundary)'

AMEND all diagrams within Interface Height TNV and policies to ensure consistent wording and interpretation

CREATE a PO 3.8 in the Township Main Street Zone and a PO 3.3 in the Recreation Zone to relate to built form scale adjacent neighbourhood-type Zones

AMEND Table 3 of the Township Main Street Zone to apply new PO 3.8 to the following classes of development:

- Consulting Room
- Dwelling
- Office
- Residential flat building
- Shop
- Store

AMEND Table 3 of the Recreation Zone to apply new PO 3.3 to the following classes of development: Shop

CASA: The interface to adjacent and behind the building is important. The interface with the street is essential to ensure human scale and consistent street scale relationship to historic streetscapes and heritage listed buildings.

2.3.2.22. Land Division – Site Contamination – Policy Relevance and Linkage

Issue

Part 9.1 of the Code (Referral Body: Environment Protection Authority) specifies that a referral is required for Performance Assessed Land Division in certain circumstances, however, the policy provisions of the Site Contamination General Development Policies are not linked to this development type, which makes it difficult for a user to ascertain whether a referral would be required.

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Zone Classification Tables (i.e., Tables 1-4) classify various development types to the respective assessment pathways. Relevant provisions are assigned to a development type, which are then available to relevant authorities to use when assessing a proposed development. Only the provisions assigned to a development type in a Classification Table can be used in an assessment.

Proposed Code Change

ADD PO and DTS/DPF 1.1 of the Site Contamination General Development Policies to any Performance Assessed Land Division to ensure that site contamination matters are appropriately addressed.

CASA: We agree to this change.

2.3.2.23. Non-Residential Outbuildings – New Policy and Assessment Pathways

Issue

While assessment pathways for outbuildings currently exist, relevant policies are typically related to residential outbuildings. As such, non-residential outbuildings will often default to Performance Assessed where they are not ancillary to a dwelling (e.g., a shed for a church or a school in a neighbourhood-type zone).

Proposals for outbuildings are development under the circumstances set out in Schedule 4 of the *Planning, Development and Infrastructure (General) Regulations 2017* (the General Regulations) and currently require assessment against the Code. However, the Regulations do not specify that an outbuilding must be ancillary to a dwelling, but only that it is ancillary to another building on the site.

To streamline the assessment pathway, there is merit in refining the policy framework to address outbuildings that are not associated with a dwelling.

Proposed Code Change

CREATE an additional performance outcome in all applicable zones for Ancillary Structures and Buildings not specifically in association with a dwelling.

ADD new policy provisions to existing pathways for outbuildings, carports and verandahs to allow for assessment of these development types where not in association with a dwelling.

CASA: We agree to these changes.

2.3.2.24. Outbuildings - Accepted Development Criteria

Issue

Feedback was raised that within the Housing Diversity Neighbourhood Zone, Table 1 – Accepted Development had a duplication for ‘outbuilding’ located on or abutting a boundary (not being a boundary with a primary or secondary

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street). The duplication essentially repeated the same policy with a slight variation in wording.

Proposed Code Change

REMOVE all instances where a duplication has occurred, remove Outbuilding criteria 10 in Table 1 – Outbuildings.

CASA: We agree to these changes.

2.3.2.25. Pool Fencing – Accepted Development Pathway

Issue

Although an Accepted Pathway exists for a swimming pool or spa pool, at present this does not consider the prerequisite for an associated safety fence. As a result, there is no way to achieve an Accepted Development Pathway for a swimming pool as the associated safety fence must be performance assessed. This slows assessment timeframes as it involves planners in what is ultimately a Building Rules matter. The matter is considered problematic and thus warrants updating to better reflect one of the key goals of the Code, which is to ensure planning policy is consistent and clear, ultimately making the planning process quicker, simpler and more equitable.

Proposed Code Change

AMEND – The Accepted Pathway for ‘Swimming pool or spa pool’ across pertinent zones to include ‘and Swimming Pool Safety Features’.

CASA: We agree to these changes. Another reason to consider this issue is to ensure community safety and bringing the fencing requirements together with the swimming pool development as one application.

We suggest the words are amended to ‘Swimming pool, spa pool or similar’ and include ‘swimming pool and spa fencing, and safety features.’

2.3.2.26. Primary Street Setback – Use of Building Line

Issue

Concerns have been raised with the current definition and policy application of the term ‘building line’ as it is leading to potentially undesirable outcomes.

Proposed Code Change

AMEND the Building line term to reflect the removal the of 1.5m projection Policy.

AMEND the policy for primary street setback across all zones listed at p131 and p132. The removal of the building line reference within policy should provide for clear interpretation of the requirement for the primary street setback.

CASA: We agree to the first change regarding bay windows exclusion.

We do not agree to the other changes regarding placement of houses and building lines. The current policy should be retained unless there is a historic building on the corner that is being retained. Then the policy makes sense.

It is important to ensure conservation of corner heritage properties wherever possible. If a corner building is going to be demolished then we do not agree to this proposal.

2.3.2.27. Replacement Building – Overlay Exclusions: Coastal Flooding Overlay

Issue

The Department for Environment and Water has requested that the Coastal Flooding Overlay be added as an exclusion for Deemed-to-Satisfy Replacement Buildings within all classification tables to which the Coastal Flooding Overlay applies, in order to prevent authorisation of proposed buildings below the standard sea flood risk level and sea level rise allowance.

Proposed Code Change

AMEND assessment pathways to exclude Deemed-to-Satisfy Replacement Buildings where they are located within the “Coastal Flooding Overlay”.

CASA: We agree to these changes.

2.3.2.28. Tourist Accommodation – Total Floor Area – Rural Zones

Issue

Feedback received expressing concerns with differences in policy interpretation for total floor area of Tourist Accommodation in the Rural Zone and Productive Rural Landscape Zone.

Proposed Code Change

Amend DTS/DPF 6.3 in the Rural Zone and Productive Rural Landscape Zone to clarify the total floor limitation in DTS/DPF 6.3, reinforcing the intent of PO 6.3 – that small-scale, ancillary tourist accommodation, sited in a manner which is sensitive to the core purpose of the zone (agricultural pursuits) is supported.

CASA: We agree to this change.

2.3.3. Part 3 – Overlays

2.3.3.1. Affordable Housing Overlay – Referral Trigger

Issue

The following issues have been identified by the South Australian Housing Authority in relation to the Procedural Matters (PM) – Referrals section of the Affordable Housing Overlay:

- Unnecessary referral of development applications by the South Australian Housing Authority to itself as the agency responsible for the provision of referral advice.
- Confusion regarding when an application should be referred.

Proposed Code Change

AMEND the referral trigger to exclude from the referral trigger development applications where the applicant is the South Australian Housing Authority.

AMEND the referral trigger to focus on the three matters submitted by the South Australian Housing Authority in their example above.

CASA: We agree to these changes.

2.3.3.2. Coastal Areas Overlay – Policy Intent

Issue

The Department for Environment and Water has identified some specific policy improvements within the Coastal Areas Overlay to better clarify intended outcomes and ensure greater consistency between Performance Outcomes and Deemed-to-Satisfy Criteria/Designated Performance Features. This includes:

- expanding the range of potential impacts to the marine and onshore coastal environment from development in PO 4.1 to address other potential impacts not currently identified in the Performance Outcome, in particular the spread of diseases
- ensuring the range of potential impacts identified in PO 4.7 aligns with those identified in the accompanying Deemed-to-Satisfy Criteria/Designated Performance Feature (DTS/PDF 4.7).

Proposed Code Change

AMEND PO 4.1 to ensure that development will not unreasonably affect the marine and onshore coastal environment by way of spread of diseases in addition to other listed potential impacts within the Performance Outcome.

AMEND DTS/DPF 4.7 to include reference to ‘cobbles’ in addition to removal of shell grit or sand by development to ensure wording is consistent with the accompanying Performance Outcome (PO 4.7).

CASA: We agree to these changes.

2.3.3.3. Design Overlay – Referral

Issue

The Design Overlay currently contains a clause that exempts a referral to the Government Architect where it relates to a variation of a development application that has either previously been referred to the Government Architect (or Associate Government Architect) or been granted development authorisation under legislation.

Provision should be included in the referral trigger to allow discretion to the relevant authority to refer a variation to the Government Architect (or Associate Government Architect) should they consider it warranted, particularly where the variation may be more significant or could impact on the Office of Design and Architecture South Australia’s Principles of Good Design.

Proposed Code Change

AMEND the exemption clause in the referral trigger in the Overlay to allow discretion to the relevant authority to refer a variation to the Government Architect (or Associate Government Architect) should they consider it

warranted taking into account the purpose of the referral.

CASA: We agree to this change.

2.3.3.4. Hazards (Flooding) Overlay – PO 3.5 and DTS/DPF 3.5 - Linkages Issue

Feedback has suggested that the current wording of PO and DTS/DPF 3.5 of the Hazards (Flooding) Overlay implies that this policy should apply to habitable buildings as well as non-habitable structures such as verandahs, carports or outbuildings. However, it has been identified that this policy has been applied inconsistently for various development types across different zones.

AMEND policy linkages to ensure a consistent approach for the application of PO and DTS/DPF 3.5 of the Overlay to various development types.

CASA: We agree to this change.

2.3.3.5. Heritage Adjacency Overlay - Referral Issue

The current wording for the referral trigger in the Heritage Adjacency Overlay is not explicit in respect to which authority, body or individual determines whether a development may materially affect the context of a State Heritage Place.

Proposed Code Change

AMEND the referral trigger in the Overlay to clarify that the relevant authority should be tasked with the responsibility to determine if a proposed development may materially affect the context of a State Heritage Place and should be referred to the Heritage Minister, as existed under previous legislation.

CASA: We agree to this change.

2.3.3.6. Key Outback and Rural Routes Overlay - Policy consistency with other Transport Overlays Issue

The Department for Transport and Infrastructure (DIT) has revised the Key Outback and Rural Routes Overlay that was introduced as part of Phase 1 of the Planning and Design Code to be consistent with, and align with, policies and criteria in other Transport Overlays introduced as part of Phase 3 of the Code. This includes to reflect relevant technical guideline sources (e.g., Austroads Guide to Road Design) and improvements introduced in Phase 3 based on consultation feedback.

This includes a range of policy amendments and proposed additional policies to align with the updated Urban Transport Overlay framework.

Proposed Code Change

AMEND PO 1.1 and DTS/DPF 1.1 to align with the Deemed-to-

Satisfy/Designated Performance Feature contained in the Major Urban

Transport Routes Overlay and updated Urban Transport Routes Overlay (see separate amendments recommend for the Urban Transport Routes Overlay), and ensure consistency across the various Transport Overlays in the Code.

AMEND PO 2.1 and DTS/DPF 2.1 to align with the existing Deemed-to-Satisfy/Designated Performance Feature contained in the Major Urban Transport Routes Overlay and Urban Transport Routes Overlay, including use of supporting diagrams for greater policy clarity, and to ensure consistency across the various Transport Overlays in the Code.

AMEND PO 3.1 and DTS/DPF 3.1 under a new heading '*Access – Location (Spacing) – Existing Access Points*' to align with the Deemed-to-Satisfy/Designated Performance Feature contained in the updated Major Urban Transport Routes Overlay and Urban Transport Routes Overlay (see separate amendments recommend for the related Urban Transport Overlays in this Code Amendment) and include a new part (c)(iv) to address a change of use from a residential dwelling to a shop or office or consulting room or personal or domestic services establishment with <250m² gross leasable floor area.

AMEND PO 4.1 and DTS/DPF 4.1 under a new heading '*Access – Location (Spacing) – New Access Points*' to align with the Deemed-to-Satisfy/Designated Performance Feature contained in the updated Major Urban Transport Routes Overlay and Urban Transport Routes Overlay (see separate amendments recommend for the related Urban Transport Overlays in this Code Amendment), including

- use of supporting diagrams for greater policy clarity, and
- use of a table to clarify separation between access points and separation from public road junctions and merging/terminating lanes for specific speed limit areas where other access policy requirements do not apply to ensure road safety – with appropriate and tailored quantifiable distances based on Austroads standards.

AMEND PO 5.1 and DTS/DPF 5.1 to align with the Deemed-to-Satisfy/Designated Performance Feature contained in the updated Major Urban Transport Routes Overlay and Urban Transport Routes Overlay (see separate amendments recommend for the related Urban Transport Overlays in this Code Amendment), including the use of:

- supporting diagrams for greater policy clarity
- a table that applies adjusted and tailored line of sight requirements based on Austroads standards for drivers approaching or exiting an access point to ensure road safety on key outback and rural roads.

AMEND PO 6.1 and DTS/DPF 6.1 to align with the Deemed-to-Satisfy/Designated Performance Feature contained in the Major Urban Transport Routes Overlay and Urban Transport Routes Overlay, and ensure consistency across the various Transport Overlays in the Code.

AMEND PO 7.1 and DTS/DPF 7.1 to align with the Deemed-to-Satisfy/Designated Performance Feature contained in the updated Major

Urban Transport Routes Overlay and Urban Transport Routes Overlay (see separate amendments recommend for the related Urban Transport Overlays in this Code Amendment), including the addition of a new part (c) that ensures development does not prevent access points becoming stormwater flow paths directly onto roads.

CREATE a new PO 8.1 and DTS/DPF 8.1 under a new heading *'Building on Road Reserves'* (and renumber subsequent provisions) to address encroachment of buildings or structures that may encroach onto, above or below road reserves, to align with policy provisions contained in the Major Urban Transport Routes Overlay and Urban Transport Routes Overlay and ensure consistency across the various Transport Overlays in the Code.

*CASA: We do not understand the inclusion of these transport/traffic changes in this technical amendment document. We do not agree to all of these changes as being **merely 'technical changes'**. They require much more discussion and rigorous analysis and fit better within the Expert Panel Review's **Terms of Reference**.*

No other change in this document warrants as many amendments as this one. The impact of changes that roads and transport routes make in our communities is significant and cannot be underestimated.

2.3.3.7. Major Urban Transport Routes Overlay - Revised policy and referral triggers

Issue

Following further review, the Department for Transport and Infrastructure (DIT) has suggested several updates to the suite of transport overlays in the Code, including the Major Urban Transport Routes Overlay.

This includes a review against a range of technical guideline sources (e.g., Austroads Guide to Road Design) used by DIT to ensure consistent values are applied within the various transport overlays. The suggested changes aim to provide greater policy clarity and interpretation and achieve the following:

- streamline assessment pathways and reduce unnecessary referrals, in particular for small scale developments that have negligible or minor road network implications
- provide greater opportunities for relevant authorities to assess more common or minor forms of development
- better align policies with legislative requirements and responsibilities
- provide simpler policy criteria that better reflects actual practice
- reflect formal and informal feedback from industry as part of the Code's implementation.

Suggested policy changes (with the exception of some quantitative values) also align with separate but related changes proposed in this Amendment for the Urban Transport Routes Overlay and Key Outback and Rural Routes Overlay, to ensure consistency across the various transport overlays in the Code.

CASA: We do not understand the inclusion of these transport/traffic changes in this technical amendment document. We do not agree to all of these changes as being

merely 'technical changes'. They require much more discussion and rigorous analysis and fit better within the Expert Panel Review's Terms of Reference.

No other change in the document warrants as many amendments as this and others related to traffic management issues. The impact of changes that roads and transport routes make in our communities is significant and cannot be underestimated. We recommend a separate set of consultations be undertaken on this topic.

Proposed Code Change

CREATE a new part (c)(vi) in DTS/DPF 3.1 to address a change in use from residential to a small-scale commercial or non-residential use to streamline assessment pathways for this common and minor scale development type and reduce unnecessary referrals.

AMEND DTS/DPF 4.1 part (a) to be more concise and improve policy interpretation.

AMEND the quantitative criteria in respect to the separation between access points in the table in DTS/DPF 4.1 part (c) to include updated requirements for development intended to serve between 1 and 6 dwellings as distinct from other forms of development on a 60 km/h speed limit road, to streamline assessment pathways for this common and minor scale development type and reduce unnecessary referrals.

CREATE a new part (a) in DTS/DPF 5.1 that recognises established usage of prior access for smaller scale residential developments (i.e., between 1 and 6 dwellings) with very low traffic generation and network implications to remove the need to justify existing established access for this scale of development, streamline assessment and reduce unnecessary referrals.

AMEND the introductory statement in DTS/DPF 5.1 to ensure the new item (a) above is addressed and that proposed development satisfies either part (a) or both parts (b) & (c), ensuring that development is either minor scale residential development and uses an existing access point or that consideration is given to both vehicular and pedestrian sightlines for other and larger scale forms of development.

AMEND the quantitative criteria in respect to both an 'access point serving 1-6 dwellings' and 'access point serving all other development' in DTS/DPF 5.1 part (b) to align with relevant and contemporary Austroads technical guidelines.

CREATE a new part (c) in DTS/DPF 7.1 to ensure development does not result in access points becoming stormwater flow paths directly onto roads.

2.3.3.8. Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay - Policy intent

Issue

PO 2.1 of the Assessment Provisions (AP) in the Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay includes unnecessary word duplication in

respect to water quality that may cause some confusion.

Proposed Code Change

AMEND PO 2.1 to remove duplication in respect to water quality.

CASA: We agree to these changes to protect the Mount Lofty Ranges Water Supply Catchment.

2.3.3.9. Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay - Policy intent

Issue

DTS/DPF 2.3 in the Assessment Provisions (AP) of the Mount Lofty Ranges Supply Catchment (Area 2) Overlay is considered overly technical as it is intended to address management of winery wastewater within the catchment however, the associated Performance Outcome (PO 2.3) has broader application. Also, the wording for PO 2.3 is confusing due to duplication.

Proposed Code Change

AMEND PO 2.3 to remove duplication and clarify its intent to ensure trade or industrial wastewater is managed to avoid adverse impacts on the quality of water draining into secondary public water supply reservoirs and weirs.

AMEND DTS/DPF 2.3 to improve application to a wider range of developments and activities that may generate trade or industrial wastewater within the catchment.

CASA: We agree to these changes to protect the Mount Lofty Ranges Water Supply Catchment.

2.3.3.10. Mount Lofty Ranges Water Supply Catchment (Area 1 and Area 2) Overlays – Referral

Issue

The Procedural Matters (PM) table within both the Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay and the Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay was originally intended to require referrals for all scenarios where any combination of a second habitable dwelling, tourist accommodation or workers' accommodation is proposed on a development site that is not connected or proposed to be connected to a community wastewater management system or sewerage infrastructure. This is not clearly reflected in the current wording in the table, in particular with respect to workers' accommodation.

In addition, the Procedural Matters (PM) table in both overlays has resulted in unnecessary referrals for developments that do not propose concurrent occupation of two dwellings, tourist or workers' accommodation (e.g. where a second habitable dwelling or accommodation building is proposed and the existing habitable dwelling or accommodation building is proposed to be demolished and the existing on-site wastewater system will be decommissioned). This has resulted in unnecessary referrals to the EPA.

Proposed Code Change

AMEND the referral trigger in the Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay and the Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay to:

- (a) clarify the original intent to require referrals where any combination of a second dwelling, tourist accommodation or workers' accommodation is proposed on a development site
- (b) remove unintended referrals to the EPA where a second habitable dwelling (or tourist accommodation or workers accommodation) is proposed and the existing habitable dwelling is proposed to be demolished and existing on-site wastewater system decommissioned

CASA: We agree to these changes although we would ask whether the EPA agrees that the referrals are unnecessary.

2.3.3.11. Prescribed Surface Water Area Overlay - Terminology

Issue

Terminology used in the referral trigger exemptions for certain classes of development across the various Prescribed Water Overlays is not consistent with respect to development that may require water to be taken in addition to any allocation that has already been granted under the *Landscape South Australia Act 2019*. This includes in the Prescribed Surface Water Areas Overlay, Prescribed Watercourses Overlay and the Prescribed Wells Area Overlay.

Proposed Code Change

AMEND the referral trigger in the Procedural Matters (PM) Referrals table within the Prescribed Surface Water Areas Overlay to use the term 'in addition to' in respect to any water allocation that has already been granted under the *Landscape South Australia Act 2019* to ensure consistency of terminology across the various Prescribed Water Overlays in the Code.

CASA: We agree to this change.

2.3.3.12. Prescribed Water Resources Area Overlay – Referral

Issue

An error exists in the Procedural Matters (PM) – Referrals table within the Prescribed Water Resources Overlay, whereby the overlay does not include an exemption for developments that have already been granted access to water as is provided in the various other Prescribed Water Overlays in the Code.

Proposed Code Change

AMEND the referral triggers to remove the need for referral to the Chief Executive of the Department of the Minister responsible for the administration of the *Landscape South Australia Act 2019* for certain classes of development where a lawful water allocation already exists that can service the new development and where no additional water is required to be taken, ensuring consistency across the various Prescribed Water Overlays in the Code.

CASA: We agree to this change.

2.3.3.13. Representative Buildings – Character Area Overlay and Historic Area Overlay – Spatial Representation

Issue

Feedback has raised the need to improve access to and visibility of 'Representative Buildings' in the Character Area Overlay and the Historic Area Overlay and whether the policies of both overlays should specifically refer to representative buildings to provide a clear purpose and role of these buildings.

Proposed Code Change

AMEND the Historic Area Overlay and Character Area Overlay spatial mapping to show 'Representative Buildings' similar to the way they are currently displayed in the 'Planning Reference' section of SAPPA.

CASA: We agree to these changes. We commend the mapping that has occurred where Representative Buildings have been identified. However, there are manifestly not enough identified, with often 25% protected when 65%-70% are original historic housing stock which should be protected in inner historic suburbs.

Different councils have not completed this work or have been prevented by Planning SA and past Planning Ministers, and thus there are resultant inconsistencies across the state depending upon which council had completed their surveys and identified their buildings prior to the transition to the new Code.

The root cause of this is that Councils have either not undertaken the preparatory work to identify their Representative Buildings or not have their surveys and listing recommendations allowed by Planning SA in the past. This requires further attention by the Expert Panel.

We strongly recommend that the Government funds Councils to enable them to complete this important work. A terrible example was 17 & 15 Hutt Street, where two bluestone buildings are about to be demolished, despite being submitted for Local Heritage Listing. They could have been Representative Items and have been saved. Thus comprehensive survey work by the State Government could assist councils. This would assist in retaining many beautiful and renowned suburbs such as Colonel Light Gardens, Medindie Gardens, South West corner of Adelaide city and the like.

This survey work need not be an onerous task, examining individual histories of properties. For a Contributory Listing a Heritage Consultation need only identify the buildings that are of the era. We would advocate the identification of pre 1915 (WWI) buildings, predominantly Victorian, Federation and Edwardian cottages and villas, and the identification of pre 1940 (WWII) buildings, predominantly Bungalows, which are clear style identifiers of Historic Character homes in South Australia.

*It is not necessary to exclude properties that have been superficially altered such as those modified in the **1960's and or missing original verandahs etc, as such alterations** are readily reversed and not reason to preclude listing and protection. Refer to the numerous before and after examples provided by discipline expert Sandy Wilkinson as evidence of this.*

The Historic Area Overlays should also include prescriptive development rules to ensure that any new buildings built in an historic area are built to a similar height and scale of the heritage buildings in the vicinity and street. As such, just as setbacks and garage

widths are prescribed, ceiling heights should be prescribed, as this is the most consistent parameter of historic houses, and ironically the most consistent failure of infill dwellings, which invariably have a ceiling height noticeably lower than the prevailing historic housing stock.

In areas like Parkside ceiling heights are consistently 3.3m (11 foot) and in areas of larger cottages and villas the ceiling heights are consistently 3.67m (12 foot). The reference to consistent wall heights is not working and ceiling heights of just 3.0m is being regularly used for infill housing. In Historic Areas houses have consistently single width driveways, yet many historic houses are demolished to replace one run down historic dwelling with a new dwelling invariably with a double side by side garage.

Therefore, in Historic Area overlays, double garages to the street front should be stated as being inappropriate on blocks 15m (15.24m= standard 50 foot frontage) or less wide with double garages sited to the rear of driveways or only on wider blocks greater than 18m, and then sited more than 6m behind the front facade.

2.3.3.14. River Murray Flood Plain Protection Area Overlay – Outbuildings

- Policy intent

Issue

DTS/DPF 5.4(a) of the River Murray Flood Plain Protection Area Overlay does not currently make it clear that roller doors, removable panels and the like should be located at ‘opposing’ ends or sides to enable the flow through of flood waters in a flood event and is not consistent with the wording used in the referral trigger in the Overlay.

Proposed Code Change

AMEND DTS/DPF 5.4(a) to clarify that roller doors, removable panels and the like should be located at opposing ends or sides to enable the flow through of flood waters, and to align with the wording used in part (j)(iii)(C) of the ‘Procedural Matters (PM) – Referrals’ table.

CASA: We agree to these changes to ensure ongoing protection of the River Murray and its environs.

2.3.3.15. River Murray Flood Plain Protection Area Overlay – Outbuildings

– Linkage

Issue

PO 4.2 of the River Murray Flood Plain Protection Area Overlay does not currently apply to Performance Assessed Outbuildings, even though the provision itself is specifically related to this form of development. At present, PO 4.2 is only applied to Performance Assessed verandahs.

Proposed Code Change

ADD PO4.2 of the River Murray Flood Plain Protection Area Overlay to the Performance Assessed pathway for Outbuildings to ensure provide guidance on the management of visual dominance of these structures from the waterfront.

CASA: We agree to this change to ensure ongoing protection of the River Murray and its environs.

2.3.3.16. River Murray Flood Plain Protection Area Overlay – Water Supply – New Policy

Issue

The Department for Environment and Water has identified the need for new policy in the River Murray Flood Plain Protection Area Overlay that recognises the need for development to have a lawful, sustainable and reliable water supply that does not place undue strain on water resources and the River Murray in addition to existing policies that aim to protect life and property against risk of flooding. The new policy would complement similar policy in the related River Murray Tributaries Protection Area Overlay.

Proposed Code Change

CREATE a new Performance Outcome in the River Murray Flood Plain Protection Area Overlay that specifically requires that development has a lawful, sustainable and reliable water supply that does not place undue strain on water resources in prescribed water areas to complement policies in the River Murray Tributaries Protection Area Overlay and various Prescribed Water Overlays.

AMEND Table 3 – Applicable Policies for Performance Assessment Development for a range of rural and employment type zones to call up the new Performance Outcome in the assessment of particular performance assessed land uses and activities located in the River Murray Flood Plain Protection Area Overlay, including aquaculture, breweries, cideries, distilleries, wineries, industry, light industry, general industry, and horticulture.

CASA: We agree to these changes. You may wish to explain the term 'undue strain' in more detail as this could be interpreted differently (and not as you have intended) by developers.

2.3.3.17. River Murray Flood Plain Protection Area Overlay - Referrals

Issue

The Department for Environment and Water has identified an increase in the number of referrals received by the Minister for the River Murray since the full introduction of the Code, which is not practical.

It has been suggested that additional exceptions for several land uses should be included in the Procedural Matters (PM) – Referrals section of the River Murray Flood Plain Protection Area Overlay to reduce the overall number of referrals (or unnecessary referrals) to the Minister.

Further, it is considered that referrals for some development types are not needed where there is already a lawful water allocation that can service the new development.

Proposed Code Change

AMEND the referral triggers to include additional exceptions for dwellings (or alterations or extension of an existing dwelling) and outbuildings that meet certain criteria, elevated shacks within the Rural Shack Settlement Zone, and

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transportable dwellings/cabins within an existing caravan or tourist park to reduce the number of referrals, and remove unnecessary referrals, to the Minister for the River Murray.

AMEND the referral triggers to also remove the need for referral to the Minister for the River Murray for certain classes of development where a lawful water allocation already exists that can service the new development, and where no additional water is required to be taken.

CASA: We agree to these changes, although it would seem relevant that the Minister for the River Murray receives some form of regular reporting (eg annually) of the number and type of developments that are impacting on the River Murray.

2.3.3.18. River Murray Tributaries Protection Area Overlay – Policy intent Issue

The Department for Environment and Water has identified that PO 1.2 in the Assessment Provisions of the River Murray Tributaries Protection Area Overlay appears to be limited to surface water while the listed classes of development and activities in the performance outcome are also likely to use prescribed underground and watercourse water resources.

Proposed Code Change

AMEND PO 1.2 to expand the range of prescribed water resources areas where undue strain on watercourses should not occur from the listed classes of development.

CASA: We agree to this change.

2.3.3.19. River Murray Tributaries Protection Area Overlay – Referrals Issue

Referral to the Minister for the River Murray for certain classes of development within the River Murray Tributaries Protection Area Overlay is considered unnecessary where there is already a lawful water allocation that can service the new development, and where no additional water allocation is required. This is similar to the referral issues raised in respect to the River Murray Flood Plain Protection Areas Overlay.

Proposed Code Change

AMEND the referral triggers to remove the need for referral to the Minister for the River Murray for certain classes of development where a lawful water allocation already exists that can service the new development and where no additional water is required to be taken.

CASA: We agree to these changes, although it would seem relevant that the Minister for the River Murray receives some form of regular reporting (eg annually) of the number and type of developments that are impacting on the River Murray.

2.3.3.20. State Significant Native Vegetation Areas Overlay - Referral

Trigger

Issue

DTS/DPF 1.1(b) in the Assessment Provisions (AP) of the State Significant Native Vegetation Overlay currently provides a Deemed-to-Satisfy pathway for development where an application is accompanied by a report prepared in accordance with Regulation 18(2)(a) of the *Native Vegetation Regulations 2017* that confirms that the clearance is categorised as 'Level 1 clearance'. Notwithstanding this, a referral to the Native Vegetation Council is currently triggered in the overlay for all classes of development (other than land divisions) that involve a Level 1 clearance, which is counter to the Deemed-to-Satisfy pathway.

The Department for Environment and Water also does not consider it necessary for Level 1 clearances to be referred to the Native Vegetation Council.

Proposed Code Change

AMEND the Procedural Matters (PM) – Referrals in the State Significant Native Vegetation Overlay to require that where the clearance is categorised as a 'Level 1 clearance' in an accredited consultant's report, referral is not required to the Native Vegetation Council.

CASA: We agree to this change as the Native Vegetation Council has agreed.

2.3.3.21. Traffic Generating Development Overlay – Referral

Issue

A possible anomaly has been identified with respect Traffic Generating Development Overlay – whereby development for over 50 dwellings is currently not addressed, notwithstanding that land division involving the creation of 50 or more additional allotments is.

Proposed Code Change

That DTS/DPF 1.1 – 1.3 in the overlay captures built form applications proposing in excess of 50 dwellings ensures that such applications are assessed against the overlay.

That the referral to the Commissioner of Highways be amended to enable referral of development proposing a building containing more than 50 dwellings to the Commissioner of Highways at the built form stage of the development (add a new clause).

AMEND the existing referral for 'land division creating in excess of 50 allotments to ensure that a development referred under the new clause does not end up being referred twice for the same reasons.

CASA: We agree to this change.

2.3.3.22. Urban Transport Routes Overlay - Revised policy and referral triggers

Issue

The Department for Transport and Infrastructure (DIT) has suggested a number

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of updates to the suite of transport overlays in the Code, including the Urban Transport Routes Overlay.

This includes a review against a range of technical guideline sources (e.g. Austroads Guide to Road Design) used by DIT to ensure consistent values are applied within the various transport overlays. The suggested changes aim to provide greater policy clarity and interpretation and:

- streamline assessment pathways and reduce unnecessary referrals, in particular for small scale developments that have negligible or minor road network implications
- provide greater opportunities for relevant authorities to assess more common or minor forms of development
- better align policies with legislative requirements and responsibilities
- provide simpler policy criteria that better reflects actual practice
- reflect formal and informal feedback from industry as part of the Code's implementation.

Suggested policy changes (with the exception of some quantitative values) also align with separate but related changes proposed in this Amendment for the Major Urban Transport Routes Overlay and Key Outback and Rural Routes Overlay to ensure consistency across the various transport overlays in the Code.

Proposed Code Change

REMOVE superfluous numbering in DTS/DPF 1.1 part (b)(i) and DTS/DPF 3.1 part (b) to correct an error and improve interpretation.

CREATE a new part (c)(vi) in DTS/DPF 3.1 to address a change in use from residential to a small-scale commercial or non-residential use to streamline assessment pathways for this common and minor scale development type and reduce unnecessary referrals.

AMEND DTS/DPF 4.1 part (a) to be more concise and improve policy interpretation.

AMEND the quantitative criteria in respect to the separation between access points in the table in DTS/DPF 4.1 part (c) to include updated requirements for development intended to serve between 1 and 6 dwellings as distinct from other forms of development on a 60 km/h speed limit road, to streamline assessment pathways for this common and minor scale development type and reduce unnecessary referrals.

CREATE a new part (a) in DTS/DPF 5.1 that recognises established usage of prior access for smaller scale residential developments (i.e., between 1 and 6 dwellings) with very low traffic generation and network implications to remove the need to justify existing established access for this scale of development, streamline assessment and reduce unnecessary referrals.

AMEND the introductory statement in DTS/DPF 5.1 to ensure the new item (a) (above) is addressed and that proposed development satisfies either part (a) or both parts (b) & (c), ensuring that development is either minor scale residential

development and uses an existing access point or that consideration is given to both vehicular and pedestrian sightlines for other and larger scale forms of development.

AMEND the quantitative criteria in respect to both an 'access point serving 1-6 dwellings' and 'access point serving all other development' in DTS/DPF 5.1 part (b) to align with relevant and contemporary Austroads technical guidelines.

CREATE a new part (c) in DTS/DPF 7.1 to ensure development does not result in access points becoming stormwater flow paths directly onto roads.

*CASA: We do not understand the inclusion of these transport/traffic changes in this technical amendment document. We do not agree to all of these changes as being **merely 'technical changes'**. They require much more discussion and rigorous analysis and fit better within the Expert Panel Review's **Terms of Reference**.*

No other change in the document warrants as many amendments as this and others related to traffic management issues. The impact of changes that roads and transport routes make in our communities is significant and cannot be underestimated. We recommend a separate set of consultations be undertaken on this topic.

2.3.4. Part 4 – General Development Policies

2.3.4.1. Aquaculture – General Development Policies – Policy Review Issue

Several matters have been identified in relation to aquaculture policy within the Code including:

- overlap between the matters covered in a planning assessment and the matters assessed for the purposes of issuing a lease and/or licence under the *Aquaculture Act 2001*
- superfluous policy
- duplicated policy.

Proposed Code Change

AMEND DTS/DPF 1.1, 2.4 and 2.10 of the Aquaculture General Module to state that the issuing of a lease and/or licence (as applicable) under the *Aquaculture Act 2001* is an alternative way of satisfying the corresponding PO while retaining the existing quantitative separation distances within the current DTS/DPF.

AMEND DTS/DPF 1.2, 1.3, 1.4, 1.6, 2.1, 2.2, 2.6, 3.1, 3.2, 4.1 and 4.4 of the Aquaculture General Module to state that the issuing of a lease and/or licence (as applicable) under the *Aquaculture Act 2001* is a way of satisfying the corresponding PO.

AMEND DTS/DPF 2.3 to enable the matter to be closed if no toilet facilities are proposed.

AMEND DTS/DPF 2.8 and 2.9 to enable the matter to be closed if no new access, launching or maintenance facilities are proposed in conjunction with a

proposal for marine aquaculture.

AMEND DTS/DPF 2.11 to enable the matter to be closed if no onshore facilities are proposed in conjunction with a proposal for marine aquaculture.

CASA: We agree to these changes if the aquaculture industry supports these changes.

2.3.4.2. Carport and Outbuilding – Internal Parking Dimensions – Linkages

Issue

Feedback has suggested that policy provisions from the Design in Urban Areas and Design General Development Policies relating to garage dominance and the internal dimensions of enclosed parking spaces do not currently apply to applications for carports or garages which are not under the main roof of a dwelling. In particular, this relates to the following provisions of the Design in Urban Areas General Development Policies:

- Design in Urban Areas [Residential Development - Low Rise [External appearance]] DTS/DPF 20.1
- Design in Urban Areas [Residential Development - Low Rise [Car parking, access and manoeuvrability]] DTS/DPF 23.1

Note: Whilst this issue has been raised in relation to the Design in Urban Areas General Development Policies, equivalent policies are contained within the Design General Development Policies:

- Design [All Residential development [Garage appearance]] PO 14.1
- Design [All Residential development [Car parking, access and manoeuvrability]] PO 19.1

As such, discussion will also consider these provisions.

Zone Classification Tables (i.e., Tables 1-4) classify various development types to the respective assessment pathways. Relevant provisions are assigned to a development type, which are then available to a relevant authority to use when assessing a proposed development. Only the provisions assigned to a development type in a Classification Table can be used in an assessment.

Proposed Code Change

ADD Design in Urban Areas PO 23.1 or Design PO 19.1 (depending on Zone) to Deemed-to-Satisfy and Performance Assessed pathways for Carports and Outbuildings in to provide guidance for the assessment of internal dimensions for enclosed parking spaces.

CASA: In historic areas houses have consistently single width driveways. Many historic houses are demolished to replace one run down historic dwelling with a new dwelling invariably with a double side by side garage.

Therefore, in historic area overlays, double garages to the street front should be stated as being inappropriate on block 15m (15.24m= standard 50 foot frontage) or less wide with double garages sited to the rear of driveways or only on wider blocks greater than 18m, and then sited more than 6m behind the front facade.

2.3.4.3. Commercial Forestry - Forestry General Development Policies – Policy Review

Issue

A small number of matters have been identified in relation to commercial forestry policy within the Code including:

- status of commercial forestry as an anticipated use in the Rural Zone and the Productive Rural Landscape Zone
- planning judgements on scenic quality impacts
- setback policies

Proposed Code Change

AMEND DTS/DPF 1.1 of the Rural Zone and the Productive Rural Landscape Zone to include ‘commercial forestry’ in the list of anticipated land uses within the zone.

AMEND setback policy in the Forestry General Development Module to clarify that the setbacks are not to be read as a cumulative total.

AMEND PO 1.4 in the Forestry General Development Module to provide greater clarity to the reasons for applying the setback in DTS/DPF 1.4.

CASA: We agree to these changes.

2.3.4.4. Decks – Design, and Design in Urban Areas General Development Policies – Assessment Pathways

Issue

Proposals for decks are deemed development under the circumstances set out in Schedule 4 of the *Planning, Development and Infrastructure (General) Regulations 2017* and currently require assessment against Code. A greater number of decks are requiring approval than anticipated, in part, due to the general increase in home improvement activity, which is burdening the planning system with minor matters.

Feedback has highlighted that the Code does not include specific provisions for the assessment of decks and as a result, the planning authority is required to consider the whole of the Code and identify the relevant assessment provisions for the proposal. In addition, decks are defaulting to the performance assessed pathway, which requires a full merit-based assessment (and in some cases public notification).

Part 5, Division 1, Section 57(1)(c) of the *Planning, Development and Infrastructure Act 2016* requires rules and standards to be proportionate, suited to relevant conditions, and as far as is reasonably practicable and appropriate, minimise regulatory burden.

It is therefore appropriate to consider whether there is an opportunity to streamline the assessment pathway for decks that may be attached to a dwelling or other building or stand alone.

Proposed Code Change

CREATE additional policy within the Design, and Design in Urban Areas

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module specific to decks to include assessment provisions that address overlooking.

CREATE a deemed-to-satisfy and performance assessed pathway for decks in neighbourhood-type, residential employment, rural and recreation type zones linking the proposed new decks policy, with overlay applicability and relevant General Development policies reflecting comparable development types such as a verandah.

NOTE: In order to ensure consistency across different development types within a given Zone, relevant policy provisions from the Design in Urban Areas General Development Policies should be applied to Decks where provisions from this module are called up for other development types within a Zone. In all other cases, the relevant provisions of the Design General Development Policies.

CASA: We agree to these changes.

2.3.4.5. Design – PO 19.3 – Driveway Access General Development Policies – Policy Relevance

Issue

Feedback has identified that policy provisions related to driveways and access points have been applied inconsistently across some zones, as well as cases where multiple equivalent policy provisions from different modules are being called up for a single development type. This issue relates to the following policy provisions:

- Design in Urban Areas [Residential Development - Low Rise [Car parking, access and manoeuvrability]]: PO 23.3
- Design [All Residential development [Car parking, access and manoeuvrability]]: PO 19.3
- Transport, Access and Parking [Vehicle Access]: PO 3.6

Zone Classification Tables (i.e., Table 1-4) classify various development types to the respective assessment pathways. Relevant provisions are assigned to a development type, which are then available to a relevant authority to use when assessing a proposed development.

Only the provisions assigned to a development type in a Classification Table can be used in an assessment.

Proposed Code Change

AMEND wording of Design [All Residential development [Car parking, access and manoeuvrability]]: PO 19.3 to be consistent with equivalent provisions within the Design in Urban Areas module.

REMOVE linkage to Transport, Access and Parking PO 3.6 and associated DTS/DPF for the following development types in all relevant Zones where they apply in Table 3 – Applicable Policies for Performance Assessed Development to remove conflicting policy from this pathway.

CASA: We agree to these changes.

2.3.4.6. Design in Urban Areas DTS/DPF 19.1 - Soft Landscaping – Policy Review

Issue

Part 4 of the Code - General Development Policies, Design in Urban Areas contains two provisions in relation to soft landscaping for residential development. DTS/DPF 19.1 outlines soft landscaping provisions of ancillary buildings and DTS/DPF 22.1 provides soft landscaping provisions for all lowrise residential development. These provisions contain slightly different wording in relation to the minimum dimension needed for soft landscaping.

Feedback has also highlighted confusion of the application of the soft landscaping polices for group dwellings and residential flat buildings that contain common property as it is not explicit if the common property is included or excluded in the calculations of soft landscaping percentage.

Proposed Code Amendment

AMEND Design in Urban Areas DTS/DPF19.1 and DTS/DPF 22.1 to be consistent in wording and explicitly state that common property is to be included in soft landscaping calculations.

CASA: We agree to these changes.

2.3.4.7. Garage and Driveways – Design DTS/DPF 19.5, and Design in Urban Areas DTS/DPF 23.5 General Development Policies – Policy Review

Issue

Design General Module DTS/DPF 19.5 and Design in Urban Areas General Module DTS/DPF 23.5 relate to the design of driveways. However, the policy can be difficult to interpret, particularly in relation to the angle of driveways relative to a road.

Proposed Code Change

AMEND Design General Module DTS/DPF 19.5 and Design in Urban Areas General Module DTS/DPF 23.5 to provide clarity.

CASA: We agree to these changes and support the policy move to tapered driveways for more street carparking. We oppose double/side by side garages with dual driveways to the street frontage. We believe this is not appropriate in older suburbs where all other existing homes have single driveway access to the street. Eg in Prospect the single driveway policy has been upheld.

In historic areas houses have consistently single width driveways, many historic houses are demolished to replace one run down historic dwelling with a new dwelling invariably with a double side by side garage.

Therefore, in historic area overlays, double garages to the street front should be stated as being inappropriate on block 15m (15.24m= standard 50 foot frontage) or less wide with double garages sited to the rear of driveways or only on wider blocks greater than 18m, and then sited more than 6m behind the front façade.

2.3.4.8. Heavy Vehicle Parking - Transport, Access and Parking General Development Policy - Policy and Definition Review

Issue

The parking of any vehicle exceeding 3,000 kg (including the weight of any attached trailer) on land used for residential purposes is development under the *Planning Development and Infrastructure Act 2016*, unless it is:

- the parking of a caravan or motor-home of any weight on land used for residential purposes by a person who is an occupant of a dwelling situated on that land

or

- a special circumstances which applies due to the previous dwelling being destroyed by a bushfire.

However, there is no policy contained within the Code specifically guiding the assessment of heavy vehicle parking. Similarly, there is no definition contained within the Code regarding this land use.

Proposed Code Change

CREATE new policy within the Transport, Access and Parking General Module to guide the assessment of heavy vehicle parking.

CREATE a new land use definition for heavy vehicle parking (refer to the definitions section of this Code Amendment for further details).

CASA: We agree to these changes.

2.3.4.9. Housing Renewal General Development Policies - Policy Review

Issue

The Housing Renewal General Development Policies were written to apply to Housing Trust / Community Housing proposals. However, there is nothing in the Code to exclude the policies from being applied to 'All Code Assessed Development' – performance assessed development that is not a Housing Trust or community housing proposal. In addition, several of the Housing Renewal policies conflict with the Design and Design in Urban Areas policies.

As a result, some General Development Policies applicable to dwellings are conflicting and, given that no hierarchy applies to General Development Policies, it is not clear which policies should be applied to 'All Code Assessed Development'.

Proposed Code Change

CREATE an interpretation note for the Housing Renewal General Development Policies to confirm that the policies are applicable only to Housing Trust / Community Housing proposals

CASA: We agree to these changes.

2.3.4.10. Land Division – General Development Policies – Policy Review Issue

Feedback received since the inception of the Code has identified policy duplication within the Land Division General Development Policies.

Proposed Code Change

AMEND the Land Division General Development Policies to remove duplicated policy.

CASA: We agree to this change.

2.3.4.11. Land Division – General Development Policies – Linkages Issue

Feedback received since the inception of the Code has identified that not all the policy provisions from the Land Division general Development Policies are linked to Performance Assessed Land Divisions within zones.

Proposed Code Changes

ADD PO 2.8 and PO 3.11 of the Land Division General Development Policies to the Performance Assessed pathway for “Land Division” in all zones to ensure a consistent approach to the application of policy provisions from this module.

CASA: We agree to this change.

2.3.4.12. Transport, Access and Parking – General Development Policy – Fences – Linkages

Issue

Feedback has indicated that the policy provisions currently applied to a Performance Assessed Fence in various zones do not address matters related to preservation of sightlines between vehicles and pedestrians where fences are located adjacent to driveways or corner sites.

From a planning perspective, all development must be assessed against the relevant provisions of the Code (see section 102(1)(a)(i) of the Act. Code content must therefore be directly relevant to the assessment of development.

Proposed Code Change

APPLY relevant policy provisions from the Transport, Access and Parking General Development Policy module to Performance Assessed Fences to address matters relating to preservation of sightlines.

CASA: We agree to these changes particularly as it relates to improved pedestrian safety.

2.3.4.13. Transport, Access and Parking – General Development Policy – Car Parking Rates Table – Review

Issue

Transport, Access and Parking Tables 1 and 2 prescribe the intended car

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parking rates for various forms of development. The following issues have been identified regarding these tables:

- Some car parking rates are listed which fit multiple definitions. For example, car parking rates exist for both a pre-school and a child-care centre which is a type of pre-school
- Car parking rates in the Urban Neighbourhood Zone at Bowden are more onerous than the car parking rates that existed within the City of Charles Sturt Development Plan, creating challenges for delivering the scale and intensity of development envisaged for the transit-oriented development.

As a result, some of the car parking rates are not easily understood or consistently applied.

Proposed Code Change

AMEND Transport, Access and Parking Table 1 to position all land use classes on the 'class of development' column and all 'sub-classes' within the 'car parking rate' column.

AMEND Transport, Access and Parking Table 2 to update references to the Urban Neighbourhood Zone and add specific car parking rates for the UN Zone within Bowden.

CASA: We agree to these changes.

2.3.4.14. Transport, Access and Parking – General Development Policy – Designated Parking Areas / Car Parking Rates – Interpretation

Issue

Car parking rates applied to development through the Transport, Access and Parking General Development Policies are structured to enable alternative rates to be applied in Designated Areas where reduced car parking rates are appropriate and/or where a car parking fund exists to offset any car parking shortfalls.

However, the interpretation is not readily apparent in some instances, including:

- Which Table is most appropriate for identifying the relevant rate
- Whether the Table 2 – Criteria are applicable to a Designated Area.

This can result in confusion during the assessment of a development and may result in the car parking rates being applied inconsistently.

Proposed Code Changes

AMEND Transport, Access and Parking DTS/DPF 5.1 to provide clarity on when each car parking rate is applicable.

CREATE a definition for a High Frequency Public Transit Area.

AMEND Transport, Access and Parking Table 2 to include reference to the High Frequency Public Transit Area where appropriate.

REMOVE the Table 2 – Criteria within Transport, Access and Parking Table 2.

AMEND the interpretation notes for Transport, Access and Parking Table 2 to reflect the removal of the Table 2 – Criteria.

CASA: We agree to these changes, however, we are concerned at the car parking fund options for when there are insufficient car parks for a development. The payment into a fund does not actually address the issue of where to park all of the cars.

As a community, we should be thinking more laterally about cars, transport, parking, cycling and walking to reduce our carbon impact. This topic, along with those noted in this document addressing transport matters needs to be subject to further broader consultation. We will include this in our submission to the Expert Panel.

2.3.5. Part 5 – Specified matters and areas identified under the Act and Regulations

There are no proposed Code changes to Part 5 of the Code as part of this Code Amendment

2.3.6. Part 6 – Index of Technical and Numeric Variations

There are no proposed Code changes to Part 6 of the Code as part of this Code Amendment

2.3.7. Part 7 – Land Use Definitions

Issue

Improvements to the Land Use and Administrative Definitions in the Code – specifically a review of Part 7 – Land Use Definitions and Part 8 – Administrative Terms and Definitions to provide greater clarity in interpretation and relationship with policy.

Proposed Code Changes

AMEND Part 7 – Land Use Definition in relation to the following definitions or terms:

- Ancillary accommodation
- Caravan and tourist park
- Commercial forestry
- Educational establishment
- Indoor recreation facility
- Office
- Pre-school
- Tourist accommodation
- Workers accommodation

CREATE new definitions for Part 7 – Land Use Definition in relation to the following terms:

- Heavy vehicle parking
 - Function venue
- * See below individual Land Use Definitions for further discussion and proposed Code changes

CASA: We agree to these changes subject to our earlier advice on these specific matters.

2.3.7.1. Ancillary Accommodation – Amend

Issue

Feedback received on the definition of ancillary accommodation sought greater clarity on the use and interpretation of 'utilities'. In addition, this review also considered that further refinement should be provided to make it clearer of the outcomes sought by ancillary accommodation.

Proposed Code Change

AMEND the definition of 'ancillary accommodation' to provide for greater clarity in the intent being sought in the Code for this land use.

CASA: We agree to this change.

2.3.7.2. Caravan and Tourist Park – Amend

Issue

Feedback was received from external stakeholders who queried if the land use term 'Caravan and Tourist Park' is considered a form of 'Tourist Accommodation'. Submissions also advised that this ambiguity may be causing some uncertainty when assessing these forms of activity.

Proposed Code Change

AMEND the Land Use Term for 'tourist accommodation' to the below noting that further refinement to the definition of Tourist accommodation is proposed.

CASA: We agree to this change.

2.3.7.3. Commercial Forestry – Amend

Issue

Submissions have been received requesting further refinement of this definition to better accommodate farm-scale forestry and to allow for initial processing of timber at the site of harvest, in particular where it is conducted with mobile equipment and involves no permanent structures or buildings.

Other comments suggested that the existing definition be further developed to make it clear that includes plantations for wood and paper products, farm scale forestry and commercial exploitation of the carbon-absorption capacity of the forest, as well as in-field wood chipping, spot-sawmilling and firewood processing, but excludes plantings for horticultural, ornamental or revegetation purposes.

AMEND the Land Use Term for 'commercial forestry' to: Means the practice of planting **and managing plantation forests** that are intended to be harvested **for wood products or other commercial purposes**, including through the commercial exploitation of the carbon absorption capacity of the forest.

CASA: We agree to this change.

2.3.7.4. Educational Establishment – Amend

Issue

Feedback was received which suggested a move away from the term ‘establishment’ to a more contemporary term for describing this land use. The definition for ‘educational establishment’ was adapted from the previous definition within the *Development Regulations 2008*.

REPLACE the Land Use Term for ‘educational establishment’ with educational facility.

CASA: We agree to this change.

2.3.7.5. Indoor Recreation Facility – Amend

Issue

Issues were identified relating to the interpretation and the limitations of this definition by just referring to ‘a building’.

Proposed Code Change

AMEND the Land Use Term for Indoor recreation facility to: Means a building **or part of a building** designed or adapted primarily for recreation or fitness pursuits.

CASA: We agree to this change.

2.3.7.6. Office – Amend

Issue

Similar to the discussion on ‘indoor recreation facility’, it would be reasonable to anticipate that an ‘office’ may form part of a mixed-use development and therefore only comprise part of a building rather than the whole building.

Proposed Code Change

AMEND the Land Use Term for ‘office’ to: Means a building **or part of a building** used for administration or the practice of a profession, but does not include a consulting room or premises where materials are stored for sale or manufacture.

CASA: We agree to this change.

2.3.7.7. Pre-school – Amend

Issue

Feedback has been received on the appropriateness of the definition for ‘preschool’ along with the potential for an additional and stand-alone definition of ‘child care centre’.

Proposed Code Amendment

REPLACE the Land Use Term for ‘pre-school’ with ‘childcare facility’ and other amendments as shown: Means a place primarily for the care or instruction of children of less than primary school age, **children with special needs or out-of-school-hours care (including vacation care)** and not resident on the site. It includes: **Pre-school;** Child care centre; Early learning centre; Kindergarten; Nursery.

AMEND Educational establishment to reflect this change from ‘pre-school’ to ‘child care facility’.

REPLACE the term ‘pre-school’ wherever it appears within the Code to ‘child care facility’.

CASA: We agree to this change.

2.3.7.8. Renewable Energy Facility – Policy Refinement

Issue

The Commission has identified potential issues with the definition of Renewable Energy Facility as it would apply in the Conservation, Hills Face and Rural Zones (where certain Overlays - Significant Landscape Protection Overlay and Character Preservation Area Overlay apply), and where Renewable Energy Facilities can trigger a restricted development classification.

Proposed Code Change

AMEND the restricted table within the Conservation, Rural and Hills Face Zone to add the exclusion of domestic use for solar photovoltaic panels (roof or ground mounted) and battery storage facility.

CASA: We agree to this change.

2.3.7.9. Tourist Accommodation – Amend

Issue

Consistent with the advice provided on ‘caravan and tourist park’, recent feedback requested that the definition of ‘tourist accommodation’ also be amended to provide greater clarification around what is meant by this form of development and whether it should also incorporate any other associated ancillary elements.

Proposed Code Change

AMEND the Land Use Term for tourist accommodation to: Means premises in which temporary or short-term accommodation is provided to travellers on a commercial basis. *This use may also include: (a) onsite services and facilities primarily for the use by guests; and (b) facilities for the management of the accommodation.*

CASA: We agree to this change.

2.3.7.10. Workers Accommodation – Amend

Issue

Feedback was received which requested greater clarification and a consistent approach to the assessment of ‘workers’ accommodation’.

Proposed Code Change

REPLACE the Land Use Term for ‘workers’ accommodation’ as shown: Means premises used to accommodate workers on a temporary basis while they carry out employment: (a) on the same site as the workers' accommodation; *or* (b) in mining or petroleum extraction; *or* (c) in seasonally intensive rural activities *including* fruit picking, pruning, animal shearing, meat processing, *bulk handling or freight handling or similar*; *or* (d) in the construction of essential infrastructure.

CASA: *We agree to part of this change. We believe the term 'or similar' should be retained in the definition tables. There is likely to be some creative person who comes up with a term that is not included in the definition and seeks to avoid some of the development requirements.*

We suggest the inclusion of the term 'or similar' will provide planners with some support to ensure developments that are similar to, but not exactly prescribed, have the same development requirements as those prescribed.

2.3.7.11. Heavy Vehicle Parking – New Definition

Issue

The Code does not include policy specifically guiding the assessment of heavy vehicle parking therefore, a review and addition of policy guiding this land use is proposed as part of this Amendment.

Similarly, there is no definition contained within the Code regarding this land use. Absence of a definition could result in the above proposed policy being applied incorrectly or to areas not intended by the policy.

Proposed Code Change

CREATE a new definition for 'heavy vehicle parking' as follows: Means the parking of any vehicle exceeding 3 000 kg in weight (including the weight of any attached trailer) on land used for residential purposes.

CASA: We agree to this change.

2.3.7.12. Function Venue – New Definition

Issue

Following feedback and user experience with the Code, further consideration has been given to the need for an additional definition for 'Function Centre'.

Proposed Code Change

CREATE a new definition for 'function venue' as follows: Means premises used for the hosting of events, conferences, conventions, receptions or functions.

CASA: We agree to this change.

REPLACE the term 'function centre' wherever it appears within the Code to 'function venue'.

2.3.8. Part 8 – Administrative Terms and Definitions

Issue

Improvements to the Land Use and Administrative Definitions in the Code – specifically a review of Part 7 – Land Use Definitions and Part 8 – Administrative Terms and Definitions to provide greater clarity in interpretation and relationship with policy.

As part of the Commission's 'call for issues' in 2021, several submissions were received requesting the following matters be addressed in relation to definitions in the Code:

- consider including ‘explanatory information’ to assist with definition interpretation;
- review certain definitions to improve their clarity;
- include new definitions for land uses;
- include terms that are used in the Code but currently not defined;
- review ‘exclusions’ and ‘inclusions’ lists to eliminate ambiguity;
- review for inconsistent application and use of terms in policy;
- include additional definitions in the Code particularly where a common meaning is unclear;
- reinstate previous Development Regulation/Development Plan land use definitions; and
- provide clarity in relation to definitions such as ‘ancillary accommodation’ and dwellings in a ‘terrace arrangement’.

Proposed Code Changes

AMEND Part 8 – Administrative Terms and Definitions in relation to the following term:

- Building height
- Building line
- Wall height

CREATE new definition Part 8 – Administrative Terms and Definitions in relation to the following terms:

- Catalyst site
- Direct overlooking
- High frequency public transit area
- Post height

REMOVE Gross Density from Part 8 – Administrative Terms and Definitions.

CASA: We agree to some of these changes. See the sub-sub-sub headings for specific details.

2.3.8.1. Building Height – Amend

Issue

Building height: See section 2.3.2.12 Building Height, Building Wall Setback and Wall Height Policy Review for further detail.

AMEND the ‘building height’ term to: Means the maximum vertical distance between the lower of the natural or finished ground level or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) at any point of any part of a building and the finished roof height at its highest point, ignoring any antenna, aerial, chimney, flagpole or the like. For the purposes of this definition, building does not include any of the following:

- (a) flues connected to a sewerage system
- (b) telecommunications facility tower or monopole
- (c) electricity pole or tower
- (d) or any similar structure.

CASA: We do not agree to this change. We believe that the Code should make reference to ‘Ceiling Heights’ and this should be added into the definition. Using ‘Wall height’ is not

how developers use it in practice. Eg in Parkside for villas, ceiling heights of 3.3-3.67 metres are used; bungalows – 3m ceiling height. The ceiling height is typically associated with buildings of particular eras and types and is a more practical term.

2.3.8.2. Building Line – Amend

Issue

Concerns were raised with the current definition and policy application of ‘building line’ as it is potentially leading to undesirable outcomes.

Proposed Code Change

AMEND the Building line term to: In relation to a building on a site, means a line drawn parallel to the wall ~~on~~ of the building closest to the boundary of the site that faces the primary street (and any existing projection from ~~that wall of the building~~) such as a verandah, porch, balcony, awning or bay window is not to be taken to form part of the building for the purposes of determining the relevant wall of the building ~~provided that the projection is not more than 1.5m.~~

Note: Minor editorial amendments are also proposed. The removal of the additional wording ‘provided that the projection is not more than 1.5m’ is no longer required as this was included to be an allowable projection for the abutting sites when determining the setback. Given building line is proposed to only be for ancillary structures the need to the 1.5m wording is not relevant as the focus of the structure is to be behind the building wall excluding any projections. This wording intent will remain for building setbacks but within policy.

CASA: We agree to these changes with provisos as discussed at 2.3.2.26.

Note: add a closing bracket ‘)’ after ‘wall of the building’.

2.3.8.3. Wall Height – Amend

Issue

Wall height measurement inconsistencies.

Proposed Code Changes

AMEND the ‘wall height’ term to: Means the height of the wall measured from the top of its footings ~~or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency)~~ ~~but excluding~~ noting that the height measurement does not include any part of the wall that is concealed behind an eave or similar roof structure and not visible external to the land.

2.3.8.4. Catalyst Site – New Definition

Issue

Following feedback and user experience with the Code, further consideration has been given to the need for an additional definition for ‘catalyst site’.

Proposed Code Change

CREATE a new definition for ‘catalyst site’ as per the following: Means a site greater than 1500m², which may include one or more allotments.

REMOVE the explanation text for ‘catalyst site’ – for example ‘(sites greater

than 1500m², which may include one or more allotments) – wherever it appears in any policy within the Code.

CASA: We do not agree to this change. We believe the term ‘Catalyst Site’ and description should be removed from the Code. It is an anathema of planning. When clarification is required, using the term ‘greater than 1500sqm’ is clear. However, when using the term ‘Catalyst Site’ it is less clear.

The number of ERD Court appeals is evidence of this confusion. It is consistently abused by developers. The provisions are so vague and ambiguous they should be removed.

We strongly urge the Commission to remove Catalyst Sites from the Code completely.

2.3.8.5. Direct Overlooking – New Definition

Issue

Following feedback and user experience with the Code, further consideration has been given to the need for an additional definition for ‘direct overlooking’.

Proposed Code Change

CREATE a new definition for ‘direct overlooking’ as per the following: In relation to direct overlooking from a window, is limited to an area that falls within a horizontal distance of 15 metres measured from the centre line of the overlooking window and not less than 45 degree angle from the plane of the wall containing the overlooking window. In relation to direct overlooking from a deck, balcony or terrace, is limited to an area that falls within a horizontal distance of 15m measured from any point of the overlooking deck, balcony or terrace. (see diagrams at p47 & 248)).

CASA: We do not agree to this definition. We believe 15 metres is insufficient distance to provide sufficient privacy, particularly to bathrooms. We believe a maximum of 20 metres is required, preferably 30 metres. You will be able to see a stark naked person in a bathroom from 15 metres!!! There should be stipulation for frosted glazing.

Within this definition the issue of noise, as well as vision issues also needs to be considered and is a further need for ‘greater than 15 metres’ distances.

2.3.8.6. High Frequency Public Transit Area – New Definition

Issue

High frequency public transit area. See 2.3.4.14 Transport, Access and Parking – General Development Policy – Designated Parking Areas / Car Parking Rates – Interpretation for further detail.

Proposed Code Change

CREATE a new definition for ‘high frequency public transit area’ as per the Following: A site that is wholly located within Metropolitan Adelaide and satisfies one or more of the following: (a) is within 200 metres of any section of road reserve along which a bus service operates as a high frequency public transit service(2)
(b) is within 400 metres of a bus interchange(1)
(c) is within 400 metres of an O-Bahn interchange(1)
(d) is within 400 metres of a passenger rail station(1)
(e) is within 400 metres of a passenger tram station(1)
(f) is within 400 metres of the Adelaide Parklands.

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[NOTE(S): (1) Measured from an area that contains any platform(s), shelter(s) or stop(s) where people congregate for the purpose waiting to board a bus, tram or train, but does not include areas used for the parking of vehicles. (2) A high frequency public transit service is a route serviced every 15 minutes between 7.30am and 6.30pm Monday to Friday and every 30 minutes at night, Saturday, Sunday and public holidays until 10pm.]

CASA: We agree to these changes.

2.3.8.7. Post Height – New Definition

Issue

Post height. See section 2.3.2.12 Building Height, Building Wall Setback and Wall Height – Policy Review for further detail.

Proposed Code Change

CREATE a new definition for ‘post height’ as per the following: Means the height of the post measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) noting that the height measurement does not include any part of the post that is concealed behind an eave or similar roof structure and not visible external to the land.

CASA: We agree to this change.

2.3.8.8. Gross Density - Delete

Issue

Feedback received sought clarification on when the Code references density, in particular whether it is referring to ‘net residential’ or ‘gross density’. The Code currently includes definitions for ‘low’, ‘medium’ and ‘high net residential density’ and also for ‘gross density’. It should be noted that there isn’t a quantifiable definition for ‘gross density’ (in terms of low v medium v high dwellings per hectare).

Proposed Code Change

REMOVE the term ‘gross density’ from Part 8 – Administrative Terms and Definitions.

CASA: We agree to this change.

AMEND Code policy, where appropriate to specifically mention ‘net residential density’ when the policy refers to low, medium or high density.

2.3.9. Part 9 – Referrals

2.3.9.1. Environment Protection Authority Referrals - Review of Interpretation and Referral Triggers

Issue

Under the *Development Regulations 2008* (now ceased), schedule 8 required a referral to the Environment Protection Authority (EPA):

Development that involves, or is for the purposes of, an activity specified in Schedule 22 (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level)

The above ensured that alterations to an activity of major environmental significance required a referral. No similar preamble is included in Part 9.1 of the Code and as a result, the EPA has advised that some activities of major environmental significance are not being referred to them. This has resulted in works being approved that increase the risk of pollution or environmental harm and present challenges for the subsequent EPA licence. Accordingly, the EPA has requested that similar wording be contemplated in Part 9.1 of the Code.

Additionally, Class 3 activities are low risk potentially contaminating activities and do not warrant EPA involvement through the referral process. To assist and provide further clarity, the inclusion of the reference within the South Australian Property and Planning Atlas when land division is proposed to land within a groundwater prohibition area.

Proposed Code Change

CREATE an interpretation noted for Part 9.1 of the Code to confirm when referrals are required.

AMEND the Class of Development / Activity Site Contamination – Land Division Class to removed class 3 activity needing to be referred and inclusion of the reference to South Australian Property and Planning Atlas.

CASA: We agree to these changes if the EPA supports them.

2.3.10. Part 10 – Significant Trees

There are no proposed Code changes to Part 10 of the Code as part of this Code Amendment

2.3.11. Part 11 – Local Heritage Places

2.3.11.1. Listing of State Heritage Places

Issue

As part of this Amendment it is proposed to include a list of current State Heritage Places in the Code, similar to the way Local Heritage Places are listed in Part 11 – Local Heritage Places. This is to improve visibility of State Heritage Place details in the Code to complement the State Heritage Places Overlay.

As State Heritage Places are governed by a separate Act – the *Heritage Places Act 1993* – and that listings can be added and removed at any time under that Act (subject to the processes of that Act), it is considered necessary to also include explanation in Part 1 the Code that State Heritage Places identified in the Code (by the State Heritage Places Overlay, the Heritage reference layer of the SA Planning Database and the list proposed to be added to Part 11 Code) are point in time references and that the State Heritage Register should be relied on in the event of any inconsistency.

Proposed Code Change

AMEND the title of ‘Part 11 – Local Heritage Places’ to ‘Part 11 – Heritage Places’.

AMEND Part 11 of the Code to include the list of current State Heritage Places currently mapped in the State Heritage Places Overlay. It is recommended that the list include the follow details:

- Property address
- Descriptions / extent of listing
- Section 16 Criteria
- State Heritage ID

AMEND Part 1 of the Code to include rules of interpretation that explain that where there is a discrepancy between the Code’s list of:

- State Heritage Places and the South Australian Heritage Register, the **Register** will prevail.
- Local Heritage Places and the South Australian Heritage Register, the **Code** will prevail.

CASA: We agree to these changes. Please refer to previous comments in this submission for further rationale for retaining as many heritage buildings as possible.

The current mapping does not show all Representative Items (previously Contributive Items) due to many Councils’ lack of action on this important matter. Thus if the building is not shown on the map, it does not mean it is not a Representative Item.

We strongly urge that all Representative Items are listed specifically in the Code to afford them the greatest protection as possible.

2.3.12. Part 12 – Concept Plans

There are no proposed Code changes to Part 12 of the Code as part of this Code Amendment

2.3.13. Part 13 – Table of Amendments

Part 13 of the Code – Table of Amendments: Updates to the publication date, Code version number, amendment type and summary of amendments within the ‘Table of Planning and Design Code Amendments’ to reflect the amendments to the Code.

Craig, thank you once again for this opportunity to review the proposed technical amendments to the Code and provide you with CASA’s feedback. We look forward to further engagement on these important matters.

Yours Sincerely

DE van Eck

**Dianne van Eck
President (Interim)
Community Alliance of South Australia**

From: [Fabian Barone](#)
To: [DTI:PlanSA Submissions](#)
Cc: [Chloe Vounasis](#); [Simon Cross](#); ["Frank Mitolo"](#)
Subject: Submission - Miscellaneous Technical Enhancement Code Amendment on behalf of Mitolo Group
Date: Friday, 23 September 2022 2:11:37 PM
Attachments: [image001.png](#)
[MTECA Submission - FINAL.pdf](#)
[21 King William St, Kent Town - Maps 1-3 v2.pdf](#)
Importance: High

Hi,

I attach for your consideration a submission on behalf of the Mitolo Group. This submission relates to the Miscellaneous Technical Enhancement Code Amendment and its effect on the Mitolo Group's site in Kent Town (21 – 35 King William Street, Kent Town).

FABIAN BARONE

Director

signature_967180107



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September 23, 2022

Mr Craig Holden
Chair
State Planning Commission
Via email: plansasubmissions@sa.gov.au

Dear Craig,

MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT

We act for the Mitolo Group ('Mitolo').

Mitolo currently owns several contiguous allotments within the confines of the Urban Corridor (Business) Zone in Kent Town, all of which front King William Street. The allotments to which we refer are identified on the first map attached to this submission (Map 1).

Mitolo intends to amalgamate these allotments for the purpose of undertaking a large-scale, mixed-use development. Mitolo is well-resourced and in the process of assembling a team of qualified experts to deliver its exciting vision for this site. The location and size of this site provide a unique opportunity for a significant development that would inevitably contribute to the urban regeneration of this part of Kent Town.

Having carefully considered the Miscellaneous Technical Enhancement Code Amendment ('MTECA'), Mitolo is extremely concerned about the unintended policy-related consequences associated with proposed Amendment 2.3.2.7, and what they might mean for a future application to develop this site.

As you know, the State Planning Commission ('Commission') intends, via proposed Amendment 2.3.2.7, to "replace reference to 'primary road', 'primary road corridor', 'primary road/public transport corridor' with 'primary road corridor (i.e. a State maintained road)'."

If proposed Amendment 2.3.2.7 is authorised in its current form, it will have the following consequences:

- There are, according to our calculations, 136 allotments within the confines of the Urban Corridor (Business) Zone in Kent Town, only four or 2.9 percent of which have frontage to a 'State maintained road' (Fullarton Road). Consequently, 132 or 97.1 percent of the allotments within the confines of the Urban Corridor (Business) Zone in Kent Town, including Mitolo's site, will no longer be able to:
 - » achieve Desired Outcome ('DO') 1 of the Urban Corridor (Business) Zone. For clarity, DO 1 of the Urban Corridor (Business) Zone calls for "A medium rise mixed use zone with a strong focus on employment, which accommodates a diverse range of commercial and light industrial land uses together with compatible medium density residential development oriented towards a primary road corridor."
(Emphasis added)
 - » satisfy Performance Outcome ('PO') 1.4 of the Zone which calls for "Dwellings (to be) primarily developed in conjunction with non-residential uses to support local business, activities and contribute to making the primary road corridor and pedestrian thoroughfares safe, walkable, comfortable, pleasant and vibrant places."
(Emphasis added once again)

- PO 1.5 of the Urban Corridor (Business) Zone, which calls for “Ground floor uses (that) positively contribute to an active primary road corridor”, will no longer apply to 132 or 97.1 percent of the allotments within the confines of the Urban Corridor (Business) Zone in Kent Town, including Mitolo’s site.
- POs 5.1 and 5.2 of the Urban Corridor (Business) Zone, which allow for, and encourage, the amalgamation of contiguous allotments to facilitate coordinated developments that provide an orderly transition to the adjoining Zone to the north-west where buildings of up to 36 metres in height are envisaged, will now only apply to the two ‘book-ends’ at the north-eastern extremity of the Urban Corridor (Business) Zone in Kent Town. This is non-sensical given that the Urban Corridor (Business) Zone in Kent Town is currently centred around King William Street, not Fullarton Road. Further, the aforementioned ‘book-ends’ are situated adjacent to a zone that contemplates buildings of up to, but not exceeding, three building levels.

Indeed, the unintended policy-related consequences associated with proposed Amendment 2.3.2.7, which is nothing more than ill-informed band-aid solution, are pervasive and far more profound for the following Zones, as they currently do not encompass a ‘State maintained road’:

- the Urban Corridor (Business) Zone in Forestville and Keswick – see the second map attached to this submission (Map 2); and
- the Urban Corridor (Business) Zone in Thebarton – see the third and final map attached to this submission (Map 3).

In other words, the authorisation of proposed Amendment 2.3.2.7, in its current form, would render the aforementioned Zones otiose, as DO 1 would then relate to, and revolve around, a road that simply does not exist. This surely cannot be the Commission’s intended outcome, otherwise the aforementioned Zones would not have existed in the first place.

In light of the above and to avoid any unnecessary ambiguity during the assessment of Mitolo’s future application, we respectfully suggest that the ‘significant development site’ policies, namely POs 5.1 and 5.2, should not be constrained to sites that front a State maintained road, particularly not when the Urban Corridor (Business) Zone in Kent Town is currently centred around King William Street, as this would revoke the opportunity for uplift on all but a handful of sites that have already been developed for no sound town planning reason.

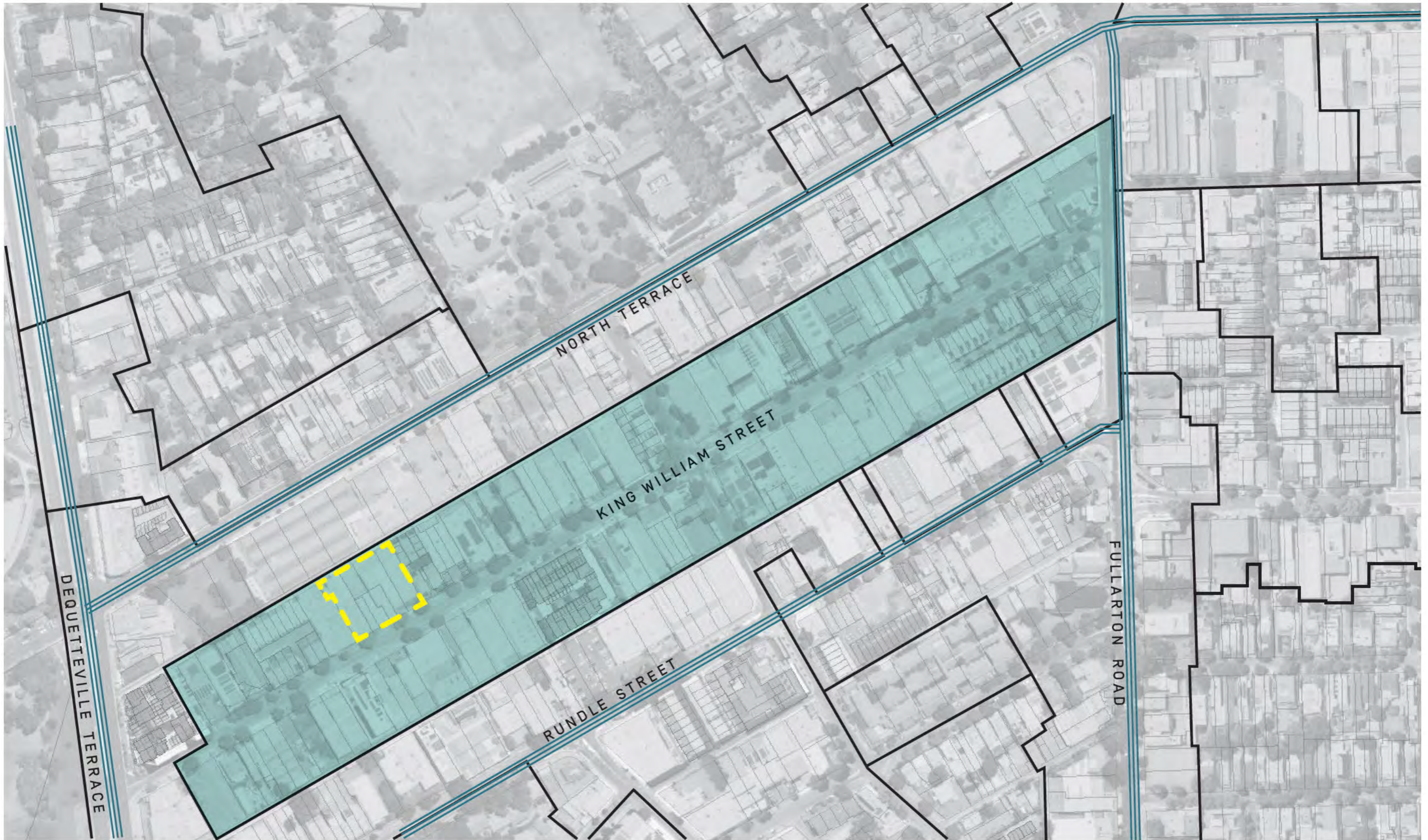
In summary, the purpose of this submission is two-fold in that it seeks to draw the Commission’s attention to the seriousness of this flawed policy change and its negative impact on the development capacity of many sites, including Mitolo’s, whilst tabling Mitolo’s intentions for its site so that an informed decision can be made.

If you have any queries regarding this submission, please do not hesitate to contact our Managing Director, Chris Vounasis, in the first instance.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Fabian Barone', with a small dot at the end.


Fabian Barone
Director




Plan Production Date: 22.09.2022

**Map 1-
Mitolo's Site**
21-35 King
William Street

LEGEND

 Urban Corridor
(Business) Zone

 Mitolo's Site

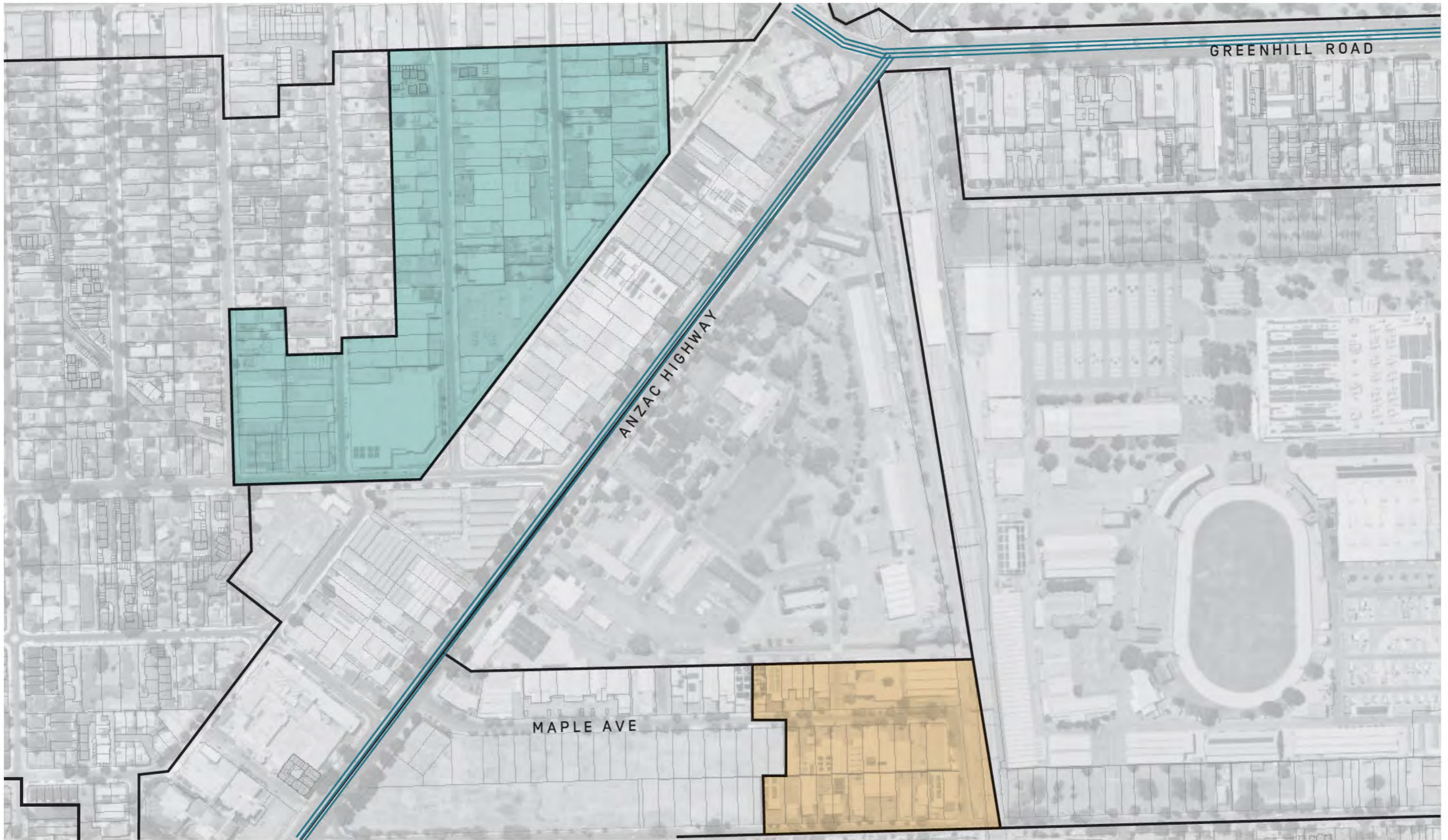
 Zone Boundary

 State Maintained Road



September 2022
Revision A
Scale 1:2500 at A3






Plan Production Date: 21.09.2022


**Map 2 - Forrester
& Keswick**

LEGEND

 Urban Corridor [Business]
Zone - Keswick

 Urban Corridor [Business]
Zone - Forrester

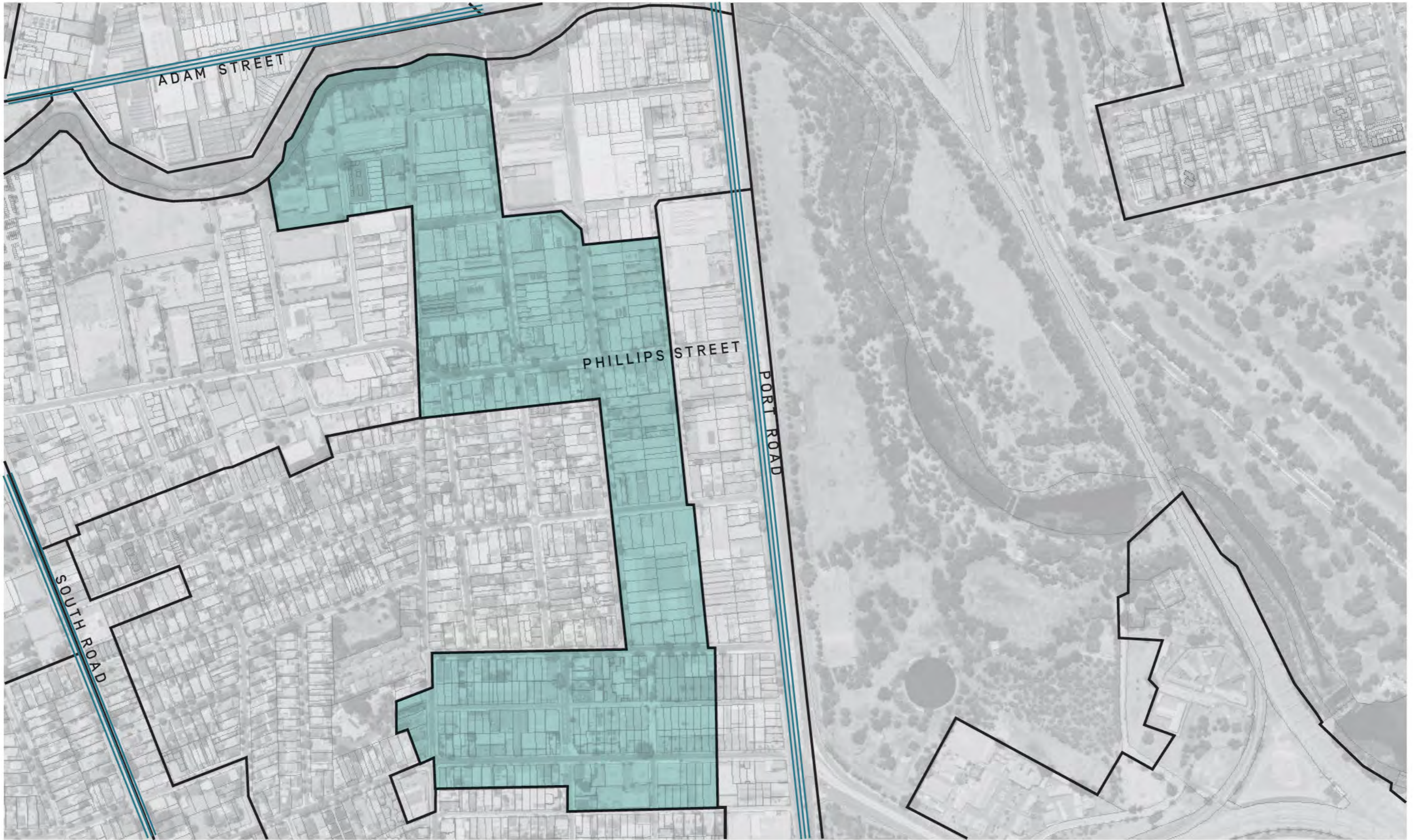
 Zone Boundary

 State Maintained Road



September 2022
Revision A
Scale 1:3500 at A3





Plan Production Date: 22.09.2022

**Map 3 -
Thebarton**

LEGEND

- Urban Corridor
(Business) Zone
- Zone Boundary
- State Maintained Road

↑ N
 September 2022
 Revision A
 Scale 1:5000 at A3



From: [Ian Radbone](#)
To: [DTI:PlanSA Submissions](#)
Subject: Miscellaneous Amendments to the Code
Date: Friday, 23 September 2022 2:47:45 PM
Attachments: [202209_miscellaneous_amendments_submission.pdf](#)

Please find attached the submission of the Norwood Residents Association regarding the proposed miscellaneous amendments.

Dr Ian Radbone
President, Norwood Residents Association



23 September 2022

State Planning Commission
GPO Box 1815
ADELAIDE SA 5001
plansasubmissions@sa.gov.au

Miscellaneous Technical Enhancement Code Amendment

Thank you for the opportunity to comment on the proposed amendments. We appreciate efforts to simplify the Code, and to remove clutter, duplication, irrelevancies and (in some cases) inconsistencies. We recognise that these are unduly burdensome for both the applicant and the approval authority.

But some proposed amendments appear to be of a policy nature rather than administrative detail and should be left to the independent review of the Code. So we would prefer to see a number of proposed amendments deferred at this stage.

Following are specific proposed amendments with which we have concerns. These are matters that we have noticed. There may be others that we missed. We found ourselves overwhelmed by the number of amendments proposed, especially as they are typically phrased for professional planners rather than the public. While we realize that this first series of amendments was always likely to be lengthy, given teething issues, we hope that future proposed amendments are more digestible.

We note the Community Alliance of SA is making a more extensive submission. We are a member of the Alliance, have read a draft of its submission, and endorse its recommendations.

Notifications, minor structures, Amendment number 2.3.2.10

Notifying neighbours of a proposed development involves additional time and resources it might not be worth the bother, at least in the eyes of planning staff. Potential conflict might be a further discouragement. In many cases the objections raised by neighbours might be unreasonable.

We also accept that by broadening the definition of "adjacent land" to land within 60m of land on which the development is proposed, more people need to be notified than under the old regime, when only those with land abutting the development needed to be notified.

But while we accept that there should be some sort of delineation of what triggers notifications, we don't accept that they should be necessarily consistent between zones. The length, height and nature of fences are obviously much more sensitive for courtyard gardens than they are for rural zones. Yet on page 52, (under "Technical Errors") we read



that “rural zones, neighbourhood zones, activity centre zones which should generally be consistent in the classes of development listed as not requiring notification in Column A”.

Notifications, demolition, Amendment number 2.3.2.10.5

We are concerned to see the proposal the Notifications for demolition of buildings in the Historic Area overlay be softened.

Norwood has seen the demolition of the old box factory on Fisher Street about ten years ago, with nothing to show for it but graffiti on the walls of the neighbours. This year we have seen two good quality buildings of over 100 years old demolished with notifications only because their proposed replacement buildings were over height.

Demolition is a key issue for residents, which we will be taking up in the independent review of the Code. We are therefore concerned that any relaxation of existing notification requirements for heritage buildings is being considered.

Building heights, Amendment number 2.3.2.11

An important, controversial issue for Norwood residents is the building heights. Most recently this has been revealed in the decision-making over the development at 120 The Parade. Residents have been disappointed to learn that a six-storey building height limit is not really six storeys – there is a fudge factor that allows at least eight storeys,

The proposed new wording of the appropriate building heights in Urban Corridor (Main Street) zones and Suburban Main Street zones will just make this worse. We agree that the wording does need to be clearer, but to give planners discretion to trade off building height limits on a range of factors without specifying what is needed in those factors will further undermine trust in the planning system.

Please do not go ahead with this in this form before the independent review of the Code is completed.

Minor alterations, Amendment number 2.3.2.19

We agree that a separate pathway is appropriate for minor alterations to dwellings, but we are concerned that this may result in assessment provisions that will enable external changes to avoid the planning assessment process entirely.

Norwood has many shops and houses that are not listed as local or state heritage and are not part of an Historic Area Overlay, but which do contribute to the character of the suburb. This contribution was frequently tarnished in the post-war period, when stone walls were rendered over, porticos with columns added and verandas removed. Are these the sort of “minor alterations” that could be waved through under the proposed amendment?

We ask that any external “minor” alterations be assessed for their contribution to neighbourhood character if they are in Historic Conservation, Established



Email: norwoodresassoc@gmail.com
Website: www.norwoodresidentsassociation.com
Facebook: www.facebook.com/NRAso

Neighbourhood, Urban Corridor (Main Street), Business Neighbourhood and Suburban Business zones.

Primary Street Setback – Use of Building Line, Amendment number 2.3.2.26

The impact of using an average between two neighbouring dwellings will have the effect of allowing buildings to be built closer to the road, with reduced front gardens. There are many old houses in Norwood that were built before planning controls on setbacks. Often there is no setback at all.

We have two concerns with as a result: (1) we are concerned that this will encourage the reduction of open space, including space for trees that might shade the footpath, and (2) it will increase pressure to reduce the distance between the property line and the front of a garage. We have frequent case of cars jutting out onto the footpath and blocking the way for pedestrians. This occurs even in modern buildings, where the planners should have known better.

Direct Overlooking, Amendment number 2.3.8.5

We disagree with the proposed definition. It is patently obvious that people can see other people more than fifteen metres away. We accept that there needs to be some compromise, but we believe at least 25 metres is more appropriate.

Yours Sincerely,

A handwritten signature in black ink that reads "Ian Radbone".

Dr Ian Radbone,
President

From: [Kensington Residents' Association](#)
To: [DTI:PlanSA Submissions](#)
Subject: Submission – Miscellaneous Technical Enhancement Code Amendment
Date: Friday, 23 September 2022 2:55:58 PM
Attachments: [Submission on Misc Tech Enhancement Code Amendment.pdf](#)

Attached is a copy of our Association's submission.

--

Regards
Andrew

Andrew Dyson
Secretary
Kensington Residents' Association Inc.
42 Regent Street, Kensington, 5068

www.kra.org.au

"KRA - Serving the community since 1977"

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Code Amendment Team,
Planning & Land Use Services,
Department for Trade and Investment,
GPO Box 1815,
Adelaide, 5001.

The Secretary,
Kensington Residents' Association Inc.,
Mr A Dyson,
42, Regent Street,
Kensington, 5068.
23rd September 2022.

Re: Miscellaneous Technical Enhancement Code Amendment

Dear Sir/Madam,

Kensington was one of the first villages settled to the East of Adelaide in 1839 with its unusual diagonal street pattern relative to the surrounding main roads. Fortunately many early colonial and Victorian houses, hotels and commercial buildings have remained. By the 1960s to 1980s the area was generally very run down and many buildings of heritage value were either abandoned or badly neglected. However Kensington has been transformed from a very run down area through the heritage protections introduced in the mid 1990s when Kensington was declared an Historic Conservation Zone.


Kensington Residents Association has represented the interests of Kensington and its residents since 1977, particularly so in protecting Kensington's heritage and historic character. Our Association played a major role with the then City of Kensington & Norwood in securing Historic Conservation Zone status.

Our Association is a long term and active member of the Community Alliance South Australia. Recently, we have participated in a review of the Miscellaneous Technical Enhancement Code Amendment together with representatives of other member groups of the Alliance.

Our Association has been very involved in the current planning reform process since 2013, having made many submissions, attended many consultation sessions and appeared before the Environment, Resources and Development Committee.

In response to the proposed Code Amendment the Community Alliance has prepared a detailed response indicating its position in relation to each of the proposed amendments. Our Association supports the Community Alliance's submission and we request that our Association's support is recognised and noted when considering community responses as part of the consultation process.

Yours faithfully,



Andrew Dyson
Secretary (8331 9654)

cc Community Alliance South Australia

From: [PlanSA Submissions](#)
To: [DTI:PlanSA Submissions](#)
Subject: Public Consultation submission for Miscellaneous Technical Enhancement Code Amendment
Date: Friday, 23 September 2022 3:40:55 PM

PlanSA,

Submission Details

Amendment: Miscellaneous Technical Enhancement Code Amendment

Customer type: Member of the public

Given name: Charles

Family name: Gilchrist

Organisation:

Email address:

Phone number:

My overall view is: I do not support the Code Amendment

Comments:

- I am deeply concerned about the proposal to exclude the requirement of public notification for buildings in Historic Area Overlays and State Heritage Overlays that are deemed to be of no heritage value. "Heritage value" is an ambiguous term that can be interpreted in a number of ways. I am concerned that by allowing the relevant authority to decide if a building is of "heritage value" or not, that the decisions will be quite subjective. Indeed, what one person deems to be a heritage building, another person may not. Furthermore, I am concerned that buildings that are historic but not deemed to be of "heritage value" may be excluded from public notification. I am also concerned that this provision may be abused. For example, I am concerned that someone who owns a historic building in a Historic Area Overlay and wants to demolish it may pressure the relevant authority to exclude it from Public Notification. This would be deeply unfair. - I am concerned that some minor forms of development such as verndahs, fences, and retaining walls will no longer require public notification. First of all, I think that the public should be able to have a say over these forms of developments both due to their visual impact and the fact that they may impact the privacy of adjoining owners through overshadowing and height. I am also concerned that there may be a development that proposes to demolish a historic/heritage fence or verandah, for example. Under the proposed changes, such a development would be excluded from public notification. I think that the public should be able to oppose such developments as they impact upon the "heritage value" of the property. Lastly, I am concerned about the fact that what counts as meeting "exception" criteria for requiring public notification is quite vague and subjective. - I am concerned that by amending the code to allow developers to meet only one of the building height criteria, this will encourage them to build taller buildings.

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Attachment
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5: No file uploaded

Sent to
proponent plansasubmissions@sa.gov.au
email:

From: [Jason Cattonar](#)
To: [DTI:PlanSA Submissions](#)
Cc: [Louis Kanellos | Chasecrowm](#); [Chloe Vounasis](#)
Subject: MTECA - submission - 21-25 South Esplanade Pty Ltd
Date: Friday, 23 September 2022 2:53:53 PM
Attachments: [image001.png](#)
[MTECA 21-25 South Esplanade_FINAL_Future Urban.pdf](#)
Importance: High

Dear, PlanSA.

Please refer to the attached MTECA submission, made on behalf of 21-25 South Esplanade Pty Ltd.

Regards,

JASON CATTONAR

Associate Director

signature_967180107



W. www.futureurban.com.au

A. Level 1, 74 Pirie Street, Adelaide, SA, 5000

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23 September 2021

Mr Craig Holden
Chair, State Planning Commission
Via email: plansasubmissions@sa.gov.au



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89 King William Street
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W: www.futureurbangroup.com
E: info@futureurbangroup.com
ABN: 34 452 110 398

Dear Craig,

RE: Miscellaneous Technical Enhancement Code Amendment

1. INTRODUCTION

We make this submission on behalf of 21-25 South Esplanade Pty Ltd ('client'), the registered proprietor of 21-21 South Esplanade, Glenelg ('Site'), in relation to the Miscellaneous Technical Code Enhancement Code Amendment ('MTECA'), which was initiated by the State Planning Commission ('Commission').

The *Proposal to Initiate* stated that the focus of the MTECA is to make technical improvements to the Planning and Design Code ('the Code') in line with the key topics detailed below:

- Improve policy clarity and interpretation;
- Improve consistency and alignment with Code drafting principles;
- Improving system efficiency and procedural matters;
- Review classification tables and assessment pathways, in particular for common and minor forms of development;
- Linkages improvements (missing or additional policies);
- Addressing unintended policy consequence;
- Update to the Rules of Interpretations to improve understanding of the Code's operation.

Whilst our client is generally supportive of the intent of the MTECA, and the significant majority of the amendments proposed, we are of the opinion that a number amendments in the MTECA consultation document should be further amended in order to provide improved clarity of interpretation, and to address what appear to be unintended policy consequences.

2. CLIENT'S SITE

Our client's Site is comprised in 6 contiguous allotments formally described as:

- Lot 253 in Filed Plan 7180 in the area named Glenelg Hundred or Noarlunga
 - » Certificate of Title: Volume 5205 Folio 462
- Lot 254 in Filed Plan 7180 in the area named Glenelg Hundred of Noarlunga
 - » Certificate of Title: Volume 5447 Folio 95
- Lot 255 in Filed Plan 7180 in the area named Glenelg Hundred of Adelaide
 - » Certificate of Title: Volume 5447 Folio 494
- Lot 256 in Filed Plan 7180 in the area named Glenelg Hundred of Adelaide

- » Certificate of Title: Volume 5808 Folio 865
- Lot 257 in Filed Plan 7180 in the area named Glenelg Hundred of Adelaide
 - » Certificate of Title: Volume 5083 Folio 907

The Site has a total area measuring approximately 3,500 square metres, and has primary frontage measuring 80 metres to the Glenelg Beach coastal reserve. The Site is surrounded on the southern and eastern sides by Pier Street and Oldham Street, and a public path to the north. The image below in Figure 1 is provided for context.

Figure 1 Aerial image of the Land



Plan Production: 23.09.2022

Subject Site & Zoning	LEGEND  Subject land boundary	 Zone boundary	
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The South Australian Property and Planning Atlas ('SAPPA') shows the Land as being contained wholly within the Urban Neighbourhood Zone ('UN Zone').

3. Building Height Measurement Inconsistencies (Section 2.3.2.12)

The MTECA proposes to amend Part 8 of the Code, where 'building height' is currently defined as follows:

"Means the maximum vertical distance between the lower of the natural or finished ground level or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) at any point of any part of a building and the finished roof height at its highest point, ignoring any antenna, aerial, chimney, flagpole or the like. For the purposes of this definition, building does not include any of the following:

- (a) flues connected to a sewerage system

- (b) telecommunications facility tower or monopole
- (c) electricity pole or tower
- (d) or any similar structure.”

Comment:

The above amendment retains the measurement approach as being the maximum vertical distance at any point within the building envelope. This is a conservative policy setting which does not adequately deal with large format buildings where existing ground level can vary significantly across the floor area of the building. The method also remains inconsistent with the method of measurement for a wall/post height.

A preferred approach is to consider the maximum vertical distance when measured on the same vertical plane. This method of measurement would be consistent with that used to measure wall/post heights (i.e. on the same vertical plane).

Recommendation:

Accordingly, we recommend that, in Part 8 of the Code, the definition of ‘building height’ be replaced with the following (additional words in *blue*):

“Means the maximum vertical distance between the lower of the natural or finished ground level or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) at any point of any part of a building and the finished roof height at its highest point on the same vertical plane, ignoring any antenna, aerial, chimney, flagpole or the like. For the purposes of this definition, building does not include any of the following:

- (a) flues connected to a sewerage system
- (b) telecommunications facility tower or monopole
- (c) electricity pole or tower
- (d) or any similar structure.

4. Building Height – TNV and Context (Section 2.3.2.11)

Our client’s Site is subjected to the following Technical and Numeric Variations (“TNV”) in regard to building height:

- Maximum Building Height (Metres) 18.5 metres; and
- Maximum Building Height (Levels) 5-Levels

The above TNVs are referenced in UN Zone DFP 2.2, corresponding to Performance Outcome (‘PO’) 2.2 which states:

“Building height is consistent with the form expressed in the Building Height (Maximum Levels) Technical and Numeric Variation and the Building Height (Maximum Metres) Technical and Numeric Variation, and otherwise positively responds to the local context including the site’s frontage, depth, and adjacent primary street width.”

The issue stated in the MTECA relates to instances where a building height Performance Outcome (‘PO’) seeks two outcomes which may be in conflict: (a) the building height specified by a TNV, and (b) and otherwise positively responding to the local context.

Insofar as this relates to our client’s Site, the MTECA proposes to amend the wording of Urban Neighbourhood Zone PO 2.2 as follows:

“Building height is consistent with the form expressed in the Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer, ~~and otherwise~~ or positively responds to the local context including the site’s frontage, depth, and adjacent primary street width.”

Although not directly relevant to our Client’s Site which is within the UN Zone, we note that the MTECA proposes amendments to a number of other Urban Corridor type zones that have similar Building Height POs.

For this reason, we consider it prudent to highlight the proposed MTECA wording across the suite of Urban Corridor type zones to deliver confidence that our observations and recommendations achieve the Commission’s desired goal of greater consistency across the Code.

Such being the case, in addition to the proposed amendment to the UN Zone PO 2.2, the MTECA proposes, as follows:

Within the Urban Corridor (Boulevard) Zone PO 3.1, Urban Corridor (Business) Zone PO 3.1, Urban Corridor (Living) Zone PO 3.1 and Urban Corridor (Main Street) Zone PO 3.1, amend as follows:

“Building height is consistent with the form expressed in the Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer ~~and otherwise~~ or positively responds to the local context including the site’s frontage, depth, and adjacent primary corridor or street width.”

Comment:

As earlier advised, we support the change in wording from “and otherwise” to “or positively”.

In relation to our Client’s Site in the UN Zone, we consider the phrase “*responds to the local context including the site’s frontage, depth, and adjacent primary street width*” to be problematic for two reasons as follows:

- The phrase ‘responds to local context’ is ambiguous, however we consider it more likely to be interpreted as referring to the existing built form context, and as such:
 - » optimal building height and scale may be compromised in locales that are currently in the early stages of gentrification and transformation, as tends to be the case in Urban Corridor type zones, as well as the UN Zone.
 - » The POs should acknowledge that built form in the zones is envisaged to transition to a considerably larger height and scale than what currently exists, and as such, the local context is more appropriately informed by the height and scale of future built form as envisaged by the zone, whilst also demonstrating some acknowledgement of, and responding to, the existing context.
- The wording ‘adjacent primary street width’ is problematic because our Client’s Site has its primary frontage to South Esplanade which is not a declared public road. Further, Pier Street and Oldham Street are defined as secondary road and rear frontages respectively. Moreover, the northern boundary of our Client’s Site is separated from an adjoining 12-storey building by a public laneway, which provides spatial relief between the adjacent properties, but is not otherwise expressly considered in the POs.

Recommendation:

Accordingly, we recommend that UN Zone PO 2.2 and PO 3.1 of the various Urban Corridor Zones:

“or positively responds to the existing / emerging local context including the site’s frontage, depth, and adjacent ~~primary public road and/or public space~~ widths.”

5. Interface Height – Policy and TNV (Section 2.3.2.21)

The issue stated in the MTECA relates to interface heights being inconsistent across several zones. For example, some of the interface building envelopes do not apply to the primary street frontage and most zones contain separate policy regarding the interface height adjacent a road.

Accordingly, the MTECA proposes amending Part 6.6 Interface Heights with the following:

“a. Buildings constructed within a building envelope provided by a 45 degree plane measured from a height of 3 metres above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram (except where this boundary is a street boundary):”

And:

“b. Buildings constructed within a building envelope provided by a 30 degree plane measured from a height of 3m above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram (except where this boundary is a street boundary):”

The MTECA also states that investigations revealed that, to manage the impact on the streetscape, a separate PO is included in most zones to manage the streetscape character. This PO is as follows (or similar):

“Buildings on an allotment fronting a road that is not a State maintained road, and where land on the opposite side of the road is within a neighbourhood-type zone, provides an orderly transition to the built form scale envisaged in the adjacent zone to complement the streetscape character.”

Comment:

The intent behind the amendment is to respond to situations where there was confusion as to whether the 45/30-degree building envelope applies to ‘street boundaries’ where a zone clearly expresses an intent for buildings that ‘frame’ the street, thereby reaching their optimal building heights with zero or minimal setback from the primary road boundary.

We have concerns about this amendment generally, but insofar as it relates to our client’s Site, we have serious concerns given that the ‘Interface Height’ TNV envelopes would no longer apply to the southern boundaries of our Client’s Site.

We consider this loss of envisaged height transition, which was expressed for our Client’s Site in the City Holdfast Bay Development Plan (‘Development Plan’), will continue to be watered down in the Code to the point of complete erosion. To highlight this point, we provide excerpts from the Development Plan below:

The desired character statement for Urban Glenelg Policy Area 15 stated:

“the policy area provides the Council’s premier coastal medium and high-density living opportunities. It includes areas of Glenelg north around the foreshore and the Patawalonga and within Glenelg and Glenelg South along the foreshore and extending into small parts of the suburban landscape and along Colley Terrace”.

It spoke directly to taking advantage of this location where development:

“will capitalise on the highly desirable location through significant scale with built form between 3 and 12 stories in height”.

The desired character statement dealt specifically with Precincts 3, 4 and 5 and stated:

"development within Precinct 4 - five-storey will be predominantly in the form of residential flat buildings, serviced apartments and tourist accommodation up to 5 stories (or 18.5 m) in height."

It then dealt specifically with our Client's Site where it stated:

"development on land fronting the South Esplanade immediately adjacent Precinct 5 Twelve Storey may accommodate additional building height over five stories to achieve a transition in scale from the taller building anticipated in Precinct 5 down to the five-storey scale anticipated in Precinct 4..."

In our opinion, the policies of the Development Plan continue to have not been properly translated into the Urban Neighbourhood Zone because the maximum building height reflected in the Maximum Building Height TNVs are 18.5 metres and 5 levels, and there is no policy in the Urban Neighbourhood Zone that supports a transition from 43 metres (12 storeys) down to 18.5 metres (5 storeys) for our Client's Site.

In our opinion, in the absence of any clear direction in regard to the potential building height across the site (i.e. to acknowledge that a height above 5 storeys could be accommodated) we strongly believe that such could result in a scenario where relevant authorities and/or the community could apply the policies in different ways. Indeed, our experience to date has confirmed such.

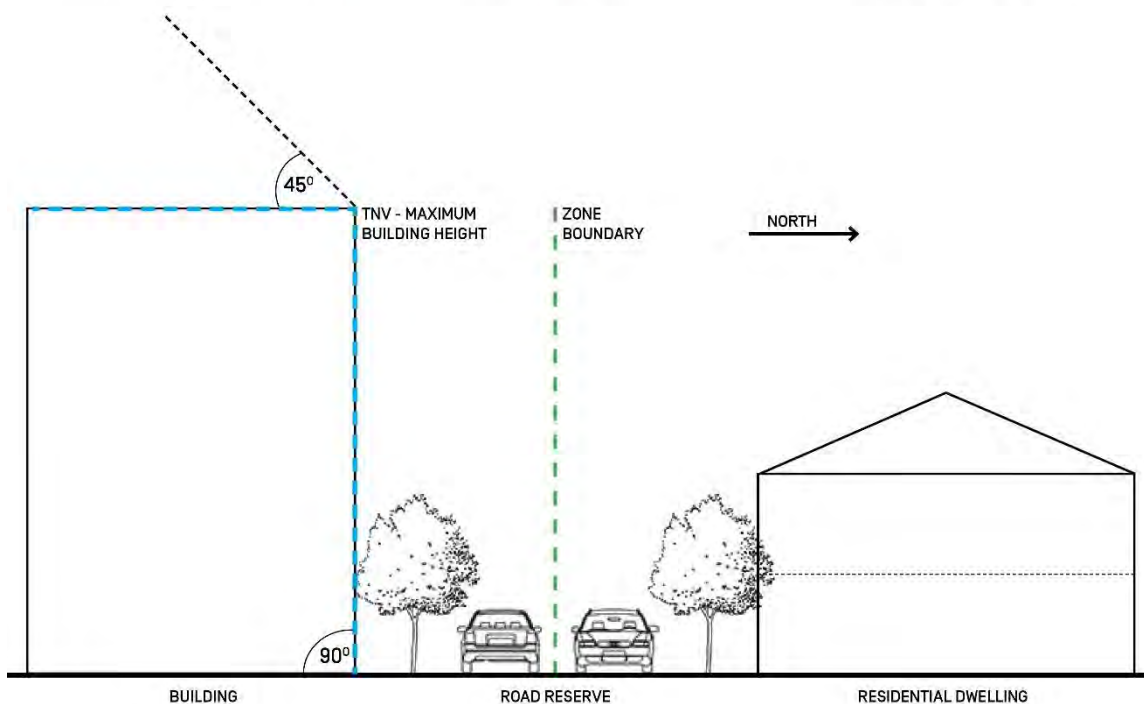
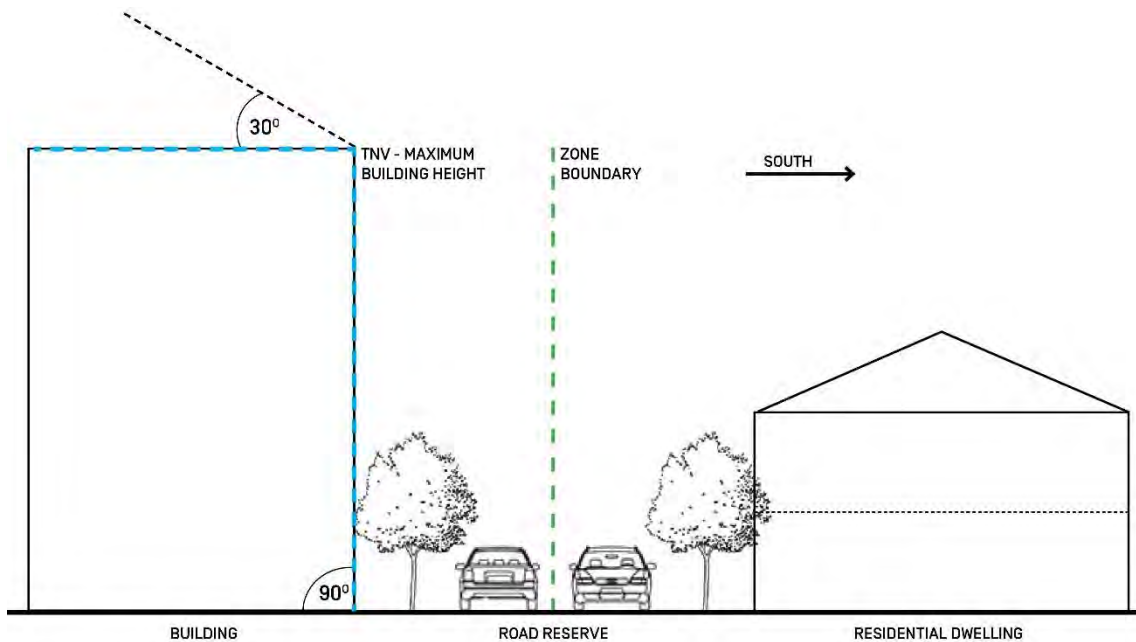
There is simply no sound planning reason for there not to be an expressed building height that reflects the work of the 30-degree angle to make it very clear to relevant authorities and the community that in the particular circumstances of our Client's Site, and also in other instances where a site is bound by a public road that is not a State Maintained Road, that a height above 5-levels (or the building height otherwise envisaged by the zone) is indeed contemplated as a reasonable and appropriate method for managing the mass and scale of larger buildings where the site is separated by a public road from a property used for residential purposes in a 'neighbourhood-type' zone.

Recommendation:

For these reasons, we suggest that the 'Interface Height' TNV should be amended in Part 6.6 to incorporate the proposed amendment to (a), with (b), however, a new clause/diagram should be included to deal with situations where a site has frontage to a public road. We propose the following:

"(c) 90-degree plane measured from a height of 3.2 metres above natural ground level at the boundary of the site where that boundary is a street boundary, up to the height specified in a Technical and Numeric Variation (TNV), and then:

- (i) in relation to a southern boundary, a 30-degree plane grading north.*
- (ii) in all other cases, a 45-degree plane."*



6. Conclusion

The recommendations contained in this submission would simply strike a chord with the key outcomes and benefits of the new planning system however, more importantly, they ensure that there is a consistent interpretation and application of the building height and interface policies across a broad suite of zones, and in relation to our Client's Site, establish a fair and equitable translation of building height limits between the Development Plan and the Code and certainty for the community.

We appreciate the opportunity to review the MTECA, and would be pleased to clarify any of our identified issues and proposed recommendations directly.

Yours sincerely,

A handwritten signature in black ink that reads "Chris Vounasis".

Chris Vounasis
Managing Director

From: [UDIASA Policy](#)
To: [DTI:PlanSA Submissions](#)
Cc: [Pat Gerace](#)
Subject: UDIA Submission Miscellaneous Technical Enhancement Code Amendment
Date: Friday, 23 September 2022 4:43:24 PM
Attachments: [UDIA Miscellaneous Technical Enhancement Code Amendment Submission.pdf](#)

Good Afternoon,

Please find attached the submission from the UDIA on the Miscellaneous Technical Enhancement Code Amendment.

Kind Regards,

Eloise Hodby

Events and Committee Coordinator

Urban Development Institute of Australia (SA)

Level 1, 26 Flinders Street Adelaide SA 5000

w <http://www.udiasa.com.au/>

Developing land | Building communities



23 September 2022

State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

Via email: plansasubmissions@sa.gov.au

Dear Mr Holden,

UDIA SUBMISSION – MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT

We write to you in relation to the ‘Miscellaneous Technical Enhancement Code Amendment’ [MTECA] which is on consultation from 25 July 2022 until Friday 23 September 2022.

We thank you for the opportunity to comment on the MTECA and for the informative ‘Industry Leaders Briefing’ session on the Code Amendment that was held by the Department on 9 August 2022.

We note that the MTECA proposes a series of technical amendments which aim to enhance the general performance and operation of the Planning and Design Code [the Code]. The Code Amendment focuses on addressing technical and operational elements within the Code, as opposed to changing policy intent or outcomes.

In particular, the Code Amendment focuses on:

- Technical matters;
- Policy clarity and interpretation;
- Consistency with drafting principals;
- System efficiency and procedural matters; and
- Other Technical Improvements.

Key areas of the Code Amendment include:

• Notification Tables	• Definitions
• Assessment Pathways	• Rules of Interpretation
• Overlays and referrals	• Character and Heritage identification
• Restricted Development	• Classification Tables & Linkages
• Policy Terminology	• Expanded policy

We understand that the scope of the MTECA, including the key issues addressed by the Code Amendment, have been derived from early stakeholder consultation with planning and development professionals, several local councils as well as issues raised via the PlanSA service desk.

The UDIA strongly supports the initiation and implementation of the MTECA which represents the first review and “tune-up” of technical and operational aspects of the Code, based on user and stakeholder feedback. It is an opportune time to review and refine the Code following its first year of operation and this process of review and reform should continue for the life of the Code with regular (annual or bi-annual) amendments that continue to fine tune and refine the technical and operational aspects of the Code.

Planning policy within the Code should also be regularly reviewed and refined (annually or bi-annually) with periodic amendments to ensure a contemporary policy framework.

Undertaking regular, quick, and transparent amendments to the Planning and Design Code is directly aligned with reform Recommendation 9 of the South Australia’s Expert Panel on Planning Reform which was to *‘Make changing plans easy, quick and transparent’*. For the Planning and Design Code to operate effectively, it needs to be consistently and regularly updated. This was reflected in the recommendations of the Expert Panel which recognised that *‘Development plans are the foundation of the day-to-day administration of the planning system. The policies in these plans must be up to date at all times, so that development proposals and assessment decisions can result in the best outcomes for an area’*.

The Commission has previously stated its commitment to regularly reviewing the Code and, where appropriate, initiate amendments to ensure the best development outcomes are being achieved through the Code. Under the Act, the Commission is responsible for preparing and maintaining the Code and therefore has an important role in ensuring the Code is contemporary and responsive to emerging trends. We are pleased that the State Planning Commission has identified in *‘Our priorities for 2022-23’* to *‘update and improve the Planning and Design Code’* as a key priority and area for focus over the next 12-18 months.

Whilst the UDIA strongly supports the implementation of the MTECA, there are several aspects of the proposed Code Amendment that require further attention, amendment and/or refinement. These matters are addressed respectively below.

1.0 Wall Height & Building Height

Section 2.3.2.12 (page 81) of the MTECA addresses *‘Building Height, Building Wall Setback and Wall Height’* and identifies inconsistencies between the defined term ‘wall height’, the defined term ‘Building Height’ and actual policies relating to wall height within the Code. The Code Amendment also seeks to amend wall and building height policy terminology in some neighbourhood-type zones.

Building Height is currently defined in the Code as follows:

“Means the maximum vertical distance between the lower of the natural or finished ground level at any point of any part of a building and the finished roof height at its highest point, ignoring any antenna, aerial, chimney, flagpole or the like. For the purposes of this definition, building does not include any of the following:

- (a) flues connected to a sewerage system*
- (b) telecommunications facility tower or monopole*

- (c) *electricity pole or tower*
- (d) *or any similar structure.*

[our emphasis]

Wall height is currently defined in the Code as follows:

“Means the height of the wall measured from the top of its footings but excluding any part of the wall that is concealed behind an eave or similar roof structure and not visible external to the land’

[our emphasis]

The Code Amendment seeks to amend the definitions for ‘wall height’ and ‘building height’ in Part 8 – Administrative Terms and Definitions to include the option for the measurement point to be taken from a point specified by the policy in which the term is used, rather than from the measurement point specified in the definition.

The new definition for ‘Building Height’ is proposed as follows:

Means the maximum vertical distance between the lower of the natural or finished ground level or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) at any point of any part of a building and the finished roof height at its highest point, ignoring any antenna, aerial, chimney, flagpole or the like. For the purposes of this definition, building does not include any of the following:

- (e) *flues connected to a sewerage system*
- (f) *telecommunications facility tower or monopole*
- (g) *electricity pole or tower*
- (h) *or any similar structure.*

[our emphasis]

The new definition for ‘Wall Height’ is proposed as follows:

Means the height of the wall measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) noting that the height measurement does not include any part of the wall that is concealed behind an eave or similar roof structure and not visible external to the land

[our emphasis]

Determining 'natural ground level'

We note that the definition for 'Building Height' still includes a reference to 'natural ground level', an undefined term which is generally accepted to be the ground levels in existence prior to European colonisation of South Australia. Building Height is not only a DTS and DPF criteria used to assess development applications, but it can also be used to determine the Assessment Pathway of a development application with respect to public notification. Confidence and certainty in relation to the calculation of natural ground level is therefore important, but at present it can be subjective and subject to interpretation.

The challenge is derived from the accurate calculation of natural ground level, particularly where this level is calculated on an adjoining site that cannot be legally accessed by a licensed Surveyor or is otherwise inaccessible (i.e., occupied by an existing building etc). Where ground levels have been disturbed (previous cut and fill) it is also difficult to accurately (and objectively) calculate natural ground level.

Determining natural ground level is something that requires thorough attention and detailing on plans and may require the assistance of a licensed Surveyor and research into past approvals and historical earthworks. Where it is not possible to determine natural ground level the court tends to take the existing ground level as natural ground level, which we see as a sensible approach.

The operation of building height controls would therefore benefit from greater clarity around how natural ground level is to be determined. This could include the adoption of a possible separate definition for 'natural ground level' within the Code or possibly within a new Practice Direction or Guidelines.

Measurement of height on a vertical plane

The proposed definition of Building Height calls for a measurement of the highest and lowest parts of a building regardless of whether they occur in the same vertical plane. This leads to skewed results particularly for stepped buildings on sloping land.¹ There is no apparent planning purpose behind taking the measurement in this way. On this basis, we recommend an amendment to the definition of 'Building Height' as follows:

Means the maximum vertical distance between the lower of the natural or finished ground level or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) ~~at any point of any part of a building~~ and the finished roof height ~~at its highest point~~, ignoring any antenna, aerial,

¹ Relevant cases include:

Turner v City of Victor Harbor [2013] SAERDC 49

Greenslade Holdings Pty Ltd v District Council of Yorke Peninsula [2011] SAERDC 17

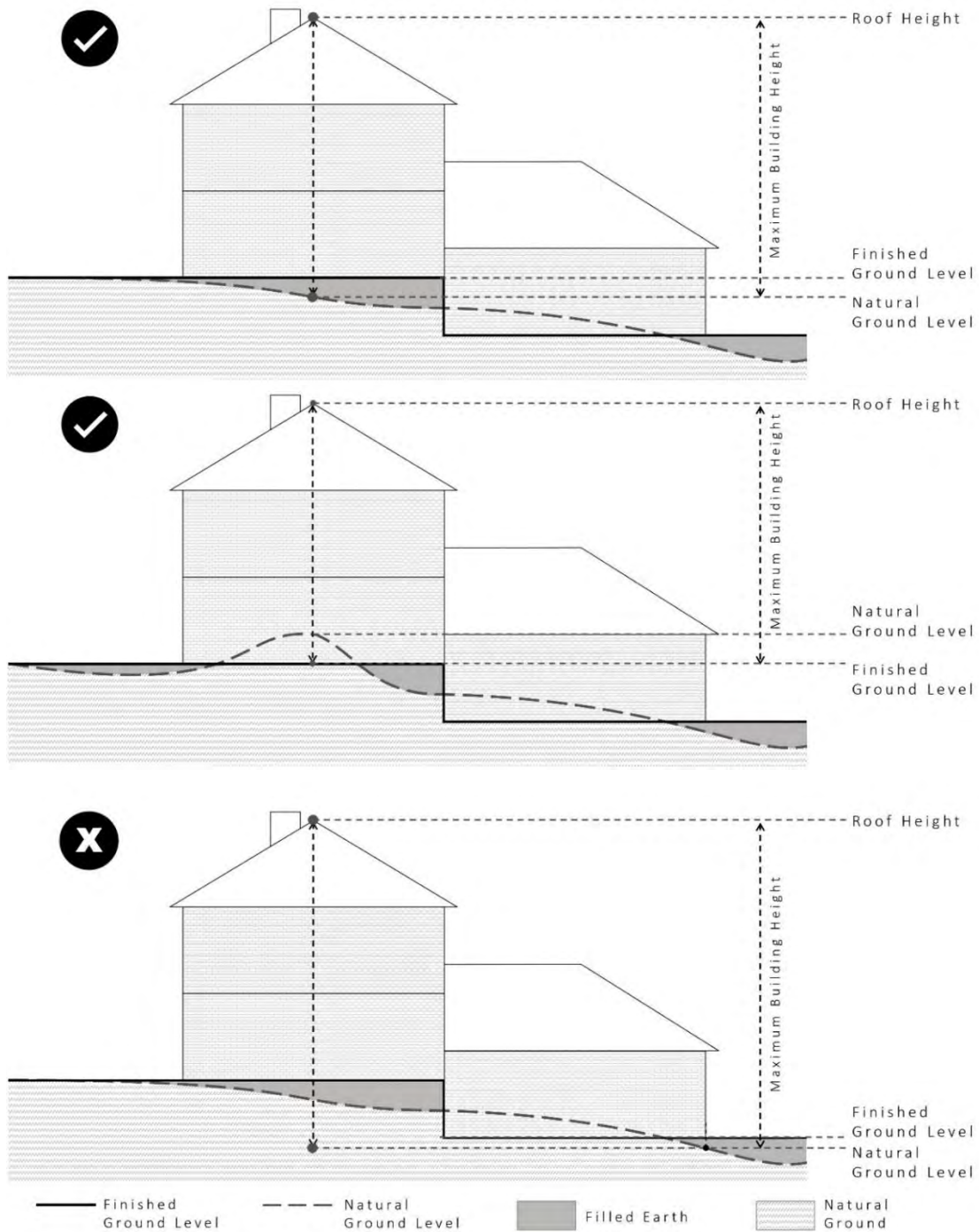
chimney, flagpole or the like. For the purposes of this definition, building does not include any of the following:

- (a) flues connected to a sewerage system*
- (b) telecommunications facility tower or monopole*
- (c) electricity pole or tower*
- (d) or any similar structure.*

In addition, and in any event, consideration should also be given to the inclusion of a diagram to assist with interpretation of the definition of building height particularly relating to the measurement of the vertical distance between the lower of natural or finished ground level (or other measurement point specified by the Code) and the finished roof height. (i.e., refer to example provided in **Figure 1** over page).

Figure 1: Maximum Building Height

(Measurement of vertical distance above the lower of the natural or finished ground level (or other point prescribed by the Code)



2.0 Affordable Housing

Section 2.3.3.1 (page 135) of the MTECA states that Relevant Authorities are presently experiencing confusion insofar as determining when a development application should be referred to the Minister for the purposes of Affordable housing.

On this basis, we understand that the South Australian Housing Authority ('SAHA') has suggested that the referral trigger be amended to read as follows:

Residential development or land division within the Affordable Housing Overlay, and:

- 1. the proposed development or land division comprises of 20 or more dwellings or residential allotments; or*
- 2. the applicant is seeking to access either one or more of the planning concessions as outlined in the Affordable Housing Overlay (PO or DTS 3.1, 3.1 and 4.1); or*
- 3. the proposed development or land division is described as including affordable housing of any number of dwellings or residential allotments.*

The three (3) planning concessions mentioned in point 2 above relate to reduced minimum site areas for dwellings, increases to maximum allowable densities, increases to the maximum specified building height and applicable car parking rates.

Based on the wording proposed by SAHA, all development applications that proposed 20 or more dwellings or residential allotments would be referred to the Minister. Notwithstanding, we note that the Code Amendment does not seek to adopt this approach and states that *'It is however recommended that referrals be limited to proposals that are intending to include 'affordable housing' to maintain a level of consistency with the current referral arrangements and to also exclude land division that is reflective of an approved development'*.

On this basis, the proposed amendment which is currently on public consultation states:

"Except where the applicant for the development is the South Australian Housing Authority (or an agent acting on behalf of the South Australian Housing Authority), residential development or land division (other than land division that reflects the site boundaries illustrated and approved in an operative or existing development authorisation for residential development under the Development Act 1993 or Planning, Development and Infrastructure Act 2016):

- a) that comprises 20 or more dwellings or residential allotments and the development is intending to provide affordable housing; or*
- b) where the applicant is seeking to access one or more of the planning concessions outlined in the Affordable Housing Overlay DTS 3.1, 3.2 or 4.1; or*
- c) that is described in the application documentation as including affordable housing of any number of dwellings or residential allotments.*

The UDIA strongly supports this position and the intent that the proponent must demonstrate an intent to provide affordable housing or be seeking to access one of more of the planning concessions as outlined above.

Notwithstanding, while the proposed wording for the referral triggers goes some way to address the automatic referral triggers as suggested by SAHA, we are concerned that the proposed wording remains vague and subject to interpretation (particularly in clause (b)).

The reason we have formed this opinion is that the phrase 'seeking to access' in clause (b) may be construed by a Relevant Authority as an automatic trigger for referral of the application (to the Minister responsible for administering the *South Australian Housing Trust Act 1995*) any development that exceeds any one of the following:

Affordable Housing Overlay DTS 3.1

With the exceptions being development within the Character Area Overlay or Historic Area Overlay, there is a risk that all development applications proposing residential allotments that are less than the minimum site area or exceeding the maximum density per hectare by up to 20% as specified by the relevant zone will be referred to the Minister.

Affordable Housing Overlay DTS 3.2

There is a risk that all development applications that propose a building incorporating dwellings that exceed the maximum building height (within specified zones) will be referred to the Minister (e.g., a 2-level building in the Established Neighbourhood Zone).

Affordable Housing Overlay 4.1

There is a risk that all development applications that propose a shortfall in on-site vehicle parking will be referred to the Minister.

While we suspect that this is not the intention of the Code authors, we suggest that the triggers for referral are drafted to automatically assumed that there is no intention to include affordable housing, unless the application documentation expressly states otherwise. Our recommended wording is set out below:

"Except where the applicant for the development is the South Australian Housing Authority (or an agent acting on behalf of the South Australian Housing Authority), residential development or land division (other than land division that reflects the site boundaries illustrated and approved in an operative or existing development authorisation for residential development under the Development Act 1993 or Planning, Development and Infrastructure Act 2016):

a) that comprises 20 or more dwellings or residential allotments and is described in the application documentation as intending to provide affordable housing; or

b) that is described in the application documentation as intending to provide affordable housing and the applicant is seeking to access one or more of the planning concessions outlined in the Affordable Housing Overlay DTS 3.1, 3.2 or 4.1; or

c) that is described in the application documentation as intending to including affordable housing for any number of dwellings or residential allotments.

3.0 Designated Performance Features (DPF)

Whilst not specifically addressed in the MTECA the application of Designated Performance Feature (DPF) provisions continues to be a source of confusion for some Relevant Authorities, and the community. In some instances, a DPF is viewed as a prescribed criteria which must be met. It is not uncommon to see a DPF listed as a reason for refusal. At the other end there are Relevant Authorities which take the view that a proposal which meets a DPF may still be refused based on a failure to meet the corresponding Performance Outcome.

Further changes to 'Part 1 - Rules of Interpretation' of the Code should therefore be considered to provide clarity to Relevant Authorities, applicants and the community alike.

We recommend an amendment to the Rules of Interpretation for Designated Performance Features as follows:

*In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to **one way** ~~what is generally considered~~ to satisfy the corresponding performance outcome.*

Where the DPF is met it is unnecessary to undertake an assessment of the merits of the development against the corresponding performance outcome.

Where a DPF is not met a relevant authority must undertake an assessment of the merits of the development against the corresponding performance outcome. The relevant authority retains a discretion to determine that the outcome is met in another way.

~~*but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.*~~

A departure from a DPF is not of itself a reason for refusing planning consent to a development and does not derogate from the need to assess a development on its merits against all relevant policies.

4.0 Reserved Matters

Section 102(3)-(5) of the PDI Act enshrine the power for some matters relating to the assessment of a proposed development to be reserved for later assessment:

- (3) *A relevant authority may, in relation to granting a planning consent, on its own initiative or on application, reserve its decision on a specified matter or reserve its decision to grant a planning consent—*
- (a) until further assessment of the relevant development under this Act; or*
 - (b) until further assessment or consideration of the proposed development under another Act; or*
 - (c) until a licence, permission, consent, approval, authorisation, certificate or other authority is granted, or not granted (by the decision of another authority), under another Act.*
- (4) *A relevant authority must allow any matter specified by the Planning and Design Code for the purposes of this subsection to be reserved on the application of the applicant.*
- (5) *Any matter that is not fundamental to the nature of the relevant development may, subject to the Planning and Design Code, be reserved under subsection (3) or (4).*

The ability for an applicant to nominate certain matters which are not fundamental to the question of whether Planning Consent can be granted is potentially of great utility. It does not avoid assessment of those matters but rather enables an applicant to obtain a decision on whether Planning Consent is warranted without incurring unnecessary costs on matters which are not fundamental to that decision.

The applicant, not the Relevant Authority, bears the risk that the reserved matters cannot ultimately be achieved for some reason.

The planning system contemplates that the Code will specify certain matters which an applicant may request to be reserved for later assessment.

The matters which in our opinion would be suitable to be included in the Code for the purposes of section 102(4) of the PDI Act include:

- Site Contamination;
- Stormwater;
- Wastewater disposal;
- Landscaping;
- Native Vegetation clearance; and
- Final materials and finishes.

Obviously there will be times when an applicant wishes to include matters like landscaping and final finishes in the initial application in order to persuade a Relevant Authority of the merits of a

development. There will be other times when those matters have little bearing on the decision to grant or refuse Planning Consent.

On this basis, we recommend that the MTECA incorporates an amendment to Table 2 of Part 5 of the Code to specify that the above matters are matters that an applicant may request to be reserved for later assessment.

We commend the Commission for undertaking this technical and operational review of the Planning and Design Code and support the amendments that are proposed to be introduced into the Code with the exception of the suggested amendments raised and addressed above.

The UDIA also strongly encourages the Commission to continue with operational and policy reform with regular and consistent updates and amendments to the Code to ensure the Code is responsive to emerging trends with a modern and contemporary policy suite that can be readily interpreted and implemented.

We confirm that the UDIA will also separately engage with the 'Expert Panel' established to undertake the 'Planning System Implementation Review' and will prepare a separate written submission to the panel on our ideas for reform of the South Australian planning system.

We thank you for the opportunity to comment on this important amendment to the Planning and Design Code and would be pleased to provide additional information in support of this submission if/where required.

The UDIA will continue to offer its support to work with the Department and Commission to ensure valuable industry insights from our members are heard.

Yours Sincerely

Pat Gerace
CHIEF EXECUTIVE

From: [PlanSA Submissions](#)
To: [DTI:PlanSA Submissions](#)
Subject: Public Consultation submission for Miscellaneous Technical Enhancement Code Amendment
Date: Friday, 23 September 2022 4:51:37 PM

PlanSA,

Submission Details

Amendment: Miscellaneous Technical Enhancement Code Amendment

Customer type: Development Industry

Given name: Amanda

Family name: Price-McGregor

Organisation: Green Light Planning on behalf of SA Independent Retailers

Email address:

Phone number:

My overall view is: I support the Code Amendment

Comments: Comments are confined to 2.3.2.9. Restricted Development Classification – Table 4. Strongly support Principle 1: Warrants assessment by the Commission to consider the strategic implications and impacts in relation to any medium to large-scale out-of-centre retail as it is considered that this must continue to warrants State assessment as it may have a broader impact on the form and pattern of development across a region and could well disrupt the role of activity centres in providing equitable and convenient access to shopping, administrative, cultural, entertainment and other facilities. The current Restricted provisions associated with shop/s in non activity centre zones should remain as it does as present, with no relaxation of the current GLA in all "non-activity centre" zones. In addition, consideration should be given to introducing a restricted trigger for large scale bulky goods(greater than 6,000m²) located in any Employment zones where that employment zone directly abuts a neighbourhood zone, in particular a housing diversity zone, due to the traffic and parking impacts on existing residential neighbourhoods. Recommend Table 4 Restricted Development in the Employment Zone, Restricted Development Shop - Exclusions change part (b) shop that is a bulky goods outlet to read "shop that is a bulky good outlet less than 6,000m²". Reason shops greater than 1,000m² are restricted and therefore bulky good greater than 6,000m² should also be a restricted form of development.

Attachment 1: No file uploaded

Attachment 2: No file uploaded

Attachment 3: No file uploaded

Attachment 4: No file uploaded

Attachment
5: No file uploaded

Sent to
proponent plansasubmissions@sa.gov.au
email:

From: [Stephen Smith](#)
To: [DTI:PlanSA Submissions](#)
Cc: [Stephanie Johnston](#); [Walker, Elinor \(DTI\)](#)
Subject: RE: LGA Response
Date: Monday, 26 September 2022 12:02:23 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)

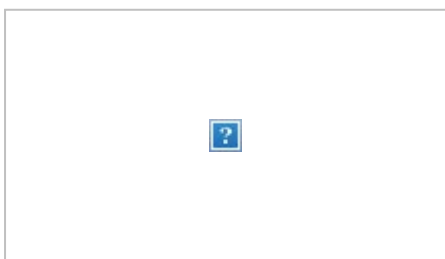
Please find attached response to MET Code Amendment

Stephen



Stephen Smith RPIA (Fellow) • Policy Advisor • Local Government Association

• www.lga.sa.gov.au •  [@LGAofSA](#)

• 148 Frome St Adelaide • GPO Box 2693 Adelaide SA 5001



The LGA acknowledges Aboriginal and Torres Strait Islander people as the traditional custodians of the land, and we offer our respects to their Elders past, present and emerging. We advocate for and encourage South Australian councils to strengthen relationships with their local Aboriginal communities.

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WARNING AND DISCLA MER: The information provided by the LGA in this email does not constitute legal advice. If legal advice is required, we suggest that you seek out the services of a qualified legal provider. The contents of this email and any files transmitted with it are confidential and may be subject to legal professional privilege and copyright. You must not copy or distribute this message or any part of it or otherwise disclose its contents to anyone without written authorisation from the LGA. No representation is made that this email is free of viruses or other defects. Virus scanning is recommended and is the responsibility of the recipient. We take no responsibility for misdirection, corruption or unauthorised use of email communications, nor for any damage that may be caused as a result of transmitting or receiving an email communication. If you have received this communication in error, please delete the email and advise us immediately.

In reply please quote our reference: ECM 782620 SPS/KJ

26 September 2022

Mr Craig Holden
The Chair
State Planning Commission
Emailed: plansasubmission@sa.gov.au

Attention: Code Amendment Team

Dear Craig

Miscellaneous Technical Enhancement Code Amendment

Thank you for providing the LGA with the opportunity to respond to the Miscellaneous Technical Enhancement Code Amendment (the Code Amendment).

The LGA's submission relates to the structure of the Code Amendment and the engagement process undertaken. It is acknowledged that this is the first significant Code Amendment prepared by the State Planning Commission under the *Planning, Development and Infrastructure Act 2016* and the comments and suggestions provided by the LGA are aimed at improving processes and engagement practices for future Code Amendments undertaken by the State Planning Commission.

The LGA have been provided with the following feedback on the Code Amendment by councils:

1. Many councils actively engaged with the State Planning Commission, during the call for issues on the Code Amendment undertaken in August last year, councils have expressed concern that many of the issues raised in this process have not been included in the Code Amendment and no clear response has been provided as to why issues were both included and excluded.
2. Smaller and regional councils due to a lack of staff resources have not had the ability to fully consider and understand the implications of the Code Amendment for their area and therefore have not had the opportunity to provide a response.
3. The scale and presentation of the document limits the clear understanding of the policy content and the proposed changes. More focussed themes would have assisted in understanding the policy content and proposed changes.
4. Concern has been expressed that the Code Amendment contains potentially significant policy changes, this has been acknowledged by PLUS staff, given the size and structure of the code Amendment it has been difficult to identify and clearly understand the implications of the policy changes proposed.
5. With many of the policy changes proposed there appears to be limited evidence based research to support the amendments proposed, the changes appear to be proposed as a result of anecdotal feedback only.
6. The Code Amendment document is a highly technical document which requires significant analysis to enable councils and the community the opportunity to provide meaningful responses. Given the limited commentary and investigations provided to support some of the policy changes, concern has been expressed as to whether the engagement process undertaken has

been meaningful and achieved the principles of engagement within the Community Engagement Charter.

7. Policy content has been difficult to relate back to the Planning and Design Code and the wording is ambiguous and does not provide policy clarity.

In response to the issues raised the LGA would recommend to the State Planning Commission that the following approach is considered:

1. Work with councils who responded during the call for issues process to identify an approach to address policy issues not addressed through this Code Amendment
2. Test the wording of proposed policy with development assessment practitioners to improve policy clarity and remove ambiguity.
3. Provide detailed responses back councils on the issues raised in submissions providing clear advice as to where councils have raised concerns with proposed policy how these concerns will be responded to. The current approach "what we heard" is not sufficient.
4. With future Code Amendments consider the size and structure of the Code Amendment and develop a consultation and engagement that will enable more meaningful feedback.

Should you wish to discuss these matters further please feel free to contact me at

Yours sincerely



Stephen Smith FPIA
Policy Advisor

Telephone

Email:

From: [Bailey, Jason \(DTI\)](#)
To: [Burdon, Leif \(DTI\)](#)
Cc: [Gencarelli, Damien \(DTI\)](#)
Subject: FW: HIA submission on MTE - correct final draft.
Date: Monday, 26 September 2022 10:09:48 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.jpg](#)
[HIA Submission MTE.pdf](#)

OFFICIAL

Further to my separate email just now Leif.

Could you action this? Will need to cross check against the one that Sal's got (Chris actually sent me 2 – see subject header – this is the correct one).


Thanks, JB

From: Wiltshire, Chris
Sent: Friday, 23 September 2022 5:00 PM
To: Bailey, Jason (DTI)
Subject: HIA submission on MTE - correct final draft.

Hi Jason,

Ignore my last email, here is the correct version.

Regards,

	<p>Chris Wiltshire Assistant Director – Planning, Building and Environment </p>	<p>Housing Industry Association Ltd Cnr Port Road and Station Place Hindmarsh SA 5007 1300 650 620 hia.com.au</p>
		
		



HOUSING INDUSTRY ASSOCIATION



Housing Australians



Submission to the
State Planning Commission

Miscellaneous Technical Enhancements

September 2022



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Housing Industry Association contact:

Stephen Knight
Regional Executive Director - SA
Housing Industry Association
Cnr Port Road and Station Place HINDMARSH

ABOUT THE HOUSING INDUSTRY ASSOCIATION

The Housing Industry Association (HIA) is Australia's only national industry association representing the interests of the residential building industry, including new home builders, renovators, trade contractors, land developers, related building professionals, and suppliers and manufacturers of building products.

As the voice of the residential building industry, HIA represents a membership of 60,000 across Australia. HIA members are involved in land development, detached home building, home renovations, low & medium-density housing, high-rise apartment buildings and building product manufacturing.

HIA members comprise a diverse mix of companies including residential volume builders, small to medium builders and renovators, residential developers, trade contractors, building product manufacturers and suppliers and allied building professionals that support the industry.

HIA members construct over 85 per cent of the nation's new building stock.

The residential building industry is one of Australia's most dynamic, innovative and efficient service industries and is a key driver of the Australian economy. The residential building industry has a wide reach into manufacturing, supply, and retail sectors.

Contributing over \$100 billion per annum and accounting for 5.8 per cent of Gross Domestic Product, the residential building industry employs over one million people, representing tens of thousands of small businesses and over 200,000 sub-contractors reliant on the industry for their livelihood.

HIA exists to service the businesses it represents, lobby for the best possible business environment for the building industry and to encourage a responsible and quality driven, affordable residential building development industry. HIA's mission is to:

"promote policies and provide services which enhance our members' business practices, products and profitability, consistent with the highest standards of professional and commercial conduct."

HIA develops and advocates policy on behalf of members to further advance new home building and renovating, enabling members to provide affordable and appropriate housing to the growing Australian population. New policy is generated through a grassroots process that starts with local and regional committees before progressing to the National Policy Congress by which time it has passed through almost 1,000 sets of hands.

Policy development is supported by an ongoing process of collecting and analysing data, forecasting, and providing industry data and insights for members, the general public and on a contract basis.

The Association operates offices in 22 centres around the nation providing a wide range of advocacy, business support services and products for members, including legal, technical, planning, workplace health and safety and business compliance advice, along with training services, contracts and stationary, industry awards for excellence, and member only discounts on goods and services.

INTRODUCTION

The Miscellaneous Technical Enhancements (herein referred to as MTE) is a document aimed at facilitating minor changes to the South Australian Planning and Design Code (herein referred to as the Code). HIA commends the State Planning Commission (herein referred to as the Commission) for undertaking this review and appreciates how important the Code is for development in this state.

We agree the enhancement process is an effective way to ensure continual improvement within the planning realm, it is our belief this document has the potential to create a better planning system for our members and the general public.

It is important such a review understands competing priorities and ensures planning authorities can take a holistic approach when enforcing planning objectives, recognising a balance between economic and environmental factors.

The Code must be robust and developed with sufficient rigor to eliminate unnecessary regulatory barriers for industry and the community. A fully considered system is one that is reasonable for users to comply with and manageable for regulators to enforce.

A review must analyse cost/benefit outcomes for any proposed change, accomplishing sensible planning provisions in line with consumer affordability. The purpose of a review should be to improve Code readability and efficiencies so that changing social patterns and evolving technologies are considered.

This submission will provide comment on aspects of the MTE, clarifying our position on certain topics referenced in the document and matters that are closely related.

1. 'MINOR' VARIATION DECISIONS

A key amendment proposed within the MTE is the introduction of 'minor variation decisions' relating to public notifications. The consultation document highlighted a *"lack of ability for a relevant authority to allow minor variations"*, HIA agrees with this statement and congratulates the Commission on identifying this as an area for rectification.

The MTE proposes decision makers ought to exercise discretion when notification limits have been slightly exceeded, allowing them the option of assessing the application without the need for public correspondence. We note the following additional paragraph is proposed within 'interpretations' listed under notification tables.

'A relevant authority may determine that a variation to 1 or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.'

Although this will potentially provide flexibility for assessors, HIA believes this discretion will rarely be utilised by those in charge of administering it. The fear of reprisal from despondent neighbours and community members will provide enough discouragement. Many relevant authorities are conservative when making judgement calls, this is especially the case when an individual's name is directly associated with the decision.

A far better solution is to provide a defined term for 'minor variation' that states nominated values specific to allowable tolerances. We believe this ought to be addressed within Part 8 of the Code, rather than other government instruments such as Practice Directions.

Pending zonal requirements, minor variations may include assessment on the following elements

- Maximum building heights,

- wall lengths on boundaries
- Floor configuration and area i.e. referenced under DTS/DPF 1.4 within the City Living Zone shown in Table 5
- building setbacks i.e. referenced under DTS/DPF 2.5 within the Caravan and Tourist Park Zone shown in Table 5
- Building envelope and inclination i.e. referenced under DTS/DPF 3.1 within the City High Street Subzone shown in Table 5

To ensure minor variations are assessed without consequence for the relevant authority, HIA recommends each element has a set **±5% variance value** as a limit.

While we understand values may create a substitute benchmark, industry often works to common dimensions i.e. whole numbers.

Allowing the relevant authority to use minor variations provides much needed flexibility within the Code, **having variance values associated with them will substantially reduce enquiries and lead to quicker assessment turnarounds**. This ultimately saves time and money for all stakeholders.

2. LAND USE/ADMINISTRATION DEFINITIONS AND TERMS

2.1. BUILDING HEIGHT AND WALL HEIGHT

HIA supports initiatives which make the Code more legible and user friendly. The Commission should be commended for reviewing existing terms and definitions, they play a crucial role in assessment and are often closely examined by the relevant authority.

One of the most important amendments listed in the MTE relates to building heights and wall heights. A proposed addendum for each is shown below, highlighted in green.

“Means the maximum vertical distance between the lower of the natural or finished ground level or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) at any point of any part of a building and the finished roof height at its highest point”

“Means the height of the wall measured from the top of its footings or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) noting that the height measurement does not include any part of the wall that is concealed behind an eave or similar roof structure and not visible external to the land”

Our members place great value on the assessment process being consistent, it aids them in creating working drawings and eases their concerns about biased outcomes.

By extending this definition, the relevant authority is given several options to determine height values. While we understand that may give flexibility in some circumstances, there is no clear point of reference for our members. It is worth reminding the Commission a major objective of the MTE is to *“ensure greater consistency of the Code”*, as stated in the consultation document. We also believe the Code should be user friendly and easy to read.

We have observed that proposed amendments within the MTE provide definitive building heights and levels as *“measured from the top of the footing”* in some zones. This is shown in amendments to DTS/DPF 4.1 within the General Neighbourhood Zone, Waterfront Neighbourhood Zone and Suburban Neighbourhood Zone, DTS/DPF 2.1 within the Urban Renewal Neighbourhood zone, DTS/DPF 3.1 within the Housing Diversity Neighbourhood

Zone, Table 1 for Accepted Development and DTS/DPF 5.1 within the Master Planned Neighbourhood Zone, Master Planned Renewal Zone and Master Planned Township Zone within the consultation draft.

HIA calls on the Commission to remove ambiguity in accordance with MTE objectives and make the “top of footing” a sole reference point when determining building height and wall height throughout the Code. In addition to this, we would also recommend the term “footing” be included under Administrative Terms and Definitions with the following description.

“Means the base which supports a structure or building”

2.2. RELEVANT LAND

The MTE proposes to introduce an explanatory note for Table 1 (Accepted Development), Table 2 (Deemed-to-Satisfy) and Table 3 (Performance Assessed) for all zones as shown below.

“Unless otherwise specified in another class of development, the reference to a class of development includes a reference to a change in the use of the relevant land or building work (including construction of a new building, or alteration/addition of an existing building).”

HIA would like to point out that a parcel of land may be used for more than one activity. For example, an allotment zoned as “farming” will often incorporate residential buildings to house occupants. This can lead to a conflict where ancillary uses may not be in line with zoning requirements.

Such conflicting objectives has previously been dealt with by the government under Practice Direction 14, Part 2, Section 5(5)(f). In this case, the problem of residential land use was resolved by allowing the site-specific activity to be assessed differently from zoning provisions associated with farming.

“if the proposed change in use is the commencement of an additional use, where the existing use is represented in item 6 of table 1 and is a “farming” use only (and that use is continuing), and the proposed use is represented in item 1 of table 1 and is a “domestic residential” use only, the proposed use is not to be regarded as a more sensitive use where the proposed use involves the construction of a building on the land to be used for residential purposes”

In summary, a portion of the allotment could be viewed (assessed) in isolation to the planning policy common with the remainder of the property. This type of assessment is effectively replicated within proposed MTE amendments outlined under ‘Application of Spatially Based Policies and Rules’ (proposed for Part 1).

HIA agrees with spatial differentiation policy and believes it should be broadly applied, whether to changing land uses (for the purpose of exemptions) or through application (excluding overlays). We believe “relevant land” should not only be a defined term, but also have wording which allows for unique activity to be considered. Any new definition ought to read as follows

“Means either a complete parcel of land or a portion of land within an allotment”

2.3. DEDICATED CORRIDOR/HALLWAY

The existing term “habitable room” provides guidance on areas within a building used for domestic purposes. It also provides a description defining non-habitable areas, including the use of “dedicated corridor/hallways”.

What is unclear about this description are the parameters surrounding passageway configurations. Because no dimensional limitations are observed, a corridor or hallway could constitute the same size as a standard room. An

area within a dwelling that provides a pathway from one part to the next might therefore be viewed as a dedicated thoroughfare, even if it is contained only within a portion of a room.

To resolve this issue, HIA recommends a new definition for designated corridor/hallways be included under Administrative Terms and Definitions with the following description.

“Means a passageway with a narrow width that is directly enclosed by walls either side”

3. ADDITIONAL MINOR TECHNICAL ENHANCEMENTS HIA RECOMMEND

3.1. DTS/DPF PROVISIONS

Below are a list of DTS/DPF clauses HIA would like to bring to your attention. We believe making minor amendments to each of these will have a significant impact on the Code’s usability without compromising the performance objectives.

- **General Policy Design in Urban Areas – DTS/DPF 17.2**

**Dwellings with a frontage to a public street have an entry door visible from the primary street boundary*

Having a building that is easy for both occupants and visitors to use is part of good design practices. The function of a dwelling relates not only to the built form but also its position on the property.

While front door legibility (specified in PO 17.2) may seem like a practical solution to provide guidance for people who do not ordinarily enter the premises, it is not the only means in which direction can be provided. As an example, a multitude of buildings can be found within the Adelaide Hills region where visitors are not directed by a visible front door. To our knowledge, this does not create a logistical problem for visitors entering the property.

It is our opinion the wording within this clause should be changed from entry door to **entry “point”**; the intent of the performance outcome is still maintained.

- **General Policy Design in Urban Areas – DTS/DPF 20.2**

**Each dwelling includes at least 3 design features within the building elevation facing a primary street, and at least 2 design features facing any other public road*

Stipulating design requirements within the Code not only has the potential to restrict innovation, but also foster urban amenities with repetitive streetscapes.

HIA objects to planning laws “designing” the appearance of a house. New market products and architectural philosophies ought to drive desirable appearances.

As a compromise, we recommend design features are reduced to 2 for primary streets and 1 when facing other public roads.

- **General Policy Design in Urban Areas – DTS/DPF 22.1**

**Residential development incorporates soft landscaping with a minimum dimension of 700mm.*

Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site
>200-450	20%

****At least 30% of any land between the primary street boundary and the primary building line.***

HIA are concerned about open space dimensions within medium size residential allotments. It is possible a 450m² parcel of land supporting either a detached or semi-detached dwelling will not be able to accommodate minor domestic structures of medium size where Deemed-to-Satisfy limits (herein referred to as DTS) are applied.

HIA suggests the site coverage and soft landscaping provisions are relaxed to allow greater flexibility in personal choices for outdoor recreation and storage facilities. Analysing the intent of the Code versus the likely delays, we request the DTS be changed with a **5% decrease** in minimum landscaping percentages for sites that are between 200 and 450m².

This decrease should also be applied to the “30%” landscaping requirement in front of residential development, so that the excepted **minimum becomes 25%**.

Furthermore, a minimum dimension of 700 mm width is currently required for soft landscaping. We believe this is excessive, considering a 500mm dimension would likely be accepted under a performance assessed pathway.

HIA calls for the minimum landscape widths to be reduced to 500 mm.

- **General Policy Design in Urban Areas – DTS/DPF 34.2**

***Battle-axe or common driveways satisfy (a) and (b)**

(b) where the driveway is located directly adjacent the side or rear boundary of the site, soft landscaping with a minimum dimension of 1m is provided between the driveway and site boundary (excluding along the perimeter of a passing point).

HIA believes a 1 metre dimension listed in (b) is excessive for battle-axe allotments. Prior to the Code, landscaping widths were known to be approved at **500 mm** alongside driveways leading to rear allotments.

We believe a 500 mm width achieves an appropriate amenity response and should be considered as part of a revised DTS solution within the Code.

3.2. OVERLAYS

The Hazard (flooding - evidence required) Overlay is a major inhibitor for DTS Development. HIA agrees with the principle of creating planning policy that gives regard to potential flooding, however, the Commission should explore ways in which very minor flooding does not trigger a performance assessed process.

Currently, Development Applications that do not have a finished floor level 300mm above the top of kerb or primary street boundary automatically fall outside the DTS pathway; a large portion of Adelaide is captured under this overlay.

Although it is acknowledged the state is currently examining the accuracy of flood mapping boundaries, outcomes from this work may take years to eventuate.

We believe resolutions can be reached within the DTS provisions by having higher thresholds for base compaction (fill) where allotments are below the street level. We suggest the following DTS/DPF criterion be added to Part 3 – Hazard (Flood Evidence required) Overlay, as highlighted in green

Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300mm above:

- (b) *the highest point of natural ground level at the primary street boundary where there is no kerb; or*
(c) *the predicted level of flooding*

3.3. TERMS AND DEFINITIONS

Under Part 1 of the Code, guidance is provided to the relevant authority for administration purposes. Within this Part, it makes reference to Section 106(2) of the Act (PDI 2016) and minor variations.

Having already discussed minor variation decisions associated with notifications, HIA strongly encourages a generic term for “minor variations” be inserted into Part 8 so that it can be applied throughout the Code. Further to the elements raised earlier, other parts of a Development Application that may be affected by minor variations include the following.

- Private open space – including communal
- Car parking – including undercroft, off street and driveway (slopes)
- Landscaping
- Allotment sizes
- All Setbacks
- Finished floor levels
- Materials – including window sizes
- Obscured glazing and screening
- room dimensions
- Floor areas – including internal and minor domestic
- Roof pitches
- Fixed plant and equipment
- Storage – including bins, internal
- water storage (tanks)
- Excavation.

The variance limits discussed earlier ($\pm 5\%$) ought to be applied holistically to each element nominated above, this will provide guidance for the relevant authority on any decision that involves the use of a minor variation. The benefits of which (expediting applications and removing ambiguity) have already been discussed.

CONCLUSION

HIA believes the MTE should respond to long term policy principles set by the government. We welcome practical solutions that address policies aimed at facilitating a liveable city with greater housing choice, as identified in the states 30-year strategic plan.

The overarching criteria an enhancement must consider is the community’s capacity to embrace and apply the changes. Our industry, already hurting because of material shortages and a lack of tradespeople, is under enormous pressure. A balancing act must be performed by the government when instigating Code improvements for the purpose of clarity and building productivity.

Above all, the system relies on the speed of delivery and quality outcomes, the points we have raised are an effort to assist both. We implore the Commission come up with appropriate solutions for the Code based on an agreed position between industry and the government.



Principles of a Good Planning System

Policy Background

- In 2001, HIA launched a national position statement on planning systems, known as Better Living Environments. The position statement focused on three core tenants – flexibility, predictability and affordability. Within these tenants, various case studies and examples of good planning practices that would assist in the delivery of new land and housing were identified.
- Following Better Living Environments HIA has developed a series of policy statements that address individual elements of the planning system, covering issues such as ‘truth in zoning’, managing urban land supply, development contributions, subsidised affordable housing and more. Today these planning policy statements form the basis of HIA’s advocacy for an improved planning system.
- It was agreed there would be benefit in creating a statement that concisely sets out the fundamentals of a good planning system that can serve as a foundation statement on the planning system and the delivery of land and residential developments.

Policy Issues

- In the absence of other regulatory levers, the planning system is now seen as the panacea for any matter that governments believe warrants oversight, making the system extremely complex for all parties to navigate.
- Over the last decade, policy makers have sought to address a growing list of social and environmental issues that have not traditionally been matters for consideration in the planning system.
- A planning system must recognise the importance of delivering housing affordable outcomes. This can only be achieved where the planning system manages the zoning of land and the development of that land in a timely manner balancing the social, economic and environmental benefit of the whole community.

HIA’s Policy Position on Principles of a Good Planning System

1. Certainty

- a. The planning system must provide certainty to those utilising it.
- b. Planning codes and policy must be clearly written to provide certainty to the users and planning authorities of the items that are required to be addressed and the available scope for discretion in decision making.
- c. Assessment and determination processes must be reasonable, efficient and relevant to the zoning of the land and other known constraints on the land.
- d. The planning system should seek to eliminate repetition and duplication of information requests and assessments.
- e. Planning application requirements must not overlap or exceed building application requirements.

- f. Planning systems must support truth in zoning by facilitating the development of permitted land uses within each zone.
- g. Planning systems should not permit the retrospective application of 'new' requirements or constraints unless compensation is provided to property owners who lose a development right.
- h. Fees and charges for planning services should reflect the cost of assessment, be readily calculated and be disclosed prior to lodgement of any application.
- i. Planning codes and policies should not incorporate technical building requirements.

2. Consistency

- a. Policies developed to guide planning decisions must be written in concise language and be readily and consistently interpreted.
- b. The planning system should support consistency of outcomes by providing adequate guidance for design development and decision making.
- c. Planning design codes should be applied at the highest level (i.e. state government) to avoid ad-hoc design standards across individual local council areas.

3. Flexibility

- a. Planning codes and policy should include both performance objectives and prescriptive standards to provide a degree of flexibility and support changing housing market trends and innovation in housing design and technology.

4. Transparency

- a. The planning system should be transparent to the community and the development industry.
- b. Planning decisions should be easily understood and have limited potential for real or perceived intervention or influence.

5. Simple, clear processes

- a. The planning system should provide processes that do not create undue regulatory burdens for users.
- b. Information requirements should be concise, with clear obligations, steps and timelines for the provision of details to the planning authority by an applicant.
- c. Planning assessment and determination processes must be reasonable, efficient and relevant to the zoning of the land and type of development proposed.
- d. The planning and building systems must provide a single approval pathway for single dwellings and dual occupancy dwellings on land zoned for residential development.

6. Strategically led planning

- a. The planning system should embed a strategic approach to spatial planning which balances competing priorities and requires planning authorities to take a holistic approach to achieving planning outcomes, recognising a balance between economic, social and environmental factors.

7. Independent, merit based decisions

- b. Planning decisions should be made by informed, independent parties based on the merits of the application, compliance with any relevant statutory requirements and a sound evidence base.

8. Accountability for decisions

- a. Planning system should provide clear accountability for the decision making processes and the decisions made on behalf of the community.
- b. All planning decisions (zoning, subdivision, development) should be provided with a right of appeal to an independent administrative body.
- c. The planning system should not allow multiple planning authorities or agencies to be responsible for overlapping requirements or the duplication of requirements and approval obligations.

9. Outcome oriented decisions

- a. Decisions in an effective planning system must be focused on the outcomes, rather than details that have little bearing on the impact of development on the community.
- b. The planning system should facilitate:
 - i. The development of land in an economically viable manner in accordance with its zoning.
 - ii. The timely zoning of land for residential purposes based on a transparent strategic assessment involving all relevant agencies with clear roles and responsibilities for all stakeholders.
 - iii. Governments managing land supply, in consultation with the residential development industry, to ensure there is an adequate supply of land at each stage of the land supply pipeline.
 - iv. The delivery of public infrastructure that supports residential land zoning and development in a timely manner for the social and environmental benefit of the whole community.

10. Timely decision making

- a. Timely decision making means compliance with statutory timeframes where they exist, recognition of the importance of economic investment that results from development approvals and agreement between decision makers and applicants on a program to decision making.

From: [SA Planning Commission](#)
To: [Burdon, Leif \(DTI\)](#); [Bailey, Jason \(DTI\)](#)
Subject: FW: Miscellaneous Technical Enhancement Code Amendment
Date: Friday, 23 September 2022 5:02:42 PM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[Misc Tech Enhancement CA - Sept 22.pdf](#)

OFFICIAL

Hi Leif & JB

FYI attached letter from PIA.

Cheers

Britt

Britt Anderson

Senior Administrative Officer
Executive Assistant to the Chair of the State Planning Commission

Governance and Legislation Planning and Land Use Services

Department for Trade and Investment

W plan.sa.gov.au

W dti.sa.gov.au



We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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From: Jane Strange <jane.strange@planning.org.au>
Sent: Friday, 23 September 2022 4:24 PM
To: Holden, Craig (DTI)
Cc: Smith, Sally (DTI) ; SA Planning Commission
<saplanningcommission@sa.gov.au>
Subject: Miscellaneous Technical Enhancement Code Amendment

Attention : Mr Craig Holden

Dear Craig,

Please find attached a letter from the PIA SA Division regarding the Miscellaneous Technical Enhancement Code Amendment.

Best regards,

Jane

Jane Strange RPIA
State Manager SA

PO Box 43, Elizabeth, SA 5112

www.planning.org.au



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21 September 2022

Mr Craig Holden
Chair
State Planning Commission

Via email: saplanningcommission@sa.gov.au

Dear Mr Holden,

SUBMISSION - MISCELLANEOUS TECHNICAL ENHANCEMENT CODE AMENDMENT

Thank you for the opportunity to provide comment on the Miscellaneous Technical Enhancement Code Amendment (CA), which has sought to address technical and procedural matters, provide policy clarity and interpretation and ensure policy consistency and system efficiency within the new planning system.

The Policy Sub-Committee of the PIA SA Division Committee (the Committee) has reviewed the CA and wishes to commend the State Planning Commission (the Commission) for listening and responding to the industry with a commitment to the continual improvement and timely amendment of the Planning and Design Code.

As the CA is covering off on a broad range of matters that will have varying impacts and positions from across the sector, the Committee has chosen not to make any specific comments but rather to commend the Commission for duly considering those matters brought before them.

Yours sincerely,



Cate Hart RPIA (Fellow)
President
PIA SA DIVISION

From: [Fountain, Troy \(DTI\)](#)
To: [Bailey, Jason \(DTI\)](#); [Gencarelli, Damien \(DTI\)](#)
Cc: [Burdon, Leif \(DTI\)](#); [Clapp, Daniel \(DTI\)](#)
Subject: FW: Original MBA submission for Miscellaneous and Technical Code Amendment for discussion
Date: Thursday, 28 July 2022 1:07:48 PM
Attachments: [image003.jpg](#)
[image004.jpg](#)
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[image006.png](#)
[image007.jpg](#)
[drive-download-20220728T011138Z-001.zip](#)
[~WRD0000.jpg](#)

OFFICIAL

From: Andrew Cronin
Sent: Thursday, 28 July 2022 12:39 PM
To: Fountain, Troy (DTI)
Subject: Original MBA submission for Miscellaneous and Technical Code Amendment for discussion

Hi Troy

I have had a look over the draft Code amendment on consultation and note that a lot of the things we have previously highlighted (some of which are in the discussion topics today) have not been tackled in this Code Amendment. We would strongly urge the Department that certain things would fall within the Scope of the Amendment given that such significant procedural changes are proposed with certain items being removed from a restricted pathway (e.g. cut and fill in the HF Zone).

There are certain ways the Code can be adjusted that would be relatively minor changes but would make a world of difference to users.

I have attached the submission from last year that tabled a number of Code issues, many of which I feel could easily be addressed in the Amendment on consultation. Feel free to distribute to the group.

Look forward to catching up shortly.

Cheers



Andrew Cronin

Development and Technical Manager
Master Builders Association of SA Inc
Adelaide SA 5000
PO Box 10014 Adelaide BC SA 5000



SUBMISSION

13 August 2021

Response to Miscellaneous & Technical
Planning and Design Code Amendment



MASTER BUILDERS
SOUTH AUSTRALIA

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Introduction

This submission is made on behalf of Master Builders Association of South Australian Inc ("Master Builders SA"), established in 1884 as the peak body representing South Australia's building and construction industry.

Master Builders SA is committed to building a productive industry and a prosperous South Australian community and economy.

The South Australian building and construction industry directly employs more than 55,000 South Australians across all sectors, including residential, commercial, civil engineering, land development and building completion services. Indirectly, the industry supports tens of thousands more South Australian jobs.

The industry undertakes about \$15 billion of work every year, contributing more than \$1 for every \$7 of economic activity within the State. Indirectly, more than one-quarter of South Australia's wealth is produced by the building and construction industry.

South Australia's building and construction industry is focused on the development and transfer of skills into a life-long career. Master Builders SA is proud of the industry it represents, the jobs it creates, the thousands of homes it builds and extends for families every year and the offices it has built for South Australian businesses.

Background

South Australia has now fully adopted the *Planning, Development and Infrastructure (PDI) Act 2016* to govern development practices in this state. A suite of new regulations were introduced under the PDI Act 2016, and the final 'phase 3' of the reform of the State planning system was enacted in metropolitan Adelaide and regional areas with major towns on 19th March 2021, through a raft of gazettals, proclamations and the "switching off" of the old system. The Planning and Design Code ('the Code') is the key instrument of planning policy under the PDI Act and Regulations.

Despite being 7 years in the making, the final version of the Code was, in the end, "rushed" together after the last round of consultation in late 2020 and with it came a raft of errors and omissions together with last minute changes the building industry and the general public alike were "blind-sided" by. These include the reduction of site area minimums proposed for row/terrace dwellings in the General Neighbourhood Zone from 250m² to 200m² and the introduction of site "soft landscaping" requirements for all development applications including minor additions and ancillary structures. It seemed that a hand-picked group of Local Government employees were the only ones privy to the final version of the Code prior to the designated day of its rollout. As a result, there were a number of key changes made to the Code derived from "in confidence" working groups involving this select group of people without the proper scrutiny and consultation with industry and the general public.

Even through the formal channels of consultation, many of the policy changes that Councils and industry professionals identified in submissions to the Department of Infrastructure and Transport (DIT) as erroneous in the November version of the draft Code, were not fixed for the final version.

As a result of the above, it is Master Builders SAs' view that the "Miscellaneous Technical Enhancement Code Amendment" needs to go further than the Scope of the proposed amendments suggest. Furthermore, the Code policies introduced between December 2020 and 19 March 2021 require the formal scrutiny that they should have had in the first place, and must be revisited.

The Master Builders SA Submission targets a number of areas in the Code, including land use definitions, administrative terms and explanatory information, notification triggers in Table 5 and corresponding performance outcomes as Technical Improvements, and Policy Improvements targeting some of the areas of concern that emanated from the change of the planning system with removal of the previous "Residential Code". Overall, there is a significant burden placed on proponents seeking to attain a Deemed-to-Satisfy assessment, and Master Builders SA predicts there is a dramatic reduction in the number of applications being channeled down an "as of right" assessment path, than under the former planning system.

The Missing Deemed to Satisfy Development

Dwellings in Masterplanned Areas

Some of our members are reporting issues with dwellings being able to occur "as of right" in areas that previously could have been 'residential code' or complying in the previous Development Plans.

Emerging Activity Centres Subzone

This Emerging Activity Centre Subzone within the Masterplanned Neighbourhood Zone is unrealistic in its ambitions in many cases and problematic for *existing* residential parcels of land that have clearly been earmarked for detached standalone housing stock, rather than mixed uses.

If the Emerging Activity Subzone is to be taken seriously, the Performance Outcomes should focus on larger "development lots" within Masterplanned Neighbourhood Zones, for example, >1500m² allotments reserved for future mixed use, residential flat buildings or social housing development in a masterplan, even if its spatial application extends over wider areas of Masterplanned Neighbourhood Zones.

In some areas the manner in which this subzone has been applied spatially appears to be ad hoc, without specific reference to the plans for master-planned areas.

Where there is a Concept Plan that underpins the Masterplanned Neighbourhood Zone it would be logical to remove the subzone altogether to reduce the layers of policy through consolidating Activity Centre type policy within the Zone and having reference to "where located in an activity centre as delineated on a Concept Plan".

Complexity of Assessment

The layers of policy a person is required to work through within some parts of master-planned areas, just to confirm whether a dwelling on a parcel of land clearly earmarked for a detached dwelling can be assessed as DTS, are unacceptable.

Any site within a masterplanned area where there is no existing character to reference, should have an easy DTS pathway where there are a set of standardised rules that can be navigated by a lay person.

The following example at Andrews Farm is just one of many where the process to assess the application is too convoluted. This example requires review of Zone and Subzone policy, 10 separate overlays and 3 concept plans. The most baffling thing is that Heritage Adjacency overlay appears, which removes any potential DTS pathway altogether. There are no heritage places near the development site.

Location: [17 SAMPHIRE AV ANDREWS FARM SA 5114 LT 535](#)

Valuation: [2906930609](#)

Title Prefix: [CT](#)

Title Volume: [6245](#)

Title Folio: [868](#)

SAILIS: [Link](#)

Planning Report: [Print Report](#)

Planning & Design Code:

[All policies that apply to this address](#)

[Policies for a development at this address](#)

Zones

[Master Planned Neighbourhood - MPN](#)

Subzones

[Emerging Activity Centre - EAC](#)

Overlays

[Affordable Housing](#)

The Affordable Housing Overlay seeks to ensure the integration of a range of affordable dwelling types into residential and mixed use development.

[Building Near Airfields](#)

The Building Near Airfields Overlay seeks to ensure development does not pose a hazard to the operational and safety requirements of commercial and military airfields.

[Defence Aviation Area - All structures over 15 metres](#)

The Defence Aviation Area Overlay seeks to ensure building height does not pose a hazard to the operational and safety requirements of Defence Aviation Areas.

[Hazards \(Bushfire - Urban Interface\)](#)

The Hazards (Bushfire - Urban Interface) Overlay seeks to ensure urban neighbourhoods adjoining bushfire risk areas allow access through to bushfire risk areas, are designed to protect life and property from the threat of bushfire and facilitate evacuation to areas safe from bushfire danger.

[Heritage Adjacency](#)

The Heritage Adjacency Overlay seeks to ensure development adjacent to State and Local Heritage Places maintains the heritage and cultural values of those places.

[Hazards \(Flooding - General\)](#)

The Hazards (Flooding - General) Overlay seeks to minimise impacts of general flood risk through appropriate siting and design of development.

[Noise and Air Emissions](#)

The Noise and Air Emissions Overlay seeks to protect new noise and air quality sensitive development from adverse impacts of noise and air emissions.

[Prescribed Wells Area](#)

The Prescribed Wells Area Overlay seeks to ensure sustainable water use in prescribed wells areas.

[Regulated and Significant Tree](#)

The Regulated and Significant Tree Overlay seeks to mitigate the loss of regulated trees through appropriate development and redevelopment.

[Traffic Generating Development](#)

The Traffic Generating Development Overlay aims to ensure safe and efficient vehicle movement and access along urban transport routes and major urban transport routes.

Variations

[Concept Plan - 18](#)

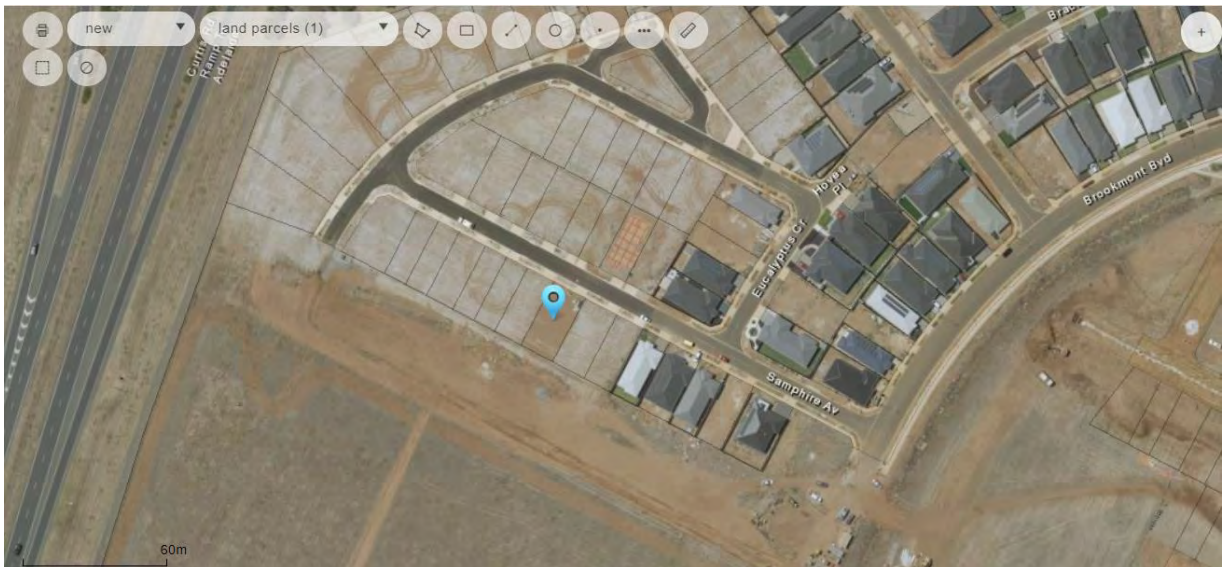
Concept Plan 18 - Playford North

[Concept Plan - 19](#)

Concept Plan 19 - Playford North Infrastructure

[Concept Plan - 81](#)

Concept Plan 81 - Edinburgh Defence Airfield Lighting Constraints



SAPPA extract showing the example at 17 Sapphire Avenue, Andrews Farm

Dwellings in low Bushfire Prone Areas

Some of our members are reporting that dwellings and dwelling additions in the Hazards Bushfire (General) and Bushfire (Medium Risk) areas are being ousted from potential DTS pathway, despite there being policy within the Code that can theoretically be applied through such an assessment.

This is affecting regional areas more than elsewhere, with vast areas covered by the Hazards-General Bushfire risk area, including whole country townships.

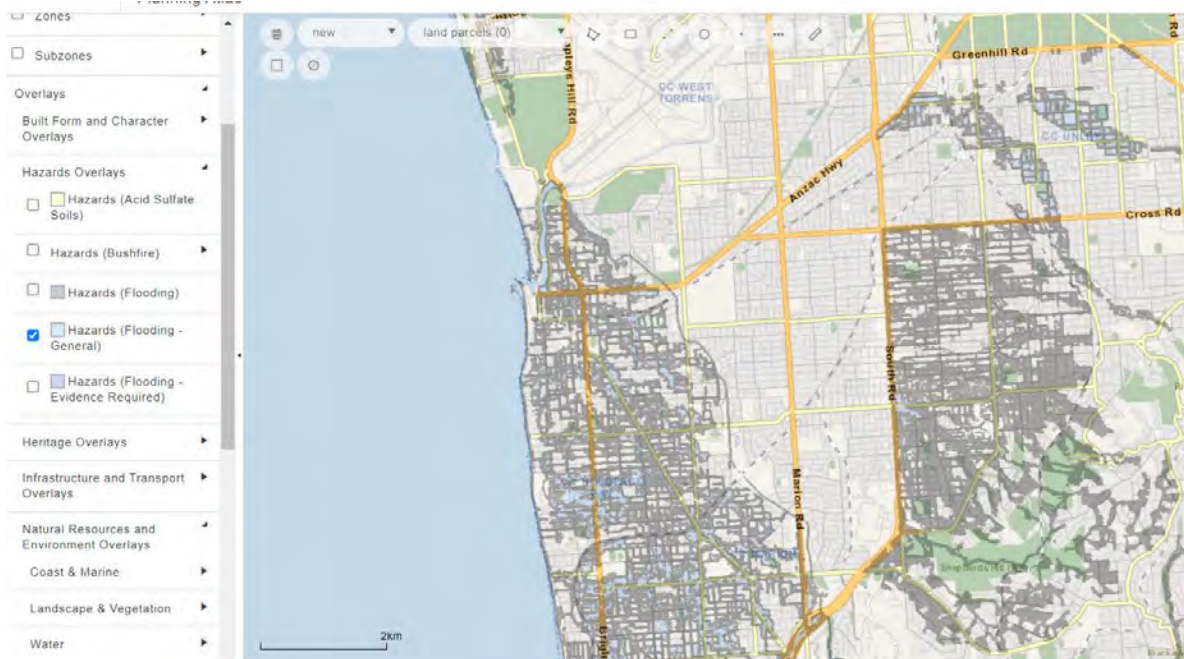
Master Builders considers that there should be a DTS pathway available for development comprising detached dwellings and additions to these, within such areas.

Dwellings & Dwelling Additions in Hazards (Flooding- General) Areas

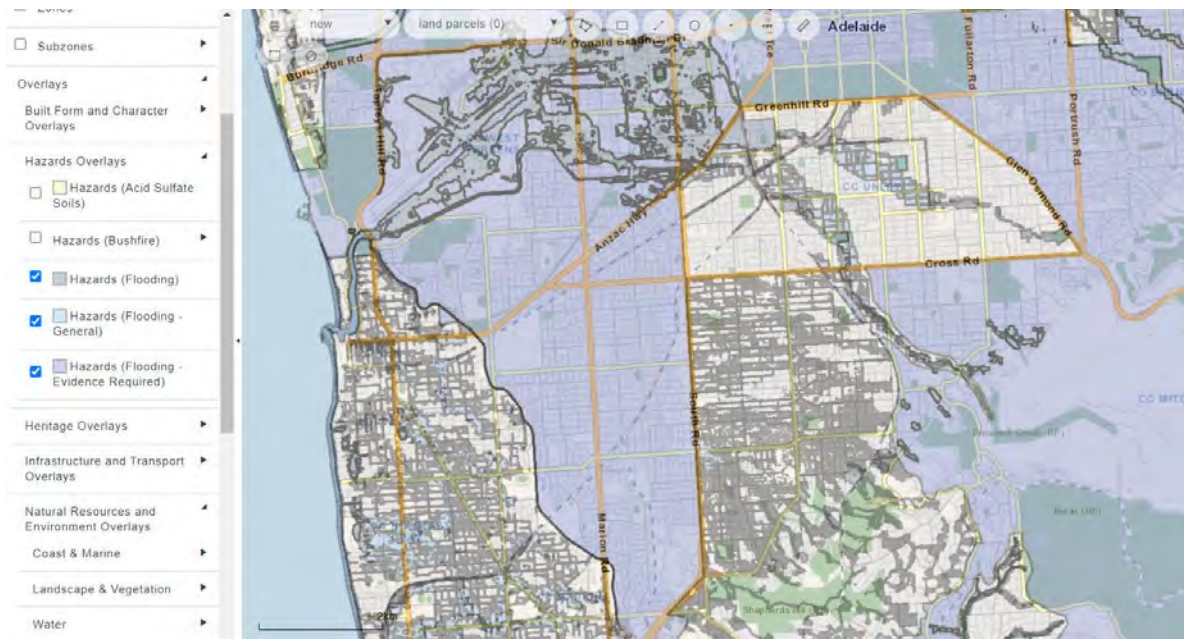
The Hazards-Flooding overlay removes a potential DTS pathway unless it can be shown that the proposed development achieves the necessary freeboard of the 1% AEP flood event. The overlay is generally applied to mapped areas of flooding where the Council had previous flood mapping in the Development Plans.

The Hazards (Flooding – Evidence Required) is applied in areas not previously mapped. This requires development to be 300mm above top of kerb, but does not consider the circumstances for the 'low' side of streets, nor corner sites where the drainage could be achieved through positive fall to a secondary street.

The spatial application of the Overlays can be seen in the following maps:



SAPPA extract showing Hazards Flooding (General) Overlay in inner southern Adelaide area



SAPPA extract showing all Hazards Flooding Overlays in inner southern Adelaide area

The 1% AEP flood level needs to be provided in readily available information to the public for development to be able to be designed in a manner to be clear of this level, and for ease of being able to be assessed as Deemed-to-Satisfy (DTS). The Evidence Required policy should be tweaked to allow dwellings with an alternative legal drainage path available to be DTS (such as secondary street or rear of allotment easement).

Technical Improvements

Designated Performance Features & Administrative Terms / Definitions

Some of our members are reporting that interpretation of the Code's Designated Performance Features (DPFs) by some Council planners has been problematic, with too much rigidity and weight afforded to the DPFs rather than the focus of assessment being the corresponding Performance Outcomes.

The core planning principles of development assessment have not changed, and the message needs to be driven by way of either explanatory information within the Code, or by Practice Direction that the Code is intended to be a "performance based" Code, and a DPF corresponding to a Performance Outcome (PO) is *ONE WAY* to achieve the PO and not the only way, and may not be the best way either. See below as a possible option in the Code:

Part 8 Administrative Terms and Definitions Table:

Term (column A)	Definition (column B)	Illustrations / <u>Explanatory information</u> (column C)
DPF	Designated Performance Feature	<i>ONE WAY to achieve a performance outcome</i> <i>Note: Failure to achieve the quantitative criteria of a DPF does not automatically mean the corresponding Performance Outcome is not achieved.</i>

Further to the above, there are a number of terms within the Administrative Terms and Definitions for which their interpretation would be assisted by "explanatory information", where diagrammatic representation is not possible or would be ambiguous. Hence, Master Builders SA offers a suggestion to include "Explanatory information" as well as Illustrations in Column C and then other terminology could be clarified with similar explanatory text, or a combination of text and diagrams where appropriate.

Hierarchy/Application of Code Policy and Conflicting Provisions

The hierarchy of which policy prevails is quite clear in terms of policy within Overlays taking precedence over Subzone policy over Zone policy, over General Policy Modules. However, there are instances where there are conflicting policies in separate modules of General policy, each of which could theoretically simultaneously be called up in seeking to achieve a Deemed to Satisfy (DTS) assessment pathway for a given type of development, and naturally this creates a problem.

There is conflict in relation to driveway width and on-street parking provision, as an example, between the General, Design in Urban Area DPF/DTS 23.3 or Design DTS/DPF 19.3 and Transport, Access and Parking DPF/DTS 3.6, as below:

Design DTS/DPF 19.3

Driveways and access points on sites with a frontage to a public road of 10m or less have a width between 3.0 and 3.2 metres measured at the property boundary and are the only access point provided on the site.

Design in Urban Areas DTS/DPF 23.3

Driveways and access points satisfy (a) or (b):

- a) *sites with a frontage to a public road of 10m or less, have a width between 3.0 and 3.2 metres measured at the property boundary and are the only access point provided on the site*
- b) *sites with a frontage to a public road greater than 10m:*
 - i. *have a maximum width of 5m measured at the property boundary and are the only access point provided on the site;*
 - ii. *have a width between 3.0 metres and 3.2 metres measured at the property boundary and no more than two access points are provided on site, separated by no less than 1m.*

Transport, Access and Parking DTS/DPF 3.6

Driveways and access points:

- a) *for sites with a frontage to a public road of 20m or less, one access point no greater than 3.5m in width is provided*
- b) *for sites with a frontage to a public road greater than 20m:*
 - i. *a single access point no greater than 6m in width is provided*
or
 - ii. *not more than two access points with a width of 3.5m each are provided.*

Noting that Design in Urban Areas 23.4 is referenced from Zone policy when generating policy for a Land Division within the General Neighbourhood Zone (as an example). Does this mean this takes precedence in this instance over the DTS/DPF 3.6 in Transport, Access and Parking, which is not called up by Zone policy in this instance?

Irrespective of the hierarchy there should not be two directly conflicting provisions that speak to the same aspect of planning policy where these are not spatially applied. The content of the provisions is considered to be restrictive for many forms of infill where there are limited front setbacks but double garaging can potentially occur as close to the street (for example 10m wide sites where the front setback of the garage is 5.5m).

Master Builders SA considers that 3.5m should be the benchmark width of driveway instead of 3.0m to 3.2m at the front property boundary to allow for more orderly vehicle movement from garages less than 7m from the street.

Additional Land Use Definitions

Some additional land use definitions would assist with the interpretation of how certain contemporary land uses may "fit" within the broader scheme of the Planning and Design Code, and Zones in which these are appropriate.

One that has been in the planning vernacular for some time now, but is yet to surface as a defined land use, is a training facility for trade, industry and vocational training. Often, such uses involve the operation in a learning environment of heavy machinery, cutting, finishing, moving or lifting processes or activities that would ordinarily be undertaken on a work site, such as within production line arrangements, building sites, industrial and commercial sites and major food preparation. The type of use is not an educational establishment and is often found wanting with regard to Zones that specifically contemplate this.

Hands-on learning activities may generate noise, fumes, vibration, smell or other externalities akin to industrial processes. Ordinarily, an Employment type Zone would appear to be the most appropriate Zone for such a use.

Master Builders SA believes a *Trade Training Facility*, a term widely known in the industry, is the appropriate definition and could be listed in the exclusions list of "educational establishment" in Part 7 (Land Use definitions) and defined separately. Master Builders SA believes the above considerations should be relevant for appropriately defining the use.

Specific Excluded Land Use Classes (short term stays)

In a time where there is separate legislation tabled to deal with the amenity impacts of so-called "party houses" (places of transient and infrequent occupation for tourism on parts of residential sites) through platforms such as Air BnB & Stayz, there also needs to be specifically excluded land use classification so that this type of accommodation, where provided on a limited basis on a site in which there is prevailing permanent residential occupation (not necessarily being within the same building), does NOT alter the land use. The problematic short term let part of the market is by far the minority, but this is what gets the headlines.

Often land use arguments are dragged before Council Assessment Panels and the Courts due to the inconsistency with regard to how tourist accommodation is defined and applied. The legal position within SA remains unclear and the facts of each individual case will ultimately determine how the land use may be perceived in determining a "change" of land use.

Strictly speaking, without exclusion, the current definition of tourist accommodation in the Code does not consider the length of stays, whether there is residential use that prevails on the site, or total number of days for which a site is used for such purposes in a year. It leaves these elements open to interpretation whether any non-permanent accommodation changes the land use, and reliant on conflicting and ambiguous case law.

Some Councils will take a pragmatic approach, others will take a precautionary approach and some of the most obstructionist Councils are those that contain some of South Australia's greatest tourism drawcards.

Master Builders SA is concerned that the lack of clarity currently around the issue puts SA at a disadvantage once borders open to interstate and international tourism again, and believes now is the perfect time to have the matter settled so proponents can be relatively confident in building and improving their residential properties for such purposes without the fear of falling foul of planning rules.

The following is considered to be a mechanism to deal with the above issue:

Land Use Term (Column A)	Definition (Column B)	Includes (Column C)	Excludes (Column D)
Tourist accommodation	Means premises in which temporary or short-term accommodation is		Campground <i>Use of part of a site for short-term accommodation on a commercial basis in which there continues to be</i>

	<p>provided to travellers on a commercial basis.</p>		<p><i>permanent residential occupancy on site (within the same building or a separate building on site) and such tenure does not involve more persons in short term accommodation at any one time on site than able to be accommodated in the balance of the land for permanent residential occupation; does not exceed total occupancy of 3 months of a calendar year, and no single lease comprises continued occupancy for a period of 28 days or more</i></p>
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Public Notification / Fences, Retaining Walls and Earthworks

Master Builders SA notes that the Department is aware of an issue with Table 5 in the various Neighbourhood Zones with respect to the wording of “building walls or structures” exceeding 11.5m in length on a boundary triggering public notification. The result of this wording is the trigger of unintentional public notification of fences and retaining walls on boundaries where these constitute development in their own right and exceed the thresholds.

There is also an issue with respect to earthworks constituting development. Where exceeding the relevant volume threshold, this is a type of development that is performance assessed and not specifically excluded from notification.

In many cases earthworks greater than 9 cubic metres (m³) in specific Zones where they in their own right constitute development will have no impact on the boundaries of the site and adjacent properties (e.g. Hills Neighbourhood). It is the associated retaining walls and fences that have the potential visual and overshadowing impact with regard to boundaries.

The approach that Master Builders SA considers appropriate would be to remove fences and retaining walls from Part 3 of Table 5 and have these, together with earthworks placed within their own section of the Table, and thresholds for notification being set for retaining walls and fences in relation to the lower of natural ground levels at *any point*.

Master Builders SA queries the rationale behind 9m³ being the relevant threshold in certain zones for this to be development in its own right. While floodplain environments (captured by Overlays) and in relation to heritage places is understandable, the threshold could be increased for the Hills Neighbourhood Zone (as an example) where the earthworks are ancillary to and associated with a form of development reasonably expected in the Zone. Naturally a regulation change (PDI (General) Schedule 3) would be required to deal with this, and that is outside of the Scope of the amendments but in preparation for this, Code Table 5 of the Hills Neighbourhood Zone could include changing the trigger for notification.

The suggested wording is as follows (using Suburban Neighbourhood Zone as example):

<p>3. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> a) air handling unit, air conditioning system or exhaust fan b) ancillary accommodation c) building work on railway land d) carport e) deck f) dwelling g) dwelling addition h) fence i) outbuilding j) pergola k) private bushfire shelter l) residential flat building m) retaining wall n) shade sail o) solar photovoltaic panels (roof mounted) p) supported accommodation q) swimming pool or spa pool r) verandah s) water tank. 	<p>Except development that:</p> <ul style="list-style-type: none"> 1. exceeds the maximum building height specified in Suburban Neighbourhood Zone DTS/DPF 4.1 or 2. involves a building wall (or structure) that is proposed to be situated on a side boundary (not being a boundary with a primary street or secondary street <u>and not being located on an internal site boundary</u>) and: <ul style="list-style-type: none"> a) the length of the proposed wall (or structure) exceeds 11.5m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment).
<p>4. Any development involving any of the following (or any combination of any of the following):</p> <ul style="list-style-type: none"> a) fence b) retaining wall c) earthworks 	<p>Except development that:</p> <ul style="list-style-type: none"> 1. involves retaining walls and/or fences that exceed 3m above the lower of adjacent natural ground levels at any point where the works affect a boundary external to the development site; or

	<p>2. <i>involves earthworks ancillary to a class of development in Clause 3 of this table and greater than 9m³ in relation to a local heritage place, or where a Heritage Adjacency Overlay applies</i></p>
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Boundary Walls not affecting external site boundaries

The other issue is that building walls that exceed 11.5m on a boundary where the development is only affecting an “internal” boundary to the development site where there are two or more dwellings proposed, is inadvertently pushing a number of infill applications with development on internal boundaries into the performance assessed pathway and requiring notification. A common example is where there are row / terrace dwellings where walls are not necessarily simultaneously abutting.

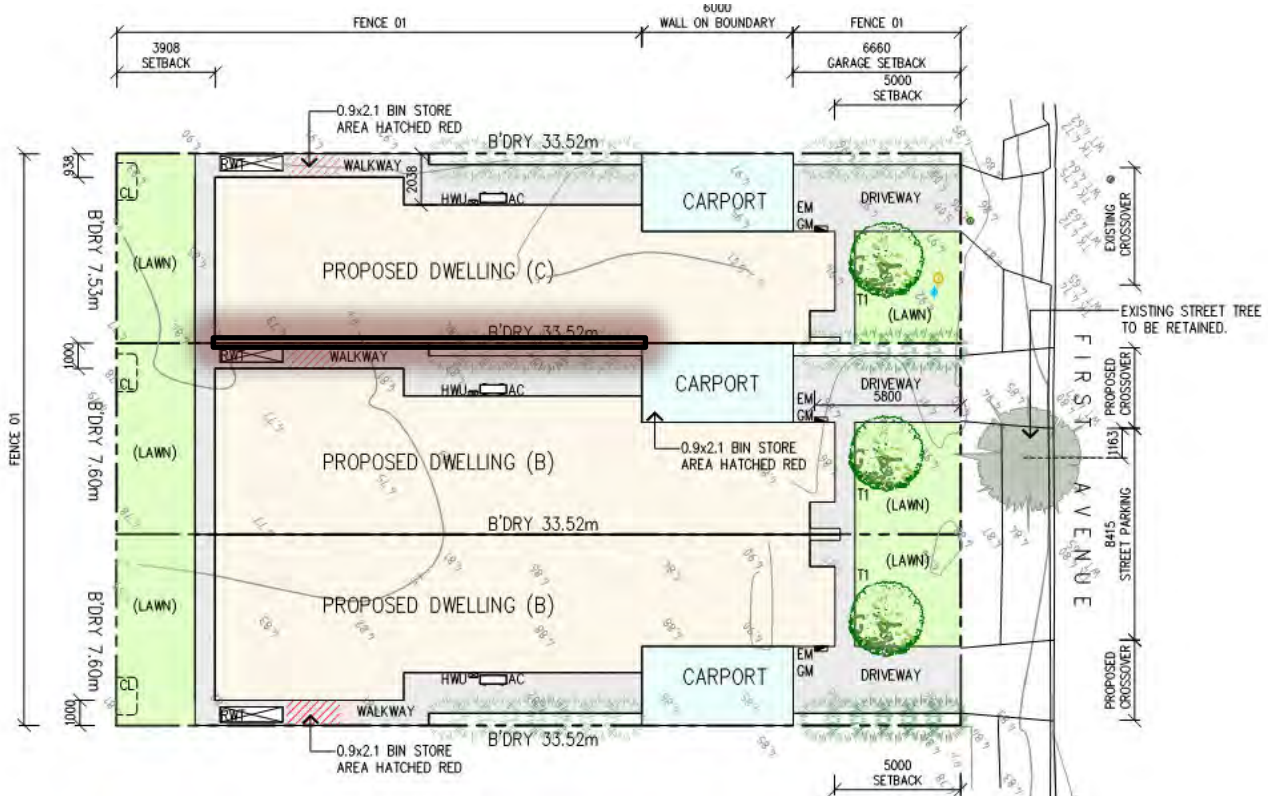


Figure 1: Plan showing common row/terrace type development with walls not simultaneously abutting

Hence, Table 5 Part 3 is also considered appropriate to be amended to cater for this issue as well as relevant DTS/DPF criteria, particularly for the General Neighbourhood Zone. As above, it is not always the case that internal boundaries for development will involve boundary walls that simultaneously abut, and any person purchasing a property will or should be aware of existing or future boundary development within a development site if

the development is approved in the same application, even if there is a staged build process.

The example as follows from General Neighbourhood Zone DTS/DPF 7.1 is how this issue could be resolved:

Boundary Walls	
<p>PO 7.1</p> <p>Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.</p>	<p>DTS/DPF 7.1</p> <p>Except where the a dwelling is located on a central site within a row dwelling or terrace arrangement <u>dwelling boundary wall abuts an internal site boundary</u>, side boundary walls occur only on one side boundary (<u>other than in the case of a central site within a row or terrace arrangement</u>) and satisfy (a) or (b) below:</p> <p>a) side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height;</p> <p>b) side boundary walls do not:</p> <ol style="list-style-type: none"> i. exceed 3m in height from the top of footings ii. exceed 11.5m in length iii. when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary iv. encroach within 3m of any other existing or proposed boundary walls on the subject land.

The term "internal site boundary" needs to be defined and explained in the Administrative Terms and Definitions if the aforementioned approach is taken. One suggestion as to how this can be dealt with is below, and could be accompanied with appropriate diagrams:

Term (column A)	Definition (column B)	Illustrations / <u>Explanatory information</u> (column C)
<i>Internal site boundary</i>	<i>A boundary that is internal to the development site</i>	<i>This terms applies to development involving more than one dwelling in the same development application on a current allotment for which there has been no land division approved and deposited in the Lands Titles Office and a dwelling boundary wall is constructed to abut a boundary not yet formalised by cadastre between future dwelling sites</i>

The term dwelling boundary wall, which appears in numerous places through the Code also needs to be defined. For example, does this include a garage wall if the garage is integral to the form of the dwelling?

One way in which this could be addressed is as follows:

Term (column A)	Definition (column B)	Illustrations / Explanatory information (column C)
Dwelling Boundary Wall	An external wall of a dwelling whether or not that part of the dwelling is habitable	This includes garages, carports and similar structures built under the main roof of the dwelling with a solid external wall on the boundary (irrespective of whether there are other open sides of the relevant part of the building or structure).

Common types of development not having policy generated through the Wizard

There are numerous cases where undertaking the "wizard" search on a property and generating policy for a development type not specifically envisaged in a Zone that no policy is generated for a development that is within the list. This includes land uses that could reasonably be expected in a particular zone.

These are just a few examples:

- Service Trade Premises and Retail Fuel Outlets in a Township Mainstreet Zone
- Student Accommodation in the Suburban / General Neighbourhood Zones
- Shop, Office or Consulting room in a Neighbourhood type zone
- Tourist Accommodation in the Rural Living Zone or the Open Space Zone

Some uses are not located on the list of uses that one can search at all using the Wizard. This includes:-

- Preschool (Child Care Centre)
- Educational Establishment
- [Trade Training Facility](#)

Master Builders SA believes there is an opportunity to identify similar scenarios and improve the policy generation Wizard to consider not only uses specifically envisaged by a Zone (e.g. in PO 1.1), but uses commonly found in certain Zones as well, in pursuit of consistent application of Code policy for what are reasonably expected forms of development in particular zones.

While this does not strictly relate to amending the Code, it will improve the Code's useability having pre-populated policy available for common forms of development in Zones in which they may regularly be found.

Overlay policies that would be better applied in the General Modules

One of the more confusing elements of the new planning system is the excessive number of overlays. There are more than 70 and often Overlays that have little or no relevance to the assessment are called up when undertaking the “Wizard” search on a property and entering the type of development.

There is a greater issue at play here in the fundamentals of how the e-planning system is built, and potentially a future improvement of the system that identifies the *relevant* overlays using the search tools would assist with resolving this.

The more immediate improvements could involve transferring more ‘generalised’ policy within certain overlays into general policy modules.

Noting there is a spatial application of the overlays, another mechanism would be needed to identify where “general” policy applies for the specific aspects of policy. For example, planning policy within the Significant and Regulated trees Overlay could easily be provided in general development policy, as could Urban Tree Canopy, Affordable Housing and Stormwater Management, Prescribed Water Resources and Prescribed Wells Area, however within a subset of planning rules applicable to metropolitan Adelaide and other select locations. After all, apart from the Prescribed Wells Area, these overlays apply mostly within metropolitan Adelaide.

Prescribed Water Resources Overlay and Prescribed Wells Area Overlay

The Prescribed Water Resources Overlay is called up when using SAPPA on any address where this applies, but the types of development applicable to the policy within the overlay are limited to a select range of uses that impact on natural surface flows, such as dams, commercial forestry, horticulture, aquaculture and other activities predisposed to affecting the health and natural flow paths of water resources.

Similarly, the Prescribed Wells Area Overlay is called up for assessment of a range of irrelevant forms of development. Both of these overlays contain policy that is applicable to a very limited subset of land uses and types of development.

Master Builders SA, while acknowledging the spatial application of the policies in these particular areas, raises concern about the confusion that arises from bringing in irrelevant policy for consideration in the assessment of residential and similar land uses.

Fundamentally, the electronic planning system needs to be re-built in a manner that dissects the relevant overlays for assessment from the irrelevant ones, depending on the data input (i.e. type of development). This is something that is naturally outside of the Code review, but an important issue that should be ‘front and centre’ of future system improvements.

Significant & Regulated Trees, Urban Tree Canopy and Stormwater Management

As the significant and regulated tree provisions only apply to metropolitan Adelaide, as do a number of other overlays such as Urban Tree Canopy and Stormwater Management it would make sense to separate the policies applicable to metro Adelaide by simpler means. Those that only apply in metropolitan Adelaide could fall under a separate umbrella of “metropolitan Adelaide” general policy that in some cases is triggered only for the *relevant* forms of development entered in the Wizard.

Significant and regulated trees applies across the whole of metropolitan Adelaide so would be easy to transfer to a metropolitan Adelaide general policy module.

The Urban Tree Canopy is similar, but only applies where there are Neighbourhood type Zones, and could just as easily transfer into an Adelaide metro-based policy module, applicable for residential development comprising new dwellings within Neighbourhood type zones.

The Stormwater Management Overlay commands that a specific amount of retention and detention is provided for new dwelling applications and applies likewise to Neighbourhood type zones and is limited to metropolitan Adelaide. Again, this could apply as general policy within a metropolitan Adelaide based module and the relevant triggers being "new dwellings". The overlay is spatially applied over Neighbourhood type zones generally, but there are some parts of Adelaide not covered by the policy, presumably areas with their own council managed retention and detention schemes such as Aquifer Surface Recharge (ASR) schemes (e.g. parts of Marion and new development at Moana, south of Karko Drive and west of Commercial Road). Policy could be written within a general module to exempt development serviced by such a scheme.

Native Vegetation Overlay

This Overlay applies not only in Hills and regional areas but in areas in which much of Adelaide's future growth is being accommodated at present, and can be found in parts of the Masterplanned Neighbourhood Zone in which there is little or no native vegetation.

The redefinition of the boundaries of the Native Vegetation Overlay should be investigated as part of the Code review to exclude new residential subdivisions in the Masterplanned Neighbourhood Zone (e.g. new parts of Moana) and Masterplanned Township Zone (e.g. Two Wells extension), and built up areas within country townships (e.g. within the Township Zone).

Affordable Housing Overlay

Master Builders SA questions the spatial application of policy for affordable housing policy in principle. There is a growing demand for affordable housing and some of the areas that are not covered by the overlay are perplexing. For example, the almost the whole north-western quadrant of Adelaide including areas such as Seaton, Royal Park, Albert Park, Woodville North and Croydon Park where there are large areas or pockets of social housing, current and former SAHT properties ripe for renewal, not covered by the Overlay. The following map depicts the issue with spatial application:



SAPPA extract showing the Spatial application of the Affordable Housing Overlay

Master Builders SA questions the legitimacy of the Government's commitment to providing for future affordable housing stock when the application of the Overlay appears to be 'ad hoc' missing critical areas in Adelaide, while including some areas in which realistically property sale prices will never be within the value thresholds to meet the affordable housing criteria, such as around Crafers and Stirling.

Affordable housing policy allows for greater uplift in the development potential of land and there are a number of members that are ready and willing to step into this market to provide for the shortage of this type of stock, if financial viability is there.

Quite simply, Master Builders SA sees no rationale for affordable housing policy to be within overlays. It should apply across the board through South Australia.

Traffic Generating Development Overlay

The Traffic Generating Development Overlay is one that Master Builders SA is particularly aware of due to the fact it ousts many simple forms of land division from a potential Deemed-to-Satisfy pathway and has no role to play in assessment of simple forms of residential development.

In fact, the policy applicable in the Overlay has no relevance to most types of development and land uses. Even the land uses that are targeted in the policy are those of a higher 'traffic generating' potential, such as residential land divisions over 50 allotments, industry with a gross leasable area of 20,000m², educational facilities with a capacity of 250 students or more and retail development with a gross leasable area of 2,000m². This applies in metropolitan Adelaide for any land that is located within 250m of a State maintained road.

There is no reason that a specific General policy module could not be provided to specifically deal with traffic generating types of development. The advantage of the General module is that it can be used for a range of development scenarios that the policy may not capture if only spatially applied, and would not be called up for 99% of development applications.

Hazards - Bushfire (Urban Interface Area) Overlay

Similar to the Traffic Generating Development Overlay, this applies to a very small subset of development, yet appears on the assessment “wizard” for a wide range of development in many areas. Its policy concerns larger land divisions catering for “through” access being provided from higher bushfire risk areas via roadways allowing ready escape routes from more hazardous fire prone areas.

The policy could just as readily be transferred to a “General” module that relates specifically to land divisions greater than 9 allotments and abutting more bushfire prone environments. The CFS referral trigger could easily be put into Part 9 of the Planning and Design Code for such land divisions.

Specific Policy Improvements

GENERAL POLICY MODULES

Site Contamination

Master Builders SA firmly believes the premise of the site contamination framework requiring any change of land use to a “more sensitive” use to be fundamentally flawed.

The term *sensitive receiver* is defined in the Code and includes:

1. any use for residential purposes or land zoned primarily for residential purposes;
2. pre-school;
3. educational establishment;
4. hospital;
5. supported accommodation;
6. tourist accommodation

Master Builders SA firmly believes the site contamination framework needs to be refocused to sensitive receivers (or sensitive uses) rather than “more sensitive” land uses.

There appears to be no sound rationale for other land use classes to be brought into an overly costly, risk-averse and nonsensical regime whereby uses such as shops, commercial development, and even retail fuel outlets could be required to have a costly and time-consuming preliminary site investigation (PSI) provided by a site contamination consultant where there is an “increase” in land use sensitivity based on a Land Use Sensitivity Hierarchy (LUSH) table within a Practice Direction containing definitions that are not found in the Code.

The irony of the LUSH is that “light industry” is deemed to be lower on the hierarchy than a retail fuel outlet, which is a land use *known* to be predisposed to causing site contamination. So in essence, proposing to build a retail fuel outlet on a parcel of land that has been previously used as light industry would necessitate provision for a PSI in accordance with PO 1.1 (which refers to site contamination declaration). This is completely nonsensical and just one example.

While Master Builders SA is represented on a working group with respect to the Site Contamination framework, the Code amendment process is able to arrest the

momentum being driven by the Environment Protection Authority and Department driving irrational processes being required for land use changes where there is no sound reason to suggest site contamination is likely and/or exposure to contaminants is even possible, such as completely capped sites.

An important issue is the provision for a new dwelling on a rural allotment that has been used for dryland cropping and/or grazing. Firstly, where there is an existing dwelling on the site it is noted that there is not a land use change and therefore no role to play for PO 1.1 in Site Contamination policy module.

Secondly, the introduction of tourist accommodation in such cases where the risk of exposure to human harm where an occupant will likely spend very few days or several weeks on a site, should not trigger the requirement for a PSI unless there is knowledge of a previous activity likely to have caused contamination. Most "human harm" associated with site contamination results from prolonged exposure.

This is where there needs to be a "common sense" approach that actually puts trust into Assessment Managers, which are Level 1 accredited professionals in the new system. There is no doubt there has been inconsistency in the local government approach to site contamination in the past, we are in a new era where there is supposedly greater professionalism. Let professionals make professional decisions and not be dictated by draconian policy that lacks reason.

If there is a vacant site in the middle of a country township or a vacant shack site in a shack community and somebody wants to build a house on it, which is a common occurrence, there should be no reason to trigger a requirement for a PSI (at a cost of up to \$9000) to justify that a dwelling is appropriate on the site, unless there are known potentially contaminating uses adjacent or there is known or suspected site history of previous contaminating activity.

Traffic Generating Development

As highlighted earlier, the policies relating to traffic generating development could be accommodated in general development policy not spatially applied. This affects the assessment pathways for minor land divisions in many cases, removing a DTS pathway.

Accordingly, Master Builders SA considers this Overlay to be redundant and policies better suited to general policy module that targets these type of developments.

OVERLAYS

Stormwater Management Overlay

One of the profoundly flawed and unnecessary Code policies is DTS/DPF 1.1 Part (b) of the Stormwater Management Overlay with a requirement for the roof area of dwellings to comprise not less than 80% of the impervious area on the site.

The attainment of a minimum 80% dwelling roof coverage to total impervious surfaces for many dwellings is inherently difficult when one proposes a dwelling on a subdivided site and there is a minimum 900mm perimeter pathway *(as required by the Building Code with falls away from footings) and a standard width driveway.

Furthermore, the way to achieve the 80% threshold is often to increase the eaves width and then just vary the applicaiton at building rules consent stage through a Regulation 65

Minor Amendment.

The policy serves no planning purpose not achieved by other policy and does not correlate to the Performance Outcome, seeking to:

PO 1.1

Residential development is designed to capture and re-use stormwater to:

- 1. maximise conservation of water resources*
- 2. manage peak stormwater runoff flows and volume to ensure the carrying capacities of downstream systems are not overloaded*
- 3. manage stormwater runoff quality.*

Part (a) of the DTS criteria outline the size of retention/detention tank dependent on the site area and the percentage of impervious land. The PO is attained by Part (a) without Part (b) being required. Limiting the proportion of the dwelling roof area to overall impervious area does not directly correlate to managing peak flows.

If the planning intent is to limit the amount of impervious area comprised by roof areas on any particular site, the site coverage provisions are already in place to deal specifically with this issue and there is no loophole to avoid these.

Site coverage is designed to limit the total built footprint on sites, presumably to also limit stormwater output from sites, but the Performance Outcome relevant to site cover does not specifically mention this as one of the reasons to limit coverage.

The site coverage provisions are called into the assessment for any additions, sheds and ancillary roofed structures. These are Zone specific and relate to the type of dwelling.

Overall, SW Management Overlay DPF/DTS 1.1 Part (b) serves no purpose other than create complexity in the documentation and assessment. Master Builders suggest removal of this altogether.

It is also highlighted that DTS/DPF 1.1 Part (a) includes an option to plumb rainwater to a hot water service. Having untreated roof water connected to a hot water service conflicts with the plumbing code (NCC Vol 3 and AS 3500.1 (a primary referenced document)) and may void warranties for hot water service units. Where this is an option, it must be reinforced with policy that highlights the risks of this, and how these are to be overcome. Master Builders believes this to be poor policy and is better removed.

River Murray Floodplain Protection Overlay

The limitation of enclosure of the understorey of elevated dwellings to 15m² lacks reference to the previous Development Plan policy, or acknowledgement of the built form character that prevails in most shack settlements. The increase to 60m² for understorey areas for elevated dwellings, with underfloor areas having removable panels and/or roller doors on two sides, is considered to be an appropriate mechanism to achieve the intent of the performance outcomes.

The other issue in this Overlay is the required setback to the River Murray being 50m. In many cases there are shack sites not even 50m deep, such as near Younghusband. The setback in relation to the river should reference adjacent shacks as the previous

Development Plan provisions did.

It is considered that the 1956 floodplain should not necessarily be the sole benchmark to determine propensity for flooding, given this was a 1 in 300 year event, and occurred prior to significant water extraction at the top of the Murray Darling Basin in the form of major cotton and rice production, and additional damming and more advanced locks at the higher parts of the basin. A closer realistic reference for flood risk would be the 1974 level, or 1% AEP, whichever is higher. However, 1% AEP must be mapped and therefore for the interim, the 1974 level may be suitable.

ZONES

General Neighbourhood Zone

The review of the site areas for row and terrace dwellings between the December version of the draft Code and the version as released 19 March 2021 appeared to have been solely undertaken with the views of Local Government taken into consideration. The increase in site areas for this type of development from 200m² to 250m² occurred without the input of industry

The problem with the policy impetus for this form of development is that it does not specifically target areas within the Zone that this is expected, nor where a higher density of dwellings may be expected.

The Desired Outcomes should ideally be shaped in a way that assists in interpretation of the above, with areas located less than 400m from State maintained roads, activity centres, open space or key transport nodes being appropriate for higher than the minimum stated density.

Master Builders SA believes that a reduced site area for terrace/row dwellings could also be provided for applications combining the land use and division which involve two storey dwellings, e.g. 200m² given the criteria of the Code can still be achieved with such dwellings despite a reduction in site area.

Furthermore, the boundaries of the General Neighbourhood Zone should be expanded to target areas that contain large allotments and a high percentage of post-war housing stock in which outdated Development plan policy from yesteryear appears to have been carried over to the Code, stifling development opportunities that thwart housing supply in what are sought after locations. The examples specially includes:

- The whole of St Marys, parts of Daw Park, Melrose Park, lower lying parts of Panorama and Pasadena in City of Mitcham (covered by Suburban Neighbourhood Zone and with outdated policy for infill retained as Technical and Numeric Variations in the Code such as 500m² site areas and minimum 15m frontage requirements for detached housing)
- Some of the "lower" elevated areas south of Seacombe Road that were previously earmarked for Part 2 of the Marion Council's Housing Diversity Development Plan Amendment, where closer to shops, public transport and/or major transport routes, which are currently limited to 700m² minimum site area for sites with gradient 1 in 8 or shallower.

Front setback references

Master Builders SA does not believe the General Neighbourhood policy for front setbacks to be appropriate for areas in which, clearly, a new streetscape character is sought. Reference to “existing” housing stock on adjacent sites facing the same street places limitation on infill and particularly where there is an ad hoc setback pattern in the street and the subject site happens to be alongside one or two remnant post-war dwellings much further from the street than what might be the emerging setback pattern seen in newer dwellings.

DETACHED / SEMI-DETACHED DWELLING CRITERIA

Master Builders SA does not believe there should be separate land size and frontage criteria for detached and semi-detached dwellings where areas containing these differences were previously covered by the Residential Code (Schedule 4-2B of the Development Regulations 2008). There was previously an option to accommodate infill for detached dwellings at the lower of the criteria in such areas. With the change to the new planning system this option has been removed, and with it, infill opportunities have stagnated in some areas.

SITE AREA & FRONTAGE TO GRADIENT CRITERIA

There are many areas where the land sizes and frontage for any given residential form of development is dependent on the gradient of the site. What is not clear is how that gradient is measured, and the wording is counterintuitive in some instances. For example, gradient “less than” 1 in 8 could be interpreted as say, 1 in 6, which is actually steeper. More certainty and rigour built into the relevant policies that apply in this regard would be beneficial for the end user.

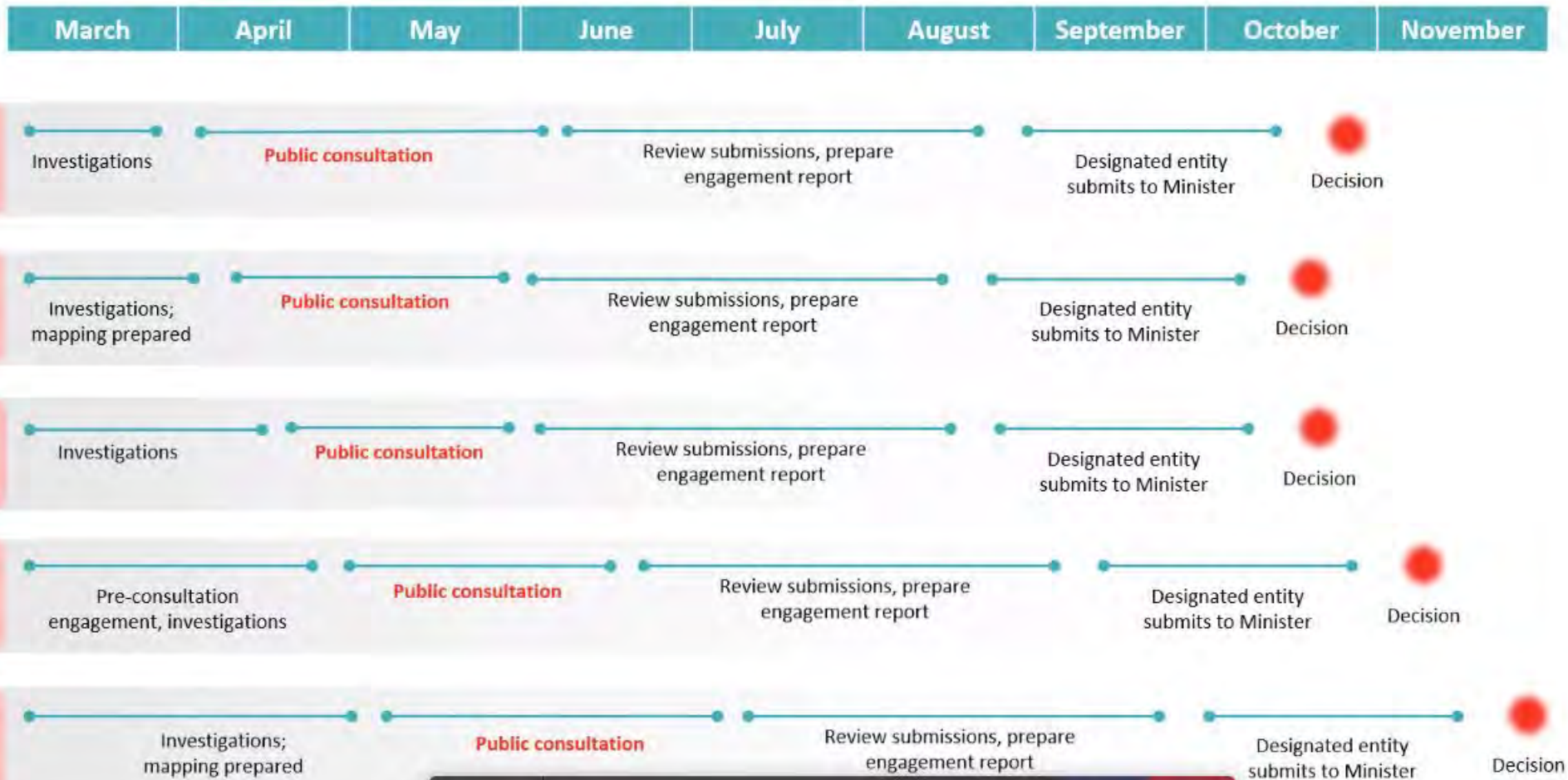
Conclusions

Master Builders SA believes changes to the proposed Planning and Design Code as listed in this submission will provide more clarity to the general public, builders and professionals in the industry as well as improve the performance of the Code.

The timing of the amendment is important as there is a strong demand for property. The carryover of redundant policies from former Development Plans, particularly those that had not changed markedly in over 20 years, has jeopardised the initial thrust of the reform process, in producing a more consistent, streamlined set of planning rules.

The recommended changes to the Code outlined in this submission include some policy mechanisms to provide better development opportunities in inner to middle ring areas that are sought after for housing supply, and reduce the complexity associated with assessment of simple residential types of development.

Code Amendments



56:53

