NOTICE OF SPECIAL COUNCIL MEETING

Notice is hereby given that a Special Meeting of Council will be held on Tuesday 18 February 2020, in the Council Chambers, 43 – 51 Tanunda Road, Nuriootpa, commencing at 10.30am.

Martin McCarthy
CHIEF EXECUTIVE OFFICER
THE BAROSSA COUNCIL

A G E N D A

1. THE BAROSSA COUNCIL
   1.1 Welcome by Mayor Lange - meeting declared open
   1.2 Present
   1.3 Leave of Absence
   1.4 Apologies for Absence

2. DEBATE AGENDA
   2.1.1 Planning and Design Code – Phase 3 Code Amendment – Analysis and Key Submission Response

3. NEXT MEETING
   3.1 Tuesday 17 March 2020 at 9.00am

4. CLOSURE
Mr Martin McCarthy  
Chief Executive Officer  
The Barossa Council  
43-51 Tanunda Road  
Nuriootpa SA 5355  

10 February 2020  

Dear Martin  

Re: Calling of a Special Meeting of Council  

Pursuant to Section 82 of the Local Government Act I hereby request that a special meeting of Council be called for 10.30 am, Tuesday, 18 February 2020.  

I request that the agenda shall consist of the following item:  

1. Planning and design code – phase 3 code amendment – analysis and key submission response.  

Please prepare the necessary agenda and distribute.  

Yours sincerely  

[Signature]  

Bim Lange OAM  
Mayor
2.1. DEBATE AGENDA – DEVELOPMENT POLICY

2.1.1 PLANNING AND DESIGN CODE – PHASE 3 CODE AMENDMENT – ANALYSIS AND KEY SUBMISSION RESPONSE (B3624)

Author: Paul Mickan, Principal Planner

PURPOSE
To receive and endorse a high level overview of the State Planning Commission’s Phase 3 Code Amendment together with key messages to deliver in Council’s submission. The report recommends that Council notes and adopts the analysis and key messages with delegation to the CEO to finalise the submission.

RECOMMENDATION
That Council:

(1) Notes the report and endorses the key messages to be included in its submission on the Phase 3 Code Amendment;

(2) Authorises the Chief Executive Officer to finalise the submission and for this to be submitted to the State Planning Commission by 28 February 2020;

(3) Commits to ongoing collaboration with the State Planning Commission, through the Department of Planning, Transport and Infrastructure to formulate policies which recognise and protect the unique character of the Barossa whilst also allowing ongoing sustainable development;

(4) Requests that Commission re-engages with Councils and the community prior to final approval of the Code Amendment; and

(5) Seeks a deputation with the Minister for Planning and State Planning Commission to discuss Council’s key concerns with the Code Amendment.

REPORT

PLANNING REFORMS RECAP AND CODE CONTEXT

Expert Panel and State Government response
The planning reform program commenced in 2013 with appointment of an ‘Expert Panel on South Australia’s planning system’ (Expert Panel) which released its Final Report in December 2014. The State Government released a subsequent ‘Response of the South Australian Government to the final report and recommendations of the
Expert Panel on Planning Reform in March 2015 which set the framework to implement the various reforms.

The key features of the planning reform program are:

- new legislation in the form of the Planning, Development and Infrastructure Act 2016 (the PDI Act) which is being progressively “switched on”
- Creation of the State Planning Commission (the Commission)
- State Planning Policies
- New assessment pathways and relevant authority structure
- Accredited Professionals Scheme
- An electronic planning system including online lodgement and application management
- A single state-wide planning rule book, the Planning and Design Code (the Code) to replace all Development Plans

**Code implementation**

The Code is being implemented in three phases:

- **Phase 1** (‘outback’ areas including coastal waters): commenced operation 1 July 2019. To confirm, the Code is already in place in those areas
- **Phase 2** (Rural/Regional Council areas with population below 10,000) - Code content will be introduced by the Phase 2 Code Amendment. Consultation on this amendment closed in November 2019 and following an announcement on 7 February the Commission’s intent is to now implement this in July 2020.
- **Phase 3** (Larger Regional Councils and Greater Adelaide Councils including The Barossa Council): Code content will be introduced by the Phase 3 Code Amendment. Consultation on this amendment closes 28 February 2020 and following an announcement on 7 February the Commission’s intent is to now implement this in September 2020.

**Consultation challenges**

Consultation on both Code Amendments has understandably been complex and challenging which is not surprising given the fundamental shift from a multitude of hard copy Development Plans to a single electronically-based Code.

Unfortunately, interpreting and understanding the Code 3 Amendment (the Code Amendment) has been equally complex and challenging, even for planning practitioners, not made easy with a 3,031 page Code Amendment, a 1,229 page Council-specific document (which confusingly contained Zones, Overlays and General Development Policies which will not apply to The Barossa Council); and numerous guidance and fact sheets. Parallel to the Code Amendment the Commission also consulted on multiple discussion papers.

Approximately midway through consultation the Commission released Draft Historic Area Statements and Draft Character Area Statements for affected areas, and in acknowledgement of errors in the document also released a 2,200 page updated classification tables which needed to be read alongside the original 3,000+ page document.

**Update Report**

To its credit, the Commission released an Update Report on 23 December 2019 in response to concerns raised to date during consultation (refer Attachment 1). The report attempts to allay concerns regarding spatial application of zones, transition and loss of local policy, use of outdated information (e.g. flood mapping), ‘out of centre’ retailing, and residential zoning. While it commits the Commission to some
changes, for others it only flags them for review, albeit this is to be done in consultation with Councils and others. Unfortunately in respect to many of our local policies that have been lost we still don’t know if these actions are errors or deliberate policy shifts and accordingly Council’s submission needs to individually address each of these policy changes.

**Character preservation context**

It is important to note that the Barossa region will continue to have special recognition in the planning system through the character preservation legislation, the Planning Strategy addendum, and more recently through the *State Planning Policy 21 Character Preservation (Barossa Valley) Act 2012*. The Commission therefore has an obligation to ensure the Code specifically recognises, protects and enhances the district’s legislated special character. Accordingly, the Code Amendment has been analysed in this context.

**KEY SUBMISSION MESSAGES**

A high level analysis of the Code Amendment is contained in *Attachment 2*.

The following are the key messages to be included in the submission:

1. **The Code structure is logical** and the ‘one-stop’ location of administrative definitions, land use definitions, and agency referral triggers will assist with development application administration and assessment. Inclusion of a number of *contemporary land use definitions* and the ‘includes/excludes’ approach will assist with assigning the right assessment pathway; however the Code would benefit from additional definitions and more additions to the ‘include’ and ‘exclude’ columns to avoid doubt over future change of use within a use class.

2. **Widespread concern exists regarding the complex consultation process** and the numerous errors and missing information in documents. The Commission is urged to use the extended implementation period to *re-engage* with Councils, practitioners and the community following its review of submissions. Engaging in this manner would help *restore public confidence* in the process and ensure the Code and other associated tools such as the e-planning solution are fit for purpose.

3. **The Code is not a like-for-like transition and significant policy shift will occur** with the majority of existing local policy not carried forward. These local policies are largely contained in desired character statements, policy areas, precincts and concept plans, were prepared by, and in consultation with, local communities and have helped shape the unique places we have, in some cases across multiple generations. The adopted Code process also represents a *missed opportunity for change*. The Barossa Council was open to change and had been instructed to use the Code transition process to implement significant policy changes arising from previous strategic planning projects but was not given the opportunity to follow this path.

4. A number of proposed zones will *facilitate retailing activity where it is currently not envisaged*, at a scale which will impact on existing town centres, and which has potential to see land set aside for industry used instead for retailing.

5. Long standing *policies for dwellings in rural areas have been poorly transitioned*. This aspect also represents a missed opportunity for Council to implement previously identified minor policy amendments to address concerns with existing policies; however Council acknowledges the time that has elapsed since the last policy review and will re-engage with its rural communities regarding this
important issue. In the meantime it believes the assessment pathway that best matches the current process is for dwellings on undersized allotments to be Restricted Development in the respective zones and precincts with the exception of dwellings on specified smaller allotments.

6. The proposal to include parts only of the Barossa in a Peri-Urban Zone or similar is not supported, with the need for a separate zone questioned. Application of the proposed zone to only part of the Barossa Valley character preservation district but not to any part of the McLaren Vale character preservation district is inconsistent and illogical. Land use should be addressed through the Rural Zone, water quality aspects be addressed through the relevant catchment Overlays and character preservation aspects addressed through the Character Preservation District Overlay.

7. Significant policy shifts that facilitate reduced lot sizes and frontages in several townships will result in metropolitan-scale development that is out of character with the established Barossa village and township scale and which will undermine the intent of the character preservation legislation. Council acknowledges that potential may exist for higher density and infill development within the larger townships however believes such change should only take place in consultation with each local community, not through standardised metro-focussed policies applied to regional townships.

8. The Code adopts a metro-focussed naming convention. Application of a ‘Suburban Neighbourhood Zone’ to townships is confusing in that they are not suburbs of metropolitan Adelaide. A return to former naming conventions or a review of the new names is recommended.

9. Very few developments are listed as “Restricted Development” in each zones which potentially could lead to inappropriate development. Existing Development Plan zones list various land uses that are clearly inappropriate in the relevant zone and which need to follow a more rigorous assessment and procedural process. Adopting a completely alternative approach where these uses are Performance Assessed Development is considered risky.

10. The proposed mix of assessment pathways, overlays, and public notification policies is anticipated to see a less streamlined system with longer processing times, more applications requiring full planning assessment, more applications requiring public notification, and more applications being determined by assessment panels. This outcome is at odds with the intent of a simplified planning system.

A draft submission framework is contained in Attachment 3. The submission will expand on the above messages and will be accompanied by detailed analyses and recommendations as indicated in the framework.

FUTURE PROJECTS

As indicated, Council was not given the opportunity to implement various recommended outcomes from recent strategic studies through the Code. The Code analysis has also identified additional matters for review such as additional flood hazard mapping.

If Council wish to continue with previously identified changes or new initiatives they will need to be implemented through future Code Amendment(s) (currently known as Development Plan Amendments). Below is an initial list of future projects which Council will need to prioritise and fund accordingly:
• Re-review of dwelling policies in rural areas (update and review previous work undertaken as part of the Rural Areas and Character Review)
• Review township lot sizes, densities and building heights
• Update existing flood hazard mapping where necessary (Nuriootpa, Tanunda, Stockwell and Mount Pleasant)
• Undertake new flood hazard mapping for towns and areas not currently covered by mapping

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
2: High level Code analysis
3: Draft submission framework

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan
- Natural Environment and Built Heritage
- Community and Culture
- Health and Wellbeing
- Business and Employment

Corporate Plan
1.1 Facilitate planned and appropriate development of our townships and district to maintain the character of townships and rural landscapes and to preserve properties and sites which have historic significance.
1.3 Work with community and State Government to manage township boundaries and growth within them to ensure development is planned and appropriate whilst ensuring opportunities for population growth and tourism development.
1.6 Apply development policies to protect places of environmental value and significance.
1.10 Ensure development policies are responsive to current trends through an active development policy review/amendment program.
1.11 Provide transparent, efficient and effective development assessment processes and regulatory activities.
1.12 Build and maintain relationships with other levels of government to ensure development strategies are responsive to regional needs and issues.
2.12 Ensure that development policies are responsive to housing needs (affordability and diversity of housing choice)
5.4 Participate in initiatives, or advocate for, investment in creative industries and cultural tourism.
5.5 Contribute to tourism industry capacity building through the facilitation of tourism infrastructure development, including eco and recreational tourism.

Legislative Requirements
Planning, Development and Infrastructure Act 2016
FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

**Financial**

The financial impacts of the Code are unknown and will be influenced by a number of factors including:

- numbers of applications received
- percentage of applications assessed by external Accredited Professionals
- number of applications to be decided by the Barossa Assessment Panel and in turn the number of meetings required
- number of reviews, appeals, deemed consents

Other impacts could result from increased inspections and compliance. The impacts will require constant monitoring with adjustments made as required.

**Resource**

Council will need to allocate appropriate funds for future strategic review and flood mapping projects. It is possible that external funding might be available for the flood hazard mapping but that would be subject to future State or Federal grant programs.

A risk assessment is being applied which will also identify what resources may be needed to allow smooth transition to the new system for Council.

**Risk**

With any new system there is an element of risk arising from new processes. Staff have applied a risk analysis to the whole reform process which has identified areas for attention and monitoring.

**COMMUNITY CONSULTATION**

The Commission was responsible for consultation on the Code Amendment.
DRAFT PLANNING AND DESIGN CODE

Planning and Design Code Phase Three (Urban Areas) Code Amendment - Update Report
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1. PURPOSE OF THIS REPORT

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

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

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

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

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

2. THE COMMISSION’S ROLE AND NEXT STEPS

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

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

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

The Code is being implemented over three phases:

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

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

4. ENGAGEMENT PROCESS SO FAR

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

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

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

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

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

6.1 **What does a ‘transitional’ Code mean?**

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

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

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

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

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

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

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

A set of online ‘Development Assessment Scenarios’ for different development types is also available on the SA Planning Portal for your use.

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

6.3 What is meant by the ‘spatial application’ of the Code?

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

To assist with the consultation and understanding of the spatial application of the Code, a ‘Planning and Design Code Consultation Map Viewer’ was made available on the SA Planning Portal to demonstrate where zones, overlays and technical and numerical variations apply.
7. PROPOSALS TO IMPROVE THE CODE – KEY POLICY MATTERS

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

7.1 Activity Centres and Retail Development

Building Heights

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

**Code Policy**

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

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

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

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

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

‘Out of Centre’ Retail

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

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

**Aircraft Noise**

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

**Building Heights**

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

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

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

- Activity centre/main street zones: Shops of any floor area are envisaged, not subject to notification, and not classified as restricted.

- Urban mixed use zones: Shops are envisaged, only subject to notification if adjacent to sensitive land uses, and not classified as restricted.

- Suburban mixed use zones: Shops of a certain floor area are envisaged, only subject to notification if adjacent to sensitive land uses, and are restricted if they exceed a specified floor area.

- Employment/rural productive zones: Only small shops or shops that are ancillary to envisaged uses are envisaged (e.g. value-adding). Shops are notified if adjacent to sensitive uses and are restricted if they exceed a specified floor area.

- Residential zones: Only small shops are envisaged and will be subject to notification if they exceed a certain floor area. Large shops are classified as restricted.
7.3 Conservation Zone

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

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

7.4 Flood Mapping

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

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

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

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

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

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

The Code’s residential areas were selected for the General Neighbourhood Zone where:
• the current Residential Development Code is applied
• the current zone seeks diverse housing, facilitates land division, infill development and small lot housing (generally where policies allow minimum site areas of 450m² or less).

In some cases, the General Neighbourhood Zone has been unintentionally applied where:
• Historic Area or Character Area overlays apply
• specific policy applies relating to the management of sloping land
• where the intended land division pattern is for large allotments and wider frontages
• current zoning typically does not seek increased diversity or density.

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

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

7.6 Heritage and Character

Historic Area and Character Area Statements

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

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

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

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

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

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

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

7.7 Land Division

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

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

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

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

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

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

7.9 Peri-Urban Zone

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

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

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

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

**Proposal:** To apply a new naming convention to the Peri-Urban Zone that better reflects the intent of the Zone.
8. PROPOSALS TO IMPROVE THE CODE – KEY TECHNICAL MATTERS

8.1 Classification Tables

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

Updated Code Classification Tables are available for download from the SA Planning Portal.

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

8.2 Drafting Improvements

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

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

8.3 Overlays and Accepted / Deemed-to-satisfy Development

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

Testing of overlays has revealed that some are unintentionally reducing accepted or deemed-to-satisfy pathways. The Commission recognises additional work is required to reduce this impact to ensure assessment processes are not complicated for simple developments such as housing, outbuildings, fencing, verandahs and pools.
Proposal: The Commission will seek to improve overlays and will continue to work with key stakeholders, including other state agencies, to refine them in the Code and ensure their application does not unreasonably prevent simple and expected classes of development from following accepted or deemed-to-satisfy assessment pathways.

CASE STUDY - Building Near Airfields Overlay

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

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

Map: Current Building Near Airfields Overlay in Metropolitan Adelaide

8.4 Public Notification

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

- unnecessary notifications of envisaged land uses
- unnecessary notifications due to the proposed development being located adjacent to land in another zone
• simple developments triggering notifications where they fail to meet minor criteria
• poor definition of the term ‘minor nature’
• Inconsistency in structure and wording of notification tables which is causing issues for interpretation and application.

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

8.5 Technical and Numeric Variations

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

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

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

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

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

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

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

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

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

The Department’s reform email address DPTI.PlanningReform@sa.gov.au has been promoted during the consultation and has been receiving email enquiries from members of the public.
APPENDIX 1 – MINOR CODE DRAFTING IMPROVEMENTS TABLES

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

General

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

<table>
<thead>
<tr>
<th>Identified issue</th>
<th>Proposed amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drafting correction: Reference to ‘Designated Performance Outcome’ should be ‘Designated Performance Feature’</td>
<td>Change wording from ‘Designated Performance Outcome’ to ‘Designated Performance Feature’</td>
</tr>
<tr>
<td>Drafting correction: Technical and numeric variations aren’t an overlay</td>
<td>Remove the term ‘overlay’ in references to technical and numeric variations.</td>
</tr>
</tbody>
</table>

Part 1 – Rules of Interpretation

<table>
<thead>
<tr>
<th>Identified issue</th>
<th>Proposed amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>‘Spatial Information’ section would benefit from additional interpretation notes</td>
<td>Amend to specify where the spatial information and mapping are located, and outline how they are to be used to apply the relevant policies and rules in the Code.</td>
</tr>
<tr>
<td>Technical and Numeric Variations would benefit from additional interpretation notes</td>
<td>Insert an additional section outlining the role and function of technical and numeric variations, and how they are applied under section 66(4) of the PDI Act.</td>
</tr>
<tr>
<td>Explanation to be inserted regarding Procedural Matters - Notification</td>
<td>Insert and additional section which explains the role of ‘notification’ tables, which can exclude classes of performance assessed development from requiring public notification under section 107(6) of the PDI Act.</td>
</tr>
</tbody>
</table>
Part 2 – Zones and Subzones

CAPITAL CITY ZONE

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables

Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables

Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables

Table 4 – Restricted Development Classification

Identified issue Proposed amendment

Drafting correction: DTS / DPF 4.3 (a) refers to DTS / DPF 5.1 in relation to building height. This reference is incorrect.

Replace ‘DTS / DPF 5.1’ with ‘DTS / DPF 4.1’

Procedural Matters

CITY LIVING ZONE

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables

Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables

Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables

Table 4 – Restricted Development Classification

Identified issue Proposed amendment

Drafting has RESTRICTED development associated with or ancillary to any existing non-residential or institutional activity identified on any relevant Concept Plan contained in the Concept Plan Technical and Numeric Data Overlay. This is inconsistent with the intent of the Zone’s policy (PO 1.5) that allows limited expansion onto a directly adjoining site.

Replace current text with: "Development associated with or ancillary to any existing non-residential or institutional activity identified on any relevant Concept Plan contained in the Concept Plan Technical and Numeric Variation Overlay that is not within, or on a site directly adjoining, the site identified on the Concept Plan" or similar.

Assessment Provisions

Procedural Matters
CITY MAIN STREET

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables

Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables

Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables

Table 4 – Restricted Development Classification

Assessment Provisions

<table>
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<tr>
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</thead>
<tbody>
<tr>
<td>The proposed City Main Street Zone is currently contained within the Capital City Zone. The Capital City Zone’s over building height policy that allows development over the prescribed level in certain circumstances has not been carried over.</td>
<td>Introduce the policy into the City Main Street Zone (same as the Code Capital City Zone PO / DTS-DPF 4.1 &amp; 4.2)</td>
</tr>
</tbody>
</table>

Procedural Matters

EMPLOYMENT

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables

Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables

Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables

Table 4 – Restricted Development Classification

Assessment Provisions

<table>
<thead>
<tr>
<th>Identified issue</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Drafting correction: Industry excluding Special Industry is listed as a restricted Class of Development. It was intended that Special Industry be listed as a Restricted Class of Development</td>
<td>Delete ‘Industry’ as a Class of Development column and delete ‘Special Industry’ from Exclusions column. Replace with: ‘Special Industry’ as a Restricted Class of Development.</td>
</tr>
</tbody>
</table>

Procedural Matters
GENERAL NEIGHBOURHOOD

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables

Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables

Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables

Table 4 – Restricted Development Classification

Assessment Provisions

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</thead>
<tbody>
<tr>
<td><strong>PO 8.2 and DTS / DPF 8.1</strong> Drafting correction: This policy conflicts with General Policy. Façade design is addressed in Design in Urban Areas PO 1.2 and DTS / DPF 18.2 and is the relevant policy referenced in the Classification Tables in the General Neighbourhood Zone.</td>
<td>Delete PO 8.2 and DTS / DPF 8.2</td>
</tr>
</tbody>
</table>

**New** Missing Policy: There is no side boundary setback specified in the Zone.

Insert new PO: Buildings are set back from side boundaries to provide:
- separation between dwellings in a way that contributes to a suburban character; and
- access to natural light and ventilation for neighbours.

Insert new DTS/DPF: Other than walls located on a side boundary, buildings are set back from side boundaries:
- at least 900mm where the wall is up to 3m measured from the top of the footings;
- other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m measured from the top of the footings; and
- at least 1900mm plus 1/3 of the wall height above 3m measured from the top of the footings for walls facing a southern side boundary.

**New** Missing Policy: There is no rear boundary setback specified in the Zone

Insert new PO: Buildings are set back from rear boundaries to provide:
- separation between dwellings in a way that contributes to a suburban character;
- access to natural light and ventilation for neighbours;
- private opens space; and
- space for landscaping and vegetation.

Insert new DTS / DPF: Buildings setback from the rear boundary at least:
- 3m for the first building level; and
- 5m for any second building level.

Procedural Matters
HOUSING DIVERSITY NEIGHBOURHOOD

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables

Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables

Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables

Table 4 – Restricted Development Classification

Assessment Provisions

<table>
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</thead>
<tbody>
<tr>
<td>PO 9.1 and DTS / DPF 9.1</td>
<td>Drafting correction: This policy conflicts with General Policy. Façade design is addressed in Design in Urban Areas PO 18.2 and DTS / DPF 18.2 and is the relevant policy referenced in the Classification Tables in the General Neighbourhood Zone. Delete PO 9.1 and DTS / DPF 9.1.</td>
</tr>
</tbody>
</table>

Procedural Matters

RURAL

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables

Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables

Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables

Table 4 – Restricted Development Classification

Assessment Provisions

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</thead>
<tbody>
<tr>
<td>Missing policy: It was intended that the zone include a PO and DTS / DPF relating to minimum dwelling allotment sizes and a related Technical and Numeric Variation.</td>
<td>Dwellings: (a) are located on an allotment with an area not less than that specified in the Minimum Dwelling Allotment Size Technical and Numeric Variation Overlay; (b) are located on and have a demonstrated connection with an allotment used for primary production or value adding; will not result in more than one dwelling on an allotment.</td>
</tr>
</tbody>
</table>

Procedural Matters
SUBURBAN ACTIVITY CENTRE

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

Assessment Provisions

Identified issue | Proposed amendment
---|---

Refer to section titled Building Heights in Activity Centres and Retail

Procedural Matters

SUBURBAN BUSINESS AND INNOVATION

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

Assessment Provisions

Identified issue | Proposed amendment
---|---

Refer to section titled Building Heights in Activity Centres and Retail

Procedural Matters

SUBURBAN MAIN STREET

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

Assessment Provisions

Identified issue | Proposed amendment
---|---

Refer to section titled Building Heights in Activity Centres and Retail

Procedural Matters
### URBAN ACTIVITY CENTRE ZONE

<table>
<thead>
<tr>
<th>Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables</th>
</tr>
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<tr>
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<tr>
<td>Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables</td>
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<td>Table 4 – Restricted Development Classification</td>
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</table>

**Assessment Provisions**

<table>
<thead>
<tr>
<th>Identified issue</th>
<th>Proposed amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Missing Policy:</strong> There is no DTS/DPF identifying uses that are envisaged in the zone.</td>
<td>Insert new DTS / DPF: Development comprises one or more of the following land uses: Cinema Consulting room Community facility Educational establishment Emergency services facility Health facility Hospital Hotel Indoor recreation facility Library Office Place of worship Pre-school Public transport terminal Recreation area Retail fuel outlet Service trade premises Shop; or Tourist accommodation.</td>
</tr>
</tbody>
</table>

**Procedural Matters**
URBAN CORRIDOR (BOULEVARD) ZONE

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables

Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables

Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables

Table 4 – Restricted Development Classification

Assessment Provisions

Identified issue

Proposed amendment

PO 3.2  Drafting correction: Include the diagram (same as other Urban Corridor Zones).

PO 3.1 is missing the building envelope diagram.

Procedural Matters

URBAN CORRIDOR (BUSINESS) ZONE

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables

Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables

Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables

Table 4 – Restricted Development Classification

Assessment Provisions

Identified issue

Proposed amendment

DTS / DPF 3.2: Drafting correction: Include the introductory text for DTS/DPF 3.2 (same as other Urban Corridor Zones).

DTS / DPF 3.2 provides a diagram but no supporting policy.

Procedural Matters

URBAN CORRIDOR (MAIN STREET)

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables

Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables

Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables

Table 4 – Restricted Development Classification

Assessment Provisions

Identified issue

Proposed amendment

New  Missing Policy: Include Catalyst Site policy that currently applies in the various Main Street Zones in the Adelaide (City) Development Plan.

The Urban Corridor (Main Street) Zone should include a policy relating to Catalyst sites, which will apply to some land within the City of Adelaide.

Procedural Matters
URBAN RENEWAL NEIGHBOURHOOD

Table 1 – Accepted Development Classification – refer to Updated Code Classification Tables

Table 2 – Deemed-to-Satisfy Development Classification – refer to Updated Code Classification Tables

Table 3 – Applicable Policies for Performance Assessed Development – refer to Updated Code Classification Tables

Table 4 – Restricted Development Classification

Assessment Provisions

Identified issue | Proposed amendment
---|---
PO 1.1  | *Policy conflict:* This zone seeks urban renewal and medium – high density development. The current PO envisages a ‘spacious and peaceful lifestyle for individual households’ Replace PO 1.1 with: *A diverse range of residential accommodation and supporting uses that make the neighbourhood a convenient place to live.*

PO 9.1 and DTS / DPF 9.1  | *Drafting correction:* This policy conflicts with General Policy. Façade design in addressed in Design in Urban Areas PO 18.2 and DTS / DPF 18.2 and is the relevant policy referenced in the Classification Tables in the Urban Renewal Neighbourhood Zone. Delete PO 9.1 and DTS / DPF 9.1.

Procedural Matters

**Part 3 – Overlays**

**REGULATED TREE**

Assessment Provisions

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

Procedural Matters
### URBAN TRANSPORT ROUTES

#### Assessment Provisions

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

#### Procedural Matters

### Part 4 – General Development Policies–

#### AQUACULTURE

#### Assessment Provisions

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

Assessment Provisions

<table>
<thead>
<tr>
<th>Identified issue</th>
<th>Proposed amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Policy gap</td>
<td>Insert new PO: Land division creates allotments suitable for their intended use.</td>
</tr>
<tr>
<td></td>
<td>Insert new DTS: Division of land reflects the site boundaries illustrated and approved in an operative or existing development authorisation under the Development Act 1993 or Planning, Development and Infrastructure Act 2016, or division of land proposed as part of a combined application for land division and deemed-to-satisfy dwellings that reflects the sites of those dwellings, where: a) the allotments are used or are proposed to be used solely for residential purposes; and b) the application does not create more than six additional allotments.</td>
</tr>
</tbody>
</table>

Part 5 – Designated Areas

Table 1 – Designated Areas

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

Part 6 – Index of Technical and Numeric Variations

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

Despite reservations about process and concerns with policy content addressed in this report and attachments, the final Code will deliver many positive outcomes:

- A logical structure with Zones, Sub-Zones and Overlays with a clear hierarchy of policies
- Administrative provisions including administrative definitions
- Contemporary land use definitions and the use of an ‘includes’ and ‘excludes’ column that will assist with assigning the right assessment pathway and which should reduce the need for legal advice to determine the true nature of a development. However the tables would benefit from additional definitions and more additions to the ‘include’ and ‘exclude’ columns to avoid doubt.
- More flexible assessment pathways, but arguably too flexible in some cases?
- Use of Overlays provides clearer indicators when referrals are required – e.g. Advertising Near Signalised Intersections Overlay
- Reformatting of zones where all forms of development are currently non-complying and which currently hamper common and minor developments

What the Code could do better

- Introduce policies to address interface issues between rural activities – e.g. vineyards establishing adjacent to cropping land
- Introduce appropriate assessment pathways for domestic scale renewable energy facilities including battery storage
- Protect existing industries from encroachment by sensitive uses – e.g. potential for buffer around all areas in Resource Extraction Zone (not just a handful)
- Incorporate external documents – e.g. Codes of Practice
- Incorporate diagrams to assist to deliver good design outcomes

What the Code does poorly

- Loss of local Desired Character Statements at zone, policy area, and precinct levels. These contain important local contextual detail which guides design and assessment
- Inconsistent approach to concept plans with some councils privileged to retain theirs but others like Barossa losing them all
- Limited use of sub-zones – i.e. the City of Adelaide is granted 13 of the 28 proposed sub-zones and curiously Coober Pedy gains an Underground sub-zone
- Very few developments listed in zones as “Restricted Development” – e.g. in Rural Living Zone only “Shop” is listed – meaning all other developments such as General Industry, Cemetery, Warehouse are Performance Assessed Development. Is this appropriate?
- Overzealous linking of overlays with assessment pathways – e.g. application of the Native Vegetation Overlay to the entire Barossa council area (including townships) results in many Accepted Development types becoming Performance Assessed which will mean development that did not previously require planning consent now having to undergo a full planning and building
assessment process and public notification. This outcome appears at odds with the intent of a simplified planning system and will create undue costs and delays.

- Although the Character Preservation District Overlay will provide better direction than existing policies, opportunity exists to further enhance the Overlay’s role. As the Overlay has been extended to include townships it too has a consequential impact on assessment pathways

What are the likely outcomes?

- A large number of envisaged developments being publicly notified, largely due to the introduction of a "the site of the development is adjacent land to land in a different zone" trigger with the effect that many basic developments on a property on the boundary of even two rural zones would require notification
- Anticipated increase in development applications to be determined by a Council assessment panel
- Undermining of long established activity centre hierarchies leading to potential blight and decay in activity centres

Positive changes for our Council

- Removal of non-complying design triggers for dwellings in the Primary Production Zone
- Elevation of Tanunda Historic Character Policy Area 2 and Lyndoch Residential Historic Character Policy Area 5 to Historic Area Overlay providing a higher level of protection and direction
- Demolition control maintained in historic areas
- Local Heritage Places transitioned
- Increased opportunities for value adding and diversification in rural areas
- Specific policies for function centres and tourist accommodation facilities in rural areas; however some additional changes are warranted

Negative changes for our Council – lost policies

The Code Amendment removes significant local policy much of which has been in place since the mid-1990s but some of which was introduced just a month or so prior to consultation commencing:

- Precincts and other tools relating to dwellings in rural areas (introduced in mid-1990s and 2011):
  - Primary Production (Barossa Valley Region) Zone (valley floor) (25 ha minimum)
  - Paper Town precinct (32 ha)
  - Moculta precinct (60 ha)
  - Barossa Range precinct (100 ha)
  - Rural Landscape Protection Zone (100 ha)
  - Various amalgamation options
  - Infill dwelling sites list
  - Kroemer Crossing concept plan area
- Concept Plans and associated policies:
  - Kroemers Crossing concept plan and associated policies which facilitate non-primary production development (e.g. dwellings, tourist facilities, commercial uses)
Sturt Highway light industry and warehouse area policies – site specific policies for ongoing use and development of light industrial, warehouse and storage uses

Moppa Road South Industry – site specific policies for Hahn Corporation site to address interface and access issues

Commercial Zone policies to restrict additional fast food outlets (2005)

Policy Areas or Precincts and associated local policies:

- Mount Pleasant residential and mixed use policies (2010)
- Kalimna Road residential policies seeking larger allotments (2011)
- Tanunda East policies in particular rural/urban interface policies (2013)
- Lyndoch policies in particular rural/urban interface policies (2015)
- Sturt Highway Service Centre Policy Area policies (2019)
- Town Centre Policy Areas in Lyndoch, Mount Pleasant and Williamstown

Negative changes for our Council – new zones and revised policies

The Code Amendment also proposes a number of new zones or revised policies such as minimum lot sizes and frontages in residential areas with potential negative outcomes:

- Peri-Urban Zone applied to the ‘valley floor’ (land currently within Primary Production (Barossa Valley Region) Zone) and to land currently within the Watershed Protection (Mount Lofty Ranges) Zone – A lot rides on a name...
- Reduction of dwelling lot sizes and frontages – e.g:
  - Nuriootpa various – reduced from 420 m²/15 m site area/frontage to 300 m²/9 m
  - Kalimna Road – reduced from 1000 m² average to 500 m²
  - Angaston and Tanunda various – reduced from 500 m²/15 m to 300 m²/9 m
  - Tanunda Goat Square – reduced from 500 m²/15 m to 300 m²/9 m
  - Tanunda East – current 500 m²/15 m removed with no minimums indicated
  - Mount Pleasant – no minimum frontage indicated
- Within the residential areas of several townships Building Height Technical and Numeric Variations Overlays have been introduced providing for 2 storey and 9 m height whereas existing policies speak against 2 storey development
- Removal of policies for Tanunda and Lyndoch growth areas which guide the orientation of residential development on the township/rural interface
- Changes to facilitate higher density development in parts of several townships, and removal of policies which guide built form on township edges, will undermine the intent of character preservation legislation.
- Sturt Highway Service Centre site included in Employment Zone with no local policies maintained, with 6 storey and 22 m building height introduced
- Illapara Winery site on Menge Road included in Deferred Urban Zone
- Commercial Zone and Light Industry Zone replaced with Suburban Employment with increased retail potential with associated impact on town centres
- Industry (Barossa Valley Region) Zone replaced with Employment Zone. More flexible assessment pathways but increase retail potential with associated impact on town centres
- Nuriootpa town centre split into two zones: Township Activity Centre Zone and Township Main Street Zone – NOTE: inconsistent approach adopted for towns in our Council than in Light Regional Council – e.g. Marananga given higher status than Tanunda
• Rural Living zoned land at Cromer and Mount Crawford included in Rural Zone (surrounded by Peri-Urban zoned land)

Changes with no adverse impact for our Council...

The Code Amendment proposes a number of changes that have little or no adverse impact, several of which have previously been advocated in Council’s last Strategic Directions Report or Rural Areas and Character Review:

• Contributory items not transitioned; however these items were simply an address in a table with no additional information as to how the building contributed to the historic character. Demolition control and assessment processes for replacement buildings remain
• Rural Landscape Protection Zone replaced with Rural Zone with a Significant Landscape Protection Overlay
• Light Industry Policy Areas in Lyndoch and Williamstown placed in Suburban Employment Zone; however concerns with flexible retail policies
• Recreation Policy Areas in Stockwell, Lyndoch. Mount Pleasant and Williamstown placed in Recreation Zone, but ovals in Angaston and Tanunda remain in a residential zone
• Barossa Exclusion Area not transitioned. These policies were introduced in 2006 to restrict wineries and cellar doors in those parts of the Mount Lofty Ranges Watershed which lay outside the Adelaide Hills Wine Region. They were introduced via a Ministerial Plan Amendment Report; however currently sit in an ‘island’ in that relaxed policies were subsequently introduced in other rural areas by the new Development Plan in 2011.
• Rural Living precincts removed, replaced by Lot Size Minimum Technical and Numeric Variations layers
• Heritage:
  o Historic Conservation Areas included in Historic Area Overlay with demolition control maintained. As previously indicated, contributory items have not been carried forward
  o Tanunda Historic Character Policy Area and associated precincts ‘elevated’ to Historic Area Overlay with demolition control maintained
  o Lyndoch Residential Historic Character Policy Area included in Character Area with demolition control lost. NOTE: understood, but not confirmed that the Commission acknowledges this is an error – should be Historic Area
• Character:
  o Character Preservation District Overlay maintained but extended to include townships but consequential impact on assessment pathways
  o Low Density Precinct (Nuriootpa) included in Suburban Neighbourhood Zone with 600 m² minimum lot size
  o Eden Valley Character Precinct and Springton Character Precinct included in Character Area Overlay
ATTACHMENT 3

PLANNING AND DESIGN CODE – PHASE 3 CODE AMENDMENT – DRAFT SUBMISSION FRAMEWORK

Submission structure

1. Introduction
2. Key messages
3. Detailed comments
4. Spatial analysis and recommendations:
   a. Mapping errors
   b. Mapping improvements
5. Code analysis and recommendations
6. Appendices:
   a. Zone comparison
   b. Local policy review
   c. Code testing results

NOTE: THIS IS FOR INFORMATION ONLY AND WILL NOT BE INCLUDED IN THE SUBMISSION

1. INTRODUCTION

The Barossa region is given special recognition in the planning system through the Character Preservation (Barossa Valley) Act 2012; a subsequent Addendum to two volumes of the South Australian Planning Strategy: The 30-Year Plan for Greater Adelaide and Murray and Mallee Region Plan; and more recently through the State Planning Policy 21 Character Preservation (Barossa Valley) Act 2012. The underlying intent of each of these tools is that the special character of the district is recognised, protected and enhanced while providing for the economic, physical and social wellbeing of the communities within the district.

The Commission therefore has an obligation to ensure the Code specifically recognises, protects and enhances the district’s legislated special character. Accordingly, the Code Amendment has been analysed in this context.

2. KEY MESSAGES

1. The Code structure is logical and the ‘one-stop’ location of administrative definitions, land use definitions, and agency referral triggers will assist with development application administration and assessment. Inclusion of a number of contemporary land use definitions and the ‘includes/excludes’ approach will assist with assigning the right assessment pathway; however the Code would benefit from additional definitions and more additions to the ‘include’ and ‘exclude’ columns to avoid doubt over future change of use within a use class.

2. Widespread concern exists regarding the complex consultation process and the numerous errors and missing information in documents. The Commission is urged to use
the extended implementation period to re-engage with Councils, practitioners and the community following its review of submissions. Engaging in this manner would help restore public confidence in the process and ensure the Code and other associated tools such as the e-planning solution are fit for purpose.

3. The Code is not a like-for-like transition and significant policy shift will occur with the majority of existing local policy not carried forward. These local policies are largely contained in desired character statements, policy areas, precincts and concept plans, were prepared by, and in consultation with, local communities and have helped shape the unique places we have, in some cases across multiple generations. The adopted Code process also represents a missed opportunity for change. The Barossa Council was open to change and had been instructed to use the Code transition process to implement significant policy changes arising from previous strategic planning projects but was not given the opportunity to follow this path.

4. A number of proposed zones will facilitate retailing activity where it is currently not envisaged, at a scale which will impact on existing town centres, and which has potential to see land set aside for industry used instead for retailing.

5. Long standing policies for dwellings in rural areas have been poorly transitioned. This aspect also represents a missed opportunity for Council to implement previously identified minor policy amendments to address concerns with existing policies; however Council acknowledges the time that has elapsed since the last policy review and will re-engage with its rural communities regarding this important issue. In the meantime it believes the assessment pathway that best matches the current process is for dwellings on undersized allotments to be Restricted Development in the respective zones and precincts with the exception of dwellings on specified smaller allotments.

6. The proposal to include parts only of the Barossa in a Peri-Urban Zone or similar is not supported, with the need for a separate zone questioned. Application of the proposed zone to only part of the Barossa Valley character preservation district but not to no part of the McLaren Vale character preservation district is inconsistent and illogical. Land use should be addressed through the Rural Zone, water quality aspects be addressed through the relevant catchment Overlays and character preservation aspects addressed through the Character Preservation District Overlay.

7. Significant policy shifts that facilitate reduced lot sizes and frontages in several townships will result in metropolitan-scale development that is out of character with the established Barossa village and township scale and which will undermine the intent of the character preservation legislation. Council acknowledges that potential may exist for higher density and infill development within the larger townships however believes such change should only take place in consultation with each local community, not through standardised metro-focussed policies applied to regional townships.

8. The Code adopts a metro-focussed naming convention. Application of a ‘Suburban Neighbourhood Zone’ to townships is confusing in that they are not suburbs of metropolitan Adelaide. A return to former naming conventions or a review of the new names is recommended.

9. Very few developments are listed as "Restricted Development" in each zones which potentially could lead to inappropriate development. Existing Development Plan zones list various land uses that are clearly inappropriate in the relevant zone and which need to follow a more rigorous assessment and procedural process. Adopting a completely alternative approach where these uses are Performance Assessed Development is considered risky.
10. The proposed mix of assessment pathways, overlays, and public notification policies is anticipated to see a **less streamlined system** with longer processing times, more applications requiring full planning assessment, more applications requiring public notification, and more applications being determined by assessment panels. This outcome is at odds with the intent of a simplified planning system.

3. **DETAILED COMMENTS**

Consultation concerns

It is evident from submissions made on the Phase 2 Code Amendment, from comments heard at information sessions run by the Commission, and from other forums that there is widespread concern about the consultation process itself. These concerns include questioning whether the Commission’s consultation approach has been in accordance with its own **Community Engagement Charter** in terms of not being genuine, inclusive and respectful, fit for purpose, or informed and transparent.

The Commission should therefore be well aware of these concerns and Council will not dwell on this aspect. However with the news that finalisation of the Code is to be delayed, Council urges the Commission to use the extended period to re-engage with Councils, practitioners and the community following its review of submissions. Engaging in this manner would help restore public confidence in the process and ensure the Code and other associated tools such as the e-planning solution are fit for purpose.

Policy shifts will occur

The Commission and Department of Planning, Transport and Infrastructure (DPTI) staff continue to advise that the Code largely comprises a “straight transition” from existing South Australian Planning Policy Library (SAPPL) and Development Plan policies, indicating there is no major policy shift.

A like-for-like transition has never been possible primarily due to new assessment pathways and the current structure of some existing zones – e.g. zones where all forms of development are non-complying where most forms of development will ‘drop’ to Performance Assessed Development status. Council is by no means suggesting this is inappropriate, rather it simply wants to highlight that in a large number of cases there are significant ‘procedural-type’ policy shifts and that the Commission needs to acknowledge this.

While these types of policy shift are likely to be received positively by affected land owners, the broader community, including resident or special interest groups are likely to interpret things differently and given the magnitude of documentation these stakeholders are unlikely to be aware of these changes, and on receiving the ‘like-for-like’ message from the Commission, are likely to have not actually looked into the changes which could affect them.

A concerning reality is that the majority of existing local policy has **not** been carried forward. While technically many zone policies might have been transitioned across, the new zones and spatial application of these zones results in significant policy shifts. An example is the “Employment Zone” which is a completely new zone with no corresponding zone in SAPPL. Effectively it applies to any land currently zoned “Industry” but the policy content is significantly different, for example in existing industry zones shops are not
envisioned and standard policy is that shops greater than 80 m² are non-complying; whereas in the Employment Zone bulky goods outlets of any size and shops up to 500 m² appear to be supported. These are significant shifts which could impact on existing town/activity centres.

DPTI staff acknowledge that the draft Code contains mapping and text errors – e.g., dual application of both the Historic Area Overlay and Character Area Overlay to parts of Tanunda, and Technical and Numeric Variations (such as lot sizes) that are inconsistent with existing Development Plan policy. While the recent Update Report confirms some of these errors and indicates how the Commission will address them, unfortunately the report does not address many of the significant policy changes and therefore in the meantime Council is no better informed as to whether those changes that cause concern or confusion are errors or deliberate or consequential policy shifts arising from the simplification and rationalisation of zones.

Further evidence that the Code Amendment is not a straight transition are the numerous examples in The Barossa Council where properties and areas have been completely rezoned. These cases will be addressed in detail separately but they include the rezoning of site of a proposed highway service centre from a primary production zone to Employment Zone and the introduction of a completely new Peri-Urban Zone for parts of the council area.

**Missed opportunity for change**

The Commission should not have been adverse to any policy change. Arguably if the Code was strictly a like-for-like transition with no change, then we could find at the end of the process that apart from new assessment pathways, new relevant authorities, new and longer time frames etc, the planning reforms had delivered no actual policy reform.

The Barossa Council was open to change and in fact had been instructed by DPTI to use the Code transition process to implement significant policy changes arising from two major strategic planning projects in lieu of Development Plan Amendments – the Rural Areas and Character Review and Kalbeeba Infill Study. In both cases Council had initiated a Development Plan Amendment but were discouraged to continue with those processes and to instead use the Code transition process to propose changes. While some of our initiatives will be delivered through new assessment pathways in the rural zones, Council was not given the opportunity to consider other changes leaving Council to wonder whether it should have pursued with the original DPAs.

Much is made of the reduction in the number of zones, reduction in combined pages etc, but those scrapped zones and pages represent real local policies prepared by, and in consultation with, the local communities, and which have operated to shape the unique places we have, in many cases across multiple generations. The PDI Act provides scope for sub-zones but the Code Amendment only applies these in a few instances.

**Weakened policies for dwellings in rural areas**

The Barossa Council Development Plan currently contains policies designed to restrict construction of dwellings on existing allotments in our primary production zones. The policies were introduced in the mid-1990s and generally only allow the construction of one dwelling per rural allotment, but significantly in several areas require the allotment to be of a minimum size in order for a dwelling to be an on-merit form of development as opposed to non-complying.
Current policies vary across the council area, with different minimum allotments sizes applying in different areas, and in some areas, no non-complying minimum lot size is listed – e.g. in the Primary Production (Barossa Valley Region) Zone it is 25 ha, in the Barossa Range Precinct in the Primary Production Zone it is 60 ha; in the Rural Landscape Protection Zone it is 100 ha – whereas in the Watershed Protection (Mount Lofty Ranges) Zone there is no minimum specified where a dwelling on an allotment of any size is assessed on its merits (subject to meeting other requirements such as wastewater disposal).

Council reviewed these policies in detail in 2014 through the Rural Areas and Character Review with the study recommending some minor tweaking to recognise that a number of very small allotments exist in the affected areas which are too small for primary production but which might be able to accommodate a dwelling.

A significant concern is that the Code Amendment as exhibited does not transition across the various minimum lot sizes for dwellings which means that approx. 1,000 rural allotments would consequently be ‘opened up’ for a dwelling – in other words, a dwelling on those 1,000 or so allotments is currently non-complying but under the exhibited Code it would be Performance Assessed Development with no indication whatsoever of a desired allotment size.

Council was therefore relieved to read in the Commission’s Update Report that these lot size policies were omitted in error and that the Commission will introduce a new “Minimum Dwelling Lot Size” Technical and Numeric Overlay to reflecting the various provisions that currently exist. This leaves the question as to what assessment pathway should apply to dwellings on ‘undersized’ allotments – i.e. whether it would be Performance Assessed Development or Restricted Development, presumably with the intended “Minimum Dwelling Lot Size” TNV called up in either Table 3 or Table 4 in relevant zones.

Council believes that the assessment pathway that best matches the current process is for dwellings on undersized allotments to be Restricted Development in the respective zones and precincts with the exception of dwellings on smaller allotments as recommended by the review - i.e. lots that are between 0.4 ha and 10% of the specified minimum.

Council does not take this position lightly given Council’s very limited role in this assessment process but would be concerned about the potential influx of applications if future proposals followed a Performance Development route.

Through this analysis process Council has noted the time that has elapsed since the Rural Areas and Character Review was conducted and that it should re-engage with its rural communities regarding this important issue.

Why a separate ‘Peri-Urban’ or similar zone?

Council considers ‘peri-urban’ to be a geographic or economic concept, and while Adelaide, like all major cities, has a peri-urban area, it is not an appropriate name for a planning zone. While a response might be “it’s only a name” the Commission needs to appreciate that a lot rides on a name. People invariably consider a zone name as an indicator of the primary intent of that zone – e.g. the current “Residential” and “Light Industry” zones give a clear indication of what land uses are intended in that zone – and Council respectfully suggests that people would be somewhat confused as to what land uses are intended within a “Peri-Urban” Zone.
Council was therefore pleased to note that the Commission’s Update Report indicates that it will consider a different name; however Council respectfully questions why a separate zone is required in the first place. The concept raises a number of questions:

- Why are parts only of The Barossa Council and Light Regional Council areas placed in a different zone to the balance of those council areas?
- Why should a different zone apply to a part of the Barossa wine region than what applies to the McLaren Vale wine region?
- Why does the Peri-Urban Zone or its alternative only apply to part only of the Barossa Valley character preservation district?
- Why is a different approach followed with the McLaren vale character preservation district?
- Why is the same zone applied to the sensitive Mount Lofty Ranges Watershed as to some portions of a character preservation district?

It is respectfully suggested that land use be addressed through the Rural Zone, that water quality aspects be addressed through the relevant catchment Overlays and that character preservation aspects be addressed through the Character Preservation District Overlay.

The Barossa Council has previously presented its suggested zone ‘mix’ to DPTI: a single Rural Zone to apply to our primary production areas with one or more ‘targeted’ overlays – e.g. Character Preservation District Overlay, Significant Landscape Protection Overlay and the Mount Lofty Ranges Catchment overlays.

Our vision was that the Rural Zone would contain contemporary policies to encourage value-adding, diversification etc with the various overlays addressing character aspects such as built form, siting, excavation and filling. It was envisaged any undesired land uses or outcomes could be designated as Restricted Development by virtue of being within one of the overlays. At the time we also envisaged various sub-zones might carry forward local policies such as the minimum dwelling lot sizes discussed above however it is acknowledged the subsequent TNV approach may be an appropriate tool in that regard.

The above approach is in accordance with outcomes from a DPTI sponsored working group a few years ago which informed watershed-related policy changes to the Mount Barker District Council Development Plan.

**Residential densities in townships**

Council is concerned with the significant policy shifts that facilitate reduced lot sizes and frontages in several townships from 500 m²/12 m to 300 m²/9 m respectively will significantly alter existing character and that resulting metropolitan scale development will be totally out of character with the established Barossa village and township scale.

Council was therefore relieved to read in the Commission’s Update Report that the Commission will review policies so that they better align with what is currently envisaged. Council acknowledges that there may be areas within the larger townships for infill development and smaller lots; however believes such change should only take place in consultation with each local community, not through standardised metro-focussed policies applied to regional townships and to this end will initiate a future review and Code Amendment process.
Concept plans

All concept plans for our council have been removed. The majority of these plans apply to specific sites (e.g. Gods Hill Road, Lyndoch development area) or small precincts (e.g. Kroemers Crossing). These plans together with accompanying policies at either zone, policy area or precinct level provide clear direction to proponents and the relevant authority and in many cases were prepared in response to community concerns or to achieve specific tailored outcomes for a defined locality.

Council is concerned that a handful of metropolitan Councils have been privileged to retain their concept plans but the majority of Councils have seen theirs removed without explanation and most likely without consideration of potential impacts by their removal. While Council acknowledges that some of the existing concept plans are no longer relevant and can be removed, others remain valid and should be transitioned.

Naming conventions

The Code applies a largely metro-focussed naming convention for zones with confusingly named zones – e.g. residential focussed zones being referred to as ‘Neighbourhood’ zones.

Application of a ‘Suburban Neighbourhood Zone’ to townships is confusing in that they are not suburbs of metropolitan Adelaide and have no correlation with urban form. The term ‘Rural Settlement Zone” is also confusing in that there is no ‘urban settlement’. Consequently the Code proposes a confusing ‘mix’ of names in some towns – e.g. one town in the Barossa contains both a Township Main Street Zone and a Suburban Employment Zone.

A return to former naming conventions or a review of the new names is recommended to avoid confusion.

4. SPATIAL ANALYSIS AND RECOMMENDATIONS:

Mapping errors and anomalies – details of identified mapping errors and anomalies together with recommended actions will be inserted here

Mapping improvements – details of suggested mapping adjustments and improvements with suggested actions will be inserted here

5. CODE ANALYSIS AND RECOMMENDATIONS

A detailed analysis of how/if existing local policy has been transitioned into the Code will be inserted here

APPENDICES

Zone comparison
Local policy review
Code testing results