

PHASE THREE OF THE PLANNING AND DESIGN CODE (URBAN AREAS)

→ OUR
NEW
SYSTEM

What We Have Heard Report
June 2020



Table of Contents

| | |
|--|----|
| Purpose of the Report | 4 |
| Role of the Planning and Design Code | 5 |
| Engagement Approach | 6 |
| Community Engagement Charter | 5 |
| Early engagement | 6 |
| Phase One: Outback Areas | 7 |
| Concurrent Consultations | 7 |
| Phase Two: Rural Areas public consultation | 7 |
| Phase Three: Urban Areas public consultation | 7 |
| SA Planning Portal | 8 |
| YourSAy | 8 |
| Email enquiries | 9 |
| 1800 Hotline | 9 |
| Promotional activities | 9 |
| Events | 9 |
| Written submissions | 10 |
| Key Themes | 10 |
| 1. Engagement | 12 |
| 2. Procedural and Technical Matters | 13 |
| 3. Amendments to Policy Library | 17 |
| People and Neighbourhoods | 17 |
| Productive Economy | 32 |
| Natural Resources and Environment | 47 |
| Integrated Movement Systems and Infrastructure | 54 |
| 4. Spatial Application and Mapping | 66 |
| Next Steps | 67 |
| Acknowledgements | 67 |

Purpose of the Report

This report summarises the written responses received by the State Planning Commission on the draft Phase Three (Urban Areas) Planning and Design Code (the draft Phase Three Code). The Phase Three Code covers local government areas incorporating urban councils and councils with regional towns and cities in South Australia.

This report captures the key themes of feedback received in relation to the draft Phase Three Code, the methods of engagement used, the number and type of respondents who provided feedback, and important next steps.

The State Planning Commission acknowledges that some of the matters raised through the Phase Three Code consultation were also raised in the Phase Two consultation process. As such, you may find that some of these matters, particularly some of the more technical issues, have been addressed in the Commission's Community Engagement Report for Phase Two. However, the Commission will still consider all matters raised in Phase Three submissions in full, and recommend any adjustments as necessary. The Commission also released the Code Update Report in December last year. This did identify some opportunities for the improvement of the Code.

Feedback from the Phase Two consultation process, suggests that those that prepared submissions would have liked to see a summary of the issues raised as early as possible. As such, this report has been released to summarise the issues raised and does not at this stage make recommendations on how submissions have been addressed, which the Commission needs more time to work through. Given the significant interest in the consultation process, and volume of submissions, the Commission will consider this in its preparation of the Community Engagement Report.

The Commission's final recommendations to the Minister for Planning, which will comprise technical detail regarding what was heard during consultation and how the Commission believes the Code should be updated in response to this, will be published in a separate report prepared for the purposes of section 73 of the *Planning, Development and Infrastructure Act 2016* and *Practice Direction 2: Preparation and Amendment of Designated Instruments*. This will be forwarded to the Minister for consideration in making a decision and then be released on the SA Planning Portal.

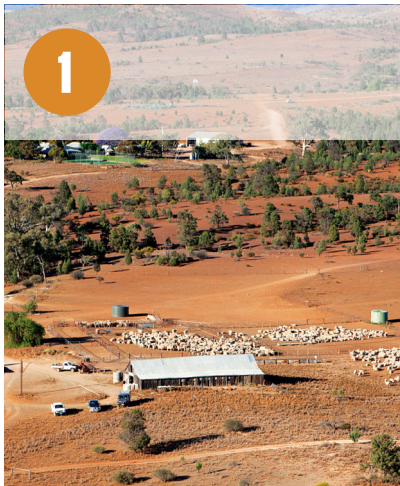


Role of the Planning and Design Code

The Planning and Design Code is the cornerstone of South Australia's new planning system and will become the single source of planning policy for assessing development applications across the state. The Code will replace all South Australian Development Plans.

The Commission is leading the implementation of the Code in collaboration with the Department of Planning, Transport and Infrastructure (the Department). The Code will be implemented over three consecutive phases, moving from less complex to more complex planning environments. This approach will allow the Commission to minimise risk and apply key learnings along the way, adjusting the deployment approach as required.

The three implementation phases are outlined below:



1. Phase one applies to land not within a council area (outback and coastal waters), and became operational 1 July 2019.



2. Phase two which will apply to rural areas, including small towns and settlements and will become operational in July 2020.



3. Phase three which will apply to urban areas, including large regional towns and cities and will become operational in late 2020.

Once in full effect, the Code will apply across the entire state and be made available to all South Australians via the SA Planning Portal at www.saplanningportal.sa.gov.au.

Engagement Approach

Community Engagement Charter

The process for creating or amending the Code is set out in the Planning, Development and Infrastructure Act 2016. Public engagement must be undertaken in accordance with the Community Engagement Charter. The Community Engagement Charter outlines a set of five key principles that must be taken into consideration when planning for and conducting consultation and engagement.

Early engagement

The Community Engagement Charter was prepared to provide a more flexible approach to public participation in the preparation and amendment of designated policies, strategies and schemes in the new planning system. In the spirit of the Charter, public participation in the preparation of the draft Planning and Design Code included:

- Individual consultation processes for **four Technical Discussion Papers, five Policy Discussion Papers and six Policy Position Papers** released by the Commission to help guide the policy development and structure of the first generation of the Code
- A **Code Working Group** (established in early 2018) to assist with the development of the Code and consider planning policy related to medium density and mixed-use developments, residential neighbourhoods, employment lands and primary production. The working group comprised **45 council planners and private planning practitioners who met five times between May and November 2018**
- Regular meetings with the three **Ministerial Advisory Groups** – one focused on Local Government, another on the Development Industry and the final on Sustainability and the Community – as well as several **Industry Liaison Groups** especially established to test and provide advice in relation to draft Code policy content
- A series of **high-level symposiums** with planning professionals, thought leaders and community members to help guide policy development in relation to a range of issues, including car parking as well as Aged Care and Retirement Living
- Council Liaison Officers** were assigned to each council to assist in working through the transition from local development plans to the Code
- The State Planning Commission held **Council Elected Member and Community Group Leader Briefing series**
- What We Have Heard** reports were released for individual consultations related to Code development and are available on the SA Planning Portal.

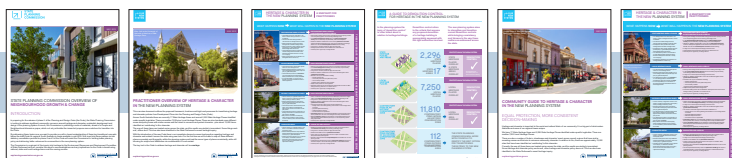
- 01 Engagement is genuine
- 02 Engagement is inclusive and respectful
- 03 Engagement is fit for purpose
- 04 Engagement is informed and transparent
- 05 Engagement processes are reviewed and improved



Technical Discussion Papers



Policy Discussion Papers



Policy Position Papers

Phase One: Outback Areas

Public consultation on Phase One of the Planning and Design Code was conducted between 5 February 2019 and 29 March 2019. During the consultation process, 58 written submissions were received. The draft Phase One (Outback Areas) Code amendment was prepared based on engagement with and input from the public, industry and the professional planning and development community during the statutory public consultation period for Phase One.

Phase Two and Three Concurrent Consultations

In October 2019 a period of public consultation on the draft Code was released concurrently for Phase Two and Three. Specifically, Phase Two (Rural Areas) of the draft Code was on consultation for a period of eight weeks from 1 October 2019 to 29 November 2019, and Phase Three (Urban Areas) for a period of 22 weeks from 1 October 2019 to 28 February 2020. Releasing the draft Code concurrently allowed communities, councils and industry to see the whole of the draft Code for South Australia and how it will work.

Phase Two: Rural Areas public consultation

During October and November 2019, **75 consultation events** were held with a range of stakeholders including councils, industry groups and community groups on the draft Phase Two Code for Rural Areas. In addition, feedback was received through a variety of methods including an 1800 Hotline, Planning and Engagement email accounts and the Government YourSAy website. In total 248 enquiries about the draft Phase Two Code were received through these mechanisms.

During the engagement period there were numerous opportunities for councils, industry practitioners and members of the community to engage with representatives from the State Planning Commission and Department staff to hear about the Phase Two draft Code and contribute to discussions on the planning policy for their communities.

Phase Three: Urban Areas public consultation

Public consultation for the draft Planning and Design Code Phase Three (urban areas, including large regional towns and cities) was open for a period of **22 weeks from 1 October 2019 to 28 February 2020**. During the consultation, **189 consultation events** were held with a range of stakeholders including councils, industry groups and community groups. In addition, feedback was received through a variety of methods including an 1800 Hotline, Planning and Engagement email accounts and the Department for Premier and Cabinet's YourSAy consultation website. In total **1,110 enquiries** were received through these mechanisms.

During the engagement period there were numerous opportunities for councils, industry practitioners and members of the community to engage with representatives from the State Planning Commission and Department staff to hear about the Phase Three draft Code and contribute to discussions on the planning policy for their communities.

SA Planning, Transport and Infrastructure
10 November 2019 · 🌐

Come along to a community information session and speak to our planners about the draft Planning and Design Code which is currently on consultation.

For a full list of events in your area and to RSVP visit:
https://www.saplanningportal.sa.gov.au/have_your_say...

STATE PLANNING REFORM

DRAFT PLANNING AND DESIGN CODE COMMUNITY SESSIONS

Image from Facebook, LinkedIn and Instagram campaigns

Have your say on South Australia's draft Planning and Design Code - consultation now open

Phase Two consultation is in rural council areas and Phase Three is in urban council areas.

Posted: 01 October 2019



Do I need approval?

If you are undertaking development, you may require approval



Lodge an application

To obtain approval for a development, you will need to lodge an application



Track an application

Follow the journey of lodged applications through the assessment process



Find a resource

Download documents, publications and consultation materials



SA Planning Portal screenshot

SA Planning Portal

A dedicated *Have Your Say* page for the Phase Two and Phase Three consultations was established on the SA Planning Portal. There were a total of 12,600 visits to this page during the Phase Two and Phase Three consultation period, with **6,250** of those visits during the period when only Phase Three remained open for consultation (30 November – 28 February). The page featured the following information and resources:

- What's on consultation for Phase Two (rural areas)
- What's on consultation for Phase Three (urban areas)
- View the map of proposed zones and overlays
- Download guidance material (guides and fact sheets)
- Submit your feedback (online submission form)
- Attend an upcoming event.

YourSAy

The Department launched a Planning and Design Code engagement site on 1 October 2019 on the Department for Premier and Cabinet's YourSAy consultation website. The aim of the YourSAy consultation page was to facilitate feedback on the draft Code. The page featured 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
- The YourSAy consultation page also included a live discussion board to engage with the public during consultation.

Email enquiries

The Department's reform email address (DPTI.PlanningReform@sa.gov.au) was promoted during consultation to receive email enquiries from members of the public. Other Department email accounts (Planning Engagement, Planning Submissions and State Planning Commission email address) also received enquiries.

1800 Hotline

The Department launched an 1800 Hotline number on 1 October 2019 which was staffed during business hours. The hotline number (1800 318 102) received over **873 calls** during Phase Three consultation, which were documented in an enquiry spreadsheet.

Promotional activities

To promote awareness of the consultation, advertisements were placed in regional and metropolitan newspapers, listing public information sessions and targeted at community members, industry practitioners, community groups and interested parties.

A total of **38 Phase Three Code advertisements** were published. Some advertisements were an open call to have your say on SA's new Planning and Design Code, others promoted at least one community information session if not several, and towards the end of consultation advertisements encouraged people to have their say before the close of Phase Three consultation on 28 February. All advertisements directed people to the SA Planning Portal for further information.

The Department's social media accounts as well as the Commission's LinkedIn account were used during the consultation period to promote the consultation activities.

Articles and information regarding the consultation activities were promoted via several e-newsletter and email distribution channels to internal and external stakeholders.

The Department also partnered with councils to create awareness within their communities about the sessions.

Events

In total, **189 events** were conducted during the Phase Three Code consultation period, including events for Local Government, Community and Industry.

Local Government

A series of **43** information sessions and workshops for all Phase Three council CEOs, Mayors, Elected Members and **86** information sessions with planning staff were conducted to enable them to discuss and ask questions about the draft planning policies in the Code.

Community Events

In total there were **49** opportunities for members of the public to engage in discussions about the Phase Three Code. A series of **37** Phase Three Code community information sessions were hosted by the State Planning Commission and Department to enable South Australian residents (and planning professionals) to ask questions about the draft Code. In addition, **12** community events were hosted on specific Code topics such as heritage or the environment by individuals or organisations such as the Member for Badcoe, Member for Dunstan, National Trust, Adelaide Parklands Authority and Water Sensitive SA.

Industry Events

11 key industry events were undertaken to educate industry and other professionals about the draft Phase Three Code and involve them in its development and adoption.

Written submissions

During the consultation period, a total of **1,790 written submissions** were received in response to formal public consultation on the draft Phase Three Code for Urban Areas. Submissions were received via email and through an online submission form on the SA Planning Portal.

| Representative Group | Total |
|--|-------|
| MPs | 2 |
| Local Government | 66 |
| State and Federal Government | 19 |
| Development Industry Representative Groups | 9 |
| Other Industry Representative Groups | 53 |
| Developers | 21 |
| Property managers / owners | 109 |
| Retailers | 4 |
| Infrastructure Providers | 4 |
| Industrial Companies | 2 |
| Community Groups | 29 |
| Practitioners / Consultants / Academics | 15 |
| General Public | 1446 |
| Other | 11 |

Phase Three Submissions by Representative Group



Key Themes

A significant amount of feedback was received during the course of engagement on the draft Phase Three Code. Summaries and considerations have been organised in line with the following four key themes:

1. Engagement
2. Procedural and Technical Matters
3. Amendments to the Code Policy Library
4. Spatial Application and Mapping.



I. Engagement

Feedback on Engagement Activities and release of the draft Code

Submissions included feedback in relation to the engagement activities and materials provided to support the public consultation of the draft Phase Three Planning and Design Code.

The passage of the Code Amendment Act in 2020 and the time this provides to become business ready for the new system received wide support from respondents. However, some submissions included feedback that timeframes should be extended further to allow additional time for users to test, train and familiarise themselves with the new system – particularly in the ePlanning platform – before it comes into effect across the whole state.

Some submissions suggested the Code be re-released for further consultation to allow for an additional review of the amendments to the Code after this round of public consultation.

Respondents expressed difficulty in navigating the draft Code in a paper-based format, outside of an e-planning solution.

General feedback also identified editorial and formatting issues, as well as inconsistencies with terminology within the policies themselves, which many respondents keen to have these addressed and fixed before the Code goes live.

With regards to the engagement activities undertaken during the public consultation period, some respondents expressed disappointment in the promotion of community sessions, with some believing events had not been advertised widely enough nor with adequate time.



2. Procedural and Technical Matters

Procedural and Technical Matters

Feedback about procedural and technical matters was not specific to particular Zones, Subzones, Overlays or General Development Policies, but was more general in nature around definitions, referral triggers, applicability of overlays, notification exemptions, and the Code's general structure/interpretation.

Administrative Definitions

The inclusion of additional administrative definitions in the Code was sought to provide greater clarity and certainty in policy interpretation. Definitions suggested by respondents were broad and not confined to specific areas or themes of the Code.

General support was expressed towards the use of diagrams in the definitions and it was felt that this could be expanded to other definitions like building height, finished floor level, secondary street etc.

A variety of queries, opinions and suggestions regarding definition interpretation, gaps and enhancements were received including:

- Queries and suggestions regarding definitions contained in the PDI Act, such as adjacent land, adjoining owner and advertisement
- Concerns regarding the interpretation of 'soft landscaping' and that it should be replaced with 'living green landscaping'
- Refinement, improvement and request for further clarity in relation to a number of the built form definitions, including building height, building level, and that wall height may not capture certain architectural styles
- Terms such as total floor area and wall height should be simplified
- Private open space should not be encouraged in front yards as it does not provide good links to internal living spaces
- Greater clarity around the term 'habitable room' and whether it includes detached pool rooms, rumpus rooms or bedrooms.

Respondents also sought amendment to the definition of low density as it was considered too low, while some respondents observed that it was too high (it is noted that the density definitions are based on the current parameters set by *The 30-Year Plan for Greater Adelaide - 2017 Update*).

The definition of 'Medium Rise' was queried, as it anticipates up to 6 building levels, with respondents querying its application in various policies. Given this is a matter about policy application, it is discussed in further detail in the Policy Library section of this report.

Concept Plans

A number of respondents identified various Structure Plans, Master Plans and Concept Plans that should be established or re-instated within the Code, particularly those that address unique desired character, focussed land uses, nuanced gradation of heights not relative to cadastre and future key infrastructure.

Designated Performance Features

Various submissions observed a risk that designated performance features will be used as a minimum requirements in performance assessment. It was requested that clarification be provided that a DPF represents only one way that a performance outcome can be satisfied.

Land Use Definitions

General support was expressed for additional accommodation land use definitions– specifically around tourist accommodation and ancillary accommodation. Many respondents identified opportunities to improve the definition for detached, semi-detached and row dwellings due to the wording restricting dwellings and requiring land division approval prior to dwelling assessment.

Respondents suggested additional definitions be included in the code particularly where the common meaning was considered to be unclear. Some respondents felt that known ancillary uses should be added to definitions. It was suggested that this would benefit policy interpretation and would help relevant authorities when determining the ‘nature of a use’ at the application stage.

Other comments / suggestions included:

- Reinstatement of definitions that haven’t been carried over from the current Development Regulations/ Development Plans into the code, e.g. multiple dwelling, service industry, nursing home, amusement machine centre, adult entertainment premises, adult product and services premises, etc
- Refinement of definitions to include additional ‘inclusions’ and ‘exclusions’
- A variety of queries, opinions and suggestions regarding definition interpretation, gaps and enhancements, including:
 - Confusion about the use of both residential flat building and apartment in the Code
 - That restaurant should be a stand-alone definition – separate from shop
 - Where definitions link with other legislation – hyperlink that legislation
 - Commentary around the various rural definitions including suggested improvements, observations, operational aspects and requests for further clarity
 - Concerns about the allowance of 250m² of retailing in the definition of industry
 - Various suggestions, improvements and requests for clarification in relation to the definition of renewable energy facility, including clarity around small to medium scale facilities
 - Definition of retirement facility should be replaced with retirement housing and redefined to broaden its scope
 - Providing definitions for terms where some guidance is necessary to assist policy understanding (such as licenced premises and licenced entertainment premises)
 - Avoiding using terms that could be covered by an already defined activity (e.g. apartment), or provide a definition if the term is necessary
 - The need for care around the use of related defined activities in a zone such as shop and restaurant to avoid unintended outcomes.



Definition of detached/semi-detached/row dwellings

Feedback on the Phase Three Code echoed concerns received on the Phase Two Code regarding the definition of detached, semi-detached and row dwellings including the term 'site that is held exclusively with that dwelling'. It was observed that such wording, in practice, requires land titles to be created for a dwelling to satisfy that definition (so the form of a dwelling can be the same but its definition changes as soon as boundaries are registered with the Land Titles Office). To enable a more pragmatic on-ground approach to dwelling definitions, it is recommended that the Code allow dwellings to be classified according to their physical layout/design, and not rely on a point in time when land boundaries may be created. To do this, it should be clarified that a dwelling's 'site' is not reliant on land division or land titles. The Commission recommends replacing the words 'site that is held exclusively with that dwelling' with 'comprising 1 dwelling on its own site' or similar.

Overlays

A range of stakeholders raised concern that overlays would unreasonably restrict deemed-to-satisfy (DTS) pathways. A review was recommended to remove the unintentional reduction in accepted or DTS pathways due to the existence of overlays for simple developments such as housing, outbuildings, fencing, verandahs and pools.

Particular concern was raised around the following overlays preventing DTS pathways:

- Building Near Airfields Overlay
- Hazards (Bushfire - Urban Interface) Overlay
- Sloping Land Overlay
- Noise air emissions.



Impact of overlays – Phase Two amendment

The impact of overlays unreasonably restricting deemed-to-satisfy or accepted pathways was identified by a range of stakeholders in both the Phase Two and Three Code consultation. The Commission responded to this concern in Phase Two by recommending that a review be undertaken to remove the unintentional reduction in accepted or deemed-to-satisfy pathways due to the existence of overlays for simple developments such as housing, outbuildings, fencing, verandahs and pools.



Sloping Land overlay

Consistent with feedback on the Phase Two Code, it was observed that the Sloping Land Overlay may unreasonably prevent deemed-to-satisfy pathways. In addition, sloping land is not captured in the overlay in all cases. As such, the Commission recommends that the Sloping Land Overlay be deleted, subject to inclusion of more accurate and relevant site gradient data. In the absence of an effective Overlay for slope, General Development Policies should apply policy content regarding cut and fill, retaining walls, driveway gradients and the like to replace the content of the Sloping Land Overlay.

Public notification

A range of submissions from different stakeholders raised concern that public notification triggers appear to require more public notification than occurs under the Development Act 1993, which should not be the case where development is of a minor nature or anticipated by the zone's policies. Particularly concern was raised in relation to requiring notification where 'site of the development is adjacent land to land in a different zone', observing this could trigger notification of low-impact land uses adjacent high-impact zones (e.g. a dwelling adjacent an industrial zone).

A number of submissions observed that the demolition of heritage items should be notified and that public notification should be required where a development fails to meet the planning rules.

Public notification - Phase Two amendment

Feedback on the Phase Two and Three Code was generally consistent in relation to public notification exclusions. The Commission has responded to these concerns in the Phase Two feedback and recommended that public notification tables be improved across all zones to be clearer about types of performance assessed development that are excluded from notification, and align these tables with the following key principles:

- List specific classes of development that are excluded from notification, instead of excluding all development and listing the exceptions
- Specify that development that is minor in nature, in the opinion of the relevant authority, does not require notification
- Exclude minor/low impact development envisaged in the zone from notification (including classes of development specified in accepted and deemed-to-satisfy tables), provided they do not exceed building height/interface criteria
- Generally exclude uses that are envisaged in the zone from notification, except where exceeding building envelope parameters, or where higher impact non-residential zones land uses are located adjacent to a dwelling in a neighbourhood zone.



Referrals

There was strong feedback from a number of stakeholders regarding referrals where the prescribed body would have the power of 'Direction', and concern that this could compromise certainty in the assessment process. Particular concern was raised in relation to the following referrals:

- Affordable housing: should be dealt with through standard conditions rather than a referral
- Native vegetation: If power of direction is maintained, it should also require the Native Vegetation Council to grant approval under the Native Vegetation Act. If not, referral should be for advice only
- Site contamination: Concern around the excessive need for site contamination consultants, over-requirement for site audits and preliminary site investigations, and EPA power of direction.

Further information on these matters can be found in the relevant Overlay/General Development Policies discussion in this report.

Restricted development

Some stakeholder groups observed that there are fewer classes of development classified as Restricted development than there are classes of development categorised as non-complying Development Plans, and requested existing non-complying lists be transitioned into the Code.

Contrastingly, other feedback recommended that Restricted development lists be rationalised, suggesting that where Restricted development classification is intended to provide a state-level assessment, this could be more appropriately achieved in the Regulations rather than the Code (given that Restricted development enables third party appeal rights).

Separate to Restricted development, a range of stakeholders identified a lack of policy to assess undesirable development that is not envisaged in a particular zone.

3. Amendments to Policy Library

People and Neighbourhoods

Residential

A high number of submissions relating to residential development were received. A significant number of submissions related to the appropriateness, or otherwise, of the proposed zones and overlays, and a wide range of zoning amendments were proposed.

A summary of the different stakeholder groups' feedback followed by the key issues raised is listed below:

Local Government Feedback

Council submissions were detailed in relation to a range of matters affecting residential development. There were numerous suggestions about how the Code could be improved in relation to building design, siting, water sensitive urban design, density, car parking and a range of other detailed matters. In many cases, councils sought stronger alignment between the Code and the policies within their existing Development Plan. Submissions also raised concerns around battle-axe development. It was suggested that policy needed to be more nuanced between regional and urban areas.

Development Industry Feedback

Responses received from the development industry, including development advocacy associations and private developers, suggested ways the Code could address infill development, requested greater consistency in the application of zoning to new residential "greenfield sites" and recommended policies that enable greater density on large-scale infill projects.

Community Feedback

Community submissions emphasised the importance of preserving urban tree canopy and expressed support for new soft landscaping and tree planting requirements in the Code, but expressed concern that site dimension provisions [from which infill density is derived] are not compatible with tree canopy protection and biodiversity goals.

Community associations raised concern with application of the General Neighbourhood Zone throughout the state, as it was considered too generic and contrary to existing zoning, leading to adverse impacts on amenity. It was also observed that setbacks in the General Neighbourhood Zone should be increased as they should allow for installation for standard wastewater systems.

It was requested that privacy treatments be provided to a height of 1.7m above floor level rather than 1.5m.

Objection was expressed to contemplation of non-residential uses in neighbourhood zones, with concern it will result in increased noise, parking congestion, traffic, loss of trees, impacts on residential amenity, and place pressure on already struggling commercial centres by drawing activity away.

Key Issues

An Urban Centric Response

Submissions expressed a view that the Code is largely urban-centric and requested additional policy which guides development in rural, regional and township settings. A number of submissions noted that this could be achieved by allowing for discretionary local specific policies or Technical and Numerical Variations (TNVs), thereby reflecting the differences of local places and context.

Battle-axe Developments

Some submissions raised concern in relation to battle-axe development. It was observed:

- The Code opens up the potential of battle-axe subdivision more than is currently available in some Development Plans. Concerns focussed on retention of allotment patterns, privacy, streetscape and bulk and scale impacts
- Vehicles accessing the site should be able to enter and exit in a forward direction
- The Code does not seek to limit the height of dwellings on battle-axe allotments any further than a regular allotment, which is contrary to some development plans which limit these dwelling to single storey. If two-storey dwellings are permitted on battle-axe sites, overlooking, overshadowing, bulk and scale impacts are exacerbated.

Some respondents requested minimum lot sizes be increased for battle-axe allotments, whereas the others requested that lot sizes for group dwellings (in battle-axe arrangement) be decreased.

Deemed-to-satisfy development

Multiple submissions requested that dwelling additions be excluded from the deemed-to-satisfy pathway where Character or Historic Area overlays apply.

Additional policies were requested to apply to deemed-to-satisfy ancillary accommodation, including site coverage, setbacks, materials consistent with associated dwelling, and limit to single-storey.

Other submissions requested additional deemed-to-satisfy pathways for group/battle-axe dwellings, as well as fences and retaining walls.

Density and Dwelling Types

A wide range of policy amendments were suggested to improve the way the Code addresses residential infill development, including:

- Requests to transition current site dimensions from Development Plans into the Code through Technical and Numerical Variations
- Some requested the minimum site dimensions be increased in the General Neighbourhood, particularly for row dwellings, battle-axe dwellings and dwellings on sites with steeper land gradient. Alternatively, others requested policy encouraging increased densities/building heights/smaller allotment sizes in appropriate locations, as well as smaller allotment sizes for two storey dwellings and group dwellings
- Submissions queried the density permitted in the Housing Diversity Neighbourhood Zone. Given it will replace Medium Density Policy Areas, the lowering of allotment sizes to 70 dwellings/hectare (e.g. 143m² minimum net site area per dwelling) with 3m front setback was observed to represent a significant departure from the existing policy. Some submissions also requested minimum frontage widths apply to sites in this zone
- Other forms of dwellings (e.g. Fonzie flats) should be encouraged.

Design and setbacks of Infill Development

Submissions argued for stronger design policy to be included to support *The 30 Year Plan for Greater Adelaide* targets to provide high quality infill development within the established urban footprint.

It was observed that design requirements for larger scale development appear more considered than those for smaller scale development, which is a concern given that the majority of development in existing residential areas will be at the 'infill level'. It was recommended further consideration be given to good urban design principles for all infill development, regardless of the intended zone, with a greater emphasis on existing built form character and amenity.

Others requested that the General Neighbourhood Zone policy have regard to existing streetscape character, which should also be reflected in setback criteria.

While requirements for soft landscaping and tree planting in infill development were generally supported in submissions, it was observed tree planting may not be feasible in higher density zones which anticipate front setbacks <3m.

Exclusion of Uses

Many respondents raised concern with the number of development classes classified as Restricted. Presently the 'non-complying' lists in the various residential zones in Development Plans are extensive and provide guidance on development that is not envisaged within a zone. Some expressed concern that there insufficient policy in neighbourhood zones to support the exclusion of undesirable uses.

It was suggested that industry, particularly General Industry and Special Industry, be identified as Restricted in all neighbourhood zones.

General Residential 'Infill' Policy

A number of groups sought specific amendments relating to residential development in the Design in Urban Areas General Development Polices (Part 4) of the Code. These include:

- Some considered rainwater and stormwater retention policies an over-regulation which will add to the cost of houses, and is of limited relevance in greenfield/master planned developments. Alternatively, other submissions requested the size of rainwater tanks be increased, particularly to provide for on-site stormwater detention
- The requirement for soft landscaping was considered too great an area by some submissions, whereas others expressed strong support for the requirement and requested the policy be strengthened
- A large number of submissions expressed support for tree planting policies to assist in enhancing the urban tree canopy, while others raised concern that the requirements to provide trees to front yards may jeopardise the design and construction of new homes and lead to increased housing costs
- Provisions limiting garage/carport width to 50% of frontage width were observed to prevent the option of building a home with a double garage on a 10m wide block, which is popular with entry level house land purchasers. Conversely, other feedback requested to further restricted the width of garaging to 30% of a site's frontage
- Policies that seek to improve the quality of infill residential development were not considered relevant or needed in greenfield and major infill development scenarios, such as in the Master-planned Suburban Neighbourhood, Housing Diversity, Urban Renewal and Greenfield Suburban Neighbourhood zones
- Window area of 2m² minimum was considered by some too prescriptive and could have impact on energy efficiency and design, while minimum room width of 2.7m could have impact on internal design for narrow blocks
- The requirement for 3 minimum design features to the front elevation from 4 possible alternatives for single storey dwellings considered too restrictive and may create repetitive streetscapes
- The requirement for sites with a frontage of 12m or less to have an access point to a road not exceeding 3.2m in width was seen by some to be too restrictive because it would not allow for a double garage on such sites due to insufficient manoeuvring room
- Proposed minimum internal garage widths of 3.2m (single garage) and 6.0m (double garage) and length 6.0m were identified as exceeding current standard housing designs and Australian Standards guidance
- Concern the policy requiring finished floor level of a dwelling 300mm above the top of the kerb unnecessarily excludes a large number of dwellings from a deemed-to-satisfy assessment that may show an appropriate solution to dispose of stormwater
- Some suggested a single private open space (POS) figure of 24m² would be appropriate for most residential infill development (except apartments and some very small terrace housing). Other submissions raised concern that the minimum dimension of POS were too small, and emphasised that POS should not be encouraged forward of a dwelling.

Housing Renewal

It was observed the deemed-to-satisfy residential development or performance assessed residential development by the South Australian Housing Trust or registered Community Housing providers does not need to satisfy any zone/subzone provisions, and only needs to comply with 'Housing Renewal' General Development Policies. It was recommended that policy be included to ensure consistency with the assessment of other residential developments that are assessed against the relevant provision of the particular zone.

Impact of Overlays

Amendments were sought to the overlay provisions to avoid unnecessarily increasing the number of residential developments that require performance assessment. For example, the application of Overlays within the General Neighbourhood Zone precludes many 'minor' building works (such as carports, outbuildings, shade sails, swimming pools, verandahs, water tanks) from being categorised as Accepted Development. It was requested that Overlays not be listed as exceptions to a deemed-to-satisfy pathway, but rather compliance with deemed-to-satisfy requirements within the Overlay should apply.

Land Divisions

Stakeholder groups raised the relationship between the land division process and the assessment of new dwellings.

Once a land division is approved (potentially with allotments that are smaller than the minimum lot size for the relevant zone), then a subsequent dwelling should be able to be deemed-to-satisfy if it meets other relevant deemed-to-satisfy policies.

Similarly, submissions raised that built form applications (such as two or three dwellings on one existing allotment) may be deemed-to-satisfy in many residential type zones, yet the land division application to create the titles needs to go through performance assessment. It was suggested the land division could be dealt with on a deemed-to-satisfy basis where it follows and corresponds with an approval for built form.

Land Division

The Commission has previously recognised the need for expanded deemed-to-satisfy land division opportunities. In relation to the Phase Two Code, the Commission recommended that a deemed-to-satisfy pathway be provided for residential land divisions that relate to an approved dwelling development or a land division combined with an application for dwellings.



Non-residential development in neighbourhood zones

Many submissions raised concerns about non-residential land uses such as shops, offices and educational establishments being contemplated in residential areas. Allowing non-residential uses was observed to impact on traffic, parking, noise, amenity and character. It was also asserted that allowing shops, office and consulting rooms up to 200m² on arterial roads could potentially affect the value and viability of existing centre zones and result in 'out of zone strip development' on arterial roads.

It was recommended that existing non-complying triggers for non-residential development be rolled-over into the Restricted lists in neighbourhood zones.

Public Notification

Some submissions noted that public notification would be required where the site of a proposed development is adjacent to a zone boundary, resulting in unnecessary public notification where two similar zones meet (e.g. where a dwelling is proposed on a boundary of a Suburban Neighbourhood Zone and a Residential Neighbourhood Zone, public notification will be required despite the consistent residential themes). It was recommended that public notification only be required where development is on the boundary of zones that are in conflict with each other.

Retirement Living

A number of submissions noted that retirement villages were not contemplated in all neighbourhood zones and that there was inconsistency in how they are envisaged in each zone. An opportunity is seen to exist for retirement facilities to be deemed-to-satisfy in all neighbourhood zones.

Various submissions noted there was no definition for 'Residential Aged Care Facility (RACF)' or 'nursing home' even though there is reference to these land uses within the Code. Although a RACF could fall under the definition of 'Supported Accommodation', given the future need for additional aged care places and the unique complex nature of an RACF, these submissions requested that the Code incorporate a specific definition for a RACF.

Significant Development Sites

A number of submissions across a range of sectors requested that larger scale infill projects (on sites of perhaps 4000sqm or more) within the Suburban Neighbourhood, Urban Neighbourhood, Urban Renewal Neighbourhood, Residential Neighbourhood and General Neighbourhood Zones should have catalyst/strategic site policies that contemplate greater density internally within a site on the proviso that interface issues are satisfactorily addressed to realise community benefit in terms of design quality, community services, affordable housing provision and/or sustainability features.

Site coverage

A number of submissions observed that dwellings approved through ResCode under the current system can be up to 60% (total roofed area), limiting the ability to build ancillary verandahs, outbuildings etc in the future. It was recommended that a two part requirement for site coverage be provided (e.g. 50% for the dwelling footprint, 60% for other roofed area including verandahs, outbuildings, etc.).

A site coverage of 70% was recommended to apply in the Housing Diversity Neighbourhood Zone.

Un-sewered areas

Additional policy was recommended in neighbourhood zones to require wastewater-generating development to be connected to SA Water mains sewer if it is to qualify for the deemed-to-satisfy pathway. Some argued that performance assessed development should also meet such a requirement.

Zoning for Greenfield sites

A number of submissions sought greater consistency in the application of zoning to major developments of new residential “greenfield sites”. New homes within these developments should be exempted from requiring planning consent, but rather should be classed as accepted development and approved via a Building Surveyor/Private Certification system.

The design outcomes should be negotiated at the precinct structure stage thereby negating the need to duplicate the approval process through subsequent applications for planning consent. This streamlining of the process will reduce red tape and time and provide a more cost effective solution.

A large number of submissions relating to this issue requested that major master-planned developments should be included in the Greenfield Suburban Neighbourhood Zone.

Heritage + Character

Feedback received on the Heritage and Character content of the draft Planning and Design Code primarily related to the retention of contributory items and the merit of including additional policy within the suite of heritage and character overlays to guide new development in areas covered by these.

Local Government Feedback

The reinstatement of contributory items was a key outcome sought by a number of councils.

Many councils expressed concern about the demolition tests within the Historic Area Overlay. A large number recommended the removal of – or otherwise significant alteration to – the ‘economic’ test for demolition. Several councils also sought changes to the demolition tests to place more emphasis on a larger building envelope as opposed to simply the primary façade as visible from the primary street frontage. To that end, some councils suggested reference be made to particular building depths (e.g. front rooms including roof form), or to primary and secondary frontages, or to the building envelope as a whole. Changes were also recommended to ensure that a building being obscured by vegetation or a fence was not justification enough to warrant demolition.

One respondent council was of the view that there is a significant risk of losing historic buildings in the council area as these are oriented on sites to maximise views of the hills, thus often the rear of the building presented to the primary street frontage.

In relation to Historic Area Statements and Character Area Statements, many councils requested that numeric provisions relating to setbacks, frontages, wall heights (as opposed to storeys) and allotment size (particularly in those locations where no Technical and Numerical Variation applies) be included. Some councils also made suggestions for additional subject rows in the table, including roof form, and provided additional content for inclusion.

Some councils also expressed a preference for listing of elements within tables, rather than condensed paragraphs, for ease of reading. One council suggested numbering the provisions within the tables to enable cross-referencing within planning reports.

Some councils sought clarification and definition of terminology used within the various overlays, including ‘minor’, ‘irredeemably beyond repair’ and ‘unacceptable risk to public or private safety’. In relation to the latter, one council sought clarification as to how this would be determined, and recommended there be a requirement for expert engineering advice.

A number of councils sought amendments to Local Heritage Place listings in order to reflect demolitions, land divisions and other alterations.

A number of councils provided suggestions for specific amendments (via track changes) to the various overlays to address identified policy gaps, improve clarity and in some cases, alter policy intent. A small number of councils also suggested amendments to policy to better address less consistent historic streetscapes (e.g. within townships/commercial areas).

A small number of councils recommended consideration be given to linking the Code to the Burra Charter and ICOMOS (International Council on Monuments and Sites).

Development Industry Feedback

Very few submissions on heritage and character content were received from the development industry.

Some concern was raised about the extent of the State/Local Heritage Place and State Heritage Area Overlays, and the implications this could have on non-listed properties. One submission sought to ensure the extent of these Overlays is adjusted when land division occurs, particularly when associated with the subdivision of super lots.

Some comments were made about the need for flexibility to enable the development of transmission infrastructure near heritage places/areas.

Community Feedback

Many community submissions sought the reinstatement of contributory items into the code, and generally requested further detail be provided in the Historic Area Statements/Character Statements. Many also expressed some confusion as to how the Statements are intended to work, and sought formatting amendments to improve readability.

A small number of submissions sought expansion or reduction in the application of the Historic Area Overlay:

- Port Elliot and Waterport – expansion
- Middleton – expansion
- Gawler (Town Centre) – reduction
- Glen Osmond Road – reduction
- Aldinga (Eco Arts Village) – reduction.

Some submissions sought additional heritage listings (State and Local), whereas others sought removal of listings or alterations to the extent of listing.

A large number of submissions expressed criticisms of the public consultation process, including the later release of the Historic Area Statements/Character Area Statements and associated notification of such.

Some submissions raised concerns about the requirements for expert advice to inform development applications, as outlined in the draft Practice Guideline. Many of these questioned the impartiality of expert heritage/structural engineering advice when sought by applicants, and some suggested the establishment of an independent body to provide an impartial review of applications. Others noted the additional costs to both applicants and councils when expert advice is sought, and recommended the establishment of a fund to assist with these (and other heritage) costs.

A small number of submissions suggested that heritage assessment reports (ie. listing data) be electronically linked to each Local Heritage Place within the system, to ensure councils and applicants have access to all relevant information associated with the property.

A small number of community groups suggested specific amendments (via track changes) to the overlays to address identified policy gaps, improve clarity and in some cases, alter policy intent.

Some submissions recommended that the Burra Charter and ICOMOS be built into the system, by way of policy references and/or accreditation requirements.

A small number of submissions sought a strengthening of language within the demolition policy for Local Heritage Places to ensure an emphasis on retention, for example “should” and “must”.

Key Issues

State Heritage

Several submissions considered that the State Heritage Area Overlay is too generic and does not contain policy to appropriately address local circumstances. Respondents recommended the inclusion of Historic Area Statements (or similar) for each of the 17 State Heritage Areas, or otherwise suggested providing links to the various Guidelines prepared and used by Heritage SA to inform the Development Assessment process. It was suggested that Statements of Significance be included to articulate the historic values of each area.

A number of submissions from a range of stakeholder groups flagged a lack of specific policy guidance in both the State Heritage Place and State Heritage Area Overlays for new development and its finished appearance, including form, size, proportions and materials (including what's not appropriate). Several submissions referred to the guidance of existing Heritage SA documents.

Some respondents suggested that more policy guidance was required around adaptive reuse and other development concessions. Some considered that further guidance was required at the zone level (in relation to appropriate uses) rather than within the overlay itself.

The change in referrals to give the Heritage Minister the power of direction within the State Heritage Place and State Heritage Area Overlays was generally supported, however, a small number of submissions raised concerns and sought to have more local input on decision making.

Local Heritage

Some submissions considered the Local Heritage Place Overlay to be too generic and also considered that more emphasis needs to be placed on conservation/retention of places. A number of submissions provided specific suggestions to reword policies to improve clarity, address gaps or to otherwise strengthen the policy intent.

Several respondents also recommended changes to the demolition policies within the Local Heritage Overlay to ensure the focus is first and foremost on retention, and to prevent deliberate neglect becoming a means to gain demolition approval.

A number of submissions from a range of stakeholder groups flagged a lack of specific policy guidance for new development and its finished appearance, including form, size, proportions and materials (including what's not appropriate).

Several respondents suggested that more policy guidance is required around adaptive reuse and other development concessions. Some considered that further guidance was required at the zone level (in relation to appropriate uses) rather than within the overlay itself.



Historic Areas

A large number of submissions from local government, heritage professionals and the community sought the reinstatement of contributory items, with many in support of the approach taken in NSW and Victoria and/or the legal advice provided by Norman Waterhouse Lawyers. The general sentiment was that removal of contributory items would result in longer assessment processes, increased cost, less certainty, more litigation and significant erosion of historic values across the state.

Many submissions across stakeholder groups raised concerns in relation to the proposed demolition controls within the Historic Area Overlay. In particular, it was considered that the 'economic test' is an inappropriate consideration in planning and is open to manipulation. In addition, it was considered that there was too much emphasis on the front façade and its visibility from the street, which could result in the loss of key building attributes (such as chimneys and roof form, side/rear elevations where visible from the street) and demolition of historic buildings which are screened by vegetation or fences. There was a strong sentiment in submissions that the two above points will result in a weakening of heritage protections in historic areas.

In relation to the Historic Area Statements, many submissions supported the intent, however, raised concerns about the content and level of detail provided. Some respondents called for a complete rewrite of all Statements and re-consultation, whereas others were generally supportive of the drafts subject to the inclusion of specific content. Key 'gaps' identified included:

- A lack of 'future-facing' policy to guide built form of new development, for example, restricting the use of zincalume, site coverage, bulk and scale, and general design. Some submissions sought the incorporation of diagrams, or design guidelines based on existing tables in some Development Plans
- A lack of policy about the siting, design and bulk of vehicle access points, carports and garages
- An absence of specific numeric parameters for front and side setbacks, as well as other land division considerations including reinforcement of traditional patterns.

There was mixed feedback in relation to the need or otherwise for including historical background/context within the statements.

Some respondents commented on the formatting of the Statements, requesting table headings and numbering of provisions (or rows) within the tables, and raising concerns about mapping.

Character Areas

A small number of submissions sought to have demolition control introduced into the Character Area Overlay, including in relation to large trees and gardens.

Feedback provided on the Character Area Statements was generally consistent with that provided on the Historic Area Statements discussed above.

Similar to the above, some submissions considered the overlay to be too generic and considered it does not provide sufficient guidance for new development.

Other issues

Many submissions across the stakeholder groups highlighted concerns about the loss of public notification and third party appeal rights within all of the heritage and character overlays, particularly in relation to demolition. Notification triggers have been improved as a result of consultation on Phase Two.

A number of submissions sought to have additional detail and/or terminology clarified in the (draft) Practice Guideline (Interpretation of the Local Heritage Places Overlay, Historic Area Overlay and Character Area Overlay) 2019. Some submissions also sought the inclusion of guidance on the interpretation of the two State Heritage overlays.

Some submissions suggested the mapping of National and Commonwealth Heritage in the Code, in order to flag referrals to the Commonwealth Government. A couple of submissions also suggested the mapping of Aboriginal Heritage.

Some submissions raised concerns about the extent of the State Heritage Place and Local Heritage Place Overlays capturing non-listed properties. This issue has been resolved through the introduction of the Heritage Adjacency Overlay as part of Phase Two.

One submission highlighted the need for flexibility when it comes to transmission infrastructure, noting that it is often required to be located near heritage places/areas and yet is rarely compliant with the values, heights or materials of these places/areas. Conversely, some councils sought greater control (and notification) over the development of such infrastructure near heritage places/areas consistent with existing controls, with one council seeking to have such development Restricted (particularly in State Heritage Areas).

City and Urban

The City and Urban Zones apply within the City of Adelaide and some transit corridor locations in inner and middle metropolitan Adelaide. The majority of these zones are contemporary having been introduced or reviewed relatively recently (notable exceptions to this are the City Park Lands Zone and the institutional part of the City Riverbank Zone [i.e. east of King William Street], where the current zoning applying to these locations is long standing), and therefore primarily focuses on the more detailed aspects of policy transition to the Code.

Local Government Feedback

The desire for parts of existing Desired Character Statements within Development Plans to be incorporated in the Planning and Design Code was a key issue raised by councils in this context.

Feedback from some councils was made in relation to envisaged activities in a zone, such that any development identified as appropriate in zone policy should automatically be included in the zone's classification table.

Feedback around the adequacy of zone policy to deal with activities not desired in a zone was received, suggesting stronger and clearer additional policy in this regard.

Development Industry Feedback

Comments from the development industry were received in relation to the Urban Corridor Zone's Interface Height provision, supporting the 45 degree envelope, but also requesting that it not apply where it adjoins a higher intensity scale mixed use zone (such as where an Urban Corridor Zone abuts an Urban Neighbourhood Zone).

Significant Development Site feedback suggested amending the threshold size to 1500m² as currently applies to land along Jetty Road, Glenelg.

Various requests were received to adjust zone boundaries or rezone land to include sites to a more favourable zone, or to change the prevailing zoning to more closely align with the current zoning.

The University of Adelaide's submission requested some refinement to the Cultural and Institutions Subzone to better align with its North Terrace Campus masterplan, including identifying student accommodation as an appropriate use, and some recognition for high rise buildings in gateway locations or where replacing existing ones.

Specific comment from the Hutt Street Traders Association was also received requesting specific policy to prevent the expansion of the Hutt Street Centre.

Community Feedback

Several submissions sought the removal of the provision within the Urban Corridor and City Zones which allows for a 30% height increase if certain incentive requirements are met. In particular, it was felt that the incentives did not go far enough with climate change requirements. This differed from other community submission that supported these incentives.

A number of submissions also sought the removal or alteration to increased height incentives in the City zones for the same reasons.

A number of submissions sought to have the interface building envelope within the Urban Corridor and City zones amended from 30 to 45 degrees to match existing Development Plans and minimise impacts of medium- and high-rise development on adjoining neighbourhoods.

Key Issues

Capital City Zone

The proposal not to transition existing zone interface policy that addresses impacts of the mass of buildings within the Capital City Zone on the adjacent City Living Zone was a subject of concern. The new policy proposed that primarily relates to land use intensity, and only requires building massing issue to be addressed in relation to development above the prescribed zone height, was seen by some to be insufficient.

It was noted that some of the detailed design policies from the current Capital City Zone, such as in relation to building podiums, was removed and that this could possibly result in poorer design outcomes. It was requested that these be reinstated.

Submissions addressed a loss of pedestrian-friendly policies – an absence of policy to address human scale and quality of the pedestrian environment, and loss of policies designed to ensure pedestrian movement is given priority and ease over the dominance of vehicles. For example, the Core Pedestrian Areas has been excluded from the

Zone as has the prohibition of multi-level car parks within the Core Pedestrian Area. It was requested these policies be reinstated as they are important in ensuring pedestrian network is given priority and ease over the dominance of the use of vehicles.

It was suggested the Capital City Zone adjacent to South Terrace be extended further east to apply to the land current zoned Institutional (St Andrews), and also apply the City Frame Subzone.

Additionally, it was requested that the Capital City Zone not apply to the Women's and Children Hospital and Memorial Hospital area, although it did not specify which zone from the Code Library should apply in its place.

City Living Zone

Submissions noted that some of the more detailed design policy currently in the current City Living Zone have not transitioned across (such as front and side boundary setbacks, in regard to floor to ceiling heights, and relationship with the local context), and without these some poor design responses may occur.

Submissions also commented that the allowances for non-residential activity in the zone were not suitable and that the current policy that seeks to shift such development out of the zone should be reinserted. This is based on City Living Zone's central location placing it at a higher risk of likelihood of more widespread non-residential activity compared to suburban locations, plus the potential consequential effect of detracting from nearby commercial zones where commercial activities are preferred. It was felt a different approach would be required compared to suburban neighbourhood type zones.

City Main Street and Urban Corridor (Main Street) Zones

A number of comments were received around the need to be strengthen policy in relation to public realm outcomes, pedestrian comfort and human scale, and activation in the Main Street Zones.

It was requested that the Urban Corridor (Main Street) Zone be replaced by the City Main Street Zone. It was also requested that retail floor limit be removed in relation to the City Main Street Zone, reflecting current Development Plan policy, and the zone's primary purpose as vibrant retail / commercial precincts.

City Park Lands Zone

Submissions acknowledged that the current Park Lands Zone is out of date, and that the special attributes of the Park Lands are recognised in the City Park Lands Zone. However they suggested certain aspects were in need of refinement including:

- **Built Form** - Proposed policy allows for new and larger building than currently contemplated by the Development Plan, and that a more zone-wide approach to built form, rather than specific building directions, should be adopted. Current policy seeks a reduction in building floor area, progressive return of alienated land to Park Lands, and reduction in the number and extent of buildings
- **Design Guidelines** - Submissions requested that the Park Lands Building Design Guidelines relevant to development be included in the Code, or as a Design Standard, to better guide the development of new buildings. It also commented that current policy seeks to reduce / remove car parking in various locations and reinstate to Park Lands, and requested this policy be reinstated
- **Special Landscape Character** - This policy is important in considering the siting of any proposed new development, and was requested to be reinstated
- **City Squares** - These were proposed to be included in the Park Lands Zone, noting that they are currently in the Capital City Zone
- **Subzones** – It was suggested the Adelaide Oval and Eastern Subzone should be deleted and replaced with a comprehensive set of zone-wide policies
- **Restricted Development** – Feedback proposed that educational establishments, hotels and public infrastructure should be removed from the Restricted classification and suggested it be replaced with stronger policy for performance assessed development, particularly for development that is not envisaged in the zone.

Additional commentary was made in relation to the North Adelaide Aquatic Centre site, seeking policy that would return the site to public Park Lands.

City Riverbank Zone

Submissions provided feedback in relation to existing policies which it considers are important to be transitioned to the new zone. This included:

Government House - No recognition of the vice-regal functions of Government House and inappropriate inclusion of the Government House land within the Cultural and Institutions Subzone of the City Riverbank Zone, and that a Subzone should be included for this.

Built Form - Loss of built form interface policies between North Terrace and River Torrens Valley across all subzones.

Demolition Policy (City of Adelaide)

Submissions noted that there is currently council wide demolition control for all buildings, and that this is important to address undesirable outcomes (vacant lots or open car parks) that may otherwise negatively impact on city streetscapes.

Design in Urban Areas - medium to high density development

Comments were received regarding policy relating to apartment liveability, primarily querying whether certain aspects are relevant planning considerations (such as specifying the maximum number of apartments accessing a corridor and maximum corridor length).

The requirements for a deep soil space in front of a building was also commented on, and whether this might detract from building design in some urban areas (and that provision of trees in such location ought be in the public realm).

Comment was also made on the need to be careful around policy requirements relating to context for medium – high rise development, particularly where a location is low rise.

Design in Urban Areas – medium to high density development

A wide range of comments were received regarding design of medium – high rise development covering residential aspects, the appearance of buildings, and general functionality. They were generally supportive of the policy but did suggest a range of more detailed refinements including in relation to:

- Strengthening policy around 'liveability' requirements for apartment style living (including in relation to solar access, ventilation, apartment size, outlook, private and communal open space and the like)
- Strengthening policy in relation to multistorey building design (including in relation to context, form, durability and the like)
- The adequacy of policy regarding waste storage in multi storey buildings.

Public Realm

Submissions noted that the city receives a high volume of proposals that include use of public realm. It commented that activities currently requiring a council-issued permit will no longer require a permit if the activity forms part of an approved development application once the relevant parts of the PDI Act enacted, and that a suitable policy framework must be in place. To this end it highlighted the need for comprehensive policy to address the public realm, not only in regard to the Code but also the more detailed technical aspects covered by its encroachments policy, which it suggested ought be covered by a Design Standard.

Suburban Activity Centre Zone

Feedback included that the Business Neighbourhood Zone is a more appropriate zone for the Melbourne Street west area compared to the proposed Suburban Activity Centre Zone, and that current area specific policy should also be carried across.

Technical and Numeric Variations (TNV)

Various comments were made in relation to Building Height TNVs not reflecting the current Development Plan criteria and therefore should be amended.

Urban Corridor Zones

Most Urban Corridor Zones issues that were raised apply across all four Urban Corridor Zones, rather than in relation to a specific Urban Corridor Zone. Of particular note were comments in relation to:

- **Interface Height** - A number of submissions expressed concern that the proposed Interface Height provision does not reflect current Development Plan policy. The policy requires development adjacent to the zone boundary at the interface with a neighbourhood type zone be constructed within a 45 degree envelope (so that building height reduces closer to the zone interface to address visual impact associated with building mass), other than at a southern boundary where a 30 degree envelope applies (to address overshadowing). A number of councils currently have a 30 degree envelope applying to all aspects, and most of these councils wanted this retained. One council which currently has the 45 degree envelope applying on all zone boundaries (including the southern one), requested it retain this policy, and rely on the general overshadowing policy to address that issue. Another council also commented that where the zone interface is along a residential street the building envelope provision would not apply, and tall buildings facing back into residential areas could result, rather than being focussed towards the primary corridor. It requested additional policy to address this situation
- **Significant Development Sites** - There were mixed views in relation to the new Significant Development Site provision (that allows for an increase of 30% in building height on large sites [over 2500m² and 25m frontage] for the inclusion of a range of desirable community and sustainability outcomes). There was some support for the policy and its intent to encourage amalgamation of sites to enable better overall design outcomes. Others were opposed to any allowance for additional building height, and suggested the required desirable outcomes should be standard requirements for all corridor development
- **Density** – Some feedback was received in relation to density provisions, some requesting slightly lower requirements in relation to some zones or locations, while others considered the proposed policy as suitable (in essence reflecting current Development Plan settings). One submission suggested that a maximum floor area be used in some cases instead of a density requirement
- **Retail Floor Limits** – Some feedback was also received in relation to retail floor limits for the Urban Corridor (Main Street) and (Business) Zones, suggesting that the proposed limit will reduce opportunity for larger scale retail activity that should be retained in these areas
- **Change of Use** – Feedback was received in relation to change of use between a shop, office and consulting room being identified as a deemed-to-satisfy development, but without any criteria for assessment.

Urban Neighbourhood Zone

In areas where the Urban Neighbourhood Zone is proposed to replace an existing Suburban Activity Node Zone, a number of submissions observed that the new zone allows for higher intensity development compared to the existing zone in relation to retail allowances and requirement for high density, and that these may not align with current Development Plan requirements in the current Suburban Activity Node Zone (which generally seeks a less intense overall form of development). This was not an issue where the Urban Neighbourhood Zone replaces the current Urban Core Zone.

Comment was also made in relation to retail floor limit where the zone has been applied to the Residential (High Density) Zone along foreshore areas of Glenelg adjacent to Jetty Road, where currently only smaller scale retail activity is allowed.

Rural Residential

Consistent with submissions received from Phase Two of the Code, multiple submissions raised concerns with the zone and associated policies chosen to accommodate existing areas of residential development that are not connected to SA Water for potable water supply and/or sewer. As these areas use a community waste water management scheme or an on-site septic system, an increased area of land is required to accommodate both a dwelling and the septic tank and disposal area. It has also been suggested that the deemed-to-satisfy and performance assessed assessment tables be strengthened to ensure development approvals are not issued in advance of detailed wastewater assessments by qualified wastewater engineers.

Broad support was provided for the inclusion of policies that reflect the existing allotment size, frontage and building heights found within Development Plans. To ensure greater consistency, further amendments to the proposed Technical and Numerical Variations were suggested which may require minor changes or the inclusion of missing values.

Throughout all Phase Three areas that contain the rural suite of policies, multiple submissions were received from both Local Government and land owners seeking changes to the proposed zones or the creation of new subzones to reflect the existing policies contained in Development Plans.

Local Government Feedback

Local Government provided detailed commentary on all aspects of the transition of existing Development Plans to the Code. A notable issue was the desire for existing Desired Character Statements, and other local policy content, to be incorporated within the Code to assist in guiding future development.

Multiple submissions supported the inclusion of existing Concept Plans that are considered to be useful tools in helping development outcomes, with the most appropriate plans being clearly identified for retention.

Development Industry Feedback

SA Water suggests a further review of the proposed reduction in minimum allotments sizes in unsewered areas of townships, particularly within the catchment areas of greater Adelaide's public water supply. This was identified as an issue to ensure that the intensification of townships does not increase the contamination of surface water systems.

Telecommunication providers have suggested including additional policies to guide the assessment of Telecommunication Towers and insert this land use into the Performance Assessment Table.

Community Feedback

Multiple submissions were received with suggestions for the re-zoning of land to facilitate increased development outcomes or seek to protect the existing character and amenity of a region. Each proposal is to be considered by the Commission to determine if they are suitable as part of this process or require further analysis via a separate Code Amendment. Some of these include, but not limited to the following areas:

- Adelaide Hills - A petition from residents of the Adelaide Hills region sought the protection of the existing character and amenity of the existing 'country living' areas. It has been suggested that a differing suite of policies apply to this region to protect its existing characteristics
- Kudla - Multiple submissions from residents of the Kudla region sought land south of Gawler to be zoned Rural Living to accommodate smaller allotments than currently allowed.

It was suggested that existing residential areas adjoining Township Zones should be included within a new 'Township Neighbourhood' Zone for rural localities that are neither suburban nor rural.

Townships that are either located near watercourses or within the Mt Lofty Ranges Overlay(s) have been identified as areas that require additional water quality policies. It was suggested that in addition to policies to manage water quality, that minimum allotments sizes be increased to 4000m² to ensure water quality can be managed on site.

Key Issues

Residential Neighbourhood Zone

As the Residential Neighbourhood Zone is proposed to facilitate large allotments that accommodate primarily a single dwelling, submissions have suggested that the name should be changed to reflect its transitional nature between smaller residential sized allotments and larger rural living allotments. It was also identified that a residential flat building, retirement facility, shop, office and educational facilities should not be included as land uses anticipated within the Zone given the overall intent of the Zone.

A number of policy amendments have been suggested to improve the overall function of the Zone. It was also identified that parts of the Willunga township should be incorporated into this Zone, due to the larger allotment sizes being encouraged. Additional policy relating to wastewater management should be considered within the Zone to protect key public water sources and in particular those areas adjoining the Mt Bold reservoir.

Rural Living Zone

Submissions are generally supportive of the transition from existing areas to the proposed Rural Living Zone, with numerous submissions providing suggestions to improve its spatial application and its suite of policies. A number of other zone changes have been identified where it is considered that the proposed zone does not reflect the existing Development Plan criteria and are appropriate for smaller allotment sizes:

- Loxton Waikerie Council – Loxton South (parts of)
- Renmark Paringa – Renmark West.

The Adelaide Plains Council identified that its Development Plan contains a unique Animal Husbandry Zone with the aim to accommodate larger-scale animal keeping and has a different function to the Rural Living Zone. Although it is proposed to be in a separate subzone, it has been suggested that a standalone zone be created to cater for the diverse range of land uses and differing role to that of the Rural Living Zone.

Some councils also identified where they considered the need for the creation of a subzone to accommodate areas of unique character or development outcomes:

- Adelaide Hills Council – Adelaide Hills Character Subzone
- Adelaide Plains Council – Adelaide Plains Subzone
- Barossa Council – Tanunda.

Mixed views were received on the proposed allowance of small scale non-residential land uses (light industry, shops and consulting rooms) in rural living areas. Policies that allow non-residential land uses that complements the semi-rural character and amenity is acknowledged, and in most parts supported, however the extent of land uses encouraged should be further reviewed. A key element is the requirement that non-residential land uses should be ancillary to the dwelling.

There was a clear desire for proposed Technical and Numerical Variations throughout the region to be reviewed to ensure greater consistency with current land division criteria. Greater consistency with current Development Plan criteria is supported to reduce any potential for undesirable outcomes that are not consistent with the intent of the Zone. Key areas for amendment have been identified with additional policy changes suggested to support the desired outcomes. The Adelaide Hills Council has also suggested that inclusion of its current 'median rule land division tool' that it considers to be an important tool to guide infill residential development taking into consideration the existing character and amenity of the Adelaide Hills region.

Submissions also suggested that a Minimum Lot Frontage Technical and Numerical Variation be included where there are existing criteria applying.

Multiple submissions suggested that the current size and height limits for outbuildings should be increased to reflect the needs for rural communities. It is also suggested that outbuilding policies should include pre-colour treated materials and to promote setbacks off side and rear boundaries. Similar to outbuildings, submissions suggested that additional policies should be provided for 'stores', as these buildings on vacant allotments are not considered to be orderly development.

It has also been suggested that heavy vehicle parking policies should be inserted into the Rural Living Zone to identify where this is an appropriate form of development and provide appropriate parameters to guide development outcomes.

To avoid the visual impact of two storey dwellings, it has been suggested that policies be inserted to ensure that dwellings be low profile, sited below ridge lines and to avoid excessive cut and fill.

Rural Settlement Zone

Submissions were broadly supportive of the transition from existing settlement to the proposed Rural Settlement Zone, although it has been suggested that the chosen name does not require the reference to 'rural'. Settlements within greater Adelaide areas are not perceived as rural areas and the removal of rural would retain a similar approach to Township Zones.

The Adelaide Plains Council has identified a number of existing settlements where they consider the need for the creation of a subzone to accommodate areas of unique character or development outcomes; Adelaide Plains Settlement Subzone and an Adelaide Plains Coastal Subzone.

A number of submissions have suggested a range of policy improvements, including the application of the Limited Land Division Overlay to the Bethany and Krondorf settlements and the inclusion of a Building Height (Storey) Technical and Numerical Variation where there are existing criteria supporting only single storey development.

Township Zone

Submissions were generally supportive of the transition from existing townships to the proposed Township Zone, with numerous submissions providing suggestions to improve its spatial application and its suite of policies. A number of other zone changes have been identified where it is considered that the proposed zone does not reflect the existing Development Plan criteria:

- Adelaide Hills Council – Balhannah and Birdwood (parts of)
- Light Regional Council – Wasleys township
- Mt Barker Council – Hahndorf
- Onkaparinga Council – Clarendon, Willunga and McLaren Vale
- Playford Council – One Tree Hill (parts of)
- Yankalilla Council – Lady Bay.

Councils have also identified where they considered the need for the creation of a subzone to accommodate areas of unique character or development outcomes:

- Barossa Council - Lyndoch, Williamstown and Mount Pleasant
- Barossa Council - Mount Pleasant – Residential Subzone
- Onkaparinga Council - Willunga, Port Willunga, Aldinga, Clarendon, McLaren Flat, Old Noarlunga Subzone(s)
- Mt Barker Council - Nairne – realignment of proposed Nairne Redevelopment Subzone.

Multiple submissions identified that the Township Zone results in reduced allotment sizes and frontage to many townships that may result in metropolitan-scale development that is out of character of the village and township characteristics. It has also been suggested that this approach is inconsistent with the Character Preservation legislation for townships in the Barossa and McLaren Vale regions. A further review of development criteria is supported with the suggestion that Technical and Numerical Variations be inserted into the Zone.

Submissions identified that the impacts of out-of-centre retail development should be reviewed. It has been suggested that the changes to retail development in township residential areas could potentially affect the value and viability of existing centre zones and result in ‘out of zone strip development’ on arterial roads with its impacts to be carefully considered. It has been identified that most Development Plan contain non-complying provisions to limit sizes of shops/retail development with no size constraints contained in the proposed Zone. It has been suggested that the Restricted development pathway should be introduced for certain land uses.

Light Industry and Warehouse activities was also identified as land uses that have a potential interface issues with adjoining residential properties. Similar to retail land uses, there are no size constraints, unlike many existing non-complying provisions. It has been suggested that policies be considered to guide appropriate development outcomes and consider if the Restricted development pathway is appropriate.

As the above mentioned land uses have been listed as envisaged land uses with the Township Zone, multiple submissions raised concerns that the currently non-complying forms of development would no longer require any form of public notification. Further consideration is suggested to ensure residents within townships are provided suitable notification for non-residential land uses.

Residential development not connected to sewer

Consistent feedback was received in Phase Two and Three consultation about the need for additional policy for developments that are not connected to SA Water for potable water supply and/or sewer. The Commission addressed this matter in response to Phase Two feedback by recommending that appropriate deemed-to-satisfy (DTS) / designated performance features (DPF) policy was applied to residential development and amending policy relating to waste disposal systems to align with approval processes under the *South Australian Public Health Act 2011*.

Productive Economy

Rural

Consistent with the feedback received during Phase Two of the Code, there was support for the suite of policies that seek to facilitate increased value adding opportunities within rural communities. Broad support was provided for the inclusion of policies that reflect the existing parameters found within Development Plans. Further amendments to the proposed Technical and Numerical Variations were recommended to occur.

Local Government Feedback

Local Government submissions provided detailed commentary on the transition of existing Development Plans to the Code. Submissions requested the existing Desired Character Statements to be incorporated, in some form, within the Code to assist in guiding future development. It was recognised that the Code is not a 'like-for-like' transition of existing policies, however there was support for additional provisions to be reinstated into the Code, including Desired Character Statements, to help shape local communities.

A diverse range of suggestions to improve Land Use and Administration Definitions were also provided to assist in the assessment of agricultural land uses and improve upon the current Development Act and Regulations.

Development Industry Feedback

Industry feedback provided a range of suggested policy improvements to enhance the development opportunities for rural based industries and value adding enterprises. A review of the application of Overlays is supported to minimise the extent of envisaged development that are removed from accepted or deemed-to-satisfy pathways. A detailed review of the public notification requirements is also supported, although there was broad support for the reduction in third-party notification and its potential appeal risks.

A review of land use and administrative definitions is actively supported to increase certainty within the industry. It has been suggested that many definitions should align the terminology used within the planning, building and environmental protection legislation.

Interface management between land uses is a significant issue faced by both industry and community. There was a desire for a further review of the Interface Between Land Uses general development policies to minimise conflict between adjoining farm businesses and managing biodiversity threats. It has been suggested that the recommendations of the Primary Industries and Regions SA's Buffers Working Group Final Report be considered as part of any future review of interface policies.

Community Feedback

Multiple submissions were received with suggestions for the re-zoning of land to facilitate increased development outcomes. Each proposal is to be considered by the Commission to determine if they are suitable as part of this process or require further analysis via a separate Code Amendment. Some of these include, but not limited to the following areas:

- Murray Bridge – seeking to incorporate land in the Rural (Intensive Enterprise) Zone to reflect new facilities and include various Overlays to manage interface with sensitive land uses
- Freeling – seeking to include land outside of the existing township for urban expansion
- Gawler north (south of Roseworthy) – seeking to include land as Rural Living
- Kudla – seeking to include land as Rural Living
- Myponga – seeking to include land outside the existing township for urban expansion
- Various land holdings located within the current Environment, Food and Production Area to enable land division potential
- Kapunda – include privately owned land into the Rural Zone to reflect existing rural land uses.

Multiple submissions also supported the removal of either the Limited Dwelling Overlay or Limited Land Division Overlay to enable the construction of a dwelling or divide land in rural areas. Conversely, submissions also sought additional areas to apply both Overlays to limit development opportunities.

Similar to suggestions from Local Government, multiple submissions sought a future review of land division and boundary realignment criteria to tighten up any opportunity for inappropriate development to compromise existing agricultural activities.

Key Issues

OVERLAYS:

Character Preservation District Overlay

Multiple submissions have suggested that as the Barossa and McLaren Vale regions have been given special recognition in the planning system through the Character Preservation Act(s) that a further review of the Character Preservation District Overlay should occur to enhance and protect its character. Furthermore, as the townships have now been spatially applied, additional policies within the Overlay are supported to guide future development outcomes.

Mount Lofty Ranges Catchment Overlay(s)

There was support within Local Government for the consolidation of the existing Mount Lofty Ranges Watershed 2 and 3 to form the proposed Mount Lofty Ranges Catchment (Area 2) Overlay.

The Environment Protection Authority and SA Water suggest an expanded list of Restricted land uses with the support of a Practice Guideline to safeguard Greater Adelaide's public water supply. It is suggested that a further review of the land uses envisaged within the underlying zone should occur as some may not be compatible with the Mount Lofty Ranges Overlay(s) and may not be able to meet minimum water quality requirements. Other practitioners suggested a number of additional policy amendments to improve the overall function of the Overlay(s).

New Overlays

Various submissions expressed a desire for the creation of a number of additional overlays to address rural basis issues. A number of council areas contain 'scenic routes maps' that provide an additional layer of protection for scenic areas and contribute to the tourism experience and it has been suggested that a 'scenic routes overlay' should be considered for inclusion in the Code.

A number of councils advocate for the inclusion of Primary Industries and Regions SA's 'Primary Production Priority Areas mapping' to assist in identifying high versus low value agricultural land. It has been suggested that this should be considered as a new Overlay.

It has also been suggested that a 'Paper Township Overlay' be considered to restrict dwellings being established in unique rural areas, such of Currency Creek and other paper townships. The overlap of this request with existing Overlays would need to be considered as part of this request.

ZONES:

Peri-Urban Zone

The proposed Peri-Urban Zone generated consistent feedback from Local Government, Government agencies and the wider community. Feedback suggested that the Peri-Urban name detracts from the key focus of the Zone, being for primary production and related activities. This is consistent with the Commission's confirmation in its *Update Report of December 2019* that the Peri-Urban Zone which spatially applies to areas around metropolitan Adelaide should apply a new naming convention that better reflects the intent of the Zone.

Throughout all Phase Three areas containing the rural suite of policies, submissions were received from both Local Government and land owners seeking changes to the proposed zones or the creation of new Subzones to reflect the existing policies contained in Development Plans. Similarly, a wide range of policy amendments were suggested to improve the development assessment process

Local Government welcomed the changes from current policies to increase value adding opportunities in the Peri-Urban Zone. Various suggestions were provided to improve its overall function and desired outcomes.

It was recognised that the spatial application of the Peri-Urban Zone may influence its chosen name. Multiple submissions either agreed or disagreed with its spatial application but questioned why some areas were included and other areas were not. An example being its application in the Barossa region whereas it hasn't been applied in the McLaren Vale region.

There was a broad understanding that the area between regional areas and metropolitan Adelaide requires a different suite of policies that supports the dynamic mix of land uses. Various suggestions were provided to improve and refine the Peri-Urban Zone policies.

Various name changes were provided, including Rural (Greater Adelaide) Zone, Rural (Mount Lofty Ranges) Zone, Rural (Adelaide and Mount Lofty Ranges) Zone, Peri-Rural Zone and the Rural Character Zone. All of which emphasise 'rural' as the key element to define the intended use of the Zone, with further work encouraged to

determine where it should apply. A number of councils suggested that the Overlays applying to the area should influence if this zone or another similar zone should be applied; for example the Character Preservation Overlay and Mount Lofty Ranges Overlay(s). Additional review is supported to confirm the spatial application of this Zone.

Councils identified where they considered the need for the creation of a new subzone to accommodate areas of unique character or development outcomes:

- Adelaide Hills Council - Inverbrackie Subzone
- Adelaide Hills Council - Verdun, Inglewood and Lenswood Settlement Subzone(s)
- Light Regional Council - Seppeltsfield Subzone
- Mount Barker Council - Cedars Precinct Subzone.

A range of policy improvements suggested by Councils included:

- Changes to the accepted, deemed-to-satisfy, performance assessed, restricted tables and public notification requirements
- Supporting the inclusion of protective tree netting as an accepted type. Alternatively, this could be listed in the Performance Assessed Table to ensure it does not require public notification
- The sloping land provisions excludes the majority of development classes from the accepted development or deemed-to-satisfy pathway. A review is supported to ensure envisaged land uses can occur through a quicker process pathway
- Existing non-complying land uses are encouraged to not be listed as envisaged land uses (i.e. warehouse and industry). It is suggested that assessment pathways for these activities do not change as part of this transition process.

Rural Zone

There was a clear understanding within Local Government of the transition of existing Primary Production Zones to the Rural Zone. There was support for its intended policies that foster primary production activities and the opportunities to expand the economic base within communities.

There was a clear desire for proposed Technical and Numerical Variations throughout the region to be reviewed to ensure greater consistency with current land division criteria and minimum allotment sizes for the construction of a dwelling. Greater consistency with current Development Plan criteria was supported to reduce any potential for undesirable outcomes that are not consistent with the intent of the Zone. Key areas for amendment have been identified with additional policy changes suggested to support the desired outcomes.

The draft Rural Zone provides for the opportunity of creating secondary dwellings on a single allotment. Subject to a number of criteria, the intent is to provide opportunities for our ageing farming communities to reside on their land while ensuring that land does not continue to be fragmented and thus impact upon the viability of rural land. In a number of council areas, current policies do not enable the construction of secondary dwellings; primarily to minimise rural living type outcomes. It has been suggested that a future review be undertaken to determine the impacts of additional dwellings and if this is appropriate within this region.

This coincides with a desire for the strengthening of policies to ensure allotments sizes within rural areas are not eroded. This also includes a desire for increased boundary realignment provisions to ensure that allotment boundaries are not realigned to the detriment of productive rural land.

Increased opportunity for small-scale tourist accommodation where associated with primary production activities is broadly supported, however a further review of tourism related policies and land use definitions is encouraged to provide greater clarification and assist in the development assessment process.

A number of councils have suggested that certain areas of the Rural Zone could be changed to the Peri-Urban Zone as this seeks smaller scale and less intensive forms of agricultural industries. These changes are subject to and dependent on any changes to the Peri-Urban Zone (see discussion above). A number of other zone changes have been identified where it is considered that the proposed zone does not reflect the existing Development Plan criteria:

- Barossa Council - Belvidere Road, Nuriootpa
- Onkaparinga Council - Landscape Protection Policy Area 31
- Playford Council – Virginia Nursery Site
- Playford Council – Renewal SA land in MacDonald Park.

Councils also identified where they considered the need for the creation of a subzone to accommodate areas of unique character or development outcomes:

- Alexandrina Council – Rural Boundary Realignment Subzone
- Alexandrina Council – Flood Area Boundary Realignment Subzone
- Alexandrina Council – Langhorne Creek Region Subzone
- Barossa Council - Belvidere Road, Nuriootpa Subzone
- Berri Barmera Council – Landscape Protection Subzone
- Onkaparinga Council - Open Space Subzone.

A range of policy improvements suggested by councils relate to function centres, shops, tourist accommodation, land division, boundary realignments, public notification and the reduction of Restricted land uses. It has also been suggested that a minimum lot frontage Technical and Numerical Variation be included for areas that current contain this criteria.

Rural Horticulture Zone

A further review is supported to determine the Rural Horticulture Zone’s application across greater Adelaide. Support was provided for this zone applying in the Playford and Adelaide Plains regions, however its application was questioned in other regions. A number of policy improvements were suggested, including if this Zone should be a subzone of the Rural Zone.

Primary Industries SA also supported this zone being reviewed to support intensive primary industry precincts (such as the Northern Adelaide Plains region) and extend the opportunities for farm diversification available in the other rural zones to all SA producers.

Rural Intensive Enterprise Zone

There was support for the proposed Rural Intensive Enterprise Zone that seeks to provide areas that protect existing and future clusters of large scale rural industries that are important economic and employments assets to the State. A number of suggested policy improvements include promoting a greater mix of rural industry and agricultural value adding land uses, along with considering if the Limited Land Divisions Overlay be removed to create greater opportunity for economic investment.

Retail

Retail policy in the Code is primarily focussed through a centre’s ‘hierarchy’ which includes the following zones:

Retail development inside these zones is a primary envisaged land use, generally without floor area limitations.

| Urban Activity Centre Zone | |
|---|---|
| Suburban Activity Centre Zone / Suburban Main Street Zone | Township Activity Centre Zone / Township Main Street Zone |

Outside of these zones, retail development is guided by the particular zone’s policy, with limitations to ensure that activity centres, main streets and mixed-use areas remain the primary place for commercial and retail activity.

Feedback on retail policy in the code provided differing opinions about the suitability of out-of-centre retail and how the centres hierarchy should operate, with some respondents seeking greater flexibility for shops in mixed use areas, and others seeking to preserve rigour in the retail hierarchy structure.

Feedback from a range of stakeholders observed that the Code requires additional policy and principles to guide an authority in the assessment of out of centre retail.

Respondents from local government and the community observed a policy gap in the centre hierarchy, with concerns that existing Local Centre Zones don’t have a policy equivalent in the Code.

Many respondents observed that shops which exceed the relevant floor area limit in the zone’s policy should always be subject to public notification.

Local Government Feedback

Responses from local government respondents generally requested the existing centres hierarchy be retained, and observed the need for additional policy to assess 'out of centre' retail development.

It was observed that the Restricted threshold for shops of 1000m² was too large, and should reflect the relevant deemed-to-satisfy (DTS) / designated performance features (DPF) policy in the Code. Conversely, other council submissions observed that shops outside of activity centres should not be Restricted to allow council to be the relevant authority.

Submissions echoed concerns raised by industry in relation to the lack of provisions in the Code to assess out-of-centre retail development, particularly performance assessed development which exceeds the zone floor area policy, but is less than the Restricted trigger.

Respondents from local government observed a policy gap in the centre hierarchy, with concerns that existing Local Centre Zones don't have a policy equivalent in the Code. It was asserted that Suburban Activity Centres Zones are an inappropriate transition due to the following policy:

- No limit to shop floor areas (currently only small corner shops anticipated)
- Bulky goods outlets encouraged
- Buildings of a low-to-medium rise envisaged
- Residential development >35 du/ha
- Advertisements up to 8m height.

Many local government responses requested amended or clarified policy in relation to building heights in activity centres, requesting all building heights in Development Plans to be translated into Technical and Numeric Variations (TNVs) in the Code. The use of the term 'medium rise' was also observed to create potential conflict with TNVs that identify lower building heights.

Councils queried the suitability of dwellings in activity centres, with several submissions requesting that 'dwelling' be listed as Restricted in activity centre/main street zones.

Local government submissions also raised the following issues:

- Tourist Accommodation is envisaged in all zones, however no provisions are listed in the 'Township Main Street Zone' or 'Suburban Activity Centre Zone' nor listed in Performance Assessed Tables
- Request transition of car parking funds in Development Plans into the Transport, Access and Parking provisions of the Code
- Request policy on parking, traffic, access in Township and Suburban activity centre zones
- Request policy on land division and advertising in Township Main Street Zone
- Recommend relevant planning provisions are further reviewed to ensure appropriate control of advertising structures, avoiding proliferation of advertisements and third party signage.

Development Industry Feedback

The majority of feedback on retail policy in the Code was raised by 'industry' stakeholders, which includes private developers, retail associations, development advocacy organisations and retail corporations.

Feedback from industry primarily focussed on the centre hierarchy and out of centre retail, with responses split between:

1. Retention of the existing centres hierarchy, making more shops Restricted in non-activity centre/main street zones, and providing a stronger policy framework to assess out-of-centre retail avoid negative impacts from an over-supply or poorly located shopping centres; and
2. Removing Restricted triggers for out-of-centre retail and permitting greater flexibility for shops in suitable locations (particularly bulky goods outlets and mid-range supermarkets).

Feedback suggested that the Commission should be the relevant authority for out-of-centre retail, but this should be prescribed via the regulations rather than listed as Restricted, which conveys that development is not appropriate and provides third party appeal rights.

Retail industry submissions observed the need for appropriate policy in cases where a shop is of a size in-between the retail floor cap envisaged in zones and the Restricted shop threshold. It was suggested that policy could be provided which:

- Is similar to existing council-wide policy for 'Centres and Retail'
- Requires a net community benefit test for new activity centres with supermarkets that demonstrates evidence of over trading, under supply of retail gross leasable floor areas and minimal impact on the existing shopping centres
- Requires new retail centres or out-of-centre shops to include a retail catchment analysis, nett community benefit test, sequential test, and consider the strategic 'fit'
- Limit shops to 500m² and a Restricted form of development in all zones other than activity centres, main streets or township zones
- Supports edge of centre expansion as an alternative to opening up new centres.

Conversely, other retail industry submissions requested for the Code to address the need for mid-size supermarkets by amending the Restricted trigger and relevant deemed-to-satisfy (DTS) / designated performance features (DPF) in the following zones to allow shops up to 2,000sqm:

- Urban Corridor (Living) Zone
- Urban Corridor (Business) Zone
- Suburban Business and Innovation Zone
- Business Neighbourhood Zone
- Innovation Zone
- Employment Zone
- Suburban Employment Zone.

These submissions, however, also supported the concept of edge-of-centre retail, and suggested the Restricted development exclusion for shop development in neighbourhood zones be amended: "with a gross leasable area less than... other than where the development comprises a shop in an adjacent Activity Centre Zone or Main Street Zone which expands into the [relevant neighbourhood zone]".

Community Feedback

Submissions from the community regarding retail were less than other stakeholder groups. However, some community feedback reiterated concerns by local government about the scale of development permitted in existing Local Centre Zones, requesting that height/scale limitations in Development Plans be maintained in the Code.

Key Issues

Bulky goods outlets

Submissions raised concern with the activity/centre main street zone policy guiding bulky goods outlets toward the zone periphery, limiting floor area to 500m². It was observed that bulky goods outlets would typically exceed 500 square metres in gross leasable area. In directing bulky goods to the periphery of the zone, opportunities to establish bulky goods outlets will be further constrained, given the relatively low number of zones where the use is envisaged in any form.

Further, the practicality of achieving bulky goods outlets sited and designed to achieve or maintain a vibrant and interesting streetscape within retail areas was questioned given the inherent nature and form of bulky goods outlets.

Feedback observed the number of zones which would reasonably support the establishment of a bulky goods outlet appeared limited, and requested bulky goods outlets be deemed-to-satisfy in at least the Employment Zone to streamline and simplify the planning process.

It was requested that bulky goods outlets be excluded from notification in the following zones:

- Employment Zone
- Suburban Employment Zone
- Suburban Business and Innovation Zone.

Car parking

The vehicle parking rates located within the General Development Policy section were generally supported, however the following matters were raised:

- Rates are still conservative and do not align with contemporary assessment rates, generally applied by traffic professionals
- Update parking rates for bulky good outlets to reflect contemporary rates
- Review the language in Table I - General Off Street Car Parking Requirements to clarify intent when calculating requirements for proposals involving more than one development type
- Concern Castle Plaza and Kurralta Park centres will not be maintained as 'designated areas' for parking purposes under the Code.

Miscellaneous

Other matters raised by industry submissions included:

- Performance Outcome I.1 should mention residential development as an envisaged land use, Desired Outcomes should make reference to residential development
- Restriction on advertising signs is considered inappropriate when applied to an integrated shopping centre
- There should be a greater equivalence in the policy treatment of Shop and Retail fuel outlets in activity centre/ main street zones
- Reference to hours of operation in performance assessed policies in activity centre zones considered unnecessary given the standards specified in relation to noise or vibration, air quality, light spill and other amenity impacts elsewhere in the general policies and draft Code
- Recommend that the Land Use Definition of 'Service Trade Premises' in the Code be reviewed, noting the changing nature new car sales and consideration be given to whether 'Motor Vehicle Showrooms' (limited by scale) should instead be included within the definition of 'Shop'
- Suggest that the definitions of 'shop' and 'restaurant' are reviewed with the view to removing the 'restaurant' definition from the 'shop' definition to reduce the current level of uncertainty
- The Restricted development trigger for shops in the Urban Neighbourhood Zone be amended from 10,000m² to 2500m² to be consistent with the zone's policies.

Employment

Multiple submissions were received seeking changes to the proposed zones or the creation of new subzones to reflect the existing policies contained in Development Plans.

Significantly, there were calls to include more tailored policy in both the Innovation Zone and Employment Zone that better recognises the development needs, specialised functions, vision and intent of major strategic development and employment sites such as Flinders Village, the Tonsley innovation precinct and Osborne Naval Shipbuilding site in Port Adelaide, including the range of supporting uses. Suggestions to carryover Concept Plans applying to these sites also featured strongly, potentially via Technical and Numerical Variations.

There was also broad support for the inclusion of policies that reflect the existing parameters found within Development Plans, including the size and scale of shops and commercial development across employment, business, tourism and innovation zones. To ensure greater consistency, further amendments to the proposed Technical and Numerical Variations may be appropriate, which may require minor changes or the inclusion of missing values.

Similar to feedback in relation to Phase Two, height was a general topic of debate throughout a number of zones (including the Suburban Employment Zone, Business Neighbourhood Zone, Suburban Business and Innovation Zone and Tourism Development Zone, and for strategic development sites in the Innovation Zone), with recommendations to retain current building height policy. There was also some dissatisfaction with the term 'low to medium rise buildings' in the Business Neighbourhood Zone, where desired outcomes seek low-rise buildings of one to two storeys.

Also aligning with feedback from Phase Two, respondents called for policies to reinforce 'environmentally sustainable tourism', including avoiding areas subject to hazard such as bushfire risk based on recent events. Potential for more contemporary policy and definition of tourist accommodation was also identified to address changing markets needs and new or emerging models, including where accommodation options are increasing in residential neighbourhoods.

A wide range of policy amendments and changes to development classification tables were suggested to improve the development assessment process.

No direct feedback was received from councils, industry or the community in relation to the Motorsport Park Zone, Rehabilitation Subzone or Aquaculture General policy provisions.

Limited feedback was received in relation to the Workers Accommodation and Settlements General policy provisions, apart from potential separation of the policy module into two separate modules given perceived differences in intensity (e.g. required infrastructure support) between short term accommodation for workers versus full workers' settlements. It was also suggested that car parking requirements may be excessive given that workers within these camps often do not rely on their own vehicles and do not generally have visitors.

Limited feedback was received in relation to the Forestry General policy provisions, with comments only received from one council suggesting that commercial forestry plantations should only be established where there is no required clearance of valued trees or substantially intact strata of native vegetation, and there is no detrimental effect on the physical environment or scenic quality of the rural landscape. It was also suggested that where 'watercourses' (including first or second order watercourses) are referred to in the policy provisions, the Code should clarify to how these are identified (i.e. via Overlays or shown in maps).

There were also requests to include telecommunications facilities as performance assessed developments and/or exempt from notification in a number of employment zones, including the Suburban Employment Zone, Business Neighbourhood Zone, Home Industry Zone, Suburban Business and Innovation Zone, Tourist Development Zone, Employment (Bulk Handling) Zone, Resource Extraction Zone, Motorsport Park Zone, Caravan and Tourist Park Zone.

Local Government Feedback

Broadly, there was some suggestion from councils that the transition of existing smaller scale business zones or areas into more intensive zones such as the proposed Suburban Business and Innovation Zone and Suburban Employment Zone is not a 'like for like' transition, and suggested opportunities to create a new zone or Subzone in the Code to apply to areas where a lower intensity of commercial and business activities are anticipated (potentially without residential or industrial uses).

A number of councils also identified that a range of uses that are strongly discouraged in the existing Development Plan (many currently non-complying) are proposed to be included in the performance assessed or deemed-to-satisfy pathways in a number of employment-related zones, and in some cases with limited policy guidance for their assessment - in particular within the following zones:

- Employment Zone
- Suburban Employment Zone (e.g. community centre, consulting room, hotel, stand-alone office, shop and tourist accommodation)
- Suburban Business and Innovation Zone (e.g. industrial type uses, motor repair stations, and service trade premises)
- Employment (Bulk Handling) Zone (e.g. dwellings and all forms of industry)
- Home Industry Zone (e.g. consulting rooms, motor repair stations, and offices not associated with an industrial use)
- Tourism Development Zone (e.g. industry/light industry, detached dwellings under certain circumstances, bulky goods outlet, and shops over a certain floor area).

A thorough review of the classification tables was therefore recommended.

Development Industry Feedback

Opportunities to expand application of overlays such as the Resource Extraction Protection Overlay was also a common theme to identify and protect known economically workable deposits of minerals from incompatible development, including strategic mineral resources.

No direct industry feedback was received in relation to the Suburban Employment Zone, Business Neighbourhood Zone, Home Industry Zone, Significant Industry Interface Overlay or the Forestry, Bulk Handling and Storage Facilities, and Tourism Development General provisions.

Some industry feedback suggested a reduction in the allowable level and scale of retailing and shop developments across the various employment (and neighbourhood) zones in the Code, while still allowing for small shops and cafes to service employment precincts and the local workforce.

Community Feedback

Community feedback identified a need to include reference to Sunday trading for shops, offices and consulting rooms in the Interface between Land Uses General policies regarding hours of operation. There was also some dissatisfaction with the term 'unduly reduce' relating to overshadowing in the General policy provisions and the term 'objectionable emissions' in the Suburban Employment Zone, and for policies to more directly address noise associated with schools. One submission also queried why interface height policies in the Employment Zone only apply to land in adjacent neighbourhood zones (which is deliberate to manage interface impacts on adjacent residential areas).

There was also some suggestion that the scale of advertising signs in the Suburban Employment Zone may be too small for the range and type of anticipated uses in the Zone.

Limited community feedback was received in relation to the Business Neighbourhood Zone, although one submission specifically sought a reduction in the potential height of buildings within the Zone along The Parade at Norwood, due to visual and climatic concerns and potential impact on heritage places.

Comments were also received in relation to the need for tourist development to be sensitively located to minimise harm to areas of native vegetation, biodiversity, other environmental assets and landscape amenity, and to avoid areas at higher risk to natural hazards and bushfire. This is likely in response to the recent bushfires affecting South Australia and nationally.

No community feedback was received in relation to the Suburban Business and Innovation Zone, Tourism Development Zone, Innovation Zone, Home Industry Zone, Employment (Bulk Handling) Zone, Caravan and Tourist Park Zone, Resource Extraction Zone, Motorsport Park Zone, Resource Extraction Protection Overlay, Significant Industry Interface Overlay, or the Advertisements, Forestry, Bulk Handling and Storage Facilities, Workers Accommodation and Settlements, and Resource Extraction General policy provisions.

Key Issues

Specific feedback relating to particular Zones and General Policies is outlined below.

ZONES:

Business Neighbourhood Zone

In addition to feedback regarding terminology used in association with building heights in the Business Neighbourhood Zone, there was some suggestion from councils to include the Character Area Overlay as an exclusion in the Accepted development pathway and that floor area restrictions for shops in the zone (i.e. Restricted where greater than 500m²) may impact on existing areas where no such limit applies (including in the Regional Centre Zone in Victor Harbor). There was also some suggestion that the land division context in the Zone has changed to reflect demand rather than current or traditional pattern in at least one location, which may have character impacts.

Caravan and Tourist Park Zone

Some technical or wording improvements to policy in the Caravan and Tourist Park Zone, as well as potential for improved policy clarification regarding the difference between longer-term (permanent) residents versus short term tourist accommodation was sought.

Significant feedback was received in relation to the classifications tables in the Zone, including:

- Opportunities to review the Accepted Development classification table to better reflect development that is likely to occur in the Zone, including appropriate boundary setback requirements for ancillary structures such as carports (i.e. currently 900mm, which is not practical in a caravan and tourist park setting)
- Suggestions to include criteria for alterations and additions (including verandahs) in the deemed-to-satisfy assessment pathway, which are a relatively common and minor form of development in parks. Also, it was suggested that the classification tables refer to 'tourist accommodation' as distinct from 'dwelling' (including in relation to additions/alterations), to ensure these are captured
- Potential to include 'demolition works' in parks in the development classification tables to avoid an unnecessary need for demolitions to be performance assessed (although noting that demolition of buildings is not defined as development in the *Planning Development and Infrastructure (General) Regulations* under certain circumstances).

A number of comments were also specifically received in relation to the Restricted development classification in the Zone, including:

- Land division involving a boundary realignment could be excluded from Restricted development for caravan and tourist park sites

- Suggestions that a maximum gross leasable floor area also apply to a restaurant as a Restricted development, as currently applies to a shop in the zone. There was also some suggestion that shops less than 300m² (rather than 250m²) should be included in performance assessment pathway to better align with exclusions applying to Restricted development, and that the Restricted classification also require that the shop is ancillary to an associated tourist accommodation use
- Similar to the Tourism Development Zone, 'light industry' has been specifically excluded from the Restricted development classification in the Caravan and Tourist Park Zone, but is currently discouraged in existing zones and policy provisions do not give support to any form of industry in caravan and tourist park sites.

It was suggested that notification requirements in the Zone may be onerous given that most caravan and tourist parks sites are adjacent to land in a different zone (meaning that in most cases, all classes of performance assessed development will require notification). It was also suggested that notification requirements relating to shops of 150m² or greater in the Zone adjacent to land used for residential purposes should be consistent with requirements in neighbourhood-type zones.

Feedback also identified an opportunity to review the percentage of longer-term or 'permanent' residential accommodation allowed in caravan and tourist parks in the Caravan and Tourist Park Zone, particularly for larger parks based on their contemporary make up. Preference was also made for as much development as possible in the Zone to not require public notification, to reflect current circumstances.

Employment Zone

Feedback identified some technical issues relating to the Employment Zone and missing links between some policies and the development classification tables in the Zone, which require review.

Listing of 'industry' as Restricted development in the Employment Zone was queried given the focus of the zone and its envisaged range of uses, but there was some suggestion that 'special industry' (i.e. currently excluded from being Restricted) may not be appropriate and should be Restricted development given locations where the Zone is proposed to apply. Some minor uses akin to employment sites such as fencing and land division are also not captured in the classification tables for the Zone and will therefore be subject to notification, which is not desirable.

Shops featured prominently in feedback, with some suggestion that the scale of shops anticipated in the Employment Zone, and limited policy to support these uses, may have impacts on industrial land use and supply. Conversely, there was some suggestion that shops (e.g. less than 500m²) could be considered as deemed-to-satisfy in the Zone. At least one submission also identified that transition to the zone will now significantly restrict shops in an area where up to 20,000m² of retail floor space is currently anticipated, suggesting potential for an alternative zone or Sub-zone to be applied. There was also some suggestion to potentially retain a 'Bulky Goods Zone' (or an equivalent Sub-zone) to better recognise sites or areas where this scale and form of retailing is anticipated and is not necessarily aimed at serving the local the workforce.

There was also some suggestion that the collapsing of the industry hierarchy in the Code may reduce current buffering provided between heavy industries and sensitive land uses (e.g. through traditional placement of light industrial uses adjacent residential interfaces), requiring careful consideration of interface policy in the Code.

It was also identified that the Significant Industry Interface Overlay focuses on the management of interface matters (e.g. noise and dust) rather than industrial hazard risks, which is the most prevalent issue for existing residential areas located in close proximity to industries that may be prone to more significant hazards, including in areas such as Port Adelaide. The Overlay also now proposes that additional dwellings (and land division) will be performance assessed development without an appropriate hazard risk analysis and has therefore recommended that hazard risk management be considered in its application.

Further, there were suggestions that additional policy (or linkages to General policies) should be considered to guide advertising signs, landscaping, site contamination and buffers/interfaces in the Employment Zone.

Stakeholder groups identified opportunities for more tailored policy in the Employment Zone (and similarly in the Innovation Zone) to be tailored to better reflect development needs, specialised functions and intent of major strategic employment sites, possibly via a more focussed zone or new Subzone (e.g. a new 'Ship Building Subzone' applying to Osborne Naval Shipbuilding site).

Some groups identified that the approach to the assessment and mandating of industry within the provisions of the proposed Employment Zone seems at cross-purposes. Groups also identified that that 'industry' should not be a Restricted development in the Employment Zone given the zone's intended purpose, and that clarification is needed regarding the status of 'Special Industry' in the zone, which is currently a merit use for some sites and key component of activities on strategic sites such as the Osborne Naval Shipyard at Osborne.

One group also sought specific planning considerations for future organic waste processing facilities to be established in the Code to enable industry expansion. This includes potentially setting aside areas of land for organics recycling, including sites that previously contained intensive industries where suitable, as well as appropriate zoning to prevent encroachment by sensitive uses.

Employment (Bulk Handling) Zone

Opportunities to more clearly define bulk handling and storage facilities was identified to provide a greater understanding of these uses, possibly based on the description contained in Desired Outcome (DO 1) of the zone.

It was suggested that the deemed-to-satisfy criteria applying to certain forms of development in the Code are broader and more extensive than current Development Plan policy (particularly in relation to minor activities such as fencing and advertisements), which may be onerous. An opportunity was also identified to expand policy to further mitigate potential visual and interface impacts (noise and air) of bulk handling and storage facilities, particularly where adjacent to residential areas. This includes through built form elements, landscaping, fencing and specifying appropriate separation distances.

In relation to development in the Employment (Bulk Handling) Zone, an opportunity was identified to link General policies encouraging water sensitive design for large format industrial and storage activities (often with large impervious areas) in the Zone.

Home Industry Zone

Aligning with feedback received in relation to Phase Two, some submissions identified that minimum lot sizes proposed in the Zone are smaller in some cases compared to existing home industry / business areas in the Development Plan, including in areas where on-site waste water disposal is required which generally require larger sites. Policies to identify minimum frontages as well as side setbacks for vehicle access were also recommended.

Innovation Zone

Feedback on a range of technical matters within the Innovation Zone was received.

There were suggestions for more tailored policies to reflect the development needs, intent and vision for major strategic development and employment sites within the zone such as the Tonsley Village and innovation precinct (i.e. based on more recent rezoning and policy changes for these precincts). The approach to shops in the Innovation Zone was also identified (e.g. shops greater than 500m² are proposed as Restricted development), with suggestions that assessment pathways and policies should reflect existing conditions or allowance for strategic sites. Opportunities to carryover existing Concept Plans for these sites was also suggested to further guide their development.

Aligning with comments received in relation to the Employment Zone, submissions also sought for policy in the Innovation Zone to be tailored to better reflect specialist development needs, intent and vision for major strategic development and employment sites such as Tonsley and Flinders Village, possibly via introducing a more focussed zone or new Subzone. Related to this, opportunities to expand the list of envisaged uses in innovation (and employment) zones was identified to align with anticipated uses for these strategic sites. Again, similar to feedback from councils, potential to tailor the approach to shops in the Innovation Zone (e.g. shops greater than 500m² are proposed as Restricted development) was identified to reflect current circumstances, master plans and the vision guiding development of these sites.

Opportunities to include new policies in the Innovation Zone to encourage use of green infrastructure in open space and public spaces for environmental benefits was also identified, along with further clarification car parking requirements applying to sites within the Zone.

Resource Extraction Zone

Given the nature of the Resource Extraction Zone, there was some suggestion that prescribed mining operations could be included in deemed-to-satisfy development or, if left as performance assessed development, be exempt from public notification if meeting applicable criteria (which occurs within some current Development Plans).

Greater policy guidance or clarity (e.g. baseline data) was also sought in relation to separation distances, mounding or vegetation in the context of buffers to extractive industries, rather than relying on direction from referrals to determine an appropriate buffer solution. There were also suggestions to carryover local policy applying to existing resource extraction sites or to reference specific sites with the development classification tables (e.g. with regard to land division limitations).

Opportunity to further review the Restricted development classification to include uses currently discouraged (i.e. listed as non-complying) in commensurate zones of Council Development Plans was also identified, and that 'replacement dwellings' should demonstrate a connection with existing or proposed mining operations, particularly in areas such as the Barossa.

In relation to the Resource Extraction General policies, opportunities to seek inclusion of a rehabilitation plan was identified to more proactively approach reclamation of mining sites.

Feedback identified potential to expand application of overlays such as the Resource Extraction Protection Overlay, to identify and protect known economically workable deposits of minerals from incompatible development. This was also viewed as a way to better transition current development restrictions applying to areas surrounding some mining or quarry sites (i.e. by way of existing encumbrances or land management agreements), including the Gulfview Heights Quarry in the Salisbury Council area.

Feedback was generally supportive of application of the Resource Extraction Zone to mining and quarrying activities, including potential to expand its application over a number of existing extractive industry sites that are proposed within the Rural and Peri-Urban Zone in particular. It was also suggested to apply the Zone to some sites located (or partially located) within Adelaide's Hills Face Zone.

Similarly feedback was received on the expansion of application of the Resource Extraction Protection Overlay to key quarry sites across the State was suggested to better protect these sites and minimise interface issues arising from the establishment of incompatible land uses in proximity to these sites. This was also suggested in the absence of any rezoning of sites.

Opportunities for the Zone to identify a range of uses compatible with, or that can co-exist with or add value to, extractive industry (such as renewable energy facilities) as desired land uses was also identified.

With regard to the Resource Extraction General policy provisions, there was some suggestion to shift the policy focus on required reclamation of disturbed areas rather than material impacts on the on the landscape given the very nature of mining operations.

There was also some suggestion for policies to include provisions that relate to the relocation and/or works within watercourses, which are fundamental to quarrying, despite other Overlays that are proposed to apply to various quarry sites. Further clarification was also suggested in relation to removal of native vegetation for mining operations in order to avoid potential conflicts with other policies in the Code.

Further, it was suggested that policies for 'offices' associated with resource extraction activities be reviewed to refer to a 'site' rather than 'allotment' to address situations where a site comprises more than one allotment and again, avoid a potential assessment conflict. There were also suggestions that floor area caps not apply for associated offices to ensure legislative requirements (e.g. occupational health and safety) can be met.

Suburban Business and Innovation Zone

Some submissions suggested that the Suburban Business and Innovation Zone shifts the focus to retail and industry, or encourages a higher built form and intensity than existing zoning (including existing smaller scale business zones), and may not be an appropriate fit in some locations, with requests to apply an alternative zone or new Subzone in some instances. Some also identified that the allowable floor areas for shops in the Zone have increased from existing zoning, suggesting that floor areas should reflect existing policy settings.

There was also some dissatisfaction with use of the word "Suburban" in the zone name, with some suggestion to simply refer to the zone as the 'Business and Innovation Zone'.

Feedback also identified missing policy linkages for uses in the deemed-to-satisfy and performance assessed pathways of the Suburban Business and Innovation Zone (e.g. hours of operation and shops) or suggestions for additional policies guiding uses such as land division and the desired nature and form of residential development in the Zone, or to manage interfaces. It was also suggested that 'dwelling' should be listed in the development classification tables to capture undefined dwellings (e.g. that may be part of a mixed use development). One submission also suggested that, given the focus on medium density residential and mixed use outcomes in the Zone, detached and semi-detached dwellings may not be consistent with the desired outcomes.

General comments identified that the term 'medium rise buildings' (generally 3-6 building levels in the Code) has been used in the performance outcomes, while the deemed-to-satisfy provisions restrict building heights to 3 building levels (or 12 metres), which is inconsistent.

In addition to broader comments regarding the appropriateness of some performance assessed developments in the Suburban Business and Innovation Zone and other employment zones, there was also some suggestion that the Restricted development classification in the Zone may be too limited, allowing for a range of potentially inappropriate uses to be performance assessed in the zone (e.g. adult entertainment/services, industry and special industry).

Industry groups have sought greater clarification with respect to the performance assessed pathway in the Suburban Business and Innovation Zone, including potential to remove the need to meet a deemed-to-satisfy / designated performance feature when an application is to be performance assessed – and elevating these to the deemed-to-

satisfy classification table. There were also suggestions that residential development appears to have a higher order than non-residential uses in the Zone despite being a commercial-type zone, which is considered at odds with the Desired Outcomes. It was also suggested that residential flat buildings be included in the list of envisaged land uses in the Zone, with one industry representative and property owner also seeking an increase in allowable building heights in the Zone.

Suburban Employment Zone

The proposed inclusion of 'tourist accommodation' and a 'hotel' in the list of envisaged uses in the Suburban Employment Zone was a common theme identified, which are currently discouraged in existing industrial-type zones. It was also identified that there was no content in the Procedural Matters in the Zone, which requires review.

Shops and offices also featured strongly in council feedback, including suggestions that the scale of shops allowed in the Suburban Employment Zone may be excessive given the focus on industrial activities (and may not align with current policy), and the allowable scale of offices should also be defined (i.e. currently no floor area limits for offices).

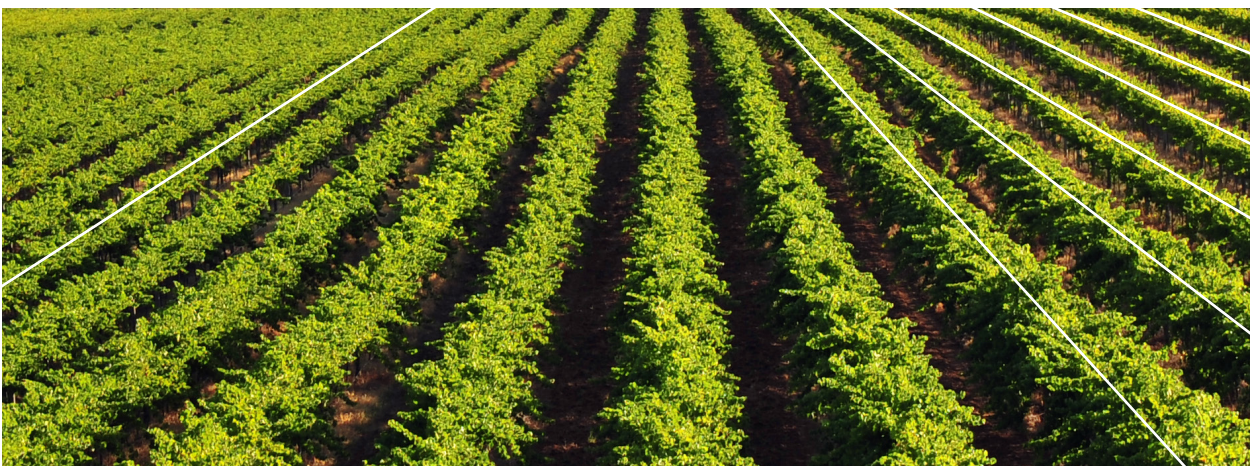
There was also some concern regarding encouraging bulky goods in the Suburban Employment Zone, particularly in township locations such as The Barossa, as well as the absence of floor area restrictions applying to these uses. Conversely, in instances where the zone is proposed to apply to existing bulky goods focussed areas, there was some concern that the policies were not conducive to this use (or service trade premises) and shifts the focus to industry, shops and offices.

One submission felt there was greater opportunity for more land uses to qualify as deemed-to-satisfy development in the Suburban Employment Zone, but suggested that the extent of Overlays may prevent most development from being assessed under this pathway even where listed in Table 2. Another submission also suggested that the Restricted development classification could be expanded given the zone's 'suburban' location (e.g. to include uses such as a crematorium, agistment and holding of stock). It was also noted that a 'wrecking yard' is included as Restricted development but is not a defined land use in the Code.

Submissions also identified opportunities to expand the list of envisaged uses in the Suburban Employment Zone (e.g. to include warehouse and educational facilities) and potential for further policy guidance on some matters in the Zone (and similarly in the Suburban Business and Innovation Zone), including managing interfaces and trees/landscaping in car parking areas. There was also some suggestion that the building envelope 45 degree plane should be amended to the 30 degree plane to better manage interfaces where this currently applies. It was also suggested that where an existing industry interface policy area or precinct applies, then this could be included as a subzone in the Code (i.e. but may not qualify for application of the Code's Significant Industry Interface Overlay).

Potential to include a 'Winery Subzone' or similar to recognise areas where the focus is on wineries in an urban setting was also suggested, including at Dover Gardens.

There was also some suggestion to allow boundary to boundary development for warehousing in the Suburban Employment Zone in the zone to reflect current policy and maximise site use and efficiency (i.e. proposed policies seek a three metre setback to at least one side boundary).



Tourism Development Zone

Feedback suggested there may be a need for additional policy in the Tourism Development Zone to guide the development of tourist accommodation, which is a key envisaged use in the zone. It was also identified that light industry has been specifically excluded from the Restricted development classification in the Zone, but is currently discouraged and policy provisions in the zone do not give support to any form of industry. The requirement for shops to be in association with tourist 'accommodation' (as distinct from tourist development) may also be overly restrictive.

Limited feedback was received in relation to the Tourism Development General policy provisions, however it was suggested that additional policy may be needed to guide siting and development of tourism operations where located in areas of environmental significance to manage impacts, including from operations. It was also suggested that tourism development policy should better recognise changing market needs, including disruptors and the desire for unique experiences. Policies could also differentiate the type and scale of tourism development across the State rather than adopting a 'one-size-fits-all' approach (e.g. correlating with proximity to the Adelaide City Centre).

Potential for more contemporary policy and definition of tourist accommodation was also identified to address changing markets needs and new/emerging models (such as 'Airbnb') where accommodation options are increasing in residential neighbourhoods.

There was also some suggestion from councils that the size of advertisements anticipated in the Tourism Development Zone may be excessive given the locations where the Zone is proposed to apply.

Feedback suggested the requirement for dwellings in the Tourism Development Zone to be associated with tourist accommodation (e.g. manager or caretakers residence) may be overly restrictive, and that the number of Overlays applying to development classifications in the Zone may be excessive.

GENERAL POLICY:

Advertisements General policy

Greater clarity was sought in policies regarding the distinction between third party advertising and advertising associated with lawful use of land.

A number of councils also identified that there are currently no provisions in the General Provisions to guide the maximum size and height for signs (in particular free-standing signs) in a number of zones, including the Recreation Zone and Community Facilities Zone. It was also identified that advertising provisions instead exist in specific zones in some instances, such as in the Suburban Employment Zone and Home Industry Zone, but would be better placed in the General Provisions.

There was also some agreement with increasing the size of signs allowed in zones such as the Employment Zone and calls to retain existing size limits in home industry areas. The size and height limits of signs in the Urban Activity Centre were also considered inadequate for major shopping centres, particularly in regional-scale centres.

It was also suggested to carryover existing policies that ensure advertisements are sited to avoid damage to landscaping or street trees, as well as policies for flags, bunting and streamers, larger column or pylon signs, and signs that use an architectural or sculptural form rather than text. Clearer design criteria was also recommended for signs in heritage areas or on heritage buildings, which should be compatible with Historic Area Statements, as well as policies to guide the siting and placement of signs adjacent to residential land. An opportunity to include illustrations in the Code to assist with interpreting policies guiding the design of advertising signs was also identified.

There was also some suggestion for clearer distinction in policies between bright internal and subdued external (e.g. spotlights) illumination of signs. Policy seeking no illumination of advertisements was also called up in all zones in the Code, suggesting an intent for no advertisement to be illuminated anywhere in the State, which should be reviewed.

It was also identified that advertising signs are proposed to be performance assessed development in nearly every zone, which could result in proliferation of signs if not carefully managed or controlled.

Feedback identified that advertisements in the public realm should be 'integrated' with existing structures or infrastructure rather than attached. Similar to feedback from councils, there were also calls for a clearer policy distinction between third party advertising and that which relates to the lawful use of the land.



Interface between Land Uses General policy

General feedback was received regarding the different formatting of the Interface between Land Uses General policy compared to other General Provisions in the Code.

Feedback was also received in relation to hours of operation of non-residential uses, including suggestions to reduce evening hours to more closely align with standard business hours (e.g. 6pm), with hours beyond this to potentially be performance assessed, and a need to refer to Sunday trading hours and public holidays to reflect contemporary trading periods.

While it was recognised that the Interface between Land Uses General policy address interface impacts for a range of scenarios, it was suggested that policies could consider interfaces between primary production uses (e.g. vineyards establishing adjacent to cropping land) and impacts that may be created where sensitive residential uses establish near such operations. There were also suggestions for greater emphasis in the policies in relation to use of landscaping to help manage interface impacts and a need for policy to address noise from air conditioners, particularly in denser urban areas.

Potential to include some baseline data or qualitative criteria in relation to predicted noise levels was also suggested to assist planning practitioners, rather than deferring to the Environment Protection (Noise) Policy criteria. Similarly, there was some suggestion to include recognised separation or buffer distances in relation to the interface with rural activities, again to provide a baseline for practitioners.

Further clarification was also sought regarding what is considered reasonable overshadowing, with suggestions to consider a requirement for all buildings above two storeys to consider shading of solar panels on adjacent land. It was also suggested that there may be insufficient evidence to suggest that solar panels (or solar farms) emit glare and that other policies featured in the Code adequately address any such issues.

It was suggested that achieving some overshadowing policies may be onerous in areas of higher densities and heights, and some tempering of the rigidity of the requirement to access winter sunlight could be considered in these scenarios. There were also suggestions that noise nuisance be suitably managed rather than 'minimised' to provide greater flexibility in solutions to noise issues, and similarly, that light spill also be managed. Opportunities to include development buffers around waste water treatment plants was also identified.

Natural Resources and Environment

Environment

A broad range of feedback was provided in submissions relating to the Environment including:

- Inclusion of additional land uses to the Restricted tables within Conservation Zones or Parks (i.e. tourist accommodation, renewable energy facilities, farming)
- Recommendation for new Overlays for 'Critical Habitat Areas'
- The extent of the Native Vegetation Overlay including its application within residential areas and townships
- Council and community members seeking stronger policy to reduce further loss of tree canopy over the State and greater requirements for more and linked landscaped areas
- Concern about the inadequacy of policy to combat urban heat from infill development
- Concern regarding the loss of existing policies and level of protection of significant and regulated trees
- Concern about the lack of policies to prepare developments for climate change, particularly over the life of the development
- Further policy development around stormwater management with increased infill development being more prevalent.

Local Government Feedback

Generally, the inclusion of deemed-to-satisfy policy requiring landscaping and tree planting on residential sites was supported. Some councils indicated that the requirements should be increased to improve alignment with tree canopy targets in *The 30 Year Plan for Greater Adelaide*.

Industry Feedback

Many industry submissions sought a greater emphasis on climate change related policies, however a number of industry submissions raised concerns with deemed-to-satisfy policy requiring trees to be planted. It was suggested by some that requirements for soft landscaping would reduce building footprints and therefore reduce consumer choice and increase cost. Some submissions also indicated that tree planting requirements would have engineering impacts due to tree effects on footings that may result in damage to residential buildings or increase construction costs as a result of footing designs considering the effect of tree planting.

Community Feedback

Feedback highlighted that the development and implementation of more policies to mitigate climate change, urban heat and stormwater as a result of infill development is of great importance to the community. The inclusion of greater protection for biodiversity, particularly for endangered species, also featured in community submissions. The feedback suggests that the community highly values tree canopy cover and is looking for policy incentives for retaining existing trees on development sites to be included in the Code. Retaining existing protections for significant and regulated trees was recognised as an important topic to the community.



Key Issues

Climate change

Feedback recommended that policies be developed to support climate change and guide sustainable development practices including:

- Measures to protect existing mature trees and mandating the inclusion of trees in any development
- Mandating water sensitive and energy efficient building design
- Large water tanks plumbed to the home
- Permeable surfaces
- Energy generation i.e. individual or community solar systems
- Reduction of heat caused by solid surfaces through the inclusion of more than one tree and increased landscaped cover
- Policies to ensure developments are designed for their expected life-time with regard to a changing climate
- Natural hazard policies better addressing the lifetime of a development.

Conservation Zone

A high number of respondents suggested that additional land uses should require the highest level of assessment (be Restricted types of development) in the Conservation Zone, particularly tourist accommodation large-scale renewable energy facilities, farming and signage.

Critical Habitat Areas/Biodiversity

Multiple submissions sought the inclusion of greater protection for biodiversity, particularly for endangered species, via a new overlay for a 'Critical Habitat Area' reflecting where habitat corridors or areas where endangered flora and fauna exist. The overlay would include policy that prioritises the protection of endangered flora and fauna habitat and corridors.

Landscaping and tree planting

Generally, the inclusion of deemed-to-satisfy policy requiring landscaping and tree planting on residential sites was supported. Some respondents indicated that the requirements should be increased to improve alignment with tree canopy targets in *The 30 Year Plan for Greater Adelaide*. Other suggestions related to linking urban heat mapping to Code policy. It was also suggested that minimum requirements for deep soil areas in medium and high rise developments should be increased and that deep soil requirements should be included for low rise residential development in addition to minimum soft landscaping and tree planting policies. Some respondents queried how tree planting and landscaping policy could be enforced and monitored by authorities, and the resources required to undertake this.

On the whole feedback supported the proposed landscaping and green cover policies, as well as a recommendation to strengthen these policies to further improve the state's tree canopy and green cover for urban heat reduction and climate change improvements. However, there were a number of submissions that raised concerns with deemed-to-satisfy policy requiring trees to be planted. It was suggested by some that requirements for soft landscaping would reduce building footprints and therefore reduce consumer choice and increase cost. Submissions also indicated that tree planting requirements would have engineering impacts due to tree effects on footings that may result in damage to residential buildings or increase construction costs as a result of footing designs considering the effect of tree planting.

Loss of tree canopy

There was significant feedback seeking further policy development to reduce further loss of tree canopy over including requirements for more and linked landscaped areas.

Feedback included the concern of developments clearing all vegetation from sites rather than considering the social and environmental benefits of retaining existing mature vegetation on the land. Policy incentives for retaining existing trees on sites were proposed for inclusion in the Code.

A number of submissions also sought additional policies encouraging the planting of native vegetation in new developments.

Native vegetation

Some submissions suggested that the procedural arrangements associated with the Native Vegetation Overlay will too often require specialist advice up front and expressed concern that the referral to the Native Vegetation Council is for Direction. It was suggested the advice should only be 'Regard', and that a report should only be required at the Native Vegetation Act approval stage, not at the planning consent stage.

Other industry submissions supported the inclusion of the Native Vegetation and State Significant Native Vegetation Overlays, particularly the disclosure of native vegetation requirements up front in the planning system.

A number of stakeholder submissions also recommend additional policies requiring greater planting of native vegetation.

Some submissions suggested that the Native Vegetation Overlay had been applied too liberally over some council areas including over township and residential areas where it restricts simple what would be deemed-to-satisfy development from occurring.

It was suggested that the Overlay be reviewed to remove its impact on townships and residential areas to allow deemed-to-satisfy developments to occur.

Native Vegetation Overlay

Clarification: It should be noted that the Native Vegetation Overlay applies to locations where the Native Vegetation Act 1991 currently applies. Deemed-to-satisfy pathways are maintained where no clearance is proposed.

Significant and regulated trees

Retaining existing protections for significant and regulated trees was recognised as an important topic. A number of respondents suggested that the policy be reviewed to ensure that the Code transitions current regulated and significant tree policy in a 'like for like' manner.

It was also suggested that the Regulated Tree Overlay be reviewed to ensure that it reflects the current regulated and significant tree policies.

Stormwater management

Multiple submissions recommended that further policy development should be undertaken to increase stormwater detention requirements for infill development at the development plan consent stage.

Some submissions identified that the Code should also include stormwater detention as well as retention requirements. There were a range of technical suggestions made in relation to policy wording and consistency with current engineering practices.

Some submissions indicated that stormwater retention was already addressed in the Building Code of Australia and policy shouldn't replicate or expand on this. Other submissions indicated this should be left to the preference of the homeowner and would add to construction costs and reduce affordability. It was also suggested that policy needed to be more flexible to consider local conditions. For example, these policies should not apply to greenfield developments or where stormwater will discharge into a catchment that already includes appropriate stormwater management infrastructure such as wetlands. It was also identified that stormwater management policy should be reworded to improve clarity and make it more equitable, to ensure that it only requires additional stormwater runoff generated by a development to be managed rather than address existing pre-existing conditions and issues within a catchment.

Other submissions provided suggestions for improvements to stormwater related policies including retention and detention solutions.

Urban heat from infill development

Multiple submissions were received seeking strengthened policy to combat urban heat from infill development. This included suggestions such as retention of mature large trees with canopies, and increased percentage of landscaped areas within our neighbourhoods (in both the public and private realm). Some feedback suggested that the Code does not currently align with, nor support the Government's tree canopy target in The 30 Year Plan for Greater Adelaide.

Hazards (Flooding)

A significant number of submissions provided feedback in relation to the Hazards (Flooding) Overlay module and General development policies. Submissions generally acknowledged the importance of including robust flood hazard policies within the Code, particularly given predicted changes to the frequency and intensity of extreme weather events as a result of climate change.

Consistent with the feedback received during Phase Two of the Code, there was strong support for the inclusion of flood related policies that reflect those found within existing Development Plans to ensure the Code's flood policies are appropriately tailored to suit the unique circumstances of each region.

Many responses identified opportunities for policy refinements to ensure clarity and a balanced approach to flood risk management. Similarly, a wide range of policy amendments were suggested improvements to the development assessment process.



Local Government Feedback

Local Government provided detailed commentary in relation to the importance of accurate mapping for flood risk management, with a number of suggestions for incorporating additional or updated flood mapping data into the Hazards (Flooding) Overlay. A number of councils highlighted potential improvements to the Hazards (Flooding) Overlay mapping, in particular:

- The removal of outdated flood mapping from the Hazards (Flooding) Overlay
- The inclusion of recent flood data within the Hazards (Flooding) Overlay wherever this is currently available, including application of nuanced/localised mapping for various townships in addition to wider floodplain mapping
- Opportunities to include existing zones which recognise an existing flood plain, such as the 'Watercourse Zone' currently contained within the City of Burnside and Norwood, Payneham and St Peters Development Plans
- The identification of new flood mapping data currently in production, which also considers coastal flooding, storm surges, seawater inundation and sea level rise.

Suggestions also highlighted the importance of incorporating a suitable process to update flood hazard mapping data within the Overlay as new mapping is undertaken by councils, including the preparation of updated Stormwater Management Plans. It was also suggested that reference to external mapping documents or defined flood events within the Code could allow for the most up-to-date data to be used during assessment as soon as it becomes available, without reliance on a Code amendment process.

Local Government submissions also highlighted the importance of due consideration of flood management in the assessment of proposals for new development, suggesting a range of policy and technical refinements, including:

- Amendments to finished floor level requirements within the Hazards (Flooding) Overlay, and general development policies to reflect situations where 'top of kerb' is not a suitable measure, particularly in regional areas where there is no kerbing, or for allotments on the low side of a road where the development site is below kerb height. It was also suggested that these requirements be applied not only to residential development, but to a wider range of land uses
- Greater application of 'catch-all' general development policies to allow for the consideration of flood management in known flood-prone areas where up-to-date mapping is not available for inclusion within the Hazards (Flooding) Overlay
- That flood management policy seeks to limit the intensification of development within known flood hazard areas, and that policies be refined to clarify what information needs to be provided with an application on a site where the Hazard (Flooding) Overlay applies
- That policy addresses flood hazard within the context of rural, urban infill and greenfield development sites, as flood management approaches will differ between these scenarios
- The introduction of new flood flow corridor policies, including deemed-to-satisfy (DTS) / designated performance features (DPF) requirements for minimum setbacks from flow corridors and watercourses, as well as finished floor levels that are tailored to the nature of flooding in the locality
- The inclusion, where appropriate, of separate risk categories within the Hazards (Flooding) Overlay i.e. Low, Medium and High Risk, similar to the approach taken in relation to bushfire risk management, as well as including reference to additional flood events (i.e. 5% Annual Exceedance Probability (1 in 20))
- Opportunities for interaction between the Hazards (Flooding) Overlay and the Water Resources Overlay where the two overlays overlap or adjoin to better align with policy approaches contained within a number of current Development Plans and to better address issues of water quality associated with flooding
- Suggestions for how the Code policy could account for the increasing intensity and frequency of extreme weather events and identification of additional areas that may be at risk, whether due to stormwater, riverine or coastal flooding.

Development Industry Feedback

Industry feedback expressed concern that non-residential development was not afforded the same level of protection against the risk of flood within the proposed Code policy as residential development.

Industry feedback recognised the desire for the new planning system to have consistent approaches across the state to enable simplification of assessment procedures and implementation of the system. Concern was raised regarding the varied approaches to referencing and/or utilising flood mapping in parallel with policy contained within existing development plans. In particular, this highlighted the importance of ensuring that the Code is able to cater for such nuance, given that the Hazards (Flooding) Overlay consolidates a large volume of flood mapping which has typically been prepared for use in conjunction with guidelines that vary council by council, rather than for the specific purpose of reflecting the policies contained within the Code.

Community Feedback

Community feedback highlighted the importance of incorporating accurate and up-to-date flood hazard mapping, as well as ensuring that the Code includes a mechanism for the consideration of flood management outside of areas contained within the Hazards (Flooding) Overlay, particularly for locations predicted to be impacted by flooding in the future due to increased frequency and intensity of weather events, or increased stormwater run-off. Community feedback called for flood and stormwater management policy contained within current Development Plans to be transitioned to the Code in order to better reflect the nuance and local circumstances of flood impacts across various regions.

Key Issues

Overlay mapping data

In particular feedback highlighted the importance of updating Overlay mapping data prior to Code implementation to address concerns surrounding missing or outdated flood maps. Typically, this feedback related to the fact that Overlay mapping was originally generated through a conglomeration of flood mapping contained within existing Development Plans, however, some of this mapping was outdated, and in many cases, Development Plans did not contain the mapping which councils are using for assessment purposes.

Hazards (Bushfire)

Submissions were received from a range of stakeholders in relation to the suite “Hazards (Bushfire)” modules within the Code.

The extent of asset protection zones required was of particular interest to many stakeholders. Another area of interest was the desire for strengthened policies to avoid the clearance of native vegetation, significant trees, regulated trees and mature vegetation. Other respondents offered suggestions for additional Code policies to mitigate climate change and bushfire conditions.

Opportunities to incorporate bushfire attack level (BAL) ratings into assessment policies and to extend this approach to the consideration of land division in affected regions were identified, as was the need for further refinement of policy to clarify, manage and balance bushfire risk.

A wide range of policy amendments, aimed at improving the development assessment process in relation to bushfire management were suggested.



Local Government Feedback

Local Government submissions expressed a clear understanding of the need and support for policy relating to the impact of bushfire on development. Many councils expressed that bushfire mapping must be up to date in light of recent bushfire events and sought assurance that this was included in the proposed mapping. Similarly, Local Government expressed an opportunity within all bushfire hazard overlays to recognise the projected increase in dangerous fire conditions as a result of climate change.

A range of policy improvements suggested by councils include:

- Provision of deemed-to-satisfy and performance assessed criteria for rainwater tanks that are dedicated to firefighting purposes
- Amendments within the relevant bushfire overlays to clarify the distinction between Asset Protection Zones (0-100m), bushfire buffer zones (up to 1000m) and defensible space (0-20m). This suggestion was also reiterated by some community members.

Development Industry Feedback

Industry submissions sought a reduction in the number of bushfire hazard overlays for simplification, and a reduction in the impact of overlays on deemed-to-satisfy pathways for new dwellings.

The importance of effective asset protection zones was reiterated, citing recent bushfires in the Adelaide Hills and Kangaroo Island, observing the impact (or otherwise) of vegetation and terrain on the intensity and speed of bushfires.

Community Feedback

A number of submissions from the community were focussed on bushfire hazard policies and raised a range of policy suggestions including:

- Support for an amendment to driveway design
- Opportunity to align with the relevant Australian Standard for Construction in Bushfire Prone Areas (AS3959)
- Ensuring that people are able to be evacuated to a Bushfire Safer place (rather than just anywhere)
- Incorporate bushfire attack level (BAL) ratings into Code policies
- Suggestions for siting policies within the bushfire overlays
- Requests referrals for land divisions adjacent to high risk bushfire areas.

Key Issues

Hazards (Bushfire Risk) Overlay mapping

Multiple submissions raised the importance for review, and update if necessary, of the Hazards (Bushfire Risk) Overlay mapping to ensure latest best practice is reflected in the policy outcomes in light of recent bushfire events to accurately identify bushfire risk areas.

Hazards (Bushfire – Urban Interface) Overlay

Submissions identified the Hazards (Bushfire – Urban Interface) Overlay may impact council resources and efficiency relating to the assessment of land division, and the effect of this Overlay on performance assessment for dwellings and non-residential uses in Township Zones. Many councils raised the importance of the deemed-to-satisfy pathway in the council's townships and emphasised that this should not be precluded.

Bushfire hazard mapping in future generations of the Code

The bushfire overlays and hazard mapping proposed are the first stage of a broader bushfire hazard mapping project undertaken by the Department in conjunction with SAFECOM which will be progressively implemented in future generations of the Code.



Infrastructure

Submissions provided broad support for the proposed infrastructure policies and their intent at the general and zone level. Several minor amendments were suggested to strengthen policies. However, significant concern was raised for the potential for conflict where policies and deemed-to-satisfy within the Code did not mirror mandatory industry standards for certain infrastructure.

A consistent issue raised by Local Government, development industry and the wider community related to the envisaged uses within the Infrastructure and Community Facilities Zones and ensuring these zones promote appropriate infrastructure uses. In particular there was broad support from all submissions that the list of envisaged uses could be expanded. In particular for Community Facilities Zone to include of community infrastructure uses such as emergency services, community centres and hospitals and health care facilities. A number of submissions also raised the need to consider the provision of uses such as aged care facilities.

A wide range of policy amendments were suggested to improve the development assessment process. Several Local Government submissions requested changes to the proposed zones to reflect the existing use of the land.

Local Government Feedback

Local Government submissions primarily focused on powerlines and wastewater infrastructure requirements, particularly where mandatory requirements existed but were not reflected. Concern was expressed about the ability for allotments to be approved without appropriate consideration of the wastewater infrastructure requirements in the future.

In particular, Local Government submissions requested:

- That mandatory requirements of infrastructure standards, such as those by the Office of the Technical Regulator, were directly referenced in policy
- That all On Site Wastewater Code requirements including setbacks should be referenced in the P&D Code
- Guidance, possibly through a Technical and Numerical Variations or other mechanism, would be used for minimum allotment sizes when on-site wastewater is required
- Terminology when referencing certain types of infrastructure (such as wastewater) should be consistent.

Submissions from Local Government also suggested that stormwater policy was inconsistent with industry standards with the Code requiring stricter standards than industry or council requirements. Further, stormwater and water sensitive urban design (WSUD) policy required specific quantitative measures to allow for performance assessment to occur.

The Rural City of Murray Bridge noted that the Infrastructure Zone was used for a correctional facility when the policy was generally focused on physical infrastructure.

Development Industry Feedback

Development industry, including infrastructure providers, sought to ensure infrastructure facilities such as schools, substation site and telecommunication towers, where located within an appropriate zone and listed as an envisaged land uses within that zone. In addition to this industry sought flexibility in policy to allow buffers/setbacks to be applied differently in differing circumstances depending on the nature of development and adjacent uses.

Development industry also sought to ensure flexibility in the Code to ensure multi-story developments would allow community uses in conjunction with residential uses and that aged care facilities were supported within the Community Facilities Zone.

Community Feedback

There were very few community submissions relating directly to infrastructure. Two submissions raised the assessment of community facilities, such as schools, that may include multi-storey buildings adjacent other zones.

Key Issues

Community Facilities Zone

Submissions generally sought to ensure infrastructure facilities such as schools, hospitals, community centres, libraries, halls, emergency services, etc. were listed as envisaged land uses within appropriate zones such as Community Facilities Zone.

Further it was noted that consulting rooms which are currently an envisaged use was not transitioned as an envisaged use within the Community Facilities Zone. This change was supported by one submission whilst another requested it be reinserted.

Submissions generally considered building heights to be inappropriate for buildings within the Community Facilities Zone. Submissions raised that ambiguity exists on building heights within the policy and suggested a Technical and Numerical Variation to be clear on requirements.

Deferred Urban Zone

Submissions advocated for the existing Development Plan policy with regard to land division to be transferred to the Code Deferred Urban Zone. That is, that land division is allowed with minimum 4ha allotment size unless the division is for public infrastructure purpose in which case the allotment can be smaller.

Additionally Onkaparinga Council raised the need to ensure that land proposed as Deferred Urban Zone along the verge of the Southern Expressway is discouraged from being used for dwellings.

Transport

Submissions included comments in relation to policy detail and suggested improvements in relation to off street parking requirements as well as access requirements (such as sight lines, spacing, queuing provision and the like) in the Major / Urban Transport Overlays, and that these requirements were in excess of relevant Australian Standards or Ausroads guidelines.

Local Government Feedback

There were a large number of comments in relation to off street parking requirements, and feedback around the deemed-to-satisfy (DTS) / designated performance features (DPF) criteria used in some of the Transport Overlays generally being excessive.

Development Industry Feedback

Feedback from the development industry focused consistently on off street car parking rates being excessive and deemed-to-satisfy requirements not being consistent with relevant Australian Standards.

Community Feedback

The SA Active Living Coalition suggested lower off street parking rates to encourage more active modes of movement and transport.



Key Issues

Off-Street Car Parking requirements

A number of comments were received in relation to off street car parking requirements for various activities, and that in many instances the proposed rates were excessive. Some submissions recognised that in some instances where lower rates were proposed compared to current Development Plan requirements, that this reflected current practice. This of course is not a universal view – there were views that some rates are too low, particularly in relation to residential development in Neighbourhood Zones.

Consistent feedback was received relating to off-street car parking rates for particular activities being excessive, and not reflecting contemporary understanding.

Urban / Major Urban Transport Overlays

Consistent feedback was received in regards to many of the deemed-to-satisfy requirements relating to access requirements (such as sight lines, spacing, queuing provision and the like) in the Major / Urban Transport Overlays, and that these requirement were unnecessarily onerous and in excess of the requirements of the relevant Australian Standards or Ausroads guidelines, and would rarely be met by developments (if at all in some cases). It was suggested that these be reviewed and reflect Australian Standards / Ausroads guidelines.

Infrastructure (Airfields and Airports)

Consistent with the feedback received during Phase Two of the Code, concern was raised that the suite of policies and associated mapping related to aviation within the draft Code were inconsistent in application. Feedback typically focussed on the suite of aviation related Overlays with limited suggestions for improvement to be made to the Infrastructure (Airfield) Zone, and no feedback was received for the Residential Aviation Estate Subzone.

Although little feedback was received from development industry or community members, multiple submissions were received from Local, State and Commonwealth Government, as well as the aviation industry suggesting amendments to Overlay mapping, as well as a number of policy and procedural refinements to improve the development assessment process.

Aviation Industry Feedback

In relation to the Aircraft Noise Exposure Overlay, aviation industry feedback suggested that noise sensitive development should be assessed via the Restricted Assessment Pathway rather than Performance Assessment where such development is proposed within the ANEF 30 contour and above. Feedback expressed that Adelaide Airport in particular should not be subjected to further constraints on passenger numbers or freight growth, which could potentially arise due to additional population and housing within this noise contour. It was also suggested that a referral trigger to the relevant Airport Operator for such development proposals could be implemented to provide advice and assessment of noise impacts on development.



State and Commonwealth Agency Feedback

State and Commonwealth agency submissions highlighted opportunities to incorporate the National Airports Safeguarding Framework (NASF) into the Code. Key suggestions relate to the following:

- Consideration of Strategic Helicopter Landing Sites (SHLS) within the Airport Building Heights (Aircraft Landing Area) Overlay to reflect with NASF Guideline H
- Incorporation of NASF Guidelines G Communications, Navigation and Surveillance (CNS) and Guideline I Public Safety Areas within the Code
- Amending referral triggers within the Airport Building Heights (Regulated) Overlay to include airport operators/owners as a Referral Body for development which exceeds height limits, and to consider applying this trigger to SHLS
- Ensuring that the Building near Airfields Overlay is spatially applied to the RAAF Edinburgh base
- Consideration of a consistent mapping approach to airport building heights, as the Defence Aviation Area Overlay currently uses a maximum height system, whilst Obstacle Limitations Surface (OLS) has been used for Adelaide and Parafield Airports
- Consideration of temporary structures (i.e. cranes), as well as tall vegetation and gas or exhaust plumes which may exceed height limits within Airport Building Heights and Defence Aviation Area Overlays
- Transition of additional Defence related policy from current Development Plans to the Code, including specific mapping of outdoor lighting constraints.

Local Government Feedback

Local Government submissions provided detailed commentary on all aspects of the transition of existing Development Plan policy into the Code. A notable issue was the desire for a consistent approach to the management of issues related to aviation in terms of both policy content and the mapping of Overlays. It is recognised that although much of the Overlay mapping for aircraft noise and building height in particular was a 'like for like' transition, the varied approaches to mapping actually highlighted a number of deficiencies.

Development Industry Feedback

In addition to reiterating concerns about the spatial application of aviation-related Overlays potentially impacting accepted or deemed-to-satisfy development, development industry feedback suggested that a small number of additional land uses be added to Table 3 – Performance Assessed Classification of the Infrastructure (Airfield) Zone.

Community Feedback

There was minimal feedback received from the community in relation to airfield and airport infrastructure.



Key Issues

Aircraft Noise Exposure Overlay

Issues surrounding 'like for like' transition of Development Plans to the Code are particularly noteworthy in relation to the Aircraft Noise Exposure Overlay. Although feedback recognised that current Development Plan mapping of areas where aircraft noise policy applies is deficient in some locations, issues have arisen from the fact that mapping has been transitioned like-for-like, however policy content has not.

In particular, this relates to a reference to Australian Standard (AS) 2021 - Acoustics- Aircraft Noise Intrusion- Building Siting and Construction, which is contained within current Development Plans, however has not been transitioned to the Code. This provision referencing AS 2021, which in turn references the Australian Noise Exposure Forecast (ANEF), allows a relevant authority to utilise up-to-date ANEF mapping in the assessment of aircraft noise exposure even where current mapping has not been incorporated within a Development Plan.

A range of policy and procedural improvements were also suggested, including:

- Include up-to-date ANEF mapping within the Code, particularly in relation to Adelaide and Parafield Airports
- Amend Ministerial Building Standard 10 - Construction requirements for the control of external sound (MBS 10) to include requirements for noise sensitive development in relation to aircraft noise exposure, as well as reference to AS 2021
- Allow a deemed-to-satisfy pathway for noise sensitive development within the ANEF 25 contour where it can meet the requirements of the updated MBS 10 at the building rules assessment stage
- Require noise sensitive development to undergo performance assessment where located within the ANEF 30 contour and above.

Building Near Airfields Overlay

Feedback was largely consistent with that provided during Phase Two, and again highlighted concerns that the spatial application of this Overlay could result in significant impacts on the potential for development to be considered as accepted or deemed-to-satisfy. It was suggested that more detailed requirements, and greater clarity surrounding the land uses which this Overlay relates be considered to achieve the intended purpose of the Overlay without limiting development opportunity. In particular, feedback related to policy concerning outdoor lighting, and wildlife strike, as well as to aircraft noise policy which duplicates provisions contained within the Aircraft Noise Exposure Overlay.

It was also noted that there is opportunity within this Overlay to address a number of additional aviation related issues, such as those currently outlined within existing Development Plans. These include:

- Lighting glare
- Smoke, dust and exhaust omissions
- Air turbulence
- Reflective surfaces (including large windows, roofs)
- Inclusion of policy that relates to safeguarding navigational aids
- Materials that affect aircraft navigational aids.

Infrastructure (High Pressure Gas Pipelines)

Consistent with the feedback received during Phase Two of the Code, there was support from respondents for the refinement of the Strategic Infrastructure (Gas Pipelines) Overlay. However concerns were also expressed relating to the spatial application of the Overlay in terms of the rules governing how mapping is generated, as well as the objectives of the Overlay policy.

Pipeline Industry Feedback

Feedback from the pipeline industry expressed concern that the proposed Overlay did not provide enough clarity for developers and relevant authorities alike, and may afford less consideration to pipeline safety risk than existing processes. As such, strong support was given for the refinement of both the policy and mapping components of the Overlay to more appropriately recognise the requirements for pipeline safety under the South Australian Petroleum and Geothermal Energy Act 2000 (PGE Act), yet allow for a reduced footprint than the Overlay proposed in certain locations where pipelines already have sufficient design safeguards to coexist with densely populated areas. Similarly, support was given for referral powers to be granted to the Department of Energy and Mining as well as the suggestion that a practice direction be drafted to ensure consultation processes will be more efficient for all parties involved.

State Agency Feedback

State Agency feedback indicated support for the refinement of Overlay mapping, in order to reflect where different sections of high-pressure gas transmission pipelines are designed to accommodate high sensitivity, high density, residential, or conversely rural development. It was suggested that the Overlay policy be refined to align with the requirements of Australian Standard AS 2885. This would ensure that new development within the vicinity of such pipelines would be consistent with a relevant Safety Management Study on potential safety issues relating to the development, or the potential for development to impact upon the ongoing operation of pipeline infrastructure. It was also requested that referral powers be granted to the Department of Energy and Mining so an assessment could be made of the impact of the land division or development against the provisions for safety and security of supply in AS 2885.

Local Government Feedback

Relatively few Local Government submissions were made in relation to the Strategic Infrastructure (Gas Pipelines) Overlay, with mixed feedback given. In line with the feedback given by state agencies and the pipeline industry, some feedback indicated support for the strengthening of Overlay policy with regard to the obligations of the pipeline operator in accordance with Australian Standard AS 2885. This feedback also expressed support for referral powers to be granted to the Department of Energy and Mining for proposals. This related to proposals seeking the division of land for the purposes of the land uses outlined in Overlay deemed-to-satisfy (DTS) / designated performance features (DPF) 2.1.

However, other councils expressed caution that the application of the Overlay may have implications for development in certain underutilised areas where uplift would be favourable, even expressing a desire for the Overlay to be removed from certain sites.

Development Industry Feedback

Submissions from the development industry expressed concern that the Overlay would restrict development in areas where zoning currently enables, or has been rezoned to enable urban development to occur. In particular, this concern related to the wording of Overlay provisions around the preservation of access to high-pressure gas transmission pipelines for maintenance and emergency response purposes, despite the Overlay being spatially applied to an area much larger than the statutory easement surrounding a pipeline. Concern was raised that policy wording could effectively render some land undevelopable for uses which are appropriate and permissible in certain locations, and result in confusion or inappropriate decision making on the part of a relevant authority without specialist understanding of gas pipeline regulation.

Community Feedback

There was minimal feedback received from the community in relation to airfield and airport infrastructure.

Key Issues

Land uses

A consistent issue raised by stakeholders related to the limitations on the types of land uses which are envisaged within the Overlay, as well as the lack of clarity regarding the alignment of the Overlay with the requirements of Australian Standard (AS) 2885 Pipelines - Gas & Liquid Petroleum. A range of amendments to the Overlay policy and mapping were proposed. Similarly, a range of procedural amendments were suggested to improve the development assessment process.

Clarification: The Strategic Infrastructure (Gas Pipelines) Overlay is mapped to the pipeline Measurement Length, which is the radius of the 4.7kW/m² radiation contour for an ignited rupture, calculated in accordance with AS/NZS 2885.6, applied at all locations along a pipeline. This distance is larger than easements which are currently in place for access and maintenance purposes.

Renewable Energy

A number of submissions from a wide range of councils, industry groups and community members were received in relation to the Renewable Energy, with a particular focus on those policies that guide the development of wind turbines (wind farms) and solar facilities (solar farms).

The submissions received reflected a diverse, and often opposing, range of views covering the need, appropriateness, siting, landscaping and amenity issues.

Local Government Feedback

Submissions from Local Government addressed the importance of balancing “cleared areas” (bushfire buffers) around renewable energy facilities (REFs) with the policies which seek revegetation around such facilities. Multiple submissions related to setback policies and the inclusion of all urban areas, including deferred urban zones.

Some submissions sought increased or amended policy to guide the development of small-scale wind turbines, while others suggested the meaning of ‘small scale ground mounted solar power facility’ could be clarified or defined.

There was also a focus on land use and whether solar farms should be located on agricultural land and if minimum setbacks could be better assessed against ‘sensitive receivers’, rather than from specifically listed zones.

Specific policies to manage the visual impact caused by roof mounted solar panels including those on tilt frames, particularly in Historic or Character Area Overlays, were also viewed as an important consideration by many councils.

The possibility of including wind farms as an envisaged development in the Rural Zone was also identified.

Development Industry Feedback

A wide range of industry submissions were received across several sectors. Submissions included policy suggestions such as:

- Requirements for wind turbines and other REFs such as solar farms to achieve a minimum setback
- An increase in the wind turbine setbacks from townships
- Provision of setback distances from non-associated dwellings for secondary components of REF developments
- Provision of visual amenity policies
- Provision of site selection policies that measure cumulative impacts of multiple wind farms in a region
- Requirements for a bond or bank guarantee to ensure appropriate decommissioning of projects
- Amended criteria for ground mounted solar photovoltaic panels.

Other areas of interest raised by industry representatives included:

- Conflict between fencing and landscaping requirements and other regulations and technical specifications
- Need to balance bushfire risk management, landscaping and technical performance
- Increased clarification of terms and definitions
- Additional review about types of development that will meet the deemed-to-satisfy requirements.

Community Feedback

Feedback was received from a wide range of community members, academics, and community / environmental interest groups.

Many of the community submissions described their concerns and experiences of living in proximity to existing renewable energy facilities. Concerns often related to noise (including inaudible and low frequency noise), sleep disturbance, visual amenity, setbacks, siting, wind turbine height, environmental impacts, and impact on primary production. Many of these submissions sought for the Code policies to be strengthened to reduce the impacts caused by future renewable energy facilities (REFs) development.

More specifically, the community feedback consistently addressed the following:

- That the wind turbine setback policy be amended to provide a consistent setback from all dwellings
- Setback distances between REFs and non-associated dwellings, particularly in relation to wind farm development
- A minimum setback distance from property boundaries and public roads
- That setback and siting policies be flexible to factor in the turbine height, turbine siting, surrounding topography, surrounding vegetation and meteorological conditions
- That the policy considers and manages the cumulative effect of proposals
- Visual amenity policies, particularly in relation to wind farms
- Noise policies
- That the Code address the decommissioning of REFs and site rehabilitation
- That wind farms are not expressly listed as an “envisaged” development in the Rural Zone
- Exclusion from areas with biodiversity assets and high value agricultural land
- Review of referral and notification requirements
- That further consideration is given to the protection of fauna and flora.



Key Issues

The feedback received addressed the following policy areas as they relate to renewable energy facilities (REFs):

- Setbacks and separation distances
- Turbine height and blade length
- Siting, topography and cumulative effect
- Noise and its impact on communities
- Visual amenity
- Impacts/clearance of native vegetation, habitat and fauna
- Decommissioning of facilities
- Appropriateness of REFs within certain zones (rural) and overlays
- Conflict with primary production and crops
- Procedural matters such public notification, referrals to government agencies and third party appeal rights.

Renewable Energy Facilities (REFs)

The Commission made a range of recommendation in relation to renewable energy facilities in response to feedback on the Phase Two Code. This included –

- Amending policy to increase setback distances to townships, settlements and non-associated dwellings for Wind Farms and Solar Power Facilities and including different adjoining land setback distances for larger and smaller scale solar farms using a scaled approach based on the approximate size of ground mounted solar fields
- Amending policy to encourage better management of the environmental impact of solar farms, in balance with the need to maintain access, bushfire safety and operational efficiency
- Adding renewable energy facilities as an envisaged land use in the Rural Zone.



Community Facilities

The submissions received regarding the community facilities theme of the Code (Community Facilities Zone, Open Space Zone, Recreation Zone and Open Space and Recreation General Development Policy Module) were primarily received from councils and schools. The industry and some members of the community also provided feedback, with their comments generally relating to the design of open spaces and recreational areas, and the application of zoning. Within these submissions, a number of key themes have been identified and relate to:

- Extending the list of envisaged development types in each zone, including additional envisaged development types in the accepted, deemed-to-satisfy and performance assessed development classification tables, and reducing public notification requirements for envisaged development types;
- Extending the list of development types classified as Restricted development to provide greater clarity regarding inappropriate development;
- Suggested amendments to the application of zoning and the creation of sub-zones in individual circumstances;
- Adjustments to Assessment Provisions relating to matters such as building height, setbacks and built form;
- Amendments to Desired Outcomes, zone Assessment Provisions and General Development Policies to support best practice in community facility planning and the design of public open spaces; and
- Inclusion of additional policy to support the further development/expansion of schools.

Local Government Feedback

A number of councils recommended that uses outlined in deemed-to-satisfy (DTS) / designated performance features (DPF) I.I should be extended to be more comprehensive in each zone. For example, it was outlined in the Community Facilities Zone that DTS/DPF I.I should include uses such as community centre, community facility, emergency services facility, hospital, public administration office, retirement and supported accommodations.

It was also suggested that envisaged uses should be listed in the accepted, deemed-to-satisfy and performance assessed development classification tables and that these developments be exempt from requiring public notification.

Another common recommendation from councils was that the classes of development listed as Restricted in each zone should be extended. It was suggested that in doing so the public would gain a much clearer interpretation of which development types are not contemplated in the zone. Whilst some submissions were open to the idea of increasing the scope of development types that may be considered, they expressed concern that a lack of clarity may set unrealistic expectations within the community. For example, it was considered that land uses such as light industry, general industry, intensive animal keeping, waste reception, warehouses, dwellings, industry and offices should not be contemplated in the Open Space Zone, and should be classified as Restricted to avoid doubt.

Some council submissions identified situations where the zoning applied did not reflect a 'like-for-like' transition from their existing Development Plan, and requested this to be rectified through re-zoning, sub-zone creation or amendments to policy. This often occurred in areas located in the Recreation Zone and Open Space Zone. It was suggested that the current policy either diluted or did not accommodate important local circumstances and as such, more specific policy was needed in relation to elements such as built form, building heights, land uses, and setbacks.

A number of technical recommendations in relation to land use, building height and administrative definitions were also recommended to ensure consistent interpretation. Other zone and module specific feedback received from Local Government submissions are summarised under the respective headings below.

Development Industry Feedback

A number of industry groups shared the views of council in that the list of envisaged development types outlined in deemed-to-satisfy (DTS) / designated performance features (DPF) I.I of each respective zone should be increased and included as accepted, deemed-to-satisfy and performance assessed development and exempt from public notification where appropriate.

Of the submissions received from schools, a number of these noted that whilst schools across the state sit within a variety of zones, none adequately support their reasonable future development or expansion, particularly not beyond the boundaries of their existing sites. Given the important contribution schools make to the community, it was requested that this matter be addressed.

It was suggested that amendments to the accepted, deemed-to-satisfy and performance assessed development classification tables be made to include appropriate development types associated with schools. This would allow such developments to be assessed in an efficient manner. In addition, some mapping changes were also requested, including requests for re-zoning, sub-zones and adjustment of mapping to capture sites adjoining schools in order to accommodate future expansion.

Like councils, industry groups also suggested amendments to Desired Outcomes and Assessment Provisions of the Open Space Zone, as well as the Open Space and Recreation General Development Policy Module. Policy guidance was sought in relation to how open spaces could be designed to facilitate healthy living and climate change mitigation. It was suggested that this could be achieved by adding policy encouraging the inclusion of elements such as grassed areas for informal sports, play equipment, adult exercise equipment, basketball rings, dog exercise areas, park furniture, shaded areas and resting places. Linkage of these areas to existing wildlife corridors and habitats was also encouraged, as well as the establishment of large and medium trees, natural grasses and soft landscapes, and the utilisation of these areas for the management of stormwater.

Community Feedback

General feedback provided from the community related to the facilitation of improving and establishing new public parks to ensure their functionality and overall use is increased. Submissions also suggested the re-zoning of specific sites to accommodate unique circumstances.

Key Issues

Community Facilities Zone

A number of submissions sought that in the Community Facilities Zone, dwellings should be listed as a Restricted class of development. Others considered that they should be contemplated as part of mixed-use developments and some stated that they should be supported in their own right. Overall, the feedback suggested that there was a lack of policy direction relating to residential development in this Zone, and that further clarity should be provided in this regard.

Council submissions also suggested that policies relating to the development of a shop in the Community Facilities Zone required further refinement. Some submissions outlined that only shops with a gross leasable floor area of less than 50m² would be appropriate and that shops should otherwise be a Restricted class of development. Other submissions recommended that shops of more than 250m² in gross leasable floor area should be classed as Restricted development. Generally, further policy direction was recommended by these submissions in order to ensure that shops in this zone are of a local scale and/or in association with a community facility.

Open Space and Recreation General Development Policies

It was requested that additional policy regarding cycling and pedestrian linkages should be included in the Open Space Zone as well as the Open Space and Recreation General Development Policy module to better promote and accommodate active modes of transport. It was also suggested that additional policies from the existing South Australian Planning Policy Library (SAPPL) be transitioned, and that coordinated and hierarchical delivery of open space be referenced.

Open Space Zone

A number of council submissions requested that the Desired Outcome of the Open Space Zone be re-visited to capture the many important functions these areas provide to the community. It was suggested that particular reference be made to their key functions, including the provision of biodiversity, urban greening, urban cooling, public amenity and protecting native vegetation and significant habitats. These submissions considered it important that the Desired Outcome specifically identify these roles to ensure that they are achieved.

A technical issue was raised in relation to transitioning the Metropolitan Open Space System (MOSS) to the Open Space Zone, and in particular, the Code's interaction with the *Native Vegetation Act 1991*. Specifically, the *Native Vegetation Act 1991* references land located within the Metropolitan Open Space System (MOSS) area in its definition of where the Act applies for native vegetation protection. Further clarification was sought as to whether the re-zoning proposed in the Code will result in a severance from the *Native Vegetation Act 1991*, meaning the native vegetation currently on this land may no longer be protected.

Recreation Zone

In regards to the Recreation Zone, feedback suggested that additional policy guidance should be provided regarding advertisements, external lighting associated with recreational facilities and built form setbacks, and that the creation of sub-zones to accommodate specific circumstances may be warranted.



4. Spatial Application and Mapping

Significant feedback was received from communities across metropolitan Adelaide, particularly in Unley, Burnside, Norwood, Payneham and St Peters, Prospect, West Torrens, and Alexandrina, seeking the conversion of their suburbs from the General Neighbourhood Zone to the Suburban Neighbourhood Zone. A large number of respondents also sought the conversion of their suburb from the proposed Housing Diversity Neighbourhood Zone to the Suburban Neighbourhood Zone. A map identifying each of these suburbs is being created for consideration by the Commission.

The community at Kudla in the Township of Gawler voiced their strong support for seeing the area re-zoned from the Rural Zone to the Rural Living Zone. Other spatial issues raised for consideration by community members included:

- For residents in the Adelaide Hills, retention of the 'median rule land division tool', which was incorporated into the Adelaide Hills Council Development Plan as part of a 2017 Development Plan Amendment
- Development and implementation of a Critical Habitat Overlay that includes critical habitat for threatened species and ecological communities listed nationally and at the state level
- Development and implementation of a Biodiversity Overlay to be added to the Open Space Zone
- Requests to map National, Commonwealth and Aboriginal Heritage in order to identify referrals to the Commonwealth Government.

Feedback from councils expressed concerns around quality of flood mapping within the draft Code and have requested the inclusion of up-to-date flood data be considered, even if it is not currently reflected in Development Plans. Additionally, multiple councils requested the transition of the current Metropolitan Open Space System to the Open Space Zone and application of *Native Vegetation Act 1991* be reviewed to address policy deficiencies within the proposed zone.

Other spatial issues raised for consideration by multiple councils included:

- Amendment of the proposed **Technical and Numeric Variations** (TNVs) to reflect existing numerical provisions in Development Plans
- Retention of **Concept Plans** within specific zones to guide development
- Review of the application of the Community Facilities Zone which appears to be too broad in the proposed Code
- **Peri Urban Zone** review spatial application and rename to reflect primary land use intentions or use other rural zones
- Consider introducing new overlays to manage development along scenic routes and in Primary Production Priority Areas (PPPA).



Next Steps

Based on the outcomes of the engagement for Phase Three of the Code, the State Planning Commission will prepare an Engagement Report for consideration by the Minister for Planning. This report will expand on this 'What We Have Heard Report' and recommend policy changes to Phase Three of the Code. It will also evaluate the success of the engagement against the Community Engagement Charter principles.

The Engagement Report will then be published to support the release of the Phase Three Code for familiarisation, and prior to the Minister considering it for final adoption.

CODE IMPLEMENTATION TIMELINE



Acknowledgements

The State Planning Commission wishes to thank all those who participated in the engagement for Phase Three of the draft Planning and Design Code and who provided valuable input and insights to help inform South Australia's new planning system.

For further information visit: www.saplanningportal.sa.gov.au or www.saplanningcommission.sa.gov.au.



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