

## Phase Three (Urban Areas) Planning and Design Code Summary of Engagement Report

March 2021

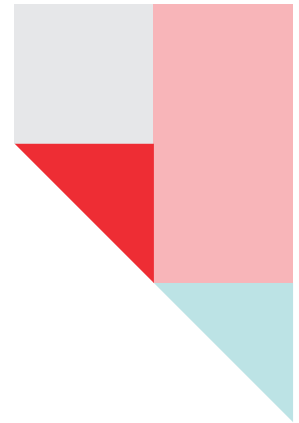


Image: Andre Castellucci



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# Introduction

The State Planning Commission (the Commission) provided South Australians with an additional consultation period to provide feedback on the revised draft Phase Three (Urban Areas) Planning and Design Code (the Phase Three Code), covering urban areas and councils with regional towns and cities in South Australia.

The revised draft Phase Three Code was made available electronically on the PlanSA portal, enabling all users of the planning system to familiarise themselves and comment - using the online Code feedback tool via the PlanSA portal - on the revised policies for their area and experience how the new planning system will operate once implemented.

This additional six-week consultation (4 November to 18 December 2020) allowed the public to use the Code in its online and electronic form for the first time, enabling use of the query tools - 'What policies apply to an address?' and 'What policies apply to a development?' - to easily see how the classification tables in the Code's zones would be used to deliver the relevant policies for specific addresses and development types.

The second consultation period also enabled those who provided feedback during the initial five-month period of public consultation on the draft Phase Three Code (1 October 2019 to 28 February 2020) to see how their feedback was proposed to be incorporated.

Following the close of the second consultation, the Commission considered submissions and made recommendations to the Minister for Planning and Local Government, the Honourable Vickie Chapman MP, on further changes to the Phase Three Code.

This report has been prepared by the Commission to summarise the engagement feedback provided from the second consultation period (4 November 2020 to 18 December 2020) and provide an overview of the key changes recommended to the Phase Three Code.

This summary report follows the release of the *Phase Three (Urban Areas) What We Have Heard Report* on 30 June 2020 and the *Phase Three (Urban Areas) Planning and Design Code Amendment Summary of Post-Consultation Amendments* in November 2020.

In preparing this summary, the Commission has sought to highlight the key areas that are of interest to the majority of readers and to follow with more detail on areas where there was a high level of interest. Comments which were received in the original consultation period and raised again in the additional consultation will not be repeated in this report unless the Commission is of the view that further amendment is warranted.



## Background

### What is the Planning and Design Code?

The Planning and Design Code (the Code) is the cornerstone of South Australia's new planning system under the *Planning, Development and Infrastructure Act 2016* (PDI Act). Once fully adopted, it will become the single source of planning policy for assessing development applications across the state.

The Code will consolidate and replace all 72 South Australian Development Plans with a single comprehensive set of policies.

The Code will be available online via the PlanSA portal, known as the 'Online Code'. Also accessible via the portal is the South Australian Property and Planning Atlas (maps) and Development Assessment Processing System.

The Online Code dramatically alters the way planning rules are stored, retrieved and maintained. Digital storage of the Code's policies and rules in a central online database means that you can inquire on your property and development type to identify the rules that apply to individual developments.

You are able to retrieve and print:

- The parts of the Code that apply to an address
- Particular parts of the Code that apply to a proposed development at an address
- Modules of the Code such as a zone or overlay
- The entirety of the Code.


### How is the Code structured?

The Code is organised into policy 'modules' which come together to provide the planning rules for development in specific locations:

- Zones – the principle organising layer that provides guidance for land use (e.g. residential or industrial) and classifies the assessment pathway for a land use (e.g. Deemed-to-Satisfy).
- Subzones – subset of a zone with localised policy that is unique to particular area(s).
- Overlays – can span zone boundaries and provide policy guidance, including agency referral triggers. The policy in an overlay 'overrides' other policy and can alter the assessment pathway (e.g. bushfire hazard overlay with referrals to the Country Fire Service)
- General development policies – policies that apply to particular development types (e.g. design policies for apartment buildings), and unlike zones, subzones and overlays, are not location-based.



Image: Don Brice



Depending on the location, all four layers may be called up by the Online Code, whereas in other circumstances only the zone and general policy layers may be called up.

A video on how to use the Code along with other [guidance and support resources](#) is provided on the PlanSA portal.

## How did we get here?



On 1 October 2019 the Phase Three Code was released for community engagement. Consultation closed on 28 February 2020.



On 23 December 2019 the Commission released the Phase Three (Urban Areas) Amendment Update Report. This report highlighted some key proposals for improvement to the Code, including a range of technical and policy improvements that the Commission proposed in response to feedback received during October and November 2019.



On 30 June 2020 the *Phase Three (Urban Areas) What We Have Heard Report* was publicly released. This report summarised the feedback from 1790 written submissions received during the initial consultation period (1 October 2019 to 28 February 2020).

In parallel with this process, the Commission finalised the *Phase Two (Rural Areas) Code Amendment*, which was implemented on 31 July 2020.



On 4 November 2020 the *Phase Three (Urban Areas) Planning and Design Code Amendment Summary of Post-Consultation Amendments* was released. In this summary, the Commission identified significant improvements to be made to the Code, including the addition of new zones, subzones and overlays to better reflect the local conditions and address areas of community interest.

The purpose of this current summary is to demonstrate the Commission's careful consideration of the feedback received from the second consultation period, to provide an overview of the key feedback, and the Commission's response and recommendations for further amendments to the Phase Three Code.

Content has been classified into categories:

- **People and Neighbourhoods:** policy affecting residential areas (neighbourhood and living zones) such as heritage, historic/character areas and design
- **Productive Economy:** policy affecting commercial or industrial areas (employment and activity centre zones) and productive rural areas
- **Natural Resources and Environment:** policy related to the environment such as tree canopy, stormwater and natural hazards
- **Integrated Movement Systems and Infrastructure:** policy related to infrastructure like roads and car parking, airports and community facilities
- **Spatial Application:** relates to how the mapping or spatial layers of the Code are spatially applied to areas within South Australia.

# PEOPLE AND NEIGHBOURHOODS

The People and Neighbourhoods policy theme covers policies relating to residential neighbourhoods, historic areas, character areas and heritage.

The Commission originally identified a number of key priorities relating to the People and Neighbourhoods policy theme, including policies to promote residential infill improvements, flexibility to develop different housing styles in master-planned areas, and support for a range of housing types in established areas.

In response to the first consultation process, the Commission recommended substantial changes to the People and Neighbourhoods policy theme, including the transition of more localised policy content to reflect neighbourhood characteristics and Development Plan content, the creation of a new Established Neighbourhood Zone to acknowledge unique areas of established character, new Hills Neighbourhood Zone to have regard to undulating land, new Township Neighbourhood Zone to acknowledge residential areas in established townships, and the inclusion of contributory items as 'Representative Buildings'.

The People and Neighbourhoods policy theme received the majority of submissions through the second consultation process, with feedback primarily focussed around non-residential land uses in neighbourhood zones, public notification requirements, heritage and character, boundary development and private open space requirements

## Non-residential land uses in neighbourhood zones



### Engagement Feedback:

A number of submissions from councils and community members and groups raised concern around the extent of non-residential development in neighbourhood zones and the potential amenity impacts to residential land uses.

Submissions from the second consultation period raised specific concerns around the following:

- The 100-200m<sup>2</sup> floor area for shops, offices and consulting rooms being too large with requests to restrict non-residential land uses from neighbourhood zones entirely. Stakeholders also observed the 1000m<sup>2</sup> restricted trigger for shops was too large and should be reduced
- Requests to include additional policies to limit the impact on neighbour's amenity (hours of operation, car parking, and noise, etc.)
- Objection to shops, offices, consulting rooms being listed as complying Deemed-to-Satisfy (DTS) developments in the Rural Living Zone
- Policy in neighbourhood zones should anticipate community facilities (such as educational establishments and pre-schools).



## Key Changes:

The recommended key changes are as follows:

- Amend policy for shops, offices and consulting rooms in neighbourhood zones to:
  - Combine separate policies regarding the size of shops, offices and consulting rooms into a single Performance Outcome (PO) and Deemed-to-Satisfy/Designated Performance Feature (DTS/DPF)
  - Ensure home businesses up to 50m<sup>2</sup> do not involve the display of goods in a window or about the dwelling or its curtilage
  - Only allow the reinstatement of a former shop, office or consulting room in an existing building where either the building is a State or Local Heritage Place; or, is in conjunction with a dwelling and there is no increase in the gross leasable floor area previously used for non-residential purposes
  - Only allow up to 200m<sup>2</sup> in gross leasable floor area where abutting an Activity Centre (not separated by road) and the total abutting non-residential floor area does not exceed the lesser of 1000m<sup>2</sup> or 50% of the abutting Activity Centre's floor area.
- Create policy which seeks non-residential development located and designed to improve community accessibility to services, and to complement the residential character and amenity of the neighbourhood, in the following zones:
  - City Living Zone
  - Established Neighbourhood Zone
  - Hills Neighbourhood Zone
  - Neighbourhood Zone
  - Township Neighbourhood Zone.
- Create policy which limits the expansion of community services in a manner which complements the scale of development envisaged by the desired outcome for the neighbourhood in the following zones:
  - City Living Zone
  - Established Neighbourhood Zone
  - Hills Neighbourhood Zone
  - Neighbourhood Zone.
- Delete 'shop' from Table 2 – Deemed-to-Satisfy Development Classification in the Rural Living Zone.





## Public Notification in Neighbourhood Zones

### Engagement Feedback:

A number of submissions were received with requests to notify additional forms of development including:

- Non-residential development in neighbourhood zones
- Development incorporating walls on boundaries
- Medium and high rise buildings in urban corridor zones
- Development that can operate on a 24-hour basis, such as retail fuel outlets
- All development that increases development intensity, including additional dwellings on the site, two-storey development, development on the boundary, and change of use from residential to non-residential.

### Key Changes:

The recommended key changes include:

- Notify development in all zones containing 'urban corridor' in its title that involve a building of 4 or more building levels on a site, or land that is adjacent to land in a neighbourhood-type zone and adjoins an allotment containing an existing low-rise residential building
- Notify boundary walls in neighbourhood-type zones which exceed the maximum length or height criteria in the relevant zone.

Shops, offices and consulting rooms in neighbourhood-type zones which exceed the maximum floor area criteria in the zone will require public notification.



Image: Don Brice



## Heritage and Character

Heritage and character also received feedback with overarching concerns about devaluing existing development controls and protections.



### Engagement Feedback:

Common feedback included:

- Concerns that the demolition test for heritage is still based on economic considerations
- Concerns around the generalisation of policies in the Local Heritage Place Overlay without regard for heritage character and style
- Seek to strengthen the test for demolition of heritage items as well as the policy in the Heritage Adjacency Overlay
- Seek further protection of Colonel Light Gardens.

**Note:** Updated Heritage Guidelines for the Colonel Light Gardens State Heritage Area were released for public consultation by the Department for Environment and Water on 11 December 2020. Desired Outcome 1 (DOI) of the State Heritage Area Overlay references such guidelines.

### Key Changes:

All State Heritage Places, State Heritage Areas, Local Heritage Places and Historic Areas (which contain Representative Buildings) will retain demolition control. For more information refer to the Commission's 'Protecting Heritage and Character in the Planning and Design Code' brochure.

In response to these concerns, the Code will be supported by design advisory guidelines that sit beside the Code to guide the built form of new development in Historic Areas and Character Areas, which will include diagrams and style guides for key areas of development.

### Master Planned Areas

In the revised Phase Three Code Amendment, the former Greenfield Neighbourhood Zone was merged into a single Master Planned Neighbourhood Zone, supported by a new Emerging Activity Centre Subzone. The Master Planned Neighbourhood Zone will cover greenfield development areas (e.g. Playford, Mount Barker, Seaford Meadows), and larger master planned urban neighbourhoods (i.e. West, Lightsview).



## Engagement feedback:

Submissions observed the following:

- Concern around medium rise (up to 6 building levels) in the Zone, particularly in regional/township areas where surrounding zones only permit low rise development
- Requests to reduce the spatial extent of the Emerging Activity Centre Subzone to only capture new centres.

**Clarification:** The Emerging Activity Centre Subzone applies to entire areas to provide for flexibility in the future location of activity centres in these emerging neighbourhoods. Policy in the zone and the definition of 'activity centre' ensures that areas covered by the Subzone still differentiate between the new activity centre location, and areas that are more suitable for primarily residential development.

- Strengthen Performance Outcomes (PO) in the subzone to reduce impact of potentially competing new centres
- Concern that Deemed-to-Satisfy (DTS) pathways will mean the authority cannot use judgement about location of new activity centres.

**Clarification:** There are no deemed-to-satisfy pathways for commercial development or activity centres in the zone nor subzone. The location of new activity centres will always be performance assessed on merit.

- Suggest Building Envelope Plans (BEPs) should be approved in a staged basis, and existing BEPs from development plans should be transitioned without further approval.

**Clarification:** The procedures and considerations for approval of a Building Envelope Plan will be set out in regulations and a practice direction.

- Concern there is no minimum allotment size in the Master Planned Neighbourhood Zone.

## Key Changes:

In response to this feedback, a new Master Planner Township Zone is proposed to accommodate lower densities and primarily low rise development, with associated new Emerging Township Activity Centre Subzone for areas where new activity centres are anticipated.



## General Neighbourhood Zone

### Engagement Feedback:

Common feedback was received requesting an increase in minimum site areas in the General Neighbourhood Zone, particularly for row dwellings.



## Key Changes:

It is recommended to amend the General Neighbourhood Zone (DTS/DPF 2.1) to increase the minimum site area for row/terrace dwellings from 200m<sup>2</sup> to 250m<sup>2</sup>.



## Private Open Space

### Engagement feedback:

A number of submissions from the second consultation raised concern that the total area of Private Open Space (POS) required for detached, semi-detached, row, group and residential flat dwellings was set too low at 24m<sup>2</sup>.

## Key Changes:

In response, amendment is recommended to increase POS policy requirements in line with existing Residential Code (Res Code) parameters, wherein a minimum POS requirement of 60m<sup>2</sup> will apply for sites above 300m<sup>2</sup>.



## Boundary setbacks

### Engagement feedback:

A number of submissions from community, local government and planning practitioners provided feedback and raised concerns around the setbacks from side and rear boundaries, including the following observations and requests:

- Rear setback to match what is currently prescribed in the complying criteria of the Residential Code (ResCode)
- The front setback criteria in the ResCode (being the average of adjoining minus one metre) to form the DTS criteria in the neighbourhood zones
- Use the average of adjoining policy to determine the front setbacks in neighbourhood zones
- Transition existing upper level side setbacks from development plans into the Established Neighbourhood Zone.

## Key Changes:

The recommended key changes are as follows:

- Amend the rear setback Deemed-to-Satisfy/Designated Performance Feature (DTS/DPF) to add a new category for sites >300m<sup>2</sup> for a rear setback of 4m for ground level and 6m for upper level in the following zones:
  - General Neighbourhood Zone
  - Suburban Neighbourhood Zone
  - Neighbourhood Zone
  - Waterfront Neighbourhood Zone.
- Amend the side boundary setback Technical and Numerical Variation (TNV) in the Established Neighbourhood Zone and Township Neighbourhood Zone to transition upper level setbacks as well as ground levels (as per current Development Plan parameters).
- Amend the primary street setback policy to allow for the primary street setback to reflect the average of the adjoining buildings minus one metre in the following zones:
  - General Neighbourhood Zone
  - Suburban Neighbourhood Zone.

## Design



### Engagement Feedback:

Submissions in relation to the Code's design policies included the following:

- Apply design criteria for 4+ level development to 3+ level development, provided it is in alignment with the definition of medium rise development
- Request for change in policy to guide the design of undercroft parking, and note the loss of policy incentivising undercroft parking
- Request for additional policy to guide development in laneways
- Request to increase minimum internal garage dimensions to ensure convenient parking and provide more room for internal storage
- Request for improvements to waste bin storage policy
- Request to remove universal design policy from the Code, in light of access requirements already being listed within the National Construction Code (NCC)
- Improve façade design policy by increasing the number of techniques required to achieve Deemed-to-Satisfy (DTS) and remove the mix of materials as a technique
- Request that soft landscaping policy should apply to ancillary structures such as outbuildings, verandahs and carports
- Request that minimum dimensions for soft landscaping be reduced from 0.7m to 0.5m.

## Key Changes:

The recommended key changes are as follows:

- Apply minimum soft landscaping criteria for ancillary buildings in neighbourhood zones (ancillary accommodation, outbuildings, verandah, carport) or maintain the current percentage of soft landscaping where it is already less than the criteria
- Change heading '4 or more building levels' in the Design in Urban Areas General Development Policies to 'medium and high rise' to allow the section to apply development of 3+ building levels
- Amend Design in Urban Areas General Development Policies (PO 7.1) to provide further guidance on the design of undercroft and semi-basement car parking
- Create new Performance Outcome (PO) and Deemed-to-Satisfy/Designated Performance Feature (DTS/DPF) in Design in Urban Areas General Development Policies to guide development with frontage to laneways
- Relocate universal design policy within the Design in Urban Areas General Development Policies under the heading 'Supported Accommodation and Retirement Facilities'.



Image: Don Brice

# PRODUCTIVE ECONOMY

The Productive Economy theme encompasses a range of modules in the Code library, including those related to retail (activity centres), employment areas, tourism development and primary industry.

The Commission originally identified a number of key priorities relating to the Productive Economy policy theme, including strengthening policy to support tourism, reviewing retail policy to respond to economic trends and changing consumer preferences, and improving guidance in relation to renewable energy developments.

In response to the first consultation process, the Commission recommended a number of changes to the Productive Economy policy theme, including the introduction of a new Local Activity Centre Zone to apply to existing local centres, and the introduction of new subzones in 'employment' and 'innovation' zones to accommodate larger shops, promoting business clusters.

Feedback from the second consultation period focussed around a number of key themes, including retail development and the preservation of centres hierarchy, rural policies, and policies guiding advertisements.

## Retail Development

### Engagement feedback:

A number of submissions raised concern about the scope of retail (shop) development permitted through the Code's policies, specifically:

- Prevent inappropriate non-residential development outside of activity centres to preserve centres hierarchy
- Concern around the cumulative impact on townships from non-residential development located outside of designated centres
- Request general policies to address out of centre retail development.

Alternatively, other feedback requested that retail policy should allow for a broader scope for mid-scale retail development, including:

- The removal of the restricted development pathway in corridor and employment zones to make supermarkets performance assessed and increase the shop floor areas to 2000m<sup>2</sup>
- The amendment of restricted development exclusions to allow shop adjacent activity centres or a main street to be performance assessed (subject to floor area).

### Key Changes:

New 'Out of Activity Centre Development' General Development Policies are proposed to be created to reflect current State Planning Policies and recognise Activity Centres as the primary locations for shopping, administrative, cultural, entertainment and community services.



Image: Don Brice





## Urban Corridors

### Engagement feedback:

Submissions from the second consultation period raised specific concerns around the following:

- Lower building heights should apply in Urban Corridor zones, as these zones are not appropriate for residential side streets
- Request to amend Urban Corridor (Business) policy to increase floor area for shops.

### Key Changes:

The recommended key changes are as follows:

- Create a new Urban Corridor Business Retail Subzone within the Urban Corridor (Business) Zone, to be applied to locations where up to 2000m<sup>2</sup> shop floor area is currently anticipated in development plans
- Amend DTS/DPF 1.2 of the Urban Corridor (Business) Zone to reduce the maximum gross leasable floor area of shops to 500m<sup>2</sup>.



## Adelaide Country Zone

### Engagement Feedback:

A range of submissions raised the following matters specifically about the Adelaide Country Zone:

- Request that Adelaide Country Zone should be renamed 'Productive Rural Landscape Zone' to reflect the qualities of productive, niche produce, high visitor numbers and high scenic quality
- Concern that the Deemed-to-Satisfy (DTS) criteria for shops, tourism, and function centres with the Adelaide Country Zone are too limiting – including unreasonable restrictions on gross leasable floor areas, accommodation areas, seat numbers and display areas external to a building.

### Key Changes:

The recommended key changes are as follows:

- Rename Adelaide Country Zone to 'Productive Rural Landscape Zone'
- Amend Deemed-to-Satisfy/Designated Performance Feature (DTS/DPF) 1.1 to add 'function centre', as this class of development is anticipated in specified circumstances.



## Rural Areas



### Engagement feedback:

Submissions raised the following matters regarding rural policies:

- 100m<sup>2</sup> limit on the gross leasable floor area of shops does not reflect modern cellar door facilities and should be increased
- Hours of operation for cellar doors needs to be better considered so as to not curtail economic potential of development
- The Dwelling Excision Overlay speaks of dwellings that are 'surplus to a productive land use' being able to be divided off the main allotment. What is the appropriate test for whether or not a dwelling is surplus?
- Request strengthened policy to guide allotment boundary realignments that affect an existing dwelling
- The Rural Shack Settlement Zone should discourage structures being placed between the building and the river or coast rather than the building line
- Additional policy requested regarding solar farms in the Rural Intensive Enterprise Zone
- Request Deemed-to-Satisfy (DTS) pathway for agricultural buildings in the Rural Living Zone
- Seek inclusion of The Department of Primary Industries and Regions (PIRSA) primary production areas maps
- Concern that the Deemed-to-Satisfy (DTS) criteria for horticulture did not go far enough to manage interface issues. Others were of the view that the Deemed-to-Satisfy (DTS) criteria for Horticulture were excessive (e.g. a slope not greater than 10% and not within 50m of a watercourse or native vegetation).

## Key Changes:

The recommended key changes are as follows:

- Amend policy to allow for cellar doors up to 250m<sup>2</sup> in floor area in the Productive Rural Landscape Zone, Rural Zone and Rural Horticulture Zone, and amend Interface between Land Uses General Development Policies to exclude cellar doors from limits to hours of operation
- Amend the Dwelling Excision Overlay to remove reference to demonstrating that a dwelling is surplus to a productive land use and existed prior to a certain date, and instead seek land division creating an additional allotment to accommodate an existing dwelling that does not undermine the role of primary production areas
- Create a new policy in the Productive Rural Landscape Zone, Rural Zone, Rural Aquaculture Zone, Rural Horticulture Zone and Rural Intensive Enterprise Zone which seeks for allotment boundaries, including by realignment, to be positioned to incorporate sufficient space around existing residential, tourist accommodation and other habitable buildings to maintain a pleasant rural character and amenity for occupants, and manage vegetation with the same allotment to mitigate bushfire hazard
- Create new policy in the Rural Shack Settlement Zone which seeks for outbuildings to be designed and sited to mitigate their visibility from the waterfront
- Add a Deemed-to-Satisfy pathway for 'agricultural building' in the Rural Living Zone.

## Advertisements

### Engagement feedback:

Submissions raised the following matters about Advertisements:

- Request for policy relating to advertisement size and design in neighbourhood type zones
- Request for policy to address the visual appearance of advertising hoardings, particularly in regard to advertisements that are classified as Deemed-to-Satisfy
- Request to strengthen advertising policy so that it generally avoids third-party advertising
- Request for advertising policy to be reviewed to ensure a consistent approach applies across similar zone types
- Request for freestanding advertising to be performance assessed, in light of the potential visual impact and difficulty in establishing a size that is suitable for a Deemed-to-Satisfy (DTS) pathway.



## Key Changes:

The recommended key changes are as follows:

- Create a new policy in the Advertisements General Development Policies to:
  - Limit the number of signs that are attached to the building - but are not flush with a building façade - to one per occupancy with associated size limits
  - Strengthen policy to ensure advertising relates to the lawful uses rather than third-party advertising
  - Amend policy so that allowable size limits do not apply in neighbourhood-type zones
  - Strengthen policy regarding advertising hoardings and introduce an associated Deemed-to-Satisfy/Designated Performance Feature (DTS/DPF) criteria
- Introduce new provisions for maximum height and size of freestanding advertisements in all zones
- Remove the Deemed-to-Satisfy (DTS) pathway for freestanding advertisements in all zones, except zones that are exclusive to Phase One and/or Phase Two areas
- Introduce an additional policy to strengthen requirements for performance assessed signage in centre type zones to ensure advertisements are sited and designed to achieve greater consistency along streets; and ensure greater consistency across the zones.
- Amend the allowable freestanding signage height and area to be consistent and match with the type of Activity Centre:
  - Local Activity Centre, Township Activity Centre, and Township Main Street: up to 5m in height and 4m<sup>2</sup> façade per side
  - Suburban Activity Centre, Suburban Main Street, and Urban Corridor (Main Street) Zone: 8m in height and 6m<sup>2</sup> façade per side
  - Urban Activity Centre Zone: 10m in height and 8m<sup>2</sup> façade per side
- Introduce advertising policy in the Productive Rural Landscape Zone to be consistent with Rural and Rural Horticulture Zones
- Introduce policy in neighbourhood-type zones and the Rural Settlement, Rural Shack Settlement and Rural Living Zones to allow small discrete advertising related to a lawful on-site business.

# NATURAL RESOURCES AND ENVIRONMENT

The Natural Resources and Environment theme relates to conservation, open space and hills face zones, as well as a large proportion of overlays in the Code, which are based on natural resources.

The Commission originally identified a number of key priorities relating to the Natural Resources and Environment policy theme, including more consistency regarding state level planning issues, such as bushfire, biodiversity, coast protection and water security, a more consistent approach to managing the Mount Lofty Ranges Watershed Protection Area, and clear policy solutions to facilitate water sensitive urban design and green infrastructure.

In response to the first consultation process, the Commission recommended a number of changes to the Natural Resources and Environment policy theme, including the splitting of the Hazards (Flooding) Overlay into two overlays, and the creation of a new Scenic Quality Overlay to protect areas of scenic value.

Feedback from the second consultation period focussed around a number of key themes, including urban tree canopy, stormwater management and flooding.

## Urban Tree Canopy

### Engagement feedback:

A high volume of submissions related to the Urban Tree Canopy Overlay, raised the following matters:

- Observations that the Urban Tree Canopy Overlay does not go far enough to increase urban tree canopy. Suggestions that minimum tree requirements be increased to reflect higher tree canopy targets and policy regarding the retention of mature trees be strengthened
- Requests that the Urban Tree Canopy Overlay should also apply to dwellings undertaken by the South Australian Housing Trust
- Concerns that paying a fee in lieu of planting new trees was not appropriate (i.e. the Urban Tree Canopy Offset scheme), and that the fee would be too low and should be increased. Additional suggestions that the scheme should only apply where the cost of footings is unreasonable
- Requests for tree species and setbacks between buildings and trees should be stipulated in the overlay.



## Key Changes:

The recommended key changes are as follows:

- Amend the Urban Tree Canopy Overlay to add a note referring to an Off-set Scheme established under section 197 of the PDI Act.
- Apply Performance Outcome and Deemed-to-Satisfy/Designated Performance Feature 1.1 of the Urban Tree Canopy Overlay to dwellings and residential flat buildings undertaken by the South Australian Housing Trust or registered Community Housing providers.

### **Clarification:** Offset Scheme

The Code contains a set of residential infill policies that include the requirement to plant or retain trees when new dwellings are built in urban residential areas. In special instances, where planting a tree is not feasible (e.g. when soil types are prohibitive), the draft Urban Tree Canopy Off-Set Scheme enables contribution into a Fund which can be used to plant trees in parks, reserves and nature strips, or to create new parks. The Scheme has been proposed in response to feedback received during consultation on the Phase Three Code and, subject to approval of the Minister, is expected to commence operation in April 2021.



## Stormwater Management

### Engagement feedback:

A number of submissions offered suggestions to improve the stormwater management policies in the Code, including:

- Increase stormwater detention capacity (and reduce retention capacity)
- Focus on controlling output rather than water re-use
- Amend the criteria requiring 80% roof capture area to 50% for row dwellings and semi-detached buildings to help decrease risk of water damage to property due to complex design issues builders' face when facilitating an 80% capture
- Concerns regarding the suitability of criteria to control stormwater pollutants and run-off quantities
- Request for a portion of 2000L retention tanks <200m<sup>2</sup> to be used for detention (1000L for detention and 1000L for retention)
- Request for the water tank connections be made to all toilets (not just one toilet)
- Request the National Construction Code (NCC) should only define how the connections should be made; the Code should specify the tank size and rainwater use connections
- The installation of the rainwater tank and connection to approved uses should be mandated prior to occupying new houses
- Requests for the Stormwater Management Overlay to apply to all residential, commercial and industrial uses, and to dwellings undertaken by the South Australian Housing Trust.

## Key Changes:

The recommended key changes are as follows:

- Amend the Stormwater Management Overlay to:
  - Require 60% of the roof area to be connected to tanks (not 80%) for detached (non-battle axe), semi-detached and row dwellings.
  - Require half (1000L) of the 2000L rainwater tanks for lots <200m<sup>2</sup> to be used for detention
- Amend the stormwater management policies in the Design in Urban Areas, Design and Land Division General Development Policies to remove the Deemed-to-Satisfy/ Designated Performance Feature criteria regarding pollutant percentages and run-off quantities
- Apply the Stormwater Management Overlay to dwellings and residential flat buildings undertaken by the South Australian Housing Trust and/or registered Community Housing providers.

## Flooding



### Engagement feedback:

Submissions observed the following in relation to the Hazards (Flooding) Overlay and Hazards (Flooding – General) Overlay:

- Requests that the Hazards (Flooding General) Overlay be used sparingly and the Code should only adopt the flood areas mapped within the current Development Plans in the initial roll-out of the Code.
- Request flood protection policies be supported for non-residential as well as residential development
- Observed inconsistencies in the Hazards (Flooding) overlays between council areas
- Request for the application of a minimum Finished Floor Levels (FFL) above the roadway in all areas (not just for those areas subject to flood mapping), as they could still be subject to inundation.
- Request for a general policy specifying FFLs are a minimum of 200mm above top of kerb where there are no flood overlays
- Requests to include additional flood mapping data from councils.

## Key Changes:

A new Hazards (Flooding – Evidence Required) Overlay is proposed to be introduced by splitting the Hazards (Flooding – General) Overlay into two; the latter applying to areas where low to medium flood risk is known, and the new overlay to applying to areas where flood risk is unknown.



# INTEGRATED MOVEMENT SYSTEMS AND INFRASTRUCTURE

The Integrated Movement Systems and Infrastructure theme captures overlays applying to state-maintained roads, railways, pipelines and airports, zones relating to infrastructure and community facilities, and general policy on transport, access and parking.

The Commission originally identified a number of key priorities relating to the Integrated Movement Systems and Infrastructure policy theme, including rationalising car parking rates, creating policies to protect current and future transport links, and providing a greater level of policy consistency in relation to development near airfields.

In response to the first consultation process, the Commission recommended a number of changes to the Integrated Movement Systems and Infrastructure policy theme, including amending car parking rates to respond to modern survey data and creating a new Future Local Road Widening Overlay.

Feedback from the second consultation period focussed around a number of key themes, including car parking, development near airports, and community facilities.



## Car parking

### Engagement feedback:

Feedback observed that car parking rates were generally too low, with specific comments including:

- Request to increase the on-site car parking rate of a 2-bedroom dwelling from one space to two spaces, noting this represents a change from current ResCode and many Development Plans
- Require at least one on-site car park to be covered (i.e. carport or garage)
- Increase visitor parking for multi-level buildings
- Concerns that provisions for off-street parking is too low.

### Key Changes:

The recommended key changes to the Transport, Access and Parking General Development Policies include:

- Increase on-site car parks from one to two spaces for 2-bedroom detached, semi-detached and row dwellings (except where rear loaded)
- Require one car parking space to be covered.





## Airports

### Engagement feedback:

Submissions raised the following:

- Commonwealth Facilities Zone should reflect the broader economic functions of Airports
- Concerns about infill uplift in areas near the airport
- Requests to restrict developments within the Aircraft Noise Exposure Forecast (ANEF) 35 contour

### Key Changes:

Amendment is recommended to the Aircraft Noise Exposure Overlay to increase the ANEF value from 25 to 30.

**Clarification:** In relation to concerns about infill uplift near airports, this is considered to be adequately addressed by performance outcomes relating to land division for sensitive receivers within ANEF 30 and above, as well as referral requirements for development which would exceed airport building heights, or would not meet requirements related to building generated windshear and turbulence. The overlay will ensure that impacts on development are mitigated by either ensuring that approved development incorporates appropriate attenuation, or that additional land division does not occur (or is at least performance assessed) to ensure that sensitive receivers can be designed and located appropriately.



## Community Facilities

### Engagement feedback:

Submissions raised the following matters about:

- Requests for additional policy to support schools (educational establishments)
- Requests for minor school development to be exempt to align with exemptions for State schools in Regulations
- Request for the creation of a new subzone to apply to sites for educational establishments to reflect the balanced needs of expanding school sites with community impacts, such as site boundary setbacks and public notification
- Concern around lack of setback criteria in the Community Facilities Zone.



## Key Changes:

The recommended key changes are as follows:

- Amend the Accepted Development Classification to provide an accepted pathway for classrooms in the Community Facilities Zone--no greater than one level and 200m<sup>2</sup> - and which satisfy car parking rates and setbacks
- Introduce a new provision in the Community Facilities Zone to guide the expansion of existing community services such as educational establishments, community facilities and pre-schools
- Amend Communities Facilities Zone provisions to relate to setbacks from all boundaries, not just rear boundaries.

## Recreation Zone



### Engagement feedback:

Submissions observed that the Recreation Zone is not suitable for the Adelaide Showgrounds, and requested a specific Adelaide Showgrounds zone/subzone.

### Key Changes:

Given the unique context of the Adelaide Showgrounds, a new Adelaide Showgrounds Subzone is recommended to be created and applied to the Adelaide Showgrounds within the Recreation Zone.



Image: Don Brice




# CODE SPATIAL APPLICATION

The Commission supports a number of changes to the spatial application of the Code. This includes the spatial application of zones, subzones, overlays, as well as the Technical and Numeric Variation (TNV) data which can populate policies in the Code's modules.

Unless otherwise stated below, the amendments are supported in order to deliver desired policy outcomes that are more closely aligned with the relevant Development Plan.

## Zones

- Apply the new Master Planned Township Zone to areas in Strathalbyn, Two Wells, Aldinga, Angle Vale and Virginia instead of the Master Planned Neighbourhood Zone
- Apply the Rural Zone to part of the Roeland Estates site at Nuriootpa instead of Strategic Employment Zone
- Apply the Community Facilities Zone to part of Mount Pleasant instead of Township Zone, to Crystal Brook instead of the Suburban Activity Centre Zone, and to Investigator College and Victor Harbor High School instead of the Open Space Zone
- Apply the Employment Zone instead of Strategic Employment Zone at Moppa Road in the Barossa
- Apply the Established Neighbourhood Zone to land in Tusmore (First Creek) and to the existing Residential Character Zone in Roseworthy
- Apply the Urban Renewal Neighbourhood Zone to the Minda Incorporated Brighton Campus instead of the General Neighbourhood Zone
- Apply the Rural Zone instead of Rural Horticulture Zone to suitable farming and primary production precincts in Light Regional Council
- Apply the Urban Neighbourhood Zone to the land north of Castle Plaza instead of the Business Neighbourhood Zone
- Apply the Hills Neighbourhood Zone to existing residential escarpment zone in the Mid Murray Council instead of the Suburban Neighbourhood Zone, to residential areas in Darlington and Flagstaff Hill instead of the General Neighbourhood Zone, to land in Waitpinga instead of the Rural Neighbourhood Zone, and to Burnside (Second Creek) and Stonyfell (First Creek)
- Apply the Neighbourhood Zone instead of the Suburban/General Neighbourhood Zone to appropriate areas in Mount Barker, Stirling North (Port Augusta) and Two Wells
- Apply the General Neighbourhood Zone in Narooma quarry and riverfront instead of the Housing Diversity Neighbourhood Zone
- Apply the Recreation Zone to the existing recreation policy area in Marden
- Apply the Local Activity Centre Zone to existing local centre in St Peters

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- Apply the Open Space Zone instead of the Conservation Zone along part of the Onkaparinga River Estuary at Port Noarlunga
  - Apply the Employment Zone to the Woolworths Distribution Centre in Gepps Cross instead of the Employment (Bulk Handling) Zone
  - Apply the Suburban Activity Centre Zone to part of the land at Northfield and Northgate where new activity centres are anticipated, instead of the Master Planned Neighbourhood Zone
  - Apply the Rural Neighbourhood Zone to Port Augusta West, Port Augusta and Stirling North instead of the Rural Living Zone
  - Apply the Infrastructure Zone to Bolivar Wastewater Treatment Plan instead of the Employment Zone
  - Apply the Rural Shack Settlement Zone to land at St Kilda instead of the Rural Settlement Zone
  - Apply the Suburban Main Street Zone instead of the Suburban Activity Centre Zone on Goodwood Road in Unley
  - Realign the boundary between Suburban and General Neighbourhood zones in West Torrens to ensure zone boundaries are consistent with either the centre-line of the nearest road or a property boundary



## Subzones

- Apply the new Adelaide Showgrounds Subzone to the Adelaide Showgrounds
- Apply the Urban Neighbourhood Retail Subzone to the ‘core area’ in Laffer’s Triangle
- Remove the Retail Activity Subzone from areas in Gepps Cross and Mile End
- Apply the Retail Activity Centre Subzone to the Employment Zone in Munno Para
- Apply the new Urban Corridor Business Retail Subzone along Main North Road in Prospect.

## Overlays

- Replace the Hazards (Flooding – General) Overlay with new Hazards (Flooding – Evidence Required) Overlay to areas where flood risk has not yet been analysed
- Apply the Urban Tree Canopy and Stormwater Management overlays only to areas within Metropolitan Adelaide, as its appreciated issues of urban tree canopy loss and stormwater management are typically experienced in the metropolitan area due to an increase in housing density. These overlays also apply to the City Living Zone in the City of Adelaide
- Remove the Character Area Overlay from pockets of land in Norwood where not identified on the existing Concept Plan Fig RC(N)/I of the Residential Character (Norwood) Zone
- Apply the Scenic Quality Overlay to additional locations in Adelaide Hills Council (rural landscape policy areas), and the landscape environs precinct in Clarendon
- Apply the Significant Industry Interface Overlay around Illaparra Winery, motor sport facility and mushroom farm in Murray Bridge, and Medlow Road Landfill in Blakeview
- Apply the Interface Management Overlay to additional locations including around Dublin Landfill Facility, Industry Kingsford Regional Estate, existing Residential (Central Plains) Zone Policy Area 12 within the City of Mitcham, south of the GRSA site at Angle Park
- Apply the Limited Dwelling Overlay to suitable parts of Kapunda in the Rural Zone, and remove the overlay from Sellicks Beach
- Apply the Hazards (Acid Sulfate Soils) Overlay to Gillman
- Apply the Gateway Overlay to the approach to Victor Harbor.



# CONCLUSION

Further information on consultation feedback and recommended changes to the Phase Three Code are set out in the Commission's *Phase Three (Urban Areas) Planning and Design Code Amendment Engagement Report*, available on the PlanSA Portal.

Community information and training sessions are available to the public and practitioners to support commencement of the Phase Three Code. The latest schedule of business readiness and education sessions are now available for [March and April 2021](#). Stakeholders can browse and register for sessions via the [PlanSA portal](#) or [Eventbrite](#).

The Department and Commission will continue its collaborative work with council planning practitioners and key industry stakeholders as the Phase Three Code is introduced to the entirety of South Australia.

The Commission wishes to thank everyone who participated in the engagement process and for their valuable input and insights to help inform South Australia's new planning system.

For further information visit [www.plan.sa.gov.au](http://www.plan.sa.gov.au) or [www.saplanningcommission.sa.gov.au](http://www.saplanningcommission.sa.gov.au).

For further support, please contact the PlanSA Service Desk using the [online support request form](#), via email [PlanSA@sa.gov.au](mailto:PlanSA@sa.gov.au) or call 1800 752 664.



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