

CHAPTER FOUR

Second consultation

- Summary of feedback
- Response and recommended amendments to Code Policy

Chapter 4: Second consultation - Summary of feedback, response and recommended amendments to Code Policy

The initial five-month period of public consultation on the draft Code (1 October 2019 to 28 February 2020), resulted in 1790 written submissions. In response, the Commission identified significant improvements to be made to the Code, including the addition of new zones, subzones and overlays to better reflect local conditions and address areas of community interest.

Accordingly, the revised Phase Three Amendment was released to the public for an additional six-week consultation period from 4 November to 18 December 2020, resulting in 258 written submissions.

This additional consultation 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.

Further engagement on the proposed changes was undertaken in various forms, including:

- a formal six-week period for the public to provide feedback
- weekly updates with affected councils
- weekly updates with accredited professionals
- a forum on residential infill development
- a workshop with practitioners and industry on the role of building envelope plans in the Master Planned Neighbourhood Zone

The following section provides an overview of the key feedback received through this subsequent engagement period, the Commission’s response and recommendations for further amendments to the Phase Three Amendment.

Comments which were received in the original consultation period and raised again in the additional consultation will not be repeated in this section unless the Commission is of the view that further amendment is warranted.

Feedback, response and recommendations have been classified into categories:

1. **Procedural and Technical** - public notification, referrals, definitions, general matters
2. **Code Policy Content** – grouped into four themes:
 - 2.1 People and Neighbourhoods
 - 2.2 Productive Economy
 - 2.3 Natural Resources and Environment
 - 2.4 Integrated Movement Systems and Infrastructure

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1. Procedural and technical (PT)

The following procedural and technical matters received feedback from respondents which was not specific to particular zones, subzones, overlays or general development policies.

Public notification

Engagement feedback:

Submissions raised concern with the difficulty in interpreting the Procedural Matters – Notification Table 5 in each zone, specifically how the different clauses related to one another with the term ‘subject to...’.

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

- non-residential development in neighbourhood zones
- development involving >600mm fill
- development incorporating walls on boundaries
- non-residential land uses in the Township Zone
- 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.

It was observed that notifying development adjacent a different zone [e.g. in employment and activity centre zones] may result in excessive notification.

It was observed that dog kennelling and horse keeping in the Rural Living Zone’s Animal Husbandry Subzone should be excluded from notification.

A high number of submissions sought to increase third-party appeal rights.

Clarification: The appeal rights for different categories of development are set out in the PDI Act. Amendment to appeal rights is beyond the scope of the Code and the Phase Three Amendment.

Commission’s response:

The Commission understands the importance of ensuring the way the Code excludes development types from notification is unambiguous and clear. To improve the clarity of the tables, it is recommended that the term ‘Subject to...’ is removed from all clauses and replaced with explanatory text, which clarifies that if a development is excluded from notification from any clause, it will be excluded from notification irrespective of any other clause in Table 5.

In addition, it is proposed to review the clauses to improve the structure and group common classes of development which have the same exceptions.

Regarding requests to ensure additional forms of development are notified, the Commission continues to support the principle that development which is envisaged in the zone should not be subject to notification; except where either acceptable standards of built form or intensity are exceeded, and/or the development is likely to result in substantial impacts on the amenity of adjacent dwellings located on land in another zone. Accordingly, amendments to Table 5 of various zones are recommended to notify:

- boundary walls which exceed height/length criteria, as it is appreciated this departure from DTS/DPF criteria can have a direct impact on adjoining neighbours
- buildings of 4 or more building levels in urban corridor zones where located near an adjoining low rise dwelling in a neighbourhood-type zone, as development of this scale can impact on

neighbours in adjacent zones, and correlates to the trigger for the State Planning Commission/State Commission Assessment Panel to be the relevant authority.

Notification of all non-residential development in a neighbourhood-type zone and township zones is not supported, as small-scale non-residential land uses are a legitimate and envisaged form of development in these zones. It is noted that the consultation version of Table 5 ensured such land uses are subject to notification where they exceed the maximum gross leasable floor area in the relevant zone.

It's noted the Development Regulations 2008 generally require notification of non-residential uses in 'centre' and 'industry' zones as Category 2 development where located adjacent a different zone. It's considered appropriate for these land uses to continue to be subject to notification where located adjacent a neighbourhood-type zone.

It is agreed that animal keeping which accords with the relevant assessment provisions should not be subject to notification in rural areas.

Commission's Recommendation:

PT.1 AMEND the structure of Table 5 – Procedural Matters – Notification in all zones to:

- add a section 'Interpretation' clarifying that a term listed in Column A is excluded from notification provided it does not fall within the exceptions prescribed in Column B
- rename first column 'Class of Development (Column A)' and the second column 'Exceptions (Column B)'
- review the various clauses containing classes of development and separate out groups of development which have the same applicable exceptions in Column B.

PT.2 AMEND Table 5 – Procedural Matters – Notification of all zones containing 'urban corridor' in its title to notify development that involves 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.

PT.3 AMEND Table 5 – Procedural Matters – Notification of all neighbourhood-type zones to notify boundary walls which exceed the maximum length or height criteria in the relevant zone.

PT.4 AMEND Table 5 – Procedural Matters – Notification of the Employment Zone to ensure that a consulting room, light industry, office, store or shop (except where located in a subzone which anticipates shops) are subject to notification where located adjacent a site used for residential purposes in a neighbourhood-type zone.

PT.5 AMEND Table 5 – Procedural Matters – Notification of the Rural Zone to ensure function centres are notified which exceed the maximum number of persons, and tourist accommodation which exceeds the maximum floor area.

PT.6 AMEND Table 5 – Procedural Matters – Notification to ensure buildings on Catalyst Sites which exceed maximum building height are still subject to notification in the following zones:

- City Living Zone
- City Main Street Zone
- Community Facilities Zone
- Business Neighbourhood Zone.

PT.7 AMEND Table 5 – Procedural Matters – Notification of the Rural Living Zone to exclude the following activities from notification:

- dog kennelling where located within the Animal Husbandry Subzone, except where DTS/DPF 1.2 of the subzone is not met (e.g. The number of dogs kept on an allotment does not exceed 20)
- horse keeping where located outside of the Animal Husbandry or Intensive Horse Establishments subzones, except where DTS/DPF 1.2 of the zone is not met (e.g. limited to not more than 2 horses per allotment)
- horse keeping where located within the Animal Husbandry or Intensive Horse Establishments subzones.

Restricted and inappropriate development

Engagement feedback:

Consistent with feedback received on the original consultation on the Phase Three Amendment, a number of submissions from council and community members/groups requested that current non-complying lists be transitioned to Table 4 – Restricted Development in the Code.

Submissions also requested policies which specifically discourage certain developments in each zone so that development that is currently non-complying can be refused.

Commission’s response:

The restricted development threshold is a procedural trigger to require a more comprehensive assessment pathway. Unlike non-complying development in Development Plans, the restricted development threshold does not indicate that a development is inappropriate or otherwise.

The policy itself (DOs, POs and DTS/DPF criteria) are the only matters that should be used to assess the merits of a performance assessed development. Due to the differences in non-complying and restricted development, it is considered inappropriate to transition all non-complying development to restricted development in the Code.

The Code has been drafted to identify the types of development that are envisaged, not what is discouraged or inappropriate. The DOs, POs and DTS/DPF provisions guiding envisaged land uses should provide sufficient guidance on land use suitability. Additionally, policies regarding built form could be relevant to assess impacts on adjoining land.

Definitions

Engagement feedback:

A number of requests were received to amend definitions in the Code, including:

- Communal Open Space (COS) should be able to be located at the front of a site without being gated to prevent public access
- to include a diagram to help illustrate building height
- request clarification on how much private open space (POS) can be covered by verandahs/alfrescos
- request definition of contemporary pig production systems (noting terms ‘farming, ‘intensive animal husbandry’ and ‘low intensity animal husbandry’ do not adequately cover common arrangements)
- amend inconsistency in relation to references and definition of building height and level, and references to natural ground level or finished ground level
- amend the definition of habitable room to alter “dedicated corridor/hallway” to clarify that dedicated relates to a corridor/hallway that has two side walls

Commission's response:

The definition of COS requires that the area is not publicly accessible. Given that the COS is for the private use of the dwellings it serves, it is considered appropriate to maintain the definition in its current form.

Additional diagrams may be developed in the future to assist in the interpretation of administrative definitions.

Given that maximum site coverage and minimum soft landscaping criteria will apply to applications for verandahs/alfrescos, it is considered unnecessary to control the maximum proportion of POS covered by such structures.

The definition of 'farming' in the Code is intentionally aimed towards low intensity agricultural land uses such as pastoral grazing and broad hectare cropping. Such uses have lesser and/or different impacts on both the land and sensitive receivers when compared to the more intense agricultural activities of intensive animal husbandry and horticulture.

The distinction between these activities is necessary to ensure that correct planning policies and appropriate assessment pathways are applied during the assessment of an application. For example, certain policies (noise, odour, wastewater management, etc.) and procedures (Environment Protection Authority referral) will apply to applications for intensive animal husbandry that are not needed for pastoral grazing or horticulture.

The terms natural ground level and finished ground level are addressed through case law, and therefore new definitions are not considered warranted.

The term 'dedicated corridor/hallway' is considered sufficiently clear in the context of 'habitable room' to clarify that a habitable room may include a transition/entry area, but does not include a separate corridor or hallway.

Additional investigations

It has been observed that the term 'more than one dwelling on an allotment' is used throughout the Code policies, and it would benefit from a definition to clarify the situations where it applies.

Review of how activity centres and building envelope plans work in the Master Planned Neighbourhood Zone, it has been identified that nominating the location of an activity centre on a land division authorisation may not be the most appropriate way to create new 'activity centres'. Instead, nominating such activity centres on an approved building envelope plan is considered a more suitable mechanism.

The following additional definitions are proposed to support EPA referrals:

- 'prescribed factors' to refer to the *Environment Protection Act 1993*
- 'more sensitive use', 'class 1 activity' and 'class 2 activity' to refer to the State Planning Commission Practice Direction 14 (Site Contamination).

Commission's Recommendation:

PT.8 **CREATE** definition of 'more than one dwelling on an allotment', to clarify that reference to 'dwelling' in this phrase includes any dwelling that already exists on the allotment, has a valid development authorisation for construction on the allotment, or is subject to a development application that is yet to be determined.

PT.9 **AMEND** definition of 'activity centre' to:

- amend paragraph (a) to 'land identified for the purposes of an activity centre on a building envelope plan'
- update list of zones to add new Emerging Township Activity Centre Subzone in the Master Planned Township Zone.NA

PT.10	AMEND definition of 'building envelope plan' to refer to 'development' instead of 'building'.
PT.11	CREATE definition of 'prescribed factors' to refer to the meaning in Schedule 1 of the <i>Environment Protection Act 1993</i> .
PT.12	CREATE definitions of more 'sensitive use', 'class 1 activity' and 'class 2 activity' to refer to the State Planning Commission Practice Direction 14 (Site Contamination).

Other

Engagement feedback:

- A submission queried where concept plans sit in the hierarchy of policies.
- Request diagrams be incorporated into the Code's policies
- Concern about loss of local content
- Too many development types will 'default' to 'All Other Code Assessed Development'
- Basis for TNVs in the Code's structure is unclear
- Concern DTS criteria are too subjective
- Concern with referrals for direction, and lack of clarity in purpose of referral

Commission's response:

Concept plans are given status through a PO and DTS/DPF in the relevant zone. Accordingly, concept plans gain their status through zone policy, for which the hierarchy is outlined in the Rules of Interpretation.

Diagrams may be developed for inclusion in the Code in the future.

Table 3: Applicable Policies for Performance Assessed Development should only list land uses which are expected to occur frequently in the zone, and for which the policies used for a performance assessment are known without variability. Design policies for such different scales of development are difficult to identify upfront, and therefore such development is more suitably captured as 'All Other Code Assessed Development', allowing the relevant authority to identify the relevant policies from the Code Library appropriate to the proposed development.

While the PDI Act limits spatial layers in the Code to zones, subzones and overlays, TNVs are not spatial layers in themselves, but are rather simply data which supports/populates policy in the zones, subzones and overlays (in a similar way to calling up a historic area statement in the historic area overlay or OLS heights in an airports overlay).

DTS criteria are intended to be clear and unambiguous, and this has been analysed in a review of consistency and clarity of expression.

Given referrals in the Code have been reduced from the current system and limited to matters of State importance, direction is considered an appropriate function in most cases. Clarification of the purpose of referral is supported where necessary.

Additional Investigations:

A number of formatting and consistency improvements were identified through further analysis and audit by the Department during and post-consultation.

It was identified that Concept Plans should only relate to key matters of staging of development, provision of infrastructure and the location of new activity centres, and are rarely relevant for the development of new dwellings in neighbourhood-type zones.

To support the definition of 'development' under section 3(1) of the Act, it is proposed to carry forward the works which comprise development in relation to a local heritage place which currently apply under the *Development Act 1993* into Part 5 of the Code. Noting this is not a 'designated area' but rather a 'specified matter', the title of Part 5 is proposed to be amended accordingly.

Commission's Recommendation:

PT.13 AMEND the Code to address editorial, referencing and formatting issues.

PT.14 AMEND policies to improve clarity and expression.

PT.15 AMEND the policies and rules which are linked to various classes of development (i.e. "linkages") to ensure only policies relevant to that class of development and pathway are linked.

PT.16 AMEND the overlays which prevent development from following an Accepted or Deemed-to-satisfy pathway to ensure only and all overlays which are relevant to the specific development type are listed.

PT.17 AMEND assessment provisions regarding Concept Plans to clarify that concept plans relate only to staging of development, provision of infrastructure and the location of new activity centres.

PT.18 AMEND Part 9 referrals to align with the Environment Protection (Variation of Act, Schedule 1) Regulations 2020.

PT.19 AMEND Part 5 – Designated Areas to change title to 'Specified/identified matters and areas under the Act and Regulations' and **AMEND** Table 2 to specify works in relation to a local heritage place which will comprise development, consistent with the current *Development Act 1993*.

2. Code Policy Content

The Planning and Design Code framework includes all the policy modules that make up the Code Library including:

- Zones and subzones (Part 2 of the Code)
- Overlays (Part 3 of the Code)
- General Development Policies (Part 4 of the Code)

The submissions and recommendations in relation to the policy within the Code have been divided into the following themes that are aligned with the four Discussion Papers released by the Commission during the preparation of the Code:



The final Code Framework showing changes resulting from the second consultation are shown overleaf.

ZONES AND SUBZONES

Intensity	ZONES / ZONE CATEGORIES			
	People & Neighbourhoods (Priority Residential)	Productive Economy (Priority Commercial/Industry)	Resilient Communities & Environment	Infrastructure & Movement Systems
Capital City	<p>City Living Zone North Adelaide Low Intensity Subzone Medium-High Intensity Subzone East Terrace Subzone</p> <p>City Main Street Zone Rundle Street Subzone Rundle Mall Subzone Hindley Street Subzone Gouger and Grote Street Subzone City High Street Subzone</p>	<p>Capital City Zone City Frame Subzone</p> <p>City Riverbank Zone Cultural Institutions Subzone Entertainment Subzone Health Subzone Innovation Subzone</p>	<p>Adelaide Park Lands Zone</p>	<p>Commonwealth Facilities Zone Community Facilities Zone St Andrew's Hospital Precinct Subzone Women's and Children's Hospital and Memorial Hospital Precinct Subzone Neighbourhood Subzone</p>
Urban Centres	<p>Urban Corridor (Living) Zone Urban Corridor Living Retail Subzone</p> <p>Urban Corridor (Business) Zone Urban Corridor Business Retail Subzone</p> <p>Urban Corridor (Boulevard) Zone</p> <p>Urban Corridor (Main Street) Zone</p> <p>Urban Neighbourhood Zone Main Street Subzone Urban Neighbourhood Retail Subzone</p>	<p>Urban Activity Centre Zone Port Adelaide Centre Subzone</p>	<p>Hills Face Zone Open Space Zone</p>	<p>Deferred Urban Zone Infrastructure Zone Infrastructure (Airfield) Zone Residential Aviation Estate Subzone</p> <p>Infrastructure (Ferry and Marina Facilities) Zone Wallaroo Marina Subzone</p> <p>Recreation Zone Adelaide Showgrounds Subzone</p>
Suburban Areas and Townships	<p>Suburban Business Zone Business Neighbourhood Zone Melbourne Street West Subzone</p> <p>Home Industry Zone Strategic Innovation Zone Flinders Subzone Rehabilitation Subzone Repatriation Subzone Activity Node Subzone</p>			

Intensity	ZONES / ZONE CATEGORIES			
	People & Neighbourhoods (Priority Residential)	Productive Economy (Priority Commercial/Industry)	Resilient Communities & Environment	Infrastructure & Movement Systems
	<p>Urban Renewal Neighbourhood Zone <i>Mixed Use Transition Subzone</i></p> <p>Housing Diversity Neighbourhood Zone</p> <p>General Neighbourhood Zone</p> <p>Suburban Neighbourhood Zone</p> <p>Established Neighbourhood Zone</p> <p>Hills Neighbourhood Zone</p> <p>Waterfront Neighbourhood Zone</p> <p>Master Planned Neighbourhood Zone <i>Emerging Activity Centre Subzone</i></p> <p>Master Planned Township Zone <i>Emerging Township Activity Centre Subzone</i></p> <p>Master Planned Renewal Zone</p> <p>Neighbourhood Zone <i>American River Subzone</i> <i>Roxby Downs Subzone</i> <i>Underground Subzone</i> <i>Wallaroo Landmark Subzone</i> <i>Waterfront Subzone</i></p> <p>Township Neighbourhood Zone</p> <p>Rural Neighbourhood Zone <i>Bookmark Creek Subzone</i> <i>Adelaide Hills Subzone</i></p> <p>Golf Course Estate Zone</p> <p>Residential Park Zone</p> <p>Workers' Settlement Zone</p> <p>Township Zone</p>	<p>Local Activity Centre Zone</p> <p>Suburban Activity Centre Zone</p> <p>Suburban Main Street Zone</p> <p>Strategic Employment Zone <i>Significant Industry Gillman Subzone</i> <i>National Naval Shipbuilding Subzone</i> <i>Ports Subzone</i></p> <p>Employment (Enterprise) Zone <i>Light Industry Subzone</i></p> <p>Employment (Bulk Handling) Zone</p> <p>Employment Zone <i>Retail Activity Centre Subzone</i> <i>Roadside Service Centre Subzone</i></p> <p>Township Activity Centre Zone</p> <p>Township Main Street Zone</p> <p>Motorsport Park Zone</p> <p>Caravan and Tourist Park Zone</p>		

Intensity	ZONES / ZONE CATEGORIES			
	People & Neighbourhoods (Priority Residential)	Productive Economy (Priority Commercial/Industry)	Resilient Communities & Environment	Infrastructure & Movement Systems
	<i>Nairne Redevelopment Subzone</i>			
Rural Areas	Rural Living Zone <i>Animal Husbandry Subzone</i> <i>Intensive Horse Establishments Subzone</i> Rural Settlement Zone <i>Fisherman Bay Subzone</i> Rural Shack Settlement Zone	Rural Zone <i>Kangaroo Island Subzone</i> Adelaide Country Zone Rural Productive Landscape Zone <i>The Cedars Subzone</i> Rural Horticulture Zone Rural Intensive Enterprise Zone Rural Aquaculture Zone Tourism Development Zone <i>Monarto Safari Park Subzone</i> <i>River Murray Experience Subzone</i> <i>Winery Experience Subzone</i> Resource Extraction Zone		
Natural Areas	Coastal Waters and Offshore Islands Zone Conservation Zone <i>Dwelling Subzone</i> <i>Small Scale Settlement Subzone</i> <i>Visitor Experience Subzone</i> <i>Aquaculture and Recreation Subzone</i> <i>Shack Relocation Subzone</i> Remote Areas Zone			

OVERLAYS

PEOPLE & NEIGHBOURHOODS

- Affordable Housing
- Design
- Noise and Air Emissions
- Character Preservation District
- Character Area
- Heritage Adjacency
- Historic Area
- Local Heritage Place
- State Heritage Area
- State Heritage Place

PRODUCTIVE ECONOMY

- Dwelling Excision
- Environment and Food Production Areas
- Gateway
- Interface Management
- Limited Dwelling
- Limited Land Division
- Resource Extraction Protection Area
- Significant Interface Management

INFRASTRUCTURE & MOVEMENT SYSTEMS

- Airport Building Heights (Aircraft Landing Area)
- Airport Building Heights (Regulated)
- Aircraft Noise Exposure
- Building Near Airfields
- Defence Aviation Area
- Gas and Liquid Petroleum Pipelines
- Gas and Liquid Petroleum Pipelines (Facilities)
- Advertising Near Signalised Intersections
- Future Local Road Widening
- Future Road Widening
- Key Railway Crossings
- Key Outback and Rural Routes
- Major Urban Transport Routes
- Non-stop Corridor
- Traffic Generating Development
- Urban Transport Routes

RESILIENT COMMUNITIES & ENVIRONMENT

- Adelaide Dolphin Sanctuary
- Coastal Areas
- Coastal Flooding
- Adelaide Dolphin Sanctuary
- Hazards (Acid Sulfate Soils)
- Hazards (Bushfire - Outback)
- Hazards (Bushfire - General Risk)
- Hazards (Bushfire - Medium Risk)
- Hazards (Bushfire - High Risk)
- Hazards (Bushfire - Regional)
- Hazards (Bushfire - Urban Interface)
- Hazards (Flooding)
- Hazards (Flooding - General)
- Hazards (Flooding - Evidence Required)
- Historic Shipwrecks
- Marine Parks (Managed Use)
- Marine Parks (Restricted Use)
- Mount Lofty Ranges Water Supply Catchment (Area 1)
- Mount Lofty Ranges Water Supply Catchment (Area 2)
- Murray-Darling Basin
- Native Vegetation
- State Significant Native Vegetation
- Prescribed Surface Water Areas
- Prescribed Watercourses
- Prescribed Water Resource Area
- Prescribed Wells Area
- Ramsar Wetlands
- Regulated and Significant Tree
- River Murray Flood Plain Protection Area
- River Murray Tributaries Protection Area
- Scenic Quality
- Significant Landscape Protection
- Stormwater Management
- Urban Tree Canopy
- Water Protection Area
- Water Resources

General Development Policies

Infrastructure and Movement Systems	Resilient Communities & Environment	Productive Economy	People & Neighbourhoods
<p>Marinas and On Water Structures</p> <p>Clearance from Overhead Power Lines</p>	<p>Site Contamination</p>	<p>Advertisements</p> <p>Bulk Handling and Storage Facilities</p> <p>Workers Accommodation and Settlements</p> <p>Beverage Production in Rural Areas</p> <p>Out of Activity Centre Development</p>	<p>Open Space and Recreation</p> <p>Housing Renewal</p>
<p>Infrastructure and Renewable Energy Facilities</p>		<p>Tourism Development</p>	
<p>Design in Urban Areas Design</p> <p>Interface Between Land Uses</p> <p>Land Division</p>		<p>Waste Treatment and Management Facilities</p> <p>Transportation, Access and Parking</p>	

2.1 People and Neighbourhoods (P)

The majority of submissions focussed on the topic of *People and Neighbourhoods*. The key issues raised focussed on the following topics:

- Non-residential development in neighbourhood zones
- Heritage, Historic Areas and Representative Buildings
- General concern about the impacts of infill development
- Setbacks and private open space
- Car parking rates for 2 bedroom dwellings
- Minimum site area for row dwellings in the General Neighbourhood Zone.

Non-residential development 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.

Specific concern was raised around:

- the 100-200m² DTS/DPF floor area for shops, offices and consulting rooms as being too large; request to restrict non-residential land uses from neighbourhood zones entirely
- additional policies should be included to limit impact on neighbour's amenity (hours of operation, car parking, and noise, etc.)
- objection to shops, offices, consulting rooms as complying [DTS] developments in the Rural Living Zone.

A number of submissions from a range of stakeholders observed the 1000m² restricted trigger for shops was too large and should be reduced.

It was also observed that policy in neighbourhood zones should anticipate community facilities (such as educational establishments and pre-schools), and therefore policy related to such uses should be incorporated in all neighbourhood-type zones.

A request was received to make retail fuel outlets—exceeding a certain floor area—a restricted form of development in neighbourhood zones, to provide for more rigorous assessment.

Commission's Response:

The Commission supports the provision of complementary non-residential land uses within residential areas of great importance to ensure neighbourhoods are provided with a range of facilities and services within convenient walking distance.

To this end, the Commission continues to support home-based businesses up to 50m² in all neighbourhood zones, up to 100m² in residential areas not in proximity to activity centres, and up to 200m² where commercial activity is more viable such as adjoining existing activity centres and on main roads.

It has been observed that the series of policies in neighbourhood-type zones regarding the size of shops, offices and consulting rooms should be combined into a single policy to avoid misinterpretation and clarify that the various criteria must be satisfied.

It is appreciated that non-residential land uses adjoining existing activity centres should be limited to ensure:

- a) centres don't extend over roads; and
- b) adjoining commercial uses do not substantially increase the size of the centre (where such expansion should be more appropriately considered in a Code Amendment).

As such, amendment is supported in this regard.

Further discussion and resolution regarding advertisements in neighbourhood-type zones is located in the ***Productive Economy – Advertisements*** section of this report.

The Commission continues to support a restricted trigger of 1000m² for shops, as this captures shops of a scale which may require strategic consideration of the impact to the centres hierarchy. Shops which fall between the zone's policy guidance (50-200m²) and the restricted trigger of 1000m² can be suitably assessed by the local authority, considering issues such as interface and amenity impacts, as well as fundamental suitability of the land use and intensity. Such development may not warrant approval when assessed against the zone's outcomes.

It is noted there is a new performance assessed approach in the Code, which means that authorities can no longer use non-complying numerical triggers to indicate types of development which are inappropriate. Instead, the Code has been drafted for performance assessment to focus on whether development achieves the fundamental desired outcomes and performance outcomes of the zone.

Policy in Interface between Land Uses, Transport, Access and Parking, and Advisements General Development Policies will also be relevant to assessment of non-residential uses in neighbourhood-type zones.

Community services such as schools are commonly located in residential areas, and therefore the Commission supports the inclusion of policy guiding the location and design of such buildings in neighbourhood zones.

Council's assessment manager and assessment panel have the appropriate experience and expertise to undertake assessment of retail fuel outlets in neighbourhood zones, and therefore a restricted pathway isn't supported.

It is appreciated that the Rural Living Zone primarily seeks residential neighbourhoods and therefore a DTS pathway for shops is more suited to other rural zones to support value-adding opportunities.

Commission's Recommendation:

P.1 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 PO and DTS/DPF
- ensure that home businesses up to 50m² do not involve the display of goods in a window or about the dwelling or its curtilage
- only allow reinstatement of a former shop, consulting room or office 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 200m² 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 1000m² or 50% of the abutting Activity Centre's floor area.

- P.2 CREATE** POs which seek 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
 - Established Neighbourhood
 - Hills Neighbourhood
 - Neighbourhood
 - Township Neighbourhood.
- P.3 CREATE** new PO and DTS/DPF 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
 - Established Neighbourhood
 - Hills Neighbourhood
 - Neighbourhood.
- P.4 DELETE** 'shop' from Table 2 – Deemed-to-satisfy Development Classification in the Rural Living Zone.

Character and Historic Areas

Engagement feedback:

Submissions related to character and historic areas raised the following matters:

- In-principle support for representative buildings
- Request to rename 'Representative Building' to 'Contributory item' or similar
- It was asserted that Representative Buildings have less protection from demolition than existing Contributory Items.

Clarification: Of the 11,891 Representative Buildings in the draft Code, 11,810 places will have demolition control as they are located within the Code's Historic Area Overlay. In relation to Contributory Items currently in development plans, demolition control varies across council areas, and in some cases Contributory Items do not have demolition control at all.

- Request policy in the Historic Area Overlay which provides specific guidance and recognition in relation to 'Representative Buildings'.
- Request demolition control for representative buildings

Clarification: Representative buildings in the Historic Area Overlay will require planning consent for demolition. Such applications will be performance assessed and require public notification.

- Request changes to Historic Area statements to make them less generalised and more specific to particular areas, and more forward-facing to guide new development
- Improvements to the Heritage Adjacency Overlay
- General concerns around loss of local character.

Commission's Response:

The State Planning Commission understands the importance of Heritage and Character and the role it plays in the social and cultural fabric of South Australia's metropolitan and regional communities.

Feedback from communities received in the initial consultation on the Phase Three Amendment emphasised the importance of heritage and character. Acting on advice from the Minister, the revised Phase Three Amendment incorporated the transition of Contributory Items into the Code as Representative Buildings.

The name 'Representative Buildings' is considered appropriate, as it recognises those buildings that represent the key attributes and characteristics of Heritage Areas and Character Areas by reference in Historic/Character Area Statements.

Currently, Development Plans contain similar policies regarding local character that are expressed in different ways, where the intention is largely the same. There is a high degree of local policy that is complex, difficult to understand, and not drafted in a way that can be queried in a new electronic Code. The introduction of a Character Area Overlay with Character Area Statements is considered to provide a suitable mechanism to recognise local context in a comprehensible and consistent format.

Heritage

Engagement feedback:

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

Clarification: 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. DO1 of the State Heritage Area Overlay references such guidelines.

- Clarification was sought on how the Aboriginal Heritage Act is integrated into the Code, and how developments' impact on Aboriginal Cultural Heritage sites and ancestral remains is mitigated through the Code.

Private open space (POS)

Engagement feedback:

A number of submissions raised concern that the total area of private open space required for detached, semi-detached, row, group and residential flat dwellings was too low at 24m².

Commission's Response: The Commission appreciates that most development plans and ResCode prescribe a larger area of POS dependent on the size of the site. A single figure of 24m² was proposed as it was considered suitable size to accommodate standard activities expected in a dwelling's POS (clothes drying, garden, outdoor dining, etc.). These activities do not tend to vary greatly depending on allotment size. Meanwhile, the provision of garden areas for environmental and amenity benefits are provided for through separate policy, such as minimum percentage of soft landscaping, minimum deep soil areas around trees, and sometimes a maximum percentage of roof area (site coverage).

That being said, the Commission appreciates the strong concerns raised regarding a single figure of 24m², and supports amendment to require a larger area of POS for sites above 300m² in a manner consistent with current ResCode.

Commission’s Recommendation:

P.5 **AMEND** Design in Urban Areas and Design General Development Policies to increase Private Open Space (POS) policy requirements in line with existing Res Code parameters: for sites above 300m² - a minimum POS requirement of 60m².

Boundary setbacks

Engagement feedback:

Submissions from community members raised concern around the setbacks from side and rear boundaries, and requested an increase in the setbacks for two-storey development.

Local government feedback echoed this concern, specifically requesting an increase in the rear setback to at least that currently prescribed in ResCode.

Regarding primary street setbacks, feedback from the housing industry sought for the front setback criteria in ResCode – being the average of adjoining minus 1 metre, to form the DTS criteria in zones.

Local government feedback sought:

- to use the average of adjoining policy to determine front setbacks in neighbourhood zones
- to transition existing upper level side setbacks (especially in the Established Neighbourhood Zone where side setbacks are determined by a single TNV value)
- to have regard to the average rear setback of adjoining dwellings in the Waterfront Neighbourhood Zone.

Planning practitioners observed that, in many development sites, there might be a land division creating several allotments where the central sites do not adjoin any existing buildings; and therefore, referring to the “average of adjoining buildings” in front setback policy may unnecessarily apply a default value instead of aligning with adjoining buildings.

Commission’s Response:

The Commission supports amendment to front and rear setback policies in certain neighbourhood zones to align with the setbacks currently in ResCode, and to provide greater clarity about front setbacks where adjoining allotments are vacant.

Amendment to TNV values for side setbacks in the Established Neighbourhood Zone are supported to transition upper level setback values from development plans.

It’s appreciated that the rear setback of allotments with a rear boundary adjoining a waterfront can contribute to the visual character of the area, and therefore an average setback approach is supported to ensure consistency in the pattern of setbacks along the waterfront. The same principle applies in the case of dwellings adjoining golf courses.

Commission’s Recommendation:

P.6 **AMEND** rear setback DTS/DPF to add a new category for sites >300m² for a rear setback of 4m for ground level and 6m for upper level in the following zones:

- General Neighbourhood
- Suburban Neighbourhood
- Neighbourhood
- Waterfront Neighbourhood.

P.7	AMEND side boundary setback TNV for upper-levels as well as ground levels for dwellings in the Established Neighbourhood Zone and Township Neighbourhood Zone (as per current Development Plan parameters).
P.8	AMEND primary street setback policy to allow the primary street setback to reflect the average of the adjoining buildings minus 1m in the following zones: <ul style="list-style-type: none"> - General Neighbourhood - Suburban Neighbourhood
P.9	AMEND the primary street setback policy in neighbourhood zones that refer to average setback of adjoining buildings to refer to buildings on sites that would adjoin the site if not separated by vacant allotments.
P.10	AMEND the rear setback policy in the Waterfront Neighbourhood Zone and Golf Course Estate Zone to require a setback no less than the average rear setback of any existing dwellings on adjoining allotments in cases where the rear boundary fronts a waterfront/golf course.

Boundary walls

Engagement feedback:

Various comments were received regarding the policy for walls constructed on boundaries:

- Industry submissions observed that boundary wall height should be measured from the top of building footings rather than natural/finished ground level as such reference may create a disparity in the built amenity of undulating areas, observing actual ground levels are only determined at the completion of building consent. Reference to “top of footings” provides certainty.
- A number of council and community submissions sought to publicly notify developments which exceed the maximum height and length criteria for boundary walls.
- Community and local government submissions sought to limit the maximum boundary wall length to 8m (not 11.5m), raising concern with overshadowing.
- Concern that a 3.2m wall height is too low and doesn’t account for high ceilings in the Established Neighbourhood Zone.

Commission’s Response: The Commission supports carrying forward current ResCode criteria which measures boundary wall height from the top of footings, acknowledging this provides a simpler assessments for DTS pathways. However, this is only considered appropriate in zones were ResCode commonly applies at present or zones which anticipate transformation of neighbourhoods, while reference to finished/natural ground level should be retained in zones where the impacts of redevelopment are more likely to impact on existing dwellings, such as the Hills Neighbourhood or Established Neighbourhood zones.

The Commission appreciates that the impact of boundary walls can have a direct impact on adjoining neighbours and therefore supports notification of development with boundary walls which exceed the maximum height/length criteria (see recommendation in [Procedural and technical > Public notification](#) section of this report).

Commission’s Recommendation:

P.11 AMEND boundary wall DTS/DPF to change the reference from 'the lower of natural or finished ground level' to 'the top of footings' in the following zones:

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

General Neighbourhood Zone

Engagement feedback:

Submissions observed the following in the relation to the General Neighbourhood Zone:

- Request increase in minimum site area for a row dwelling from 200m² to 250m²
- Advertisements should be exempted from public notification up to a certain size
- The zone should encourage medium rise buildings close to open space, transport and activity centres
- Frontages for group dwellings and residential flat buildings should be 18m
- Reduce minimum site area requirements for dwellings in retirement villages to a level below that required for ordinary dwellings.

Commission's Response:

While a minimum site area of 200m² has been found to be sufficient size to accommodate a standard row dwelling, the Commission appreciates that an increase to 250m² would be more reflective of current minimum standards in development plan zones which will transition to the General Neighbourhood Zone.

Medium density/rise development is more suited to Housing Diversity or Urban Renewal neighbourhood zones than the General Neighbourhood Zone.

Retirement facility is an envisaged form of development in the zone. It is appreciated such accommodation may generally warrant smaller individual site areas given their reliance on common facilities. However, as these forms of development will be performance-assessed in the zone, it is not considered necessary or appropriate to provide quantitative site area criteria in DTS/DPF 2.1. In such cases, PO 2.1 would be taken into consideration in conjunction with the relevant policies in the Design in Urban Areas General Development Policies specific to housing for aged persons.

Under the Planning, Development and Infrastructure (General) Regulations 2017, the following types of un-illuminated advertisements are exempt from approval:

- Up to two x 0.2m² advertisements associated with a dwelling
- An advertisement on the front wall of a commercial/community building.

Where advertisements exceed these thresholds in neighbourhood zones notification is considered warranted.

Commission's Recommendation:

P.12 AMEND DTS/DPF 2.1 of the General Neighbourhood Zone to increase the minimum site area for row/terrace dwellings from 200m² to 250m².

Urban Renewal Neighbourhood Zone

Engagement feedback:

Submissions requested additional policy in this zone to guide the design of buildings and their interface with lower density/rise areas.

Concern was raised regarding the building heights permitted in the zone, seeking reduction.

Commission's Response: The Commission supports amendment to policies to better articulate the outcomes for interface with lower scale zones.

Commission's Recommendation:

P.13 **AMEND** PO 2.2 in Urban Renewal Neighbourhood Zone to guide the siting and design of buildings at the interface of a different neighbourhood-type zone to provide an orderly transition to the built form scale envisaged in that zone to mitigate impacts on adjacent residential uses.

Master Planned Neighbourhood Zone

Engagement feedback:

In the revised Phase Three Amendment, the former Greenfield Neighbourhood Zone was merged into a single Master Planned Neighbourhood Zone, supported by a new Emerging Activity Centre Subzone. 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 POs in the subzone to reduce impact of potentially competing new centres
- Concern that DTS pathways will mean 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.

- The Emerging Activity Centres Subzone should not prevent DTS dwellings
- 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.

- Clarify that balcony privacy policy in Accepted criteria only applies to buildings of two or more building levels

- Concern no minimum allotment size in Master Planned Neighbourhood Zone

Commission’s Response:

The Master Planned Neighbourhood Zone has generally transitioned existing Suburban Neighbourhood Zones, and master planned areas where the design of land division, street pattern and open space are key considerations, different from standard residential infill areas.

It’s appreciated this single zone has been applied to areas in a metropolitan, as well as a regional context, and that a lower scale/intensity of development is often more compatible with these regional townships.

To this end, the Commission supports creation of a new zone which replicates the key policies of the Master Planned Neighbourhood Zone, but which provides for a primarily low rise and low density residential environment.

The protection of activity centres will be strengthened through new ‘Out of Activity Centre’ Development General Development Policies (see discussion and recommendation in Productive Economy > Retail (shop) development section of this report).

Minimum allotment size and density can vary depending on the context of areas within a master planned estate (higher density is warranted in areas close to open space, public transport, centres, etc.). For this reason, density is guided by POs at the land division stage, rather than specific DTS/DPF criteria that is more relevant for urban infill areas.

Commission’s Recommendation:

P.14 CREATE new Master Planned Township Zone 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.

Note: Refer to Code Spatial Application section of this report for information on where the new zone will be spatially applied.

P.15 REMOVE ‘Emerging Activity Centre Subzone’ as an exclusion to a DTS pathway for dwellings.

P.16 AMEND balcony privacy policy in Accepted criteria to clarify that it only applies to buildings of two or more building levels

Established Neighbourhood Zone

Engagement feedback:

The Established Neighbourhood Zone was newly proposed in the revised Phase Three Amendment. Submissions observed the following:

- An industry submission raised concern with the lack of potential for infill in the Established Neighbourhood Zone, and this infill could be appropriate on large amalgamated sites where interface can be managed
- Local government sought to amend the DO for the zone to emphasise the predominant streetscape character and preservation of existing development patterns, and remove reference to provision of a range of housing types to meet housing preferences.

Commission’s Response:

There are few areas within the Established Neighbourhood Zone where Character or Heritage overlays are not applicable. The desired outcome of the zone is for new buildings to be 'sympathetic to

predominant built form and character', as well as to 'maintain the predominant streetscape character'. Policy encouraging infill is considered more appropriate in zones which anticipate transformation of neighbourhoods, such as Urban Renewal, Housing Diversity and General neighbourhood zones.

The Commission supports amendment to DO 1 to remove reference to new buildings responding to housing preferences, as it is appreciated that the type of housing in the zone may be guided by the existing built form and character rather than market demand.

Commission's Recommendation:

P.17 AMEND DO 1 to remove reference to new dwellings responding to housing preferences.

Hills Neighbourhood Zone

Engagement feedback:

Submissions observed the following of the newly proposed policies of the Hills Neighbourhood Zone, applying in residential areas with undulating land:

- Request additional policy to address bulk and scale, cut and fill, retention of vegetation, and protection of vistas
- Request increased secondary street setbacks
- Minimum site area and frontage TNVs should differentiate between different dwelling types.

Commission's Response:

Policies already exist in the zone to minimise the extent of cut and fill, and encourage siting and design to integrate with the natural topography.

Retention of vegetation and revegetation is promoted through the Urban Tree Canopy Overlay, which generally applies in areas where the Hills Neighbourhood Zone applies.

The Commission supports increasing setbacks on steeper sites, and enabling TNV values for minimum site area and frontage to differentiate between different dwelling types.

Commission's Recommendation:

P.18 AMEND DTS/DPF 6.1 to provide for increased secondary street setback of 1.9 metres on sites with a steeper gradient (>1:8).

P.19 CREATE additional TNV fields to enable minimum site area and minimum frontage width criteria to apply based on dwelling type.

Design

Engagement feedback:

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

- Several council submissions sought to apply the design criteria for 4+ level development to 3+ level development, providing alignment with the definition of medium rise development
- Request policy to guide the design of undercroft parking, and note the loss of policy incentivising undercroft parking
- Request additional policy to guide development in laneways

- Request strengthened policy for privacy treatments, including 1.7m sill heights
- Request increase in minimum internal garage dimensions to ensure convenient parking and provide more room for internal storage.
- Improvements requested to the waste bin storage policy, including a Waste Overlay
- Request to remove universal design policy from the Code given access requirements are already listed within the National Construction Code.
- Concern the Code does not adequately address design quality
- Improve facade design policy by increasing the number of techniques required to achieve the DTS, and remove the mix of materials as a technique
- Request policy for minimum storage areas in smaller dwellings
- The wording in the entry door policy should be changed from entry door to entry “point”
- Soft landscaping policy should also apply to ancillary structures such as outbuildings, verandahs and carports.
- Soft landscaping minimum dimension should be reduced from 0.7 to 0.5m
- 1 metre dimension landscaping strip adjacent common/battle-axe driveways should be reduced to 500mm
- Requirement for 50% pervious driveway should be deleted, or not be applicable for projects that constitute less than five dwellings
- 50% maximum garage width should also apply to two storey dwellings
- Request additional policies regarding residential amenity in multi-storey buildings
- Request for more detailed policy on the design of vehicle crossovers, requiring performance assessment of double-width driveways.

Commission’s Response:

Matters relating to privacy screening height, internal garage dimensions, waste bin storage areas, façade design, entry door visibility and soft landscaping minimum dimension were considered by the Commission in detail through the previous consultation process. No further amendments are proposed in relation to these matters.

Additional policy to deal with laneway design, undercroft parking and residential amenity in multi-storey buildings are supported.

The Commission agrees that policies for 4+ level buildings may also be relevant for 3 level buildings. As such, it is proposed to amend the title to apply to medium and high rise buildings.

The PDI Act establishes that the Code will set out policies relating to universal design. However, it is acknowledged that the policy is most relevant to supported accommodation and should be relocated under the appropriate heading.

Two storey dwellings have greater opportunity to minimise garage dominance through presentation of the upper level.

Detailed designs and specifications regarding driveway crossovers may be considered as design standards are developed in the future.

Commission’s Recommendation:

- P.20** **AMEND** policy for ancillary buildings in neighbourhood zones (ancillary accommodation, outbuildings, verandah, carport) to apply minimum soft landscaping criteria to the various DTS and accepted criteria, or maintain the current % of soft landscape where already less than the criteria.
- P.21** **AMEND** Design in Urban Areas General Development Policies to change heading '4 or more building levels' to 'medium and high rise' to allow the section to apply to development of 3+ building levels.
- P.22** **AMEND** PO 7.1 of Design in Urban Areas General Development Policies to provide further guidance on the design of undercroft and semi-basement car parking, and delete the corresponding DTS/DPF.
- P.23** **CREATE** new PO and DTS/DPF in Design in Urban Areas General Development Policies under heading 'Laneway Development' to guide development with frontage to laneways.
- P.24** **RELOCATE** universal design policy in the Design in Urban Areas General Development Policies under the heading 'Supported Accommodation and retirement facilities'
- P.25** **CREATE** new assessment provisions in Design in Urban Areas General Development Policies under the heading 'Residential amenity in multi-level buildings' to guide the design of abutting/attached dwellings, lightwells, and internal structural columns.

Affordable Housing and Housing Renewal

Engagement feedback:

Some submissions raised concern with the incentives which apply to affordable housing. Particular concern was raised regarding the need for no on-site car parks where located within 400m of public transport stops.

Feedback on the Housing Renewal General Development Policies from local government expressed general concern around application of only general policies to these types of housing.

Commission's Response: The Commission acknowledges that some on-site car parking may be warranted for affordable housing, even when within proximity of public transport. Accordingly, an increase in the discounted car parking rate is recommended; from 0 to 0.3 spaces per dwelling. Additionally, it is recommended that the proximity to public transport is amended to reflect those proximities listed in Table 2 – Off-Street Car Parking Requirements in Designated Areas of the Transport, Access and Parking General Development Policies. This means that the proximity to high frequency bus services will reduce from 400m to 200m, and the incentive will also apply to areas within 400m of the Adelaide Parklands.

Policies in the Housing Renewal module are based on those used by the State Coordinator General in assessment of applications for dwellings under the ROSASSP at present, with some improvements to align with the Design in Urban Areas General Development Policies. Given these forms of social housing have additional oversight by the SA Housing Authority, the criteria can vary from standard infill housing.

Commission's Recommendation:

- P.26** **AMEND** DTS/DPF 3.2 of the Affordable Housing Overlay to add in additional neighbourhood and township zones where building height incentives should apply.

P.27 **AMEND** DTS/DPF 4.1 of the Affordable Housing Overlay to increase the car parking rate from 0 to 0.3 car parks per dwelling where located within 200m of a high frequency bus stop or 400m of other public transport stations and the Adelaide Parklands.

P.28 **AMEND** traffic and access policies in the Housing Renewal General Development Policies to align with similar policies in Design in Urban Areas.

Public open space

Engagement feedback:

Submissions from both councils and industry requested that Code policy should permit a larger proportion of areas subject to inundation to be counted as public open space. Council feedback further requested that a maximum 50% of these inundated areas could count toward the open space contribution under the PDI Act in circumstances where extensive land is required to accommodate stormwater infrastructure such as detention basins in the public realm.

Commission’s Response: It’s noted that similar policies ensuring open space is ‘suitable for its intended active and passive recreational use considering gradient and potential for inundation’ are contained in two different General Development Policies in the Code: Land Division (PO 8.2) and Open Space and Recreation (PO 4.1 and DTS/DPF 4.1).

It’s noted DTS/DPF 4.1 in the Open Space policy specifies that no more than 20% of open space is comprised of watercourses, wetlands or detention basins, whereas an equivalent DTS/DPF was removed from the Land Division policy. It is considered appropriate to also delete the DTS/DPF from the Open Space and Recreation General Development Policies to avoid prescribing a static figure because:

- a) different locations in South Australia may have a greater propensity for inundation
- b) open space can be effectively designed to incorporate wetlands/detention and still be functional for a majority of the year.

By deleting the DTS/DPF, the PO could be used in a merit assessment by the relevant authority to determine the suitability of open space in its particular location.

It’s noted that the open space contribution required under the PDI Act is a legislative matter. It is not appropriate for planning policy to alter legislative requirements.

Commission’s Recommendation:

P.29 **DELETE** DTS/DPF 4.1 of the Open Space and Recreation General Development Policies.

City of Adelaide

Engagement feedback:

In relation to policy applied specifically to the City of Adelaide, submissions requested:

- additional policy to address land use interface (e.g. residential near licensed premises)
- amendments to the City Living Zone to ensure long term goal to increase residential uses is maintained
- concerns current Development Plan policies for the North Adelaide Colleges and Institutional sites have not been included in the City Living Zone; requests policy that guides sensitive infill and interfaces, and discourages undercroft parking

- request overlay for National Heritage listings around the City of Adelaide.

Clarification: National Heritage is governed by the Australian Government's national environment law — the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) — so, it is not appropriate for it to be represented in a separate layer in the Code's policies. However, the Commission supports including National and Commonwealth heritage listing in the SAPPAs as a planning reference layer.

- reinstatement of policy to place restrictions on demolition unless a replacement development is granted full approval
- amend policy in the City Living Zone to only allow non-residential development (that reflects current policy) in the following locations – Gilles and Gilbert Street, Sturt Street, Carrington Street (west of Hurtle Square), Former Policy Area 15, East Terrace on lower levels of catalyst sites and Tynte Street (west of Bevis Street)
- remove the Restricted Development Pathway in the City Living Zone for shops over 1000m², and for expansion of college and institutional sites identified by Concept Plan
- reconsider the quantitative standards for ancillary buildings and structures in the City Living Zone
- request that the Community Facilities Zone be applied to Calvary Hospital instead of the City Living Zone, given that zone has been applied to the St Andrews Hospital precinct on South Terrace, and the Women's and Children's Hospital precinct.

Commission's Response:

The Commission remains of the view that demolition controls should relate to heritage matters.

The Commission supports amendment to the policy for non-residential activity, to limit home-based activities to less than half the ground floor area where it is ancillary to an existing residential use, include scope for low impact non-residential development on the ground level of a building in the areas identified by the City of Adelaide Council, and allow for a change of use between certain non-residential activities in buildings that are already non-residential. This is discussed in further detail in the ***People and Neighbourhoods > Non-residential development in neighbourhood zones*** of this report.

The Commission is of the view that the quantitative standards for ancillary buildings in the City Living Zone should be consistent with the Established Neighbourhood Zone. Amendments are proposed to the zone / Subzone policy to make the quantitative standards consistent with this zone.

The use of restricted classification in regard to shops is consistent across the Code. In relation to the Institution sites, the Commission is of the view that the restricted pathway is appropriate for such development.

Design Standards are separate to the Code, and therefore are not within the scope of this Code Amendment.

The Commission notes the St Andrews Hospital precinct current has institutional zoning and the Women's and Children's Hospital currently has its own policy area that has a hospital focus.

Calvary Hospital (and other institutional sites in North Adelaide) currently sit within a residential context. The current policy applying to the site reflects this, recognising it as an institutional site within a (historic) residential area. The Commission is therefore of the view that the proposed City Living Zone is suitable, however additional policy that supports the ongoing operation of the hospital is supported. Recognising the importance of the North Adelaide Institutions as part of North Adelaide's historic fabric is also supported.

Commission's Recommendation:

- P.30** **CREATE** new PO and DTS/DPF in the City Living Zone to require parking on institutional / college sites as depicted on concept plan maps to be in the form of basement rather than undercroft or at-grade, or above-ground.
- P.31** **AMEND** policy applying to non-residential activity in the City Living Zone to:
- limit home based activities to less than half the ground floor area where it is ancillary to an existing residential use
 - include scope for low impact non-residential development on the ground level of a building in the areas identified by council
 - allow for a change of use between certain non-residential activities in buildings that are already non-residential.
- P.32** **CREATE** policy in the City living Zone limiting boundary wall length to 8m and garage opening width to 30% of the allotment frontage, and **CREATE** policy for the Medium High Intensity Subzone and East Terrace Subzone with previous zone garage policy (e.g. 50% width and 11.5m length).
- P.33** **CREATE** new policy in the Capital City Zone and City Main Street Zone regarding development in the public realm to address public safety, pedestrian movement, consider existing infrastructure, positively contribute to the areas vibrancy, and be consistent with relevant zone outcomes.
- P.34** **AMEND** City Living Zone PO 1.2 by adding in a new part: (e) Expansion of existing hospital facilities.
- P.35** **AMEND** the Calvary Hospital Concept Plan 31 by adding the following:
Calvary Hospital Site
- Development maintains the orientation and frontage of the hospital to Strangways Terrace.
 - Landscaped open space incorporated to break up building mass.
 - Buildings up to 4 building levels located along Hill Street in areas identified as Taller Built Form
 - Development provides a compatible set back from the street, adjoining residential allotments and State and Local Heritage Places.
- P.36** **AMEND** the (City of Adelaide) North Adelaide Hill Street Historic Area Statement Adel1 by adding "Institutions are part of the historic fabric of North Adelaide" in the Architectural styles, detailing and built form in the general part of the Statement.

Other matters

Engagement feedback:

Feedback on the following matters was also received:

- Policies related to battle-axe development should be applicable for the assessment of land division applications
- It is unclear whether the site area for residential flat dwellings and group dwellings is calculated on average, or whether it includes the common driveway area

- Concern 500-1000m² floor area for shops, offices and consulting rooms in the Urban Neighbourhood Zone is too large
- The Urban Neighbourhood Zone at Panorama should have a building envelope of 30 degrees as per the Development Plan to assist in managing interface issues.

Commission's Response:

Comments relating to policy for battle-axe, group and residential flat buildings are supported.

The Urban Neighbourhood Zone supports a mixture of land uses to meet the needs of the local community. Amendment to reduce the ability to deliver these services is not supported.

Creating the ability for TNV data to populate the interface height provisions in the Urban Neighbourhood Zone is supported to enable current Development Plan policy to transition into the Code.

Additional review/ investigations

Upon review of applicable policies for ancillary accommodation, it was identified that the Rural Neighbourhood Zone and Neighbourhood Zone linked to zone policies for ancillary buildings and structures, which provided a maximum floor area of 100/120m² and 60/80m² for ancillary accommodation in each zone, respectively. Consistent with the approach to ancillary accommodation in other neighbourhood-type zones, the maximum DTS floor area for ancillary accommodation should link to General Development Policies which limits floor area to 60m².

Commission's Recommendation:

- P.37** **CREATE** policy in the Land Division General Development Policies regarding the design and suitability of battle-axe allotments.
- P.38** **AMEND** Site Dimensions and Land Division policy (where TNV fields are used) to clarify that average site area per dwelling, including common areas, applies for group dwellings or dwellings within a residential flat building.
- P.39** **AMEND** 'Interface Height' DTS/DPF policy in the Urban Neighbourhood Zone to provide for TNV values to transition the either a 30 degree or 45 degree building envelope from development plans.
- P.40** **AMEND** Table 2 and 3 of the Neighbourhood Zone and Rural Neighbourhood Zone to apply Design General Development Policies PO / DTS/DPF 13.1 and 13.2 to ancillary accommodation instead of zone policy on ancillary buildings and structures.

2.2 Productive Economy (E)

Retail (shop) development

Engagement feedback:

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

- Policies should prevent inappropriate non-residential development outside of activity centres to preserve a 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
- Request that Retail Fuel Outlets should have a cap on max retail.

Alternatively, other submissions from retailers suggested that the retail policy in the Code should allow broader scope for mid-scale retail development, requesting to:

- remove restricted development pathway in corridor and employment zones to make supermarkets performance assessed and increase shop floor area to 2000m².
- amend restricted development exclusions to allow shop adjacent activity centres or a main street to be performance assessed (subject to floor area).

Commission's Response:

The Commission supports the creation of new General Development Policies which will allow consideration of the role of existing activity centres when assessing new retail development located outside of activity centre zones. This policy will be reflective of the State Planning Policies which seek to recognise existing activity centres, main streets and mixed-use areas as the primary place for commercial and retail activity.

Non-activity centre zones have different policies which cater for varying levels of retail development, and certain shops are anticipated in employment and corridor zones. It's noted the restricted development pathway doesn't necessarily indicate that development is inappropriate, but rather provides a more comprehensive assessment pathway.

Commission's Recommendation:

- E.1** **CREATE** new 'Out of Activity Centre' Development General Development Policies to reflect current State Planning Policies and recognise Activity Centres as the primary locations for shopping, administrative, cultural, entertainment and community services.

Local Activity Centre Zone

Engagement feedback:

This new zone proposed in the revised Phase Three Amendment drew the following comments:

- Do not support standalone residential development in the zone; should be in conjunction with non-residential development.
- A maximum floor area should apply to maintain the hierarchy of centres.

Commission's Response:

The ability for stand-alone residential in this zone was proposed in response to feedback from the previous consultation, which observed that smaller centres would benefit from residential as an

alternative land use in underperforming centres. Such application will be performance assessed so the authority can consider whether residential development would prejudice the operation of retail, office, or community facilities and services related activity within the zone.

Floor area limits are not considered necessary in the zone, as they will be naturally limited by the small spatial size of local activity centres.

Urban Corridors

Engagement feedback:

Submissions requested:

- Urban Corridor zones are not appropriate for residential side streets, and lower building heights should apply
- Ensure medium and high rise development is subject to notification
- Amend Urban Corridor (Business) zone to increase the floor area for shops to 2000m².

Commission's Response:

Urban Corridor Zone policy incorporates building envelope criteria, which ensures that lower building height/scale will be required at the edge of the zone.

It is considered appropriate to create a new subzone in the Urban Corridor Business Zone to accommodate variations in current zoning, as some current Business Policy Areas in development plans have maximum 500m² retail and others 2000m².

Refer to Procedural and Technical > Public Notification section of this report for discussion on public notification in urban corridor zones.

Commission's Recommendation:

- E.2** **CREATE** a new Urban Corridor Business Retail Subzone within the Urban Corridor (Business) Zone, to be applied to locations where up to 2000m² shop floor area is currently anticipated in development plans.
- E.3** **AMEND** DTS/DPF 1.2 of the Urban Corridor (Business) Zone to reduce the maximum gross leasable floor area of shops to 500m².

Adelaide Country Zone

Engagement feedback:

Submissions raised the following matters regarding rural policies:

- The Adelaide Country Zone should be renamed 'Productive Rural Landscape Zone' to reflect the qualities of productive farming, niche produce, high visitor numbers, and high scenic quality.
- The DTS criteria for shops, tourism and function centres within 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.

Commission's Response:

Given the extent of feedback received regarding the name of the Adelaide Country Zone, the Commission agrees to amend the name to 'Productive Rural Landscape Zone'.

DTS criteria for commercial land uses are intentionally of a limited scale to support a DTS pathway for these value-adding activities. This does not necessarily mean that commercial land uses of a larger scale

are inappropriate, but that they require a performance assessment against the outcomes sought by the relevant PO.

Additional investigations

Based on further investigations and review, further amendments are proposed to DTS/DPF 1.1 to add function centre, as this class of development is anticipated in specified circumstances.

Commission's Recommendation:

E.4 **RENAME** Adelaide Country Zone to 'Productive Rural Landscape Zone'

E.5 **AMEND** DTS/DPF 1.1 to add 'function centre'.

Rural areas

Engagement feedback:

Submissions raised the following matters regarding rural policies:

- Seek stronger protections for areas of high landscape value in the Barossa
- Object to 1200m² minimum site area for unsewered sites; suggest 800m² given the technology of aerobic systems requires less area.
- Concern that because 'intensive animal husbandry' and 'dairy' are not specifically listed in Table 3 – Applicable Policies for Performance Assessed Development in rural zones, such land uses will result in longer assessment pathways

Clarification: Regulation 53 of the Planning, Development and Infrastructure (General) Regulations 2017 prescribes the time within which a decision must be made. The period to determine a performance assessed application is not dependent on whether the land use is listed in Table 3.

- A dwelling in the Rural Zone is a restricted development 'except where it is a replacement dwelling'. It is imperative that chicken farm managers live adjacent to their farms in order that emergencies can be quickly dealt with.
- Request for broader value-adding policies for rural industries such as intensive animal production, pulse fractionation, oat and oilseed processing plants, additional flour milling capacity, inland rail and associated container transport facilities.
- 100m² 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.
- Rather than refer to a 'second' dwelling, the Dwelling Excision Overlay speaks of dwellings that are 'surplus to a productive land use' being able to be divided off the main allotment. Query: '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
- Request larger Accepted water tanks in rural zones
- Concerns about fragmentation of broadacre farming land and unrestrained growth of horticulture activities in a major grain area

- The Rural Shack Settlement Zone should discourage structures being placed between the building and the river or coast rather than the building line
- Request DTS pathway for agricultural buildings in the Rural Living Zone
- Additional policy requested regarding solar farms in the Rural Intensive Enterprise Zone
- Concern land division criteria in the Rural Intensive Enterprise Zone requires allotments to be 40 ha when current Development Plan policy allows for smaller allotments when accommodating direct allied food industries, stock slaughter works, or ancillary allied food industries.

A number of submissions also focussed on the pathways and policy for horticulture development in rural areas:

- Concern about buffer and slope criteria for horticulture
- Seek inclusion of PIRSA primary production areas maps
- Suggest a subzone to address the vulnerability of broadacre farming to pressures of ad hoc development and expansion of incompatible horticultural activities
- Some submissions raised concern that the DTS criteria for horticulture did not go far enough to manage interface issues. Others were of the view that the DTS criteria for Horticulture were excessive (e.g. a slope not greater than 10% and not within 50m of a watercourse or native vegetation)
- Concern horticulture does not have a DTS pathway in the Adelaide Country Zone, Rural Zone or Rural Horticulture Zone because of water resources and other overlays
- Concerns about lack of policy relating to spray drift affecting horticulture activities.

Commission's Response:

Amendment is supported to the Dwelling Excision Overlay to simplify the two provisions that currently constitute the Overlay to address the primary task of guiding land division proposals to excise a dwelling from a parent allotment used for primary production. The proposed replacement policy also removes a need to demonstrate that a dwelling is 'surplus' to primary production, instead greater reliance is placed on other criteria to limit implications for primary production land and misuse of division policies to alienate rural land for living purposes (e.g. age of the dwelling, previous association with rural activities on the same allotment).

Enhancing opportunities for value-adding in rural areas has been identified as a key objective of the Code. Cellar doors present an important value-adding opportunity in rural areas, and therefore amendments are supported to ensure the DTS criteria reflects the size of contemporary cellar doors.

It is considered appropriate to remove the Prescribed Water Resources Overlay as an exclusion to a DTS pathway because the DTS criteria for horticulture includes 50m setback from a watercourse in any case.

It's noted that the buffer and slope criteria for horticulture in the Code are generally reflective of current development plan policy. Proposals that don't meet the criteria can still be considered on merit in performance assessment. Accordingly, no further change is proposed.

It is considered that existing policy within the Rural Zone and Environment and Food Production Areas Overlay adequately protects agricultural activities from encroachment of more sensitive horticultural / aquaponic activities in a manner which appropriately transitions current Development Plan policy.

The Commission supports inserting a new policy into rural-type zones in relation to boundary realignment policy, and creating a DTS pathway for agricultural buildings in the Rural Living Zone.

Greater flexibility is proposed to be incorporated in the Rural Intensive Enterprise Zone policies to assess the merits of land division, and also to provide further policy guidance on larger scale built form to accommodate envisaged land uses.

Commission's Recommendation:

E.6 AMEND the Dwelling Excision Overlay to:

- **AMEND** PO 1.1 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 does not undermine the role of primary production areas by being limited and designed to:
 - accommodate a dwelling that has had a long term association with primary production on the same allotment
 - contain the excised dwelling within an allotment capable of providing a suitable rural residential amenity
 - maintain all other land in suitably sized allotments to support primary production
 - no other dwelling has been excised from the primary production allotment.
- **AMEND** DTS/DPF 1.1 to remove reference to 'no additional allotments are created', and instead allow land division where:
 - no other dwelling has previously been excised from the allotment by creating an additional allotment
 - it does not create more than one additional allotment where one of the resultant allotments will contain a single existing lawful dwelling that existed prior to 1 December 2011 and meets setback and site dimension criteria, and any other allotment has an area not less than that identified in the relevant Minimum Site Area TNV.
- **DELETE** DTS/DPF 1.2, as this is clarified in amended PO and DTS/DPF 1.1.

E.7 CREATE new PO 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 within the same allotment to mitigate bushfire hazard. In addition, create a new DTS/DPF which seeks for allotment boundaries located no closer than the greater of 40m or the distance required to accommodate an asset protection zone. Insert new policy in the following zones:

- Adelaide Country Zone
- Rural Zone
- Rural Aquaculture Zone
- Rural Horticulture Zone
- Rural Intensive Enterprise Zone.

E.8 AMEND DTS/DPF under 'Shops, Tourism and Function Centres' to allow for cellar doors up to 250m² in floor area in the following zones:

- Productive Rural Landscape Zone
- Rural Zone
- Rural Horticulture Zone.

- E.9** **AMEND** Interface Between Land Uses General Development Policies DTS/DPF 2.1 to exclude cellar doors from hours of operation.
- E.10** **DELETE** the Prescribed Water Resources Overlay as an exclusion to a DTS pathway for horticulture and **INSERT** DTS 1.1 of the Prescribed Watercourses and Prescribed Water Resources Overlay as a DTS criteria.
- E.11** **CREATE** new PO and DTS/DPF in the Rural Shack Settlement Zone which seeks for outbuildings to be designed and sited to mitigate their visibility from the waterfront.
- E.12** **AMEND** PO 2.4 in the Rural Shack Settlement Zone to provide further guidance on design of buildings, having regard to establishment of a cohesive settlement appearance taking into account setbacks from allotment boundaries, building orientation towards roads and foreshore areas, roof forms, building heights and site coverage.
- E.13** **AMEND** Table 2 – Deemed-to-satisfy Development Classification of the Rural Living Zone to add a DTS pathway for ‘agricultural building’.
- E.14** **AMEND** assessment provisions the Rural Intensive Enterprise Zone to:
 - Amend PO 4.1 regarding land division to specifically reference allotments for the purposes of primary production.
 - Create new PO under ‘Land Division’ to specifically apply to allied food industry value-adding activities.
 - Amend DTS/DPF 5.1 to allow for agricultural buildings up to 500m²
 - Create new PO under new heading 'Rural Industry' to seek industry, storage, warehousing, transport distribution or similar activities sited, designed and of a scale that minimises the potential for adverse impact on adjoining activities.

Employment/innovation

Engagement feedback:

Submissions requested the following amendments:

- Within the Strategic Employment Zone, exempt special industry as a restricted land use if within the Ports Subzone
- Bulky goods outlets should be DTS form of development in the Employment Zone
- Request policy that identifies bulky goods outlets should be located on sites with frontage to a state maintained road rather than back streets
- Query the appropriateness of mandating the list of land uses in DTS/DPF 1.1 for all roadside service centres in the Roadside Service Centre Subzone.

Commission’s Response:

Special industry not currently envisaged in the Ports Subzone and therefore removal of a restricted pathway is not supported (noting restricted development provide more rigorous assessment and this may still be a suitable use).

Bulky goods outlets are an envisaged land use in employment zones, but are considered to warrant a performance assessed pathway to enable qualitative assessment of such matters as car parking, design, interface, etc.

It’s appreciated that not all facilities listed in DTS/DPF 1.1 of the Roadside Service Centre Subzone would be required in all cases. The policy would benefit from greater flexibility and clarification that a retail fuel outlet is an anticipated land use.

Commission's Recommendation:

E.15 **AMEND** DTS/DPF 1.1 of the Roadside Service Centre Subzone to clarify that a retail fuel outlet is anticipated, as well as any of the additional activities listed (including those from DTS/DPF 1.2), and **DELETE** PO and DTS/DPF 1.2.

Interface

Engagement feedback:

Submissions requested additional policy in the Suburban Activity Centre Zone to address residential interface, similar to policies in the Urban Corridor Zones.

Commission's Response:

The Commission supports inserting additional policy regarding residential interface to seek a transition in scale. Upon review of this matter, the policy is recommended to be inserted into a number of employment and activity centre zones.

Commission's Recommendation:

E.16 **CREATE** new PO which seeks for buildings on an allotment fronting a road that is not a State maintained road, and where land on the opposite side of the road is within a neighbourhood-type zone, provides an orderly transition to the built form scale envisaged in the adjacent zone to complement the streetscape character, in the following zones:

- Community Facilities Zone
- Employment Zone
- Local Activity Centre
- Strategic Employment Zone
- Strategic Innovation Zone
- Suburban Business Zone
- Suburban Activity Centre Zone
- Suburban Main Street Zone
- Township Activity Centre Zone
- Urban Activity Centre Zone.

E.17 **CREATE** new PO and DTS/DPF under 'Land Use and Intensity' in the Employment Zone and Strategic Employment Zone which seek bulky good outlets and standalone shops to be located to provide convenient access, with a frontage to a State Maintained Road.

Advertisements

Engagement feedback:

- Policy relating to advertisement size and design is not suitable for use in neighbourhood type zones
- Policy is required to address the visual appearance of advertising hoardings, particularly in regard to advertisements that are classified as deemed-to-satisfy.
- Policy allows for some scope for third party advertising. A number of development plans designate third party advertising as 'non-complying' so policy in the general module should be strengthened to ensure policy generally avoids third party advertising (noting that such development can still be considered on merit).

- Requests for the Advertising near Signalised Intersection Overlay policies to apply to advertisements on other intersections, not just those on State Maintained Roads.
- Advertising policy should be reviewed to ensure a consistent approach applies across similar zone types
- Freestanding advertising should be performance assessed given the potential visual impact, and difficulty in establishing a size that is suitable for a deemed-to-satisfy pathway, given the variation of centre sizes in practice.

Commission's Response:

Changes are supported to provide greater clarity regarding the design of advertisements attached to buildings, third party advertising and limiting advertising in neighbourhood-type zones.

It is acknowledged that there are circumstances outside of State Maintained Roads where policy guiding advertisements near signalised intersections should be available. It is therefore recommended that policy from the Advertising Near Signalised Intersection Overlay is included in the Advertisements General Development Policies so such policies are available for use in relation to non-state roads, such as in the City of Adelaide.

It's noted that the draft policy limited the amount of signage that could be attached flush with a building façade (15% of a wall), and in relation to freestanding advertisements (one per tenancy). However, multiple advertisements attached to a building, but not flush with a wall, could be established potentially allowing a proliferation. It's agreed advertisements should be limited to one advertisement per tenancy.

Commission's Recommendation:

- E.18** **CREATE** new PO and DTS/DPF in the Advertisements General Development Policies, consistent with PO/DTS/DPF 1.1 of the Advertising Near Signalised Intersections Overlay.
- E.19** **CREATE** new policy in the Advertisements General Development Policies to:
- limit the number of signs that are attached to 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 insert an associated DTS/DPF criteria.
- E.20** **CREATE** new PO and DTS/DPF provisions into zones regarding maximum height and size of freestanding advertisements.
- E.21** **REMOVE** the DTS pathway for freestanding advertisements in all zones (excluding those zones that are exclusive to Phase 1 and/or 2 areas).
- E.22** **CREATE** 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.
- E.23** **AMEND** the allowable freestanding signage height and area to be consistent and commensurate with the type of Activity Centre (up to 5m in height and 4m² façade per side in the Local Activity Centre, Township Activity Centre and Township Main Street; 8m in height and 6m² per side in the Suburban Activity Centre, Suburban Main Street, and Urban Corridor (Main Street) Zone; and 10m in height and 8m² façade per side in the Urban Activity Centre Zone).

- E.24** **CREATE** advertising policy in the Productive Rural Landscape Zone (consistent with Rural and Rural Horticulture Zones).
- E.25** **CREATE** 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.

City of Adelaide

Engagement feedback:

In relation to policy applied specifically to the City of Adelaide, submissions requested:

- only total (rather than partial) demolition of a heritage place within Capital City Zone should be publically notified.
- the Code should reference the Adelaide Parklands Act

Clarification: It is not appropriate for the Code to reference principles of other legislation. The PDI Act and its associated regulations address matters relating to the Parklands Act. It is noted that various heritage overlays apply to a number of sites within the Parklands, as well as the Design Overlay. PO 3.2 of the Zone states "Development recognises the Park Land's National Heritage Values."

- amendments or reinstatement of policy in the Capital City Zone to address views to important landmarks, over height policy and overlooking, etc.
- amendments to the City Riverbank Zone to provide policy that reinstates the overall vision for the zone, promotes basement parking, provides a list of envisaged land uses at Subzone level and addresses over height policy in the Innovation Subzone
- amendments to the Adelaide Park Lands Zone to provide policy that addresses the return of alienated land, noise, monument design or placement, and overall built form and character
- remove policy in the Adelaide Park Lands Zone relating to the Adelaide Aquatic Centre and reinstate the existing Development Plan policy
- incorporate the Park Lands Design Guidelines in the Code
- reinstatement of existing Development Plan policy into the Community Facilities Zone as it applies to the Women's and Children's Hospital / Memorial Hospital and St. Andrew's Hospital sites and that it addresses illuminated signage, retention of long range views and vistas, and landscaped open space and plot ratio requirements
- request policy to address development in the public realm
- request a design standard to deal with the detailed and technical aspects for development affecting the public realm
- remove Capital City Zone Advertising provision 8.2 limiting internally illuminated signs to main roads.

Commission's Response:

The Commission remains of the view that demolition controls should relate to heritage matters.

Amendments were proposed to be made to the Adelaide Park Lands Zone to ensure better alignment with the strategic objectives for the park lands, including returning alienated land to parklands and reference to national heritage values. No further changes are recommended.

The Commission agrees that there is a need to include policy to guide development on the public realm to ensure matters of public safety, pedestrian movement, contribution to vibrancy, and zone outcomes can be addressed in key areas of the city.

Commission's Recommendation:

- E.26** **CREATE** new policy in the Capital City Zone and City Main Street Zone to address development in the public realm to address public safety, pedestrian movement, consider existing infrastructure, positively contribute to the areas vibrancy, and be consistent with relevant zone outcomes.
- E.27** **DELETE** Capital City Zone 'Advertising' PO 8.2 limiting internally illuminated signs to main roads.

Other matters

Engagement feedback:

- Council feedback requested a new overlay to apply to hazardous facilities with a referral to Safe Work SA, based on concerns around removal of non-complying pathways.
- Concern the term 'Change of use' in the Accepted and DTS Classification Tables of Activity Centre zones may be misleading and would be better represented by the term 'shop', 'office' or 'consulting room'.

Commission's Response:

The new Significant Interface Management Overlay seeks to prevent the establishment of new, and intensification of sensitive receivers to mitigate community exposure to potential adverse hazards and environmental and amenity impacts generated by the lawful operation of proximate significant activities. Accordingly, a new overlay is not considered warranted.

It's appreciated the use of the term 'Change of use' in Table 2 may be too broad and may be misleading for a user in the PlanSA portal environment. To provide a more intuitive experience, each Class of Development that is subject to the 'Change of use' criteria should be identified individually in Table 1 and 2 of the relevant zone as either 'shop', 'office' or 'consulting room'.

Commission's Recommendation:

- E.28** **AMEND** the term 'Change of use' in activity centre zones to term 'shop', 'office' and 'consulting room'.

2.3 Natural Resources and Environment (N)

Urban Tree Canopy

Engagement feedback:

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

- Community members and groups observed that the Urban Tree Canopy Overlay did not go far enough to increase urban tree canopy. It was suggested that minimum tree requirements be increased to reflect higher tree canopy targets, and policy regarding retention of mature trees be strengthened.
- Council submissions requested that the Urban Tree Canopy Overlay should also apply to dwellings undertaken by the South Australian Housing Trust.
- A number of submissions raised concern that a potential to pay a fee in lieu of planting new trees was not appropriate (i.e. urban tree canopy offset scheme). Some submissions observed the fee would be too low and should be increased, and others suggested the scheme should only apply where the cost of footings is unreasonable.
- Submissions requested for tree species and setbacks between buildings and trees to be stipulated in the overlay.
- Submissions also raised concern about the regulated and significant tree legislation, particularly the cost to remove a regulated/significant tree (without planting replacement trees).

Clarification: Regulated and significant tree legislation is outside the scope of the Code and the Phase Three Amendment.

Commission's Response: The Commission is of the view that the requirement to plant at least one new tree per dwelling (except where retaining mature trees) within the areas affected by the Urban Tree Canopy Overlay provides an appropriate first step to addressing the tree canopy targets set through the *30 Year Plan for Greater Adelaide – 2017 Update*. The effectiveness of this policy can be monitored as the new planning system is introduced.

It's noted that comments related to potential off-set payment in lieu of planting new trees was raised in response to supporting material/presentations by the Commission which indicated support for a future off-set scheme to support the tree planting policy. It's noted that an Off-set Scheme established by the Minister under section 197 of the PDI Act would not form part of the Code, but could provide the ability that provision of the Code to apply with a specified variation, in accordance with the terms of the scheme. The Minister will consider the suitability of such a scheme, the terms of which are outside the bounds of the Code.

In order to improve clarity around operation of the off-set scheme, a note could be inserted into the relevant criteria in the Code to highlight that it may be able to be varied in accordance with the terms of any off-set scheme.

Commission's Recommendation:

- N.1** **AMEND** the Urban Tree Canopy Overlay to refer to an Off-set Scheme established under section 197 of the PDI Act.
- N.2** **AMEND** Table 2 and Table 3 of various zones to apply PO and DTS/DPF 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.

Stormwater management

Engagement feedback:

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

- Local government sought to increase stormwater detention capacity (and reduce retention capacity)
- It was observed the priority of the Code should focus on controlling output rather than water re-use.
- Amend the DTS/DPF requiring 80% roof capture area to 50% for row dwellings and semi-detached buildings as it will increase the risk of water damage to property due to the complex design issues builders' face when facilitating an 80% capture.
- Concern regarding the suitability of DTS/DPF criteria to control stormwater pollutants and run-off coefficients.
- Seek a portion of 2000L retention tanks on sites <200m² to be used for detention (1000L retention and 1000L detention)
- Request water tank connections to all toilets (not 1 toilet)
- The 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
- The Stormwater Management Overlay should apply to all residential, commercial and industrial uses, and to dwellings undertaken by the South Australian Housing Trust
- Regard should be given to the benefits a stormwater management offset scheme can provide a community by designating contributions into the public realm.
- Concern about the ramifications of sediment control principles (Design in Urban Areas – DTS/DPF 36.1 and 36.2); should not apply to applications involving less than 20 dwellings

Commission's Response:

Concerns regarding the percentage of roof area required to be connected to water tanks are noted. The Commission understands that a higher percentage of roof area connection is most important for dwellings on battle-axe sites or with common driveways to ensure that sufficient stormwater from the site is controlled through water tanks given the notable run-off from driveway areas. Reduction in the proportion of roof area connected to water tanks is supported for other dwelling types.

The Commission supports amendment to the water tank required for sites <200m² to introduce a detention component to improve stormwater management outcomes.

It is considered appropriate to delete DTS/DPF criteria related to stormwater pollutants and run-off coefficients, noting that this policy only applies to development proposing a common/battle-axe driveway, and given such development is not provided a deemed-to-satisfy pathway, the specific figures are not necessarily required. Removal of this criteria means the PO will express the outcome sought and allow the stormwater guidelines of individual councils to be considered in that assessment, rather than applying static values throughout the State.

It is considered appropriate to apply the Stormwater Management Overlay to dwellings undertaken by the SAHT or registered Community Housing providers.

The Stormwater Management Overlay is designed to relate only to residential development and therefore does not apply to commercial and industrial land uses. Water Sensitive Urban policies from the Design in Urban Areas General Development Policies already applies to these non-residential land uses to ensure that development includes stormwater management systems to mitigate peak flows and manage the rate and duration of stormwater discharges from the site.

Commission's Recommendation:

N.3 AMEND the Stormwater Management Overlay to:

- Require connection to 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 <200m² to be used for detention.

N.4 AMEND stormwater management policies in the Design in Urban Areas, Design and Land Division General Development Policies to remove the DTS/DPF criteria regarding pollutant percentages and run-off coefficients.

N.5 AMEND Table 2 and Table 3 of various zones to apply PO and DTS/DPF 1.1 of 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 newly proposed Hazards (Flooding - General) Overlay:

- The Hazards (Flooding – General) Overlay should be used sparingly and the Code should only adopt the flood areas mapped within the current Development Plan in the initial roll-out of the Code
- Support flood protection policies for non-residential as well as residential development
- Inconsistency in Hazards (Flooding) overlays observed between council areas
- A minimum Finished Floor Level (FFL) above the roadway should apply in all areas (not just those areas subject to flood mapping) as they could still be subject to inundation
- Seek a general policy to specify FFLs are a minimum of 200mm above top of kerb where there are no flood overlays
- Various requests to include additional flood mapping data from councils.

Commission's Response: The Hazards (Flooding) Overlay and Hazards (Flooding - General) Overlay have been based on flood mapping from development plans. At this stage, it is considered inappropriate to update the mapping based on further data which hasn't been consulted on. However, a study into flooding is currently being undertaken by the Department in conjunction with the Department for Environment and Water. The outcomes of this study will be incorporated into the Code in a future Code Amendment.

It's acknowledged that the Hazards (Flooding - General) Overlay applies to areas which have a low risk of flooding, as well as to areas where the flood risk is unknown because a flood study has not yet been endorsed. Reference to the 1% AEP in this overlay may therefore be problematic where such data does not exist. For this reason, an additional Hazards (Flooding – Evidence Required) Overlay is proposed which removes reference to the 1% AEP, and adopts a precautionary approach by ensuring that the FFL

of habitable buildings, commercial and industrial buildings, and buildings used for animal keeping is set at least 300mm above top of kerb level.

Commission's Recommendation:

N.6 CREATE a new Hazards (Flooding – Evidence Required) Overlay 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 apply to areas where flood risk is unknown.

Climate change

Engagement feedback:

Submissions requested more policies in the Code specifically related to climate change.

Commission's response:

While some of the Code's policies specifically reference climate change, the mitigation and management of climate change is proposed to be addressed through the Code in a number of ways:

Mitigation

- New Urban Tree Canopy Overlay to ensure the provision of trees in urban infill areas, contributing to reduction in urban heat effect.
- Regulated and Significant Tree Overlay protects mature trees in metropolitan Adelaide.
- Energy efficient design policies contained in Design in Urban Areas and Design General Development policies.
- Conservation Zone seeks to conserve and enhance the natural environment and natural ecological processes for their ability to reduce the effects of climate change.
- Open Space Zone ensures provision of open space and reserves in our communities.
- Native vegetation overlays seek to protect, retain and restore our state's areas of native vegetation in order to sustain biodiversity, habitat, ecosystem services, carbon storage, and amenity values.

Management

- New Stormwater Management Overlay to ensure water tanks manage impacts on stormwater infrastructure in rain events, and maximise stormwater reuse in new homes.
- Coastal Areas and Coastal (Flooding) overlays seek to conserve and enhance the natural coastal environment and provide for natural coastal processes and hazards due to sea level rise, flooding and erosion.
- Hazards (Flooding) and Hazards (Flooding - General) overlays ensure new development acknowledges the impacts of flood events in the future.
- Hazards (Bushfire) overlays ensure development responds to the potential for bushfire, to protect people and buildings, and enable emergency vehicle access. They also acknowledge the increased frequency and intensity of bushfire as a result of climate change.
- Ramsar Wetlands Overlay seeks to control the impact on the hydrologic regime of the wetlands taking to account the effects of climate change on rainfall and air temperature.
- Water Protection Area Overlay and Water Resources Overlay consider the adverse water quality impacts associated with projected reductions in rainfall and warmer air temperatures as a result of climate change.

Energy efficiency

Engagement feedback:

Submissions requested more policies in the Code related to energy efficient design, and to link environmental performance policies in the Design in Urban Areas General Development Policies to more types of development.

Commission's response:

Environmental Performance POs are not called up for individual dwellings given that energy efficiency criteria is already located in the National Construction Code (NCC), and the Code seeks to avoid duplication with the NCC.

It's noted Environmental Performance POs generally apply to larger types of performance assessed development such as student accommodation, residential flat buildings, etc. where environmental performance warrants consideration beyond the scope of energy efficiency ratings in the NCC.

Bushfire

Engagement feedback:

Submissions raised the following matters in relation to the series of bushfire overlays:

- Improvements in bushfire policy, structure and mapping due to increased risk from climate change
- Include "fire-proof safe room refuge"
- A 50m clearance is not always possible and is harmful for native vegetation; the standard BAL clearances alongside bushfire building codes is sufficient
- Policy requiring habitable buildings to be within 600m of a public road is not appropriate in the Adelaide Hills
- Ensure Hazards (Bushfire – Medium Risk) Overlay doesn't prevent DTS pathways for residential development (e.g. Craighburn Farm - General Neighbourhood Zone)
- Request for additional referrals outside of the Hazards (Bushfire – High Risk) Overlay.

Commission's response:

Concerns regarding DTS/DPF criteria in the Bushfire overlays are acknowledged, however it's noted that these quantitative standards only form one way to meet the corresponding PO. A performance assessment against the PO will enable alternative solutions to be considered on merit.

The Commission supports further investigations into the bushfire overlays as part of a future Code Amendment to ensure the policies and mapping reflect contemporary circumstances.

Additional referrals are not supported at this stage of implementation of the Code. Moreover, without a head power in the Planning, Development and Infrastructure (General) Regulations 2017, the Commission is unable to create additional referrals.

Additional information and investigations

Based on further information from the Country Fire Service (CFS), amendments have been identified to be made to the series of bushfire overlays in order to:

- Apply a minimum setback between outbuildings and habitable buildings
- Remove slope provisions from asset protection zone policy
- Refinement of driveway policy to better explain when the policy applies (e.g. when a clear, unobstructed pathway the furthest part of the habitable building is not available or is greater than 60m in length – 60m is the maximum length of firefighting hose that is available for CFS personnel)

- Apply new policy in the Bushfire (Hazards - Urban Interface) Overlay seeking design/layout measures that will assist to minimise danger to residents and occupants of buildings in the event of a bushfire.
- Apply road design policy in the Urban Interface Overlay when within 100m of a General, Medium or High Overlay
- Remove the word 'bushfire safer place' in PO1.2 of the High Overlay as it may be unachievable
- Add 'camp ground' to the list of land uses that require referral in the High Overlay, as this is not covered by tourist accommodation
- Minor policy wording improvements.

Commission's Recommendation:

- N.1** **CREATE** new DTS/DPF provision to support PO 2.2 (General, Medium, Regional Overlays) and PO 3.2 (High Overlay) which ensures outbuildings and other ancillary structures are sited no closer than 6m from a habitable building.
- N.2** **REMOVE** slope provisions from Asset Protection Zone policy (DTS/DPF 3.2 (General, Medium, Regional Overlays), DTS/DPF 4.2 (High Overlay)).
- N.3** **AMEND** driveway access DTS/DPF policy (DTS/DPF 5.2 (General, Medium, Regional Overlays), DTS/DPF 6.2 (High Overlay), DTS/DPF 2.2 (Outback Overlay) to ensure that the 60m distance requirement is not interpreted 'as the crow flies' and that the measurement is taken from the nearest public road.
- N.4** **CREATE** new land division PO and supporting DTS/DPF in the Hazards (Bushfire - Urban Interface) Overlay to ensure measures are incorporated into land division design/layout aimed at minimising danger to residents and occupants of buildings (policy to only apply to 10 or more lot proposals that are within 100m of General, Medium, High Overlays).
- N.5** **CREATE** new road design PO and supporting DTS/DPF to ensure that roads within the Hazards (Bushfire - Urban Interface) Overlay are designed and constructed to facilitate the safe and effective access, operation and evacuation of fire-fighting vehicles, emergency personnel, residents occupants and visitors (policy to be consistent with General Overlay PO, DTS/DPF 5.1 and only be applied roads that are within 100m of General, Medium, High Overlays).
- N.6** **AMEND** DO 1 of the Hazards (Bushfire – Regional) Overlay to align it with the Hazards (Bushfire – General Risk) Overlay.
- N.7** **AMEND** DTS/DPF 3.3(b) by replacing the word 'accommodation' with 'habitable building(s)'
- N.8** **AMEND** land use PO 1.2 of the High Overlay to remove reference to 'Bushfire Safer Place' and replace with 'safer locations'.
- N.9** **AMEND** habitable buildings (water supply) PO 4.2 of the Hazards (Bushfire – High Risk) Overlay to add the words 'where required' at the end of part (ii).

- N.10** **AMEND** land division PO 5.5 of the Hazards (Bushfire – High Risk) Overlay to include additional policy about providing sufficient space for future asset protection zones.
- N.11** **AMEND** Procedural Matters (PM) – Referrals table of the Hazards (Bushfire – High Risk) Overlay to include ‘camp grounds’ as a use that requires referral to the Country Fire Service.

Hills Face Zone

Engagement feedback:

Feedback sought application of the Significant Landscape Protection Overlay to Hills Face Zone and stronger prevention of accumulative effects of insensitive and inappropriate land uses.

Submissions also requested listing additional land uses as restricted development in the zone.

Feedback from the horticultural industry sought to provide Accepted pathways for a protective tree netting structure in the Hills Face Zone.

Commission’s response:

The Hills Face Zone has generally transitioned the policy intent of current development plans, including a number of restricted classes of development.

Review of the Hills Face Zone is supported in a future Code Amendment to analyse the efficacy and relevance of policies and pathways.

Additional Investigations

Review of the zone’s policies identified opportunities to improve the clarity of expression and function of PO versus DTS/DPF criteria.

In addition, it was observed that the exclusions to a restricted pathway for a dwelling included a number of criteria related to height, earthworks and access. These matters are more appropriately listed in the assessment provisions of the zone to ensure they can be legitimately considered in an assessment, rather than forming procedural triggers for a different pathway. Additional exceptions related to the Mount Lofty Ranges Catchment (Area 1) Overlay are already captured by the provisions of that overlay, and therefore are recommended to be removed from the restricted criteria.

Commission’s Recommendation:

- N.12** **CREATE** new PO 1.1 to set out the overarching scale of activities anticipated in the zone, being those which complement the natural, rural and scenic qualities of the hills face landscape.
- N.13** **AMEND** PO 1.4 (former 1.3) to articulate the outcome seeking a pleasant natural and rural character and amenity, and **CREATE** corresponding DTS/DPF criteria with prescriptive criteria.
- N.14** **AMEND** PO 2.2 and **CREATE** additional POs under ‘Built Form and Character’ to better articulate the outcome sought in separate policies, and relocate the prescriptive criteria into DTS/DPF criteria.
- N.15** **DELETE** DTS/DPF 2.9 (former 2.4) and **AMEND** the corresponding PO to articulate the desired materials to blend with a natural and rural landscape.

- N.16** **AMEND** PO 3.1 to remove numeric cut/fill criteria, and instead **CREATE** corresponding DTS/DPF criteria.
- N.17** **AMEND** PO 6.4 to remove numeric separation distances related to horticultural activities, and instead **CREATE** corresponding DTS/DPF criteria.
- N.18** **CREATE** new PO and DTS/DPF 8.2 regarding driveways and access tracks.
- N.19** **AMEND** Table 4 – Restricted Development Classification to:
 - Amend the exclusions for a dwelling to exclude only a detached dwelling that will not result in more than one dwelling on an allotment from a restricted pathway
 - Exclude roof-mounted solar panels from a restricted pathway
- N.20** **AMEND** Table 1 – Accepted Development Classification to add ‘protective tree netting structure’.

Mount Lofty Ranges and water protection

Engagement feedback:

Feedback sought increased restricted development within water protection areas, and a review of Mount Lofty Ranges overlays to improve criteria and guidance to achieve a negligible or beneficial impact to water quality.

Commission’s response:

Instead of increasing the types of restricted development in the overlays with a view to discouraging certain development, it is more appropriate to review the POs in the overlay to ensure the outcomes sought are clearly articulated.

Consultation with state agencies identified that the overlays should refer to ‘water supply’ in their name to ensure consistency with other legislation.

Commission’s Recommendation:

- N.21** **RENAME** Mount Lofty Ranges Catchment (Area 1) Overlay and Mount Lofty Ranges Catchment (Area 2) Overlay to Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay and Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay, respectively.

Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay

- N.22** **AMEND** PO 1.1 to seek development results in a neutral or beneficial effect on the quality of water draining from the site to maintain and enhance the role of the catchment as a water supply.

Note: The Commission intends to publish a practice guideline to provide further clarity on what comprises a neutral or beneficial effect.

- N.23** **CREATE** new PO and DTS/DPF under ‘Water Quality’ which ensures development does not include land uses that have the potential to cause adverse impacts on the quality of water draining into primary public water supply reservoirs and weirs.

- N.24** **CREATE** new PO and DTS/DPF under ‘Wastewater’ which seeks for development that generates trade or industrial wastewater to be designed to ensure wastewater disposal

avoids adverse water quality impacts on the quality of water draining into primary public water supply reservoirs and weirs.

- N.25** **CREATE** new PO and DTS/DPF under 'Wastewater' which seeks development that generates human wastewater established at an intensity and in a manner to minimise potential adverse impact on water quality within primary reservoir and weir catchment areas.
- N.26** **AMEND** DTS/DPF 2.4 (former 2.2), 3.6, 3.8, 3.9 to ensure specified development is set back 100m or more from public water supply reservoirs and diversion weirs.
- N.27** **DELETE** PO 4.2.
- N.28** **AMEND** DTS/DPF 5.1 to specify that land division does not create additional allotments.
- N.29** **AMEND** PO 5.2 to remove reference to a wastewater management system that 'cannot realistically satisfy South Australian standards for wastewater management and disposal'.
- N.30** **AMEND** the Procedural Matters - Referrals the Mount Lofty Ranges Water Supply Catchment overlays to:
- specify the threshold at which an EPA licence is required (to enable referral fees to be determined)
 - amend the purpose of referral to refer to whether a proposed development will have a neutral or beneficial impact on water quality.

Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay

- N.31** **AMEND** PO 1.1 to seek development results in a neutral or beneficial effect on the quality of water draining from the site to maintain and enhance the role of the catchment as a water supply.
- Note: The Commission intends to publish a practice guideline to provide further clarity on what comprises a neutral or beneficial effect.*
- N.32** **CREATE** new PO and DTS/DPF under 'Water Quality' which ensures development does not include land uses that have the potential to cause adverse impacts on the quality of water draining into secondary public water supply reservoirs and weirs.
- N.33** **CREATE** new PO and DTS/DPF under 'Wastewater' which seeks for development that generates human wastewater, including alterations and additions, are established at an intensity and in a manner to minimise potential adverse impact on water quality within secondary reservoir and weir catchment areas.
- N.34** **CREATE** new PO and DTS/DPF under 'Wastewater' which ensures dairy development is of a scale and design that will avoid adverse water quality impacts.
- N.35** **CREATE** new PO and DTS/DPF under 'Wastewater' which seeks for development that generates trade or industrial wastewater to be designed to ensure wastewater disposal avoids adverse water quality impacts on the quality of water draining into primary public water supply reservoirs and weirs.
- N.36** **AMEND** DTS/DPF 2.5 (former 2.2), 3.6, 3.8, 3.9 to ensure specified development is set back 100m or more from public water supply reservoirs and diversion weirs.
- N.37** **DELETE** PO 4.2.

- N.38** **AMEND** DTS/DPF 5.1 to specify that land division does not create additional allotments.
- N.39** **AMEND** PO 5.2 to remove reference to a wastewater management system that 'cannot realistically satisfy South Australian standards for wastewater management and disposal'.
- N.40** **AMEND** the Procedural Matters - Referrals the Mount Lofty Ranges Water Supply Catchment overlays to:
- specify the threshold at which an EPA licence is required (to enable referral fees to be determined)
 - amend the purpose of referral to refer to whether a proposed development will have a neutral or beneficial impact on water quality.

Water Protection Area Overlay

- N.41** **AMEND** PO 1.1 to articulate the outcome that development with potential to expose the water supply role to significant adverse water quality risk is avoided to maintain the long term function of the Water Protection Area, and **CREATE** DTS/DPF 1.1 to set out land uses which are unlikely to meet this outcome.

Other matters

Engagement feedback:

It was queried why the Forestry General Development Policies reference native vegetation when there are specific overlays which seek to protect native vegetation.

Additional investigations:

Collaboration with agencies identified policy improvements to the Coastal Areas Overlay.

Review of the Significant Landscape Protection Overlay identified the need to better articulate the outcome sought by PO 1.2.

Commission's Recommendation:

- N.42** **AMEND** PO 1.1 of the Forestry General Development Policies to remove reference to native vegetation.
- N.43** **AMEND** DTS/DPF 4.5 of the Coastal Areas Overlay to stipulate that development is connected to will be connected to an approved common wastewater disposal service with the capacity to meet the requirements of the development, or on-site wastewater systems set back a minimum of 100m from the mean high water mark at spring tide.
- N.44** **AMEND** PO 1.2 of the Significant Landscape Protection Overlay to clarify that development inconsistent with conserving significant natural and rural landscapes is not undertaken, and **CREATE** corresponding DTS/DPF which lists development types which are incompatible with this outcome (renewable energy facility (other than roof mounted solar photovoltaic panels), large-scale industry, storage, distribution, warehousing, or intensive animal husbandry).

2.4 Integrated Movement Systems and Infrastructure (M)

Transport, access and parking

Engagement feedback:

Feedback from a number of councils 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 1 space to 2 spaces, observing this represents a change from current ResCode and many Development Plans
- Specify that the number of bedrooms includes rooms capable of being used as a bedroom
- Require at least 1 on-site car park to be covered (i.e. carport or garage)
- Increase visitor parking for multi-level buildings.

Feedback from schools expressed support for revision of car parking rates for educational establishments in the Code.

Community submissions expressed general concern that off-street car parking provision is too low.

Commission's Response:

As discussed in section 6 of this report in response to the previous consultation comments, current statistics demonstrate that 2 bedroom homes typically own 1 car or less. However, it is acknowledged that most development plans and ResCode currently require 2 on-site car parks for 2 bedroom homes. Given that the Phase Three Amendment seeks to transition current policy intent, the Commission agrees to amend the car parking rate to require 2 on-site car parking spaces for 2 bedroom detached, semi-detached and row dwellings. This is not considered appropriate for group of residential flat buildings given that separate on-site visitor car parking spaces already apply. Further, it is not considered appropriate for rear-loaded row dwellings in order to incentivise this dwelling format which maximises on-street parking, garden areas and street trees along the primary street frontage.

It is also acknowledged that most development plans and ResCode currently require at least 1 on-site parking space to be covered (i.e. carport, garage), and development plans often specify a rate related to rooms capable of being used as bedrooms. These policy adjustments are supported to be transitioned into the Code.

The parking rate for educational establishments was based on recent review by a traffic consultant using modern traffic surveys, and therefore further amendment is not supported at this stage.

Commission's Recommendation:

M.1 **AMEND** Table 1 of the Transport, Access and Parking General Development Policies in relation to detached, semi-detached, row and group dwellings and dwellings within a residential flat building to:

- Increase from 1 to 2 on-site car parks for 2 bedroom detached, semi-detached and row dwellings (except where rear loaded)
- Clarify that bedrooms includes rooms capable of being used as bedrooms
- Require 1 car parking space to be covered.

Gas and Liquid Petroleum overlays

Engagement feedback:

Development industry feedback raised concerns in relation to the Gas Pipelines Overlay, while feedback from the community, engineers, energy companies and gas companies expressed support.

A gas company sought to amend DTS/DPF 1.3(b) in the Gas and Liquid Petroleum Pipelines Overlay to enable an agreement under section 123 of the PDI Act as a mechanism to allow pre-assessment under PO 1.3 (similar to DTS/DPF1.1).

Commission's Response:

Following further information from the Department of Energy and Mining (DEM), the Commission supports amending the scope of the referral to DEM to avoid unnecessary referrals.

Commission's Recommendation:

- M.2** **AMEND** DTS/DPF 1.1 of the Gas and Liquid Petroleum Pipelines Overlay to clarify that land division only applies where allotments are greater than 1 hectare.
- M.3** **AMEND** DTS/DPF 1.3 of the Gas and Liquid Petroleum Pipelines Overlay to add an option for a class of development referred to in part (a), or any combination thereof, which will occur in accordance with an agreement under section 123 of the *Planning, Development and Infrastructure Act 2016*.
- M.4** **AMEND** DTS/DPF 1.1 of the Gas and Liquid Petroleum Pipelines (Facilities) Overlay to ensure a dwelling or ancillary building/structure on an allotment approved for residential purposes satisfies the assessment provisions of the Overlay and will not require referral to the Chief Executive of the Department of the Minister responsible for administering the *Petroleum and Geothermal Energy Act 2000*.

Airports

Engagement feedback:

Adelaide and Parafield Airports requested:

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

Commission's Response:

In relation to the suggestion that the Commonwealth Facilities Zone should reflect the broader economic functions of Airports, this is considered unnecessary, as development within the zone is typically outside the scope of the Planning Rules and under Commonwealth jurisdiction.

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. Given that the area surrounding Adelaide Airport in particular is already well established, it is unlikely there will be a drastic increase in pressure for infill development within this locality. However, should there be increased demand for infill in this area, the Aircraft Noise Exposure Overlay will ensure that impacts on development are mitigated through 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.

The Department has also progressed amendment to Ministerial Building Standard MBS 010 (Construction requirements for the control of external sound) to incorporate sound attenuation provisions for buildings exposed to aircraft noise. The MBS 010 will allow industry professionals and the public to identify the necessary construction requirements for buildings in areas where the Aircraft Noise Exposure Overlay applies, to mitigate the exposure and reduce it to an acceptable level in accordance with the requirements of Australian Standard (AS) 2021-2015 Acoustics - Aircraft Noise Intrusion - Building Siting and Construction. This proposed amendment seeks to provide a range of Deemed-to-satisfy building solutions to reduce the need for applicants to engage an acoustic engineer in areas within the ANEF 20 and 25 contours. As part of this process, it is proposed that an Aircraft Noise Reduction (ANR) reference layer be added to the SAPP in relation to 3 sites, Adelaide Airport, Parafield Airport and RAAF Edinburgh Airfield, which identifies the ANR values where noise level exposure require mitigation to achieve an acceptable level.

Commission's Recommendation:

M.5 **AMEND** DTS/DPF 1.1 and DTS/DPF 1.2 of the Aircraft Noise Exposure Overlay to increase the ANEF value from 25 to 30.

Transport overlays

Engagement feedback:

Concern was raised regarding the extent of the Traffic Generating Development Overlay and referral for direction.

Local government feedback requested that collector roads be spatially defined in the Code.

Commission's Response:

State Maintained Roads are spatially defined in the Code through a Planning Reference Layer. Policies in the Code refer only to state maintained roads, not collector roads, and therefore it is considered unnecessary for them to be separately mapped.

The Traffic Generating Development Overlay applies to areas within 250m of selected State Maintained Roads to protect the safe and efficient operation of urban transport routes by ensuring that development from side streets is not of a scale which has the potential to cause traffic impacts which may affect the road network. For this reason, it's not appropriate to reduce the extent of the overlay, but it's acknowledged that the DTS/DPF criteria could be amended to exclude any development which is not of a scale which could impact the road network.

Commission's Recommendation:

M.6 **CREATE** DTS/DPF 1.1 and amend DTS/DPF 1.2 and 1.3 to specify that where development involves any of the classes of development which are subject to referral to the Commissioner of Highways, access is obtained directly from a State Maintained Road.

Community facilities

Engagement feedback:

Feedback from schools requested additional policy to support educational establishments. It was requested that minor school development should be exempt to align with exemptions for State schools in Regulations.

Council feedback requested 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 was raised that the new Neighbourhood Subzone requires residential uses to be complementary to community, educational and health care uses, which implies that residential uses are not an alternative/acceptable standalone option so much as ancillary to community uses.

Commission's Response:

The existing Community Facilities Zone anticipates educational establishments. A new subzone is not considered warranted, however amendments to the zone's policies and classification tables are supported to provide clearer pathways for expansion of educational establishments, and ensure adequate separation from boundaries.

The Neighbourhood Subzone is proposed to apply to the Community Facilities Zone within the City of Burnside in order to transition current development plan policy which anticipates residential development as an alternative land use within the zone. It is therefore agreed that policy within the subzone shouldn't necessarily require residential development to be complementary to other land uses, but allow stand-alone residential uses to be developed as an alternative land use.

Commission's Recommendation:

- M.7** **AMEND** Table 1 – Accepted Development Classification to provide an Accepted pathway for classrooms in the Community Facilities Zone where no greater than 1 level and 200m², and which satisfy car parking rates and setbacks.
- M.8** **CREATE** new PO and DTS/DPF in the Community Facilities Zone to guide the expansion of existing community services such as educational establishments, community facilities and pre-schools.
- M.9** **AMEND** PO and DTS/DPF 2.4 to relate to setbacks from all boundaries, not just rear boundaries.
- M.10** **AMEND** Table 5 of the Community Facilities Zone to exempt Community Facility, Educational Establishment and Pre-school from notification where it satisfies building envelope policy.
- M.11** **AMEND** DO1 and PO 1.2 and of the Neighbourhood Subzone to remove reference to residential development complementary to other land uses **CREATE** DTS/DPF 1.2 to provide for development comprising a dwelling or residential flat building.

Recreation Zone

Engagement feedback:

Submissions observed that the current proposed Recreation Zone is not suitable for the Adelaide Show Grounds, requesting a specific Adelaide Showgrounds zone/subzone

Commission's Response:

Given the unique context of the Adelaide Showgrounds, a subzone is supported.

Commission's Recommendation:

M.12 CREATE a new Adelaide Showgrounds Subzone in the Recreation Zone to be applied to the Adelaide Showgrounds.

Telecommunications facilities

Engagement feedback:

Feedback from the Australian Mobile Telecommunications Association requested that the following zones should be identified as preferred locations for telecommunications facilities:

- Business Neighbourhood
- Capital City
- City Main Street
- Employment (Bulk Handling)
- Motorsport Park
- Remote Areas
- All Rural Zones
- Suburban Business
- Tourism Development

It was requested that telecommunications facility should not be listed as restricted in the Hills Face Zone.

Commission's Response:

It is considered appropriate to identify the applicable policies for a performance assessed telecommunications facility the Employment (Bulk Handling) Zone, to align with other employment zones, and noting that telecommunications facility is already listed as an envisaged land use in DTS/DPF 1.1 of this zone. Other zones are more sensitive in terms of character and amenity and further change is not considered appropriate without further investigation and consultation.

Commission's Recommendation:

M.13 AMEND Table 3 – Applicable Policies for Performance Assessed Development of the Employment (Bulk Handling) Zone to add telecommunications facility.

Wastewater

Engagement feedback:

Local government raised concern around the lack of consideration given to the assessment of on-site wastewater systems, particularly for DTS dwellings assessed by private accredited professionals.

Clarification: Policy in the Infrastructure and Renewable Energy Facilities General Development Policies requires development to be provided with appropriate wastewater disposal with the capacity to meet the requirements of the development, whether connected to an approved common wastewater disposal service, or an on-site waste water treatment system. For the latter, such systems must comply with the requirements of the South Australian Public Health Act 2011. Further, schedule 8 of the Planning, Development and Infrastructure (General) Regulations 2017 requires that applications for DTS dwellings are accompanied by evidence that the wastewater treatment system has been granted a wastewater works approval under the South Australian Public Health (Wastewater) Regulations 2013.

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