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| ***[Name of Code Amendment]******[Name of Designated Entity - Council / Joint Planning Board / Government Agency / Proponent]*** |
| ***For Consultation*** |

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# HAVE YOUR SAY

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| ***Drafting Note (to be deleted):*** *Include details of consultation as relevant from the Engagement Plan, as shown in the examples below.* |

This Code Amendment is on consultation from [*insert date*] to [*insert date*].

During this time you are welcome to lodge a written submission about any of the changes proposed in this Code Amendment.

Submissions can be sent to [*include email and/or postal address*].

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| ***Drafting Note (to be deleted):*** *Further information should be included as required to provide the public or target audience (as identified in the engagement plan) with opportunities to participate in the engagement. For example, this may require.**• Details of a relevant contact person or people available to answer questions or provide further information regarding the Code Amendment during the consultation period.**• Details of any public information sessions or public meetings, including date, time and location.* |

# WHAT IS THE PLANNING AND DESIGN CODE?

The Planning and Design Code (the Code) sets out the rules that determine what landowners can do on their land.

For instance, if you want to build a house, the Code rules will tell you how high you can build and how far back from the front of your land your house will need to be positioned. The Code will also tell you if any additional rules apply to the area where your land is located. For example, you might be in a high bushfire risk area or an area with specific rules about protecting native vegetation.

## Planning and Design Code Framework

The Code is based on a framework that contains various elements called overlays, zones, sub zones and general development policies. Together these elements provide all the rules that apply to a particular parcel of land. An outline of the Code Framework is available on the PlanSA portal.

## Overlays

Overlays contain policies and maps that show the location and extent of special land features or sensitivities, such as heritage places or areas of high bushfire risk.

They may apply across one or more zones. Overlays are intended to be applied in conjunction with the relevant zone. However, where policy in a zone conflicts with the policy in an overlay, the overlay policy trumps the zone policy.

## Zones

Zones are areas that share common land uses and in which specific types of development are permitted. Zones are the main element of the Code and will be applied consistently across the state.

For example, a township zone for Andamooka can be expected to apply to similar townships like Carrieton. Each zone includes information (called classification tables) that describes the types of development that are permitted in that zone and how they will be assessed.

## Sub zones

Sub zones enable variation to policy within a zone, which may reflect local characteristics. An example is Port Adelaide centre, which has many different characteristics to typical shopping centres due to its maritime activities and uses.

## General Development Policies

General development policies outline functional requirements for development, such as the need for car parking or wastewater management. While zones determine what development can occur in an area, general development policies provide guidance on how development should occur.

## Amending the Planning and Design Code

The P*lanning, Development and Infrastructure Act 2016* (the Act) provides the legislative framework for undertaking amendments to the Code. With approval of the Minister for Planning and Local Government (the Minister) a Council, Joint Planning Board, Government Agency or private proponent may initiate an amendment to the Code and undertake a Code Amendment process.

An approved Proposal to Initiate will define the scope of the Amendment and prescribe the investigations which must occur to enable an assessment of whether the Code Amendment should take place and in what form.

The State Planning Commission (the Commission) is responsible under the Act for ensuring the Code is maintained, reflects contemporary values relevant to planning, and readily responds to emerging trends and issues.

The Commission provided independent advice to the Minister for Planning and Local Government on the Proposal to initiate this Code Amendment. The Commission will also provide a report on the Code Amendment (including compliance with the Community Engagement Charter) at the final stage of the Code Amendment process.

# WHAT IS PROPOSED IN THIS CODE AMENDMENT?

## Need for the amendment

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| ***Drafting Note (to be deleted):*** *Include a brief description of the need for the proposed Code Amendment. This may include a summary of the strategic justification for the Code Amendment.* |

## Affected Area

The area(s) affected by the proposed amendment is/are described as follows and as shown in the map[s] at **Attachment A**:

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| ***Drafting Note (to be deleted):*** *Insert description of the Affected Area. A map should be included where relevant.* |

## Summary of proposed policy changes

### Current Code Policy

The Affected Area is currently located in *[insert zone]* and *[insert subzone or overlays as relevant]* in the Code, as shown in **Attachment B**:

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| ***Drafting Note (to be deleted):*** *Include description of the current use of the site, and what the current Code policy permits or contemplates for the Affected Area. It is important that the existing policy framework is explained, in addition to what amendments are proposed. This assists the community to understand the impact of the proposed change.* |

### Proposed Code Policy

The Code Amendment proposes the following changes:

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| ***Drafting Note (to be deleted):*** *Include a summary of proposed Code policy changes as required, with further detail and updated mapping to be included in Attachment C.* |

The proposed policy changes are shown in **Attachment C**.

# WHAT ARE THE NEXT STEPS FOR THIS CODE AMENDMENT?

## Early Commencement

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| ***Drafting Note (to be deleted):*** *Delete this entire section if early commencement of the Code Amendment does not apply.* |

This Code Amendment will commence operation on an interim basis on [*insert date*] *under section 78 of the Act*. As a result, the policies being proposed in this Code Amendment will apply for 12 months from the date of commencement, or until they are adopted (or otherwise) by the Minister.

This process is used when the Minister considers that the immediate application of the policy changes is necessary in the interests of orderly and proper development, and to counter applications for undesirable development ahead of the outcome of consideration of this Code Amendment by the Minister.

## Engagement

Engagement on the Code Amendment must occur in accordance with the Community Engagement Charter principles, which required that:

• engagement is genuine

• engagement is inclusive and respectful

• engagement is fit for purpose

• engagement is informed and transparent

• engagement processes are reviewed and improved.

An Engagement Plan has been prepared for this Code Amendment to ensure that engagement will be conducted and measured against the principles of the Charter. For more information on the Community Engagement Charter go to the PlanSA portal at ([plan.sa.gov.au/en/charter](http://www.plan.sa.gov.au/en/charter)).

A summary of the engagement that is occurring for this Code Amendment is as follows:

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| ***Drafting Note (to be deleted):*** *Include summary of engagement as provided in the Engagement Plan.* |

## How can I have my say on the Code Amendment?

There are several ways in which you can provide feedback on the Code Amendment. This includes:

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| ***Drafting Note (to be deleted):****Include as relevant.**• Completing an online submission via the PlanSA portal at [include link to online form, link will be provided by the Department]**• Providing a written submission by email to [include email address]* |

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| ***Drafting Note (to be deleted):*** *Insert additional engagement activities or details as provided in the Engagement Plan.* |

## What changes to the Code Amendment can my feedback influence?

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| ***Drafting Note (to be deleted):*** *Include as relevant.* |

## What will happen with my feedback?

The [*insert name of the Designated Entity - Council, Joint Planning Board, Government Agency or Private Proponent*] is committed to undertaking consultation in accordance with the principles of the Community Engagement Charter and is genuinely open to considering the issues raised by people in the community.

All formal submissions will be considered by [*insert name of the Designated Entity - Council, Joint Planning Board, Government Agency or Private Proponent*] when determining whether the proposed Amendment is suitable and whether any changes should be made.

Each submission will be entered into a register and you will receive an email acknowledging receipt of your submission. Your submission will be published on the PlanSA portal. Personal addresses, email and phone numbers will not be published, however company details will be.

The [*insert name of the Designated Entity - Council, Joint Planning Board, Government Agency or Private Proponent*] will consider the feedback received in finalising the Code Amendment and will prepare an Engagement Report which will outline what was heard during consultation and how the proposed Code Amendment was changed in response to submissions.

The Engagement Report will be forwarded to the Minister, and then published on the PlanSA portal.

## Decision on the Code Amendment

Once the Engagement Report is provided to the Minister, the Commission may provide further advice to the Minister:

• if an agreement for recovery of costs for the Code Amendment has been entered into under section 73(9) of the Act; or [*delete if not applicable*].

• at the Minister’s request, if the Code Amendment is considered significant.

The Minister will then either adopt the Code Amendment (with or without changes) or determine that the Code Amendment should not proceed. The Minister’s decision will then be published on the PlanSA portal.

If adopted, the Code Amendment will be referred to the Environment Resources and Development Committee of Parliament (ERDC) for their review. The Commission will also provide the Committee with a report on the Code Amendment, including the engagement undertaken on the Code Amendment and its compliance with the Community Engagement Charter.

# ANALYSIS

## Strategic Planning Outcomes

### Summary of Strategic Planning Outcomes

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| ***Drafting Note (to be deleted):*** *This section should set out the key strategic planning considerations and where* ***necessary*** *should draw on relevant investigations undertaken, analysis of matters including (but not limited to):****•*** *infrastructure and services**• integrated transport* *• environmental impacts**• land supply and demand* *• economic analysis**• environmental impacts* *• interface between different land uses**• development patterns and trends* |

### Consistency with the State Planning Policies

State Planning Policies define South Australia’s planning priorities, goals and interests. They are the overarching umbrella policies that define the state’s interests in land use. There are 16 State Planning Policies and six special legislative State Planning Policies.

These policies are given effect through the Code, with referral powers assigned to relevant Government Agencies (for example, the Environmental Protection Agency for contaminated land). The Code (including any Code Amendments) must comply with any principle prescribed by a State Planning Policy.

This Code Amendment is considered to be consistent with the State Planning Policies as shown in **Attachment D**.

### Consistency with the Regional Plan

The directions set out in Regional Plans provide the long term vision and set the spatial patterns for future development within a region. This can include land use integration, transport infrastructure and the public realm.

The Commission has identified that the existing volumes of the South Australian Planning Strategy, prepared under the *Development Act 1993*, will apply until such time as the new Regional Plans are prepared and adopted. Refer to the PlanSA portal for more information on the Commission’s program for implementing Regional Plans throughout South Australia.

Where there is conflict between a Regional Plan and the State Planning Policies, the State Planning Policies will prevail.

This Code Amendment is considered to be consistent with the Regional Plan as shown in **Attachment D**.

### Consistency with other key strategic policy documents

This Code Amendment aligns with other key policy documents in the following manner:

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| ***Drafting Note (to be deleted):*** *Include as required, including local planning strategies as relevant.* |

## Infrastructure planning

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| ***Drafting Note (to be deleted):*** *Where relevant, a Code Amendment must ensure that relevant infrastructure can be economically provided to the Affected Area. In some instances, this may be resolved at the development application stage. However, where significant upgrades are required to trunk infrastructure or road improvements which cannot form part of a development application, agreements or other arrangements to fund and provide infrastructure must be put in place prior to approval of the Code Amendment.* |

The following infrastructure planning is relevant to this Code Amendment:

| **Council Infrastructure Planning**  | **Response/Comment** |
| --- | --- |
| [insert] | [insert] |
|  |  |

| **Government Agency Infrastructure Planning** | **Response/Comment** |
| --- | --- |
| [insert] | [insert] |
|  |  |

## Investigations

### Investigations undertaken

The extent of investigations that have been undertaken as part of the Code Amendment process have been agreed by the Minister in the Proposal to Initiate. In addition to this, the Commission has also specified certain investigations to be undertaken to support the Code Amendment [delete if not applicable].

The following investigations have been undertaken to inform this Code Amendment:

• [*include summary of investigations undertaken and key outcomes or recommendations from those investigations*]

Further details on investigations undertaken in support of the Code Amendment are included in **Attachment E**.

### Recommended policy changes

Following is a list of the recommended policy changes which are proposed in response to the investigations undertaken in support of this Code Amendment:

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| ***Drafting Note (to be deleted):*** *Include summary of any policy changes made in response to investigations or delete if none are applicable.* |

# REFERENCES

|  |
| --- |
| ***Drafting Note (to be deleted):****Insert details as required or delete if not applicable.* |

# ATTACHMENT A – AFFECTED AREA MAPPING

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| ***Drafting Note (to be deleted):****This attachment should include maps showing the Affected Area.* |

# ATTACHMENT B – CURRENT CODE POLICY

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| ***Drafting Note (to be deleted):****This attachment should include maps and policy as required to show and describe all relevant zones, subzones or overlays which currently apply to the Affected Area (prior to the proposed Code Amendment).* |

# ATTACHMENT C – PROPOSED CODE POLICY

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| ***Drafting Note (to be deleted):****This attachment should include maps and policy as required to show and describe all relevant zones, subzones or overlays which are proposed for the Affected Area (as part of this Code Amendment).* |

# ATTACHMENT D – STRATEGIC PLANNING OUTCOMES

## State Planning Policies

The State Planning Policies (SPPs) require that the Principles of Good Planning are considered in the preparation of any designated instrument, including a Code Amendment.

**SPP Key Principles**

There are 16 SPPs that include Objectives, Policies and Principles for Statutory Instruments (including the Planning and Design Code). The most critical SPPs in the context of this Code Amendment are:

***Drafting Note (to be deleted):***

*Insert summary of how the proposal is consistent with the identified SPPs. An example is included below for reference.*

**Integrated Planning**

**Objective**: To shape cities and regions in a way that enhances our liveability, economic prosperity and sustainable future.

**SPP 1.7** Regenerate neighbourhoods to improve the quality and diversity of housing in appropriate locations supported by infrastructure, services and facilities.

**SPP 1.8** Mixed-use development around activity centres, public transport nodes and strategic transit corridors to encourage greater use of active transport options such as walking, cycling and public transport.

**Code Amendment**

**Outcome:**

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| ***Drafting Note (to be deleted):*** *Include summary of how the Code Amendment is consistent with the identified SPP, including any outcomes achieved through the Code Amendment. Any stated outcomes should be supported by analysis or investigations referred to in this Code Amendment document.* |

## Regional Plans

**The Regional Plan**

The key policies and targets of [insert details of relevant Regional Plan, for example 30-Year Plan for Greater Adelaide] which are most relevant to this Code Amendment are [include summary of relevant Regional Plan policies or targets]

The investigations undertaken to date and outlined in this Code Amendment, will ensure that the proposed rezoning is largely consistent with the key policies and targets of the Regional Plan as described below.

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| ***Drafting Note (to be deleted):*** *Insert summary of how the proposal is consistent with the identified policies or targets in the Regional Plan. An example is included below for reference.* |

**Regional Plan** [*insert name of Regional Plan*]:

Policy Theme Transit corridors, growth areas and activity centres.

Policy 1 Deliver a more compact urban form by locating the majority of Greater Adelaide’s urban growth within existing built-up areas by increasing density at strategic locations close to public transport.

**Code Amendment:**

**Outcome:**

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| ***Drafting Note (to be deleted):*** *Include summary of how the Code Amendment is consistent with the identified policy or target in the Regional Plan, including any outcomes achieved through the Code Amendment. Any stated outcomes should be supported by analysis or investigations referred to in this Code Amendment document.* |

## Other Strategic Plans

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| ***Drafting Note (to be deleted):*** *Include details of analysis of the Code Amendment against other strategic plans as relevant (for example, local strategic plans).* |

# ATTACHMENT E – INVESTIGATIONS

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| ***Drafting Note (to be deleted):*** *This attachment should include investigations undertaken in support of the Code Amendment. This might include reports, data or analysis undertaken by the Designated Entity or their consultants (ie traffic consultant, environmental consultant).* |