

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

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SYSTEM

## What We Have Heard Report Summary

### Phase Three of the Planning and Design Code (Urban Areas)

#### Summary of What We Have Heard Report

The *What We Have Heard Report* for Phase Three outlines the written responses received on the draft Phase Three Planning and Design Code for Urban Areas. A total of 1,790 written submissions were received by the State Planning Commission during the five month consultation period. The Report captures the feedback covering 34 council areas and groups it into four topics:

#### 1 Engagement

Submissions from stakeholders and community contained feedback in relation to the engagement activities and supporting materials for public consultation of the draft Phase Three Planning and Design Code. Feedback included:

- Support for the passage of the *Planning, Development and Infrastructure (Commencement of Code) Amendment Act 2020* and the time this provides to become business ready for the new system
- That timeframes should be extended further to allow additional time for users to test, train and familiarise themselves with the new system
- Requests for the Code to be re-released for further consultation to allow for an additional review of changes to the Code
- Some respondents expressed difficulty in navigating the draft Code in a paper based format, outside of an e-planning solution.

#### 2 Procedural and Technical Matters

Feedback about procedural and technical matters was not specific to particular zones, subzones, overlays or general development policies, but was more general in nature around definitions, referral triggers, applicability of overlays, public notification exemptions, and the Code's general structure/interpretation. Key issues included:

- Concern from some stakeholders about prescribed bodies having power of direction in relation to referrals and concern that this could compromise the assessment process
- Public notification triggers requiring more public notification than what currently occurs, particularly where development is minor or anticipated
- Overlays unreasonably restricting accepted and deemed-to-satisfy pathways
- The role of restricted development and suggestions regarding adding and removing land uses from restricted classification
- Requests to include additional concept plans in the Code
- Inclusion of a deemed-to-satisfy pathway for land division.

## 3 Amendments to Policy Library

### People and Neighbourhoods

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

Many comments from respondents also related to the general development policies applicable to residential development.

Key issues included:

- Requests for alternative zoning considered more appropriate for specific locations including new or amended Technical and Numeric Variations (e.g. changes to minimum site areas)
- Additional policy to address residential locations that do not have access to potable water, mains sewer or community wastewater management schemes
- Suggestions in relation to a range of specific residential policies such as requirements for soft landscaping, private open space, façade design, garage dimensions, tree planting, privacy screening and façade treatments
- Non-residential development within neighbourhood zones and controls to manage residential amenity
- Building heights within urban corridor zones including building envelope policy at the interface with other zones and significant development site policy that allows additional height in some circumstances
- Feedback in relation to the retention of contributory items and the need for additional policy within the suite of heritage and character overlays to guide new development in these locations.

### Productive Economy

There were a number of submissions made across a range of topics relating to retail, employment and rural policy. Key issues included:

- General support for the suite of policies to facilitate value adding opportunities in rural communities
- Suggestions to improve the Peri-Urban Zone including feedback in relation to its spatial application and naming
- Suggestions to create new overlays including overlays to manage the protection of scenic areas that contribute to tourism experiences and inclusion of Primary Production Priority Areas mapping to assist in identifying areas of high value agricultural land
- Differing perspectives in relation to the suitability of out-of-centre retail and how the centres hierarchy should operate
- Some respondents seeking the inclusion of a policy equivalent for Local Centre Zones to better reflect the scale and intensity of development envisaged by current zoning
- Industry feedback seeking broader opportunities to establish bulky goods outlets in activity centres and employment zones
- Suggestions to create additional zones or sub-zones to recognise employment areas that have specialised functions or strategic value (for example naval shipbuilding)
- Suggestions to expand or introduce policy to manage the interface between impact generating industrial uses or hazardous uses and more sensitive land uses.



## Natural Resources and Environment

A number of submissions were received in relation to the Conservation Zone, the Native Vegetation Overlay and climate change resilience. Key issues included:

- Suggestions to expand the types of development listed as 'restricted' in the Conservation Zone
- Recommendation for new Overlays for 'Critical Habitat Areas' to provide additional protection for biodiversity, particularly endangered species
- The extent of the Native Vegetation Overlay including its application within residential areas and townships
- Council and community members seeking stronger policy to reduce further loss of tree canopy over the State and greater requirements for more and linked landscaped areas
- Concern regarding the level of protection of significant and regulated trees
- A desire to include additional policies aimed at preparing development for climate change, particularly over the life of the development
- Further policy development around stormwater management and urban heat impacts as a result of infill development being more prevalent
- Potential improvements to flood policy including the Hazards (Flooding) Overlay mapping such as removing outdated mapping and inclusion of additional flood mapping data
- A range of suggestions in relation to the suite of Hazards (Bushfire) Overlays including the extent of asset protection zones, strengthening policy relating to the clearance of trees and native vegetation, incorporation of bushfire attack level ratings into assessment policies and a desire to review overlays and mapping in light of the bushfire events.

## Integrated Movement Systems and Infrastructure

A number of submissions were received in relation to the off-street parking rates and transport overlays. Key issues included:

- Recommendations to review off-street parking rates for particular activities that were seen as excessive and not reflective of contemporary data
- Deemed-to-satisfy policy relating to transport overlays being too onerous and not aligning with relevant Australian Standards or AustRoad guidelines
- Suggestions to improve mapping and policy relating to Aircraft Noise Exposure Overlay and the impact of the Building Near Airfields Overlay on accepted and deemed-to-satisfy development pathways
- Policy guiding renewable energy facilities with a range of views on the need, appropriateness, siting, landscape and amenity issues associated with large scale wind and solar farms.

## 4 Spatial Application and Mapping

Spatial issues raised for consideration included:

- Communities seeking the conversion of their suburbs from the General Neighbourhood Zone to the Suburban Neighbourhood Zone
- Respondents seeking the conversion of their suburb from the proposed Housing Diversity Neighbourhood Zone to the Suburban Neighbourhood Zone
- The transition of the current Metropolitan Open Space System to the Open Space Zone, and application of Native Vegetation Act 1991 be reviewed to address policy deficiencies within the proposed zone
- Requests to map National, Commonwealth and Aboriginal Heritage in order to identify referrals to the Commonwealth Government.

Multiple councils made the following recommendations in their submissions:

- Amendment of the proposed Technical and Numeric Variations (TNVs) to reflect existing numerical provisions in Development Plans
- Retention of Concept Plans within specific zones to guide development

## Consistent feedback for Phase Two and Phase Three of the Code

The Phase Three *What We Have Heard Report* also highlights areas where feedback on the Phase Three Code echoed concerns received in relation to the Phase Two Code, including:

- The definition of detached, semi-detached and row dwellings including the term 'site that is held exclusively with that dwelling'
- Public notification exclusions
- Impact of overlays unreasonably restricting deemed-to-satisfy or accepted pathways, in particular the Sloping Land Overlay which may unreasonable prevent deemed-to-satisfy pathways
- The need for expanded deemed-to-satisfy land division opportunities
- The need to provide clear delineation between listed properties and adjacent properties in Local and State Heritage Place Overlays
- The need for additional policy for developments that are not connected to SA Water for potable water supply and/or sewer
- Policy amendments in relation to setback distances to townships, settlements and non-associated dwellings for Wind Farms and Solar Power Facilities, as well as to encourage better management of the environmental impact of solar farms and including renewable energy facilities as an envisaged use in the Rural Zone.

## Next steps

Based on the outcomes of the consultation for Phase Three of the Code, the State Planning Commission will prepare an Engagement Report for consideration by the Minister for Planning.

Any policy decisions made by the Minister will be used to inform the final version of the Code, which will be implemented via the ePlanning platform across South Australia.

The full report can be accessed via the [SA Planning Portal](#).