

OUR
NEW
SYSTEM



COMMUNITY GUIDE TO THE PLANNING AND DESIGN CODE IN THE OUTBACK

(land not within a council area)

July 2019

GUIDE TO THE PLANNING AND DESIGN CODE IN THE OUTBACK

What is the Planning and Design Code?

The Planning and Design Code (the Code) is the cornerstone of South Australia's new planning and development system. It will eventually replace all 72 Development Plans that have been in use across the state with a single set of planning 'rules' for assessing development applications.

The Code will help everyday South Australians navigate the planning system when building a house, developing a business, or progressing large commercial developments.

The Code aims to make the planning process quicker, smoother and easier to understand than ever before.

How is the Code being implemented?

Three-phase rollout strategy

The Code is being rolled out in three phases, commencing in land not within a council area (the outback) before moving to regional council areas and concluding in metropolitan council areas.

PHASE 1	PHASE 2	PHASE 3
Code introduced to the outback (land not within a council area)	Code introduced to regional council areas	Code introduced to metropolitan council areas

From 1 July 2019, the Code is operational in all regions that do not fall within a designated Local Government area, excluding the area addressed by the Land not within a Council Area (Metropolitan) Development Plan. This constitutes Phase One of the new planning and development system.

Once Phase One is in effect, but before Phase Two and Phase Three are implemented, the new *Planning, Development and Infrastructure Act 2016* (PDI Act) will be operational in the outback but the rest of the state will continue to operate under the current planning legislation (the *Development Act 1993*).

By July 2020, the Code will be in effect across all of South Australia and the entire state will operate under the PDI Act.

Migration from old rules to new rules

The process of migrating current planning policies to the new Code has taken place according to the steps outlined below:

- **Release of discussion papers**

To deliver the Code, the State Planning Commission released a series of policy papers designed to stimulate thought and discussion on key policy matters. In addition, several technical papers were released that established the operational framework and content requirements for the Code.

The discussion papers identified where existing policy was likely to be transitioned to the new Code, as well as areas for further investigation that could be introduced in future generations of the Code.

- **Review of current policies**

A key investigation piece to inform the development of the Code (and its future iterations) involved a review of the current South Australian Planning Policy Library (SAPPL) and Development Plans. The review identified strengths, weaknesses, opportunities and challenges that existed in SAPPL and Development Plan policies.

The review also contributed to the preparation of the policy discussion papers and continue to support the development of the Code in regional and metropolitan council areas.



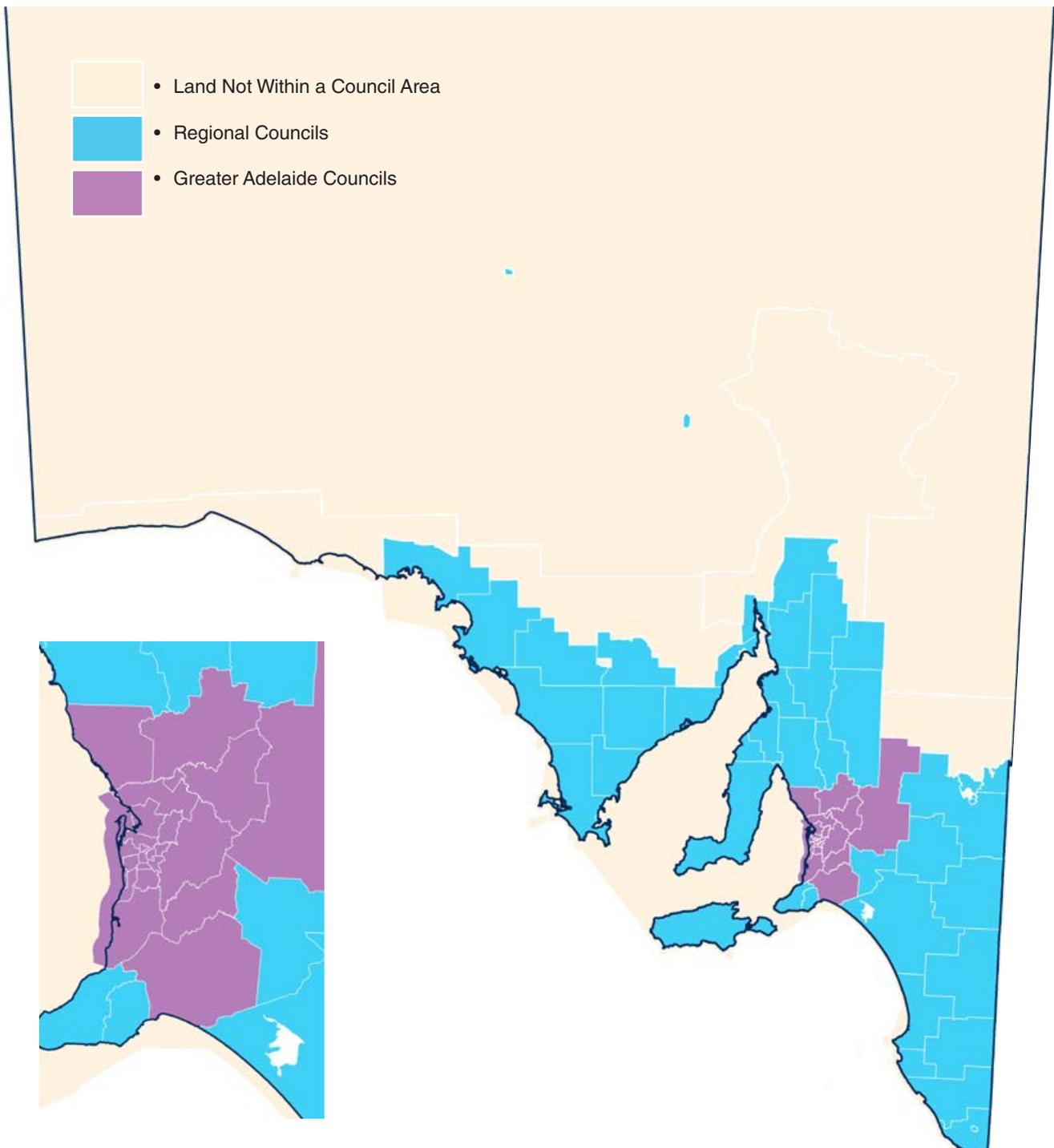
Public consultation

Consultation on Phase One of the Code was conducted between 5 February 2019 and 29 March 2019. During the consultation process, 58 written submissions were received. All written submissions, along with a 'What We Have Heard Report' were published on the SA Planning Portal.

Based on the outcomes of the engagement on Phase One of the Code, the State Planning Commission prepared an engagement report for consideration by the Minister for Planning. This report expanded on the 'What We Have Heard Report' and recommended policy changes to Phase One of the Code. It also evaluated the success of the engagement against the Community Engagement Charter principles.



Where does the Planning and Design Code apply in South Australia?





What does the Code mean for outback communities?

Most people living or building in outback South Australia will not notice too much difference to what they can or cannot build in their local area. However, some new ways of approaching development have now been introduced.

A change in planning rules and policy

As a result of the Code being rolled-out in outback regions, some planning policies have changed to better meet the needs of South Australia's rural communities.

This means that for the first time in more than 15 years, issues that are specific to the outback have been addressed by the planning system.

These benefits have been delivered in four main ways:

1. Removal of outdated and duplicated planning policy

The Code has replaced the three Development Plans that were previously operating in outback South Australia, namely:

- Land Not Within a Council Area (Coastal Waters)
- Land Not Within a Area (Eyre Peninsula, Far North, Riverland and Whyalla)
- Land Not Within a Council Area (Flinders)

This process has removed old policy, consolidated policy that was working well and made planning policy more consistent, equitable and transparent.

2. Expanded use of policy and associate buffer distances relating to building near airfields, transport corridors and environmental resources

Under the Code, policy and buffer distances have been spatially applied to an increased number of airfields. Previous planning policy that applied to airfields only supported commercial and military aviation, but under the new Code, this policy now also applies to those airfields that are used by the Royal Flying Doctor Service.

Specific buffer distances have also been prescribed around important planning infrastructure, such as key rural and outback roads, railway crossings and water courses, with the aim of protecting vital outback assets.

3. Increased focus on hazard mitigation

Safety measures that had not previously been applied consistently in the outback have now been implemented, including new and updated policy to mitigate the risk of bushfire and the impact of acid sulphate soils.

4. Improved interface between different land uses

Under the Code, policy that addresses the interface between different and/or incompatible land uses has been updated and more consistently applied. This will prevent poor planning outcomes for the community and ensure that key types of infrastructure and land uses do not impinge on one another, e.g. industry kept at a safe distance from townships and phone towers not located near airfields.

What does the Code mean for development applications?

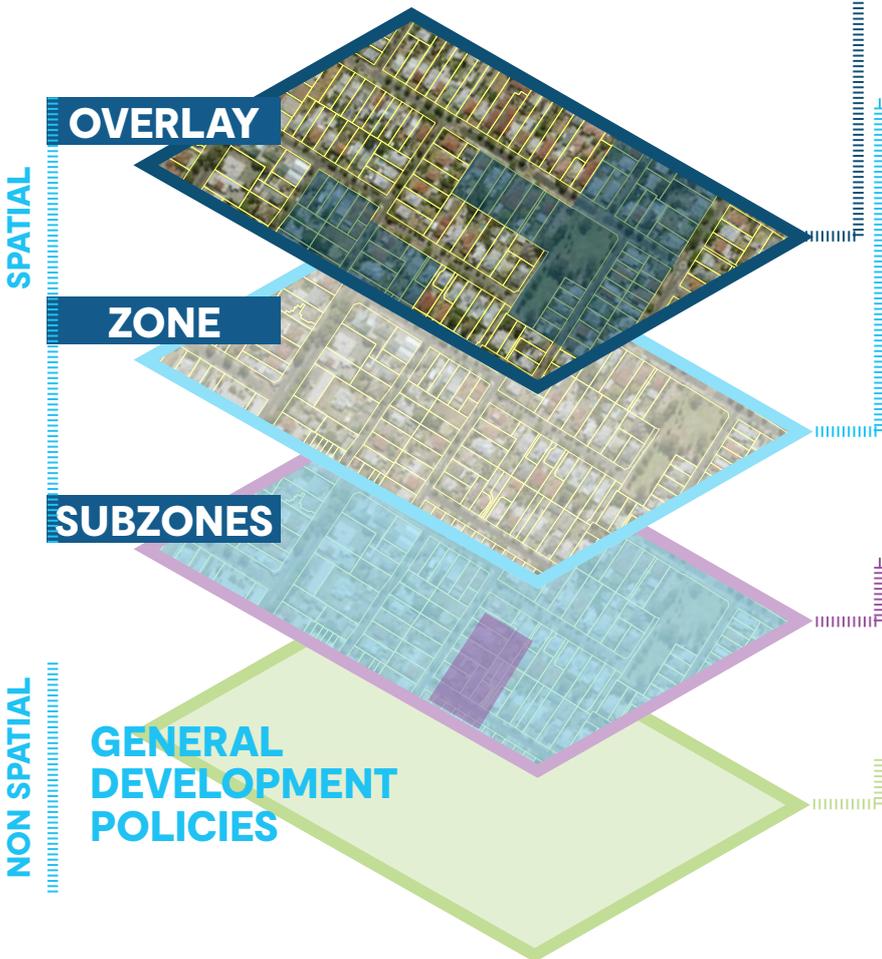
All development applications lodged in the outback will now be assessed under the Code, as prescribed under the *Planning, Development and Infrastructure Act 2016*.

The three Development Plans relevant to the outback have now been revoked.

A new planning framework

The changes to planning policy have been delivered via a new planning framework that comprises zones, overlays and general development policies.

The overlays, zones and general development policies related to Phase One of the Code are described on the following pages.



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 is in conflict with the policy in an overlay, the overlay policy will take precedence.

ZONES are areas that share common land uses and in which specific types of development are permitted.

Zones form the principle organising layer of the Code and will be applied consistently across the state. For example, a township zone for Andamooka can be expected to apply to similarly suited townships like Kimba.

Each zone includes classification tables that describe the types of development that are permitted and how they will be assessed.

SUBZONES enable variation to policy within a zone, which may reflect local characteristics. No subzones are included in Phase One of the Code.

GENERAL DEVELOPMENT POLICIES are policies that 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 as to *how* development should occur.



*Outback wild flowers.
Credit: Julie Fletcher*

A paper-based Code to an online Code

Phase One of the Code is currently available in paper-based form as a downloadable PDF document on the SA Planning Portal. However, over the course of the next 12 months, this paper-based version will be migrated to the state's new ePlanning platform.

This means that for communities in the outback, the interaction with the new Code will change over time. The below sections describe what this will mean.

Paper-based Code

Applicants in the outback can now search for their property via an online atlas on the SA Planning Portal and see what zones and overlays apply to them.

They can then refer to the downloadable PDF of the Phase One Code to determine what kind of development is allowable and if a development assessment is required.

If an assessment is required, applicants can then download a paper-based development application form from the SA Planning Portal and send their completed form to the Department of Planning, Transport and Infrastructure (the Department) via post or email.

The Department will get in contact with applicants to arrange payment and progress the application.

Applicants may contact the Outback Communities Authority or the Department for assistance at any time.

Online Code

Ultimately, Phase One of the Code will be integrated with Phase Two and Phase Three of the Code and available only via the new ePlanning platform for the state.

Applicants in the outback will still be able to search for their property via the online atlas. However, instead of referring to the downloadable PDF of the Phase One Code to see what kind of development is allowable, they will instead refer to the Code online.

Additionally, applicants will be able to then prepare, lodge, fund and track their development application online instead of sending their development application form to the Department.

The ePlanning platform will be available via a simple internet connection, however, if a connection is not possible, paper-based lodgement of development applications will still be available to those living in remote parts of South Australia.

Zones

A description of the zones that apply to the outback is provided below.

Township Zone

Consolidates several former township zones and policy areas

The Township Zone caters for town centres comprising residential development and a range of non-residential land uses in the form of retail, commercial and tourist activities that are linked together to serve the local community and visiting public.

Development will be low to medium-scale and mixed-use development is appropriate within the Zone.

Example: Marree



Specific Use (Tourism Development) Zone

Consolidates two former tourist accommodation zones

The Specific Use (Tourism Development) Zone enables existing areas designated for tourist accommodation and related development to transition to the Code. In the outback, this Zone will apply to the Arkaroola and Wilpena tourism areas.



Settlement Zone

Consolidates several former township and settlement zones

The Settlement Zone accommodates a range of low-density residential, retail, community and recreation land uses within an identifiable village environment, often where service provision is constrained and does not support growth in population and service function.

Example: Innamincka



Coastal Waters Zone

Replaces the former Aquaculture Zone and the general development module on coastal waters

The Coastal Waters Zone seeks to protect and enhance the natural marine environment while supporting appropriate commercial, tourism, recreational and navigational uses. This Zone is spatially applied to the area up to three nautical miles from the shore.





Conservation Zone

Consolidates four former conservation zones

The Conservation Zone applies to conservation parks and reserves under state and federal ownership and has been expanded to include coastal conservation areas and parts of the River Murray flood plain. It caters for a limited mix of development, including conservation and tourist signage, scientific monitoring facilities, small-scale recreational facilities and some sensitively-designed and operated tourism facilities.



*River Murray.
Credit: Ben Goode*

Remote Areas Zone

Consolidates several former remote area zones and policy areas

The Remote Areas Zone accommodates pastoral, grazing and farming activities; mining and petroleum exploration; tourism; facilities related to renewable energy, aerospace and defence; remote settlements; and Aboriginal lands. This Zone applies to most of the state’s far north – it will be the state’s most expansive zone.



*Angorichina Station.
Credit: Angorichina Station*

Local Infrastructure (Airfield) Zone

Replaces the former Remote Areas (Airfield) Policy Area

The new Local Infrastructure (Airfield) Zone is based on the existing Airfield Zone and applies to a number of rural airfields in the outback. This Zone is the first of a suite of local infrastructure zones that will accommodate a range of infrastructure facilities that benefit the community.



*Anna Creek Painted Hills - Wrightsair Ground Tour.
Credit: South Australian Tourism Commission*



*Windfarm.
Credit: Paul White*

Overlays

A description of the overlays that apply to the outback is provided below.



Indian Pacific.
Credit: Great Southern Rail

State Heritage Areas and State Heritage Places

Converts the former general development modules on heritage areas and heritage places to two overlays

The State Heritage Areas Overlay applies to the declared Beltana, Innamincka and Arckaringa Hills State Heritage Areas and seeks to ensure their ongoing conservation. The State Heritage Places Overlay protects more than 100 sites of historical importance in the outback, including the land immediately surrounding these sites.

Building Near Airfields

Converts the former general development module on 'building near airfields' to an overlay and spatially applies this to the area within 6km of an airfield

The Building Near Airfields Overlay supports the safe and efficient operation of the airfields at Innamincka, Leigh Creek, Marla, Marree, Oodnadatta and William Creek, as well as all airfields that serve the Royal Flying Doctor Service.

Airport Building Heights (Aircraft Landing Areas) and Airport Building Heights (Regulated)

Converts former general development policy on building height to two overlays and spatially applies this to the area within 6km of an airfield

The Airport Building Heights (Aircraft Landing Areas) Overlay and the Aircraft Building Heights (Regulated) Overlay seek to effectively manage building heights near airfields that are both registered and non-registered. Airfields that are registered under the Civil Aviation Regulations include those serving Olympic Dam, Leigh Creek and Copley. Airfields that are not registered under these Regulations include those serving Innamincka and Marree.

Key Outback and Rural Routes and Key Railway Crossings

Converts the former general development module on transportation to two individual overlays

The new Key Outback and Rural Routes Overlay and the Key Railway Crossings Overlay will safeguard main freight corridors and tourist roads and ensure that key railway crossings are not undermined by new development.



Marine Parks (Managed Use) and Marine Parks (Restricted Use)

Refers to marine parks proclaimed under the Marine Parks Act 2007

The Marine Parks (Managed Use) Overlay and the Marine Parks (Restricted Use) Overlay seek to preserve the environmental qualities of South Australia's 19 marine parks. The Restricted Use Overlay provides tighter development controls than the Managed Use Overlay.

Coastal Areas

Consolidates and replaces three former coastal zones

The Coastal Areas Overlay covers development that traverses both land and water (e.g. jetties) and supports sustainable development in coastal areas.

Hazards (Bushfire-Outback) and Hazards (Acid Sulphate Soils)

Converts the former general development module on hazards to two overlays

The Hazards (Bushfire-Outback) Overlay and the Hazards (Acid Sulphate Soils) Overlay will help protect the environment and the community from bushfire and the release of acid water that is caused by the disturbance of acid sulphate soils.

Prescribed Watercourses

Converts several former general development modules to an overlay

The Prescribed Watercourses Overlay seeks to protect all natural and human-made water channels (above ground or subterranean) by ensuring that development that impacts these water channels is avoided or undertaken in a sustainable manner.

Prescribed Wells Areas

Introduced for the first time

Similar to the Prescribed Watercourses Overlay, the Prescribed Wells Areas Overlay seeks to guard against the over-extraction of water from prescribed wells areas by ensuring that activities involving the taking of water are avoided or undertaken in a sustainable manner.

Ramsar Wetlands

Replaces the former general development module on Ramsar wetlands and habitat

The Ramsar Wetlands Overlay seeks to protect those wetlands deemed to be of international importance under the Ramsar Convention. It aims to minimise adverse impacts to the habitat and lifecycle of these wetlands or any species dependent on these wetlands.

Murray Darling Basin

Converts the former referral trigger from the Development Regulations 2008 to an overlay

The Murray Darling Basin Overlay seeks to protect the Murray Darling Basin by ensuring that activities involving the taking of water are undertaken in a sustainable manner.



River Murray Floodplain

Replaces parts of the River Murray Flood Zone and the River Murray Fringe Zone

The River Murray Floodplain Overlay seeks to protect the floodplain from adverse development activities, ensure the protection of life and property against flood risk and uphold the intent of the *River Murray Act 2003*.

Historic Shipwrecks

Converts the former referral trigger from the Development Regulations 2008 to an overlay

The Historic Shipwrecks Overlay aims to protect historic shipwreck sites (registered and non-registered) by prescribing relevant buffer distances for development.

Significant Landscape Protection

Replaces the former Pastoral Landscapes Zone and the Environmental Class B Zone

The Significant Landscape Protection Overlay seeks to conserve the natural and rural character and scenic and cultural qualities of significant landscapes in the outback. This Overlay also seeks to preserve sites of state significance that fall under the *Arkaroola Protection Act 2012*.

Sloping Land

Converts the former general development module on sloping land and the former general development module on natural resources to a single overlay

The Sloping Land Overlay aims to guide development occurring on steep slopes or unstable soils by minimising the potential for erosion, land slippage and stormwater runoff and ensuring safe vehicular access to development in such areas.

Water Protection Area

Introduced for the first time – draws on policy in the SAPPL Water Protection Zone

The Water Protection Area Overlay aims to protect the quality and quantity of groundwater that is relied upon as a source of drinking water or used for ecological purposes. This Overlay will apply to Water Protection Areas identified under the *Environment Protection Act 1993*. For Phase One of the Code, there is only one Water Protection Area and this is situated at Penong.

Water Resources

Converts water catchment policy within the former general development module on natural resources to an overlay

The Water Resources Overlay aims to protect the quality of water catchments, watercourses and public reservoirs which are of critical importance to the state.



*Pisces Star Shipwreck.
Credit: Karen Smith*

General development policies

New and revised general development policies will better delineate between the 'what' and 'how' in the planning system. A list of the general development policies that apply to the outback is provided below.

- Advertisements
- Animal-keeping and horse-keeping
- Aquaculture
- Bulk-handling and storage facilities
- Clearance from overhead power lines
- Design and siting
- Forestry
- Infrastructure and renewable energy facilities
- Intensive animal-keeping and dairies
- Interface between land uses
- Land division
- Marinas and on-water structures
- Mineral extraction
- Open space and recreation
- Residential livability
- Site contamination
- Tourism development
- Transportation, access and parking
- Waste treatment and management facilities
- Workers' accommodation and settlements

Disclaimer: This guide has been prepared to provide information that may facilitate understanding of relevant planning legislation and statutory documents. The content of this guide is advisory only and may be subject to change. It does not necessarily represent the views of the South Australian Government and does not purport to accurately or entirely replicate the content of the relevant legislation. The Department of Planning, Transport and Infrastructure recommends that this guide be read in conjunction with the *Planning, Development and Infrastructure Act 2016* and its accompanying regulations and practice directions.

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Government of South Australia
Department of Planning,
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