Draft Planning and Design Code for South Australia

Phase Two (Rural Areas) and Phase Three (Urban Areas)

Community Guide

October 2019

STATE PLANNING REFORM

saplanningportal.sa.gov.au

STATE PLANNING COMMISSION

Government of South Australia
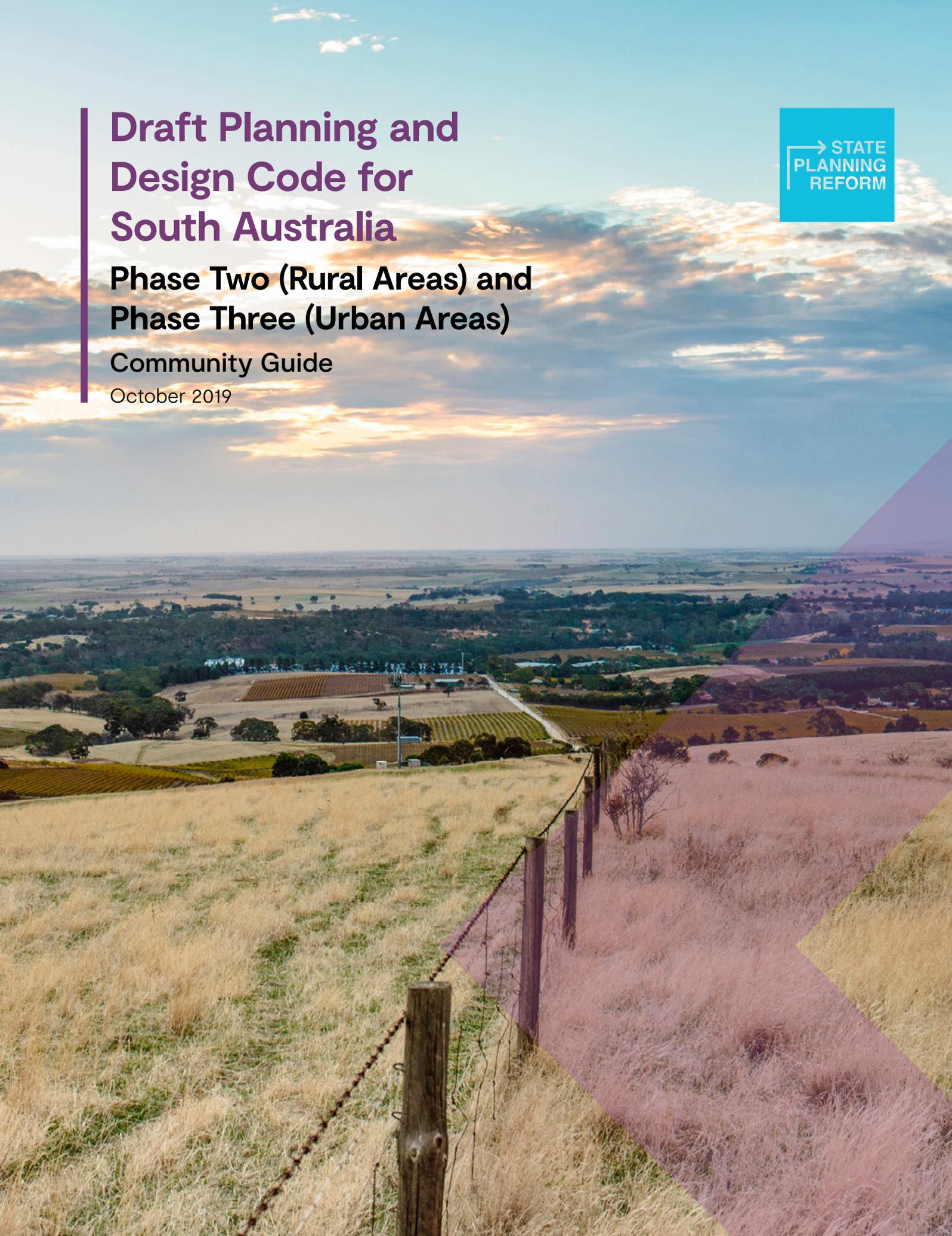
The State Planning Commission encourages South Australians to have their say on the draft Planning and Design Code. This is an important step in the history of our state. We hope that in the same way that previous generational reforms of planning systems gave South Australia national prominence, the ambitions behind the current reforms, passed by the Parliament in 2016, can again be a source of enthusiasm and excitement for the state.

What is the draft Planning and Design Code?

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

For instance, if you want to build a house, the draft Planning and Design Code (the Code) rules will tell you how high you can build and how far back from the front of your block your house will need to be positioned. The draft Planning and Design Code would 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.
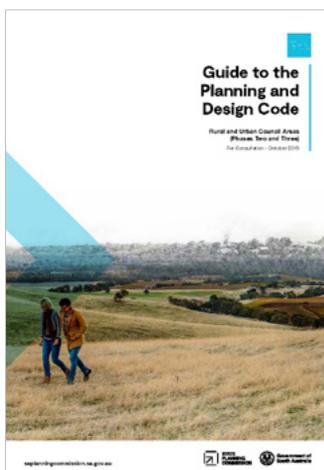
The Code is the cornerstone of South Australia's new planning and development system and will eventually replace all 72 development plans that have been in use across the state with a single set of planning rules.

You can view a short video on the SA Planning Portal.

Why do we need a new Planning and Design Code?

Every local council in South Australia has its own set of rules (known as development plans) for what people can do on their land. This means there are 72 different rule books determining what people can and can't do on their land, that vary from council to council. As a result the planning assessment system is currently not very efficient. Many people are confused and frustrated with the current planning process, the lack of good design and the delays in building approvals.

Importantly, our planning system needs to move with the times and keep up with the changing needs of our community in order to help deliver great places that are built on what South Australians love most – and help us all live, work and move.

72 Development plans ➡ **1** Code

1,500 Zones ➡ **55** Zones

PAPER ➡ **DIGITAL** by Default

What are the benefits of the new Planning and Design Code?

The new Planning and Design Code will provide the following benefits:

Single reference point for state planning and design rules

Consolidates South Australia's 72 development plans into one clear planning rulebook for the state.

Consistent planning rules to improve certainty in decision making

Enables improved consistency of all development assessments and decisions.

Standardised interpretation of legislation will improve assessment and reduce delays

Streamlines zones and policy to drive a faster and more efficient development assessment process.

Online delivery of the Code will provide assessment authorities with only the rules they need

Determined automatically through the ePlanning Portal which planning rules apply to a development application for the assessment authority, saving time and improving consistency.

Flexibility to deal with local issues while ensuring consistency for other issues

Performance-based planning supports consistent policy while allowing decision makers to respond to local context. There will also be a set of informative Design Guidelines providing advice on best practice design elements and the principles of good design.

Significant reduction in paperwork

The online application of the Code will significantly shift our planning system toward paperless operation, reducing the time-consuming flow of physical information.

Reduces costs and delays

Administered centrally and electronically, with amendments implemented more efficiently and consistently.

When does the new Planning and Design Code become operational?

PHASE TWO	PHASE THREE
Operational from April 2019	Operational from July 2020

The Planning and Design Code is already operating in areas of the state that are outside council boundaries (known as Phase One - outback and coastal waters). The remainder of the state will become operational for two further phases:

Phase Two: Rural Areas

Applies to rural areas with small towns and settlements. It will be operational from April 2019. You can view council areas included in each phase on the SA Planning Portal.

Phase Three: Urban Areas

Applies to urban areas of Greater Adelaide and large regional towns and cities. It will be operational from July 2020.

You can view council areas included in each phase on the SA Planning Portal.

How was the draft Planning and Design Code developed?

Expert Panel

In 2012 the State Government asked a group of experts to determine the best way to improve planning in South Australia. This group (called 'South Australia's Expert Panel on Planning Reform') spent 18 months investigating the whole planning system, consulted with over 2500 people and found that "planning in South Australia has become unnecessarily costly, complicated, cumbersome and focussed on processes rather than outcomes." They recommended 22 actions which included writing new legislation, forming a State Planning Commission, developing a single, state-wide planning and design code to replace all of the existing council development plans, and establishing an online planning system (known as ePlanning). View the Expert Panel Report on the SA Planning Portal.
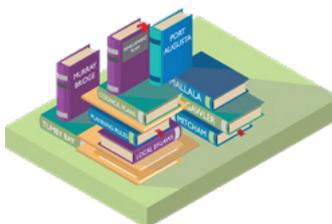
Legislation

New legislation (called the Planning, Development & Infrastructure Act) was introduced in 2016. This legislation requires the new planning system to be implemented by July 2020.
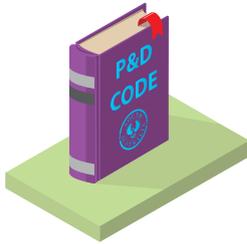
State Planning Commission

The State Planning Commission (known as the Commission) was formed on 1 April 2017 and is responsible for the formation and management of the new Planning and Design Code. It is an independent body that provides advice and recommendations to government on policy making. The Commission is also directly responsible for the Community Engagement Charter, the preparation of State Planning Policies (SPPs) and Practice Directions. In addition, the Commission has a responsibility for an effective planning system for the state. They are supported in their work by the Department of Planning, Transport and Infrastructure.

Review of Current Policies

A key investigation piece to inform the development of the new Planning and Design Code (and future iterations) involved a review of the current South Australian Planning Policy Library (SAPPL) and all 72 South Australian Development Plans. The review identified strengths, weaknesses, opportunities and challenges that existed in SAPPL and Development Plan policies.

Blueprint for the Planning and Design Code

In March 2018 the State Planning Commission released a paper that introduced the blueprint for the new Planning and Design Code, which included a roadmap for Policy Discussion Papers, Policy Conversation Areas and Technical Discussion Papers. You can read the Blueprint on the SA Planning Portal.

Under this Blueprint, 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 new Planning and Design Code.

The discussion papers identified where existing policy was likely to be transitioned as well as areas for further investigation that could be introduced in future versions of the Planning and Design Code.

Natural Resources and Environment (Aug 2018)

Integrated Movement Systems (Aug 2018)

Productive Economy (Nov 2018)

People and Neighbourhoods (Sept 2019)

Feedback received on these discussion papers has helped inform the draft Code.

A number of other documents were released that outlined the State Planning Commission's draft policy position on key matters of particular concern to the community, including:

Proposed changes to Renewable Energy Policy in the Planning and Design Code

State Planning Commission overview of neighbourhood growth and change

Practitioner overview and snapshot for heritage and character in the new planning system

Community guide to heritage and character in the new planning system

Community guide to design in the new planning system

[A guide to demolition control for heritage in the new planning system](#)

You can view all papers and 'What We Have Heard Reports' on the SA Planning Portal.

Test our approach

Consider feedback

Inform development of Generation 1 Code Policy

Statutory Consultation
- **Out of Council Areas – (Phase One) Feb 2019 (complete)**
- **Rural Council Areas – (Phase Two) Oct - Nov 2019**
- **Urban Council Areas – (Phase Three) Oct 2019 - Feb 2020**

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 6 special legislative State Planning Policies. These policies are given effect through the Code, with referral powers assigned to relevant agencies (i.e. the Environmental Protection Agency for contaminated land). Examples include the protection of the community from a range of hazards, such as bushfire, flooding or coastal erosion.

Code Writing Engagement Process

Development of the draft Planning and Design Code has been informed by a number of communications and engagement activities, namely:

- five Code writing workshops were conducted in 2018 with key planning practitioners from councils and business
- a Car Parking Summit attended by councils and business representatives on 6 April 2018 to explore car parking concerns in inner metropolitan

Adelaide and identify possible solutions. The public was also involved in discussions on car parking through an online YourSAy survey and two focus groups. The findings from this early engagement were addressed in the policy discussion paper on Integrated Movement Systems.

- an Aged Care and Retirement Living Symposium was held on 20 August 2018 to explore and understand the issues faced by business and residents

- meetings were held from May to July 2019 with all regional councils to help them understand how the Code works and how the new policy may apply to their area

- several Residential Infill Forums were convened between June to September 2019 to consider ways to deliver better infill housing at various scales across Adelaide. The purpose of these forums was to provide feedback and practical solutions on residential infill housing policy improvements

- a series of testing workshops were held with key council planners during July and August 2019 on Phase Two and Three of the draft Planning and Design Code

- a Retail Roundtable was conducted in August 2019 to consider retail sector issues and opportunities with a particular focus on shopping centres and main streets.

Public Consultation

Phase One: Outback Areas

Public consultation on Phase One of the Planning and Design 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. An Engagement Report was lodged with the Environment, Resources and Development Court in June 2019. You can view the report on the SA Planning Portal.

Phase Two: Rural Areas

Phase Two of the Planning and Design Code applies to rural areas with small towns and settlements. Public consultation on Phase Two of the Planning and Design Code is being conducted from **1 October 2019 to 29 November 2019**. During the consultation period all written submissions will be published on the SA Planning Portal. A 'What We Have Heard Report' will be published and an Engagement Report will be lodged with the Environment, Resources and Development Court following the close of consultation. You can view areas included in Phase Two, read the Phase Two Planning and Design Code and complete a formal submission form on the SA Planning Portal.

Phase Three: Urban Areas

Phase Three of the Planning and Design Code applies to greater metropolitan Adelaide and large regional towns and cities. Public consultation on Phase Three of the Planning and Design Code is being conducted from **1 October 2019 to 28 February 2020**. During the consultation period all written submissions will be published on the SA Planning Portal. A 'What We Have Heard Report' will be published and an Engagement Report will be lodged with the Environment, Resources and Development Court following the close of consultation. You can view areas included in Phase Three, read the Phase Three Planning and Design Code and complete a formal submission form on the SA Planning Portal.
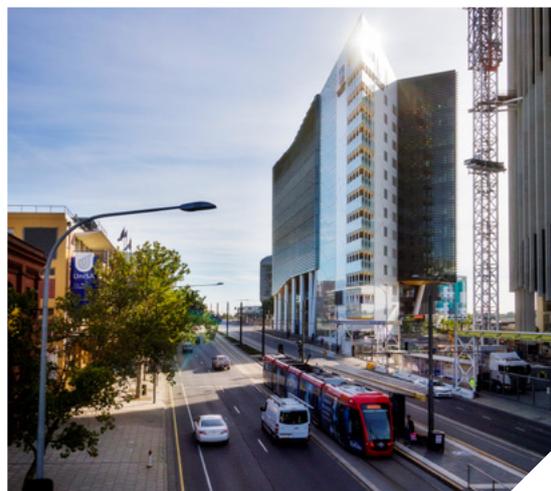
What does the draft Planning and Design Code contain?

The new Planning and Design Code is based on a framework that contains items called overlays, zones, sub-zones and general development policies, which together provide all the rules that apply to a particular parcel of land. An outline of the Code Framework is available on the SA Planning Portal.

SPATIAL

OVERLAY

ZONE

SUBZONES

NON SPATIAL

GENERAL DEVELOPMENT POLICIES
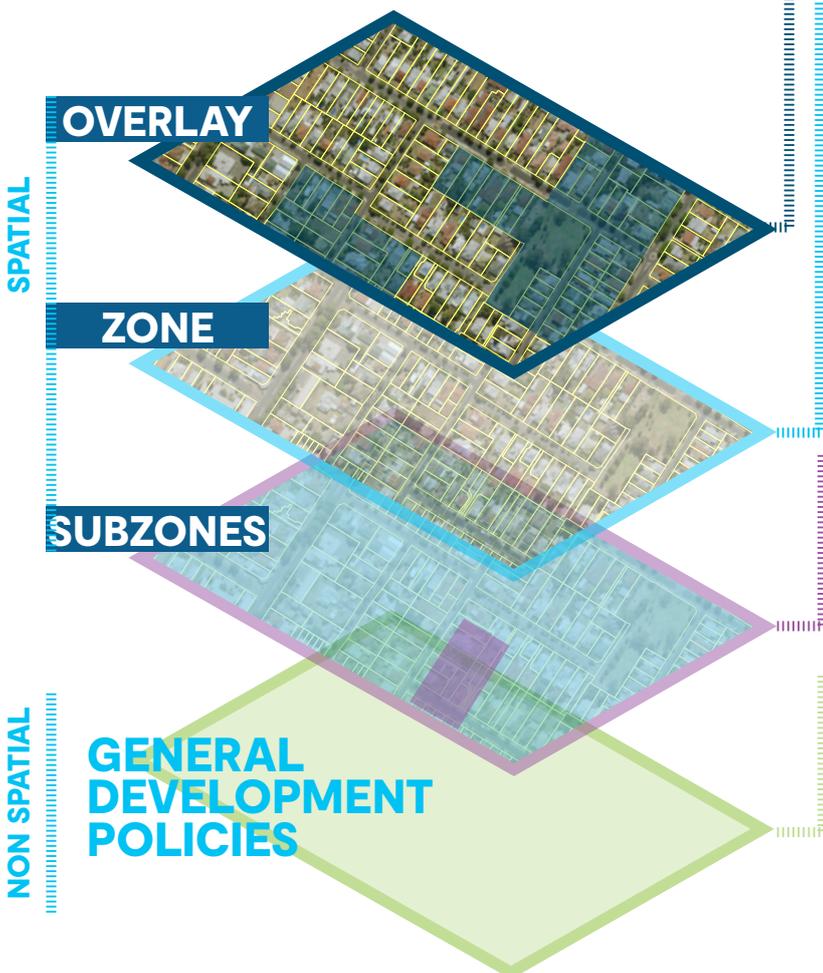
Overlays

There are 58 overlays in the Code. 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 takes precedence. You can think of the overlay as the 'trump card'.

Zones

There are 55 zones in the Code. Zones are areas that share common land uses and in which specific types of development are permitted.

Zones are the main component 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 heritage.

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 as to *how* development should occur.

You can find a description of all of the overlays, zones, sub-zones and general development policies in the Guide to the Code.

Will the new Planning and Design Code be easy to use?

Yes! The current planning system consists of approximately 23,000 pages of policy, with over 2,500 zones across South Australia. The new Planning and Design Code provides more consistent rules across the state, through just 55 zones.

When it becomes operational in April (Phase Two - Rural Areas) and July 2020 (Phase Three - Urban Areas), the new system will be fully electronic. For the first time you will be able to enter your address into the ePlanning system and find out what you can do on your land and the rules that apply - easily and quickly from your iphone, ipad or laptop.

How do I use the new Planning and Design Code?

During consultation the way you use the draft Planning and Design Code is very different to the way you will use it when it becomes operational.

When both the Planning and Design Code and the ePlanning system become operational you will simply enter an address and the type of development you want to undertake to automatically access the planning rules that apply.

As the ePlanning system is not yet available, during Code consultation you will need to use both the draft Planning and Design Code document and an interim mapping tool (called the Planning and Design Code Consultation Map Viewer) to work out which rules apply. A 'How To' video is available on the SA Planning Portal to assist you.

To make it easier for you during consultation, we have provided specific code packs showing which rules apply to each council area. You can access the pack for your council area on the SA Planning Portal from the middle of October.

| Access and search an address | Prepare and lodge development applications | Track an application | Receive approval (or rejection) |
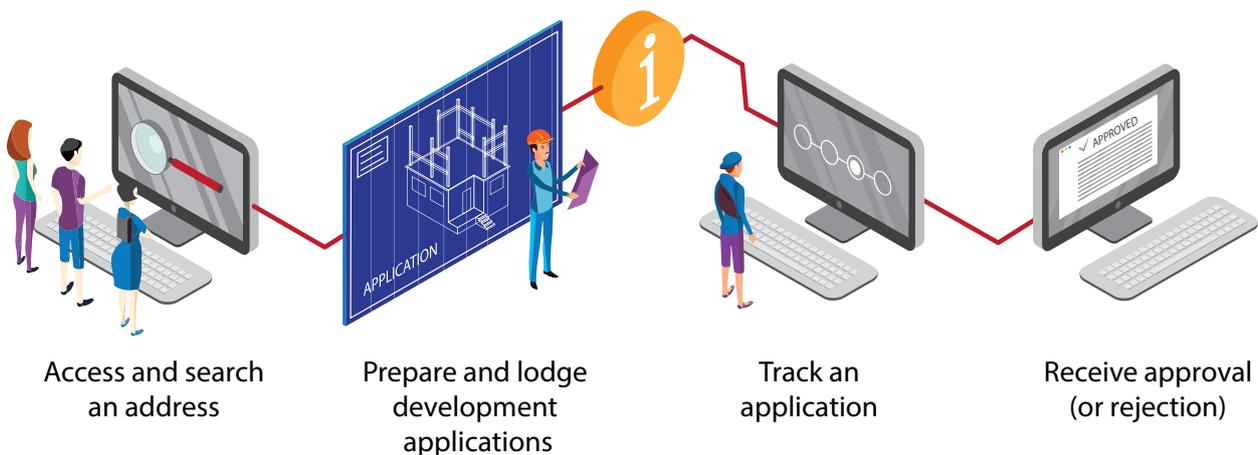
How do I get a copy of the draft Planning and Design Code

For public consultation the draft Planning and Design Code is provided as a paper-based downloadable document (PDF) – there is a separate version for Phase Two and another for Phase Three with both available on the SA Planning Portal.

You can also view a printed copy of the draft Planning and Design Code at DPTI (Level 5, 50 Flinders Street, Adelaide) or at your local council office.

Appointments can be made to speak with a DPTI planning officer via the Code hotline: 1800 318 102.
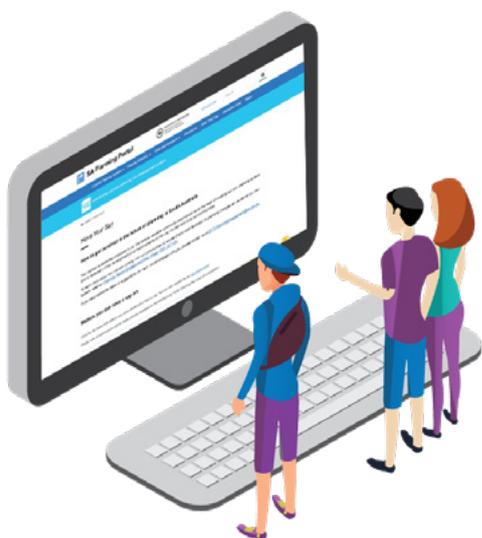
Where can I get more information about the draft Planning and Design Code?

You can access the draft Planning and Design Code and a range of supporting material, including:

- Council Specific Code packages
- Online Maps and Mapping tool
- Fact Sheets on key topics
- Informational videos
- Frequently Asked Questions

Visit: saplanningportal.sa.gov.au/have_your_say

Email: DPTI.PlanningReform@sa.gov.au

We will endeavour to provide a response within 2 business days.

Please **do not send submissions** to this address.

Call: 1800 318 102

Our hotline operates 9:00am-5.00pm Monday to Friday (except public holidays) during the consultation period.

How can I have my say on the draft Planning and Design Code?

There are several ways in which you can provide feedback – although please note that the **easiest way** you can have your comments considered in finalising the new Planning and Design Code is to submit a formal submission.

You can have your say by:

- completing the online submission form – **this is the preferred method**
- emailing DPTI.planningreformsubmissions@sa.gov.au

What changes to the draft Planning and Design Code can my feedback influence?

You can have your say on the Code framework, the wording of policies, the range of definitions and the way they are worded, where the different rules apply and the way applications are assessed.

Aspects of the Code which stakeholders and the community can influence are:

Code Framework

The number and type of Zones, Sub-zones, Overlays and General Development Policy modules.

Code Content

The wording of policies within the Code (Desired Outcomes, Performance Outcomes and Deemed to Satisfy requirements) and the range of definitions and the way in which definitions are expressed.

Code Spatial Application

The spatial application of Zones, Sub-zones and Overlays to the various parts of the State

Assessment Procedures

Assignment of development types to assessment pathways and exemptions from public notification triggers for Performance Assessed development types.

Aspects of the Code which stakeholders and the community cannot influence, as set out in the Act or Regulations, are:

Code Framework

The fact that the Code will replace Development Plans and the structure of the Code (Overlays, Zones and Sub-zones, General Development Policies); principles of the Code (e.g. simplify); and criteria for Zones and Sub-zones.

Assessment

The procedures for assessment and public notification; and the existence of definitions.

What will happen with my feedback?

The State Planning Commission is committed to undertaking consultation in accordance with the principles of the Community Engagement Charter and is genuinely open to changing and improving the draft Planning and Design Code. Forums and workshops will be held during the consultation period to hear directly from people in the community. You can find an event near you on the SA Planning Portal calendar of events.

All formal submissions will be considered by the Commission when determining any changes to the draft Planning and Design Code. You can find the online submission form here.

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 SA Planning Portal. Personal addresses, email and phone numbers are not published however company details are. Extensions will

not be granted unless approval is given by the Program Director and Executive Director Planning and Land Use Services.

Following consultation for each phase a What We Have Heard Report will be released on the SA Planning Portal summarising the key issues heard during consultation. The State Planning Commission will consider the feedback received in making amendments to the Code and will prepare an Engagement Report that will outline what was heard during consultation and how the Code was amended in response to submissions. This Engagement Report will be forwarded to the Minister for Planning for his consideration in making a decision. The Engagement Report will be released on the SA Planning Portal following the Minister's approval.

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