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# PRACTITIONER'S GUIDE TO THE PLANNING AND DESIGN CODE IN THE OUTBACK

(land not within a council area)

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# Practitioner's Guide to the Planning and Design Code in the Outback

## About this Guide

This guide provides a summary of the Planning and Design Code (the Code), as it relates to Land Not Within a Council Area (LNWCA) in South Australia. This guide has been prepared for practitioners to assist their understanding of the LNWCA Code, with a separate guide created to support the broader community.

The Code will commence operating in South Australia across three phases:

- Phase one: Land not Within a Council Area (LNWCA) – mid-2019
- Phase two: rural council areas with small towns and settlements – April 2020
- Phase three: urban councils and councils with regional towns and cities – mid-2020.

The guide provides:

- a general description of each element of the code including zones, overlays and general modules
- the policy intent of each zone and whether it is new or carried over from the South Australian Planning Policy Library (SAPPL)
- how development requirements integrate into the Code
- technical principles and conventions for the code (Refer to Technical Principles and Conventions).

Following public consultation (**5 February – 29 March**), this guide will be updated to include any changes. The next version of this guide will include additional content that relates to rural council areas.



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## Introduction

### Developing the Code

To help prepare the first Code in South Australia, the State Planning Commission released a *Blueprint for South Australia's Planning and Design Code* in March 2018.

The Blueprint flagged the release of a series of policy discussion papers designed to stimulate thought on key policy matters, in addition to several technical papers that covered the operational framework and content requirements for the Code.

The discussion papers identified where existing policy was likely to be transitioned ('transition ready'), as well as areas for further investigation and/or reform that could be introduced in future generations of the Code. One such area to be considered in the first round of reform for the outback includes policy surrounding the development of renewable energy facilities.

The papers, along with the feedback received from the planning community, have assisted the State Planning Commission to refine the policy which will ultimately govern our new system.

### Discussion papers

The full list of papers has included:

- The Blueprint for the Planning and Design Code
- Planning and Design Code Technical Paper – How will it Work?
- Planning and Design Code Assessment Pathways
- Performance Indicators
- Integrated Movement Systems Policy Discussion Paper
- Natural Resources and Environment Policy Discussion Paper
- Productive Economies Policy Discussion Paper
- Design in the Planning System Policy Discussion Paper (to be released in early 2019)
- People and Neighbourhoods Policy Discussion Paper (to be released in early 2019).

Each paper was developed through extensive investigation and peer review including the following:

- a review of the South Australian Planning Policy Library (SAPPL)
- investigation of case studies and best practice policy examples from Australia and the world
- workshops with state agencies, councils and special interest groups
- Commission-led policy workshops
- a review of South Australia's Development Plans in partnership with local government (see below)
- a peer review process with thought leaders and key stakeholders such as planning reform advisory groups and government agencies.

The discussion papers drew on the results of these investigations to:

- highlight key emerging trends that require a planning policy response
- identify gaps or deficiencies in existing policies of the SAPPL to ensure alignment with government strategic directions (such as State Planning Policies)
- identify opportunities to consolidate duplicate policy within SAPPL and across development plans
- highlight investigations and research undertaken or identified to inform policy directions.

## Development Plan Reviews

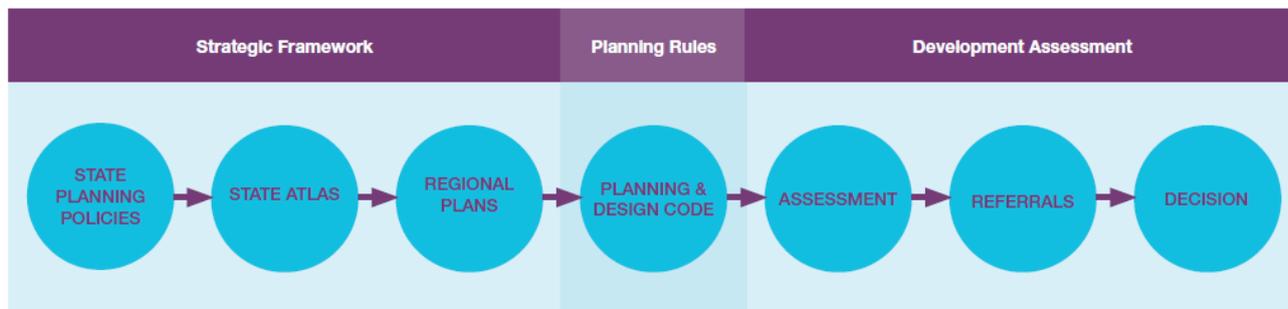
A key investigation piece to inform the development of the Code (and its future iterations) was Development Plan Reviews. The reviews saw council practitioners identify strengths, weaknesses, opportunities and challenges that exist in Development Plan policies.

The reviews have contributed to the preparation of policy discussion papers and continue to support the development of the Regional and Greater Adelaide Code. The reviews also influenced the development of LNWCA Code by identifying:

- increased number of land uses listed as Deemed to Satisfy or Performance Assessed – thereby providing a clearer and most transparent pathway for a wider range of developments and removing a barrier for innovative ideas
- improved suite of renewable energy policies to provide greater guidance for the assessment of a wider range of renewable energy facilities
- improved consistency for policies throughout areas within the River Murray region – provision of a River Murray Flood Plain Overlay that incorporates State Government referrals and improved river structures policy framework.

## Legislative framework

In accordance with the provisions of the *Planning, Development and Infrastructure Act 2016* (PDI Act), the policies within the Code must align with strategic directions set out by the State Planning Policies (SPPs) and Regional Plans (see diagram below).



SPPs provide a whole-of-government land use planning and development strategy to improve the liveability, sustainability and prosperity of South Australia; which replace the current policies, which are not well defined and often conflict.

Whilst not all SPPs apply to every location, where they do spatially apply they will (if possible) be defined within the Code through an Overlay (refer to **Appendix A: Technical Principles and Conventions**).



Overlays may establish or affect the level of assessment for an application, trigger referrals to government agencies and/or set specific assessment criteria. Overlays must be read in conjunction with the relevant zone or sub-zone and in the event of a policy conflict, **overlay policies take precedence over other policies in the Code.**

Regional Plans provide the long-term vision for a region. *The 30-Year Plan for Greater Adelaide – 2017 Update*, along with the other volumes of the *South Australian Planning Strategy* serve as the state's Regional Plans until new ones are developed following the commencement of Joint Planning Boards.

**Appendix B** shows the connection between the SPPs and the LNWCA Code.

## Definitions

The PDI Act contemplates the Code providing definitions of land use including the establishment of “land use classes”, the latter being a new part of the system.

In early 2018 a Discussion Paper on *Future Land Use Definitions and Classes* was released for consultation to gather feedback on what is or isn't working well and any gaps within the current suite of definitions. This feedback has informed the definitions in the LNWCA Code.

Definitions relating only to the LNWCA Code are included at this time. It is proposed definitions for land use and land use classes relevant to Regional and Greater Adelaide councils (e.g. various forms of retailing not encountered in LNWCA) will be added in future iterations of the Code.

## Referrals

The planning system provides for referrals to government agencies or other prescribed bodies, providing them with powers of *direction* or *concurrence* on certain types of development.

There are 26 referrals under the current system covering a range of development circumstances. These are being reviewed in partnership with relevant government agencies to ensure they are suitable and support the new planning system.

From these discussions:

- feedback has been received on the preferred approach for referrals under the new system (including in some cases proposed Code policy to accompany a referral)
- some referrals (e.g. to the Government Architect) are relevant in future iterations of the Code, so discussion will continue in 2019 to determine those referral requirements
- a number of referrals are proposed to be removed
- new referrals are also proposed to be adopted in later phases of the Code deployment.

This work will likely see a reduction in total referrals, and a focus on referral body's only receiving applications for which they have a genuine State Interest.

Prior to the Planning and Design Code commencing operation, a schedule is to be established within the Regulations, which sets out the overarching 'framework' of referrals such as: the prescribed referral bodies, the power of each body in responding to referrals and the timeframe for which the referral assessment must be undertaken by such bodies.

## Referrals in the Code

Referral triggers are set out in the 'Procedural Matters' of various Overlays and Part 8 of the draft Code in a 'referrals table'. Part 8 sets out referrals which are not triggered spatially or geographically by an Overlay.

For each referral, reference is made to the relevant policies that the prescribed body is to refer to in its assessment as well as the purpose for which the referral is being made to that prescribed body. This is so as to address relevant parts of the PDI Act related to referral bodies.

In addition, the Code provides an opportunity to set out 'Deemed to Satisfy' solutions which, if met, will not trigger the referral. The policy content within the Historic Shipwrecks Overlay is one example of how this could work in practice in the draft Code. As the Code is further developed, it is anticipated further 'Deemed to Satisfy' opportunities may be identified in collaboration with state agencies.

## Procedural matters for assessment

Zones set out the level of assessment using those identified in the PDI Act:

- **accepted development** - no planning consent is required
- **code assessed development** – development that is either:
  - classified by the Planning and Design Code as deemed-to-satisfy
  - not within the category of accepted or impact assessed 'performance assessed'
- **impact assessed development** – development that is:
  - classified by the Planning and Design Code as restricted development
  - classified by the regulations as impact assessed development
  - declared by the Minister as being impact assessed development.

Each zone contains a table that assigns envisaged development types to either an accepted, deemed-to-satisfy or restricted development pathway. Development that does not fall into one of these categories, will default to a 'performance' assessment against the relevant provisions.

For restricted development, the PDI Act prescribes the State Planning Commission as the relevant planning authority, as well as requirements and procedures for dealing with such proposals. The LNWCA Code uses the restricted category sparingly as the State Planning Commission is already the relevant planning authority in these parts of South Australia. It is anticipated that the Regional and Greater Adelaide Code will include more in the restricted category.

The relevant authority for all other categories of development is prescribed in the Draft Assessment Regulations.

## An online Code

The Code will ultimately be accessed via the state's SA Planning Portal. The electronic solution will fundamentally change the way practitioners and the community interact with the planning system.

For the first time, members of the community can search their property and find the policy that applies, in addition to allowable development.



Storing the Code in digital form means:

- all rules are held on the SA Planning Portal , and can be easily accessed online
- all maps are held in the portal, and can be easily accessed online
- the Code can be easily maintained and updated in the future.

While the Code will exist in a digital format, the full Code or parts thereof, can still be downloaded and printed as a hard copy. For example:

- a council can retrieve and print all of the parts of the Code Library that apply to its area
- a developer could retrieve and print the content of a particular zone
- a home owner who is considering undertaking some kind of development (e.g. building a new shed or a dwelling addition) could print the rules that are applicable to their proposed development.

The LNWCA Code will at first be paper-based. The online Code will be in operation from late 2019.

## LNWCA Code

The Code contains four primary policy components: Zones, Subzones, Overlays and General Modules.

Zones, Subzones and Overlays are the Planning and Design Code 'spatial layers'. The three spatial layers used in the Code will principally be used to regulate land use and built form, and each is proposed to be used in a particular manner. No other spatial layers are able to be introduced. While Zones outline 'what' can occur in an area, General Modules broadly relate to 'how' a development should occur. These policies will address the functional requirements for a development type or class.

**See Appendix A for more detail on Code structure.**

### Zones

The following section describes the proposed zones (7) that comprise the LNWCA Code. Additional zones will be included in the next iterations of the Code.

Proposed zones are:

- Coastal Waters
- Conservation
- Local Infrastructure (Airfield)
- Remote Areas
- Settlement
- Specific Use (Tourism Development)
- Township.

#### Coastal Waters Zone

The proposed *Coastal Waters Zone* is based on the general policies in the current LNWCA (Coastal Waters) Development Plan, that apply over most of South Australia's coastal waters to the high-water mark of regional councils (does not include Adelaide metropolitan marine waters).

Existing policies seek to protect coastal waters, as well as recognising the importance of these areas for commercial, tourism, recreation and navigation purposes. The proposed *Coastal Waters Zone* continues to recognise and apply the objectives of the Coastal Waters area.

The content of the zone is brief as it works with various overlays to establish the full range of requirements (including the *Coastal Areas Overlay*) for assessing proposed development. It does not identify any development types as accepted or deemed-to-satisfy, given the implications for the marine environment. The zone identifies relevant provision for some performance assessed developments that are more likely to occur in the zone including aquaculture, marinas, boat berths, jetties, piers and pontoons.

All performance assessed development is proposed to be excluded from public notification on the basis that few development opportunities exist and near shore development is likely to comprise public infrastructure provision like jetties and boat ramps.

#### Conservation Zone

The proposed *Conservation Zone* is based on the SAPPL Conservation Zone, which applies over conservation parks and reserves, ordinarily under State and Federal ownership.

The *Conservation Zone* seeks to balance appropriate and reasonably contemplated land uses with conservation objective by allowing for a limited mix of development/land uses e.g. signage related to conservation and tourist information, scientific monitoring facilities, small scale recreational facilities/amenities, camp grounds and structures for conservation purposes.



It is proposed that the *Conservation Zone* will be spatially applied to land currently zoned as conservation, however extended to include similar zones including the Coastal Conservation Zone, River Murray Flood Plain Zone and Environmental Class a Zone (currently located in the Flinders Development Plan).

Whilst there are some differences between these zones, it is considered they can be adequately addressed through the introduction and application of the new *Coastal Areas Overlay* and *River Murray Flood Plain Overlay*. The overlays will apply in conjunction with the underlying *Conservation Zone* and take precedence where there is conflict.

The existing Coastal Conservation Zone includes areas of private land, so the proposed *Conservation Zone* will include allowances to support the continuation of established land uses, such as farming on already cleared land.

Another land use that varies across the existing conservation-type zones is tourist accommodation. Tourist accommodation is envisaged in some existing *Coastal Conservation Zones* and discouraged in others (the SAPPL Conservation Zone reflects the latter). Policy guidance is provided within the proposed *Conservation Zone* for the assessment of tourist accommodation. Further, a significant portion of the land previously zoned Conservation Zone, where tourist accommodation was not an envisaged use, is crown land which provides the State a greater level of control regarding any development.

## Settlement Zone

The proposed *Settlement Zone* is based on the SAPPL Settlement Zone and seeks to guide development for locations comprising low density, mixed-use village environments, primarily established in remote locations.

The *Settlement Zone* uses policy from the current Settlement Zone and the Coastal Settlement Zone to guide lower density developments and anticipated uses commonly attributed with smaller sized settlement patterns. As such, the zone contemplates a smaller range of land uses at a lower development intensity than the Township Zone.

Land uses envisaged within the *Settlement Zone* include limited residential development, tourist and recreation uses and community facilities that serve the visiting public.

Coastal specific issues contained within the *Coastal Settlement Zone* will be addressed through the new *Coastal Areas Overlay*, to be applied to those 'settlements' in coastal localities. Additional policies specifically transitioned into the *Coastal Areas Overlay* will continue to apply in coastal area settlements where currently, the *Coastal Settlement Zone* applies. The *Coastal Areas Overlay* will provide context for the protection of the natural coastal environment.

## Specific Use (Tourism Development) Zone

The proposed *Specific-Use (Tourism Development) Zone* enables existing areas designated for tourist accommodation, and related development, to transition to the Code. As there is no equivalent zone in SAPPL, it is based on existing requirements for designated tourism areas.

The proposed *Specific Use (Tourism Development) Zone* has only been applied to the Arkaroola and Wilpena sites to retain development opportunities and will supplement other zones in the Code where tourism development is also contemplated (e.g. Remote Areas Zone, Conservation Zone).

The *Specific Use (Tourism Development) Zone* offers certainty about the use of designated land for tourism development, and provides a basis for assessing potential adverse amenity impacts, particularly where an adjoining zone contemplates land uses that could be incompatible with tourism.

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Additional requirements exist within the Code to manage land use interface issues (including, through separation) at the tourism zone boundary irrespective of whether the tourism zone has been developed or incorporates land to expand existing tourism facilities.

In this way, it can be ensured that land specifically designated for tourism development under this Zone will not be developed for land uses which are incompatible with tourism development, which has the potential to occur in other zones that contemplate tourism development (i.e. *Remote Areas or Settlement*).

The areas currently identified for tourism development on Boston Island have been replaced by the *Remote Areas Zone* which will accommodate a wider range of development opportunities while still contemplating tourism development.

## **Township Zone**

The proposed *Township Zone* is based on the SAPPL Township Zone and seeks to guide development for small urbanised centres. The *Township Zone* transitions existing policy that supports a range of uses including residential, community, retail, business, commercial and industrial uses and facilities.

Development types envisaged within the *Township Zone* must respect local context and local built form and scale with the township setting. Development that contributes to, and enhances, streetscapes and scenic settings are recognised as important.

Land uses typically found within townships include a range of residential development, small-scale retail and light industry typically 'grouped' in close proximity to town centres. It is anticipated that the Township Zone will evolve during future iterations of the Code to accommodate a range of allotment sizes and patterns of development.

## **Remote Areas Zone**

While not a current SAPPL Zone, the *Remote Areas Zone* currently applies to land in the State that is outside of council boundaries and captured in the LNWCA (Eyre, Far North, Riverland and Whyalla) Development Plan.

The *Remote Areas Zone* contemplates a wide range of activities including pastoral, grazing and farming activities, mining and petroleum (and associated settlement activities), tourism, renewable energy facilities, defence related facilities (and associated settlement activities), remote settlements and Aboriginal lands.

There are two key variations regarding the spatial extent of the proposed *Remote Areas Zone*:

- it replaces the *Pastoral Landscape Zone* and *Environmental Class B Zone* located in the Flinders Development Plan. To retain the value of these landscapes under the existing zoning, additional requirements are proposed to apply via an overlay (*Significant Landscape Protection Overlay*).
- it is being applied to the whole of Boston Island, by replacing the existing Boston Island Zone and associated policy areas. The existing zoning was established in November 2009 to provide opportunities for development, particularly around the coastal fringes, which has not occurred. By placing the *Remote Areas Zone*, a range of development opportunities are still available without explicitly catering for intensive urban residential style estates and mixed-use precincts.



## Local Infrastructure (Airfield) Zone

The proposed *Local Infrastructure (Airfield) Zone* is based on the SAPPL Airfield Zone which is currently spatially applied over a range of airfields in both regional and metropolitan areas. The proposed zone retains the policy intent of the existing *SAPPL Airfield Zone*, and remains largely unchanged. This zone will be applied to several regional airports for LNWCA.

## Overlays

The following section describes the overlays (19) that comprise the LNWCA Code. Additional overlays will be included in the next iteration of the Code. The proposed Overlays include:

- Building near Airfields
- Coastal Areas
- Hazards (Bushfire Protection)
- Hazards (Acid Sulfate Soils)
- Historic Shipwrecks
- Key Outback and Rural Roads
- Key Railway Crossings
- Marine Parks (Managed Use)
- Marine Parks (Restricted Use)
- Murray-Darling Basin
- Prescribed Watercourses
- Prescribed Wells Area
- Ramsar Wetland
- River Murray Flood Plain
- Significant Landscape Protection
- Sloping Land
- State Heritage Area
- State Heritage Place
- Water Resources.

## Building near Airfields

The proposed *Building near Airfields Overlay* is based on the existing SAPPL Building near Airfields general policy and is largely unchanged. The inclusion of this policy within an Overlay will allow for consistent spatial application, and avoids current issues relating to when such policy is actually applied e.g. where specific buffer distances from an airfield (or other measurable criteria) are not listed.

Existing policy references the *Australian Standard 2021 – Acoustics – Aircraft Noise Intrusion – Building Siting and Construction (AS 2021)* which sets out land uses which are acceptable or unacceptable within certain Aircraft Noise Exposure Forecast (ANEF) contours. This reference has not been included, as access to the standards is on a user-pays basis and interpretation of the standard requires specialist knowledge and discretion in its application. However, it is anticipated that policy will evolve throughout the implementation of the Code in order to address this matter.

SAPPL policy addressing the risk of bird strike near airports has been amended to include land uses listed as incompatible, requiring mitigation, or requiring monitoring under *National Airports Safeguarding Framework (NASF) Guideline C - Managing the Risk of Wildlife Strikes in the Vicinity of Airports*. A deemed-to-satisfy criterion requires these land uses to be located more than 3km from an airport.

The current LNWCA Development Plans of Salisbury and Playford have adopted this approach in relation to Parafield and Edinburgh Airports. The proposed Overlay incorporates only land uses which are listed as either incompatible or requiring mitigation within Guideline C.

Some land uses have been excluded in cases where there is direct tension between Guideline C and existing development plan policy. For example, the City of West Torrens Development Plan envisages parks (Open Space Zone) and golf courses (Community Zone/Adelaide Shores Zone) all within close proximity of Adelaide Airport, which Guideline C discourages.

While existing SAPPL policy relates to airfields used for commercial and military purposes, feedback from the Outback Communities Authority has suggested that policy should also consider airfields used by the Royal Flying Doctor Service. Accordingly, this Overlay has been applied to the airfields at Innamincka, Leigh Creek, Marla, Marree, Oodnadatta and William Creek.

The content of the Overlay will likely evolve in future iterations of the Code as it is applied to larger regional airports.

## Coastal Areas

The proposed *Coastal Areas Overlay* is based on the existing SAPPL policy within the Coastal Areas general module, which deals with environmental protection, maintenance of public access and coastal hazards, as well as various zones related to the coast including the *Coastal Conservation Zone*, *Coastal Marina Zone*, *Coastal Open Space Zone* and *Coastal Settlement Zone*.

The application of the *Coastal Areas Overlay* in conjunction with appropriate zoning will allow the intent of zones to reflect land use outcomes desired in coastal areas. For example, the intent of the existing Coastal Conservation Zone will be achieved by applying the *Conservation Zone* in conjunction with the *Coastal Areas Overlay*.

The *Coastal Areas Overlay* will be spatially applied to areas currently addressed by coastal zoning as well as to the area extending three nautical miles seaward of the mean high-water mark. For inland areas where no coastal zone currently applies, the approach outlined in the *Development Regulations 2008* will be adopted. In such cases, the Overlay will be spatially applied to the area within 500 metres landward (or 100 metres in the case of a township) of the mean high-water mark. As such, the *Coastal Areas Overlay* will apply to on-land and on-water, and will allow for consistent policy to development, that traverses these environments (i.e. jetties).

The proposed Overlay contains a trigger for referral to the Coast Protection Board as set out below:

Current referral triggers	Proposed referral triggers
<p>Development on land defined as coastal:</p> <ul style="list-style-type: none"> <li>• Direction – coastal protection works or specified forms of excavation and filling of land</li> <li>• Regard – all other cases</li> </ul> <p><i>(note, this has been generalised. The precise referrals are described in the Development Regulations 2008)</i></p>	<p>Power of Direction but referral scope limited to only that listed below:</p> <p>Other than where all Deemed to Satisfy criteria for all policies relevant to this referral are met, or where the site is located within the River Murray Floodplain Area Overlay, or where the development is in the opinion of the relevant authority minor in nature and would not warrant a referral when considering the purpose of the referral outlined in Schedule 9 of the Planning, <i>Development and Infrastructure Regulations 2019</i>, the following:</p> <ul style="list-style-type: none"> <li>(a) excavation or filling where the total volume of material excavated or filled exceeds 9m<sup>3</sup>;</li> <li>(b) dwellings and habitable buildings that do not meet the floor level requirements set out in the Coastal Areas Overlay; or</li> <li>(c) other than within a Settlement Zone:</li> </ul>



Current referral triggers	Proposed referral triggers
	<ul style="list-style-type: none"> <li>(i) buildings with a floor area greater than 60m<sup>2</sup>;</li> <li>(ii) tourist accommodation; or</li> <li>(iii) development that involves a division of land that would create 1 or more additional allotments;</li> <li>(d) off shore structures that:               <ul style="list-style-type: none"> <li>(i) are fixed to the shoreline, seabed or any other structure;</li> <li>(ii) are located over seagrass; or</li> <li>(iii) do not include anchors designed to withstand seasonal wave conditions;</li> </ul> </li> <li>(e) coast protection works; or</li> <li>(f) public and private infrastructure.</li> </ul>
<ul style="list-style-type: none"> <li>• Currently approximately 130 applications per year are referred to the Board for advice and 20 for direction (total 150 applications state-wide).</li> <li>• It is estimated that initially the overall number of referrals may be reduced to approximately 100 (however all will be for direction).</li> </ul>	

## Hazards (Bushfire Protection)

The proposed *Hazards (Bushfire Protection) Overlay* carries the general intent of the existing SAPPL policy related to Bushfire Protection within the Hazards general policy.

Current bushfire policy reflects the content of the *Minister's Code: Undertaking development in Bushfire Protection Areas* which was included in Development Plans from 2012, which are divided into three distinct levels of bushfire risk:

- General Bushfire Risk
- Medium Bushfire Risk
- High Bushfire Risk.

A range of areas (generally townships) were excluded where it is considered that adequate bushfire protection measures were in place.

The majority of land within LNWCA has not currently been assigned to a bushfire risk rating (except for Boston Island at Medium Bushfire Risk) and as such, this approach provides a general approach to the Phase 1 area. This includes a range of Performance Outcomes and Deemed-to-Satisfy criteria related to vegetation clearances from habitable buildings and the provision of safe vehicle access for firefighting services.

The *Development Regulations 2008* contains a referral trigger to the Country Fire Service in relation to dwellings, tourist accommodation and other forms of habitable buildings located within a High Bushfire Risk area. However, due to the lack of bushfire risk ratings being applied within LNWCA, this referral trigger will not be applied in Phase One.

It is anticipated that the overlay will evolve over time, based on a better understanding of the bushfire risk level for the LNWCA.

## Hazards (Acid Sulfate Soils)

The SAPPL contains policy related to Acid Sulfate Soils within the Hazards general policy section, which is accompanied by Development Constraints Overlay maps. The policy seeks to protect the environment from the release of acid water resulting from the disturbance of acid sulfate soils. This policy content will migrate into the *Hazards (Acid Sulfate Soils) Overlay* without fundamental change.

The mapping dataset for the *Hazards (Acid Sulfate Soils) Overlay* has been prepared by the Department of Environment and Water (DEW) and includes all areas where a proportion of the land is susceptible to acid sulfate soils, with the following profiles:

- Negligible
- 1-10%
- 10-30%
- 30-60%
- Greater than 60%.

Given that the 'negligible' profile includes the vast majority of land within the State it is considered inappropriate to include the LNWCA within the overlay. The 1-10% profile has also been excluded for the same reasoning, as it is considered unlikely that development within these areas will result in environmental impacts as a result of acid sulfate soils.

Areas with a profile of 10-30%, 30-60% and above 60% susceptibility to acid sulfate soils are captured by the overlay as a single category to signify the presence of such soils, as opposed to the likely occurrence of those acid sulfate soils. This means that all development within areas covered by the overlay will be assessed in the same way.

Importantly, the overlay has been crafted to provide a deemed-to-satisfy solution that will enable development to proceed in various circumstances, particularly where disturbance of acid sulfate soils is avoided. Local knowledge about soil profiles from historical development experiences and soil sampling could prove beneficial in this regard as it could mean that minor structures and buildings with shallow excavation requirements might be able to proceed on a deemed-to-satisfy basis.

It is anticipated that the overlay will evolve over time for affected areas, based on a better understanding of the presence and profile of acid sulfate soils. The Overlay does not currently contain any referral triggers.

## Historic Shipwrecks

There are numerous historic shipwreck sites along the coastline of South Australia which have been captured in a new *Historic Shipwrecks Overlay* in the LNWCA version of the Code, to protect and conserve these important artefacts and sites.

With around 750 registered Historic Shipwreck sites (as well as several non-registered Shipwrecks) nationally, the intent is to identify these spatially and attribute policy to them within this overlay.

Schedule 8 of the *Development Regulations 2008* currently requires a referral for development within 500m of a historic shipwreck or relic, however based on agency feedback, this overlay includes relevant buffer distances for development with respect to both *located* (150m) and *un-located* (500m) shipwrecks and artefacts.



Further advice from Heritage SA is that the *Commonwealth Historic Ships Act 1976* is due to be repealed on 1 July 2019 with the proclamation of the new *Underwater Cultural Heritage Act 2018*. This will not affect the requirements for historic shipwrecks, but will introduce protection for aircraft and other underwater cultural heritage, whether or not they are in situ or have been moved or removed. As such, the content and spatial application of this overlay may require refinement after this date.

There are two referrals for shipwrecks triggered by this Overlay, including to:

1. Minister for the time being administering the *Historic Shipwrecks Act 1981*
2. Commonwealth Minister responsible for administering the *Historic Shipwrecks Act 1976* (Commonwealth).

Current referral triggers	Proposed referral triggers
<ul style="list-style-type: none"> <li>• Direction for all development within 500 metres of a historic shipwreck or historic relic</li> </ul> <p><i>(note, this has been generalised. The precise referrals are described in the Development Regulations 2008)</i></p>	<p>Direction for development that may involve impact to the surface or subsoil of land or the floor of a sea, lake or river, where located partly or fully within the 'adjacent area' as shown on the Historic Shipwrecks Overlay.</p> <p>Historic Shipwrecks Overlay within the Code will define the area where applications must be referred which is to be 150m from located wrecks and 500m from unlocated wrecks.</p> <p>Some further refinement of the boundaries of this Overlay is envisaged for later phases of the Code to further exclude urbanised areas of settlements etc.</p>
<ul style="list-style-type: none"> <li>• The current numbers of referrals per year are unavailable however are likely to be less than 30 state-wide.</li> <li>• It is envisaged that the new referral criteria and overlay mapping would result in a reduction of over half the amount of referrals per year.</li> </ul>	

## Key Outback and Rural Roads

The SAPPL does not currently contain policy related to key outback and rural roads, although it does contain policy addressing access to main roads in its general section. The new *Key Outback and Rural Routes Overlay* carries the intent of the SAPPL's general access policy on main roads (to ensure the development does not interfere with the safe and efficient operation of these roads); however it has been updated to include regional roads.

Key outback and rural roads are proposed to cover freight routes, tourist routes and other key outback routes identified in the Department of Transport, Planning and Infrastructure's 'A Functional Hierarchy for South Australia's Land Transport Network', applying to land within 25m of the road corridor.

A referral to the Commissioner of Highways will apply in the overlay area in circumstances where certain deemed-to-satisfy requirements in the overlay are not met. Importantly, this referral will be further considered in future iterations of the Code.

Current referral triggers	Proposed referral triggers
<p>Direction, (in respect of the location of the junctions) in relation to <i>development that involves the division of land where the land being divided abuts an arterial road and creates new road junctions on that arterial road</i></p> <p>Regard in relation to <i>development which in the opinion of the relevant authority is likely to—</i></p> <p>(a) <i>alter an existing access; or</i></p> <p>(b) <i>change the nature of movement through an existing access; or</i></p> <p>(c) <i>create a new access</i></p> <p>in relation to an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road, or within 25 metres of a junction with an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road.</p>	<p>Direction for development (including the division of land) that:</p> <p>(a) alters an existing access; or</p> <p>(b) may significantly change the nature of vehicular movements or significantly increase the number or frequency of movements through an existing access; or</p> <p>(c) creates a new access on a Key Outback or Rural Routes road or within 25m of an intersection with such a road.</p> <p>The Overlay identifies the 'Key Outback and Rural Routes' for which it wishes to receive referrals for developments on abutting land.</p>
<ul style="list-style-type: none"> <li>• The current numbers of referrals of all referrals to Commissioner of Highways are approximately 1000 per year state-wide.</li> <li>• Referral numbers relevant to the Phase 1 area are not available however are likely to be negligible and it is envisaged that they will remain similar based on the proposed new referral criteria.</li> <li>• It is noted that current regard referrals are proposed to be upgraded to direction thus increasing the referral powers for these particular referrals.</li> </ul>	

## Key Railway Crossings

The proposed *Key Railway Crossings Overlay* ensures development on key roads in close proximity to a crossing does not interrupt or affect the safe operation of the crossing. It does this by controlling access and addressing potential changes to the crossing as a result of a development.

## Marine Parks (Managed Use)

A network of 19 marine parks were proclaimed in 2009, under the *Marine Parks Act 2007*, to protect and conserve marine biological diversity and marine habitats. A multiple-use zoning scheme, containing four identified Marine Park Zones, provides for varying levels of conservation, recreational and commercial use.

The *Marine Parks (Managed Use) Overlay* will capture marine park zones and provide the general guidance required to consider development proposals in these areas, which will apply over the *Coastal Waters Zone*.

The *Marine Parks (Managed Use) Overlay* will apply to the area of both the General Managed Use and Habitat Protection Marine Park Zones, as development (under the *Development Act 1993*) deemed to be consistent with the objectives of these zones is identical.

Performance assessed development within the area of the overlay will include marinas, jetties, pontoons, break walls, outfalls and pipelines, renewable energy infrastructure and specific purpose development identified under the terms of the applicable marine park management plan. All other development within this overlay will be restricted.

The Overlay does not currently contain any referral triggers.



## Marine Parks (Restricted Use)

The *Marine Parks (Restricted Use) Overlay* will capture both the Sanctuary and Restricted Access Marine Park Zones, as development (under the Development Act 1993) deemed to be consistent with the objectives of these zones is identical. The *Marine Parks (Restricted Use) Overlay* will provide tighter development controls than the Marine Parks (Managed Use) Overlay.

Performance assessed development within the area of the overlay will include specific purpose development identified under the terms of the applicable marine park management plan and aquaculture. All other forms of development within the overlay will be restricted.

The Overlay does not currently contain any referral triggers.

## Murray-Darling Basin

The proposed Murray-Darling Basin Overlay is a transition of an existing referral trigger from Schedule 8 of the *Development Regulations 2008*, which relates to activities that may require water to be taken from the River Murray within the meaning of the *River Murray Act 2003* under a water license under the *Natural Resources Management Act 2004* and applied to land within the Murray-Darling Basin. This overlay seeks to protect the Murray-Darling Basin by ensuring activities involving the taking of water are undertaken in a sustainable manner.

The Overlay will trigger referral to the:

- 1) Minister for the time being administering the *River Murray Act 2003*.

Current referral triggers	Proposed referral triggers
<b>River Murray Minister</b> - Direction, in relation to a range of types of land use activities.	<b>River Murray Minister</b> - No change to intent however wording simplified for ease of understanding and to suit Code structure
<ul style="list-style-type: none"> <li>• No noteworthy changes other than the referral process is to be significantly simplified by pulling together various mapping layers into neat overlays located in the Code.</li> </ul>	

## Prescribed Watercourses

The proposed *Prescribed Watercourses Overlay* is a translation of an existing referral trigger from Schedule 8 of the *Development Regulations 2008*, which relates to activities that may adversely impact prescribed watercourses under the *Natural Resources Management Act 2004*. This overlay seeks to protect watercourses by ensuring activities involving the taking of water are avoided or undertaken in a sustainable manner.

The Overlay will trigger referral to the:

1. Minister for the time being administering the *Natural Resources Management Act 2004*.
2. Chief Executive Officer of the Department responsible of the Minister responsible for the administration of the *Natural Resources Management Act 2004*.

Current referral triggers	Proposed referral triggers
<p><b>NRM Minister</b> - Direction, in relation to the construction, modification, alteration or removal of a dam, wall or other structure that collects, diverts flowing water.</p> <p><b>Chief Executive</b> – Direction, in relation to a range of activities that involve water to be taken over and above any allocation already allowed under the NRM Act.</p>	<p>No change to intent however wording simplified for ease of understanding.</p>
<ul style="list-style-type: none"> <li>No noteworthy changes other than the referral process is to be significantly simplified by pulling together various mapping layers into neat overlays located in the Code.</li> </ul>	

## Prescribed Wells Area

The proposed *Prescribed Wells Area Overlay* is a transition of an existing referral trigger from Schedule 8 of the *Development Regulations 2008*, which relates to activities that may adversely impact the prescribed wells area under the *Natural Resources Management Act 2004*. This overlay seeks to protect wells by ensuring activities involving the taking of water are avoided or undertaken in a sustainable manner.

The Overlay will trigger referral to the Chief Executive Officer of the Department responsible for the administration of the *Natural Resources Management Act 2004*.

Current referral triggers	Proposed referral triggers
<p><b>Chief Executive</b> – Direction, in relation to a range of activities that involve water to be taken over and above any allocation already allowed under the NRM Act.</p>	<p>No change to intent however wording simplified for ease of understanding.</p>
<ul style="list-style-type: none"> <li>No noteworthy changes other than the referral process is to be significantly simplified by pulling together various mapping layers into neat overlays located in the Code.</li> </ul>	

## RAMSAR Wetlands

The proposed *RAMSAR Wetlands Overlay* is based on the Ramsar Wetlands and Habitat general policies of the Alexandrina Development Plan, as the existing SAPPL does not include a policy framework for the protection of these wetlands in South Australia.

Existing Development Plan policy seeks to minimise impacts to the habitat and lifecycle of a wetland or a species dependent on a wetland. This overlay will be spatially applied to all identified RAMSAR sites in South Australia, and retains the intent of existing Development Plan policy.

The Overlay does not currently contain any referral triggers.

## River Murray Flood Plain

Within SAPPL, River Murray policy content is contained in a *River Murray Flood Zone* and a *River Murray Fringe Zone*. Given the State's interest in the River Murray and the need for procedural triggers (such as referrals to the Department of Environment and Water for horticulture in a floodplain), a single *River Murray Flood Plain Overlay* is proposed as a more efficient mechanism for setting out floodplain policies.



The *River Murray Flood Plain Overlay* would operate in the same way as a *Coastal Areas Overlay*, in that it will add additional assessment criteria to those in the *Coastal Waters Zone*, *Conservation Zone* and *Remote Areas Zone* in order to address specific issues.

The Overlay will trigger referral to the:

1. Minister for the time being administering the River Murray Act 2003
2. Environment Protection Authority.

Current referral triggers	Proposed referral triggers
<p><b>River Murray Minister</b> - Direction, in relation to a range of types of buildings, structures, land divisions, caravan parks and removal of native vegetation.</p> <p><b>EPA</b> - Direction for development which is <i>non-complying</i> development under the relevant Development Plan.</p>	<p><b>River Murray Minister</b> - No change to intent however wording simplified for ease of understanding and to suit Code structure</p> <p><b>EPA</b> - Significant refinement to referral trigger to capture larger developments with potential for pollution risk to the river (such as large subdivisions not connected to sewer or jetties providing for five or more vessels).</p>
<ul style="list-style-type: none"> <li>• River Murray Minister referral process is to be significantly simplified by pulling together mapping layers into overlays and simplifying wording. By specifying DTS criteria in future iterations of the Code referrals may be substantially reduced from the current yearly average of around 400.</li> <li>• EPA referral to be substantially reduced in scope from all developments where non-complying, to only those where have certain criteria relating to potential pollution risk. A reduction of over half the referrals are envisaged (current number likely less than 50).</li> </ul>	

## Significant Landscape Protection

The proposed *Significant Landscape Protection Overlay* is based on policy within the current Pastoral Landscape Zone and the Environmental Class B Zone of the LNWCA (Flinders) Development Plan, which seeks to conserve the rural character and cultural qualities of significant landscapes.

In conjunction with the *Remote Areas Zone*, the *Significant Landscape Protection Overlay*, will maintain the policy intent of the above zones they will replace.

Envisaged land uses within this Overlay will be limited to those which are essential in supporting existing rural and nature-based tourism activities. The Overlay seeks to ensure that new buildings and structures are ancillary and adjacent to existing development, and at the same or lesser scale.

The Overlay does not currently contain any referral triggers.

## Sloping Land

The proposed *Sloping Land Overlay's* primary purpose is to guide development which occurs on land that contains either steep slopes or unstable soils and to:

- minimise the potential for erosion or land slippage
- effectively manage stormwater runoff and waste water disposal
- reduce the visual impacts of development through suitable external building treatment and landscaping
- encourage safe and efficient vehicle access to such areas.

Existing sloping land/landslip policy is contained in the SAPPL Sloping Land and Natural Resources General Modules, with specific land use policy relating to commercial forestry, horse keeping, landfill and organic waste processing facilities contained in the SAPPL Forestry, Animal Keeping and Waste Management Facilities General Modules. This proposed Overlay comprises policy from these SAPPL modules.

The mapping dataset for the *Sloping Land Overlay* is based on spatial layers provided by the Department of Environment and Water, and includes areas where a portion of the land is susceptible to landslip or contains steep slopes.

The Overlay does not currently contain any referral triggers.

## State Heritage Areas

There are three State Heritage Areas within the LNWCA (Beltana, Innaminka and Arckaringa Hills) Development Plans and SAPPL contains a general policy module relating to Heritage Places; which the proposed *State Heritage Area Overlay* will largely carry over.

In regard to State Heritage Areas the intent is to transition across the identification of State Heritage Areas (proposed to be included in the overlay map) and relevant policies, as part of this overlay, reflecting the importance of State Heritage Areas and the continuing interest in conserving these significant cultural and environmental assets.

Heritage areas are to be spatially identified to enable a referral to the relevant agency (the Minister administering the *Heritage Places Act 1993*) where certain forms of development require assessment. Policy within the *State Heritage Areas Overlay* will primarily focus on external conservation and appearance, whilst the *State Heritage Places Overlay* will also contain policies in relation to internal works to be considered as part of development assessment.

Current referral triggers	Proposed referral triggers
<p>Regard, in relation to:</p> <p>Other than development to be undertaken in accordance with a Heritage Agreement, development which directly affects a State heritage place, or development which in the opinion of the relevant authority materially affects the context within which the State heritage place is situated.</p>	<p>Power of Direction but referral scope limited to only that listed below:</p> <p>Except where:</p> <ul style="list-style-type: none"> <li>(i) all deemed-to-satisfy requirements for all policies relevant to this referral are met;</li> <li>(ii) where the site is located within the River Murray Floodplain Overlay;</li> <li>(iii) where development is to be undertaken in accordance with a Heritage Agreement under the <i>Heritage Places Act 1993</i>; or</li> <li>(iv) it relates to a type of development that in the opinion of the relevant authority is minor in nature and would not warrant a referral when considering the purpose of the referral outlined in Schedule 9 of the Regulations</li> </ul> <p>the following forms of development:</p> <ul style="list-style-type: none"> <li>(a) demolition of externally significant building fabric;</li> <li>(b) freestanding advertisements, signs and associated structures that are visible from a public street, road or thoroughfare within the State Heritage Area;</li> </ul>



	<ul style="list-style-type: none"> <li>(c) alterations or additions to buildings that: <ul style="list-style-type: none"> <li>(i) are visible from a public street, road or thoroughfare within the State Heritage Area;</li> <li>(i) are visually dominant within the State Heritage Area; or</li> <li>(ii) involve substantive physical impact to the fabric of significant buildings;</li> </ul> </li> <li>(d) new buildings that: <ul style="list-style-type: none"> <li>(i) are visible from a public street, road or thoroughfare within the State Heritage Area; or</li> <li>(ii) are visually dominant within the State Heritage Area;</li> </ul> </li> <li>(e) conservation repair works that are not representative of 'like for like' maintenance;</li> <li>(f) solar panels that are visible from a public street, road or thoroughfare within the State Heritage Area;</li> <li>(g) land division;</li> <li>(h) the removal, alteration or installation of fencing where visible from a public street, road or thoroughfare within the State Heritage Area; or</li> <li>(i) the removal of a tree of identified heritage significance.</li> </ul>
<ul style="list-style-type: none"> <li>• Substantial reduction in scope of the referral from 'most' types of development to a distinct 'list' of development types.</li> <li>• Also, introduces the ability for an authority to deem a form of development as 'minor' in which a referral is not required.</li> <li>• Substantial change in approach in terms of mapping via overlays instead of relying on the 'opinion of a relevant authority' as to whether development adjacent a place may materially impact upon it.</li> <li>• Referral power upgraded to direction.</li> </ul>	

## State Heritage Places

There are more than 100 State Heritage Places contained within and adjacent to LNWCA. These sites are to be spatially identified as overlays to enable a referral (acting for the Minister administering the *Heritage Places Act 1993*).

Identifying State Heritage Places, along with an appropriate buffering distance immediately adjacent (essentially triggering a referral process) is difficult in some remote localities, particularly where on large land parcels. A pragmatic response to representing these in new overlays is proposed where the land parcel itself is identified and in other cases, a point (dot) representation and buffer distance is needed. Regardless, the policy intent remains the same, and State Heritage Places are protected through the new overlay.

SAPPL contains general policy modules relating to State Heritage Places, so the intent is to transition both the identification of and policies into this Overlay. This reflects the importance of conserving these cultural and environmental assets.

This Overlay (along with the *State Heritage Areas Overlay*) trigger a referral to the Minister administering the *Heritage Places Act 1993*.

Current referral triggers	Proposed referral triggers
<p>Regard, in relation to:</p> <p>Other than development to be undertaken in accordance with a Heritage Agreement, development which directly affects a State heritage place, or development which in the opinion of the relevant authority materially affects the context within which the State heritage place is situated.</p>	<p>Power of Direction but referral scope limited to only that listed below:</p> <p>Except where:</p> <ul style="list-style-type: none"> <li>(i) all deemed-to-satisfy requirements for all policies relevant to this referral are met;</li> <li>(ii) where the site is located within the River Murray Floodplain Overlay;</li> <li>(iii) where development is to be undertaken in accordance with a Heritage Agreement under the <i>Heritage Places Act 1993</i>; or</li> <li>(iv) it relates to a type of development that in the opinion of the relevant authority is minor in nature and would not warrant a referral when considering the purpose of the referral outlined in Schedule 9 of the Regulations</li> </ul> <p>the following forms of development:</p> <ul style="list-style-type: none"> <li>(a) demolition of internal or external significant building fabric;</li> <li>(b) freestanding advertisements, signs and associated structures that are visible from a public street, road or thoroughfare that abuts the State Heritage Place;</li> <li>(c) alterations or additions to buildings that: <ul style="list-style-type: none"> <li>(ii) are visible from a public street, road or thoroughfare that abuts the State Heritage Place;</li> <li>(iii) may materially affect the context of a State Heritage Place; or</li> <li>(iv) involve substantive physical impact to the fabric of significant buildings;</li> </ul> </li> <li>(d) new buildings that: <ul style="list-style-type: none"> <li>(i) are visible from a public street, road or thoroughfare that abuts the State Heritage Place; or</li> <li>(ii) may materially affect the context of the State Heritage Place;</li> </ul> </li> <li>(e) conservation repair works that are not representative of 'like for like' maintenance;</li> <li>(f) solar panels that are visible from a public street, road or thoroughfare that abuts the State Heritage Place;</li> <li>(g) land division;</li> <li>(h) the removal, alteration or installation of fencing where visible from a public street, road or thoroughfare that abuts the State Heritage Place; or</li> <li>(i) the removal of a tree of identified heritage significance.</li> </ul>



- Substantial reduction in scope of the referral from 'most' types of development to a distinct 'list' of development types.
- Also, introduces the ability for an authority to deem a form of development as 'minor' in which a referral is not required.
- Substantial change in approach in terms of mapping via overlays instead of relying on the 'opinion of a relevant authority' as to whether development adjacent a place may materially impact upon it.
- Referral power upgraded to direction.

## Water Resources

SAPPL contains water catchment policy in the SAPPL Natural Resources General Module, from which the proposed *Water Resources Overlay* is derived. The primary purpose of this overlay is to identify watercourses and other water bodies (including public water supply reservoirs) that require protection. The purpose of the overlay will be achieved through the following overall outcomes:

- development is located and designed to ensure that it does not create an adverse impact or present a risk to water quality
- development contributes to the maintenance and protection of water quality by preventing contaminants, sedimentation and solid or liquid waste from entering surface water
- the physical integrity of waterways, wetlands, lakes, springs, riparian areas and natural ecosystems that support water quality are protected.

The mapping dataset for the *Water Resources Overlay* is based on spatial layers provided by the Department of Environment and Water (DEW) including:

- water courses – typically those identified on 1:50,000 topographic maps
- water bodies – including wetlands, dams, lakes (intermittent / mainly dry and perennial), land subject to flooding and reservoirs.

The Overlay does not currently contain any referral triggers. It is considered that the referral triggers within the *Prescribed Watercourses Overlay*, *Prescribed Wells Overlay*, *River Murray Flood Plain Overlay* and *Murray-Darling Basin Overlay* will address the protection of water resources in relation to particularly sensitive areas.

## General Modules

The following section describes the general modules (20) that comprise the LNWCA Code. Additional general modules will be included in the next iteration of the Code.

The majority of the general module content originates from SAPPL, with influence from development plan content, and other sources. The proposed general modules have removed duplication and are split across discrete policy 'groups' to assist in calling-up the relevant policy for assessment of individual development types, help craft the assessment tables and assist with the translation of the paper-based version to an electronic format.

Four General Modules are considered universal in their applicability to all land uses, and do not relate to a specific land use type, while 16 relate to a specific land use.

The proposed General Modules are:

- Universal
  - Design and Siting
  - Interface between Land Uses
  - Land Division
  - Transport, Access and Parking
- Land Use Specific
  - Advertisements
  - Animal Keeping and Horse Keeping
  - Aquaculture
  - Bulk Handling and Storage Facilities
  - Clearance from Overhead Powerlines
  - Forestry
  - Infrastructure and Renewable Energy Facilities
  - Intensive Animal Keeping and Dairies
  - Marinas and On-Water Structures
  - Mineral Extraction
  - Open Space and Recreation
  - Residential Liveability
  - Site Contamination
  - Tourism Development
  - Waste Treatment and Management Facilities
  - Workers Accomodation and Settlements.

## Universal General Modules

### Design and Siting

The proposed *Design and Siting General Module* aims to reflect principles of good design that may apply in any development scenario. The module is comprised of existing design related policies from the SAPPL Design and Appearance, Siting and Visibility, Crime Prevention, Landscaping, Fences and Walls, and Natural Resources general modules.

The policies identified for inclusion in the *Design and Siting General Module* are about how we design buildings, structures and spaces, whether for aesthetic design purposes or for sustainable design purposes, or both.

### Interface between Land Uses

The *Interface between Land Uses General Module* consolidates policy from a number of different sections of the SAPPL. In broad terms the policy seeks to ensure that development is located and designed to minimise adverse effects on neighbouring land uses, reduce conflict and protect human health by addressing interface issues such as land use separation, overshadowing, noise and vibration, air quality and the like.

Note: Many of the provisions within the existing SAPPL Industrial Development general policy have been included in this module; however the Industrial Development general policy was not migrated to the Code as it is considered largely duplicate policy.

### Land Division

The *Land Division General Module* is comprised of policy from the existing SAPPL Land Division general policy with duplicate content removed where it is addressed in other general modules. This module seeks to ensure the pattern of land division is suitable for future uses in order to anticipate and achieve built form outcomes.

Although this module is dealing with a specific aspect of development, the policy contained within this module will apply to all land division applications regardless of subsequent land use.



## Transport, Access and Parking

The *Transport, Access and Parking General Module* retains the intent of the existing SAPPL Transportation and Access general policy, as largely unchanged.

The module has been expanded to incorporate rates for off-street car parking requirements, which are located in both SAPPL zones and general policies. It is considered that parking rates for all land uses are best located within this general module, to reduce duplication and the potential for confusion at different levels of policy, and provide for the standardisation of rates, where appropriate.

## Land Use Specific General Modules

### Advertisements

The *Advertisements General Module* is comprised of policy from SAPPL, without fundamental change to scope or intent.

### Animal Keeping and Horse Keeping

The *Animal Keeping and Horse Keeping General Module* is comprised of policy from the existing SAPPL Animal Keeping general module. Research and feedback has indicated lower intensity animal keeping policies should have its own module. Policies relating to higher scale/impact activities, such as intensive animal keeping and dairies as well as aquaculture, have been located within standalone General Modules as follows:

- Animal Keeping & Horse Keeping (lower scale & intensity animal keeping including kennels)
- Intensive Animal Keeping and Dairies
- Aquaculture.

### Aquaculture

The *Aquaculture General Module* is comprised of policy from the existing SAPPL (Animal Keeping), relating to land-based and marine aquaculture. Research and feedback indicated that aquaculture policy should sit separately to policy relating to other forms of animal keeping including kennels and stables, intensive animal keeping and dairies.

A number of existing SAPPL aquaculture provisions relating to the preservation of access to the coast and the minimisation of environmental impacts are considered to be applicable to all on-water structures and activities and therefore, have been included in the *Marinas and On-Water Structures General Module*.

SAPPL provisions requiring marine aquaculture to be sited a minimum of 500m from a proclaimed shipwreck has been removed and amended buffer distances for both *located* and *un-located* shipwrecks and artefacts will be addressed in the *Historic Shipwrecks Overlay*.

The existing SAPPL contains an Aquaculture Zone which will not migrate into the Code, as aquaculture will instead be listed as an envisaged use (with an appropriate assessment pathway) within the *Coastal Waters Zone* (for Marine Aquaculture). Land-based aquaculture may be proposed as a performance assessed development within a range of zones.

Aquaculture activities such as those located in estuaries will be assessed within the specific context of the applicable zone, whilst large developments may require impact assessment regardless of the zoning.

Further, as the spatial extent of current Aquaculture zones within South Australia's coastal waters illustrate the location of leases under the *Aquaculture Act 2001*, the removal of the Aquaculture Zone will alleviate the need to continually update the spatial extent of the Zone to reflect those changes.

## **Bulk Handling and Storage Facilities**

The *Bulk Handling and Storage Facilities General Module* retains the intent of existing SAPPL policy, and remains largely unchanged. Improvements include the addition of tailored separation buffers from sensitive land uses as deemed-to-satisfy requirements for specific bulk handling and storage facilities, such as coal or bulk petroleum storage.

## **Clearance from Overhead Powerlines**

The *Clearance from Overhead Powerlines General Module* seeks to reinforce established practices under the *Development Regulations 2008* to ensure development near overhead powerlines is suitably sited and separated for safety reasons.

This module includes a performance outcome requiring development to be adequately separated from overhead powerlines and is accompanied by deemed-to-satisfy requirements seeking a declaration that either the development satisfies the requirements of Section 86 of the *Electricity Act 1996*, or is located where there are no above ground powerlines adjacent to the site.

## **Forestry**

The *Forestry General Module* contains policy from SAPPL with much of the module being retained, including minimum horizontal clearances from plantations for power poles and towers operating at a range of voltages. A change relates to the use of commercial forestry plantations for carbon sequestration to provide some policy guidance in relation to the activity for this purpose.

## **Infrastructure and Renewable Energy Facilities**

The *Infrastructure and Renewable Energy Facilities General Module* is comprised of policy from the existing SAPPL infrastructure and the Renewable Energy Facilities general policy.

These policies seek to ensure development is provided with electricity, water and gas supply, drainage, stormwater and effluent disposal systems, roads, and telecommunications services. SAPPL provisions also address the minimisation of impacts on amenity and the environment.

Existing SAPPL renewable energy policy largely focuses on wind farms, which when drafted was a response to extensive wind farm development in the early 2000s. The development of renewable energy facilities in South Australia continues to present opportunities and challenges for local communities, particularly in the regions.

The *Infrastructure and Renewable Energy Facilities General Module* maintains the policy scope and intent, with notable additions:

- the rehabilitation of decommissioned infrastructure sites and corridors, hazard management and new policy to address battery storage facilities
- specific policy addressing on-site water supply and wastewater services, as well as temporary facilities such as borrow pits, concrete batching plants and worker amenity areas
- large-scale windfarms, solar photovoltaic arrays, solar thermal plants, grid-scale batteries, biofuels facilities and pumped hydro systems, investment in which is expanding in line with government policy
- tightening of policy to deal with areas of concern, such as dust, noise and amenity.

Renewable energy is a key policy matter for other State Government agencies and the SPC and the Department continue to work with other agencies to address key matters. There is further opportunity to evolve this policy module in later iterations of the Planning and Design Code.



## Intensive Animal Keeping and Dairies

The *Intensive Animal Keeping and Dairies General Module* is comprised of policy from the existing SAPPL Animal Keeping general policy relating to more intense activities e.g. including poultry sheds, piggeries and dairies. Feedback from a range of practitioners has indicated that it is appropriate to contain these high intensity animal keeping policies in a distinct module, separate from policy relating to less intensive animal keeping, including kennels and horse keeping. Existing SAPPL policy is captured in the Code without fundamental change to scope or intent.

Although a number of the provisions within this General Module deal with interface issues, it is considered appropriate to contain these provisions within the Intensive Animal Keeping and Dairies General Module as they relate to a specific type of land uses.

## Marinas and On-Water Structures

The *Marinas and On Water Structures General Module* retains the policy intent of the existing SAPPL Marinas and Maritime Structures general policy, as largely unchanged. It also contains several policies from the SAPPL Aquaculture section, which are considered relevant to all on-water structures.

Improvements to this module include reference to 'on-water' rather than 'maritime' structures, to more clearly define these types of developments in marine, riverine and estuarine environments.

Existing SAPPL policy lists a range of development types which should be included within a marina development (e.g. berths, access ramps and parking). This has been excluded from the draft *Marinas and On-Water Structures General Module*, as zones that contemplate marinas will provide appropriate assessment pathways for such development types.

The existing references to Australian Standards *AS 3962 Guidelines for Design of Marinas* and *AS 4997 Guidelines for the Design of Maritime Structures* have not been included in the module as access to the standards is on a user-pays basis and interpretation of the standards requires specialist knowledge and discretion in its application.

## Mineral Extraction

The *Mineral Extraction General Module* retains the policy intent of the existing SAPPL Mineral Extraction general policy, as largely unchanged. As much of the existing general policy is regulated under the *Mining Act 1971*, SAPPL provisions relating to access, environmental protection, site closure and reclamation, as well as stormwater management have been excluded.

In addition, SAPPL provisions requiring mineral deposits to be kept free of development have been excluded as it is considered that protection of these resources will be addressed at the strategic planning level and through appropriate zoning (i.e. Extractive Industries Zone, Deferred Urban Zone, etc.).

## Open Space and Recreation

The *Open Space and Recreation General Module* is comprised of policy from the SAPPL Open Space and Recreation general policy which will be represented in the Code without fundamental change.

Alterations include the relocation of duplicate policy, such as provisions related to sloping land, which will be addressed in the *Sloping Land Overlay*. Provisions relating to the minimum size and proximity of parks to households have been removed as these matters are better addressed at the strategic level.

The *Open Space and Recreation General Module* will also replace existing SAPPL general policy related to the Metropolitan Open Space System (MOSS) for inclusion in later iterations of the Code (Greater Adelaide).

## Residential Liveability

The proposed *Residential Liveability General Module* comprises policy from the SAPPL Residential Development general policy and provides guidance for residential development with regards to amenity, private and communal open space, dwelling additions, and ancillary buildings and structures.

This module also contains provisions relating to onsite facilities for group dwellings, residential flat buildings, multiple dwellings, supported accommodation and student accommodation.

Policy related to the minimum standards for the provision of private open space is slightly altered:

- with a new minimum requirement of 20% private open space for allotments greater than 1000m<sup>2</sup>
- studio apartments are provided with a minimum of 4m<sup>2</sup> private open space.

Whilst the general policy intent of the SAPPL policy has been largely retained, provisions relating to:

- minimisation of noise impacts have been located in the Interface between Land Uses General Module.
- affordable housing will be located in an Affordable Housing Overlay which is anticipated to be spatially applied in future iterations of the Code.

## Site Contamination

The *Site Contamination General Module* retains the intent of existing SAPPL policy and Schedule 4 of the *Development Regulations 2008*, largely unchanged.

The policy allows sensitive use to occur where either the previous use of land was for residential purposes or, in cases where the previous use was not for residential purposes, the applicant is able to provide a site contamination audit report confirming the site is not contaminated or has been remediated to a point suitable for residential use.

## Tourism Development

The *Tourism Development General Module* retains the intent of the existing SAPPL Tourism Development general policy, largely unchanged.

SAPPL provisions relating to issues including advertising associated with tourism development, heritage and separation buffers from rural industry or agriculture have been excluded from this module as these provisions were largely duplicate policy; and are addressed in other parts of the Code (i.e. *Interface between Land Uses General Module*, *Heritage Overlays*, etc.).

## Waste Treatment and Management Facilities

The *Waste Treatment and Management Facilities General Module* retains the intent of the existing SAPPL Waste Management Facilities general policy.

The migration of these provisions poses challenges, as many existing quantitative standards relating to environmental protection and land use intensity require specialist knowledge of waste treatment and management facilities if they were to be performance assessed, rather than as a deemed-to-satisfy provision. As such, few deemed-to-satisfy requirements have been included within this module, however quantifiable performance outcomes have been included to ensure that minimum standards are met.

## Workers Accommodation and Settlements

The *Workers Accommodation and Settlements General Module* retains the intent of the existing Workers Accommodation and Settlements general policy, largely unchanged.



## Appendix A: Technical principles and conventions

**The following principles and conventions will continue to be refined as they relate to future iterations of the Code, and will comprise a Practice Direction on Code Amendment Process.**

Much of the information below has also been considered through the series of technical discussion papers released by the Department, including the *Planning and Design Code – How will it work* and the *Assessment Pathways Technical Discussion Papers*.

This aims to provide practitioners with methodology on style and standards that can be seen on the LNWCA Code and will continue to evolve as more feedback is captured throughout consultation.

### Code Drafting Principles

Eleven guiding principles set the foundation for the format and content of the Code:

- (1) Code policies are the key development assessment tool and address only those matters that require development approval under the PDI Act. This will mean all of the Code's content must be directly applicable to development assessment.
- (2) reproduce other guidelines, standards, information or issues more appropriately managed under other legislation.
- (3) The Code does not contradict the National Construction Code.
- (4) Code policies guide the 'point in time' assessment of a planning application. They do not seek to control the ongoing management of a land use (which is more appropriately managed in a licensing arrangement or compliance with the relevant Development Approval and conditions).
- (5) Code policies implement the State Planning Policies and Regional Plans (including any subregional parts).
- (6) Code policies are clearly worded, concise and easily understood, and provide consistency in interpretation and application.
- (7) Code policies do not contradict each other.
- (8) General Development Policies are written once: the same policy will not be repeated in a different General Module. If a policy is relevant to a development type, then it will be called up through a Zone's Tables of Reuitements / Relevant Provisions.
- (9) Code policies use consistent terminology.
- (10) Only one planning issue / element should be addressed per performance outcome.
- (11) Procedural matters (including Deemed-to-Satisfy, referrals and notifications) are based on unambiguously quantifiable / measurable criteria.

### Code Structure

The Code will contain four primary policy components: Zones, Subzones, Overlays and General Modules.

Zones, Subzones and Overlays are the Planning and Design Code 'spatial layers'. The three spatial layers used in the Code will principally be used to regulate land use and built form, and each is proposed to be used in a particular manner. No other spatial layers are able to be introduced.

## Zones

Zones are the primary organising layer, and provide guidance on 'what' can happen in an area. Policy in zones will therefore primarily focus on:

- land use suitability – what sorts of activities are envisaged in a zone. This is achieved in a general sense through desired outcomes, and also through specific identification of development types in a Development Classification Table
- land use intensity – builds on land use suitability, and will typically relate to specifics around density / land division requirements (site area, allotment frontage) where relevant
- built form and character – describes desired character outcomes for the zone, building envelopes (setbacks and height) and the like.

Zones contain procedural matters relating to triggers for public notification, which will generally relate to key threshold of intensity (such as building height). This will avoid all performance assessed development being notified.

Zones also contains:

- a Development Classification Table – that identifies Accepted, Deemed to Satisfy and Restricted classes of development
- Tables of Requirements – that identify the relevant provisions for Accepted and Deemed to Satisfy development types that need to be met in order to be classified accordingly. In the case of Deemed to Satisfy Requirements these will be from the Zone's Assessment Criteria, any relevant ones from General Development Policy Modules, plus relevant ones from any Overlay or Subzone in locations where these apply
- Tables of Relevant Provisions – that identify the relevant provisions for Performance Assessed Development and Restricted classified development types. These will be from the Zone, General Development Policy Modules, plus any Overlay or Subzone policies in locations where these apply.

Policies in a Zone will apply consistently wherever a Zone applies.

### Planning & Design Code Zone Framework

The Code Framework outlines the range of zones that are necessary (note the 'Specific Use' category addressed specialised zones that may be unique or deal with a particular activity such as a motor sport zone). Zone naming is based on categories related to land use and intensity.



Intensity	ZONES / ZONE CATEGORIES				Form Based versus Land Use Focus						
	People & Neighbourhoods	Productive Economy	Resilient Communities & Environment	Infrastructure & Movement Systems	Land Use Focus						
					FORM					LAND USE	
Capital City	Capital City City Frame City Main Street	City Living City Riverbank City Institutions	Park Lands	Deferred Urban State Infrastructure Local Infrastructure Community Facilities							
Urban Centres	Urban Neighbourhood Urban Corridor Urban Main Street	Urban Activity Urban Employment									
Suburban Areas and Townships	Neighbourhood Suburban Neighbourhood Suburban Village (Mixed Use) Residential Hills Residential Parks Township Settlement	Mixed Use Suburban Activity Suburban Activity (Mixed Use) Suburban Village Employment Suburban Employment	Recreation Open Space								
Rural Areas	Rural Living Rural Residential	Rural Main street Specific Use Rural Extractive Industries Rural Employment Rural Township									
Natural Areas		Coastal Waters Conservation Remote Areas									

The Framework provides the basis for the primary zone names used in the Code. It also provides an indication of the policy emphasis that can be expected in relation to form and land use, depending on the intensity of the zone category.

Additional zones that are considered necessary should use the same terminology with additional descriptors so that the general purposes of the zone can be understood from its name (as far as practical).

### Subzone

Policy in a Subzone will relate to a variation relating to the character of a particular part of a Zone. It cannot apply in more than one Zone. The policies in the ‘parent’ Zone will still apply except where varied through the application of any additional policies introduced by the Subzone.

A Subzone can change the assessment pathway for a development type from Deemed-to-Satisfy to Performance Assessed (but not to Restricted). This will accommodate instances where an element of a development requires ‘on merit’ consideration in the Subzone area.

Examples of where Subzones may be used would include to vary Zone policy relating to building height or allotment configuration (frontage and area) within prescribed parameters where it relates to a particular character.

### Overlay

Overlays provide the mechanism to apply spatially specific issue based policy. Overlays alone can span across a Zone / Subzone, part of a Zone / Subzone, or across more than one Zone / Subzone (compared to a Subzone that can only apply in the parent Zone).

Overlays will be used as the primary mechanism to spatially express State Planning Policies and pick up planning issues of state interest through planning policies. State Planning Policies themselves will not form part of the Code, as they do not include assessment criteria.

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Overlays take precedence over any other policies.

Overlays will apply consistently wherever they apply, and therefore will not be allowed to be varied.

Overlays may have procedural effects in relation to assessment pathways and referrals:

- referrals can largely be expected to be contained in Overlays where specialised assessment expertise is required to protect a matter of state interest.
- assessment pathways: Overlays can add or remove envisaged development types (including altering the assessment pathway) as well as the policies and rules applying to development types.

Overlays may also be used to achieve a particular policy outcome that is spatially specific but applies across more than one zone (e.g. locationally specific design policy, such as for sloping land, that applies across a number of different zones could be achieved through use of an overlay). More than one Overlay may apply to the same area.

## General Modules

While Zones outline 'what' can occur in an area, General Modules broadly relate to 'how' a development should occur. These policies will address the functional requirements for a development type or class, e.g. car parking, open space, overlooking and overshadowing for dwellings.

General Development Policies will be contained in the Code Library in thematic modules, and will be linked to a development type listed in a Zone's Tables of Requirements / Relevant Policies to apply to the assessment of the development.

Tables may be used to store numeric policy information in relation to a particular planning issue that might vary between types of Zones – for instance the deemed-to-satisfy requirement for a General Development Policy relating to the provision of private open space could vary between a Suburban Neighbourhood, Neighbourhood, and Urban Neighbourhood Zone.

It is important that the sorts of policies that will be contained in a Zone, Subzone, Overlay and General Modules described above are adhered to, to avoid duplication and support the ePlanning system.

## Assessment Pathways

This section provides guidance on how the Code assigns development into four types of 'assessment pathways' derived from the Categories of Development in the *PDI Act*.

As a guiding rule development should be allocated to assessment pathways based on their intensity and level of impact, and that the planning policies identified for assessment are commensurate with the development type's complexity.

For example, minor development such as a dwelling addition could be expected to have a 'Deemed-to-Satisfy' classification (subject to relatively few rules relating to basic form and functional requirements), while an apartment building would be performance assessed so its interface impacts on neighbouring properties and the streetscape can be evaluated in the location's context. More specifically:

**Accepted Development** – includes minor and standard development that do not require a planning assessment, but may require building consent to ensure structures are appropriately constructed.

Accepted development will cover development that:

- is standard or expected in its location
- does not require an assessment of impact



Requirements for accepted development must be unambiguous, quantifiable and measurable.

Each Zone will have its own list of accepted development types and associated requirements.

**Deemed-to-Satisfy Development** – development is considered ‘deemed-to-satisfy’ when it meets the numerical and prescriptive requirements specified in the Code. Development that is assigned to a deemed-to-satisfy classification:

- meets established, well known design solutions to issues that can be translated into code-based policy
- is an appropriate land use in zone
- has a limited number of impacts to be managed, or has impacts that are understood and able to be addressed through prescriptive criteria.

A deemed-to-satisfy development type must only have policies that have a measurable, unambiguous and conclusive solution. Any development type listed in the Deemed-to-Satisfy part of the assessment table must only refer to DTS requirements. If a policy that is considered relevant to a development type does not have a Deeded-to-Satisfy requirement (i.e. it only has a performance outcome) then it will need to be performance assessed.

A development that falls within this category will accord with established rules for the locality, making it an entirely expected, standard form of development.

**Performance Assessed Development** – development types that will require assessment ‘on merit’. A Zone’s Table of Relevant Provisions for Performance Assessed Development will include envisaged development types that are of a scale or intensity that will mean they are not able to be assigned to a deemed-to-satisfy pathway, requiring performance assessment. Performance assessment will typically apply for development where:

- it requires a more intensive assessment of potential impacts
- assessment of the impacts of the proposal is against performance outcomes
- notification may be required if beyond an expected use and/or scale
- a referral to a third party may be required
- relevant performance policy includes qualitative attributes
- a prescriptive outcome is not able to be determined for some of its parts
- issues are generally understood and can be mitigated in multiple ways.

**Restricted Development** – forms of development that are generally not envisaged within the relevant Zone or Overlay. Development could be deemed ‘Restricted’ if it is determined:

- to be highly complex
- to require a higher order of assessment
- the development is beyond an expected use and/or scale (and therefore wider notification is required)
- the form of development might create an impact that may be unacceptable in the zone/locality
- the impacts are unknown or potentially significant
- the solutions to address impacts are unknown or require detailed investigation to determine

- referral to an external agency/authority is required (and the advice required is not addressed in the Code).

The list of restricted development types will focus on the sorts of activities where there is some likelihood that a proposal could reasonably be expected in a Zone (for example a multi storey apartment building or petrol filling station in a residential zone), and should avoid comprehensive lists that include highly unlikely items (for example intensive animal keeping or a dairy in a residential zone).

## Zone, Subzone, Overlay and General Module Structure

Zones, Subzones, Overlays and General Modules will all share a common consistent structure, based around the following components as required:

- Desired Outcomes
- Assessment Criteria
- Procedural Matters
- Development Classification table (Zones only)
- Tables of Requirements / Relevant Provisions (Zones only).

### Desired Outcomes

Desired Outcomes will outline the broad objectives, purpose and envisaged form of development to describe the essential desired future character for a zone.

As Desired Outcomes will primarily provide broad guidance in relation to land use and built form intensity allowances, it is anticipated that General Modules will typically not need to contain desired outcomes. Overlays will be able to modify these (as required), and any subzones will also need to be consistent.

### Assessment Provisions

- **Performance Outcomes** – These will be the performance-based policy used clearly to describe the outcome sought in relation to a particular issue. Performance outcomes should align with the Desired Outcomes.
- **Deemed to Satisfy Requirements** – These are the measurable criteria that are considered to be acceptable solutions to achieve a performance outcome. In the case of a Deemed to Satisfy classified development, the identified requirements are the policies that must be met. In the case of a performance assessed development, where a relevant performance outcome policy has a corresponding Deemed to Satisfy requirement, regard should be given to these by the relevant authority in its assessment. Deemed to Satisfy requirements will be assigned to a performance outcome where the impact issues are understood and are able to be addressed through accepted prescriptive criteria. As a result, not all performance outcomes will be able to specify a corresponding Deemed to Satisfy requirement.

### Performance Outcome and Deemed-to-Satisfy Requirement example

The following provides an example of how Performance Outcomes and Deemed-to-Satisfy Requirements should be drafted. A Performance Outcome should be clear in relation to the planning issue it relates to, and articulate the outcomes that it seeks in relation to that issue.



Terminology such as minimising should typically be used to describe how to address development impacts. Terms such as avoiding should be reserved for select circumstances, such as where safety is involved.

A Deemed-to-Satisfy Requirement needs to be measurable. In the example below a numeric figure has been provided. Alternatives, such as *maintain the average of buildings on adjoining properties for a street setback* could also be used instead of a numeric figure (or could combine both).

Performance Outcomes (PO)	Deemed to Satisfy (DTS)
<p><b>PO x.x</b></p> <p>Buildings setback from side and rear boundaries to minimise impacts of building massing on adjoining properties.</p>	<p><b>DTS x.x</b></p> <p>Buildings setback from side and rear boundaries as follows:</p> <ul style="list-style-type: none"> <li>(a) 1.0m up to 4.5m in height;</li> <li>(b) 2.0m between 4.5m – 7.5m in height; and</li> <li>(c) an additional 1m setback is added for every 1m in height or part thereof over 7.5m in height.</li> </ul>

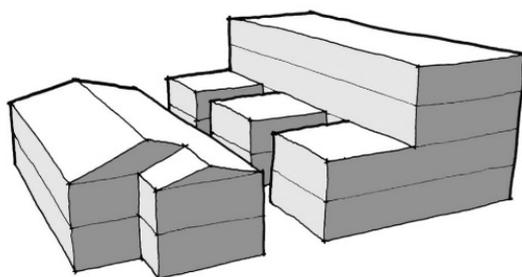
## Notification

The *Planning Development & Infrastructure Act 2016* prescribes that all performance assessed development will be notified unless the Code specifies otherwise. The Code will use this option to specify the triggers for notification.

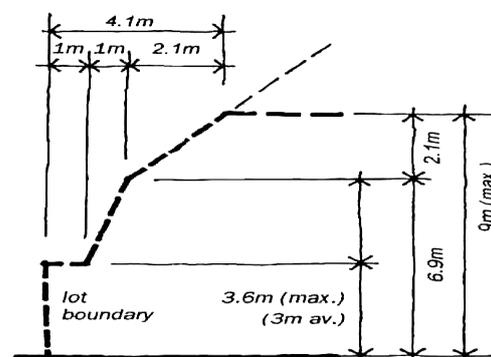
Notification will be based around the principle that performance assessed development types that are envisaged in a zone (by identification in its Assessment Table) will be excluded from requiring notification, except where specific triggers / thresholds are not met. The triggers / thresholds will typically be linked to a relevant Acceptable Solution criteria.

## Diagrams and Figures

Zones, Overlays, Subzones and General Modules may include drawings to visually illustrate policies, such as a building envelope that combines height and setback allowances. These will be termed a 'Diagram'. Where an illustration is integral to a policy's expression, it will be a 'Figure'.



**Example Diagram**



**Example Figure**

## Drafting Conventions and Writing Style

Language must be clear, unambiguous and consistently applied throughout the Code. Words and phrases must carry the same meaning wherever they occur.

<p>'Amenity' or 'character'</p>	<p>If using the term 'amenity', 'character' or similar terminology, then it should refer to a type of amenity e.g. residential amenity or residential character, and not just the amenity or character of the area.</p> <p>When referencing impact upon amenity or similar, the following language should be used consistently '...that does not cause an unreasonable loss of <i>[select type such as residential]</i> amenity'.</p>
<p>Defined terms</p>	<p>If defined, always use the defined term. However, it is acceptable to rely on the dictionary meaning of words in common usage. The Macquarie Dictionary is the definitive reference.</p>
<p>Directional terms (Desired Outcomes, Performance Outcomes, Deemed-to-Satisfy)</p>	<p>Use the term <b>'that'</b> when a directional term is required, not 'should', 'shall', 'must', 'will' etc. - e.g. 'Development that...'</p> <p>Where a directional term is not required, none of the above terminology should be used – e.g. 'Buildings setback from side boundaries to...'</p> <p>Where possible, policy should be specific to what it applies to – e.g. 'buildings that...'. Avoid using the more general term 'development that...' unless the policy applies to all development generally.</p>
<p>Having regard to</p>	<p>Use <b>'having regard to'</b>, not 'through', 'by', 'taking into consideration', 'taking into account' etc.</p>
<p>'Allotment', 'site' and 'properties'</p>	<p>The term <b>'site'</b> is to be used when referring to the place on which the proposed use and development is occurring. It may comprise more than one allotment or a part of an allotment.</p> <p>The term <b>'allotment'</b> is only to be used where policy relates to an allotment, such as in subdivision development standards.</p> <p>The term <b>'properties'</b> is to be used in the development standards for building and works where there is a requirement to consider the impact on other land. However, it must be qualified to clarify the land to which it refers, e.g. 'adjacent properties' or 'adjoining properties'.</p>
<p>Non-discretionary terms (Deemed-to-Satisfy, procedural)</p>	<p>Expression that is unambiguous. Use the following terminology consistently:</p> <ul style="list-style-type: none"> <li>• <b>'does not exceed'</b> (not 'in excess of' etc.)</li> <li>• <b>'not less than'</b>, not 'not below' etc. - for example 'not less than 6m'</li> <li>• <b>'exceeding'</b> (not 'greater than', or 'higher than' etc.)- e.g. 'buildings exceeding 9m in height'</li> </ul>



## Writing Style

Abbreviations and gaps/spaces	<p>Use of abbreviations should be limited to words that frequently occur in the text. The following abbreviations must be used:</p> <ul style="list-style-type: none"> <li>• % rather than percent</li> <li>• <b>AHD</b> for Australian Height Datum</li> <li>• <b>AS</b> for Australian Standard.</li> <li>• <b>ha</b> for hectares</li> <li>• <b>kV</b> for kilovolts</li> <li>• <b>l</b> for litres</li> <li>• <b>m</b> for metres</li> <li>• <b>m<sup>2</sup></b> for square metres</li> <li>• <b>m<sup>3</sup></b> for cubic metres</li> <li>• <b>mm</b> for millimetres</li> </ul> <p>Do not leave a space between the abbreviation and a number – for example 5m.</p> <p>Use the term section rather than s. when referring to sections of the Act.</p>
Acronyms	Do not use acronyms.
Lists in sub-clauses. Using 'and' or 'or'	<p>Avoid lists beginning with 'all of the following...', 'any of the following...' or similar, unless it is necessary to avoid complication.</p> <p>Policies with subclauses should use '<b>and</b>' where all the parts are collectively necessary, and '<b>or</b>' where only one is necessary to achieve the outcome.</p> <p>If all subclauses are 'and' or 'or' then use the 'and' or 'or' on the second last subclause only.</p> <p>End each subclause with a ';' except for the final one which ends with a full stop.</p>
Bulk / massing	<p>Use the term '<b>massing</b>' rather than bulk.</p> <p>The term '<b>dominant massing</b>' can be used where referring to the negative impact of massing (or bulk).</p>
'Compatible with' and 'consistent with'	<p>Use '<b>compatible</b>' when referring to 'character' or the broader landscape and '<b>consistent</b>' when referring to more specific built form such as height.</p> <p>Where zones contemplate more substantial change, avoid using terminology that might otherwise inhibit the desired outcomes.</p>
Capitalisation	<p>Minimise the use of capitals.</p> <p>Use sentence case for headings, e.g. Building height, setback and siting.</p> <p>Use title case for Definitions or Use Classes, e.g. Bulky Goods Sales.</p> <p>Use title case when referring to standards, e.g. Desired Outcomes, Performance Outcomes, Deemed to Satisfy criteria,</p> <p>Always use a capital 'Z' for '<b>Zone</b>' when used in a zone title, e.g. Commercial Zone.</p> <p>Do not capitalise terms when referring to zones generically, e.g. 'a zone'.</p>

Communal / common	Use <b>'common'</b> rather than 'communal' in reference to a space that is shared – 'common space'.
Etc.	Minimise the use of terms such as etc. when referring to the same or a similar group or class of matters. Where necessary, use <b>'and the like'</b> .
Exclusions	In the Assessment Criteria, the term <b>'excluding'</b> is to be used instead of 'except if' etc.
'If' or 'where'	Use <b>'if'</b> rather than 'where'.
Numbering hierarchy/dot points	Number provisions so that they can be easily and consistently cited and do not use dot points.
	Sub-clauses within a standard are to be referenced alpha-numerically as follows: (a)..... (i)..... a. .... (b) ....
Numeric format	Use numerical expression for numbers, e.g. '5m' or '3 car spaces' rather than 'five' or 'three'. Whole numbers should not have a decimal place.
	Use commas for numbers, do not use spaces. e.g. 1,000 or 600,000 not 1 000 or 600 000; or 1000 or 600000.
One and two word terms, and hyphenation	The following are one word: <ul style="list-style-type: none"> <li>• microclimate</li> <li>• landscaping</li> <li>• offshore</li> <li>• stormwater</li> <li>• setback</li> </ul>
	The following are two words: <ul style="list-style-type: none"> <li>• above ground</li> <li>• car parking</li> <li>• gross leasable</li> <li>• floor area</li> <li>• master plan</li> <li>• waste water</li> </ul>
	The following should be hyphenated (and any others where it is necessary to avoid confusion): <ul style="list-style-type: none"> <li>• 1-in-100</li> <li>• A-frame</li> <li>• built-up</li> <li>• co-located</li> <li>• deemed-to-satisfy</li> <li>• e-planning</li> <li>• east-west etc.</li> <li>• end-of-journey</li> <li>• fine-grained</li> <li>• high-density</li> <li>• high-water</li> </ul>



	<ul style="list-style-type: none"> <li>• in-ground</li> <li>• land-based</li> <li>• large-scale</li> <li>• long-term</li> <li>• low-density</li> <li>• low-impact</li> <li>• low-lying</li> <li>• low-scale</li> <li>• low-to-medium, medium-to-high etc.</li> <li>• mixed-use</li> <li>• multi-level</li> <li>• multi-purpose</li> <li>• multi-storey</li> <li>• non-arterial</li> <li>• non-habitable</li> <li>• non-industrial, nor-residential etc.</li> <li>• non-intensive</li> <li>• non-permeable</li> <li>• north-facing etc.</li> <li>• off-street</li> <li>• on-site</li> <li>• place-making</li> <li>• power-line</li> <li>• pre-school</li> <li>• re-establish</li> <li>• right-of-way</li> <li>• roof-top</li> <li>• semi-detached</li> <li>• shared-use</li> <li>• short-term</li> <li>• small-scale</li> <li>• south-eastern etc.</li> <li>• tree-damaging</li> <li>• upper-level</li> <li>• wash-bay</li> <li>• wash-down.</li> </ul>
Plain English	<p>Avoid use of legal or planning jargon, such as 'notwithstanding', 'pursuant to', 'taken to mean', 'by reason of', 'whereby' or similar (other than where it reflects legislated terminology), and use every day words.</p> <p>Note that the Code will contain a glossary of terms, so that terms that are used in policy and have a specific meaning in regard to assessment (such as adjacent, directly adjacent, adjoining etc.) will be able to be defined so that they can be used consistently.</p>
Providing examples	Use ' <b>such as</b> ' rather than 'for example'.

## Appendix B: State Planning Policies and the LNWCA Code

The following tables set out the connection between the approved SPPs and the Zones and Overlays set out in the LNWCA Code.

Zones	Relevant SPPs
Coastal Waters	4: Biodiversity 5: Climate Change 7: Cultural Heritage 8: Primary Industry 13: Coastal Environment 15: Natural Hazards
Conservation	4: Biodiversity 5: Climate Change 7: Cultural Heritage 13: Coastal Environment 14: Water Security and Quality 15: Natural Hazards 16: Emissions and Hazardous Activities
Local Infrastructure (Airfield)	1: Integrated Planning 11: Strategic Transport Infrastructure
Remote Areas	4: Biodiversity 5: Climate Change 7: Cultural Heritage 8: Primary Industry 10: Key Resources 12: Energy 15: Natural Hazards
Settlement	1: Integrated Planning 5: Climate Change 6: Housing Supply and Diversity 7: Cultural Heritage
Specific Use (Tourism Development)	2: Design Quality 3: Adaptive Reuse 7: Cultural Heritage 8: Primary Industry 13: Coastal Environment
Township	1: Integrated Planning 2: Design Quality 3: Adaptive Reuse 6: Housing Supply and Diversity 7: Cultural Heritage 14: Water Security and Quality



Overlays	Relevant SPPs
Building Near Airfields Key Outback And Rural Roads Key Railway Crossings	1: Integrated Planning 11: Strategic Transport Infrastructure
Coastal Areas	4: Biodiversity 5: Climate Change 7: Cultural Heritage 8: Primary Industry 13: Coastal Environment 15: Natural Hazards
Hazards (Bushfire Protection)	5: Climate Change 15: Natural Hazards
Hazards (Acid Sulfate Soils)	5: Climate Change 13: Coastal Environment 15: Natural Hazards
Historic Shipwrecks Marine Parks (Managed Use) Marine Parks (Restricted Use)	4: Biodiversity 7: Cultural Heritage 13: Coastal Environment
Prescribed Watercourses	4: Biodiversity 5: Climate Change 8: Primary Industry 14: Water Security and Quality 15: Natural Hazards
Prescribed Wells Area Murray Darling Basin	5: Climate Change 8: Primary Industry 14: Water Security and Quality
RAMSAR Wetlands	4: Biodiversity 5: Climate Change 7: Cultural Heritage 13: Coastal Environment 14: Water Security and Quality 15: Natural Hazards
River Murray Flood Plain	4: Biodiversity 5: Climate Change 14: Water Security and Quality 15: Natural Hazards
Significant Landscape Protection	2: Design Quality 7: Cultural Heritage 8: Primary Industry
Sloping Land	2: Design Quality 8: Primary Industry 15: Natural Hazards
State Heritage Areas State Heritage Places	2: Design Quality 3: Adaptive Reuse 7: Cultural Heritage

# HAVE YOUR SAY

The State Planning Commission is committed to genuine collaboration with the community in the development of South Australia's new planning system.

You can provide feedback on the draft Planning and Design Code for the outback until 5:00pm, Friday 29 March 2019.

Submissions can be lodged via the following means:

- SA Planning Portal: [www.saplanningportal.sa.gov.au/have\\_your\\_say](http://www.saplanningportal.sa.gov.au/have_your_say)
- Email: [DPTI.PlanningEngagement@sa.gov.au](mailto:DPTI.PlanningEngagement@sa.gov.au)
- Post: Department of Planning, Transport and Infrastructure, PO Box 1815, Adelaide SA 5001

Further information on the Planning and Design Code can be found on the SA Planning Portal ([www.saplanningportal.sa.gov.au](http://www.saplanningportal.sa.gov.au)).

Disclaimer: This guide has been prepared to provide information that may facilitate understanding of the relevant legislation and draft statutory documents that have been released for public consultation. 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 draft regulations and practice directions.

[saplanningportal.sa.gov.au](http://saplanningportal.sa.gov.au)



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Department of Planning,  
Transport and Infrastructure