

→ OUR
NEW
SYSTEM



COMMUNITY GUIDE TO THE PLANNING AND DESIGN CODE IN THE OUTBACK

(land not within a council area)

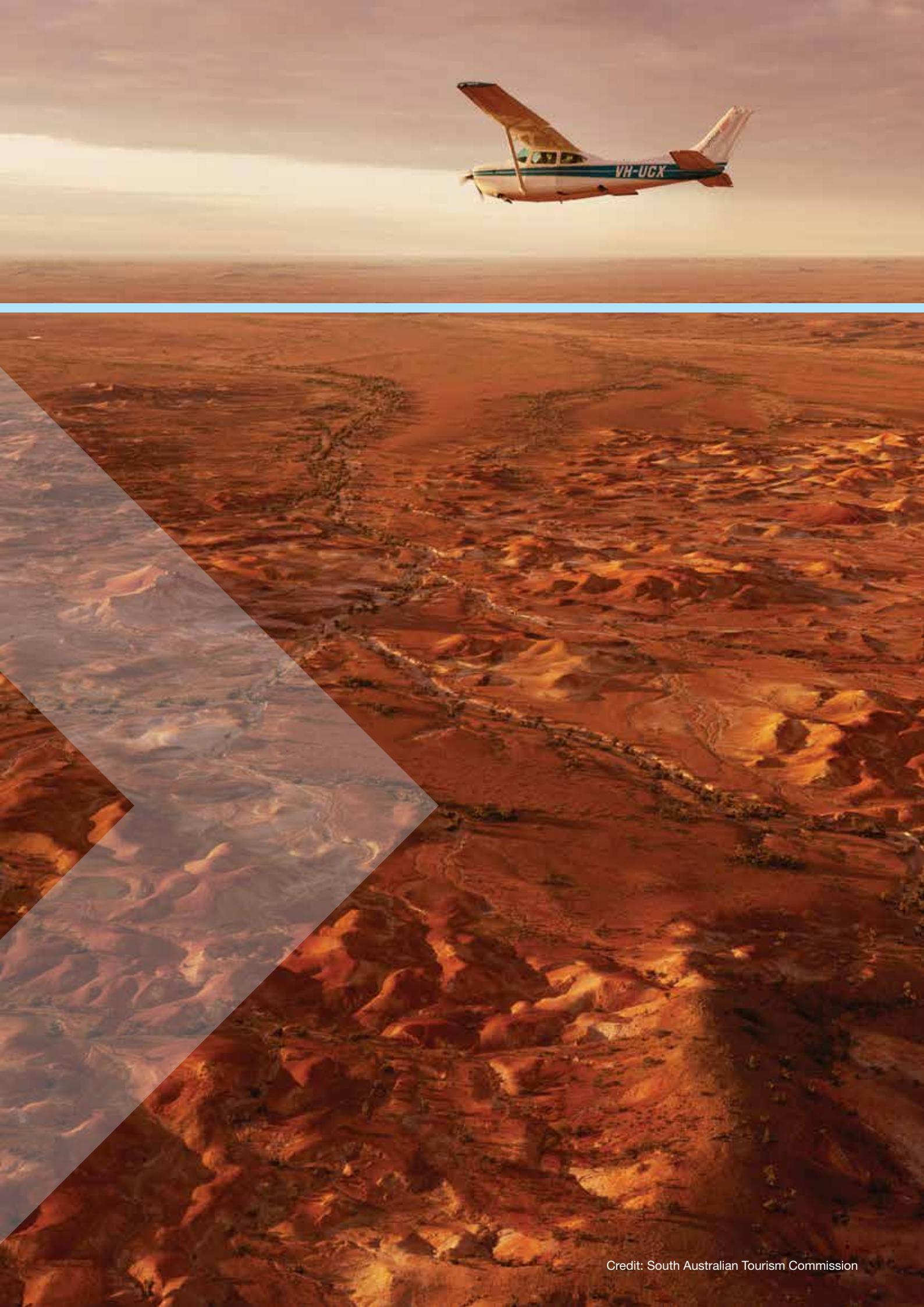
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STATE
PLANNING
COMMISSION



Government of South Australia
Department of Planning,
Transport and Infrastructure



Credit: South Australian Tourism Commission



GUIDE TO THE PLANNING AND DESIGN CODE IN THE OUTBACK

What is the Planning and Design Code?

The Planning and Design Code (the Code) is the cornerstone of South Australia's new planning and design system. It replaces the 72 Development Plans that are currently in use with a single set of planning 'rules' for assessing development applications across the state.

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

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

How is the Code being implemented in the outback?

Public consultation

The draft Code for the outback regions of South Australia is available for public comment from 5 February to 5:00pm, Friday 29 March 2019. These are the regions that do not fall within a designated Local Government area, excluding the area addressed by the Land not within a Council Area (Metropolitan) Development Plan.

Feedback received during public consultation will be used to inform the Code.

Three-phase rollout strategy

The Code will be rolled out in three phases:

PHASE 1 Mid-2019	PHASE 2 Late-2019	PHASE 3 Mid-2020
Code introduced to the outback (land not within a council area)	Code introduced to regional council areas	Code introduced to metropolitan council areas

When the Code is introduced in the Outback in mid-2019, the rest of the State will continue to operate under the current planning legislation – *Development Act 1993*.

By July 2020, the Code will be in effect across the entire state and available to all South Australians via the SA Planning Portal.

Migration from old rules to new rules

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

- **Release of discussion papers**

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

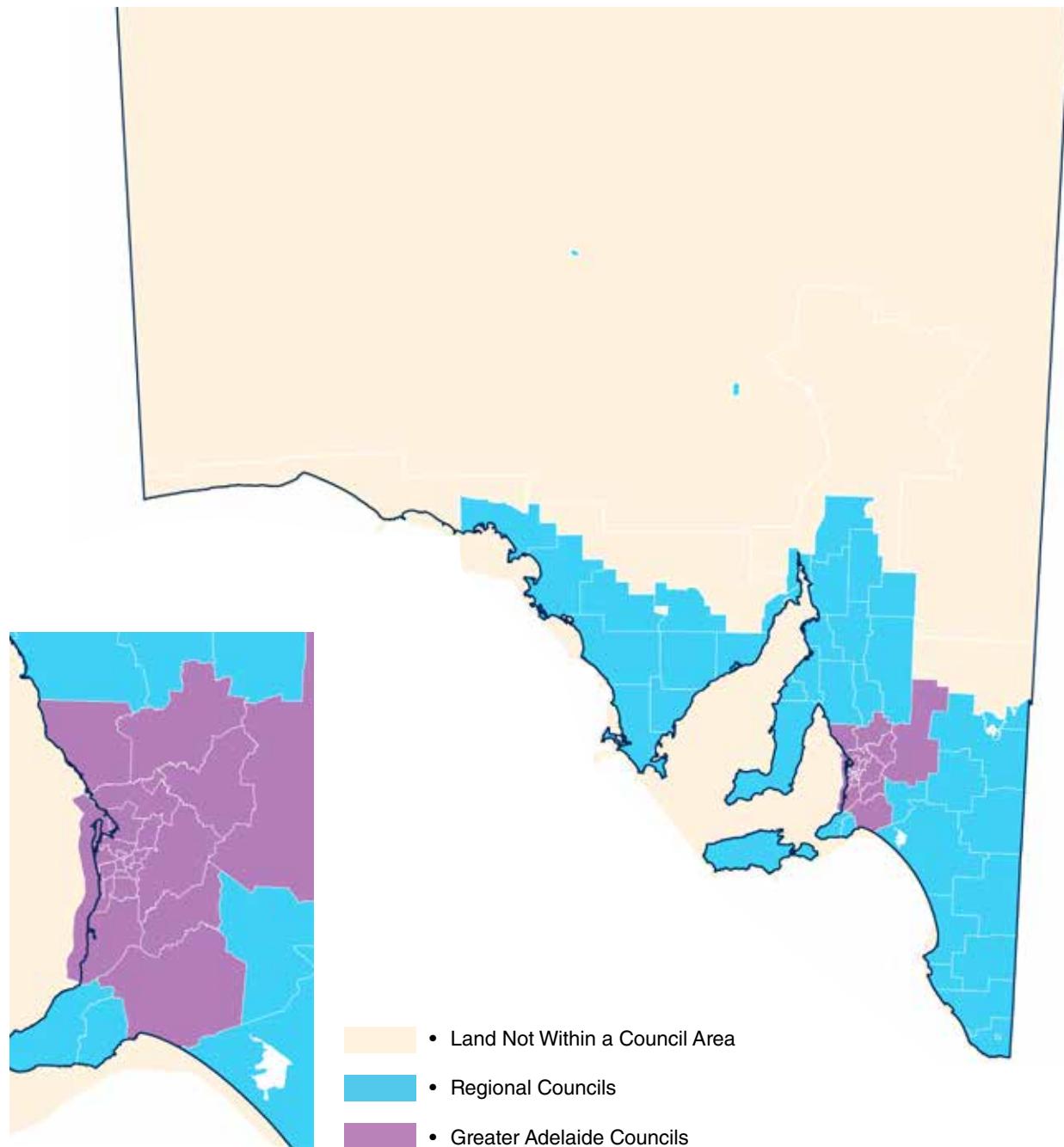
The discussion papers identified where existing policy was likely to be transitioned to the new Code, as well as areas for further investigation that could be introduced in future generations of the Code.

- **Review of current policies**

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

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

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





What does the Code mean for outback communities?

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

A change in planning rules and policy

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

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

These benefits will be delivered in four main ways:

1. Removal of outdated and duplicated planning policy

The Code will replace the three Development Plans that are currently operating across outback South Australia, namely:

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

This process will remove old policy, consolidate policy that works well and make planning policy more consistent, equitable and transparent.

2. Expanded use of policy relating to building near airfields and associated buffer distances

Under the Code, policy and buffer distances will be spatially applied to an increased number of airfields. Currently, these policies apply to airfields that support commercial and military aviation, but under the new Code, they will also be applied to those airfields that are used by the Royal Flying Doctor Service.

Specific buffer distances will also be prescribed around important planning infrastructure, such as key rural and outback routes, railway crossings and water courses, to protect vital outback assets.

3. Increased focus on hazard mitigation

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

4. Improved interface between different land uses

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

What does the Code mean for development applications?

Before the Code becomes operational:

All development applications lodged in the outback prior to the Code becoming operational in mid-2019 will be assessed according to existing Development Plans, as prescribed under the current *Development Act 1993*.

After the Code becomes operational:

All development applications lodged in the outback after the Code becomes operational in mid-2019 will be assessed under the Code, as prescribed under the *Planning, Development and Infrastructure Act 2016*. The three Development Plans relevant to the outback will be revoked at this time.

A new planning framework

The changes will be delivered via a new planning framework that comprises new and amended zones, overlays and general development modules.

The zones, overlays and general development modules included in the outback Code are described on the following pages.

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

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

Each zone will include an assessment table that describes the types of development that are permitted and how they will be assessed.

Subzones enable variation to policy within a zone; which may reflect local characteristics. Note: No subzones are included in the outback Code

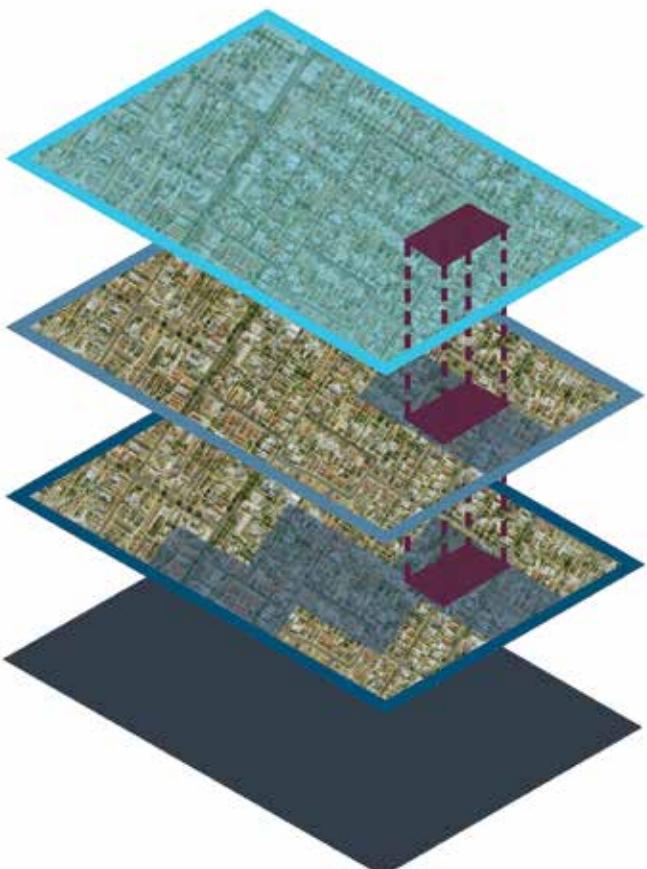
Overlays contain policies and maps that show the location and extent of special land features or sensitivities, such as heritage places or areas of high bushfire risk.

They may apply across one or more zones.

Overlays are intended to be applied in conjunction with the relevant zone. However, where policy in a zone is in conflict with the policy in an overlay, the overlay policy will take precedence.

General development modules contain guiding policies that outline the functional requirements of development, such as the need for car parking or wastewater management.

While zones determine what development can occur in an area, general development modules provide guidance as to *how* this development should occur.





A paper-based Code to an online Code

The LNWCA Code will be available in paper-based form from mid-2019, before being moved onto the State's new ePlanning platform in late-2019.

This means that for communities in the outback, the interaction with the new Code will change over a six month period. The below sections describes what this will mean.

Paper based Code (from mid-2019 to late-2019)

The LNWCA Code will be operational from mid-2019, which means the three Development Plans operating in these areas are revoked and new legislation – The Planning, Development and Infrastructure Act 2016 – (and therefore the Code) will apply in these areas.

At this time, the Code will remain in paper-based form e.g. as a document accessible via the SA Planning Portal.

The various zones and overlays that form the LNWCA Code will be able to found via the State Planning Atlas, which will show at a property level, what zones and overlays apply.

Therefore you can search your property, find out what applies and then use the PDF Code to read and understand what this means in terms of what development is allowable, with or without an assessment.

If an assessment is required, applicants can then download a paper-based development application form to complete and send to the department via post or email.

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

During this period of time, we encourage the community to call either the Outback Community Authority or the Department for assistance in determining what development is allowable.

An online Code (from late-2019)

In late-2019, the LNWCA Code will be moved onto the State's new Online Code.

You will still be able to search the State Planning Atlas to see what zones and codes apply to your property. The difference at this point, is that instead of going to the Code document; you will visit the Online Code to find out what development is allowable.

In the Online Code you can search your property and it will automatically generate the information about what development is allowable, with or without an assessment.

If your proposed development requires an assessment, you will now be able to prepare, lodge, pay and track a development application online.

Supporting the community to use the new ePlanning tools

The Department recognises that moving from a paper-based system to an online system is a significant adjustment for the broader community.

For those living in the outback, you can access the ePlanning platform and its various tools with a simple internet connection.

If a connection is not possible, paper-based lodgement is still available to those living in these remote parts of South Australia.

More information on the new ePlanning platform and its various tools will be provided to the community to help them orientate the new planning system.

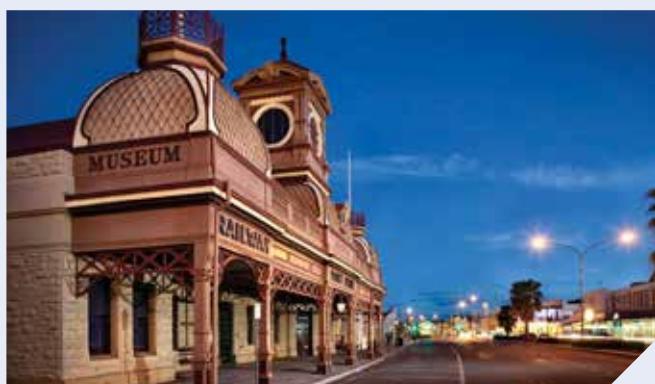
Zones

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

Township zone

Consolidates several existing township zones and policy areas

The township zone will cater for town centres comprising residential development and a range of non-residential land uses in the form of retail, commercial and tourist activities, linked together to serve the local community and visiting public. Development will be low to medium scale and mixed-use development is appropriate within the zone.
Example: Andamooka



Tourism development zone

Consolidates two existing tourist accommodation zones

The new tourism development zone will enable existing areas designated for tourist accommodation and related development to transition to the Code. In the outback it will apply to the Arkaroola and Wilpena tourism areas.



Settlement zone

Consolidates several existing township and settlement zones

The settlement zone will accommodate a range of low density residential, retail, community and recreation land uses within an identifiable village environment – often where service provision is constrained and does not support growth in population and service function.
Example: Innamincka



Coastal waters zone

Replaces the existing aquaculture zone and the general development module on coastal waters

The new coastal waters zone will seek the protection and enhancement of the natural marine environment while recognising important commercial, tourism, recreational and navigational uses. This zone will be spatially applied to the area up to three nautical miles from the shore.





Conservation zone

Consolidates four existing conservation zones

The conservation zone will comprise conservation parks and reserves under state and federal ownership and will be expanded to include coastal conservation areas and parts of the River Murray flood plain. It will cater for a limited mix of development, including conservation and tourist signage, scientific monitoring facilities, small-scale recreational facilities and some contemplation of tourism facilities.



Local infrastructure (airfield) zone

Replaces the existing remote areas (airfield) policy area

The new local infrastructure (airfield) zone is based on the existing airfield zone and will apply to a number of rural airports throughout Phase One. This zone is the first of a suite of local infrastructure zones that will accommodate a range of local infrastructure that benefits the community.



Remote areas zone

Consolidates several existing remote area zones and policy areas

The remote areas zone will accommodate pastoral, grazing and farming activities; mining and petroleum exploration; tourism; facilities related to renewable energy, aerospace and defense; remote settlements; and Aboriginal lands. This zone will be applied to a large portion of the state's far north, as well as to the whole of Boston Island.



Overlays

The overlays that will apply to the outback will include:

State heritage areas

Converts the existing general development module on heritage areas to an overlay

The ‘state heritage areas’ overlay will apply to Beltana, Innamincka and Arkaroola Hills and will seek to ensure the ongoing conservation of these important areas.

State heritage places

Converts the existing general development module on heritage places to an overlay

The ‘state heritage places’ overlay will protect more than 100 sites of historical importance in the outback, including the land immediately surrounding these sites.

Building near airfields

Converts the existing general development module on building near airfields to an overlay, but spatially applies to the area within 6km of an airfield.

The ‘building near airfields’ overlay will support the safe and efficient operation of the airfields at Innamincka, Leigh Creek, Marla, Marree, Oodnadatta and William Creek, as well as all airfields that serve the Royal Flying Doctors Service.

Strategic transport

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

Two new ‘strategic transport’ overlays will safeguard main freight corridors and tourist roads and ensure that key railway crossings are not undermined by new development.



Marine parks (managed use)

Consolidates and replaces the existing general managed use and habitat protection marine parks zones.

The ‘Marine Parks (Managed Use)’ overlay is one of two new ‘Special Legislative Schemes’ overlays that seek to preserve South Australia’s network of 19 marine parks proclaimed by the *Marine Parks Act 2007*. The Overlay will capture existing marine park zones and provide the general guidance required to consider development proposals in these areas, which will apply over the *Coastal Waters Zone*.

Marine parks (restricted use)

Consolidates and replaces the existing marine parks sanctuary restricted access marine parks zones

The ‘Marine Parks (Restricted Use)’ Overlay is one of two new ‘Special Legislative Schemes’ Overlays that seek to preserve South Australia’s network of 19 marine parks proclaimed by the *Marine Parks Act 2007*. The overlay will capture existing marine park zones and provide the general guidance required to consider development proposals in these areas, which will apply over the coastal waters zone. This overlay will provide tighter development controls than the marine parks (managed use) overlay.

Coastal areas

Consolidates and replaces three existing coastal zones

The ‘coastal areas’ overlay covers development that traverses both land and water (e.g. jetties) and will support sustainable development in coastal areas.

Hazards

Converts the existing general development module on hazards to a suite of two overlays

Two independent ‘hazards’ overlays will protect the environment and the community from the release of acid water (caused by the disturbance of acid sulphate soils) and bushfire.



Prescribed watercourses

Converts existing general development modules to an overlay

The ‘prescribed watercourses’ overlay will seek to protect all natural and human-made water channels (above ground or subterranean) by ensuring that development that impacts these water channels is avoided or undertaken in a sustainable manner.

Prescribed wells areas

Introduced for the first time

Similar to the ‘prescribed watercourses’ overlay, the ‘prescribed wells areas’ overlay seeks to guard against the over extraction of water from prescribed wells areas by ensuring that activities involving the taking of water are avoided or undertaken in a sustainable manner.

Ramsar wetlands

Replaces the general development module on Ramsar wetlands and habitat

The ‘Ramsar wetlands’ overlay seeks the protection of wetlands deemed to be of international importance under the Ramsar Convention. It aims to minimise adverse impacts to the habitat and lifecycle of wetlands or any species dependent on a wetland.

Murray Darling Basin

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

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



River Murray floodplain

Replaces parts of the River Murray flood zone and the River Murray fringe zone

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

Historic shipwrecks

Converts the existing referral trigger from the development Regulations 2008 to an overlay

The ‘historic shipwrecks’ overlay aims to protect historic shipwreck sites (registered and non-registered) by prescribing relevant buffer distances for development.

Significant landscape protection

Replaces the pastoral landscapes zone and the environmental class B zone

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

Sloping land

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

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

Water resources

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

The ‘water resources’ overlay aims to protect the quality of water catchments, watercourses and public reservoirs which are of critical importance to the state.

General development modules

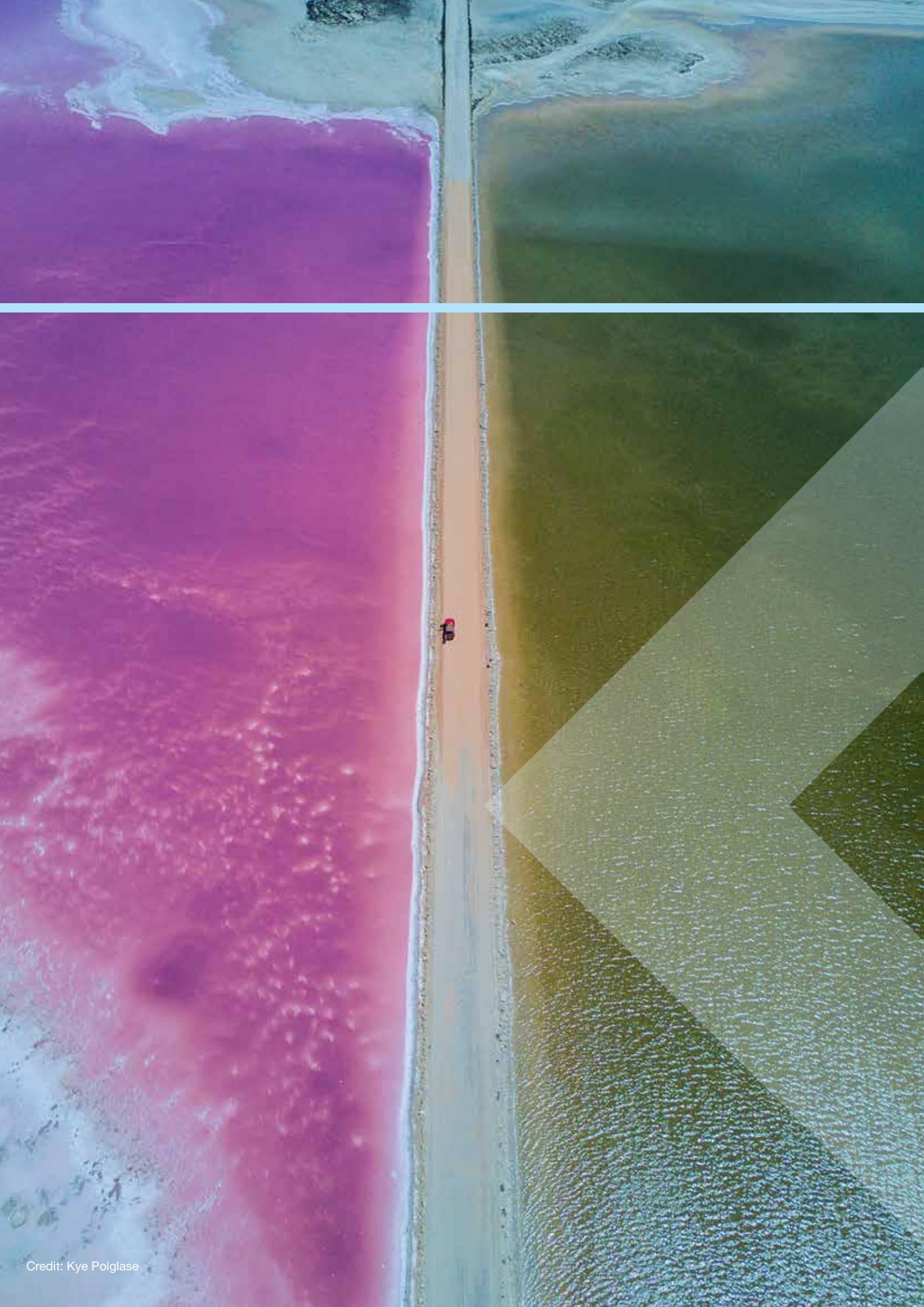
The introduction of general development modules will better delineate between the ‘what’ and ‘how’ in the planning system.

The general development modules that will apply to the outback will include:

- Advertisements
- Animal-keeping and horse-keeping
- Aquaculture
- Bulk-handling and storage facilities
- Clearance from overhead power lines
- Design and siting
- Forestry
- Infrastructure and renewable energy facilities
- Intensive animal-keeping and dairies

- Interface between land uses
- Land division
- Marinas and on-water structures
- Mineral extraction
- Open space and recreation
- Residential livability
- Site contamination
- Tourism development
- Transportation, access and parking
- Waste treatment and management facilities
- Workers’ accommodation and settlements





Credit: Kye Polglase

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
- Email: 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).

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.

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