

DRAFT PLANNING AND DESIGN CODE

→ STATE
PLANNING
REFORM

Phase Two (Rural) and Phase Three (Urban) Frequently Asked Questions

Issued: 2 January 2020

About this document

This document provides answers to frequently asked questions related to the draft Planning and Design Code for rural and urban areas.

It will be updated and re-issued throughout the consultation period to respond to new questions as they arise.

Additional content in each issue will be marked **NEW**.

You can go directly to a specific answer by clicking on the relevant question in the contents listing, or simply scroll through the document to see all of the questions and answers.

If you have a question that you would like answered please contact the State Planning Reform team:

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The draft Planning and Design Code

What is the draft Planning and Design Code?

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

For instance, if you want to build a house, the draft Planning and Design Code (the Code) rules will tell you how high you can build and how far back from the front of your block your house will need to be positioned. The draft Planning and Design Code would also tell you if any additional rules apply to the area where your land is located, for example you might be in a high bushfire risk area or an area with specific rules about protecting native vegetation.

The Code is the cornerstone of South Australia's new planning and development system and will eventually replace all 72 council development plans that have been in use across the state with a single set of state-wide planning rules.

You can [view a short introductory video](#).

Why do we need a new Planning and Design Code?

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

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

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

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

Single reference point for state planning and design rules

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

Consistent planning rules to improve certainty in decision making

Enables improved consistency of all development assessments and decisions.

Standardised interpretation of legislation will improve assessment and reduce delays

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

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

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

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

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

Significant reduction in paperwork

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

Reduces costs and delays

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

When does the new Planning and Design Code become operational?

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

Phase Two: Rural Areas

Applies to rural areas with small towns and settlements. It will be operational from April 2019.

Phase Three: Urban Areas

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

You can [view council areas included in each phase here](#).

How was the draft Planning and Design Code developed?

Expert Panel

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

Legislation

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

State Planning Commission

The State Planning Commission (known as the Commission) was formed on 1 April 2017 and is responsible for the formation and management of the new Planning and Design Code. It is an independent body that provides advice and recommendations to government on policy making. The Commission is also directly responsible for the Community Engagement Charter, the preparation of

State Planning Policies (SPPs) and Practice Directions. In addition, the Commission has a responsibility for an effective planning system for the state. They are supported in their work by the Department of Planning, Transport and Infrastructure.

Review of Current Policies

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

Blueprint for the Planning and Design Code

In March 2018 the State Planning Commission released a paper that introduced the blueprint for the new Planning and Design Code, which included a roadmap for Policy Discussion Papers, Policy Conversation Areas and Technical Discussion Papers. You can read the [Blueprint here](#).

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

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

[Natural Resources and Environment](#) (released August 2018)

[Integrated Movement Systems](#) (released August 2018)

[Productive Economy](#) (released November 2018)

[People and Neighbourhoods](#) (released September 2019)

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

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

[Proposed changes to Renewable Energy Policy in the Planning and Design Code](#)

[State Planning Commission overview of neighbourhood growth and change](#)

[Practitioner overview and snapshot for heritage and character in the new planning system](#)

[Community guide to heritage and character in the new planning system](#)

[Community guide to design in the new planning system](#)

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

You can view all papers and 'What We Have Heard Reports' on the [SA Planning Portal](#).

State Planning Policies

State Planning Policies define South Australia's planning priorities, goals and interests. They are the overarching umbrella policies that define the state's interests in land use. There are 16 State Planning Policies and 6 special legislative State Planning Policies. These policies are given effect through the Code, with referral powers assigned to relevant agencies (i.e. the Environmental Protection Agency for contaminated land). Examples include the protection of the community from a range of hazards, such as bushfire, flooding or coastal erosion.

Code Writing Engagement Process

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

- five Code writing workshops were conducted in 2018 with key planning practitioners from councils and business
- a Car Parking Summit attended by councils and business representatives on 6 April 2018 to explore car parking concerns in inner metropolitan Adelaide and identify possible solutions. The public was also involved in discussions on car parking through an online YourSAy survey and two focus groups. The findings from this early engagement were addressed in the policy discussion paper on *Integrated Movement Systems*.
- an Aged Care and Retirement Living Symposium was held on 20 August 2018 to explore and understand the issues faced by business and residents
- meetings were held from May to July 2019 with all regional councils to help them understand how the Code works and how the new policy may apply to their area
- several Residential Infill Forums were convened between June to September 2019 to consider ways to deliver better infill housing at various scales across Adelaide. The purpose of these forums was to provide feedback and practical solutions on residential infill housing policy improvements
- a series of testing workshops were held with key council planners during July and August 2019 on Phase Two and Three of the draft Planning and Design Code
- a Retail Roundtable was conducted in August 2019 to consider retail sector issues and opportunities with a particular focus on shopping centres and main streets.

Public Consultation

Phase One: Outback Areas

Public consultation on Phase One of the Planning and Design Code was conducted between 5 February 2019 and 29 March 2019. During the consultation process, 58 written submissions were received. All written submissions, along with a 'What We Have Heard Report' were published on the SA Planning Portal. An Engagement Report was lodged with the Environment, Resources and Development Court in June 2019. You can [view the report here](#).

Phase Two: Rural Areas

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

Phase Three: Urban Areas

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

What does the draft Planning and Design Code contain?

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

Overlays

There are 58 overlays in the Code. Overlays contain policies and maps that show the location and extent of special land features or sensitivities, such as heritage places or areas of high bushfire risk.

They may apply across one or more zones.

Overlays are intended to be applied in conjunction with the relevant zone. However, where policy in a zone conflicts with the policy in an overlay, the overlay policy takes precedence. You can think of the overlay as the 'trump card'.

Zones

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

Zones are the main component of the Code and will be applied consistently across the state. For example, a township zone for Andamooka can be expected to apply to similar townships like Carrieton.

Each zone includes information (called classification tables) that describes the types of development that are permitted in that zone and how they will be assessed.

Sub-zones

Sub-zones enable variation to policy within a zone, which may reflect local characteristics. An example is Port Adelaide centre, which has many different characteristics to typical shopping centres due to its maritime heritage.

General Development Policies

General development policies outline functional requirements for development, such as the need for car parking or wastewater management.

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

You can find a description of all of the overlays, zones, sub-zones and general development policies in the [Guide – Drafting Planning and Design Code](#).

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

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

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

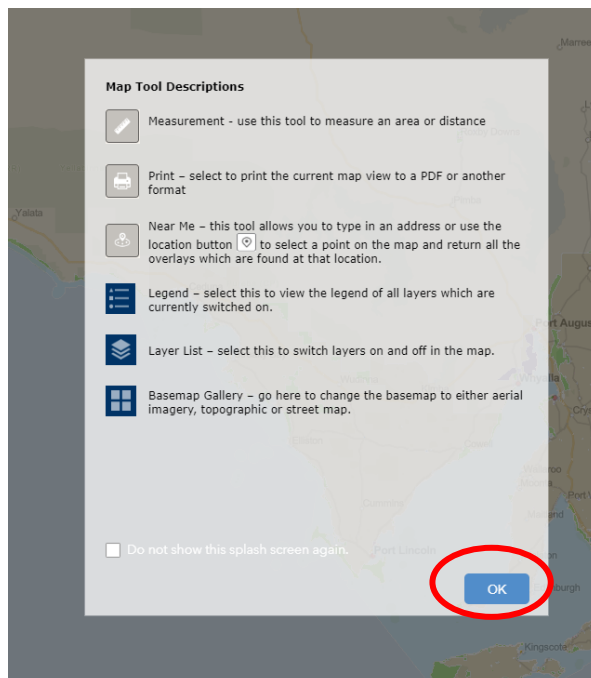
How do I use the new Planning and Design Code?

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

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

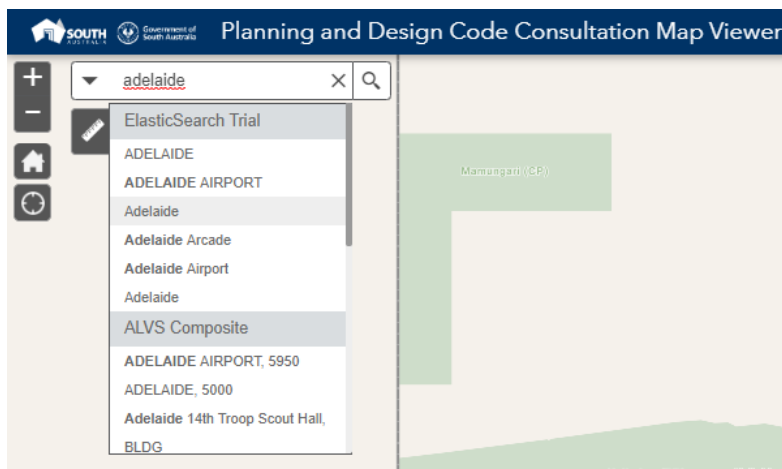
As the ePlanning system is not yet available, during Code consultation you will need to use both the draft Planning and Design Code document and an interim mapping tool (called the Planning and Design Code Consultation Map Viewer) to work out which rules apply. A [‘How To Navigate the Planning and Design Consultation Map Viewer \(Basic\)’](#) video is available to assist you, or you can follow these steps:

- Go to the [Planning and Design Consultation Map Viewer](#).
- Click ‘ok’



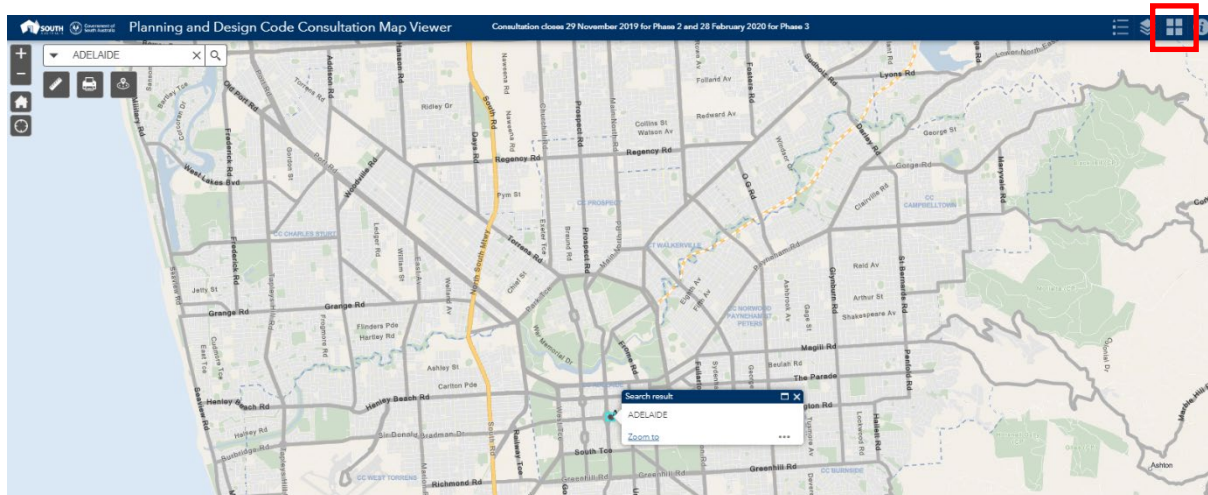
To view the zones/overlays that apply to a particular area:

1. Type the place (e.g. Adelaide) in the **Find Address or Place** field, then select matching place (e.g. suburb, town etc.) from the listing.



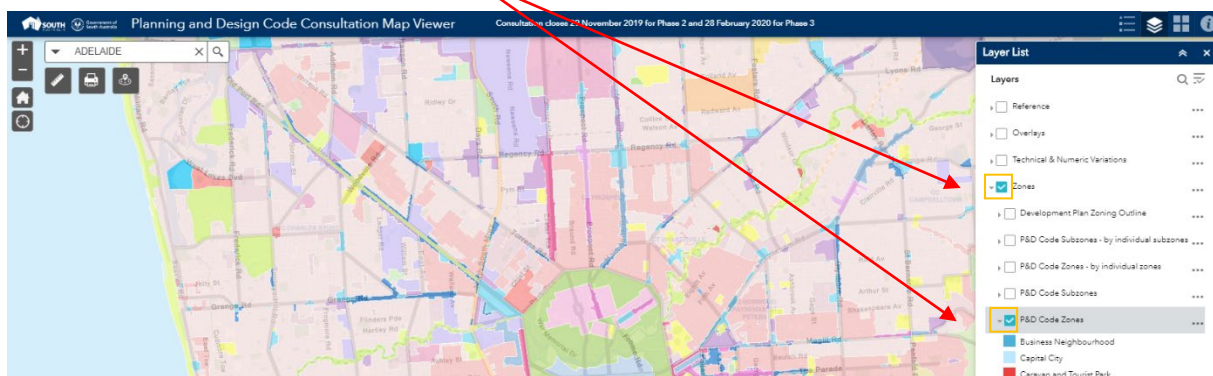
The selected location will appear on the screen.

2. Click on the Layer List button to view the Layers.



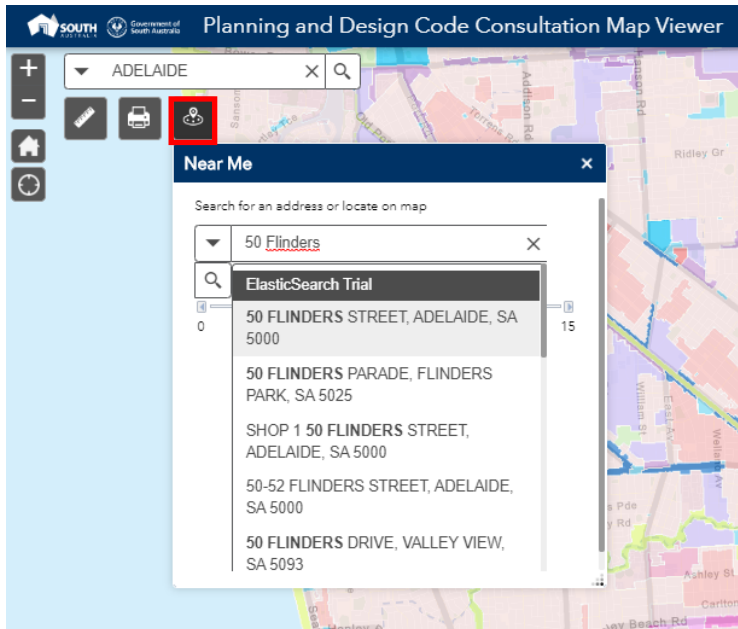
3. Turn on the relevant zones/overlays/subzones.

Make sure you select both the **Layers heading** (e.g. Zone) and **sub-heading** (e.g. P&D Code Zones). Refer to the example image below.

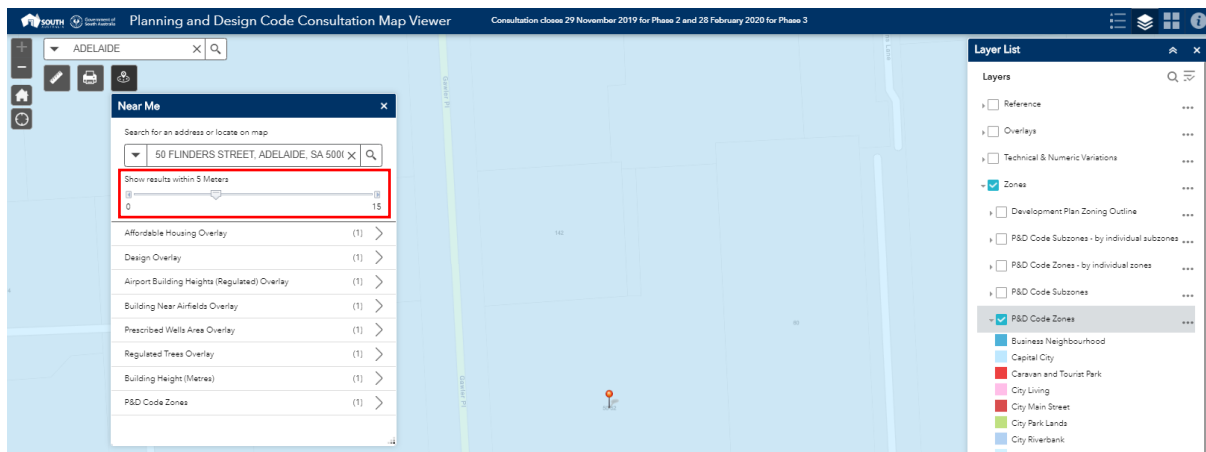


To view the zones/overlays that apply to an address or place

1. Click the **Near Me** button.
2. Type the place (e.g. Adelaide) in the **Find Address or Place** field, then select matching place (e.g. suburb, town etc.) from the listing.



3. The map viewer will go to the **address/place** and return a list of **overlays** and **zones** within 5 metres. (It may take a few moments to load.)



Increase the distance on the sliding bar to capture overlays within a certain distance of the property.

How do I get a copy of the draft Planning and Design Code?

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

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

Appointments can be made to speak with a DPTI planning officer via the Code hotline: 1800 318 102.

Who is leading the development of the new Planning and Design Code?

The State Planning Commission is leading the development of the new Planning and Design Code, supported by the Department of Planning, Transport and Infrastructure (DPTI). The Minister for Planning is responsible for approving the Code and delivering a new planning system for SA.

Roles and Responsibilities

The *Planning, Development and Infrastructure Act 2016* (the Act) reflects an approach where roles and responsibilities are often interconnected and/or shared between entities, including the Minister for Planning, State Planning Commission (SPC) and the Chief Executive (CE) of the Department of Planning, Transport and Infrastructure.

- The Minister has overarching responsibility for the planning system and is ultimately accountable to Parliament and the community for furthering the objects of the Act. While under the Act the Minister has powers of general control and direction over the State Planning Commission, the Minister has no specific powers to direct the Commission in relation to its recommendations or advice.
- The Commission is subject to the general control and direction of the Minister and the Minister has access to and the ability to request information from the Commission. However, the Minister may not give a direction where the Commission is making a recommendation, giving advice, or exercising a power under the Act. These arrangements provide a balance between the Minister's role and powers in connection with the administration of the Act and the Commission's role in providing independent advice to the Minister in connection with the operation of the Act.
- The Chief Executive's functions include working with the Commission in the performance of its functions; being responsible to the Commission for managing the Commission's business efficiently and effectively; and being responsible for supervising any staff appointed to assist the Commission. The CE is also responsible for the accreditation of professionals and maintaining the SA Planning Portal.

The shared goals for the Minister, SPC and the department is to deliver an outstanding planning system that:

- Engages and serves the citizens of South Australia in building prosperous communities.
- Is based on evidence and research.
- Leads to effective stewardship of the State's assets and resources.
- Is ambitious, enterprising and aspirational.

The Code Amendment process

Why is the Code called an ‘amendment’ when it’s new?

The Planning and Design Code already exists in areas not within a council (i.e. ‘the Outback’), known as Phase One of the Code implementation. The [Outback Code](#) was first established on 1 July 2019. Therefore, the introduction of the Code into other council areas requires a Code Amendment process.

The Code Amendment that is currently being consulted comprises two parts:

- Phase Two (Rural): rural council areas and small settlements
- Phase Three (Urban): metropolitan Adelaide and large regional towns.

The policies for both of these phases are generally the same, but the Phase Two modules will be introduced at an earlier stage, which means that consultation on those modules ends sooner than for Phase Three.

How do I know which policies relate to Phase Two or Phase Three?

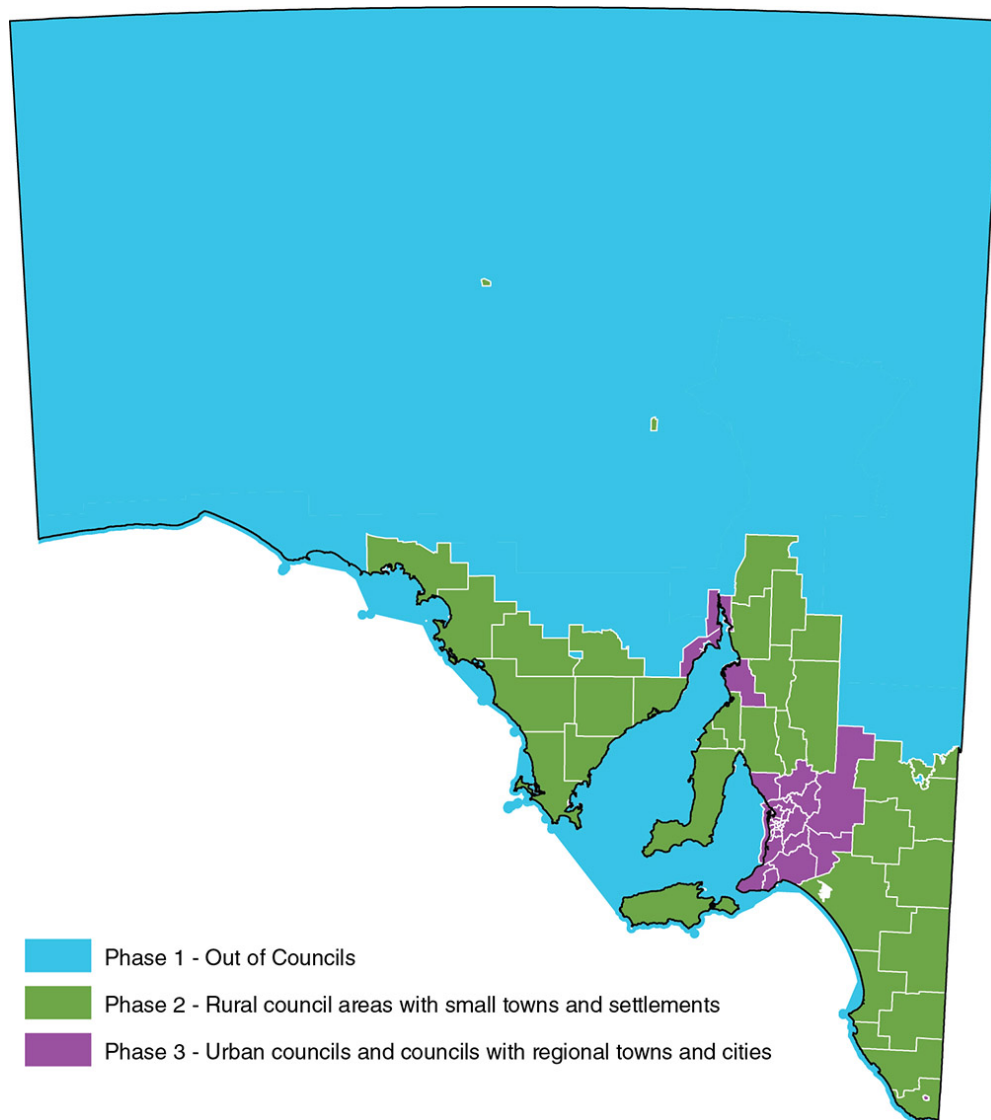
Most Code modules apply across both Phase Two and Phase Three geographic areas, but you can check exactly which zones/subzones/overlays affect your area of interest using the [Planning and Design Code Consultation Map Viewer](#).

Given that a number of modules apply across both areas, any changes to those modules post-consultation where differences in policy content are required may also require separate modules to be created.

This means, if you are lodging a submission on the Code, it will be important to clearly mark whether your submission relates to Phase Two or Phase Three, depending on the geographic area you are interested in.

The following table shows which council areas are allocated to Phase Two and which ones are in Phase Three:

Planning & Design Code: Local Government Area Phase Allocation			
Phase Two – Rural Areas		Phase Three – Urban Areas	
Barunga West	Loxton Waikerie	Adelaide	Onkaparinga
Berri Barmera	Mount Remarkable	Adelaide Hills	Playford
Ceduna	Naracoorte Lucindale	Adelaide Plains	Port Adelaide Enfield
Clare & Gilbert Valleys	Northern Areas	Alexandrina	Port Augusta
Cleve	Orroroo	Barossa	Port Lincoln
Cooper Pedy	Peterborough	Burnside	Port Pirie
Coorong	Renmark Paringa	Campbelltown	Prospect
Copper Coast	Robe	Charles Sturt	Salisbury
Elliston	Roxby Downs	Gawler	Tea Tree Gully
The Flinders Ranges	Southern Mallee District	Holdfast Bay	Unley
Franklin Harbour	Streaky Bay	Light	Victor Harbor
Goyder	Tatiara	Marion	Walkerville
Grant	Tumby Bay	Mid Murray	West Torrens
Kangaroo Island	Wakefield Regional	Mitcham	Whyalla
Karoonda East Murray	Wattle Range	Mount Barker	Yankalilla
Kimba	Wudinna	Mount Gambier	Metro Coastal Waters
Kingston	Yorke Peninsula	Murray Bridge	
Lower Eyre Peninsula		Norwood, Payneham & St Peters	



What is the Code Amendment Process?

The Phase Two and Three Planning and Design Code is being prepared as Code Amendments pursuant to section 73 of the *Planning, Development and Infrastructure Act 2016*. They are proposed amendments to the first iteration of the Planning and Design Code (Phase One - Land Not Within A Council Area) approved on 1 July 2019.

The State Planning Commission has released the Phase Two Code for public consultation in accordance with the [Community Engagement Charter](#).

The State Planning Commission will consider the feedback received in making amendments to the Code. The Commission will prepare an Engagement Report that will outline what was heard during consultation and how the Code Amendment was amended in response to submissions. This engagement report will be forwarded to the Minister for Planning for his consideration in making a decision. The engagement report will be released on the SA Planning Portal following the Minister's approval.

If approved, the Code Amendment will be consolidated into the Planning and Design Code and used by the relevant planning authorities to assess development applications.

How will the engagement be measured against the Community Engagement Charter?

Feedback and evaluation forms will be collected from stakeholders during engagement events and as part of receiving submissions. The results will be collated and analysed against the principles of the Engagement Charter and this will be reported on in the State Planning Commission's Engagement Report.

How will the Planning and Design Code affect me?

When does the new Planning and Design Code become operational?

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

Phase Two: Rural Areas

Applies to rural areas with small towns and settlements. It will be operational from April 2020.

Phase Three: Urban Areas

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

You can [view council areas included in each phase here](#).

How will I know if my property, or an area I am interested in, is affected by the draft Planning and Design Code?

The new Planning and Design Code applies to the whole of South Australia. All land areas will be affected by the changes, however in most cases what you can do on your land will not substantially change. For instance, if you could build a house under the Development Plan, you can still build a house under the new Planning and Design Code.

Check out the [Change Impact Table](#) to see the level of change for your area.

How do I find out which rules apply to my property, or an area I am interested in?

Please refer to: [How do I use the new Planning and Design Code?](#)

How will I find out what development is planned in my area?

There will be different processes for assessing applications for new developments.

Where a development meets the planning rules, a quick and certain decision will be made. In this case, there is no requirement for public notification so you would only find out about the planned development if you checked the register of applications on the ePlanning Portal, or when works commence.

However, where development doesn't meet the rules in a way that impacts on neighbours, the application will be publicly notified. In these cases, notification will occur through letters posted to neighbours within 60 metres of the development site, as well as through a sign placed on the land. The sign is a new requirement under the *Planning, Development and Infrastructure Act 2016*. The time for people to comment will increase from 10 days to 15 days (or 20 days if the development is classified as 'restricted'), and any interested person can make a submission.

What happens with development applications lodged between now and when the new Planning and Design Code becomes operational?

Development applications will continue to be assessed under the current council Development Plan until the new Planning and Design Code is implemented in that area. Phase Two council areas will operate under the Code from April 2020. Phase Three council areas will operate under the Code from July 2020.

How does the Planning and Design Code deal with:

Affordable Housing

What is Affordable Housing?

Affordable housing is designed and priced so that repayments cost people who are on a low-to-moderate income no more than 30% of their gross income. A dwelling (i.e. house) is considered to be an affordable home if it is:

- Offered for sale at or below the appropriate price (generally \$354,000 or less)
- Offered for sale to eligible low-to-moderate income households/buyers.

The commitment to provide affordable housing is made through a legally binding Land Management Agreement.

How will Affordable Housing be delivered in the Code?

Zoning that encourages the provision of affordable housing has been operating in South Australia for over a decade. These policies stipulate that 15% of housing in large-scale broad hectare and urban infill projects be provided to low-to-moderate income households.

This has generally been encouraged where value is created through 'zoning uplift' and is implemented via the Affordable Housing Overlay in current Development Plans.

The Affordable Housing Overlay will be transitioned to the Code and will standardise incentives such as density, height and car parking bonuses.

Bushfire Protection

What will happen to current bushfire hazard risk mapping?

The existing mapped areas of general, medium and high-risk areas, currently contained in council Development Plans will be transitioned into the following overlays in the Code:

- Hazards (Bushfire – General Risk) Overlay
- Hazards (Bushfire – Medium Risk) Overlay
- Hazards (Bushfire – High Risk) Overlay

Policy in each of the above overlays aligns with current policy and the Minister's Code for Undertaking Development in Bushfire Prone Areas. Some updates and improvements to policy have been made in consultation with the Country Fire Service (CFS).

Areas currently mapped as 'excluded' within development plans have been remapped into the Hazards (Bushfire – Urban Interface) Overlay but refined to incorporate only those areas that are within 500m of a general, medium or high-risk area. The main purpose of this overlay is to ensure that appropriate provision is made for:

- Emergency vehicle access through to the bushfire risk area
- A mainly continuous street pattern that eliminates the use of dead-end roads
- Bushfire buffer zones isolating residential allotments from areas of unacceptable bushfire risk.

My Council isn't currently mapped in terms of bushfire hazard risk. Will bushfire policy apply?

Yes, as it currently does, but only for areas outside of townships and settlements. The Hazards (Bushfire – Regional) Overlay has been introduced to pick up general bushfire protection policy from the South Australian Planning Policy Library and apply it to local council areas that aren't currently mapped. This is similar to how the Hazards (Bushfire – Outback) Overlay has been applied to remote areas of the state in Phase One of the Code.

Will bushfire hazard risk mapping eventually be introduced to my council area?

A separate review of bushfire mapping is currently underway. Much has changed since 2006 when the first bushfire risk classifications were introduced with new data now available and a greater understanding of fire behaviour. Changes to mapping methodology are therefore being considered to place more emphasis on the potential dangers posed by broad hectare cropping land as evident from the Wangary and Pinery fires. Any mapping changes from this separate review will occur via a future Code amendment and will seek to introduce bushfire risk classifications to those council areas not currently mapped.

What's happening to the Minister's Code for Undertaking Development in Bushfire Prone Areas?

The Minister's Code for Undertaking Development in Bushfire Prone Areas will cease to operate once the Planning and Design Code comes into effect. Policies from the Minister's Code have been reviewed and, where still relevant, have been incorporated into the respective bushfire overlays of the Planning and Design Code.

Do additional building rules for bushfire protection still apply?

Yes. Ministerial Specification 78 Additional Requirements in Designated Bushfire Prone Areas will be reintroduced in the new system as Ministerial Building Standard 008.

Car parking

How are car parking requirements reflected in the Code?

Car parking rates and requirements are contained within the Transport, Access and Parking General Development Policies of the Planning and Design Code. The policies will apply to most new developments, ensuring that they are provided with sufficient on-site parking and vehicle access. During the development of the draft Code, it was considered that parking rates for all land uses are best located within this module to reduce duplication and confusion.

The new policies consolidate parking requirements for similar classes of land use – an action which received a general level of support from respondents during consultation on the Integrated Movement Systems Policy Discussion Paper and the Metropolitan Adelaide Car Parking Summit.

Can car parking rates in the Code still adequately accommodate local circumstances?

The Transport, Access and Parking General Development Policies will set standard car parking rates; however, there may be instances where variation is appropriate.

Although broad support was received for the increased standardisation of parking rates via the Code during previous consultation, many respondents noted that in certain circumstances, other factors should be given consideration, particularly where a departure from minimum requirements is proposed. These factors include the use of innovative design solutions; proximity and access to other transport options, the availability of on-street parking and other demographic factors.

Coastal Environments

How will coastal-related issues be addressed through the Code?

A new Coastal Areas Overlay will apply to land that is subject to coastal processes. Policies relate to minimising hazard risk, protecting the environment and providing for the retreat of coastal systems such as sand dunes and mangroves. There will be a referral to the Coast Protection Board for certain types of development that require additional rigour in assessment.

There is also a Coastal Waters and Offshore Islands Zone that applies to all areas seaward of the low water mark. The zone provides policies for the conservation of natural features, provides policy to ensure the safe navigation of watercraft and for the assessment of on-water structures expected to be located in these areas. There are two overlays corresponding to the Marine Parks located within this area also, that provide varying levels of restrictions to development types, depending on the conservation level required.

Design Quality

What does 'design quality' mean?

Design quality of the built environment not only relates to the 'look and feel' of buildings and places, but how successfully they meet the needs of the people who use and experience them. High-quality design positively contributes to the liveability, sustainability and prosperity of our communities, towns and cities.

How will the Code support high quality design in my neighbourhood?

The Code introduces the Design in Urban Areas and Design in Rural Areas general development policies, which establish design-focused policies specific to a range of common development types (e.g. low-rise residential and retail development).

For larger-scale development and developments in more complex settings, the Code will ensure greater consideration of design quality during assessment of the development application. This may be informed through the Design Review process or by referring certain development applications to the Government Architect.

What is Design Review?

Design Review is an evaluation process where an independent panel of built environment experts discuss the design of a development proposal, identifying both merits and opportunities for improvement. The role of Design Review is not to redesign proposals but suggest alternative approaches where there is potential for improved outcomes. Design Review is voluntary and most effective when undertaken over multiple sessions, early in the design process.

Can I participate in Design Review?

It is proposed that there be two types of Design Review in the new planning system: State and Local.

State Design Review

Currently, Design Review is available only to larger development proposals where the lodged application will be referred to the Government Architect:

- Developments with a value of \$10 million or more within the City of Adelaide
- Developments of five storeys or more in the Inner Metropolitan Adelaide Urban Corridor Zones
- Developments of five storeys or more in the District Centre (Jetty Road) Zone and Residential High Density Zone (City of Holdfast Bay)

- Developments of five storeys or more in the District Centre (Norwood) Zone (City of Norwood Payneham & St Peters)
- Developments with a value of \$3 million or more in value in Port Adelaide Regional Centre Zone (City of Port Adelaide Enfield)
- Major projects and projects of state significance.

It is proposed that the referral to the Government Architect continue in the new planning system for similar classes of development and will be identified in a new Design Overlay. State Design Review (administered by the Office for Design and Architecture South Australia) would continue to operate as a non-mandatory process for these classes of development to inform the referral advice from the Government Architect.

Local Design Review

Section 121 of the PDI Act enables the Minister for Planning to establish a Design Review Scheme where someone who is considering undertaking development may apply to a Design Review panel for advice. The classes of development that are eligible to access Design Review are to be set out in the Planning and Design Code. As this is a new mechanism in South Australia, the Commission is interested in exploring whether this could be applied for certain types of development, such as:

- within heritage and character areas
- redevelopment of State or Local heritage places
- development in zones where an increase in development intensity, or where uplift, renewal or a change in character is sought, such as infill areas, interface areas, areas around high-frequency fixed-line transit stops/interchanges.

If a proponent participates in Local Design Review under the Minister's scheme, the relevant authority must consider the advice when assessing the development application. A referral to the Government Architect would not apply in these areas.

Development of a Local Design Review Scheme will be explored during the public consultation period for the Code.

Flooding

[What has changed about how we consider flooding in the planning system?](#)

Significant variation exists with regards to the availability and quality of flood hazard mapping contained within current Development Plans. In many existing Development Plans there is insufficient detail in the policy to guide the assessment of a development; in others the best available information is not used.

In order to facilitate a more consistent approach to addressing flood through land use planning, existing Development Plan flood mapping and policy have been combined into a single Hazards (Flooding) Overlay to ensure development proposed within flood prone areas will be sited, designed and constructed to minimise the risk to personal safety and property during a 1% AEP flood event.

To provide some safeguards against flood hazard in areas located outside of the Overlay, the Design in Urban Areas General Development Policies includes a deemed-to-satisfy criteria requiring residential development to incorporate a finished floor level 0.3m above the top of the adjacent roadside kerb.

[Where does the Hazards \(Flooding\) Overlay apply?](#)

The Hazards (Flooding) Overlay applies to all areas where flood hazard is mapped in current Development Plans. The overlay will not apply in those areas where flood hazard is limited to the River Murray Flood Plain, as this will be addressed by the River Murray Flood Plain Overlay.

Heritage and Character

State Heritage

How are State Heritage Places preserved in the Code?

A State Heritage Places Overlay applies to the 2300 State Heritage Places. The overlay includes provisions to help guide how development can conserve and enhance the values of State Heritage Places. The overlay also contains criteria that determines whether a referral to the Minister responsible for the *Heritage Places Act 1993* is required.

How are State Heritage Areas being preserved in the Code?

A State Heritage Area Overlay applies to the 17 existing State Heritage Areas. The overlay includes provisions to help guide how development can conserve and enhance the values of State Heritage Area. The overlay also contains criteria that determines whether a referral to the Minister responsible for the *Heritage Places Act 1993* is required.

Where are the unique policies from Development Plans that applied to individual State Heritage Areas?

Currently within Development Plans there are unique policies for each State Heritage Area that reflect the specific values and characteristics of that location. These policies haven't been transitioned into the Code yet. The intention is to develop a Historic Area Statement for each State Heritage Area. These Statements will form part of the Code. Examples of Historic Area Statements are contained in the draft Code for consultation purposes.

How are Historic Shipwrecks being preserved in the Code?

A Historic Shipwrecks Overlay applies to the State and Commonwealth historic shipwrecks. The overlay identifies the shipwreck with a 150m buffer around located wrecks and a 500m buffer around un-located wrecks. The overlay contains criteria that determines whether a referral to the Ministers responsible for the *Historic Shipwrecks Act 1981* and the *Underwater Cultural Heritage Act 2018* is required.

Local Heritage

How are Local Heritage Places protected in the Code?

A Local Heritage Places Overlay applies to the 7250+ Local Heritage Places across the state. The overlay includes provisions to help guide how development can conserve and enhance the values of Local Heritage Places.

Demolition controls will apply within this overlay, being a 'performance assessed' type of development, which is similar to the 'on merit' assessment process in the existing system. This means that **demolition will not be automatically approved**. In addition, any proposal to demolish or alter a Local Heritage Place will need to include a Local Heritage Place Impact Assessment.

How are Historic Conservation Zones and similar historic areas being protected in the Code?

A Historic Area Overlay will apply to all existing Historic Conservation Zones and similar historic areas. The overlay includes provisions to help guide how development can conserve and enhance the valued historic characteristics of an area.

Demolition controls will apply within this overlay, being a 'performance assessed' type of development, which is similar to the 'on merit' assessment process in the existing system. This means that **demolition won't be automatically approved**. In addition, any proposal to demolish a building within a Historic Area Overlay will need to be accompanied by a Historic Impact Statement.

How are Character and Streetscape Zones being protected in the Code?

A Character Area Overlay will apply to all existing Character and Streetscape Zones. The overlay includes provisions to help guide how development can be undertaken in a way that is sympathetic to and enhances the existing streetscape.

Demolition controls will not apply in these areas however, development applications will need to be supported by a Contextual Analysis Report which outlines how the proposed development addresses the existing streetscape having consideration to key elements and characteristics of importance in the area.

Where are the unique policies from Development Plans that applied within individual Historic Conservation Zones and Character or Streetscape Zones?

Feedback received from planning practitioners and heritage experts on the draft Historic Area Overlay and Character Area Overlay indicated that the policy provided was too generic and a mechanism was required to better identify elements of local historic importance.

In response, Historic Area Statements and Character Area Statements will be introduced to help clearly identify and articulate the key characteristics and elements of importance in a particular area. The intent is not to provide lengthy background statements, but to distil the critical information required to make an informed planning decision that results in development that complements the existing character of a particular location.

The statements should be used to determine the prevailing styles and patterns of development for the purposes of interpreting all policies within the Historic Area Overlay and Character Area Overlay. Within the Historic Area Overlay, it is not intended that the characteristics described in the Historic Area Statement are used as a means to justify complete replication of traditional, historic styles. Instead, development should be designed in a way which takes cues from and complements the prevailing characteristics of the area and associated building(s).

A set of generic examples have been developed for the purposes of consultation, and these will be listed within the Code for consideration. As part of the transition process, the statements for specific areas will be tested and drafted in collaboration with councils and the community.

What happens if the heritage overlay conflicts with the contents of another overlay?

A development application will be performance assessed against the objectives of each overlay and the issues considered. A Heritage Impact Assessment would still need to be prepared.

Is there any guidance about how to interpret policies in the heritage and character overlays?

A draft Practice Guideline has been prepared which seeks to provide clarity around the interpretation of demolition policies within the Local Heritage Place, Historic Area and Character Area Overlays. It also explains the role of Historic Area Statements and Character Area Statements in undertaking development assessment in an area affected by an overlay and provides a number of specific definitions for the interpretation of policies within the overlays.

The draft Practice Guideline also outlines the additional information requirements to support development proposals within the overlays – and in particular, demolition – and provides templates to assist in preparing:

- Contextual Analysis for Character Areas
- Historic Impact Statement for Historic Areas
- Local Heritage Place Impact Assessment.

What is happening to Contributory Items currently identified in Development Plans?

Under the new system Contributory Items will not be listed individually but will be protected by policy in the new Historic Area Overlay and through demolition controls.

Both the *Development Act 1993* (our current planning legislation) and *Planning, Development and Infrastructure Act 2016* (our new planning legislation) set up a scheme for heritage. The scheme recognises:

- State Heritage Places under the Heritage Places Act
- Local Heritage Places – being “places of local heritage value”, which must satisfy one or more of the listed criteria in section 23 of the *Development Act 1993* or section 67 of the *Planning, Development and Infrastructure Act 2016*.

There is no recognition within either Act for another level of heritage protection (i.e. contributory items).

To be listed, both State and Local Heritage places must go through a rigorous process of assessment against legislated review. They must be assessed by experts in the field of heritage. Under the new planning legislation, landowners have the right to be directly consulted of the proposed listing and have a right of appeal against the final decision to designate a place as a place of local heritage value.

It is not appropriate, either in a practical sense or in a legal sense, to set up an alternative scheme in policy that has the same effect as the legislative scheme, but that removes the rights of landowners in the process.

There must be a material difference between the policy controls for places of local heritage value listed through a statutory process under the new Act, and the policy controls for other places which do not satisfy one or more of the criteria set out in section 67 of the Act, are not assessed in the same way, and will not have the same appeal rights for owners.

Existing policy controls applying to Contributory Items cannot therefore be transitioned into the new system under the new Act; it would not be fair or legally sound to do so.

National and Conservation Parks

How are the state’s protected areas identified in the Code?

We have 340 parks that cover over 21% of the state. Our parks include national parks, regional reserves, conservation reserves, conservation parks, game reserves, recreation parks and wilderness protection areas. Under the current planning system parks are zoned many different things in Development Plans. The Code has enabled a consistent zoning approach to be applied to parks. In the Code all of our parks will be included in a Conservation Zone. This zone reflects that these parks have been created to ensure the long-term protection and conservation of South Australia’s unique cultural, historical and natural places.

More visitors than ever before are enjoying experiences in South Australia’s parks. The Government is committed to creating new nature-based tourism experiences and improving opportunities for visitors in parks. There is a long-term strategy to enhance park visitor experiences by providing improved attractions, services, access and facilities in parks, with the added benefit of supporting local jobs and the tourism industry. The Planning and Design Code is supporting this by better aligning the planning system with the park management planning process. Where the park management plan contemplates tourism development that development will be assessed on its merits against the policies in the Code.

Native Vegetation

What has changed about how we consider native vegetation in the planning system?

Currently approval to clear native vegetation and approval to undertake development require separate approvals. Under the new planning system two approvals will still be required but native vegetation considerations will now be assessed up-front in the development application process. This will better align the two approval processes and ensure that design and siting to avoid and minimise clearance of native vegetation is a fundamental part of the planning process.

Under the current planning system there is a schedule 8 referral to the Native Vegetation Council that has never been triggered. Development Plans also contain general council wide policies (and under the Natural Resources Module in South Australian Planning Policy Library) that require native vegetation clearance be avoided or minimised. In the Code we are introducing two new Overlays for native vegetation that will house policies to avoid and minimise clearance, that ensure native vegetation is considered up-front in the assessment process and that will also trigger referrals to the Native Vegetation Council under certain circumstances.

An applicant will need to determine if their proposal involves the clearance of native vegetation. If it doesn't, the applicant is required to sign a declaration stating that this is the case. The declaration is then lodged with the development application. If the applicant needs to clear native vegetation then they will need to engage an Accredited Consultant to prepare a Data Report. The Data Report is lodged with the development application.

This Data Report will contain a risk based assessment to determine the level of clearance based on assessment criteria. The Report will assign a level of clearance to the proposal and this information can be used by the relevant planning authority during the assessment process. More information about the assessment criteria can be found in the *Guide for applications to clear native vegetation Under the Native Vegetation Act 1991 and Native Vegetation Regulations 2017*. The level of clearance is what is used to determine whether or not a referral to the Native Vegetation Council is required, for example:

- low level clearance the application may be deemed-to-satisfy
- moderate level clearance the application will be performance assessed but no referral is required
- major level clearance the application will be performance assessment and a referral to the Native Vegetation Council will be required.

What are the benefits?

- Enables better alignment between the development assessment process and the native vegetation clearance consent process to provide for native vegetation input earlier in the process.
- Triggers the need for expert input into the development assessment process via an accredited consultant's report or referral to the Native Vegetation Council. This will enable more consistent decision making across the two approval processes.
- Provides the opportunity to consider design and siting during the planning phase to ensure the clearance associated with development proposals is minimised.

Where does the Native Vegetation Overlay apply?

The introduction of a Native Vegetation Overlay applying to those areas of the State that the Native Vegetation Act applies and where the State Significant Native Vegetation Areas Overlay does not apply. This Overlay houses the policies that seek to avoid clearance or minimise clearance where avoidance isn't possible. This Overlay also trigger a referral to the Native Vegetation Council for development where the level of clearance is major.

Where does the State Significant Areas Overlay apply?

The introduction of a State Significant Native Vegetation Areas Overlay is for those areas of the state that contain significant native vegetation. At this stage Overlay applies to Wilderness Protection Areas, National Parks, Conservation Parks and Heritage Agreement Areas plus a 50m buffer. This Overlay houses the policies that seek to restore and enhance native vegetation and avoid clearance. This Overlay also trigger a referral to the Native Vegetation Council for land division where the level of clearance is medium or major and for all other developments regardless of the level of clearance.

What is an Accredited Consultant?

Accredited Consultants are endorsed by the Native Vegetation Council under the Native Vegetation Act. Accredited Consultants are required to have as a minimum a tertiary qualification in botany or ecology plus at least ten years' of experience relating to conducting vegetation assessment and plant identification. They are trained in the requirements under the Native Vegetation Act and Regulations, as well as Native Vegetation Council Policies and vegetation assessment methodologies. Accredited consultants must meet minimum performance requirements and their accreditation is subject to annual review with requirements to attend professional development training that is provided by the Native Vegetation Council.

Accredited Consultants are engaged by people who wish to clear native vegetation in order to complete an assessment of the vegetation that is proposed to be cleared and to complete a Data Report that is required to accompany an application to the Native Vegetation Council for the clearance of native vegetation.

How much will it cost for an Accredited Consultant's Data Report?

The cost of a data report will vary depending on the consultant undertaking the work, the size and complexity of the proposed clearance, the location of the proposal and the timeframe in which the assessment is to be complete. The cost of an assessment might be as little as a couple hundred dollars for a small clearance, but will increase from there with increasing size or complexity. However, the submission of a data report is already required in relation to most applications to the Native Vegetation Council (with the exception of minor clearance), therefore providing this report as part of the Development Application will present no additional overall cost to the applicant. It may actually result in reduced costs for applicants, as applicants often provide a report as part of the development application that has been prepared by someone who is not accredited under the Native Vegetation Act. Therefore, when seeking Native Vegetation Council approval, the applicant often needs to obtain a second report at additional cost and time delays.

What is in a Data Report?

The role of Accredited Consultants is to prepare Data Reports for applications to clear native vegetation. The data report provides the Native Vegetation Council with all the information that it requires in order to make a determination in relation to an application. This information includes the following;

- A description and background for the proposed development,
- Identifies the area of potential impacts on native vegetation,
- Describes the actions taken to avoid and minimise impacts, and
- Details the outcomes of the vegetation assessment.

The vegetation assessment conducted by the Accredited Consultant records a range of values associated with native vegetation, including the native plant and animal species that occur in that area, whether any rare or threatened species or vegetation communities are present, the health and condition of the vegetation and whether it provides a corridor of vegetation or occurs in a region that has been heavily cleared of native vegetation.

The data report also describes the actions that will be taken to offset the impacts of the proposed clearance. This is referred to as a Significant Environmental Benefit (SEB) and generally involves undertaking revegetation, protection and managing existing vegetation or making a payment into the Native Vegetation Fund.

Can the Data Report be used for both assessments?

The Data Report will meet the information requirements under both the planning and native vegetation legislation. By lodging the Data Report with the development application it can be used to inform the development assessment process and determine whether or not a referral is triggered. It also means that siting and design related to native vegetation impacts can be considered and accommodated early in the process, resulting in greater certainty and faster approvals.

What if I am not clearing native vegetation?

If you are not clearing any native vegetation in relation to your new development, including any clearance required for construction, access or for bushfire prevention, then signing a Statutory Declaration stating that no clearance is needed is all that you will need to do. You will not be required to submit an Accredited Consultant report with your development application.

Once I have my planning approval do I still need a native vegetation clearance consent?

Approval will still need to be obtained under both the *Planning, Development and Infrastructure Act* and *Native Vegetation Act*. However, under the proposed new system, given that matters relating to native vegetation, particularly the avoidance and minimisation of impacts, will have been considered during the planning process, such matters generally will not need to be reconsidered during the application to clear native vegetation. This will streamline the process and will avoid unexpected delay late in the approvals process. It will also ensure that any obligations or limitations relating to native vegetation are understood and considered early in the development application, so that they can be adequately accounted for and accommodated.

Given that clearance of native vegetation will have been considered and addressed during the development application process, the subsequent application to the Native Vegetation Council will largely consider the adequacy of the proposed offset.

How will I know if what I am clearing is native vegetation?

It will be the responsibility of the applicant to determine if any native vegetation is present at the development site and therefore whether they will need to address it as part of their development application. This reflects the current legislation, in which identifying if native vegetation is present and therefore if there is a need to gain approval under the Native Vegetation Act, is the responsibility of the applicant.

Native vegetation includes a range of species of varying form, including trees, shrubs, grasses and herbs (e.g. lilies and orchids). It can be difficult to know if your site contains native vegetation. However, there are a range of resources that can assist. The Department for Environment and Water (DEW) has developed a mapping product for the State that identifies areas likely to contain native vegetation. Local Natural Resources staff are also often able to assist through visiting a site and providing advice. Enquiries can also be sent, with the location and photos of the site, to the Native Vegetation Branch with DEW for advice. If any doubt remains, an Accredited Consultant can be engaged to confirm the presence of native vegetation on a site.

What if I am exempt under the Native Vegetation Regulations?

There are a range of exemption under the Native Vegetation Regulations that allow for the clearance of native vegetation. This includes some activities that can occur without the approval of the Native Vegetation Council, such as clearance to maintain existing tracks or clearance around an existing building for safety. These activities will be unaffected by the changes. However, where clearance of native vegetation associated with a development application also require the approval of the Native Vegetation Council, then the new process will apply. This will generally relate to new buildings or dwellings or additions, subdivisions of land or new infrastructure such as water pipelines.

What happens if I'm in Metropolitan Adelaide?

Most of Metropolitan Adelaide is not covered by the Native Vegetation Act, therefore will not be subject to either of the native vegetation related overlays. As such, most of Metropolitan Adelaide will be unaffected by the changes relating to native vegetation.

What if I am in a township?

Townships across the State contain significant areas of native vegetation, including many large trees, which contribute to the amenity, tourism and biodiversity value of these townships. Examples of this include the iconic River Red Gum trees that occur throughout the wine growing region of the State, such as the Barossa, Clare and McLaren Vale. Native vegetation also provides townships with important protection, such as preventing erosion of the foreshore for coastal communities. Therefore, the new native vegetation overlays will apply to townships to ensure that native vegetation is well considered through the development process.

Will I have to pay two native vegetation assessment fees, one for the referral and one for a clearance consent?

Fee are required under certain circumstances when applying to the Native Vegetation Council for clearance consent. There will also be fees under the PDI Act for referrals to agencies or statutory bodies such as the Native Vegetation Council. Therefore, there is the potential that two fees may be applicable to the Native Vegetation Council for the same matter. However, the Native Vegetation Council will only ever require one of the fees to be payable, with the second fee to be waived.

Park Lands

What's happening with the Park Lands zoning?

The Park Lands will retain its own zone called the City Park Lands.

This will carry across the intent of the zone.

However, much of the policy content in the current zone is duplicated, and often relates to management issues that are outside the control of the planning system. This content has been removed, so the zone appears much smaller than it currently does.

Policy has been included in relation to the North Adelaide Aquatic site to allow for community and sporting facilities on the site.

It is important to note that irrespective of zoning controls, the Park Lands are in the care and control of the Adelaide City Council. As such use of the Park Lands requires council's permission.

Renewable Energy

What are the key changes about how we consider wind farm and solar farm developments in the planning system?

A key change being introduced through the Code is the introduction of enhanced policies to assess increased heights of turbines in wind farms, to ensure that they are appropriately setback from housing to address amenity and noise concerns. Over the last decade turbines in some wind farms have significantly increased in height from around 150m up to 250m in height. Planning rules around setbacks to housing however has not kept pace with these increased heights.

To address this, it is proposed to introduce a setback of two kilometres plus ten metres per additional metre of turbine height above a tower height of 150 metres, from townships and urban areas.

For dwellings that are not within a township or urban area, a 1.2 kilometre wind turbine setback is proposed. This excludes dwellings that are associated with the wind farm.

In relation to solar farms, it is proposed to introduce new setback requirements being 500 metre from conservation areas, a 100 metre setback from township boundaries and a 30 metre setback from neighbouring land. There are no setbacks for solar farms in the current planning system.

Will renewable energy developments be ‘restricted’ in the new planning system?

It is proposed that wind farms will be a restricted form of development in areas of high landscape significance. Specifically, these areas are proposed to be:

- Barossa and McLaren Vale Character Preservation Area Overlay
- Within areas covered by the ‘Significant Landscape Protection Area Overlay’. This overlay generally replaces existing Landscape Protection Zones under the current planning system, the majority of which falls within the Flinders Ranges area.
- Hills Face Zone
- A ‘Peri Urban Zone’ which generally applies through the Mount Lofty Ranges east of the Greater Adelaide Area.

For the remaining areas of the state wind farms would be a ‘performance assessed’ form of development which the local planning authority would generally determine a decision under the planning system.

In relation to solar farms, these are proposed to be restricted only within the areas covered by the first two dot points above with the remaining areas being subject to ‘performance assessment’.

Are the setback limits for windfarm turbines locked in or is there room for change?

The wind and solar farm setbacks proposed in the State Planning Commission's [discussion paper on Renewable Energy Policies](#) will be released in the draft Planning and Design Code for full public consultation. We welcome community feedback on these setbacks.

Will there be ‘third party’ rights of appeal for members of the public who are opposed to a new renewable energy development?

The new planning system sets out that when a proposal is a ‘restricted’ form of development the planning authority must notify the application to the public. Persons who then provide a submission would have a right to appeal any approval given by the authority.

Where a proposal is not a restricted form of development, there is no third party right of appeal however persons can still provide a submission during the application process to put forth their views for the authority to consider.

All wind farm developments are proposed to be subject to public notification in the Code.

What is the Environment Protection Authority's (EPA's) role in the assessment?

Wind farm development applications will be subject to a mandatory referral to the EPA. The referral powers have been amended from 'regard' (advice) to 'direction', ensuring that appropriate noise-related conditions are incorporated into final conditions of approval for wind farm developments. The EPA would also have the ability to direct refusal of an application where significant environmental or amenity issues may arise.

Residential Areas and Infill

How does the Code protect neighbours from the impact of new homes including overshadowing and privacy?

The Code provides consistent policy across South Australia to address the impact of new development on neighbours. This includes requirements for:

- upper storeys to include privacy screening to 1.5m above upper storey floor levels
- building setbacks from side boundaries
- policy to protect neighbours from overshadowing into living areas and private open space from new buildings.

How does the new Code address traffic and car parking impacts on local streets as a result of infill development?

The code standardises car parking rates to reflect the typical parking demand. This ensures that adequate parking is provided while ensuring that there is not an oversupply. It also introduces policies to preserve on-street car parking where new infill housing is developed in established areas.

Generally, the code requires 1-2 bedroom houses to provide 1 car parking space and 3+ bedroom houses to provide 2 car parking spaces. Proposed car parking rates for a range of development types can be found in the 'Transport, Access and Parking General Module' in the Code.

How does the Code address the loss of trees, loss of vegetation and the open garden character of our suburbs?

The Code introduces minimum requirements for garden areas and tree planting to retain the open garden character of established suburbs, provide greener streets and assist with achieving tree canopy targets.

The Code introduces the deemed to satisfy policy for soft landscaping (15% for sites under 200m², 20% for sites 201 – 450m² and 25% for sites over 450m²) and tree planting (at least one tree per new dwelling).

What type of housing can be built in my street?

The Code encourages a range of new housing to respond to changing community and market preferences. The Code proposes a range of zones to reflect the current or desired character of different neighbourhoods. The Code also provides clear scope for local variation in relation to what kind of housing can be developed, particularly in relation to the width of new housing allotments, block size, and building heights. The proposed zoning, minimum allotment width, block size and maximum building heights can be viewed on the [Planning and Design Code Consultation Map Viewer](#).

Rural Living

Are there any changes to Rural Living Zones in the Code?

Rural living refers to development in rural areas that is used primarily for residential purposes. Although this type of living often involves some level of rural activity such as horse keeping, hobby farms or horticulture, the primary activity is residential rather than primary production.

There are no major changes to rural living policies within the Code. The Rural Living Zone will have two subzones for areas where existing zoning allowed for more intensive animal husbandry and horse keeping.

Shops and Retail

Will there still be a 'centres' hierarchy?

In developing the Code, the Commission has taken the current 'activity centres' policy model into account. This approach to retail development plans to cluster shops, services and facilities in key central locations that are highly accessible through public transport.

A suite of 'activity centre' and 'main street' zones in the Code maintain a hierarchy, and represent the primary location for shops, community services, offices and entertainment to meet the needs of the district. These zones include:

- Urban Activity Centre Zone
- Suburban Activity Centre Zone
- Township Activity Centre Zone
- Urban Corridor (Main Street) Zone
- Suburban Main Street Zone
- Township Main Street Zone.

Will large supermarkets be able to be developed outside of dedicated shopping centres?

Outside of activity centres, in residential neighbourhoods, only small corner shops are anticipated, which are less likely to impact on nearby houses. The exception is for properties which are located on a main road, or opposite an activity centre, which would allow for more shopping choices where they are connected to transport and other services.

The Code also provides 'mixed use' type zones which encourage a range of shopping, community and commercial uses, along with houses. Shops may be appropriate here, but there will be more restrictions on retail floor area than in the 'activity centre' and 'main street' zones. These 'mixed use' zones include:

- Urban Corridor (Business), Urban Corridor (Living), Urban Corridor (Boulevard) Zones
- Innovation Zone
- Urban Neighbourhood Zone
- Suburban Business and Innovation Zone
- Neighbourhood Business Zone.

Are bulky goods outlets permitted outside of activity centres?

A bulky goods outlet, also known as large format retail or retail showroom, are different from a typical 'shop' that sells food or clothes because they require a larger building footprint. They typically sell larger bulky items like furniture, electrical appliances or homewares, such as Harvey Norman, Freedom or Spotlight.

The Code primarily envisages these outlets outside of activity centres, in industrial/commercial areas, covered by a 'Suburban Employment' zone, which are suited to large-size warehouse-style buildings.

Where these outlets are located within activity centres, policy encourages them to be either limited in footprint, or located near the periphery of the zone, to ensure that the centre maintains vibrant and interesting shopfronts.

Site Contamination

What is changing about how site contamination is assessed?

In recent years, many users of our state's planning system have expressed frustration at the unnecessary costs, delays and disputes arising from a lack of guidance and clarity around the use of mechanisms to address site contamination.

The government has sought to address these issues by partnering with the local government sector and industry groups to reform and update the site contamination assessment process. The new, simplified process provides clearer guidance for practitioners on what steps are involved, when further investigations are required and who is responsible for undertaking them.

The new procedures introduce a risk-based series of four steps to help determine site suitability. The steps involve a staged assessment of site conditions based on previous uses of the land. Crucially, the investigation steps are only required when a *more sensitive* land use than previous is proposed.

Planners and other practitioners will be guided through the process by a Practice Direction, and general policies within the Code, both of which form part of the Code consultation package.

Sustainability and Climate

Will the new Planning and Design Code address the replacement of lawn with artificial grass?

The State Planning Commission is concerned with the loss of vegetation across our suburbs and is looking to provide measures in the new Planning and Design Code to improve landscaping and tree planting in residential developments. However, the planning system can only provide guidance and rules for what people can do on their land at the time of development/purchase. It is unable/difficult to regulate what people do with that land in the years that following.

Water

How will development in proximity to water resources or in water sensitive localities be assessed?

The Code provides a number of overlays relating to water security and quality.

There are a number of overlays relating to 'prescribed' areas that provide an avenue to highlight the need for additional assessment for certain acts, activities or developments that may not otherwise be required but are necessary within prescribed areas.

These overlays provide a consistent approach and a more streamlined method of updating policy and act as a mechanism through which relevant referrals will be required.

There are also policies for the assessment of development within 50m of a watercourse or waterbody across the state generally (not in Prescribed Areas). These policies are contained in a new Water

Resources Overlay which will serve to more consistently bring additional assessment considerations for developments likely to affect these 'non-prescribed' water bodies.

Spatially this is represented by the identification of the watercourses or waterbodies with a built in 50m buffer and will introduce policies that require consideration of the effect a development will have on the watercourse or water body.

There are no referrals associated with this overlay.

Value-Adding

How is value-adding improved by the Code?

In most council areas, the current planning system restricts activities such as processing, warehousing, storage and retailing in association with farming and primary production by listing these activities as 'non-complying'. This offers little opportunity for existing businesses to value add and diversify.

Value-adding activities where associated with existing primary production activities in peri-urban and rural areas will be a 'performance assessed' development with minimal to be included as 'restricted' development. In some zones, value-adding such as a shop or tourist accommodation may even be 'deemed-to-satisfy' if it falls within certain parameters. This will enable greater opportunities for value-adding enterprises with policies to ensure the ongoing protection of character, landscapes, primary production operations and rural land from fragmentation.

Technical and Numeric Variations (TNVs)

The draft Planning and Design Code (the Code) consists of zones, subzones, overlays and general development policies. However, the Planning, Development and Infrastructure Act 2016 also allows the Code to include provisions for the adaptation of the rules that apply in relation to a specified zone, subzone or overlay to provide for necessary and appropriate local variations.

This is where Technical and Numeric Variations (TNVs) come in – they can vary a technical or numeric requirement of the Code's parameters, or recognise unique character attributes. TNVs are applied spatially across various areas of the state. Not all locations will have a TNV – only areas that have unique local circumstances or where a variation from the relevant zone/subzone/overlay is required.

Development Plan content and the Code

The Planning and Design Code is a new designated instrument under the *Planning, Development and Infrastructure Act 2016*. It does not need to incorporate all of the same policy as contained in current council Development Plans, and in many cases cannot due to the different format.

One of the fundamental aspirations of the Code, and the planning reforms generally, is to reduce duplicate policy through consolidation.

However, the Department has sought to transition over a majority of the existing Development Plan policy intent into the Code.

The South Australian Planning Policy Library (SAPPL) contains standard modules that are used in Development Plans in the current planning system. While the existing policy has undergone refinement, improvement and consolidation, the below tables provide an indication of how most Development Plan modules are represented in the Planning and Design Code:

Typical existing Development Plan/SAPPL Zone(s) and Policy Areas	Code Zone(s)/Overlay (in instances where replacing existing zone policy)
People & Neighbourhoods (Priority Residential)	
Urban Core Zone Suburban Activity Node Zone	Urban Neighbourhood Zone Urban Renewal Neighbourhood Zone
Urban Corridor Zone, Boulevard Policy Area	Urban Corridor (Boulevard) Zone
Urban Corridor Zone, High Street Policy Area	Urban Corridor (Main Street) Zone
Urban Corridor Zone, Transit Living Policy Area	Urban Corridor (Living) Zone
Urban Corridor Zone, Business Policy Area	Urban Corridor (Business) Zone
Mixed Use Zone (where more residential focused – non industry)	Business Neighbourhood Zone
Residential Zone	General Neighbourhood Zone
Residential Zone (low density areas) Residential Hills Zone Residential Character Zone	Suburban Neighbourhood Zone
Residential Zone, Medium Density Policy Area	Housing Diversity Neighbourhood Zone
Residential Zone (regenerating/renewal areas)	Urban Renewal Neighbourhood Zone
Caravan and Tourist Park Zone	Caravan and Tourist Park Zone
Township Zone	Township Zone
Rural Living Zone	Rural Living Zone, Residential Neighbourhood Zone
Settlement Zone	Rural Settlement Zone
Coastal Settlement Zone	Rural Shack Settlement Zone Coastal Areas Overlay

Typical existing Development Plan/SAPPL Zone(s) and Policy Areas	Code Zone(s)/Overlay (in instances where replacing existing zone policy)
Productive Economy (Priority Commercial / Industry)	
Regional Centre Zone District Centre Zone	Urban Activity Centre Zone
Mixed Use Zone (generally)	Suburban Business and Innovation Zone
District Centre Zone Neighbourhood Centre Zone Local Centre Zone	Suburban Activity Centre Zone Suburban Main Street Zone
Industry Zone Urban Employment Zone	Employment Zone
Bulk Handling Zone	Employment (Bulk Handling) Zone
Light Industry Zone Commercial Zone Bulky Goods Zone	Suburban Employment Zone
Town Centre Zone	Township Activity Centre Zone Township Main Street Zone
Primary Production Zone Primary Industry Zone	Rural Zone
Primary Production Zone, Horticulture Policy Area	Rural Horticulture Zone
Watershed Protection (Mount Lofty Ranges) Zone Watershed (Primary Production) Zone	Peri-Urban Zone
Aquaculture Zone	Rural Aquaculture Zone
River Murray Flood Zone	Conservation Zone Rural Zone River Murray Flood Plain Overlay
Resilient Communities & Environment	
Hills Face Zone	Hills Face Zone
Conservation Zone	Conservation Zone
Coastal Conservation Zone	Conservation Zone Coastal Areas Overlay
Coastal Open Space Zone	Open Space Zone Coastal Areas Overlay
Open Space Zone	Open Space Zone

Typical existing Development Plan/SAPPL Zone(s) and Policy Areas	Code Zone(s)/Overlay (in instances where replacing existing zone policy)
Integrated Movement Systems	
Community Zone	Community Facilities Zone
Community Zone, Recreation Policy Area	Recreation Zone
Deferred Urban Zone	Deferred Urban Zone
Airfield Zone	Infrastructure (Airfield) Zone

How is policy represented where unique to a specific area?

Where the fundamental intent of policy in Development Plans is not covered through the Code's zones or overlays, in some instances the local policy variation has been transitioned through either:

- 'Subzones' where there is variation in the character of a zone; or
- 'Technical and Numerical Variation Overlays' where there is numeric variation.

Sub-zones sit underneath the 'parent' zone and apply additional/varied policies to the parent zone where a distinct varied character/policy intent exists. There are 28 Sub-zones in the proposed Code released for consultation.

Unique numeric policies (such as site areas or building heights) which don't necessarily change the fundamental intent or character of a zone can be represented in the Code through the 'Technical and Numeric Variation Overlay' instead of a separate zone or subzone. This approach allows current numeric data to be directly attributed to the locality to which it currently applies, such as:

- Australian Height Datum (AHD) site and floor levels
- Minimum lot size and frontage requirements (residential development)
- Minimum lot size (rural development)
- Maximum and maximum building heights (storeys).

How the Code incorporates current Development Plan Amendments (DPAs) **'NEW'**

Under the current legislation, council Development Plans can be amended through a Development Plan Amendment (DPA). A number of these DPAs are still in progress as we transition to the Planning and Design Code, including:

Council-led Development Plan Amendments on consultation

Council	DPA Name	Stage	Consultation Start	Consultation Finish
City of Unley	Norman Terrace, Everard Park Regeneration DPA	Consultation	14 Nov 2019	16 Jan 2020
Mount Barker District Council	Kanmantoo Mine DPA	Consultation	14 Nov 2019	23 Jan 2020

Council-led Development Plan Amendments that have completed consultation – not yet approved

Council	DPA Name	Stage	Consultation completed
Mount Barker District Council	Totness Employment Lands DPA	Approval	28 Mar 2018
City of Salisbury	Rural (Aircraft Noise) Direk Industry and Residential Interface	Approval	13 Oct 2014
City of Charles Sturt	Findon Road, Kidman Park (North) Mixed Use (Residential and Commercial) (Privately Funded) DPA	Approval	23 May 2019
District Council of Lower Eyre Peninsula	Holly Rise Coffin Bay Residential DPA	Post Consultation	21 Jun 2019
Mid Murray Council	Walker Avenue, Mannum DPA	Post Consultation	30 Jan 2018
District Council of Robe	Davenport Street DPA	Post Consultation	29 Apr 2019
City of Marion and City of Holdfast Bay	Seacliff Park Mixed Density Residential and Neighbourhood Activity Centre DPA	Post Consultation	18 Oct 2019
City of Onkaparinga	Old Reynella Winery – Mixed Use DPA	Post Consultation	29 Oct 2019
City of Playford	Playford Health Precinct DPA	Post Consultation	25 Oct 2019
City of Mitcham	Growth Precincts DPA	Post Consultation	28 Nov 2019
City of Playford	Virginia Value Adding DPA	Post Consultation	22 Nov 2019

Minister-led Development Plan Amendments on / about to go on consultation

Council	DPA Name	Stage	Consultation Start	Consultation Finish
-	-	-	-	-

Minister-led Development Plan Amendments that have completed consultation – not yet approved

Council	DPA Name	Stage	Consultation completed
City of Adelaide	Lot Fourteen (old Royal Adelaide Hospital) Innovation Area DPA	Post consultation	27 Nov 2019
City of Adelaide	City of Adelaide Minor Amendments DPA	Post consultation	19 Sep 2019
City of Port Adelaide Enfield	Devon Park Residential DPA	Post consultation	19 Sep 2019
City of Marion & City of Onkaparinga	Lonsdale Residential DPA	Post consultation	18 Dec 2019
City of Marion & City of West Torrens	Morphettville Racecourse DPA	Approval	3 Nov 2017

How can there be rezoning and policy amendment through a Development Plan Amendment process and the Code be on consultation at the same time?

Until the Code is formally introduced, council Development Plans will remain active. Amendments to Development Plans are continuing to progress, particularly for strategically important rezoning and policy amendments. The standard DPA process has not changed.

The Phase Two and Phase Three Code on consultation is being prepared to provide a complete replacement policy framework from 1 July 2020, once all Development Plans are revoked.

What will happen to rezoning and policy amendments currently being considered through DPAs when the Planning and Design Code comes into place?

There are active rezoning and policy amendments being processed through existing Development Plan Amendment (DPA) processes. These amendments are being prepared to change the current council Development Plans. Once the DPAs are approved, the mapping and policy changes will be transitioned into the Planning and Design Code as follows.

- If a DPA for a Phase Three council is approved up until the end of the first quarter of 2020, it will be approved by notice in the Government Gazette and become active policy in the council's Development Plan. The approved policy will be transitioned into the Planning and Design Code ready for the intended go-live date of 1 July 2020. At this time, the council's Development Plan will be revoked.
- After the first quarter of 2020, under transitional provisions, if a Development Plan Amendment is approved, the Department of Planning, Transport and Infrastructure will convert the amended policy into the Planning and Design Code structure. The DPA with the conversion to the Code will be considered by the State Planning Commission, who will provide advice to the Minister for

Planning for a decision. The Development Plan Amendment will be approved by Government Gazette and will become live once the Planning and Design Code becomes operational.

It should be noted that the transition process includes incorporating zones into the Code zone of best fit in the same way in which existing Development Plan policies have been transitioned. Some local policy may not transition into the Planning and Design Code.

Why doesn't the Planning and Design Code on consultation reflect the amendments occurring through a DPA?

The Planning and Design Code on consultation transitions policies from council Development Plans up to 13 September 2019. It does not incorporate policies approved after this date. These will be incorporated into the Planning and Design Code for implementation by July 2020.

It also does not incorporate policy amendments currently on consultation, with the exception of the Lot Fourteen (old Royal Adelaide Hospital) Code Amendment which has been incorporated due to the revised structure of the Riverbank Precinct.

I am preparing a Council DPA - what should I be aware of during the transition to the Planning and Design Code?

- It is recommended that you work closely with the Department's staff on the preparation, consultation and finalisation of the DPA.
- The Department can assist councils on the proposed amendment to ensure best fit into the Planning and Design Code.
- The Department will assist councils to provide information for the community on the Planning and Design Code.
- Consultation on DPAs must be completed by June 2020, whilst the Development Plan is still active.
- After consultation on the Phase Two and Phase Three Code, the draft Code will go through the approval processes and be translated into the ePlanning system. As a result, there will be a time period where DPAs will not be able to be approved until the Planning and Design Code is active. To enable current DPAs to be approved in time to be part of the Code to be implemented by July 2020, the amendments need to be incorporated in the draft Code prior to the Code approval process
- Transitional provisions allow for DPAs to be lodged for approval up to 30 September 2020. DPAs that seek to list local heritage items have up until the 30 December 2020 to be lodged for approval. DPAs that are not lodged by this time will automatically lapse.
- The State Planning Commission will provide advice to the Minister for DPAs lodged after July 2020, including a consideration on how the amendments will be transitioned.
- Once lodged for approval, the Department will prepare the conversion of the DPA for the Planning and Design Code.

I am a land owner/developer/council and I would like to do a rezoning, how do I progress?

Given that the Development Plans are in the process of being transitioned into the Planning and Design Code there is no longer sufficient time available to commence a Development Plan Amendment under the *Development Act 1993*.

However, from 1 July 2020, proposals for a Code Amendment can be lodged for the Minister's approval. Information and guidance on the Code Amendment process will be released late in 2019. However, if you would like more information now and would like to commence the investigations, it is recommended that you make a time to meet with the department to discuss by emailing DPTI.PlanningReform@sa.gov.au.

Get more information

Will there be information sessions to help members of the public understand the new Planning and Design Code?

Yes, community information sessions will be held throughout the consultation period, including visits to rural areas of South Australia during October. This will be followed by a roadshow to the larger regional towns and metropolitan Adelaide from November 2019.

Check our [calendar of events](#) for a session near you.

Where can I get more information about the draft Planning and Design Code?

You can get more information by:

Visit: www.saplanningportal.sa.gov.au/en/have_your_say

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

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

Email: DPTI.PlanningReform@sa.gov.au

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

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

Call: 1800 318 102

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

Feedback and Submissions

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

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

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

Code Framework

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

Code Content

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

Code Spatial Application

The spatial application of Zones, Subzones and Overlays to the various parts of the State

Assessment Procedures

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

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

Code Framework

The fact that the Code will replace Development Plans and the structure of the code (overlays, zones and sub-zones, general modules); principles of the Code (e.g. simplify); and criteria for zones and sub-zones.

Assessment

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

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

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

You can do this by:

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

How can people who don't speak English, or who need other assistance, get help to access information on the draft Planning and Design Code or to make a submission?

Assistance

If a person needs assistance with accessing, reading or understanding the Code or any of the support materials, or with making a submission they can contact the Code Hotline: 1800 318 102

Printed materials

During the consultation period a printed copy of the Code will be made available for any member of the public to view at council offices and the Commission's office at Level 5, 50 Flinders Street, Adelaide.

Translated Materials

The two key community focussed supporting materials, the Community Fact Sheet and the Community Guide, will be translated into the six supported languages. These materials will be made accessible from the SA Planning Portal, and will be provided to key multi-cultural community groups, councils and libraries.

Interpreting Service

The Planning Reform Implementation Program has established a free to use on-demand telephone interpreting service through the Interpreting and Translating Centre run by the Department of Human Services.

If English is not your preferred language, please contact the Interpreting and Translating Centre on 1800 280 203 and ask for an interpreter to speak with Planning Reform.

Interpreted Information Sessions

Interpreted information sessions will be offered in areas where there is a high representation of non-English speakers.

What will happen with my feedback?

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

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

Each submission will be entered into a register and you will receive an email acknowledging receipt of your submission. Your submission will be published on the SA Planning Portal. Personal addresses, emails and phone numbers are not published however company details are. Extensions will not be granted unless approval is given by the Program Director and Executive Director Planning and Land Use Services.

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