



STATE
PLANNING
COMMISSION



PLANNING AND DESIGN CODE FOR LAND NOT WITHIN A COUNCIL AREA (THE OUTBACK CODE)

ENGAGEMENT REPORT

Pursuant to Section 73(7) of the *Planning,
Development and Infrastructure Act 2016*



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1. Purpose of the report

This Engagement Report has been prepared by the State Planning Commission for consideration by the Minister for Planning in adopting the Planning and Design Code for application to land not within a council area – now known as the Outback Code. It has been prepared in accordance with the requirements prescribed in section 73(7) of the *Planning Development and Infrastructure Act 2016* and *Practice Direction 2 Consultation on the Preparation of a Designated Instrument 2018*.

Contained within this report is a summary of the:

- engagement and consultation activities undertaken by the State Planning Commission and the Department of Planning, Transport and Infrastructure to support the preparation and delivery of the Outback Code
- feedback received during the formal public consultation period in relation to the policies and technical aspects of the draft Outback Code
- State Planning Commission's response to the feedback received during the public consultation period – i.e. the changes the Commission recommends be made to the draft Outback Code released for public consultation
- evaluation of the effectiveness of the engagement and consultation on the draft Outback Code in line with the principles of the Community Engagement Charter.

2. The Planning and Design Code

The Planning and Design Code (the Code) is the cornerstone of South Australia's new planning system under the *Planning Development and Infrastructure Act 2016* (the PDI Act). It will become the single source of planning policy for assessing development applications across the state. The Code will consolidate and replace all 72 South Australian Development Plans with a single comprehensive set of policies, rules, and classifications for the purposes of development assessment and related matters by mid-2020.

The Code's role is broader than that of Development Plans in the current planning system. Not only will it house types of rules that currently reside in the *Development Regulations 2008* (including definitions and categorisation of development and State Agency referral triggers), it will also prescribe aspects of new instruments and features created by the PDI Act, such as land use classes, Design Standards and Infrastructure Schemes. Further to this, for the first time, the state's core planning objectives – the State Planning Policies – will be reflected in local level policies embedded in the Code.

Importantly, the Code will be available centrally via a 24-hour ePlanning platform on the *SA Planning Portal* to all residents, planners, developers, and local governments and will greatly help South Australians navigate the planning system. Establishing an online Code will dramatically alter the way planning rules are stored, retrieved and maintained in South Australia. It also offers the potential to dramatically enhance the collection of data regarding development and assessment outcomes.

Ultimately, the introduction of the Code will deliver the following benefits for planning and development in South Australia:

✓ ***A single reference point for state planning and design policies and rules***

The Code will consolidate South Australia's 72 Development Plans into one clear planning rulebook for the state.

✓ ***Consistent planning policies to improve certainty in decision making***

The Code will enable improved consistency of all development assessment and decisions.

✓ ***Standardised interpretation of legislation will improve assessment and reduce delays***

The Code will streamline zones and policy to drive a faster and more efficient development assessment process.

✓ ***Online delivery of the Code provides assessment authorities with only the policies and rules they need***

The new ePlanning Portal will automatically determine 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.

✓ ***Significant reduction in paperwork***

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

✓ ***Reduced costs and delays in updating development plans***

The Code will be administered centrally and electronically, with amendments implemented more efficiently and consistently.

Establishing the Planning and Design Code

In accordance with section 65 of the PDI Act, the State Planning Commission (the Commission) is responsible for preparing and maintaining the Code.

To help establish the first generation of the Code, the Commission released a *Blueprint for South Australia's Planning and Design Code* in March 2018 which outlined, amongst other things, the operational framework and key content requirements for the Code. The Blueprint was supported by a technical discussion paper *South Australia's Planning and Design Code – How will it work?*, which set the parameters for the form and structure of the Code, its governing rules and principles, and its relationship with ePlanning and other planning instruments.

The technical paper also identified that the planning rules included in the first generation of the Code will largely be a consolidation of those currently existing, particularly those contained within the South Australian Planning Policy Library (SAPPL).

The Code will herald a new approach to the way planning rules are drafted, presented and interpreted. In particular, the Code will deliver:

✓ ***An increased emphasis on performance-based planning***

Providing policies and rules (assessment criteria) that provide a mechanism to readily approve low risk and minor development expected for an area, as well as qualitative performance outcomes that allow for design flexibility to achieve the desired outcomes for more intense and larger scale development.

✓ ***A greater focus on excellence in design***

Providing a blend of traditional land use and form-based zones, where a greater emphasis on built form and public realm is required.

✓ ***Improved assessment pathways for applications***

An increase in the potential for deemed-to-satisfy development applications to streamline the assessment process for straightforward applications.

✓ ***More consistency with state strategic directions***

The State Planning Policies will inform the directions for policy content in the Code.

Further to this, the way policies, rules and classifications are structured in the Code will differ from the current environment and are expressed as follows:

- Zones
- Overlays
- Subzones
- General Development Policies
- Land Use Definitions
- Assessment Tables

The three spatial layers in the Code – zones, subzones and overlays – will principally be used to regulate land use and built form, and each is proposed to be used in specific circumstances. They will provide the building blocks we need to guide good development state wide and reflect key features of interstate systems that have worked well.

Implementing the Planning and Design Code

The Code and its supporting regulations will be implemented throughout South Australia in three consecutive phases, moving from less complex to more complex planning environments between now and 1 July 2020 when the full PDI Act – and the Code – comes into effect. Underpinning each phase is the retirement of all relevant council Development Plans and commencement of the Code as the primary planning rules assessment tool for all development applications in the identified area.

The phased implementation strategy for the Code is as follows:

- Phase 1: Land Not Within a Council Area (the Outback Code) – foundational elements of the Code introduced for commencement of operation mid 2019 – ePlanning not included
- Phase 2: Rural Areas – Code amended to include policy needed to guide development assessment in rural council areas with small towns and settlements and part of the ePlanning platform (assessment workflow) to commence operation
- Phase 3: Urban Adelaide – Code further amended to include policy to guide development assessment in urban councils and councils with regional towns and cities and ePlanning platform (full solution) completed for commencement of operation by July 2020.

Staging the implementation of the Code allows the Commission to minimise risk, manage the change more effectively and apply key learnings along the way, adjusting the deployment approach as required. Further to this, each of the phases will undergo its own statutory consultation process providing every South Australian with the opportunity to make formal submissions on the Code.

On 20 September 2018, the Commission initiated preparation of the Code in accordance with section 73(1) of the PDI Act. The Department then proceeded to prepare a proposal of the Code for land not within a council area – now known as the Outback Code – in accordance with the key Code content provisions of the Act.

The Outback Code

The Outback Code constitutes the first significant reform of development control policy applying to the state's remote areas in almost seven years – following the Roxby Downs and Environs Development Plan Amendment (DPA) and the Statewide Wind Farms DPA being given effect in October 2012.

The Outback Code affects approximately 80 per cent of the South Australian land mass – being that part of the state to the north of Goyder's Line excluding Coober Pedy and Roxby Downs (both of which are incorporated areas). State coastal waters, excluding what are known as the metro state waters¹, are also affected by the Outback Code. The areas covered by the Outback Code are depicted in Figure 1 below.

There are three Development Plans that will be retired upon the Outback Code being given effect:

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

¹ The metro state waters have been placed in the third phase of the Code implementation strategy.

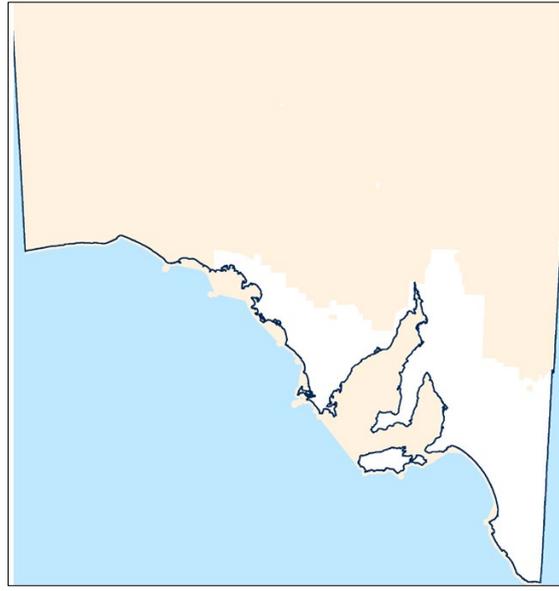


Figure 1 The areas of South Australia covered by the Outback Code

The Outback Code has been used as a pilot for rolling out the new system, given it is a relatively low-risk environment to test and refine the Code, given that:

- the State Commission Assessment Panel (SCAP) is the relevant planning authority
- there are is a low volume of development applications in the area - approximately 50 each year.

The draft Outback Code was prepared based on engagement with and input from the public, industry, local councils and the professional planning and development community. It is also the product of significant investigation and testing of the current planning policy environment, both in South Australia and interstate.

On 17 January 2019 the Commission endorsed the release of the draft of the Outback Code for formal consultation between 5 February 2019 and 29 March 2019. The outcomes of the engagement and consultation activities undertaken by the Commission and the Department during this time and how the feedback received has been reflected in the Outback Code are summarised in the remainder of this report.

3. Engagement Approach

South Australia’s new planning system is informed by genuine feedback from the community, the planning and development industries and other interested parties. The Code is no different, having been prepared in collaboration with other state agencies, industry leaders and the wider public.

The process for amending or creating the Code is set out in the PDI Act. Public engagement in accordance with the Community Engagement Charter (the Charter) is an important part of this.

The Charter outlines the following five key principles (Figure 2) that must be taken into consideration when planning for and conducting consultation and engagement on designated instruments (such as the Outback Code):



Figure 2 Principles of the Community Engagement Charter

To ensure the Outback Code aligned with these principles and, therefore, the Charter, an Engagement Plan was prepared by the Department in accordance with the requirements of Practice Direction 2 – *Consultation on the Preparation or Amendment of a Designated Instrument 2018*. The Engagement Plan mapped the stakeholders who would be affected by the implementation of the Outback Code, the level of engagement required and the timing of consultation and communication activities in line with the following stages:

Table 1 Stages of Engagement for the draft Outback Code

Stage	Objective	Stakeholders	Engagement level	Timing
Stage 1: Code Drafting	To develop the draft Outback Code	State agencies, the Department, councils, State Planning Commission	Involve	Completed
Stage 2: Community Consultation	To consult the broader community on the draft Outback Code	All stakeholders listed in the stakeholder and community map (refer Attachment 1 of this Report)	Inform and Consult	January – March 2019

Stage	Objective	Stakeholders	Engagement level	Timing
Stage 3: Engagement Reporting	To provide stakeholders with a summary of feedback received during consultation and an indication of key actions / next steps	State agencies, the Department, councils (where relevant), State Planning Commission	Involve	April 2019
Stage 4: Code Finalisation	To finalise the Outback Code	DPTI, State Planning Commission	Inform	June 2019

3.1 Engagement objectives

In its broadest terms, the purpose of the Engagement Plan for the Outback Code was to seek feedback on the draft Code and broadly communicate to all South Australians why planning reform was needed and how (and when) the remaining Code policies would be implemented across the state.

The engagement objectives of this plan were to:

- obtain meaningful feedback on the draft Outback Code from communities and practitioners within the out of council areas of South Australia and assist them understand what it means for them
- ensure professional peak bodies were informed about the draft Outback Code and its implementation and what it would mean for their members
- generate awareness about the three phases of the implementation program and what it would mean for South Australia
- educate South Australians about the new planning system
- fulfil the principles of the Community Engagement Charter to demonstrate best practice and authentic engagement.

A summary of key engagement activities undertaken in line with these stages is outlined below.

3.2 Summary of engagement activities

3.2.1 Early collaboration with industry practitioners

A Code Working Group was established in early 2018 to assist with the development of the Code and consider planning policy related to medium density and mixed-use developments, residential neighbourhoods, employment lands and primary production. The working group comprised 45 council planners and private planning practitioners and met five times between May and November 2018. Feedback from this working group greatly assisted the Commission and the Department in preparing the draft Outback Code that was released for public consultation.

Further opportunities to influence policy in the Outback Code was made available to the wider development industry, councils and community through the Commission's release of three discussion papers in 2018 that identified prioritised the key trends, issues and opportunities associated with land-use planning in South Australia.

The *Natural Resources and Environment Discussion Paper* considered the role planning could play in reducing the risks from natural and man-made disasters as well as preserving and protecting our natural

assets and fertile lands from the encroachment of inappropriate development, particularly in the face of rising urbanisation and climate change.

The *Integrated Movement Systems Discussion Paper* focused on the role planning could play in achieving optimal land use and development outcomes that complement and support the function of all transport modes, particularly given the rapid technological advancements and our rising urbanisation.

The *Productive Economy Discussion Paper* outlined the role planning could play in protecting and growing key industries, linking people to jobs, goods and services, providing infrastructure to enhance liveability, and facilitating greater opportunities for innovation.

Feedback relevant to remote communities was fed into the development of policy content for the Outback Code.

3.2.2 Public consultation

Fifty-eight written submissions were received in response to formal public consultation on the draft Outback Code. These were received from a range of stakeholders, including councils, industry groups, community groups and individual members of the public. All submissions have been published on the SA Planning Portal – except where a request has been made that this not occur.

In general, the feedback received indicated the schema of the draft Outback Code had generally been accepted by respondents – with the suite of Zones, Overlays and General Development policies being seen to logically and adequately cover development control requirements in remote South Australia.

Most submissions provided suggestions as to how draft policy could be refined and improved – with many of these suggestions relating to the policy content the Code could and should include for more intensely developed areas of the state that fall within Phases 2 and 3 of the Code implementation strategy.

Key issues raised by submissions included:

- Clarity and precision of the wording of policy – with clarity of purpose particularly relating to Performance Outcomes and to Deemed-to-Satisfy (DTS) requirements
- Potential to increase the number of DTS pathways for development
- Extent to which definitions have been used.

These issues, and the Commission's response to them, are discussed in detail in Section 4 of this report.

3.2.3 YourSAy survey

The Department launched a YourSAy site on 5 February 2019 to facilitate feedback on the draft Outback Code. This site featured the following resources:

- the draft Outback Code itself
- *Community Guide to the Planning and Design Code in the Outback and Coastal Waters*
- *Practitioner's Guide to the Planning and Design Code in the Outback and Coastal Waters*
- Map of proposed zones and overlays in the Outback Code.

3.2.4 Livestream Events

On 26 February 2019, council planners, private planning practitioners and consultancy firms were invited to participate in an online workshop which was livestreamed across the state.

The event included a presentation on the draft Code and participants were asked to any raise issues that they felt were missed, required more thought or were not relevant. In addition to online participation, members of the Code Working Group were invited to participate in person. In all there were 25 online participants and eight in person.

Table 1 below summaries the industry events that were undertaken to educate practitioners about the Code and encourage written submissions.

Table 2 Outback Code industry events for practitioners

Date	Activity	Audience
14 February 2019	Briefing and Q&A session (1) on the Planning and Design Code, hosted by the State Planning Commission	Council mayors, chief executives and elected members
21 February 2019	Briefing and Q&A session (2) on the Planning and Design Code, hosted by the State Planning Commission	Council mayors, chief executives and elected members
26 February 2019	Livestreamed workshop on Phase One of the Planning and Design Code	Industry practitioners across the state
28 February 2019	Briefing and Q&A session (3) on the Planning and Design Code, hosted by the State Planning Commission	Council mayors, chief executives and elected members
27 March 2019	Q&A session on Phase One of the Planning and Design Code at monthly Local Government Association briefing	Local government planning staff

3.2.5 Community drop-in sessions

A series of five community drop-in sessions were hosted by the Department between 7 August 2018 and 18 January 2019 to enable South Australian residents (and planning professionals) to ask questions about new planning policy in the Code.

3.2.6 Tour of Outback communities

Table 2 below summaries the week-long tour of outback towns that the Department undertook in collaboration with the State Planning Commission, Outback Communities Authority and local progress associations to inform local community members about Phase One of the Code and how it would impact planning in their region. As a result of the tour, the Department made direct contact with more than 50 people.

Table 3 Outback communities tour itinerary

Date	Activity	Audience
4 March 2019	Drop-in session at Coober Pedy Council Chambers	Local community members
5 March 2019	Drop-in session at Andamooka Hall	Local community members

Date	Activity	Audience
6 March 2019	Drop-in session at Marree Telecentre	Local community members
7 March 2019	Drop-in session at Yunta Telecentre	Local community members

3.2.6 Promotional Activities

Table 3 below summaries the formal promotional activities that were undertaken to inform South Australians about opportunities to get involved in the consultation process.

These activities included a week-long social media campaign on the Department's Facebook site (which included six posts). Public Notices were also issued in *The Advertiser* and in 11 local papers. An article on the highlights of the tour was published in the Department's *Planning Ahead* monthly newsletter after the event.

Table 4 Outback Code promotional activities targeted at the community

Date	Activity	Audience
5 February 2019	Facebook post announcing start of consultation on Phase One Code	Industry practitioners and community members
13 February 2019	Public Notice in the <i>Loxton News</i> , <i>Plains Producer</i> and the <i>Waikerie River News</i>	Community members in regional and outback towns
15 February 2019	Public Notice in <i>The Advertiser</i> and the <i>Murray Pioneer</i>	Community members in metropolitan and regional towns
20 February 2019	Public Notice in the <i>Transcontinental</i> , <i>Border Chronicle</i> and <i>Flinders News</i>	Community members in regional and outback towns
21 February 2019	Public Notice in the <i>West Coast Sentinel</i> , <i>Northern Argus</i> , <i>Whyalla News</i> and the <i>Coober Pedy Times</i>	Community members in regional and outback towns
1 March 2019	Article in <i>Yunta North East News</i>	Community members in regional and outback towns
1 March 2019	Facebook post announcing outback tour dates	Community members in regional and outback towns
4 March 2019	Facebook post announcing Department visit to Coober Pedy	Community members in regional and outback towns
5 March 2019	Facebook post announcing Department visit to Andamooka	Community members in regional and outback towns
6 March 2019	Facebook post announcing Department visit to Marree	Community members in regional and outback towns
7 March 2019	Facebook post announcing Department visit to Yunta	Community members in regional and outback towns
27 March 2019	Article in <i>Planning Ahead</i> e-newsletter from the Department	Industry practitioners and community members

4. What We Heard and How We Have Responded - the draft Outback Code

This section of this report:

- summarises the points made by submissions received in response to formal public consultation on the draft Outback Code
- communicates the Commission's recommendations regarding changes that should be made to the draft Outback Code in response to submissions. A summary of the recommendations can be found in Attachment 2 of this report.

This section is organised by the following key themes contained within submissions:

- Terminology – i.e. how policy within the draft Code is expressed
- Opportunities for rationalisation
- Rules of interpretation – being Part 1 of the draft Outback Code
- Code Library – this is the largest section of this report, and relates to the Zones, Overlays and General Development Policy modules that comprise the heart of the draft Outback Code
- Definitions – these being the land use and administrative terms that the draft Outback Code contained definitions for
- Referrals to other state agencies
- Mapping – i.e. spatial application of the Zones and Overlays of within the draft Outback Code.

Many submissions received in response to formal public consultation sought clarification in respect of certain matters of the draft Outback Code and the new planning system more generally. Where relevant, points of clarification are included in the following discussion.

4.1 Terminology

4.1.1 Desired Outcomes

Respondents expressed a desire for greater clarity surrounding the role and function of Desired Outcomes within Zone modules. Specifically, concern was expressed that unlike in the current system, there is no direct policy link stating that a development should align with Desired Outcomes.

Respondents expressed a desire for greater clarity surrounding how local character will be preserved within Code policy given that locally specific Desired Character Statements in Development Plans will not be transitioned into the Code. Respondents acknowledged that this matter will be of greater interest in Phases 2 and 3 of the Code implementation. It is considered that the use of Subzones and Overlays will provide greater clarity surrounding locally specific characteristics. The number, type and specific content of Subzones and Overlays for Phase 2 and 3 is currently being considered.

Commission's Recommendation:

- 1 Update Part 1: *Rules of Interpretation* to explicitly identify when and how Desired Outcomes are to be used in development assessment.

4.1.2 Performance Outcomes

A number of respondents suggested that a number of performance outcomes in the draft Outback Code could be re-worded for greater clarity. More broadly, submissions queried whether words in the policy vocabulary should be more clearly defined. Terms such as 'desirable', 'minimise', 'where appropriate', 'sensitive', 'harm' and 'minor' were considered open to significant interpretation and not measurable.

Feedback also indicated that there needed to be improved alignment between some performance outcomes and their corresponding deemed-to-satisfy requirements, such that once all deemed-to-satisfy requirements were met, the performance outcomes were likewise achieved.

Recommendations as to how the performance outcomes in the draft Outback Code follow beneath the heading 'Code Library'.

4.1.3 Deemed-to-Satisfy requirements

Some respondents indicated that there were a lack of deemed-to-satisfy requirements for simple development in the outback, i.e. there were not enough development types that had a deemed-to-satisfy pathway, which would make it harder for outback applicants to undertake minor, low-risk development. Respondents indicated that they would like to see the deemed-to-satisfy pathway attributed to more low-risk land uses, in order to ensure greater certainty around decision-making, as well as quicker, easier and more consistent development assessment.

Conversely, many respondents felt that some existing deemed-to-satisfy requirements were too detailed, with some such requirements comprising multiple components that could be simplified. For example, it was felt that Deemed-to-Satisfy requirements for overshadowing were unnecessarily onerous, requiring applicants to not only meet height and setback requirements but also provide shadow diagrams.

Some deemed-to-satisfy requirements were considered to be too subjective and open to interpretation. In addition, some respondents indicated that there needed to be more clarity around referral triggers related to deemed-to-satisfy developments (i.e. what types of deemed-to-satisfy developments should be automatically referred to an external agency for expert advice and what are the appropriate referral triggers?). Similarly, respondents expressed a desire for greater clarity as to how an assessment authority could demonstrate that it has 'shown regard' to deemed-to-satisfy requirements during performance assessment.

Recommendations as to how the performance outcomes in the draft Outback Code follow beneath the heading 'Code Library'.

4.2 Opportunities for rationalisation

Various opportunities to rationalise the content of the draft Outback Code were identified by respondents. This included removal of duplication such as:

- policies similarly expressed between related modules (for example, Coastal Waters Zone, Coastal Areas Overlay, Aquaculture General Module)
- the requirements of other legislation (several policies relating to activities which require licensing/assessment under other acts such as aquaculture, water affecting activities, site contamination and some aspects of the *Native Vegetation Act*).

Commission's Recommendations:

- 2 Remove duplication of like policies between related modules (e.g. Coastal Waters Zone, Coastal Areas Overlay, Aquaculture General Module)
- 3 Remove policy which effectively duplicates the requirements of other legislation:

4.3 Rules of interpretation

Respondents expressed general support for the inclusion of Rules of Interpretation, as well as the hierarchy of Zone, Subzone and Overlay policy provisions within the Code.

However, a desire for greater clarity regarding the policy hierarchy was expressed in relation to whether zone policy will prevail over general modules. Similarly it was questioned how to determine which Overlay will prevail over another, in the case that two or more potentially inconsistent Overlays apply to an application. Respondents also expressed a desire for greater clarity as to how an assessment authority could demonstrate that it has 'shown regard' to deemed-to-satisfy requirements during performance assessment.

Clarification:

- Overlays prevail over all other components to the extent of any inconsistency.
- Subzones prevail over zone and general development provisions to the extent of any inconsistency.
- Zones will prevail over general development provisions to the extent of any inconsistency.
- As discussed in Section 4 *Improvements and Technical Enhancements*, the introduction of the *Designate performance Feature* (DPF) provides a mechanism for having regard to a DTS requirement during Performance Assessment.

Commission's Recommendation:

- 4 Update the Rules of Interpretation to more clearly articulate rules of usage of the Code not provided by the Act or the various Planning, Development and Infrastructure Regulations.

4.4 Code Library

In broad terms, respondents expressed support for the library of Zones, Overlays and General Development Policies. The majority of submissions provided suggestions and recommendations as to how policy within the draft Outback Code could and should be amended to effect appropriate development control.

Following is discussion of the suggestions and recommendations made to each of the Zones, Overlays and General Development Policies modules within the draft Outback Code. Modules that have not attracted comment, and which the Commission therefore not be amended in any substantive way (not being of a minor technical and / or editorial nature) are not discussed. A summary of submission is attached that provides detail in relation to comments received and changes proposed to be made.

4.4.1 Zones

Coastal Waters Zone

Respondents expressed general support for the Zone's recognition of the State's coastal waters as a valuable environmental, commercial, tourism, and recreational resource. However, some respondents suggested that the zone could include further policies which support the protection of the marine and coastal environment, as well as offshore islands. However, as clarification, this matter is covered in the Coastal Areas Overlay. Respondents also suggested that DTS relating to setback distance from any reserve under the National Parks and Wildlife Act should exclude the proposed Ministerial discretion to allow a lesser distance. However, this policy is consistent with the current Development Plan and South Australian Planning Policy Library.

Clarification:

- Whilst the zone does not currently apply to the State's metropolitan waters, zoning will be applied to this area in later phases of the Code, along with additional Overlays to address specific matters such as the Port Adelaide Dolphin Sanctuary.

Commission's Recommendation:

- 5 Specific reference to the State's coastal waters being an 'ecological resource' be added to the Desired Outcome of the Zone.

Conservation Zone

Some respondents were concerned with dwellings being identified as Performance Assessed and recommended they be identified as restricted. However, there were other submissions that took the alternative view and thought this was appropriate where potential impacts could be managed.

Some held the view that tourist accommodation should be Performance Assessed whilst noting tension between it being identified as restricted activity despite policy in the zone seemingly contemplating it.

It was also suggested that the provisions relating to land division to support conservation management could be clarified.

Clarification:

- Current non-complying triggers apply to dwellings unless they are developed to support the administration of conservation under the *National Parks and Wildlife Act 1972* or the *Wilderness Protection Act 1992*. The Performance Outcome of the Conservation Zone requires that dwellings are single, detached, result in only one dwelling per allotment and are provided to support conservation administration. It is considered that this performance outcome provides an adequate mechanism for the management of dwellings within the Zone.

Commission's Recommendations:

- 6 In relation to tourism accommodation:
 - Remove policy that seeks to limit possibility of conversion to a dwelling on the basis this is not a zone specific issue, and requires consideration in the context of land use definitions.
 - Remove it from the list of Restricted Development.
- 7 Refinement to land division policy is recommended, including to separate the policy so that land division relating to existing tourism accommodation is addressed separately to other land division, and other land division policy is tightened to be clearer that it is only where it supports conservation management.

Local Infrastructure (Airfield) Zone

Respondents expressed general support for the content of the Zone for application in the Outback Code. However, respondents expressed a desire for additional policy to address the specific needs of larger commercial and military airfields, including, Adelaide, Parafield and Edinburgh (Phase 3).

Concern was also raised that the zone does not contain policy requiring airport development (and operations) to be designed and sited to minimise impacts on sensitive development.

Commission's Recommendation:

8 No amendments recommended.

Remote Areas Zone

Respondents generally expressed support for the content of the Zone, however some suggested the Desired Outcome should be broadened to reflect a wide and diverse range of activities are anticipated. Respondents also suggested that policy should be refined to better recognise the possibility of larger buildings.

Respondents also expressed concern that the Remote Areas Zone lacks consideration of sustainable land management and biodiversity. Concern regarding the loss of a structure plan that identified the Whyalla Steel Works site as an industrial area was raised.

Clarification:

- The Zone is a translation of the policy content in the current development plans. The Code is structured so that Zones primarily contain policy related to land use and built form suitability. Policy in relation to other planning issues will typically be found in General Development modules or Overlays.
- The Whyalla steel works is an existing use with associated use rights. The Structure Plan identifies the location as an industrial use in effect reflecting the existing use of the site.

Commission's Recommendations:

- 9 The Zone's Desired Outcome be refined to include a wider range of uses reflecting the diversity of activity that is anticipated, and that the preservation of natural landscape features and values is in the context of anticipating large buildings.
- 10 Policy be included to be clear that larger buildings are anticipated provided siting and design seeks to reduce impacts on the landscape and vistas.

Settlement Zone

Respondents express concern about the Zone's detailed policy on building height and setbacks (reflecting comments made about the Township Zone discussed below), as well as the general level of guidance afforded to non-residential land uses and the possibility of adapting the Zone to other parts of the State to recognise existing development opportunities and pressures.

Similar to the Township Zone, some submissions suggested that additional DTS requirements relating to business activities could be incorporated to allow more proposals to be classified as DTS.

It was suggested that the list of Restricted developments be expanded to other common uses that are not considered acceptable within a settlement including farming, horticulture and intensive animal keeping.

Clarification:

- Extending the list of uses identified in the Restricted Development Classification table for the Zone is not regarded as a critical issue for the Outback Code on the basis that the rural uses identified are unlikely to occur, the State Planning Commission is the relevant planning authority for all of the Outback and the Settlement Zone's policies do not contemplate those types of rural uses. Changes to lists of restricted developments can be appropriately considered in subsequent amendments to the Code.

Commission's Recommendations:

- 11** Amend and consolidate performance outcomes (where possible) to improve intent, with corresponding amendments to deemed-to-satisfy criteria in relation to building height and setbacks.
- 12** Reduce the Zone's land division DTS from 1200m² to 800m² to better reflect existing circumstances in Outback settlements - recognising that land division is proposed to be a performance assessed class of development in the draft Code and that various other policies under the general development section 'Land Division' and 'Infrastructure and Renewable Energy Facilities' are relevant to such assessments.

Specific Use (Tourism Development) Zone

Respondents expressed a desire for additional land use outcomes and questioned why services and facilities within the Zone should be limited to those which are 'small scale'. Respondents also questioned how to interpret current notification requirements and expressed a desire for notification to apply to additional land uses.

Clarification:

- The Specific Use (Tourism Development) Zone applies only to Arkaroola and Wilpena. In these areas it is considered appropriate that development is 'small-scale' and land use outcomes are limited.

Commission's Recommendation:

- 13** No changes recommended.

Township Zone

Overarching comments were made about the terminology and overall intent of the Zone. This included:

- replacing the term 'urban' (in the Desired Outcome) with 'town centre' as it is more familiar to regional communities;
- reconsidering the emphasis on 'small-scale' non-residential development as some towns may need to cater for regional scale services (including increasing the proposed DTS floor limits for some non-residential uses).

Most comments concerned the Zone's detailed policy content and how these might impact proposals during the design and assessment phases. Zone policies of particular interest include:

- the excessive minimum allotment size, with suggestion that this be reduced (e.g. to 800m²) and the possible need for additional policy to add rigour to the assessment process;
- the potential for excessive walls to be constructed along boundaries (e.g. up to 45% of the length of a boundary);
- a review of proposed DTS policies for setbacks and building height to provide additional certainty in determining when a DTS criteria has been met;
- policy improvement to assist with the application of setbacks to corner allotments;
- identification of more DTS requirements under a number of General Development Provisions modules that can affect township development (e.g., Design and Siting, Transport Access and Parking and Residential Liveability (retain open space provisions as per existing ResCode);

- improved correlation between deemed-to-satisfy criteria and notification triggers, including clarity around the use of DTS for gross leasable floor area limits and references to outdoor space when referring to non-residential uses; and
- the anomalous inclusion of a 'hazard' policy in the Zone given the intent of Overlays and general policies.

Clarification:

- Many of the Zone's DTS criteria are based on established requirements – general improvements and clarification of wording and intent of DTs criteria, as well a review of d built form outcomes (e.g. larger outbuildings on larger sites) can be appropriately considered when spatially applying the Code to other parts of the State.

Commission's Recommendations:

- 14** Amend and consolidate performance outcomes (where possible) to improve intent, with corresponding amendments to deemed-to-satisfy criteria in relation to building height and setbacks.
- 15** Reduce the Zone's land division DTS has been reduced from 1200m² to 800m² to better reflect existing circumstances in Outback towns - recognising that land division is proposed to be a performance assessed class of development in the draft Code and that various other policies under the general development section 'Land Division' and 'Infrastructure and Renewable Energy Facilities' are relevant to such assessments.

4.4.2 Overlays

Building near Airfields Overlay

Respondents expressed concern that the removal of reference to Australian Standards within this Overlay would leave planners without sufficient policy to assess applications to ensure airport noise would not affect sensitive land uses. Respondents highlighted that the Obstacle Limitations Surface (OLS) was not mapped within the draft Code.

Clarification:

- The *Aircraft Noise Exposure Overlay* will be applied to aircraft noise affected areas where these are spatially defined for Phase 2 and 3. For areas where noise mapping exists in current Development Plans, this will be transitioned to the Code via the Aircraft Noise Exposure overlay.
- Currently there are no spatially defined aircraft noise or aircraft building heights (i.e. OLS) within the Outback. As such, noise sensitive land uses will require performance assessment within the Building near Airfields Overlay area. There are opportunities to further develop policies for the assessment of noise sensitive developments in this Overlay area in Phase 2 and 3.

Commission's Recommendation:

- 16** Amend policy related to risk bird strike by referencing 'horticulture' instead of 'agriculture' to better reflect the National Aviation Safety Framework.

Coastal Areas Overlay

In general, respondents supported the content of the Coastal Areas Overlay. A number of submissions queried how the policy content within this would be adequate for that part of the coast within council areas –

but recognised that further refinement of the policy content would occur as part of Phases 2 and 3 of the Code.

Various improvements were recommended to policy – including some moderation of terminology used in performance outcomes.

Clarification:

- Additional investigation into sea level rise, the various floor level requirements that should apply within coastal areas and matters such as sand dune drift require further investigation and will inform policy forming part of Phases 2 and 3 of the Code.

Commission's Recommendation:

17 Relocate PO 5.1 and 5.2 under the heading 'Hazard Risk Minimisation' and delete DTS 6.4.

Hazards (Acid Sulfate Soil) Overlay

While there was general support for the inclusion of this module, respondents recommended it be revised to ensure development avoids the disturbance of acid sulfate soils in the first instance, followed by measures to minimise damage resulting from acid drainage. Respondents also suggested the inclusion of a referral trigger within this Overlay.

Clarification:

- It is considered that Overlay policy both identifies the need to prevent or minimise disturbance of acid sulfate soils, in addition to dealing with the consequences of their disturbance.
- The lack of a referral trigger for acid sulfate soils reflects the current system.

Commission's Recommendation:

18 No amendments recommended.

Hazards (Bushfire Protection) Overlay

Respondents were generally supportive of this module, however clarity was sought as to why the Country Fire Service (CFS) was not included as a referral body within this Overlay. Respondents also suggested a number of amendments to asset protection zone and access policy as well as suggesting a requirement for water storage tanks for bush firefighting purposes should be considered.

Clarification:

- The Overlay is not intended to act as a 'bushfire protection area' as that term is used in building rules assessment. Additional bushfire overlays are being prepared for Phases 2 and 3 that will pick up this role similar to how it is identified in Development Plans (e.g. High, Medium, General Risk and Excluded areas). This will include the addition of referrals.
- Reflective of the scarcity of water in outback areas, requirements for water storage tanks have not been included within this module.

Commission's Recommendations:

19 Rename module *Hazards (Bushfire – Outback) Overlay*.

- 20 Amend PO 1.1 and DTS 1.1 to address inconsistency in asset protection zone policy.
- 21 Amend DTS 2.1 to include minimum road width and clearance requirements for vehicle access.

Historic Shipwrecks Overlay

Respondents highlighted that the *Historic Shipwrecks Act 1981* does not prescribe minimum distances for which a development must be set back from a shipwreck.

Clarification:

- Minimum distances are required to spatially define the areas in which the overlay would apply. The 500m minimum distance prescribed in the Overlay relating to un-located shipwrecks reflects existing referral triggers within the *Development Regulations*, whilst the 150m distance from a located shipwreck was developed in consultation with the *Department of Environment and Water*.

Commission's Recommendation:

- 22 No amendments recommended.

Key Outback and Rural Routes Overlay

Various comments were received around the detailed technical requirements relating to access points, principally in relation to the stopping distances for vehicles. This included suggestion of increases, as well as views that they are too onerous.

Some respondents questioned whether the access point distance criteria specified in DTS requirements for this Overlay would apply to urban areas, suggesting that it may be difficult to know if this requirement would be achievable in an urban setting.

Clarification:

- The policy in the Overlays are suitable for use in regional and remote areas. Separate policy will be needed that is suitable for use in urban areas including metropolitan Adelaide.

Commission's Recommendation:

- 23 Amend detailed policy around numeric requirements for sight line and access point separation distances in both Overlays, in line with DPTI Transport comments.

Key Railway Corridors Overlay

Respondents questioned whether the access point distance criteria specified in DTS requirements for this Overlay would apply to urban areas, suggesting that it may be difficult to know if this requirement would be achievable in an urban setting.

Clarification:

- The applicability of specific distance criteria in urban settings is something that will be investigated further during the development of Phase 2 and Phase 3.

Commission's Recommendation:

- 24** Amend detailed policy around numeric requirements for sight line and access point separation distances in both Overlays, in line with DPTI Transport comments.

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

Respondents were generally supportive of the policy intent within the Marine Parks Overlays, however suggested it is unclear where these Overlays will apply and how one Overlay would apply in place of the other. It was also suggested the Desired Outcomes of the Overlay should mimic the legislative requirements contained within the Marine Parks (Zoning) Regulations 2012.

Clarification:

- The Marine Parks Overlays apply to the four Marine Park Zones established under the *Marine Parks Act 2007*. The Marine Parks (Managed Use) Overlay will be applied to General Managed Use and Habitat Protection Marine Parks Zones, while the Marine Parks (Restricted Use) Overlay will apply to the Sanctuary and Restricted Access Marine Parks Zones.
- Legislative requirements contained within the Marine Parks (Zoning) Regulations 2012 are unable to be replicated in the format of a Desired Outcome.

Commission's Recommendation:

- 25** No amendments recommended.

Murray-Darling Basin Overlay

Respondents were supportive of this Overlay. However, it was suggested that a DTS requirement to obtain a water licence from DEW should be included.

Clarification:

- The requirement to obtain a water license from DEW is covered through the associated referral

Commission's Recommendation:

- 26** No amendments recommended.

Prescribed Watercourses Overlay

Respondents expressed a general level of support for the inclusion of the Overlay, and support the fact no DTS policies are contained within the module. Additional policy was recommended to address watercourse quality and health of the watercourse catchment.

Clarification:

- Whilst it was suggested that policies related to the quality of water and overall health of watercourses could be added, this Overlay is referral based and principally relates to the taking of water. However, there are opportunities for further updates as the Code progresses.

Commission's Recommendation:

- 27** No amendments recommended.

Prescribed Wells Overlay

Respondents expressed general support for the content of this Overlay and in particular, that this Overlay does not include DTS requirements. It was suggested a DTS requirement to obtain a water licence from DEW should be included.

Clarification:

- The requirement to obtain a water license from DEW is covered through the associated referral.

Commission's Recommendation:

28 No amendments recommended.

River Murray Flood Plain Overlay

A number of comments were received regarding the need for greater clarity and understanding around policy, in particular those relating to dredging, fuel storage containment and requirements for jetty and pontoon construction. Respondents also expressed a concern that there does not appear to be any policy that relates to the management of waste water for a dwelling within the River Murray Flood Plain.

Clarification:

- Waste water management policy is contained within the Infrastructure and Renewable Energy Facilities General Module of the Planning and Design Code.

Commission's Recommendations:

- 29** Amend PO 1.1 to ensure development is undertaken in way that limits the need for dredging, rather than focusing on limiting the extent of dredging.
- 30** Amend DTS 5.3 to seek fuel storage facilities and areas are located wholly within a bund that 'has storage capacity of not less than 133% of the volume of the largest fuel storage tank'.
- 31** Amend DTS 7.6 to improve clarity and include additional policy seeking a minimum of 3m between jetties and pontoons and river structures to ensure space for vessel access.

Sloping Land Overlay

Respondents expressed a general level of support for the policies contained within the Overlay, however comments were received regarding the need for greater clarity around policy relating to access driveways, earthworks and landslip. Respondents also suggested additional design criteria should be included.

Clarification:

- A key change was made to this module in terms of the spatial extent that it is to capture. Mapping for consultation was ambiguous and difficult to understand. For Phase 1, the module has been simplified to capture only gradients that are greater than 1 in 4.
- Policy applicable only to a specific land use, such as landfill, intensive animal husbandry and commercial forestry, has been transferred into the respective general modules creating a 'one-stop' location for policy relevant to land use.

Commission's Recommendation:

- 32** Amend PO 1.1 to remove reference to 'place of access on the boundary of an allotment to the finished floor level at the front of the garage' as the portion of access driveway that must enable safe and convenient access.
- 33** Remove DTS 1.1 as this could allow portions of an access driveway to have a gradient much greater than 1-in-4.
- 34** Amend excavation policy to be consistent with the wording of similar policy in the Design and Siting General Module.
- 35** Amend PO 4.2 to incorporate the possibility of split level designs 'or other design approaches that minimise cutting into the slope'.

State Heritage Area Overlay AND State Heritage Place Overlay

Comments were generally supportive of the policy approach in both Overlays, in particular, development being performance assessed.

A number of submissions queried demolition controls, seeking clarification about what buildings or features are of heritage value, at what point proposed demolition materially affects the heritage values of a place or area, and determinations around structural condition / safety issues.

There was also some doubt about whether proposals near a State Heritage Place would be caught by the Overlay policies.

Clarifications:

- Application of Overlay policies and referrals is determined by mapping extent (i.e. if within the Overlay the policies and referral triggers apply). For a State Heritage Place, the mapping includes the listed place as well as adjacent parcels or (in the case of a rural area where allotments can be very large) a buffer around the place of 500m.

Commission's Recommendations:

- 36** Amend policy to expand the matters to be considered when undertaking development in a State Heritage Area or affecting a State Heritage Place in respect to the setting and the type and colour of materials used.
- 37** Amend the State Heritage Area Overlay to clarify that development may relate to a feature of heritage value (e.g. gardens, trees and cemeteries), not just buildings.

Water Resources Overlay

Respondents were generally supportive of this module, however it was suggested that the policy contained within this Overlay may be better suited to the General Modules, thus applying to all surface water resources, not just those that are mapped. It was also suggested that flood plain boundaries should be considered as part of any watercourse, rather than the top of the banks.

Clarifications:

- It is considered that using an Overlay to identify surface water areas requiring protection will provide greater certainty as to where this policy should apply. Water resource mapping will continue to be refined through later phases of Code implementation.

- Flood plain mapping and associated policy is being investigate for later phases of Code implementation.

Commission’s Recommendation:

38 No amendments recommended.

4.4.3 General Development Policies

Advertisements

A range of comments were received in relation to the detail of the advertisement policy including:

- the need for a specified figure for the amount of advertising on a building façade (15% suggested based on current development plan figures)
- removing the allowance for third party advertising on public phone booths
- the need for additional policy to address safe road operation.

Some respondents also queried the suitability of the advertisements policy for use in some other locations of the State.

Clarification:

- The proposed policy is considered suitable for relatively low intensity locations. Alternative policy for use in higher intensity larger urban centres/locations will need to be considered in the next Phases of the Code.

Commission’s Recommendations:

39 Policy be included that specifies suitable measurable clearances of signs from road corridors to ensure efficient and safe road function.

40 A Deemed-to-Satisfy requirement that specifies 15% as the total amount of signage on a building façade, over which advertising development would be performance assessed.

Animal Keeping and Horse Keeping

Submissions identified potential for conflict between PO 2.1 and DTS 2.1 given that the PO seeks waste water from wash-down areas to be directed to appropriate absorption areas, yet the DTS requires floors of wash-down areas to be self-draining.

Commission’s Recommendation:

41 Minor adjustments required to the performance outcomes as they relate to waste storage in recognition that some of the matters sought to be addressed were unlikely to be achievable. For example seeking to make manure storage facilities vermin proof.

Aquaculture

The policies did not attract many submissions and were from either councils or State agencies. Council submissions were generally supportive. Submissions from agencies suggest the draft policies could better recognise the role of PIRSA in licencing aquaculture development.

Clarification:

- Aquaculture development will be affected by Code policies in cases where it is not exempt development under the PDI Regulations (pending their introduction).

Commission's Recommendation:

- 42 Minor amendments required to some policies to clarify intent.

Bulk Handling and Storage Facilities

The policies did not attract many submissions and were from either councils or State agencies. Submissions were generally supportive, however it was suggested that greater clarity be provided as to what is meant by the term 'commodities', and that PO 2.1 be reviewed to consider landscape management plans. Submissions also suggested that the use of DTS requirements is not preferred for specific developments which require referral to state agencies.

Commission's Recommendation:

- 43 Amend the Desired Outcome to provide greater clarity around what is meant by commodities, as well as to include reference to minimising impacts on transport networks

Clearance from Overhead Powerlines

Whilst submissions generally supported the DTS requirement for this module, concern was raised surrounding the use of a Performance Outcome, given that clearance from overhead powerlines is a matter which should be directed by the relevant service provider.

Clarification:

- *Part 8 – Referrals to other Authorities or Agencies* contains a referral to the Office of the Technical Regulator for Development that involves the construction of a building where a declaration has not been given. This referral will be triggered by not meeting the DTS requirement.

Commission's Recommendation:

- 44 No amendments recommended.

Design and Siting

Respondents suggested that policy be amended to provide greater clarity in relation to a range of matters including landscaping, visual privacy, energy efficiency, transportable buildings and site earthworks. Submissions expressed concern that DTS 2.4 requiring that no structures protrude beyond the roofline would also apply to chimneys, air conditioners and solar panels on detached dwellings, effectively making the majority of dwelling applications performance assessed. Submissions also expressed concern that PO 2.1 requiring that *building massing and form contributes to and complements the development context and streetscape* would prohibit achievement of infill in transitional areas where the current context is low density. Comments highlighted that DTS relating to the provision of areas for waste storage was overly generous for detached dwellings.

Commission's Recommendations:

- 45 Amend policy to provide greater clarity in relation to a range of matters including landscaping, visual privacy, energy efficiency, transportable buildings and site earthworks as per feedback received.

- 46 Remove PO 2.1 as it is considered that policy within Zones will determine the desired development context.
- 47 DTS 2.4 not be applied to detached dwellings within the Deemed-to-Satisfy pathway.
- 48 Remove PO 4.3 as is considered that this matter is better addressed through other policy in the module.
- 49 Remove PO 7.3 as it is considered that policies relating to overshadowing within the Interface between Land Uses module address this issue.
- 50 Remove DTS 10.1 and don't apply the associated Performance Outcome to detached dwellings. The Performance Outcome will still apply to a range of larger scale non-residential development.
- 51 Remove two Performance Outcomes related to on-site Wastewater Treatment Systems (PO 16.1, 16.2) as these are considered to be more appropriately managed via provisions in the *infrastructure and Renewable Energy Facilities General Module*.
- 52 Policy requiring that building massing and form contributes to and complements the development context and streetscape has been deleted to avoid prohibiting achievement of infill in growth areas where the current context is low density. Policy relating to waste storage areas has been amended to remove a DTS requirement as it was suggested that this was inappropriate to apply to most residential developments, and that performance assessment would be required to determine appropriate waste storage capacity for larger developments.

Forestry

Submissions questioned the appropriateness of DTS separation distance between forestry activities and sensitive land uses. Submissions also questioned the inclusion of policy related to carbon sequestration and impacts on productive farming land given that both issues could have broad implications upon forestry development.

Commission's Recommendation:

- 53 Delete policy regarding carbon sequestration from the Outback Code and consider this further in the development of the Code for Phases 2 and 3 of the implementation strategy.

Infrastructure and Renewable Energy Facilities

A number of respondents requested that the designation of 'hydropower' in the module be expanded to include 'pumped hydropower' to allow the policy to have a wider application. They also expressed concern that the policy's requirement to consider areas of high environmental, scenic or conservation value' is problematic unless such areas are clearly identified.

Clarification:

- Mapping for areas of high environmental, scenic or conservation value do not exist, so such areas are not able to be spatially identified.

Commission's Recommendation:

- 54 Refine policy relating to water and wastewater services to better delineate where development is able to connect to common water and wastewater services.
- 55 The term 'Hydropower' be expanded to include 'Pumped hydropower'.

Intensive Animal Husbandry and Dairies

Respondents expressed general support for this module however, it was recommended that these activities not be excluded from public notification. Respondents also identified opportunities for policy to reference industry codes and guidelines to assist relevant authorities during assessment. Although separation distances from sensitive land uses were supported, submissions also suggested that the use of DTS requirements is not preferred for specific developments which require referral to state agencies. It was also suggested that Performance Outcomes be revised to provide greater clarity, and to read less like DTS requirements.

Clarification:

- Whilst it has been suggested that DTS requirements not be used for the assessment of specific development types requiring referral, it is considered that there are still opportunities to implement conservative DTS requirements where appropriate in order to provide greater certainty to applicants without undermining the role of the referral Agency during performance assessment. No changes are recommended at this stage.

Commission's Recommendation:

- 56** Amend Performance Outcomes to provide greater clarity.

Interface Between Land Uses

Some support was voiced in respect of this module and its policy content – with it being noted that it is based on, but incorporates improvement of, the equivalent SAPPL module.

The overshadowing policy in this module drew particular attention. Respondents queried when and where it applies (i.e. whether it will apply in high density zones) and how it should work. It was pointed out that deemed to satisfy requirements regarding overshadowing and other matters requiring a level of assessment are not suited to a deemed to satisfy assessment pathway.

It was also recommended that deemed-to-satisfy requirements regarding separation of sensitive land uses from rural and other activities be removed on the basis of these having potential to confuse or undermine the role of a referral to an Agency.

Terminology used in this module was identified as an important consideration. For example, respondents queried what the terms 'unduly', 'avoid' and 'suitable level' meant – and whether terminology accurately conveyed outcomes being sought.

Clarification:

- much of the policy content of this module is only relevant to development that is to be performance assessed – it is not relevant to low-risk development for which deemed-to-satisfy classification is available subject to satisfaction of relevant deemed-to-satisfy requirements
- policy regarding responsiveness to context (such as whether solar panels, service equipment areas etc. are on adjoining land) will only be relevant to development that is to be performance assessed, recognising that assessment against such policy demands site inspection and assessment.

Commission's Recommendations:

- 57** Combine the two Desired Outcomes into one – and broaden terminology to see the one Desired Outcome not be confined to human health.

- 58** Incorporate a Deemed to Satisfy requirement for the operating hours of consulting rooms, offices and shop operating hours.

- 59 Remove 'portion of' from DTS 3.1 – and remove satisfaction of this as a requirement of a deemed to satisfy classification relevant to a dwelling or dwelling addition
- 60 Amend DTS 4.6 to better reflect relevant noise requirements.
- 61 Remove DTS 9.1 and 10.1.

Land Division

A number of submissions recommend that the role of policy in this module be broadened to seek that land division create allotments that respond to and reinforce character, including historic character.

Whether or not this module should contain policy relating to satisfaction of legislated requirements regarding the provision of, or a financial contribution in-lieu of, open space was queried by respondents. Policy that describes the qualities of land that is acceptable for open space was identified as something that should be the subject of further detailed work – with respondents providing a range of suggestions as to these qualities.

Some respondents considered that DTS requirements related to open space are inappropriate as the vesting of land to council, as well as the quality, form and location of vested land are aspects which require careful negotiation between applicants and Council. It was also queried as to why these DTS requirements exist, given that land division does not have an associated Deemed-to-Satisfy pathway.

Respondents recommended adjustment of terminology used in performance outcomes to better recognise that development more often than not needs to balance competing considerations (in relation to land division, these considerations include solar orientation and maximisation of outlook onto public open space).

Commission's Recommendations:

- 62 Amend Desired Outcome to include reference to allotments being of appropriate dimensions and shape for intended use.
- 63 Amend Performance Outcome 1.1 to include reference to context of locality.
- 64 Delete reference to 'more than 20 allotments' in Performance Outcome 1.4.
- 65 Amend Performance Outcome 2.2 to include reference to intersections.
- 66 Amend Performance Outcome 3.1 to be consistent with the legislative requirements in relation to the provision of public open space for land division.
- 67 Delete deemed-to-satisfy requirements relating to open space provision.

Marinas and On-Water Structures

Submissions expressed concern that the removal of reference to Australian Standards within this Overlay would leave planners without an appropriate basis from which to assess applications. Submissions also questioned whether DTS provisions for these uses is appropriate due to the risk of impact outside of the DTS considerations.

It was recommended that DTS 1.5 be amended to include reference to distances of 3km upstream and 500m downstream of public water supply intakes, as opposed to 500m in either direction. This amendment would see the module more closely aligned with the SA Government's *Guide to Marina and Mooring Structure Development along the River Murray in South Australia* (2011).

Clarification:

- Marinas and On-Water Structures have been classified in zones as either 'performance assessed' or "all other code assessed development". As such, the DTS will provide guidance on these matters during performance assessment. Assessment of these land uses will not be limited to those DTS provisions.
- Reference to Australian Standards has not been transitioned from SAPPL to the Code as although the standards provide guidance for the design on marinas and associated structures, they do not provide for a simple, clear and unambiguous Deemed-to-Satisfy pathway for development.

Commission's Recommendation:

- 68** Amend DTS 1.5 to reflect *Guide to Marina and Mooring Structure Development along the River Murray in South Australia* (2011).

Mineral Extraction

Respondents were generally supportive of the module, noting its consistency with the SAPPL. However, some respondents suggested policy seeking mineral extraction activities that ensure minimal damage to landscape is unrealistic, and suggested reclamation of mineral extraction land should also include 'betterment'. It was also suggested deemed-to-satisfy separation distances between mineral extraction activities and sensitive land uses should be removed to allow for individual assessment. Reference to 'mining operations' was questioned as this is a defined term under the *Mining Act 1971* and activities meeting that definition should be dealt with under that Act.

Commission's Recommendations:

- 69** Amend PO 1.1 to read mining operations 'minimise damage to landscape' in place of 'ensure minimal damage is caused to landscape'.
- 70** Amend PO 1.1 to include policy seeking 'betterment' of reclaimed areas.
- 71** Remove DTS separation distance policy to allow for individual assessment.
- 72** Replace reference to 'mining operations' with 'mineral extraction activities'.

Open Space and Recreation

Respondents expressed support for the lack of DTS requirements for public open space, given that these areas often relate to Council assets or land intended to be vested to Council and require negotiation between Council and proponents.

With regards to Performance Outcomes related to useability of public open space, respondents highlighted that the management of stormwater through Water Sensitive Urban Design systems such as wetlands and vegetated watercourses can assist in the creation of associated recreation facilities. Respondents suggested that Performance Outcomes be revised to recognise the potential for dual use of these areas.

Clarification:

- Opportunities exist to further review provisions around public open space and water sensitive urban design throughout Phase 2 and Phase 3.

Commission's Recommendation:

- 73** No amendments recommended.

Residential Liveability

Respondents provided numerous recommendations regarding Residential Liveability Table 1 – Private Open Space. The expectations for private open space serving dwellings on smaller allotments (up to 300m²) were the subject of competing recommendations:

- some respondents recommended that a greater minimum area of private open space be sought for dwellings on these allotments; others, conversely, some thought the proposed area (24m²) too great and expressed caution about the impact this could have on affordability and housing innovation;
- some respondents recommended that a greater private open space minimum dimension be sought for dwellings on these allotments; others, conversely, thought the proposed dimension (3m) too great and recommended it be lowered to 2m.

More broadly, a call was made for this table to reflect current ResCode requirements and a recommendation that private open space policy be located in zones was made – to enable this policy to be tailored to suit the environment in which they apply (ranging from low density area to high – and considering special circumstances like the relevance of master plans that, for example, elevate the role of public open space within a development area).

Various improvements were recommended to policy regarding outlook for habitable rooms and policy regarding ancillary buildings and structures. The appropriateness of a deemed to satisfy requirement for temporary accommodation was questioned – given issues that have and continue to be experienced with outbuildings upgraded for habitation.

Commission's Recommendations:

- 74** Amend PO 1.1 to reference primary living rooms.
- 75** Amend PO 1.2 to include reference to noise intrusion.
- 76** Amend PO 5.2 to not reference the location of facilities for clothes drying.
- 77** Amend DTS 5.4 to specify that storage cannot comprise a bedroom.
- 78** Amend PO 6.1 to provide that ancillary buildings and structures should not detract from the appearance of land.

Site Contamination

Concern was raised that the DTS requirements are contrary to the *Draft Development (Site Contamination) Variation Regulations 2018*. Respondents questioned reference to allotments which were 'the subject of consent granted under the *Development Act 1993* or after 1 September 2009 in relation to the division of the land. Concern was also raised that the requirement to furnish a Site Contamination Audit Report in the first instance will increase costs and administrative delay for developments which are on allotments with previous low-risk, non-residential uses.

Clarification:

- It is considered that the approach taken for this module, including reference to 1 September, 2009, is consistent with current requirements within Schedule 4 of the *Development Regulations 2008* (commonly referred to as the Residential Code). As draft site contamination regulations have not yet come into effect, it is not considered appropriate for the Code to reflect these.

Commission's Recommendation:

79 No amendments recommended.

Tourism Development

Respondents were generally supportive of the Module, with minor policy amendments suggested in regards to contribution to local context and clearly defined communal space within caravan and tourist parks.

Commission's Recommendations:

80 Amend PO 1.1 to seek tourism development that also contributes to local context.

81 Amend DTS 2.3 to seek 'clearly defined' communal open space, landscaped areas and areas for recreation within caravan and tourist parks.

Transport, Access and Parking

Vehicle Parking rates attracted a number of comments including:

- some are too high, others are too low, for some activities or instances.
- a rate should exist for many standard activity types
- rates should differ between outback, regional, metropolitan areas
- the need to better consider rates in light of surrounding circumstances.

A number of respondents expressed concern that the requirement for a 3.5m crossover width may be too restrictive on sites with a frontage of 20m or less. It was also suggested that policy relating to the position of new crossovers, where the Deemed-to-Satisfy requirement relates to carports and garages that are ancillary to dwellings, be broadened to apply to all development.

Some respondents queried the removal of references to Australian Standards in relation to various technical parking matters.

Clarification:

- The vehicle parking rates in the Phase 1 Code relate to Out of Councils Areas. Rates that are suitable for use in the regional parts of the state as well as in metropolitan Adelaide will require consideration. The Commission is currently conducting a comprehensive review of parking rates that will assist in informing the next Phases of the Code in this regard.
- Reference to Australian Standards was not included in the Code as some aspects require subjective consideration and therefore aren't suitable as measurable criteria for Deemed-to Satisfy requirements. Consideration of the use of Design Standards or similar technical guidelines to assist in place of Australian Standards will need to be given.

Commission's Recommendations:

82 Broaden the applicability of policy for new access placement, particularly in relation to deemed-to-satisfy requirements, to allow application to all development rather than just to dwellings.

83 Adjust the requirements for driveway widths to take into account whether they are shared or not.

Waste Treatment and Management Facilities

Respondents' submissions suggested that DTS requirements for development not requiring referral could be developed based on various EPA guidelines. Respondents expressed concern that policy related to separation distances would prevent the approval of a new waste treatment facility if a sensitive use was already present. Respondents also suggested that wording be amended to seek the avoidance of impacts, rather than minimisation.

Commission's Recommendation:

84 Remove PO 2.2 related to land use activities located within separation distances.

Workers Accommodation and Settlements

Submissions expressed general support for this module. However, some concern was expressed that SAPPL policy that discourages the conversion of short-term accommodation to permanent occupancy was not translated to the Code.

Submissions also expressed a desire for greater clarity that this module largely relates to accommodation in a rural setting. Given that the Desired Outcome for the module explicitly discusses the provision of seasonal and short-term accommodation, it is considered that this matter is adequately addressed.

Commission's Recommendation:

85 Amend the Desired Outcome to provide greater clarity about the module applying to rural settings.

4.5 Definitions

4.5.1 Land Use Definitions

Respondents provided detailed commentary for each of the land use definitions outlined within the draft Outback Code and suggested further review of a number of the definitions provided against relevant case law. A number of respondents made suggestions for additional land use definitions to be included within the Code. These include:

- Agriculture
- Apartment
- Tourist Accommodation
- Community Centre/Community Facility
- Motel
- Multiple Dwelling
- Nursing Home
- Residential Flat Building
- Service Industry
- Place of worship

- Care takers residence
- Open space
- Affordable housing
- Sign/advertisement
- Infrastructure
- Cafes and Restaurants
- Market
- Pop-up
- Gyms
- Home activity

Commission's Recommendation:

- 86** Amend the exceptions and inclusions list for particular land use definitions to improve legal interpretation and to provide greater certainty regarding what is intended.

4.5.2 Administrative Definitions

Respondents provided detailed commentary for each of the administrative definitions outlined within the draft Outback Code and suggested further review of a number of the definitions provided against relevant case law. Common themes include:

- A need for greater clarity around definitions of measurements.
- Greater clarity is needed around terms like “minor”, “sensitive”, “minimise” and “avoid”.

A number of respondents made suggestions for additional administrative definitions to be included within the Code. These include:

- Adaptive reuse
- Non-conforming
- Actions and unforeseen events beyond the control of the owner
- Irredeemably beyond repair
- Architectural treatments
- Heritage values
- Substantive physical impact
- Conservation repair works that are ‘like for like’ maintenance
- Essential Safety Provisions
- Statement of compliance

- Independent technical expert
- Open space ratio
- Land division consent
- Onsite wastewater system

Respondents also highlighted opportunities to update terminology within the Code to reflect best practice, such as referring to flood events with a 1% AEP (Annual Exceedance Probability) instead of 1 in 100 ARI (Average return Interval).

Commission’s Recommendation:

87 Amend the exceptions and inclusions list for particular administrative definitions to improve legal interpretation and to provide greater certainty regarding what is intended.

4.6 Referrals to State Government Agencies

Whilst respondents expressed support for the rationale of focussing referrals where they are most needed, concern was raised regarding instances where land uses were defined within Code policies in a different manner to referral triggers e.g. *Retail Fuel Outlet* as opposed to *Petrol Station*.

Whilst respondents expressed support for the use of DTS requirements for simple development applications in general, concern was raised that the inclusion of Deemed-to-Satisfy pathways for development requiring referral could potentially lead to conflict between the Code and the recommendations of referral agencies. Some respondents also suggested inclusion of referrals to additional agencies.

Concern was also raised that referrals for direction, if for refusal, would leave relevant authorities with no choice but to refuse a proposal, limiting opportunities to negotiate with the applicant.

Clarification:

- The wording of activities triggering referral largely reflects that of the existing *Development Regulations 2008* and the other legislation under which a referral is administered.
- There is a range of additional referrals to be introduced through Phase 2 and 3 of the Code that are not relevant to the Outback area.
- Applications that meet all the DTS requirements set out in the Code do not require a referral, even if they are identified as a class of development that would ordinarily require a referral. This is because, the DTS provisions have been developed to address the matters that would otherwise be considered by the referral body.

Commission’s Recommendation:

88 No amendments recommended.

4.7 Mapping

Respondents expressed general support for the use of online mapping as a means of easily and effectively conveying information to users. Responses highlighted that the mapping tool could be more user-friendly and that the URL of the online mapping tool would not be easily quotable over the phone.

Clarification:

- The online mapping tool and associated URL available during the Outback Code consultation are not the final versions. These will be revised for implementation of the Outback Code.

Commission's Recommendation:

89 No amendments recommended.

5. Engagement Evaluation

To ensure the principles of the Community Engagement Charter (the Charter) were met, an evaluation of the engagement process for the draft Outback Code occurred both during and following consultation. The Commission has established minimum mandatory performance indicators for this purpose.

The final section of the draft Outback Code Submission Template (which was available on the SA Planning Portal) contained six evaluation questions relating to the effectiveness of public consultation on the Outback Code. Of the 58 respondents who lodged submissions, 12 respondents provided answers to these questions.

Following public consultation, a survey containing the mandatory performance indicators questions was sent to 110 individuals including those who had been involved in various workshops and engagement activities, as well as those who lodged a written submission. A total of 32 responses were received, with a number providing additional comments on various questions within the survey.

The results of both survey instruments and an assessment of the engagement process against the Charter's principles are referenced below.

5.1 Evaluation against the Community Engagement Charter principles

The following is an assessment of the engagement activities undertaken during the public consultation for the draft Outback Code against the five principles of the Charter. A summary table of the evaluation responses can be found in Attachment 3 of this report.

5.1.1 Engagement is genuine

People had faith and confidence in the engagement process

People are willing to participate in future consultation on the Code

People understand what it meant for them

Overall, the engagement activities undertaken during consultation for the Code met this principle largely through targeted engagement activities with a wide spectrum of stakeholders using a variety of communication and consultation channels.

In the outback, direct communication was undertaken via Progress Associations which proved successful in ensuring local networks were tapped into to 'spread the word'; and lead to additional conversations with community members whilst on the road; which further demonstrated the genuineness to engage, despite these activities not being originally scheduled.

The majority of respondents from the evaluation survey felt they were genuinely engaged during the consultation period.

Due to the pilot nature of the Outback Code, the consultation was genuine, however bespoke and relatively small in scale (to reflect the impact). Prior to entering into the engagement process for the Outback Code, it was always intended that consultation for Phase 2 and Phase 3 will need to be fundamentally different in both approaches used and the scale. This was reflected in comments that more would be required to support the consultation period for the delivery of Code policies for the regional and metropolitan phases.

Evaluation statement	Strongly disagree	Somewhat Disagree	Not sure	Somewhat Agree	Strongly agree
I feel that the engagement on Phase One of the Planning and Design Code genuinely sought my input to help shape planning policy as it relates to the outback and coastal waters (<i>Principle 1</i>)	3%	25%	19%	25%	28%
I would be willing to participate in future consultations related to the Planning and Design Code (<i>submission feedback</i>)	0%	0%	0%	92%	8%
I understand how my feedback will be used in the preparation of the final Planning and Design Code for the outback (land not within a council area).	0%	0%	3%	72%	25%
I understand how the Planning and Design Code may affect me and/or my community (<i>submission feedback</i>)	9%	27%	18%	9%	37%

5.1.2 Engagement is inclusive and respectful

Affected and interested people had the opportunity to participate and be heard

People were well-informed about the proposed Planning and Design Code for the outback

The engagement targeted and reached known stakeholders and community members who were both affected or interested in the draft Outback Code.

The YourSAy website, outback communities tour and practitioner livestream allowed the Commission and Department to reach South Australians who would not normally participate in the planning conversation.

In the outback, direct communication was undertaken via Progress Associations which proved successful in ensuring local networks were tapped into to 'spread the word'.

These networks then talked within their communities, which lead to additional conversations with community members whilst on the road; which further demonstrated the willingness for engage with affected and interested people; despite these activities not being originally scheduled.

A total of 32% of respondents 'somewhat' or 'strongly' agreed that their views had been heard; with the same percentage of respondents reporting being 'unsure' due to not being able to see the final Outback Code and therefore not being able to see what had changed from the consultation draft.

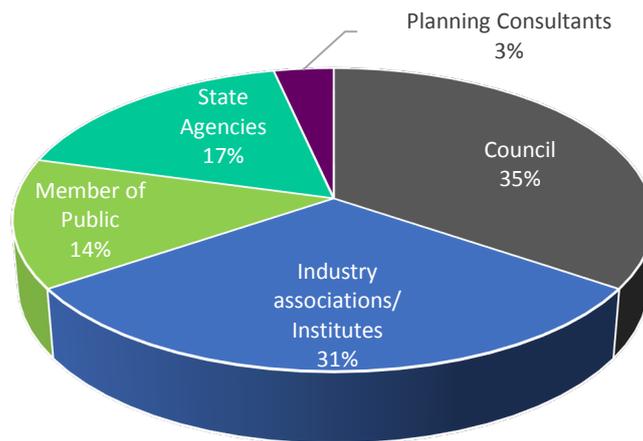


Figure 3 Outback Code respondents by type

Evaluation statement	Strongly disagree	Somewhat Disagree	Not sure	Somewhat Agree	Strongly agree
I feel confident that my views on Phase One of the Planning and Design Code have been heard as a result of the engagement (<i>Principle 2</i>)	6%	31%	31%	16%	16%
I feel well-informed about the proposed Planning and Design Code for the outback (land not within a council area).(submission feedback)	0%	9%	0%	36%	55%

5.1.3 Engagement is fit for purpose

People were effectively engaged and satisfied with the process

People were clear about the proposed change and how it would affect them

The engagement offered a broad range of activities in a mix of ways, to reach the community and key interested stakeholders:

- The public was informed through a variety of media channels, to gain maximum reach (e.g. YourSAy website, SA Planning Portal, DPTI social media, and media release).
- Stakeholders known as interested and impact were directly notified by email.
- Outback tour to visit with various Progress Associations who are the central contact for local communities around planning and local development matters.
- Communication sent directly to Progress Associations via the Outback Communities Authority, who have a direct relationship with.
- Practitioner live stream that talked through the technical components of the Outback Code.

To support the release of the Outback Code a number of key documents were created to suit the two main audience groups:

- *Planning and Design Code in the Outback (land not within a council area) Phase One (PDF)*
- Information video from the State Planning Commission about the Outback Code and what it means to communities in these areas
- *Practitioner's Guide to the Planning and Design Code in the Outback (land not within a council area)*
- Community Guide to the Outback Code
- Direct correspondence to community and stakeholder groups also outlined what the Code would mean to them and why they should get involved in the consultation.

Of the formal evaluation survey, a high number of respondents considered that they had an adequate opportunity to be heard, with 60% stating that they had sufficient information so that they could provide an informed view. Feedback on the Code document itself was that it was significant and difficult to consume in paper-based format; which was known by the Department prior to consultation; and is being considered for the release of Phases 2 and 3.

Evaluation statement	Strongly disagree	Somewhat Disagree	Not sure	Somewhat Agree	Strongly agree
I believe I was given an adequate opportunity to be heard on planning policy that relates to Phase One of the Planning and Design Code (outback and coast waters) (<i>Principle 3</i>)	6%	19%	28%	28%	19%
I feel that I have had a genuine and adequate opportunity to have my say on the proposed Planning and Design Code for the outback (land not within a council area).	0%	0%	0%	50%	50%
I was given sufficient information to take an informed view of planning policy that relates to Phase One of the Planning and Design Code (<i>Principle 4</i>)	12%	12%	19%	38%	19%
The information provided on the new Planning and Design Code for the outback was clear and understandable and enabled me to take an informed view. (written submission)	9%	9%	9%	46%	27%

5.1.4 Engagement is informed and transparent

All relevant information was made available and people could access it

People understood how their views were considered, the reasons for the outcomes and the final decision that was made

People would be willing to participate in future consultations

To ensure that stakeholders were adequately informed and the process remained transparent:

- The information provided during consultation clearly articulated key matters, what, how participants can get involved and how feedback will be used.

- All submissions were acknowledged and advised of the next steps.
- All attendees at engagement events received a summary report at the conclusion of the event.
- A *What We Have Heard Report* was emailed to all respondents who provided a written submission, and a copy was provided on the YourSAy website, placed on the SA Planning Portal and disseminated through the Department’s Planning Ahead newsletter.

A total of 66% of respondents felt informed about why they were being asked for their view and the way it would be considered; however commentary indicated there was cynicism as to how much of that feedback would be fed into the Outback Code itself. These comments were raised by practitioners and match the comments about having more pre-consultation on the Code itself, to help drill further into policy content and how it was derived.

The Department is already undertaking significant pre-consultation engagement on Phases 2 and 3 of the Code; and these comments validate the need to ensure this is done and documented leading up to formal consultation.

Evaluation statement	Strongly disagree	Somewhat Disagree	Not sure	Somewhat Agree	Strongly agree
I understood why I was asked for my view on Phase One of the Planning and Design Code and the way it would be considered. (<i>Principle 5</i>)	6%	12%	16%	25%	41%
I would be willing to participate in future consultations related to the Planning and Design Code.	0%	0%	0%	8%	92%

5.1.5 Engagement processes are reviewed and improved

The engagement was reviewed and improvements recommended

Feedback from engagement, both verbal and from evaluation survey, were considered throughout the engagement.

The engagement plan was amended to include additional meetings and conversations with local progress associations and community members in Glendambo, Pimba, Lyndhurst and Copley.

Department staff also attended meetings with several community groups and industry groups on request throughout the consultation despite the impact of the Outback Code on these groups was minimal.

The Department and Commission acknowledge the engagement for Phases 2 and 3 of the Code needs to be more comprehensive due to the impact, level of interest and number of people and councils involved in these phases.

6. Engagement Evaluation Results

In line with the Community Engagement Charter Evaluation Framework, the following section provides a summary of the performance of the engagement and consultation plan in achieving its objectives and meeting the five principles of the Charter.

6.1 Summary of Evaluation

Overall the engagement activities were viewed positively and met the five principles of Charter, particularly in view of the difficulty in effectively reaching and communicating with outback South Australia.

The consultation was bespoke and targeted to reach a small number of South Australians who are affected by the Outback Code. Using the Progress Associations in these areas was highly affective as it led to 'word of mouth' across the areas and additional meetings.

Key feedback from practitioners confirmed their wish to be engaged on the code prior to formal consultation, which is noted and accepted. Practitioners are a key conduit on planning and development matters between the Department and the community, so building their knowledge on the Code prior to formal consultation is going to be helpful when Phase 2 and 3 Code is ready for consultation.

The methods used to receive feedback were effective with internet and distance did not prove to be a barrier. Additional feedback mechanisms are being considered to capture more people in the discussion when Phase 2 and 3 of the Code is released, without the need to read a large policy document.

6.2 How evaluation was collected

Engagement participants were invited to assess the success of the engagement against performance criteria prescribed in the Community Engagement Charter Evaluation Framework through a survey sent following the consultation. An analysis of the feedback received is summarised in the table in Section 6.3 below.

6.3 Results of the mandatory evaluation indicators (survey)

Evaluation statement		Strongly disagree	Somewhat Disagree	Not sure	Somewhat Agree	Strongly agree
1	I feel that the engagement on Phase One of the Planning and Design Code genuinely sought my input to help shape planning policy	3%	25%	19%	25%	28%
<p>Whilst over 50% of respondents felt their input was genuinely sought to influence the policy; this was balanced with respondents who were not sure or disagreed that it would be used to input into the policy. This may be indicative of past consultations where feedback (practitioner especially) on 'how consultation informed' the final document or instrument was not forthcoming.</p>						
Evaluation statement		Strongly disagree	Somewhat Disagree	Not sure	Somewhat Agree	Strongly agree
2	I feel confident that my views on Phase One of the Planning and Design Code have been heard as a result of the engagement	6%	31%	31%	16%	16%
<p>This feedback is reflective of the final Outback Code not being available to view at the time of this survey.</p>						

Evaluation statement		Strongly disagree	Somewhat Disagree	Not sure	Somewhat Agree	Strongly agree
3	I believe I was given an adequate opportunity to be heard on planning policy that relates to Phase One of the Planning and Design Code	6%	19%	28%	28%	19%

Whilst almost half of respondents felt they were given adequate time to be heard; the same number was either not sure or disagreed. The comments indicate those who disagreed were practitioners who sought to be engaged on the Code prior to formal consultation.

Evaluation statement		Strongly disagree	Somewhat Disagree	Not sure	Somewhat Agree	Strongly agree
4	I was given sufficient information to take an informed view of planning policy that relates to Phase One of the Planning and Design Code	12%	12%	19%	38%	19%

Whilst a high number of respondents (57%) either somewhat or strongly agreed the information was clear and understandable; comments received on both the survey and in forums, was that reading the Code itself was quite dense and complex to follow. A solution for Phase 2 and 3 consultation is being explored to assist the community (especially) process and orientate this large document, more easily.

Evaluation statement		Strongly disagree	Somewhat Disagree	Not sure	Somewhat Agree	Strongly agree
5	I understood why I was asked for my view on Phase One of the Planning and Design Code and the way it would be considered	6%	12%	16%	25%	41%

Respondents understand why they were being asked for their view on the Code. More direct messaging could have been used to further educate community about why their feedback was required to support the process.

6.4 Results of the engagement entities (project manager) evaluation

The engagement was evaluated by *Jason Bailey, Team Leader Planning and Design Code*

#	Evaluation statement	Response options (<i>Select answer</i>)
1	The engagement reached those identified as the community of interest (Principle 2)	<input type="checkbox"/> Representatives from most community groups participated in the engagement <input type="checkbox"/> <i>Representatives from some community groups participated in the engagement</i> <input type="checkbox"/> <i>There was little representation of the community groups in engagement</i> The engagement successfully reached the community groups identified in the Engagement Plan and other members of the community through YourSAy, the livestream events, community information sessions and the tour of the Outback communities.
2	Engagement was reviewed throughout the process and improvements put in place, or recommended for future engagement (Principle 5)	<input type="checkbox"/> <i>Reviewed and recommendations made in a systematic way</i> <input type="checkbox"/> Reviewed but no system for making recommendations <input type="checkbox"/> <i>Not reviewed</i> As with the development and implementation of Code policy, the engagement and consultation associated with the release of the draft Outback Code has been a test / pilot for the regions and metropolitan areas. In view of this, there was not a systematic review of the engagement activities throughout the process, however there has been time to reflect on our successes and learnings and to we can use these to make improvements for the delivery of Phase 2 and Phase 3 policy. For example, we have: <ul style="list-style-type: none"> • Identified the need to disseminate draft policies in a more timely manner and when they're not 'perfect' to receive early feedback into the drafting process, initiated larger policy discussions to help shape the direction for Phase 2 and 3 policies (i.e. Heritage and Character); • initiated pre-consultation conversations with regional councils to help identify issues and gaps earlier and provide them with an opportunity to familiarise themselves with the Code content as soon as possible; and • continued to keep the wider planning and development industry informed of our progress through livestreaming events and workshops.
3	Engagement occurred early enough for feedback to genuinely influence the planning policy, strategy or scheme	<input type="checkbox"/> Engaged when there was opportunity for input into scoping <input type="checkbox"/> Engaged when there was opportunity for input into first draft <input type="checkbox"/> <i>Engaged when there was opportunity for minor edits to final draft</i>

#	Evaluation statement	Response options (<i>Select answer</i>)
		<input type="checkbox"/> <i>Engaged when there was no real opportunity for input to be considered</i> At all stages of the engagement process, feedback into development of the Outback Code policies was able to be genuinely be considered. While the architecture of the Code is clearly determined by the PDI Act, early collaboration activities with industry practitioners, councils, state agencies and the community was fundamental in helping to shape the framework and direction of policies within the draft Outback Code that was released for public consultation.
4	Engagement contributed to the substance of the Outback Code	<input type="checkbox"/> <i>In a significant way</i> <input type="checkbox"/> In a moderate way <input type="checkbox"/> <i>In a minor way</i> <input type="checkbox"/> <i>Not at all.</i> The tour of outback communities enabled Code writing staff to get an 'on the ground' perspective of how the new policies would affect development in remote areas. It also helped to identify areas that required amendment or further investigation prior to the finalisation of the Outback Code. Further to this, written submissions received during the public consultation period have helped the Department and Commission to refine Code policy and reflect current practice, it has also enabled the Code writing team to focus on the areas that require further thought and development for Phase 2 and Phase 3. All stakeholder groups were able to contribute somewhat to the finalisation of the Outback Code.
5	Engagement included the provision of feedback to community about outcomes of their participation	<input type="checkbox"/> Formally (report or public forum) <input type="checkbox"/> <i>Informally (closing summaries)</i> <input type="checkbox"/> <i>No feedback provided</i> The engagement successfully met this objective. A <i>What We Have Heard Report</i> summarising the key themes of the feedback received on the draft Outback Code was emailed to those who had provided a written submission and was released to the public on the SA Planning Portal, YourSAy website and through the Department's <i>Planning Ahead</i> newsletter in April 2019.

6.5 Applying the Charter Principles in practice

Charter principle	How this principle will be applied in action
Engagement is genuine	<ul style="list-style-type: none"> • A number of different avenues were provided for stakeholders to contribute to the draft code, i.e. online survey, online discussion board, written submissions • Information was presented in a variety of accessible formats, i.e. summary, FAQs document, infographics, videos • Stakeholders were be given adequate notice and time to provide input on the Code before it is adopted
Engagement is inclusive and respectful	<ul style="list-style-type: none"> • Those affected and/or interested were engaged via direct means, i.e. e-newsletters, emails, invitation to meetings • Engagement activities were promoted via diverse channels to reach as many interested audiences as possible, i.e. social media, print media, mailing lists, e-newsletters
Engagement is fit-for-purpose	<ul style="list-style-type: none"> • Engagement activities were focused on those aspects of the proposal that stakeholders can legitimately influence • Engagement activities were targeted towards those communities who will be most impacted by the proposal or most interested in its outcomes • Additional activities were actioned at the request of community and stakeholders to ensure more people were engaged through the process.
Engagement is informed and transparent	<ul style="list-style-type: none"> • Information about the draft Outback Code was provided in a timely manner and made available online • Information on the draft Code was communicated in plain English and include visual tools such as infographics • Information about when and how stakeholders could provide input (and what they can/cannot influence) was clearly articulated • Engagement materials described the key drivers and goals of the draft Code • A summary of feedback received on the draft Code will be distributed to participants, along with advice on how this feedback will be used and how decisions will be made
Engagement is reviewed and improved	<ul style="list-style-type: none"> • Debriefs will be conducted during and after the consultation period to consolidate and share learnings • Minimum performance indicators for engagement will be measured via an online evaluation survey

7. Referral to the Minister for Planning

On 6 June 2019 the State Planning Commission resolved to furnish the Minister for Planning with this Engagement Report and an updated Outback Code to assist the Minister with deliberations pursuant to section 73(10) of the Act – namely, whether or not to adopt the Outback Code with or without the amendments recommended by this Engagement Report.

The updated Outback Code incorporates the changes the Commission recommends be made to the draft Outback Code in response to the outcomes of formal public consultation. Given the scope and complexity of these changes, the provision of an updated Outback Code is seen to be a practical way of communicating these changes and assisting the Minister with deliberations pursuant to section 73(10).

If the Minister agrees with the changes the Commission recommends be made to the draft Outback Code released for formal public consultation, the Minister may adopt the updated Outback Code attached.

Attachment 1: Outback Code stakeholder and community map

Stakeholder	Level of interest in the project	Nature of interest in the project	Stakeholder expectations for engagement	Level of engagement
Communities living within Land Not Within a Council Area	High	Directly impacted by the proposed changes.	Able to find information easily on what the changes will mean for them; informed of the consultation and able to meaningfully contribute.	Consult
Industry and practitioners working within Land Not Within a Council Area	High	Practitioners lodging development applications in these areas (includes building certifiers) – and who will need to ensure they are accredited for phase one.	Informed of the consultation; able to find information easily on what the changes will mean for them; and able to meaningfully contribute.	Consult
Progress Associations	High	Communities responsible for planning vision and management of their local towns.	Informed of the consultation; able to find information easily on what the changes will mean for them; and able to meaningfully contribute.	Consult
Aboriginal Lands Trust	Low	Manages land titles on behalf of the Aboriginal people of South Australia.	Informed of the consultation and understand how (if at all) land trusts are impacted.	Inform
Peak Bodies (UDIA, PCA, MBA, AIBS, RICS, PIA, HIA)	High	Ensure their members know about the work happening in the outback and how it will impact them when it goes live	Informed of the consultation; able to find information easily on what the changes will mean for them; and able to meaningfully contribute.	Consult
Outback Authority	High	Whilst not directly impacted, this organisation will be able to distribute communication on our behalf to communities living in these areas.	Briefed of the consultation; able to find information easily on what the changes will mean for them; and able to meaningfully contribute.	Consult
Regional Development Australia Board – SA	Medium	Should be kept informed of the changes and can distribute communication on our behalf.	Briefed of the consultation; able to find information easily on what the changes will mean for them; and able to meaningfully contribute.	Consult
State Agencies	Medium	Directly impacted by new referrals and DA Framework to undertake their role	Briefed of the consultation; able to find information easily on what the changes will mean and able to meaningfully contribute.	Inform

Stakeholder	Level of interest in the project	Nature of interest in the project	Stakeholder expectations for engagement	Level of engagement
State Members	High	Should be aware of the proposed changes so they can inform their constituents	Able to find information easily on what the changes will mean for them and their constituents; informed of the consultation and able to meaningfully contribute.	Inform
Councils – Elected Members	Medium	One of three consultations so need to understand the scope of phase one and how next phases will impact them.	Informed in advance of the consultation and able to find information easily on what the changes will mean for them and their constituents.	Inform
Councils – CEOs	Low	One of three consultations so need to understand the scope of phase one and how next phases will impact them.	Able to find information easily on what the changes will mean for Council and when the next phases will be available and when they become operational.	Inform
Council planning staff	Medium	They will be interested in how phase one is laid out and understand the mechanics to support their work in later phases.	Informed in advance of the consultation and able to find information easily on what the changes will mean for their council.	Consult
Broad community (not living within Land Not Within a Council Area)	Low	One of three consultations so need to understand the scope of phase one and how next phases will impact them.	Able to find information easily on what the changes will mean for their local areas and when the next phases will be available and what it means for their development plan.	Inform
Ministerial Advisory Groups	Medium	One of three consultations so need to understand the scope of phase one and how next phases will impact them.	Informed in advance of the consultation and able to find information easily on what the changes will mean.	Inform
Associated professionals (Institute of Architects, Engineers Australia etc.)	Low	One of three consultations so need to understand the scope of phase one and how the next phases will impact them.	Able to find information easily on what the changes will mean for their local areas and when the next phases will be available and what it means for their profession.	Inform

Attachment 2: Summary of State Planning Commission Recommendations for the Outback Code

Terminology	
Desired Outcomes	
#	Recommendation
1	Update Part 1: <i>Rules of Interpretation</i> to explicitly identify when and how Desired Outcomes are to be used in development assessment
Performance Outcomes	
	Recommendations included in Code Library.
Deemed-to-Satisfy requirements	
	Recommendations included in Code Library.
Opportunities for rationalisation	
#	Recommendation
2	Remove duplication of like policies between related modules (or example, Coastal Waters Zone, Coastal Areas Overlay, Aquaculture General Module)
3	Remove policy which effectively duplicates the requirements of other legislation
Rules of interpretation	
#	Recommendation
4	Update the Rules of Interpretation to more clearly articulate rules of usage of the Code not provided by the Act or the various Planning, Development and Infrastructure Regulations.
Code Library	
#	Recommendation
Zones	
Coastal Waters Zone	
5	Specific reference to the State's coastal waters being an 'ecological resource' be added to the Desired Outcome of the Zone.
Conservation Zone	
6	In relation to tourism accommodation: <ul style="list-style-type: none"> Remove policy that seeks to limit possibility of conversion to a dwelling on the basis this is not a zone specific issue, and requires consideration in the context of land use definitions. Remove it from the list of Restricted Development

7	Refinement to land division policy is recommended, including to separate the policy so that land division relating to existing tourism accommodation is addressed separately to other land division, and other land division policy is tightened to be clearer that it is only where it supports conservation management.
Local Infrastructure (Airfield) Zone	
8	No amendments recommended.
Remote Areas Zone	
9	The Zone's Desired Outcome be refined to include a wider range of uses reflecting the diversity of activity that is anticipated, and that the preservation of natural landscape features and values is in the context of anticipating large buildings.
10	Policy be included to be clear that larger buildings are anticipated provided siting and design seeks to reduce impacts on the landscape and vistas.
Settlement Zone	
11	Amend and consolidate performance outcomes (where possible) to improve intent, with corresponding amendments to deemed-to-satisfy criteria in relation to building height and setbacks.
12	Reduce the Zone's land division DTS from 1200m ² to 800m ² to better reflect existing circumstances in Outback settlements - recognising that land division is proposed to be a performance assessed class of development in the draft Code and that various other policies under the general development section 'Land Division' and 'Infrastructure and Renewable Energy Facilities' are relevant to such assessments.
Specific Use (Tourism Development) Zone	
13	No amendments recommended.
Township Zone	
14	Amend and consolidate performance outcomes (where possible) to improve intent, with corresponding amendments to deemed-to-satisfy criteria in relation to building height and setbacks.
15	Reduce the Zone's land division DTS has been reduced from 1200m ² to 800m ² to better reflect existing circumstances in Outback towns - recognising that land division is proposed to be a performance assessed class of development in the draft Code and that various other policies under the general development section 'Land Division' and 'Infrastructure and Renewable Energy Facilities' are relevant to such assessments.
Overlays	
Building Near Airfields Overlay	
16	Amend policy related to risk bird strike by referencing 'horticulture' instead of 'agriculture' to better reflect the National Aviation Safety Framework.
Coastal Areas Overlay	
17	Relocate PO 5.1 and 5.2 under the heading 'Hazard Risk Minimisation' and delete DTS 6.4.
Hazards (Acid Sulfate Soil) Overlay	

18	No amendments recommended.
Hazards (Bushfire Protection) Overlay	
19	Rename module as <i>Hazards (Bushfire – Outback) Overlay</i>
20	Amend PO 1.1 and DTS 1.1 to address inconsistency in asset protection zone policy.
21	Amend DTS 2.1 to include minimum road width and clearance requirements for vehicle access.
Historic Shipwrecks Overlay	
22	No amendments recommended.
Key Outback and Rural Routes Overlay	
23	Amend the detailed policy around numeric requirements for sight line and access point separation distances in both Overlays, in line with DPTI Transport comments.
Key Railway Corridors Overlay	
24	Amend the detailed policy around numeric requirements for sight line and access point separation distances in both Overlays, in line with DPTI Transport comments.
Marine Parks (Managed Use) Overlay AND Marine Parks (Restricted Use) Overlay	
25	No amendments recommended.
Murray-Darling Basin Overlay	
26	No amendments recommended.
Prescribed Watercourses Overlay	
27	No amendments recommended.
Prescribed Wells Overlay	
28	No amendments recommended.
River Murray Flood Plain Overlay	
29	Amend PO 1.1 to ensure development is undertaken in way that limits the need for dredging, rather than focusing on limiting the extent of dredging.
30	Amend DTS 5.3 to seek fuel storage facilities and areas are located wholly within a bund that ‘has storage capacity of not less than 133% of the volume of the largest fuel storage tank’.
31	Amend DTS 7.6 to improve clarity and include additional policy seeking a minimum of 3m between jetties and pontoons and river structures to ensure space for vessel access.
Sloping Land Overlay	
32	Amend PO 1.1 to remove reference to ‘place of access on the boundary of an allotment to the finished floor level at the front of the garage’ as the portion of access driveway that must enable safe and convenient access.

33	Remove DTS 1.1 as this could allow portions of an access driveway to have a gradient much greater than 1-in-4
34	Amend excavation policy to be consistent with the wording of similar policy in the Design and Siting General Module.
35	Amend PO 4.2 to incorporate the possibility of split level designs 'or other design approaches that minimise cutting into the slope'.
State Heritage Area Overlay AND State Heritage Place Overlay	
36	Amend policy to expand the matters to be considered when undertaking development in a State Heritage Area or affecting a State Heritage Place in respect to the setting and the type and colour of materials used.
37	In relation to the State Heritage Area Overlay, amendments have been made to clarify that development may relate to a feature of heritage value (e.g. gardens, trees and cemeteries), not just buildings.
Water Resources Overlay	
38	No amendments recommended.
General Development Policies	
Advertisements	
39	Policy be included that specifies suitable measurable clearances of signs from road corridors to ensure efficient and safe road function.
40	A Deemed-to-Satisfy requirement that specifies 15% as the total amount of signage on a building façade, over which advertising development would be performance assessed.
Animal Keeping and Horse Keeping	
41	Minor adjustments required to the performance outcomes as they relate to waste storage in recognition that some of the matters sought to be addressed were unlikely to be achievable. For example seeking to make manure storage facilities vermin proof.
Aquaculture	
42	Minor amendments required to some policies to clarify intent.
Bulk Handling and Storage Facilities	
43	Amend the Desired Outcome to provide greater clarity around what is meant by commodities, as well as to include reference to minimising impacts on transport networks.
Clearance from Overhead Powerlines	
44	No amendments recommended
Design and Siting	
45	Amend policy to provide greater clarity in relation to a range of matters including landscaping, visual privacy, energy efficiency, transportable buildings and site earthworks as per feedback received.

46	Remove PO 2.1 as it is considered that policy within Zones will determine the desired development context.
47	DTS 2.4 not be applied to detached dwellings within the Deemed-to-Satisfy pathway.
48	Remove PO 4.3 as is considered that this matter is better addressed through other policy in the module.
49	Remove PO 7.3 as it is considered that policies relating to overshadowing within the Interface between Land Uses module address this issue.
50	Remove DTS 10.1 and don't apply the associated Performance Outcome to detached dwellings. The Performance Outcome will still apply to a range of larger scale non-residential development.
51	Remove two Performance Outcomes related to on-site Wastewater Treatment Systems (PO 16.1, 16.2) as these are considered to be more appropriately managed via provisions in the <i>infrastructure and Renewable Energy Facilities General Module</i> .
52	Policy requiring that building massing and form contributes to and complements the development context and streetscape has been deleted to avoid prohibiting achievement of infill in growth areas where the current context is low density. Policy relating to waste storage areas has been amended to remove a DTS requirement as it was suggested that this was inappropriate to apply to most residential developments, and that performance assessment would be required to determine appropriate waste storage capacity for larger developments.
Forestry	
53	Delete policy regarding carbon sequestration from the Outback Code and consider this further in the development of the Code for Phases 2 and 3 of the implementation strategy.
Infrastructure and Renewable Energy Facilities	
54	Refine policy relating to water and wastewater services to better delineate where development is able to connect to common water and wastewater services.
55	The term 'Hydropower' be expanded to include 'Pumped hydropower'.
Intensive Animal Husbandry and Dairies	
56	Amend Performance Outcomes to provide greater clarity.
Interface Between Land Uses	
57	Combine the two Desired Outcomes into one – and broaden terminology to see the one Desired Outcome not be confined to human health.
58	Incorporate a Deemed to Satisfy requirement for the operating hours of consulting rooms, offices and shop operating hours.
59	Remove 'portion of' from DTS 3.1 – and remove satisfaction of this as a requirement of a deemed to satisfy classification relevant to a dwelling or dwelling addition.
60	Amend DTS 4.6 to better reflect relevant noise requirements.
61	Remove DTS 9.1 and 10.1.

Land Division	
62	Amend Desired Outcome to include reference to allotments being of appropriate dimensions and shape for intended use.
63	Amend PO 1.1 to include reference to context of locality.
64	Delete reference to 'more than 20 allotments' in PO 1.4.
65	Amend PO 2.2 to include reference to intersections.
66	Amend PO 3.1 to be consistent with the legislative requirements in relation to the provision of public open space for land division.
67	Delete deemed-to-satisfy requirements relating to open space provision.
Marinas and On-Water Structures	
68	Amend DTS 1.5 to reflect <i>Guide to Marina and Mooring Structure Development along the River Murray in South Australia</i> (2011).
Mineral Extraction	
69	Amend PO 1.1 to read mining operations 'minimise damage to landscape' in place of 'ensure minimal damage is caused to landscape'.
70	Amend PO 1.1 to include policy seeking 'betterment' of reclaimed areas.
71	Remove DTS separation distance policy to allow for individual assessment.
72	Replace reference to 'mining operations' with 'mineral extraction activities'.
Open Space and Recreation	
73	No amendments recommended
Residential Liveability	
74	Amend PO 1.1 to reference primary living rooms.
75	Amend PO 1.2 to include reference to noise intrusion.
76	Amend PO 5.2 to not reference the location of facilities for clothes drying.
77	Amend DTS 5.4 to specify that storage cannot comprise a bedroom.
78	Amend PO 6.1 to provide that ancillary buildings and structures should not detract from the appearance of land.
Site Contamination	
79	No amendments recommended
Tourism Development	
80	Amend PO 1.1 to seek tourism development that also contributes to local context.

81	Amend DTS 2.3 to seek 'clearly defined' communal open space, landscaped areas and areas for recreation within caravan and tourist parks.
Transport, Access and Parking	
82	Broaden the applicability of policy for new access placement, particularly in relation to deemed-to-satisfy requirements, to allow application to all development rather than just to dwellings.
83	Adjust the requirements for driveway widths to take into account whether they are shared or not.
Waste Treatment and Management Facilities	
84	Remove PO 2.2 related to land use activities located within separation distances.
Workers Accommodation and Settlements	
85	Amend the Desired Outcome to provide greater clarity about the module applying to rural settings.
Definitions	
Land Use Definitions	
#	Recommendation
86	Amend the exceptions and inclusions list for particular land use definitions to improve legal interpretation and to provide greater certainty regarding what is intended.
Administrative Definitions	
#	Recommendation
87	Amend the exceptions and inclusions list for particular administrative definitions to improve legal interpretation and to provide greater certainty regarding what is intended.
Referrals to State Government Agencies	
#	Recommendation
88	No amendments recommended.
Mapping	
#	Recommendation
89	No amendments recommended.

Attachment 3: Evaluation of Outback Code engagement against the principles of the Community Engagement Charter

Principle 1: Engagement is genuine					
Evaluation statement	Strongly disagree	Somewhat Disagree	Not sure	Somewhat Agree	Strongly agree
I feel that the engagement on Phase One of the Planning and Design Code genuinely sought my input to help shape planning policy as it relates to the outback and coastal waters (<i>Principle 1</i>)	3%	25%	19%	25%	28%
I would be willing to participate in future consultations related to the Planning and Design Code (<i>submission feedback</i>)	0%	0%	0%	92%	8%
I understand how my feedback will be used in the preparation of the final Planning and Design Code for the outback (land not within a council area).	0%	0%	3%	72%	25%
I understand how the Planning and Design Code may affect me and/or my community (<i>submission feedback</i>)	9%	27%	18%	9%	37%
Principle 2: Engagement is inclusive and respectful					
Evaluation statement	Strongly disagree	Somewhat Disagree	Not sure	Somewhat Agree	Strongly agree
I feel confident that my views on Phase One of the Planning and Design Code have been heard as a result of the engagement (<i>Principle 2</i>)	6%	31%	31%	16%	16%
I feel well-informed about the proposed Planning and Design Code for the outback (land not within a council area).(submission feedback)	0%	9%	0%	36%	55%
Principle 3: Engagement is fit for purpose					
Evaluation statement	Strongly disagree	Somewhat Disagree	Not sure	Somewhat Agree	Strongly agree
I believe I was given an adequate opportunity to be heard on planning policy that relates to Phase One of the Planning and Design Code (outback and coast waters) (<i>Principle 3</i>)	6%	19%	28%	28%	19%
I feel that I have had a genuine and adequate opportunity to have my say on the proposed Planning and Design Code for the outback (land not within a council area).	0%	0%	0%	50%	50%

I was given sufficient information to take an informed view of planning policy that relates to Phase One of the Planning and Design Code (<i>Principle 4</i>)	12%	12%	19%	38%	19%
The information provided on the new Planning and Design Code for the outback was clear and understandable and enabled me to take an informed view. (written submission)	9%	9%	9%	46%	27%
Principle 4: Engagement is informed and transparent					
Evaluation statement	Strongly disagree	Somewhat Disagree	Not sure	Somewhat Agree	Strongly agree
I understood why I was asked for my view on Phase One of the Planning and Design Code and the way it would be considered. (<i>Principle 5</i>)	6%	12%	16%	25%	41%
I would be willing to participate in future consultations related to the Planning and Design Code.	0%	0%	0%	8%	92%
Principle 5: Engagement processes are reviewed and improved					
Internal evaluation process only, no external feedback sought.					

