Please find attached the submission on the Planning and Design Code Phase 1 for consideration and review.

Council, and the community, are keen to see the content of submissions, collation of issues, response thereto and reasoning on important revision and refinements to these key Planning Reform elements by the State Planning Commission (and DPTI) and the Minister for Planning. The ‘What We Have Heard’ summary and responses will be awaited.

Thanks

David Brown
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City Design
City of Unley
P: (08) unley.sa.gov.au
This submission form is being used to collect feedback from practitioners and the community on the Planning and Design Code in the outback (land not within a council area). It will help us consolidate comments under specific themes so that we can more easily identify trends and consider feedback according to the zone, overlay or general module to which it applies. Your input will ensure that the new planning and development rules for the outback meet the planning needs of rural South Australians and address planning issues relevant to land outside of council boundaries.

Please send your completed submission by 29 March 2019 form to:

Jason Bailey, Project Lead Planning and Design Code
Department of Planning, Transport and Infrastructure
Level 5, 50 Flinders Street, Adelaide 5000
GPO Box 1815, Adelaide SA 5001
Email: DPTI.PlanningEngagement@sa.gov.au

Section one: About you

1. Are you a planning, design or building industry professional?
   - ☒ Yes
   - ☐ No

   If yes, please choose the professional field that best describes you from the drop-down list below:
   - Planning

2. Are you lodging this submission on behalf of yourself or an organisation?
   - ☐ Self
   - ☒ Organisation

   If you are lodging a submission on behalf of an organisation, please provide the name of your organisation below:
   - City of Unley

3. What council (or non-council) area do you typically reside in?
   - Click here to enter text.

4. If you wish to receive a report on the feedback received during this consultation, please provide your name and email address.
   - Name: David Brown
   - Email address: [Redacted]

Submission form: Planning and Design Code in the outback (land not within a council area) – City of Unley 29 March 2019
Section two: Feedback on the Planning and Design Code in the outback

5. Please provide your feedback on any or all of the Code sections outlined below.

OVERVIEW – GENERAL COMMENTS

This review and critique is not focussed so much on policy content, other than where may be relevant to future metropolitan context, but the scope, form and expression of the policy and provisions. A critical review of all provisions is impractical so selected key representative examples are highlighted to illustrate the issues.

Appreciate policy relates to outback and likely current paucity of policy but there is an opportunity for improvement and forming a good basis, that will be critical with forthcoming more complex issues in Pahe 2 and 3.

Desired Outcomes often lack effect when attempting to cover a wide scope with simplified and limited content. They are critical to provide the fundamental and clear ‘word picture’ of the ultimate objective, reasoning and therefore ultimate test for appropriate development assessment. Accordingly, they should be adequately comprehensive, explicit and clear statements of what is desired to be achieved by development in the applicable context, and readily understandable by all.

The policy provisions are generally thin, limited, simple and often vague. There is not adequate clarity of meaning, actual requirements and outcome. True performance assessment policy needs to be clear on:

▪ what the issue is and requirement(s);
▪ why the outcome is sought;
▪ how the outcome can be achieved;

to enable proper understanding of reason for requirement and the desired outcome (or appropriate alternative for circumstances). Otherwise it is a simple statement without support of purpose or a basis for assessment.

Planning assessment is ‘flexible’ and subject to enough ‘variation’ without adding equivocal options – ‘consider’, ‘similar’, ‘preferable’, ‘where possible’, ‘promote’, ‘encourage’, ‘enhance the appearance’ - need to be clear and definitive on what is required. Avoid inconsistent terms and references.

A range of key design terms are variously used, leading to different scenarios and confusion. A few are defined, but most are not? And most do not have a ready, easy or clear ‘common meaning’ (Rules of Interpretation) or ‘ordinary meaning’ (Part 7 Administrative Definitions) as a reference. The variety of administrative, technical and design terms are critical to be singularly defined and then used consistently. Consistent use of such defined terms would then clarify and streamline understanding, interpretation, outcomes and therefore assessment.

The Deemed-to-Satisfy provisions are limited in number but several are not clear, qualitative and open to interpretation. The fundamental principle for DTS is that they must be quantitative and unambiguous, ie black and white, given they convey automatic approval. Some DTS only address a part of a Performance Outcome (PO) and therefore shouldn’t satisfy PO – need complete suite of DTS or PO needs to be limited to particular DTS. Further, some DTS contradict, eg Settlement Zone 3.8 and 3.10 (and repeated in other zones), with one allowing walls to boundaries, any or all, and the other requiring building to only one side boundary and minimum of 0/.9 m for the other. These need to be placed together and coordinated to supplement each other. As a DTS if 3.8 is met suggests 3.10 is over-ridden.
The Classification Tables, for nominating applicable policy for development, are very substantial and overly complex. Tables exist for Accepted (DTS) Development and Performance Assessed Development, but the range of designated applicable provisions vary for the same development types. A simpler single table and designated list is necessary that is consistent and affirms if a particular DTS is not satisfied the corresponding PO is applicable.

CITATION AND COMMENCEMENT

The ‘Index of South Australian Planning and Design Code’ could be made to read much easier if grouped into essential elements with the additional parts as sub-details, eg:

- Part 1 – Rules of Interpretation
- Part 2 – Zones and Subzones
- Part 3 – Overlays
- Part 4 – General Development Provisions
- Part 5 – Mapping
- Part 6 – Land Use definitions
- Part 7 – Administrative definitions
- Part 8 – Referrals to other Authorities or Agencies
- Part 9 – Table of Amendments

PART 1 – RULES OF INTERPRETATION

1.2 Definitions
1 Refers to ‘common meaning’ when in Part 7 of P+D Code undefined refers to ‘ordinary meaning’ – require consistency.
2 Maybe a catch-all clause but a term should have a consistent meaning across the Code – undermines certainty and clarity otherwise.

Section 1.3
Clarifies which components of the Code prevail over one another (in the event of a conflict).
It should be clarified whether a zone policy prevails over a general development provision. Should be clarity to determine what happens when overlays conflict each other.
The rules of assessment should deal with all these instances in order to address this possible uncertainty.

1.4 – Rules
Numbering would make referencing easier.
Clarifying interpretation of punctuation of ‘: and’, ‘: or’, is noted and beneficial. However, in several instances this rule has not been followed, eg Advertising General Development Policy – DTS 1.1, 1.2, 5.3.
As with all expression, a thorough check is required to avoid misinterpretation, confusion and/or ultimately an undesirable outcome.

PART 2 - ZONES AND SUBZONES

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Coastal Waters Zone

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Conservation Zone

Principles are simplistic, limited and equivocal. Additional detail, clarity and consistency would be beneficial.

Land Division PO 2.2
Land division does not create any additional allotments unless the division:
(a) supports the management, improvement or appreciation of the natural environment; or
(b) is for tourist accommodation purposes and results in allotments:
   (i) greater than 5ha in area each to accommodate an existing tourist accommodation facility; and
   (ii) will not detrimentally affect the natural environment.

DTS 2.2
Land division:
(a) for the creation of a public road or a public reserve; or – creating a road is a major disturbance and contrary to PO for minimising impact - need careful design and consideration
(b) for minor adjustment of allotment boundaries to remove an anomaly in existing boundaries with respect to the location of existing buildings or structures.

Land Use PO 3.2
Farming activities occur on already cleared land and outside of areas containing native vegetation, coastal dunes and wetlands of national importance. – only national? What about State, regional and local?

Built Form and Character PO 4.1
Development sited unobtrusively (preferably below hilltops and prominent ridgelines or where screened by existing vegetation) to minimise the visual impact on the natural environment. – Planning is ‘flexible’ and subject to enough ‘variation’ without adding equivocal options – ‘consider’, ‘similar’, ‘preferable’, ‘promote’, ‘encourage’ - need to be clear and definitive on what is required. Avoid inconsistent terms and references.

PO 4.3
Development blends in with the surrounding landscape through the use of low reflective materials and finishes that minimise glare and a colour palette that complements the surrounding landscape. – blending in and complementing landscape about more than just materials – massing, bulk, scale, form, follow topography, screening etc

Procedural Matters (PM)
Notification
All performance assessed development is excluded from notification.
As a Conservation Zone where conservation and enhancement of landscape, views, amenity, character and low-impact small-scale are promoted it seems contrary to exclude any public notification – commercial and more than minor should be notified.

Local Infrastructure (Airfield) Zone

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Remote Areas Zone

Submission form: Planning and Design Code in the outback (land not within a council area) – City of Unley 29 March 2019
**Settlement Zone**

Appreciate a simplistic policy but details raise concerns about the blunt and insensitive policy intent.

Desired Outcome is very thin on description and equivocal, not affording any clear or sensitive guidance.

Land Use PO 1.2 and 1.3 refer to specific non-residential uses. All uses are provided for without guidance on coordination and addressing impacts through location, compatible nature, mitigating operation conditions etc.

Public notification refers to a wider specific range of land uses causing confusion and conflict with limited range identified in policy. Need to be more comprehensive, consistent and/or inclusive of all.

Built Form and Character PO 3.2-3.10 provide for substantial built form, 2 levels and 6 metre walls and 9 metres overall height (above footings versus true height above ground level) and minimal setbacks 0.9 metres side boundary (increasing for over 3 metres height at 1 for 3 which is rather severe when 1 for 1 is more typical) and 3 metres rear ground level or 5 metres rear upper level. This represents substantial built scale and mass with little relief to neighbouring sites, and seemingly very insensitive to nature and context of an outback settlement. Also DTS’s variously use 0.9m versus 900mm?

Further, some DTS contradict, eg Settlement Zone 3.8 and 3.10 (and repeated in other zones), with one allowing walls to boundaries, any or all, and the other requiring building to only one side boundary and minimum of 0/.9 m for the other. These need to be placed together and coordinated to supplement each other. As a DTS if 3.8 is met suggests 3.10 is over-ridden.

**PO 3.8**

Buildings incorporating walls located on an allotment boundary that are designed to minimise impacts on adjoining properties.

**DTS 3.8**

Buildings that incorporate walls located on an allotment boundary are designed to:

(a) have a height from the top of the footings not exceeding 3m; and

(b) have a length not exceeding 8m.

**PO 3.10**

Buildings (other than row dwellings) that are set back from at least one side boundary to minimise impacts (including building bulk, ventilation, overlooking and overshadowing) on adjoining properties.

**DTS 3.10**

A set back of at least 900mm is maintained along the length of at least one side boundary.

The Classification Tables, for nominating applicable policy for development, are very substantial and overly complex. Tables exist for Accepted (DTS) Development and Performance Assessed Development, but the range of designated applicable provisions vary for the same development types. A simpler single table and designated list is necessary that is consistent and affirms if a particular DTS is not satisfied the corresponding PO is applicable.

‘Accepted Development’ also provides for very liberal scope of development, some with notable impacts on nature of an area and/or neighbours.
Specific Use (Tourism Development) Zone
Click here to enter text.

Township Zone
Click here to enter text.

PART 3 - OVERLAYS
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Building Near Airfields Overlay
Click here to enter text.

Coastal Areas Overlay
Click here to enter text.

Hazards (Acid Sulfate Soils) Overlay
Click here to enter text.

Hazards (Bushfire Protection) Overlay
Click here to enter text.

Historic Shipwrecks Overlay
Click here to enter text.

Key Outback and Rural Routes Overlay
Click here to enter text.

Key Railway Corridors Overlay
Click here to enter text.

Marine Parks (Managed Use) Overlay
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Marine Parks (Restricted Use) Overlay
Click here to enter text.
Access driveways should not have an ‘average’ slope, where sections could be any grade, but should not exceed a ‘maximum’ gradient of 1 in 4. Further, a flat section (transition area) of at least 5 metres long at either end is important to provide for safety and manageable access and egress for vehicles, particularly at the intersection with roadways, footpaths and pedestrian paths to afford adequate visibility.

DTS 1.1 - The average gradient over the length of the access driveway is no steeper than 25% (1-in-4) at any point and there is a near level gradient (1-in-20) at either end for a length of a least 5 metres to provide appropriate safety and visibility with intersecting pedestrian areas and footpaths.

Policy for general siting and design of development and buildings fitting the typology is missing. The siting and design of development and buildings should address:

- minimisation of land cut and fill;
- achieving a building profile, bulk and scale that blends with the topography of the land and does not dominate the landscape;
- screening of built form and excavation/or fill from view with suitable fences and landscaping;
- setbacks from boundaries to reduce visual impact;
- stabilisation of slopes to prevent erosion.
State Heritage Area Overlay

Desired Outcome attempts to cover a wide scope with simplified and limited content. Critical to provide the fundamental and clear ‘word picture’ of the ultimate objective, reasoning and therefore ultimate test for appropriate development assessment. Accordingly, should be adequately comprehensive, explicit and clear statements of what is desired to be achieved by development in the applicable context, and readily understandable by all.

State Heritage Area Overlay

Desired Outcomes (DO)

Recognition of the major contribution that South Australia’s State Heritage Areas make to South Australia’s identity and economy through conservation and enhancement of heritage values, continued use and adaptive reuse of places of heritage value, complementary additions and alterations and appropriate contextual new development and replacement of non-conforming buildings and structures.

Where are the ‘heritage values’ of the area outlined and specified for reference?

PO 1.1

Development that conserves and enhances the heritage value by considering (need to do more than just ‘consider’) closely respecting the context of heritage values and the following design elements:
(a) bulk, massing and scale;
(b) boundary setbacks, building curtilage, spaces and overall siting;
(c) form, proportion and composition of design elements such as rooflines, windows and doors and façade width and modulation; and
(d) type, colour and texture of external materials.

PO 2.1

Part a) suggest part of building to be demolished must be excluded from the heritage value, i.e. the heritage listing. The heritage listing sheets often identify the whole place, so this will require update of all state heritage place sheets.

Demolition of State Heritage Places as a performance assessed development will need very strong Performance Outcomes to ensure important and unique heritage places are protected and appropriate principles are provided.

Additional Performance Outcomes are required for:
- fencing to State Heritage Places
- dilapidated heritage places
- access of vehicles in keeping with State Heritage Place
- garage doors and their location or undercroft parking
- nature of the landscaping to included
- disabled access
- design of new buildings or additions being modern
- introducing styles that are out of character
- more required on roof lines

PO 3.2

Conservation works to the exterior of buildings of identified heritage value that match existing materials to be repaired and utilise traditional work methods typical to the period of the place, such works include:
(a) replacement of roof materials, guttering or downpipes with the same or similar (why similar and specified just for roof – should be the same for all?) materials or items;
(b) replacement of timber building elements (structural or decorative) with the same material, dimension and detailing;
(c) brick and stone repair/repointing to match original; and
(d) painting of previously painted surfaces in the same colour.

**PO 5.1**

**Additions and alterations to buildings, structures and any other elements, contribute to the heritage values**

*(of what – area, patterns, heritage buildings (not others), spaces and siting etc)* **by:**

(a) extending into the existing roof space or to the rear of the building or structure;
(b) distinguishing between the existing and new portion of the heritage building or structure using compatible design elements including (but not limited to) recessed facades, separate roof forms and linking structures; and
(c) providing sufficient *(2 x height/width)* setback of built additions and alterations where taller than the existing heritage building or structure.

Planning assessment is ‘flexible’ and subject to enough ‘variation’ without adding equivocal options – ‘consider’, ‘similar’, ‘preferable’ – policy needs to be clear and definitive on what is required. Avoid inconsistent terms and references.

**Procedural Matters (PM)**

**Referrals**

Appropriately provide for referral to “Minister for the time being administering the Heritage Places Act 1993”

Except where:

(i) all deemed-to-satisfy requirements for all policies relevant to this referral are met;
(ii) where the site is located within the River Murray Floodplain Overlay; *why is location within this overlay obviate the need for critical heritage referral?*
(iii) …..

**State Heritage Place Overlay**

Refer to above comments. Appears largely a repeat with ‘area’ substituted by ‘place’.

**Water Resources Overlay**

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**PART 4 - GENERAL MODULES**

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**Advertisements**

**PO 1.1**

Expression and clarity could be improved:

‘Advertisements complement, rather than dominate, the buildings to which they are attached and the
land on which they are sited’ OR ‘Advertisements that do not dominate but are compatible and integrated with the design of the building and land to which it relates’.

DTS 1.1
DTS is not qualitative or unambiguous and will create issues in everyday operation.
- Does not include ‘;’ and’, or ‘; or’ to confirm if one or all provisions applicable?
- a) ‘below canopy’ level – what about a high canopy, or a canopy over a balcony? Not the intent?
- What about encroachments over public space? What does ‘flush’ mean as no depth clarified.
- d) & e) every sign ‘projects’ in some way, even if only minor., and meaning is unclear?
- f) to know the finished floor level of the second storey elevation / section plans will need to be submitted - is that the intent?
- This DTS doesn’t allow for under canopy blade signs or freestanding (noting that large freestanding should have an assessment – should be Performance Assessed). Under canopy blade / box signage could be codified for exemption, eg current DP’s. This has been missed.

DTS 1.2
- DTS provision including ‘public telephone booth’ is at odds with DPTI’s own advice/letter to Telstra not supporting the role out of their new public telephone booths which have LED screens displaying second and/or third party advertising on public property.

DTS 2.2
- Given there are no provisions relating to the size of a sign, this DTS is alarming. This would allow a large complex to lodge for a coordinated sign of an any size, but there would be no opportunity to suggest it is too large and negotiate a better outcome.

DTS 4.1
- ‘illumination’ should be defined to clarify if top lit, bottom lit, internally lit, behind lit, glow, LED, neon etc

DTS 5.1
- Might be clearer to say ‘clearance between the top of the footpath and base or underside of the sign’.
- ‘Footway’, is a new undefined term? Is it a footpath or could it be a shared area? If it is shared area, signs over these areas need a clearance of 5m so trucks have access.

DTS 5.2
- Define ‘illumination’, as discussed under DTS 4.1.
- Is there any guidance from DPTI transport on maximum luminance either at the source of at the point of traffic that can be incorporated to provide certainty?

DTS 5.4
- ‘Adjacent’ means within 60m. Perhaps this DTS should use the word ‘adjoins’, as per the PDI Act definitions.
- This DTS should not be related only to roads 80km/h or more. In subsequent Phase 2 and particalry 3 in the city context, drivers experience different conditions where a lower speed limit doesn’t mean there aren’t possibly more distractions due to the heavy traffic flows, traffic emerging from side streets, heavy pedestrian areas etc.

Other provisions required
- About the size, type, colour and material of any sign. For example, you can apply for a sign flush on the building wall or fascia of whatever size and the relevant authority would be unable to assess this component? There could be some DTS provisions created for these matters and this should be further
- POs or DTS provisions relating to animation or duration times for advertisements.
- Require structural supports to be concealed from public view or of minimal visual impact as they can directly affect the quality of the public realm and should be a consideration of any assessment.
- The inter-relationship with the National Construction Code is unclear and needs clarification between the PDI Regulations and P&D Code.
- Restrict advertisements on ‘dwellings’, eg ‘Advertisements are inappropriate on premises used for a dwelling. This does not include business plates associated with a home activity which does not exceed 0.2 square metres’.
- ATMs with their accompanying non-visually permeable film applied to facades occupy a notable extent of street frontage relative to the premises on which they are located, negatively impacting streetscape quality whereby they should be included within the P&D Code, eg:

  Development of vending machines, automatic teller machines and fast food outlets should:
  (a) be consistent with the relevant Zone and Policy Area provisions;
  (b) maintain the character and continuity of activity along street frontages;
  (c) maintain good visibility from the street or public places for security; and
  (d) not impede pedestrian movement.

  AND

  Advertisements relating to vending machines and automatic teller machines should be restrained in size and style.

Animal Keeping and Horse Keeping

Click here to enter text.

Aquaculture

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Bulk Handling and Storage Facilities

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Clearance from Overhead Powerlines

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Design and Siting

Desired Outcomes (DO 1)

Development that achieves high design quality by being:

(a) contextual – by considering, recognising and carefully responding to its surroundings (scope - adjacent, locality, neighbourhood?) and positively contributing to the character of the immediate (and surrounding?) area;

(b) durable – fit for purpose, adaptable and long lasting;

(c) inclusive – by integrating landscape design (what does this mean and include – more than ‘landscaping’ and planting as typically understood?) to optimise pedestrian and cyclist usability, privacy and equitable...
access (meaning ?), and also promote the provision of quality spaces on-sites, potentially beneficially, integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally on-site ? and within the public realm, for occupants and visitors alike; and – should be about ‘development’ being ‘inclusive’ on private land not only the public realm ?

(d) sustainable – by integrating sustainable systems into new buildings and the surrounding landscape design to improve environmental performance and minimise energy consumption. – what about water ?

A single policy for Design and Siting related to all forms of development creates a generic and very simple policy suite that fails to address the significant differences and sensitivities in this regard for the different types of development, ie residential versus commercial, industrial etc

The Residential Liveability section may have been thought to address the residential subtleties but design and siting of built form etc is not addressed at all, only generally internal amenity matters.

This needs to be addressed by break-down within Design and Siting for different types of development and contexts, and/or Residential viability address all applicable parameters including built from, design and siting etc.

**Built Form Context PO 2.4**

Structures that protrude beyond roofline to minimize the impact on local amenity by:

(a) integrating roof-top structures to house plant and equipment with the building design in relation to external finishes, form and colours;

(b) positioning structures in unobtrusive locations to minimise views from public roads and spaces; and – what about neighbours ?

(c) when located on the roof of non-residential development, locating the structures as far as practicable from adjacent sensitive land uses. – what about ‘residential’ development ?

**Public Realm Interface PO 4.3**

Landscaping be provided and that is coordinated and integrated with the character of the locality. – fails in first instance to require landscaping to be provided, in what circumstances, how much, scale, amenity, shading etc ?

**PO 4.5**

Vehicle parking areas and associated driveways landscaped to shade and enhance the appearance of the vehicle parking areas, amenity for pedestrians and surface cooling.

**Visual Privacy PO 6.1**

Development that minimises direct overlooking of habitable rooms and private open spaces of dwellings and all forms of residential accommodation (retirement village, tourist accommodation etc) ?.

**DTS 6.1**

Upper building level windows and above ground level balconies facing side or rear boundaries or any habitable rooms or private open spaces (allowing front yards to become private open spaces in other provisions):
(a) are permanently obscured to a height of **1.5m - 1.7m** (1.5m largely ineffectual and not accepted standard) above finished floor level that is fixed or not capable of being opened more than 200mm (could easily compromise policy intent and privacy in some circumstances?);

(b) have sill heights greater than or equal to **1.5m - 1.7m** above finished floor level; or

(c) incorporate screening to a height of **1.5m - 1.7m** above finished floor level.

**Energy Efficient Design PO 7.2**

Only refers to ventilation, which is important, but only one of a number of design techniques for temperature mitigation, eg orientation for appropriate sun shading for solar gains in winter and exclusion in summer.

*Buildings sited and designed to reduce the need for artificial heating and cooling by providing for through passive solar design, natural ventilation and orientation for appropriate sun exposure and shading.*

**Landscaping PO 9.1**

*Landscaping be provided that:–* fails in first instance to require landscaping to be provided, in what circumstances, how much, scale, amenity, shading etc?

(a) contributes to water and biodiversity conservation; and

(b) enhances the appearance of land and streetscapes.

*Enhances amenity and enjoyment of outdoor spaces

Provides tree canopy, shade, open ground cover and mitigation of over-heating

**Green Canopy**

While appreciating this draft Phase 1 Code relates to the Outback, it is warranted to generally provide for and highlight that maintaining and increasing Green Canopy with development is a fundamental component of good development. The State Planning Strategy has a target for a maintenance and a 20% increase in green canopy, as does most council environment (and climate) and desired development strategies.

Over the last 30 years there has been a notable trend, and increasing rate more recently, with (re)development of the loss of green canopy on private land. The extent of public land is limited (often less than 20%) and already largely optimised with trees reinforcing the need to address maintaining and increasing green canopy on private land as a key part of (re)development.

It is trusted there will be suitable provisions in forthcoming Phase 2 and 3 of the Code that reinforce the need to provide open spaces on sites adequate for yards, gardens and landscaping, including medium to large trees and permeable and deep soil areas.

**Water Sensitive Design**

**PO 13.1**

*Development sited and designed to maintain natural hydrological systems and not adversely affect:*

(a) the quantity and quality of surface and groundwater;

(b) the depth and directional flow of surface and groundwater; or

(c) the quality and function of natural springs.

**PO 13.2**

*Development designed to capture and re-use stormwater (where practical) to maximise conservation of water resources.*

**PO 13.3**

*Development that includes stormwater management systems that minimise the discharge of sediment, suspended solids, organic matter, nutrients, bacteria, litter and other contaminants to the stormwater system, watercourses or other water bodies.*
Provisions very basic, qualitative and leave a lot to subsequent assessment interpretation. Provisions fail to address water outflow from sites and containment to at least less than existing rate (or natural rate or <40% co-efficient in urban context) upon new development to avoid compounding impacts on streets, localities and catchments stormwater outflows, capacity of drains and watercourses and mitigation of flooding (from increasing storm events frequency and severity), ie retention and detention.

**Forestry**

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**Infrastructure and Renewable Energy Facilities**

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**Intensive Animal Keeping and Dairies**

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**Interface between Land Uses**

Desired Outcomes simplistic and equivocal. Focus is upon activities and emissions. But include overshadowing, with inferior potential impacts (3 hours of direct sun to a portion – 1mm² – of ‘habitable’ windows and 2 hours to half or 35m² (the lesser) of private open space at 21 June – all of which is cumbersome and complex to calculate), but no guidance is provided on Built Form impacts from mass, scale, setbacks etc of buildings (potential large ones).

**Land Division**

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**Marinas and On-Water Structures**

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**Mineral Extraction**

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**Open Space and Recreation**

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**Residential Liveability**

Click here to enter text.
Desired outcomes very generic and equivocal, with wide potential interpretation and insensitive implications.

**DO 1**

*Residential development that meets the needs of residents and provides healthy and sustainable living environments.*

The *Residential Liveability* section may have been thought to address all the residential development subtleties but design and siting of built form etc is not addressed at all, only generally internal amenity matters.

A single policy for *Design and Siting* related to all forms of development creates a generic and very simple policy suite that fails to address the significant differences and sensitivities in this regard for the different types of development, ie residential versus commercial, industrial etc.

This needs to be addressed by break-down within Design and Siting for different types of development and contexts, and/or Residential viability address all applicable parameters including built from, design and siting etc.

**Amenity**

**PO 1.1**

- *living rooms*’ is not defined and could be argued to be living/lounge rooms rather than bedrooms also.

**PO 1.2**

- Only relates to artificial light intrusion for bedrooms when other qualities are equally or more important.

**Private Open Space**

**PO 2.1**

Private Open Space outlined in *Residential Liveability Table 1 – Outdoor Open Space* is constrained with a percentage used for larger allotments over 1,000m² (20% overall and 10% next to habitable room), but smaller allotments only nominated sizes that are much less than corresponding percentages.

For spaces to be included as useable ‘private open space’ they should have a least a minimum dimension of 2.5 metres, otherwise they are ineffective paths or landscape strips.

Further, minimum dimension of 4 metres for larger spaces is inadequate (minimum 5 or 6 metres). This is not logical or appropriate.

Sizes for apartments (are these Residential flat Buildings or to be separate/new definition?) are also minimal and compromise realistic outdoor use for occupants.

**Onsite Facilities for Group Dwellings, Residential Flat Buildings, Multiple Dwellings, Supported Accommodation and Student Accommodation**

**DTS 5.4**

- To avoid bedrooms being suggested as storage areas, the provision would be better rewritten to: *"Each dwelling is provided a storage area (excluding bedrooms) at least 8m³ of storage"*

**Ancillary Buildings and Structures**
DTS 6.1
- The length of a 2019 Ford Ranger (i.e. the 4×2 XLT Double Cab Pick-up Hi-Rider 3.2 Diesel model) is 5.426 metres. The setback of 5.5 metres will lead to the vehicle often extending onto the road reserve, unless the driver leaves a gap smaller than 74 millimetres (0.074 metres) between the front of the vehicle and the front wall of the garage door. This is considered unrealistic, and provides no space for people moving around vehicle. In order to avoid the obstruction of footpaths by long (but highest selling type) vehicles, it is suggested that the Deemed-to-Satisfy requirement be increased to 6 metres.

Supported Accommodation
PO 7.1
- Define ‘supported accommodation’ in the land use definitions to avoid need to list out types (i.e. “accommodation including nursing homes, hostels, retirement homes, retirement villages, residential care facilities and special accommodation houses”).

Temporary Accommodation
PO 8.1
- Contrary to National Construction Code where as soon as something is to be used as temporary accommodation, the building code requires certain upgrades, which makes it habitable, which then makes it a ‘dwelling’ for planning purposes.

Site Contamination
Click here to enter text.

Tourism Development
Click here to enter text.

Transport, Access and Parking
Desired Outcome very generic, only referring to the transport system, and failing to address expectations for ‘access’ and ‘parking’.

Vehicle Parking Rates
PO 5.1
Vehicle Parking Rates seeks sufficient parking on-site but fails to clarify it needs to be available for all users (tenants, occupiers and visitors) by minimal allocation and maximising free and shared use for optimal efficient use and particularly not excluding visitors needs.

Vehicle Parking Areas
PO 6.6
Landscaping is strongly supported for amenity purposes, and to help offset the urban heat island effect. However, this provision is not reinforced by a Deemed-to-Satisfy provision, ie “One medium/large tree be planted at an interval of every 6 parking spaces (and the tree species to have a mature height of at least 3 metres). This example used in other places, eg Gepps X Home HQ shopping centre.
PART 5 - MAPPING

The address of the mapping website is considered to be impractical. It Councils wished to advise residents of the website (in a phone call), it would be difficult to quote the address of: https://dpti.geohub.sa.gov.au/portal/apps/webappviewer/index.html?id=5fcfc772bf7d4c279ad9bb11c15bf419. Consideration should be given to a more 'quotable' address.

Secondly, the mapping webpage is considered to be unintuitive to a non-technical user. The default view simply shows a beige shaded area (presumably the Remote Areas Zone) without any labelling. You have to manually switch on every overlay one by one. It is also quite slow to load. When a user does find a property to make an enquiry a box comes up, however, even when the dialogue box comes up, it doesn’t tell you much. It was difficult also to see that it was actually trying to show the user multiple layers. This was quite unclear in the dialogue box and you had to locate the ‘arrow’ to find out what other layers apply to your property. It is unclear whether most users would realise or find the arrow to find out more information.

PART 6 – LAND USE DEFINITIONS

The land use definitions are largely a transfer of the current ones (Development Act and/or SAPPL library). It’s unfortunate the significant work and comments provided through the review in 2018 were not considered more and the opportunity of the planning reform capitalised on. Whilst generation 1 of the P&D Code is a transition there is a fundamentals need to get basics right from the start. Future definition amendments is problematic and can compromise associated policy.

Also it was understood that umbrella terms would be created, eg ‘residential’ which could simplify policy and assessment. Individual detached dwelling, dwelling, group dwelling, row dwelling etc have been maintained, with their idiosyncratic problems. The promoted form-based model would be more effective.

Conversely, ‘supported accommodation’ has not been defined leading to repeated lists of included types within the policy. This should be avoided, and a definition provided.

The table format, with columns for ‘includes’ and ‘excludes’ is a good approach, although in some instances this hasn’t been followed, eg ‘educational establishment’ lists ‘inclusions’ within the definition itself.

Further comment is difficult when not all land use definitions have bene included in phase 1. However, the lack of revision and improvement is concerning. Hopefully, larger reform is included in phases 2 and 3.
PART 7– ADMINISTRATIVE DEFINITIONS

Key terms variously used in Performance Outcomes (unlikely deliberate more so lack of rigorous editor control) – some defined – most not? And most do not have a ready, easy or clear ‘ordinary meaning’ to refer to.

Variety of administrative, technical and design terms are critical to be defined. Consistent use of such defined terms would then clarify and streamline understanding, interpretation and therefore assessment.

As examples:

<table>
<thead>
<tr>
<th>Term</th>
<th>P+D Code</th>
<th>draft PDI General DA Regs</th>
<th>Development Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>AHD</td>
<td>Means Australian height datum in relation to the potential for inundation, means Australian height datum;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ARI</td>
<td>Means average recurrence interval means average recurrence interval of a flood event;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outbuilding</td>
<td>does not include a private bushfire shelter;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private bushfire shelter</td>
<td>means a building, associated with a Class 1a building under the Building Code, that may as a last resort provide shelter for occupants from the immediate life threatening effects of a bushfire event;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building height</td>
<td>Means the maximum vertical distance between the lower of the natural or finished ground level at any point of any part of a building and the finished roof height at its highest point, ignoring any antenna, aerial, chimney, flagpole or the like.</td>
<td>means the maximum vertical distance between the natural or finished ground level at any point of any part of a building and the finished roof height at its highest point, ignoring any antenna, aerial, chimney, flagpole or the like.</td>
<td></td>
</tr>
<tr>
<td>Building level</td>
<td>Means means that portion of a building which is situated between the top of any</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>floor and the top of the next floor above it, and if there is no floor above it, that portion between the top of the floor and the ceiling above it. It does not include a floor located 1.5 metres below finished ground level or any mezzanine.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
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<td></td>
<td></td>
</tr>
<tr>
<td><strong>Wall height</strong></td>
<td><em>Means the height of the wall measured from the top of its footings but excluding any part of the wall that is concealed behind an eve or similar roof structure and not visible external to the land. Should be ‘natural or finished ground level’ for consistency and to reflect true apparent and effective height.</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Gross leasable floor area</strong></td>
<td><em>Means the total floor area of a building excluding public or common tenancy areas such as malls, hallways, verandahs, public or shared tenancy toilets, common storage areas and loading docks.</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total floor area</strong></td>
<td><em>Building = walls superficies Carport/open sided = roof</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Floor area ratio</strong></td>
<td><em>means the ratio between—(a) the total floor area contained on all floors within a building or buildings (excluding areas permanently set aside for the parking, loading, unloading or movement of vehicles); and (b) the area of the site, where the area of the site is expressed as unity.</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Writing</strong></td>
<td><em>Why not in Code with all policy definitions?</em></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

Submission form: Planning and Design Code in the outback (land not within a council area) – City of Unley 29 March 2019
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural ground level</td>
<td>Existing may be better than natural – or define as meaning the recent typology</td>
</tr>
<tr>
<td>Finished ground level</td>
<td>Existing finished ground level – lower / neighbour side?</td>
</tr>
<tr>
<td>Finished floor level</td>
<td>Various used but undefined</td>
</tr>
<tr>
<td>Top of footings</td>
<td>Various used but undefined</td>
</tr>
<tr>
<td>Ground level</td>
<td>Various used but undefined</td>
</tr>
<tr>
<td>Floor level</td>
<td>Various used but undefined</td>
</tr>
<tr>
<td>Total roofed area</td>
<td>Various used but undefined</td>
</tr>
<tr>
<td>Total roof height</td>
<td>Various used but undefined</td>
</tr>
<tr>
<td>Public street, road or thoroughfare</td>
<td>Various used but undefined</td>
</tr>
<tr>
<td>Driveway</td>
<td>Various used but undefined</td>
</tr>
<tr>
<td>Access point</td>
<td>Various used but undefined</td>
</tr>
<tr>
<td>Access tracks</td>
<td>Various used but undefined</td>
</tr>
<tr>
<td>Immediate area</td>
<td>Various used but undefined</td>
</tr>
<tr>
<td>Surroundings</td>
<td>Various used but undefined</td>
</tr>
<tr>
<td>Surrounding</td>
<td>Various used but undefined</td>
</tr>
<tr>
<td>Site coverage</td>
<td>Key design term requiring definition</td>
</tr>
<tr>
<td>Impervious area (or Permeable area)</td>
<td>Key design term requiring definition</td>
</tr>
<tr>
<td>Building envelope</td>
<td>Key design term requiring definition</td>
</tr>
<tr>
<td>Building siting</td>
<td>Further examples below:</td>
</tr>
<tr>
<td>Building massing and bulk</td>
<td>Further examples below:</td>
</tr>
</tbody>
</table>

### Building siting
- **Setting/Siting**: relationships and juxtaposition of buildings on a site and the space around/between buildings:
  - **Setback**: horizontal distance of building edge from a property boundary
  - **Curtilage**: area of land around a building associated with its function and/or appropriate visual space

### Building massing and bulk
- **Massing**: composition of the scale of various portions of a building and their relative setbacks from the viewing perspective and therefore the visual presence formed
- **Bulk**: combination of the scale, massing and form of a building (3 dimensional perspective), eg a cube is...
| Building scale | **Scale**: elevation sizes of a building (2 dimensional):  
|                | - the vertical height;  
|                | - horizontal width; and  
|                | - their relative proportions |
| Building form  | **Form**: overall shape and volume of a building and arrangement of its parts and features, eg base walls scale, roof pitch and shape, key features |
| Building modulation | **Modulation**: the stepping forward and back of walls, roof planes and rebates and recessed openings in walls to provide relief to flat surfaces |
| Building features | **Features**: associated distinctive and detailed elements of a building that contribute to its style, eg roof form (eg hip, gable) front verandah, support posts, frieze/lace work, chimneys, fenestration proportions, narrow side access & carport (not under main roof), traditional materials and colours |
| Fenestration Solid to Void Ratio | **Fenestration/Solid to Void Ratio**: the arrangement and extent of openings (eg windows, doors, vents etc) in a building relative to the extent of the wall. |
Other variously used administrative words that are used throughout the P&D Code that should be defined for consistency of interpretation:

- Ancillary
- Abut
- In proximity to
- Adaptive reuse
- Non-conforming
- Development v new buildings
- Actions and unforeseen events beyond the control of the owner
- Irredeemably beyond repair
- Landscaped open space
- Architectural treatments
- Extent of the curtilage
- Heritage values
- Minor works that don’t need referral
- Substantive physical impact
- Conservation repair works that are ‘like for like’ maintenance
- Ancillary development
- Visible from a public street
- Visually dominant
etc
Section three: Evaluation of this engagement

Please tell us if you agree or disagree with the following statements:

1. I feel well-informed about the proposed Planning and Design Code for the outback (land not within a council area).

   Somewhat agree

   If not, why not? What information was missing?

   As a council with direct interest the sources and updates for information is understood. The community seem generally unaware, other than for the most invested.

2. 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.

   Somewhat agree

   If not, what was unclear and how could we have made it easier to understand?

   Actual code a substantial quantity and complexity to understand. Summary and guide shallow representation of scope, depth and implications.

3. I understand how the Planning and Design Code may affect me and/or my community.

   Somewhat agree

   If not, what further information would have been useful to better understand how you might be affected by the draft State Planning Policies?

   Know it will be substantially affected but not how much or how adversely at this stage. Being drip-fed components of system some of which are inter-dependent but unavailable. Components adopted so far do maintain major concerns.

4. 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).

   Somewhat disagree

   If not, tell us how we can better communicate with you about how your feedback will be used.
Significant and substantial contributions made so far with all component but limited evidence of appreciation in “What We have Heard” summaries of concerns, no provision of response / reasons regarding issues and in final components adopted so far.

5. 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).

Somewhat agree

If not, please tell us how we can improve our engagement with the community and what further opportunities you would like to have input.

Refer point 1.

6. I would be willing to participate in future consultations related to the Planning and Design Code.

Strongly agree

If not, please tell us what would prevent you from participating in future consultations related to planning policy.

Click here to enter text.