

29 November 2019

Mr Michael Lennon  
Chairperson  
State Planning Commission  
GPO Box 1815  
Adelaide SA 5001



DPTI.PlanningReformSubmissions@sa.gov.au

Dear Michael

**Re: Planning and Design Code – Phase 2 submission**  
**Our Ref: 3.85.1**

I write in response to the public notification of Phase 2 of the Planning and Design Code (the Code) and how it applies to development within the District Council of Robe.

Council staff have undertaken a review of the draft Code to determine the extent to which the current requirements and intent of Council's Development Plan has been transferred over. As you would appreciate reviewing the 800 pages of the Code applicable to our Council area is a significant undertaking. This is not helped by the current layout of the Code and the lack of any of the e-planning interfaces or initiatives that are intended to be a part of the new planning system.

The limited consultation period within which Council and the community have had to review and comment on the draft Code has also impacted upon Council's ability to thoroughly review and consider the proposed changes. As a result, there is still a level of uncertainty within our local community as to how the future assessment of applications under the Code may impact upon the form, character and appeal of our Council area.

An important component of this are the controls upon development within the historic core of the Robe township. Whilst it is understood that this important area of the town will be covered by the Historic Area Overlay the Department has only recently released the draft Historic Area statement which is critical in outlining the appropriate scale, form and appearance of new development within this area. Council's Heritage Advisor is finalising their review of the new heritage provisions and the draft Historic Area

Statement. I anticipate that Council will be able to forward on these comments to the Department in the coming week. As such we seek a minor extension to the consultation period to allow those comments to be finalised and submitted.

Council has met with the National Trust of South Australia and is extremely concerned with any weakening of the protections afforded to heritage buildings and the character of areas across the state that are protected through Contributory Items. The key reason that people choose to live and visit Robe is because of the historic village feel and the environment. Tourism is the key growth area of our economy and contributes significantly to the South Australian economy. Council does not want a rushed decision to result in poor outcomes that cannot be reversed once enacted.

We also need to make you aware that the unreasonable timeline has meant that Council has not been able to engage with or seek the views of our community to the proposed Code.

In respect to the draft Planning and Design Code Council would like to make the following recommendations, comments and observations:

- A Character Area statement for the Character Area Overlay is yet to be prepared by the Department. Council request that the statement be prepared with the assistance of Council to ensure the retention and enhancement of the existing character of the historic core of the Robe township within the Character Overlay area;
- Further consideration be given to the inclusion of the current Town Centre Zone within the Character Overlay area;
- Amend the Recreation Zone, or apply a separate sub-zone, to allow for the future development of dwellings and tourist accommodation associated with the Robe Golf Course as currently permitted within Open Space Zone Recreation Precinct Area 4;
- Maximum building height of two storeys/nine metres be applied to the Township Activity Centre Zone to align with the established height limit and current Development Plan restrictions;
- Review of the Infrastructure (Ferry and Marina Facilities) Zone to allow residential development upon the existing residential allotments along Karatta Road;
- Consider the inclusion of the Robe Airfield within an Airfield Overlay;
- Norfolk Island pines along the foreshore and Smillie Street to be mapped and included within the Significant Tree overlay;
- The Native Vegetation Overlay appears to apply to the entire Council area. This results in the unreasonable limitation of Accepted development within most zones;
- The Coastal Overlay extends to include several commercial and residential properties along Mundy Terrace and Smillie Street. It is unclear as to what mapping or information has been used to determine the extent of this overlay in this area;
- The current Coastal Marina and Settlement Zones incorporate specific Finished Floor Levels (FFL's) for development to account for future sea level rise. This does not appear to have been incorporated within the draft Code;
- The current Settlement Zone has a minimum allotment frontage of 20 metres which does not appear to be reflected within the Technical and Numerical Variations section of the draft Code;
- The reference to PO 17.1 and 17.2 in the Suburban Neighbourhood Zone for Ancillary Dwellings in Table 3 and for carports, verandahs and outbuildings (garages) within Tables 2 and 3 should be changed to PO 16.1 and 16.2;
- It appears that the Hazards (Bushfire – Urban Interface) has been incorrectly applied to the entirety of the Robe township;

- Consideration should be given to the removal of the Medium Bushfire Overlay from the southern end of the Residential Zone and portions of residential area at Long Beach;
- Consideration should be given to removing the Limited Dwelling Overlay from the Rural Zone as this will result in new dwellings being a restricted form of development which is not reflective of the current policy intent.

Council remains committed to working with the Department in the implementation of the new Code and planning system. We see value in the intent of the Government with the new Act and Code but Council urges you to extend the consultative period to allow appropriate consideration and feedback on the Code from not only Council but also our community. We must ensure the best outcome for South Australia and this is best achieved with diverse views from proper engagement across our communities. Should any clarification of the above be required please contact myself or Council Planning staff to discuss.

Yours sincerely

**James Holyman**  
Chief Executive Officer

