

Our Ref: Planning Code Reform



26 November 2019

Attn: DPTI Planning Reform Staff

**SUBMISSION
PLANNING AND DESIGN CODE REFORM
PHASE 2 - REGIONAL COUNCILS**

OUR DETAILS:

Mosel Surveyors
(Land Surveyors and Property Development Consultants)
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OFFICE LOCATIONS and council areas (Phase 2) typically dealt with:

Kadina SA	Copper Coast Council Yorke Peninsula Council Barunga West Council RC Wakefield RC Port Pirie Northern Areas Council
Clare SA	Clare and Gilbert Valleys Council RC Goyder
Murray Bridge SA	RC Murray Bridge (Phase 3) Mid Murray Council (Phase 3) Coorong DC DC Karoonda East Murray

FEEDBACK COMMENTS:

Map Viewer

In perusing and utilizing the map viewer it is cumbersome to have 3 boxes ticked in the layer list to turn on one overlay (i.e. overlay, productive economy, limited land division overlay). It would be improved if when you simply tick the layer you want that layer becomes active (i.e. any layers nested above automatically turn on).

Overlays

Dwelling Excision Overlay

Working in regional Council areas a common development enquiry we receive is that when a farmhouse dwelling becomes surplus to need or they would like the dwelling to be in different ownership for financial reasons it is requested to divide the dwelling and surrounding improvements off on a separate rural living sized allotment.

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The new allotment does not typically contain any land used for productive farming purposes and therefore is not deemed to impact on the viability of the farming operations. The dwelling if simply left with the farm often becomes an asset that greatly devalues, as being surplus to need, the dwelling becomes derelict and/or in disrepair if tenanted out. For the land owner this is not only a financial loss of an asset but can also result in the site becoming visibly obtrusive for passers-by on adjoining public roads.

The proposed Dwelling Excision Overlay is shown to only apply to several regional Councils with several Councils that had this option previously now excluded (i.e. Yorke Peninsula, RC Wakefield, Northern Areas Council and Mid Murray (phase 3)).

The wording of this provision is also unclear. PO1.1 outlines creating an additional allotment with criteria, however DTS/DPF 1.1 indicates that no additional allotments are to be created. Does this mean boundary realignments only or will assessment managers use their discretion as to whether an additional allotment can be created for a farmhouse division. The wording of this provision needs to be clear so there is no ambiguity when lodging an application as to what the likely result will be. Assessing an application cannot simply be at the discretion of an assessment manager.

PO1.2 we assume relates to creating an additional allotment for one of two dwellings on a rural property that is surplus to need. From our circumstance this is not a common occurrence, however the criteria for the length of a battle axe driveway (max 50m) should be lengthened to suit the more normal dwelling location on a larger rural parcel. By far the majority of farmhouse dwellings are setback much further from a Public Road.

There is currently inconsistency across the many regional Councils we work within whether a rural dwelling excision is allowable with varied criteria on min-max. allotment sizes and the age of the dwelling also a factor on whether this type of division is currently allowable.

We would like to see consistency across the rural zone/s to provide for a dwelling excision on an additional rural living sized allotment, typically 1-3ha in size, with similar criteria to PO1.2 however with a relaxation on the driveway handle length. As a minimum the Councils that had the dwelling excision provision in place previously, for consistency, this provision should be retained (namely Yorke Peninsula, RC Wakefield, Northern Areas and Mid Murray (phase 3)).

Limited Land Division Overlay

With respect to rural zoned land this overlay creates inconsistency between one Council area to the next with what type of land division land owners may or may not undertake. RC of Wakefield is included in this overlay and yet for Council areas adjoining on all sides land divisions are allowable for allotments at least 40ha in size. Mid Murray is also included in this overlay, however under the current development plan 40ha allotments are allowable in many policy areas. For land being used for similar farming purposes, for consistency we would like to see land divisions for similar sized allotments (min 40ha) permissible for the RC of Wakefield and the Mid Murray rural zoning. We acknowledge that Mid-Murray has a more diverse range of rural farming activities, with land north being open grazing country likely more suited to larger allotment sizes similar to the adjoining Goyder Council (i.e. 100ha).



Limited Dwelling Overlay

For regional Councils, Copper Coast and Yorke Peninsula are the only two that have rural zoned land included in this overlay. Copper Coast currently allows for new dwellings providing the allotment is at least 40ha in size, whilst for Yorke Peninsula any new dwelling is currently non-complying development unless it is replacing an existing dwelling. Again for consistency for rural land owners we request the limited dwelling provision should be considered to be removed for these two Councils. As is currently the case in Copper Coast the number of dwellings could be limited to only be built on the minimum allotment size permissible for the zone, for which we comment below under the Rural Zone, should be 40ha.

Zones

General Neighbourhood Zone

We note that many of the country town old residential areas are proposed to be in this zone. If you simply check the TNV minimum allotment size it will display for example 300 square metres for a detached dwelling.

Many country towns have a Council CWMS in place that covers the main town residential areas only and the above allotment size would no doubt be acceptable for these areas. For town allotments that cannot be serviced by a CWMS and require onsite effluent disposal the minimum allotment size will no doubt be much larger and presently regional Councils have minimum allotment sizes typically around 900-1200 square meters.

Where in the code do applicants look to verify the above information that will dictate the minimum residential allotment size permissible or is this simply adhering to GDP Land Division in Rural Areas PO4.2-4.3 relating to waste water disposal? In short the TNV minimum lot size is misleading for this zone without additional knowledge of the likely waste water treatment method.

Rural Zone – allotment sizes

For land that is used for similar farming purposes several adjoining Councils have differing minimum allotment sizes in this zone. To maintain consistency the minimum allotment size for both Copper Coast and RC Wakefield Councils should be amended from 100 to 40ha to be consistent with all the immediately adjoining Council areas (Yorke Peninsula, Barunga West, RC Port Pirie, Northern Areas, Clare and Adelaide Plains).

Rural Living Zone

We note that under land division DTS/DPF 3.1 it is outlined that battle axe allotments should not create a driveway 'handle' length of more than 30m in length. Most rural living allotments will be designed to be not less than an average 50m in width (coinciding with the min frontage) and so for a 1ha sized allotment the depth will be up to 200m.

Given the above comments relating to allotment depth, a max 30m long driveway handle will effectively mean very few if any battle axe allotments will be created. The driveway length should be relaxed to a more practical distance to suit the typical depth of a rural living allotment.



General Policy

Land Division in Urban and Rural Areas

Under these provisions for a major land division (20+ allotments), DTS/DPF 8.2 outlines that no more than 20% of open space where provided is to have a slope in excess of 1:4 and is to be comprised of watercourses, wetlands or detention basins.

We deem the percentage stipulated to be inconsistent with current open space areas being provided for within major divisions. Dependent on many site specific factors, many open space areas incorporate temporary catchment swales, detention basins etc. to manage 1 in 100 year stormwater events. It is not uncommon for these temporary catchment areas to be designed and landscaped as areas suitable for recreation and improving the residential amenity of the area. These areas may also contain high value native vegetation, permanent water bodies available for recreational use. The 20% figure under DTS/DPF 8.2 should be removed.

Summary of Recommendations

Map viewer

- improve the turning on/off of layers to be less cumbersome.

Dwelling Excision Overlay

- across the rural zone provide for a dwelling excision on an additional rural living sized allotment, typically 1-3ha in size, with similar criteria to PO1.2 however with a relaxation on the driveway handle length.
- as a minimum the Councils that had the dwelling excision provision in place previously, this provision should be retained (namely Yorke Peninsula, RC Wakefield, Northern Areas and Mid Murray (phase 3)).

Limited Land Division Overlay

- land divisions for similar sized allotments (min 40ha) be permissible for the RC of Wakefield and the Mid Murray rural zoning, when the land is being used for similar farming purposes to that of neighbouring Councils.

Limited Dwelling Overlay

- the limited dwelling provision should be considered to be removed for the Copper Coast and Yorke Peninsula Council Rural Zoned land.
- dwellings could be limited to only be built on the minimum allotment size permissible for the zone (40ha envisaged).

General Neighbourhood Zone

- within country towns when a Council CWMS/Septic system is not available the TNV minimum allot size is misleading, larger allot sizes will be required.
- where in the code can applicants clarify the larger town allot sizes required for onsite waste disposal for development within this zone.

Rural Zone – allotment sizes

- the minimum allotment size for both Copper Coast and RC Wakefield Councils be amended from 100 to 40ha, to be consistent with all other surrounding Councils

Rural Living Zone

- for battle axe allotments the driveway (handle) length be relaxed to a more practical distance to suit the typical depth of a rural living allotment.

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Land Division in Urban and Rural Areas

- remove the 20% of land area figure, under Open Space DTS/DPF 8.2.

General Comments

As with many other development consultants we refer to the current development plans almost on a daily basis and working within some dozen or so regional Council areas we find the inconsistency of what development is allowable for similar zones across Council boundaries problematic and frustrating.

Many of our comments above simply seek to make development more consistent particularly for land divisions in rural zones, for land that is being used for similar farming purposes. Which Council area we are in should have no bearing.

We would also like to comment about the lack of time being only 8 weeks to be able to review and provide feedback on what is a massive change to the state planning system that is being implemented in a very short time frame. It is impossible to thoroughly review such a large amount of information and its likely impacts on development in the time frame provided.

If you would like to discuss any of our comments above in more detail please contact the undersigned and we look forward to your feedback.



David Jericho

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