25 February 2020

The Chair  
State Planning Commission  
GPO Box 1815  
ADELAIDE SA 5001

Via e-mail: DPTI.PlanningReformSubmissions@sa.gov.au

Dear Sir,

Submission - Light Regional Council – Phase 3 Planning and Design Code

Thank you for the opportunity to provide feedback with respect to the draft Planning and Design Code (hereafter ‘Code’) as it relates to Phase 3 Councils, of which Light Regional Council (hereafter ‘LRC’) is included.

It has been noted previously, however is again considered important to note that the Code is not a like-for-like transition of Council’s Development Plans, with the loss of local policy which gave rise to the unique and special places across the State. The loss of this policy in the name of consistency is disappointing. It was observed on many occasions throughout the engagement process that messaging from the Commission and DPTI that the Code was a like-for-like transition has led to confusion within the community and created expectations that likely will not be fulfilled as a consequence.

Notwithstanding the above, at the same time it is considered that an opportunity for real, inclusive and contemporary policy change has been missed. It appeared that this was the original intent when considering the processes outlined by DPTI when putting into place steps to prepare the Code (e.g. Collaborative Work Programs, formation of Code Working Groups etc.), however, the experience was that these initiatives were put forward and then subsequently abandoned. Notwithstanding the ‘transition management’ process put in place, Council often found itself seeking updates regarding the status of these various ‘collaboration’ mechanisms as they often seemed to be abandoned as a result of internal DPTI decisions and timelines.

Should there have been adequate time allocated for the Code preparation and real engagement with practitioners living and breathing their Development Plans early and consistently, the Code could have provided a robust policy framework which was both contemporary and benefiting of practical local experience.

Engagement Process
Council raises concern with the way that consultation on the Code has taken place. It is highlighted that the Commission and DPTI made a significant oversight in its engagement with the community of Light, providing little to no communication of pending engagement sessions and not hosting an Elected Member Briefing.
In particular, the Commission and DPTI hosted a community information session on 11 November 2019 at Kapunda. It is understood that no attendees from the community or Council were present at this session. Following investigation with Council's Transition Manager it was evident that Council was not made aware of the event (communications were sent by DPTI to a Council officer unrelated to engagement and planning reforms), nor had a separate briefing been scheduled with the Elected Body of Light Regional Council, as occurred for other councils.

Rather, when the Department was advised of this oversight, it was suggested that the community and representatives attend sessions scheduled in local government areas quite some distance away in metropolitan Adelaide. This is unacceptable and disappointing.

As such, Council considers that the engagement process has lacked local input from Council representatives (both Elected Members and officers) and the community; and left the community of Light with limited opportunity for face-to-face engagement and genuine input, making it flawed from a local viewpoint.

Previous Correspondence
In keeping with the process put into place to engage on the Code, Council has been maintaining communications with the assigned Department of Planning, Transport and Infrastructure (hereafter ‘DPTI’) Transition Manager and State Planning Commission (hereafter ‘Commission’). This in turn has resulted in Council providing separate written communication to both parties on related issues, errors and anomalies within the Code and on key policy amendments within the LRC which are considered essential/ ‘non-negotiable’ inclusions within Generation 1 of the Code. It is disappointing to note that Council did not receive confirmation of receipt, nor a response to correspondence forwarded to the Commission.

A copy of this previous correspondence is included as Appendix A.

Issues and Anomalies Register
In considering how best to respond to the Commission on the various components of the voluminous Code, Council has prepared a register of issues/errors and anomalies and provided a comment/recommendation on a possible means of resolving each identified issue.

A consolidated version of this register is included as a key component of this submission as Appendix B.

Business Readiness & Training
As the Commission will recognise, generational planning reform must be accompanied by both adequate and timely training for planning professionals, and the provision of appropriate information to ensure that Councils are appropriately ‘business ready’. These requirements ensure that confidence is maintained in the planning system and that those delivering the system have put business processes into place in advance of the commencement date.

Given the online nature of the new system, which is a considerable departure from current processes for most Councils, it was noted with concern that DPTI proposed a schedule of training for professionals which was considered lacking. Advice provided by DPTI at a forum held by the Local Government Association on 29 January 2020 was contrary to previous advice in relation to training processes. Namely, the latest commentary noted that training would be digital by default and broken into packages to allow professionals to pick and choose the package applicable, and there would be no face-to-face learning offered.
Council wishes to highlight concern with the lack of face-to-face opportunity for learning. As noted above, the changes that have and continue to be brought about are generational in nature; and to now consider such a shift with the absence of DPTI facilitated training, particularly relating to elements such as the planning portal, is cause for concern.

Thank you and if you have any questions or would like to discuss the content of this letter, please contact Andrew Chown Manager, Strategy on or

Yours sincerely,

Brian Carr
Chief Executive Officer
Appendix A – Previous Correspondence to SPC
Dear Sir,

Planning and Design Code Transition – Code Anomalies and Missed Opportunities

Recently, Council’s Mayor and General Manager – Strategy & Development had the opportunity to meet with Commission Member Helen Dyer and Department of Planning, Transport and Infrastructure (DPTI) representative Troy Fountain as part of the Commission’s CEO and Mayor briefings. This presented an opportunity to discuss the engagement activities associated with the draft Planning and Design Code and what the allied changes mean for Light Regional Council, along with the chance for Council representatives to raise a number of key longstanding policy issues which continue to focus Council’s attention and warrant consideration of their inclusion as amendment in Generation 1 of the Planning and Design Code (P&D Code).

Of particular note are the following projects (discussed below):
- Heritage Policy Review
- Stormwater Management/Flooding

In noting the above, it is important to highlight that Council has, in good faith, abided by a request in correspondence from Ms. Sally Smith of DPTI dated 22 May 2017 (copy attached). In this letter it was acknowledged that Council was keen to realise its ambitions for certain policy changes, however DPTI sought Council’s commitment to ‘hold-off’ these amendments, offering instead the opportunity to work jointly with DPTI towards developing and transitioning to the Code. It has been frustrating that Council has been unable to advance required policy initiatives since August 2016 as a consequence, however Council recognised the resourcing that the DPTI has had to commit to the Planning Reforms.

Background

Heritage Policy Review

Following feedback from the community that Development Plan policy, namely that applying in Historic Conservation Area/s, was not reflective of the on-ground situation, cumbersome and in some cases incorrect, Council established an internal ‘Heritage Policy Review Working Party’ in 2013. This group was charged with reviewing and reporting on heritage policies within Council’s Development Plan, assessing how policies were applied, and to review and make recommendations where appropriate for amendments.

A key component of this process was community engagement. This occurred both early in the process to understand first-hand the issues being experienced and areas for possible improvement, and again later in the process to both verify responses and test solutions. This process was well received by the community and supported advancement of a related Development Plan Amendment (DPA) in this space.
Council then initiated the Historic Conservation Development Plan Amendment (DPA), to which the Statement of Intent was lodged with DPTI in May 2015. The DPA focused its attention to the Historic Conservation Areas (HCAs) and identified contributory items, recognising that in many cases HCA's were drawn too widely and in some instances could be described as inaccurate. Key changes sought via the DPA included:

- A reduction and redefinition of the areas identified as Historic Conservation and a corresponding reduction in the number of Contributory Items identified in Council's Development Plan;
- The adoption of policy which supported adaptive reuse of existing buildings and the development of vacant allotments within the HCA; and
- Rationalisation of precinct overlays.

Whilst not afforded the opportunity to advance the above DPA, Council sees that there is good opportunity to adopt key recommended outcomes as identified above, particularly the reduction in areas identified as Historic Conservation (proposed to transition to the Historic Area Overlay).

Stormwater Management/Flooding
Throughout 2014 and 2015 Council, in partnership with the Stormwater Management Authority (SMA), prepared a series of Stormwater Management Plans (SMP’s) for the townships of Kapunda, Freeling and Greenock. These SMP’s were in addition to that which was completed for the township of Wasleys 2010 and included a review of flood hazard and exposure and mapped likely effect of a 1:100 year event on life and property, applying the consistent methodology utilised previously to map the exposure of flooding from the Gawler River. A further key element of SMP’s and their content is detailed and comprehensive community engagement which was undertaken in line with the requirements of the SMA.

The resultant outcomes were to be used as the basis for a Stormwater Management DPA which would have sought the introduction of new flood exposure mapping within Council’s Development Plan which remains absent. Given a consistent methodology of preparation was used in the form of the Standing Committee on Agriculture and Resource Management (SCARM) Report 73 (Floodplain Management in Australia: Best Practice Principles and Guidelines) prepare by the CSIRO in 2000 there was little allied policy amendment required as relevant provisions already exist in Council’s Development Plan.

Council has had regard to this important information in the assessment of Development Applications since, using the general provisions of the ‘Hazard’ module as a basis for this approach. However, with the move towards ‘Deemed to Satisfy’ as a part of the new assessment structure and a broadening of assessment responsibilities to include ‘Accredited Professionals’, there is a need for more comprehensive information to be included in the Code to avoid any unintended disregard of potential hazards as a consequence.

For Light Regional Council’s situation, the Council contends that insertion of this important mapping will assist the community in understanding the full extent of flood risk and provide appropriate policy tools to manage the risk to life and property and their absence at this time is cause for concern.

Request
In response to the above and previous commitments of DPTI, Council respectfully requests the Commission’s consideration of the above issues as a priority matter to be resolved via Generation 1 of the Code (1 July 2020). Following a review of the draft Code currently on consultation it is clear that the amendments could be easily accommodated via the Overlay’s, namely amendments to the extent of the draft Historic Area Overlay and the inclusion of existing mapping within the Hazards (Flooding) Overlay.

It is important to note that the issues at hand have been the subject of comprehensive community engagement and representative decision making; whilst having also been brought to DPTI’s attention either prior to the planning reform advancements, via the Development Plan Amendment process, or alternatively through the initial reform package put into place by the DPTI in 2017. This reference material can be provided if required.

Council officers are available to assist the Commission/DPTI in advancing these amendments expeditiously.
Thank you and if you have any questions or would like to discuss the content of this letter, please contact Andrew Chown on [redacted] or [redacted] or myself on [redacted] or [redacted].

Yours sincerely,

Craig Doyle
General Manager, Strategy & Development

cc: Jason Bailey
Team Leader, Planning and Design Code
By email: [redacted]@sa.gov.au
Appendix B – Consolidated Issues and Anomalies Register
## Light Regional Council – Planning and Design Code Issues/Errors/Anomalies

The following provides the second set of issues/errors and anomalies noted within the Planning and Design Code as applicable to Light Regional Council, along with a recommendation for the resolution of these matters. This is in addition to that provided to DPTI on 19 December 2019.

<table>
<thead>
<tr>
<th>Proposed Zone</th>
<th>Issue/Note</th>
<th>Comment/Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peri-Urban Zone</td>
<td>Detached Dwelling</td>
<td><strong>Comment/Recommendation</strong> &lt;br&gt; <strong>Insert within Table 4 – Restricted Development Classification the following Class of Development and Exclusion:</strong>&lt;br&gt;<strong>Class of Development</strong>&lt;br&gt;• Detached Dwelling within the Minimum Allotment Size TNV Overlay (or replaced Minimum Dwelling Size TNV Overlay)&lt;br&gt;<strong>Exclusion</strong>&lt;br&gt;• Except where it is to be located on an allotment with an area greater than that specified in the Minimum Allotment Size TNV Overlay (or alternatively a Minimum Dwelling Size TNV Overlay).&lt;br&gt;This approach would ensure that the primary production areas of the Peri-Urban Zone are retained for this purpose and not rural living.</td>
</tr>
<tr>
<td></td>
<td>As acknowledged in Council’s previous list of issues/errors/anomalies provided to DPTI on 19 December 2019, a Detached Dwelling is listed as a Performance Assessed form of Development. Council noted a possible policy amendment to strengthen the need to achieve the minimum lot size TNV when seeking to undertake this form of development. Further consideration has been given to how best manage detached dwellings in the Peri-Urban Zone, particularly considering the current robust non-complying policy controls.&lt;br&gt;Of note is DTS/DPF and PO 5.1 and Table 3 – Applicable Policies for Performance Assessed Development. The current approach lists Dwellings as Performance Assessed and provides a limited series of policies for the establishment of a new dwelling, including a DPF relating to minimum allotment size.&lt;br&gt;This approach is inconsistent with that of the Development Plan which imposes a non-complying trigger where a dwelling is proposed on an allotment which did not meet the minimum allotment size. It is pleasing to note that the minimum allotment sizes contained in Council’s</td>
<td></td>
</tr>
</tbody>
</table>
Development Plan have carried through as those minimum lot sizes identified in the Minimum Allotment Size TNV Overlay.

However, Council raises considerable concern, and does not support, the identification of a detached dwelling as Performance Assessed. In all circumstances this is at odds with the current policy approach. There is a risk that this will result in a considerable volume of new applications for dwellings in the Peri-Urban Zone which in turn will undermine the intent of this zone and impact upon the use of the zone for primary production and value-add activities.

**Infill Sites**
Notwithstanding the above comments relating to detached dwellings, Councils Development Plan currently contains a list of **Infill Development Sites**, which are undersized allotments considered appropriate for the development of a single detached dwelling. All of these sites are located in areas of predominantly residential development forms and their development would not unreasonably impede the continuation of primary industry activities.

Understanding that there is development potential on these allotments. This potential would be lost in the event that these select allotments are not accommodated in the Code.

**Procedural Matters**
The current Procedural Matters table includes the omission of information, namely:

<table>
<thead>
<tr>
<th>Insert a TNV Overlay to accommodate the development of a detached dwelling on the limited number of Infill Sites across the Barossa Valley as currently identified in both the LRC and Barossa Council Development Plans. The allotments in question within LRC include:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 2 in F14726 (CT:5485/993) – Stonewell Road, Tanunda</td>
</tr>
<tr>
<td>Lot 3 in D5060 (CT:5788/318) – Smyth Road, Tanunda</td>
</tr>
<tr>
<td>Lot 4 in F7336 (CT:5423/936) – 60 Smyth Road, Stonewell</td>
</tr>
<tr>
<td>Lot 844 in F172295 (CT:5764/129) – Hanisch Road, Stonewell</td>
</tr>
<tr>
<td>Lot 876 in F173967 (CT:5831/797) – Radford Road, Seppeltsfield</td>
</tr>
<tr>
<td>Lot 648 in F173739 (CT:5739/726) – 20 Neil Avenue, Nuriootpa</td>
</tr>
<tr>
<td>Lot 686 in F173777 (CT:5795/794) – Moppa Road South, Nuriootpa</td>
</tr>
</tbody>
</table>

| Update the Procedural Matters table to complete this reference. |

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Version 2
Submitted to DPTI on 28 February 2020
(c) detached dwelling where located within…

It is not clear what this is intended to reference and as such Council is not in a position to provide commentary on the proposed notification approach for Detached Dwellings at this time, however reserves the right in the event that further information is forthcoming.

<table>
<thead>
<tr>
<th>Rural Horticulture Zone</th>
<th>Purpose and Need</th>
<th>Work with Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Rural Horticulture Zone has been applied selectively across the LRC region and borders that land identified as both Peri-Urban and Rural Zone. The land identified as Rural Horticulture is currently zoned Primary Production, General Farming Policy Area, Horticulture Precinct. Council questions the means by which the DPTI came to choose the areas in question for identification within this zone, noting that it is a carry-over of a current Precinct. The zone represents the only elevation of its sort within the LRC area (elevation from current Precinct to proposed Zone). It is noted that the intent of this zone is quite similar to that of the Peri-Urban Zone, supporting primary production, including horticultural activities and associated value-adding. There may be merit in the retention of this zone where it is desirable to make provision for the construction of intensive enclosed horticultural activities (e.g. Kangaroo Flat, Buchefelde etc.), however will result in unintended consequences.</td>
<td></td>
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</tr>
<tr>
<td>Work with Council to determine the most appropriate zone for the area proposed within the Rural Horticulture Zone, particularly in those areas around the Barossa Valley and land zoned Peri-Urban.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
in those areas around the Barossa Valley and that zoned Peri-Urban.

**Policy**
Should the Rural Horticulture Zone continue to play a role, it is noted that the zone does not provide guidance for the consideration of value-adding enterprises/rural industries. Whilst noted as envisaged land uses the zone, rural industries lack guiding policy.

It is noted that relevant policy can be found in both the Rural and Peri-Urban Zones.

Insert guiding policy and applicable cross-referencing to assist in the consideration of rural industries/value-add within the Rural Horticulture Zone.

<table>
<thead>
<tr>
<th>General Neighbourhood Zone</th>
<th>Roseworthy Township Expansion Zoning</th>
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<tbody>
<tr>
<td></td>
<td>It is noted that the Roseworthy Township Expansion (RTE) Area has been proposed to be zoned General Neighbourhood (currently Suburban Neighbourhood). The RTE Area is a considerable development area which is forecast to accommodate in the order of 10,000 people and 4,000 homes, with on ground works commencing in the coming months. The proposed zoning does little to recognise the significance of this area or its planned nature and the chosen zone should ensure the Concept Plan and development intent can be achieved.</td>
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</tbody>
</table>

**Concept Plan**
Development of the RTE area is guided by a Concept Plan and whilst noted that it is included within the Code, the Code makes little reference to this Concept Plan, and more particularly the zone makes no specific reference to the desired outcomes of this Concept Plan.

Consider the zoning applicable to the Roseworthy Township Expansion Area to ensure that the zone meets the development intent of the area and that of the Concept Plan, particularly in relation to the Activity Centre.

Amend Restricted Policy to accommodate the development of a 'shop' with a gross leasable area greater than 1000m² as a Performance Assessed form of development where located within an identified Activity Centre per a corresponding Concept Plan.

Insert cross-referencing to the Roseworthy Township Expansion Concept Plan and accompanying Policy within the applicable Zone to provide guidance.

Clarify how Concept Plans and Policy will be weighted and managed in the event that the classification tables are not appropriately prepared to make provision for envisaged land uses as outlined in the respecting Concept Plans and Policy.
It was observed that the Concept Plan and a limited selection of existing policy was included in Part 6.3, however what is not clear is how this Plan will be adopted throughout the Code and the proposed Zone.

Further, it is noted that the policy which has been carried through is not encompassing and provides guidance on a limited number of matters. It is also not clear how this Policy will be referenced when considering an application within the RTE Area. Questions which come to mind include:

- Will this Policy take precedence over zone policy and what weighting is to be given?
- Where is the cross-referencing within the zone to both the plan and policy?

Restricted Development

Another important consideration when reviewing the proposed General Neighbourhood zoning and the relevant RTE Concept Plan is the restrictive floor area cap placed on shops.

The Code proposes that a shop will be Restricted where the gross leasable area is greater than 1000m². Given the above discussion relating to the lack of cross-referencing within the Zone to the Concept Plan and Policy and particularly the location and nature of the proposed activity centre, there is a risk that many foundation retail offerings within the Centre will be Restricted. This is considered inappropriate and is at odds with the intent of the current zoning regime and settled position.

<table>
<thead>
<tr>
<th>Lot Size Minimum TNV</th>
<th>Amend the Lot Size Minimum TNV to reflect the current minimum lot size controls.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Code proposes to apply the General Neighbourhood Zone to the majority of residential</td>
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</tbody>
</table>
zone of Kapunda and includes the insertion of the Lot Size Minimum TNV.

The Development Plan prescribes the following minimum allotment sizes:
- Detached Dwelling – 350m²
- Semi-Detached Dwelling and Group Dwelling – 300m²
- Residential Flat Building and Row Dwelling – 250m²

The Code proposes the following minimum allotment sizes:
- Detached Dwelling and Semi-Detached Dwelling – 300m²
- Residential Flat Building and Group Dwelling – 300m²
- Row Dwelling – 200m²

Council queries the rationale for the alteration in minimum allotment sizes, particularly when considering the retention of current land division minimums across other General Neighbourhood Zones areas of the Council area.

As such, Council seeks amendments to the TNZ as it applies to the General Neighbourhood Zone in Kapunda to align with current lot size minimums.

**Seniors Living Policy 11**

Council current Residential Zone retains the ‘Residential Seniors Living Policy Area 11’ which guides development of specific areas of Kapunda.

This Policy Area was the outcome of a detailed DPA and provides for the provision of affordable housing for seniors in close proximity to key health facilities etc.

**Work with Council** to establish a means of carrying forward this policy content (and Concept Plan). This may be via Subzone or rezoning.
Council sees value in retaining policy which provides for this purpose and seeks the policy area policy retention.

<table>
<thead>
<tr>
<th>Employment Zone</th>
<th>Kingsford Regional Industrial Estate</th>
<th>Insert Lot Size Minimum TNV Overlay over the Kingsford Regional Industrial Estate to provide guidance on minimum allotment sizes.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Kingsford Regional Industrial Estate</strong></td>
<td>In addition to the comments made in Version 1 of this Table submitted to DPTI on 19 December 2019, noting a request to retain the current Concept Plan and address notification requirements, the following is provided:</td>
</tr>
<tr>
<td></td>
<td><strong>Allotment Sizes</strong></td>
<td></td>
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<tr>
<td></td>
<td>The Kingsford Regional Industrial Estate provides for and is intended to accommodate large scale industrial, warehousing, storage and transport land uses and this intent is supported by the separation of the current Policy Area into 2 precincts, resulting in different land division controls.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Precinct 7 Kingsford North accommodates existing large floor plate industrial (special industry), warehousing and industrial land uses. In this locality current land division controls prescribe a minimum allotment size of 3ha and a minimum allotment size of 5ha.</td>
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</tr>
<tr>
<td></td>
<td>Precinct 8 Kingsford South is located in proximity to an existing industrial estate and is intended to accommodate allotments with a minimum size of 2500m2.</td>
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<tr>
<td></td>
<td>Council considers merit in retaining the current land division provisions. This estate has considerable unrealised potential and there is a need to retain controls to ensure that the intent of this Zone, particularly Precinct 7, is to accommodate uses which require large</td>
<td></td>
</tr>
<tr>
<td><strong>Open Space Zone</strong></td>
<td><strong>MOSS</strong></td>
<td><strong>Consider whether this change is unanticipated and if so, consider amendments to the Code or Native Vegetation Act 1991 to retain the Acts applicability within these Metropolitan areas.</strong></td>
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<td>---------------------</td>
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<tr>
<td><strong>Whilst recognising that the current MOSS zone is not applicable within the Light Region, it was noted with interest that the MOSS Zoning has been removed and replaced (in many cases) by the Open Space Zone.</strong></td>
<td><strong>This change has the potential for unanticipated consequences for allied legislation, namely the Native Vegetation Act 1991. Section 4(2) of this Act specifically notes the Acts applicability in circumstances where land is within the Hundreds of Adelaide, Munno Para, Noarlunga and Yatala where the land is zoned MOSS.</strong></td>
<td><strong>The removal of the MOSS Zone may result in the loss of important native vegetation, particularly in areas such as along the Gawler River reserve.</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Concept Plans</strong></th>
<th><strong>Reference to Concept Plan</strong></th>
<th><strong>Insert cross-referencing to Concept Plans within corresponding zone policy.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Council seeks the retention of existing Concept Plans as requested in correspondence to DPTI on 19/12/19.</strong></td>
<td><strong>It is noted however that there is a need for corresponding policy reference within the relevant zones. This is currently not the case as described above under General Neighbourhood Zone.</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Concept Plan Map Lig/10 – Residential Senior’s Living</strong></th>
<th><strong>In support of the above request relating to the retention of policy applicable to the Residential Seniors Living Policy Area 11, Council maintains a Concept Plan to assist in providing guidance on the development of this Policy Area.</strong></th>
<th><strong>Work with Council to consider the retention of this Concept Plan and inclusion of corresponding facilitating policy for the provision of affordable seniors living.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Overlay</td>
<td>Issue</td>
<td>Comment/Recommendation</td>
</tr>
<tr>
<td>------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Heritage Overlays</td>
<td>A review of the Heritage Overlays, namely the Local and State Heritage confirms a new spatial concept in the form of 'rings' around heritage listed properties. In the absence of further information, it is assumed that these ‘rings’ relate to the concept of ‘heritage adjacency’. When reviewing these ‘rings’ it is noted that there is little to no consistency in their shape or distance from the listed element on a site. In some instances, it reached 500m and in others is reaches just 20m or to the boundary of the adjacent property. Further, it is curious to note that this concept is not referenced in any applicable legislation and Council questions how the distance, which is demonstrated to vary considerably, was chosen. Further, it has to be assumed that the ‘rings’ for the basis for a trigger from Deemed-to-Satisfy to Performance Assessed for development occurring within the proximity of a listed property. This tool is considered a reasonably blunt approach to heritage protection.</td>
<td>Clarify how and why the approach has been taken to introduce a new concept to the Code in the form of heritage adjacency. Provide greater information on the distances chosen for the ‘adjacency’ measure.</td>
</tr>
</tbody>
</table>
| Hazards (Bushfire) | General Risk Overlay  
It is observed that the Code largely carried forward areas already identified as General, Medium and High Bushfire Risk.  
Council has noted to the Department on previous occasions a desire to remove the built-up area of Hewett from the Hazards (Bushfire – General Risk) Overlay. | Remove Hewett from the Hazards (Bushfire – General Risk) Overlay.  
Clarify how the existing Ministers Code *Undertaking development in Bushfire Protection Areas* will interact with proposed Code policy. |
Hewett from identification as General. Hewett is a typical urban area, having all the normal characteristics and services of such. Its continued identification within the Hazards (Bushfire – General) Overlay will bring with it additional built form and servicing requirements for new builders/owners.

Council seeks the Departments consideration of removing Hewett from the Hazards (Bushfire - General Risk) Overlay and identification as Excluded.

Ministers Code
Separately, Council queries how the existing Ministers Code Undertaking development in Bushfire Protection Areas will interact with the corresponding Overlay Policy?

Urban Interface Overlay
The Code has introduced a new bushfire overlay in the form of Urban Interface. It is noted that this overlay and its policy controls relate only to land division.

When considering where this new bushfire control policy is to apply it was noted with concern that the vast majority of Council’s townships and the new Roseworthy Township Expansion Area are located within the ‘interface’.

Whilst noting the importance of bushfire protection, having experienced the effects of the Pinery Bushfire firsthand, Council wishes to note concern with the policy content contained in the Overlay and the respective Performance Assessment triggers contained in the underlying zones (e.g. General Neighbourhood, Suburban Neighbourhood).

Amend all Classification Tables to which the Hazards (Urban Interface) Overlay applies to remove the Performance Assessment trigger for development not comprising Land Division.
A review of the corresponding classification tables contained in the various affected zones reveals that the majority of land uses which would otherwise be Deemed-to-Satisfy (e.g. detached dwelling, dwelling addition etc.) will trigger Performance Assessment.

The resulting impact of this trigger to Performance Assessment will be substantial, particularly when considering the extent to which the overlay applies across LRC’s townships and urban areas, being virtually all these areas.

Council forms the view that this approach was unintended, particularly when considering that the corresponding policy within the Overlay only relates to Land Division.

If such an approach is taken, the resourcing required to undertaken performance assessment of virtually all land uses will be overbearing.

**Car Parking Fund**

Council’s Development Plan (General Section, Transportation and Access) references the “Kapunda District Centre Carpark Fund”.

This Fund was established via the Kapunda Town Centre, Mine Historic Site and Environs DPA, gazetted in December 2016.

Council seeks the retention of this fund.

**Heavy Vehicle Parking Policy**

**Truck Parking**

In 2014, Council finalised its Rural Living DPA. Amongst a range of changes, a focus area was the implementation of policy relating to heavy

**Carry forward** the existing Carparking Fund as an off-set scheme per Section 197 of the Planning, Development & Infrastructure Act, 2016, or per alternate approach proposed by the SPC.

**Insert** existing heavy vehicle parking policy within the Rural Living Zone and update Table 3 – Applicable Policies for Performance Assessed
vehicle parking (those vehicles exceeding 3000kg) on Rural Living allotments.

At the time, Schedule 3 of the Development Regulations, 2008 recognised the use of land for the parking of any vehicle not exceeding 3000 kg in weight…on land used for residential purposes as representing a form of development.

This classification of heavy vehicle parking as ‘development’ continues in Schedule 4 of the Planning, Development and Infrastructure (General) Regulations, 2017.

It was experienced that, in nearly all cases, heavy vehicle parking was identified as a Non-Complying form of development.

Given the semi-rural nature of the Rural Living Zone and the mixed nature of development occurring in these areas, the outcome of the DPA was the introduction of guiding and accompanying amendments to the non-complying lists to allow for heavy vehicle parking in certain circumstances and subject to limitations on activities, including demonstration of a clear link between the occupier of the site and the vehicle.

The policy content inserted via this DPA has served the areas well and has been adopted in altered form in other Development Plans.

P&D Code
A review of the Code confirms that the policy is silent with respect to heavy vehicle parking in residential areas.

Development to identify this form of development as a discrete land use.

Limitations imposed for this form of development which can form the basis for additional zone policy include:

- the vehicle is parked on the same allotment as a dwelling and the dwelling is occupied by the driver of the vehicle
- other than minor maintenance, the parking of a vehicle exceeding 3000 kilograms does not include acts or activities associated with the use or maintenance of the vehicle
- the vehicle(s) operated within the statutory mass and dimension limits for General Access Vehicles (as prescribed under the Road Traffic Act, 1961)
- the vehicle can enter and exit the property in a forward direction
- Where the allotment is greater than 2ha in size all the following apply:
  - The vehicle(s) exceeding 3000 kilograms are not B-Doubles
  - No more than 2 vehicle(s) exceeding 3000 kilograms (and trailer(s)) are parked on the allotment at any time
  - All of the vehicle(s) exceeding 3000 kilograms (including associated trailers) do not comprise more than 6 axles in total
- Where the allotment is greater than 4000m2 but less than 2ha in size all the following apply:
  - No more than one vehicle exceeding 3000 kilograms (and one trailer) are parked on the allotment at any time
Presumably therefore should a landowner seek to park a heavy vehicle on their Rural Living allotment this would be Performance Assessed and identified as ‘All other Code Assessed Development’. This in turn would trigger consideration of all relevant policies in the Code.

As a means of providing continuity and recognising the validity of this policy content, Council seeks the retention of this policy.

<table>
<thead>
<tr>
<th>Land Uses/Development</th>
<th>Dam</th>
<th>Amend the Performance Assessed tables within the respective primary production type zones to include ‘Dam’ as a listed land use and include corresponding Policy content within the Zone and relevant General Development Provisions to provide guidance.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>• The maximum combination of unladen weight does not exceed 10 tonne</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• The towing vehicle comprises no more than 3 axles.</td>
</tr>
</tbody>
</table>

A review of the Code confirms that the document is largely silent with respect to the construction of dams, except for reference as a referral trigger.

It is recognised that the construction of a dam is a typical component of many primary production activities, either at the time of establishment or at a later date when new water sources become available.

Considering the growing supply of, and demand for, recycled water, it would be advantageous to include ‘Dam’ as an envisaged land use within the respective primary production zones of the Code (e.g. Peri-Urban Zone, Rural Zone). The current policy approach would result in Dams being classified as ‘All other Code Assessed Development’ and result in notification.

Separately, it is considered that the existing Overlay structure would provide suitable controls where such a form of development is proposed in a water protection area.

<table>
<thead>
<tr>
<th>Frost Fan</th>
<th>Amend the Performance Assessed tables within the respective primary production type zones to include ‘Frost Fan’ as a listed land use and include corresponding Policy content within the</th>
</tr>
</thead>
<tbody>
<tr>
<td>In recent years, Council has been asked to consider an increased number of applications frost fans across the Barossa Valley region. This</td>
<td></td>
</tr>
</tbody>
</table>

Version 2
Submitted to DPTI on 28 February 2020
is in response to the high values achieved for wine grapes and the risk of frost damage if not protected.

Like Dams, the inclusion or addition of a frost fan to agricultural pursuits is becoming common practice.

In the absence of an appropriate definition, the current approach sees Council’s Development Assessment Team consider such applications as 'Undefined' Category 3.

This approach is considered cumbersome, counter-intuitive to the purpose of the zone to accommodate horticulture and often results in submissions from non-compatible 'hobby farm' type allotments.

Given the above, it would be advantageous to include 'Frost Fan' as an envisaged land use within the respective primary production zones of the Code (e.g. Peri-Urban Zone, Rural Zone). This would continue to support the zones intent and provide a level of assurance for applicants.

The current policy approach would result in Dams being classified as ‘All other Code Assessed Development’ and result in notification.

<table>
<thead>
<tr>
<th>Definitions</th>
<th>General</th>
<th>Undertake</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Council has observed that there is a general retention of current definitions. Given the time which has passed since these definitions were drafted and the diverse range of emerging land uses, Council considers there Zone and relevant General Development Provisions to provide guidance. This would include policy which recognises the importance of the Environment Protection (Noise) Policy. Undertake a wholesale review and rework of definitions.</td>
<td></td>
</tr>
</tbody>
</table>
merit in amending and preparing a suite of new definitions. Remove old reference to elements such as ‘Septic Tanks’

| Septic Tank Reference | Council notes that the Code makes reference to ‘Septic Tanks’. This is an outdated term and one which has been replaced with a more broader definition in the form of ‘on-site wastewater system’. | Update all references to Septic Tank to the more appropriate ‘Onsite Wastewater System’. |
### Light Regional Council – Planning and Design Code Issues/Errors/Anomalies

The following provides an overview of issues/errors and anomalies noted within the Planning and Design Code as applicable to Light Regional Council, along with a recommendation for the resolution of these matters.

<table>
<thead>
<tr>
<th>Correspondence to SPC (dated 16 December 2019)</th>
<th>Historic Area Overlay and Statements</th>
<th>Amend the areas identified within the Historic Area Overlay per the desired outcomes of the Historic Conservation Development Plan Amendment Statement of Intent.</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRC provided correspondence to SPC Chair Michael Lennon on 16 December 2019 noting two (2) key requested amendments to the Code. These amendments related to longstanding matters which Council has, in good faith, held over to the new system following a request and confirmation from DPTI of the availability to include these matters in Generation 1 of the Code. These matters are listed here for reference.</td>
<td>In 2013, Council undertook a detailed review of the areas identified as Historic Conservation and the policies applicable. This led to a series of recommended amendments, not the least, the reduction in areas identified as HCA and a corresponding reduction in the number of Contributory Items. Comprehensive community engagement was a key element of this initial work and gained strong community support. The outcomes of the review led to the preparation and submission of the Historic Conservation Development Plan Amendment Statement of Intent. Following discussion with DPTI, this SOI was put on hold, pending the availability of making the amendments via Generation 1 of the Code. Council is seeking to amend the HCA per its previous proposal.</td>
<td></td>
</tr>
<tr>
<td>Flood Mapping</td>
<td>Throughout 2014 and 2015 Council, in partnership with the Stormwater Management Authority (SMA), prepared a series of Stormwater Management Plans (SMP’s) for the townships of Kapunda, Freeling and Greenock. These SMP’s were in addition to that which was completed for the township of Wasleys 2010 and included a flood hazard mapping for the townships of Freeling, Wasleys, Greenock and Kapunda.</td>
<td>Insert flood hazard mapping for the townships of Freeling, Wasleys, Greenock and Kapunda.</td>
</tr>
</tbody>
</table>
review of flood hazard and exposure and mapped likely effect of a 1:100 year event on life and property, applying the consistent methodology utilised previously to map the exposure of flooding from the Gawler River. A further key element of SMP’s and their content is detailed and comprehensive community engagement which was undertaken in line with the requirements of the SMA.

The resultant outcomes were to be used as the basis for a Stormwater Management DPA which would have sought the introduction of new flood exposure mapping within Council’s Development Plan which remains absent.

Council has had regard to this important information in the assessment of Development Applications since, using the general provisions of the ‘Hazard’ module as a basis for this approach. However, with the move towards ‘Deemed to Satisfy’ as a part of the new assessment structure and a broadening of assessment responsibilities to include ‘Accredited Professionals’, there is a need for more comprehensive information to be included in the Code to avoid any unintended disregard of potential hazards as a consequence

<table>
<thead>
<tr>
<th>Proposed Zone</th>
<th>Issue/Note</th>
<th>Comment/Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment (Bulk Handling) Zone</td>
<td>Zoned Areas: Roseworthy – the existing bulk handling zone has transitioned to the new zone. However it is noted that the Viterra operations have expanded beyond the existing zone to the north-west.</td>
<td>Rezone land (CT: 6207/287, Lot 742 in DP117654) from Rural to Employment (Bulk Handling) Zone to recognise the existing land use as bulk handling.</td>
</tr>
</tbody>
</table>
Kapunda – the existing Bulk Handling Zone has been carried through. No change.

| Policy Notes: | Whilst not necessarily opposed to the proposed policy change, there is a need to consider the intended purpose of the zone to support the handling of bulk materials and provide a level of zoning protection for these types of activities. The inclusion of broad, unrelated industry land uses within this zone has the potential to undermine the zones intent. |

| Employment Zone | Land Division | Clarify and/or amend the Employment Zone policy content to include land division as a specifically listed Performance Assessed form of development. |

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Upon review of the Performance Assessed table it was noted that land division is not a specifically listed form of development and would therefore default to 'All other Code Assessed Development'.</td>
<td>In listing land division as 'All other Code Assessed Development' this will also trigger notification per the Procedural Matters table.</td>
<td>Council questions whether this approach was intentional, given the inclusion of related policies in PO2.1 and DTS/DPF2.1 and the ability to provide appropriate policy controls in order to specifically list land division as a Performance Assessed development in its own right.</td>
</tr>
</tbody>
</table>

| Kingsford Regional Industrial Estate | Insert current Concept Plan Map Lig/5 "Kingsford Regional Estate" in the Code. |

| An area in proximity of the Sturt, Horrocks and Thiele Highways is currently zoned Industrial and subject to the Kingsford Regional Industrial Estate (KRIE) Policy Area. | |

| This area is of vital importance to the State, providing one of the few industrial areas which is capable of supporting higher impact employment generating activities which is in close proximity to key transport route. This area is positioned to |
experience considerable growth in the coming period with the resolution of stormwater and infrastructure constraints; brought about by the growth of Roseworthy.

The current Policy Area is supported by a comprehensive Concept Plan which identifies key stormwater control measures, includes provision for new access and the form of access to the Sturt Highway and provides guidance with respect to land division.

Council considers this Concept Plan to remain current and seeks its inclusion within the Code to provide clear guidance for the pending development of this area.

<table>
<thead>
<tr>
<th>Land Use Buffer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Further to the comments above it is recognised that the existing major land use (Orora glass factory) has the potential for impact beyond its site boundaries and as a result there is a local policy addition within the 'Interface between Land Uses' General Module (PDC 7) which calls for a 500m minimum separation distance between the boundary of Precinct 7 – Kingsford North and 'residential development, development accessible by the public and other development potentially sensitive to industrial emissions.'</td>
</tr>
</tbody>
</table>

This specific policy is not included within the Code, however is considered relevant. Council questions how this will be carried through to the Code and in what format.

Clarify and amend the Code to include reference to a 500m separation buffer from that area currently identified as Precinct 7 Kingsford North.

<table>
<thead>
<tr>
<th>Caravan and Tourist Park Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Assessment Tables - Shop</strong></td>
</tr>
<tr>
<td>Table 3 - Performance Assessed Development notes a Shop as Performance Assessed where the floor area exceeds 250m², however Table 4 – Restricted Development places a Restricted</td>
</tr>
</tbody>
</table>

Update Table 3 – Performance Assessed reference to 300m² to coincide with the Restricted Development trigger.
trigger on a shop based on a floor area of 300m$^2$. This leaves a 50m$^2$ gap in floor area.

<table>
<thead>
<tr>
<th>Tourist Development Zone</th>
<th>Interpretation</th>
<th>Update/Amend to the Performance Assessment Table within the Tourist Development Zone.</th>
</tr>
</thead>
<tbody>
<tr>
<td>This Zone includes the identification of ‘Caravan and Tourist Park’ as a Performance Assessed class of development and in doing so, it lists a number of exemptions which apply. This is believed to be an error as a number of the exemptions (e.g. Character Preservation District) are listed as relevant Overlays. Further, in listing Overlays there is no corresponding policy reference, e.g. All.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policy</th>
<th>Insert policy content to provide greater guidance for development which is anticipated in the zone.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Given the scale and nature of development which occurs or is anticipated to occur within the Tourist Development Zone it is noted that there is a considerable absence of corresponding policy to provide guidance on major developments. Of note is absence of policy to provide guidance to a key development type within the zone in the form of Tourist Accommodation. A lack of policy in this space can lead to unintended outcomes which cannot be adequately managed via General module policy control.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Township Main Street Zone</th>
<th>Procedural Matters</th>
<th>Clarify/amend the Procedural Matters table to make it clear when notification is required.</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is noted that the notification table is ambiguous with respect to the circumstances in which notification is required. Reference is made to the circumstances in which exemptions apply, however it is not clear if items listed as (1), (ii) and (iii) are ‘and’ statements or alternatively ‘or’ statements.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Township Main Street
Township Activity Centre
Community Facilities

Kapunda
The current District Centre Zone and applicable Policy Areas have been transitioned to form three (3) separate zones, namely:

- Township Main Street Zone;
- Township Activity Centre Zone; and
- Community Facilities Zone.

The intent of the Policy Areas was not to provide land use separation, rather to recognise the unique built form which is present.

Given that the function of the policy areas is not accurately reflected in the new zoning regime, Council seeks the rezoning of the Community Facilities Zone and Township Activity Centre Zone.

Rezone the Community Facilities Zone and Township Activity Centre Zone in Kapunda to the 
Township Main Street Zone to accurately reflect the current zoning intent and purpose of the Main Street.

General Neighbourhood Zone

Kapunda Historic Mine Site
It is noted that the current Historic (Conservation) Kapunda Mine Zone or an equivalent type zone is not a feature of the Code. In replacing this zone the Kapunda Historic Mine Site has been zoned General Neighbourhood.

This zoning is considered inappropriate for the majority of the area which, as the original zone name suggests, is a site which comprises historical mine remnants (both sub-surface and above ground). Council has directed considerable effort and resources towards this area over the last 5 years which has seen the site transformed to a key recreation and tourism site/drawcard. Further, the site is identified as a State Heritage Place.

In the absence of retaining current zoning, or the addition of a detailed Sub-zone, those areas which comprise the original mine workings should

Rezone parcels currently zoned Historic (Conservation) Kapunda Mine Zone and comprising or previously comprising mining type activities to Recreation. This will more accurately reflect the land use occurring and intended purpose of the area and remove ambiguity as to the intended land uses.

Retain the proposed General Neighbourhood zoning for parcels unrelated to the previous mining activities/workings. These allotments are as follows:

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>CT5758/197</td>
<td>5 Cameron Street KAPUNDA</td>
</tr>
<tr>
<td>CT5350/524</td>
<td>9 Chapel Street KAPUNDA</td>
</tr>
<tr>
<td>CT5350/524</td>
<td>7 Chapel Street KAPUNDA</td>
</tr>
<tr>
<td>CT5517/33</td>
<td>5 Chapel Street KAPUNDA</td>
</tr>
</tbody>
</table>
not be zoned General Neighbourhood. Rather, Council officer's note that this area should be zoned **Recreation.**

Whilst noting the above, the current zoning as Historic (Conservation) Kapunda Mine Zone extends beyond the mine site to original areas of Kapunda which comprises buildings and activities associated with the operation of the original mine. These areas would warrant from the change in zoning to General Neighbourhood.

<table>
<thead>
<tr>
<th>Township Activity Zone</th>
<th>3 Chapel Street KAPUNDA</th>
<th>1 Chapel Street KAPUNDA</th>
<th>8 Chapel Street KAPUNDA</th>
<th>6 Chapel Street KAPUNDA</th>
<th>2 Mine Street KAPUNDA</th>
<th>Mine Street KAPUNDA</th>
<th>21 Chapel Street KAPUNDA</th>
<th>Mugg Street KAPUNDA</th>
<th>Mine Street KAPUNDA</th>
</tr>
</thead>
</table>

**Township Activity Centre**

**Wasleys**

Wasleys is a small township characterised by residential and rural living type development with a small number of supporting retail/commercial offerings.

The current zoning of Wasleys as ‘Township’ recognises the dominance of residential land uses with ancillary supporting commercial/retail uses.

**Rezone** that area of Wasleys identified as Township Activity Centre to **Township**
The proposed 'Township Activity Centre' zoning is not commensurate to the characteristics of the township and supports a large number of land uses which would not be appropriate in the context of Wasleys and the current level of public infrastructure servicing (e.g. no CWMS available).

Given the above mentioned, there is merit in zoning Wasleys ‘Township’ in lieu of Township Activity Centre.

<table>
<thead>
<tr>
<th>Peri-Urban Zone</th>
<th>Nomenclature</th>
<th>Amend the name of the Peri-Urban Zone to an alternate name, e.g. <strong>Rural Character</strong>.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In the Whilst appreciating that a ‘Peri-Urban’ is identified as that which surrounds a metropolitan cities which not necessarily urban nor rural, acting as an interface of sorts, Council identifies conflict with the proposed zone name and community sentiment.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>At its core, the area to be zoned ‘Peri-Urban’ identifies as a regional location with a distinct character and identity and has been vocal in this regard. Indeed, the introduction of the <strong>Character Preservation (Barossa) Valley Act, 2012</strong> and its allied prohibition on land division for residential purposes supports this identity and conflicts with the proposed peri-urban designation.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>It is recommended that the name of this zone be updated to more accurately reflect the reality of the communities that it will encompasses.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>One suggested zone name could be the <strong>Rural Character Zone</strong>.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>In making this recommendation Council has considered the entire area to be zoned Peri-Urban, all of which exhibits strong rural character</td>
<td></td>
</tr>
</tbody>
</table>
and characteristics. The Rural Character Zone would work in partnership with both the Character Preservation Districts of the Barossa and McLaren Vale, whilst also supporting the Hills Face Zone.

**Detached Dwelling**

It is noted that a Detached Dwelling is listed as a Performance Assessed form of development and subject to a number of Zone, General and Overlay policy.

Whilst not specifically opposed to this designation, there is a need to amend the corresponding Performance Outcome and Deemed to Satisfy policy to provide a clearer understanding of the circumstances in which an application for such application can be considered and the guiding policy for such.

Of particular note is DTS/DPF 5.1 and PO 5.1. This policy reads as follows:

**PO 5.1:**
Residential development designed and sited so that it does not compromise primary production, horticultural or other land use activities supported by the Zone.

**DTS/DPF 5.2:**
Dwellings:
(a) Will not result in more than one dwelling on an allotment; and
(b) Where the Minimum Allotment Size Technical and Numeric Variation Overlay applies are:
(a) Located on an allotment with an area not less than that specified in the
(b) Located on and have a demonstrated connection with an allotment used for primary production or value adding.

Amend DTS/DPF 5.1 and PO 5.1 to remove ambiguity and recognise the circumstances in which this policy applies (only detached dwellings) as follows:

**PO 5.1:**
Residential development designed and sited so that it does not compromise primary production, horticultural or other land use activities supported by the Zone. Where it is proposed, dwellings:
(a) Will not result in more than one dwelling on an allotment; and
(b) Where the Minimum Allotment Size Technical and Numeric Variation Overlay applies are:
(a) Located on an allotment with an area not less than that specified in the Minimum Allotment Size Technical and Numeric Variation Overlay; and
(b) Located on and have a demonstrated connection with an allotment used for primary production or value adding.

**DTS/DPF 5.2:**
None are Applicable
| Minimum Allotment Size Technical and Numeric Variation Overlay; and (b) Located on and have a demonstrated connection with an allotment used for primary production or value adding. 

Council questions the need to include a ‘measureable’ DTS policy for a land use which cannot be DTS, particularly where the policy does not apply to any other land use. 

Given the important role that the Minimum Allotment Size Technical and Numeric Variation Overlay plays in guiding the development of dwellings in the zone, amendments should seek to remove ambiguity from corresponding policy. 

| Minimum Dwelling Lot Size TNV | Consider the need for the application of the Minimum Lot Size TNV in light of the application of the Limited Land Division Overlay and introduction of a Minimum Dwelling Allotment Size TNV. 

Council supports the introduction of a Minimum Dwelling Allotment Size TNV as an alternate to the use of the Minimum Allotment Size TNV. This will remove ambiguity between land division and dwellings and an impression that achieving the minimum allotment size will result in approval of a dwelling or alternatively a land division. 

By introducing the new TNV Council questions the need for the Minimum Allotment Size TNV as this will remain Restricted. 

| Land Division | As above. 

Council supports the retention of current practices to limit the creation of new allotments within the Peri-Urban Zone, recognising that this zone is intended to support primary industry type activities and the creation of small ‘hobby’ farm sized allotments jeopardises the intended purpose. 

<p>| | |
|  |  |</p>
<table>
<thead>
<tr>
<th><strong>Seppeltsfield/Marananga</strong></th>
<th><strong>Rezone</strong> the Rural Zone ‘island’ around Marananga and Seppeltsfield to Peri-Urban to be consistent with the balance and recognise the land uses occurring.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A review of zoning within the Seppeltsfield/Marananga area shows an ‘island’ of land zoned Rural amongst the Peri-Urban zoned balance. Council questions the reason for this and the purpose of this Rural Zoning, surmising that this is an attempt to carry forward the current Township Fringe Policy Area. The effectiveness, relevance and appropriateness of this island of Rural zoned land within the Peri-Urban Zone is questioned, particularly when considering the activities occurring on the land which are largely primary industry/ value-add in nature.</td>
<td></td>
</tr>
<tr>
<td>Rezone the Rural Zone ‘island’ around Marananga and Seppeltsfield to Peri-Urban to be consistent with the balance and recognise the land uses occurring.</td>
<td></td>
</tr>
<tr>
<td><strong>Seppeltsfield/Marananga</strong></td>
<td><strong>Insert</strong> the Minimum Dwelling Lot Size TNV to the rezoned Seppeltsfield/Maranange area to specify a minimum of 33 hectares as per current policy.</td>
</tr>
<tr>
<td>In rezoning the land identified as Rural to Peri-Urban there is a need to introduce the Minimum Dwelling Lot Size TNV to this area to specify a minimum of 33 hectares.</td>
<td></td>
</tr>
<tr>
<td><strong>Subzone</strong></td>
<td><strong>Consider</strong> the provision of a new ‘Destination’ / ‘Tourism Precinct’ type Subzone for the Seppeltsfield and similar sites which are destinations in their own right. Council is happy to work with the Department to identify sites and appropriate policy.</td>
</tr>
<tr>
<td>Council seeks the consideration of a new Subzone across the Seppeltsfield property/s which recognises the scale, nature and ‘destination’ status of these holdings. When considering the Code and current definitions, land uses such as those occurring at Seppeltsfield are difficult to predict. This destination site accommodates a mix of primary industry activities (vineyards) and a series of value-add type activities including a winery, cellar door, retail, function facilities and restaurant to name a few.</td>
<td></td>
</tr>
</tbody>
</table>
Council considers there to be merit in introducing a Subzone to recognise, accommodate and support for these mixed land use sites which are key destinations in their own right. This Subzone would support a mixed land use and development form which is not out of step with the Zone intent, however recognise the

<table>
<thead>
<tr>
<th>TNV – Lot Size Minimum</th>
<th>It is not clear what approach the DPTI will take in addressing the above issues.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Code correctly inserts the Limited Land Division Overlay to the area currently zones Primary Production Zone, Township Fringe Policy Area 6, Marananga Seppeltsfield Fringe Precinct 19.</td>
<td></td>
</tr>
<tr>
<td>However, the issues noted above under Peri-Urban Zone (TNV – Lot Size Minimum) and use of the dwelling control policies as would-be land division limitations has not continued in this area. The current controls place a minimum allotment prescription of 33 hectares for a new dwelling.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rural Zone</th>
<th>Minimum Allotment Size</th>
<th>Insert the Minimum Lot Size TNV across that area which is currently identified as Primary Production (Policy Area 3 – General Farming) to prescribe a minimum allotment size of 33 hectares.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councils current Primary Production Zone (Policy Area 3 – General Farming) has been transitioned to the Rural Zone.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
In doing so, the current land division controls have not been included within the *Minimum Lot Size TNV*.

Current controls trigger non-compliance where an allotment is proposed with an area less than 33 hectares.

With the absence of this policy there is a risk of considerable allotment creation which in turn will jeopardise the zones intent.

## Roseworthy College Policy Area 4

Current policy control restricts the creation of new allotments, however supports boundary realignment.

This policy should be carried through with the introduction of the Limited Land Division Overlay over that land currently located within Policy Area 4.

Insert the Limited Land Division Overlay over the land identified as **Roseworthy College Policy Area 4**.

## Rural Horticulture Zone

### Code Version

It is noted that both the paper and online version of the Code (Statewide version and LRC version) have what appears to be 2 versions of the Performance Assessed Table. Statewide version Page 1164 through 1185 is assumed to be incorrect as it references policies which do not align with the corresponding class of development.

Clarify/Update the relevant tables to provide guidance and clarity on the applicable table to facilitate an accurate assessment of impact.

### Performance Assessed Table

In the absence of resolving the above structural issues:

**Land Division**

- This table includes reference to both the Limited Land Division and Dwelling Excision Sub-zone. Should these reference the corresponding Overlay?

Update relevant references to correctly identify policies and update Overlays.
- This table references Zone policy numbered PO 2.1 and 2.2. Upon review these policies relate to ‘Siting and Design’. Update to PO 11.1.

### Rural Living Zone

**TNV’s**
The Rural Living Zone was subject to a detailed DPA which was Gazetted in December 2014.

A key element of this was a review and amendment to the minimum allotment size in Gawler Belt. This area was divided into three (3) separate areas for the purpose of land division and included 1ha, 2ha and 4ha minimum sizes.

The proposed TNV as displayed on the DPTI mapping suite does not include reference to the 2ha minimum area.

Per map Lig/8, Precinct 31 – Rural Living Gawler Belt is correctly described, however Precinct 32 – Rural Living Gawler Belt West is not.

Whilst appreciating the introduction of the EFPA and its corresponding moratorium on land division, it is considered important to accurately reflect the current Development Plan controls and include the 2ha area as a TNV.

That area which has a minimum area of 2ha is described as that area of Rural Living bound by Clancy Road to the west and Ward Belt Road to the south.

**Insert** a new TNV which accurately depicts the 2ha minimum lot size within Gawler Belt.

### Residential Neighbourhood Zone

**Kapunda**
There is an area to the north-west portion of Kapunda proposed to be zoned Residential Neighbourhood. This zone supports low to very

**Rezone** that area identified as Residential Neighbourhood Zone to **General Neighbourhood Zone** to recognise the current zoning and servicing availability.
low density activities with little to no servicing (e.g. sewer or CWMS).

Council confirms that the area proposed to be zoned as Residential Neighbourhood does in fact have approval for approx. 380 residential allotments and associated off-site wastewater treatment works. This approval was granted some time ago and activation activities are underway to bring a series of new allotments to market. This land is currently within the Residential Zone and the subject of the Residential North West Kapunda Policy Area.

This land should therefore be rezoned to General Neighbourhood.

### Rural Settlement Zone

#### Rosedale
The settlement of Rosedale is divided by the North Para River. That portion located within LRC has a minimum allotment size of 5000m² to maintain allotments of appropriate size to accommodate on-site wastewater treatment.

The proposed Minimum Lot Size TNV incorrectly prescribes a minimum of 1500m².

**Amend** the Minimum Lot Size TNV as applicable to Rosedale to reference a minimum size of 5000m².

#### Hamilton
As per the above issue, this zone should support a Minimum Allotment Size TNV of 2000m².

**Amend** the Minimum Lot Size TNV as applicable to Hamilton to reference a minimum size of 2000m².

### Concept Plans
#### Concept Plan Map Lig/2
This Concept Plan provides guidance for the development of an industrial (proposed Employment) area to the west of Nuriootpa.

This Concept Plan includes the identification of an allotment as ‘low impact area’ which includes a landscape buffer and separation area. This Concept Plan was prepared as part of the **Insert** Concept Plan Map Lig/2 into the Code to provide guidance for the development of this area.
Nuriootpa West (Industry BVR Zone) DPA which included comprehensive community engagement and feedback and functions to provide separation of new land uses from residential development within close proximity of the site.

This Concept Plan remains valid and should be included in the Code.

<table>
<thead>
<tr>
<th>Proposed Overlay</th>
<th>Issue</th>
<th>Comment/Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concept Plan Map Lig/5</td>
<td>As per discussion under heading ‘Employment Zone’.</td>
<td>As per discussion under heading ‘Employment Zone’.</td>
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<tr>
<td>Historic Area Overlay</td>
<td>Council prepared relevant Historic Area Statements in line with the invitation from the SPC.</td>
<td>Delete the Character Area Overlay from the Code as it applies to LRC.</td>
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<td>Character Area Overlay</td>
<td>The Character Area Overlay (CAO) has been used to pick-up the current areas zoned ‘Residential Character’ in Freeling, Greenock and Roseworthy. Whilst understanding how the identification of these areas and transition to the new Overlay would have occurred, the Residential Character Zone does not function as a ‘historic character’ type zone. Rather, the land across LRC located within this zone is essentially township residential in nature and character refers to many of the elements already picked up through the proposed zoning as Suburban Neighbourhood and the TNV’s used. Those areas which are currently Historic Conservation have been picked up accurately in the new Historic Area Overlay and addressed separately.</td>
<td>Delete the Character Area Overlay from the Code as it applies to LRC.</td>
</tr>
</tbody>
</table>
Given the above, LRC does not consider there to be a need to include Character Areas in its version of the Code.

| **Technical and Numerical Variation Overlay** | **Lot Size Minimum**  
Gawler Belt  
The Lot Size Minimum TNV does not accurately recognise the different allotment sizes prescribed within Gawler Belt. In particular, areas of Gawler Belt are separated between 1ha, 2ha and 4ha, and the outcomes subject to a DPA. Whilst the TNV attempts to prescribe a minimum allotment size it does not accurately pick up the specific lot size minimums within this area. | Accurately map and **amend** the Lot Size Minimum TNV to reflect the policies contained in Council’s current Development Plan. |
| Lot Size Minimum  
Rural Zone  
The current Primary Production Zone (Policy Area 3 – General Farming) prescribes a minimum allotment size of 33ha. This minimum **has not** been carried through to the Lot Size Minimum TNV Overlay. | **Amend** the Lot Size Minimum TNV for the Rural Zone to reflect the minimum allotment size of 33ha. |