29 November 2019

Strategic and Development Planning Section
Department of Planning, Transport & Infrastructure
GPO Box 1815
ADELAIDE SA 5000

Dear Sir/Madam

Consultation Submission
Planning and Design Code - Phase 2

Please accept this submission from the District Council of Ceduna in response to the invitation to provide comment to the Draft Planning and Design Code for Phase 2 Councils.

The submission is provided in 2 parts, firstly addressing the drafted transition of current Development Plan Zones to Planning & Design Code Zones, and secondly comment in relation to specific provisions within the Planning and Design Code Zones as applied in draft form within the District Council of Ceduna area.

Zone Transition

Council have identified 7 specific areas where Council believes the Draft Planning & Design Code Zones as applied are not appropriate or accurate due to either current and/or future land use anomalies.

For spatial reference, please refer to attached maps marked Planning and Design Code Consultation Map DCC 1, 2 and 3.

Area 1. Transitioned in the Draft Code to Employment (Bulk Handling) Zone. The current Development Plan Zone is Industry, however the current and envisaged land use for this area is Aquaculture and Associated use, due to the proximity to Council's new Commercial Marina.

A more appropriate Zone for this area would appear be Rural Aquaculture Zone, as future land use and development is anticipated to be service and processing facilities to support the commercial offshore trawl fishery.
Area 2. Transitioned in the Draft Code to Recreation Zone. The current Development Plan Zone is Recreation. The only Recreation land use or built form in this area is a dilapidated Basketball Stadium (which will require demolition) and 2 school ovals (in conjunction with the Ceduna Area School). The siting of the old basketball stadium is purely historic, even though it has always been recognised that it is not an ideal location. All other schools in Ceduna are in Suburban Neighbourhood Zones.

The most appropriate Zone for this area would appear to be Suburban Neighbourhood.

Area 3. Transitioned in the Draft Code to Conservation Zone (and Coastal Areas Overlay). The current Development Plan Zone is Coastal Conservation. The bulk of the area (one land parcel) always has and always will be a Caravan and Cabin Park.

The most appropriate Zone for this area would be Caravan and Tourist Park Zone, recognising that a Coastal Overlay will still apply.

Area 4. Transitioned in the Draft Code to Rural Zone. The land parcel was historically subdivided from a larger adjoining land parcel for the establishment of a Rural Slaughterhouse (now dilapidated). The allotment of 110 Hectares is too small in this locality for any form of viable primary production land use, which means it is effectively useless. The area is immediately adjacent to 2 Rural Living Zones.

The most appropriate Zone for this area would be Rural Living.

Area 5. Transitioned in the Draft Code to Conservation Zone. The current Development Plan Zone is Conservation. The allotment was historically a part of the traditional parklands surrounding the town of Denial Bay. The subject land parcel was sold by the Crown a long time ago, effectively severing the connection with the parklands, but the Zoning has never been effectively addressed. It is a bare patch of dirt with no conservation value.

The most appropriate Zone for this area would be Rural Living, as a simple extension of the adjoining Rural Living Zone.

Area 6. Transitioned in the Draft Code to Rural Zone, along with Area 7. The current Development Plan Zone for both areas is Rural. The area between Areas 6 and 7 (transitioned from Infrastructure to Infrastructure), is currently disposed as Council's Landfill and Recyclable transfer Depot. Council's current strategy is for future expansion of the Landfill facility into areas 6 and 7 as marked on the Map.

The most appropriate Zone for areas 6 and 7 as marked is Infrastructure.
Area 7. Refer commentary for Area 6.

Code Provisions

The following comments are provided based on the current Development Plan Zones as transitioned, based on issues identified by DPTI and provided to Council as a document *P & D Code Released for Summary of Key Zoning Issues*. Where no comment is provided, the transition is agreed.

- **DP Coastal Conservation Zone**
  
  Generally the transition to Coastal Zone is appropriate, with Visitor Experience and Dwelling sub zones (Yarilena and Betts Corner homelands) applied, with the Coastal Areas Overlay. Is there a mechanism to limit the number of dwellings within the Dwelling Sub Zones?

- **DP Aquaculture Zone**
  
  Generally the transition to Rural Aquaculture Zone with Coastal areas Overlay is appropriate.
  
  Noting DTS/DPF 8.1 for the Zone prescribes a minimum allotment size of 1 Ha, that is appropriate for the Denial Bay Rural Aquaculture Zone, but it is too large for the Smoky Bay Zone and the requested Thevenard Zone (refer Area 1 in Zone Transition comment earlier).
  
  It would be desirable to have a TNV for the minimum allotment size for the Thevenard Zone at 0.5 Ha.
  
  The Smoky Bay Zone is problematic, as the current Land Area comprised in the (old) Smoky Bay (west) policy area is currently lease in 1,000 m2 plots, which reflects the allotment size that would be desirable for subdivision and sale in the future (even though many of the lessees lease more than one allotment. As an interim measure, would 0.5 Ha minimum size for a TNV for Zone in Smoky Bay be possible.

- **DP Primary Production Zone**
  
  Generally the transition to Rural Zone with Limited Land Division Overlay is appropriate.
  
  A TNV for minimum allotment size of 300 Ha (reflecting current DP provisions) is significantly lower than the average current allotment size of 767 Ha, (excluding allotments of less than 300 Ha), and would not promote economically productive, efficient and sustainable primary production, particularly in this area.
  
  Recognising the potentially sensitive nature of this issue, this matter requires further consideration, and I would welcome the opportunity for a discussion on this issue.
It would be appropriate to include a Dwelling subzone for spatially specific areas within the Zone to deal with Aboriginal Homelands, with a limit on the maximum number of dwellings allowed.

The Dwelling Excision provisions in the current DP are not unreasonable for inclusion in the Code, assuming a Performance Assessment could be applied to any application for excision which doesn't meet those requirements?

- **Rural Living Zone**
  Generally the transition to Rural Living Zone is appropriate.
  It is agreed that a TNV is required for minimum allotment sizes is required in the Ceduna Waters (old Decrees Bay Policy Area 24) concept plan area.

- **Industry Zone**
  Generally the transition to Employment and Employment (Bulk Handling) Zones is appropriate, noting the change requested for part of the Thevenard Zone (refer Area 1 in Zone Transition comment earlier).

- **Caravan & Tourist Park Zone**
  The transition to Caravan & Tourist Park Zone is appropriate, noting the change requested for the Shelly Beach Caravan Park (refer Area 3 in Zone Transition comment earlier).
  It is agreed that there should not be a TNV for minimum “allotment” size or building height limitation.

- **Conservation Zone**
  The transition to Conservation Zone and associated Overlays is appropriate.
  A TNV for AHD levels for Denial Bay would not be necessary as the subject land would never be developed (Crown Record disposed as town parklands, with significant native vegetation) and if the parklands were inundated, so would the rest of Denial Bay township.

- **Infrastructure Zone**
  Generally the transition to Infrastructure Zone is appropriate, noting the change requested for part of the Ceduna Landfill site area (refer Areas 6 & 7 in Zone Transition comment earlier).

- **Recreation Zone**
  Generally the transition to Recreation Zone is appropriate, noting the change requested for Area 2 in Zone Transition comment earlier.
• Concept Plan Maps

It is noted that the Airfield Zone, Aquaculture Zone, Commercial Zone, Residential Zone and Rural Living Zone Concept Plans from the current DP have not been Transitioned to the Code. No Problem.

If you wish to discuss this matter further please do not hesitate to contact me at your convenience on [Contact Information].

Yours sincerely,

[Signature]

G.M. (Geoffrey) Moffatt
CHIEF EXECUTIVE OFFICER

Telephone: [Contact Information]
Email: [Contact Information]

(Encl)
1. Draft Code currently Employment (Bulk Handling) Zone. Current Development Plan Zone Industry. Current and envisaged land use is Aquaculture and Associated use, due to proximity to new Commercial Marina. More appropriate Zone for this area would be Rural Aquaculture Zone.

2. Draft Code currently Recreation Zone. Current Development Plan Zone Recreation. The only recreation land use or built form in this area is a dilapidated stadium (to be demolished) and 2 school ovals. All other schools are in Suburban Neighbourhood Zones. More appropriate Zone for this area is Suburban Neighbourhood.

3. Draft Code currently Conservation Zone (and Coastal Areas Overlay). Current Development Plan Coastal Conservation Zone. The bulk of the area always has and always will be a Caravan and Cabin Park. More appropriate Zone for this area would be Caravan and Tourist Park Zone.

4. Draft Code currently Rural Zone. Historically subdivided from larger adjoining land for establishment of a Rural Slaughterhouse (dilapidated). The allotment of 110 Hectares is too small in this locality for any form of viable primary production land use. Immediately adjacent to 2 Rural Living Zones. More appropriate Zone for this area is Rural Living.
District Council of Ceduna

5. Denial Bay. Draft Code currently Conservation Zone. Current Development Plan Zone Conservation. The allotment was historically a part of the traditional parklands surrounding the town of Denial Bay. The subject land was sold by the Crown a long time ago, effectively severing the connection with the parklands. More appropriate Zone for this area is Rural Living.
6. & 7. Draft Code currently Rural Zone. Current Development Plan Zone Rural. The adjacent area, currently disposed as Council's Landfill and Recyclable transfer Depot, is Zoned Infrastructure in both the Draft Code and Development Plan. Council's current strategy is for future expansion of the Landfill facility into areas 6 and 7 as marked on the Map. More appropriate Zone for areas 6 and 7 as marked is Infrastructure.