

Consultation Template Submission Form

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Page 1: Planning and Design Code for South Australia

Q1 Which part of the Planning and Design Code would you like to make a submission about?(Please click the circle to select which part of the Code you wish to comment on. You can also see which council areas are included in the rural and urban code via the links below.)

My submission relates to Rural code. (click here for council areas)

Page 2: Planning and Design Code for South Australia Personal Details

Q2 Please provide your contact details below (Name, Postcode & Email are mandatory) Please be advised that your submission will be made publicly available on the SA Planning Portal.

Name	LEITH MCEVOY
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Address	PO BOX 724, MOUNT GAMBIER SA 5290
Your Council Area	DISTRICT COUNCIL OF GRANT
Suburbs/Town	MOUNT GAMBIER
State	SA
Postcode	5290
Country	AUSTRALIA
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Q3 Which sector do you associate yourself with? **Local Government**

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Q4 Please upload your PDF template for submission here (pdf only)

DC Grant Submission - Draft Planning & Design Code (Rural Areas) - Phase Two - 291119.pdf(109.2KB)

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Consultation Template Submission Form

Q5 Please enter your general feedback here

Please refer to the attached submission.

Ref: 3.3.2/3, (OCR76774)
LJM:HLM

29 November 2019

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Dear Sir / Madam,

District Council of Grant Submission – Draft Planning and Design Code (Rural Areas) – Phase Two

Reference is made to the State Government's consultation by the Department of Planning, Transport and Infrastructure (DPTI) on the Draft Planning and Design Code (Rural Areas) – Phase Two. The consultation process has been from 1 October 2019 to 29 November 2019.

Council acknowledges and thanks the State Government and the Department of Planning, Transport and Infrastructure for the opportunity to make this submission on the Draft Planning and Design Code (Rural Areas). Council also acknowledges and appreciates the work and efforts of DPTI Officers and the Transition Teams in assisting all Councils through this challenging process of changing and implementing a new planning system in South Australia.

Consultation Process

Consultation on Phase Two (Rural Areas) and Phase Three (Urban Areas) of the Code was appropriately merged into a single consultation process to allow all Councils to review all of the Code policy in its entirety, as it applies to the State.

The District Council of Grant agreed that consultation for both the rural and urban areas of South Australia needed to be held concurrently in order to provide a view of the whole Planning and Design Code. Unfortunately and disappointingly, those Councils in Phase Two, like the District Council of Grant, were only allowed consultation until midnight 29 November 2019, whereas the consultation for those Councils in Phase Three is until midnight 28 February 2020.

The District Council of Grant, like the Local Government Association of South Australia (LGA), and other Councils, holds the view that Phase Two and Phase Three should become one Phase with consultation going through until February 2020, and that the Code should then be implemented for all Councils on 1 July 2020. Council does not support Phase Two of the Code commencing in April 2020, followed some three months later by Phase Three in July 2020.

The State Government and DPTI appear to have made a quite concerning difference between those Councils in Rural Areas, and those Councils in Urban Areas. Council is extremely disappointed about the tight timeframe for the Phase Two consultation, with those Councils only being given eight (8) weeks to provide comment, while those Councils in Urban Areas having been allowed a significantly longer period.

Given that this is the most significant change to the State's planning system in 25 years, Council believes that all Councils and communities should have been provided with the same opportunity to review and provide feedback on the new Planning and Design Code.

It is fair to assume that the submissions received from the generally smaller rural Phase Two Councils will be of benefit to the larger, better resourced, urban Phase Three Councils.

The District Council of Grant is also mindful that its local government area surrounds the City of Mount Gambier, the largest regional city in South Australia. As the City of Mount Gambier is a Phase Three urban Council, the local communities will therefore have two quite different planning systems in operation between April and July 2020.

Council also acknowledges, and appreciated, the recent day long visit to the District Council of Grant by DPTI Transition Officers on Tuesday 22 October 2019. Although the number of people who attended the Community Meeting in the afternoon was disappointing, there was healthy and constructive discussion by those in attendance.

ePlanning

Council acknowledges that work on the Development Application processing component of the ePlanning system is currently progressing, and that the Online Planning and Design Code solutions will be iteratively developed in the lead up to implementation of Phase Two. It is understood that testing is expected to commence in February 2020, and that training will be made available closer to the implementation dates for Phase Two and Phase Three, which will include the development of a Training Plan.

Council is of the view that ePlanning and the operation of the new Planning and Design Code, both need to commence together, and preferably at the same time for all Councils.

Council is therefore of the opinion that the implementation of Phase Two and Phase Three of the Code, together with the implementation of ePlanning, should all commence on 1 July 2020.

Planning and Design Code

The transition process for the District Council of Grant involves changing from the Council's current 'Development Plan – Consolidated 4 July 2017' to the new 'Planning and Design Code'. The new Planning and Design Code (Code) will supersede the Development Plans of 68 Councils across South Australia, replacing 72 Development Plans by the new Code.

The Planning and Design Code is designed to be an 'online' document with supporting tools, such as ePlanning and online mapping, for the assessment of Development Applications within the Grant Council area. The Code and associated tools will be accessible via the SA Planning Portal.

At the present time the online functionality of, and access to the draft Code and its connection to the relevant mapping is limited and difficult to navigate. The system is slow and cumbersome to use, with detail showing as incorrect. For example, currently the new zone of 'Residential Neighbourhood' (formerly Country Living Policy Area 10), shows it across not only the previous policy area, but also incorrectly across all of the 'Rural Living' Zone.

While the LGA and/or DPTI have managed to livestream many training/information sessions, together with other regional workshops by legal firms, rural Councils, like the District Council of Grant, have struggled to dedicate the required time and resources to keep up with the volume of emails, circulars, website information, and all other related documents, and appropriately manage all of the other ongoing daily core duties.

Council has not had dedicate staff to oversee and keep up with the high workload associated with the transition process. Like many other Councils in rural areas, Council Staff and Elected Members have not had the time and ability to work through and fully understand the new draft Code, particularly given the reasonably short consultation period.

In implementing a state-wide Code, the goal is to consolidate all 72 current Development Plans and hundreds of different Zones and Policy Areas into the one Code document. The Code is intended to reduce the number of state-wide zones, sub-zones and overlays, and will hopefully provide better consistency across the State. As a consequence, there will be a reduction in the level of 'local policy' that will be incorporated within the Code. Some of the existing policy specific to the District Council of Grant Development Plan, such as building heights, minimum allotment sizes, minimum allotment frontages, and similar, will now be contained within the Technical and Numeric Variations section of the Code.

The review and cross-checking of this section against the current Development Plan requirements has been onerous, and Council is not confident that it has all been thoroughly covered and checked. Council will in part rely on DPTI to ensure that the transition of the various relevant provisions from Council's Development Plan into the new Code has been correctly undertaken.

Council Officers will continue to read and work through the draft Code to become more familiar with the document, but in doing so will likely come across other omissions and corrections which need to be made to the document. All Councils should be able to provide further additional comments to DPTI, by way of addendums to their submissions (or similar), if necessary – particularly to ensure that the new Code is correct and has few errors.

Council has noted that where parts of the Code are replicated in both Phase Two and Phase Three, then a Council is able to lodge a submission on that replicated part through until 28 February 2020. It is also noted that the Phase Two Code may be altered as a result of the Phase Three consultation process.

The current Zones within the District Council of Grant's Development Plan are to be transitioned over to the new state-wide Zones which predominantly align with the current planning policy and intent of the Zones. A list of the proposed zone transitions are detailed below:

Development Plan Zone	Planning and Design Code Zone
Airfield	Infrastructure (Airfield)
Caravan and Tourist Park	Caravan and Tourist Park
Coastal Conservation	Conservation
Coastal Open Space	Open Space
Coastal Settlement	Rural Shack Settlement
	Rural Settlement
Commercial	Suburban Employment
Industry	Employment
Open Space	Open Space
Primary Production	Rural
Primary Production (Horticulture Policy Area 8)	Rural Horticulture
Primary Production (Glenburnie Racecourse Policy Area 7)	Recreation
Residential	Suburban Neighbourhood
Residential (Low-Density Policy Area 14)	Residential Neighbourhood
Residential (Mount Percy Golf Course Policy Area 9)	Suburban Neighbourhood (Low-Density)
Rural Living	Rural Living
Rural Living (Country Living Policy Area 10)	Residential Neighbourhood
Settlement	Settlement

Town Centre	Township Activity Centre
Township	Township
Township (Yahl Policy Area 11)	Township
-	Community Facilities (new)
-	Coastal Waters and Offshore Islands (new)

The following are general comments on the draft Code, and the documents received by Council:

- For ease of reference, page numbers should have been included on all versions of the document.
- The size and quite repetitive nature of the document is difficult to read and check.
- Some of the Zone names are likely to be confusing (ie. Rural Zone, formerly Primary Production in conjunction with Rural Living, which could be Country Living?).
- The information contained in the Tables generally have no context or explanation.
- Although the intent is for people to view and read the Code online, many people will still wish to refer to a hard paper based copy of the document, including the mapping.
- The electronic mapping is currently quite slow and difficult to use.
- The mapping is still very confusing for practitioners and we were unable to utilise it in the manner shown by the Transition Team as the TNV's did not show on this version?
- Ideally consultation on the Code should have occurred in conjunction with the use of ePlanning.
- It is anticipated that due to the onerous task of checking/editing, identifying errors and omissions, the following list is incomplete. Council welcomes the chance to provide further feedback over the coming days/weeks if acceptable to DPTI.

The following Zones, if specified have been checked and errors/omissions identified (this is not yet complete due to time and resources):

Infrastructure (Airfield)

- Still being checked

Caravan and Tourist Park Zone

- No identified errors or omissions

Conservation

- No identified errors or omissions

Open Space

- Still being checked

Rural Shack Settlement

- Outbuilding size is reduced from 108m² to 40m²
- **[Ancillary Structures] PO 6.1 is missing**
- **[Ancillary Structures] DTS 6.1 is missing**
- **[Hazard Risk Avoidance] PO 3.1 is missing**
- **[Environment] PO 4.1 is missing**
- **Other PO's, DTS/DPF are missing – from 2.5 to 6.1?**

Rural Settlement

- Still being checked

Suburban Employment

- Still being checked

Rural

- Advertising signage that was previously 'Non-Complying' is now 'Deemed to satisfy' in the following speed zones: 70kmh, 80kmh, 90kmh, 100kmh, 110kmh
- Addition of 'Brewery, Cidery, Distillery and Winery' is commended, and will support small scale business and tourism ventures within our region
- What is the minimum allotment size for sub-division in this zone – please specify?
- Second Dwelling – the addition of a provision specifying the parameters for this is also commended, it will clarify this for the benefit of landowners and ensure that Council's former policy is addressed
- Table 4 – Restricted Development Classification – **Limited Dwelling Overlay is referred to, but not included in the Code**
- Table 4 – Restricted Development Classification – **Significant Industry Interface Overlay is referred to, but not included in the Code**

Rural Horticulture

- Under Class of Development, Deemed-to-Satisfy Development Classification Criteria, 'Shop' Zone:
 - [Accommodation]: **DTS 6.1 and 6.2 is likely to be 5.1 and 5.2 (incorrect)**
- Under Class of Development, Applicable Policies, 'Agricultural Building' Zone:
 - [Built Form and Character]: **PO 3.1 and 3.2 is incorrect**
- Under Class of Development, Applicable Policies, 'Brewery, Cidery, Distillery, Winery' Zone:
 - [Built Form and Character]: **PO 3.1 and 3.2 is incorrect**
- Under Class of Development, Applicable Policies, 'Carport, Verandah' Zone:
 - [Built Form and Character]: **PO 3.1 and 3.9 is incorrect**
- Under Class of Development, Applicable Policies, 'Detached Dwelling' Zone:
 - [Land Use and Intensity]: **PO 1.3 and 1.4 is incorrect**
- Under Class of Development, Applicable Policies, 'Detached Dwelling' Zone:
 - [Built Form and Character]: **PO 3.1 and 3.6 is incorrect**
- Under Class of Development, Applicable Policies, 'Dwelling Addition' Zone:
 - [Built Form and Character]: **PO 3.7 is incorrect**
- Under Class of Development, Applicable Policies, 'Horticulture' Zone:
 - [Land Use and Intensity]: **PO 1.5 only is incorrect**
- Under Class of Development, Applicable Policies, 'Dwelling Addition' Zone:
 - [Land Division]: **PO 2.1 and 2.2 is incorrect**
- Under Class of Development, Applicable Policies, 'Low Intensity Animal Husbandry' Zone:
 - [Land Use and Intensity]: **PO 1.3 is incorrect**
- Under Class of Development, Applicable Policies, 'Outbuilding' Zone:
 - [Built Form and Character]: **PO 3.1 and 3.8 is incorrect**
- Under Class of Development, Applicable Policies, 'Shop' Zone:
 - [Land Use and Intensity]: **PO 1.5 and 1.6 is incorrect**
- Under Class of Development, Applicable Policies, 'Shop' Zone:
 - [Built Form and Character]: **PO 3.1, 3.3 and 3.4 is incorrect**
- Under Class of Development, Applicable Policies, 'Small Scale ground mounted Solar Power facility' Zone:
 - [Land Use and Intensity]: **PO 1.11 and 1.12 is incorrect**
- Under Class of Development, Applicable Policies, 'Tourist Accommodation' Zone:
 - [Land Use and Intensity]: **PO 1.6 is incorrect**
- Under Class of Development, Applicable Policies, 'Tourist Accommodation' Zone:
 - [Built Form and Character]: **PO 3.1 and 3.5 is incorrect**
- Under Class of Development, Applicable Policies, 'Worker's Accommodation' Zone:

- [Land Use and Intensity] **PO 1.1, 1.5 and 1.10 is incorrect**
- [Built Form and Character]: **PO 3.1 is incorrect**
- Under Restricted Development the 'Limited Dwelling Overlay' is referred to, but not included in the Code

Recreation

- Still being checked

Suburban Neighbourhood (Low Density)

- Still being checked

Rural Living

- Primary road setback has been reduced from 20 metres to 15 metres
- Building height has been increased from 8 metres to 9 metres
- Ancillary buildings size decreased from 200m² to 100m² – this is a **significant deviation** and will affect landowners who purchase these allotments to have a larger than residential outbuilding to store their goods in.

Residential Neighbourhood

- Building height increased from 5 metres to 9 metres
- Primary street boundary decreased from 15 metres to 10 metres
- Secondary street setback decreased from 10 metres to 4 metres
- Side boundary setback decreased from 5 metres to 2 metres
- Rear boundary setback decreased from 10 metres to 6 metres
- Ancillary buildings size decreased from 150m² to 100m² – this is a **significant deviation** and will affect landowners who purchase these allotments to have a larger than residential outbuilding to store their goods in
- Land Division allotment sizes have decreased from minimum 3,000m² (without sewer or CWMS) to minimum 1200m² (essentially from Rural Living to Residential)

Settlement

- Still being checked

Township Activity Centre

- Still being checked

Township

- Still being checked

Community Facilities

- Still being checked

Coastal Waters and Offshore Islands

- Still being checked

Employment

- Under Performance Assessed Development, Applicable Policies, 'Bulky Goods Outlet' Zone:
 - [Concept Plans]: PO 8.1 – **missing**
- Under Performance Assessed Development, Applicable Policies, 'Consulting Rooms' Zone:
 - [Concept Plans]: PO 8.1 – **missing**
- Under Performance Assessed Development, Applicable Policies, 'General Industry' Zone:
 - [Concept Plans]: PO 8.1 – **missing**
- Under Performance Assessed Development, Applicable Policies, 'Light Industry' Zone:

- [Concept Plans]: PO 8.1 – **missing**
- Under Performance Assessed Development, Applicable Policies, 'Motor Repair Station' Zone:
 - [Concept Plans]: PO 8.1 – **missing**
- Under Performance Assessed Development, Applicable Policies, 'Office' Zone:
 - [Concept Plans]: PO 8.1 – **missing**
- Under Performance Assessed Development, Applicable Policies, 'Personal or domestic services establishment' Zone:
 - [Concept Plans]: PO 8.1 – **missing**
- Under Performance Assessed Development, Applicable Policies, 'Retail Fuel Outlet' Zone:
 - [Concept Plans]: PO 8.1 – **missing**
- Under Performance Assessed Development, Applicable Policies, 'Service Trade Premises' Zone:
 - [Concept Plans]: PO 8.1 – **missing**
- Under Performance Assessed Development, Applicable Policies, 'Shop' Zone:
 - [Concept Plans]: PO 8.1 – **missing**
- Under Performance Assessed Development, Applicable Policies, 'Store' Zone:
 - [Concept Plans]: PO 8.1 – **missing**
- Under Performance Assessed Development, Applicable Policies, 'Telecommunications Facility' Zone:
 - [Concept Plans]: PO 8.1 – **missing**
- Under Performance Assessed Development, Applicable Policies, 'Warehouse' Zone:
 - [Concept Plans]: PO 8.1 – **missing**

General Neighbourhood

- Still being checked

Dwelling Subzone

- Still being checked

Overlays:

The Code seeks to implement various overlays over the top of the proposed zones to accommodate a variety of planning controls. The overlays used are sourced from a broad state-wide list of overlays which have been drafted by DPTI to address planning controls that sit across multiple zones within a Council. The overlays that will apply to various portions of the Council include:

- Character area
- Coastal
- Bushfire Risk areas
- Historic areas
- Development along freight routes
- State and Local Heritage places
- Native Vegetation
- Marine Park areas
- Sloping Land
- Hazards
- Water protection areas
- Prescribed well areas
- Still being checked

Concept Plans

Council understands that there has been a slight shift by DPTI in its position on Concept Plans, and as such, there may be an opportunity for more Concept Plans to be included in the Code. Council agrees that there is a need for relevant Concept Plans to be included in the Code so as to assist with the planning process.

The District Council of Grant requests that all of the following Concept Plans from its current Development Plan be included in the new Code:

- Concept Plan Map Gra/1 – Blue Lake Groundwater Capture Zone;
- Concept Plan Map Gra/2 – Airfield Noise Exposure Contours;
- Concept Plan Map Gra/3 – Western Gateway;
- Concept Plan Map Gra/4 – Mount Schank Policy Area;
- Concept Plan Map Gra/5 – Northern Gateway;
- Concept Plan Map Gra/6 – Penola Road Policy Area;
- Concept Plan Map Gra/7 – Area for Limited Development;
- Concept Plan Map Gra/8 – Glenburnie Racecourse;
- Concept Plan Map Gra/9 – Residential Golf Course Policy Area;
- Concept Plan Map Gra/10 – Yahl Township Policy Area;
- Concept Plan Map Gra/11 – Rural Living Area;
- Concept Plan Map Gra/12 – Rural Living Area; and,
- Concept Plan Map Gra/13 – Port MacDonnell West.

The above Concept Plans are all still relevant and referred to quite often. The Concept Plans may be subject to further review by way of an amendment to the Code in the future.

Ongoing Corrections and Amendments

Given the challenging size and nature of the draft Code, the short consultation period for rural Phase Two Councils, and the significant number of apparent errors and uncertainties with the document, Council would ask that when the implementation of the Code commences, that DPTI has in place a reasonably fast and simple way to amend and correct the document, when such matters are identified by Councils.

* * * * *

The District Council of Grant hopes that the comments made in this submission are of assistance and taken into consideration in progressing, finalising and implementing Phase Two of the the new Planning and Design Code (Rural Areas).

Should you wish to discuss this submission further, and/or require any additional information or details, please do not hesitate to contact either Darryl Whicker, Council's Chief Executive Officer, or myself.

Yours sincerely,



DIRECTOR OF ENVIRONMENTAL SERVICES