Submission on the draft Planning and Design Code prepared by Rural City of Murray Bridge

This submission is prepared by the Rural City of Murray Bridge in response to the draft Planning and Design Code released for public consultation on 1 October 2019. The submission acknowledges that a Planning and Design Code Phase Three (Urban Areas) Code Amendment – Update Report was released on 23 December 2019, however time constraints have not enabled this document to be included in this submission.

The Rural City of Murray Bridge falls within Phase Three of the transition to the Planning, Development and Infrastructure (PDI) Act. Council recognises that a number of submissions and issues have already been raised during the consultation phase, including by not limited to:

- Local Government Association of South Australia – Draft Planning and Design Code - Phase Consultation Submission, November 2019

Council supports and reinforces the comments made in these submissions. This submission focuses solely on issues specific to the Murray Bridge area and the relationship between the Planning and Design Code and the Rural City of Murray Bridge Development Plan Consolidated 19 February 2019, with the occasional reference to general issues when considered necessary.

This submission begins by highlighting a number of issues that Council considers to be significant. It then takes the form of individual analysis of the current zoning and the proposed code zoning provided in a table format with commentary following.
1. SIGNIFICANT ISSUES:

1.1 Implementation dates.

The draft Planning and Design Code (the Code) was released with a number of anomalies and inconsistencies many of which have been recognised and amended by DPTI. This has also led to an Update Report being released in December 2019. The two iterations of the document have caused confusion as to what the Planning and Design Code is intending to achieve. The draft Code was not released for consultation in a format in which it was intended to be utilised. It was released as a hard copy document, also available as a 3000 page pdf. Where as upon implementation the Code is to be accessed via an E Planning portal working in conjunction with an on-line mapping system. The format of the consultation documents have made it difficult to gain a true understanding of how the Code will function. The proposed E Planning system has not been made available for Council to view or test. The mapping system provided for consultation, in addition to undergoing changes during the consultation phase, is not the same as the system that will be provided once the Code is implemented.

The draft Code has been presented as involving ‘like for like’ changes for zones, for example, residential zone to an equivalent. However there have been a number of identified instances where this has not occurred. Zones involving a form of development that was previously non-complying under the current system find that this form of development will become “Deemed to Satisfy” under the Code.

In relation to the broader Planning Development and Infrastructure Act, no details of a proposed fee structure have been provided to Council to enable them to advise the community or adequately budget for any proposed changes.

Additionally given the lack of detail available on the new E Planning portal Council have been unable to ascertain exactly how this will impact upon its own internal resources and systems; the relationship between Council’s Record Management System and the proposed E Planning portal and the relationship between Council’s existing assessment database and the proposed E planning portal.

Whilst Council is supportive of the Code and its intent of the PDI Act to improve the planning system, we believe its implementation has been rushed and will not result in the benefits the PDI Act was established to provide. Council believes these issues should be addressed prior to the implementation of the Code.

1.2 Monarto Safari Park:

The Monarto Safari Park is currently located within its own unique zone; the Monarto Zoological Park zone. This zone provides specific provisions and policies which recognise the unique character of the Monarto Safari Park and its standing within the national and international community, along with the extensive tourism and economic opportunities provided by the facility. The zoning protects the Safari Park itself and also seeks to provide a buffer between adjoining land uses whilst ensuring that the Safari Park itself does not visually impact upon adjoining uses.

The Code seeks to transition the current Monarto Zoological Park zone to a Community Facilities zone. Whilst it is acknowledged that this zone contains no development types identified as ‘Restricted’ which provides a degree of flexibility for those forms of development considered appropriate within Monarto Safari Park, it also provides no protection for the unique nature of the Safari Park. Policies within this zone have no recognition of the Monarto Safari Park and do not support the tourism potential associated with this site.
Additionally it is noted that the public notification provisions for the Community Facilities zone identify that development where “the site of the development is adjacent land to land in a different zone” be publicly notified. Given that the current site is in effect surrounded by land in a different zone there is a significant potential for unnecessary public notification.

It is also recommended that consideration be given to development specifically related to the Safari Park/Zoo’s facility being Deemed to Satisfy (DTS). The facility is currently required to undergo assessment for smaller scale activities that are necessary for the day to day running of the zoo, such as lemur cages or rhino accommodation, toilet blocks, internal fences. Given the size of the site and the minor nature of these developments they have minimal potential to impact the adjoining land uses and a planning assessment can add an unnecessary burden on the zoo.

1.3 EFPA/ Dwelling Excision Overlay

It noted that under the provisions of the Planning and Design Code, the Rural Zone includes a Dwelling Excision Overlay which enables land division to occur in order to create an additional allotment that seeks to accommodate an existing dwelling. This overlay appears to contradict the existing Environment and Food Production Overlay (EFPA) which identifies that land division for residential purposes must not be supported.

Additionally certain localities that fall within the EFPA overlay should be reconsidered. The EFPA encompasses a number of areas containing land that has already been developed for residential purposes or alternatively allotments of a size, location or soil type that makes them unsuitable for rural or primary production land uses. These areas should be reviewed and potentially removed from the EFPA.

1.4 Shack Settlements

Murray Bridge Council has a number of shack areas located along the River Murray; two of these, River Glen and Woodlane are were previously identified under the Development Plan and have been transitioned to an appropriate Shack Settlement Zone. Zone Map MuBr/49 of Council’s current Development Plan identifies one other such shack settlement area known as Sunnyside, and a further shack area; Greenbanks is shown on Map MuBr/5 but is not clearly identifiable however can clearly be seen on the aerial image below:
These shack settlement areas currently fall within either the River Murray Fringe Zone, Primary Production Zone or River Murray Flood Zone of Council’s Development Plan and are designated to be transitioned to the relevant Planning and Design Code zones. As the policies of these zones do not recognise the unique nature of shack settlements and do not have a focus on residential built form and river impacts Council is requesting that Shack Settlement Zone polices be applied to these areas (Greenbanks and Sunnyside).

### 1.5 Sturt Reserve

The area of Council known as Sturt Reserve is identified to be transitioned to a combination of Conservation Zone and Rural Zone. In recent years Council has done a significant amount of work in relation to the future potential for this space and the best opportunities for growth and development that will be beneficial to Council’s community. In particular this work has resulted in two documents: The Rural City of Murray Bridge Riverfront Strategy dated February 2016, and the [Sturt Reserve Master Plan](#) dated October 2017. The Master Plan separates the site into four key precincts each with their own specific development opportunities. Council is keen to ensure that these development opportunities will still be available under the Code and policies are flexible enough to enable restaurants and eateries and other such tourism related development that take advantage of the riverfront location. Council believes this could be achieved by way of either a Concept Plans Technical and Numeric Variation Overlay or identifying this locality as a specific Character Area and would be keen to discuss this further with DPTI.

![Source: Sturt Reserve Master Plan](#)
1.6 1956 Flood Mapping:

The 1956 flood mapping is not currently identified on the Planning and Design Code Consultation Map Viewer. This is a significant assessment tool providing guidance in relation to potential flooding impacts, finished floor levels, appropriate development types etc. This should be included as an overlay.

Failure to do so could result in the flood risks being assessed for developments which are located on land outside the actual 1956 flood risk area.

1.7 Intensive Animal Keeping/ Horse Keeping

More policies are required to provide guidance in relation to Intensive Animal Keeping and Horse Keeping. Development of these types are common in the Murray Bridge region with facilities such as the Murray Bridge Race Club and the SA Greyhound racing facility increasing demand. Accepting that an Animal Keeping and Horse Keeping General Development Policies are provided which provide DTS provisions, limited guidance is provided for application that do not meet these provisions. Policies should be provided with respect to location, appropriate numbers and carrying capacities, what environmental impacts should be assessed (including noise impacts), what separation distances are appropriate, what built form is appropriate and what management practices are appropriate along with public notification requirements.
2. ZONE TRANSITION ANALYSIS

<table>
<thead>
<tr>
<th>Current Development Plan</th>
<th>Proposed Code Zone</th>
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<tr>
<td>Zone/ Policy Area/ Precinct</td>
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<tr>
<td>COMMERCIAL ZONE</td>
<td>SUBURBAN EMPLOYMENT</td>
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- Planning and Design Code Consultation Map Viewer identifies TNV’s for a minimum lot size of 1000m² and frontages of 20m. This is consistent with Council’s current Development Plan. There is no policy identified within the zone that references the TNV’s.

- Deemed to Satisfy (DTS) provisions identify allotments with an allotment size of 1250m² and frontage of 20m. DTS/DPF 4.1 provides for allotments that are of a minimum site area and frontage to meet this requirement, however land division is not listed as either a DTS or Performance Assessed form of development.

- DTS/DPF 1.2 Identifies shops with three variables as potentially able to meet DTS/Performance Assessed criteria, ie.

  Shop:
  a. with a gross leasable floor area up to 500m²;
  b. in the form of a bulky goods outlet; or
  c. ancillary to and located on the same allotment as a light industry

  whilst it is clear when reading that there is an option between b. and c. it is not clear whether or not this provision means a shop with a gross leasable floor area up to 500m² that is also a bulky goods outlet, or a shop with a gross leasable floor area up to 500m² or a bulky goods outlet. This should be clarified.

- If this provision is intended to identify that shops can have a gross leasable floor area up to 500m² and meet this provision then this would raise concerns for Council as currently shops are intended to have a floor area of 150m² and allotments and infrastructure within this locality have not been developed to cater for larger floor areas.

- It is further noted that shops are Restricted Development, unless they are under 1000m² in gross leasable floor area. However guidance provided in DTS/DPF1.2 suggests shops should have a gross leasable floor area up to 500m². The difference between these floor areas is confusing.
**COMMUNITY ZONE** | **COMMUNITY FACILITIES**
---|---
**Comments:**

- Building heights are to be controlled via TNV’s however there are no TNV’s shown on the Planning and Design Code Consultation Map Viewer for this zone. It is currently not clear as to whether or not building height TNV’s are intended.

**COMMUNITY ZONE - PRECINCT 22 MOBILONG** | **INFRASTRUCTURE**
---|---
**Comments:**

- Table 2 of this zone identifies that there are no development types that are suitable for DTS assessment, however the Assessment Provisions still use the labels DTS/DPF, for clarity it is suggested that the DTS be removed and this be renamed DPF 1.1

- This zone focuses on physical infrastructure and associated facilities, however the predominant land use in this locality is a Correctional Facility. Reference to this land use should be made, either by identifying it as an appropriate form of development or as a TNV.

**COUNTRY LIVING ZONE - LOW DENSITY POLICY AREA 19** | **RESIDENTIAL NEIGHBOURHOOD**
---|---
**Comments:**

- The DTS provisions enable shops, offices and consulting rooms with an individual or combined gross leasable area of 50m² to meet this provision. This appears relatively small for a combined number of uses. The procedural matters section identifies that similar forms of development with a gross leasable area of 250m² be publicly notified when located on a higher order road; the term higher order road should be clarified.

- Policies allowing for Residential Flat buildings appear incongruous in a zone intended for low or very low density housing.

**COUNTRY TOWNSHIP ZONE** | **TOWNSHIP**
---|---
**Comments:**

- Concept Plan MuBr/10 Country Township Mypolonga should be retained as it provides specific guidance in relation to cliff face protection, traffic management and landscaping buffers. Alternatively this could be managed by TNV’s specific to those areas identified within the Concept Plan.

- Provisions appear to have a very metro focus and may not be relevant in an outer metro locality.
• Portions of the current Country Township Zone are adjacent the current River Murray Zone and current zoning includes policies that reflect this (i.e. specific setback distances) these are lost in the new Township Zone and should be replaced.

| Deferred Urban Zone | DEFERRED URBAN
Comments:

• No significant concerns identified

| General Industry Zone | Employment
Comments:

• Concept Plan Maps MuBr/1 – General Industry Zone and Concept Plan Map Mu/Br 13 – Hindmarsh Road should be retained as they provide infrastructure guidance in the form of detention basins, access and egress requirements and traffic movements.

• Concept Plan Map MuBr/2 – General Industry Zone (Brinkley) should be retained as it provides future guidance for the site, landscaping provisions and access arrangements.

• Given that the Employment zone is seeking to replace land previously zoned General Industry and General Industry has the potential to undergo a Performance Assessed assessment, it appears incongruous that ‘industry’ becomes a restricted form of development, particularly given that ‘special industry’ is excluded from being restricted.

• Current Council policies seek to reduce the size and impact of shops, identifying that those with a gross leasable area greater than 150m$^2$ are a non-complying form of development. The Employment zone identifies that a shop with a gross leasable floor area up to 500m$^2$ can meet DTS provisions. This could have a significant impact upon existing industries and growth potential. Additional performance assessed provisions allow for shops with a gross leasable floor area of up to 100m$^2$.
  * This could be impacted by the lack of clarity identified in DTS/DPF 1.2 Suburban Employment identified above.

| Light Industry Zone | Suburban Employment
Comments:

• It should be noted that portions of this current zoning sit in localities with a variety of adjoining land uses and zones; buffers should be provided to minimise impacts associated with this mix of land uses.

• One such locality within the current Light Industry Zone is a portion of land located between the Town Centre, Sturt Reserve and land which allows for community uses. This portion includes Ridley’s Mill which is a site of strategic importance to Council, given its locality and views to/
visibility from the river. This is a key site with significant development potential and Council would like to see policies which enable a flexible response to land uses such as residential/tourist accommodation/distillery etc.

- Current Council policies seek to reduce the size and impact of shops, identifying that those with a gross leasable area greater than 150m² are a non-complying form of development. The Suburban Employment zone identifies that a shop with a gross leasable floor area up to 500m² can meet DTS provisions. This could have a significant impact upon existing industries and growth potential. Potentially TNV’s could be applied in this situation.

  * Comments above re: DTS/DPF 1.2 still apply.

- Dwellings within the current Light Industry zone are a non-complying form of development unless they are ancillary to an industrial development and located on the same allotment. Dwellings do not appear to be mentioned in the Suburban Employment zone other than ‘all other code assessed development’, and therefore dwellings are not restricted.

### LOCAL CENTRE ZONE

#### TOWNSHIP MAIN STREET

**Comments:**

- The current Local Centre Zones within Council’s Development Plan encompass four small sites across the Council area; the smallest covers one allotment of 2,250m² and the largest covers approximately 16,500m². Given the relatively small scale Council is concerned that the Township Main Street zone may not be appropriate and it provides development opportunities far beyond the capabilities of the sites, for example land uses such as Indoor Recreation Centre, shops, Bulky goods outlets with a gross leasable area of 500m² all have the ability to be DTS development.

- Additionally current provisions restrict shops to a max floor area of 500m² before they become non-complying, however the Township Main Street zone provides no maximum floor area.

- Council considers something akin to a Suburban Activity Centre zone would be more appropriate.

### NEIGHBOURHOOD CENTRE ZONE

#### SUBURBAN ACTIVITY CENTRE

**Comments:**

- No significant concerns identified.

### PRIMARY PRODUCTION ZONE

#### RURAL

**Comments:**

- Concept Plan Map MuBr/4- Motor Sport Facility and Organic Composting Buffer Zone should be retained as it provides protection for existing facilities including Costa Mushrooms from sensitive
development. Alternatively an overlay could be provided identifying Costa Mushrooms as a significant industry and restricting development types in the surrounding locality.

- This zone currently includes policies which seek to ensure that any development likely to impact upon Monarto Safari Park be located a minimum of 500m from the current Monarto Zoological Park Zone. This policy and subsequent protection will be lost in the new zone.

- The current zoning provides policies which seek to protect against flooding associated with the closeness of portions of the zone to the 1956 River Murray Floodplain boundary. These policies will be lost under the new zone.

- The current zoning incorporates specific building setbacks of 100m considered appropriate for land adjacent the South Eastern Freeway and the Old Princes Highway. These setbacks could potentially be retained by way of TNV’s.

- Policies which specifically protect the Kalparrin Community has been removed under the Rural zone.

- Policies which protect the Murray Bridge Defence Reserve, field firing range have been removed under the Rural zone.

- DTS/DPF 6.1 identifies that shops should offer goods sourced, produced or manufactured on the same allotment or from the region. Clarity should be provided for the term region.

- DTS/DPF13.1 identifies that outbuildings have a total floor area not exceeding 150m$^2$ and also identifies that outbuildings be limited to no more than 2 outbuildings per allotment. This should be reworded as it is not clear as to whether or not the 150m$^2$ floor area is per outbuilding or the combined total of both.

- DTS criteria identify that dwellings may have a building height of 9m, shops and tourist accommodation may have a building height of 7 metres and function centres may have a building height of 9 metres. It is not clear why there is this difference in building height provisions and a consistent building height would be preferred.

- DTS provisions restrict tourist accommodation to 100m$^2$ and enable Function Centres to provide dining for 75 seats. Given that these two land uses often co-exist in a rural environment Council is concerned as to whether the relationship between floor area for tourist accommodation and seating numbers for function centres is appropriate.

- There is no policy guidance in relation to intensive animal keeping/ dog kennels. These types of development are common in rural areas, guidance should be provided in relation to form, character, appropriate numbers, land capacity, environmental impacts, noise impacts, public notification.

- There is no policy guidance in relation to horse keeping. These types of development are common in rural areas, guidance should be provided in relation to form, character, appropriate numbers, land capacity, environmental impacts, noise impacts, public notification.
- Concept Plan Map MuBr/19 Allied Food Industry- Value Adding (Flagstaff Road) should be retained as it identifies infrastructure such as the SEAGas pipeline location, access and egress arrangements and a protective buffer to minimise impacts to adjoining land uses.

- The TNV’s relating to lot size minimum have been transferred to this zone, with a 40ha minimum. These are not considered appropriate to enable the types of development envisaged in this locality which more commercial in nature and utilise smaller allotment sizes.

- DTS/ DPF1.1 includes Intensive Animal Husbandry as a land use with the potential to be DTS. Given that zone seeks to encourage the value adding components of the agricultural industries, such as bulk storage, processing plans, warehousing and distribution facilities Council queries whether or not Intensive Animal Husbandry is an appropriate land use, particularly given the overall area of the zone and buffer distances associated with a number of animal husbandry land uses.

- Alternatively an overlay identifying this area as a significant industry may be more appropriate to suit the types of development envisaged in this zone.

- DTS/DPF 5.1 (e) should be rewritten as it is unclear; it currently reads: incorporate the loading and unloading of vehicles utilising the building takes place entirely upon the site.

- There are no TNV’s identified on the Planning and Design Code Consultation Map Viewer.

- Land bounded by West Terrace, North Terrace, Fourth Street and Railway Terrace, previously Policy Area 9 but with no associated precinct is not appropriate for an Urban Activity Centre Zone. The Urban Activity Centre Zone seeks a broad spectrum of regional level business. This land has been developed as smaller scale mixed use development, including a large percentage of predominately residential development. This land is also immediately adjacent a primary school. This land is better suited to Suburban Main Street Zone.

- No significant concerns identified
- Specific policies which highlight the significance of Bridge and Sixth Street in terms of heritage and cultural value are lost under the new zone. It is recommended that these be included in a Character Area Statement.

- No significant concerns identified

- Recognition of the importance of this area of land to the Ngarrindjeri people is lost under the new zoning, including recognition of the Ngarrindjeri Murrundi Management Plan, No. 1 Pomberuk Le:wunanangk which covers much of this area. Additionally, whilst its specific location is culturally sensitive a birthing tree is located in this area and should be noted. Possibly an overlay could be included identifying this areas significance to the Ngarrindjeri people or alternatively a Character Area Statement.

- There are no policies which recognise the location of this zone adjacent to the river front and as such seek to protect the river front.

- No policies to give guidance on the types of development such as jetties, pontoons, wharfs often found along the river front. It is recommended that policies contained within the current Mid Murray Development plan be utilised in this regard.

- No policies in relation to the 1956 flood line, neither does it appear on the Planning and Design Code Consultation Map Viewer.

- No significant concerns identified
• Concept Plan Map MuBr/5 – Recreation Zone (Murray Bridge East) should be retained as it provides traffic management guidance and highlights existing land uses and growth potential of the locality.

• Policies in relation to minimum allotment size for allotments with frontages adjacent Princes Highway appear to have been removed with no TNV’s showing on the Planning and Design Code Consultation Map Viewer.

• Concept Plan Map MuBr/14 – Equine Recreation should be retained as it identifies traffic movement links, water storage, landscape buffers and locations of services.

• This policy area included specific policies which related to the relocation and expansion of the Murray Bridge Racecourse and envisaged land uses related to and appropriate for this land use. These included clubrooms and recreational facilities, sports grounds and associated facilities, horse agistment, equine training centre, education facilities related to horse training. Potentially an overlay recognising the specific policies for this area would be appropriate or alternatively an Equine Recreation Sub Zone.

• As noted above Concept Plan Map Mu/Br 13- Hindmarsh Rd should be retained.

• Lack of policies in relation to stormwater management, overlooking, overshadowing, access/egress.

• Lack of policies in relation to properties in unsewered areas that require a WCS system and appropriate allotment sizes.

• Policy Area 15 has specific policies in relation to access onto Hindmarsh Road (PDC 4) with is a gazetted B-double route which have been removed. This could be addressed by way of a TNV.

• Concept Plan Map MuBr/7- Residential (Narooma) should be retained as it relates to infrastructure provision, appropriate access opportunities and clearly identifies the location of an old quarry and wetlands.
• Concept plan MuBr/15 – Southern Area Residential should be retained as it identifies infrastructure provisions, development locations and buffers from non-compatible land uses.

• Current policies for Southern Area Policy Area 20 require a 20m setback for structures with frontage to Usher Road, Koehler Road and Brinkley Road, along with a 40m setback for allotments adjoining the current Primary Production Zone. These should be retained potentially via TNV’s.
  Current policies also identify that there should be no direct access from Brinkley Road, Koehler Road or Usher Road, these should also be retained potentially via TNV’s.

• There are no policies in relation to the protection of views from the River Murray.

<table>
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<tr>
<th>RESIDENTIAL - NAROOMA POLICY AREA 18 – QUARRY AND RIVERFRONT PRECINCT</th>
<th>HOUSING DIVERSITY NEIGHBOURHOOD</th>
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• No land division policies

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<th>RIVER MURRAY FLOOD ZONE</th>
<th>CONSERVATION</th>
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• No policies in relation to development such as pontoons, jetties, moorings etc. It is recommended that policies contained within the current Mid Murray Development Plan be utilised in this regard.

• No policies in relation to the 1956 Flood line

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<th>RIVER MURRAY FRINGE ZONE</th>
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• There are a number of pockets of land currently zoned River Murray Fringe which are not of a size or location to suitably transfer to Rural zoning. Land uses, such as horse keeping, farming or industry will not be appropriate in localities that are bounded by the residential allotments and the River Murray. Given the unique nature of these pockets of land and the development opportunities provided them under the current River Murray Fringe zoning it is recommended that further discussions occur between DPTI and Council to determine a zone of a better fit. These pockets of land are currently shown on Zone Maps:
  MuBr18
  MuBr/19
  MuBr/21
  MuBr/22
  MuBr/29
  MuBr/46
in Councils Development Plan consolidated 21February 2019
• The current zoning contains policies which seek to ensure river front open space such as Long Island and Sturt reserve be developed for public and tourist orientated usage. These should be retained.

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<th>RIVER MURRAY SETTLEMENT ZONE, RIVER GLENN AND WOODLANE</th>
<th>RURAL SHACK SETTLEMENT ZONE</th>
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<td>Comments:</td>
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• Concept Plan Map MuBr/11 – River Murray Settlement Zone Woodlane should be retained as it clearly articulates areas affected by the River Murray Flood plain.

• Concept Plan Map MuBr/12 – River Murray Settlement Zone -River Glen should be retained as it specifically identifies infrastructure in the way of the location of a CWMS as well as density provisions.

• No policies in relation to allotment sizes.

• No policies in relation to setback distances to the River front.

• No policies in relation to development such as jetties, pontoons, moorings. It is recommended that policies contained within the current Mid Murray Development Plan be utilised in this regard.

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<th>RURAL LANDSCAPE PROTECTION ZONE</th>
<th>RURAL</th>
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• Current zoning includes policies which seek to protect development from impacts associated with the South Eastern Freeway, these should be retained. In particular policies requiring buildings to be setback 100m from the South Eastern Freeway, which could be managed by way of a TNV.

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<tr>
<th>RURAL LIVING ZONE</th>
<th>RURAL LIVING</th>
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• Current zoning provides details of the number of dogs appropriate for intensive animal keeping developments within particular locations. More guidance should be given in relation to appropriate numbers of dogs, built form provisions, setback provisions and environmental impacts.

• DTS 2.3 identifies that Kennels, stables, shelters and associated yards “do not exceed 100m²” clarification is sought as to whether this is 100m² per structure or 100m² in total.
• The existing Swanport precinct provides growth and expansion opportunities for an existing tourist facility. These are not identified in the proposed Residential Neighbourhood zone. As this facility is existing these provisions should be retained.

• Concept Plan Map MuBr/20 Rural Living (Swanport) identifies buffer requirements associated with this site given its close proximity to the South Eastern Freeway, along with stormwater detention locations and infrastructure provisions required for the development of the area, and as such should be retained.

• Concept Plan MuBr/15 Southern Areas Residential should be retained as it identifies infrastructure provisions and locations for community facilities. It also clearly identifies stages of development.

• Current zoning provides specific setback distances for dwellings adjoining Brinkley Road, these should be retained by way of a TNV. These also incorporate a 40m buffer from a boundary adjoining the current Primary Production zone which should also be retained with a TNV.

• Concept Plan MuBr/3 should be retained as it provides biosecurity protection to adjoining chicken farm along with buffer details for Ferries McDonald Road.

• Current zoning incorporates a number of policies and provisions designed to protect existing residential properties from the impact of development and to preserve the character of the Monarto area. These include specific setback provisions designed reduce the visual impact of development along Ferries McDonald Road these should be retained, potentially via TNV’s.

• Landscape buffers are currently specifically identified to assist in reducing the visual impact of any development along Ferries McDonald Road and Old Princes Highway. These buffers should be retained, potentially via TNV’s.

• Clarification is sought as to what will happen to Table MuBr/6A which provides a specific landscaping schedule for the Monarto area.
Comments:

- This precinct was specifically identified in order to allow for a large integrated service centre, for both interstate and intrastate use and to provide a rest and convenience stop for drivers and travellers.

- This precinct identifies that shops within the service centre should have a combined gross leasable area of 2500m². The proposed suburban employment zone identifies that shops with a gross leasable area of 1000m² (other than bulky goods) is a restricted form of development. This provision appears to negate the intent of the zone.

- A more suitable option should be negotiated with Council this could be in the form of an alternate zone or overlay.

3. COMMENTS IN RELATION TO WASTEWATER SYSTEMS:

Generally, whilst some consideration has been given regarding wastewater disposal, it is very fragmented and inconsistent. Consideration should be given to the following:

- The relevant wastewater legislation is not referenced in the Code. The “SA Public Health Act 2011” and the “SA Health On-site Wastewater Systems Code” should be referenced throughout the Code.

- Under the Accepted Development Classification criteria, there is a criteria which states the following: “The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system”. This statement needs to include the requirements for a setback area from structures and boundaries.

- The terminology used for wastewater is different in each section i.e waste control system, waste water control system, waste water disposal service, waste systems and On-site Waste treatment systems. The use of the term “On-site wastewater system” should replace all other wording that references onsite disposal to ensure consistency throughout the Code.

- Land division sizes in regional areas must remain at a minimum allotment size of 1200m² if only serviced by an on-site wastewater system and have no access to SA Water Sewer or a CWMS.

Under General Development Policies

- Housing renewal General Development Policy - DTS / DPF 20.1 (b) – this statement references the Public and Environmental Health Act 1987. This piece of legislation is no longer current and should be replaced with the South Australian Public Health Act 2011.

- Land Division in Rural Areas - DTS/DPF 4.2 (b) – this section states “that meets relevant public health and environmental standards”. This needs to reference the SA Public Health Act 2011 and the SA Health On-site Wastewater Systems Code.
• **Land Division in Urban Areas** DTS/DPF 4.2 (b) – this section states “that meets relevant public health and environmental standards”. This section needs to reference the SA Public Health Act 2011 and the SA Health On-site Wastewater Systems Code.

• **Infrastructure and Renewable Energy Facilities [Wastewater Services]: DTS 12.1, 12.2**

  o Wastewater Services PO 12.1- There is no reference to the wastewater legislation. PO 12.1 should be reworded to reference that an on-site wastewater system must be installed in accordance with the requirements of the SA Public Health Act 2011 and the SA Health On-site Wastewater Systems Code. This will then avoid the need to include points a, b and c

  o DTS/DPF 12.1 – only a few setbacks have been considered in this section and not all. The statement should be reworded to ensure that the setbacks and requirements of the SA Health On-site Wastewater Systems Code are met.

4. GENERAL COMMENTS:

Council are concerned in relation to the consultation process associated with the introduction of the draft Planning and Design Code. Whilst is appreciated that DPTI has responded to comments already received during the consultation period, the Code and associated mapping have undergone different iterations and it has become difficult for Council to identify the differences and respond appropriately. The draft Planning and Design Code also removes a number of Concept Plans; local knowledge identifies that a number of these Concept Plans contain policies which are important to the local community. Unless specifically advised by Council many members of the community are not aware of the removal of these plans, along with other Code changes. The consultation process has not managed to engage with the broad spectrum of the community which it affects and Council are concerned that the engagement process has not met the requirements of the Community Engagement Charter.

There is general lack of specific policies across most zones which clarify how development types are intended to be established and give guidance to the public and council as to what to expect within a particular locality. Including but not limited to; lack of policies on landscaping, stormwater management, car parking requirements, overlooking, overshadowing, visual amenity, impact upon the riverfront, climate change, and land capability as it relates to land use.

No policies have been provided to give specific guidance on the types of development such as jetties, pontoons, wharfs often found along the river front. It is recommended that policies contained within the current Mid Murray Development plan be utilised in this regard.

A number of zones/zones contain the DTS criteria “Building height (excluding garages, carports and outbuildings) is no greater than 2 building levels and 9m and wall height that is no greater than 6m”, this wording is ambiguous and does not provide clarity, the use of the word ‘and’ appears to indicate that the structure can have an additional 9 metres above the two building levels. Additionally this appears to indicate that with a 9 metre roof height and a maximum 6 metre wall height the structure will have a 3 metre roof pitch, which is unlikely to provide the design outcomes being sought.

DPTI should ensure that all land use terms used throughout the Code ie. Training facility, Research facility, Health facility are also defined within the Code.

The land use definition for ‘Agricultural Buildings’ within the Code is established to include such structures as “Farm shed; Horticultural shed; Hay shed; Implement shed; Pump shed” whilst these are
supported from a planning perspective, concerns are raised as to the impact of this more generic definition within the Building Code where these structures can fall within different building classes.

The General Development Policies Section incorporates policies for “Design in Urban Area” and ‘Design in Rural Areas’, these policies are remarkably similar and in some cases identical and do not recognise the unique nature of development in rural areas.

Within what was previously the Regional Town Centre Zone and is now a number of new zones, development which was over 10 metres in height required Category 2 public notification. This has now been removed.

Concept Plan Map Map MuBr/9 – EastSide should be retained as it provides guidance on stormwater management through identifying major overland paths and natural depressions located within the East Side of Murray Bridge. Significant areas within Council do not have access to SA Wastewater and require the provision of waste control systems and associated soakage areas and infrastructure.

It is acknowledge that a number of WSUD policies have been introduced to assist in stormwater management. Council’s current Development Plan incorporates a number of specific policies relating to the provision of rainwater tanks in association with new dwellings and dwelling extensions. There is concern that the proposed new policies do not provide sufficient detail to get the performance outcomes that Council are seeking under the current policies.

Council have been advised that provisions relating to Car Parking funds established under the Development Act are to remain under the Planning Development and Infrastructure (PDI) Act. These provisions include specific policies and Concept Plans, contained within Council’s Development Plan. These unique policies have been removed under the Planning and Design Code and it is unclear how Car Parking funds are to be managed under the PDI Act.
5. CONCEPT PLANS TO BE RETAINED:

5.1 Concept Plan Map MuBr/1 – General Industry Zone
5.2 Concept Plan Map MuBr/2 – General Industry Zone
5.3 Concept Plan Map MuBr/3 – Monarto South
5.4 Concept Plan Map MuBr/4 – Motor Sport Facility and Organic Composting Buffer Zone
5.5 Concept Plan Map MuBr/5 – Recreation Zone
5.6 Concept Plan Map MuBr/7 – Residential
5.7 Concept Plan Map MuBr/9 – East Side
5.8 Concept Plan Map MuBr/10 – Country Township Zone
5.9 Concept Plan Map MuBr/11 – River Murray Settlement Zone
5.10 Concept Plan Map MuBr/12 – River Murray Settlement Zone
5.11 Concept Plan Map MuBr/13 – Hindmarsh Road
5.12 Concept Plan Map MuBr/14 – Equine Recreation
5.13 Concept Plan Map MuBr/15 – Southern Area Residential
5.14 Concept Plan Map MuBr/19 – Allied Food Industry – Value Adding (Flagstaff Road)
5.15 Concept Plan Map MuBr/20 – Rural Living (Swanport)

6. SHACK SETTLEMENT AREAS

6.1 Zone Map MuBr/49 – Enlargement – identifying existing shack settlement areas know as Sunnyside.
BRINKLEY ROAD POLICY AREA 1

GENERAL INDUSTRY ZONE

Industrial Park
Stone Extraction and Progressive Waste Disposal
Landscape Buffer
Access Road
Direction of Extraction Process and Progressive Rehabilitation
Concept Plan Boundary

Concept Plan Map MuBr/2

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MURRAY BRIDGE - PRIMARY PRODUCTION

Concept Plan Map MuBr/4

MOTOR SPORT FACILITY AND ORGANIC COMPOSTING BUFFER ZONE

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Public Lookout Area
Precinct 6 Quarry and Riverfront
Low to Medium Residential Density
Wetlands / Open Space / Recreation
Old Quarry Site
Pedestrian and Open Space Corridors
Internal Road Network
Access Points
Cycle Link
Connector Road
Boundary of Narooma Policy Area

Concept Plan Map MuBr/7
RESIDENTIAL
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Concept Plan Map MuBr/10
COUNTRY TOWNSHIP ZONE

Minimum 1200m² residential allotments
Minimum 3000m² residential allotments
Minimum 1200m² residential allotments
Minimum 5000m² residential allotments
Open Space / Parklands Reserve
Cliff Face Protection Area (No Buildings or Structures)
Landscape / Buffer (50 metres)
Possible Pedestrian Access
Preferred New Road Access
Controlled Access
Storm Water Detention
Land Marks
Concept Plan Boundary
Concept Plan Map MuBr/11
RIVER MURRAY SETTLEMENT ZONE
MURRAY BRIDGE COUNCIL
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