Dear Mr Lennon

Planning and Design Code

We refer to the release of the Planning and Design Code (the Code) by the State Planning Commission (the Commission), for public consultation.

This submission has been ratified by the full Port Pirie Regional Council (attached) and is outlined under the following headings. In providing this submission Council advises that we are anticipating to submit further detailed submission(s) within the consultation period.

1. Code zones

Employment Zone

The Code Map Viewer must be updated to reflect the recent rezoning of land at Abattoir Road, Port Pirie, to an Industry Zone, through the recent authorisation of the Abattoir Road DPA.

Nyrstar Port Pirie Smelter

We refer to our earlier submission to the Commission of 8 November 2019 on the Code as it relates to the Nyrstar Port Pirie Smelter.

As per our earlier submission, Policy Area 4 of the Industry Zone in the Development Plan incorporates the Nyrstar Port Pirie Smelter and government owned land – as you are aware, the Nyrstar Smelter is one of the world's largest primary lead smelting facilities and the third largest silver producer. The redevelopment of the facility involves the conversion operations into an advanced metal recovery and refining facility enabling the facility to process a wider range of high margin feed materials, including internal zinc smelter residues and concentrates.
As per our earlier submission, Council seeks that the current recognition of Policy Area 4 needs to transfer into the Code. This will ensure that the current recognition and importance of the Policy Area is retained, especially considering the significance of the land and asset to the region, the State and the Nation.

In addition we also question:

1. Why Special Industry is not listed as an envisaged land use activity in the Employment Zone with corresponding guiding policy.
2. Why the Employment Zone treats Industry as Restricted given the intent of the Zone is aimed at facilitating promoting jobs.

Rural Zone

Envisaged development

DTS/DPF 1.1 should be amended to include a wider list of envisaged uses and associated performance assessed criteria so that appropriate land uses are not inadvertently overlooked. Some land uses which are not contained within this provision but should be included are wind farm, waste facility, stock slaughter works/abattoir, renewable energy facilities, workers accommodation and caretaker dwellings.

At the same time, it is important to preserve the natural character of the current Rural Landscape Protection Zone. Therefore additional limitations on development types that are discouraged within the current Development Plan Zone policies should be considered, for instance dwellings, light industry, fuel depot, general industry, mining and land division where additional allotments will be created. Additionally, for the reason mentioned above, development types like farming, solar photovoltaic panels (ground mounted) and horticulture should be excluded from the Accepted and Deemed-To-Satisfy Development Classifications for sites located within the Significant Landscape Protection Overlay.

Council also requests that Principle 13 of the Primary Production Zone of the Port Pirie Regional Council be entered as a Technical and Numeric Variation, so that development of land situated between National Highway 1 and the Significant Landscape Protection Overlay are designed and sited to ensure the natural view of the ranges is not impaired.

Greenhouses

DTS/DPF 3.1 limits a greenhouse to 250 square metres.

Commercial greenhouse developments are usually considerably larger than 250 square metres.

We seek that there be no floor area limit on the size of greenhouses, and each case be considered on a performance basis – this is the approach stated in the Rural Horticulture Zone, and we see no valid reason to apply a different criteria/approach in the Rural Zone.
Rural Industry
DTS/DPF 4.1 limits industry, storage, warehousing and transport distribution activities to a floor area of 250 square metres. The floor area size is considered problematic and not realistic for rural/agricultural areas.

Council strongly suggests there is no floor area limit or the current size be increased and that some consideration be given to having separate Deemed to Satisfy and Performance Assessed criteria for floor areas.

Tourist accommodation
DTS/DPF 6.3 outlines a 100 square metre limit for tourist accommodation - this should be revisited as it will limit the ability for large scale tourism development, innovation in design and developments where more than one type of tourist accommodation facility is proposed.

Further, the phrase “in relation to the area used for accommodation” is not entirely clear. Whilst we read it as being the total area used for guest rooms, it could be interpreted more broadly. The phrase may also lead to confusion in developments that propose more than one form of tourist accommodation – for instance, a development that contains hotel-style rooms together with detached, self-contained tourist accommodation buildings. We recommend that this provision be reviewed and amended so that it is entirely clear and does not inadvertently discourage tourism development.

Agricultural buildings
DTS/DPF 12.1 outlines a total floor area limit of 250 square metres and minimum allotment size of 10 hectares – this provision may result in acceptable, performance assessed buildings being refused.

In the context of rural/agricultural farms needing very large machinery sheds, shearing sheds, hay sheds and the like, a 250 square metre policy is not realistic and must be altered. Council suggests there be no floor area limit on the size of agricultural buildings.

Wind farms
The Code places the current Rural Landscape Protection Zone of the Development Plan into a Rural Zone, with an overarching Significant Landscape Protection Overlay.

We note that in the Rural Zone, a wind farm would be treated as a Restricted form of development in the area of the Significant Landscape Protection Overlay - we support that approach.

We also note that the policy within the Significant Landscape Protection Overlay states that renewable energy facilities are not to be undertaken – we also support this approach.

However, we do raise concern with some other parts of the Flinders Ranges (being the area to our north in the Mount Remarkable Council) that are within a Conservation Zone in relation to how the policy in that zone is confusingly drafted. That is, in the Conservation Zone, Renewable Energy Facilities are to be Performance Assessed, they are an envisaged form of development, yet the Significant Landscape Overlay says they are not envisaged – the Significant Landscape Protection...
Protection Overlay is also not referenced in the Restricted table of the Conservation Zone (like it is in the Rural Zone) which adds further confusion and inconsistency of approach. The inconsistency of approach is further illustrated when it comes to the area of the Flinders Ranges to the west of Quorn (out of councils) in the Conservation Zone – it this case, the Significant Landscape Protection Overlay does not apply at all. We would doubt the Commission intended to envisage potential for wind farms in the Conservation Zone, or to have an inconsistent approach across the same zone in the same geographic locations, and request that these items are reviewed as a matter of import.

What has been iterated by council to the department and is being reiterated here is that the primary concern of council and the community is to ensure that the current provisions for the current Rural Landscape Protection Zone that extend over the Flinders Ranges proper are fully reflected in the Code, along with the extra policy restrictions embedded into the Significant Landscape Protection Overlay.

Solar farms
The DTS/DPF 9.2 provision in the Rural Zone refers to a “panel” size of 80 square metres per structure. It is unclear what this descriptor means and it’s relevance is questioned. It is suggested that more clarity on what is envisaged is provided and further offered that DPTI consider whether a definitive panel size needs to be stipulated at all.

Rural Living Zone
We ask the Commission to thoroughly audit the locational specific land division policy for Rural Living Zones to ensure it is correctly transferred into the Code through the Technical and Numeric Variation data layers – Council has had much difficulty in reviewing such due to issues with the SA Map Viewer with the Pin Tool not recognising selected properties.

General matters
There is a drafting error in the Notification Table of the Suburban Employment Zone, with no exceptions listed as prompted by the drop down points.

We ask that there be a more practical approach to Notification requirements in rural and regional areas. Firstly, we note that in the notification tables for Zones, Performance Assessed development where “the site of the development is adjacent to land in a different zone” must be notified. This appears to be an overly onerous requirement where the proposed development adjoins a similar use or is of a lesser intensity than a development it abuts - we ask that appropriate exclusions to the notification “trigger” should be considered to avoid needless notification.

Secondly, the need or placement of Notification Signs on land in rural areas is not practical or sensible and that requirement needs to be altered/refined.

The balance between what is Restricted Development and what is Performance Assessed in zones is out of kilter – there is often little policy guidance (or a silence) to assess what may be a poor project in a particular zone, where the refusal of such is likely to lead to a higher number of appeals, and confusion and indecision with the Courts and authorities on interpretation.
2. Overlays

Historic Area Statements with the Historic Area Overlay

We refer to your letter of 25 October 2019 on the above heading.

In our response we noted that the Commission proposes to prepare Historic Area Statements to help clearly identify and articulate the key historic characteristics and elements of importance in our Historic Area Overlay areas, being those at Port Pirie (Ellen Street) and Crystal Brook (Bowman Street).

Council looks forward to continuing engagement on this matter and providing input into the statements that are currently being reviewed.

3. Deemed to Satisfy versus Designated Performance Function criteria

We question the use of Deemed to Satisfy criteria for Performance Assessment developments, via use of the same Designated Performance Feature.

The manner in which Deemed to Satisfy criteria is expressed could lead to Performance Assessed development applications being refused due to a lack of guidance as to what variations from Deemed to Satisfy criteria are and are not appropriate in a Performance Assessment.

4. Definitions

Ancillary accommodation

We support the inclusion of the new definition for Ancillary Accommodation in the Code, so as to provide greater clarity on defining housing options for 'granny flats' and dependant accommodation.

However, we do not support the definition restricting ancillary accommodation not having more than 1 bedroom or room or area capable of being used as a bedroom – this is simply not a practical or reasonable proposition, for instance, a family member (aging in place) may wish to have an ancillary study/sewing room and/or guest room for grandchildren or visitors.

The definition should be amended to say not more than 2 bedrooms.

Tourist accommodation

We support the new definition of Tourist Accommodation in the Code – however, there is opportunity for the Code to provide clearer land use definition and policy guidance where boutique style tourist accommodation is envisaged, so as to avoid confusion where such development often has a similar form to a dwelling in coastal, rural and landscape/scenic settings.

5. Need for audit

We urge the Commission to undertake a thorough audit of the Code before it goes live.

It is far too important and poses serious risks if the Commission allows the system to go live in the absence of thorough road testing - the Commission needs to allocate more time to testing, verification and running in of the new system in a safe 'non-live' or 'testing environment'.

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Likewise the Commission is strongly urged to allocate more time towards the equally critical task of road-testing a draft Portal, and to allow more lead time for the training and education of users of the Portal, that being the community, businesses, councils and agencies.

As stated at the commencement of this response we reserve our ability to make further submission(s) on the Code if/as we further review the Code and determine any supplementary comments to provide.

Yours sincerely

Grant McKenzie
Director, Development and Regulation
8.0 QUESTIONS WITHOUT NOTICE: Nil

9.0 DELEGATIONS/INTERVIEWS:
9.1 Port Pirie Golf Club
Port Pirie Golf Club representatives Grant Norton, Ralph Johnson and Jim Bell presented their position on the future development of the Golf Club.

OM4/20 MOVED Cr Jackson SECONDED Cr Hopgood
That a report be prepared and presented to Council to assess the viability of the Port Pirie Golf Club’s proposal for Council funding assistance.
CARRIED

10.0 NOTICE OF MOTION: Nil

11.0 MOTION WITHOUT NOTICE: Nil

12.0 COUNCIL COMMITTEES: Nil

13.0 PETITIONS: Nil

14.0 MATTERS LAYING ON THE TABLE: Nil

15.0 OFFICERS’ RECOMMENDATION REPORTS:
15.1 CHIEF EXECUTIVE OFFICER

OM5/20 MOVED Cr Wilson SECONDED Cr Hopgood
That the Chief Executive Officer’s recommendation report be received.
CARRIED

Crs Connor, Keain and Zubrinich declared an interest in item 15.1.1 (refer to 5.1-5.3) and left the meeting at 7.23pm.

15.1.1 Elected Member Leadership Forum

OM6/20 MOVED Cr Hopgood SECONDED Cr Wilson
That Council authorise Councillors Connor, Keain and Zubrinich to attend the Local Government Association Elected Member Leadership Forum being held in Adelaide on 17 February 2020, noting that funds from the Elected Member Travel & Accommodation budget will be utilised to cover the shortfall of funds available in Elected Member Training & Conferences budget which is consistent with the Budget Framework Policy.
CARRIED

Crs Connor, Keain and Zubrinich returned to the meeting at 7.26pm.

15.2 DEVELOPMENT & REGULATION

OM7/20 MOVED Cr Hopgood SECONDED Cr Zubrinich
That the Director Development & Regulation’s recommendation report be received.
CARRIED

15.2.1 Planning and Design Code – Submission

OM8/20 MOVED Cr Hopgood SECONDED Cr Wilson
1. That Council endorse the attached submission on the Planning and Design Code to be sent to the State Planning Commission.
15.0 OFFICERS' RECOMMENDATION REPORTS: (Cont’d)

15.2 DEVELOPMENT & REGULATION (Cont’d)

15.2.1 Planning and Design Code – Submission (Cont’d)

2. That Council authorise the Director Development & Regulation to make any minor amendments to the submission if considered to be necessary, noting that any such amendments will be subsequently reported to Council at the next available Ordinary Meeting.

CARRIED

15.3 INFRASTRUCTURE

MOVED Cr Hopgood SECONDED Cr Gulin

OM9/20 That the Director Infrastructure’s recommendation reports be received.

CARRIED

15.3.1 Former Railway Land on Gadd Avenue, Crystal Brook

MOVED Cr Wilson SECONDED Cr Gulin

OM10/20 That Council acknowledge the enquiry from DPTI to take on the former railway land for beautification/community purposes and decline the offer.

CARRIED

15.3.2 Riverbank Precinct Master Plan Development

MOVED Cr Hopgood SECONDED Cr Wilson

OM11/20 That Council acknowledge the preparation of a Master Plan for the Riverbank Precinct is identified in the Three Year Business Plan and endorse the proposed program for development of the draft Master Plan.

That Council authorise Mayor Stephens and Councillors Jackson, Connor and Zubrinich to be asked to provide input to the public consultation activities and to be consulted with as matters arise during the development of the Riverbank Precinct Master Plan.

The Chief Executive Officer be authorised to release the community survey regarding the Riverbank Precinct.

CARRIED

15.4 CORPORATE & COMMUNITY

MOVED Cr Hopgood SECONDED Cr Wilson

OM12/20 That the Director Corporate & Community’s recommendation reports be received.

CARRIED

15.4.1 Monthly Financial Report to 31 December 2019

MOVED Cr Gadaleta SECONDED Cr Keain

OM13/20 That the monthly Financial Report for the period to 31 December 2019 for the financial year 2019/2020 be received, showing that the current year to date performance in comparison to the current budget for operating and capital income and expenses, with all budget variances are within acceptable limits.

CARRIED

15.4.2 Governance Policy Review 2020

Cr Gadaleta left the meeting at 8.00pm and returned at 8.03pm.