28 February 2020

Michael Lennon
Chairperson, State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

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. Council's submission is outlined under the headings below.

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 (TNV), 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.

Further to the above, the Code policy seems a backward step in relation to our current Development Plan which treats farm buildings as complying – in fact, today we approved quite a simple 1000sqm farm shed on a large farm holding, whereas under the new Code the policy approach will confuse people.

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.

Council is aware other parts of the Flinders Ranges (the area to our north in the Mount Remarkable Council) have a current Rural Landscape Protection Zone which is designated as Conservation Zone. Therefore, we ask the equivalent Rural Landscape Protection Zone be implemented in the Code as Conservation Zone with the Significant Landscape Protection Overlay.

However, the Council raise concern with how the policy in Mount Remarkable Council’s Conservation Zone is currently 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 Protection Overlay says they are not envisaged - the Significant Landscape 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 council’s) in the Conservation Zone - in 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 importance. Therefore, we ask that wind farms be identified as Restricted development within the Conservation Zone.

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.

Suburban Neighbourhood Zone
Renaming of the Zone Title
The Port Pirie community provided feedback that the title Suburban Neighbourhood Zone in the Code is confusing in relation to the primary intent of the zone. It is suggested the title be amended to include the word ‘residential’ in order to provide a clearer explanation of the zone’s purpose.
Land Division – Technical and Numerical Variation

Within the Land Division general policy there is no standard allotment widths or area for group dwellings and residential flat building. The Council requests that a TNV be added for both group dwellings and residential flat building consistent with Council’s current row dwelling criteria of 300 square metres in site area and 10 metre allotment widths.

Further, the zone comprises residential allotments that are unable to connect to a community waste water disposal system, and therefore we ask that an additional TNV is adopted to ensure that any future division of allotments, where an onsite wastewater treatment system is required, have a minimum site area criterion to increase the area by 250 square metres. This will ensure sufficient provision is provided for a waste water system that meets relevant guidelines.

Accepted Development Classification Criteria

The below are suggestions relating to the criteria policy for Accepted Development.

a. Internal building work - Policy 2 states “There will be no alteration to the external appearance of the building.” Council suggests a change in policy to allow for building external alterations of an insignificant degree.

b. Outbuilding (not being a garage) - Policy 28 states “Side boundary setbacks – at least 900mm from the boundary of the allotment.” The Council considers Policy 28 inconsistent with Policy 32 which allows structures on boundaries. We suggest any perceived contradiction be rectified.

c. Verandah – while Policy 22 supports structures with a maximum boundary length of 10 metres, it is suggested a boundary site length maximum by means of a percentage of the lot depth be added to ensure consistency with other forms of domestic structures presented within this classification.

Deemed-to-Satisfy (DTS) Development Classification

The Council have identified anomalies throughout the Code Zone for DTS with regard to terms of policy numbering, these are detailed below. Also, it is suggested these anomalies be reviewed across all zones prior to implementation of the Code.

a. Carport / Outbuilding / Verandah
- The General Development Policies column of the DTS table refer to Design in Urban Areas [All Residential Development – Ancillary Development] DTS 17.1 and 17.2 – DTS 17.1 refers to residential accommodation found under the heading Flooding and DTS 17.2 is non existent, therefore we consider reference should be made to DTS 16.1 and 16.2. Further, in relation to DTS 16.2(C) there is a specification to a maximum roofed floor area of 60 square metres – we consider such a low floor area inconsistent with the Council’s current and future direction for ancillary residential development within the region which promotes the combined maximum floor area of all ancillary buildings on a site to be 72 square metres or 10 percent of the site area, whichever is the greater. Therefore, we request the underlined be included as a Technical and Numerical Variation to all properties within this zone.
- The General Development Policies column of the DTS table refers to *Design in Urban Areas [All Residential Development – 3 Building Levels or Less – External Appearance]* PO 19.1 – we cannot find this policy within the relevant heading, and therefore consider reference should be given to PO 18.1.

b. **Dwelling Addition**
- The General Development Policies column of the DTS table refers to *Design in Urban Areas [All Residential Development – External Appearance]* DTS 14.1 "Each dwelling with a frontage to a public street includes at least one window with a total window area of at least 2m² facing the primary street, from a habitable room that has a minimum room dimension of 2.7m." – we suggest the policy should express the type of dimension referenced.
- The General Development Policies column of the DTS table refers to *Design in Urban Areas [All Residential Development – 3 Building Levels or Less – External Appearance]* DTS 19.1, 19.2 and 19.3 – we cannot find these policies within the relevant heading, and therefore consider reference should most likely be given to DTS 18.1, 18.2 and 18.3.

c. **Detached Dwelling (not being in a Battle-axe arrangement)**
- The General Development Policies column of the DTS table refers to *Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Car Parking and Manoeuvrability]* DTS 24.1, 24.2, 24.3, 24.4, 24.5 and 24.6 – Policies cannot be found under heading and therefore we consider reference should be given to 23.1, 23.2, 23.3, 23.4, 23.5 and 23.6.
- The General Development Policies column of the DTS table refers to *Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Waste Storage]* DTS 25.1 – DTS 25.1 refers to the *Design of Transportable Dwellings*, therefore Council suggest that numbering be amended to refer to DTS 24.1.

**Applicable Policies for Performance Assessed Development**

a. **Consulting Room / Office / Preschool**
- The General Development Policies column of the DTS table refers to *Design in Urban Areas [Water Sensitive Design]* PO 42.1 and 42.3 – we cannot find this policy under the relevant heading, and we suggest that provisions are most likely referencing PO 41.1 and 41.3.

b. **Semi-detached Dwelling**
- Numbering anomalies found in the General Development Policies column of the DTS table which refers to Design in Urban Areas. We suggest you review numbering for subheadings Flooding, 3 Building Levels or Less - External Appearance, Overlooking/Visual Privacy, Private Open Space, Landscaping, Water Sensitive Design, Car Parking and Manoeuvrability and Waste Storage

c. **Shop**
- The General Development Policies column of the DTS table refers to *Design in Urban Areas [Water Sensitive Design]* PO 42.1 and 42.3 – we cannot find these policies and suggest further investigation be given into identifying relevant policies.
Assessment Provisions

Under Assessment Provisions, heading *Primary Street Setback*, policy DTS/DPF 4.1(C) there is a specification for an 8 metre set back from the primary road boundary. This is inconsistent with Council’s current and future policy direction to allow for a 6 metre set back. We ask the Commission to implement a Technical and Numerical Variation so Council can retain its desired existing set back requirement.

Suburban Activity Centre Zone

The commercial facility located at 278 Senate Road, Risdon Park has been established for about two decades with an anomaly where the majority of the building failed to be accurately encapsulated within the relevant commercial zone boundaries. Therefore, we ask that this matter be amended within the Code to ensure the building be accurately zoned from Suburban Neighborhood to Suburban Activity Centre. Refer to the below map for reference.

![Map showing Suburban Activity Zone and Commercial facility located within the Suburban Neighborhood Zone](image)

Urban Activity Centre Zone

Zoning Change from Community Facilities Zone to Urban Activity Zone

Given the parallel zone to the current Regional Centre Zone of the Council’s Development Plan is Urban Activity Centre Zone, we ask all allotments within the current Regional Centre Zone boundaries be accurately overlayed to the zone name Urban Activity Centre. The area designated for rezoning has been outlined in the below map.

Zoning Change from Suburban Employment Zone to Urban Activity Zone

The Suburban Employment Zone identifies a shop that has a gross leasable floor area greater than 1000 square metres as Restricted Development. Land south of Grey Terrace of the Port Pirie City (currently zoned Commercial) contains a shopping centre with a floor area of over 12,000 square metres, a restaurant, SA Metro Fire Service Facility and broadcasting...
facility. As such, it is considered the allotments are better suited within the Urban Activity Centre Zone and not the Suburban Employment Zone.

It is noted that throughout the Suburban Employment Zone located south of Grey Terrace, there exist shops with a gross leasable floor area of greater than 1000 square metres.

Rural Living Zone

ePlanning Mapping Tool

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.

Assessment Provisions

Built Form and Character DTS/DPF 2.1 requests that dwellings are setback from all allotment boundaries by at least 15 metres. It should be noted that a large portion of allotments zoned Rural Living with the Council have allotment widths and frontages which
would prevent them from achieving this requirement. Therefore, we suggest this measure be lowered.

Likewise, *Built Form and Character DTS/DPF 2.2(b)* requests a setback of 25 metres from a side boundary. It is for the same reason above, that consideration should be given to allowing smaller allotment frontages and widths. Alternatively, providing a separation distance from neighbouring dwellings/structures may be considered.

Further, *Built Form and Character DTS/DPF 2.5(b)* requests a floor area maximum of 100 square metres – this policy is inconsistent with Council direction which allows a floor area of 135 square metres – Council wishes to retain a minimum floor area of 135 square metres or greater.

2. **Overlays**

**Building Near Airfields Overlay**

The Building Near Airfields Overlay engulfs the majority of the Port Pirie City and therefore makes certain development listed as Accepted Development and DTS redundant in certain zones where the overlay exclusion applies. Therefore, it is suggested additional caveats be attached to the overlay to achieve its intended purpose without limiting assessment processes of the above classifications. See below map.

**Native Vegetation Overlay**

The Native Vegetation Overlay engulfs the whole Council. As previously mentioned, this places limitations on assessment classifications and therefore it is suggested that specifications be placed on the overlay exclusion column for Accepted and DTS Development Classifications.
Strategic Infrastructure Gas Pipeline Overlay

Strategic Infrastructure Gas Pipeline Overlay DTS/DPF 2.1(d) restricts the use of industry within the overlay. The Council has identified the overlay stretches into underutilised lands zoned Industrial (now named Employment Zone). It is suggested the land use restriction be removed, as outlined below.

Hazards (Bushfire – General Risk) Overlay

Residential allotments within the relatively recent residential estate of Peterson Circuit Risdon Park contains the Hazards (Bushfire – General Risk) Overlay. As this is no longer vacant land this overlay needs to be removed to reflect the establishment of a residential estate. This shown in the map below.
Local Heritage Place Overlay

In Port Pirie the 11 Inland Aircraft Fuel Depot (13568) (off Magor Road) is shown as a Local Heritage Place Overlay and is referenced in Part 6.1 Local Heritage Places. The aircraft fuel depot was removed in accordance with development approval that was issued in 2012. Therefore, we ask that your remove the site from the heritage listing and overlay.

3. General Development Policies

Design in Urban Areas [All Residential Development – 3 Building Levels or Less – Landscaping] DTS/DPF 22.1 of General Development Policies requests retention rainwater tanks be connected to all toilets and either the laundry cold water or hot water service. In Port Pirie, there is a high risk of lead contamination in tank rainwater and this would not be suitable for connection to laundry systems or hot water service. This is particularly relevant to vulnerable groups within the community, such as pregnant or breastfeeding women, the elderly and young children. Therefore, we ask that uses for rainwater captured onsite (in Port Pirie) should be restricted from connection to laundry cold water or hot water service.

4. General Matters

Notification

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 and needless reporting to a CAP as the relevant authority for notified DA’s.

We also question why dwellings in the Rural Zone would need to be notified, given that farm based dwellings in a rural context are envisaged, are innocuous in nature, have negligible impact and are minor in nature – not only is Notification an overly onerous requirement for such, it would also trigger needless reporting to a CAP as the relevant authority for notified DA’s.

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.

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.

ePlannning Mapping Layers
Given the current mapping layers are represented in colour, any overlapping layers make it unclear to read. It is suggested that patterns/textures, transparency and shape outlines be considered as options to help distinguish multiple layers.

The Council also request that a layer be added showing existing SA Water sewer mains to assist with the assessment of Code policy which requests development not encroach on a sewerage or waste control system.

5. 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.

6. 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’.
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 – we need to be advised ASAP by DPTI of the related early release of the Portal, training dates for such, and likewise for significant lead time on an authorised Code.

Yours sincerely,

Grant McKenzie
DIRECTOR, DEVELOPMENT & REGULATION