

Simon Channon **Summary of issues and further comment re Wudinna DC Submission to Planning and Design Code**

Council's submission includes a review relevant overlays and Technical and Numeric Variations in the first section with comments. The next section includes the zones and how they relate to the current plan.

In summary, while a number of zones have similar provisions to the current development plan, there are notable differences in the new system. Many new provisions relate to a range of development types particularly in residential zones where I believe the assessment process will be more arduous and time consuming. While the new system will be assisted by an on-line mapping tool, there are many more assessment criteria and it will be interesting to see if people will attempt to meet these criteria, or simply leave it the assessment process to council. Whichever way this pans out, Councils will still have to determine where a "deemed to satisfy" application does meet the relevant criteria within a tightened time frame. So in effect, the new system poses more onerous and thorough assessment criteria, but gives councils much less time to ensure they are met. This is perhaps not a good recipe for an improvement in planning outcomes.

In all, I believe that in attempting to make the system generic, much more development will fall into a grey area requiring full assessment whereas previously. Individual council plans made contingency and provided policy guidance. This may not have been the intention when the new system was conceived. Again this has resourcing implications for local government.

For Wudinna specifically, I note that local policy related to building heights in the Industry Zone by means of a specific overlay is retained. Other specific policy such as lot sizes in residential zone, rural living zones and frontage in residential zones are retained by means of technical and numeric variations. I am assuming these are carried over as there is the mechanism to do so, but as the values are not easy to find, I am unsure of the specifics. Size limits on shed are not carried over. This could be done it appears by means of a Technical and Numeric variation.

It appears that Concept Plan Wud/2 which has been omitted. There appears to be a mechanism for the implementation of concept plans, so it appears this one has been left out by mistake, or design. This should be retained as it is important for the suitable development of the zone. Relevant policies which assist in the implementation of the Concept plan should also be retained.

The mixed use zone changes in intent somewhat and a currently accepted use; motor repair station, becomes restricted. The majority of other development is subject to full assessment.

I have made a number of comments concerning native vegetation and the application of the overlay in rural areas. This effectively removes all development from the "Accepted" category in urban zones outside the metro area and put it into the "Deemed to Satisfy" or "Code Assessed" category with correspondingly greater workloads. As I have noted, onus for implementation of the NV Act has shifted onto Councils which do not have the required expertise.

Other overlays which apply to Wudinna DC are noted. One is a Significant Vegetation Overlay for which I have not been able to find corresponding policy in the P and D code. The other is a Water Resources Overlay. The definition of this area appears arbitrary and it may be difficult to implement in practice. It has consequences for different types of rural development where impact upon the water resources may occur.

There are many errors in the material we have been presented and no doubt more will be discovered once we move into implementation. Also the process of attempting to review the Code is especially tedious without the working mapping tool and access to all the relevant information. There should be a means of easily correcting errors or making fine tuning adjustments to the Code, without having to go through a full amendment process.

Stewart Payne RPIA

Wudinna Transition Table with comments

Current Development Plan Zone	Current Development Plan Precinct	Planning & Design Code Zone	Planning & Design Code Subzone	Key Relevant Overlays	Technical and Numeric Variations	Comments
Review of relevant Overlays and Technical and Numeric Variations (a means of applying locally relevant numeric policy values to individual Council areas)						
						<p>General Comment:                      Note that it is tedious to attempt to find how the new system is different from the old in terms of assessment, as the current arrangement of zone policies, overlays, general requirements and numerical and technical variations all must be referenced. Trying to compare old and new policies without a working mapping tool and various missing elements has resulted in an incomplete re view of the new system.                      Undertaking consultation on this basis where there are many new criteria for assessment which have not been highlighted, leaving it for Councils to individually discover new policy or where existing policy has been omitted, is unsatisfactory and not consistent with the Community Engagement Charter. The general public would generally have no idea of what is contained within the new system and holding a poorly advertised public meeting to allow for comment is not consistent with the tenets of meaningful engagement.</p>
				Native vegetation		<p>As with all areas of the state outside Metro Adelaide, all Accepted Development in urban zones is subject to the Native Vegetation overlay. This effectively removes any development from the Accepted class except internal modifications , Solar PVs and demolition.                      Thus all urban development in rural areas is “Deemed to Satisfy” or “Performance Assessed”. Generally all Deemed to Satisfy devt requires compliance with Native Veg overlay DTS 1.1. DTS 1.1 requires a declaration from the applicant stating proposal will not involve clearance of native veg or that clearance is subject to exemptions.                      Otherwise a report under Reg 18(2)(a) ie native veg clearance report prepared by an approved person must be provided.                      Performance assessed devt calls up all NV overlay provisions for assessment.                      In particular PO 1.1 and 1.2.                      PO 1.1 allows Council to determine if devt avoids or results in only minimal NV clearance. In the majority of cases, this would apply in Wudinna.                      However where NV is present, Council must determine the impact. PO 1.2 refers to types of vegetation to be cleared but is poorly worded and difficult to interpret. It generally would be outside the expertise of a Council planner doing assessment to make these determinations.                      Comment:                      Where NV clearance would occur due to devt, the onus for requiring compliance with NV legislation now rests with local councils as it is linked to the DA process. Previously, approval for clearance was a separate process under the Native Vegetation Act.                      The matter of there being no Accepted Development class within non-metro areas is perhaps an unintended consequence of the blanket application of the NV overlay. As this does not apply to the Rural Zone is appears an oversight.                      It would be preferable to exclude towns and zoned urban areas from the NV overlay or otherwise revise the wording to remove the blanket application of the NV overlay.</p>

				Bushfire Regional		This applies to the entire Council area except for limited existing built up areas of Wudinna, and some smaller settlements. Overlay intends to provide suitable access to firefighting vehicles and to locate building to minimise threat of bushfires. Affects deemed to satisfy development in many zones. Similar to some bushfire provisions in Development Plan.
				Aircraft Building Heights (Regulated)		This overlay implements existing Concept Plan Wud/1 Airport Building Heights into the P and D code. The colours of the overlay are very close together and difficult to read, however this might change with the on line version of the code which is likely to have the numerical values associated with the colours. It is assumed they all correlate with the current plan. The overlay is called up in assessment of development in the Employment Zone and Business Neighbourhood Zone (old Industry Zone and Mixed Use Zone) which is where it currently applies in the Development Plan. However, two types of development listed as accepted in the Employment Zone which may occur in the current "no structures" area; tanks and shade sails, do not reference Airport Building Heights (Regulated) Overlay. This should be amended as any structure in this area may impact the flight path.
				State significant vegetation overlay		Affects some Rural Zone land. Can't find any policies related to this overlay in the Code. This appears to be an omission from the Code.
				Water Resources overlay		Affects areas comprising "Lake Yaninee" and generally a band of land southwest of the Eyre Highway from Wudinna to north of Waramboo. Not sure how these areas are defined or the base data they rely upon. The mapping provided would not be exact and there would be no distinguishing ground features which delineate the areas affected. The overlay policies were not included in the Wudinna policy set. Overlay in overall P and D code has a range of policies affecting development and has referral requirements for a number of development types.
				Building near airfields overlay		Covers an area 6.5-7km from the Wudinna Airport. Overlay policies not included with Wudinna policy set P and D code refers to outdoor lighting, bird attracting activities. Restricts the following relevant activities where an airport has commercial or military flights (not currently affecting Wudinna) b. horticulture; c. intensive animal husbandry; d. showground; e. waste management facility; f. waste transfer station; Has some consequence if the airport starts operating commercial flights.
					Maximum Building Height and Maximum stories	Max bld height and building height (stories) affects residential land northwest of Highway in Wudinna. Not able to tell what the height restrictions and no. of stories are as numerical and technical overlay values are not provided in consultation material. There does not appear to be existing building height restrictions in current Wudinna Plan. Query as to requirement for additional policy.
					Minimum Lot Size	Affects Rural Living land and residential zoned land in Wudinna. Values have not been provided so they can't be checked. Currently Res zone requires allotments to be minimum of 800m. RL zone required a minimum allotment size of 1 hectare but an average allotment size of 2.5h over a whole plan of division excluding road. Not able to tell if this is carried over.
					Minimum frontage size	A minimum frontage size Technical and Numeric variation affects the Residential Zone. This is 15m in the plan. Unable to confirm the value at the moment. There is not minimum frontage size variation for the RL Zone notwithstanding there is a 50m frontage requirement in the current plan. There should be a TNV for the RL zone to pick up this frontage requirement.

Review of Zone with comments as to policy consistency						
Airfield		Infrastructure (Airfield)				Relatively similar to existing zone. Most development subject to code assessment. Oddly, no airfield or aerodrome related uses are accepted or deemed to satisfy.
Bulk Handling		Employment (Bulk Handling)				Most development performance assessed. Current situation is largely carried over.
Commercial		Suburban Employment				Fairly consistent with current policies although zone become essentially light industry rather than commercial. Similar zone intent. (See comments below re employment zone) Note shop restriction is lifted from 250m2 maximum to 1000m2. As very few shops in rural areas are over 1000m2 there is realistically no restriction on shops in employments zones. May well have impact on town centre zones
Community		Community Facilities				Most development is performance assessed – same as current situation.
Conservation		Conservation				Similar to existing.
Deferred Urban		Deferred Urban				Similar to existing.
Industry		Employment				Covers the Wudinna Industry Zone Some development is designated Cat 1 for notification per Schedule 9 including petrol filling station, warehouse, store, timber yards, service industry, light industry, motor repair station, general industry. This exemption from notification is generally carried over with exception of devt adjacent to different zone, and some other forms of development. All other development is performance assessed. Appears to be an error in the Restricted Devt list which includes Industry with the Exception of Special Industry. Ie Industry is restricted devt except where it is special industry. Should read that Special Industry is restricted devt. Note that shops up to 1000m2 are allowed for in the Employment Zone whereas previously shops over 60m2 were non-complying. This may have an impact upon the viability of centre zones by encouraging the relocation of existing shops to potentially cheaper land. Many additional assessment criteria in comparison with existing policy. The concept plan in the recent amendment is not carried over to the new plan and there is no policy vehicle it appears to implement a concept plan. This is a major omission from existing policy.
Mixed Use		Business Neighbourhood				Generally the intent of this zone has changed as there is probably no good fit with the existing zone in the P and D code. There is more emphasis on residential, office and shop development, whereas previous zone envisaged light industry, commercial as well. However, most uses would be subject to merit assessment under the current policy as will be the case with the Code. No real change in practice. A major change is that Motor Repair Station now a Restricted Use whereas it was previously an envisaged use in the MU Zone. An anomaly is the restriction to 500m2 for shops whereas employment zones can have shops up to 1000m2. The issue with shops in non-centre zones needs more thought for smaller towns.
Open Space		Open Space				Essentially all development code assessed and subject to notification. No restricted devt.
Primary Production		Rural				Deemed to Satisfy criteria for all listed developments except for carport excludes NV overlay. Appears an omission or error (Might be a recognition that NV assessment should not apply to developed farmland – this needs to be broadened to other zones in the rural area.) It is noted that farming not subject to NV overlay – the only accepted use in Rural Zone – Therefore Council need not be involved if farming is to be undertaken on previously

					<p>uncleared land, or land on which regrowth has occurred. Currently, suitable processes for veg clearance exist in the NV Act and these should be relied upon rather than requiring Councils without suitable expertise to implement the NV Act.</p> <p>There is allowance for excision of an allotment containing an existing dwelling or an approval. Allotments size comes from Rural Land Division General Development Policy - Reference to Technical and Numerical Variation overlay in respect to land division size. Can't find detail re allotment sizes.</p> <p>PO 5.1 reference to minor land division: <i>Land division proposing an additional allotment under 1 hectare in area provides or supports the provision of open space.</i></p> <p>This is unclear. There are currently no OS requirements for small land division except for contribution for smaller lots. Is this a reference to OS contribution? This should be clarified as it is not practical for a small scale land division to provide open space.</p>
Recreation		Recreation			<p>Nearly all development code assessed and subject to notification. – No restricted development. Existing zone has long list of non-complying uses. Setback provisions are different – new zone is generic 50m whereas current zone has 20m setback. This is a DTS provision and need not be adhered to.</p>
Residential		Suburban Neighbourhood			<p>As a general observation, development generally is subject to a much expanded range of assessment criteria.</p> <p>In regard to the assessment of a dwelling in the Wudinna suburban neighbourhood zone, the following additional criteria will have to be satisfied:</p> <ul style="list-style-type: none"> <li>Site coverage less than 50% - No current restriction in Wudinna. Tendency for large sheds and outdoor undercover areas to provide shade in a harsher climate make this restriction onerous.</li> <li>Connection to water, sewer systems or standalone – rainwater storage: Now an allowance for standalone systems where rural council may seek to have all new development connected to community wastewater schemes.</li> <li>Windows of 2m<sup>2</sup> facing street.</li> <li>Habitable room facing the street</li> <li>Area of site to be landscaped</li> <li>Trees, number and size per dwelling</li> <li>Rainwater tank required to collect runoff from 60% of roof to service toilet and laundry. Not appropriate or practical in low rainfall areas</li> <li>Carparking space dimensions</li> <li>Development should not impair solar access to adjoining dwellings as at 21 June</li> <li>Development should not impair solar access to outdoor open space – need shading plans to determine these things</li> <li>Area for bins and pathway to bins – very fine detail of individual lot design required here.</li> <li>Site contamination issues – no change of land use or land use change is less sensitive.</li> <li>Otherwise an environmental audit is required. This is a massive overkill and impractical to try to enforce – yet it is deemed to satisfy criteria.</li> </ul> <p>In all there are approx. 30 different deemed to satisfy criteria for assessing a dwelling in a residential zone. Many additions relate to non-planning matters.</p> <p>Generally, it would appear that meeting all the various DTS criteria will leave many people giving up on the process. Councils will then have to assess in accordance with performance assessment criteria. (Which are just as numerous and onerous)</p> <p>Errors: In reading through the tables and referring back to general development guidelines there were a number of incorrect heading references and reference to missing DTS's.</p> <p>Current 80m<sup>2</sup> and 120m<sup>2</sup> shed size allowances not carried through.</p>

					<p>Re Deemed to Satisfy provisions for Carport and sheds there is an incorrect references to DTS 17.1 and 17.2 in Design in Urban Areas. Should be ref to DTS 18.1. Other references appear to be for dwellings and not relevant to sheds and carports. This section needs a review for accuracy.</p> <p>Comment: It is likely that there are more errors which are likely to be discovered when the new system is operational. There should be a means to easily correct the code where technical errors are discovered or difficulties in application of the code through practice arise without having to go through a laborious code amendment process.</p>
Rural Living		Rural Living			Deemed to Satisfy excepts development subject to NV overlay – then refers to NV overlay DTS 1.1 as a criteria
Settlement		Rural Settlement			Note that NV overlay is not an exception for DTS devt for Rural Settlement Zone. RL may be an error. Correct reference to NV DTS 1.1 omitting DTS 1.2 reference(which doesn't exist) Reference to all overlay policies whereas these were more specifically defined in other zones.
Town Centre	Minnipa Town Centre	Township Activity Centre			Similar in intent to existing – dwellings are not restricted (currently non-complying) – only industry is restricted. This is a sensible amendment removing a policy anomaly that was overly restrictive. However this represents one of many “changes by stealth” introduced by the new system and only discoverable by thorough study.
Town Centre	Wudinna Town Centre	Township Activity Centre			Similar in intent to existing – see above.

## Addendum to Wudinna DC Submission re Planning and Design Code – December 4 2019

In reference to the circular to Council Mayors dated 29 November advising that matters relevant to Stage 3 of the Planning and Design Code may be considered notwithstanding that the consultation period for Stage 2 concluded on 29 November, the matter below is raised for consideration.

This matter was discovered in a more thorough examination of how the Code may apply to specific applications and was not flagged as a significant policy change impacting upon current development rights of landowners in the Council area in any consultation material. Note previous comments concerning the inadequacy of the consultation process.

Council reserves the right to make additional submissions if other significant policy changes are discovered in the course of further examination of the operation of the Code within the Council area.

Specifically, it is noted that the entire Council area outside of towns is subject to the Limited Land Division overlay. This overlay lists any form of land division as Restricted Development except where no new allotments are created.

Currently, Wudinna DC Plan allows for the creation of a rural allotment of not more than 5 hectares to contain an existing farm dwelling.

Council seeks that instead of the limited land division overlay, the dwelling excision overlay should apply to rural land within the Wudinna DC area, as it does within the areas of DC Kimba, DC Cleve, DC Franklin Harbour and DC Lower Eyre (See plan below). This would enable the current policy approach to land division to carry over.

