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Sally Smith  
General Manager, Planning and Development  
Department for Planning Transport and Infrastructure

29<sup>th</sup> March 2019

## **RE: Planning & Design Code (Land not within a Council Area)**

Dear Sally,

Thank you for providing the UDIA (SA) with the opportunity to comment on Phase One: Planning and Design Code (for land not within a council area).

This is a very important document, not only with respect to the Outback areas which it directly relates to but most significantly, the detail which is likely to flow into the Codes for regional and metropolitan areas and in the embedded process and protocols which will have State-wide applications and implications.

Similar to previous submissions we have given, we are extremely concerned with the short consultation timeframes that we have been given to respond to this document. Industry associations like ours are under enormous time pressure to analyse and respond to each document released. In order to be comfortable with the transition to the whole planning system we need more time to ensure that the Outback Code is appropriate as it will provide a foundation for the wider planning reform agenda.

Given this, we would like the opportunity to discuss some of the key consequences of this document with the Department and to further develop and evolve our collective responses to the matters raised in this submission.

We enclose a table which provides a detailed response to individual provisions of the Code. Some of these are important proposed changes, some are subtle nuanced changes, and some are desirable but not critical changes. We also seek a response to the comments made within the table.

We believe the critical issues include the following points:

- The requirement that regard should be had to any relevant deemed to satisfy requirement when undertaking a performance based assessment of a development is too restrictive. The performance assessment process should encourage a range of alternative solutions to achieve a particular performance outcome (PO), hence, we believe that it should be clearly stated that a deemed-to-satisfy (DTS) requirement represents only one way that a PO may be met.
- The wording of POs is often too definitive and reads like a DTS requirement in many instances. By including one or two key word changes to avoid absolute rigidity in the POs, they avoid becoming barriers to the achievement of good development outcomes.
- There is a strong sense that very little development will be DTS, certainly in the Outback area. While this may change for regional and metropolitan areas, where better data sets and information is available, there is a concern that the Code could create more complex decision making rather than less. A case in point is the likely requirement for a site audit report in respect of any residential proposal on land that is not currently or recently used for residential purposes.
- There is an absence of Structure Plans and Concept Plans in the Code. While we understand this is quite deliberate, it poses the question as to how complex spatial arrangements desired for a particular locality will be managed and whether, in the absence of such plans, a more conservative zoning and policy approach might be taken by authorities because of the fear of not being able to manage the desired outcome.
- There is a concern that the approach to many issues through the Overlays and the General Development Provisions are quite restrictive and likely to hamper economic development within the State. The approaches taken appear to come from the control perspective of a relevant agency or authority rather than a holistic view of agency, industry and generalist overview, which might provide the balance needed to ensure appropriate outcomes for the State as a whole. These concerns are particularly acute in respect of the future delivery of mines, infrastructure, energy facilities (both renewable and other), tourism development and agricultural and non-agricultural industries.
- Further, by virtue of the referral process involving the provision of the direction by agencies (rather than regard), there is a high risk that the single issue focus of individual agencies will have no balance from a generalist overview that considers that social, economic and environmental consequences of a proposal. The proposal is at risk of being denied before it gets to that point of balancing up its costs and benefits. Accordingly, the referral process needs to be utilized far more judiciously and the DTS criteria become critical to the requirement or otherwise for a referral. If

a zone, subzone or overlay does not provide DTS criteria to all matters relevant to a proposal, then that proposal can't meet its DTS criteria and this may then trigger a referral. Accordingly, a proposal should have the opportunity to meet its obligations through compliance with all relevant DTS criteria.

We look forward to discussing these matters further and once again thank you for allowing us the opportunity to respond.

Yours sincerely,

Pat Gerace  
**CHIEF EXECUTIVE**



## **OUTBACK PLANNING AND DESIGN CODE SUBMISSION**

**PREPARED ON BEHALF OF UDIA (SA)  
MARCH 2019**

## Outback Planning and Design Code Submission

Prepared on behalf of UDIA (SA)

March 2019

Issue	Commentary	Solutions/Suggestions/Alternatives
<b>PART 1 – RULES OF INTERPRETATION</b>		
1.3 Hierarchy	The hierarchy is not clear whether a zone prevails over general development provisions where an inconsistency may exist.	Include a statement that a zone will prevail over general development provisions in the event that there is an inconsistency.
1.4 Rules for Development Assessment	This section seeks to clarify which provisions will apply to developments under different assessment scenarios. The points are very helpful and are strongly supported. They could be enhanced by a slight increase in clarity in two instances.	<p>Include the following amendments to the relevant “Rules for Development”</p> <p>Where a component(s) of a deemed-to-satisfy development type does not meet a deemed-to-satisfy requirement, then the development shifts to ‘Performance Assessed development’. Where this occurs, the relevant provisions for assessment are <i>only</i> the Performance Outcomes that correspond with the provisions that have been specified as relevant deemed-to-satisfy requirements, plus any relevant Desired Outcomes.</p> <p>For a performance assessed development, regard should be given by the relevant authority to any deemed-to-satisfy requirement that corresponds with any Performance Outcome provision that is relevant to the assessment of the developments, <i>while recognising that Deemed to Satisfy requirements are only one way of addressing a Performance Outcome.</i></p>
<b>PART 2 – ZONES AND SUBZONES</b>		
<b>Coastal Waters Zone</b>		
All provisions	<p>We note that all development will be Performance Assessed.</p> <p>We note that the approach embodied in the Outback P&amp;DC will apply to all regional and metropolitan waters.</p>	Review suitability for regional and metropolitan waters.
<b>Conservation Zone</b>		
DO 1	The Desired Outcome recognises the provision of opportunities for the public to experience the values of the Conservation Zone, however, that provision is limited to “low impact small	<p>Amend DO 1 by deleting “small scale” as follows:</p> <p>The conservation and enhancement of the natural environment and natural ecological processes for their historic, scientific, landscape, faunal habitat,</p>

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	<p>scale” development. We believe that any proposal which can demonstrate its “low impact” through meeting extensive POs and DTSs should be acceptable. Being “small scale” is not relevant and should not discount suitable recreation and tourism projects which suitably manage their footprint on the environment.</p>	<p>biodiversity and cultural values and provision of opportunities for the public to experience these through low-impact recreational and tourism development.</p>
<p>PO 1.1</p>	<p>Many POs read as definitively as DTS criteria. We believe they should provide for an intended outcome rather than an absolute position. PO 1.1 is an example of this by providing no alternative to avoiding breeding areas and migratory patterns. There may be a means by which certain human and fauna activities can function together.</p>	<p>Amend PO 1.1 as follows: Development <i>to generally</i> avoid areas that may endanger or threaten important nesting or breeding areas or the movement/migration patterns of fauna.</p>
<p>PO 2.2</p>	<p>The size of an allotment for tourism purposes should not be prescribed by an arbitrary figure of 5 hectares. The suitability of the proposal should relate to its environmental performance and management approach rather than lines on a plan which sits in the LTO.</p>	<p>Delete part (b)(i) from PO 2.2 as follows: Land division does not create any additional allotments unless the division:</p> <ul style="list-style-type: none"> <li>(a) supports the management, improvement or appreciation of the natural environment; or</li> <li>(b) is for tourist accommodation purposes and results in allotments <i>that will</i> not detrimentally affect the natural environment.</li> </ul>
<p>PO 4.4</p>	<p>This PO fails to recognise that a legitimate form of tourist accommodation might actually be in the form of a dwelling.</p>	<p>Amend PO 4.4 as follows: Tourist accommodation designed to minimise potential for conversion to <i>permanent</i> dwellings.</p>

## Outback Planning and Design Code Submission

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	<p>The issue in this context should be how the dwelling is managed and utilized, rather than leaving out a laundry or reducing the size of the kitchen.</p>	
<p><b>Remote Area Zone</b></p>		
<p>DO 1</p>	<p>DO 1 should include a broader range of land uses, particularly given the wide geographic extent of this zone. For example, there may be industrial uses, energy related facilities (other than renewables), pipelines and other infrastructure that will need to occur in this zone. It is not clear whether animal related activities such as stock sale yards, meatworks, production facilities, transport terminals or similar are captured. Given the possible narrow interpretation of DO 1, we recommend inclusion of a range of additional land uses in this statement. (All of these additional uses are captured by all zone provisions, general development policies and overlay provisions as “Code Assessment Development”.)</p>	<p>Amend DO 1 by expanding the contemplated land uses as follows: A wide range of activities from pastoral, grazing and farming activities, <i>agricultural processing and transportation</i>, mining and petroleum (and associated settlement activities), tourism, renewable <i>and non-renewable</i> energy facilities, <i>pipelines or infrastructure</i>, aerospace and defence related facilities (and associated settlement activities), remote settlements, Aboriginal lands <i>and related rural land activities</i>.</p>
<p>PO 1.2/DTS 1.2</p>	<p>Both PO 1.2 and DTS 1.2 seem to only anticipate residential construction. Many uses such as agricultural processing, mining, energy production, aerospace and defence might involve some tall buildings or structures in order to perform required functions. This possibility should be acknowledged.</p>	<p>Amend PO 1.2 as follows: Low-rise buildings <i>generally</i> to minimise visual impact on the surrounding locality, <i>but recognising the possibility of taller buildings and structures to perform specific functions</i>.</p>

## Outback Planning and Design Code Submission

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<b>Settlement Zones</b>		
DO 1	DO 1 is very limiting in its extent of contemplated land uses, especially when retailing, industry and warehousing are specifically mentioned in PO 1.2 and PO 1.3. We recommend expanding the land uses in DO 1.	Amend DO 1 as follows: A small mixed-use settlement supporting a limited range of residential development, tourist, recreation, <i>retail, commercial, industrial</i> and community facilities grouped together to serve the local community and visiting public.
DTS 1.2	The maximum DTS floorspace of shop, including outdoor area is too small to be meaningful. It should be increased.	Amend DTS 1.2 as follows: The gross leasable floor area of a shop, the building or the outdoor area of the activity does not each exceed 150m <sup>2</sup> .
DTS 1.3	The maximum DTS floorspace of light industry and warehouse is too small to be meaningful. It should be increased.	Amend DTS 1.3 as follows: The gross leasable floor area of the activity does not exceed 150m <sup>2</sup> .
PO 3.1-3.10 and DTS 3.2-3.10	These criteria all have a strong residential flavour notwithstanding their applicability to any form of development. While we accept these standards as being suitable for the Settlement Zone, we should not anticipate that they should translate directly to residential type zones in the metropolitan area or regional areas.	No change but ensure they are suitably revised in the Metropolitan and Regional P&DCs.
Procedural Matters	Notification of performance assessed development needs to align with the DTS criteria. As we have proposed amendments to DTS 1.2 and 1.3, so too must the affected criteria in this clause change.	Amend PM as follows: All classes of development are excluded from notification except where it involves any of the following: (a) buildings exceeding 2 building levels or 9m in height; or (b) development involving the creation of four or more additional dwellings or allotments; or

## Outback Planning and Design Code Submission

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March 2019

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		<ul style="list-style-type: none"> <li>(c) shop, hotel, office, service trade premises, consulting rooms or veterinary practice in excess of <math>150m^2</math>, in gross leasable floor area (including the outdoor area associated with the activity); or</li> <li>(d) light industry, motor repair station, warehouse or store in excess of <math>150m^2</math> in gross leasable floor area (including the outdoor area associated with the activity); and / or</li> <li>(e) any development that is identified (either partly or wholly) as 'All other Code Assessed Development' in Settlement Zone Table 4 – Relevant Provisions for Performance Assessed Development.</li> </ul>
<b>Specific Use (Tourism Development) Zone</b>		
PO 1.1	Why should this PO imply only small scale services and facilities? Why can't a tourist development be large, if it is developed with due regard to relevant provisions?	Amend PO 1.1 by the deletion of the words "small-scale".
<b>Township Zone</b>		
PO 1.2-1.4	Why are these POs all requiring small scale development? While most outback Townships are likely to require only small scale development, an individual facility might serve a wide region or a particular industry requirement that is larger than small scale.	Amend PO 1.2-1.4 inclusive by deletion of the words "small-scale".
DTS 2.1	A DTS of $1200m^2$ for a residential allotment seems excessive, even allowing for the spatial requirements for water collection and effluent disposal.	Amend DTS 2.1 as follows: An allotment created for a dwelling has: <ul style="list-style-type: none"> <li>(a) an area of not less than <math>800m^2</math>; and</li> <li>(b) a frontage width of not less than 20m.</li> </ul>
DTS 3.3	The front setback requirements are unnecessarily restrictive. A building should be able to be setback the equivalent distance as	Amend DTS 3.3 as follows: Buildings set back from the primary street frontage: <ul style="list-style-type: none"> <li>(a) <i>the same distance as any existing building either side; or</i></li> </ul>

## Outback Planning and Design Code Submission

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	any one if its neighbours or any distance in between the setback of those two neighbours.	(b) <i>any distance in between the setback of any existing building either side, or</i> (c) not less than 6m where no building exists on an adjoining site.
DTS 3.4	Same issue as DTS 3.3 above.	As per DTS 3.3 above.
DTS 3.5-3.10	These standards may be acceptable in an Outback Township Zone but will need to be amended in a metropolitan and regional context.	No change but ensure they are suitably revised in the Metropolitan and Regional P&DCs.
Deemed to Satisfy Classification and Notification of Performance Assessed Development	There is an inconsistency between the size at which a shop, office and consulting room are exempted from performance assessment (250m <sup>2</sup> or less) and the deemed to satisfy criteria, which apply to consulting rooms and offices not exceeding 250m <sup>2</sup> but to any sized shop, that is, no floorspace limit is applied to a shop in the Deemed to Satisfy, section of Table 1.	Amend the shop 'Development Type' in the Deemed to Satisfy section of Table 1 to read: <i>Shop not exceeding 250m<sup>2</sup> in gross leasable floor area.</i>
<b>PART 3 - OVERLAYS</b>		
<b>Building Near Airfields Overlay</b>		
DTS 1.3	DTS 1.3 effectively creates a very large area of sterilization around airports. A 3km buffer around an airport measuring 2km x 1km amounts to approximately 46km <sup>2</sup> . The State cannot afford such wastage.	Delete agriculture and conservation area from the list of restricted land uses in DTS 1.3.

## Outback Planning and Design Code Submission

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March 2019

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<b>Coastal Areas Overlay</b>		
PO 1.3	A coastal reserve should not need to provide for public access and recreational use in all instances.	Amend PO 1.3 as follows: Other than small-scale infill land division in a predominantly urban zone, land division adjacent to the coast incorporates an existing or proposed public reserve (not including a road or erosion buffer) of a size adequate to provide for natural coastal processes, maintenance, public access and/or recreation.
PO 3.3	PO 3.3 anticipates that no development will necessitate the implementation of protection measures. Surely, there will be instances where protection measures are warranted in order to deliver a much needed piece of infrastructure, for example, a boat ramp or a marina.	Amend PO 3.3 as follows: Development will not necessitate <i>unreasonable</i> protection measures against coastal erosion, sea or stormwater flooding, sand drift or the management of other coastal processes.
PO 3.4	PO 3.4 implies that the developer of a facility that requires coastal protection will fund all ongoing management and maintenance. Many facilities will generate community benefits that warrant a broader management/maintenance cost base.	Amend PO 3.4 as follows: Necessary coastal protection measures <i>may be</i> the subject of binding agreements to cover the cost of future construction, operation, maintenance and management measures and will not: <ul style="list-style-type: none"> <li>(a) have an adverse effect on coastal ecology, processes, conservation, public access and amenity;</li> <li>(b) require commitment of public resources including land; and</li> <li>(c) present acceptable risk of failure relative to potential hazard resulting from failure.</li> </ul>
PO 4.1 – 4.5 and 5.1	These POs effectively provide no scope for any development. A softening of the wording is required.	Amend PO 4.1 – 4.5 and 5.1 as follows: Development will not <i>materially</i> affect the marine and onshore coastal environment, by pollution, erosion, damage or depletion of physical or biological resources, interference with natural coastal processes or any other means. Development not <i>generally</i> located in delicate or environmentally-sensitive coastal areas such as sand dunes, cliff tops, estuaries, wetlands or sustainably intact strata of native vegetation.

## Outback Planning and Design Code Submission

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		<p>Development will not <i>materially</i> impact on the ability to maintain the coastal frontage in a stable and natural condition.</p> <p>Development designed so that solid and fluid wastes and stormwater runoff are disposed of in a manner that will not cause <i>material</i> pollution or other detrimental impacts on the marine and on-shore environment of coastal areas.</p>
DTS 6.4	Increased flexibility in this DTS is required.	<p>Amend DTS 6.4 as follows:</p> <p>Buildings on land adjoining a coastal reserve are setback <i>either</i>:</p> <ul style="list-style-type: none"> <li>(a) 8m from any boundary with the reserve; or</li> <li>(b) in line with adjacent development.</li> </ul>
<b>Key Outback and Rural Routes Overlay</b>		
PO 2.1	<p>The reference to “widely” spaced access points is highly subjective. The use of the term “suitably” spaced implies that a technical expert could calculate a suitable spacing. Many of the access point distances from intersections are overly excessive.</p>	<p>Amend PO 2.1 as follows:</p> <p>A new access point is <i>suitably</i> spaced apart from any existing access point to not impede traffic flow and ensure safe operating conditions are maintained on the road. Review and reduce the distances from intersections prescribed within DTS 2.1 (i) and (ii).</p>
<b>River Murray Flood Plain Overlay</b>		
DTS 7.4 and 7.6	<p>To require water pumping infrastructure (DTS 7.4), jetties and pontoons (DTS 7.6) to be designed precisely as defined in the relevant Figures (Figures 1-4, not 2-6) presupposes identical conditions are experienced at every point along the River and that there will be no evolution in the quality of materials used on such structures in the future. This is unrealistic and needs to be tempered with some flexibility. In fact, the figures, if used at all, would be best represented as one way of addressing the design requirements of jetties</p>	<p>Amend DTS 7.4 as follows:</p> <p>Water pumping infrastructure is designed and constructed <i>generally</i> in accordance with Figure 1.</p> <p>Amend DTS 7.6 as follows:</p> <p>Jetties and floating pontoons are designed and constructed in <i>general</i> accordance with Figure 2 to 4 and:</p> <ul style="list-style-type: none"> <li>(a) have length of <i>around</i> 8m measured from the riverbank at normal pool level;</li> <li>(b) have a width of <i>approximately</i> 1.4m in the case of a jetty (or gangway width in the case of a floating pontoon); and</li> <li>(c) the dimensions <i>approximately</i> 3m by 6m, in the case of a floating pontoon depending on the proximity of other river structures.</li> </ul>

## Outback Planning and Design Code Submission

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March 2019

Issue	Commentary	Solutions/Suggestions/Alternatives
	and pontoons and water pumping infrastructure.	
<b>Sloping Land Overlay</b>		
PO 4.2	While split level designs are one way of dealing with slope, other approaches, such as buildings that extend along the contour rather than across it can achieve a similar outcome. PO 4.2(a) should be broadened to acknowledge alternative approaches.	Amend PO 4.2(a) as follows: Development that does not lead to an increased danger from land surface instability or to the potential of landslip occurring on the site or on surrounding land by: (a) incorporating split level designs <i>or other design approaches that</i> minimise cutting into the slope;
<b>State Heritage Area Overlay</b>		
PO 2.1	PO 2.1 should only relate to buildings of heritage value. There are likely to be buildings in a State Heritage Area that are not required to be retained (ie: they have no identified heritage value), however this provision appears to catch all buildings.	Amend PO 2.1 as follows: <i>For buildings or structures of identified heritage value, those buildings, structures and any other elements are not demolished, destroyed or removed in total or in part unless either of the following apply:</i> (a) a portion of any building and/or structure has been determined to not contribute to the heritage value; or (b) the structural condition of any building and/or structure, represents an unacceptable risk to public or private safety and results from actions and unforeseen events beyond of the control of the owner and is irredeemably beyond repair.
PO 5.1	The alteration or addition to a building of identified heritage value should address the design having regard to whatever is an appropriate response to the context of that building, which might be one or all of PO 5.1(a), (b) and (c), but not necessarily all of those elements in each and every circumstance.	Amend PO 5.1 as follows: Additions and alterations to buildings, structures and any other elements, contribute to the heritage values by: (a) extending into the existing roof space or to the rear of the building; <i>and/or</i> (b) distinguishing between the existing and new portion of the building using compatible design elements including (but not limited to) recessed facades, separate roof forms and linking structures; <i>and/or</i> (c) providing sufficient setback of built additions and alterations where taller than the existing heritage structure.

## Outback Planning and Design Code Submission

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<b>State Heritage Place Overlay</b>		
PO 5.1	The alteration or addition to a building of identified heritage value should address the design having regard to whatever is an appropriate response to the context of that building, which might be one or all of PO 5.1(a), (b) and (c), but not necessarily all of those elements in each and every circumstance.	Amend PO 5.1 as follows: Additions and alterations to buildings, structures and any other elements, contribute to the heritage values by: <ul style="list-style-type: none"> <li>(a) extending into the existing roof space or to the rear of the building; <i>and/or</i></li> <li>(b) distinguishing between the existing and new portion of the building using compatible design elements including (but not limited to) recessed facades, separate roof forms and linking structures; <i>and/or</i></li> <li>(c) providing sufficient setback of built additions and alterations where taller than the existing heritage structure.</li> </ul>
<b>Water Resources Overlay</b>		
All Provisions	While we make no comment in respect of the POs and DTSs within the Overlay, the question of definition of what constitutes a watercourse (and to a lesser extent, a flood plan or wetland) is significant to the impact of this overlay.	
<b>PART 4 – GENERAL DEVELOPMENT PROVISIONS</b>		
<b>Advertisements</b>		
PO 1.2	Advertisements in the public realm cannot always be attached to existing infrastructure. A locality may not have any suitable structures.	Amend PO 1.2 as follows: <i>Where possible</i> , advertisements in the public realm integrated with existing structures and infrastructure.
PO 3.1	This PO appears to prevent third party advertising. If the advertisement relates to a	Review intent of PO 3.1.

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	lawful use on the subject site then it is not third party advertising.	
<b>Design and Siting</b>		
PO 2.1	The need for building massing and form to complement existing development context and streetscape in PO 2.1 fails to recognise that localities may be in a process of transition and uplift and may actually be zoned for change. It is hugely important that our cities and towns are able to evolve and change to meet new economic, social and environmental demands.	Amend PO 2.1 as follows: <i>Only where existing massing and form represent the desired outcome for a locality should new building massing and form be rewarded to contribute to and complement the existing development context and streetscape.</i>
PO 4.3	PO 4.3 presupposes existing landscaping that represents the desired character.	Amend PO 4.3 as follows: <i>Where existing landscaping represents the desired character for a locality, new landscaping that is coordinated and integrated with the character of the locality.</i>
DTS 10.1	A waste storage area of 3m <sup>2</sup> is larger than needed if located where it can share access with another use. Typically, bin allowances are 2 @ 700mm x 700mm and 1 @ 450mm x 450mm, meaning that a linear space of, say 2.0m by 0.7m in a garage or walkway will provide adequate storage space.	Amend DTS 10.1 as follows: Detached dwelling, semi-detached dwelling, row dwelling and group dwelling with a waste storage area of 1.4m <sup>2</sup> located behind the front façade of the building <i>or within a garage with adequate clearance for bin movement.</i>
DTS 12.1	There are numerous examples of retaining walls in sloping areas where larger retaining walls are successfully implemented. In combination with relevant landscape provisions for 1.5m high retaining walls, we believe the DTS criteria can readily increase from 1.0m to 1.5m.	Amend DTS 12.1 as follows: Development that does not involve: <ul style="list-style-type: none"> <li>(a) either excavation exceeding a vertical height of 1.5m, or filling exceeding a vertical height of 1.5m, or</li> <li>(b) if the development involves both excavation and filling, the total combined excavation and filling not exceeding a vertical height of 3m.</li> </ul>

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DTS 16.1 & DTS 16.3 (a)(b) and (c)	The requirement to be connected to a waste water treatment system and obtain approval from Health Department imply the need to gain planning approval prior. Currently the planning and wastewater applications are lodged concurrently, and this system works. These provisions will result in extensive delays and additional costs.	Amend to allow for concurrent applications to be lodged.
<b>Infrastructure and Renewable Energy Facilities</b>		
PO 2.1	It needs to be recognised that many forms of energy generation, by their very nature, need to be either removed from surrounding vegetation or located on ridgelines. PO 2.1 is unnecessarily restrictive.	Amend PO 2.1 as follows: The visual impact of above ground infrastructure networks and services, renewable energy facilities, energy storage facilities and ancillary development from townships, scenic routes and public roads is managed by: <ul style="list-style-type: none"> <li>(a) utilising features of the natural landscape to obscure views;</li> <li>(b) avoiding visually sensitive and significant landscapes;</li> <li>(c) using materials and finishes with low reflectivity and colours that complement the surroundings;</li> <li>(d) using existing vegetation to screen buildings; or</li> <li>(e) Incorporating landscaping or landscaped mounding around the perimeter of a site and between adjacent allotments used for residential or other sensitive land uses.</li> </ul>
PO 2.2	The need for buffers to surrounding land is unnecessary in a number of instances. Buffers may be appropriate adjacent to urban areas, existing residences, parks and conservation areas and possibly along major public roads but should not be necessary in most circumstances.	Amend PO 2.2 as follows: Substations, pumping stations, battery storage facilities, maintenance sheds and other ancillary structures incorporate vegetated buffers around the perimeter to reduce adverse visual impacts when viewed from adjacent land <i>containing sensitive land uses, such as a residence, in close proximity to the common boundary.</i>

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PO 4.3	This provision is inconsistent with 2.3 and 5.1 in that it seeks clear space around storage facilities and also seeks revegetation to reduce visual impact.	Reconcile the contradiction between provisions.
PO12.1	The requirement for excessive waste to be contained in additional storage should not be dealt with in the Planning and Design Code, as it forms an element of project assessment to be undertaken by the appropriate energy company.	Remove PO 12.1
<b>Interface Between Land Uses</b>		
PO 3.1	PO 3.1 is particularly onerous in areas of higher densities and heights. While unlikely to be an issue in the Outback, some tempering of the rigidity of the requirement to access winter sunlight should be made in anticipation of the transition of this provision into the Metropolitan and Regional P&DCs.	Amend PO 3.1 as follows: Overshadowing of windows of habitable rooms of adjacent residential premises (including supported accommodation and residential care facility; student accommodation and retirement facility) <i>managed</i> to enable access to direct winter sunlight.
PO 3.2	As for PO 3.1, this provision needs tempering for use in Metropolitan and Regional P&DCs.	Amend PO 3.2 as follows: Development enables <i>some</i> direct winter sunlight to access the primary open space of adjacent residential premises (including supported accommodation and residential care facility; student accommodation and; retirement facility) to achieve <i>an acceptable</i> level of amenity in the following: <ul style="list-style-type: none"> <li>(a) ground level private open space; <i>and/or</i></li> <li>(b) ground level communal open space; <i>and/or</i></li> <li>(c) upper level private balconies.</li> </ul>

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March 2019

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PO 4.2-4.5	Noise nuisance should be suitably managed rather than minimized to provide greater flexibility in solutions to noise issues.	Amend PO 4.2-4.5 by removing the word 'minimized' and replacing with ' <i>suitably managed</i> '.
PO 6.1	Light spill should be managed rather than eliminated.	Amend PO 6.1 as follows: External lighting positioned and designed to <i>limit unreasonably</i> light spill so that it does not adversely affect the amenity of an adjacent sensitive land use or a zone primarily intended to accommodate sensitive land uses, excepting that required for safety.
<b>Land Division</b>		
PO 1.4	Solar orientation can only be one of many criteria impacting upon a design outcome. It must be considered 'on balance' with a range of other issues including topography, service access, road access, watercourses and vegetation location.	Amend PO 1.4 as follows: <i>Having regard to all design considerations, including sloping land, where possible</i> land division creating more than 20 allotments for residential purposes that facilitates optimum solar access for energy efficiency through allotment orientation.
PO 1.6	Maximizing lots facing reserves is generally desirable but must be considered in the context of a range of design issues.	Amend PO 1.6 as follows: <i>Having regard to all design considerations, where possible</i> land division optimises the number of allotments that face open space, <i>either directly abutting the open space or across a road reserve.</i>
PO 2.5	Not every road requires a cycleway or footpath or shared use path nor does every road require street furniture or landscaping beyond street tree planting.	Amend PO 2.5 as follows: <i>Where appropriate,</i> road reserves provide for footpaths, cycle lanes and shared-use paths and accommodate street tree planting, landscaping and street furniture.
DTS 3.2	This DTS fails to recognise that sloping land and drainage areas can have considerable open space, landscape and recreational value. Children like to play in creeks, people like to	Amend DTS 3.2 as follows: No more than 50% of land allocated as public open space: (a) has a slope in excess of 1-in-4; and (b) comprises creeks or other drainage areas.

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	walk along creeklines and through hills and valleys and these areas can provide for the greatest diversity for flora and fauna and provide great scenic amenity. Because a DTS requires a measurable standard, we suggest an adjustment to the percentage of sloping land allocated to open space.	
<b>Mineral Extraction</b>		
PO 1.1	Very few mining operations do not materially impact the landscape. It is unreasonable to expect minimal damage. It is, however, entirely reasonable to require the reclamation of disturbed areas.	Amend PO 1.1 as follows: Mining operations that provide for the progressive reclamation of disturbed areas.
<b>Open Space and Recreation</b>		
DO 1	The DO should identify the range of functions to which open-space could be put and the range in size appropriate to the different open space functions.	Amend DO 1 as follows: Pleasant, functional and accessible open space and recreation facilities provided at State, regional, district, neighbourhood and local levels for active and passive recreation, <i>visual amenity gathering spaces, vegetation, wildlife and waterway corridors, and a range of other functions and at a range of sizes that reflect the purpose of that open space.</i>
PO 1.1, 2.1-2.3, 3.1, 7.3, 8.1, 8.2, 8.3	Each of these POs will only be relevant in particular circumstances. This should be addressed by acknowledging that limited relevance.	Amend PO 1.1, 2.1-2.3, 3.1, 7.3, 8.1, 8.2, 8.3 by providing the following prefix to each outcome: <i>"Where relevant, "</i>
PO 4.1	Stormwater can play a positive role in open space development, creating visual interest and informal recreational opportunities. The	Amend PO 4.1 as follows: <i>Manage</i> the impacts of stormwater management systems on the usability of public open space and recreation facilities <i>and encourage dual use of such spaces.</i>

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	dual use of 1:100 flood zones for recreational purposes should be encouraged.	
<b>Residential Liveability</b>		
DTS 2.1 Residential Liveability Table 1	Many non-apartment dwellings are now provided with site areas of 55m <sup>2</sup> to 120m <sup>2</sup> . These are the equivalent of apartments on the ground and should therefore have open space standards similar to apartments.	Amend Table 1 as follows: <ul style="list-style-type: none"> <li>• Site area &lt;300m<sup>2</sup> to become 120m<sup>2</sup>-300m<sup>2</sup></li> <li>• Apartments to become <i>Apartments and dwellings on sites &lt;120m<sup>2</sup></i></li> </ul>
<b>Site Contamination</b>		
DTS 1.1	This section appears to render any parcel that ends up in the overlay area undevelopable without a full SCAR report, unless it was previously residential. This then gives relevant authorities a large amount of power where it previously hasn't been afforded. In many instances, site history reports will suffice to demonstrate the risk is low. Going the next step to a full SCAR is a significant expense.	Remove requirement under DTS 1.1 to provide audit report in first instance.
<b>Transport, Access and Parking</b>		
PO 1.1	The existing transport system may be inadequate in its performance, it may require upgrading irrespective of a proposed development or may need to be extended to serve a recognised area of growth. These shortcomings are not the fault of an individual proposal and should not be a mechanism to deny approval.	Amend PO 1.1 as follows: Development integrated with the existing transport system and designed to <i>manage</i> its potential impact on the functional performance of the transport system, <i>while recognising that the existing performance of the transport system should not limit the ability to undertake development explicitly contemplated by the zone.</i>

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PO 3.5	This provision is excessive and should be removed.	Delete PO 3.5
DTS 5.1: Transport, Access and Parking Table 1	This table promotes carparking standards that are well beyond widely accepted standards for particular land uses. Even though these are DTS criteria, some changes are appropriate.	Amend Table 1 as follows: <ul style="list-style-type: none"><li>• 1.5 spaces per 2 bedroom dwelling</li><li>• 2.0 spaces per 3+ bedroom dwellings</li><li>• 5.0 spaces per 100m<sup>2</sup> for gross leasable shop floor area</li></ul>
<b>Administrative Definitions</b>		
Density	Firstly, the definition of high density appears to be in error. Secondly, the numeric standard are too low and convey an inappropriate message about density to the community.	Amend definitions as follows: <ul style="list-style-type: none"><li>• Low density: up to 40 dwellings per hectare</li><li>• Medium density: 40-200 dwellings per hectare</li><li>• High density: greater than 200 dwellings per hectare</li></ul>