

SUPPLEMENTARY GAZETTE



**THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE**

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All instruments appearing in this gazette are to be considered official, and obeyed as such

GOVERNOR'S INSTRUMENTS

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

SECTION 42

Practice Directions

Preamble

The State Planning Commission may issue a practice direction for the purposes of this Act.

A practice direction may specify procedural requirements or steps in connection with any matter arising under this Act.

A practice direction must be notified in the *Gazette* and published on the SA planning portal.

Section 144(1) of the Act makes specific provision for a practice direction to be issued to require councils to carry out inspections of development undertaken in their respective areas.

Section 156(5) of the Act makes specific provision for a practice direction to be issued to require councils to carry out inspections of swimming pools and buildings to ascertain compliance with Section 156.

NOTICE

PURSUANT to Section 42(4) of the *Planning, Development and Infrastructure Act 2016*, I, **Michael Lennon**, State Planning Commission Chairperson:

- (a) vary the State Planning Commission Practice Direction 8 (Council Swimming Pool Inspections) 2019 under Section 156(5) of the Act.
- (b) vary the State Planning Commission Practice Direction 9 (Council Inspections) 2020 under Section 144(1) of the Act.

Dated: 12 March 2021

MICHAEL LENNON
State Planning Commission Chairperson

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

SECTION 42

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Preamble

The State Planning Commission may issue a practice direction for the purposes of this Act.

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A practice direction must be notified in the *Gazette* and published on the SA planning portal.

NOTICE

PURSUANT to section 42 (4) (a) of the *Planning, Development and Infrastructure Act 2016*, I, **Helen Dyer**, State Planning Commission Chairperson,

- a. issue State Planning Commission Practice Direction 16 (Urban Tree Canopy Off-set Scheme) 2021
- b. fix the day on which the practice direction is published on the SA Planning Portal as the day on which the practice direction will come into operation.

Dated: 23 March 2021

HELEN DYER
State Planning Commission Chairperson

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

SECTION 76

Amendment to the Planning and Design Code

Preamble

It is necessary to amend the Planning and Design Code (the Code) in operation at 19 March 2021 in order to make changes of form, address inconsistency and correct errors that relate to:

- Statutory referrals in relation to site contamination, following recent changes made to the *Planning, Development and Infrastructure (General) Regulations 2017* (gazetted 18 March 2021).
- A typographical error in Part 1 of the Code referencing incorrect legislation.
- Consistency with the title of Part 5 of the Code, and clarification of reserved matters in relation to the Urban Tree Canopy Overlay.
- Update to the Community Facilities Zone to reflect the endorsed recommendations of the State Planning Commission and the Minister
- The spatial application of Technical and Numeric Variations (various)
- The Deemed-to Satisfy classification of 'advertisement'.

PURSUANT to section 76(1)(a) and (b) of the *Planning, Development and Infrastructure Act 2016*, I—

1. Amend the Code as follows:
 - a. Update Part 9.1 as follows:
 - Amend the 'Class of Development / Activity – Site Contamination – Change in the use of land to a more sensitive use' by deleting the following paragraph and part (a):
Change in the use of land to a more sensitive use on land at which site contamination exists or may exist as a result of one of the following, including where one of the following exists or previously existed on adjacent land:
(a) class 1 activity

and replacing it with:

Change in the use of land to a more sensitive use on land at which site contamination exists or may exist as a result of one of the following:

(a) *class 1 activity (including where a class 1 activity exists or previously existed on adjacent land)*

- Add to the end of the table the additional row and referral content contained in **ATTACHMENT A**
- b. Update Part 1 – Rules of Interpretation by deleting Footnote 14 and replacing it with new Footnote 14 as follows:
14. See also regulation 7 of the Planning, Development and Infrastructure (General) Regulations 2017
- c. Update Part 1 – Rules of Interpretation by deleting the heading and associated paragraph titled ‘Designated areas’ and replacing it with the following new heading and paragraph:

Specified matters and areas identified under the Act and Regulations

Part 5 sets out areas and matters that are specified or identified for various matters under the Act or associated regulations.

- d. Update Part 5 - Specified matters and areas identified under the Act and Regulations by:
 - Deleting the following wording:
The Planning, Development and Infrastructure Act 2016 and the Planning, Development and Infrastructure (General) Regulations 2017 allow the Planning and Design Code to designate areas for certain purposes. Column A identifies the purpose of a designated area and Column B identifies the relevant zone, subzone or overlay in the Planning and Design Code or other area designated for that purpose, including limits to the extent of a designated area.

Where the extent of a designated area is limited in Column B by a figure, the figure is provided in Schedule 1 of this Part.

and replacing it with:

The Planning, Development and Infrastructure Act 2016 and the Planning, Development and Infrastructure (General) Regulations 2017 allow the Planning and Design Code to specify matters and identify areas for certain purposes. Column A identifies the purpose of a specified matter or identified area and Column B identifies the relevant matter or zone, subzone or overlay in the Planning and Design Code or other area identified for that purpose, including limits to the extent of an identified area.

Where the extent of an identified area is limited in Column B by a figure, the figure is provided in Schedule 1 of this Part.

- Amending the heading of Column B in Table 1 and Table 2 by deleting the words ‘Designated Area(s)’ and replacing them with the words ‘Specified matters / identified areas’.
- Adding to the end of Table 2 the additional row and content contained in **ATTACHMENT B**.
- e. Spatially apply the Interface Height TNV contained in **ATTACHMENT C** to the following spatial locations:
 - For the following council areas, all areas of the Urban Neighbourhood Zone where no Interface Height TNV currently applies:
 - City of Campbelltown
 - City of Charles Sturt
 - City of Holdfast Bay
 - City of Marion
 - City of Onkaparinga
 - City of Salisbury
 - City of Tea Tree Gully
 - City of West Torrens
 - District Council of Mount Barker.
 - For the following council areas, all areas of the Strategic Innovation Zone where no Interface Height TNV currently applies:
 - City of Burnside
 - City of Marion
 - City of Mitcham
 - City of Playford
 - City of Salisbury
- f. Update the Community Facilities Zone by:
 - Amending ‘Table 1 – Accepted Development Classification’ to include, in alphabetical order, the additional class of development, exceptions and associated accepted development classification criteria contained in **ATTACHMENT D**
 - Amending ‘Table 5 – Procedural Matters (PM)’ by:
 - Deleting the content in Column A – Class of Development of Item 4 of and replacing it with the following:
4. Consulting room.
 - Adding, in alphabetical order, to the list of land uses in Column A – Class of Development of Item 2, the following additional land uses and renumbering the list accordingly:
 - community facility
 - educational establishment
 - pre-school.
- g. For all zones (except the Employment Enterprise Zone and Motorsport Park Zone) where ‘Advertisement’ is listed in the Class of Development column of *Table 2 - Deemed to Satisfy Development Classification*, add the following additional overlay, in alphabetical order, under the heading ‘Except where any of the following apply:’ for that class of development:
 - *State Heritage Place Overlay.*
- h. Update the Technical and Numeric Variations in accordance with **ATTACHMENT E**

- i. Update the Table of Planning and Design Code Amendments (Part 13 - Table of Amendments), pursuant to this Section 76 Amendment.
2. Declare that the Section 76 Amendment will take effect upon being published on the SA planning portal.

Dated: 22 March 2021

SALLY SMITH

Executive Director, Planning & Land Use Services
Attorney-General's Department

As Delegate of Vicki Chapman MP, Minister for Planning and Local Government

ATTACHMENT A

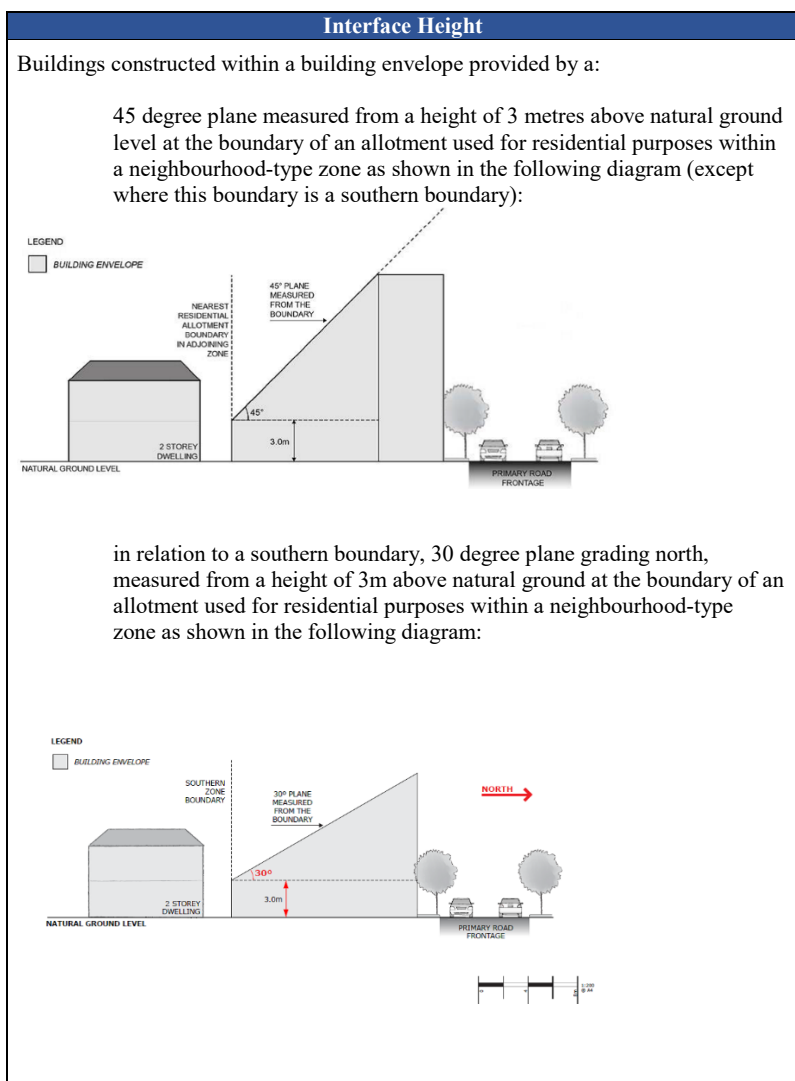
Class of Development / Activity*		Policies Relevant to the Referral*	Purpose of Referral*	Statutory Reference*	
<i>(Drafting note: merge this cell with above cell once implemented)</i>	Land division	<p>Subject to clause 1(4) of Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017, development involving the division of land if—</p> <p>(a) Schedule 8 clause 2A(1)(b) applies to the application in respect of the development; and</p> <p>(b) site contamination exists or may exist at the land because of 1 or more of the following circumstances:</p> <ol style="list-style-type: none"> i. a class 1 activity has been conducted on the land or on adjacent land; ii. a class 2 or class 3 activity has been conducted on the land; iii. the land or adjacent land is the subject of a section 83A notification under the <i>Environment Protection Act 1993</i> that appears on the South Australian Property and Planning Atlas; iv. the land is within a groundwater prohibition area; v. the land is the subject of a notation on the certificate of title for the land under section 103P of the <i>Environment Protection Act 1993</i> that a site contamination audit report has been prepared. 	<p>Site Contamination General Development Policies and Section 57 of <i>Environment Protection Act 1993</i> that sets out criteria to be considered by the EPA in relation to the assessment of development applications.</p>	<p>To provide direction to the relevant authority on whether they must consider the advice of either a site contamination consultant or site contamination auditor regarding site suitability, including through the imposition of conditions of planning consent.</p>	<p>Development of a class to which Schedule 9 clause 3 item 9AB of the Planning, Development and Infrastructure (General) Regulations 2017 applies.</p>

* This row for reference purposes only

ATTACHMENT B

Pursuant to section 102(4) of the <i>Planning, Development and Infrastructure Act 2016</i> , a matter specified by the Planning and Design Code to be reserved on the application of the applicant	Any of the matters in DTS/DPF 1.1 of the Urban Tree Canopy Overlay
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ATTACHMENT C



ATTACHMENT D

Class of Development	Accepted Development Classification Criteria
<p>Educational establishment.</p> <p>Except where any of the following apply:</p> <ul style="list-style-type: none"> • Hazards (Bushfire – High Risk) Overlay • Hazards (Flooding) Overlay • Historic Area Overlay • Local Heritage Place Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<ol style="list-style-type: none"> 1. Development comprises the construction, alteration of, or addition to, a classroom or other covered outdoor educational area within the area of an existing educational establishment. 2. The building does not exceed 1 building level. 3. The building is setback at least 3m from any boundary. 4. The floor area of the building does not exceed 200m². 5. The building will not result in fewer vehicular parks on the site and off-street vehicular parking exists in accordance with the rate(s) specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas to the nearest whole number.

ATTACHMENT E

City of Burnside	
Affected Area	Amendment
<p>Those parts of the Suburban Neighbourhood Zone formerly zoned Residential Zone in the Burnside (City) Development Plan consolidated 19 December 2017 and described below:</p> <ul style="list-style-type: none"> - Residential Policy Area 2 Northern Areas (only the part zoned Suburban Neighbourhood in the Code) - Residential Policy Area 4 Magill (Romalo) - Residential Policy Area 6 Greater Kensington Park - Residential Policy Area 7 Greater Kensington Gardens - Residential Policy Area 8 Rosslyn Park - Residential Policy Area 10 Leabrook (North) - Residential Policy Area 14 Toorak Gardens (South-East) - Residential Policy Area 15 First Creek - Residential Policy Area 16 Burnside (North) - Residential Policy Area 20 Glenside (Village) - Residential Policy Area 21 Linden Park - Residential Policy Area 22 Beaumont Common - Residential Policy Area 23 Frewville - Residential Policy Area 24 Glenunga (North) - Residential Policy Area 25 St Georges - Residential Policy Area 26 Glenunga (South) - Residential Policy Area 28 Glen Osmond 	<p>Spatially apply Maximum Building Height (Levels) TNV of 2 and Maximum Building Height (Metres) TNV of 9</p>
<p>Those parts of the Established Neighbourhood Zone formerly zoned as described below in the Burnside (City) Development Plan consolidated 19 December 2017:</p> <p>Residential Zone</p> <ul style="list-style-type: none"> - Residential Policy Area 11 Leabrook (South) <p>Historic Character Zone</p> <ul style="list-style-type: none"> - Historic Conservation Policy Area 1 – Rose Park (only for the allotments facing the eastern and western side of Prescott Terrace) - Historic Conservation Policy Area 3 – St George’s (Wootoona Terrace) 	<p>Spatially apply Maximum Building Height (Levels) TNV of 2 and Maximum Building Height (Metres) TNV of 9</p>
<p>Those parts of the Hills Neighbourhood Zone formerly zoned Residential Zone in the Burnside (City) Development Plan consolidated 19 December 2017 and described below:</p> <ul style="list-style-type: none"> - Residential Policy Area 9 Northern Foothills - Residential Policy Area 17 Ferguson - Residential Policy Area 27 Southern Foothills 	<p>Spatially apply Maximum Building Height (Levels) TNV of 2 and Maximum Building Height (Metres) TNV of 9</p>
<p>Those parts of the Housing Diversity Neighbourhood Zone formerly zoned Residential Zone in the Burnside (City) Development Plan consolidated 19 December 2017 and described below:</p> <ul style="list-style-type: none"> - Residential Policy Area 19 Glenside (West) 	<p>Spatially apply Maximum Building Height (Levels) TNV of 2 and Maximum Building Height (Metres) TNV of 9</p>
<p>Those parts of the Local Activity Centre Zone formerly zoned the Local Centre Zone in the Burnside (City) Development Plan consolidated 19 December 2017.</p>	<p>Spatially apply Maximum Building Height (Levels) TNV of 1 and Maximum Building Height (Metres) TNV of 6</p>
<p>Those parts of the Established Neighbourhood Zone formerly zoned the Residential Zone, Residential Policy Area 5 Kensington Park (South West) in the Burnside (City) Development Plan consolidated 19 December 2017.</p>	<p>Spatially apply the Minimum Site Area TNV of 350 for detached dwelling</p>

City of Norwood Payneham and St Peters	
Affected Area	Amendment
Those parts of the Established Neighbourhood Zone formerly zoned Residential Historic (Conservation) Zone – St Peters Policy Area 12.15 in the Norwood Payneham and St Peters (City) Development Plan consolidated 11 February 2021.	Spatially apply a Maximum Building Height (Levels) TNV of 1
Those parts of the Established Neighbourhood Zone formerly zoned the Residential Character Zone – St Peters / Joslin / Royston Park Policy Area 15.4 (within the suburb of Royston Park) in the Norwood Payneham and St Peters (City) Development Plan consolidated 11 February 2021.	Spatially apply the Minimum Site Area TNV of 450 for detached dwelling and semi-detached dwelling
City of Holdfast Bay	
Affected Area	Amendment
Those parts of the Housing Diversity Neighbourhood Zone formerly zoned Residential Zone, Medium Density Policy Area 5 in the Holdfast Bay Council Development Plan consolidated 26 November 2020.	Spatially apply the Minimum Site Area TNV of 200 for Residential Flat Building
City of Prospect	
Affected Area	Amendment
Those parts of the Housing Diversity Neighbourhood Zone formerly zoned Residential Zone, Residential Policy Area B200 in the Prospect (City) Development Plan consolidated 13 February 2018.	Spatially apply the Minimum Site Area TNV of 200
City of Victor Harbor	
Affected Area	Amendment
Those parts of the Waterfront Neighbourhood Zone formerly zoned the Residential Zone, Lakeside Policy Area 19 in the Victor Harbor Council Development Plan consolidated 20 June 2017.	Spatially apply the Minimum Frontage TNV of: Detached Dwelling= 12 Semi-detached Dwelling= 9 Row Dwelling= 7 Group Dwelling= 18 Res Flat Building= 18 And Spatially apply the Minimum Site Area TNV of: Detached Dwelling= 390 Semi-detached Dwelling= 270 Row Dwelling= 200 Group Dwelling= 275 Res Flat Building= 250
Alexandrina Council	
Affected Area	Amendment
Rural Neighbourhood Zone Waterfront Neighbourhood Zone Neighbourhood Zone	Remove the spatial application of the Minimum Primary Street Setback TNV
Neighbourhood Zone	Remove the spatial application of the Minimum Side Boundary Setback TNV

City of West Torrens	
Affected Area	Amendment
Those parts of the Housing Diversity Neighbourhood Zone formerly zoned Residential Zone – Medium Density Policy Area 18 (within suburb of Mile End) in the West Torrens Council Development Plan consolidated 21 May 2020.	Spatially apply the Maximum Building Height (Metres) TNV of 12.5
Mid Murray Council	
Affected Area	Amendment
Those parts of the Suburban Neighbourhood Zone formerly zoned Residential Zone in the Mid Murray Council Development Plan consolidated 25 February 2021.	Spatially apply Maximum Building Height (Levels) TNV of 2 and Maximum Building Height (Metres) TNV of 9
Those parts of the Established Neighbourhood Zone formerly zoned Residential Character Zone in the Mid Murray Council Development Plan consolidated 25 February 2021.	Spatially apply Maximum Building Height (Levels) TNV of 2 and Maximum Building Height (Metres) TNV of 9
City of Onkaparinga	
Affected Area	Amendment
Those parts of the Township Neighbourhood Zone formerly zoned Residential Zone, Willunga Policy Area 46 in the Onkaparinga Council Development Plan consolidated 2 July 2020.	Remove spatial application of the Maximum Building Height (Metres) TNV
Those parts of the Rural Neighbourhood Zone formerly zoned the Residential Zone, Aldinga Dunes Policy Area 37 of the Onkaparinga Council Development Plan consolidated 2 July 2020.	Remove spatial application of the Maximum Building Height (Metres) TNV
Those parts of the Hills Neighbourhood Zone formerly zoned Residential Zone, Coordinated Development Policy Area 67 of the Onkaparinga Council Development Plan consolidated 2 July 2020.	Remove spatial application of the Maximum Building Height (Metres) TNV
Those parts of the Suburban Neighbourhood Zone formerly zoned Residential Zone, Sellicks Beach Policy Area 45 in the Onkaparinga Council Development Plan consolidated 2 July 2020.	Remove spatial application of the Maximum Building Height (Metres) TNV
Those parts of the Suburban Neighbourhood Zone formerly zoned Residential Zone, Old Reynella Policy Area 69 of the Onkaparinga Council Development Plan consolidated 2 July 2020.	Remove spatial application of the Maximum Building Height (Metres) TNV
Those parts of the Suburban Neighbourhood Zone formerly zoned Residential Zone, Coordinated Development Policy Area 38 in the Onkaparinga Council Development Plan consolidated 2 July 2020.	Remove spatial application of the Maximum Building Height (Metres) TNV

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