PlanSA

Phase Three (Urban Areas) Planning and Design Code Amendment

Summary of Post-Consultation Amendments

November 2020



STATE PLANNING COMMISSION

Government of South Australia
Attorney-General's Department



TABLE OF CONTENTS

Introduction 4

Background 5

General Issues 7

People and Neighbourhoods 12

Key Policy Issues – Productive Economy 20

Key Policy Issues – Natural Resources and Environment 22

Key Policy Issues – Integrated Movement Systems and Infrastructure 26

Overlays 34

General Modules 35

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Page 2 *Synagogue Place by Mardi Seunert*
Page 6 *Adelaide by Adam Bruzzone*
Page 8 *Adelaide by Adam Bruzzone*
Page 9 *Vardon Avenue by Ian Routledge*
Page 10 *Realm Apartments by Joseph Nes*
page 11 *Minarto Maze by Mike Haines*
Page 12 *Adelaide Arcade by Karen Smith*
Page 13 *Adelaide Oval by Andre Castellucci*
Page 21 *Ebenezer Place by Andre Castellucci*
Page 22 *Adelaide Oval by Jed Dobre*
Page 23 *Mount Osmond by Elliot Grafton*
Page 25 *Sequoia at Mount Lofty by Aaron Citti*
Page 27 *Her Majesty's Theatre by Andre Castellucci*
Page 29 *Paul White*
Page 31 *Adelaide by Ben Goode*

INTRODUCTION

The State Planning Commission (the Commission) is pleased to provide South Australians with a further opportunity to provide feedback on the revised draft Phase Three (Urban Areas) Planning and Design Code Amendment (the Phase Three Code), which covers urban areas and councils with regional towns and cities in South Australia.

The revised Phase Three Code is now available electronically on the PlanSA portal, enabling all users of the planning system to familiarise themselves and comment on the revised policies for their area and experience how the new planning system will operate once implemented.

This further consultation process enables those who provided feedback on the Phase Three Code to see how this feedback is proposed to be incorporated.

Following the close of consultation, the Commission will consider the submissions and make a recommendation to the Minister for Planning and Local Government, the Honourable Vickie Chapman MP, to implement the State's new planning system in the first quarter of 2021.

This report has been prepared by the Commission to explain what has changed in response to the engagement feedback provided in the consultation period (1 October 2019 to 28 February 2020) to support this community consultation process.

This report follows the release of the *Phase Three (Urban Areas) Amendment Update Report* released on 23 December 2019 and the Phase Three (Urban Areas) What We Have Heard Report on 30 June 2020.

In preparing this summary, we have sought to highlight the key areas that are of interest to the majority of readers and to follow with more detail on areas where there was a high level of interest. The full summary of what we heard can be read in the *Phase Three (Urban Areas) What We Have Heard Report.*

We look forward to your feedback on how the Code responds to the issues raised and to identify any further improvements required.

BACKGROUND

What is the Planning and Design Code?

The Planning and Design Code is the cornerstone of South Australia's new planning system under the *Planning, Development and Infrastructure Act 2016*. Once fully adopted, it will become the single source of planning policy for assessing development applications across the state.

The Code will consolidate and replace all 72 South Australian Development Plans with a single comprehensive set of policies.

The Code will be available online via the PlanSA portal. Also accessible via the portal is the, South Australian Planning and Property Atlas (maps) and Development Assessment Processing System.

The Code dramatically alters the way planning rules are stored, retrieved and maintained. Digital storage of the Code's policies and rules in a central online database means that you can inquire on your property and development type to identify the rules that apply to individual developments.

You are able to retrieve and print:

- all parts of the Code that apply to a council area
- the parts of the Code that apply to your property
- particular parts of the Code such as a zone
- particular parts of the Code that apply to a proposed development.

How is the Code structured?

The Code is organised into policy 'modules' which come together to provide the planning rules for development in specific locations:

- Zones – the principle organising layer that provides guidance for land use (e.g. residential or industrial) and classifies the assessment pathway for a land use (e.g. Deemed-to-Satisfy).
- Subzones – subset of a zone with localised policy that is unique to an area.
- Overlays – can span zone boundaries and provide policy guidance, including agency referral triggers. The policy in an overlay 'overrides' other policy and can alter the assessment pathway (e.g. bushfire hazard overlay with referrals to the Country Fire Service).
- General development policies – policies that apply to particular development types (e.g. design policies for apartment buildings), and unlike zones, subzones and overlays, are not location-based.

Depending on the location, all four layers may be called up by the ePlanning system, whereas in other circumstances only the zone and general policy layers will be called up.

A video on how to use the Code along with other guidance material is provided on the PlanSA Portal.

Consultation already undertaken

On 1 October 2019 the Phase Three (Urban Areas) Amendment to the Planning and Design Code (the Phase Three Amendment) was released for community engagement. Consultation closed on 28 February 2020.

On 23 December 2019 the Commission released the Phase Three (Urban Areas) Amendment Update Report. This report sought to highlight some key proposals for improvement to the Code, including a range of technical and policy improvements that the Commission proposed in response to feedback received during October and November. The purpose of this report was to demonstrate that the Commission was listening to and considering the feedback received.

On 30 June 2020 the Phase Three (Urban Areas) What We Have Heard Report was publicly released. This report summarised the feedback from the 1790 written submissions received during the consultation period.

In parallel with this process, the Department worked with state agencies and councils on the finalisation of the Phase Two (Rural Areas) Code Amendment, which was implemented on 31 July 2020.



GENERAL ISSUES

How is local content reflected in the Code?

We heard from councils and community that they would like to see further local policy content within the Code. There are a number of ways local content can be accommodated:

- Selection of the right zone and overlay to reflect local conditions.
- Introduction of local standards relating to minimum lot sizes, height and set-backs, etc. in appropriate areas through Technical and Numeric Variations (TNVs).
- Introduction of additional subzones to better reflect local circumstances.
- Inclusion of Concept Plans where they are important for infrastructure and staging of development.
- Inclusion of Historic Area Statements and Character Area Statements for areas within the Historic Area Overlay or Character Area Overlay.

To enable consistency of policy expression in the zone, but allow for variation to numerical standards (e.g. setbacks, building height, allotment size, etc.), Technical and Numeric Variations (TNVs – a term drawn from the Planning, Development and Infrastructure Act 2016) have been applied more widely following consultation.

TNVs are spatial data (i.e. apply to a particular location) which can populate policy in zones, subzones, overlays or general development policies. This mechanism enables the ePlanning system to return this location-specific data within the policy, along with the other policy rules applicable to a proposed land use at an address.

Examples:

- Dwellings set back [insert TNV] metres from the Primary Street frontage.
- Dwellings have a minimum site area of [insert TNV].
- Development is consistent with a concept plan [insert TNV link to concept plan map].

In preparing the Code, the Commission seeks to strike an appropriate balance between the Code's objective to achieve greater consistency in planning policy, while also transitioning local policy where unique local context needs to be acknowledged.

There are a number of changes recommended to the selection of zones to better reflect local conditions. This, together with a greater range of TNVs, has increased the alignment of the Code with existing local development plans.

As an example, in the draft Code, the General Neighbourhood Zone and Suburban Neighbourhood Zone covered the majority of existing residential neighbourhoods. These zones had limited capacity for TNVs.

A significant change to the Code has been the introduction of the new Established Neighbourhood, Hills Neighbourhood and Township Neighbourhood Zones that include additional TNV capability (discussed in more detail below).

Subzones have also been used where an area has unique characteristics that cannot be captured by the zone or overlay. A key principle of the drafting of the Code was to reduce the number of subzones and use zones wherever possible to decrease the amount of 'layers' that apply to an address, and ensure a level of consistency.

The consultation version of the Phase Three Code Amendment had 28 subzones; however in response to submissions, 57 are now proposed to address local circumstances.



Public notification

A range of submissions from different stakeholders raised concern that public notification triggers appear to require much more public notification, which should not be the case where development is of a minor nature or anticipated by the zone's policies. Particular concern was raised in relation to requiring notification where 'site of the development is adjacent to land in a different zone', observing this could trigger notification of low-impact land uses adjacent to high-impact zones (e.g. a dwelling adjacent an industrial zone).

A number of council and community submissions observed that the demolition of heritage items should be notified.

In response to this feedback, the Commission proposes to amend the Code to exempt performance assessed development envisaged in zones from notification where it meets acceptable standards of built form or intensity and is not likely to result in substantial impacts on the amenity of adjacent dwellings located on land in another zone.

In the residential 'neighbourhood' zones in the Code, this means that most residential forms of development will not be subject to notification unless they exceed the maximum building height specified in the zone. Non-residential forms of development (shops, offices, consulting rooms) will not be subject to notification unless they exceed the maximum gross leasable floor area limits in the zone (which are generally 50-200m^2).

The trigger of 'land adjacent to another zone' will be removed from 'neighbourhood' zones, but retained in commercial and industrial-type 'employment' zones where development may impact on sensitive uses, such as dwellings.

Demolition of heritage items or buildings in the Historic Area Overlay (except ancillary buildings) are proposed to be subject to notification.





Definitions

In response to requests for new land use definitions to provide greater clarity to Code policy, new definitions are proposed for 'affordable housing' and 'community facility'.

In relation to administrative definitions, new definitions are proposed to clarify the following terms used in the Code:

- site coverage
- central site
- communal open space
- building envelope plan
- activity centre.

The following administrative definitions are proposed to be amended:

- Building height, to clarify that it excludes structures such as sewer vent pipes, telecommunications towers/monopoles and electricity poles and towers.
- Private open space, to increase the minimum dimension to 2.0m for ground level areas, provide clarity around 'privacy' and to include 'verandah' and 'alfrescos' as suitable areas.
- Soft landscaping, to exclude artificial turf.

Restricted development

A number of submissions requested additional classes of development be listed as restricted development, including requests to transition current non-complying lists from development plans to restricted development in the Code.

Contrastingly, development industry feedback recommended that restricted development lists be reduced, suggesting that where restricted development classification is intended to provide a state-level assessment could be more appropriately achieved in the Regulations rather than the Code (given that restricted development enables third-party appeal rights).

The Commission is of the view that the restricted development threshold is a procedural trigger to require a more comprehensive assessment pathway. Unlike non-complying development in development plans, the restricted development threshold does not indicate that a development is inappropriate or otherwise. The relevant policy in a performance assessment (DOs, POs and DPFs) are the only matters that should be used to assess the merits of a performance assessed development. Due to the differences in non-complying and restricted development, it is considered inappropriate and potentially misleading to transition non-complying development to restricted development in the Code.

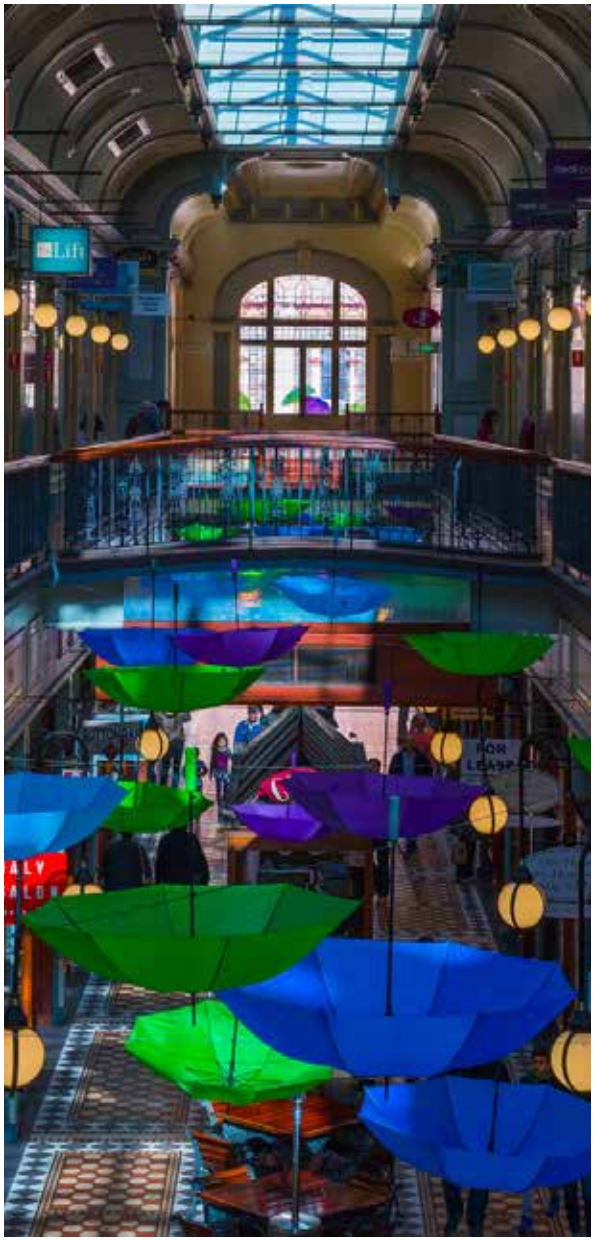


PEOPLE AND NEIGHBOURHOODS

Snapshot summary

The People and Neighbourhoods policy theme attracted some of the highest levels of interest through the consultation process.

This theme covers policies relating to residential neighbourhoods, historic areas, character areas and heritage more generally.



Engagement Feedback:

Common feedback included the following suggestions:

- More localised policy to reflected neighbourhood characteristics and current development plan policies (e.g. site areas, building heights, setbacks), including more detail in the Historic Area Statements and Character Area Statements.
- Re-introduction of contributory items into the Code, and the desire for stronger demolition controls in historic areas, including proposals for public notification for demolition.
- Additional opportunities for streamlined assessment pathways in new greenfield and master planned neighbourhoods such as new houses, earthworks and retaining walls.
- Proposals to reduce public notification for minor activities envisaged in the zone.
- Concern non-residential uses in neighbourhood zones will result in increased noise, parking congestion, traffic, loss of trees and impacts on residential amenity, and detract from existing activity centres.
- Additional requirements for tree planting and Water Sensitive Urban Design (WSUD) (although there were opposing views on these requirements).
- Proposals to increase the potential for Deemed-to-Satisfy land division which follows an approved land use, and land division which meets set criteria.

Key Proposals for Change:

The key proposals for change are as follows:

- Creation of a new Established Neighbourhood Zone which acknowledges unique areas of established character and allows for local variations (e.g. site area, site frontage, building height, side boundary setbacks, site coverage).
- Creation of new zones for waterfront areas, sloping land in foothill locations, and residential areas in regional townships to better reflect existing zoning.
- Replacement of the General Neighbourhood Zone to achieve more appropriate policy alignment with the development plan, including replacement with the new Established Neighbourhood Zone, Suburban Neighbourhood Zone or other 'neighbourhood' zone.
- Creation of new subzones where unique local circumstances apply and cannot be captured by the policy intent of zones, subzones or overlays in the Code framework.
- Inclusion of contributory items as 'Representative Buildings' into the Historic Areas Overlay and Character Areas Overlay.
- Enhancement of Demolition Controls in the Historic Areas Overlay.
- Enhanced the Historic Area and Character Area Statements which describe what is important in particular places.
- Provide for additional variations to populate policy in certain zones (including minimum site area/frontage in the Housing Diversity Neighbourhood Zone, building height in the Urban Renewal Neighbourhood Zone).
- Introduce additional Concept Plans where staging of development and/or infrastructure development needs to be referenced.
- Expand opportunity for Deemed-to-Satisfy land division for up to five additional allotments in the General Neighbourhood Zone (where minimum site areas and other provisions are met).
- Provide an accepted development pathway for dwellings in the Master Planned Neighbourhood Zone (where it complies with an approved building envelope plan).
- Review performance assessed public notification exemptions to ensure that development which is envisaged in the zone is not subject to notification, except where acceptable standards of built form or intensity are exceeded (e.g. an excess in building height or commercial floor area).



Discussion of Key Changes

Selection of Neighbourhood Zones

In response to feedback, the selection of the neighbourhood zones was reviewed and expanded to provide more nuanced policy for areas with:

- an established character (new Established Neighbourhood Zone)
- waterfront areas (new Waterfront Neighbourhood Zone)
- undulating land (new Hills Neighbourhood Zone)
- residential parts of townships (new Township Neighbourhood Zone).

Additionally, opportunity to use local Technical and Numerical Variations that reflect development plan parameters in use today has been provided in various policies. Under the revised policy approach, only the General Neighbourhood Zone will have wholly standardised policy (i.e. no TNVs). A map illustrating key zoning changes is provided on the PlanSA portal.

The **General Neighbourhood Zone** largely captures the areas covered now by the ResCode under the *Development Act* 1993, and prescribes a minimum allotment size of 300m^2 for most dwellings (except row/terrace housing at 200m^2), front setback of 5m, and rear setback of 3-5m. Frontage widths are prescribed at 9m for detached and semi-detached dwellings and 7m for row dwellings.

Considerations for Selection of General Neighbourhood Zone:

- Existing Residential Zone
- Minimum site areas for detached/ semi-detached dwellings in the development plan are currently ≤350m^2 and ≤10m frontage
- Residential Code (ResCode) applies today
- A range of dwelling types are envisaged

See Figure 1 below for more detail on the zone selection process.

These parameters have been carefully designed to ensure development can provide for on-street parking, tree planting, building setbacks and work with other policies in the Design in Urban Areas General Development Policies to achieve a quality design outcome.

Feedback in relation to the General Neighbourhood Zone was predominantly about where it was applied, and whether an alternative zone might be a better fit.

As a result, a number of suburbs and areas have been removed from the 'General Neighbourhood' into other zones to achieve better alignment with the current Development Plan policy intent.

In response to feedback a number of areas have been removed from this zone, including areas in Black Forest/Clarence Park, Linden Park, Port Elliot, Prospect and Frewville.

The **Established Neighbourhood Zone** was introduced in response to feedback about the need to provide a zone that reflected areas with stronger built form characteristics that are today reflected in development plan policy. This zone includes TNVs for site areas, site frontages, side setback, site coverage and height.

These areas cover neighbourhoods that are experiencing little change, such as Parkside, Hyde Park, Dulwich and Joslin. These areas are also largely covered by the Historic Area Overlay (providing demolition control) or the Character Overlay. Both Overlays include Character/Historic Area Statements, prepared with councils that outline the desired character for an area (i.e. street and building patterns, building forms, landscaping, etc.).

The **Suburban Neighbourhood Zone** policy on minimum site dimensions and building height incorporates TNVs to allow current Development Plan policy to be transitioned. These areas cover neighbourhoods that are experiencing a level of infill development.

A new **Hills Neighbourhood Zon**e is proposed to apply to areas with steep topography such as existing 'Hills' or 'Foothills' zones/policy areas (includes TNVs for site area, site frontage and height). Examples of where this zone applies include Craigmore, Stonyfell, Eden Hills, Glenalta, Seacombe Heights and Hallett Cove.

The **Township Neighbourhood Zone** is proposed to apply to residential areas of townships where commercial land uses are not envisaged, and which seek for development to complement the township settlement pattern (includes TNVs for site areas, site frontages, side setback, site coverage and height). This zone applies in areas such as Lyndoch, Hahndorf and Clarendon.

The **Waterfront Neighbourhood Zone** is proposed to apply to residential areas in waterfront locations with policy specific to dual frontage of water-facing sites (includes TNVs to populate policy for site areas, site frontages and height). This zone applies in waterfront areas such as Henley Beach, West Lakes and North Haven.

There were also changes to the **City Living Zone**, which applies in the City of Adelaide, including policy to better enable consideration of contextual built form character (such as front and side setbacks, floor to ceiling heights and driveway widths). Policy in relation to non-residential development was also refined to ensure such development is only in association with, and secondary to, existing residential development.

Criteria for Selection of Established Neighbourhood Zone:

- Historic Area Overlay or Character Area Overlay applies
- Development Plan includes policy relating to built form character which is not compatible with General Neighbourhood Zone or Suburban Neighbourhood Zone

See Figure 1 below for more detail on the zone selection process.



Figure 1. Considerations given to 'neighbourhood' zone application to existing development plan zones

A Fast-Track Assessment Process for Master Planned Development

The Commission proposes to merge the Master-Planned Suburban Neighbourhood and Greenfield Suburban Neighbourhood zones into a single 'Master Planned Neighbourhood Zone', with an Emerging Activity Centre Subzone applied over broad hectare areas where new activity centre(s) are envisaged, but the location of such centres has not been determined through zoning yet.

In response to feedback that there should be a fast-track approvals process in master planned communities, a new *accepted pathway* (no planning consent is required) is proposed for new houses in master planned areas where they are consistent with an approved building envelope plan. In addition, the zone's policies (including the *deemed-to-satisfy* criteria) are proposed to acknowledge the setbacks, height, etc. approved in a building envelope plan.

A new *accepted pathway* is also proposed for retaining walls up to 1.5m in height (except where visible from a public road), acknowledging the propensity for more significant earthworks required in these developing areas.

The Master Planned Neighbourhood Zone will cover greenfield development areas (e.g. Playford, Mount Barker, Seaford Meadows), and larger master planned urban neighbourhoods (i.e. West, Lightsview). Although the zone's policies do not use TNVs, setback and height policies allow for reference to a previously approved Building Envelope Plan, allowing for greater flexibility in these emerging residential areas.



Figure 2. Example of a Building Envelope Plan

Heritage and Character

There was significant concern that the Code's approach to heritage and character would diminish existing development controls. In response to these concerns, the Code:

- Reflects contributory items into the Code as 'Representative Buildings', to be referenced in the Historic Area Statements and Character Area Statements and mapped in the SA Planning and Property Atlas.
- Strengthens Historic Area Statements in the Code to better reference the valued attributes of a particular area, adding additional detail in relation to matters such as roof form and pitch, wall height, fencing types and the siting, design and scale of carports, garages, outbuildings and vehicle access points, amongst other things. Some limited historical background is also proposed to be added to some statements where necessary to clearly articulate particular themes or eras of importance to an area.
- Will be supported by a design guideline that sits beside the Code (still under preparation) to guide the built form of new development in Historic Areas and Character Areas, which will include diagrams and style guides for key eras of development.
- Revises the demolition tests within the Historic Area Overlay to replace the 'economic test' with one of 'reasonableness' (for more information refer to the Commission's 'Preserving Heritage and Character in the Planning and Design Code' brochure).
- Confirms that all State Heritage Places, State Heritage Areas, Local Heritage Places and Historic Areas (which contain Representative Buildings) will retain demolition control.
- Has built links between the State Heritage Area Overlay and the 'State Heritage Areas – Guidelines for Development' prepared by Heritage SA, to ensure local context and historic values are considered as part of any development application.
- Proposes to adjust the boundaries of the Historic Area Overlay and Character Area Overlay where appropriate to capture some of the 92 existing contributory items currently located outside of Historic Areas.

Urban Infill Policy (Tree and water tanks)

The policy applying to residential infill development in our existing suburbs is a key component of the draft Code, which seeks to raise the bar on the quality of residential infill developments and provide a consistent approach across all council areas over a range of development requirements.

The key policy improvements included the requirement for new tree(s) to be planted and rainwater tanks to be installed with all new houses.

In response to industry concerns around the cost of these new policy initiatives, BDO EconSearch was engaged to produce two Options Analysis reports, addressing the costs and benefits of Stormwater Management and Tree Canopy Cover.

This evidence-based research has addressed and informed the key recommendations made in the proposed Code policy, including:

- Retain tree planting policy as proposed, but investigate establishment of an offset scheme to provide the option for payment into a fund to support the planting of trees in reserves, or other public land, instead of planting new tree(s) on development sites. This may be particularly important for areas with higher soil reactivity where tree planting can substantially increase house footing costs, or in higher density areas where minimum setbacks may make tree planting in public reserves more appropriate than on-site.
- Introduce a detention component in larger rainwater tanks to provide for better stormwater management outcomes.
- Increase the percentage of roof area connected to tanks to 80% to maximise water capture, reuse and tank performance Require connection to only one toilet to avoid costly plumbing connections to upstairs toilets.
- Relocate the tree and water tanks policy from General Development Policy into new Urban Tree Canopy and Stormwater Management Overlays, clarifying that these policies only apply in urban infill areas (not in master planned/greenfield or rural areas).

More information on residential infill policy improvements can be found in the Commission's brochure 'Raising the Bar on Residential Infill Development in the Planning and Design Code'.

Non-residential uses in Residential Neighbourhoods

A high volume of feedback on the Neighbourhood zones raised questions around the extent of non-residential development permitted. Council and community submissions generally sought to restrict the scope of non-residential development, while some other submissions sought more diversity.

Today, many development plans enable non-residential development of a nature and scale that services the local community and where it is consistent with the character of the locality. Non-residential development in neighbourhoods seeks to encourage the walkability of neighbourhoods, provide community services where they are needed most, and provide for a level of activity during the day.

In response to feedback, however some key changes are proposed:

- Support home based business in all areas (up to 50m^2 such as a room within a house).
- Support small stand-alone shops, offices and consulting rooms (up to 100 m^2) where there are not nearby existing activity centre zones to support small business and walkable neighbourhoods.
- Allow larger shops, offices and consulting rooms (up to 200m^2) only where adjoining an activity centre to enable edge-of-centre development, or on a main road where not near activity centres.

The Commission proposes to retain 1,000m^2 restricted trigger for shops in 'neighbourhood' zones (except restaurants). This doesn't suggest that shops up to 1,000m^2 are necessarily appropriate in these areas (shops will be guided by the policies described above), but signifies the threshold above which an impact-based assessment through the Commission is warranted. For example, a state-led assessment involving strategic assessment of matters beyond the Code is rarely warranted for a restaurant, or a shop that is not a full-line supermarket.

Such development can be appropriately considered by the local authority in a performance assessment on merit, considering matters such as scale, built form and interface impacts.

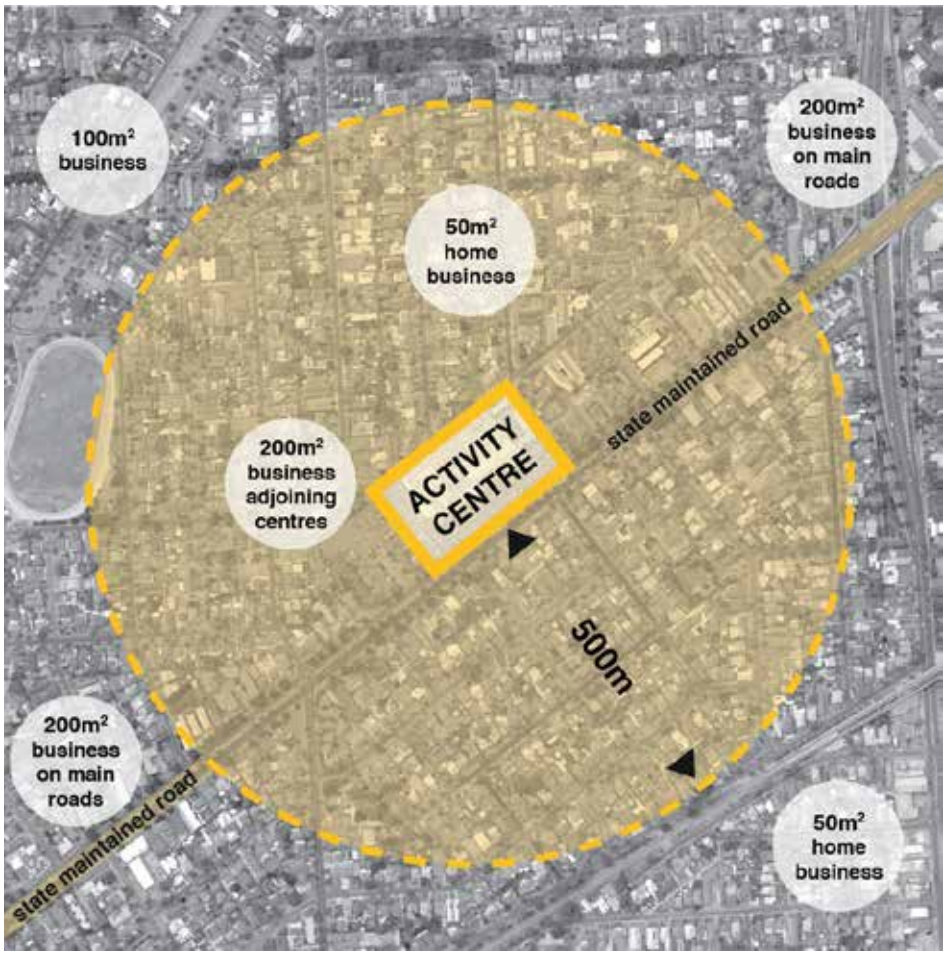


Figure 3. Maximum floor area of shops, offices and consulting rooms in the draft Code

KEY POLICY ISSUES – PRODUCTIVE ECONOMY

Snapshot Summary

The Productive Economy theme encompasses a range of modules in the Code library, including those related to retail (activity centres), employment areas, tourism development and primary industry.

Engagement feedback

The following key matters were raised:

- Local government and the community suggested that a Local Centre Zone is required in the Code for smaller scale retail centres.
- Differing opinions about the suitability of out-of-centre retail and how the centres hierarchy should operate, with some respondents seeking greater flexibility for shops in mixed use areas, and others seeking to preserve rigour in the retail hierarchy structure.
- Request additional policy to guide assessment of 'out of centre' retail, suggesting a reduction in the allowable level and scale of retailing and shop developments across the various employment (and neighbourhood) zones in the Code, while still allowing for small shops and cafes to service employment precincts.
- Requests for more tailored policy in both the Innovation Zone and Employment Zone that better recognises the development needs, specialised functions, vision and intent of major strategic development and employment sites such as Flinders Village, the Tonsley Innovation Precinct and Osborne Naval Shipbuilding site in Port Adelaide.
- Recommendations to retain current building height policy in a number of zones (including the Suburban Employment Zone, Business Neighbourhood Zone, Suburban Business and Innovation Zone and Tourism Development Zone, and for strategic development sites in the Innovation Zone).
- Support expressed for the suite of policies that seek to facilitate increased value adding opportunities within rural communities.
- Suggestions that the Peri-Urban name detracts from the key focus of the Peri-Urban Zone, being for primary production and related activities.

Key Proposals for Change:

The key proposals for change are as follows:

- Introduce a new Local Activity Centre Zone, to apply to existing local centres in development plans.
- Provide a consistent restricted development trigger of 1000m^2 for shops outside of activity centres / subzones which anticipate retail development.
- Introduce new subzones in 'employment' and 'innovation' zones to acknowledge areas where development plan policy currently anticipates larger shops, promoting business clusters.
- Introduce an ability to vary interface height provisions to carry forward established development plan content to manage height in centres when adjacent to low-rise residential areas.
- Addition of maximum and minimum building height limits in the Urban Activity Centre Zone to enable existing requirements to transition to the Code.
- Rename Peri-Urban Zone to Adelaide Country Zone.

Discussion of key changes

Retail

Retail policy in the draft Code is primarily focussed through a centres 'hierarchy'. Retail development inside these zones is a primary envisaged land use, generally without floor area limitations. Outside of these zones, retail development is guided by the particular zone's policy, with limitations to ensure that activity centres, main streets and mixed-use areas remain the primary place for commercial and retail activity.

In response to feedback, a new Local Activity Centre Zone is proposed to better reflect the scale and activity expected in small local centres, including maximum building heights that are consistent with Development Plans.

Maximum floor areas for shops outside activity centres have been reviewed to facilitate small scale shops in locations with poor access to activity centres and limit non-residential activity to home based businesses in neighbourhoods that are within walking distance of an existing centre.

Bulky goods development, small scale convenience shops and shops associated with manufacturing are expected in Employment Zones to service local population and support value add opportunities for business.



Employment

The 'Employment Zone' is proposed to be re-named 'Strategic Employment Zone', and the 'Innovation Zone' to 'Strategic Innovation Zone', to more appropriately acknowledge the strategic scale of areas where these zones apply.

Further to this name change, the former 'Suburban Employment Zone' is proposed to be named 'Employment Zone' and will apply in both urban and non-urban locations.

The newly named Employment Zone is also proposed to replace the Commercial and Business Zone introduced into the Code by the Phase Two amendment earlier this year.

A series of new subzones are proposed within the Strategic Innovation Zone – new Flinders Subzone, Repatriation Subzone and Activity Node Subzone – to provide more nuanced policy in these areas of Flinders University and the former Repatriation Hospital, while the Activity Node Subzone will acknowledge the suitability of larger shops within key activity nodes.

In the Employment Zone, new Retail Activity Centre Subzone and Roadside Service Centre Subzone will also enable current development plan policy intent to be transitioned regarding shop floor areas to accommodate specialist centres that complement the role of more traditional centres.

Requirements are also proposed in the newly titled Employment Zone to limit the overall height of commercial buildings to reflect typically low rise development intentions for the zone.

Primary Industry

Consistent with the Commission's Update Report of December 2019, the Commission supports changing the name of the Peri-Urban Zone that spatially applies to areas around metropolitan Adelaide. The proposed new name 'Adelaide Country Zone' seeks to apply a new naming convention that better reflects the intent of the zone.

Clearer requirements are also proposed between small-scale value adding activities and other large scale agricultural businesses to support rural sector development and innovation.

New Interface Management Overlay

A new overlay is proposed to ensure that such sensitive uses (e.g. a new dwelling) are carefully sited and designed to mitigate adverse impacts of hazards, noise, dust, odour or other emissions from existing legally operating land uses. The overlay applies around established uses that can generate nuisance impacts like waste treatment plants, bulk handling facilities, etc.



KEY POLICY ISSUES – NATURAL RESOURCES AND ENVIRONMENT

Snapshot summary

The Natural Resources and Environment theme relates to conservation, open space and hills face zones, as well as a large proportion of overlays in the Code, which are based on natural resources.

Engagement feedback:

The key issues identified in the natural resources and environment theme included:

- Inclusion of additional land uses to the restricted tables within Conservation Zones or Parks (i.e. tourist accommodation, renewable energy facilities, farming).
- Recommendation for new Overlays for 'Critical Habitat Areas'.
- The extent of the Native Vegetation Overlay including its application within residential areas and townships.
- Council and community members seeking stronger policy to reduce further loss of tree canopy over the State and greater requirements for more linked landscaped areas, including policy to combat urban heat from infill development.
- Concern regarding the loss of existing policies and level of protection of significant and regulated trees.
- Concern about the lack of policies to prepare developments for climate change, particularly over the life of the development.

- Concern that flood risk is not sufficiently represented in the Code, and is preventing streamlined pathways for common development.
- Requests to extend the City Park Lands Zone to the City squares, and update policy to better reflect the strategic objectives of the Park Lands.

The development / implementation of more policies to mitigate climate change was of great importance to the community. The feedback recommended that policies be developed to guide sustainable development practices within the development industry such as mandating water sensitive and energy efficient building design, energy generation, policies to ensure developments are designed for their expected life-time with regard to a changing climate.

Key proposals for change:

The key proposals for change are as follows:

- Tourist accommodation to be classified as restricted in the Conservation Zone except where located in the Visitor Experience Subzone, or in a reserve where the reserve plan of management identifies tourist accommodation as an envisaged land use (as per the Phase Two (Rural Areas) Code Amendment).
- Regulated Tree Overlay renamed 'Regulated and Significant Tree Overlay' and polices introduced specific to significant trees.
- Hazards (Flooding) Overlay split into two overlays: Hazards (Flooding) Overlay and Hazards (Flooding - General) Overlay to ensure common development in areas of lower flood risk can continue to follow streamlined pathways.
- Adelaide Dolphin Sanctuary Overlay created to protect the dolphin population and their habitat around Torrens Island.
- Extend the City Park Lands Zone to the City squares, rename 'Adelaide Park Lands Zone', and update policy to better reflect the strategic objectives of the Park Lands.
- Climate change addressed through a range of policies, including new Urban Tree Canopy and Stormwater Management Overlays.
- New Scenic Quality Overlay created to protect areas of scenic value.



Discussion of key changes

Flooding

In response to concerns raised during consultation, it is proposed to acknowledge the different flood risk levels by splitting the Hazards (Flooding) Overlay into two overlays:

- areas which experience high or extreme flood risk (>300mm water depth) – the Hazards (Flooding) Overlay and;
- areas where only low risk inundation is expected – the Hazards (Flooding – General) Overlay.

The policy in the low risk areas will be amended to enable Accepted and Deemed-to-Satisfy pathways for common development (dwellings, outbuildings, etc.) which meet minimum criteria for floor levels to prevent the entry of floodwaters.

Coastal Flooding

A new Coastal Flooding Overlay is proposed to provide guidance for development of land outside of the Coastal Areas Overlay that can be subject to seawater inundation.

The Coastal Flooding Overlay contains policy that guides floor-level height required to avoid inundation through seawater flooding events, transitioning policy from development plans into the Code.

Significant trees

There were concerns that policy regarding protection of significant trees has been diluted. There was no intention to use the Code to dilute or weaken the strength of policy regarding significant trees, and consequently the policy has been amended to more closely reflect standard Development Plan policy, including policies specific to significant trees.

Climate change

Climate change is proposed to be addressed through the Code in a number of ways:

Mitigation

- New Urban Tree Canopy Overlay to ensure the provision of trees in urban infill areas, contributing to reduction in urban heat effect.
- Regulated and Significant Tree Overlay protects mature trees in metropolitan Adelaide.
- Energy efficient design policies contained in Design in Urban Area and Design general development policies.
- Conservation Zone seeks to conserve and enhance the natural environment and natural ecological processes for their ability to reduce the effect of climate change.
- Open Space Zone ensures provision of open space and reserves in our communities.
- Native vegetation overlays seek to protect, retain and restore our state's areas of native vegetation in order to sustain biodiversity, habitat, ecosystem services, carbon storage and amenity values.

Management

- New Stormwater Management Overlay to ensure water tanks manage impacts on stormwater infrastructure in rain events, and maximise stormwater re-use in new homes.
- Coastal Areas and Coastal (Flooding) overlays seek to conserve and enhance the natural costal environment and provide for natural coastal processes and hazards due to sea level rise, flooding and erosion.
- Hazards (Flooding) and Hazards (Flooding - General) overlays ensure new development acknowledges the impacts of flood events in the future.
- Hazards (Bushfire) overlays ensure development responds to the potential for bushfire, to protect people and buildings, and enable emergency vehicle access.



KEY POLICY ISSUES – INTEGRATED MOVEMENT SYSTEMS AND INFRASTRUCTURE

Snapshot summary

The Integrated Movement Systems and Infrastructure theme captures overlays applying to state-maintained roads, railways, pipelines and airports, zones relating to infrastructure and community facilities, and general policy on transport, access and parking.

Engagement feedback

Key feedback on the integrated movement systems and infrastructure Code modules included the following:

- Observations that the proposed rates of car parking provision were too high.
- Standards for design of access ways, etc. on state maintained roads were observed to be impractical and would potentially increase referrals to the Commissioner of Highways.
- Requests to capture future road widening requirements for local roads.
- Significant concern for potential conflict where policies and Deemed-to-Satisfy within the Code did not mirror mandatory industry standards for certain infrastructure.
- Ensure the Infrastructure and Community Facilities zones promote appropriate infrastructure uses.
- Inconsistent application of policies and mapping related to aviation, suggesting amendments to improve the development assessment process.
- Feedback on the High Pressure Gas Pipelines Overlay asserted that it would put onerous restrictions on privately held land zoned for urban development.
- Conflicting feedback around renewable energy policies that guide the development of wind turbines (wind farms) and solar facilities (solar farms) regarding general suitability in particular zones, setbacks and separation distances, height, siting and cumulative effect, noise, visual amenity, decommissioning of facilities, conflict with primary production, public notification, referrals and appeal rights.

Key Proposals for Change:

The key proposals for change are as follows:

- Amend car parking rates to respond to modern survey data.
- Create a new Future Local Road Widening Overlay to capture road widening requirements for roads, which are not State Maintained.
- Update the Strategic Infrastructure Gas Pipelines Overlay' to align with updated mapping data to decrease the spatial extent of the Overlay, and introduce a new referral trigger to the Department of Energy and Mining.
- Update the Aircraft Noise Exposure Overlay to reflect the latest ANEF contours for Adelaide and Parafield airports given that mapping contained within current Development Plans is often inconsistent or incomplete.
- Increase minimum setback distances from Wind Farms and Solar Power Facilities to townships, settlements and non-associated dwellings (as per the Phase Two (Rural Areas) Code Amendment).

Discussion of key changes

Car parking rates

In response to feedback that the proposed rates of car parking provision were too high, it is proposed to incorporate updated rates of car parking provision informed by modern survey data gathered by the traffic engineering practitioner community and contemporary interstate guidelines.

Some of the key changes proposed include:

- Introducing a new rate for Student Accommodation: 1 space per 2.5 beds.
- Amending Automotive Collision Repair to 3 spaces per service bay.
- Delineating different parking rates for different types of shops:
    - shop (in the form of a Bulky Goods Outlet) – 2.5 spaces per 100m^2 gross leasable floor area
    - shop (in the form of a restaurant or involving a commercial kitchen) –
        - premises with a dine-in service only (which may include a take-away component with no drive-through) – 0.4 spaces per seat
        - premises with take-away service but with no seats – 12 spaces per 100m^2 of total floor area plus a drive-through queue capacity of 10 vehicles
        - premises with a dine-in and drive-through take-away service – 0.3 spaces per seat plus a drive-through queue capacity of 10 vehicles.
- Amending the educational establishment rate for a secondary school (1.1 per full-time equivalent employee plus 0.1 spaces per student) and for a tertiary institution (0.4 per student).
- Differentiating the hospital rates between a public hospital (4.5 spaces per bed) and a private hospital (1.5 spaces per bed).
- Amending Consulting Room rate to 4 spaces per consulting room, rather than based on floor area.
- A more nuanced Hotel rate based on the nature/size of areas proposed, including public bar, lounge, beer garden, gaming machines and restaurant.
- Lowering the Indoor Recreation Facility rate to 6.5 spaces per 100m2 of total floor area for a Fitness Centre and 4.5 spaces per 100m2 of total floor area for all other indoor recreation facilities.
- Basing the Fuel Depot rate on floor area instead of employees at 1.5 spaces per 100m^2 total floor area and 1 space per 100m^2 of outdoor area.
- Industry to have a different rate from fuel depot – 1.5 spaces per 100m^2 of total floor area.



Traffic/access on main roads

It is proposed to revise traffic and access policy for development on State Maintained roads in collaboration with the Department of Infrastructure and Transport to set achievable outcomes that do not compromise safety and movement efficiency objectives.

A new Future Local Road Widening Overlay is proposed to apply to roads for which existing Development Plans identify road widening requirements.

Gas pipelines

The existing 'Strategic Infrastructure Gas Pipelines Overlay' is proposed to be split into two new overlays: 'Gas and Liquid Petroleum Pipelines Overlay' and 'Gas and Liquid Petroleum Pipelines (Facilities) Overlay'.

In relation to requests for mapping to better reflect current Safety Management Studies and pipeline ratings, updated mapping data has been provided, which results in a substantial decrease in the spatial extent of the Overlay.

Requests to include the location and noise buffer requirements of pipeline vent facilities has also been provided and is recommended to be incorporated within the new 'Gas and Liquid Petroleum (Facilities) Overlay'.

The proposed mapping and policy updates seek to provide greater clarity as to where sensitive development may not be appropriate within the Overlay area, whilst ensuring that a Deemed-to-Satisfy pathway is available for low-risk land uses, or in areas where a higher level of urban development already exists.

A new referral trigger to the Department of Energy and Mining will provide greater clarity at the early stages of development whilst ensuring relevant safety standards are met.

Aircraft Noise Exposure

The Aircraft Noise Exposure Overlay had been drafted to reflect current assessment processes for minimising the impacts of aircraft noise on sensitive receivers, including dwellings, educational facilities, tourist accommodation and hospitals. Numerous requests were received to update this mapping in order to reflect the latest ANEF contours for Adelaide and Parafield airports given that mapping contained within current Development Plans is often inconsistent or incomplete. The Commission supports this request.

There are currently other airports which do not have noise mapping which reflects the ANEF, but rather indicate areas where noise impacts exist. In the absence of detailed mapping, it is considered appropriate to require the performance assessment of sensitive receivers (e.g. new dwellings) within these areas.

It is also proposed to create new policies within the Overlay to provide greater clarity regarding the assessment of sensitive receivers within the ANEF 25 contours and above.

Renewable Energy

The Commission proposes to amend policies to incorporate increased minimum setback distances to townships, settlements and non-associated dwellings for Wind Farms as well as Solar Power Facilities (consistent with the Phase Two Code introduced for rural parts of the State).

The Commission does not propose to include numerical limits on the size, scale and distribution of wind turbines and wind farms in the Code. This is considered to be inappropriate due to the potential impact on investment, rapidly changing technology, extended project timeframes and inconsistency with projects with current approvals under the Development Act 1993. Nor does the Commission propose to include specific noise policy for wind farms in the Code as this is considered to represent an unnecessary duplication of processes conducted by the Environment Protection Authority under the normal agency referral process for such facilities.



CONCLUSION / NEXT STEPS

The Department continued its collaborative work with council planning practitioners and key industry stakeholders up until 30 October 2020 to enable a high level of quality assurance around the Phase Three Code.

The Code, which includes a summary of the changes, is available in the ePlanning platform for broader community, industry and council consultation for a period of six weeks from 4 November 2020 until 18 December 2020.

The purpose of the consultation is to:

- demonstrate how submissions have been addressed
- provide a final opportunity to review the Code
- comment on any of the new policies introduced in response to submissions
- pick up on any omission, errors or matters that have not been addressed
- support familiarisation and training.

Any feedback provided during the consultation period will be captured within the Online Code to provide for more streamlined collation of feedback, ensuring that feedback is grouped in the areas of the Code where change is sought.

The Commission will consider the feedback received through the consultation process to identify any further recommended policy amendments and quality improvements in early 2021.

Based on the outcomes of the engagement for Phase Three Code, the Commission will prepare an Engagement Report for consideration by the Minister for Planning.

The Engagement Report will expand on the 'Phase Three (Urban Areas) What We Have Heard Report' and recommend policy changes to Phase Three of the Code. It will also evaluate the success of the engagement against the Community Engagement Charter principles.

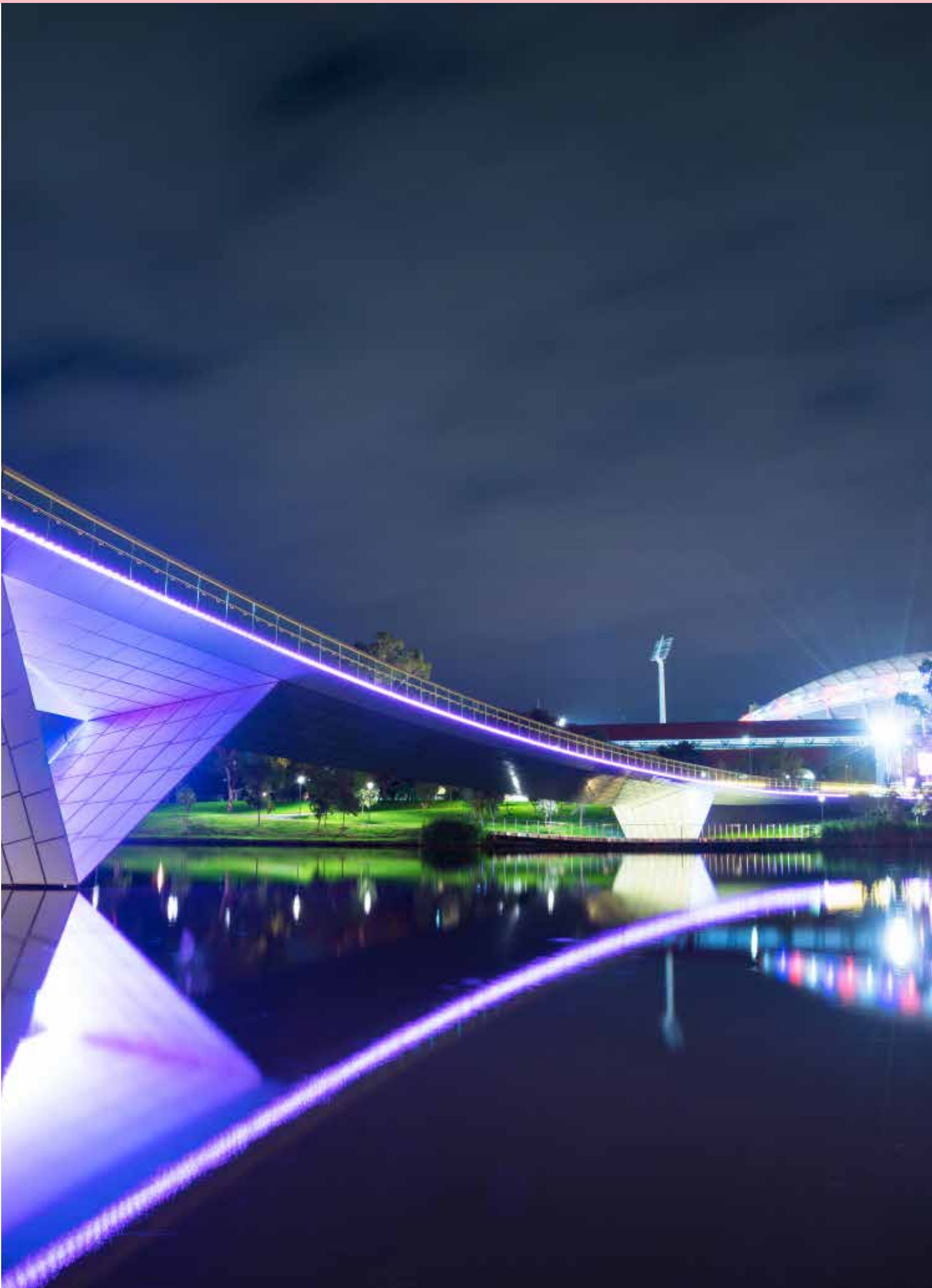
The Engagement Report will then be published to support the release of the Phase Three Code for familiarisation, and prior to the Minister considering it for final adoption.

Operational support and council readiness strategies will be developed to ensure the Department and Commission provides a suitable level of support for the transition from Development Plans to the Code in the first quarter of 2021.

ACKNOWLEDGEMENTS

The Commission wishes to thank all those who participated in the engagement and for those who will participate in the consultation process for Phase Three Code and everyone who provided valuable input and insights to help inform South Australia's new planning system.

For further information visit *www.plan.sa.gov.au* or *www.saplanningcommission.sa.gov.au*



MASTER CODE FRAMEWORK

The table below outlines the proposed Planning and Design Code framework, illustrating the range of zones and subzones under the four Code themes – People and Neighbourhoods, Productive Economy, Resilient Communities & Environment and Infrastructure & Movement Systems.

<table>
<tr><th rowspan="2">Intensity</th><th colspan="4">ZONES / ZONE CATEGORIES</th></tr>
<tr><th>People & Neighbourhoods (Residential)</th><th>Productive Economy (Commercial/Industry)</th><th>Resilient Communities & Environment</th><th>Infrastructure & Movement Systems</th></tr>
<tr><td>Capital City</td><td>City Living Zone
North Adelaide Low Intensity Subzone
Medium-High Intensity Subzone
East Terrace Subzone
City Main Street Zone
Rundle Street Subzone
Rundle Mall Subzone
Hindley Street Subzone
Gouger and Grote Street Subzone
City High Street Subzone</td><td>Capital City Zone
City Frame Subzone
City Riverbank Zone
Cultural Institutions Subzone
Entertainment Subzone
Health Subzone
Innovation Subzone</td><td>Adelaide Park Lands Zone</td><td rowspan="3">Commonwealth Facilities Zone
Community Facilities Zone
St Andrew's Hospital Precinct Subzone
Women's and Children's Hospital and Memorial Hospital Precinct Subzone
Neighbourhood Subzone
Deferred Urban Zone
Infrastructure Zone
Infrastructure (Airfield) Zone
Residential Aviation Estate Subzone
Infrastructure (Ferry and Marina Facilities) Zone
Wallaroo Marina Subzone</td></tr>
<tr><td>Urban</td><td>Urban Corridor (Living) Zone
Urban Corridor Living Retail Subzone
Urban Corridor (Business) Zone
Urban Corridor (Boulevard) Zone
Urban Corridor (Main Street) Zone
Urban Neighbourhood Zone
Main Street Subzone
Urban Neighbourhood Retail Subzone</td><td>Urban Activity Centre Zone
Port Adelaide Centre Subzone</td><td rowspan="2">Hills Face Zone
Open Space Zone
Recreation Zone</td></tr>
<tr><td>Suburban</td><td colspan="2">Suburban Business Zone
Business Neighbourhood Zone
Melbourne Street West Subzone
Home Industry Zone
Strategic Innovation Zone
Flinders Subzone
Rehabilitation Subzone
Repatriation Subzone
Activity Node Subzone</td></tr>
</table>

Intensity	ZONES / ZONE CATEGORIES			
	People & Neighbourhoods (Residential)	**Productive Economy (Commercial/Industry)**	**Resilient Communities & Environment**	**Infrastructure & Movement Systems**
Suburban	**Urban Renewal Neighbourhood Zone** Mixed Use Transition Subzone **Housing Diversity Neighbourhood Zone** **General Neighbourhood Zone** **Suburban Neighbourhood Zone** **Established Neighbourhood Zone** **Hills Neighbourhood Zone** **Waterfront Neighbourhood Zone** **Master Planned Neighbourhood Zone** Emerging Activity Centre Subzone **Neighbourhood Zone** American River Subzone Roxby Downs Subzone Underground Subzone Wallaroo Landmark Subzone Waterfront Subzone **Township Neighbourhood Zone** **Rural Neighbourhood Zone** Bookmark Creek Subzone Adelaide Hills Subzone **Golf Course Estate Zone** **Residential Park Zone** **Workers' Settlement Zone** **Township Zone** Nairne Redevelopment Subzone	**Local Activity Centre Zone** **Suburban Activity Centre Zone** **Suburban Main Street Zone** **Strategic Employment Zone** Significant Industry Subzone Gillman Subzone National Naval Shipbuilding Subzone Ports Subzone **Employment (Enterprise) Zone** Light Industry Subzone **Employment (Bulk Handling) Zone** Employment Zone Retail Activity Centre Subzone Roadside Service Centre Subzone **Township Activity Centre Zone** **Township Main Street Zone** **Motorsport Park Zone** **Caravan and Tourist Park Zone**		
Rural Areas	**Rural Living Zone** Animal Husbandry Subzone Intensive Horse Establishments Subzone **Rural Settlement Zone** Fisherman Bay Subzone **Rural Shack Settlement Zone**	**Rural Zone** Kangaroo Island Subzone **Adelaide Country Zone** The Cedars Subzone **Rural Horticulture Zone** **Rural Intensive Enterprise Zone** **Rural Aquaculture Zone** **Tourism Development Zone** Monarto Safari Park Subzone River Murray Experience Subzone Winery Experience Subzone **Resource Extraction Zone**		
Natural Areas	**Coastal Waters and Offshore Islands Zone** **Conservation Zone** Dwelling Subzone Small Scale Settlement Subzone Visitor Experience Subzone Aquaculture and Recreation Subzone Shack Relocation Subzone **Remote Areas Zone**			

OVERLAYS

PEOPLE & NEIGHBOURHOODS



Affordable Housing
Design
Noise and Air Emissions
Character Preservation District
Character Area
Heritage Adjacency
Historic Area
Local Heritage Place
State Heritage Area

PRODUCTIVE ECONOMY

Dwelling Excision
Environment and Food Production Areas
Gateway
Interface Management
Limited Dwelling
Limited Land Division
Resource Extraction Protection Area

INFRASTRUCTURE & MOVEMENT SYSTEMS



Airport Building Heights (Aircraft Landing Area)
Airport Building Heights (Regulated)
Aircraft Noise Exposure
Building Near Airfields
Defence Aviation Area
Gas and Liquid Petroleum Pipelines
Gas and Liquid Petroleum Pipelines (Facilities)
Advertising Near Signalised Intersections
Future Local Road Widening
Future Road Widening
Key Railway Crossings
Key Outback and Rural Routes
Major Urban Transport Routes
Non-stop Corridor
Traffic Generating Development
Urban Transport Routes

RESILIENT COMMUNITIES & ENVIRONMENT



Adelaide Dolphin Sanctuary
Coastal Areas
Coastal Flooding
Adelaide Dolphin Sanctuary
Hazards (Acid Sulfate Soils)
Hazards (Bushfire - Outback)
Hazards (Bushfire - General Risk)
Hazards (Bushfire - Medium Risk)
Hazards (Bushfire - High Risk)
Hazards (Bushfire - Regional)
Hazards (Bushfire - Urban Interface)
Hazards (Flooding)
Hazards (Flooding General)
Historic Shipwrecks
Marine Parks (Managed Use)
Marine Parks (Restricted Use)
Mount Lofty Ranges Catchment (Area 1)
Mount Lofty Ranges Catchment (Area 2)
Murray-Darling Basin
Native Vegetation
State Significant Native Vegetation
Prescribed Surface Water Areas
Prescribed Watercourses
Prescribed Water Resource Area
Prescribed Wells Area
Ramsar Wetlands
Regulated and Significant Tree
River Murray Flood Plain Protection Area
River Murray Tributaries Protection Area
Scenic Quality
Significant Landscape Protection
Stormwater Management
Urban Tree Canopy
Water Protection Area
Water Resources

GENERAL MODULES

<table>
<tr><th>Infrastructure & Movement Systems</th><th>Resilient Communities & Environment</th><th>Productive Economy</th><th>People & Neighbourhoods (Residential)</th></tr>
<tr><td>Marinas and On Water Structures

Clearance from Overhead Power Lines</td><td>Site Contamination</td><td>Advertisements
Bulk Handling and Storage Facilities
Workers Accommodation and Settlements
Beverage Production in Rural Areas</td><td rowspan="2">Open Space and Recreation

Housing Renewal</td></tr>
<tr><td></td><td colspan="2">Forestry
Aquaculture
Resource Extraction
Animal Keeping and Horse Keeping
Intensive Animal Husbandry and Dairies</td></tr>
<tr><td colspan="2">Infrastructure and Renewable Energy Facilities</td><td colspan="2">Tourism Development</td></tr>
<tr><td colspan="2">Design in Urban Areas
Design
Interface Between Land Uses
Land Division</td><td colspan="2">Waste Treatment and Management Facilities

Transportation, Access and Parking</td></tr>
</table>

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