
From: Garth Heynen <[REDACTED]>
Sent: Thursday, 28 March 2019 4:43 PM
To: Allen, Anita (DPTI); Bailey, Jason (DPTI)
Cc: DPTI:Planning Engagement; rescode@heyneplanning.com.au
Subject: Planning and Design Code for the Outback - Submission from Res Code Certifiers
Attachments: Settlement Zone RCC Comments Final.pdf; P and D Code submission cover letter.pdf

Follow Up Flag: Follow up
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Jason and Anita

Please find attached my cover letter and table referred to therein as my submission on the Planning and Design Code for the Outback.

In my opinion, the Planning and Design Code (Outback) should move forward from and improve the current Residential Code system (which in my experience works well). Unfortunately, I believe that the Planning and Design Code as drafted starts from a "clean slate" mindset and does not adopt many important "lessons learnt" in the creation and subsequent refinement of the Residential Code.

I welcome discussion on my comments.

Regards

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27 March 2019

Department of Planning, Transport and Infrastructure
ATT: Jason Bailey
Project Lead Planning and Design Code
Level 5, 50 Flinders Street
ADELAIDE SA 5000

By Email

Dear Jason

RE: PLANNING AND DESIGN CODE FOR THE OUTBACK - SUBMISSION

Please find attached a table which examines the Settlement Zone Deemed to Satisfy provisions (Zone, General Development and Overlay Section) as they relate to a detached dwelling. The table includes the following:

- row by row by list of the Planning and Design Code (P+D Code) DTS provisions;
- comparison with the current Residential Code design standard on a row by row basis;
- comment regarding the P+D Code DTS provision as compared to the Residential Code design standard; and
- suggested revisions, where applicable.

The examination of the Settlement Zone provisions as they relate to a detached dwelling appears to “cover” the repeat DTS provisions found in the Township Zone and for dwelling additions/alterations. Accordingly, the comments made are applicable to the same DTS provisions found throughout the P+D Code.

More generally, while it has not been specifically stated that the P+D Code for the Outback is a precursor and model for the regional and metropolitan areas it does appear that various DTS provisions are included for discussion, which would not necessarily be relevant in the outback (see for example DTS 5.4 and the provision seeking 8 m³ storage for a detached dwelling, which incidentally applies to group dwellings, multiple dwellings and residential flat buildings only).

Accordingly, I request that the comments made in the attached table be given legitimate consideration and that amendment of the DTS provisions is made to:

- achieve clarity, consistency and legal robustness; and
- facilitate up to 80% of relevant development potentially being “complying”.

In contrast, our internal review of the P+D Code is that greater than 50% of current Residential Code “compliant” development would not achieve complying status when assessed against the new P+D Code DTS provisions.

Furthermore, it is clear that the current Residential Code development information requirements would likely more than double to demonstrate compliance with the P+D Code DTS provisions.

In my opinion, it appears that the broadening of the list of potentially Deemed to Satisfy development has brought with it an overly risk averse approach to the number and wording of the P+D Code DTS provisions.

Given that the Residential Code has successfully “streamlined” dwellings throughout the State, the assessment of a vast array of new items appears ill-founded as the nature of dwellings has not changed and become more complicated as a consequence of the new PDI Act and assessment system.

In my opinion, the P+D Code (Outback) should move forward from and improve the current Residential Code system (which in my experience works well). Unfortunately, I believe that the P+D Code as drafted starts from a “clean slate” mindset, rather than adopting many important “lessons learnt” in the creation and subsequent refinement of the Residential Code.

I welcome discussion of the points I have raised herein.

Yours faithfully



Garth Heynen, MPIA

BA Planning, Grad Dip Regional and Urban Planning, Grad Dip Property

cc. Ms Anita Allen, by email
DPTI.PlanningEngagement@sa.gov.au

Planning and Design Code in the Outback - Settlement Zone

Development Regulations 2008 Sch 4

Comment

Suggested Revision

Development Type	Exceptions / Overlay	Zone	Regulation	Comment	Suggested Revision
		<p>Built Form and Character - DTS 3.2 Building height (excluding garages, carports and outbuildings) that is no greater than 2 building levels and 9m from the top of the footings and wall height that is no greater than 6m from the top of the footings.</p>	<p>Sch 4 - Cl 2B 6 (e) the dwelling is not constructed so that— Sch 4 - Cl 2B 6 (e) (i) any part of the dwelling will exceed 9 metres in height when measured from the top of the footings; or Sch 4 - Cl 2B 6 (e) (ii) any wall height will exceed 6 metres when measured from the top of the footings; and</p>	<p>Potential to stifle the equivalent of 'Limited Assessment'. Needs to be split into 2 design standards per suggest revision. For example a wall height of 6.2 m and a building height of 8.5 m would 'half comply' with DTS 3.2. Building level definition in Part 7 (Table P7) is good and will remove confusion.</p>	<p>Wall height that does not exceed two building levels above the top of footings and; NEW PROVISION the building should extend no greater than 9 metres above the top of footings.</p>
		<p>Built Form and Character - DTS 3.3 Buildings set back from the primary street frontage:</p>	<p>Sch 4 - Cl 2B 6 Construction of or in relation to a new dwelling, other than where the dwelling is to be situated on a battle-axe allotment (or as indicated in a preceding sub Clause 6), if—</p>	<p>The term "wall height" should be defined, for example is this to include a parapet, or the roof portion above the ceiling height associated with a skillion roof.</p>	<p>A wall is defined to mean the external elevation of a building not including any portion above the part of a building that constitutes the roof truss, framing or gutter system. It should also be made clear that the wall height is to be measured vertically from point to point at the building and not extrapolated as the highest point at one end relative to the lowest point at another end of the building.</p>
			<p>Sch 4 - Cl 2B 6 (a) (i) nearer to an existing boundary of the primary street for the dwelling than any distance that applies in respect of setbacks under the relevant Development Plan in relation to any road or portion of a road that constitutes the primary street frontage; or</p>	<p>The failure to define the point of the building to which the set back is measured is undesirable and will lead to ambiguity and unnecessary minor variations. Applies to all 'building set back' DTS's</p>	<p>NEW WORDING: should define the point of measure, for example to the 'main face' with this being defined to exclude various building elements, such as eaves, bay windows, porches, proticos etc</p>
		<p>Built Form and Character - DTS 3.3 (a) the average of any existing buildings on either of the adjoining sites having frontage to the same street; or</p>	<p>Sch 4 - Cl 2B 6 (a) (ia) (A) the average setbacks of any existing dwellings on any adjoining allotments with the same primary street frontage (or, if there is only 1 such dwelling, the setback of that dwelling);</p>	<p>Usage of adjoining buildings rather than dwellings is good. Requires revision, see suggested revision. The design standard does not provide an option of a new dwelling aligning with only one adjoining building and should be revised to enable that building to be the requisite setback.</p>	<p>NEW WORDING: not less than the setback of any existing building on an adjoining allotment.</p>
		<p>Built Form and Character - DTS 3.3 (b) not less than 6m where no building exists on an adjoining site.</p>	<p>Sch 4 - Cl 2B 6 (a) (ia) (B) if, on any adjoining allotments with the same primary street frontage, there are only existing buildings other than dwellings—the average setbacks of the buildings (or, if there is only 1 such building, the setback of that building);</p>	<p>Having a 'fallback' numeric test where there are no adjoining buildings is good but this needs to be carefully considered as the appropriate numeric figure will vary significantly throughout the state.</p>	
			<p>Sch 4 - Cl 2B 6 Construction of or in relation to a new dwelling, other than where the dwelling is to be situated on a battle-axe allotment (or as indicated in a preceding sub clause), if—</p>	<p>See comment regarding 'building set back' and main face definition</p>	
		<p>Built Form and Character - DTS 3.4 (a) the average of any existing buildings on either of the adjoining site having secondary frontage to the same street; or</p>	<p>Sch 4 - Cl 2B 6 (a) (ii) within 900 millimetres of a boundary of the allotment with a secondary street or, if a dwelling on any adjoining allotment is closer to the secondary street than 900 millimetres, the distance of that</p>	<p>See suggested revision. In practice corner sites only ever have one adjoining allotment as the next closest allotment will be separated by a road intersection and will be interpreted as 'adjacent' and not adjoining.</p>	<p>The lesser of either 0.9 metres or the setback of a building on an adjoining allotment with</p>

<p>Detached Dwelling (The reliance on 'detached dwelling' as a definition rather than the exclusion of battle-axe sites and allowance of a 'dwelling' is overly limiting and subject to definitional challenge. This DTS should be applicable to any dwelling that faces a public street. The DTS table should refer to a dwelling facing a public street as the basis for inclusion, with a definition being provided for 'facing the street'.)</p>	<p>Except where any of the following apply:</p> <ul style="list-style-type: none"> • Coastal Areas Land Overlay • Sloping Land Overlay • Water Resources Overlay 	<p>Built Form and Character - DTS 3.4 (b) not less than 0.9m where no building existing on an adjoining site.</p>	<p>dwelling from the boundary with the secondary street (being, if relevant, the lesser of the 2 distances);</p>	<p>Not needed. See above.</p>	<p>frontage to the same street.'</p>
		<p>Built Form and Character - DTS 3.5 Buildings are set back from the rear boundary not less than:</p>	<p>Sch 4 - Cl 2B 6 Construction of or in relation to a new dwelling, other than where the dwelling is to be situated on a battle-axe allotment (or as indicated in a preceding sub clause), if—</p>	<p>See comment regarding 'building set back' and main face definition</p>	
		<p>Built Form and Character - DTS 3.5 (a) 3m for the ground floor of a building; and</p>	<p>Sch 4 - Cl 2B 6 (a) (iii) if the size of the site is less than 301 square metres— in relation to the ground floor of the dwelling—within Sch 4 - Cl 2B 6 (a) (iii) (A) 3 metres of the rear boundary of the site (measured from the Closest solid wall);</p> <p>Sch 4 - Cl 2B 6 (a) (iv) if the size of the site is 301 square metres or more— Sch 4 - Cl 2B 6 (a) (iv) (A) in relation to the ground floor of the dwelling—within 4 metres of the rear boundary of the site (measured from the Closest solid wall);</p>	<p>Should be measured to the wall as the DTS will be more conservative than the currently appropriate Res Code design standard. See suggested revision. The simplification of the rear boundary to one lower and one upper level design standard is supported, regardless of the site area.</p>	<p>The nearest wall (excluding any side walls associated with an alfresco or similar) of the first building level should be setback not less than 3 metres;</p>
		<p>Built Form and Character - DTS 3.5 (b) 5m for the upper floor of a building.</p>	<p>Sch 4 - Cl 2B 6 (a) (iii) (B) in relation to any other storey of the dwelling—within 5 metres of the rear boundary of the site; Sch 4 - Cl 2B 6 (a) (iv) (B) in relation to any other storey of the dwelling—within 6 metres of the rear boundary of the site;</p>	<p>Should be taken to the wall. See suggested revision.</p>	<p>The nearest wall of the second building level should be setback not less than 5 metres.</p>
		<p>Built Form and Character - DTS 3.6 Buildings that have a wall height not exceeding 3m from the top of the footings are set back from side boundaries not less than 900mm.</p>	<p>Sch 4 - Cl 2B 6 (b) the following provisions apply in relation to dwelling setback, and dwelling wall height, on a side boundary unless the side boundary itself is or is to be comprised of a wall of a building on an adjoining allotment (in which case this paragraph does not apply):</p> <p>Sch 4 - Cl 2B 6 (b) (i) if any side wall of the dwelling will exceed 3 metres in height when measured from the top of the footings—the wall will be set back at least 900 millimetres from the boundary of the site plus a distance equal to one-third of the extent to which the height of the wall exceeds 3 metres from the top of the footings;</p>	<p>Problematic wording as this implies that where <u>any</u> wall of a building will exceed 3 metres then all walls must be setback at least 900 mm, regardless of the specific wall height. This results in a scenario where no wall built on a boundary will comply if any building wall exceeds 3 metres. Accordingly, will result in confusion and unnecessary minor variations/departures. In any case, 600 mm would be more appropriate (to accord with the building code). See suggested revision.</p>	<p>Any building wall not exceeding 3 metres (measured from the top of footings) should be setback not less than 0.6 metres.</p>
		<p>Built Form and Character - DTS 3.7 Buildings that have a wall height exceeding 3m from the top of the footings are set back from side boundaries not less than:</p>		<p>Again the set back should be specifically to the "wall" of the dwelling so as to avoid set backs being measured to eaves, or bay windows or other protuberances.</p>	
		<p>Built Form and Character - DTS 3.7 (a) 900mm plus 1/3 of the remaining over 3m measured from the top of the footings; and</p>		<p>Poorly worded. See suggested revision.</p>	<p>Not less than the sum of 600 mm and one-third of the amount the wall that exceeds three metres.</p>
		<p>Built Form and Character - DTS 3.7 (b) an additional 1m for south facing walls.</p>	<p>Sch 4 - Cl 2B 6 (c) if any side wall of the dwelling that faces south and the development includes building work in relation to an upper storey, other than where the boundary on that side of the building is with a secondary street, the setback of any upper storey component is to be—</p> <p>Sch 4 - Cl 2B 6 (c) (i) if paragraph (b)(i) applies—at least the same as the setback required under that provision plus 1 metre; or</p> <p>Sch 4 - Cl 2B 6 (c) (ii) in any other case—at least 1 metre from the side wall</p>	<p>Definition in Part 7 (Table P7) should only define south as true south. Doing otherwise unnecessarily complicates the assessment process.</p>	

		<p>Built Form and Character - DTS 3.8 Buildings that incorporate walls located on an allotment boundary are designed to:</p>	<p>Sch 4 - Cl 2B 6 (b)(ii) in relation to any dwelling wall to be located on a side boundary of the site associated with the development—</p>	<p>DTS 3.8 does not consider the scenario where a wall may abut an wall on adjoining allotment, which the current Res Code considers, this needs to be transferred. The use of the term allotment assumes that Titles exist, in practice an application for two detached dwellings would have two 'sites' and therefore the new internal common boundary would not be an allotment boundary. In this scenario the DTS would apply to only the outer original allotment boundaries.</p>	<p>NEW WORDING: 'dwelling site boundaries' should be used in preference to allotment boundaries to achieve consistent interpretation of DTS 3.8</p>
		<p>Built Form and Character - DTS 3.8 (a) have a height from the top of the footings not exceeding 3m; and</p>	<p>Sch 4 - Cl 2B 6 (b) (ii) (A) have a height from the top of the footings not exceeding 3m; and</p>	<p>Again, this should be measured vertically from point to point on the building and not extrapolated points from end of the building to another end of the building.</p>	
		<p>Built Form and Character - DTS 3.8 (b) have a length not exceeding 8m.</p>	<p>Sch 4 - Cl 2B 6 (b) (ii) (B) the wall will not exceed 8 metres in length;</p>		
		<p>Built Form and Character - DTS 3.9 Buildings that incorporate multiple walls located on an allotment boundary are designed to:</p>	<p>Sch 4 - Cl 2B 6 (b) the following provisions apply in relation to dwelling setback, and dwelling wall height, on a side boundary unless the side boundary itself is or is to be comprised of a wall of a building on an adjoining allotment (in which case this paragraph does not apply):</p>	<p>Poorly worded. See suggested revision.</p>	<p>NEW WORDING: 'dwelling site boundary' should be referred to for consistency with comment on DTS 3.8</p>
		<p>Built Form and Character - DTS 3.9 (a) ensure the total length of all walls located on a boundary (existing and proposed) do not exceed 45% of the length of the boundary; and</p>	<p>Sch 4 - Cl 2B 6 (b) (ii) (C) the wall, when its length is added to the length of any other relevant dwelling walls or structures located on that boundary— • will not result in all such walls and structures exceeding a length equal to 45% of the length of the boundary;</p>	<p>Removal of the reference to a structure is positive.</p>	
		<p>Built Form and Character - DTS 3.9 (b) ensure a clearance between each wall of not less than 3m.</p>	<p>Sch 4 - Cl 2B 6 (b) (ii) (C) the wall, when its length is added to the length of any other relevant dwelling walls or structures located on that boundary— • will not be within 3 metres of any other relevant wall or structure located along the boundary;</p>	<p>Again, the removal of the reference to a structure is positive. 3 metres is arbitrary. See suggested revision.</p>	<p>ensure a clearance between each wall of not less than the relevant minimum Private Open Space dimension.</p>
		<p>Built Form and Character - DTS 3.10 A set back of at least 900mm is maintained along the length of at least one side boundary.</p>	<p>Sch 4 - Cl 2B 6 (h) a dwelling wall will have a setback of at least 900 millimetres on at least 1 side boundary of the site;</p>	<p>See suggested revision.</p>	<p>a dwelling wall will have a setback of not less than 0.6 metres on at least 1 side boundary of the site.</p>

Settlement Zone General Policies - Dwelling Dwelling						
Development Type	Exceptions / Overlay	Performance Outcomes (PO) (Only included Where Needed for the DTS Criteria to 'Make Sense')	General Development Policies	Regulation		
			Clearance from Over Head Power Lines - DTS 1.1 One of the following is satisfied:			Potential to stifle the equivalent of 'Limited Assessment'. Needs to be split into 2 design standards per suggest revision. For example a wall height of 6.2 m and a building height of 8.5 m would 'half comply' with DTS 3.2. Building level definition in Part 7 (Table P7) is good and will remove confusion.
			Clearance from Over Head Power Lines - DTS 1.1 (a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996; or	Current practice		
			Clearance from Over Head Power Lines - DTS 1.1 (b) there are no above ground powerlines adjoining the site that is the subject of the proposed development.	N/A	Requiring the Declaration Form is logical and currently works well. This clause simply puts the burden on the relevant authority (either Accredited Professional or Council) rather than the applicant and is not needed.	The failure to define the point of the building to which the set back is measured is undesirable and will lead to ambiguity and unnecessary minor variations. Applies to all 'building set back' DTS's
						Usage of adjoining buildings rather than dwellings is good. Requires revision, see suggested revision. The design standard does not provide an option of a new dwelling aligning with only one adjoining building and should be revised to enable that building to be the requisite setback.
			Design and Siting [Visual Privacy] - DTS 6.1 Upper building level windows facing side or rear boundaries:			
			Design and Siting [Visual Privacy] - DTS 6.1 (a) are permanently obscured to a height of 1.5m above finished floor level that is fixed or not capable of being opened more than 200mm;	Sch 4 CI-2B 6 (i) in relation to any upper storey window that will face a side or rear boundary of the site, other than in relation to any such boundary that adjoins a road (including any road reserve) or a reserve (including any land held as open space) that has a width exceeding 15 metres— Sch 4 CI-2B 6 (i) (i) the sill height will be at least 1.5 metres above the finished floor level; or Sch 4 CI-2B 6 (i) (ii) the window will have permanently obscure glazing in any part of the window below 1.5 metres above the finished floor level and, if it is capable of being opened, the window will not be capable of being opened more than 200 millimetres; and		
			Design and Siting [Visual Privacy] - DTS 6.1 (b) have sill heights greater than or equal to 1.5m above finished floor level; or	Sch 4 CI-2B 6 (i) (i) the sill height will be at least 1.5 metres above the finished floor level; or		See comment regarding 'building set back' and main face definition
			Design and Siting [Visual Privacy] - DTS 6.1 (c) incorporate screening to a height of 1.5m above finished floor level.		Does screening remove the need for obscured glazing? Potentially problematic without defining appropriate screening solutions, or the degree of visual permeability with the screening solution. Suggest that this should be a performance assessed criteria and not a DTS design standard	See suggested revision. In practice corner sites only ever have one adjoining allotment as the next closest allotment will be separated by a road intersection and will be interpreted as adjacent' and not adjoining.
			Design and Siting [Waste Storage] DTS 10.1 Detached dwelling, semi-detached dwelling, row dwelling and group dwelling with a waste storage area of 3m ² located behind the front facade of the building.	N/A	Not really necessary. Ensuring that one dwelling wall is setback from the side boundary should be enough to ensure this without complicating the assessment further. This will also lead to applicants generating information that is unreasonable for a dwelling application and not normal practice and will cause confusion regarding lodgement documentation.	See comment regarding 'building set back' and main face definition
			Design and Siting [On-Site Waste Treatment Systems] DTS 16.1 The development is connected to an aerobic or anaerobic waste water treatment system.	Sch 4 CI-2B 6 (p) in relation to the site—that the site is, for the purposes of a dwelling, capable of being connected to a sewage system or a waste control system (being a system which complies with the requirements of the Public and Environmental Health Act 1987); and	Must keep the 'capable' caveat otherwise waste control permits will be required before a dwelling approval which is out of order with the current Res Code process which works well. Furthermore, it is arguable that the DTS requires the infrastructure to be physically in place on site, which will never be the case as builders install this infrastructure late in the construction process to avoid damage.	Should be measured to the wall as the DTS will be more conservative than the currently appropriate Res Code design standard. See suggested revision. The simplification of the rear boundary to one lower and one upper level design standard is supported, regardless of the site area.
			Design and Siting [On-Site Waste Treatment Systems] DTS 16.3 An effluent disposal drainage area that does not:			
			Design and Siting [On-Site Waste Treatment Systems] DTS 16.3(a) encroach within an area used as private open space or would result in less private open space than that specified in Residential Liveability Table 3 - Private Open Space;	Sch 4 CI-2B 6 (q) the development will not be built, or will not encroach, on an area that is, or will be, required for a sewerage system or waste control system which complies with the requirements of the Public and Environmental Health Act 1987.	Waste water permits should fromally occur after the planning consent and consideration of private open space, driveways etc can occur at that stage. This approach also abetter allows for non-standard solutions, such as engineered trafficable tanks etc. The DTS assumes a one-size fits all approach which will stifle innovation and risk the DTS becoming outdated if it does not 'keep up' with new industry best practice.	
			Design and Siting [On-Site Waste Treatment Systems] DTS 16.3(b) use an area also used as a driveway;			
			Design and Siting [On-Site Waste Treatment Systems] DTS 16.3(c) encroach within an area used for on-site car parking or would result in less onsite car parking than that specified in Transport, Access and Parking Table 1 - Off-Street Car Parking Requirements			
			Infrastructure and Renewable Energy Facilities [On-site Water Supply and Wastewater Services] DTS 11.2 Development will be or is proposed to be connected to an aerobic or anaerobic waste water treatment system in accordance with public health requirements.	Sch 4 CI-2B 6 (p) in relation to the site—that the site is, for the purposes of a dwelling, capable of being connected to a sewage system or a waste control system (being a system which complies with the requirements of the Public and Environmental Health Act 1987); and	See comments for DTS 16.1 and DTS 16.3	Not less than the sum of 900 mm and one-third of the amount the wall that exceeds three metres.
			Infrastructure and Renewable Energy Facilities [On-site Water Supply and Wastewater Services] DTS 11.3 No part of a septic tank effluent drainage field or another waste water disposal system servicing the proposed development is located;		Presumably a waste control permit will continue to be required, and therefore it is not necessary for the planning assessment to repeat the assessment. Applicants will hire professionals to prepare permit requests and the design standards will be factored in at the design stage without the Planning and Design Code	
			Infrastructure and Renewable Energy Facilities [On-site Water Supply and Wastewater Services] DTS 11.3(a) within 50m of a watercourse, bore, well or dam;	N/A		
			Infrastructure and Renewable Energy Facilities [On-site Water Supply and Wastewater Services] DTS 11.3(b) on any land with a slope greater than 20% (1-in-5), or a depth to bedrock or seasonal or permanent water table less than 1.2m; and	N/A	Applicants will not have this information available and this DTS will likely 'knock-out' a fully complian DTS application.	DTS 3.8 does not consider the scenario where a wall may abut an wall on adjoining allotment, which the current Res Code considers, this needs to be transferred. The use of the term allotment assumes that 'fences exist, in practice an application for two detached dwellings would have two 'sites' and therefore the new internal common boundary would not be an allotment boundary. In this scenario the DTS would apply to only the outer original allotment boundaries.

	<p>Interface between Land Uses [Interface with utility services infrastructure] DTS 11.1 Sensitive land use is sited not less than 400m from a wastewater lagoon or other wastewater disposal system.</p>	N/A	This is problematically worded. It does not expressly exclude a wastewater system on the subject land or adjoining residential land (which is clearly not the intent of the provision). Should be reworded.	Sensitive land use is sited not less than 400 metres from a non-residential wastewater lagoon or other waste water disposal system.																																
	<p>Residential Liveability [Private Open Space] DTS 2.1 Private open space in accordance with Residential Liveability Table 1 - Outdoor Open Space.</p>	Sch 4 CI - 2B 6 (g) the construction will not result in a contravention of the following minimum private open space requirements in respect of the site (with the site area including the area occupied by the relevant dwelling, any existing dwellings and any outbuildings or carports)																																		
	<p>Table 1 - Outdoor Open Space</p> <table border="1"> <thead> <tr> <th>Dwelling Type</th> <th>Dwelling / Site Configuration</th> <th>Minimum Rate</th> </tr> </thead> <tbody> <tr> <td>Detached dwelling</td> <td>Site area >1,000m²</td> <td>Total area: 20% of total site area Adjacent to habitable room: 10% total site area / minimum dimension 4m.</td> </tr> <tr> <td>Semi-detached dwelling</td> <td></td> <td></td> </tr> <tr> <td>Row dwelling</td> <td></td> <td></td> </tr> <tr> <td>Group dwelling</td> <td>Site area 500m² - 1,000m²</td> <td>Total area: 80m² Adjacent to habitable room: 24m² / minimum dimension 4m.</td> </tr> <tr> <td></td> <td>Site area 300m² - 500m²</td> <td>Total area: 60m² Adjacent to habitable room: 16m² / minimum dimension 4m.</td> </tr> <tr> <td></td> <td>Site area <300m²</td> <td>Total area: 24m² Adjacent to habitable room: 16m² / minimum dimension 3m</td> </tr> </tbody> </table>	Dwelling Type	Dwelling / Site Configuration	Minimum Rate	Detached dwelling	Site area >1,000m ²	Total area: 20% of total site area Adjacent to habitable room: 10% total site area / minimum dimension 4m.	Semi-detached dwelling			Row dwelling			Group dwelling	Site area 500m ² - 1,000m ²	Total area: 80m ² Adjacent to habitable room: 24m ² / minimum dimension 4m.		Site area 300m ² - 500m ²	Total area: 60m ² Adjacent to habitable room: 16m ² / minimum dimension 4m.		Site area <300m ²	Total area: 24m ² Adjacent to habitable room: 16m ² / minimum dimension 3m	<table border="1"> <thead> <tr> <th>Site area</th> <th>Minimum area of private open space in site area</th> <th>Minimum area of private open space at rear or side of relevant dwelling</th> </tr> </thead> <tbody> <tr> <td>more than 501m²</td> <td>80m²</td> <td>24m²</td> </tr> <tr> <td>between 301m² and 501m² (inclusive)</td> <td>60m²</td> <td>24m²</td> </tr> <tr> <td>less than 301m²</td> <td>24m²</td> <td>24m²</td> </tr> </tbody> </table>	Site area	Minimum area of private open space in site area	Minimum area of private open space at rear or side of relevant dwelling	more than 501m ²	80m ²	24m ²	between 301m ² and 501m ² (inclusive)	60m ²	24m ²	less than 301m ²	24m ²	24m ²	<p>Minimum dimension should match the rear boundary setback. This will not affect the need for the dwelling to still achieve compliance with the total area of POS required. Amount of POS for site areas over 1000 sqm is too high and should be amended to 10% to achieve a more reasonable amount of POS. At 20%, 80 sqm will be required for sites 1000 sqm or less and a 1001 sqm site would require 200.2 sqm. An increase of 120 sqm is unreasonable.</p> <p>The "less than 301 m²" and "301 m² and 501 m² (inclusive)" and "more than 501 m²..." terminology must be carried over from the Res Code design standard to ensure continuity within the building industry and various house design and standard allotment dimensions in land releases. The proposed DTS will result in numerous currently complying dwellings on 300 m² allotment fall "short" by 36 m² in relation to private open space - this situation should be avoided. Alternatively, consideration should be given to Less than 301m² = 24m² Between 301m² to 400m² = 40m² Between 401m² to 500m² = 60m² More than 501m² = 80m².</p>
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	<p>Residential Liveability [Private Open Space] DTS 2.2 Private open space is directly accessible from a habitable room.</p>	N/A	Not needed as dwelling designs invariably always achieve this relationship																																	
	<p>Residential Liveability [Onsite Facilities for Group Dwellings, Residential Flat Buildings, Multiple Dwellings, Supported Accommodation and Student Accommodation] DTS 5.4 Each dwelling is provided not less than 8m³ of storage</p>	N/A	Not a necessary design standard as detached dwellings generally include storage space, unlike a residential flat building, while garden sheds can be constructed as of right later to provide storage, if required. Also questionable why a DTS provision in a section unrelated to detached dwellings is somehow applicable to a detached dwelling.																																	
	<p>Transport and Access [Vehicle Access] DTS 3.1 The access is to a garage or carport that is ancillary to an existing dwelling, where access:</p>																																			
	<p>Transport and Access [Vehicle Access] DTS 3.1 (a) is provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land; and</p>	Sch 4 CI - 2B 6 (k)(v)(A) will use an existing driveway or a driveway authorised under section 221 of the Local Government Act 1999 (including a driveway for which consent under the Act has been granted as part of an application for the division of land);	Should be an or clause as per the current legislation.	is provided via a lawfully existing, authorised driveway or driveable kerb or;																																
	<p>Transport and Access [Vehicle Access] DTS 3.1 (b) is not located within 6m of an intersection of 2 or more roads or a pedestrian actuated crossing.</p>	Sch 4 CI - 2B 6 (k)(v)(B) will use a driveway that— is not located within 6 metres of an intersection of 2 or more roads or a pedestrian actuated crossing;		uses a driveway that is not located within 1.5, within 1 metre of any other infrastructure and is not located within 6 metres of the intersection of 2 or more roads or a pedestrian actuated crossing.																																
	<p>Transport and Access [Vehicle Access] DTS 3.5 The access point does not involve the removal or relocation of mature street trees, street furniture or utility infrastructure services.</p>	Sch 4 CI - 2B 6 (k)(v)(B) will use a driveway that— will not interfere with an item of street furniture (including directional signs, lighting, seating and weather shelters), other infrastructure, or a tree;	Street trees should not be able to be removed by anyone except Council. This will cause confusion and potential legal implications. Furthermore, 'mature' as a term is very ambiguous and will be open to challenge																																	
	<p>Transport and Access [Vehicle Access] DTS 3.6 Driveways and access points:</p>																																			
	<p>Transport and Access [Vehicle Access] DTS 3.6 (a) for sites with a frontage to a public road of 20m or less, one access point no greater than 3.5m in width is provided.</p>	N/A	For all DTS standards the single driveway requirements is entirely at odds with most double garage applications seeking double width crossovers. In non-established areas or roads with mountable kerbs a double crossover width has no implications that require reduced driveway widths, while double garages and double driveways provide for 4 on site car parks which overcomes any reduction in an on street car park (which is not always the case)	For sites with frontage to a primary road of 20 metres or less, one access point not exceeding 6 metres in width is provided.																																
	<p>Transport and Access [Vehicle Access] DTS 3.6 (b) for sites with a frontage to a public road greater than 20m;</p>	N/A																																		
	<p>Transport and Access [Vehicle Access] DTS 3.6 (b) (i) a single access point no greater than 6m in width is provided; or</p>	N/A		For sites with frontage to a primary road of 20 metres or less, a minimum of 1 access point not exceeding 6 metres in width or a maximum of two access points not exceeding 6 metres each in width are provided.																																
	<p>Transport and Access [Vehicle Access] DTS 3.6 (b) (ii) not more than two access points with a width of 3.5m each are provided.</p>	N/A																																		
	<p>Transport and Access [Vehicle Parking Rates] DTS 5.1 On-site car parking provided at the rate set out in Transport, Access and Parking Table 1 – Off-Street Car Parking Requirements.</p> <table border="1"> <thead> <tr> <th>Development Type</th> <th>Car Parking Rate</th> </tr> </thead> <tbody> <tr> <td>Dwelling</td> <td>For a 1 bedroom dwelling – a minimum of 1 covered car parking space is provided per dwelling. For a 2 or more bedroom dwelling – a minimum of 2 parking spaces per dwelling of which at least 1 is covered.</td> </tr> </tbody> </table>	Development Type	Car Parking Rate	Dwelling	For a 1 bedroom dwelling – a minimum of 1 covered car parking space is provided per dwelling. For a 2 or more bedroom dwelling – a minimum of 2 parking spaces per dwelling of which at least 1 is covered.	<p>Sch 4 CI - 2B 6 (l) in the case of— Sch 4 CI - 2B 6 (l)(i) a dwelling that will only have 1 bedroom at the completion of the development—the dwelling will have at least 1 car parking space that is enclosed or covered, or able to be enclosed or covered, and that complies with the requirements set out in paragraph (k) in relation to garages and carports; Sch 4 CI - 2B 6 (l)(ii) a dwelling that will have 2 or more bedrooms at the completion of the development—the dwelling will have at least 2 car parking spaces of which— Sch 4 CI - 2B 6 (l)(ii)(A) 1 or more— • must be, or must be able to be, enclosed or covered; and • must comply with the requirements set out in paragraph (k) in relation to garages and carports; and Sch 4 CI - 2B 6 (l)(ii)(B) 1 may comprise a driveway, provided that it complies with the requirements set out in paragraph (k) (except paragraph (k)(i) and (ii)) as if it were a garage or carport;</p>	No mention of whether carports/garages have to be behind the building line.																													
Development Type	Car Parking Rate																																			
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	<p>Site Contamination PO 1.1 Ensure land is suitable for sensitive land use and provides a safe environment.</p>		Good amendment which will reduce the burden on someone simply looking to construct a home to replace an existing home. That said, the DTS does not consider the possibility of non-residential land which is not contaminated, which should be included. Otherwise vacant "clean" land would be required to prepare a site contamination audit report.																																	

		<p>Site Contamination DTS 1.1 (b) the applicant is able to furnish, or the relevant authority is in possession of, a site contamination audit report under Part 10A of the Environment Protection Act 1993 to the effect:</p>	<p>Sch 4 CI - 2B 4 (c) If in connection with the relevant application for development plan consent— the applicant is able to furnish, or the relevant authority is in possession of, a site contamination audit report under Part 10A of the Environment Protection Act 1993 to the effect—</p>	<p>This should be extended to include preliminary audits where the auditor has confirmed that, in their opinion, a full audit is not required.</p>		
		<p>Site Contamination DTS 1.1 (b) (i) that site contamination does not exist (or no longer exists) at the allotment; or</p>	<p>Sch 4 CI - 2B 4 (c)(i) that site contamination does not exist (or no longer exists) at the allotment; or</p>			
		<p>Site Contamination DTS 1.1 (b) (ii) that any site contamination at the allotment has been cleared or addressed to the extent necessary to enable the allotment to be suitable for unrestricted residential use;</p>	<p>Sch 4 CI - 2B 4 (c)(ii) that any site contamination at the allotment has been cleared or addressed to the extent necessary to enable the allotment to be suitable for unrestricted residential use;</p>			
		<p>in circumstances where:</p>				
		<p>Site Contamination DTS 1.1 (b) (i) the applicant has indicated that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land (other than if the previous use or activity was for residential purposes); or</p>	<p>Sch 4 CI - 2B 4 (a) the applicant has indicated that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land, other than if the previous use or activity was for residential purposes;</p>			
		<p>Site Contamination DTS 1.1 (b) (ii) the relevant authority has reason to believe that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land (other than if the previous use or activity was for residential purposes); or</p>	<p>Sch 4 CI - 2B 4 (b) the relevant authority has reason to believe that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land, other than if the previous use or activity was for residential purposes;</p>			
		<p>Site Contamination DTS 1.1 (c) the allotment was the subject of consent granted under the Development Act 1993 on or after 1 September 2009 in relation the division of the land.</p>	<p>Sch 4 CI - 2B 4 (c) the relevant authority has reason to believe that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land, other than if the previous use or activity was for residential purposes;</p>	<p>Does this DTS need also to reference new allotments created under the PDI Act as well, as the reference to the Development Act will be superseded on the relevant section of the PDI is invoked?</p>		

Planning and Design Code in the Outback - Settlement Zone

Sch 4

Comment

Suggested Revision

Development Type	Exceptions / Overlay	Performance Outcomes (PO) (Only Included Where Needed for the DTS Criteria to 'Make Sense')	Overlay Section DTS	Regulation								
<p>Detached Dwelling (The reliance on `detached dwelling` as a definition rather than the exclusion of battle-axe sites and allowance of a `dwelling` is overly limiting and subject to definitional challenge. This DTS should be applicable to any dwelling that faces a public street. The DTS table should refer to a dwelling facing a public street as the basis for inclusion, with a definition being provided for `facing the street`.)</p>	<p>Except where any of the following apply:</p> <ul style="list-style-type: none"> • Ramsar Wetlands Overlay • Sloping Land Overlay • State Heritage Areas Overlay • State Heritage place Overlay • Water Resources Overlay 	<p>Hazards (Acid Sulfate Soils) Overlay Assessment Provisions (AP) PO 1.1</p> <p>Excavation or change to a water table is managed in a way that effectively avoids potential harm or damage to any of the following from release of acid sulfate soils:</p> <p>(a) the marine and estuarine environment; (b) natural water bodies and wetlands; (c) agricultural or aquaculture activities; (d) buildings, structures and infrastructure; or (e) public health.</p>	<p>Hazards (Acid Sulfate Soils) Overlay Assessment Provisions (AP) Habitable Buildings DTS 1.1</p> <p>Development does not involve or cause:</p> <p>(a) excavation of land; (b) excavation to a depth that disturbs acid sulfate soils or potential acid sulfate soils; or (c) change to a water table.</p>	<p>N/A</p>	<p>The overlay needs to clearly include the depth of the acid sulfate soils and the depth of the water table. 'Potential acid sulfate soils' shouldn't be included as the overlay should be definite.</p>	<p>Development does not involve or cause:</p> <p>a) excavation of land to a depth that disturbs acid sulfate soils; or b) changes a water table.</p>						
<p>Procedural Matters (PM)</p> <table border="1" data-bbox="596 1549 1641 1717"> <thead> <tr> <th colspan="2" data-bbox="596 1549 1641 1608">Referrals</th> </tr> <tr> <th data-bbox="596 1608 1166 1654">Development Type</th> <th data-bbox="1166 1608 1641 1654">Referral Body</th> </tr> </thead> <tbody> <tr> <td data-bbox="596 1654 1166 1717">None</td> <td data-bbox="1166 1654 1641 1717">None</td> </tr> </tbody> </table>					Referrals		Development Type	Referral Body	None	None		
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		<p>Key Outback and Rural Routes Overlay PO 1.1</p> <p>An access point is designed to allow safe entry and exit to and from a site to meet the needs of the development, to ensure traffic flow interference associated with access movements is minimised.</p>	<p>Key Outback and Rural Routes Overlay DTS 1.1</p> <p>An access point is designed to ensure that:</p> <p>(a) the access point is located outside of a Township Zone;</p> <p>(b) the following are for the largest vehicle expected to access the site:</p> <p>(i) entry and exit movements are left turn only;</p> <p>(ii) access to and from the site is in a forward direction, with on-site manoeuvring available through circulation around the site or no more than a 3-point turn; and</p> <p>(iii) access to and from the site using the kerbside lane of the road;</p> <p>(c) the access point has a minimum width of 6m (where vehicles 12.5m or less in length are expected to access the site) or 8m (where vehicles over 12.5m in length are expected to access the site).</p>	N/A	Are allotments less than 20 metres automatically 'knocked out' if they are on a 'Key Outback or Rural Route' (as these allotments are not able to have a crossover wider than 3.5 metres)?	
			<p>Key Outback and Rural Routes Overlay DTS 1.2</p> <p>There is no internal intersection, car parking space or car park isle within 20m of the access point (except where the access point is for a single dwelling, in which case a distance of 6m applies).</p>	N/A		

<p>Detached Dwelling (The reliance on `detached dwelling` as a definition rather than the exclusion of battle-axe sites and allowance of a `dwelling` is overly limiting and subject to definitional challenge. This DTS should be applicable to any dwelling that faces a public street. The DTS table should refer to a dwelling facing a public street as the basis for inclusion, with a definition being provided for `facing the street`.)</p>	<p>Except where any of the following apply:</p> <ul style="list-style-type: none"> • Ramsar Wetlands Overlay • Sloping Land Overlay • State Heritage Areas Overlay • State Heritage place Overlay • Water Resources Overlay 		<p>Key Outback and Rural Routes Overlay DTS 1.3 The access way is spray sealed (except where the access point is for a single dwelling, or where the Key Outback or Rural Route is unsealed) from the road to a point not less than 10m into the site.</p>	N/A	Should merely state sealed, not specified as spray sealed.	The access way is sealed (except where the access point is for a single dwelling, or where the Key Outback or Rural Route is unsealed) from the road to a point not less than 10m into the site.
			<p>Key Outback and Rural Routes Overlay DTS 2.1 An access point is designed to ensure that: (a) a new access point is created only where access from an alternative local road (that is at least 25m from the Key Outback and Rural Route) is not available; and (b) it is located at least the following distance from: (i) an intersection with another road or railway, or terminating / merging lane: (a) 110 km/h road – 190m (b) 100 km/h road – 165m (c) 90 km/h road – 140m (d) 80 km/h road – 110m (e) 70 km/h road – 90m (f) 60 km/h – 70m (g) 50 km/h or less – 50m; and (ii) from any other access point:</p>	N/A		

- (ii) from any other access point.
- (a) 110 km/h road – 800m
- (b) 100 km/h road – 600m
- (c) 90 km/h road – 450m
- (d) 80 km/h road – 300m
- (e) 70 km/h road – 240m
- (f) 60 km/h – 170m
- (g) 50 km/h or less – 115m.

**Key Outback and Rural Routes Overlay
DTS 2.2**

New access points are clearly visible from the road in both directions from a distance not less than:

- (a) 110 km/h road – 190m
- (b) 100 km/h road – 160m
- (c) 90 km/h road – 130m
- (d) 80 km/h road – 105m
- (e) 70 km/h road – 85m
- (f) 60 km/h road – 65m.

N/A

Procedural Matters

Referrals			
Development Type	Referral Body	Policies Relevant to the Referral	Purpose of Referral
<p>Except where all of the relevant deemed-to-satisfy criteria are met, development (including the division of land) that:</p> <ul style="list-style-type: none"> (a) alters an existing access; or (b) may significantly change the nature of vehicular movements or significantly increase the number or frequency of movements through an existing access; or (c) creates a new access <p>on a Key Outback or Rural Routes road or within 25m of an intersection with such a road.</p>	Commissioner of Highways	All in overlay	To provide expert technical assessment and direction to the Relevant Authority on the safe and efficient operation and management of all roads relevant to the Commissioner of Highways as described in the Planning and Design Code.