

DIT:Planning Reform Submissions

From: DIT:Plan SA
Sent: Friday, 18 December 2020 11:01 AM
To: DIT:Planning Reform Submissions
Subject: FW: Submission re Planning and Design Code phase 3
Attachments: Phase 3 P and D Code Submission Roxby Downs Council.docx

Categories: leah

From: [REDACTED] [REDACTED]
Sent: Friday, 18 December 2020 11:00 AM
To: DIT:Plan SA <PlanSA@sa.gov.au>
Cc: Lake, David (DIT) <[REDACTED]>
Subject: Submission re Planning and Design Code phase 3

To whom it may concern

Please find attached Roxby Down's Council submission on the Planning and Design code Phase 3

Regards,
Stewart Payne

Assessment Manager
Roxby Downs Council
Ph [REDACTED]

Roxby Downs Council

Submission Planning and Design Code

Deemed to Satisfy requirements in employment zone.

Where an applicant wishes to construct an amenities building, or other structure such as a shed in association with an existing approval use on the land which is deemed to satisfy (DTS), there is no assessment pathway and the application would then default to Code Assessment development.

For example, the land may be approved as a “builder’s yard”. This is a DTS use in the Employment Zone. However, a shed comes up as having no assessment pathway in Development Assessment Portal (DAP) and presumably would then need to be fully code assessed with notification. While a reasonable approach to such a dilemma would be to call the new shed a builder’s yard to avoid any unnecessary requirement to undertake full assessment and notification, this is a work around for a circumstance that will arise more often than not where expansion to an existing use on land may occur. It should be suitably catered for in the DAP.

Applicability of the Hazards (Bushfire- Regional) overlay.

The applicability of this overlay to Roxby Downs is questionable.



Plan showing areas affected by bushfire overlay

The map above denotes areas of the Council excluded from the overlay (limited portion of the built-up area of the town)

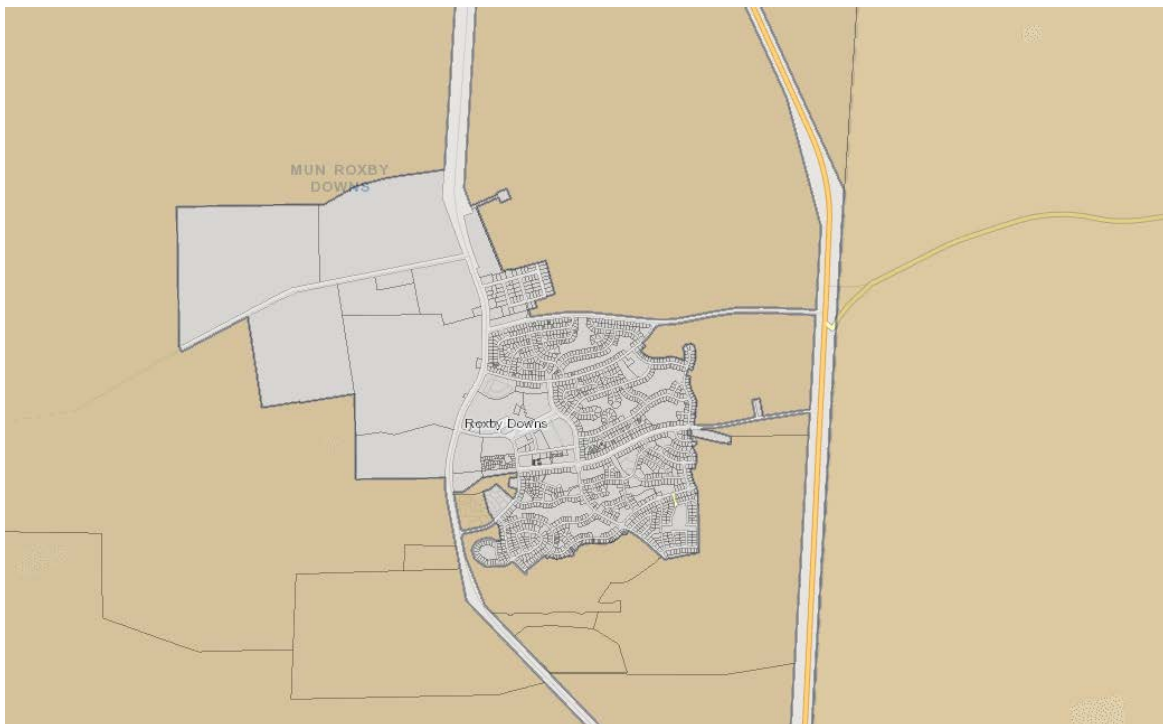
Arid zone areas have much reduced bushfire risk in comparison with more temperate areas. The extent of the overlay does not reasonably represent potential for bushfire risk. Such risk within the built up area of the Roxby Downs and OD industrial areas would be negligible and these area should not be subject to the regional bushfire overlay. Where the overlay applies, many forms of development are elevated into the Code Assessed category rather than being DTS. In the main, provisions related to suitable site planning to mitigate bushfire risk include matters such as access, for emergency vehicles, location of buildings and structures in inaccessible areas, building design issues, avoiding building on steep terrain and the like. These might apply in a rural setting but are in mostly irrelevant measures in the built-up area of a town.

The bushfire overlay should only apply to the Conservation, Infrastructure, Deferred Urban and undeveloped portions of the Neighbourhood and Employment zones.

A further anomaly in the DAP is that bushfire hazard impacts on residential development where the overlay applies, bringing normally DTS development into the code assessed category, whereas DTS development in the Enterprise Zone is not similarly impacted. I.e. DTS development remains DTS notwithstanding that it is within the Bushfire Hazard overlay in employment zones. This is an anomalous situation and indicates an arbitrary application of the relevant principles of operation of the overlay.

Key Outback and Rural Routes

The applicability of the Key Outback and Rural Routes overlay is questioned in respect to Olympic Way, Burgoyne Street and Axehead Road. It may be appropriate for the secondary arterial road (Olympic Dam Highway,) but not for Olympic Way and other local roads within Roxby Downs.



Plan showing how rural routes overlap applies to local roads around Roxby Downs

Broad brush application of this overlay adds irrelevant provisions to assessment of applications which are a considerable distance from the affected route. The overlay should only apply within

reasonable distance of the route and apply to potential development which might directly access the route. Developments such as Discovery Park, the racecourse, pony club and any roadside advertising or street furniture would be affected by the misapplication of the key outback and rural routes overlay.

Roxby Downs Extreme Climate allowances.

The various design parameters for residential outbuildings, shade structures and the like have been drafted to suit the majority of properties in Adelaide and generally temperate areas. Roxby Downs' average summer temperate is approx. 6 degrees higher than Adelaide and it has many more cloud free days. Consequently, provisions related to site area coverage and positioning of shade structures are overly restrictive when applied to Roxby Downs. With summer average temperatures predicted to rise a further 2 degrees due to climate change, Roxby Downs will have elevated daytime maximum temperatures equivalent to Oodnadatta, one of the hottest places in the country currently.

There should be some allowance in planning policy to recognise the need for additional shade, and areas under cover at Roxby Downs.

A means of achieving this would be to add provisions to the Neighbourhood Roxby Downs Subzone such as an additional Desired Outcome which mentions suitable site planning to ameliorate extreme climate effects at Roxby Downs. A Performance Outcome could mention the use of well designed, suitably positioned and attractive shade structures to aid the thermal efficiency of housing and to provide for comfort and amenity for residents, including the provision of additional shade for vehicle parking.

The addition of such provisions would give the opportunity to apply such to assessment of applications which would not meet Accepted and DTS development criteria. Particularly, these provisions may be applied to development forward of the building line or where development might exceed site coverage restrictions. This would allow for well designed development to be approved where currently there is little support for such in the Code.

Narrow profile and suitably designed shade structures may enhance residential amenity and improve thermal performance of housing as well as providing shade for parked cars which are, of necessity, currently parked in full summer sun, creating a burning risk for drivers and passengers and potentially causing damage to vehicles. Such a change would be readily accepted by the Roxby Downs community, members of whom often enquire to Council concerning the establishment of shade structures at the front of dwellings.

Light Industry Subzone

A light industry subzone applies to the Roxby Downs industrial area on the northern boundary of the town. This zone lists a number of uses as DTS criteria. Under the rules for assessment, where subzone provisions take precedence over zone provisions, it would appear that as long as a development in the LI subzone met the use criteria, it is DTS with no other provisions applying, such as landscaping, site setback, site coverage, access, parking and the like.

Departmental advice as to this apparent anomaly is that the zone provisions related to DTS development still apply. This does not seem to be consistent with the hierarchy of policy applicability, as it then renders the subzone redundant.

Some clarification of the operation of the subzone, and more importantly, introduction of suitable DTS provisions related to the desired forms of development are needed. Alternatively, the subzone should be deleted, as it has no real effect.

If the subzone provisions are to be amended it would be preferable for a more specific Roxby Downs subzone to be developed. This could then more suitably recognise the peculiarities of the locality, climate issues and the like. This may be a preferable approach to deletion of the zone. The subzone might then also be applied to the Olympic Dam area. Such a change would more suitably be the subject of a Code Amendment process.

Lack of Assessment Pathways

The DAP does not provide enough assessment pathways for common forms of development which could reasonably be anticipated in association with various types of land uses. For example, there is no allowance for a clubroom associated with a recreational development. In many cases, clubs establish clubroom adjacent to sporting fields in rural areas. Such are extremely common forms of development. These should be picked up and have suitable criteria nominated for code assessed development or could have a range of DTS requirements.

Again, in respect to community development and infrastructure development, there is a range of ancillary development subordinate to the existing land use which should be able to be considered as incidental to the predominant use of the site, such as sheds, outbuildings and amenities buildings. These are not listed separately in the DAP with specific assessment provisions, meaning that, what is in many cases minor development, must go through a code assessment process. While this can be worked around, there should be a clear pathway provided in the DAP for such proposals.

Stewart Payne

Assessment Manager
Roxby Downs Council