

Planning Code Submission

This submission is lodged on behalf of the District Council of Coober Pedy.

As you would be aware Coober Pedy is unique due to its location and environment, in particular underground buildings both residential and commercial.

It should be noted that the District Council of Coober Pedy does not have the resources to undertake some of the procedural requirements of the PDI Act and regulations. There is no demonstrated need for mandatory inspections etc. relevant to Coober Pedy.

In the Underground Sub Zone provisions there is reference to underground dwellings however underground constructions should not be restricted to dwellings. Also underground development needs to be accommodated for in other Zones within Coober Pedy.

Underground buildings entail the excavation of a hill exposing a face which provides for the tunneling of underground buildings and semi-underground buildings – part underground and part above ground.

There appears to be differing references to excavation in the Code, including excavation or fill greater than 0.75m (total difference of 1.5m) and greater than 1.0m (total difference of 2.0m).

Also, there is reference in the Performance Outcomes and Deemed to Satisfy/Designated Performance Outcome Criteria of the Suburban Neighbourhood Zone for slopes equal to or greater than 12.5° which is not appropriate for underground buildings.

Generally, throughout Coober Pedy there are minimal sealed roads with fewer roads having kerbs therefore the reference to top of kerbs for the drainage of sites is not relevant.

There are numerous provisions specific to underground buildings contained in the “Guidelines for the Construction of Underground Buildings in Coober Pedy”. It is necessary for these to be referenced in the Code.

It may be appropriate to include this document in the Technical and Numeric Variations of the Code.

New criteria for the control of “tourist accommodation” has been incorporated in the Code.

The definition “means premises in which temporary or short-term accommodation is provided on a commercial basis”.

Clarification is sought as to the intent of this definition. Should accommodation be offered in a dwelling the travelers are not changing the use of the dwelling? Whether or not people, related or unrelated occupy a dwelling for a short term or a long term, it is still being used as a dwelling, the purpose for which the building was designed and adapted for use. There is a significant difference between self-contained units and the occupation of bedrooms in a dwelling. If a whole dwelling/apartment is rented for a night, week or year it is still being used as a dwelling.

If a room/rooms are offered as a part of a dwelling and commercial services not provided with such stays am I correct that it is not for a “commercial basis”? Also who determines if the person is a tourist or not – what is a tourist? The definition doesn’t refer to tourists other than in the heading.

There is no formal reception etc. that one would anticipate in a premise being used on a commercial basis.

Accordingly, this definition requires clarification as especially the reference to the term “commercial”.

The definition of Site in the Administrative Definitions, Part 8, states:

Means the area of land (whether or not comprising a separate or entire allotment) on which a building is built, or proposed to be built, including the curtilage of the building, or in the case of a building comprising more than 1 separate occupancy, the area of land (whether or not comprising a separate or entire allotment) on which each occupancy is built, or proposed to be built, together with its curtilage.

It appears the definition relates only to a building on one allotment whereas the Development regulations provides for the use of land over one or more allotments. The proposed definition will create confusion especially where there has been a land division. It will require separate applications for buildings on separate allotments (including community allotments) which will be inappropriate when assessing a multiple building development. This should be amended to include more than one allotment.

Also confusion has been centred on the issuing of staged consents since the Development Act was introduced. The confusion started when differing opinions and advice came from the Department in 1994 and thereafter. Initially the advice was that nothing has changed from the practices of the Building Act and building work can be approved in stages i.e.: excavation, footings, wall framing, pool, shed etc. however Councils and other advice from the Department contradicted that original advise. This needs to be clarified - that staged building rules consent can be granted by the relevant authority assessing the building consent application. No application or consent should be sought for the issuing of building rules consent in stages at the time of lodging a planning consent application. Due to the amalgamation of the Planning and Building Acts the references to stages being different consents or stages of consents has caused numerous problems with different Councils applying the rules in different ways.

There are numerous other concerns however there is insufficient time to properly address each item in detail.

Attention needs to be made to the suggestion a Certificate of Occupancy being required for Class 1a buildings prior to occupation. This was introduced under the Development Act and soon rescinded as it was too difficult to enforce. Nothing has changed to suggest C of O's are now required. It will be too difficult to have such a requirement enforced in Coober Pedy!

Coober Pedy should be exempted from undertaking mandatory inspections except for swimming pool barriers.

The procedure for dealing with large Farm Buildings and Farm sheds contradicts the object of this new legislation. The object of the new Code is to promote business, trade and employment in South Australia however the procedure for dealing with large glasshouses, piggeries, poultry farms, hay sheds has the opposite effect. The requirements of the BCA for these types of buildings when greater in floor area than prescribed has forced numerous businesses to move interstate or build without approval. The referral to the CFS pursuant to regulation 28 of the Development Act will not change under regulation 45 of the PDI regulations. This procedure would have cost the State millions of dollars in initial development costs and substantially more on going revenue.

The MBS 008 Draft Bushfire referral is unclear as it in one area referrals to development, no longer just dwellings etc., but all forms of development, additions greater than 50% floor area over 3 years and elsewhere referring to 10%? The requirements of this procedure are planning related, not

building! This MBS has performance requirements but only for class 1, 2 and 3 buildings contrary to the referral requirements. Once again there are numerous issues relating to implementation of these rules which will create problems for building owners as the rules are unclear and contradictory.