Phase One of the Planning and Design Code Submission

MASTER BUILDERS SOUTH AUSTRALIA
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1. Background: Who we are and the importance of the building and construction industry to South Australia’s economy

Established in 1884 as the peak body representing South Australia’s building and construction industry, Master Builders SA is committed to building a highly productive industry and a prosperous South Australian community and economy.

The building and construction industry undertakes about $16 billion of work every year, contributing more than $1 for every $7 of economic activity within the State. Indirectly, more than one-quarter of South Australia’s wealth is produced by the building and construction industry.

In the year to February 2018, there were 65,100 people directly employed in the construction industry across all sectors, including residential, commercial, civil engineering, land development and building and completion services. This represents 7.8 per cent of the total workforce. Indirectly, the industry supports tens of thousands more South Australian jobs.

Master Builders SA is proud of the industry it represents, the jobs it creates, the 11,000 homes it built and extended for families last year, the outstanding health, education and sporting facilities it has constructed, and the offices it has built for South Australian businesses.

South Australia’s building and construction industry is focused on the development and transfer of skills into a life-long career. It is consistently among the leading sectors when it comes to training and apprentices and last year provided new apprentice places for more young workers than the Northern Territory, ACT and Tasmania combined. Unfortunately, our industry has been part of the disturbing decline in the number of apprenticeships in South Australia over the past five years. Apprentice in-training numbers have declined from 15,132 in 2011/12 to 9,791 in 2017, the lowest number since 1999.
2. Overview

It is a sensible approach to phase in the Planning and Design Code. Only a tiny minority of our members' work is done in the outback and we appreciate the opportunity to help improve the Code whilst the impact is minimal. Phase 2 and 3 are the critical releases for our members.

Master Builders SA believes in some ways Phase One is an improvement, keeping in mind it is covering regions not within a designated local government area. It has managed to remove a lot of outdated and duplicated planning policy as well as having developed a better system of connecting different land uses.

From the briefings Master Builders SA has attended our understanding is that whilst Phase One is an indicator of what we will see later in the year for regional areas and mid 2020 for metropolitan Adelaide, the Code won't look exactly the same and specific design details (such as frontage requirements) will differ depending on what zone you are in within phases 2 and 3 of the rollout.

However, we have some concerns with Phase One and it is extremely important that the same level of detail doesn't slip into the other Planning and Design Code areas.
3. Ensuring the Code fulfils its stated objectives

The stated intention of the planning reforms is to create a system that is simpler, quicker and easier to use, and gives certainty to planning processes.

Master Builders SA has always supported this intention. The building and construction industry, a major employer in the South Australian economy, needs an environment where businesses feel confident in investing, and a big part of that is a fast and simple development assessment process.

It is important that the good work of positive initiatives such as ePlanning are not overshadowed by subjective, overly descriptive, and arguably unnecessary code requirements.

Deemed-to-satisfy requirements

Our expectation was that a significant component of the performance outcomes would be met by deemed-to-satisfy requirements. However, many have no deemed-to-satisfy requirements applicable and where they do the solutions are not practical. For example, sties with a frontage of 20 metres or less are only allowed one access point of no more than 3.5 metres width and screening will be required for any structure (air conditioner) visible above the roof line.

Energy Efficient Design

Performance outcomes for Energy Efficient Design are extremely onerous and go well beyond what is required by the National Construction Code. Orientation, heating and cooling loads and solar access performance outcomes are required, but no deemed-to-satisfy requirements are applicable. Requiring fences to be assessed is excessive, and once again there are no deemed-to-satisfy requirements. The consequence of all this is that many applications will be unnecessarily pushed into assessment pathways. Simply approving them under the deemed-to-satisfy process would ensure faster assessments which is meant to be one of the key objectives of the reforms.

Under the residential code development approval could be gained within 4-5 days. However, under Phase One, 15 working days will be the goal for deemed-to-satisfy with those based on assessment pathways taking much longer. It must be stressed that approval delays impose rental and mortgage costs on consumers.

Unnecessary home redesign

Step change in private open space requirements will mean that standard blocks (like 300 m²) will now require an additional 36m² of open space which will have to come off the size of the house. So whilst previously under the residential code only 24m² private open space was needed on a 300m² block, under Phase One 60m² will be required.

A preferable alternative would be a percentage based system, for example 8% of the block, or going back to the original categories of less than 301m² = 24m². There could also be the addition of an extra category between 301m² to 400m² = 40m².

The minimum private open space dimension should remain at 2.5m² as per residential code requirements otherwise almost all houses currently on the market will need complete redesign to make them smaller, adding significant cost but no benefit for the consumer.
It is possible that the Government’s intention is for Phase 2 and Phase 3 would look different to Phase 1. However, it is important that this issue is raised now and clarification would be appreciated.

**Consequences for outdoor barbeques**

By redefining the building envelope to include eaves instead of measuring to the wall, as was previously the case with the residential code, the total building envelope on the block decreases dramatically. What this means is the rear setback now includes the alfresco. There is now no room left for the outback barbeque as it will be extremely difficult to fit an alfresco on blocks.
4. Additional times for approvals

Significant extra information is required at substantial additional cost and delay to the consumer, possibly as much as $10,000, plus builders’ admin time.

**Planning Assessment**

Current: 10 business days (residential code)

Proposed: Deemed-to-satisfy 15 business days

Comment: Deemed-to-satisfy timeframe should be 10 days from when all documents are received as the 5 business days to determine whether an application is deemed-to-satisfy would mean a majority of the assessment. The proposed would result in an extra week delay before a decision is made.

**If colour selections/landscaping/bin storage is required**

Current: Not required

Proposed: External colours and materials

Comment: This will require submission of completed selections, which can be delayed due to availability of the client, appointments and sometimes delayed due to costings. Landscaping and bin storage is not something clients have usually decided at this stage of the contract and it is generally something the owners do not wish to commit to/consider until completion of their house.

**Public notification**

Current: Public notification 10 business days

Proposed: Public notification 15 business days

Comment: Currently there is a 10 business day public notification timeframe that works reasonably well. With the SA Planning Portal and signage required on the allotment, there should be greater awareness and access to the proposal. This is an extra week delay before a decision is made and a house can be built, and we think it is unnecessary.

**External referral required**

Current: 30 business days

Proposed: 30 business days

Comment: Reducing this to 20 business days is preferable.

**If wastewater approval is required**

Current: Residential code approvals are currently received without having wastewater approval

Proposed: A deemed-to-satisfy approval could not be granted until a wastewater approval is granted, and all the information would need to be sent to the planning authority.

Comment: If the Environmental Health Department is still assessing the wastewater application, should all the wastewater information need to be provided to the planning authority? If the Environmental Health Department is still assessing the wastewater application, should all the wastewater information need to be provided to the planning authority?
Health Assessment is required prior to submitting the Planning application, the application would see unnecessary delays with rural councils taking up to 30 business days to make assessments.

Additional information required or differences in policy including costs

The Phase One deemed-to-satisfy method has some policies that would require significant design changes compared to the current residential code system.

DTS 3.3 Building Setback from the Primary Street Frontage

If “Building Setback” is the definition, will this measurement be to the eaves or any protrusion forward of the dwelling i.e a portico? Current assessment typically measure from front boundary to the main wall.

Affect – larger front setback requirements equals less depth to house.

DTS 3.3(b) Not less than 6m where no building exists on an adjoining site

This setback is good for the outback but a lesser setback of 3-5m is common in the metropolitan area.

Affect – Larger front setback requirements equals less depth to house.

DTS 3.5(a) 3m for the ground floor of a building

If ‘building’ is the definition, this will include eaves or alfrescos, which currently are not the primary point of measurement for rear setbacks. Currently the residential code refers to the ‘nearest wall’.

Affect – Larger rear setback requirements equals less depth to house.

DTS 3.7(b) An additional 1m (setback) for south facing walls

If it’s not just true south, other houses all south west and south east side boundaries will require the first floor to be 1m smaller in width. These are already hard to design for as the allotments subdivided are not very wide, or more structural steel is required as the first floor is set in from the ground floor.

Affect – More structural steel adding cost and less width in first floor footprint.

DTS 10.1 storage area of 3m² located behind front façade

Should not be required to be shown as access to the rear will be possible as dwelling will need a certain setback from one boundary.

Affect – Potential for design change plus it will be part of the overall landscape plan, adding approximately $1000 plus admin time costs and time delays.

DTS 16.1 – The development is connected to an aerobic or anaerobic waste water treatment system

Under the current system wastewater applications are applied concurrently with the planning application. If approval is required prior to constructing there would be extensive time delays plus installing the system prior to the house build would be impractical due to theft/damage.

Affect – Delay for construction of the house and potential costs.

DTS 16.3(a)(b)(c) Onsite waste treatment systems
This would cause unnecessary delays as the wastewater would need to be approved by the health department prior to lodgment for planning. Then if amendments are needed, there would be further delays to get variations approved. The system used now by concurrently applying for waste and planning approval works well and does not need to be changed.

Affect – construction of the house delayed

**DTS 11.4 Each dwelling is serviced by a rainwater tank or tanks capable of holding at least 50,000 litres of water**

Outback Code rainwater tank sizes will be dependent on the zone.

Affect – If rainwater tanks are required for all zones, there is a cost to the client.

**DTS 3.1 North facing windows of habitable rooms of adjacent residential premises receive at least 3 hours or direct sunlight over a portion of their surface between 9.00am and 3.00pm on 21 June**

No reference to the requirement being only for two storey dwellings. The concern is it is required for single story homes as well. The current residential code system does not require over shadowing diagrams due to set back requirements.

Affect – Potential for design change plus approximately $500 for an overshadowing plan plus admin time costs and delay.

**DTS 3.2 Adjacent primary open space receives direct sunlight for a minimum of 2 hours between 9.00am and 3.00 pm on 21 June in accordance with the following**

No reference to the requirement being only for two storey dwellings. The concern is it is required for single story homes as well. The current residential code system does not require over shadowing diagrams due to set back requirements.

Affect – Potential for design change as well as $500 for overshadowing plan plus admin time costs and delay.

**DTS 3.6, 3.7 Side Boundary Setbacks**

Side setbacks are defined from boundary to ‘buildings’. This would mean the measurement would start from the building’s eave. Measurement should be from the side wall to the boundary.

Affect – House width would be reduced due to eaves.

**DTS 9.1, 9.2, 9.4, 9.5, 10.1(A)(B) Interface between land uses**

A site history report to determine land use would cost approximately $1500. If other reports are required like an acoustic report that costs approximately $2000. On top of this are admin time costs and delays.

Affect – Potential for extra costs and delays.

**DTS 2.1 Table 1 Outdoor Space**

Minimum dimension should match the rear boundary setback requirement of 3 metres. The Private Open Space requirements should stay as they are under the residential code plus include the following:
Less than 301m² = 24m²
Between 301m² - 400m² = 40m²
Between 401m² - 500m² = 60m²
More than 501m² = 80m²

Under what is proposed in the Outback Code 300m² blocks would require 60m² which is detrimental as many allotments are 300m². This means the private open space requirement would increase by 36m² i.e to 60m².

Also proposed in the Code is allotments with the site area of greater than 1000m² are required to have 30 percent private open space i.e 200m².

Affect – homes would be a lot smaller.

**DTS 5.4 Each dwelling is provided not less than 8m³ of storage**

This would need a further definition as can linen closets, robes and pantries be counted? Also, it does not seem necessary as an 8m³ garden shed can be constructed without planning consent.

Affect – design change, less living area and potential for additional cost.

**DTS 1.1(a) The previous use or activity on the allotment was for residential purposes**

A site history report is $1500 to determine if there is site contamination.

Affect – report costs, admin costs and time delay.

**DTS 1.1 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**

Currently most council’s accept 5 metre width for a double driveway and 3 metres for a single. This allows for maneuverability especially with visitor carparks. This should remain rather than the proposed 3.5 metre maximum width for allotments less than 20 metres wide.
5. Summary

Master Builders SA believes the Planning and Design Code should fulfil its stated objectives.

Only a tiny minority of our member’s work is undertaken in the outback region. Many of the comparisons with metropolitan requirements are best suited for phase 2 of the Planning and Design Code layout. However, we wanted to be proactive and raise these concerns as soon as possible.

The concern is that the extra information that will be required have the potential to blow out time frames so that they are worse than under the residential code. Even more information such as landscaping plan, bin storage, wastewater approval and site contamination audit are required to be submitted. The delay of approvals – possibly by months – is contradictory to the stated objectives of the planning reforms.