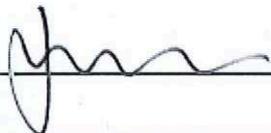


**PROPOSAL TO INITIATE AN AMENDMENT TO THE
PLANNING AND DESIGN CODE**

***Roxby Downs Subzone* Code Amendment**

By the Municipal Council of Roxby Downs (*the Proponent*)

 _____ (Signature Required)

Chief Executive, Municipal Council of Roxby Downs (the Proponent)

Date – 13/07/2022

This Proposal to Initiate document together with conditions specified by the Minister forms the basis for the preparation of a proposed amendment to the Planning and Design Code for the purpose of section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*. By signing this Proposal to Initiate, the Proponent acknowledges and agrees that this Proposal to Initiate, and any supporting documents may be published on the PlanSA website by the Attorney General's Department.

 _____ (Signature Required)
MINISTER FOR PLANNING

Date: 25/9/22

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ATTACHMENT A

Map of Affected Area

ATTACHMENT B

Timetable for Code Amendment by Proponent

1. INTRODUCTION

The Proponent is proposing to initiate an amendment to the Planning and Design Code (the Code Amendment) as it relates to land within the Roxby Downs Subzone (the Affected Area).

The purpose of this Proposal to Initiate is to seek approval of the Minister for Planning (the Minister) to initiate the Code Amendment under section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act).

This Proposal to Initiate details the scope, relevant strategic and policy considerations, nature of investigations to be carried out and information to be collected for the Code Amendment. It also details the timeframes to be followed in undertaking the Code Amendment, should this Proposal to Initiate be approved by the Minister.

The Proponent acknowledges that the Minister may specify conditions on approving this Proposal to Initiate, under section 73(5) of the Act. In the event of inconsistency between this Proposal to Initiate and any conditions specified by the Minister, the conditions will apply.

1.1. Designated Entity for Undertaking the Code Amendment

In accordance with section 73(4)(a) of the Act, the Proponent will be the Designated Entity responsible for undertaking the Code Amendment process. As a result:

1.1.1. The Proponent acknowledges that it will be responsible for undertaking the Code Amendment in accordance with the requirements of the Act.

1.1.2. The Proponent's contact person responsible for managing the Code Amendment and receiving all official documents relating to this Code Amendment is:

- a) Roy Blight Chief Executive
- b) Roy.Blight@roxbycouncil.com.au
- c) 0437985404

1.1.3. The Proponent intends to undertake the Code Amendment by engaging Stewart Payne Planning Consultancy Services to provide the professional services required to undertake the Code Amendment

1.2. Rationale for the Code Amendment

Roxby Downs is in a different climate classification to most settled areas of the State. The Bureau of Meteorology defines the climate zone as desert, characterised by hot and persistently dry conditions. This is in contrast to settled areas which have a temperate classification. Average summer temperatures at Roxby Downs are 8-9 degrees hotter than Adelaide at 35-37° Celsius (vs 26-29°C). Climate change may elevate these average summer temperatures.

With minimal rainfall, there is significantly less cloud cover in hot desert regions resulting in increased heat load. Also, Roxby Downs is at 30.56° latitude compared with Adelaide at approx. 35° meaning that the sun appears closer to vertically

overhead at summer solstice (83° vs 78.5° in Adelaide. This factor further adds to heat load.

Extreme heat in summer creates range of issues. Generally, housing is not designed to cope with high temperatures without heavy reliance of mechanical cooling. Low cost, “off the shelf” designs without adaptations for climate extremes, represent the housing norm for Roxby Downs. Many households have multiple vehicles not all of which are able to be sheltered by existing carports and garages. Lack of available shading for cars can result in dangerously high (up to 70°C) internal, temperatures during normal summer days. This presents safety concerns with the use of metal seatbelt buckles, gear shifts and steering wheels and can damage interiors, not to mention creating considerable discomfort for drivers and passengers.

Arid conditions and high temperatures make it difficult to establish larger trees which would increase shading and promote cooling in residential areas. More established areas of the town do support a more consistent canopy due to more established street planting and compact residential street pattern. More recently developed areas have a more open development pattern with fewer large trees.

The location of Roxby Downs in the arid zone creates further unique issues concerning water supply, given its remote location, well distant from established mains water reticulation systems. Roxby Downs is supplied with water sourced from the Great Artesian Basin (GAB) near the southern and eastern areas of Lake Eyre. This water is pumped some 200kms south to a desalination plant on the BHP mining lease and then pumped to holding dams near the town for use.

The ongoing sustainability of water supply for the Olympic Dam mining operation and the town of Roxby Downs is a key issue given the importance of the GAB to the pastoral industry and the environment. BHP runs an extensive monitoring program to determine the impact of its water extraction. There are programs operated by state governments to cap wells and generally seek to reduce outflows. It is considered that the basin discharges exceed recharging, although the extent of water stocks is unknown. Thus, the ongoing sustainability of the GAB is a matter of concern and has been addressed extensively in environmental documentation relating to the operation of the Olympic Dam mine and the town of Roxby Downs.

In the early 2000s, BHP undertook a major expansion to the Olympic Dam mining operation to significantly increase output. The expansion was subject to an environmental impact statement which considered all suitable means to minimise water use. Council worked with BHP, to develop a Land Management Agreement which sought to incorporate water conservation strategies as well as other place and climate specific provisions to ensure that new housing was sustainable.

The photos below show development at Roxby Downs in 2005 (Source Google Earth) and in 2013 at the conclusion of the major housing development program.

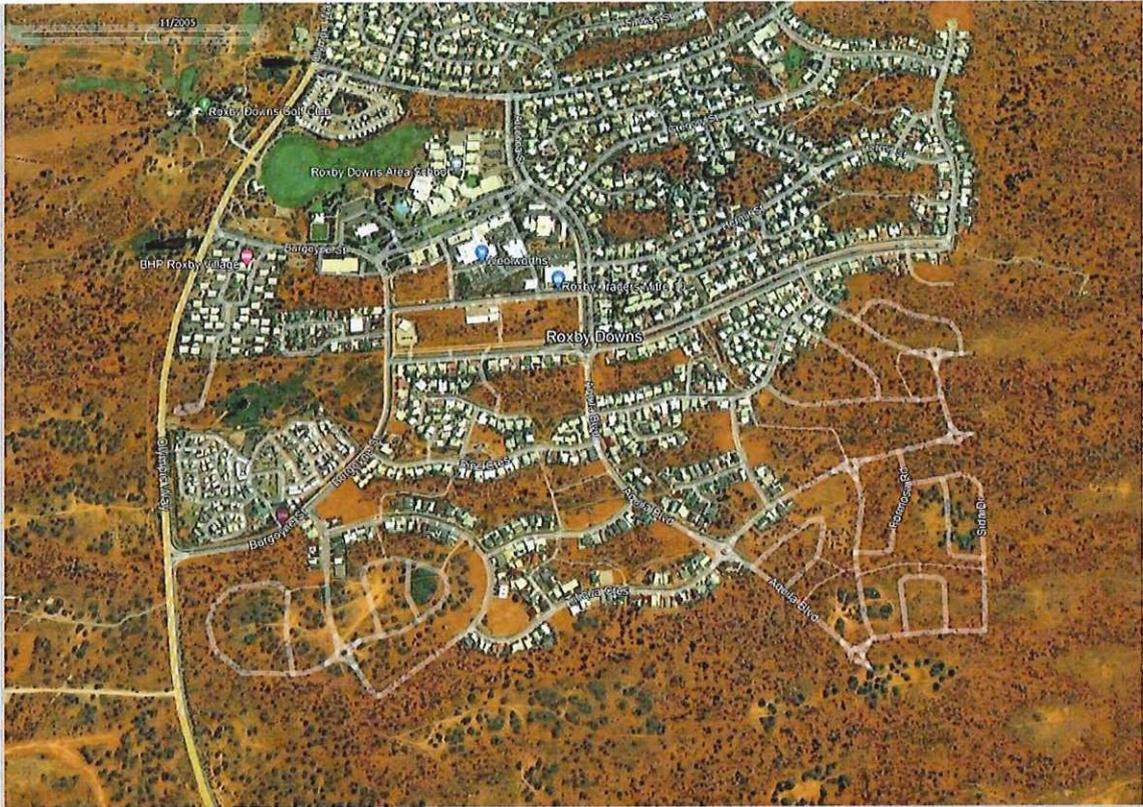


Photo 1: Roxby Downs 2005 showing proposed residential estates



Photo 2: Roxby Downs in 2013 at conclusion of major housing development program

The LMA, which was agreed to in 2009, introduced a range of place specific requirements for new housing and sought to implement various water conservation measures to assist in minimisation of impact upon the GAB. These included the creation of shaded parking spaces for cars unable to be garaged under cover, specification of the number of types of trees to be planted in front yards to aid shading and amenity, the promotion of arid zone landscaping to enable water wise gardening, minimal establishment of lawn and use of endemic species defined by a schedule within the LMA. Provisions also sought to promote water efficient dwellings, stipulating plumbing fixtures, limited capacity of swimming pools (40,000 litres) and efficient use of runoff.

A number of these provisions were included in a Development Plan Amendment at the time, including various residential landscaping provisions, capacity limits on pools, minimal lawn areas (40m²).

While new dwellings were approved with a range of conditions relating to landscaping, there has been varying levels of compliance. In some cases, dwellings were established without the specified landscaping, resulting in relatively barren streetscapes. Occupiers are often renters or have short duration in the town and are not committed to upgrading or maintaining garden areas.

Consequently, despite attempts through planning policy and the LMA to increase vegetation cover and improve amenity and shading of new residential areas, there has been patchy success in achieving these outcomes. As a result, many dwellings have inadequate shade. Where landscaping has been established as specified and intended by the LMA and Development Plan policy, trees do not always provide extensive shade canopies due to their sparse and generally low growing habit, typical of hardy desert species.

While assisting in thermal control and providing comfort and amenity, the promotion of vegetation cover is not the complete answer to addressing the effects of extreme heat during summer months. There is a need to supplement existing policy in relation to shade structures affecting current site coverage and setback building limitations. There is also a need to reinstate water conservation provisions in Roxby specific planning provisions related to pools and landscaping.

With the introduction of the Planning and Design Code, residential planning policy is now generic throughout the state. Current policy discourages site coverage exceeding 60% and the erection of shade structures at the front of dwellings which may improve thermal performance of dwellings, increase useable private open space and provide protection for vehicles.

There is a need for specific planning policy for Roxby Downs to ensure the consequences of its unique climate characteristics have an adequate response. Specific policy would have application in the Roxby Downs Subzone which incorporates residential areas and would promote appropriate design for the hot desert climate. Such policy would allow for exceedances of site coverage provisions and allow for suitable types of development in front setback areas, where this resulted

in increased useable outdoor open space, improved thermal performance of dwellings and provided protection for vehicles. Policy would also aid water conservation and reinstate lost Development Plan policy related to swimming pool size and more suitable arid land landscaping.

2. SCOPE OF THE CODE AMENDMENT

2.1. Affected Area

The proposal seeks to amend the Code for the Affected Area, being the land within the Roxby Downs Subzone, which coincides with land in the Neighbourhood Zone at Roxby Downs. as shown in the map in Attachment A.

2.2. Scope of Proposed Code Amendment

Current	Policy ¹	
		<p>Zone Neighbourhood</p> <p>Subzone Roxby Downs</p> <p>Overlay Affordable Housing Hazards (Bushfire - Regional) Hazards (Flooding - Evidence Required) Native Vegetation</p> <p>Local Variation (TNV) Maximum Building Height (Metres) (Maximum building height is 9m)</p> <p>Minimum Frontage (Minimum frontage for a detached dwelling is 10m; semi-detached dwelling is 10m; row dwelling is 7m; group dwelling is 25m; residential flat building is 25m)</p> <p>Minimum Site Area (Minimum site area for a detached dwelling is 300 sqm; semi-detached dwelling is 270 sqm; row dwelling is 210 sqm; group dwelling is 300 sqm; residential flat building is 300 sqm)</p> <p>Maximum Building Height (Levels) (Maximum building height is 2 levels)</p>

¹ Note: for sites within the Phase 3 (Urban Areas) Code the Current Policy is draft and may change until the Phase 3 Code is implemented.

<p>Amendment Outline</p>	<p><i>Provide planning policy to recognise climate extremes at Roxby Downs which might allow for additional shading of buildings to increase useable private open space, improve thermal performance of dwellings and provide protection for parked cars on residential allotments, while contributing to an attractive urban amenity not disfigured by unsightly structures. Such policy to allow for site coverage in excess of 60% and the construction of suitable shade structures at the front of dwellings in association with improved landscaping.. Policy would also reinstate previous Development Plan Policy concerning swimming pool size and shading requirements and other provisions related to desert zone landscaping to aid sustainable use of the Great Artesian Basin, Roxby Down's water supply.</i></p>
<p>Intended Policy</p>	<p><i>Add the following policy to the Roxby Downs Subzone</i></p> <p><i>DO2 Development which is adapted to climate extremes while maintaining residential amenity</i></p> <p><i>DO3 Water conservative development appropriate to a hot desert climate.</i></p> <p><i>PO2.1 Private open space is useable and adapted to climate extremes through the provision of shaded areas</i></p> <p><i>DPF 2.1 Site development should not exceed 75%</i></p> <p><i>PO 2.2 Thermal performance of dwellings improved by means of the addition of shade structures to dwellings protecting north and west facings walls.</i></p> <p><i>DPF 2.2 None applicable</i></p> <p><i>PO 2.3 Shade structures established in front dwelling setback area contribute to a pleasant residential amenity through use of materials and colouring which are complementary to dwelling styling and colouring and are durable and long lasting and are built in conjunction with additional site landscaping.</i></p> <p><i>DPF 2.3</i></p> <p><i>Structures may include:</i></p> <ul style="list-style-type: none"> <i>• Fabric shade structures with powder coated steel posts</i> <hr/> <ul style="list-style-type: none"> <i>• Wooden structures with fabric roof or metal roof</i>

- *Steel structures with design elements such as hipped roofs with colouring to match or compliment that of the dwelling,*

- *Structures to be open sided with no roller doors except for a single north or west facing wall supporting a fabric or perforated metal screen.*

- *A dwelling may support a single shade structure in the front setback area no larger than 6m x 6m.*

Landscaping to include (where not currently provided):

2 substantial shade-giving native trees

Not less than 2 native shrubs and bushes

Trees and shrubs positioned to aid screening of any structure

PO 3.1 Domestic Swimming pools suitably sized and shaded to conserve water

DPF/DTS 3.1

- (a) Swimming pools have a maximum capacity of 40,000 litres*
- (b) Swimming pools are constructed with an accompanying shade structures which will provide protection over 75% of the area of the pool or*
- (c) Swimming pools have permanent cover installed to reduce evaporation*

3. STRATEGIC PLANNING OUTCOMES

Proposed Code Amendments occur within a state, regional and local strategic setting, which includes:

- State Planning Policies (SPPs)
- Regional Plans
- Other relevant strategic documents.

3.1. Summary of Strategic Planning Outcomes

The proposed amendment addresses relevant State Planning Policies related to Design Quality in seeking to ensure that development is designed to reflect the local setting and context, and responds to the character of the locality and thereby more suitably meeting the needs of the people using them. The proposed amendment will assist in achieving State Planning Policies related to climate change by promoting more energy efficient design, reducing the impacts of existing climate extremes which are likely to be further exacerbated by climate change. This will assist in making the region more resilient to the impacts of climate change. The amendment will also reinstate lost policy which sought to conserve water by a range of means to assist impact upon the Great Artesian Basin.

3.2. Alignment with State Planning Policies

The State Planning Policies (SPPs) set out the State’s overarching goals and requirements for the planning system. Under section 66(3)(f) of the Act, the Code must comply with any principle prescribed by a SPP.

The Code Amendment should be initiated because the strategic planning outcomes sought to be achieved through the Code Amendment align with or seeks to implement the following SPPs:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p>STATE PLANNING POLICY 2: DESIGN QUALITY 2.3 The development of environmentally sustainable buildings and places by applying Water Sensitive Urban Design and energy efficiency design solutions.</p>	<p><i>Allowing for additional shade structures will improve the energy efficiency of dwellings by reducing heat load on walls. Reintroduction of water conservation provisions related to swimming pools and site landscaping will be consistent WSUD principles.</i></p>
<p>Figure 3 - Principles of Good Design Context Good design is contextual because it responds to the surrounding environment and contributes to the existing quality and future character of a place. Sustainable Good design is sustainable because it is environmentally responsible and supports long term</p>	<p><i>In hot desert climates, design solutions which increase shaded outdoor areas to provide more useable open space, protect dwellings and protect vehicles is environmentally responsible, and support health and well-being of the community. Requiring landscaping suitable for a hot desert climate and water conservation</i></p>

economic productivity, health and wellbeing.	<i>methods also supports sustainable contextual design.</i>
Objective Provide for development that is climate ready so that our economy, communities and environment will be resilient to climate change impacts.	<i>Adaption and retrofitting of existing dwellings with shade structures will allow them to be more resilient to climate extremes; particular heat. Introduction of water conservation policies will better facilitate climate ready development and aid promote sustainability of a limited water resource.</i>
5.3 Facilitate climate-smart buildings to reduce our demand for water and energy	<i>Additional shading, and landscaping requirements will facilitate more climate smart buildings.</i>
5.9 Encourage development that does not increase our vulnerability to, or exacerbate the impacts of climate change and which makes the fullest possible contribution to mitigation.	<i>A simple means of mitigating effects of extreme heat and making residential properties more liveable is to allow for shaded outdoor areas, and dwellings and vehicle parking areas. Water conservation policies related to pools and landscaping will reduce vulnerability to climate change.</i>

3.3. Alignment with Regional Plans

As with the SPPs, the directions set out in Regional Plans provide the long term vision as well as setting the spatial patterns for future development in a region. This includes consideration of land use integration, transport infrastructure and the public realm.

The Far North volume of the Planning Strategy is relevant for this Code Amendment.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
2 Ensure the efficient use of water and energy	<i>See above</i>
6 Create the conditions for the region to become resilient to the impacts of climate change	<i>See above</i>
18 Design towns to provide safe, healthy, accessible and appealing environments	<i>See above</i>

3.4. Alignment with Other Relevant Documents

Additional documents may relate to the broader land use intent within the scope of this proposed Code Amendment (or directly to the Affected Area) and therefore are identified for consideration in the preparation of the Code Amendment.

The following table identifies other documents relevant to the proposed Code Amendment:

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
<i>Roxby Downs Strategic Plan 2021-2025</i>	<i>The proposed amendment will assist in achieving a desired outcome of the Roxby Downs plan by assisting in the development of a sustainable and climate resilient town.</i>

4. INVESTIGATIONS AND ENGAGEMENT

4.1. Investigations Already Undertaken

The table below identifies what investigations have already been undertaken in support of the proposed Code Amendment.

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
<i>Climate data for Roxby Downs</i>	<i>Review of average summer temperatures in comparison with Adelaide indicating a 9 degree difference in summer months</i>	<i>Need for policy which encourages additional shaded areas given extreme heat to assist with temperature control of buildings, useable outdoor private open space and protection of vehicles</i>
<i>Planning for hot desert climates</i>	<i>Review of relevant literature concerning planning considerations for hot desert areas.</i>	<i>Shading, tree planting, creation of green spaces aid liveability of hot desert locations.</i>

4.2. Further Investigations Proposed

In addition to the investigations already undertaken and identified above, the table below outlines what additional investigations that will be undertaken to support the Code Amendment.

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
<i>Obtain further information as to the desired form of development in dwelling setback areas.</i>	<i>Provide additional policy guidance to enable the assessment of applications which involve visible structures to ensure that streetscapes are enhanced</i>

4.3. Engagement Already Undertaken

In accordance with Practice Direction 2, the Roxby Downs Council has been consulted on this proposal. In summary, the following matters were raised by the Council:

- *Desire to reintroduce suitable water conservation polices*
- *Desire to improve comfort and amenity by enabling additional shades structures in association with dwellings.*

A summary of outcomes or matters raised through engagement already undertaken is as follows:

- *Need for water conservation polices.*
- *Need for additional shade structures.*

4.4. Further Engagement Proposed

In addition to the engagement already undertaken and identified above, the table below outlines what additional engagement will be undertaken to support the Code Amendment.

Further Engagement Proposed	Explanation of how the further engagement propose to address an identified issue or question
<i>Local display of proposed code amendment policies</i>	<i>Obtain further advice on nature of structures which might be allowed and impact of water conservation policies</i>

5. CODE AMENDMENT PROCESS

5.1. Engagement Plan

The Code Amendment process will occur in accordance with the Community Engagement Charter and Practice Direction 2 – Consultation on the Preparation or Amendment of a Designated Instrument.

The Designated Entity will prepare an Engagement Plan prior to the commencement of engagement on the proposed Code Amendment. The Engagement Plan will include the following mandatory consultation requirements (which may be in addition to the engagement outlined in this Proposal to Initiate):

- the Local Government Association must be notified in writing of the proposed Code Amendment;
- if the Code Amendment has a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally), the Designated Entity must take reasonable steps to give a notice in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*, to:
 - the owners or occupiers of the land; and
 - owners or occupiers of each piece of adjacent land;
- consultation must also occur with any person or body specified by the State Planning Commission under section 73(6)(e) of the Act.

5.2. Engagement Report

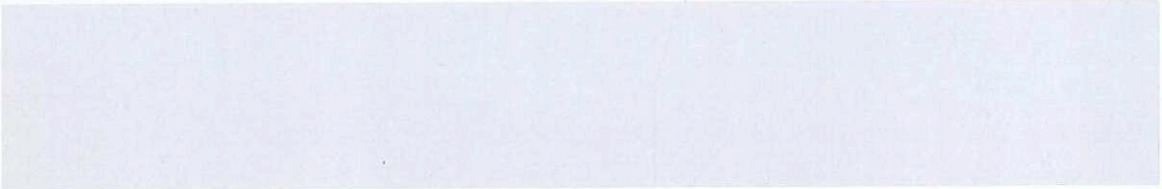
Once engagement on the Code Amendment is complete, the Designated Entity will prepare an Engagement Report under section 73(7) of the Act.

The Designated Entity must ensure that a copy of the Engagement Report is furnished to the Minister and also published on the SA Planning Portal. This will occur in accordance with Practice Direction 2.

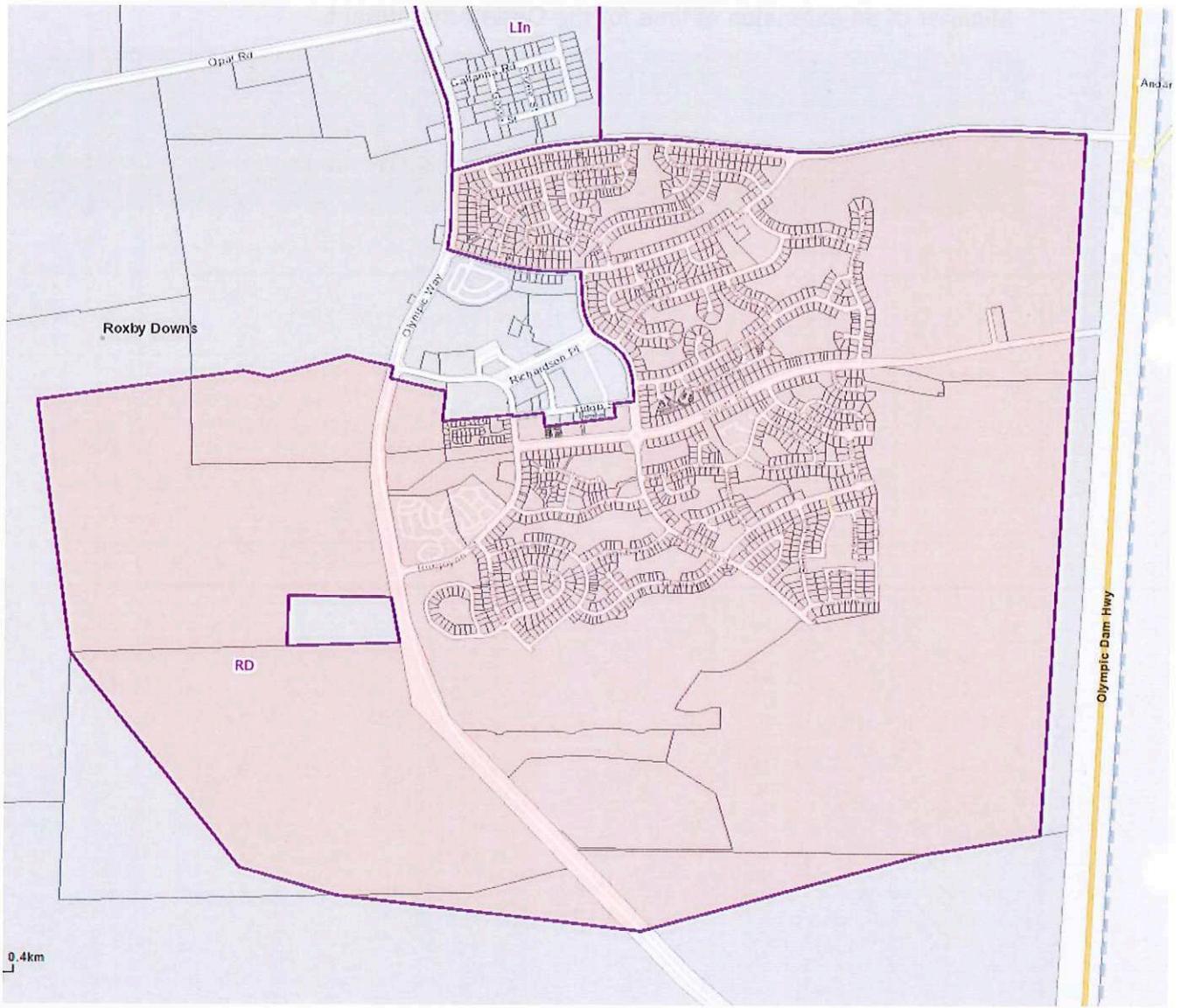
The Engagement Plan and the Engagement Report will also be considered by the State Planning Commission during the final stages of the Code Amendment process. The Commission will provide a report to the Environment, Resources and Development Committee of Parliament under section 74(3) of the Act. The Commission's report will provide information about the reason for the Code Amendment, the consultation undertaken on the Code Amendment and any other information considered relevant by the Commission.

5.3. Code Amendment Timetable

The Proponent (where it is also the Designated Entity) commits to undertaking the Code Amendment in line with the timeframe outlined Attachment B. If a timeframe is exceeded (or expected to be exceeded) the Proponent agrees to provide an amended timetable to the Department with an explanation of the delay, for approval by the Minister of an extension of time for the Code Amendment.



ATTACHMENT A
Map of Affected Area



ATTACHMENT B

Timetable for Code Amendment by Proponent

Step	Responsibility	Timeframe
Approval of the Proposal to Initiate		
Review of Proposal to Initiate to confirm all mandatory requirements are met (timeframe will be put on hold if further information is required). Referral to the Minister to request advice from the Commission	AGD	2 weeks <i>(includes lodgement and allocation + referral to Government Agencies within the first week)</i>
Minister requests advice from the Commission.	Minister	2 weeks
Referral to Government Agencies for comment (where necessary)	AGD, Relevant Government Agencies	+ 2 weeks
Consideration of Proposal to Initiate and advice to the Minister	Commission (Delegate)	3 weeks
	Commission	+ 3 weeks
Proposal to Initiate agreed to by the Minister	Minister	2 weeks
Preparation of the Code Amendment		
Engagement Plan Prepared. Investigations conducted; Code Amendment Report prepared The Drafting instructions and draft mapping provided to AGD	Designated Entity	6 weeks
AGD prepares Amendment Instructions and Mapping and provides to Council for consultation purposes	AGD	1 week
Preparation of Materials for Consultation	Designated Entity	4 weeks
Engagement on the Code Amendment		
Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Community Engagement Plan	Designated Entity	6 weeks
Consideration of Engagement and Finalisation of Amendments		
Submissions summarised; Amended drafting instructions provided, Engagement Report prepared and lodged with AGD	Designated Entity	4 weeks
Assess the amendment and engagement. Prepare report to the Commission or delegate <i>Timeframe will be put on hold if further information is required, or if there are unresolved issues</i>	AGD	4 weeks
Consideration of Advice	Commission (Delegate)	2 weeks <i>(includes 1 week to process through Minister's office)</i>
	Commission	+ 3 weeks

Step	Responsibility	Timeframe
Decision Process		
Minister considers the Code Amendment Report and the Engagement Report and makes decision	Minister	3 weeks
Implementing the Amendment (operation of the Code Amendment)		
Go- Live- Publish on the PlanSA Portal	AGD	2-4 weeks
Parliamentary Scrutiny		
Referral of approved Code Amendment to ERDC	AGD	8 weeks